

SAPA Migration and Labour Minutes of the Meeting

Date: 04-02-08

Venue: Bangkok, Thailand

Part 1: Overview of Working Group and Review of 2007 Activities

In 23 October 2006 – SAPA RSC meeting to discuss and deliberate proposals for the creation of working groups on

Migration and Labour
Human Rights Council

The proposed WG on migration and labour was created to address migrant and labour issues between and among sending and receiving countries in the ASEAN region. The proponents of the working group suggested for the Asian Alliance on Migration, Development and Human Rights to be a part of the working group as SAPA is a much broader coalition. The alliance was dissolved and members of the same became part of the SAPA WGML. The working group had its first meeting on 4 February 2007.

The first meeting set the priority areas of the working group and its objectives. The following are the objectives of the working group:

- Play a key role in expressing concerns and formulating strategies to implement fundamental labour rights, Core Labour Rights (CLS) and the Asian Social Charter.
- Actively support the drafting, monitoring, evaluation and implementation of the ASEAN Framework on the rights of Migrant Workers, which will be submitted to the ASEAN SLOM/ASEAN Labour Ministers. In accordance with the VAP, the ASEAN Ministers will begin discussions on the elaboration of an ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers. To realise the above, and working together in solidarity:
 - share and exchange experience and best practices in promoting CLS and social security, specific rights of migrant workers and their families (South Korea's KCTU and Hong Kong's CTU have formed migrant workers unions; other Asian unions can learn from their experiences.)
- Consultations among and with the social partners e.g. In ASEAN CSO-TUs, ATUC, ASEAN Working Group, ASEAN Labour Ministers, ASEAN SOM etc. to build commitment, trust and ownership. The process is as important as the results.
- Enhancing capacity of CSO-TU to implement Core Labour Standards, monitoring, evaluation, advocacy, and complaint mechanism

The priority areas of the working group include the following:

- *ratification campaign of the UN 1990 Migrant Workers Convention
- ILO Conventions 97, 143 and 181
- *ASEAN framework on the protection of migrant workers
- ILO Multi-Lateral Framework

- Migration and Development including the GFMD

The activities of the working group for 2007 include:

- Asian Consultation for the 2007 Global Forum on Migration and Development GFMD – June 2007
- Working group members participated in the Asian Consultation for the 2007 GFMD
 - A number of working group members attended the CSO Forum of the GFMD in Brussels, Belgium
- Sub Regional Conference on ASEAN and the Rights of Migrant Workers – November 2007
 - Conducted back to back with the 3rd ACSC
- Working Group Meeting: Asian Consultation for the 2008 GFMD – 4 February 2008
- Continuous campaigns and Action/Urgent appeals

Discussion of WG Mechanisms/Processes:

- SAPA Website: Monitor website to keep updated on ML WG activities: www.asiasapa.org.
- SAPA GF Email List and ML WG List: Join to receive emails regarding SAPA and ML WG activities. Email Pong from FORUM-Asia to join the lists: sapa@forum-asia.org.
- Membership terms of reference: Organizations can join the ML WG without being members of the SAPA GF.
- Concerns about the working group: Members raised concerns that more organizations from South Asia, Central Asia, and West Asia should be contacted and invited to join the working group. Members also highlighted the need to reach out further to trade unions.
- Informal South Asia Caucus: Some members proposed the formation of an informal South Asia Caucus within the ML WG. These members held their first informal meeting of the Caucus during a break of the ML WG meeting. The minutes from this meeting are given below.

Approval of Minutes from 4 Feb 2007 of 1st WG meeting:

The ML WG approved the minutes from the 4 Feb 2007 meeting, noting that it was at that 2007 meeting that the Asian Alliance for Migration, Development and Human Rights changed its name to the SAPA Migration and Labour Working Group.

2008 Calendar of Events/Activities:

To ensure submission of ML WG members events to the common WG calendar, send event details to sapa@forum-asia.org for submission to the group for compilation. See the website, www.asiasapa.org, for the ML WG page where events will be posted.

Part 2: Asian Consultation on the GFMD

Introduction:

The issue of labour migration has become a global phenomenon with various multilateral institutions such as the UN, the World Bank and Asian Development Bank looking into the issue. At the UN level, labour migration was taken up as a global issue on December 1979 when the General Assembly decided to adopt a resolution to establish a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families. In 18 December 1990, the UN general Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Henceforth will be known as MWC) The convention came into force in 1 July 2003 with 23 ratifications by member states. To date, the majority of the 37 ratifications are migrant sending countries.

The United Nations General Assembly through resolution 58/208 of 23 December 2003, also decided to hold a United Nations High Level Dialogue (UNHLD) on international migration and development during its 61st session. The UNHLD on international migration and development took place on September 14-15, 2006 at the United Nations general headquarters in New York City.

The purpose of the UNHLD was to discuss the multidimensional aspects of international migration and development in order to identify appropriate ways and means to maximize its development benefits and minimize its negative impacts. Additionally, the UNHLD focused on policy issues, including the challenge of achieving the internationally agreed development goals, including the Millennium Development Goals (MDGs).

Parallel to the UN HLD, Migrants Rights International (MRI) organized the Global Community Dialogue on Migration, Development and Human Rights

Among the recommendations of the UNHLD was the creation of the permanent forum on migration. The UN Secretary General, Kofi Annan was a vigorous supporter of the HLD and believed that it should mark the beginning of inter-governmental discussions about migration and development.

From the UN led process which was the HLD came the Global Forum on Migration and Development (GFMD). The GFMD is no longer a UN led process but a non-binding intergovernmental process that will look at developing a practical agenda on maximizing the gains from migration and development. At the UNHLD the Government of Belgium signified its intention to host the first GFMD.

The first GFMD was hosted by the Belgian government on 10-11 July 2007. For the CSO day (9 July), the King Baudoin Foundation (KBF) was tasked to coordinate. More than 200 participants attended the CSO day.

Initiatives of CSOs at the International and Regional Level in engaging the first GFMD includes among others:

Asian Consultation Process June 2007
Asian Domestic Workers Assembly June 2007
MFA Part of the task force to prepare for the day of CSO of the GFMD
MFA members part of the CSO day of the GFMD
MRI and MFA part of the official CSO delegates for the GFMD
MRI – Global community Forum on Migration and Development
Global Domestic Workers Assembly

The Second GFMD will be in Manila Philippines on 27-30 October 2008. The first 2 days will be for CSO with half day of the last day devoted to dialogue with governments. The last 2 days will be for Intergovernmental Meetings.

Ayala Foundation is in-charge of organizing the CSO day on 27-30 October 2008. MFA sits as a member of the local organizing committee to prepare for the CSO day

Roundtable 1: Migration Development and Human Rights
Protecting the rights of migrant workers – a shared responsibility

The session will address the questions:

How can protection of the rights of migrants enhance their contributions to development?

What are the key elements of effective cooperation between countries on migrant protection?

1.2 Empowering migrants and diaspora to contribute to development

The session will address the questions:

What are the most effective policies and practices for empowering migrants and diaspora to contribute to development?

How can the development impact of these policies and practices be best assessed, scaled-up and shared across different countries and regions?

Roundtable 2: Secure, legal migration can achieve stronger development impacts

2.1 Fostering more opportunities for legal migration

The session will address the questions:

What makes a temporary labour migration program beneficial for development?

How can developing countries strengthen their capacities to negotiate partnerships and be viable partners on mutually beneficial labour and skills exchange?

2.2 Managing irregular migration as a negative factor for development

The session will address the questions:

What are the cause-effect links between irregular migration and lower achievement of development goals (in both directions)?

What are the capacity building needs of developing countries to manage irregular migration?

Roundtable 3: Policy and institutional coherence and partnerships

3.1 Strengthening data and research tools to foster policy and institutional coherence

The session will address the questions:

What are the critical gaps in data on the migration-development interlinkages?

How can research and analysis be linked most productively with policy-making?

What are the key indicators of the development-relevance of migration policies; and the key indicators of migration impacts of development policies?

3.2 Regional consultative processes (RCPs) at the interface of migration and development

The session will address the questions:

How are RCPs effecting change regarding migration and development policies at the national level? And within the agendas of larger regional economic processes?

What are the good practices in integrating development considerations into RCP agendas?

How can RCPs work more closely with the GFMD in mutually reinforcing ways?

Separate Session

4. The future of the Global Forum on Migration and Development (GFMD)

CSO DAY FORMAT

A 2-day conference to give more time for stakeholders to delineate, discuss, and digest issues of national and international import.

Day 1: parallel workshops and roundtable discussions

Day 2 (am): plenary sessions focused on cross-cutting issues

Day 2 (pm): Friends of the Forum will be invited to sit down with Civil Society participants for discussion and deliberation of the outputs of the preceding day and a half.

The Civil Society Forum will be held back-to-back with the Inter-Government Forum to encourage face-to-face engagement and improve mutual understanding of viewpoints and perspectives.

Discussion to Clarify Objectives, Themes of the GFMD:

Q: How will CSOs/trade unions engage in the GFMD process?

A: There is as of yet no international coordinating committee for the 2nd GFMD.

The local organizing committee for the CSO Day is being convened by the Ayala Foundation, which is connected to the Filipino private sector. 13 groups are included in the local organizing committee, from faith, labour, the media, etc. MFA is part of the local organizing committee.

Q: The Roundtable Themes to be discussed by the GFMD both at the intergovernmental forum and the preceding CSO day have already been set. What will be the themes of the CSO/trade union parallel events?

A: The parallel event is intended to be open; anyone who wants to organize something, can organize something. No structures have yet been established.

Q: What is the structure of the CSO Day?

The CSO Day will also take up the Roundtable Themes set out by the GFMD organizers. For this second GFMD, the CSO Days will last for one day and a half. The second half of the second day will be for joint meetings between CSOs and governments.

Q: What is the structure of the international coordinating committee for the GFMD? Can CSOs join?

A: Ayala Foundation is choosing both the international coordinating committee and the local coordinating committee. This process will not be open and democratic, and will not necessarily result in adequate representation of civil society.

Q: What is MFA's position vis-à-vis the official events for the "outside" events?

MFA has been working to engage as much as possible with the official process, while also working to ensure the space for "outside" parallel activities, that as many groups who are interested can engage in. The CSO Day itself has been the result of aggressive lobbying to the Filipino government.

The involvement of the ILO in the GFMD does create some space for engagement by trade unions.

For other CSOs, the official opportunity to engage is only through Ayala Foundation.

Q: How will the ML WG represent itself in these two spaces?

A: This GFMD consultation meeting is to help sort this question out. MFA is not attempting to represent the entire group, but working to bring out the necessary information to assist in establishing a joint process, and perhaps a joint message.

The Hong Kong model, where all interested groups were enabled the open democratic space to hold the events they wanted to hold, is one possible model to follow.

Q: Will the GFMD take place every year?

A: Yes, the GFMD has been scheduled to take place annually until 2011.

Q: What do the CSO Day organizers mean by CSO?

A: In New York at the 2006 High Level Dialogue, the civil society represented was "real" civil society; in Brussels at the 2007 1st GFMD it encompassed academics, think tanks (Migration Policy Institute), and the private sector. At this 2008 2nd GFMD, there is also an emphasis by the CSO Day on the private sector as evidenced by the involvement of the Ayala Foundation. (The King Badouin Foundation which organized the Brussels CSO Day had a more social focus).

Q: How many CSOs will be able to participate in the CSO Day?

A: 230 participants from civil society are being allowed; 30 slots have been set aside for Filipinos.

Q: What is the structure of the dialogue between CSOs and governments?

A: It is unclear which governments will participate in this half-day agenda. The meetings will be convened by the “Friends of the Forum” which is the group that has been organizing the GFMD.

The idea is that the outcome from this joint meeting should be reported to the official GFMD meeting – but not sure that this will happen (didn’t really happen in Brussels, where the CSO Day took place on the preceding day before the official Forum. Though in Brussels, there was no joint meeting opportunity.

Q: What is the composition of the governmental delegations to the GFMD?

A: Three-person delegation, with no ministers, strictly officials from the relevant departments of labour as well as economic development.

Q: What parallel events took place in the previous 2007 Brussels GFMD?

A: Four key groups organized the parallel events in Brussels: Migrant Rights International (MRI), International Trade Union Confederation (ITUC), December 18th, and ICMC.

There is space for any international organizations who want to, to be involved in the parallel events in Manila for the 2nd GFMD. But none of these four groups involved in the previous parallel event can raise resources to enable international participants to attend. Each of these groups is planning something, but definite commitments have not yet been made.

Q: What are the range of parallel events?

A: Parallel events will be organized not only by the groups represented by the SAPA ML WG, but also by other groups including Migrante, as well as by the private sector and pro-government organizations, etc.

Strategies for Engaging the 2nd GFMD:

Strategies

- ML WG members will work on two tracks: keeping up the pressure to enable direct engagement with the official GFMD process, while also working to organize parallel events, to create the space for all our networks and beyond to have the democratic space to participate.
- ML WG members may work to lobby sympathetic governments who will be attending, to see if they can assist CSOs in direct engagement with the GFMD. These governments can then also be invited to the parallel events we are organizing.
- ML WG will not try to create an international event as that will take many resources. The structure to be followed is that of the Hong Kong WTO civil

- society events, where many different organizations will hold their own individual tracks of events, and then all converge together at one place, at one time.
- Convening multi-stakeholder national-level consultations on the GFMD will create one mechanism for soliciting more localized input and participation on the GFMD. The outcome of these national consultations can then be pulled together in one document to be presented at the GFMD, preferably in a side event with the relevant governments. This document should also be presented during the official CSO Day, as well as at the parallel events.
 - The 1st day of the consultation will respond to the GFMD's Roundtable Themes, while the 2nd day will solicit input regarding country-specific migration and development concerns which have been omitted by the GFMD. This process should assist in developing a national migrants' agenda. Groups in the Philippines and Bangladesh are already making plans for national consultations.
 - Direct lobbying of governments should be part of the GFMD national consultation process, with a plan to lobby governments well in advance of the GFMD.
 - Developing common positions as the ML WG will also be helpful in the GFMD process; group will plan to build on existing principles set out by the earlier Asian Alliance for Migration, Development and Human Rights as well as the SAPA ASEAN Task Force's framework.
 - Linking up with other cross-cutting issues that groups/networks around the Asian region are addressing will also be important in moving the migration/development agenda forward. ML WG members will plan to engage especially with those working to address trade and climate change. GFMD officials and other policymakers purposely do not make these linkages, to intentionally narrow the terms of debate and discussion.
 - Human rights groups and trade unions will be among the important constituencies to engage around the national consultations.
 - The ML WG will critique the process by which the official GFMD has convened its committee of experts, while putting forward our own experts in the areas of migration and development.

Action Items

A. SUGGESTED PLANS/ACTIONS FOR THE SAPA W.G.

1. Joint position paper by the WG on GFMD/migration and devt.

-framework principles; our common principles, positions, demands; assert universality of human rights; migrants' rights are human rights and not simply focus on eco contributions of migrants.

-include what do we hope/want to achieve at GFMD?

-some groups have come up with positions papers already; we can refer to/use these;

-coordinate(?) with other SAPA WGs (eg ASEAN WG) on their positions on relevant GFMD themes;

-Analyse results/what the govts have agreed upon in the 1st GFMD.

>>WG DECISION/ACTION:

= Use “Asian Alliance on Mig, Devt and HR” + “ASEAN multilateral framework on migrants’ rights” + relevant position papers by other WG members as basic references on drafting the new WG paper; include recent and other critical topics that are not covered in these stmts.

>identify minimum common demands/positions that we will all carry on;

>position paper should include: our common principles, minimum positions; critique of process/etc.

= Create a drafting committee that will work on the WG position paper ... draft will be sent by email to all WG members for comments; to be adopted/approved by WG through email;

>Mekong Migration Network (MMN), UNI-APRO, GAATW;

>Timeline:

End-Apr = 1st draft emailed to all WG members;

End-May = all comments/changes in;

end-June = final stmt out; emailed by drafting committee to all WG members.

= Use the new WG position paper as reference, framework in the national consultations;

2. Respective WG members to organise national consultations and lobby actions on GFMD 2008

*Respective groups decide on how they will do the national consultations; can be one or several in a country

-WG members who are organising national consultations – email info to the SAPA WG on M&L (who are lead organisers, when, where, etc.);

-open to other groups to link-up/join these;

*Have common framework/guidelines that can be used in the national consultations
→ use WG position paper;

*Send report/highlights of results of consultations <to SAPA WG?>; WG to consolidate summary report?

*Multi-stakeholder; to broaden participation of various sectors at the country level, esp migrants, workers, etc.; including dialog sessions at the national level (NGOs and trade unions centres); bring in human rights organisations both at the national, regional, global/intl levels; involve relevant UN agencies eg ILO in these processes.

*Themes: topics covered by GFMD; critique of and our perspectives on these themes; expand themes to cover critical areas/topics we identify; discuss issues of concern to us at the national level and link these with global issues on migration; include discussions on internal migrants, informal sector, forced migration, forced displacement (due to armed conflict, environmental degradation, development projects), irregular migration, etc.

*Can use these consultations to identify delegations that countries can form/send to Manila;

*Organise lobby actions at the national level, e.g. using the results of the national consultations in proposals/demands to respective governments; media work/advocacy;

*Ask other groups to sign on/support the results of the national consultations.

*Lobby our respective governments re: our positions on GFMD.

3. WG to facilitate process to link the national consultations with the GFMD itself
 - = Organisers of national consultations to send to the WG a summary/highlight report on key results/recommendations/action points (e.g. a few pages); WG can put these together into one set which we can submit to GFMD/govts and use in advocacy/lobbying ... suggest to SAPA WG to come out with a simple format/guide for the short report.
 - = Push that the national CS delegations <identified by CS> are included in the CS delegation to GFMD ... these identified national delegates are encouraged to take initiative to apply to be part of the 230 CS delegates.
 - pls inform SAPA WG who have been accepted as official CS delegates; WG to discuss how to maximise this opportunity.

4. Intervention by the WG at official GFMD 2008 preparatory process
 - =GFMD committee on experts – will draft a paper for CS
 - Intervene at Feb 11 &13 experts' mtg to be organised by Ayala foundation (they will invite 7 CS reps to this mtg);
 - Mel to monitor who are the experts chosen by Ayala Foundation; inform WG; WG to decide on our position on this process → push for CS inputs? critique this paper? Reject this process? Come up with our stmt against/about this?
 - WG to issue stmt challenging this process (exclusionary, not transparent); demand that they recognise/put in experts we suggest, including migrants as experts;
 - On the paper made by the experts committee - do a peer review and critique of the draft paper <expected to be posted online in July>; come up with our own paper(?).
 - *WG to help identify what relevant “RCPs” are in Asia which we need to intervene(?)

5. WG intervention/advocacy actions on the GFMD 2008:
 - *Intervene in selected regional forums/events and bring our positions/advocacy on GFMD in these meetings.
 - =e.g. meetings this year on trade/investment, climate change; health-related national/regional mtgs; children of migrants; etc.
 - *Lobby specific governments to raise our positions;
 - *Identify who are in the delegations of respective governments and lobby with them
 - =pls inform WG if govt delegation allows CS representation so that we can maximise this opportunity.
 - *Set up booth in the GFMD to highlight our presence/advocacy actions.

6. GFMD 2008 parallel activities

>Official GFMD mtg will be held in the Philippine International Convention Center (PICC) ... near Luneta Park (public park).

*Activities organised by respective WG members, other groups

*Send info to WG on these activities and who are the lead organiser; to be shared/circulated among all WG members; can be put together into a common calendar of events.

*MRI and its partners in GFMD 2007 (Brussels) is planning to organise international parallel event(s) for GFMD 2008; MFA will be part of this.

=Does SAPA WG want to join/partner with this process?

*WG to organise parallel event(s) in addition to official CS events - e.g. workshops, booths, people's fair/global village, mobilisation, march, etc...

→ SAPA can coordinate members' events in terms of schedules (to avoid schedule conflicts and to maximise our collaboration);

→ Possibly a week-long window of events (22-27 Oct);

→ WG to communicate with MRI to see if we can partner; ask MRI to inform us of its plans by March 2008; see how we can work together.

→ WG needs partner/s in Phils to look into basic space requirements (e.g. how to book the venue/s);

→ WG coordination process/mechanism to facilitate, coordinate our GFMD parallel efforts:

=SAPA WG <team for Phil logistical preparations>:

-CMA: will set mtg with trade union partners in Phils to ask if they can help with Phil preparations;

=SAPA WG Coordinating Committee for GFMD 2008 parallel event - to coordinate/facilitate the SAPA WG's GFMD 2008 plans/schedules;

-CC: MMN, DAWN, <trade union rep?>; for additional volunteers: pls volunteer within 1 week;

-SAPA WG members – pls email info on your GFMD 2008 activities to the CC.

→ SAPA WG – suggest to meet in mid-Aug 2008

B. GFMD 2008 PLANS/INITIATIVES OF SPECIFIC GROUPS/NETWORKS

*CMA/Phil NGOs: Planning to organise Phil-wide consultations on GFMD to widen participation and advocacy on GFMD by Phil civil society groups, trade unions.

*MFA Mig & Devt TF: Will organise national consultations on GFMD – e.g. Phils, Bangladesh, Cambodia, Malaysia, Indonesia, Sri Lanka, Japan, Korea, Hong Kong.

*Suggest for various networks, orgs to organise/strengthen national consultations; including organising more consultations in other countries/regions.

Part 3: Report back from newly-formed South Asia Caucus of ML WG:

- This new caucus will be named the South Asian Caucus on Labour and Migration.
- The caucus will use the upcoming SAARC meeting as well as other platforms to insert issues of migration.
- The caucus members will work to get more national groups interested in these issues.
- Caucus members may engage with the People's SAARC if it takes place this year, at the Kandy, Sri Lanka SAARC meeting this summer.
- Participants: Syed Saiful Haque, Usha Kala Rai, Saji Thomas, Shalmali Guttal, and Zia Ahmed Awan

Participants List

1. Nabeel Rajab, Bahrain Human Rights, Bahrain
2. Brahm Press CARAM Asia
3. Carmelita Nuqui, Development Action for Women Network (DAWN), Philippines
4. Elijah Fung, St. John's Cathedral HIV Education Centre, Hong Kong
5. Cynthia Gabriel, CARAM Asia, Malaysia
6. Ellene Sana, Center for Migrant Advocacy (CMA), Philippines
7. Sister Dolores Zahra, Hope Workers' Center (HWC), Taiwan
8. Shalmali Guttal, Focus on the Global South, Thailand
9. Navuth Ya, CARAM-Cambodia, Cambodia
10. Balasubramanian, MTUC, Malaysia
11. Zia Ahmed Awan, Lawyers for Human Rights and Legal Aid, Pakistan
12. G.M. Rabbani, International Migrant Foundation, Bangladesh
13. Nguyen Thi Kim Anh, Oxfam Vietnam
14. Syed Saiful Haque, WARBE Development Foundation, Bangladesh
15. Hashim Lobe, UNI-APRO, Singapore
16. Norman Grecia, PSI, Philippines
17. Eross Ocampo and Anna Loraine Ocampo PGEA with PSI, Philippines
18. Alice Nah, HAKAM, Malaysia
19. Wahyuningrum, FORUM-Asia, Thailand
20. Rev. Choi, Jung-Eui-Pal, JCMK, Korea
21. Pranom Somwong, Mekong Migration Network, Malaysia
22. Jackie Pollock, Migrants Assistance Program
23. Laddawan Tamafu, Malaysia
24. Usha Kala Rai, ANWA, Nepal
25. Saji Thomas, FORUM-Asia, Thailand
26. Rex Varona, Asian Migrant Centre (AMC), Hong Kong
27. Richard Veerman, MFS- Belgium
28. Jee Young Kim, FORUM-Asia, Thailand
29. Adam Ross, FORUM-Asia, Thailand
30. Niza Concepcion, Committee for Asian Women (CAW), Thailand

31. Eleanor Taylor, GAATW,
32. Crescencia Lucero, Task Force Detainees of the Philippines, Philippines
33. William Gois, MFA, Philippines
34. Tatcee Macabuag, MFA, Philippines
35. Mabs Licmoan, MFA, Philippines
36. Debayani Kar, MFA, Delhi