



International
Labour
Office
Geneva

Independent Evaluation of ILO's Strategy for the Protection of Migrant Workers: 2001-2007

September 2008



EVALUATION
UNIT

Independent Evaluation of ILO's Strategy for the Protection of Migrant Workers: 2001-2007

International Labour Organization

September 2008

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First published 2008

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Independent Evaluation of ILO's Strategy for the Protection of Migrant Workers: 2001-2007
International Labour Office. - Geneva: ILO, 2008

1v.

ISBN print: 978-92-2-121678-0

ISBN web pdf: 978-92-2-121679-7

International Labour Office

migrant worker / workers rights / role of ILO / ILO Programme / programme evaluation

14.09.2

ILO Cataloguing in Publication Data

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Printed in Switzerland

Preface

This final report was prepared by the evaluation team lead by Francisco L. Guzman, Senior Evaluation Officer at the ILO Evaluation Unit. This final report is based on the independent evaluation prepared by international evaluation consultant Asmita Naik, in collaboration with Richard Longhurst, Senior Evaluation Officer responsible for the evaluation scoping review and the evaluation terms of reference. Diana Paredes, Research Assistant, conducted the desk review, wrote the case study on bilateral agreements between Spain and the Andean Countries, managed the documentation flow and proofread the many drafts of the report. Sergio Iriarte Quezada and Matthew Ripley, Research Assistants, contributed to the statistical analysis, conducting the evaluability assessments of regional plans of action and proofread and formatted the final report. Background information was provided by Mr. Piyasiri Wickramasekara, Senior Migration Specialist and Gloria Moreno Fontes, Migration Specialist.

The evaluation exercise was launched in March 2008 under the guidance of Moucharaf Paraiso, Director of the ILO's Evaluation Unit, and with the collaboration from Mr. Ibrahim Awad, Director of the International Migration Programme. The report has benefited from helpful and constructive suggestions from numerous stakeholders within the Office. The team is grateful to UN agencies working in collaboration with the ILO on this issue as well as to colleagues at the International Organization for Migration for providing useful insights. In addition, the evaluation received valuable inputs from the governments of Canada, Ecuador and Thailand.

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LIST OF ACRONYMS

ASEAN	Association of Southeast Asian Nations
CEACR	Committee of Experts on the Application of Conventions and Recommendations
COE	Council of Europe
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
DECL	Programme for the Promotion of the Declaration (ILO)
DFID	Department for International Development (UK Government)
DWCP	Decent Work Country Programme
EC	European Commission
EMP/SKILLS	Skills and Employability Department
EU	European Union
EVAL	Evaluation Unit (ILO)
FTUB	Federation of Trade Unions of Burma
GB	General Budget
GCIM	Global Commission on International Migration
GFMD	Global Forum on Migration and Development
GMG	Global Migration Group
HLD	United Nations High Level Dialogue
HO	Head Office
HRBA	Human Rights Based Approach
ICFTU	International Confederation of Free Trade Unions
ICRC	International Committee of the Red Cross

ILC	International Labour Conference
ILO	International Labour Organization
ILO/IPEC TICW	Reducing Labour exploitation for children and women: combating trafficking in the Greater Mekong sub-region phase II project.
IMEC	Industrialised Market Economy Countries
INST	International Institute for Labour Studies
INTI	EU Programme on the integration of Third Country nationals
IOE	International Organization of Employers
IOM	International Organization for Migration
IPEC	International Programme on the Elimination of Child labour
IPEC-CPTing	Project to prevent trafficking in girls and young women for labour exploitation within China
ITUC	International Trade Union Confederation
MDG	Millennium Development Goals
MIGRANT	International Migration Programme (ILO)
MLF	ILO Multilateral Framework on Labour Migration
MOU	Memorandum of Understanding
MTUC	Malaysian Trade Union Congress
NGO	Non-Governmental Organization
OECD	Organization for Economic Cooperation and Development
OHCHR	Office of the High Commissioner of Human Rights
OSCE	Organization for Security and Cooperation in Europe

P&B	Programme and Budget
SAP-FL	Special Action Programme on Forced Labour
SARC	South Asian Regional Cooperation
SCUK	Save the Children UK
TOR	Terms of Reference
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNDESA	United Nations Department of Economic and Social Affairs
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNHCR	United Nations High Commissioner for Refugees
UNIAP	United Nations Inter-agency Programme on Human Trafficking
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
WB	World Bank
WHO	World Health Organization

EXECUTIVE SUMMARY

Introduction

The purpose of the evaluation is to provide insight into the relevance, effectiveness and efficiency of the ILO's strategy, programme approach, and interventions for protecting migrant workers. This includes consideration of whether and how the Office approach should be modified or adapted to the current climate. It is also intended to provide findings and lessons learned for improved leadership and decision-making within the context of results-based management. The period under review is 2001-2007.

Background

The ILO's focus on international migration stems from its constitutional mandate to work on the protection of migrant workers' rights as stipulated in its constitution, which states that one of the Organization's objectives is "the protection of interest of workers when employed in countries other than their own." Another important consideration is the mandate of the ILO over employment and the efficient operation of labour markets, to which migrant labour contributes. The ILO has pioneered international Conventions to guide labour migration policy on the protection of migrant workers, and as the ILO Committee of experts has repeatedly stressed, all ILO Conventions are applicable to migrant workers, regardless of their status.

ILO's Operational Framework for Migration-related activities

Overall, the Office's work in the area is confined to labour migration or to aspects of migration related to labour. It falls under the ILO's framework of common principles of action: (i.) support a fair globalization, (ii.) contribute to poverty reduction, (iii.) promote relevant labour standards, (iv.) advance gender equality, (v.) support to the efficient operation of labour markets and decent employment and (vi.) involve constituents in social dialogue and tripartite dialogue.

The Office's approach to the issue of labour migration has changed over the years. The growing interest and concern with migration issues and its impact on development has led to increased attention to the ILO's role and the need for a framework for action. This led the 92nd Session of the International Labour Conference (ILC) in 2004 to call upon the Office and its constituents to carry out a Plan of Action for Migrant Workers with seven components, namely: (i.) development of a non-binding multilateral framework for rights based approach to labour migration; (ii.) identification of relevant action to be taken for a wider application of international labour standards and other relevant instruments; (iii.) support for implementation of Global Employment Agenda at the national level; (iv.) capacity-building, awareness raising and technical assistance; (v.) strengthening social dialogue; (vi.) improving information knowledge base on global trends in labour migration; and (vii.) mechanisms to ensure the ILO Governing Body follow-up of the

plan of action and ILO participation in relevant international initiatives concerning migration.

The Office has proceeded to address each of these seven guiding principles under the informal coordination of International Migration Programme (MIGRANT), the central unit in charge of providing technical leadership and backstopping on the issue of migrant worker protection. However, no specific approach has been taken to the implementation of a plan as guided by the key elements specified in the ILC resolution in 2004, which calls for an Office-wide approach.

Instead, the ILO's work on migration is planned through the biennium Programme and Budget (P&B) which links outcomes to Strategic Objective 3: *Enhance the coverage and effectiveness of social protection for all as defined as Outcome 3b.2 in the 2006-2007 biennium and is listed as intermediate outcome 3.C in the present biennium.*¹ The P&B Outcome 3b applies to the International Migration Programme and other units, as well as country and regional offices. Although this Outcome groups the Office's activities for the protection of migrant workers, it fails to capture the full range of activities that deal with migrant workers within the context of the other three strategic objectives dealing with the promotion and realization of standards and fundamental principles and rights at work, the creation of greater opportunities for women and men to secure decent employment and income, and the strengthening of tripartism and social dialogue. Migration is a crosscutting issue that falls under the various spheres of action of the ILO, but the current programme and budget reporting mechanism makes it nearly impossible to obtain information on expenditures realized by the different sectors in support of this activity. Moreover, it prevents the establishment of a common vision.

A call for a Plan of Action

The Office has translated the elements of the ILO Plan of Action for migrant workers identified by the ILC resolution in 2004 into specific activities. To this effect, it has combined regular budget and extra-budgetary resources expressly mobilized for that purpose. In addition to MIGRANT, units in different sectors have contributed to these activities. However, a common strategy for all sectors of the Office aimed at achieving the long-term objectives of the resolution has not been developed. Such a strategy could have been of great use to the Office in realizing its commitment to results-based management. The strategy could include, at a minimum, a clear definition of short/medium term goals to achieving the established long-term goal, actions required, risk analysis (constraints) and mitigating strategies, indicators, baselines, benchmarks, targets and means of verification.

¹ Outcome 3b.2 for the 2006-2007 biennium has been previously referred as Outcome 3b for the 2002-2003 and 2004-2005 biennia.

Ideally, the strategy should have an implementation plan with indicators, milestones and targets. To this end planning of specific activities for the implementation of the overall strategy or the sub-strategies would be needed. A detailed strategy would reinforce the spirit of the conclusions drawn in the ILC resolution in 2004 and its call for a plan of action that takes into account the established elements.

Within the framework of the ILC 2004 resolution's call for a plan of action, a number of activities have been carried out at Headquarters and field levels under the regular programme and budget allocations and technical cooperation projects. These resources have also been instrumental in the development of individual regional strategies aimed at fostering more coordinated approaches to labour migration activities.

ILO interventions on migrant worker protection

Development of a non-binding multilateral framework for a rights-based approach migration: first step towards a consolidated strategy

The Multilateral Framework on Labour Migration (MFLM) was discussed and adopted by a Tripartite Meeting of Experts in 2005². It consists of a set of non-binding principles and guidelines for providing assistance to governments develop more effective labour migration policies. It provides guidance on how to make ILO interventions more effective and mindful of "labour market needs, the sovereign right of all nations to determine their own migration policies, and relevant action for a wider application of international labour standards and in order to promote coherence in international labour migration policies."³

Implementation of Global Employment Agenda and the Decent Work Country Programmes

The Governing Body and the Director-General have emphasized the need for a renewed emphasis on the Office's activities in migration: it is recognized as a critical pillar to decent work, job growth, and development in general. The ILO views migration as a labour market and decent work issue within the overarching framework of the Decent Work agenda. Labour migration can alleviate labour market pressures and make a significant contribution to the economic development of source countries through the considerable foreign exchange flows and acquired skills. The World Bank's newly released data indicate that remittance flows to developing countries reached \$251 billion in 2007 - an 11 percent growth compared to 2006, and an

² Tripartite Meeting of Experts: October 31- November 2, 2005.

³ ILO, 2006, ILO's Multilateral Framework on labour Migration: non-binding principles and guidelines for a rights-based approach.

increase of over 200 percent since 2002⁴. Labour migration also contributes to sustaining economic activities and growth in countries of destination. The Office has played a central role in the operationalisation of the Spain-UNDP Fund on Youth Employment and Migration. It has succeeded in tapping its resources on behalf of projects it will carry out in cooperation with other international organizations. The Office has also taken up the issue of the recognition of skills of migrant workers; and its employment specialists have contributed to the implementation of employment-related components of technical cooperation projects. The Office has also commissioned various studies and position papers on the impact of remittances from labour migrants on job creation and economic development of originating countries⁵.

Towards a wider application of international labour standards and other relevant migration instruments

Relevant international labour standards on migration are not well reflected in DWCPs according to analysis conducted by the evaluation team. Out of a sample of 48 DWCPs from across five ILO regional offices⁶, only 8 country programme strategies made reference to the provision of ILO assistance towards the ratification and/or implementation of the Convention on Migration for Employment, 1949 (N°97) and/or the Convention on Migrant Workers, 1975 (N°143) as well as their accompanying Recommendations (N°s. 86 and 151).⁷ This left 40 DWCPs where no consideration was given to the status of the ratification and/or implementation of international labour standards on migration.

The mandate of the ILO is to develop a rights-based approach to labour migration as stipulated in paragraph 27 of the ILC resolution, “the ILO may take appropriate steps to better promote ratification of Conventions Nos. 97 and 143, and in the application of the principles they contain pertaining to the protection of migrant workers” These efforts should also encompass other relevant standards for migrant workers such as ILO conventions and standards concerning private employment agencies, social security, protection of wages, labour inspection, and occupation safety and health.

According to a recent GB document, between 2005-2007 ILO technical support to requesting member States contributed to five additional ratifications of Convention No. 97 (Albania, Armenia, Montenegro, Republic of Moldova and Tajikistan) and

⁴ *Migration and Development Brief 5*, Development Prospects Group, Migration and Remittances Team. July 10, 2008.

⁵ *ILO, Working Paper 50, Shüttler, Kristen, 2008.*;
http://www.ilo.org/public/english/protection/migrant/info/imp_list.htm

⁶ Sample excludes DWCPs where Conventions 97 and 143 were ratified more than 5 years before the DWCP start-date (the evaluation team made an assumption that these countries no longer require technical assistance in Convention implementation).

⁷ Explicit reference: Mongolia, Armenia, Tajikistan and Bahamas. Implicit reference: Nepal, Jordan, Oman and Kyrgyzstan.

five ratifications of Convention No. 143 (Albania, Armenia, Montenegro, Philippines and Tajikistan)⁸. The Office has also drawn up legislative profiles for 55 countries based on the main principles contained in C97 and C143 to help identify main obstacles to their ratification and implementation. This indicates that there may not be a problem with migration tools *per se*, but with their placement as a crosscutting issue in the generation of integrated programmatic frameworks embodied by the DWCP.

Capacity building, awareness raising and technical assistance

The Office has expanded its policy advice function resulting in the formulation and setting up of labour migration policies and institutions in a number of member States. The Office has also stepped up its mobilization of extra-budgetary resources intended for the implementation of technical cooperation projects. The level of extra-budgetary resources mobilized by MIGRANT alone increased by more than twelve-fold between 2004 and 2008. These technical cooperation projects have involved all sectors in the Office in their implementation. Social partners were active participants in the projects, in which social dialogue was a means of action and an objective. Other units in the Office have also raised resources for the implementation of projects. Together with the ILO's International Training Centre in Turin, MIGRANT has designed and delivered three annual sessions of a capacity-building course for constituents. However, regular budget resources and staffing have not followed as expected to in the follow-up of 2004 ILC resolution, Programme and Budget reflecting the ILC conclusions on the need to mainstream activities and strengthen the International Migration Programme.

Improving the information and knowledge base

Headquarters and decentralized technical cooperation projects have continued undertaking research and issuing publications. The Office developed a module for the collection of labour migration statistics and supported a number of countries in applying it. The International Labour Migration database is being modernized and expanded.

Conclusions and Recommendations

The findings of this evaluation suggest that the expectations of the ILC resolution in 2004 are yet to be realized. The Office has not made use of all the possibilities the resolution opens up. Resources and staffing have not followed, which has affected implementation. Insufficient internal coordination is also observed. The consequence is that, despite continued regard for its expertise and confidence in its approach and tools, the ILO is not sufficiently present in operational activities in the field of international labour migration. Despite the high commitment of staff and reputable work done by relevant units, there is need for reinforcement.

⁸ GB 301/4, March 2008

Strategic vision and action plan

The Office's plan of action for labour migration needs to develop a stronger internal vision and strategic action plan. There is a clear gap to be filled by a comprehensive Office-wide internal strategy paper that formally recognises the cross-cutting nature of the labour migration issue which requires a designation of responsibilities to all parts of the Office so that everyone is required to consider it in their work.

- **Recommendation 1:** The evaluation recommends that the Office comply with the spirit of the ILC 2004⁹ resolution and ensure that necessary resources are available to develop an internal strategy paper defining a vision, how the issue is defined, who is responsible for what and the status of migration as a cross-cutting issue, priorities for programming, the policy for mainstreaming, the mandate and authority of MIGRANT and how responsibilities for this issue should be shared across the Office.

ILO positioning and visibility

The normative function of the ILO, in addition to its mandate in issues of employment and labour markets, social protection and social dialogue, is its comparative advantage. It is the only international organization active in all these areas related to labour. Its interventions, as well as those of other UN Agencies and the International Organisation for Migration, should be complementary and result in organized labour migration and the protection of migrant workers. Examples of coordination and cooperation within and outside the framework of the Global Migration Group (GMG) exist. However, there is room for further cooperation with members of the GMG and other international and regional organizations.

- **Recommendation 2:** The Office needs to develop a strategy for collaboration with other international organizations in accordance with the guidelines of the ILC in 2004.¹⁰ This strategy should help the Office in carrying out the Plan of Action and supporting its tripartite constituents. The Office should clearly define its sphere of action ensuring complementarities and synergies without compromising its normative and technical comparative advantages. Where possible, specific outcomes for these collaborative efforts should be identified ex ante to build on existing products and shared data.

Results-based implementation of the Action Plan

The Office needs to strengthen its approach to measuring outcomes and impacts of its work on migrant labour. The Office notes outcomes in its programme and budget process but this does not seem to be accompanied by the production of evidence to substantiate these claims or an enquiry into the ultimate impact of the Office's work. The current programme and budget plans and reports activities related to migration labour under strategic objective 3 "Enhance the coverage and effectiveness of social protection for all" and immediate objective 3c.1 "Increase member State capacity to

⁹ [Committee on Migrant Workers established the framework for this Plan of Action at the 92nd Session of the International Labour Conference in 2004.](http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/pr-22.pdf)
<http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/pr-22.pdf>

¹⁰ Ibid.

develop policies or programmes focused on protection of migrant workers”. This seems to exclude the many other activities under the other 3 Strategic Objectives of the Office.

- **Recommendation 3:** The Office needs to find a way to capture the true crosscutting nature of its work on labour migration in its programme and budget mechanism. The evaluation recommends that MIGRANT, in collaboration with the Bureau of Programming and Management (PROGRAM), introduce methods for identifying goals on labour migration under each Strategic Objective so as to better plan and track resources dedicated to migration activities throughout the Office.

Labour migration and development linkages

The ILC resolution in 2004 and, in its aftermath, the report of the Global Commission on International Migration (GCIM), the United Nations High-level Dialogue and the Global Forum on Migration and Development (GFMD) have emphasized linkages between migration and development and called for their reinforcement. Linkages include remittances, the most tangible benefits of labour migration, but they also encompass skills acquisition and investments by transnational communities. Other linkages are the relation between rights of migrant workers and economic development as well as the impact of the migration of highly skilled workers on the provision of social services.

- **Recommendation 4:** The Office's action plan for migrant workers should step up its action on strengthening the positive linkages between labour migration and development in cooperation with tripartite partners and other stakeholders by:
 - (i) assessing costs and benefits of migration for countries of origin and destination and formulating appropriate advice in this respect;
 - (ii) assisting member States in developing policies that facilitate the productive use of remittances and their poverty-alleviating impact;
 - (iii) proposing measures for the productive reintegration of return migrants, including through small enterprise promotion;
 - (iv) providing advice on engaging transnational communities in the development of their countries of origin;
 - (v) identifying and advocating measures to mitigate brain drain;
 - (vi) analyzing the interaction between respect for rights of migrant workers and the development benefits of migration and advocate related policy measures in this regard, and
 - (vii) strengthening social partners' capacities to promote the ILO's right-based approach.

An ILO Advisory Committee on Labour Migration and Development may be set up. Its members may comprise representatives of Governments and Employers' and Workers' organizations, representatives of relevant international and regional institutions, representatives of migrants' association and researchers and other concerned bodies.

“Throughout human history, migration has been a courageous expression of the individual’s will to overcome adversity and to live a better life”¹¹.

1. INTRODUCTION

1. Each year millions of women and men cross national borders in search of better opportunities for decent work and a better livelihood for their families. Migration has become a strategy for survival for many families who seek better opportunities for fair better wages and employment, and for those who also seek refuge from famine, war, natural disaster, violent conflict or persecution¹².
2. Migration is of growing importance in the international policy agenda. This reflects globalisation processes, and the heightened focus these bring to a wide range of issues including employment, non-discrimination, integration of migrant workers and the need for social dialogue in respect of labour migration policies. Irregular migration has been at the forefront of international attention in recent times both in terms of the challenges this brings to governments and the risks facing those involved. While the trafficking and smuggling of people pose particularly acute threats, protection issues are rife at all stages of the migration process from departure, through transit, to exploitation at destination sites. There is an increasing awareness of migration-development linkages, the important role of migration remittances, as well as concerns about the potential negative consequences of brain drain.

1.1 The ILO’s role in migration issues

Background

3. ILO’s focus on international migration stems from its mandate on labour issues and its constitutional mandate to work on the protection of migrant workers’ rights, which states that one of the Office’s objectives is “the protection of interest of workers when employed in countries other than their own.” The ILO has pioneered international Conventions to guide migration policy and the protection of migrant workers. All major sectors of ILO - standards, employment, social protection and social dialogue - work on labour migration within an overarching framework of 'decent work for all', which aims at making international migration a *choice* rather than a necessity through supporting national Decent Work Country Programmes.

¹¹ United Nations. International Migration and Development: Report of the Secretary General. New York, a/60/871, United Nations, June 2006, page 1.

¹² See World Commission on the Social Dimension of Globalization, A fair globalization: Creating opportunities for all. WCSDG and ILO, Geneva, February 2004.

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4. Overall, the ILO's work on migration falls under its framework of common principles of action: (i.) support for a fair globalization, (ii.) contribute to poverty reduction; iii) promote relevant labour standards, (iv.) advance gender equality, (v.) involve constituents in social dialogue and tripartite dialogue, and (vi.) more efficient operation of labour markets.
 5. The ILO believes that international migration can help alleviate poverty, but it is not a substitute for sound country-led decent work development strategies. This is the reason behind the active involvement of the ILO and the system of international organizations in the issue of international migration, and the Office's general support of initiatives that increase coordination and promote the understanding of the challenges that international migration poses on development. The ILO is an active member of the Global Migration Group (GMG) and it has also been involved in a number of other recent initiatives with various development partners
 6. Three international Conventions – the Migration for Employment Convention, 1949 (No. 97), the Migrant Workers Convention, 1975 (No. 143), both ILO instruments, and the International Convention on the Protection of All Migrant Workers and their Families adopted by the United Nations on 18 December 1990 – define a comprehensive normative framework for the promotion and protection of migrant rights. They have been supplemented by the 2006 ILO Multilateral Framework on Labour Migration – a nonbinding framework negotiated within the ILO's tripartite structure comprising governments, employers' and workers' organizations. It spells out principles, guidelines and practices for the development and implementation of sound labour migration policies consistent with the protection of migrant rights

ILO's Operational Framework

7. The Office's approach to the issue of migration has changed over the years. Earlier in the 1990s, ILO was mainly focused on research and policy analysis with some limited technical services in the area of migrant employment. The growing interest and concern with migration issues by the international community led to increased attention to ILO's role in this area and the framework for the plan of action which was negotiated by the Committee on Migrant Workers (CMW) and adopted at the 92th Session of the International Labour Conference in 2004.
8. The ILC discussion was a watershed and shaped the Office strategy on migrant workers in years to come. The conference recognised the main weaknesses in previous approaches to managing labour migration, and the Resolution from this meeting called upon ILO and its constituents to implement a Plan of Action for Migrant Workers, which should cover: development of a non-binding Multilateral Framework for a rights-based approach to labour migration, wider application of international labour standards, the implementation of the Global Employment Agenda, capacity building, development of tools and policies, strengthening social dialogue and improving the knowledge base.
9. ILO's work on migration is planned through the Biennium Programme and Budget which links outcomes to Strategic Priorities of the Decent Work Agenda,

defined in Outcome 3b.2 of the ILO's operational strategy in the Programme and Budget (P&B) 2006/07 as : *Tripartite Action on labour migration: Constituents increase their participation in the formulation and implementation of effective rights-based and gender-sensitive policies and practices for the management of labour migration in line with the conclusions of the 2004 International Labour Conference.* This identifies outcomes, indicators, targets by Sector.

10. It is also important to note that at the regional level, there are specific plans of action that respond to the ILC's 2004 recommendations and strategic framework. The evaluation addresses the relevance and coherence of these regional plans of actions in the analysis section.

1.2 Evaluation of ILO's Strategy for Improving the Protection of Migrant Workers

Evaluation purpose and outputs

11. The purpose of the evaluation is to provide insight into the relevance, effectiveness and efficiency of ILO's strategy, programme approach, and interventions for protecting migrant workers. This includes consideration of whether and how the Office approach should be modified or adapted to the current climate. The principle client for the evaluation is the Governing Body, which is responsible for governance-level decisions on the findings and recommendations of the evaluation. It is also intended to provide a basis for improved leadership and decision-making by ILO management. The period under review is 2001-2007. It is recognized that the whole period cannot be equally evaluated and that evaluation questions will largely focus on current times. However, the starting date of 2001 enables the evaluation to take account of the historical context.

Evaluation Scope and Methodology

12. The evaluation took account of the wider strategic framework applicable to the issue of labour migration ILO's work on a particular theme from a global perspective rather than focusing narrowly on particular projects, programmes or units.¹³ It also addresses matters falling within the responsibility of the Office rather than the Governing Body i.e. how the Office is implementing the strategy, what is working well, and what can be improved. The focus of the evaluation is thus squarely on the work of the Office and on migration-related activities in

¹³ It should be noted that authoritative documents of the ILO, such as the Programmes and Budgets, in addition to all MIGRANT publications, only refer to "labour migration". The ILO does not get involved in pure migration issues such as border control, travel documents, entry, stay, overstay residence or deportation. The ILO is only concerned with aspects of labour related to migration.

general and across the globe rather than the specific work of MIGRANT (the main unit at headquarters charged with international migration matters).

13. The evaluation team developed an analytical framework which integrates the issues identified in the TORs dated 28 February 2008 and a set of consultant TORs dated 3 March 2008 (see [Annex 2](#) for terms of references). The evaluation took a participatory approach that solicited inputs from member states, international and national representatives of trade union and employers' organizations, ILO staff at headquarters and in the field, UN partners, and other stakeholders.
14. The external evaluator visited the ILO Regional Office in Bangkok and also carried out a documentary review and phone interviews of external counterparts. The internal evaluation team managed the process and carried out further research through a documentary review, interviews at HO and with IOM, and telephone interviews with ILO staff in field offices.
15. The evaluation used three research methods: (1) **Desk review** of documentation on selected projects/programmes, previous evaluation studies, ILO Governing Body performance reporting documentation (Programme & Budget, Implementation reports), Project documents, publications and manuals, responses from the Governing Body on migration issues etc. (2) **Interviews** were held in Geneva by the whole evaluation team at the start of the evaluation in order to obtain an understanding of the evolution of ILO's strategy on migrant workers, the involvement of different sectors and units and the administrative structure. (3) A **questionnaire** was sent to 55 ILO staff (see [Annex 3](#) for ILO staff questionnaire) which comprised a set of qualitative questions soliciting their views on ILO's migration strategy. The rate of response was impressive, with 19 detailed replies received from offices in all regions (Central and Eastern Europe; Central Asia; East and West Africa; Latin America; Asia and the Pacific; and the Arab States).

Report layout

16. The report begins with a presentation of the overall context of ILO's work on labour migration. It then gives findings against each TOR item: role and relevance; focus and coherence; results; organizational effectiveness; and finally ends with conclusions and recommendations. The first chapter examines how ILO's role and relevance in the field of migration is affected and shaped by external needs, its own mandate, the attitude of key constituents such as governments, workers and employers groups, and the role and activities of other organizations.
17. The report then addresses issues of coherence, such as; whether ILO's strategy on migrant workers is focused or defined clearly enough; how coordination occurs internally and with key constituents; and how activities on migrant workers are integrated with overarching planning frameworks and other organizational priorities. The section on 'evidence of results' makes general observations on how impacts/outcomes are being measured as a strategy evaluation of this type is not able to verify results across the full range of ILO's programmes on migrant workers. Finally, the report reviews organizational

effectiveness, whether the management approach, organizational structures, financial and human resources, knowledge management and internal policies on mainstreaming support the implementation of the strategy on migrant workers. The supplementary annexes give lists of persons consulted and projects, evaluation terms of references, evaluation instruments, and a selected bibliography.

2. THE ILO'S STRATEGY BACKGROUND

“The ILO stands ready to work with other stakeholders to promote and respect the rights of migrant workers, and promote international migration as an instrument for growth and development in both source and destination countries.”

Message by Mr. Juan Somavia, Director-General of the ILO, on International Migrant Day December 12, 2007.

2.1 Context and Challenges

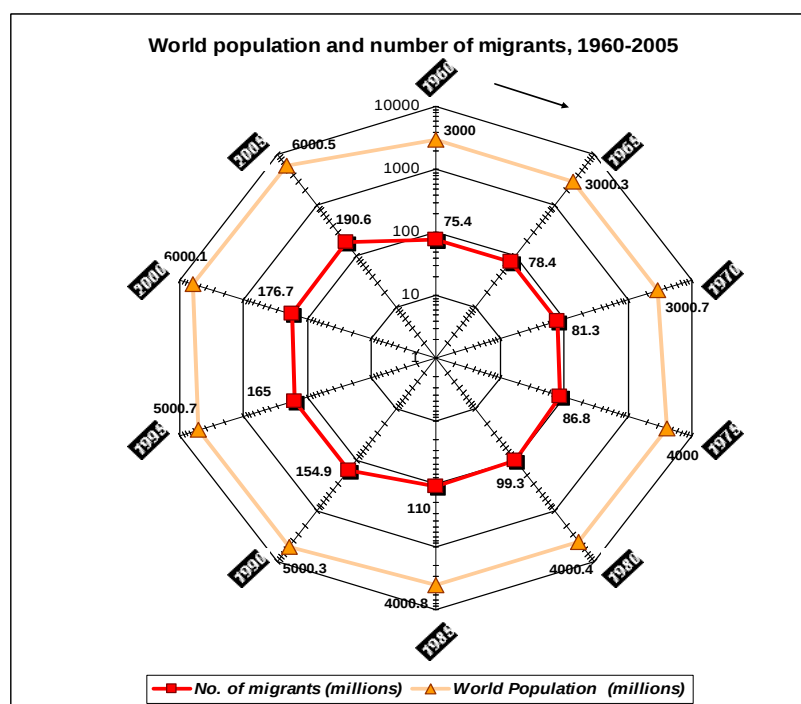
- 18.** There were 191 million migrants in 2005, accounting for some 3% of the global population, according to the UN Population Division. This estimate includes migrants for employment, their families, asylum seekers and refugees. MIGRANT estimates that of this number, those who are economically active (i.e. migrant workers), amounted to 94 million in 2005 meaning that migrant workers and their families (roughly 170 million) formed the majority of the migrants in the world. Given past trends, MIGRANT estimates the numbers of migrants in 2008 to be approximately 200 million, of which 100 million are likely to be migrant workers. The labour force participation rates of migrants are higher than those of native populations. According to MIGRANT, the total world labour force is estimated at 3 billion. On this basis, the percentage of migrants in the world population in 2005 is estimated at 2.9 per cent. The percentage of migrant workers in the world labour force was 3.2 per cent. The percentage of migrant workers is 10 per cent higher than that of total migrants. In some regions of the world the difference is much higher.

Table 1: International Migrants % of World Population

Year	Migrants (million)	World Population (billions)	Migrant share of population%	Women % of total Migrants
1965	78	3.3	2.4	47.1
1975	87	4.1	2.1	47.4
1985	111	4.8	2.3	47.2
1990	154	5.3	2.3	49.0
1995	165	5.7	2.9	49.3
2000	177	6.0	2.9	49.7
2005	191	6.5	3.0	49.6

Source: UN Population Division

Figure 1: World Population and number of migrants, 1960 - 2005



Source: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, Trends in Total Migrant Stock: The 2005 Revision, <http://esa.un.org/migration>, August 2008.

19. A growing focus on South-South migration is expected to yield a more complex global picture. South-South migration is estimated at 74 million, or nearly half of international migration. For instance, migration from West Africa to OECD countries is estimated at one seventh of migration within the sub-region. Migration decisions (including the choice of destination) are shaped by household, individual and community characteristics, and since closer destinations have lower moving costs and easier return, it is expected that South-South migration will probably be more likely among the poor and low-skilled. The ILO is engaged in efforts to provide a worldwide snapshot of South-South migration and document it with country cases. For example, evidence on migrants from Peru shows that while the United States, Spain and Italy still represent major destination countries, migration to countries in Latin America represents at least one third of the flows and has been increasing in importance. The ILO will continue developing this agenda to document the flows and identify policy issues of relevance for receiving developing countries.

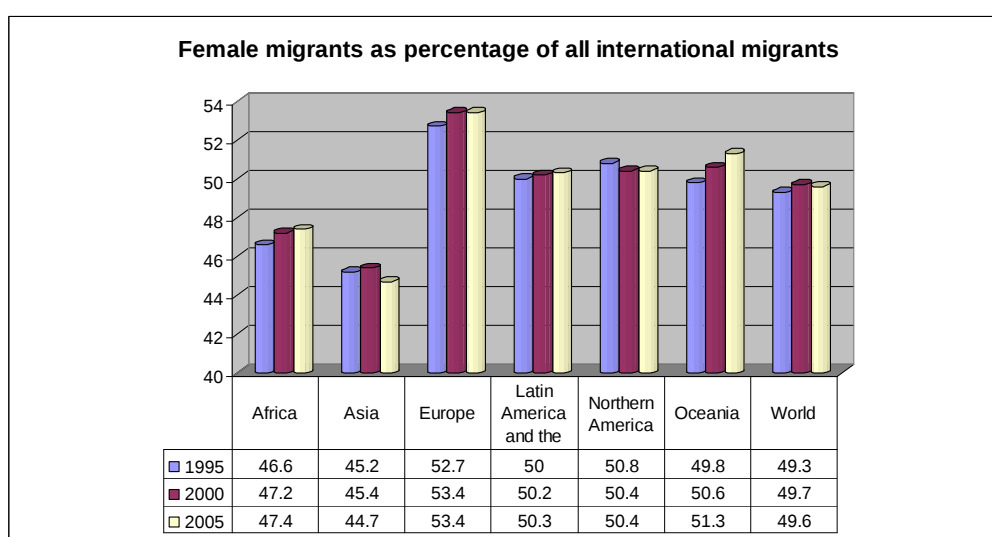
Migration of women: a survival strategy

20. According to ILO MIGRANT, shrinking opportunities for legitimate employment in countries of origin have affected women disproportionately to men and acted as a further 'push factor' in women's migration.¹⁴ Demand for migrant workers from receiving countries is defined by the labour market segmentation in countries of destination. Or put another way, opportunities for legitimate employment affect men and women differently. Not only do women

¹⁴ ILO CINTEFOR, ILO Gender News, March 2007, Gloria Moreno Fontes, MIGRANT.

migrant workers often have higher educational levels than men they also have university degrees or other higher education qualifications that are not necessarily recognized by receiving countries. Non-recognition restricts women's ability to climb up the occupational ladder, a situation that is worsened when they are undocumented migrants. However, non-recognition is not restricted to women; it also affects men significantly. The ILC dealt with the issue at its 97th session in 2008.. Another constraint is that women are more likely to have degrees in the humanities where there is less international demand, unlike their male counterparts who are more likely to have qualifications in more sought after fields, for example in engineering and IT¹⁵.

Figure 2: Female migrants as percentage of all international migrants



Source: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, Trends in Total Migrant Stock: The 2005 Revision, <http://esa.un.org/migration>, August 2008

21. The World Bank estimates that the current share of women in the world's international migrant population is close to one half. Despite the great number of female migrants, there has until recently been a striking lack of gender analysis in the economic literature on international migration and development.

¹⁵ Ibid.



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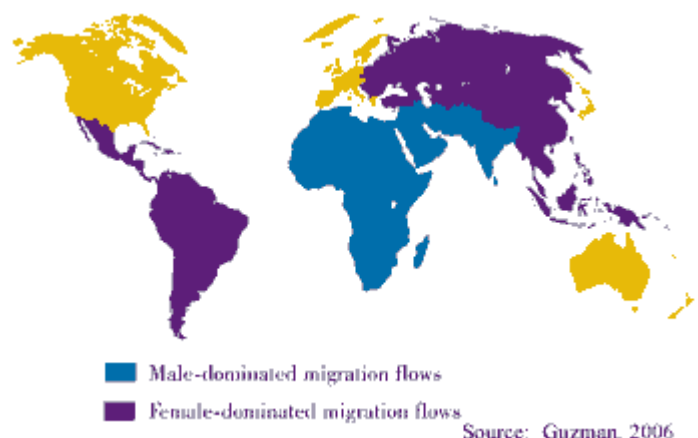
The Bekaa Valley, Syrian workers harvesting tobacco.

22. Given the data of the United Nations, it can be concluded that there has not been much of a global feminization of migration flows; However, some regions have experienced different trends:¹⁶

- In general, flows from Africa, South Asia and the Middle East tend to be more male-dominated
- Flows from East Asia and Pacific, Europe and Central Asia, and Latin America and Caribbean tend to be more female-dominated. Economic and network factors that influence the propensity to migrate for males and females vary for men and women
- In the U.S. case, the results indicate that male flows are driven more by economic factors than those of women. However, the positive response of female migrants to the stock of females in the short-term might show the increasing importance of female networks for females economic migration.
- In the Australian case, migration is strongly driven by the migrant population already living there. However, in the short-term the female stock affects positively the propensity to migrate for both men and women. Indicating an increasing importance of female migration.

¹⁶ The World Bank. The macro picture: the feminization of international migration. Juan Carlos Guzman et al,
<http://siteresources.worldbank.org/INTGENDER/Resources/Session1Guzman.pdf>

Gender composition of South-North migration flows

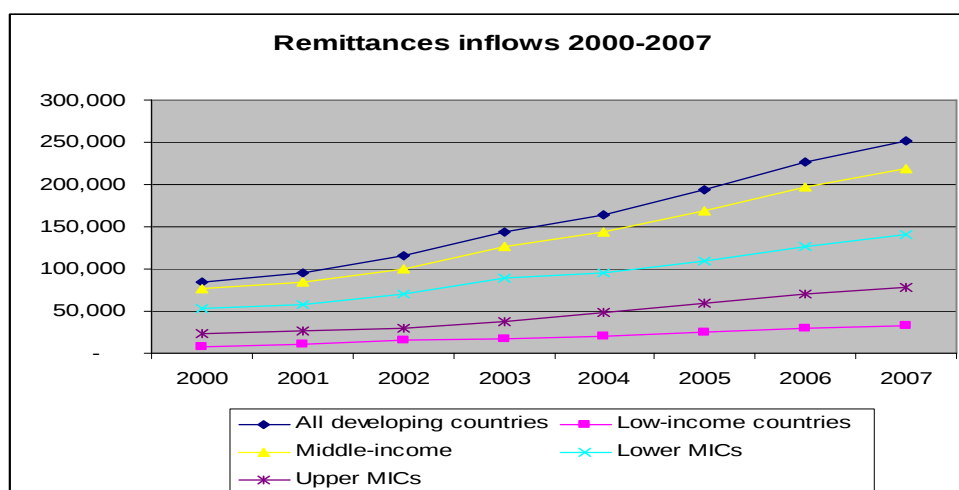


Migration and development

23. The shortage of decent work in their own countries is the main propeller that drives men and women to emigrate, so it is not through choice but as a means of survival. Unfortunately, once in the host country, these migrants generally end up in the most precarious, onerous and degrading jobs, i.e. the least “decent”.
24. Gains from migration and protection of migrant rights are indeed inseparable. Migrant workers can make their best contribution to host and source countries when they enjoy decent working conditions, and when their fundamental human and labour rights are respected.
25. The ILO views migration as a labour market and decent work issue within the overarching framework of the Decent Work for All agenda. Labour migration can make a significant impact on the economic development of source countries. Every year, migrant workers send home to developing countries large volumes of remittances. Newly released data by the World Bank reports that remittance flows to developing countries reached \$251 billion in 2007, up from an earlier estimate of \$240 billion. These data show that remittances received by developing countries grew by 11 percent between 2006 and 2007, and have more than doubled since 2002¹⁷.

¹⁷ *Migration and Development Brief 5*, Development Prospects Group, Migration and Remittances Team. July 10, 2008.

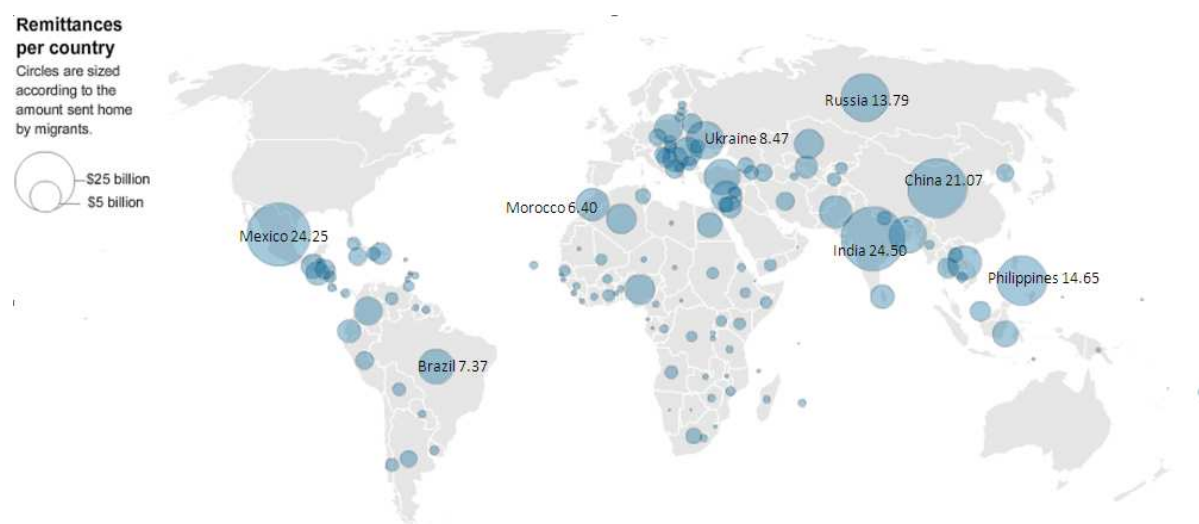
Figure 3: Remittances inflows, 2000-2007



Source: The World Bank

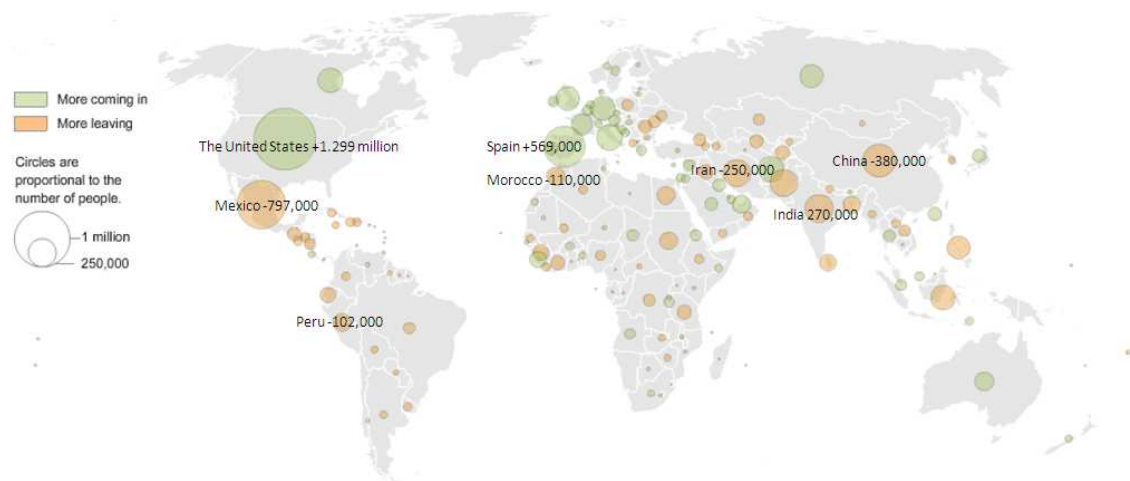
26. Remittances allow migrants to keep a strong connection with communities of origin, increasing the possibility of reintegration. Returning migrant workers bring back financial and social capital and skills while transnational communities can contribute to home economies through transfers of skills, technology and investments. As stated by many members of the Committee on Migrant Workers in their deliberations at their first sitting on 1 June 2004, migrant workers also make significant contributions to the prosperity of host countries. They make up for declining birth rates and ageing populations, and contribute to economic growth and social welfare.

Figure 4: Remittances per country



Source: Inter-American Dialogue, extracted from [The New York Times](#).

Figure 5: Average annual number of migrants, 2000-2005



Source: Inter-American Dialogue, extracted from [The New York Times](#).

27. Under globalization, migrant workers are increasingly in demand not only for high-skilled jobs, but also for many of the low-skilled jobs in agriculture, cleaning and maintenance, construction, domestic service, and health care, which national workers often shun. But developed countries increasingly welcome mostly skilled workers from developing countries leading to a “brain drain”. Limited legal migration avenues for others have often led to growth in irregular migration and trafficking resulting in gross violations of human rights.
28. In 2003 the ILO became a member of the Inter-Agency Remittance Task steered by the World bank and the UK Department for International Development (DFID). The objective of the task force is to coordinate future remittances research and operational activities among a range of development agencies. The Task Force includes several international bodies as members, including the Asian Development Bank (ADB), The Inter-American development Bank, the Consultative Group to Assist the Poor (CGAP), the International Organization for Migration (IOM), the Netherlands Organization for International Development Cooperation (NOVIB), the U.K. Office of National Statistics (UK ONS), and the World Savings Bank Institute (WSBI), among others.



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Building site employing migrant workers from Tajikistan in Moscow.

Transnational Networks and the Growth of Remittances: The case of the Americas

1. Considered alone, remittances are a symptom of disparate opportunities among countries. But coupled with the right incentives framework and technical capacities, these can be an important resource for the development of poor countries. In sum, the international aid community, should support migrant workers so that the hard work, thrift, and devotion to family demonstrated by so many new migrants can be channeled into a source for the development of their homelands.
2. Latin America and the Caribbean (LAC) remains the largest remittance receiving region in the world. Remittances amounted to about 2% of the region's total GDP in 2004; the Inter-American Development Bank estimates that more than \$45 billion flowed into the region from the rest of the world. Remittance flows are surpassing the value of leading national exports, including oil, in many recipient countries across the Americas. Moreover, these flows demonstrate considerable staying power. No major recipient country in Latin America and the Caribbean has registered a significant decline in remittances—despite economic weakness in host countries and tightened immigration laws in the wake of the September 11, 2001 terrorist attacks (Orozco 2003a)
3. More countries in the region are receiving remittances, including countries that have not been traditional labor exporters and remittance recipients, such as Argentina, Colombia, Guatemala, Peru, and Venezuela. As a result, Mexico's share of all remittances to the region fell from about half to about a third from 1999 to 2003. Argentina's crisis has stimulated remittance inflows from Italy, Spain, and the United States. It is likely that at least \$200 million in remittances enter Argentina each year from the United States alone. Venezuela has moved from a net sender to a net remittance receiver, and remittances to Guatemala nearly quadrupled from \$600 million to over \$2.2 billion from 2001 to 2003. In Peru, remittances grew from \$700 million to \$1.1 billion during the same period (Inter-American Development Bank)
4. Across the globe, remittances reflect disparate opportunities and the emergence of transnational networks, comprised of individuals, families, businesses, and other groups that maintain social, economic, and cultural relations across international boundaries. The sweep and scope of these networks is only beginning to be understood in the Americas and elsewhere. Yet it is evident that these reflect "a spatial reorganization of production among world regions, large-scale flows of migration among and within them, complex webs of networks that connect production processes and buyers and sellers, and the emergence of transnational cultural structures that mediate among these processes" Cooperation with trade unions seems fruitful in this area. The "American Federation of Labour and Congress of Industrial Organizations" (AFL-CIO), for example, launched an initiative to set up a coherent and systematic remittance training programme for Mexican and Central American migrants.

3. THE ILO'S NORMATIVE FRAMEWORK

3.1 Instruments developed by the ILO for the protection of Migrant Worker Rights

29. Instruments relevant to migrant workers include the specific Conventions Nos. 97 and 143 and their accompanying Recommendations, and the ILO's instruments on fundamental principles and rights as well as – in principle – all other ILO standards.
30. According to the 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up ("the 1998 Declaration"), all ILO member States have an obligation – arising from the very fact of membership of the Organization – to respect, to promote and to realize, in good faith and in accordance with the Constitution, four categories of principles and rights at work, even if they have not ratified the Conventions to which they refer: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. The fundamental principles and rights at work are universal and applicable to all people in all States, regardless of the level of economic development. They thus apply to all migrant workers without distinction, whether they are temporary or permanent migrant workers, or whether they are regular migrants or migrants in an irregular situation. In addition, the 1998 Declaration makes specific reference to groups with special needs, specifically including migrant workers.
31. The recognition of the special status of these fundamental principles and rights has evolved over the past 14 to 20 years, and they are the essence of the eight "core" ILO Conventions, which express in more detail and in a formal legal structure the scope and content of these fundamental principles and rights. The ILO's campaign for the universal ratification of these instruments has been very successful, and the levels of ratifications of these Conventions have soared over the past decade. All these standards, which cover migrant workers along with all other workers, are thus binding on a large majority of ILO member States.
32. ILO strategy on migration takes the relevant international labour standards as central to its operations. In the case of migration, these are the Convention on Migration for Employment, 1949 (No 97) and the Convention on Migrant Workers, 1975 (No 143) as well as their accompanying Recommendations (Nos. 86 and 151). Other international labour conventions including the fundamental conventions, such as Convention 111, also provide guiding principles. These conventions provide the underlying principles for the formulation of national law and policies concerning the protection of migrant workers.
33. The two ILO Conventions on migration, 143 and 97 are not widely ratified ([Convention 97 has been ratified by 47 countries, while Convention 143 has been ratified by 23 countries](#)). Following its detailed examination in 1998 of the instruments relating to migrant workers, the CEACR concluded that the international context had changed and that there were certain lacunae in these standards. It found that some of the provisions of Convention No.97, including those regulating how to maintain migrant workers' health during ship transfers,

appeared to have lost their purpose. Furthermore, the CEACR said that Conventions 97 and 143 did not deal with the elaboration and establishment of a national migration policy in consultation with employers' and workers' organizations, within the framework of overall national policy. CEACR, however, did not conclude that the two conventions were outdated. They were maintained as applicable conventions. The elaboration of national migration policies was then dealt with the ILO Multilateral Framework on Labour Migration. The tripartite membership of the ILO preferred a non-binding policy framework to the conclusion of a new convention.

34. Moreover, the paper presented by the Office to the ILC in 2004 said it was open to question whether these lacunae are sufficiently important to require additional instruments. [ILO; 2004; 76]. In terms of problems in application and/or problems considered to be obstacles to ratification of the instruments, governments most frequently cited the following: for Convention No. 97 (equality of treatment for foreign workers and nationals) and Article 8 (maintenance of residence rights for permanent migrant workers in the event of incapacity for work); and for Convention No. 143 - Article 8 (protection for lawfully admitted migrant workers in the event of loss of employment), Article 10 (equality of opportunity and treatment), and Article 14(a) (right of migrant workers to geographical and occupational mobility). The CEACR also noted that certain difficulties in the application of Conventions 97 and 143 seemed to arise from misunderstandings of obligations in certain of their provisions [ILO, 2004, 76-77].
35. There has been much debate about whether the Conventions should be revised or kept the same and promoted through a campaign. As yet no decision has been taken on either alternative and the organization has adopted the Multilateral framework in the meantime as a midway between those who favour a strong rights focus and promotion of existing conventions and others who wish to see labour migration policies in the context of labour market needs. The Multilateral framework, as a non-binding document, gives scope for both approaches but explicitly supports a rights-based approach. This instrument is very well received in the vast majority of countries, by Governments and by social partners. There is demand for the MLF, which has been translated and published in eight languages. The success of the MLF is due to its non-binding character, and also because it was a negotiated text.
36. In parallel to these events within ILO, there have been other initiatives at international level to reinforce global attention on the issue of migration. In 2001, with the support of the Swiss government, IOM served as a Secretariat for the Berne Initiative, which led to the elaboration of the International Agenda for Migration Management. In December 2003, the UN Secretary General set up a Global Commission on International Migration, with a mandate to provide the framework for the formulation of a coherent, comprehensive and global response to the issue of international migration by October 2005. This Commission concluded that there was a lack of capacity to develop effective migration policies and underlined the need for enhanced cooperation between the different multilateral international organizations working in migration in 2006 which in turn was followed by the establishment of the Global Forum on Migration and

Development in July 2007. The ILO plays a leading role in this forum. It has developed a series of contributions in the issue of protection of migrant workers and migrants rights.¹⁸ In addition, it was publicly recognized the role played by the ILO in introducing the topic of “Protecting migrant workers as a shared responsibility” in this year’s Forum agenda, which will take place in Manila, October 2008. The ILO made valuable inputs in the GFMD’s roundtable 1.1 on rights of migrants. A further convening mechanism is the Global Migration Group (GMG) which aims at coordinating work on international migration by UN agencies and IOM. ILO plays a very active role in the group’s discussions and has been continuously collaborating with its members (see [Annex 6](#)).

Main ILO inputs for the GFMD’s Roundtable 1.1 on Migrants’ rights

1. The inclusion of labour migration as a main source of today's migration and its rights recognition.
2. The inclusion of the protection of labour rights as a part of migrants’ human rights regardless their migration status.
3. The need for protection in all stages of the migration process (origin, transit and destination) from both countries of origin and destination.
4. The inclusion of the protection of rights even when the migrant worker is "not productive".
5. The promotion of tripartism in the policy making process for a better migration governance.
6. The inclusion of the ILO Fundamental Conventions, ILO Conventions on Labour Migration (97, 143 and recommendations), The ILO Multilateral Framework on Labour Migration, The UN International Convention on the Protection of the Rights of all Migrants and their families. At the regional level, the mention of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers as a reference for international instruments. (On all specific mention and explanation)
7. The differentiation of the "life cycle" approach to those migrants involved in temporary or circular migration; not to all migrants.
8. The inclusion of good practices such as: Ecuador-Spain for Bilateral negotiations; Senegal, in Policies of Reintegration.
9. The recognition on the responsibility on non-state players to protect migrant human rights.

¹⁸ For the 2007 July Forum in Brussels, ILO provided a background paper on rights, migration and development which was placed in the GFMD website. In regard to the forthcoming October Manila GFMD, MIGRANT provided a position paper on migrants rights along with IOM and UNHCR.



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Filipino seafarer on a Greek cargo ship.

3.2 Standards specifically concerning migrant workers

Comprehensive standards

37. The ILO has developed standards specifically regarding migrant workers in two different political contexts: first, in 1949, in the aftermath of the Second World War and, second, in 1975.
38. The 1949 instruments were prompted, *inter alia*, by the interest in facilitating the movement of surplus labour from Europe to other parts of the world. The provisions of the Migration for Employment Convention (Revised), 1949 (No. 97),¹⁹ and the supplementing Migration for Employment Recommendation (Revised), 1949 (No. 86), focus on the standards applicable to the recruitment of migrants for employment and their conditions of work. By 1975 governments had become increasingly concerned about unemployment and the increase in irregular migration. The focus shifted from facilitating the migration of surplus labour to bringing migration flows under control.
39. This caused the ILO to adopt two new standards: the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143),²⁰ and the Migrant Workers Recommendation, 1975 (No. 151). These instruments were the first multilateral attempt to deal with irregular migrants and also to call for sanctions against “traffickers”. Convention No. 143 reiterates that member States have a general obligation to respect the basic human rights of all migrant workers. It also provides that migrant workers should not only be entitled to equal treatment (as provided for in Convention No. 97) but also to equality of opportunity, e.g.

¹⁹ 42 ratifications as at 12 Feb. 2004.

²⁰ 18 ratifications as at 12 Feb. 2004.

equality with regard to access to employment,²¹ trade union rights, cultural rights and individual and collective freedoms.

40. Both Conventions Nos. 97 and 143 cover issues concerning the whole migratory process, including emigration, immigration and transit, and apply to persons who migrate from one country to another with a view to being employed otherwise than on their own account. With the exception of Article 8 of Convention No. 97 and to some extent Part II of Convention No. 143, the instruments do not make a distinction between permanent or non-permanent migrants. The provisions in these instruments do not depend on reciprocity and also cover refugees and displaced persons in so far as they are workers employed outside their home country.²² Both Conventions²³ allow for exceptions from their scope of application, namely seamen, frontier workers, and artistes and members of the liberal professions who have entered the country on a short-term basis. Convention No. 143 also excludes trainees and employees admitted temporarily to carry out specific duties or assignments from the coverage provided by the general provisions of Part II.
41. The ILO instruments advocate the development of model contracts to govern the situation of migrant workers. Such a solution is included in article 22 of the Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons, annexed to the Migration for Employment Recommendation (Revised), 1949 (No. 86), which also provides, inter alia, that bilateral agreements should include provisions concerning the equal treatment of migrants and nationals and appropriate arrangements for acquired rights in the area of social security.



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Qartaba region. Seasonal workers from Syria harvesting apples.

²¹ Recommendation No. 86 (supplementing Convention No. 97) already advocated equality of treatment between regular migrants and nationals with regard to admission to employment.

²² General Survey, 1999, op. cit., para. 101.

²³ Under Article 11 of Convention No. 143, the named categories are excluded from the scope of Part II only.

Bilateral agreements in the Andean Region: ILO's contribution

Spain, after being for quite some time a purely-emigration country, in the last few decades has overturned this tendency and today is one of the biggest reception countries in the European Union. Since the second half of the 90's, Spain has experienced a growing immigration flow coming from Latin America, and especially from the Andean Region countries (Bolivia, Colombia, Ecuador and Peru). In this context, Spain, in an effort to orderly manage its current immigration flows and protect immigrants' rights, has recently signed bilateral agreements with Ecuador, Colombia and Peru. This initiative is comprised within the MLF's good practices.

Along with this effort, the Spanish Government, through the Ministry of Work and Social Affairs, has decided to launch a project in cooperation with ILO which aims to strengthen the governments, institutions and social actors' capacities for improving the management in the migration flux between Spain and the countries from the Andean Region. The instruments developed by the ILO for the protection of migrant workers rights have served as important sources for the project's conception. Moreover, the use of ILO's Multilateral Framework for Labour Migration will allow promoting a better formulation of policies, programmes and instruments for an improved management of labour migration.

In the Andean Region, Ecuador offers an interesting example of an immigration and emigration country at the same time. Ecuador began its massive emigration process at the end of the decade of the 90's because of a big financial crisis that hit the country. Spain became a favorite destination country, although countries such as Italy, or more traditionally the United States, have also received an important number of Ecuadorian immigrants. At the same time, Ecuador receives immigrants almost exclusively from Colombia and Peru. A large number of refugees arrive from Colombia, displaced from the armed conflict; while from Peru immigrate an important number of workers employed in agricultural activities and the domestic service, filling up the positions left by the Ecuadorian emigrants. Immigrants have benefited from Ecuador's dollarization process because of favorable exchange rates that increase their gains.

Under a governmental request, in September 2006, ILO carried out a report with recommendations to create a national employment office with labour migration faculties and the organization of administrative units charged of migration issues in the country. Subsequently the Ecuadorian Government created the National Secretary of the Migrant (SENAMI) which holds a Ministry status. The Secretary's role is the protection of the rights of Ecuadorian immigrants, as well as the recognition of the rights of those who come live in Ecuador. Within the management of labor migration, the Ministry of Labour also plays a key role in the emission of working permits for immigrant workers. At the present moment the Ministry of Labour wants to open an office focused on the management of labour migration issues; ILO support can be useful for this purpose.

The ILO and the government of Spain have made an important contribution in the Andean Region dealing with migration as a labour market and protection issue within the bilateral agreements' initiative. This effort is parallel to other countries' more developed experiences in the migration field such as the Philippines, which possesses a well established emigration policy and a well-constituted institutional framework that is responsible for the administration of labour migration (The Philippines Overseas Employment Administration, POEA). Recruitment standards are a very important component in the Philippine's strategy. Other countries have also emphasized in this issue; for instance in 2003 Jordan amended a law regarding the registration of recruitment agencies and monitoring them. Both of these countries' experiences which have been included as good practices within the MLF, could serve the Andean countries to further develop their migration legislation, considering their own particularities.

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42. Following its detailed examination in 1998 of the instruments relating to migrant workers, the CEACR concluded that the international context had changed and that there were certain lacunae in these standards. As examples of contextual changes, it cited the declining role of state leadership in the world of work; the feminization of migration for employment; the increase in temporary migration in place of migration for permanent settlement; the increase in illegal migration; and, finally, the development of certain means of transport. In this context, some of the provisions of Convention No. 97, including those regulating how to maintain migrant workers' health during ship transfers, appeared to have lost their purpose.
43. In terms of problems in application and/or problems considered to be obstacles to ratification of the instruments,²⁴ governments most frequently cited the following: concerning Convention No. 97: Article 6 (equality of treatment for foreign workers and nationals) and Article 8 (maintenance of residence rights for permanent migrant workers in the event of incapacity for work); and concerning Convention No. 143: Article 8 (protection for lawfully admitted migrant workers in the event of loss of employment), Article 10 (equality of opportunity and treatment), and Article 14(a) (right of migrant workers to geographical and occupational mobility). 30 244.

3.3 Labour Standards and the Decent Work agenda

44. Relevant international labour standards on migration are not well reflected in DWCPs according to analysis conducted by the evaluation team. Out of a sample of 48 DWCPs from across five ILO regional offices²⁵, only 4 country programme strategies made explicit reference to the provision of ILO assistance towards the ratification and/or implementation of C97 and/or C143²⁶. A further 4 DWCPs had formulated outcomes aimed at improving institutional capacity to better address ILS issues, with a focus on labour migration, but without mentioning the two Conventions by name²⁷. This left 40 DWCPs where no consideration was given to the status of the ratification and/or implementation of ILS on migration.

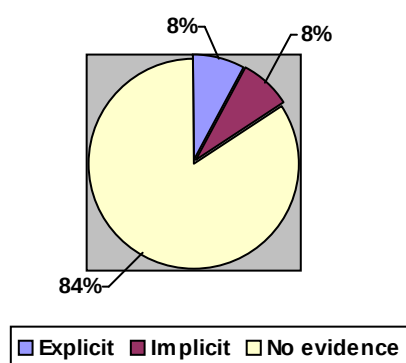
²⁴ In reports submitted for the General Survey, 1999. International regulation of migrant workers and migration.

²⁵ Sample excludes DWCPs where C97 and C143 were ratified more than 5 years before the DWCP start-date (the evaluation team made an assumption that these countries no longer require technical assistance in Convention implementation).

²⁶ Mongolia, Armenia, Tadjikistan and Bahamas.

²⁷ Nepal, Jordan, Oman and Kyrgyzstan.

Figure 6: Evidence of Migration Conventions in DWCP strategy



45. However, this lack of consideration in DWCP priorities and outcomes is not necessarily evidence of a lack of ILO and country activities on global migration tools. According to a recent GB document, between 2005-2007 ILO technical support contributed to five additional ratifications of Convention No. 97 (Albania, Armenia, Montenegro, Republic of Moldova and Tajikistan) and five ratifications of Convention No. 143 (Albania, Armenia, Montenegro, Philippines and Tajikistan)²⁸. The Office has also drawn up legislative profiles for 55 countries based on the main principles contained in C97 and C143 to help identify main obstacles to their ratification and implementation.
46. Moreover, from an analysis the resourced DWCP outcomes linked to the P&B outcome on migration (status as of April 2008), there are 22 countries that fall under this category. In addition, from the unfunded DWCP outcomes linked to the P&B outcome on migration (status as of April 2008) there are 27 countries that fall under this category. This indicates that there may not be a problem with migration tools *per se*, but with their placement as a crosscutting issue in the generation of integrated programmatic frameworks embodied by the DWCP (see [Annex 7](#)).



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Informal meeting place for daily migrant workers in the building sector.

²⁸ GB 301/4, March 2008

4. THE ROLE AND THE NEED FOR AN EXPLICIT ILO STRATEGY ON MIGRANT WORKERS

47. This section addresses the role and relevance of the ILO's strategy on migrant workers based on a variety of factors including the ILO's own mandate and the attitude of key constituents such as governments, workers and employers groups; as well as the role and activities of other organizations.

4.1 Evolution of the ILO's work on migration

48. The ILO has been dealing with labour migration since 1919. It has pioneered international Conventions to guide migration policy and protection of migrant workers. All major sectors of ILO - standards, employment, social protection and social dialogue - work on labour migration within its overarching framework of 'decent work for all'. ILO adopts a rights-based approach to labour migration and promotes tripartite participation in migration policy. It provides advisory services to member states, promotes international standards, provides a tripartite forum for consultations, serves as a global knowledge base, and provides technical assistance and capacity-building to constituents. As a result of its mandated action plan, the ILO has recently developed a multilateral framework on labour migration to guide its constituents in labour migration policy.

A call for a Plan of Action

49. The Office's approach to the issue of migration has changed over the years. Earlier in the 1990s, ILO was mainly focused on research and policy analysis with some limited technical services in the area of migrant employment. The growing interest and concern with migration issues and its impact on development has led to increased attention to ILO's role and the need for a framework for action. .

This led the Committee on Migrant Workers (CMW) to negotiate a framework for an action plan, whose resolutions and conclusions were formally adopted by consensus at the 92th Session of International Labour Conference in 2004. The conclusion called upon the Office and its constituents to carry out a Plan of Action that “ shall include” the following seven specific elements, namely: (i.) development of a non-binding multilateral framework for rights based approach to labour migration; (ii.) identification of relevant action to be taken for a wider application of international labour standards and other relevant instruments; (iii.) support for implementation of Global Employment Agenda at the national level; (iv.) capacity-building, awareness raising and technical assistance; (v.) strengthening social dialogue; (vi.) improving information knowledge base on global trends in labour migration; and (vii.) mechanisms to ensure ILO Governing Body follow-up of the plan of action and ILO participation in relevant international initiatives concerning migration

50. However, no specific approach has been taken to the implementation of a plan as guided by the key elements specified in the ILC resolution in 2004, which calls for an Office-wide approach.

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51. The common vision and guiding principles of the call for a Plan of Action have not been translated into an Office Plan of Action with concrete actions required to advance the achievement of the long-term goal established in the conclusion of the ILC 2004 report. The resolution clearly stated that in order to advance the agenda for more effective labour migration processes and protection systems based on closer cooperation among sovereign states and tripartite constituents²⁹, the ILO would carry-out a plan of action in partnership other relevant international organization.
52. In keeping with the ILO's commitment to RBM and the ILC's 2004 call, a common strategy for all sectors of the Office, with concrete planned activities aimed at achieving the long-term objectives of the resolution, has yet to be developed. Such a strategy could have been of great use to the Office in realizing its commitment to Results-based Management. The strategy could include, as a minimum, a clear definition of short/medium term goals to achieving the established long-term goal, actions required, risk analysis (constraints) and mitigating strategies, indicators, baselines, benchmarks, targets and means of verification.
53. MIGRANT, the unit in the office responsible for labour migration has heeded this call through the implementation of TC projects that include different elements of the above mentioned instrument: standards, employment, social protection, social dialogue and improving the knowledge (see [Annex 4](#)) base. Other sectors have also heeded the ILC call even without a specific strategic framework. However, the absence of a global plan of action leaves out the crucial issues of policy cohesion within the Office. There is a lack of global vision which generates duplicity and overlapping of efforts and technical assistance activities (see [Annex 5](#)).
54. Ideally, the plan of action should also indicate how the strategy may be completed in the large group, or by a team assigned to each of the seven key elements; thus breaking down each critical success factor into a series of strategies for implementation, by priority. Specific actions needed to be defined for each key element or sub-strategy, defined specific action plans or tasks required to implement. A more detailed and strategic plan of action would be in line with the spirit of the resolutions and conclusions of the ILC in 2004 and its call for a plan of action that takes into account the established key elements.

ILO Multilateral Framework on Labour Migration

55. The Multilateral Framework on Labour Migration (MFLM) was discussed and adopted by a Tripartite Meeting of Experts in 2005³⁰. It consists of a set of non-binding principles and guidelines for providing assistance to Governments to develop more effective labour migration policies. It was conceived as to fulfill

²⁹ ILO, Report of the Committee on Migrant Workers, 92nd Session of the ILO International Labour Conference, June 2004, Geneva, available at: <http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/pr-22.pdf>

³⁰ Tripartite Meeting of Experts: October 31- November 2, 2005.

one of the seven guiding principles of an ILO Plan of Action as called for by the ILC's 2004 resolution.

56. The MFLM provides guidance on how to make ILO interventions more effective and mindful of “labour market needs, the sovereign right of all nations to determine their own migration policies, and relevant action for a wider application of international labour standards and in order to promote coherence in international labour migration policies”. In the broader context of commitment to promoting decent work for all, the Multilateral Framework aims to foster cooperation and consultation among and between the tripartite constituents of the ILO and the Office, and in partnership with other international organizations, to assist them in implementing more effective policies on labour migration, including on rights, employment and protection of migrant workers.

4.2 ILO comparative advantage on labour migration

57. The organization has focused on the issue of migration throughout its history. The ILO constitution has provided the necessary authority from the start and the 2004 ILC, given the organization a renewed licence and encouragement to focus on this issue. The ILO has a clear mandate to work in this area and a pre-eminent one according to the MIGRANT unit which says the organization's legitimacy to lead on this matter arises from the fact that an estimated 90% of the world's 200 million migrants are said to be migrant workers and their families.
58. The comparative advantages of ILO in the field of labour migration stems from the fact that it is a labour and an employment question. As such, it has developed expertise and accumulated knowledge that can be applied to migrant workers and to enterprises employing them. No other organization is in such a privileged position. These advantages can be summarized as follows:
59. Analysis of labour markets of countries of destination should bring out the characteristics of demand for migrant workers, derived from overall demand and supply of native labour. This analysis should identify the sectors and occupations where demand exists or is likely to emerge in the future. In countries of origin, analysis of labour markets should bring out sectors and occupations with excess of labour, which can be directed towards other segments of the national labour markets or to external labour markets. These analyses should help countries of destination and origin formulate their education, training, employment and labour migration policies. Labour market analysis is a primary ILO area of work. Associated with labour market analysis are employment and skill recognition policy measures, which also are distinct ILO areas of interest. Small enterprises, another privileged area for the ILO, are of importance to labour migration on two scores. In many instances, small enterprises, such as in Korea, cannot compete with big firms for native workers and are thus in need for migrant workers. A number of return migrants set up small enterprises where to use the skills acquired and the savings made during their migration.
60. The ILO has developed the first tools for the protection of migrant workers. The two ILO conventions on migrant workers, even when not largely ratified, are widely recognized as the instruments for this protection. Support to the supervision of the implementation of these conventions, where they have been

ratified, is also a primary function of the Office. Where States show a willingness to ratify them, it is natural that the Office accompanies their efforts. Equality of treatment and non-discrimination is a fundamental principle and right at work, of special relevance for migrant workers who, employed in countries other than their own, may find themselves particularly vulnerable.

61. The accumulation of periods of contribution to social security systems in different countries and the portability of benefits are essential for the preservation of rights of migrant workers. They also are conditions for the success of temporary and circular migration schemes. The ILO is the international organization with expertise and experience in social security. This gives it clear comparative advantage. So do its accumulated knowledge in areas terms and conditions of work and of occupational safety and health, applied to migrant workers. For example, ILO's expertise in occupational safety and health should be of great use for countries of destination and for migrant workers employed in such dangerous sectors as construction or agriculture. These are two sectors where migrant workers are abundant.
62. ILO's expertise in labour legislation and labour administration is another comparative advantage. Labour laws govern the employment of migrant workers on an equal footing with native workers. Labour administration is the institutional mechanism for the implementation of laws and policies of labour migration. The tripartite nature of the organization disposes it for social dialogue in formulating and applying labour migration policies.
63. Statistics of labour migration are not only about who enters and exits national territory and who resides in it and for how long. They are essentially about sector of employment, occupation, wages, annual leave, weekly rest, training, promotion and other information related to work. These are statistics where the ILO has accumulated recognized competence, which gives it a clear comparative advantage over other international agencies.
64. These comparative advantages are very well recognised both internally and externally. All stakeholders and counterparts (unions, employers, members states, NGOs, international organizations) recognise the added value brought by ILO particularly in terms of labour rights and by being a normative organization.
65. The standard-setting functions of the ILO were an innovation in international law, when the organization was established. In the labour migration field, the ILO imprint goes beyond these functions and is visible in all international debates concerning the issue. However, there is a lack of visibility of ILO's work. There appears a need for what one external interviewee described as "*doing more theatre*", for ILO to make its presence felt more forcefully and demonstrate how it is contributing to the migration agenda both in intellectual and operational terms. This view was echoed by workers representatives speaking at the ILO Governing Body when they commented on the lack of visibility and recognition given to ILO at global forums and called on the Office "*to be more visible at these meetings....to demand its rightful place in the discussion of issues that directly relate to its mandate*". [ILO Governing Body, March 2008] There was general agreement that ILO occupies a special niche as the only international agency with operational capacity and a mandate to focus

on migrant worker rights and labour market issues but that it needed to do more to present itself as a viable alternative to other organizations in the field of migration.

4.3 Attitude of Tripartite Constituents towards Labour Migration

Attitude of governments

66. This section does not aim to give an exhaustive account of the views of member states on ILO's role in migration but it does seek to examine the perception that such views affect the role of the ILO. While the realpolitik of ILO's operating environment needs to be acknowledged, what emerges is that there is a very real role and space exists for the organization in the field of migration. The key question is that the Office can do more to make the most of this opportunity through the coherence of its approach and the effectiveness of its organization.
67. The attitudes of governments to migration and the role of organizations working on this issue are conditioned by a variety of competing interests and concerns including the pressures of migration flows, public opinion, economic and labour market needs, labour standards etc. Receiving countries in particular have been sensitive about how these issues are managed at international level. Migration as a top item on most domestic agendas is "*beyond the comfort zone for most policy makers*" [ILO; 2004; 4] especially with the growth in irregular migration in the 1990s and the terrorism threat following 9/11.
68. These factors have no doubt affected the focus and direction of how governments would like migration to be dealt with at the international level. One emphasis has been on calls from 2002 for more international coordination through the establishment of various mechanisms such as the Global Migration Group. Concerns about irregular migration have also led to a strong donor interest in trafficking. Some observers also argue that current trends in global markets seem to pull in a different direction to the types of regulatory frameworks advocated by the ILO, one questionnaire response described the Office as "*facing an uphill task over its core mandate in this age of de-regulation and globalisation*". External commentators support this view and say that, "*The ILO's emphasis on regulation stands in stark contrast to the mobility and flexibility that are the hallmarks of globalized production*" [Newland, 1999; 10].
69. Since the ILO's inception, there has been resistance on the part of some countries to involving it in migrant worker issues for a variety of reasons including a wish to maintain sovereign control over the admittance of non-nationals, and to approach the issue from the perspective of economic and security interests rather than through normative frameworks and tripartite structures. However, the ILC's 2004 resolution is in itself a recognition of the mandate of the organization in labour migration issues.
70. Internal and external interviewees largely agreed that most inter-governmental organizations trying to work on migration issues encounter some resistance from governments given the sensitivities over migration issues and that this experience is not unique to the ILO. There is considerable debate in global

circles over the international architecture for the issue of migration, what role the UN and other international organizations should have, and whether a particular agency should be tasked with taking the lead. The Global Forum on Migration and Development has emerged as a voluntary state-led process which provides a space for inter-governmental discussions but some see it as not being inclusive enough of civil society, social partners or UN bodies.

71. Furthermore, while these external constraints exist to some degree, there is evidence too of support for ILO's role. Member states along with other tripartite constituents agreed to a very broad mandate to work on labour migration through the Multilateral framework and explicitly gave an endorsement that this should be rights-based approach. Most governments are in favour ILO doing increasing technical cooperation on labour migration as testified by the success of the Office in recent years in securing extra budgetary funds. Some, like the EU, have supported ILO to implement migration management programmes, others have funded different types of work coming under the migration rubric (i.e. trafficking programmes under IPEC and SAP-FL).
72. Government views on migration may in other ways be opening up to wider perspectives. There is an increasing willingness among donors to move beyond a narrow focus on trafficking for sexual exploitation to a more comprehensive approach thanks to reports like the ILO Global Report on Forced Labour, and the Trafficking in Persons report. In Asia, the ILO/IPEC TICW programme together with counterparts in the region such as UNIAP have advocated a shift in paradigm, away from trafficking for sexual exploitation to a broader focus on labour migration management, trafficking for labour exploitation, and human rights violations at destination sites. The migration-development nexus is another trend which moves the away from the security and economic interests of receiving countries. This discourse is congenial to the ILO approach which says takes the view that gains from migration and protection of migrant rights are indeed inseparable as migrant workers can make their best contribution to economic and social development in host and source countries when they enjoy decent working conditions, and when their fundamental human and labour rights are respected. The 2008 Global Forum on Migration and Development in Manila will explore these linkages further.

Attitude of workers and employers groups

73. Both workers and employers groups are supportive of ILO's role in migration issues. There was "*good consensus*" between them at the ILC in 2004 according to staff present; both sides agreed the Multilateral framework though there are differences in the approach they would like the Office to take which continue today. Employers' representatives say they would like to see more focus on the Multilateral framework and less promotion of Conventions 97 and 143 which they see as outdated and as having a number of shortcomings. In interviews with the evaluation team, employers' representatives expressed disappointment that the Office continues to promote the Conventions, sometimes without mentioning the MLF. Workers groups stress the importance of promoting the Conventions and other labour and human rights standards through a campaign of ratification. They strongly endorse the MLF as the means of promoting and implementing sounder migration policy [ILO Governing Body, March 2008] but also

emphasise the importance of legal commitments given the non-binding nature of the MLF. They would like the Office to take more of a lead on migration issues globally and to utilise its comparative advantages to ensure that migration is handled within a rights-based framework for protecting migrant workers [ILO Governing Body, March 2008]. Although all constituents are behind the MLF, there are some differences in emphasis which can be difficult to reconcile at a working level and pull the Office in different directions. This is mainly due to the lack of an explicit strategy that addresses the issue. The role of workers and employers groups in implementing the MLF is discussed further in later sections of this report.

4.4 Coordination with other International actors in the field of migration

74. In the current environment, different agencies find themselves working on the same issue, undertaking similar activities and establishing parallel contacts with the same government bodies and regional processes. IOM, ILO, OHCHR, UNHCR and the UN Office on Drugs and Crime (UNODC), for example, all have an interest in the issues of human trafficking and migrant smuggling. Similarly, the World Bank, as well as IOM, ILO and UNDP, are all concerned with migrant remittances and their impact on development within different approaches and dealing with different aspects.

The benefits of improved coordination

75. Several distinct advantages can be gained by promoting better coordination and cooperation and coordination between the various organizations involved in the area of international migration.
76. The first is that of efficiency. In the current environment, different agencies find themselves working on the same issue, undertaking similar activities and establishing parallel contacts with the same government bodies and regional processes. While such overlaps are not necessarily negative, and may not be entirely avoidable, findings show that they often give rise to competition between the agencies concerned and that they do not represent the most efficient use of the limited resources available.
77. A second advantage of coordination is that of policy consistency. Partly in response to their specific mandates, and partly in response to their institutional cultures, different institutions, including those that are within the UN system, are prone to develop their own and sometimes quite distinct policy approaches to the same issue. It is healthy and enriching that agencies develop distinct policy approaches to the issue. However, what is required is that these approaches be complementary.
78. A third advantage to be gained from enhanced coordination is the pooling and exchange of expertise. While migration is a complex and multidimensional phenomenon, the expertise to be found within different organizations continues to be somewhat limited. A UNHCR staff member may have a great deal of competence in the area of refugee protection but may know little about migrant labour trends or rights. For instance, this is what prompts the ILO to work with UNHCR in a project for Afghan refugees, which is in its second stage at the

present. Similarly, a World Bank official may be an expert on migrant remittances but have little understanding of migration for the purpose of family reunification.

- 79.** The fact that migration touches on the work of so many different agencies has led to calls for greater cooperation in recent years. The Global Migration Group is the key body for coordination between different UN agencies and also IOM. Organizations participating in this group have outlined their interests and work in the migration field (available at website <http://www2.ohchr.org/english/bodies/cmw/GMG.htm>). The group meets four times a year and acts as a forum for the exchange of information, coordination, avoiding duplication, and promoting cooperation in specific actions. ILO is one of the more active and most punctual members of the GMG in delivering contributions to the activities of the Group. Additionally the organization is very active in discussions in the GMG meetings, at the working and principal levels. ILO also participates in coordinating bodies at regional level. In Asia Pacific, ILO has a strong reputation as an active player in regional fora such as the UN Regional Thematic Working Group chaired by UNESCAP and IOM, UNIAP led initiatives related to the COMMIT process as well as NGO led working groups
- 80.** There are some good examples of cooperation with other agencies spearheaded by particular projects and units. ILO's contributions to the UN Population Division annual coordination meeting on international migration are said to be very proficient. There is a very good understanding of the complementarity between the ILO and UN rights frameworks for migrant workers and excellent cooperation with OHCHR. Outside the UN system, relations between the ILO and Council of Europe are strong and sustained by regular ILO participation in COE meetings and by a sense of common values and approaches. In Asia-Pacific, UNIAP in Bangkok recognises the ILO/IPEC TICW project as a solid, supportive and consistent partner. The ILO also works with UNHCR, OSCE, OECD and UNIFEM. It has worked in the past with the African Union and the League of Arab States. It has also contributed to the OAS meetings (see [Annex 6](#)).
- 81.** While positive examples of cooperation exist, there is a perception among other organizations and across regions that ILO tends to work in an insular way. This is not an issue only for ILO and a common tendency in international organizations. Donors, aware of these tendencies, have sometimes made funding conditional on cooperation between organizations e.g. DFID made coordination a requirement of funding given to ILO and SCF-UK for similar programmes on trafficking in SE Asia. Due to lack of resources and capacity, the MIGRANT Unit has not been pro-active in seeking collaboration in some areas. ILO has tried to cooperate with other agencies – UNHCR, IPU and IOM. MIGRANT spent quite some time in commenting/revising drafts and participating in related meetings in relation to the International Migration and Development Initiative and the Migration-Development Research Network.
- 82.** The division of labour between ILO and other organizations is often not clear-cut. Various agencies are encroaching on areas which might traditionally be seen as the preserve of ILO e.g. UNIFEM/Jordan technical support on employment contracts, IOM on labour standards and guidance to employers groups (in Asia),

World Bank on all fields of economic and social policies including social security policy or labour inspections etc. Recent moves by UNHCR to broaden its reach into migration issues may also lead to some overlaps.

- 83.** There are no monopolies in migration, no one organization able to lead the field on all aspects and the scale of the problem large enough to require inputs from all. Nonetheless, ILO applies in labour migration its normative mandate and expertise in labour market analysis, employment policy, enterprise creation, social security, conditions of work, labour law, etc. Other international organizations such as the IOM, UNESCAP, UNIFEM and the World Bank readily recognise ILO's leadership to advocate on labour standards, and its access to labour ministries, and convening power with unions and employers organizations which they themselves are unable to do (each organization having other natural counterparts in government e.g. IOM with interior ministries, UNESCAP with foreign ministries etc). While many organizations are trying to find ways to work on this issue, ILO with its ready mandate is well positioned to lead on the issue of labour migration as a protection and a labour market issue.
- 84.** The ILO needs to expand efforts to improve the quality and coverage of data so as to strengthen the policy relevance in analytical work. As part of its research program the ILO is piloting different instruments for collection of information on migrants and their behaviour. These include migration modules in household surveys, such as those in Armenia, Egypt, Ecuador and Thailand. The ILO should establish collaborative agreements with the various development partners to tap on existing databases and establish synergies and complementarities. This would allow for more timely and efficient means of data collection. Parallel efforts, though, should be also encouraged to provide skills and instruments for government officials to utilize the emerging information.
- 85.** Within the context of analysis of ILO's collaborations with other international partners, a special focus was given to IOM because apparent overlapping roles and activities. Nevertheless, there are also positive examples of cooperation and considerable scope for complimentary initiatives if modalities for cooperation are better set out.
- 86.** Labour migration has been traditionally seen as ILO's mandate with IOM increasingly moving into this area in the late 1990s with the growing importance of migration as an issue. Tensions are evident at practical level in certain projects/initiatives and countries; in Asia Pacific, for example, difficulties particularly came to a fore recently over interagency collaboration on the Spanish MDG Fund for youth employment and migration. Partnership at a practical level is not always easy mainly due to lack of clarity of parameters between the two organizations.
- 87.** Despite organizational differences, a pragmatic approach which builds on the natural complementarity between the two organizations seems the best way forward: ILO has specialised experience on policy and legislation relating to labour migration, issues of employment and labour markets, social protection, social dialogue, etc. However its resources, operational capacity and outreach are limited. IOM conversely has large funds, programmes, resources and different contacts with government. Nonetheless there are possibilities to be seized as far

as possible, as one ILO staff put it, “we should see them as a group to influence”. Better cooperation would also help bring about synergies and avoid duplication e.g. IOM/Thailand is funding the Thailand Development Research Institute to develop information materials for employers.

5. FOCUS AND COHERENCE OF THE ILO STRATEGY

This section looks at the overall coherence that the ILO strategy on migrant workers should emphasize. It also considers how coordination occurs internally and with key constituents, and how activities on migrant workers are integrated with overarching planning frameworks and other organisational priorities.

Defining the ILO Strategy

88. The strategic framework under which the Office operates on migration issues comprises of various documents. The Constitution gives the Office the authority to focus on the *‘protection of the interests of workers when employed in countries other than their own’*. The 2004 ILC conclusions and the subsequent Plan of Action for Migrant Workers and Multilateral Framework on Labour migration provide a more recent overarching strategic framework. The framework gives a general direction for the Office which states that a fair deal for all migrant workers requires a rights-based approach in accordance with existing international labour standards and ILO principles which recognize labour market needs. [ILC 2004 Plan of Action, paragraph 20]. Below this high level strategy, the Biennium Programme and Budget planning document enables specific sectors and units to define their operational strategy further through outcomes, indicators and targets. The strategy for the MIGRANT unit is thus framed under P&B planning by Outcome 3b.2 of the ILO’s operational strategy in P&B 2006/07: *Tripartite Action on labour migration: Constituents increase their participation in the formulation and implementation of effective rights-based and gender-sensitive policies and practices for the management of labour migration in line with the conclusions of the 2004 International Labour Conference*.
89. Despite the existence of these various documents, the strategic framework is incomplete. The Plan of Action and MLF are very broad and apply to all ILO constituents. The P&B Outcome 3b above applies to MIGRANT and other units, as well as country and regional offices. The evaluation team has carried out an analysis of how this outcome is applied by MIGRANT but is unclear whether other parts of the Office with migration projects systematically use this outcome to link themselves to the overarching strategic framework. Regarding other indicators from other sectors, they are very difficult to precise due to the crosscutting nature of migration and how it can be linked in an indirect way. In any event, the wording of Outcome 3b is limited and does not amount to a comprehensive internal strategy which outlines what the Office vision is, how it is going to handle this issue, what its focus will be, its status as a crosscutting issue, how responsibilities will be apportioned between different units, how they will relate to one another and so forth. There is a gap in the documentation for such an Office-wide internal strategy paper. Workers representatives at the ILO Governing Body have commented *“what seems to be missing...is a sense that [migration] activities that are being coordinated are being part of a plan of action linked to the framework [MLF] with a clear vision of the policy that would project the ILO in the driving seat of the international policies on migration”*. [ILO Governing Body, March 2008].

5.1 Focus of the ILO's strategy

90. After an overlook of the ILO's mandate on the protection of migrant workers, its comparative advantages, as well as defining its framework; it is important to analyze the focus of the Office's internal strategy.
91. A related issue is how the Office can find a focus within this template. The Multilateral Framework establishes a set of principles and guidelines for the formulation of labour migration policy. It is very broad and allows the Office to engage in a variety of activities related to labour migration. It is by necessity broad as it is employed by ILO constituents as well as the Office and is conceived as a national policy guide with information on good practices (though staff concede that the good practices contained therein are not validated as such but are more a collection of experiences). The breadth of scope is also inherent in the topic itself as migration touches on so many different aspects of policy. Finding a focus within this broad framework appears difficult for the Office. Individual country programmes, regional programmes, sectors and units at head office are left to their own devices to select a focus from this broad canvass creating an overall impression that the Office is moving in many different directions depending on perception of needs, opportunities available and the subjective interests of those involved. Outsiders also observe that the Office lacks focus and needs to make better strategic use of its limited resources.
92. ILO Interviewees gave differing views as to what ILO should focus on citing a range of aspects including protection, standards, labour migration governance, labour market analysis, employment creation, training, health and safety, mobility, equal pay etc. There were strongly held views for example on whether the organization should 'only' work on standards vs. labour migration management, or 'only' protection vs. development etc. The title of the evaluation itself was criticised for being too narrow.
93. The reasons for these distinctions are unclear and seem more a consequence of Office structures rather than strategy since core policy documents give scope for a wide variety of activities. There is a need for the Office to impose a more disciplined focus which takes into account its constitution, core objective and comparative advantages: these imply its work on protection and rights-based approaches, 'Decent work', tripartite structures, issues of employment, labour market analysis, social security, conditions of work applied to labour migration, etc. An analysis of P&B documents applying to MIGRANT (see [Annex 7](#)) show that this unit always links its strategy and work plans to the core mandate of protecting migrant workers. However, in practice, it is drawn into supporting all kinds of work being carried out by other parts of the Office, some of whom may not always make these links explicit. Some programmes do make these linkages: ILO's added value to the joint programme with IOM/WHO on international health worker migration in terms of emphasis on labour rights, tripartite dialogue, and country ownership is clear.
94. Aside from being more focused, the work of the Office could also be more targeted. There is a further need for the ILO to steer some kind of common direction across headquarters and field operations in order to make for more effective and targeted impacts on certain aspects of migration policies. Country

offices realise the need to be realistic e.g. the Indonesia country programme has concentrated its efforts on domestic workers (both at home and abroad) recognising that even influencing this ‘small’ area would be an accomplishment in itself. Cross-organizational unity is missing and appears not to be facilitated by the P&B process which breaks the work of the Office into sectors. The Office as a whole could have a greater international impact by, for instance, targeting certain themes at particular times (such as migration and domestic workers with the upcoming ILC discussion in 2010), or to certain regions or countries (some sectors are apparently taking this approach), or particular chapters of the MLF.

5.2 Coherence of the ILO’s strategy

95. Confusion prevails over definitions. The Office variously uses ‘labour migration’ and ‘international migration’; it is not clear what these terms mean and what types of migratory movements these include. For example, do they encompass trafficking or internal migration? There is a need for a broad umbrella term which can house these disparate but related phenomena.
96. Trafficking is obviously a form of migratory movement but there appears considerable conceptual confusion when trying to reconcile ‘labour migration’ and ‘trafficking’ with even senior ILO staff appearing to go round in circles. This unease follows through to programme documents, for instance one regional report from Asia Pacific referred to migration and human trafficking instead of ‘including’. This problem is not ILO’s alone. Despite definitions of trafficking agreed in the Palermo Protocol, it remains a cloudy concept, difficult to pin down in practical experience. Some ILO programmes such as ILO/IPEC TICW have been at the forefront of trying to move international thinking towards a paradigm that sees trafficking within the context of labour markets, migration and the search for work arguing that such an approach makes good logical and programmatic sense.
97. The fit of internal migration with either category, ‘labour migration’ or ‘international migration’, is particularly awkward to reconcile. As international migration raises special issues over state sovereignty and responsibilities to persons who are not their citizens, ILO’s definition of labour migration refers to international and cross-border movements. However, this does not mean that ILO should not work on internal migrants. Field offices are in fact working on these issues, sometimes categorising them as different programmes e.g. poverty alleviation in India. In China, ILO’s migration materials have been useful for addressing internal migration movements where registration and legitimacy of identity and work rights arise in movements within the country.
98. Overarching policy documents do not give definitions. The Multilateral framework on labour migration does not define ‘labour migration’, but it refers to trafficking. The Fair Deal document [ILO, 2004] refers to smuggling, trafficking and also internal migration, and by implication includes all these movements under its remit. Sectoral documents are inconsistent e.g. key IPEC documents say they focus on labour exploitation but do not refer to the Multilateral framework on labour migration.

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99. The roots of this confusion are not wholly conceptual and also lie partly in ILO management structures which assign responsibility for these issues to different units: trafficking to SAP-FL (for trafficking in relation to forced labour) and IPEC (for child trafficking), and labour migration to MIGRANT. The use of an umbrella term need not affect these management structures (these units are in different sectors anyway). However, the adoption of a broad conceptual umbrella to encompass the migration-related work that ILO is engaged in can greatly assist internal coordination and also present a more coordinated face to the outside world and demonstrate a more formidable contribution to the migration agenda. What this term should be requires further consideration. 'Migration' is a good catch-all for internal purposes but is not precise enough to capture ILO's mandate for the outside world. The term 'International migration' further excludes internal movements. 'Labour migration' captures ILO's niche more precisely for external observers but may not encompass all the issues of concern to ILO in precise legal terms e.g. trafficking for sexual exploitation.

5.2.1 Links with workers and employers groups

100. Employers groups generally feel that the Office is not engaging with them adequately on this issue. They report feeling little involved or consulted and that the Office is not supporting them in the way they would like, for example, too much focus on promoting conventions rather than practical support on issues such as skills recognition or sharing best practice between countries. There are some examples of concrete interventions to work with employers e.g. ILO is funding IOE to develop a manual for employers on migrant workers with the business perspective, or ILO/IPEC TICW's work with hotel owners in Cambodia, but generally these initiatives are few and far between. There is also sometimes a lack of initiative on the side of employers on this issue. Employers groups in one country admitted that migrant workers were not in their top ten priorities and that they were waiting for ILO to come with concrete proposals
101. In terms of workers organizations, Office engagement on this issue is comparatively stronger but needs further attention. In Thailand, the regional office held a regional event which is considered a milestone. It has also influenced major unions to admit migrant workers; and helped migrant workers unions to increase their capacity and political acceptance. Despite some positive initiatives, there is an overall impression held both internally and externally that ILO could do more social dialogue on migration, more capacity building and also in some places make itself more accessible to workers representatives.
102. Workers organizations have taken a number of steps in recent years to address this issue. The 2004 ILC was reported to have a very important impact on the trade union movement in terms of making migration a key priority. The leadership of international and key national unions is on board but membership may continue to see migrant workers as a threat and need more convincing. Although ILO asserted that workers organizations are supportive and willing to speak up for migrant workers (e.g. Thailand), its own research published in the 'The Mekong Challenge – underpaid, overworked and overlooked: the realities

of young migrant workers in Thailand', suggests otherwise finding that workers associations were not responsive to migrant workers. Generally union membership for migrant workers is not a barrier and international unions have taken steps to allow membership e.g. Global Union Federation issued workers passports to allow membership of affiliates in other countries. The real threat to migrant protection is more the low levels of unionisation in some countries e.g. only 3% of Thai workers belong to unions and the unions that exist need strengthening. ACTRAV is funding a trade union manual on migrant workers and is receiving technical advice and financial support from XB resources from MIGRANT on this.

- 103.** Some workers and employers organizations expressed concerns that ILO is working with NGOs at the expense of its constituents. Staff recognise the need for balance and are aware that unions often need more support. However, other staff feel that ILO should broaden its concept of partners in places where formal tripartite constituents are unwilling to engage with the issue but find that ILO's structure inhibits the same level of cooperation and access to budgets/resources for others such as informal migrant worker unions, other ministries, NGOs, civil society. Moreover, not all workers and employers organizations in a country are ILO tripartite partners, which mean that some key national actors may be missing from the dialogue. However, it is necessary to point out that the MLF, negotiated by representatives of employers and workers, provides for the engagement of migrants' associations. MIGRANT works with a number of such associations.
- 104.** Overall, the work of the Office with these two groups needs strengthening. It is notable that the P&B strategy refers to tripartite action on labour migration and that all constituents should increase their participation in this area. The ILC resolution called for a tripartite forum each biennium which would be a good way of keeping all constituents on track if it were followed.

5.2.2 Links with wider strategic frameworks

- 105.** Labour migration is not well reflected in DWCPs according to analysis seen by the evaluation team. A review of country, sub regional, regional and global outcomes linked to migration shows that 13 countries have identified migration within outcomes for their DWCP. Outcomes broadly break down into three types: increased capacity of government and social partners, improved coverage of social protection and rights for workers including migrants, and use of tools at a global level.

Table 2: Identification of outcomes at Different levels Joint Programming Process 2008-09

	Regional only	Sub Regional	Country	Total
Africa	1	1	0	2
Arab States	0	1	2	3
Asia and Pacific	1	1	2	4
European	0	1	9	10
Americas	0	3	0	3
Global				4
Totals	2	7	13	26

Source: calculated from data provided by PROGRAM.³¹

- 106.** Therefore migration is identified in 26 outcomes out of the approximately 1200 within the planning system, or about 2%. This indicates that migration issues are finding it difficult to become part of the DWCP process. Of the 22 regional, sub regional and country outcomes, seventeen (or about three quarters) relate to the improvement of capacity of government and social partners.
- 107.** In any event, there appears greater prioritisation in programming at regional level, perhaps because it is seen as a cross-border issue. If migration is not mentioned in the DWCP, this does not necessarily mean that programmes have not considered it e.g. Philippines decided not to focus on migration as the government already had sufficient expertise in this area itself. There are also some differences in the way DWCPs are handled by country offices which may affect their capacity to refer to migration; in the Philippines, the DWCP is seen as an internal Office document but in other countries it is fused more closely with national plans which may limit the Office's freedom to select topics.
- 108.** Concerns were expressed that ILO's Budget and Programme framework limits opportunities for inclusion of migration as country programmes need to choose 2-3 priorities and migration is not seen as a large enough issue to warrant inclusion as a key outcome.³² There are concerns that if an issue is not integrated as an outcome it will lose status and funding. The framework is seen to favour large sectors like employment and social dialogue instead of smaller sectors. PROGRAM says that these fears are unfounded; outcomes have to be limited in number but other crosscutting issues (including gender), are to be integrated into

³¹ Analysis elaborated by PROGRAM of the joint programming process for 2008-2009 including: 1) Identification of Country, sub-regional and regional outcomes linked to Migration; and 2) Identification of Indicators under Country, sub-regional and regional outcomes linked to Migration (Identification of when Migration is part of the implementation strategy even if the mechanical reference to migration immediate outcome 330000 - Labour migration is managed to foster protection and decent employment of migrant workers is not referred to at the country outcome level).

³². However, it should be emphasized that labour migration should be included in DWCPs either as a priority or country outcomes if it is identified as a priority by national constituents.

other parts of the DWCP such as strategy, indicators, context. There is a need for further attention on how labour migration is included in DWCPs in terms of ensuring that country staff are sensitised on its inclusion and that head office reviews and feedbacks on this methodically and comprehensively. ILO country teams also coordinate with the UNDAF in setting priorities.

- 109.** However, MIGRANT's note to DFID dated February 2008 gives a more positive impression about the issue, being equally validated. The information supplied to DFID was based on a transparent review of completed and draft DWCP documents found on the ILO DWCP intranet project site. Consequently the unit concluded that the centrality of labour migration to decent work and DWCPs is indicated by numerous references to migration issues in existing DWCPs. Of the 49 DWCPs formally adopted or in draft form, labour migration is mentioned in 31, and it is a priority area of activity in 15 DWCPs.
- 110.** It is important to note that there can be different versions of the DWCPs – in preparatory stage, approved and final as explained in a recent review by the Office.³³ MIGRANT has undertaken a similar analysis on 29 August 2008 on the basis of the 32 DWCP documents posted on the ILO public website, which probably represent final documents. Out of the 32 documents, 21 have at least one reference to migration while 14 have substantive references including one or more migration-related outcomes.³⁴
- <http://www.ilo.org/public/english/bureau/program/dwcp/countries/index.htm>

5.2.3 Evaluability Assessment of Labour Migration Plans of Action

- 111.** A Framework for a Global ILO Plan of Action (PoA) on Migrant Workers was adopted by consensus at the 92nd Session of the International Labour Conference in 2004, reflecting the desire of the ILO and its constituents to maximise the benefits of efforts made to protect the rights of migrant workers. This Framework outlined seven specific elements that should form the basis for a PoA, along with suggested areas of work³⁵.

³³ Status of Decent Work Country Programme Development by Region, (as of 31 May 2008)
<http://www.ilo.org/intranet/english/bureau/program/dwcp/download/dwcpstatusbyallregions310508.pdf>

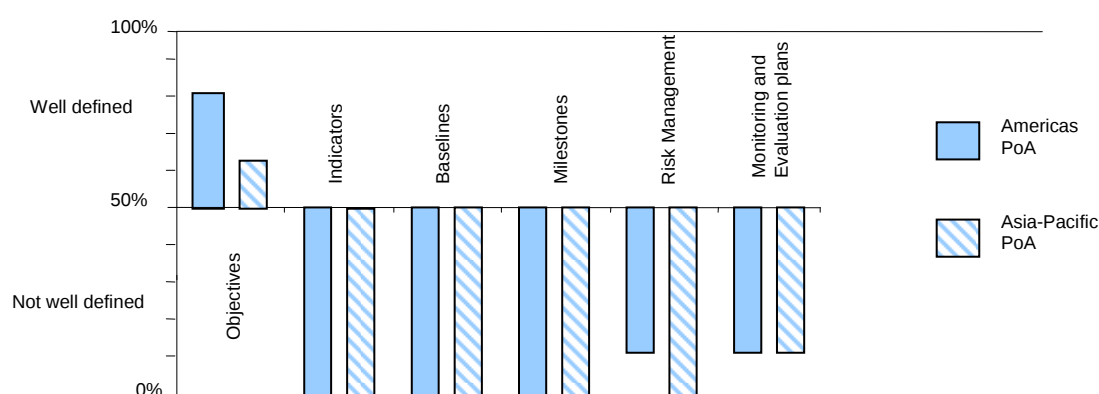
³⁴ The countries are: Albania, Armenia, The Bahamas, Bangladesh, China, Indonesia, Jordan, Moldova, Nepal, Pakistan, Romania, Sri Lanka, Syria, Tajikistan.

³⁵ ILC 92nd Session, 1-17 June 2004. Provisional Record No.22 at
<http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/pr-22.pdf>

Strategy Assessment

112. Since the endorsement of the Framework, a number of initiatives have been taken at the Regional level towards establishing individual regional PoAs that foster a more coordinated approach to ILO migration activities³⁶.
113. The evaluation team carried out an evaluability assessment on these regional PoAs to determine the extent to which they are defined as such that they enable the realisation of established long-term goals, as embodied in the 2004 ILC Framework³⁷. Evaluability assessments are a key mechanism in furthering the ILO's commitment to RBM, and are designed to ensure that organizational processes, resources, products and services are focused on progress towards measurable outcomes. The results of the assessment are presented in figure 5.

Figure 7: Summary score from evaluability assessment tool



Key Evaluability Findings and Conclusions

Consistency

114. Regional PoAs are formulating their own priorities within the broad guidelines of the PoA Framework. In some cases these priorities are aligned with the Framework elements, but in other cases they are not. This lack of strategic direction gives rise to risks of dissonance, where different regional PoAs could be pursuing mutually inconsistent goals. It also means that progress towards implementation of the seven global Framework elements is likely to be highly

³⁶ Regional Plans of Action reviewed: “Agenda of the ILO’s work in the Americas on migrant workers from 2006-2015”; “Draft Regional Strategy for ILO’s work on Labour Migration in Asia Pacific”.

³⁷ The evaluability assessment methodology consisted of a desk-review that rated regional PoAs using an evaluability assessment tool developed by EVAL.

uneven. However it should be noted that it is only natural that regional PoAs be different in different regions. The reality of labour migration, its organization and the characteristics of migrant workers are not the same in all regions. Therefore, the focus of strategies and their priorities will naturally differ.

115. The regional plans reviewed offer an adaptive response to the external environment and critical changes occurring within it. However, the sustainability of the PoAs could be undermined due to a lack of risk analysis and appropriate mitigation strategies. The PoAs also contain no provisions for progress monitoring. Nevertheless it should be pointed out that within the assessment of labour migration PoAs at the regional level, both examples (Americas and Asia Pacific) have not been consolidated yet as Regional PoAs as such. Hence it explains why the draft strategies do not fulfill the criteria for evaluability.³⁸

³⁹***Advantage***

116. The ILO holds a clear comparative advantage in labour issues and its mandate to work on the protection of migrant workers' rights as a normative organization. In the absence of an overarching strategy to provide for the creation or maintenance of these advantages in the field of migration, regional PoAs share no coherent approach on how to best maximise the benefits of ILO's approach. The PoAs reviewed, for example, include the ratification of relevant migration Conventions under their priority areas of work, but did not propose any concrete actions towards achieving this goal.

Feasibility

117. None of the PoAs reviewed contained targets or benchmarks, or even indicators and baselines. The evaluability assessment was therefore unable to determine the feasibility of the proposed activities, and could not offer a judgement as to whether they would overtax available resources or create unsolvable problems.

³⁸ In the case of the Asia-Pacific region, an early effort of the Regional Office to come up with a PoA on labour migration was made in 2006. The draft document was presented at the 14th Asian Regional Meeting. Due to the lack of political support from the constituents, the draft Plan of Action was never finalized. It is good to revisit this Plan of Action taking into account the upcoming deliberations of the GB on the findings and recommendations of the evaluation of the ILO's strategy.

³⁹ In the case of the Asia-Pacific region, an early effort of the Regional Office to come up with a PoA on labour migration was made in 2006. The draft document was presented at the 14th Asian Regional Meeting. Due to the lack of political support from the constituents, the draft Plan of Action was never finalized. It is good to revisit this Plan of Action taking into account the upcoming deliberations of the GB on the findings and recommendations of the evaluation of the ILO's strategy.

5.2.4 Integration of gender and migration issues

118. Integration between labour migration and gender issues appears to be done well. The MIGRANT unit is said to have done excellent work, “*gone above and beyond regular work*” at integrating gender issues into its initiatives and in contributing to the work of the gender bureau through newsletters, by disseminating information and through the provision of support to gender specialists around the world. A 2005 evaluation of gender equality in all technical cooperation projects showed many good examples of integration of gender and migration. There are numerous joint initiatives such as the upcoming gender, migration and development conference in the Philippines. It is not known if the unit has carried out a gender audit. One issue highlighted in interviews was the need to look at gender from the perspective of masculinity and male migrants also.

6. EVIDENCE OF RESULTS

119. A strategic evaluation of this type is not able to verify results across the full range of ILO's programmes on migrant workers given time and resource constraints and even more so given the fact that the ILO itself is not aware of the full extent of its work. The evaluation notes a few sample results which were verified first-hand through field research or outcomes which are validated by independent evaluation reports but otherwise concentrates on making general comments on the measurement of results. The terminology 'results' (as indicated in the evaluation TOR) is used to mean outcome, impacts and tangible change, for instance, in terms of changes to government legislation and practice (since they are ultimately responsible for implementing labour standards), the difference made to the lives of migrant workers, or other external change that has come about through ILO's work such as changing attitudes or awareness.
120. By way of example, an analysis of MIGRANT's P&B documentation refers to various results (see [Annex 7](#)) and staff responses to the evaluation questionnaire further emphasised these aspects. A summary of the types of results achieved by ILO's work on migration is as follows:
- ratification by some 15 countries of ILO and/or International Conventions on migrant workers;
 - establishment of national social dialogue mechanisms on labour migration in at least 15 countries;
 - set up or strengthening of specialized departments or focal points in labour ministries in some 20 countries;
 - strengthened legislation, measures, policies, and/or social partner agreements on anti-discrimination in at least ten countries;
 - improvement of labour migration statistical data in a number of countries.
121. According to the Office's own self-assessments it has achieved results and the P&B analysis (5) shows that targets on influencing government policy are consistently exceeded each year. This evidence of outcomes is not so well supported by external evaluations. There are relatively few external evaluations available in the first place (the evaluation database of EVAL revealed seven project-level evaluations from across the Office) and those that exist do not often cover outcomes. They tend to define these criteria in different ways, sometimes describing what are in fact 'activities' as 'outcomes'. Some say that measurement of impact is too premature. The labour migration programme in Euromed, West and East Africa evaluated in July 2006 largely assesses outputs but is one of the few reports able to confirm some outcomes such as the ILO programme facilitating the adoption of new migration policies in Uganda and the ratification of UN Convention 1990 by Algeria. The projects may not always be able to show outcomes as they tend to be of limited duration and focus on institutional and capacity building activities which do not necessarily translate into concrete activities that improve the living conditions of migrant workers. Where results are visible, it is not possible to say whether these were made in a cost-effective manner. Nonetheless, all the evaluation reports point out the relevance of the executed projects, as well as clear objective setting.

Additionally, the projects are said to have successfully identified and engaged relevant stakeholders, and some have made an important contribution to public awareness.

122. Concerns have been expressed that ILO's migration work is unable to show outcomes. A DFID evaluation of its extra-budgetary funding in 2006-07 recommended a reconsideration of funding for MIGRANT on the basis that there was too much focus on process and insufficient attention to impact/value addition, and that the programme needed to do considerably more to make a case for their achievements. [DFID, 2007] Despite these comments, the 2008 January meeting and the DFID Migration team reaffirmed the continuation of support to the ILO migration policy programme. Moreover in a follow-up note to DFID dated February 2008, the ILO provided a number of concrete country outcomes under the four headings of international standards, capacity building, improved policy frameworks, and equality testing, training and advisory services.
123. As 'outcomes' are clearly included in the P&B documentation (see [Annex 7](#)), the Office appears to be achieving results of this kind as its programme implementations refers to changes in policy and legislation in countries arising from its activities. However, the critiques from ILO constituents mentioned above suggests that they are looking for more evidence of outcomes at the level of institutional and policy change, as well as deeper impacts such as changes to the lives of migrant workers. The references made in P&B and summarised above to changing government policy and practice do not show how ILO achieved these outcomes, what role it played, nor is there any discussion of causality and attribution. However it should be noted the existence of difficulties in achieving immediate impact in a controversial and sensitive issue such as international labour migration policy. There is no linear relation between an activity and a policy impact, and it needs more time to influence migration policy through advisory services, advocacy, information and technical cooperation.
124. The external evaluator's short visit to the regional programme in Asia Pacific showed that outcomes can be found but that they need better tracking. Information from external stakeholders showed that ILO has contributed to changing government attitudes and the adoption of practical guidelines in Thailand through its advocacy work; and its support to civil society groups like LPN has led to grassroots results (such as increased access to schooling by migrant children). Preliminary assessments of the regional ILO/EU/UNIFEM labour migration management programme by a donor are also positive. The ILO IPEC TICW programme, the only regional programme in existence long enough to show impacts, is now nearing the end of its 8 year lifespan. It is seen as a "*flagship prevention programme*" by other international organizations and is able to demonstrate various sustainable outcomes. For example, it has contributed to the growing understanding of the Chinese government of its internal migration problem and women's homes set up by IPEC are being continued; in Thailand, local governments have taken over district operating centres/watchdog mechanisms initially funded by IPEC; and in Cambodia, the pioneering Child Safe Tourism programme continues and is resulting in concrete

behavioural change among vulnerable beneficiaries leading to enhanced protection.

- 125.** Other outcomes validated by the evaluation team include the influence of ILO policies on EC policy-making (MLF is said to be an important source of inspiration). Though not outcomes as such, but rather quality outputs, external actors commended the Office on some of its activities such as the Guide to private employment agencies, the handbook on labour migration produced in conjunction with IOM and OSCE (which is widely distributed by the Council of Europe), and the ILO/Turin/EU trainings are also well appreciated by both employers and workers groups.
- 126.** The type of advocacy and policy development work that ILO focuses on takes time and it may be many years before results are visible. It is also difficult to ascertain attribution with numerous other causal factors at work and many other organizations in the same arena. However, the lack of internal self-evaluation and critical assessment of both impact and process is a weakness. Given that ILO's migration budget for technical cooperation has risen, for instance in MIGRANT the total allocations in 2004 were US\$ 974,000 ,while in 2008 the total TC allocations (in terms of projects still underway) are US\$ 11,780,246; better evidence of results should naturally flow with increased resources and it is even more important to demonstrate to show accountability for funds on this scale.

7. ORGANISATIONAL EFFECTIVENESS

127. This section reviews the Office management of the issue, what its management approach has been, and whether it has deployed the human and financial resources needed to put this plan on migration into action.

7.1 Internal coordination

128. The MIGRANT unit has historically moved around the Office, it was originally situated in the Employment Department, and was also part of the Conditions of Work programme for a limited period. Several other parts of the ILO also concentrate on aspects of migration, such as the International Programme on the Elimination of Child labour (IPEC) and the Special Action Programme on Forced Labour (SAP-FL) located in the Declaration Department with both carrying out work on human trafficking. Furthermore other sectors and units at head office and also regional and country programmes have projects on migration-related issues. The project list in [Annex 8](#) gives details of migration-related projects implemented by different parts of the Office.
129. ILO's work on migration is planned through the Biennium Programme and Budget, a planning document that links outcomes to Strategic Priorities of the Decent Work Agenda. It identifies outcomes, indicators, and targets by Sector. [Annex 7](#) gives an example of outcome 3b (see section 1.3) is implemented by the MIGRANT unit of the Social Protection sector.
130. There is no centralised management and coordination of ILO activity on migration. There are various units at head office (MIGRANT, SAP-FL, IPEC and others) engaged in migration-related projects as well as numerous field offices. At head office, the different units working on migration projects collaborate in certain initiatives, although the effort should be reinforced. MIGRANT supports work of other sectors related to labour migration. It supported SKILLS in producing its report to the ILC in 2008, it worked with the employment sector, at the level of the sector, on the Spanish Fund for youth employment and migration; it supported STAT in the testing of the labour migration module; it continuously supports ACTRAV, it work with IPEC, etc. There have also been other collaboration efforts; for instance a small steering group of IPEC/MIG/SAP-FL was set up to plan the Turin training programme. However, there is a need to have an explicit strategy that maximizes these efforts, framing each Unit's activities in a cooperative manner.
131. There is coordination and collaboration within the Social Protection Sector where MIGRANT sits, although it needs to be further developed. MIGRANT and SECSOC are about to start implementing, with the Africa region, a project on social security for migrant workers in Africa, funded by RBSA-Spain. In addition, they have worked together on the new security laws in Bahrain, where migrant workers are covered. MIGRANT participated in the latest Congress on OSH, organized by SAFEWORK. The questionnaire about conditions of work of migrant workers in the Gulf has been designed in consultation with TRAVAIL. Moreover, cooperation between MIGRANT and ILO-AIDS should be highlighted. MIGRANT through ILO-AIDS has provided essential conceptual

understandings and technical knowledge to develop UN wide approaches and responses to the migration- and mobility-specific challenges of addressing HIV/AIDS.

MIGRANT's work with ILO AIDS

- MIGRANT jointly prepared with ILO-AIDS a paper for UNAIDS Africa in 2005: **Migration and HIV/AIDS, Challenges for Dignity and Governance in Africa: A perspective for the UNAIDS Project AIDS in Africa: Scenarios for the Future.**
- MIGRANT together with ILO'AIDS essentially set the content framework and drafted the language of the just published **UNAIDS-ILO-IOM Policy Brief on HIV and International Labour Migration** (July 2008).
- MIGRANT is currently rewriting a much wider UN policy paper: **Mobility, migration and AIDS: a rights-based framework for UNAIDS responses** assigned to ILO (ILO-AIDS) by UNAIDS coordination.
- MIGRANT in 2001-02 contributed conceptual guidance and much of the content of sections on labour and employment to the WHO published booklet: **International Migration, Health, and Human Rights.**

132. As showed, connections are being made between issues in the sector e.g. migration and social security, but there are no systematic linkages. Each unit does its own planning with no overall annual or biannual Sector plan and as such individual advisers are left to pursue synergies as they feel appropriate. Internal coordination within the Social Protection sector is said to have improved in recent times through bi-monthly meetings which enable exchanges, use of the intranet etc. but there appears further scope for more integration and strategic planning. Some upcoming changes such as the resolution concerning strengthening the ILO's capacity (ILC 2007), and the new strategic planning framework, may oblige this type of collaboration.
133. Cordination between head office and the field need reinforcement. There was no composite picture of ILO's work on migration-related issues until the evaluation team compiled a project list (see [Annex 8](#)). PARDEV's procedural improvements may enable such lists to be drawn up more easily in the future. Also as field projects are supported by different units at head office (MIGRANT, SAP-FL, IPEC) the modalities of coordination differ and each have their own protocols for head office/field liaison. There is no clear direction from headquarters on coordinating a global approach and nor do the regions have the possibility of working this out themselves due to a lack of mechanisms for inter-regional cooperation.
134. This makes for a piecemeal organizational approach and risks duplication and waste in programme planning. Examples of duplication at head office include work on recruitment agencies by DECL, SAP-FL, INST, and SKILLS. In Asia-Pacific, there appear to be several overlapping regional projects. The regional

office had some distinctions in mind when planning these projects but the differences appear quite subtle and nuanced and are not demarcated in an obvious way e.g. by geographical scope, countries, issues, target groups or stakeholders. This situation partly arose due to factors outside the control of the Office, unpredictability of extra-budgetary funding, differing requirements and interests of donors, etc. In recent times, there have been post-facto attempts to map out and analyse differences the differences in these projects to avoid duplication and ensure synergies; a detailed matrix comparing the ILO/Japan and ILO/EU labour migration projects has been developed for example. A two-day workshop was held in early 2008 to draft an Asia-Pacific regional strategy on migration intended to foster a more coordinated approach.

135. The lack of coordination also affects ILO's external profile. ILO would have greater recognition and authority in the field of migration if it presented its work in a cohesive, unified way; the sum of the parts rather than the parts themselves can obviously create a greater impression. By not making the most of what it is doing, the Office is missing out on the dividends that can come from greater external recognition in terms of positioning, influence and funding. The perception that the organization is speaking with different voices and taking different approaches to the same issue can be bewildering to outsiders. ILO constituents have said that, *"The Office should bring together the different units involved in migration activities and should actually coordinate with the International Migration Programme of the house which has responsibility for implementing that Plan of Action"*. [ILO Governing Body, March 2008] Therefore, a consistent strategy must pay special attention to the issue of coherence.
136. The key constraint is that there is no structure designated with the responsibility of playing a coordinating role. This function could be performed by the MIGRANT unit but it is handicapped by virtue of its position; as part of the Social Protection sector, it does not have the necessary authority over other sectors/units to require their coordination. Another option for enhancing coordination is to create a taskforce at head office with the function of:
- gathering information and map out activities across the organization/regions/countries;
 - sharing information and ensuring that a common approach is disseminated across the organization e.g. through newsletters, updates;
 - promoting mainstreaming of issue;
 - other aspects such as developing a fund-raising strategy, coordination with external organizations etc.;
 - gathering best practices and learning from its practical experience and from the field.
137. In the mid 1990s there was an Interdepartmental Project on Labour Migration which had only been envisaged for the 1994-95 P&B. Clearly, the structure needs authority if it is to create obligations across the organization – a reporting function to the Economic and Social Policy Committee or the Governing Body would help, as well as resources and direct authority from the Director-General to carry out its work. The Asia-Pacific regional office has already set up an open-ended taskforce on migration, it is primarily a virtual taskforce, led by the

country director for Indonesia and intended to bring about better coordination in the region. An interesting model in due course could be a head office task force which has regional task forces feeding into it.

- 138.** There is already a taskforce on trafficking which is reported to work very well; a 2007 evaluation found this to have a positive effect on dialogue between units working on this issue. In light of the discussion above about definitions of migration, the issue of whether this task force should be subsumed under a broader task force on migration will need to be addressed and may encounter some resistance. A possible solution would be to allow the two to run in parallel: providing trafficking comes under a larger task force on migration, it seems feasible that a smaller taskforce to look at trafficking in more depth should continue providing care is taken to avoid unnecessary duplication and bureaucracy. Interestingly, the World Bank, even though it has only worked on migration issues since 2003, has a comparatively strong structure to mainstream and coordinate this issue as it has set up a Migration Steering Group at Vice President level supported by Migration working group at operational level.

7.2 Management approach

- 139.** The organization's constitution, the 2004 International Labour Conference and its call for a Plan of Action give sound authority to the Office to take this matter forward. However, the suggested activities mapped out in these documents have not been supported by adequate resources and practical support in subsequent years; there is something of a mismatch between the avowed interest of the organization in this issue and the means to achieve its main goals and objectives. Workers representatives remarked that the call of the ILC resolution to intensify and expand activities has not led to a rethink of overall strategies with the Office seeming to continue with business as usual [ILO Governing Body, March 2008]. The overall approach, despite the high commitment of individuals and shining examples of projects and programmes, could be reinforced with adequate resources and better coordination for the implementation of a strategic plan.
- 140.** For many years, the Office only had 2 or 3 staff carrying out a research function but no technical advisory work. Its research work developed a strong reputation. External observers commented that ILO's analytical work is not what it used to be; not necessarily because the quality has diminished but because there appeared to be less of it or it was not being disseminated in the same way. There were several calls for ILO to carry out more policy analysis i.e. compile statistics and labour market surveys, analyze trends in labour migration, gather best practices and lessons learnt, research specific issues such as discrimination in Europe or economic analyses, conduct internal analysis such as integration of migration in DWCP etc. These were not calls for academic research but for ILO to make the most of the resources to which it alone has access, like labour ministries, statistics, country programmes and develop sound policy analysis and arguments based on that. At the same time all TC projects include research. Research is also undertaken or supervised by Headquarters. One area where more ILO work was called for is labour migration data collection and statistical analysis. Although there are numerous agencies collecting migration statistics (UNESCAP, OECD, Eurostat, UNDESA etc.) none are focusing on this particular aspect.

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141. ILO needs to improve and strengthen its data collection and analysis of labour migration statistics. However, this is not due to lack of expertise or weakness in the organization. It is simply a question of additional resources. In this effort, STAT and MIGRANT have collaborated to include labour migration modules in labour force surveys of Egypt and Ecuador in addition to Armenia and Thailand (STAT and World Bank). It should also be considered that the primary source of labour migration data is at the national level, and many developing countries lack the capacity to generate quality data. Therefore, technical assistance needs to be provided at country level, which requires adequate resources either from the ILO or extra-budgetary sources. However, few donors are willing to support data and statistic collection exercises.
142. There appears the need for a more regular internal mechanism for overseeing and questioning what programmes are doing. In this sense, it is important to refer to the seventh key principle of the ILC's conclusions in 2004 which addresses the importance of monitoring and report mechanisms in the follow-up of the plan of action.
143. ILO is not exclusively a migration agency unlike others and statistically speaking, and with only 3% of the global workforce estimated to be migrants, these may be arguments in support of a minimalist role. However, these statistics do not reflect the enormous global significance of migration to the governments and peoples of the world or take into account the knock-on effects of migration on the larger workforce. This importance is not likely to diminish in years to come. Moreover, the ILO has a unique role to play in the protection of some of the most vulnerable, it is the only international entity able to safeguard labour standards, to debate these issues in a tripartite forum that is inclusive of all key stakeholders, workers, employers and not only States, and with the ability to provide technical support and know-how.

7.3 Role of MIGRANT

144. This is not an evaluation of the MIGRANT unit as such but there are some aspects of its position and role in implementing ILO's strategy on migrant workers which merit attention. MIGRANT is the main unit in head office charged with taking ILO's policy on migrant workers forward. As noted earlier, there are other units at head office particularly SAP-FL and IPEC who also lead programmes on migration-related issues.
145. The unit's current position in the Social Protection sector is awkward in some ways. As a crosscutting issue it is relevant to all sectors but situated within one sector it lacks the power and authority to direct the work of others. There are arguments for saying that MIGRANT should be placed above the social protection sector in a position more directly linked to the Director-General as it relates to other issues also (such as labour market issues), it is a hugely topical issue politically and of economic significance. Although migration directly concerns only an estimated 3% of the world's total population, its potential contribution to development and its direct link to globalization makes it as crosscutting as GENDER. Other suggestions made to the evaluation team range from seemi to fully decentralised organizational structures. The actual organizational placement of MIGRANT should be the product of careful

consideration an analysis by the task force. One of the issues to be considered by the task force should be that it concludes that MIGRANT should stay where it is but that there is a need for some supplementary structural arrangements, such as an internal task force, to enable the unit to coordinate and lead the organization's work on migration.

146. All units interviewed at headquarters reported receiving very good support from the MIGRANT unit and recognised the quality of information, and the collaborative response of staff despite the fact that the team is clearly very stretched. With regards to the field, MIGRANT's involvement is strong. This is the case for projects in Moscow, Dakar and Lima. However, a more elaborated strategy could emphasize in a system of coordination, report and monitor that would facilitate MIGRANT's support activities.
147. Though technically MIGRANT is supposed to backstop all migration projects, field staff say that in reality, they feel put off about approaching the unit knowing that it is overstretched and given that they sometimes have to pay for this support from their own project funds. MIGRANT reports it has responded to all requests for support from the field. Although there is an office-wide acknowledge of MIGRANT's backstopping role and technical support, the evidence found that in many instances projects are managed by field offices. Independent evaluations of migration projects also cited some deficiencies in the management, backstopping, coordination and administrative structure which made project implementation difficult e.g. for the "Promoting Equality in Diversity: Integration in Europe" project. Thus arguments against expansion based on limited MIGRANT capacity to backstop do not appear valid since projects appear to exist without it. Its level of responsibility for field projects needs to be clarified.
148. Staff of MIGRANT is regarded as highly knowledgeable, professional and hardworking. They are also seen as hard-pressed and insufficient in number to meet the needs of the Office (only 5 full time professionals globally apart from project staff). An increase in staffing is necessary. However, there is also a need for the unit to review responsibilities of current staff, and rationalize and prioritize activities so that the most efficient use is made of available manpower.

7.4 Mainstreaming

149. The roles and responsibilities of other sectors and units in the Office in taking forward this issue are not laid out anywhere. As a crosscutting issue, it depends on the support of units and departments outside MIGRANT for implementation. However, there is no clear strategy for mainstreaming; it is happening to some extent but not on a systematic basis. There are some good examples from head office of other units recognizing linkages and incorporating the issue in their work. MIGRANT has provided support or collaborated with all these units in producing their outputs; examples include:

UNIT	ACTIVITIES IN MIGRATION	MIGRANT'S CONTRIBUTION
EMP/SKILLS	Development of a guide on private employment agencies and also carrying out work on skills recognition	MIGRANT gave support to the section on recognition of skills of migrant workers in the report to the ILC in 2008.
SECTOR	Work in the health worker programme carried out in conjunction with WHO and IOM; aimed at addressing issues of brain drain.	MIGRANT works closely with SECTOR and its director is member of the advisory council of the Global Health Workers Alliance.
DIALOGUE	Works in a variety of initiatives which are migration related e.g. assistance to member states to revise national labour legislation, development of a publication on the role of labour administration in migration policies in Arab states, and the Better Work programme, a labour standards monitoring scheme involving various major corporations and including migrant workers.	MIGRANT works with DIALOGUE on labour legislation related to migrant workers. It also resorts to its advice in setting up institutions of labour migration in Labour Ministries.
SOCSEC	Works in migration and social security issues.	SOCSEC have worked with MIGRANT on several occasions e.g. health services for migrants in Qatar and their families in Bangladesh, as well as an upcoming project on social security for migrant workers in Africa. MIGRANT has also worked with in Bahrain
STAT	STAT has taken over the hosting of the ILM database.	Collecting information for the database remains the responsibility of MIGRANT. Both units have also worked together on the module of labour migration in Armenia, Ecuador, Egypt and Thailand.

150. At country level offices, like Indonesia, report having mainstreamed migration with domestic issues e.g. through a project on domestic workers at home and abroad, and also integration into skills development, vocational training, certification and skills recognition, return and livelihoods programmes.

151. Although there are some good examples of mainstreaming, it has not occurred to the optimum extent due to the lack of an explicit Office strategy which favours this type of activities. Mainstreaming occurs through self-identification by individuals and units across the organization rather than through a centralised drive to identify opportunities to link migration with other issues. This type of organic growth is positive in one sense but also means that mainstreaming occurs in an ad hoc way and that opportunities are being missed. In Asia Pacific, the

regional office hopes that the development of a regional strategy will help mainstreaming.

152. Further mainstreaming requires political commitment, an allocation of resources and a written designation of responsibilities to all sectors and units for this issue. It is also worth bearing in mind that unlike gender, migration is not an issue for all country programmes, which creates the challenge of ensuring staff understand the issue enough to make choices about mainstreaming where necessary.

7.5 Resources

153. There is a strongly expressed view that insufficient resources are given to this issue in comparison to the scale of the question and its mandate. The mismatch between the commitments made by the organization in the ILC's 2004 resolution and the resources devoted to it is stark. The MIGRANT unit particularly suffers from inadequate resources and other supporting divisions too such as the Statistics department take on additional work without supplementary resources. Outsiders also hold this view commenting that a drawback for ILO is that it does not have enough staff or a strong enough structure to deal with the migration issue.
154. There are concerns that not enough regular budget is dedicated to the subject. Aside from having limited staff, the MIGRANT travel budget is also extremely limited e.g. \$10,000/biennium for 5 people. The budget for external collaborators is also \$10,000. Regular budget has been at zero growth for years which affects all aspects of ILO's work and in essence means that units that were small to begin with remain small. It would be interesting but probably too complicated to compare the allocation of regular budget as compared to the scale of the problem. Whatever the proportionality, the amount of budget does not match the political significance of the issue or its importance for the future. Some staff believe that regular budget is not apportioned according to need but for political reasons. The cross-border nature of the issue also has some implications as resource mobilisation tends to be country specific. There are now regular budget supplementary accounts where donors commit funds without specifying countries which MIGRANT is able to access e.g. Spanish funds for West Africa and social security is funded by these means.
155. Labour migration work is consequently reliant on extra-budgetary resources and has been successful in securing these funds in recent years. Since 2000, donors have been increasingly willing to fund such projects. MIGRANT's technical cooperation budget was \$974,000 in 2004 and jumped to \$11,780,246 million by 2008 and covered more than 30 countries.⁴⁰ Reliance on extra budgetary

⁴⁰ According to CODEV, in the total TC allocations in 2008 (11, 780,246) are not included the first DFID installment of US\$ 1,121,905 as this has already been spent. However, within a comprehensive figure for the projects, the total allocations for 2008 are: US\$ 12,902,151 (i.e. approximately US\$ 13 million). This figure is divided between the different TC projects in the following way: EC/Moscow (2,474,688); EC/Bangkok (2,314,027); JAP/Bangkok (501,114); EC/Gulf States 291,475; EC/Bishkek (1,398,925); SPA/Lima (2,682,329); SPA/Dakar (587,515).

resources is often viewed negatively as it means unpredictably in programming and planning, makes it hard to make long-term commitments and can tend to be donor driven instead of need driven. However, other organizations have successfully expanded through their use of extra-budgetary resources. Nearly all IOM staff are on extra-budgetary funding and have individual responsibilities and incentives to fund-raise. Within the ILO too there are examples of substantial growth through extra budgetary funds, IPEC and SAP-FL for example. Staff with experience in other organizations argued the need to change the approach of the organization to seeing extra budgetary resources as enabling more dynamism and efficiency especially since regular budgets will never be enough to do what is required.

156. Nonetheless, the balance between regular and extra-budgetary funding is important especially given that some of the normative type of work ILO is engaged in does not attract extra-budgetary funds. Some increased allocation for a few more core staff would help realign the two. The evaluation team could not make a full assessment of need but evidently a few more posts to allow for one specialist per region to be positioned in the field, and one head office staff for coordination across the organization appear to be minimum needs. There is also a need for resources to engage external people on a part-time, short-term basis or as consultants (e.g. to work on statistics).
157. The overall absence of a resource mobilisation strategy on migration was also apparent. There appears to be a responsive approach to calls for proposals rather than a pro-active seeking of donors. A reliance on established bilateral and multilateral institutions but no exploration of other funding opportunities through foundations or new opportunities in philanthropic capital which may have less ties and conditions. Other opportunities are also being missed. For instance there may also be ways of engaging unions in developed receiving countries to access funds (like DFID's Civil Society Challenge Fund) and work with workers' groups abroad.

7.6 Staff management

158. Various concerns were raised about staff management. The inadequate number of staff designated for work on migration issues is seen as a key constraint and the lack of migration experts in the field a particular hindrance (Asia Pacific region has received the green light to create such a position after a considerable wait). There is a perception among staff interviewed that recruitment procedures are too slow and cumbersome; one field project was delayed by 1.5 years due to slow recruitment, displeasing the donor and making it difficult to demonstrate results in the timeframe of the project. ILO's migration work also appears to have become over-reliant on a handful of specialised people and there is a need to bring in new blood. There is a strong and perhaps undue emphasis on specialisation given that migration as a subject can be accessible to generalists with a good background in socio-political issues provided they receive adequate training and information – newcomers to ILO in fact report finding it easy to

understand ILO's approach to migration once they were given the right materials. This over-dependency on small numbers of knowledgeable staff can be redressed by ensuring more widespread training and capacity building of ILO staff in general; by maintaining a roster of short-term professional support and consultants; and by secondment of skilled officers from partner organizations and member states (though this option seems to have limited viability). The growing demand for technical expertise has also been raised as an issue within this section; an explicit strategic framework should help develop a better planning in the budget for this type of activities.

7.7 Capacity building, awareness raising and technical assistance

- 159.** The Office has expanded its policy advice function resulting in the formulation and setting up of labour migration policies and institutions in a number of member States. The Office has also stepped up its mobilization of extra-budgetary resources intended for the implementation of technical cooperation projects. The level of Extra Budgetary, XB, resources mobilized by MIGRANT alone increased by more than twelve-fold between 2004 and 2008. These TC projects have involved all sectors in the Office in their implementation. Social partners were active participants in the projects, in which social dialogue was a means of action and an objective. Other units in the Office have also raised resources for the implementation of projects. Together with ITCILO, Turin, MIGRANT has designed and delivered three annual sessions of a capacity-building course for constituents. Ongoing training for staff as whole is key to mainstreaming but still needs to be reinforced. For instance, the training course in Turin has now been organized for two successive years in English. This year's course will be delivered for the first time in French. A Spanish version is planned for 2009. Thus, in 2009, there will be three linguistic versions of the two-week training course intended for tripartite constituents

Improving the information and knowledge base

- 160.** Headquarters and decentralized TC projects have continued undertaking research and issuing publications. (see [Annex 7](#)) The compendium of research work and publications produced by the Office, including those produced by TC projects, have contributed to the development of ILO's knowledge base on labour migration issues, including trafficking. The Office developed a module for the collection of labour migration statistics and supported a number of countries in applying it. The International Labour Migration database is being modernized and expanded. The Asia Pacific region, for example, has developed an Asian Decent Work Decade (ADWD) kit on labour migration that provides information on the various tools/products relating to labour migration.

8. CONCLUSIONS AND RECOMMENDATIONS

- 161.** The ILO has a historical mandate and legitimacy to work on labour migration and a strong comparative advantage in terms of its focus on labour rights and labour issues. There has traditionally been reticence on the part of some governments to ILO working on these aspects. Migration is a highly sensitive domestic issue and ILO, like other inter-governmental bodies, faces a challenging task in navigating a course through competing political interests in order to safeguard the protection of migrant workers. Nonetheless, the organization's political organs have given it a renewed authority and licence to focus on migration with the 2004 ILC and follow-up Plan of Action and Multilateral framework. This has been followed through by more funds for technical cooperation. The issue of migration has taken an important status on the global agenda in recent years as migratory flows have increased. Many international organizations have sought to carve a niche for themselves. Despite the fact that migration is an increasingly crowded arena, the ILO nevertheless retains a unique position and expertise which is not matched by any other agency. The external needs, the attitude of key constituents (member states, workers and employers groups), the limited mandate and expertise of other international actors, all point to ILO continuing to be a key actor.
- 162.** The question is therefore not whether ILO has a role to play but whether it has made the most of its position. The findings of this evaluation suggest that it has not. It has not yet realized the expectations raised by the resolution of the ILC in 2004. More needs to be done to honor the commitments made in that resolution. Insufficient internal coordination should be remedied. The management of resources and staffing has not sufficiently supported effective implementation. As a consequence, despite the high commitment of staff and very reputable work done by some programmes, the overall approach requires fortification. The Office has not managed or presented the work it is already doing in the best way possible, let alone taken the further step of maximising its opportunities. The net effect is, that despite a continuing regard for its expertise, ILO is not sufficiently present in operational activities. This affects its visibility. The grounds the ILO will not occupy will remain vacant or not effectively utilized. Its constituents will be the losers.
- 163.** While some of ILO's work is well-regarded, impacts could be better tracked and concerns over quality were mentioned in a few instances. However, the primary issue is not quality, but the insufficient scope of ILO's work. Though migrants constitute a relatively small number of the global workforce (estimated 3%), the Office's response is not commensurate with the political importance of issue and the unique responsibilities it has for the protection of migrant workers. The ILO also risks undermining its role in international development generally by failing to make its mark on an area of so much concern to governments and peoples round the world. Overall the situation is analogous to ILO having a seat at the top table but being hesitant about wanting to occupy it. The evaluation recommends a number of measures to fortify the internal approach and management of the issue by the Office. These are key recommendations only. Further suggestions and ideas for the way forward are contained in the body of the text.

Strategic vision and action plan

164. The Office's plan of action for labour migration needs to develop a stronger internal vision and strategic action plan. There is a clear gap to be filled by a comprehensive Office-wide internal strategy paper that formally recognizes the cross-cutting nature of the labour migration issue which requires a designation of responsibilities to all parts of the Office so that everyone is required to consider it in their work.

- **Recommendation 1:** The evaluation recommends that the Office comply with the spirit of the ILC 2004⁴¹ resolution and ensure that necessary resources are available to develop an internal strategy paper defining a vision, how the issue is defined, who is responsible for what and the status of migration as a cross-cutting issue, priorities for programming, the policy for mainstreaming, the mandate and authority of MIGRANT and how responsibilities for this issue should be shared across the Office.

ILO positioning and visibility

165. The normative function of the ILO, in addition to its mandate in issues of employment and labour markets, social protection and social dialogue, is its comparative advantage. It is the only international organization active in all these areas related to labour. Its interventions, as well as those of other UN Agencies and the International Organisation for Migration, should be complementary and result in organized labour migration and the protection of migrant workers. Examples of coordination and cooperation within and outside the framework of the Global Migration Group (GMG) exist. However, there is room for further cooperation with members of the GMG and other international and regional organizations.

- **Recommendation 2:** The Office needs to develop a strategy for collaboration with other international organizations in accordance with the guidelines of the ILC in 2004.⁴² This strategy should help the Office in carrying out the Plan of Action and supporting its tripartite constituents. The Office should clearly define its sphere of action ensuring complementarities and synergies without compromising its normative and technical comparative advantages. Where possible, specific outcomes for these collaborative efforts should be identified ex ante to build on existing products and shared data.

⁴¹ [Committee on Migrant Workers established the framework for this Plan of Action at the 92nd Session of the International Labour Conference in 2004.](http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/pr-22.pdf)
<http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/pr-22.pdf>

⁴² Ibid.

Results-based implementation of the Action Plan

166. The Office needs to strengthen its approach to measuring outcomes and impacts of its work on migrant labour. The Office notes outcomes in its programme and budget process but this does not seem to be accompanied by the production of evidence to substantiate these claims or an enquiry into the ultimate impact of the Office's work. The current programme and budget plans and reports activities related to migration labour under strategic objective 3 "Enhance the coverage and effectiveness of social protection for all" and immediate objective 3c.1 "Increase member State capacity to develop policies or programmes focused on protection of migrant workers". This seems to exclude the many other activities under the other 3 Strategic Objectives of the Office.

- **Recommendation 3:** The Office needs to find a way to capture the true crosscutting nature of its work on labour migration in its programme and budget mechanism. The evaluation recommends that MIGRANT, in collaboration with the Bureau of Programming and Management (PROGRAM), introduce methods for identifying goals on labour migration under each Strategic Objective so as to better plan and track resources dedicated to migration activities throughout the Office.

Labour migration and development linkages

167. The ILC resolution in 2004 and, in its aftermath, the report of the Global Commission on International Migration (GCIM), the United Nations High-level Dialogue and the Global Forum on Migration and Development (GFMD) have emphasized linkages between migration and development and called for their reinforcement. Linkages include remittances, the most tangible benefits of labour migration, but they also encompass skills acquisition and investments by transnational communities. Other linkages are the relation between rights of migrant workers and economic development as well as the impact of the migration of highly skilled workers on the provision of social services.

- **Recommendation 4:** The Office's action plan for migrant workers should step up its action on strengthening the positive linkages between labour migration and development in cooperation with tripartite partners and other stakeholders by:
 - (i) assessing costs and benefits of migration for countries of origin and destination and formulating appropriate advice in this respect;
 - (ii) assisting member States in developing policies that facilitate the productive use of remittances and their poverty-alleviating impact;
 - (iii) proposing measures for the productive reintegration of return migrants, including through small enterprise promotion;
 - (iv) providing advice on engaging transnational communities in the development of their countries of origin;
 - (v) identifying and advocating measures to mitigate brain drain;

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- (vi) analyzing the interaction between respect for rights of migrant workers and the development benefits of migration and advocate related policy measures in this regard, and
 - (vii) strengthening social partners' capacities to promote the ILO's right-based approach.

168. An ILO Advisory Committee on Labour Migration and Development may be set up. Its members may comprise representatives of Governments and Employers' and Workers' organizations, representatives of relevant international and regional institutions, representatives of migrants' association and researchers and other concerned bodies.

9. COMMENTS FROM THE OFFICE ON THE EVALUATION

- 169.** The Office welcomes the findings of the independent evaluation, which recognize the progress made in the implementation of the ILO plan of action for migrant workers. It also welcomes the recommendations aimed at increasing the pace of realizing the objectives of the plan.
- 170.** The Office's strategy has been to garner efforts of all units towards implementing activities related to clearly defined elements of the plan. MIGRANT took the lead in carrying out this strategy. Regular budget and extra-budgetary resources were mobilized and allocated to that effect. However, the Office will now act on recommendation 1 and develop an explicit internal strategy paper that articulates its vision for the implementation of the plan and identifies responsibilities of sectors and regions. In this regard, the role and functions of MIGRANT will be clearly defined.
- 171.** Taking account of mandates of members of the GMG and other international and regional agencies, responding to recommendation 2, the Office will develop a strategy on collaboration with a view to also supporting ILO tripartite constituents. The pursuit of the ILO rights-based approach to labour migration will guide this collaboration.
- 172.** To reflect the crosscutting nature of labour migration, integration of the activities of the Office has been increasingly sought. The Programme and Budget 2008-09 provides that reporting on implementation will be done at the level of the immediate outcome, which should allow identifying of the ILO's contribution to the results achieved and the monitoring of resources dedicated to the immediate outcome on labour migration.. The improvement in indicators, under the Strategic Policy Framework (SPF) 2010-15, should also contribute towards better reporting on results. Outcome strategies will also define risks and mitigating strategies. This process is in line with recommendation 3.
- 173.** The Office is working on the migration-development linkages. It will step up its related activities. In relation to recommendation 4, the resource and other implications of setting up an advisory committee on labour migration and development would need to be carefully evaluated before a decision could be taken on this.
- 174.** Overall preparation of the SPF 2010-15 provides a timely opportunity to give effect to the recommendations of this evaluation.