

**ILO Labour Migration Branch
KNOMAD Thematic Working Group on Low-Skilled Labour Migration**

Concept Note

Technical Workshop on Review of Bilateral Agreements on Low-skilled Labour Migration

1-2 December 2014, Kathmandu, Nepal

1. Introduction

Since the late 1940s, countries have frequently used bilateral labour agreements (BLAs) to address labour needs – in particular low-skilled labour. While addressing specific labour shortages in destination countries, most BLAs aim to govern labour migration processes between origin and destination countries and can help to protect migrant workers' welfare and rights.

Conclusions of BLAs have been in line with global economic cycles. The 1950s and 1960s were the heyday of BLAs in Western countries. The 1970s saw a dip in new BLAs, likely as a result of the economic downturn due to the oil crisis. In the 1990s and 2000s BLAs have re-emerged, reflecting countries' greater economic interdependence, alongside an increase in memoranda of understanding (MOUs) on labour migration, which are less legally binding than BLAs.

This evolution raises questions on the quality and effectiveness of these BLAs: What are the objectives of these BLAs/MOUs and are they effective in achieving those objectives? What benefits/outcome do they produce for workers as well as for origin and destination countries? What needs to be done in order to improve their effectiveness?

The World Bank's Global Knowledge Partnership on Migration and Development (KNOMAD) has launched a research project, jointly with ILO¹, to evaluate the quality and effectiveness of these agreements, using a set of proposed good practice criteria as a benchmark. Findings of this research suggest that recently concluded BLAs/MOUs vary significantly in scope (sectors and issues covered) and that categories of workers who used to fall outside the scope of most BLAs and MOUs are being included more frequently, such as domestic workers. Agreements increasingly aim to better protect migrant workers, reflecting increasing pressure from the international community, global trade union federations and civil society organizations to incorporate more concrete provisions for protection of migrant workers and to improve enforcement, setting out clear monitoring and implementation mechanisms to

¹ The ILO Tripartite Meeting on Labour Migration has given a mandate to the ILO regarding these agreements as follows:

- Assist governments and social partners, upon their request, through policy guidance based on international labour standards, and capacity building, in developing, negotiating and effectively implementing bilateral or other international agreements on labour migration, with a view to increasing positive outcomes for migrant workers, countries of origin and destination, and sustainable enterprises;
- Create a repository of agreements and good practices on bilateral and other international cooperation on labour migration, including the model agreement in the Annex to the Migration for Employment Recommendation (Revised), 1949 (No. 86).
- The ILO has responded to the above mandate by launching a research programme on mapping and review of bilateral agreements and memoranda of understanding on labour migration; and has partnered with the World Bank-led Global Knowledge Partnership on Migration and Development (KNOMAD) Thematic Working Group (TWG) on Low-skilled labour migration in this exercise.

improve their effectiveness and to improve outcomes for migrant workers as well as origin and destination countries. Nonetheless, it appears that there is still considerable room for improving their effectiveness. This includes (i) creating regular feedback/ consultation channels from/with social partners (employers' and workers' organizations) and other concerned stakeholders from civil society in the negotiation, implementation and monitoring of these agreements; and (ii) publishing agreements on a public domain in a timely manner.

2. Objectives of the workshop

ILO and KNOMAD are organizing a workshop to discuss the major findings with key policy makers, practitioners/negotiators, and experts from different regions. Special emphasis will be placed on discussing how to improve the content and implementation of agreements for better governance of migration flows in both origin and destination countries and protection of migrant workers in destination countries. More specifically, the workshop aims to:

- Discuss research findings on BLAs and MOUs including emerging modalities, innovative features, and their relevance to achieving objectives of BLAs.
- Discuss good practice criteria which the research employed to evaluate effectiveness of BLAs.
- Review policy recommendations on reforms and mechanisms to make BLAs and MoUs more effective.
- Identify areas for further work, including how to address constraints to effective implementation of BLAs.

3. Participation

The workshop foresees the attendance of about 25 participants, of whom up to 15 are BLA negotiators/implementers and practitioners and experts from the field. The following criteria could be used in identification of national experts/countries:

- Representatives from countries of origin and destination in important migration corridors, in order to have balanced discussions over BLAs in various regions: Asia, Africa, Latin and South America, Eastern Europe
- National/international practitioners and non-governmental actors (including workers' and employers' organizations) involved in negotiation, implementation, and monitoring of BLAs/MOUs
- National/international experts, academics, and researchers on international migration governance

5. Venue and date

Venue: Kathmandu, Nepal

Date: December 1-2, 2014.