

REVIEW OF OSCE COMMITMENTS ON MIGRATION
Progress in fulfillment and
Challenges for OSCE-OCEEA
supporting participating States on migration governance

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Introduction

International migration has been at the core of the OSCE agenda from the beginning. OSCE commitments refer to migration governance issues in a comprehensive way ever since migration was included in the 1975 Helsinki Final Act. The migration commitments in the chapter on economic cooperation depict migration as a contributing factor to economic stability and security.

These commitments –and the effect given to them—consistently engage the OSCE Economic Dimension. The Commitments emphasize linkages among migration, economic co-operation and development. They address protection of migrants and enhancing their skills, participation and integration to realize the economic contributions of migration.ⁱ Today, good governance of migration constitutes a crucial pillar of socio-economic development as well as stability and security.

Our review reaffirmed the uniqueness and singular importance the OSCE commitments on migration. They comprise a uniquely comprehensive international agenda on good governance of migration. They address all of the key elements for governance of migration and protection of migrants. They are regulatory, standards-based, and rights-respectful; they support sustainable economic and human development and they foster integration and social cohesion.

I venture to observe that if these commitments had been amply implemented across the entire region, we would not be facing today what some refer to as a *migrant crisis*, which is much more a governance crisis than one of migration.

This commitment agenda fully corresponds to the themes of *connectivity* and cooperation emphasized by the current German presidency of the OSCE. They equally fully accord with the United Nations 2030 Sustainable Development Agenda and anticipate actions to implement the 40 Sustainable Development Goals (SDGs) and Targets concerning migrants and refugees and root causes of migration.

1. OSCE commitments on migration governance

The OSCE commitments address economic, political and social aspects of migration, in line with the OSCE comprehensive approach to security. The set of OSCE migration commitments provides a comprehensive approach to migration governance, and thus an effective migration governance agenda for participating States and across the OSCE region. These migration commitments are inter-related and mutually dependent and they concern together all three of the OSCE Dimensions. This review highlighted the many that are particularly relevant for the Economic Dimension.

- **The Helsinki Final Actⁱⁱ** set migration in a framework of economic cooperation and development. The commitments therein emphasized: equality of rights for migrant workers regarding conditions of work and to social security; satisfactory living conditions; same opportunities for migrants as nationals in the event of unemployment; access to education for migrant children; and facilitating the reuniting of migrant workers with their families.

The Ministerial Council Decision No. 2 of 2005 on Migration directly tasked the OSCE Executive Structures to “Facilitate dialogue and co-operation between participating States, including countries of origin, transit and destination in the OSCE area” and “Assist the participating States to develop effective migration policies and to implement their relevant OSCE commitments.”ⁱⁱⁱ

- **The Ministerial Statement no. 6/2006, Migration^{iv}** encouraged “all relevant OSCE institutions and structures, within their existing mandates, to continue their work on migration and integration issues in all three dimensions, in particular on the potential contribution of migration to sustainable development and co-development (...)

- **The 2009 Ministerial Council Decision no. 5/2009, Migration management^v** represented a pillar in a more relevant and proactive role of the OCEEA. It called for paying particular attention to addressing the root causes of migration and ensuring that national migration practices comply with their respective international obligations and OSCE commitments;

- **The Ministerial Council Decision no. 10/2011 on Promoting equal opportunity for women in the economic sphere** called on participating States to facilitate the development of women’s entrepreneurial and other work-related skills, and incorporate gender aspects in migration policies.

The commitments address **four fundamental thematic areas of migration governance**: 1) strengthening regulation and policy to optimize benefits; 2) protecting migrant workers and their families; 3) enhancing skills, participation and integration of migrants; 4) promoting international dialogue and cooperation.

1 Strengthening regulation and policy to optimize benefits:

Commitments address explicitly adherence to international standards; strengthening national governance frameworks, policies and practices; facilitating labour mobility for development; and enabling reintegration and employment in origin countries.

2 Protecting migrant workers and their families:

OSCE commitments are to: protect fundamental human rights; ensure equality of rights

regarding conditions of employment and work and to social security^{vi}; and increase efforts to combat discrimination, intolerance and xenophobia towards migrants and their families^{vii}; among others.

3 Enhancing skills, participation and integration of migrants

OSCE commitments call for participating States to: create conditions to foster integration including by raising awareness about the enriching contribution of migrants to society and to enable migrant workers to participate in society^{viii}; provide language and vocational training for migrant workers^{ix}; incorporate gender aspects, with particular attention to women, in migration policies^x; and ensure migrant children have access to schooling.^{xi}

1.4 Promoting international dialogue and cooperation.

OSCE commitments call for: dealing jointly with migration-related challenges and responses in the many phases of the migration process;^{xii} cooperating to improve status of migrants;^{xiii} and to improve the collection and exchange of comparable data on migration at the OSCE level^{xiv}.

2. Measures by participating States to implement OSCE migration commitments

- *Regarding adherence to international standards*

Since the time of the Helsinki Act, 32 ratifications of international Conventions on migration governance (ILO C-97, ILO C-143 and the International Convention on the Rights of Migrant Workers and the members of their families-ICRMW) have been made by participating countries.

(Countries ratifying one or more of these instruments since 1975 are Albania, Armenia, Azerbaijan, Bosnia-Herzegovina, Italy, Kirghiz Republic, FYR of Macedonia, Moldova, Montenegro, Norway, Portugal, San Marino, Serbia, Slovenia, Sweden, Tajikistan and Turkey.)

The recent ILO *Convention concerning Decent Work for Domestic Workers*, 2011 (No 189) is already ratified by 7 OSCE participating States (Belgium, Finland, Germany, Ireland, Italy, Portugal, and Switzerland).

- *Improvement of national policy frameworks*

Many OSCE participating States have taken initiatives to develop national frameworks on migration governance. The full report features examples by Kazakhstan, the Russian Federation, Switzerland and Turkey.

- *Facilitating labour mobility*

Regional approaches to facilitating mobility have vastly advanced. A large majority of OSCE participating States are part of one of the two main regional migration circulation regimes, part of either the European Union plus the European Free Trade Area (EFTA) states; or the Commonwealth of Independent States now superseded by the emerging Eurasian Economic Union.

The report also notes that under the Regional Cooperation Council (RCC) and MARRI (Migration, Asylum, Refugee Regional Initiative), Balkan States are negotiating free movement measures as well.

Meanwhile, a considerable number of participating States have put in place new measures to attract and facilitate immigration of skilled workers. (The report cites Denmark, France, Norway, Serbia, Sweden, Spain and the United States.)

OSCE participating States have also been putting in place gender specific policies and practices to ensure protection and decent work for the growing number of women migrating to take up work, often on their own.^{xv}

3. Support provided by OSCE/OCEEA to implementation of commitments

Between 2006 and 2013, the OSCE/OCEEA engaged vigorously to support participating States in developing effective policy and practice, to implement commitments, and to facilitate dialogue and cooperation. The efforts were conducted in four main pillars:

(1) Building the knowledge base

OSCE OCEEA produced a host of research-based knowledge tools, namely policy handbooks, guides and training materials, including notably:

- the joint OSCE-IOM-ILO *Handbooks on Labour Migration Policies* -CIS region (2006);
- and the *Mediterranean Edition* (2007);
- *OSCE Guide on Gender-Sensitive Labour Migration Policies* (2009);
- several training manuals.

(2) OSCE-OCEEA practical guidance and capacity-building, training events, and advisory support enhanced capacities and competencies in relevant ministries, in local authorities and municipalities, for representatives of trade unions, the private sector, and migrant communities across the OSCE region.

(3) Supporting formulation and implementation of policies and initiatives

the OSCE/OCEEA provided a host of advisory services, consultation and exchange of information among relevant stakeholders across the region. The report contains detailed listings year by year.

(4) Facilitating dialogue and co-operation

Since 2005, OSCE Economic and Environmental Forums, Ministerial Council meetings, Ministerial conferences, workshops and expert meetings included migration-related topics; several focused specifically on migration.

Over the last decade, these have comprised a coherent, sustained process of ongoing dialogue on migration across the OSCE region in the organization's multi-disciplinary and multi-stakeholder context. These and activities just mentioned involved all participating States to a greater or lesser degree, also ILO, IOM, UNESCO, UNHCR, UNWomen, and other partners.

4. Recommendations on OSCE/OCEEA follow-up activities

The OSCE migration commitments provide a solid basis for renewed impetus in support of better migration governance. I noted relevant comments by delegates of Turkey, the USA and Switzerland, among others, in last two days.

It is manifestly evident that OSCE should revitalize activity in all four pillars just mentioned. No other organization has the legitimacy and access to engage –and connect– participating States across the entire OSCE region –which spans three global geopolitical regions: Eurasia, Europe and North America, and involves a fourth through cooperating partner States in MENA –the

Middle East and North Africa.

On strengthening migration governance

- Supporting good governance legislation and policy based on commitments
- Obtaining accurate, comprehensive and comparable data and analysis
- Addressing the needs and challenges facing youth in migration
- Gender sensitive legislation, policy and practice.
- Bridging gaps across different levels and actors of government, social partners and civil society.

On dialogue and cooperation

- Maintaining an inclusive, systematic, politically-sensitive and response-oriented dialogue on migration and mobility concerning OSCE participating States
- Including relevant actors in migration-related dialogue forums

Overcoming hostile narratives on migration precluding effective migration policies, a distinct perhaps “new” area. In particular, identifying and defining positive narratives to encourage political will and public support for appropriate, safe, rights-based legal migration regimes and social cohesion. **Activities of Field Operations** were not neglected in the report and recommendations. The report indicated the considerable supportive activity conducted by many of the field offices, and highlighted what more should be done, namely:

- *Strengthening planning and co-ordination* by, with and among Field Operations and the OSCE secretariats
- *Improving responsiveness*: including by training, assigning staff with specialized competences, and/or providing 'back-up' support from OSCE/OCEEA and/or external experts.

In sum, there is a large agenda for action mandated for OSCE by the comprehensive OSCE agenda on migration constituted in its commitments. This agenda requires support and cooperation to enhance its full implementation by all participating States.

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End notes

- For a full description of the OSCE migration-related commitments and the effect given to them 1975 to 2009 in the three OSCE dimensions of its comprehensive concept of security, see: “*Strengthening Migration Governance*” ILO-OSCE, 2009.
- ii Final Act of the Conference on Security and Co-operation in Europe, Helsinki 1975
 - iii Ministerial Council Decision No. 2/05 on Migration
 - iv Ministerial Council Statement MC.DOC/6/06/, 5 December 2006
 - v Ministerial Council Decision no. 5/09, “Migration Management”, Athens, 2009.
 - vi Helsinki Final Act 1975
 - vii Ministerial Council Decision no. 5/09, “Migration Management”, Athens, 2009.
 - viii Moscow Document of 1991; Helsinki Document 1992; Budapest Document 1994; Ministerial Council Decision No. 4/03 on Tolerance and Non-Discrimination; Permanent Council Decision No. 621 on Tolerance and the Fight against Racism, Xenophobia and Discrimination, annexed to Ministerial Council Decision No. 12/04 on Tolerance and Non-discrimination.
 - ix Helsinki Final Act 1975; Madrid Document 1983.
 - x idem
 - xi Helsinki Final Act 1975
 - xii Helsinki Final Act 1975
 - xiii Madrid Document 1983
 - xiv Ministerial Council Decision no. 5/09, “Migration Management”, Athens, 2009
 - xv idem