General Assembly Second Committee  
Topic 1: Migration and Development

30 September 2015

From 2000 to 2013, the number of people living outside of their country of origin increased by 33%. In 2013, approximately 232 million people (3.2% of the world’s population) were in this situation, compared to 175 million in 2000. Refugees and "persons in refugee-like situations" comprised 15.4 million of the 232 million.\(^2\)

To understand and address migration, it is vital to understand several terms related to the topic. According to international treaties:

- A migrant worker is “a person who is to be engaged or has been engaged in a remunerated activity in a state which he or she is not a national.”\(^3\)

- A refugee is a civilian who has left his or her home country due to armed conflict or persecution.\(^4\)

- A displaced person has also left his or her home due to fear of persecution but has not crossed an international border.\(^5\)

- A permanent immigrant is someone who has gone through a legal process to transfer his or her citizenship from one country to another.

People attempting to enter or stay in countries that prohibit their presence are known as irregular migrants. Irregular migration (also known as illegal or undocumented migration)...

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\(^1\) This document was written by Kathryn Gallagher and Karen Ruth Adams, with contributions from Morgan Eichwald, Kedra Hildebrand, Samantha Stephens, and Nicholas Potratz. Copyright 2015 by Karen Ruth Adams.


\(^4\) Adrian Edwards, "'Refugee' or 'migrant' - Which is right?", UNHCR Viewpoint, 27 August 2015, available at http://www.unhcr.org/55df0e556.html.

\(^5\) “Convention and Protocol Relating to the Status of Refugees.”
“occurs outside the rules and procedures guiding the orderly international movement of people.”^6

There has still been debate, however, over whether one should distinguish between those that cross borders for economic opportunity (migrant workers) from those that flee due to conflict or persecution (refugees).^7 For instance, while international law separates these groups using the terms listed above, the United Nations Population Fund states that the "majority of migrants cross borders in search of better economic and social opportunities. Others are forced to flee crises," thus it includes both migrant workers and refugees in its definition of migrant.^8

According to the ILO, several factors contribute to migration, including demographic shifts, conflicts, income inequality, climate change, and globalization.^9 Globalization refers to increasing interdependence among states, which takes many forms: economic, social, cultural, and political. Globalization involves the exchange of culture, commodities, money, ideas, and people across borders. These movements are facilitated by improved communication and transportation technologies.^10

Migrant workers are not a new phenomenon. As long as there have been more economic opportunities in one country than in another, people have moved to obtain work and improve their standard of living. What was new, in the early 20th century, was the development of national regulations limiting the ability of migrants to become citizens, leading to the distinction noted above between migrant workers, who are presumed to be temporarily outside of their homelands, and permanent immigrants, who have obtained citizenship rights in a new country. At the same time, the UN and ILO began to try to coordinate national policies and provide for migrants’ rights.^11

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According to the Universal Declaration of Human Rights (UDHR) “[e]veryone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.”\(^{12}\) The UDHR does not, however, consider migration to find work to be a right. In addressing the human rights of migrant workers, the first challenge is, therefore, to determine how to deal with the dilemma created by the UDHR. On the one hand, individuals have a right to work. On the other hand, they do not have a right to move to another country to obtain work unless that country has approved their presence. This means that states must decide whether controlling their borders or people’s right to work is more important.

The second challenge of migrant rights relates to their treatment in countries that do accept them. As explained below, many migrant workers experience severe human rights abuses in the countries in which they work. Yet because migrant workers are, by definition, not citizens of those countries, it is often very hard for them to have their rights respected and, if their rights are abridged, to obtain due process in a court of law.

To address the second challenge, in 1990 the General Assembly (GA) approved the International Convention on the Protection of All Migrant Workers and Their Families (known as the Convention on Migrant Workers). The Convention ensures the rights of migrant workers and their families during all stages of migration, from departure to residence and return. Participating states agree that migrants cannot be restricted from entering host countries except by law and cannot be prevented from returning to their countries of origin. In addition, they agree to respect the human rights of migrants, including the right not to be enslaved or tortured, the right to have freedom of thought and religion, and rights to privacy, security, property, liberty, and equality to citizens under the law of host countries.\(^ {13}\) As of 2015, just 48 of the UN’s 192 member states have ratified and become parties to this treaty. This is unusually low for a UN treaty and suggests that there is little international consensus on this issue. Almost all parties are countries of origin. None of the parties are from Europe or North America.\(^ {14}\)

**History and Current Events**

In discussing migrants, it is helpful to consider the economic concepts of supply and demand, which explain why people move to other countries for work. It is also important to consider the costs and benefits of migrant workers to countries of origin, transit, and

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\(^{13}\) “International Convention on the Protection of the Rights of All Migrant Workers.”

destination. Finally, one must consider the distinction between migrants and refugees, particularly as it relates to the current "migration" crisis in Europe.

Supply of and Demand for Migrant Workers

According to economists, there are three main factors of production, or inputs required to produce goods and services: namely, land, labor, and capital. The price and consumption (use) of each of these factors is affected by supply (how much of it there is) and demand (how much of it is needed). Communication and transportation technologies have greatly affected the supply of and demand for labor.

On the supply side, new technologies mean that factory-owners, farmers, and other employers can now advertise worldwide for workers, and workers can move more easily than ever before to find work. This goes a long way to explain the doubling of migrant workers from 1975 to 1990. Technology has made it easier for migrant workers to supply themselves to employers around the world, so employers are using them in greater numbers.

On the demand side, technology has also caused important changes in the labor market. Today, even basic goods such as food and clothing can be produced and shipped at low cost from anyplace in the world to markets that demand them. Moreover, it is possible (and common) even for service jobs that used to be location-specific to be “outsourced” to other countries. Thus employers have moved their factories and service centers to countries where labor costs are low or labor skills are high. As a result, demand for labor has fallen in some economies, has risen in others, and has become more vulnerable to fluctuations in international markets.

Another way to think about supply and demand is from the point of view of an individual worker. If a person’s local economy does not supply the good job and satisfactory standard of living he or she demands, the person is likely to try to move to a country that can do so.

If a global labor market existed, people could simply move from one country to another as economic conditions changed — just as Americans move from one US state to another. But this is not the case. Instead, there are almost as many labor markets as there are UN Member States because each state establishes regulations governing who can legally work within its borders. The main exception to this is in Europe, where European Union states have agreed to treat workers from other EU states as if they were from their own country. Even within states, labor regulations can vary. For example, in China, urban and rural workers are treated differently. Chinese citizens who move from the countryside to work in factories in urban areas are denied social welfare benefits such as retirement pensions and medical care. In addition,
the Chinese government pays factories a subsidy for employing urban workers instead of migrants from the countryside.\textsuperscript{15}

**Countries of Origin, Transit, and Destination**

Another useful distinction is between origin countries, where migrants are from; destination or host countries, where they work; and transit countries, through which they pass. In general, origin countries are developing countries, and host countries are developed countries. According to the UN Population Division,

Most international migrants reside in the developed regions (59 per cent). Europe hosts the largest number of international migrants (72 million), followed by Asia (71 million) and Northern America (53 million)...international migrants represent 10.8 per cent of the total population in the developed regions compared to 1.6 percent in the developing regions.\textsuperscript{16}

Some countries' reliance on migrant workers is even higher than these averages suggest. In 2013, migrant workers comprised 83.7 percent of the population in the United Arab Emirates.\textsuperscript{17} The fact that most migration is from developing countries to developed countries demonstrates that poverty is the primary catalyst for migration.

**Benefits and Costs of Migrant Workers**

People in both host and origin countries benefit from the flow of migrants. Some suggest, for instance, that migration may help states such as France, Germany, Russia, and Japan overcome declining populations in coming year.\textsuperscript{18} Economically, employers in host countries are able to hire workers at lower prices than they would otherwise (due to increased supply of workers). As a result, the prices of their goods is lower than it would be otherwise; this benefits consumers in both host and origin countries. Host countries can also find workers to do jobs their people would rather not do. The ILO refers to these jobs as “‘three D’ — dirty, dangerous, and degrading.”


\textsuperscript{16} Department of Economic and Social Affairs, "232 International Migration 2013."


Origin countries, benefit from the remittances (payments) their workers send home to their governments and family. According to the World Bank,

Officially recorded remittances to developing countries were an estimated $404 billion in 2013, an increase of about 3.3% over the previous year... [T]op recipients relative to GDP were Tajikistan (52%), Kyrgyz Republic (31%), Nepal and Moldova (both 25%), and Samoa and Lesotho (both 23%). Remittances sent home by migrants to developing countries are equivalent to more than three times the size of official development assistance.

According to the Director of the ILO, “remittances help build better houses, provide healthcare, enable children to attend school and improve food security for families and communities left behind.”

People in origin and host countries also lose from the flow of migrants. Workers in host countries face more competition and therefore receive lower wages than they would otherwise. Origin states lose population, which means a loss in tax revenue. For example, in 2001, the loss of migrant workers to the US alone reduced Indian GDP by almost 1 percent. Employers and societies in low-wage countries also suffer from “brain drain” — the loss of their most educated and skilled workers. Between 1960 and 1987, Sub-Saharan Africa lost 30 percent of its highly skilled manpower to emigration, mostly to Europe. This hinders economic development, both in the short term, due to loss of skilled and innovative workers and in the long term because migrant support for family members in their state of origin usually diminishes after one or two generations.


Countries of transit are also strongly affected by migration. Mexico, for example, has to deal with a large flow of migrants from Central and South America to North America. In August 2010, the bodies of 72 Central and South American migrants were discovered in northern Mexico. They were apparently killed by thieves, kidnappers, or drug traffickers seeking recruits.26

According to economists, the overall benefits of migration far exceed the costs. For example, although workers in host countries earn lower wages, they have to pay less for the goods they consume. Similarly, although countries of origin lose talented workers, they gain remittances, which can be invested in development or used to increase consumption.

Yet many people and policy makers around the world see migrant work as a threat — not only economically, but also politically, socially, and culturally. As early as 2005, the UN Population Division observed that

Major changes in governments’ views on the level of immigration are taking place, as a result of growing concerns with the economic, social, political and demographic consequences of immigration. At present, about 40 per cent of the countries in the world have policies aimed at lowering immigration levels. Although developed countries are more inclined towards lowering immigration, developing countries are also moving in a similar direction towards more restrictive policies.27

According to François Crépeau, UN Special Rapporteur on the human rights of migrants, these kinds of policies often do not actually lower levels of immigration, but actually “serve to open a new and lucrative market for smuggling rings, which could not exist without this prohibition.”28

Efforts to Protect Migrant Rights: Opportunities for and Alternatives to Migration

The challenge of improving the rights of migrant workers is two-fold. First, there is the challenge of providing opportunities for — or alternatives to — migration. Then there is the challenge of protecting workers’ rights when they are residing in countries in which they are not citizens.

The first challenge arises from the fact that most migrant workers are seeking better economic circumstances than the ones into which they were born. That is, they are seeking to obtain the right to work articulated in the UDHR. One way to assure this right is for states to


27 United Nations, “Number of World Migrants Reaches 175 Million Mark.”

open their borders and create a free, or at least, uniform global market for labor. Thus far, states have been unwilling to do this.

According to many, the solution is not migration but development. Specifically, if developed countries are not willing to open their borders, they should provide economic aid to alleviate poverty in developing countries. In this spirit, in the GA resolution known as the Millennium Declaration (2000), UN member states called on developed countries “to grant more generous development assistance, especially to countries that are genuinely making an effort to apply their resources to poverty reduction.” At the 2002 Monterrey Conference on Financing for Development and the 2005 World Summit on Sustainable Development, a target of 0.7 percent of gross domestic product (GDP) was established. According to the UN Millennium Project, if all developed countries had spent this amount on official development assistance (ODA), there would have been sufficient funds to achieve the Millennium Development Goals (MDGs) for reducing poverty by the target date of 2015.29

In 2005, the ILO found “the US$250 billion sent home by migrant workers is a larger sum than foreign aid and foreign investment combined.”30 Thus aid alone is unlikely to solve developing country poverty. Some mix of migration, foreign aid, and foreign investment is needed.

Efforts to Protect Migrant Rights: Host Countries

According to the UDHR, all people have human rights, regardless of their location.31 Yet, once in their countries of destination, many migrant workers face disadvantages in the workplace and “are often treated as an economic commodity rather than people with dignity and rights.”32 Although UN Member States have given a great deal of attention to protecting the rights of refugees, migrant workers are treated as a separate category of person with different rights. This issue is called the “protection gap.” 33 Although the Convention on Migrant Workers was intended to bridge this gap, few states (and very few host countries) have ratified it. Thus the gap remains, and whether and how it should be closed is a matter of debate.


30 ILO, “Facts on Labor Migration.”


33 Lupini, “Irregular Migration Flow.”
Citizen workers in host states often regard migrant workers as a threat to their own employment. Thus they often pressure their governments to restrict migration. Sometimes these calls have a xenophobic quality, escalating into racist attacks. These attacks may be informal (among individuals) or formal (carried out by the state). In addition, they may range from verbal assaults to regulatory changes and even physical violence. Recent examples of anti-immigrant sentiment include the French deportation of the Roma and rallies and legislation in the American state of Arizona.

Because about half of migrant workers are women, gender discrimination is also a concern. Female migrant workers typically work in the domestic help and entertainment sectors, where national labor laws are commonly overlooked even for citizens. In addition, they often suffer from sexual abuse in the workplace. Yet, as migrants, they have few avenues for legal redress.

Another problem is human trafficking, which affects primarily women and children. Human trafficking is “the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them.” For example, a woman may be contracted as a dancer only to find her job involves sex work. In 2000, the GA adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. So far, 124 states have signed the Protocol – many more than have ratified the Convention on Migrant Workers.

Migration Crisis in Europe

As noted, some organizations use the term migrant more broadly, expanding its definition to include people who are "forced to flee crises." This has been one of the primary

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40 UNFPA, “Migration.”
causes of an immigration crisis that has emerged in Europe, as hundreds of thousands of people from the Middle-East and Africa (some seeking economic opportunity, but most escaping conflict) have crossed into Europe. Although, as mentioned, Europe was a primary destination for migrants even in previous years, Europe has witnessed a significant increase in migration in 2015. By August 2015, the number of people seeking to enter Europe long-term had already surpassed 2014 levels by 40%.\footnote{Alison Smale, Melissa Eddy and Kareem Fahim, "Europe Reels From More Migrant Deaths on Land and Sea," \textit{The New York Times}, 28 August 2015, available at \url{http://www.nytimes.com/2015/08/29/world/europe/migrants-bodies-austria-truck.html}.}

While the current crisis has focused primarily on immigrants entering through Greece and Hungary, in 2014, a large number of immigrants, attempted to enter Europe by way of Italy. Since then many migrants have and continue to die or go missing while crossing the Mediterranean. These deaths often occur because human traffickers, who are hired to smuggle migrants into countries overload boats, cars, trucks, and vans with people. For instance, in October 2013, 366 people died after an overloaded Libyan boat capsized near the Italian Island of Lampedusa.\footnote{BBC News, "Mapping Mediterranean Migration," 15 September 2014, available at \url{http://www.bbc.com/news/world-europe-24521614}.} As of August 2015, more than 2,500 people have died at sea this year from attempting to cross the Mediterranean.\footnote{Smale, Eddy, and Fahim, "Europe Reels from More Migrant Death on Land and Sea."}

In the past, Italy has called for other European states to accept more of the burden of immigrants, as well as provide funding for it to increase its already limited capacity to deal with immigrants, but other states have responded with reluctance. In 2013, Germany even accused Italy of providing African migrants nearly $700 and Schengen zone visas to migrate to northern European countries.\footnote{Laurence Peter, "Lampedusa Disaster: Europe's Migrant Dilemma," \textit{BBC News}, 4 October 2014, available at \url{http://www.bbc.com/news/world-europe-24396020}.} After the increase in migration in 2015, however, other European leaders, including German leaders, have become more receptive to people entering the country. One solution to the problem, put forth by some European leaders in May, calls for European states to "share the burden" of incoming refugees and migrants, by establishing quotas based on factors such as the country's population and gross domestic product. The EU rejected the initial proposal, leaving some states to carry a great burden than others. Despite this, some still see the proposal as "a starting point for any comprehensive solution."\footnote{Gregor Aisch and Sarah Almukhtar, "Seeking a Fair Distribution of Refugees in Europe," \textit{The New York Times}, 4 September 2015}
European states will also need to deal with the challenge presented by the aforementioned debate over how to categorize the people entering into Europe. According to the UN High Commissioner for Refugees,

The protection of refugees has many aspects. These include safety from being returned to the dangers they have fled; access to asylum procedures that are fair and efficient; and measures to ensure that their basic human rights are respected to allow them to live in dignity and safety while helping them to find a longer-term solution... Conflating refugees and migrants can have serious consequences for the lives and safety of refugees. Blurring the two terms takes attention away from the specific legal protections refugees require.  

Given this, strategies to address the crisis in Europe will need to determine ways of discerning between migrant workers, who seek to improve their lives economically, and refugees, who seek asylum from conflicts at home. International law, under the Convention relating to the Status of Refugees, requires state parties to offer asylum to refugees, but many people in the influx of migrants may qualify as undocumented migrant workers, not refugees. This problem is made more difficult, because many people seeking entry into Europe lack proper documentation regarding their nationality or country of origin.

**Previous Committee Work on This Topic**

The ILO is the primary UN agency concerned with migrant workers and their rights. The ILO reports to the UN Economic and Social Council (ECOSOC), which reports to the GA. Since 1919, the ILO has worked to protect the rights of all workers worldwide — including but not limited to migrant workers — and works with other UN committees to achieve this goal. The ILO facilitates dialogue among governments, employers, and workers assisting in the creation of international policies and standards. The goals of the ILO include “poverty reduction, fair globalization, and increasing the opportunities for men and women to obtain decent and productive work in the conditions of freedom, equity, security, and human dignity.”

The ILO Declaration on Fundamental Principles and Rights at Work (1998) created international workers’ rights standards. The declaration championed the right to freedom of association and prohibited forced labor, discrimination in the workplace, and child labor. According to the ILO, states should adopt a “win-win” attitude about migrant workers,

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46 Edwards, "'Refugee' or 'Migrant.'"

47 All members of the EU are parties to the convention. See [http://www.unhcr.org/3b73b0d63.html](http://www.unhcr.org/3b73b0d63.html).

48 Peter, "Lampedusa Disaster."

49 UNESCO, “Information Kit on the UN Convention on Migrant Rights.”

recognizing the need for people in developing countries to find work, and the need for European and Asian countries, where populations are disproportionately older, to rely on migrant labor.\textsuperscript{51} The declaration commits member states regardless of their signing status on other conventions. As of 2010, the ILO has 183 member states.\textsuperscript{52}

Each year, the GA receives ILO reports from ECOSOC and debates and tries to act on their recommendations. In 2006, GA Resolution 60/227 on “Migration and International Development” emphasized the need to evaluate “the multidimensional aspects of international migration and development in order to identify appropriate ways and means to maximize its development benefits and minimize negative impacts.” The resolution called for a series of roundtable discussions on migration and international development.\textsuperscript{53} The discussions were held in September 2006 and October 2013; they addressed the effects of international migration on development, measures to protect the rights of migrant workers, remittances, and the value of international partnerships.\textsuperscript{54}

As the 2015 deadline for the MDGs has approached, states have shifted focus towards a “post-2015 agenda” to replace the MDGs with a new set of Sustainable Development Goals (SDGs). In August 2015, UN Member States adopted a document from a 2014 Summit on the SDGs entitled “Transforming our World: The 2030 Agenda for Sustainable Development.” The document clarified and enumerated the 17 SDGs that would replace the MDGs if adopted. In addition to focusing on development generally, the 10\textsuperscript{th} goal of the SDGs specifically seeks to establish “safe, regular and responsible migration and mobility of people.” States will officially vote on whether to adopt the post-2015 agenda, as listed in the document, at a Summit in New York on September 25-27.\textsuperscript{55}

The GA has also taken action to address the rights of female migrant workers. In Resolution A/RES/62/132 (2008), “Violence against Women Migrant Workers,” the GA called for increased attention to the distinct issues of female migrant workers and for assistance to victims of sexual discrimination.\textsuperscript{56}

\textsuperscript{51} ILO, “UN Convention on migrant workers enters into force.”
\textsuperscript{54} UN General Assembly, “High-level meetings of the 68th Session of the General Assembly.”
Conclusion

What can and should the GA-2 do to more effectively address the rights of migrants? As you develop your country’s position on this issue, consider the following questions:

- What is the economic situation in your country? What are its main industries? What kind of jobs do they offer? What rights do workers have? What percentage of workers are migrants from other countries?

- Is your country primarily a state of origin, transit, or destination? What are the costs and benefits of this situation for your country, its citizens, and citizens of other countries?

- What policies has your country adopted regarding migrant workers? If it is a country of origin, does it do anything to protect the rights of its workers while abroad? If it is a host country, what policies does it have in place to encourage or discourage migration, and to protect the rights of migrant workers?

- Has your state signed and ratified the Convention on Migrant Rights? Is it a member of the ILO, and/or the IOM? If not, why not? If it is a party to the CMR, does it abide by the treaty? If it is a member of the ILO or IOM, which issues does it emphasize in these organizations?

- What can and should the GA-2 do to improve the conditions of migrant workers? Should the emphasis be on the right to work, the right to migrate, the provision of economic aid to developing countries, or the protection of migrants once they are in host countries?

- What would your country’s perspective be on the concept of transnational labor citizenship?

Recommended Reading

Edwards, Adrian. "'Refugee' or 'migrant' - Which is right?." UNHCR Viewpoint. 27 August 2015. Available at http://www.unhcr.org/55df0e556.html.

This article from the UNHCR discusses the difference between refugees and migrants. It argues that the media has blurred the distinction, creating potentially negative ramifications for refugees.

This is a daily anthology on European migrants from the New York Times. It offers anecdotal, yet personal, stories about the experiences of migrants and refugees entering Europe.


Human Rights Watch is a non-governmental organization whose purpose is to publicize human rights and hold states accountable for human rights violations. It has a whole section devoted to the rights of migrants and is an excellent source for information on specific countries.


The ILO is the primary United Nations (UN) agency concerned with the rights of migrant workers. This site is an excellent source for information on the situation of workers worldwide, both citizens and migrants, and the agreements states have made to secure their rights.


This article provides brief but informative information on the European migrant crisis, including, causes of the crisis, some European states' responses, routes of migration, and statistics on migrant deaths.


This research paper by a British professor explores the relationship between migration and development. It provides detailed information on particular countries’ migration policies. Use the search tool to see if your country is mentioned.


This webpage provides information on the SDGs. It lists the current proposal for the SDGs, as well as provides links to meetings by the Open Working Group on SDGs and documents related to the goals.

This interactive graphic will help you determine whether your state is primarily a state of origin or of destination. In addition, you can see which countries are the largest countries of origin and destination, and which countries are most reliant on migrant labor as a share of their workforce and on remittances as a share of their economy.


This website provides detailed information on the International Convention on the Protection of Rights of all Migrant Workers and Members of their Families. It provides information on the reasons why states should sign the Convention, as well as why so many states have not yet done so. The full text of the treaty, and current status of ratifications are available at http://www2.ohchr.org/english/bodies/cmw/cmw.htm and https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&lang=en.