

Markets for Migration and Development (M4MD): Trade and Labour Mobility Linkages – Prospects for Development?

13–15 September 2011
Venue: Universal Postal Union
Berne, Switzerland

GFMD Thematic Meeting Programme

This thematic meeting is held in the context of Cluster I on “Labour Mobility and Development: Engaging the Private Sector in Labour Market Planning” of the 2011 GFMD thematic work plan. It will explore the links between international labour mobility, trade and development against the background of different labour market priorities and concerns of states regarding international migration, including the related social, economic and human rights implications. By including the perspective of the private sector, an often neglected partner in labour migration policy formulation, the misalignment between labour market needs, government migration policies and trade liberalisation processes can be adequately addressed. Comparisons will also be made between the impact of restrictions on human mobility on the one hand and multilateral trade liberalisation in goods and services on the other.

Involving government representatives, international experts, business leaders and academia, this 3-day meeting seeks to improve the dialogue between the private and public sector and develop a few key policy recommendations on how to enhance the positive impacts of economic and human development. The main outcomes of the meeting will be reported back to the GFMD 2011 Concluding Debate on 1-2 December 2011.

Day One: Tuesday, 13 September 2011

08:30–09:30 Registration

09:30–10:00 Welcome by the Co-Chairs: Sri Lanka and Switzerland

- **Eduard Gnesa** (Special Ambassador for International Cooperation on Migration Issues, Swiss Chair-in-Office 2011 GFMD)
- **Nissanka M. Wijeratne** (Secretary, Ministry of Foreign Employment Promotion and Welfare of Sri Lanka)

10:00–12:00 Session 1 (Presentations and Plenary): Why Trade, Development and Migration?

Economic globalisation has widened wage gaps and other distributional disparities among countries. The reduction of trade barriers and the ongoing integration of markets for goods, services and capital has lowered the costs of information and communication technology, financial transfers and travel. As a consequence, access to markets and labour mobility have become easier, thereby creating new opportunities for corporate and community-led development, including migrant entrepreneurship and transfers.

Session 1 will seek to understand to what extent international trade and foreign direct investment drives migration and why states find it more difficult to liberalise the trans-boundary movement of persons than to liberalise cross-border trade in goods and services. One aspect to be discussed is why globalisation, trade liberalisation and FDI can lead not only to more, but also to less migration and what the corresponding effects on development would be. This Session provides a timely opportunity to broaden the perspective on international migration and explore the interaction between migration, development and trade policymaking.

- **Trade Policy, Protectionism and Migration: The Liberalisation Paradigm** Thomas Cottier (Professor, World Trade Institute, University of Bern)
- **Low-skilled Labour Migration: guest worker programs and free trade agreements** Phil Martin (Professor, University of California, Davis)

Moderator: Rolph K. Jenny (Principal Adviser to the Swiss Chair-in-Office 2011 GFMD)

Discussant: Esteban Conejos (Undersecretary for Migrant Workers' Affairs, Department of Foreign Affairs, Philippines)

– Lunch Break –

14:00–15:30 Session 2 (Panel Debate): Responding to Market Demand for Labour Mobility and Diversity

This panel debate will discuss the misalignment between labour market needs and planning in major countries of destination. Private sector demand for migrant workers is commonly met by hurdles imposed by immigration law; to what extent could this divergence of interests be minimised through tailor-made recruitment policies? How can the private sector contribute to minimising immigration barriers, barriers that are often co-determined by the domestic politico-economic concerns of certain interest groups? The underlying question is to what extent the movement of persons should be private-sector driven and thus determined by demand, or development-driven and thus determined by supply? How could an optimal policy mix of both objectives be achieved?

Panellists:

- Christoph Bitzer (Division Head of Global Human Resources, Swiss Re Ltd)
- Doris Fiala (National Councillor, Swiss Parliament)
- Walter Fux (Global HR, Head Compensation & Benefits, Lonza Ltd)
- Mario Gattiker (Deputy Director, Swiss Federal Office for Migration)
- Richard Jager (Managing Director, Randstadt Switzerland Ltd)

Moderator: Sergio Marchi (Special Advisor, Pace Global Advantage)

– Coffee Break –

16:00–18:00 Session 3 (Presentations and Plenary): Delegating Responsibility for Migrant Labour Recruitment and Admission to the Private Sector

Recruiting migrant labour may be one strategy to tackle occupational shortages, but outsourcing production can be another. To keep the costs of the migrant recruitment processes down, governments are opting for new ways of organising labour mobility. Increasingly, governments delegate responsibilities for i.a. skill-testing, training and labour market admission to the private sector, which are tasked with implementing national legal provisions and ensuring that they are properly respected.

The aim of Session 3 is to discuss, from various perspectives, which implications these new models of organising labour mobility have for business decisions in terms of productivity, costs and reputation. This session looks at a) admission and recruitment of migrant workers through visa sponsorship, skill-testing, recognition of qualifications, and pre-employment training, and b) private manpower agencies. The issues at stake are: Do the benefits of the privatisation of migration outweigh the potential development costs? Under what conditions are these practices efficient and responsible? Which are the legal and domestic political barriers standing in the way of broader private sector involvement?

- **The Trade Union Perspective on the Privatisation of Migration (Video Message)** Sharan Burrow (General Secretary, ITUC International Trade Union Confederation)
- **Migration Control through Public-Private Partnerships** Tesseltje de Lange (Assistant Professor, University of Amsterdam)
- **Should there be Delegated Responsibility for Direct Migrant Recruitment?** Mark Carlo O. Tamayo (President/CEO, Perpetual Help Placement Services International Inc.)
- **Government Perspective on the Privatisation of Migration** Jaime P. Gimenez (OIC-Deputy Administrator, Philippines Overseas Employment Administration, Department of Labour and Employment)

Moderator: Pierre Sauvé (Deputy Managing Director, World Trade Institute, University of Bern)

Discussant: Tran van Thanh (President of SULECO Overseas Manpower Service)

– Welcome Cocktail in Kursaal –

Day Two: Wednesday, 14 September 2011

09:00–10:30 Input Session 4 (Presentations and Plenary): Labour Mobility and Trade Agreements: Additional Channels of Mobility for More Development?

Human capital is a scarce resource that is unevenly distributed throughout the world. Bringing the most qualified migrants to the most productive markets has become a high-profile area of public policymaking. Governments increasingly use new tools to compete for skills and talents, many of which go beyond the admission channels envisaged by traditional immigration law.

Session 4 identifies the types of measures countries use to liberalise the temporary movement of persons in a trade context (relaxation of economic needs tests and widening of quotas) as well as highlighting current deficiencies, such as limited access for migrant workers to protection mechanisms. To this end, this session

identifies some valid practices and recurrent features in trade agreements and discusses what measures such agreements have taken to increase the development-friendliness of labour mobility and how prospective agreements should be designed to minimise skill depletion and other developmental risks of liberalising labour mobility.

- **Natural Persons Supplying Services in Trade Agreements: Mismatch with Immigration Law?** Jürgen Bast (Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law)
- **Trade Policy in Mode 4 - Movement of Natural Persons** Jan Schmitz (Economic and Trade Affairs Manager, DG Trade, European Commission)
- **Euro-Med Association Agreement with Egypt: Trade Liberalisation as Substitute or Complement to Migration?** Çağlar Özden (Senior Economist, World Bank)
- **Philippines–Japan Economic Partnership Agreement (EPA): Moving Care Workers across Borders** Yoshiko Naiki (Associate Professor, Osaka University)

Moderator: Laurent de Bœck (Director, ACP Observatory on Migration)

Discussant: Martin Molinuevo (Trade agreement expert)

– Coffee Break –

11:00–12:30 Input Session 5 (Presentations and Plenary): Prospects of Bilateral Migration Agreements for Managing Labour Migration

The capacity of trade agreements to address migration is limited. Governments have therefore been more welcoming towards foreign low-skilled labour outside the multilateral framework of the WTO/GATS, particularly through bilateral agreements. However, despite the recognition that bilateral agreements are important facilitators of inter-state cooperation for the protection of migrant workers, migrant workers continue to face numerous abuses in destination countries.

Session 5 considers the added-value of bilateral migration agreements over efforts to liberalise the movement of persons in other venues. What is necessary to make bilateral agreements successful in terms of access to foreign labour markets, enhanced developmental benefits of migration, and the protection of migrant workers? How can the private sector, trade unions and migrant communities be directly involved in the design and implementation of these agreements?

- **Labour Migration in Asia and the Role of Bilateral Migration Agreements: Market Access Facilitation by Informal Means** Graziano Battistella (Director, Scalabrini Migration Center) and Binod Khadria (Professor, Jawaharlal Nehru University)
- **Can Services Be Exported Through Bilateral Labor Agreements? An Assessment of Spain-Colombia and Spain-Ecuador Agreements** Antonio Bonet (President of ACE International Consultants) and Sebastian Saez (Senior Trade Economist, World Bank)
- **Evaluating Bilateral Migration Agreements in Light of Human and Labour Rights** Ryszard Cholewinski (Migration Policy Specialist, International Labour Organization)
- **France and Spain’s Bilaterals Compared: Efficiency Gains through Diaspora and Private Sector Involvement?** Miryam Hazán (Ed Baker Fellow, Demos), Marion Panizzon (Assistant Professor, World Trade Institute, University of Bern), Sandra Lavenex (Professor, University of Lucerne) and Sonia Plaza (Senior Economist, World Bank)

Moderator: Kacim Kellal (Assistant Deputy Minister, Ministry of the Interior, France)

Discussant: K.O.D.D. Fernando (Sri Lanka Bureau of Foreign Employment)

– *Lunch Break* –

14:00–15:30 Session 6 (Break-out): The Potential for Trade, Migration and Development Cooperation Policies to Optimise the Economic, Social and Human Benefits of Labour Mobility

The two previous sessions have shown that in the absence of global institutions governing migration, governments increasingly resort to agreements as formal mechanisms for managing migration. In essence, three types of agreement have emerged in recent years: trade agreements, bilateral migration agreements and development cooperation agreements. There are important divergences between the three types in terms of key features of migration management: the extent to which labour migration is liberalised, the types of migrant workers targeted and variations in terms of their skills levels, the degree to which migration is regulated or facilitated, the protection of migrants' rights, the potential of such agreements to respond to economic and social change and the flexibility with which commitments are made.

In order to understand these divergences we need to examine the policy framework that underpins existing agreements and implementation tools. Which are the main policy divergences that need to be aligned in order to optimise the economic, social and human benefits of labour mobility?

The aim of Break-out Session 6 is to identify the principal advantages of the trade/migration/development approach over the other two in terms of optimise the positive effects of labour migration for markets and development? Each group is asked to produce 3-5 policy recommendations reflecting the discussion, which will then be reported to the plenary in Session 7:

- **Group “Trade”:** led by Jan Schmitz (Economic and Trade Affairs Manager, DG Trade, European Commission)
 - This group will seek to identify the advantages of the trade policy approach to optimise the economic, social and human benefits of labour mobility. Free trade agreements are one possible channel for individuals to work abroad, offering, for example, fast-track access for highly skilled labour migrants. The categories of labour migrants who are admitted through free trade agreements, such as graduate trainees and young professionals, are the same that traditionally have been liberalised through immigration laws and bilateral migration agreements; thus, defining graduate trainees as service suppliers brings them under the jurisdictional scope of free trade agreements and GATS Mode 4. How then do FTA and GATS Mode 4 fit into the international framework on the movement of individuals?

- **Group “Migration”:** led by Manuel Larrotcha (Deputy Director, Ministry of Cooperation and Foreign Affairs, Spain)
 - This group will seek to identify the advantages of the migration policy approach to optimise the economic, social and human benefits of labour mobility. Bilateral migration agreements have seen a renaissance in the past couple of years as a venue for cooperation between countries of origin and destination. In contrast to earlier agreements, which regulated one specific issue of migration – focusing exclusively either on recruitment, residence or return – “second-generation” bilateral migration agreements seek to address migration in a comprehensive manner, targeting the economic, human rights, development and security aspects of migration. However, it is not yet clear whether they have succeeded in regulating migration in a truly comprehensive way?

- **Group “Development”:** led by Peter Bonin (GIZ, Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH, Germany)
 - This group will seek to identify the advantages of the development cooperation policy approach to optimise the economic, social and human benefits of labour mobility. Development cooperation agreements are yet another venue that increasingly encompasses migration management. These agreements often grant development aid and reintegration support in return for persuading the source country to cooperate in ensuring lawful cross-border movement of persons. In view of these new models of development assistance, such as tax breaks on migrant savings, co-financing of migrant-led investments or the subsidisation of educational programmes, to what extent have such fiscal and financial incentives succeeded at promoting the positive effects of labour mobility for sustainable development and how do they complement existing approaches to trade and migration?

– Coffee Break –

16:00–17:00 Session 7 (Plenary Discussion): Institutional Coherence between Trade and Migration – Gains from the Global Linkage

Following up on the results of break-out Session 6, this Session will raise the following question with a view to formulating policy recommendations: *What are the benefits and/or risks of maintaining the divide between trade and migration agreements, laws and policies?*

The separation of the migration and trade regimes reflects the skill segmentation within the global labour market. Whereas the mobility of the highly skilled is facilitated, the mobility of the lower-skilled migrant workers is restricted.

Responding to the broad aim of overcoming the existing divide between trade and migration and identifying the development implications, Session 7 will focus on whether the difference between trade agreements and legal instruments in migration policy can be sustained in the 21st century. What coordination mechanism should be put in place to avoid duplications among these different types of agreements and the consequential tendency towards “venue-shopping” between agreements? Or, should “venue-shopping” be encouraged because it adds leverage for labour-sending countries and is conducive to the idea of an international institution for migration management? How should trade agreements or other alternative venues outside immigration be designed to optimise the movement of persons in a way which accommodates business needs while respecting human rights and labour standards?

Moderator: Phil Martin (Professor, University of California, Davis)

– Light Refreshments –

Public Side Event (17:30–19:30) “Migrant Entrepreneurs as Drivers for Development”

This aim of this side event is to debate the multiple ways in which diasporas/migrant communities drive the development of their countries of origin through the promotion of trade, investments, and knowledge and technology transfers. It will also draw upon the new World Bank publication on “Diaspora for Development in Africa” (eds. Sonia Plaza & Dilip Ratha) to discuss how to involve migrants and optimise their contributions to development-friendly investments and entrepreneurship.

A key question to address is how the private sector should be incentivised to enter into partnership with migrant entrepreneurs.

- **Mobilising Development-friendly Investments and Entrepreneurship by Migrants** Leila Rispens-Noel (Senior Advisor, International Network of Alternative Financial Institutions)
- **Policies and Programmes that Generate Market Opportunities for Migrants** Sonia Plaza (Senior Economist, World Bank)
- **Reinforcing the Contributions of African Diasporas to Development** Chukwu-Emeka Chikezie (Co-Founder of AFFORD; founding partner in Up-Africa! Ltd & Inclusive Growth Strategies Ltd)

Moderator: Titilola Banjoko (Director, Africa Recruit)

Discussant: Barbara Span (Vice President of Public Affairs, Western Union)

Day Three: Thursday, 15 September 2011

9:00–10:30 Input Session 8 (Presentations and Plenary): Free Movement Protocols – A Regional Approach to Labour Mobility

Regional and sub-regional mobility processes, even if significantly diversified, are playing a significant role in fostering labour migration. Session 8 will explore these alternative frameworks to bilateral agreements and multilateral agreements for inter-state cooperation and discuss to what extent they are better suited for, or more successful at, promoting labour mobility. Can these alternative channels better manage the benefits and risks of circular migration and extend legal migration channels?

This Session will also look at how regional frameworks contribute to migration governance beyond their region by interplaying with bilateral agreements. To this end, this session will offer an overview of different types of responses formulated to meet the challenge of labour mobility and look at selected case studies which have identified innovative tools to liberalise the movement of persons.

- **Free Movement in the European Union** Constantinos Fotakis (Advisor, DG Employment, Social Affairs and Inclusion, European Commission)

- **Operationalising the ECOWAS Protocol on Free Movement of People: Prospects for Sub-Regional Development** Aderanti Adepoju (Coordinator, Network of Migration Research on Africa)
- **ASEAN Protocol on Free Movement and ASEAN Trade Agreements with Mobility Chapters** Sophie Nonnenmacher (Senior Regional Policy & Liaison Officer, Regional Office for Asia and the Pacific, International Organization for Migration)
- **Where's the Movement? A Comparative Assessment of EU and US Migration and Trade Policies towards Latin America** Cesla Amarelle (Assistant Professor, University of Neuchatel) and Elisa Fornalé (Post Doc, World Trade Institute, University of Bern)

Moderator: Gianni d'Amato (Professor, Swiss Forum for Migration and Population Studies, University of Neuchatel)

Discussant: Ryszard Cholewinski (Migration Policy Specialist, International Labour Organization)

– Coffee Break –

11:00–12:30 Session 9 (Break-out): Policy Implications of Trade, Labour Mobility and Development: An Initial Discussion

The previous sessions have shown the importance of exploring new linkages between labour mobility and other policy areas. Globalising economies transform the scale, speed and patterns of labour mobility thereby creating new expectations by the market, often not matched by the capabilities of governments. In this changing and complex environment, inclusive solutions must be found to optimise the positive effects of labour migration for markets and development.

Session 9 will break participants into three groups, each representing one key actor in the debate, to discuss how, when defining government policies, the private sector and diaspora/migrant networks can be brought in to share the responsibility for maximising the positive effects of labour migration for markets and development? Each group is asked to produce 3-5 policy recommendations reflecting the discussion, which will then be reported to the plenary in Session 10.

- **Group “Government”:** Mr. Guillermo Reyes (First Secretary, Permanent Mission of Mexico to the United Nations Office and other international organizations in Geneva)
 - Governments are called upon to ensure that a higher number of migrants at all skill levels can access more markets with fewer barriers restricting their mobility. Beyond access rights, governments need to ensure stronger protection of post-movement rights and status of the migrant worker and to match migrants' skills and financial transfers to their countries of origin. What informs government policies to regulate migration mobility, in general, and labour mobility, in particular? What should remain a government domain and what aspects of migration management could be delegated to private sector or diaspora/migrant networks?
- **Group “Private Sector”:** Amaya Gorostiaga (Associate, Business for Social Responsibility)
 - The private sector has the potential of facilitating migrants' market admission, translating migrants' employment into human development gains (skill upgrading opportunities and other education and training), encouraging migrants' skills and financial transfers and promoting circularity or reintegration at home. What level of regulation is required to ensure that private sector bodies can take on responsibilities and be held accountable, particularly as regards migrants' rights? What are the implications of the privatisation of labour mobility, particularly with regard to the role of recruitment

agencies, in addressing the challenges faced by migrant workers in terms of costs, integration in the economic market and human rights protection?

- **Group “Diaspora/Migrant Networks”:** Philippe Fargues (Director of CARIM, European University Institute)
 - Migrants can, individually or collectively, contribute to maximising the development gains from labour mobility. For example, by establishing business contacts between host country companies and their countries of origin, by carrying out transnational entrepreneurial activities, and by transferring skills they have acquired abroad to benefit education, research and training institutions in their countries of origin. More indirectly, migrant savings, a key by-product of labour mobility, can be invested productively in public and private institutions in the country of origin. What role exists for diaspora/migrant networks in shaping labour mobility for markets and development? And to what extent do diaspora/migrant networks impact on the abilities of the private sector to deal with labour migration?

– *Lunch Break* –

14:00–15:30 Session 10 (Plenary discussion): Reports of the Break-out Sessions and Discussion on Policy Implications of Trade, Labour Mobility and Development

The plenary discussion in Session 10 will pull together the policy recommendations made by the break-out groups in Session 9 and consider where expectations of each of these three actors converge and/or diverge. The aim of this Session is to allow for frank and open discussion on the policy implications of trade, labour mobility and development.

Moderator: Gottfried Zürcher (Vice Director, Swiss Federal Office for Migration)

– *Coffee Break* –

16:00–17:00 Session 11: Conclusions and Policy Recommendations led by the Thematic Meeting Co-Chairs Sri Lanka and Switzerland. This session will link the outcomes of this meeting to the global perspective of the GFMD.

– *Closure and Farewell* –