

Distr.
LIMITED

RC/Migration/2017/Brief.5
4 September 2017
Advance copy

Regional Consultation on International Migration in the Arab Region

In preparation for the Global Compact for Safe, Orderly and Regular Migration

Beirut, 26-27 September 2017

Regional Issue Brief no. 5ⁱ

International and Regional Cooperation and Migration Governance

The context of the Arab region calls on actors and policy makers at the local, national, regional and global levels to adopt policies and strategies that respond to the realities of the current migration dynamics. The governance of international migration has been defined as all “policies and programmes of individual countries, inter-State discussions and agreements [at bilateral, regional and international level], multilateral forums and consultative processes, the activities of international organizations, as well as relevant laws and norms”¹ that affect migration directly or indirectly. Migration governance has an impact on who is entitled to move or reside abroad and how people may do so; the status, rights and responsibilities of migrants in countries of first asylum, transit and destination; the work or studies they may undertake; the relationship of migrants with their countries of origin and the conditions under which they may return home. Aside from policies that affect migrants directly, other areas such as human rights, labour, health or housing may have an indirect impact and influence in the success or shortcoming of migration policy. This brief introduces existing regional and international cooperation frameworks. It also sheds light on some of the key areas for strengthening cooperation on bilateral, interregional, intraregional, regional, and international levels which can complement national efforts for better migration governance.

Existing Regional and International Cooperation Frameworks

In the 2013 Regional Consultative Meeting on International Migration and Development in the Arab Region jointly organized by the United Nations Economic and Social Commission for Western Asia (UN-ESCWA), the League of Arab States (LAS) and the International Organization for Migration (IOM) in preparation for the second High-Level Dialogue on International Migration and Development, Member States affirmed that international migration is an important factor towards regional cooperation and integration and a means for the Arab region to integrate into the global economic system. During the

¹ United Nations Secretary General (2013). International migration and development, Report of the Secretary General (A/68/190).

meeting, Member States established the "Working Group on International Migration in the Arab Region" co-chaired by LAS, UN-ESCWA and IOM and with the membership of other 13 UN agencies. The Working Group aims to promote coordination mechanisms, the exchange of information on migration and the development of programmes, projects and activities related to international migration and development in the Arab region. Notably, the Working Group has worked together in producing a biennial *Situation Report on International Migration in the Arab Region* that aims to provide a multidisciplinary and comprehensive overview of trends and patterns in international migration and displacement and their economic and social consequences in the Arab region while highlighting the need for coordinated and holistic responses to current challenges associated with human mobility.

The 2013 Regional Consultative Meeting also recognized the important role of Regional Consultative Processes on Migration (RCPs) in circulating information, best practices and lessons learned on migration. As a result of this recognition, the Arab Regional Consultative Process on Migration and Refugee Affairs (ARCP) was established in 2015 by the Council of the League of Arab States to bring together Arab countries to tackle questions arising from migration issues. The ARCP is now considered an Arab platform to address issues of international migration and refugee affairs, discuss ways to strengthen cooperation between Arab countries, promote a common understanding about the drivers, trends, patterns and effects of migration in the Arab region, as well as help governments to participate with a unified vision in the global events related to migration.

Arab countries have also taken part in several other international, interregional, regional and sub-regional processes. The interregional Ministerial Consultations on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia, also known as the Abu Dhabi Dialogue, bring together GCC countries with Asian countries of origin to discuss cooperation channels in the area of labour migration. Arab countries in North Africa have also taken part in interregional processes such as the 5+5 dialogue, the Mediterranean Transit Migration Dialogue, the EU-Africa Summit and the Valletta Summit, in which they have emphasized the need for greater cooperation in governing international migration. The African Union-Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants also resulted in the adoption of the Khartoum Declaration that, among other things, called for strengthening international cooperation and coordination to combat human trafficking and migrant smuggling. As a result, the EU-Horn of Africa Migration Route Initiative (Khartoum Process) was launched to focus on areas of cooperation between European and African countries. Furthermore, in 2006 European and African states established the Rabat Process to launch a balanced, pragmatic and operational mechanism of cooperation among countries of origin, transit and destination of migrants going to Europe from West and Central Africa. Its aim is to offer concrete and appropriate responses to fundamental issues relating to migration such as combating poverty, promoting sustainable development and co-development, and respecting the rights and dignity of migrants and refugees. All of these processes have emphasized the role of international and regional cooperation between Arab countries themselves as well as with other countries of origin and destination of migrants.

Key Areas for Strengthening Migration Governance

Protecting labour rights and promoting safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment. Decent work lies at the heart of sustainable development and safe and secure working conditions are a fundamental part

of decent work, as is the protection of labour rights and safe working environments.² The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association stressed, “The impact of the lack of assembly and association rights is compounded for migrant workers by harsh immigration laws, unscrupulous labour recruitment organizations, militarized labour systems and rights-restricted structures in export processing zones. Migrant domestic and agricultural workers, often excluded from labour law protection both at home and abroad, are doubly exploited and marginalized.”³

Policies in other countries can promote fair recruitment processes through supply-chain legislation. In some cases, policies and laws in countries that are not sending or receiving countries for a particular group of labour migrants can promote their rights and recruitment processes, too. Given the transnational economic behaviour of multi-national corporations, countries can enact legislation that requires firms to ensure certain standards in their supply chains. National and state legislations can oblige certain companies to publish information on their activities or lack thereof to guarantee that the company’s operations reduces the risk of abuse and forced labour, including in its supply chain.

Expanding meaningful international cooperation to regulate recruitment practices. Countries of origin can cooperate bilaterally, regionally, or along the lines of similar migration challenges with other countries of origin and with countries of destination to regulate recruitment practices. Coordination among countries of origin should avoid a race to the bottom, in which countries accept low labour standards to compete for the access of their citizens to certain labour markets.⁴ In addition to multilateral processes, individual countries have worked towards bilateral agreements in high-migration corridors to improve labour rights in general, and recruitment practices in particular process. The memoranda of understanding between labour–sending and –receiving countries aim to better protect migrant workers, especially domestic migrant workers, from abuse and poor working conditions, and further regulate recruitment practices.

Reducing recruitment costs borne by migrant workers. An indicator to assess whether Member States “facilitate orderly, safe, regular and responsible migration” measures the recruitment cost borne by employees as a proportion of their yearly income earned in the country of destination. The UN Secretary-General’s eight-point agenda for action “Making Migration Work” stressed that there are enormous gains to be made from lowering costs related to migration. Such costs include the fees paid in the recruitment process that pose a particular burden to low-skilled migrant workers. Engaging government policy, recruiters, trade unions and private organizations towards finding ways to reduce these costs can highly benefit migrants, as well as host and origin communities.

Reducing the transfer cost of migrant remittances. One of the Social Development Goals of the 2030 Agenda is reducing the transaction costs of migrant remittances to less than 3 per cent of the amount remitted and eliminate remittance corridors with costs higher than 5 percent. The less costly remittances are, the more of the hard-earned funds of migrants reach the hands of recipient households. In addition, lower costs may induce migrants or refugees to remit more, as the fact that a financial intermediary will get a significant part of the transferred funds may be a deterrent to sending money. The World Bank

² International Labour Organization (2017b). Working together to promote a safe and healthy working environment. Geneva: ILO. Available from: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_543647.pdf.

³ United Nations, 2016d, para 11.

⁴ The SRSG on Migration (2017) recommends to form a global alliance of labour sending states to advance shared priorities when it comes to negotiating issues such as minimum standards for labour protection and model bilateral labour agreements, or return and reintegration (para 59 b).

estimates that efforts to reduce remittance costs led to savings of approximately \$42.5 billion from 2009 to 2013.⁵ This is also an enterprise that requires international cooperation, as well as cooperation between government and the private sector.

Understanding group-specific and gender-specific needs and capacities. Well-managed migration policies need to consider the specific effects on different segments of the population. Female migrant workers may require different basic health care services—often related to sexual and reproductive health—than male migrant workers—more often affected by occupational injuries in high-risk working environments. Policies that do not bear in mind different groups of migrants run the risk to further marginalize those who are especially vulnerable, e.g., irregular migrants. Understanding these different dimensions will allow for more effective and targeted policies. Thus, wholly disaggregated data is needed to understand the differences and prevent unforeseen negative policy outcomes.

Institutional arrangements for migration governance: Meaningful collaboration within and between institutions is indispensable to move towards more holistic migration governance. Such institutions—including working groups, councils, and commissions—promote institutional and policy coherence⁶ and address the challenge that a fragmented institutional set-up and legal framework poses to coherent policy approaches, as highlighted in the outcome document of the 2013 UN High-level Dialogue on International Migration and Development. Such institutions need the involvement of critical stakeholders, including migrant, refugee and diaspora organizations.

Involving local authorities in migration governance. Local authorities in migrant-receiving cities are forefront actors in the daily management of migration and in responding to the strains that large migratory flows might inflict on urban infrastructure, public utilities, and social cohesion and ensuring people’s well-being and the wider determinants of public safety and health. Cities with strong local administration and responsive urban policies and urban planning and management systems can better accommodate for and benefit from the migrants who arrive in their cities. On the contrary, migration in cities with weak local administrations and out-dated urban policies and plans – often cities struggling to fulfil the basic needs of their own citizens – can provoke social tension and lead to xenophobic responses or violence.

Encouraging efforts of civil society organizations. Civil society organizations, which include non-governmental organizations, the private sector, experts and academia, and employers’ and workers’ organizations, can facilitate the management of migration, given their familiarity and expertise in projects and programmes that focus on the engagement of the diaspora, the promotion of investments in countries of origin, and research that aims to provide accessible, accurate and up-to-date data on the drivers, determinants and implications of international migration in the Arab region. Partnerships with civil society organizations and other stakeholders can also help to guarantee their engagement in policy initiatives.

There is a strong link between international migration in the Arab region and the 2030 Agenda for sustainable development, which recognizes that “migration is a multi-dimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent

⁵ World Bank (2014), Savings of \$44 billion: Impacts of the global target of a reduction of remittances cost through effective interventions at the global, country and municipality levels. Available from: www.worldbank.org/en/results/2014/04/04/savings-of-44-billion.

⁶ Hong, A., and A. Knoll (2016). Strengthening the Migration-Development Nexus through Improved Policy and Institutional Coherence. KNOMAD Working Paper 12, World Bank.

and comprehensive responses.”⁷ Within this context, better regional cooperation on good migration governance is important for advancing the rights and well-being of migrants, and facilitating sustainable development outcomes for migrants and their communities of both origin and destination.

ⁱ This brief was drafted by the ESCWA team in preparation for the Regional Consultation on International Migration in the Arab Region.

⁷ Transforming our world: the 2030 Agenda for Sustainable Development, 2015.