

Background paper¹

Theme 2: Regional mobility to promote transferable learning and policy coherence

Roundtable Session 2.1: *South – South Mobility: Trends, Patterns and Transferable Learning*

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¹ This paper has been prepared by ILO in close collaboration with IOM, under the guidance of the RT 2.1 co-chairs Ecuador and Eritrea, and with valuable inputs from RT 2.1 team members during and between the Roundtable consultations. Though all attempts have been made to make sure that the information provided is accurate, the authors do not accept any liability or give any guarantee for the validity, accuracy and completeness of the information in this paper, which is intended to solely inform and stimulate discussion of Roundtable session 2.1 during the GFMD Summit meeting in December 2018. It is not exhaustive in its treatment of the session 2.1 theme and does not necessarily reflect the views of the authors, the GFMD organizers or the governments or international organizations involved in the GFMD process.

South-South mobility (SSM), which may broadly reference mobility between countries pertaining to the global South, has been a **central feature of international migration for decades but has received less attention from scholars, policy-makers and the media than South-North flows**. And yet, in several regions it constitutes the largest share of international migration.

It may be important first to consider **how to define and situate SSM**. Whether it was organised within colonial empires or later between peripheries and labour-intensive centres (in economies of plantation, mining and intensive agricultural hubs, or emerging labour-intensive economies with large infrastructure projects), SSM has yet to be contextualised and unpacked. Any discussion of it with an intent to shed light on its core drivers and its impact on societies in countries of origin and destination will benefit from adopting a clear understanding of what is observed and in which context: mobility between countries with comparable or dissimilar income levels (Non-OECD to other non-OECD, or low income to middle income); mobility within political entities such as regional economic communities; mobility along corridors linking different regions, or other forms such as disaster-induced and emergency flows (Bakewell 2010). For the purposes of this paper, a possibility could have been to use the definition of the World Bank of migration within or between low-income economies² and lower middle-income economies.³ However this would exclude very important migration corridors such as the Asia-GCC corridor. **Hence, the co-Chairs suggested to adopt a broader, more flexible definition of SSM as migration and mobility between low-income and lower-middle income countries but which may include in instances flows from these to upper-middle or even high-income countries⁴ along recently emerging corridors**. This would allow to capture the high flows to GCC countries, for example.

A second key point in discussing SSM is to know **why it is a critical topic in itself and for itself**. SSM is important because evidence shows that the magnitude of South–South movements is roughly equal to South– North flows. In Africa, 52 per cent of migration is intra-regional; it is 60 per cent in Asia and up to 82 per cent in Latin America and the Caribbean (UN International Migration report, 2015). However, magnitude is not the only reason why the issue demands our attention. Countries in the South are frequently not just origin or destination but also transit countries, whether we are looking at protracted periods of involuntary transit due to immigration bottlenecks (as in flows of African migrants stranded in Brazil on their way to North America), geophysical or cost barriers (e.g. Libya) or at accumulation of experience for remigration for the highly skilled (e.g. South Africa, Gulf Countries, Singapore).

A third point is to remember that SSM is not a new phenomenon and a constantly transforming one. **Emerging economies’ rapidly growing labour needs** (USA; Brazil, Argentina and Chile; South Africa; South East Asian ‘dragons’; Gulf Council Countries) have, in different times of their history, relied on migrant workers to meet the deficits of their limited labour markets. For instance, migrant workers, mostly women, currently make up to 75 per cent of workers in the domestic work sector in the Arab States (ILO Global Estimates 2015).

We know from historical and contemporary evidence that **SSM has resulted in positive outcomes in terms of poverty alleviation, skills acquisition or investment in education, productive activities or infrastructure, including through remittances, back home in instances where robust regulatory frameworks and regular pathways for migration have been in place**. In other instances, where SSM has occurred outside such regulatory frameworks and through irregular channels, with no social protection and no linkage with development, and employment policies and protection, the socio-economic and human outcomes of SSM on societies in countries of origin have

² Low-income economies are defined as those with a GNI per capita, calculated using the World Bank Atlas method, of \$1,005 or less in 2017.

³ Lower middle-income economies are defined as those with a GNI per capita between \$1,006 and \$3,955 (2017).

⁴ Upper middle-income countries are those with a GNI per capita between \$ 3,956 - 12,235 and high income above 12,235 (2017).

been at best neutral, but often negative (dependency, burden of occupational disease, brain drain, skills and generational gaps). It is therefore pertinent, in the context of the Global Compact for Safe Orderly and Regular Migration (GCM), and in the context of this GFMD, to ask ourselves what lessons can be drawn from existing knowledge and experience on SSM. **How can international cooperation and good practices be shared in a manner encouraging substantive improvements of stakeholders' approaches to the design, management and evaluation of the various forms taken today by SSM?**

This paper offers to help frame the discussion to be held in this year's GFMD round table 2.1. entitled "South-South mobility: Trends, Patterns and Transferable Learning" along the following four areas:

- (1) **Key trends to date and gaps in existing policy frameworks, standards and guidance;**
- (2) **Key implementation patterns and challenges**
- (3) **Transferable learning: Examples of international good practice**
- (4) **Guiding questions.**

1. Key trends in SSM and gaps in existing policy frameworks, standards and guidance

SSM is not a new phenomenon and while it has drawn far less attention than South-North flows, available research, both quantitative and qualitative⁵, reveals key trends which this section will summarize. As part of this overview, this section will also appraise how international standards, which have been adopted for decades, have shaped policies and practices regulating migration and mobility between countries in the South.

1.1 Current general global trends

While SSM is extremely diverse in scope, shape, key drivers and outcomes, a few key trends emerge:

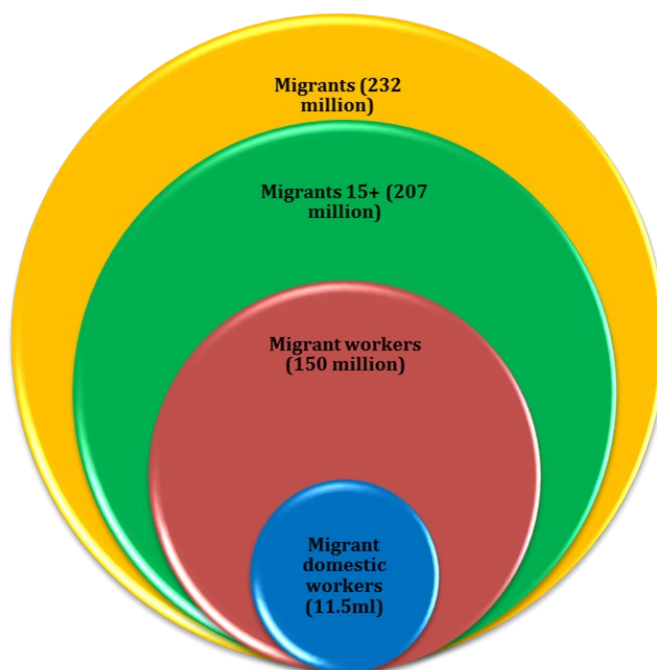
- **A sub-regional or local, bilateral phenomenon:** 80% of SSM takes place between countries with contiguous borders (Ratha 2005);
- While lower than **remittances** from the North, the impact of remittances from SSM is significant, and sometimes makes up a considerable share of GDP (cases in point are Lesotho (15%); Mozambique (11.2%); Nepal (31.3%); or the Philippines (10.2%)).⁶
- **SSM remains overwhelmingly characterised by informal flows** in terms of two indicators: the migratory status of migrants (irregular; grey zones such as asylum in situations of lack of asylum legislation); migrants' involvement in informal employment in border or destination economies (hawking, construction, domestic work; transport; sex work; hospitality and care; cross-border trade or pastoralism) (Ratha and Shaw 2007)
- **SSM remains overly cyclical** rather than regular compared to South-North Mobility because it is more linked to seasonal needs (agriculture, pastoralism), disaster-induced flows, and political and economic crises in fragile societies with limited welfare, social protection and disaster management systems either at national or sub-regional levels.

⁵ See Bakewell, O. (2009) South-South Migration and Human Development Reflections on African Experiences. http://hdr.undp.org/sites/default/files/hdrp_2009_07.pdf. See also 2009 human development report discussing the pattern of South – South migration and its importance: http://hdr.undp.org/sites/default/files/reports/269/hdr_2009_en_complete.pdf.

⁶ World Bank data (2016) <https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS>

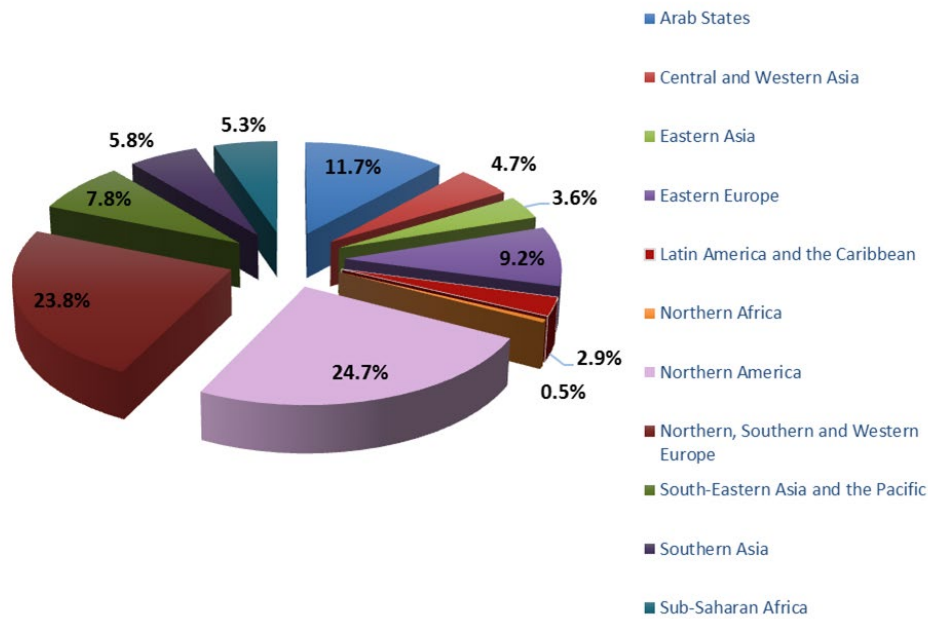
- **Emerging corridors of low-skilled labour from Asia and Africa to GCC countries:** This trend, which started in the 1970s, is currently spreading towards the Horn of Africa, Indian Ocean states and as far inland as Ghana or Malawi, as well as towards North African countries, with a risk of race to the bottom in terms of conditions of work.
- **Increasingly feminised:** Like international migration in general, the share of women in SSM has increased considerably over the past five decades with women migrant workers representing the majority in some corridors or economic sectors (e.g.: Cross-border traders in central and southern Africa; domestic workers in GCC countries) raising numerous issues of vulnerability and exposure to discrimination and abusive treatment.
- **Risk of forced labour:** While not all people in forced labour are migrants, migrants are overrepresented among victims of forced labour, particularly women migrants, and migrant workers in the private sector in general and in industrial sectors such as domestic work, construction, manufacturing and fisheries (ILO 2017). Forced labour also overwhelmingly takes place in developing regions, Africa and Asia and the Pacific (ILO 2017).
- **Increasingly concentrated in precarious segments of labour markets** as a result and combination of previous factors (informality, cyclical nature, feminisation) as well as issues of ageing of the national labour force in some emerging economies (GCC, Mauritius, Singapore).
- **SSM are also characterised by emerging immigration hubs for the highly skilled:** Flows of skilled and highly skilled migrant workers from the South are no longer mostly towards the North; there are multiple new destinations in the South, specifically in emerging economies (Brazil; Mauritius; Singapore; South Africa; GCC countries) which offer competitive salaries, high responsibility positions, attractive career paths and have fewer barriers to migration than the US or EU countries.

Figure 1. Global estimates of the stock of migrants, migrant workers and migrant domestic workers, 2013



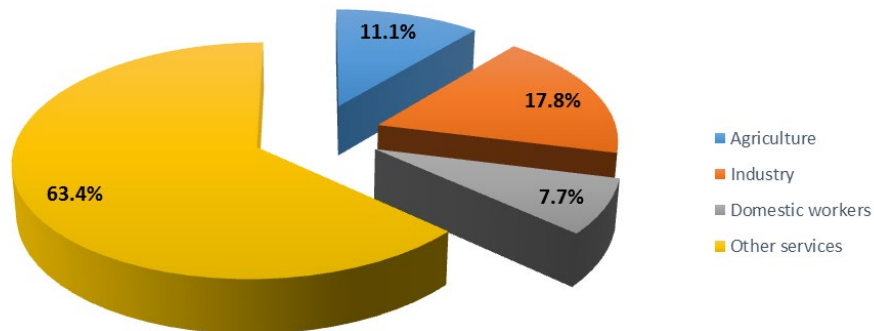
Source: ILO Global Estimates on Migrant Workers and Migrant Domestic Workers: Results and Methodology, 2015

Figure 2. Distribution of migrant workers, by broad sub-region, totals (male + female), 2013



Source: ILO Global Estimates on Migrant Workers and Migrant Domestic Workers: Results and Methodology, 2015

Figure 3. Global distribution of migrant workers, by broad branch of economic activity, 2013



Source: ILO Global Estimates on Migrant Workers and Migrant Domestic Workers: Results and Methodology, 2015

These trends should be taken as broad tendencies which will vary from region to region but which overall point to **specific needs and challenges which differ substantially from South-North Mobility (SNM)** and call for distinct public policy intervention.

It is also critical to understand that SSM does not take place in a vacuum. Over time, developing countries have adopted a **multitude of standards, frameworks and policies** with uneven successes

regarding their implementation. The following section reviews the state of existing institutional frameworks and their limitations in the developing world.

1.2 Gaps in existing policy frameworks, standards and guidance

1.2.1 Human rights, labour protection, and exploitation concerns

Ratification and effective implementation of relevant international human rights and labour standards can help promote consistent approaches to improving labour migration governance and addressing irregular migration flows. It can also help meet modern challenges to increase productivity and facilitate economic growth while protecting rights of migrant workers. There is a steady acceptance among countries in the South that international human rights and labour standards can protect the rights of migrant workers and help formulate labour migration policies. This is reflected in the ratification of the UN human rights treaties, in particular the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (1990), the ILO fundamental Conventions⁷ and the ILO Conventions specifically dedicated to migrant workers, as well as the Palermo Protocols.⁸

In addition, an increasing number of countries in the South have ratified or have expressed interest in ratifying technical ILO Conventions which provide additional protection, including the Convention on Private Employment Agencies, 1997 (No. 181) or the Domestic Workers Convention, 2011 (No. 189).⁹

While ratification of relevant instruments could be increased, the current distribution of ratified instruments across developing countries provides robust protection frameworks to reduce exploitation and migration risks. Also, further efforts are needed however to effectively implement these standards in order to ensure fair and effective labour migration governance and enhance protection of all migrant workers, in particular women migrant workers.

1.2.2 Regional mobility schemes and governance frameworks

In addition to international standards, SSM also takes place within **the context of regional mobility schemes and governance frameworks**. These have been adopted by regional economic communities or institutions across all regions of the world and come in different shape and form along a continuum from mere facilitation of movement of specific designated categories of migrants to free movement allowing for visa waivers, access to the labour market and establishment (ILO ILC 2017).

However, as shown in recent reports (ILO ILC 2017), the **outcomes of regional mobility regimes, schemes or frameworks are very contrasted globally**. While some of these frameworks have attained a reasonable degree of integration (MERCOSUR in Latin America and ASEAN (for business and qualified workers)); others have failed to turn into practice the principles adopted in their respective protocols. Even ECOWAS and SADC, which are often considered the most advanced RECs in Africa, face challenges in effectively enforcing their frameworks (FMM West Africa 2017; ILO ILC 2017).

In spite of these limitations, **RECs remain critical in the harmonisation and convergence of migration legislation and enforcement of protective measures for migrant workers at sub-**

⁷ These include the following: Conventions Nos 97 and 98 (Freedom of association and the collective bargaining); Convention No 29 and its Protocol of 2014 and Convention No 105 (forced labour); Conventions Nos 139 and 182 (Child labour); and Conventions Nos 100 and 111 (non-discrimination and equal remuneration).

⁸ The UN Human Rights Treaties (especially the CCPR, CESCR, CERD, CEDAW and CAT) have high ratification rates; the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), are ratified by the vast majority of UN member states; more than half of the countries that have ratified the ILO Migration for Employment (Revised) Convention, 1949 (No. 97) and almost 40 per cent of those that have ratified the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) are located in the South; UN Convention (1990) has been ratified overall by more developing countries than high income countries.

⁹ <http://www.ilo.org/dyn/normlex/en/f?p=1000:11001::NO::>

regional level. Political will and coordination capacity between the national and the sub-regional levels together with adequate human and financial resources are key to strengthening their role.

1.2.3 Bilateral labour agreements and other types of agreements:

Bilateral labour agreements have also been used to regulate SSM. Their adoption started in Western Europe in the early 20th century and then served extensively for the reconstruction of Europe and its post- World War II economic boom. However, they have been in place in many SSM contexts for several decades¹⁰. Research on these points to **widespread lack of adherence to existing International Labour Standards**, particularly the agreements in Africa and Asia¹¹. ILO research on bilateral agreements found that only 39 per cent of the agreements referred to respect for migrant rights, based on relevant international instruments, half of which concerned Africa.¹² Issues such as protection of rights at work, social dialogue, social protection and gender equality, were particularly lacking in agreements covering the African region.

While there is a need for additional research on the actual impact of BLAs over time, existing research along corridors, which provide significant time series, point to some major shortcomings and the key role played by **accompanying measures** such as social protection agreements, welfare systems, education investments, training and access to finance. For instance, in Southern Africa, BLAs concluded in the 1970s, which provided very limited protection to migrant mine workers, have been unable to prevent world record levels of chronic occupational diseases such as silicosis and tuberculosis. The burden of care is currently weighing heavily on the public health systems of countries of origin (IOM Labour Migration Assessment for Lesotho, 2017). The question is not so much the existence or lack of BLAs between developing countries as their alignment to International Labour Standards and capacity and roadmap for efficient implementation.

Another type of agreement, **free trade or investment agreements**, which are mushrooming between developing countries and which often have a labour mobility component or impact (such as posted or seconded workers), are also most of the time devoid of labour provisions.¹³ There too seems to be a need for regulatory guidance frameworks and capacity-building of relevant ministries at national level.

1.2.4 Other existing guidance frameworks:

In addition to international human rights instruments and labour standards, regional frameworks and BLAs, international organizations have co-produced with member States, social partners and civil society stakeholders a range of **guidance frameworks** which have been presented, disseminated and have served as the basis of multiple training curricula. These include, ILO Tripartite Guidelines on various aspects (Fair Migration, integration of refugees in the labour market, Fair Recruitment), the ILO Multilateral Framework on Labour Migration, the IOM Migration Governance Framework (MiGOF) which is a basis for states migration policy formulation. Its principles 1 and 3 are of particular relevance in this context, as they highlight the importance of adherence to international standards and the fulfilment of migrants' rights, as well as the relevance of strong partnerships with different stakeholders. IOM social compliance scheme IRIS (International Recruitment Integrity System), the Sendai Framework, or the Nansen initiative. While non-binding, these guidance

¹⁰ Wickramasekara, P. (2014) Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers: A Review. ILO, Geneva.

¹¹ International Labour Organisation Organisation for Economic Co-operation and Development World Bank Group (2015) The Contribution of Labour Mobility to Economic Growth, Joint paper for G20 Labour and Employment Ministers' Meeting Ankara, Turkey, 3-4 September 2015.

¹² http://www.ilo.org/ilc/ILCSessions/106/reports/reports-to-the-conference/WCMS_550269/lang--en/index.htm

¹³ ILO (2016) *Assessment of labour provisions in trade and investment arrangements*, ILO, Geneva; United Nations (2016) *Report of the Special Rapporteur on the human rights of migrants on the impact of bilateral and multilateral trade agreements on the human rights of migrants*, Human Rights Council, 32nd session, A/HRC/32/40, 4 May 2016.

frameworks do provide a wealth of technical options, drawn on international good practice, which are regularly updated and enriched in existing data bases.

Developing countries have been systematically prioritised in the dissemination of these guidelines including through regional or global events such as the ILO-ITC Labour Migration Academy, or the Regional Consultative Processes, IOM's International Dialogue on Migration (IDM) which is its principal forum for migration policy dialogue and IOM's International Migration Law Course in San Remo which is conducted on a yearly basis since 2005 and focuses inter alia on migrant workers' rights, legislation and policy development.. However more efforts are certainly needed to really influence the implementation of SSM policies.

1.2.5 SSM and the SDGs

Lastly, SSM has been very closely targeted in the **Addis Ababa Action Agenda (AAAA)** and in **Agenda 2030 of the Sustainable Development Goals (SDGs)**, more specifically in SDG targets: 17.6 and 17.9; as well as specific migration SDGs: on well-managed migration policies (10.7), anti-trafficking (5.2, 8.7, 16.2), remittances (10.c), and migrant workers' labour rights (8.8.). Another example is IOM's Migration Governance Indicators, which is a tool for governments to assess the comprehensiveness of their migration policies and to help them identify gaps and priorities to build institutional capacity and programmes on migration.

Regional Consultative Processes, such as the Colombo Process and Abu Dhabi Dialogue, have also prioritized protection of migrant workers' rights through enhanced cooperation to improve temporary labour mobility governance among Asian countries of origin and destination; promoting consular support for migrant workers; proposing practical solutions for the well-being of vulnerable overseas workers; fostering ethical recruitment; and enabling effective pre-departure orientation and empowerment, among other priorities.

In light of existing trends and normative frameworks (standards, regional protocols, BLAs, SDGs, and guidance frameworks) described in this section, this first overview begs two related questions:

- What are the key emerging patterns and challenges in the application of these existing frameworks and standards in the context of SSM?
- What gaps exist to support fair, safe, orderly and regular migration?

2. Key implementation patterns and challenges

This section of the paper tackles a selection of the most prominent implementation patterns and challenges in SSM. While each of these issues would require expert discussion, the intention here is merely to present them to elicit policy-oriented discussions that may stimulate the exchange of views and good practices.

2.1 Data collection, analysis and use by policy-makers

One very critical area of migration discussions globally and one which has received increased attention—the **scarcity of migration data** —is obviously **even more critical in developing countries**. This is not necessarily due to a complete lack of sources or data collection systems, but rather to a limited analytical capacity combined with a lack of resources, as well as a lack of political demand and use by policy-makers.

A first obstacle to migration data collection is its **fragmentation** between border control and visa collection mechanisms, referred to as administrative data, which provide information on flows and to some extent on stocks (permit holders) on one hand; and demographic migration data collected through e.g. statistical surveys on the other. In many instances, the sharing of these data remains an issue, either a political one, or a technical one.

In most developing countries, there has been **tremendous progress in terms of data collection systems** over the past couple of decades (censuses, labour force surveys, household surveys and their computerisation) including in some of the least developed countries¹⁴. However, the inclusion of migration modules in these survey instruments is often very recent, and sometimes not yet fully implemented. Capacity to collect and analyse data disaggregated by gender, age, origin, skill level and migrant status, is often also insufficient. Some notable progress has been recorded though such as the first labour migration data report for Africa supported by the ILO and published by the African Union in 2017¹⁵. Another example is IOM's work through its Global Migration Data Analysis Centre (GMDAC), which focuses on enhancing its overall effort to compile, analyse and share data on international migration. Furthermore, the Displacement Tracking Matrix (DTM) is another initiative of IOM, which is a system to capture and monitor displacement and population movements. It was designed to capture, process and disseminate information regularly and systematically to provide a better understanding of the movements and evolving needs of mobile populations in places of displacement or transit.

A third issue relates to **what is done with such migration data once they are available**. Very few governments in developing countries have dedicated migration units within their statistical offices, or labour migration data units within their ministries of labour. Even fewer do make use of such data for policy design and monitoring and evaluation purposes whether in the context of national migration policy or the management of BLAs. Even fewer have integrated systems where migration indicators would feed into labour market information systems¹⁶.

2.2 Complexity and rapid versatility of flows

A second critical pattern observable across developing regions is the **extreme complexity and dynamic nature of the flows**. Section 1 identified how cyclical SSM are in general. In addition, they are tied to the demographics of developing countries. In 2012, persons aged 12-24 still comprise a major share of the working age population. That share is highest in Africa (43 per cent), followed by Asia and the Pacific and Latin America and the Caribbean (33 per cent in each) and by developed countries (23 per cent). By 2040, persons aged 12-24 are projected to constitute 27 per cent of the population aged 12-64 worldwide, with 35 per cent in Africa, 25 per cent in both Asia and the Pacific and Latin America and the Caribbean, and 23 per cent in developed countries.¹⁷;

- Resulting in massive reservoirs of potentially very mobile youth populations due to jobless economic and specifically urban growth and dearth of formal employment opportunities and decent work;
- Combining sometimes over short periods of time several types of flows, regular and irregular, skilled and low-skilled, crisis-driven and project-driven, protection and asylum driven, as well

¹⁴ ILO (2016) *2016 Global Estimates on Labour Migration*, Geneva, ILO.

¹⁵ African Union Commission (2017) *Report on Labour Migration Statistics in Africa in 2015*. Ethiopia, Addis Ababa.

¹⁶ Martin, I. (2011) Best practices on collecting and sharing labour migration data for the improvement of the labour market information systems (LMIS). IOM, Brussels.

¹⁷ UNDESA (2012) *World Population Monitoring Adolescents and Youth. A Concise Report*. ST/ESA/SER.A/330. United Nations, New York: 4.

http://www.un.org/en/development/desa/population/publications/pdf/fertility/12_66976_adolescents_and_youth.pdf

as seasonal ones (what is termed “mixed migration”) calling for multiple forms of gender-responsive intervention and inter-institutional coordination;

Faced with this complexity, which high income countries themselves struggle with, developing countries and emerging economies need to provide sophisticated, multi-sector, multi-stakeholder responses which are difficult and costly to organize. This leads to the question of migration governance in SSM.

2.3 Fragmented governance and regulatory approaches/policy frameworks

A third pattern which calls for closer scrutiny is that of the very **fragmented governance systems and regulatory approaches** which dominate in most SSM contexts, with a few exceptions which will be presented in the third section of the paper.

In many developing countries, regional protocols strongly encourage their member states to develop their own national policies. However, **inconsistent approaches often dominate over planned and strategic migration policies**. RCPs have helped bringing together ministries which historically would function in silos (typically ministries dealing with security matters and the regulation of migration on one hand, and labour and social development ministries on the other). However, these barriers continue to delay policy convergence, integration and at the end of the day, efficiency.

Furthermore, there is often a lack of policy coherence on migration between national and local levels, which makes it difficult to respond to local needs in turn making implementation less successful.¹⁸

This functioning in silos is compounded by the fact that it also reflects **different or divergent approaches to and visions of the potential role of migration in relation with key national policies**, security and counter-terrorism on one hand, and development, economic growth and employment on the other. There remain many unresolved points of contention between those who continue to see migration as a risk or threat factor and those who would like to fully harness its development potential. The issue of skills recognition and skills transfer is a typical one. While progress has been made in ASEAN for instance with the adoption of Regional Competency Standards for Asia and the Pacific, competency directories and recognition systems per sector which have helped improve the situation of migrant workers in particular sectors (domestic work, manufacturing)¹⁹, in Africa, skills recognition remains very fragmented and progress mostly takes place unilaterally at national level (e.g. The South African Qualifications Authority; the Algerian *Système of Equivalences* for foreign graduates), though some initiatives are also taken at continental level driven by the AUC .

Another fragmentation factor is the **lack of inclusiveness** which characterises migration policy making on most developing countries, with very **limited transparent and regular involvement of social partners**.

A third major challenge for the implementation of better SSM policies is the limited capacity (human and financial) in existing institutions related to labour migration. As labour migration is a very substantive share of all SSM, strengthening its regulation necessitates to rethink national budget allocations towards labour and inter-ministerial coordination tools, or possibly implementation agencies.

A fourth common governance challenge relates to **specific political constraints and policy choices** which are more acute, albeit if often less publicised, than in the North. These are at least two:

- Firstly, the need for governments in developing countries, including several emerging ones, to balance situations of **labour surpluses and structural unemployment** among their own

¹⁸ See background paper for Roundtable 2.2 on *Regional mobility and policy coherence to support development*.

¹⁹ ILO (2015) *Domestic Work*, Regional Model Competency Standards Series, Geneva.

labour force against **uncontrolled inflows** (in situations of crisis) or **pressing demand from the private sector**. (e.g.: Ethiopia, South Africa, Mauritius, Nigeria, Indonesia, The Philippines)

- Secondly, the need to balance **international human rights and labour rights commitments** against the **pressure from economic operators, particularly where migration and mobility have become lucrative, albeit illicit and possibly criminal, income-generating sectors** in the economy (e.g. Libya; Brazil – Surinam; Haiti; Bangladesh).

Developing countries have however shown **innovation and intent** in many instances which deserve to be better known, documented and shared in order to encourage “coalitions of the willing” to come together along corridors or within RECs as a strategy to move forward a progressive, rights-based and gender-responsive migration agenda.

3. Transferable learning: Examples of international good practice

The ILO and the IOM have continuously worked on collecting examples of good practice and making these available in accessible databases and compendia²⁰ providing applied guidance to a range of stakeholders. This section presents a selection of promising experiences organised in three areas:

- Multilateral cooperation along corridors and at sub-regional level;
- Partnerships and non-binding processes;
- National and bilateral efforts.

The examples presented below can address key patterns and challenges introduced in section 2 [members of the WG 2.1 had also promised to send good practices that may be included in summary form in this section].

3.1 Promotion of multilateral mechanisms along corridors or at sub-regional level

As indicated earlier, the **sub-regional level of intervention and multilateral approaches are often key to improving the conditions in which migration takes place**. While it is probably the most difficult type of intervention as it requires efforts from a range of stakeholders across several countries, there are inspiring examples of multilateral mechanisms which can be cited.

Also, **improving data** is a critical area for SSM. One functional mechanism is the **International Labour Migration Statistics (ILMS) Database in ASEAN**²¹ which gathers a range of statistical sources relating to international migrants and international migrant workers in the ten ASEAN Member States. It provides an important tool to policy makers to profile and monitor labour migration within the region.²²

A very important area of **multilateral cooperation is social protection**. In Latin America, the MERCOSUR multilateral social security agreement coordinates the social security systems of Argentina, Brazil, Uruguay and Paraguay and covers old-age, disability and survivors pensions, and health. There are two comparable examples in the Africa region albeit not yet fully operational: CIPRES (Inter-African Conference on Social Welfare) Multilateral Agreement on Social Security (15 French-speaking countries in Western and Central Africa and the Indian Ocean); and the ECOWAS

²⁰ The ILO good practices database on labour migration is available at: <http://www.ilo.org/dyn/migpractice/migmmain.home>

²¹ <https://www.gfmd.org/pfp/ppd/10322>

²² http://www.ilo.org/ilostat/faces/wcnav_defaultSelection;ILOSTATCOOKIE=cBFUe_ZYkn_Ft6wj5bJDN-8Wr9MxvHmcN7EWq8x9M2BKC3sRoaxM!2060453922?_afLoop=199088262788065&_afWindowMode=0&_afWindowId=null#!%40%40%3F_afWindowId%3Dnull%26_afLoop%3D199088262788065%26_afWindowMode%3D0%26_adf_ctrl-state%3D1c70zuwgkd_4

General Convention on Social Security (enables retired migrants and migrant workers who had worked in one of the ECOWAS member States to exercise their right to social security in their country of origin).

Progress in adopting and enforcing inclusive, transparent, rights-based labour migration policies geared towards the protection of migrant workers' fundamental rights at work is, among other elements, related to **improving tripartite social dialogue** within RECs. A few notable examples may be cited here:

- The ASEAN Forum on Migrant Labour²³ is a good example of robust and functional tripartite social dialogue on labour migration issues. Its establishment was supported by the ILO ASEAN TRIANGLE I project, which had adopted a tripartite approach from inception, supporting several ASEAN tripartite technical meetings.
- The SADC Employment and Labour Sector²⁴ functions in a tripartite manner: the SADC Labour Migration Action Plan (2016–19) and the 2014 Labour Migration Policy Framework are the result of “tripartite plus” discussions and negotiations supported by the ILO and the IOM.

In Central America, the Central American Integration System (SICA) is also promoting regional cooperation on labour migration and the protection of migrant workers' rights.

In all of these examples, RECs are pivotal in creating the institutional space and authority to allow formal and functional cooperation between Member States.

3.2 Importance of partnerships and non-binding processes.

In many instances, partnerships and non-binding processes may come as a conduit, complement or a preliminary phase in the adoption of a more formal mechanism. Their role has been critical in a number of instances:

- RCPs have played an important role in terms of intra-regional labour mobility and supporting frameworks that follow international standards and good practices which can be beneficial for all. For instance the Colombo process fosters dialogue between countries of origin facing similar possibilities and challenges.
- RCPs within or close to regional economic communities or similar bodies have a high potential to spawn formal regional agreements on migration (as recent developments in ECOWAS in relation to the Migration Dialogue for West Africa and in the SADC in relation to the Migration Dialogue for Southern Africa seem to confirm)
- The Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia or Abu Dhabi Dialogue (ADD)²⁵ which is supported by the IOM, but is increasingly functioning as an independent inter-regional body which has moved from being purely consultative to implementing projects. The recent Colombo Declaration (January 2017) establishes the broad direction and principles for four key programmes, focused on ethical recruitment, skills certification, information and orientation programming, and the role of technology in the governance of labour mobility²⁶.

²³ <https://www.gfmd.org/pfp/ppd/10323>

²⁴ <https://www.gfmd.org/pfp/ppd/10329>

²⁵ <https://www.gfmd.org/pfp/ppd/5671>

²⁶ <http://abudhabidialogue.org.ae/projects>

3.3 National and bilateral efforts

As discussed in section 2, because of the complex nature of SSM, the first level of intervention will invariably be the national one. However, examples of good practice need to be carefully analyzed to appraise their exportability to other national contexts. When state actors or civil society stakeholders are strong enough and find matching partners across borders, they may consider entering into agreements with their counterparts in the other country, thus establishing robust mechanisms to accompany mobility and migration. Here are some examples:

At the heart of migrant workers' protection is their **inclusion in labour legislation and their support by strong public employment and consular services**. The best-known example of the development of such institutions is that of the **Philippines**. Over a period of thirty years, the country has developed protective legislation, established a dedicated ministry, and systematically professionalized its support, welfare, and placement services to its migrant workers, through its Department of Labour and Employment. **Morocco** provides a good example of a country which has recently adopted a progressive approach to migration thanks to the adoption of an integrated national migration policy²⁷ including the protection of irregular migrants.

In many instances, migrant workers or the occupations in which they are primarily employed may be excluded from the scope of **national labour legislation**. However, some countries have opted for unequivocal and explicit equality of treatment and inclusion in their labour legislation. This is for instance the case of **South Africa or Lesotho**. In South Africa, while there are challenges to widespread implementation, migrant workers, including those in an irregular situation, are fully covered by laws on minimum wage, arbitration, collective bargaining, and occupational compensation.

The **promotion of fair recruitment**, through the adoption of the ILO 2016 General Principles and Operational Guidelines²⁸ and the establishment of the IOM International Recruitment Integrity System (IRIS)²⁹, has become a key area for strengthened protection of migrant workers in SSM. The ILO's FAIR programme³⁰, a partnership between International Trade Union Confederation (ITUC) and affiliates, the International Organization for Employers (IOE) and affiliates, including the International Confederation of Private Employment Agencies (CIETT), has developed fair recruitment mechanisms in countries such as **Nepal and Tunisia**.

Bilateral Government to Government Agreements are a major area for the improvement of conditions in SSM. While their record has not always been impressive in terms of adherence to international labour standards and impact on poverty and development (Wickramasekara 2015; ILO-World Bank 2015), there are emerging examples of good practices. One such example is the Employment Permit System (EPS)³¹ which is an initiative of the Republic of Korea's Ministry of Employment and Labour, which has facilitated the recruitment to Korea of thousands of workers from Thailand and 14 other countries. This system ensures the protection of migrant workers on the basis of the principle of equality of treatment (same minimum wage, occupational safety and health, and health care provisions as nationals). Other examples include labour migration programs concluded by Honduras with Mexico and Panama as well as BLAs between Costa Rica and Nicaragua or Panama which allow regular and safe labour migration. Some of these programs include partnerships with the private sector and intend to ensure safe return and reintegration in the labour market.

Another promising area is that of **bilateral trade union agreements on the protection of migrant workers' rights**. Drawing on the model trade union agreement developed by ILO ACTRAV, they

²⁷ <https://www.gfmd.org/pfp/ppd/2080>

²⁸ <https://www.gfmd.org/pfp/ppd/5424>

²⁹ <https://www.gfmd.org/pfp/ppd/2347>

³⁰ <https://www.gfmd.org/pfp/ppd/2363>

³¹ <https://www.gfmd.org/pfp/ppd/31>

have been established in several regions and across regions (e.g. the bilateral Trade Union Agreement between the Confederation of Ethiopian Trade Unions (CETU) and the National Federation of Unions of Workers and Employees in Lebanon (FENASOL); bilateral trade union agreements signed in 2017 by several MERCOSUR countries' trade unions, etc. (ILO-ACTRAV, forthcoming 2018).³²

4. Guiding questions

In light of the points developed in this paper, we propose the following four questions to elicit a fruitful discussion in this Round Table discussion:

- What is the most effective **level of intervention** in terms of providing technical assistance to enhance the positive impact of SSM? Should it be at local (municipal), national, sub-regional, regional, and what should be the nature of the engagement of employers and workers' organizations?
- What should be the **guiding frameworks** in terms of developing coherent policies in the context of SSM in emerging economies and developing countries, many who serve as origin, transit and destination for migrants? E.g. how to support implementation of international labour standards, regional frameworks, informal consensuses, private sector self-regulatory mechanisms, etc.
- What are the **most pressing needs** in terms of governance structures, capacity-building, implementation mechanisms, monitoring and evaluation?
- What are the **best options to enhance and strengthen SSM drawing on the expertise of the new UN Migration Network and as priorities for the Capacity Development Mechanism of the GCM?**

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³² <https://www.gfmd.org/pfp/ppd/10370>

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