



## **International Labour Organization**

Route des Morillons 4  
1211 Geneva 22  
Switzerland

[www.ilo.org](http://www.ilo.org)

### **Introductory Statement**

#### **United Nations High Commissioner for Human Rights COMMITTEE ON MIGRANT WORKERS**

#### **Day of General Discussion**

#### ***Protecting the rights of all migrant workers as a tool to enhance development***

Migration, its relation to development, and treatment of migrant workers have become issues central to evolving definitions of social identity, of governance and of social cohesion in societies across the world.

Globalization is impelling transformation of the composition of populations of many nation states, North and South. Whether or not this is recognized and validated is fundamental to the future of governance and to social cohesion.

If these dimensions are not addressed, social, economic and political exclusion of sizable groups of people present in these countries will be inevitable. As has happened in a number of counties in Africa, Asia, Europe and elsewhere, with resulting conflicts disrupting social peace. Violent conflicts polarizing native and immigrant origin populations near here in recent weeks, and down under on the other side of the world this week have garnered world attention. In several places, these situations have led to imposition or intensification of anti-democratic measures.

Clearly, this alone makes the treatment of migrants a contest between social and economic development, and social disintegration and associated economic costs.

These same tensions are maturing elsewhere. I can cite conflict in West Africa, where polarization around exclusive –excluding—definitions of national identities is bound up with violence, expulsions and even killings of persons of immigrant origin, including many of second, third and fourth generations. Mutual attributions of responsibility for civil warfare are coincident with massive drops in economic production and exports vital to national economies. While perhaps less dramatic, such polarization between ‘nationals’ and foreigners –foreign workers—accompanied by periodic mass expulsions and violence can also be seen in the Caribbean, in Asia and elsewhere.

By contrast, in the economic realm, most emerging proposals for economic growth are premised on establishing larger market spaces obtained through regional economic integration schemes. The East Africa Community, the Economic Community of West African States (ECOWAS) and SADC, the Southern Africa Development Community in Africa, the Andean Community and Mercosur in South America, Caricom in the Caribbean and now, ASEAN in Asia are examples that already cover many countries. Not to mention the expanding European Union. In all of these, increased labour mobility is emerging as a component of integration equally essential as eliminating barriers to free movement of capital, goods, services and technology. It should seem obvious that freer movement of people can only emerge as a boost to economic activity and development in larger markets to the extent it is based on equality of treatment and protection of rights.

Suffice to say that any regime of unequal treatment –whether for foreigners or minorities—is a recipe for conflict. As the justice minister of Ireland said recently, it is important for Ireland to get it right now about immigration and integration if it doesn't want to see in a few years what was happening at the time in France.

Getting it right about protection and development is especially important at a moment when powerful voices and international institutions suggest that in the pitiless competition of the global economy, unequal treatment within States may not only be justified, but imperative for the economic survival of those countries.

Addressing how to get it right is the potential contribution of this discussion to the current international debate, including the upcoming High Level Dialogue session of next year's UN General Assembly. The contribution from this Committee is critical. If you don't articulate the issues and formulate responses, I don't know who will.

This Forum is a vital opportunity for addressing these policy challenges. Whether or not countries have ratified the 1990 International Convention on migrant workers, most of the principles articulated in it are contained in complementary international instruments, several of which are widely ratified. I note that 74 countries have ratified one of the three instruments comprising an international charter on migration; these are the ILO Conventions 97 and 143 on migration for employment and the 1990 Convention. We expect deposit of ratification of one of these conventions by the 75<sup>th</sup> country imminently.

More than a dozen other countries have signed the 1990 convention, the preliminary step to ratification.

Most countries have ratified one or both of the International Covenants and virtually every country worldwide has ratified at least two of the seven core international instruments on human rights.

As the Global Commission on International Migration recently reaffirmed, the international instruments already widely ratified provide a global legal framework largely applicable to treatment of all migrant workers and members of their families.

The rule of law, embodied in these instruments including the 1990 Convention, is the underlying guarantor of democracy and accountability that presumably are bound up with achieving development, economic welfare and social cohesion.

Having asserted that, I am –we are--left with the challenge of articulating the links between protection of migrants' rights, anti-discrimination, social cohesion and economic development. And here I see more questions on the table than clear answers and data to support answers.

Certainly, there is a growing body of knowledge that demonstrates that migrants make large contributions to economic and social development in both their host and home countries. Studies amply show that migrants fill vital jobs unwanted by natives, and that their presence, activity and initiative create additional employment. Migrant contributions to social security systems are helping balance national accounts in a number of countries, even though many will never benefit from their own contributions. By working at low or sub-standard wages, migrants contribute significant subsidies to ensuring cheap farm produce, accessible services, affordable buildings and available health care for example, although sometimes involuntarily challenging prevailing wage and conditions levels in host countries. A representative range of studies is cited in the ILO resource book prepared for the International Labour Conference last year.

Migrant contributions to scientific, social, cultural and sports accomplishments are legend in the histories and identities of many immigration countries.

While it is said that migrant remittances are expended primarily on consumption, much of this spending appears to be invested in improving housing, nutrition, healthcare and educational levels for families back home. These expenditures clearly have a substantial positive impact on improving human capital—the most basic component of development. And these expenditures have multiplier effects on expanding local activity in construction, food production, and health care and educational facilities. By volume, with official transfers estimated at some 160 billion dollars this year, migrant remittances are the largest international exchange value after petroleum, and far above current levels of international development aid and foreign direct investment.

Migrants returning home with acquired skills, experience, capital and goods also contribute human and economic capital to native countries.

However, these contributions are not so highly praised. Migrant labour often fills the 3-D jobs, dirty, dangerous and degrading. It provides cheap, flexible and docile labour, labour that needs to remain cheap and expendable if marginally competitive enterprises and economic sectors are to survive in cutthroat international competition. Protection of labour and human rights carries costs as well as benefits, and these costs loom large in considerations of some businesses and governments defensive in the face of precarious economic indicators and populations already destabilized by economic restructuring and downsizing of industrial employment.

In the context of these challenges, better answers are required to a number of questions currently subject to hot debate—including around Hong Kong these days.

Several of these questions include:

- Might discriminatory practices in segmented labour markets facing tough international competition permit enhancing competitiveness?
- Would not trading off bundles of rights in exchange for temporary access to higher paying labour markets expand access to employment for workers of poorer countries?
- How does, if at all, racial or ethnic nationalism affect prospects for economic growth, diversification of labour forces and regional integration?
- Do economic costs of enforcing rights –expanding government judicial and enforcement machineries, increasing costs of workplace safety and health protections, potential wage increases from unionization, etcetera-- potentially outweigh tangible economic benefits?

I would wish to have answers –backed by good data—to these and similar questions. Unfortunately we don't. But these questions cannot be met only with arguments of principle and principles, if serious challenges are to be raised to those –including many decision makers in governments and parliaments— influenced by other views on such questions.

I am convinced from anecdotal data as well as personal and institutional conviction, that these questions can be answered in a way that undisputably proves that protection of rights and equality of treatment for migrants is essential for development of countries South and North in this world.

I hope we will at least start to articulate these answers, and seek the data, today.  
Thank you.

Patrick A. Taran  
Senior Migration Specialist, ILO

[taran@ilo.org](mailto:taran@ilo.org)