

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

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

DRAFT GFMD Thematic Meeting Programme

This conference is part of the series of thematic meetings held in the context of the 2011 GFMD work plan (Cluster I on Labour Mobility and Development). It will explore the connections which, in a globalising economy, link international labour mobility to trade and development. Addressing the complexity surrounding the interaction between these areas, the conference aims to highlight useful avenues for legal labour movements across borders and how reducing trade barriers increases the opportunities for migrants to contribute to development by skill, knowledge, financial and fiscal transfers. It will look at labour market priorities and the often different concerns of states in relation to international migration, including the related implications for social, economic and human rights. By including the perspective of the private sector, an often neglected partner in labour migration policy formulation, discussions will focus on the misalignment between labour market needs, government migration policies and trade liberalisation processes with a view to promoting a more integrated and effective framework. Comparisons will be made between the impacts of restrictions on human mobility on the one hand and of multilateral trade liberalisation in goods and services at the WTO and under free trade agreements, on the other. Involving selected government representatives, international experts, business leaders and academia, the 3-day meeting seeks to improve the dialogue between these actors and develop a few key policy recommendations on how to enhance the positive economic and human development impacts of the trans-boundary movement of labour migrants at all skill levels. The principal outcomes of the conference will be reported to the extended meeting of the GFMD Friends of the Forum in early December 2011.

Day One: Tuesday, 13 September 2011

09:00–10:00 Registration

10:00–10:30 Welcome by the Co-Chairs

H.E. Ambassador Eduard Gnesa (Special Ambassador for International Cooperation on Migration Issues, Swiss Chair-in-Office GFMD 2011)

Mr. Nissanka M. Wijeratne (Secretary, Ministry of Foreign Employment Promotion and Welfare of Sri Lanka)

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10:30–12:30 Session 1 (Presentations and Plenary): Why Trade, Development and Migration?

Economic globalisation has widened wage gaps and other distributional disparities among countries. The elimination of barriers to trade and the deeper 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 private sector and migrant-led development, including diaspora entrepreneurship and transfers. The speed of transboundary movements of persons and consequences for new forms of migratory movement, including circular and step-migration, are challenging the notion of state sovereignty more than ever before. Session 1 will seek to understand how trade 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 and trade liberalisation can lead not only to more, but also to less migration and what the corresponding effects on development would be. This Session offers the opportunity to review traditional concepts surrounding the interaction between migration, development and trade policymaking, moving the debate towards broader and more innovative perspectives.

- **Trade Policy, Protectionism and Migration: The Liberalisation Paradigm** Thomas Cottier, World Trade Institute, University of Bern
- **Where's the Collective Action Failure in Migration? Global Public Goods Approach to Trade and Migration** Alexander Betts, University of Oxford

Chair: Rolph K. Jenny, Principal Adviser to the Swiss Chair-in-Office Global Forum on Migration and Development (GFMD)

Discussant: Undersecretary Esteban Conejos (Philippines)

– Lunch Break –

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

This session will discuss the misalignment between labour market needs and planning, by contrasting the demand for migrant workers by the private sector to the hurdles imposed by immigration law and to what extent this divergence of interests can be minimised through tailor-made recruitment policies. One goal of this session is to stimulate debate on how the private sector can contribute to minimising immigration barriers, which are often co-determined by the domestic political-economic concerns of certain interest groups. Labour migration promotes trade in education, tourism, banking and other services and migrants step up demand for native goods in receiving countries. In light of potential welfare gains from labour mobility, but also considering domestic political economic constraints, the relevant issue is whether the legal and policy tools in place for bringing down barriers to the cross-border movement of persons should be private-sector driven and thus determined by demand or development-driven and thus defined by supply. The focus will be on how an optimal policy mix of both objectives could be achieved. Finally, productivity and competitive markets benefit from a diverse workforce. Drawing on successful private sector initiatives and strategies this session will illustrate how the diversity of the workforce can be enhanced. Government representatives will join the debate and discuss how trade and immigration policies could be aligned to fast-track and facilitate admission channels for foreign labour, and to design new categories of foreign employment to better respond to private sector needs.

- Private Sector Representative TBD
- Doris Fiala, Swiss Parliament
- Walter Fux, Lonza (Swiss pharmaceutical, healthcare and life science company) TBC
- Mario Gattiker, Deputy Director Swiss Federal Office for Migration TBC
- Private Sector Representative TBD

Chair: Sergio Marchi, Special Advisor, Pace Global Advantage

– Coffee Break –

16:00–18:00 Input Session 3: 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 migratory processes, in particular skill-testing, training and labour market admission, to non-state actors, such as the business sector, which are tasked with implementing national legal provisions and ensuring that they are properly respected. The aim of this session is to discuss, from various perspectives, the implications these inclusive new models of organising labour mobility have for business decisions in terms of productivity, costs and reputation. A particular focus is laid on optimising cooperation mechanisms, between the state, the market and the migrants. Therefore, Session 3 outlines certain distinctive features of selected new models with regard to: a) admission and recruitment of migrant workers through visa sponsorship, skill-testing, recognition of qualifications, and pre-employment training; and b) private manpower agencies. This session recognises implications for business and development of the recruitment of low-skilled and high-skilled workers and highlights efficient and responsible practices of delegating public responsibilities to the private sector for employers of both low-skilled and high-skilled workers, such as through private–public partnerships, and identifies the legal and domestic political barriers standing in the way of broader private sector involvement.

- **The Privatisation of Migration** Tesseltje de Lange, University of Amsterdam
- **Should there be Delegated Responsibility for Direct Migrant Recruitment?** TBD (Private Sector)
- **Trade Union Perspective on the Privatisation of Migration: How to Ensure Migrants' Movement and Post-accession Rights** [Trade Union Representative, TBC]
- **Government Perspective on the Privatisation of Migration** [Philippines government representative, TBC]

Chair: Gianni d'Amato, Swiss Forum for Migration and Population Studies, University of Neuchatel

Discussant: Tran van Thanh, President of Suleco (Vietnamese Overseas Manpower Service Company)

Cocktails (Kursaal)

Day Two: Wednesday, 14 September 2011

09:00–10:30 Input Session 4: 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 best migrants to the most productive markets has risen to become a high-profile area of public policymaking. Governments increasingly design and use new tools with which to compete for skills and talents, many of which go beyond the admission channels envisaged by traditional immigration law. In this context, free trade agreements and the General Agreement on Trade in Services (GATS) of the WTO have gained traction by fast-tracking and facilitating the temporary movement of service providers, which GATS defines as the fourth mode of service supply (mode 4). Session 4 situates the temporary movement of service suppliers within the broader categories of economic migration. It identifies the types of measure 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 North–South 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, Bielefeld University and Max Planck Institute for Comparative Public Law and International Law
- **The EU Trade Policy under Mode 4: Assessing the Impact and Future Policy Options for the Temporary Movement of the Highly-skilled** Jan Schmitz, DG Trade, European Commission
- **Euro-Med Association Agreement with Egypt: Trade Liberalisation as Substitute or Complement to Migration?** Caglar Ozden, World Bank
- **Philippines–Japan Economic Partnership Agreement (EPA): Moving Care Workers across Borders** Naiki Yoshiko, Osaka University
- **Trade Agreements to Manage Low-skilled Migration: Complementarity or Overlap with Bilateral Agreements?** Phil Martin, UC Davis

Chair: Laurent de Boeck, African, Caribbean and Pacific countries (ACP) Observatory on Migration, Brussels,

Discussant: Martin Molinuevo, Inter-American Development Bank

– Coffee Break –

11:00–12:30 Input Session 5: Prospects of Bilateral Migration Agreements for Managing Labour Migration

The capacity of trade agreements to regulate the risks of migration and protection issues, including skill depletion and irregular migration is limited. Destination and sending countries 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. It will identify the specific components necessary to make bilateral agreements successful in terms of access to foreign labour markets, enhancement of the developmental benefits of migration and protection of migrant workers, and

will discuss how to bring the private sector, trade unions and the diaspora or migrant communities into 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, Scalabrini Migration Center and Binod Khadria, Jawaharlal Nehru University
- **Spain's Bilateral Migration Agreements with Africa and Latin America: Exploring the Linkages of Market Access for Natural Persons and Services Trade** Antonio Bonet, ACECOMEX, Madrid and Sebastian Saez, International Trade Department, World Bank
- **Evaluating Bilateral Migration Agreements in Light of Human and Labour Rights** Ryszard Cholewinski, ILO
- **France and Spain's Bilaterals Compared: Efficiency Gains through Diaspora and Private Sector Involvement?** Marion Panizzon, WTI, Miryam Hazan, Demos, Sandra Lavenex, University of Lucerne and Sonia Plaza, World Bank

Chair: Kacim Kellal, Director, International Affairs, General Secretariat on Immigration and Integration, Ministry of the Interior, France

Discussant: Sri Lanka TBC

– Lunch Break –

14:00–15:30 Session 6 (Break-out): Trade, Migration and Development Cooperation Agreements

In the absence of institutional governance of migration, governments increasingly resort to agreements as formal mechanisms for managing migration. In essence three types of agreement have emerged as pivotal venues in recent years: trade agreements, development cooperation agreements and bilateral migration 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 skill levels, the degree to which migration is regulated or facilitated, the protection of migrants' rights, the flexibility with which commitments are made and the extent to which other issue areas are addressed. Each Group is asked to discuss both the questions below and to produce policy recommendations reflecting the discussions, which will then be reported to the plenary session 7:

- What are the principal advantages of the (trade/migration/development) agreement over the other two categories of agreements? And why is the (trade/migration/development) agreement the most optimal type of agreement to bring about the economic, social and human capital benefits of migration?
 - How can the (trade/migration/development) agreement be improved to deliver more development, mobility and rights protection and how?
- **Group "Trade":** led by Jan Schmitz (EC Commission, DG Trade)
 - **Free Trade Agreements**, as one possible channel for liberalising labour migration, have at their disposal certain features allowing them to offer fast-track access for highly skilled labour migrants providing services in the territory of another Member. For various reasons, including requests by developing countries for freer labour migration, trade agreements have become increasingly popular. This development may be undermining the prerogatives of immigration authorities. In addition, they often liberalise the admission of the same categories of persons (graduate trainees and young professionals),

whose mobility has traditionally been liberalised in immigration laws and other types of agreements with various consequences: defining graduate trainees as service suppliers brings them under the jurisdictional scope of free trade agreements, including mode 4 of the GATS.

- **Group “Migration”:** led by Spanish Government Representative TBC
 - **Migration** agreements have seen a renaissance in the past couple of years as a venue for cooperation with emigration countries. 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. To what extent the “new bilaterals” have been successful, in the sense of obviating the need for trade agreements or other types of agreements, including regional and subregional cooperation partnerships, is an additional key point of discussion.
- **Group “Development”:** led by development official TBC
 - Development cooperation agreements are yet another venue which increasingly encompass migration management within their scope. 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. This group will assess these new models of development assistance, such as tax breaks on migrant savings, co-financing of diaspora-led investments or the subsidisation of educational programmes, and discuss to what extent such fiscal and financial incentives have been successful at promoting the positive effects of labour migration for development.

– Coffee Break –

16:00–17:00 Session 7 (Plenary discussion led by Phil Martin, UC Davis): 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 relevant questions 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 inefficient duplications among these different types of agreements and the consequential tendency towards venue-shopping? Or, should venue shopping among agreements 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?

Public Side Event “Migrant Entrepreneurs as Drivers for Development” (17:30–19:00)

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, 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 (INAFI) TBC
- **Policies and Programmes that Generate Market Opportunities for Migrants** Sonia Plaza (World Bank)
- **Reinforcing the Contributions of African Diasporas to Development** Chukwu-Emeka Chikezie, Co-Founder AFFORD; founding partner in Up-Africa! Ltd & Inclusive Growth Strategies Ltd

Discussants: Titilola Banjoko (Africa Recruit) and Barbara Span (Western Union)

Day Three: Thursday, 15 September 2011

9:00–11:00 Input Session 8: Regional Frameworks: Promoting Development through Free Movement Protocols

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 involving the private sector, migrant communities, diaspora or international organisations. Session 8 further raises the question of how which regional frameworks (such as, ASEAN, CARICOM, ECOWAS, COMESA, SADC, EU or MERCOSUR) promote labour mobility and to what extent it is implemented. Another question is how these alternative channels, including their widely cast network of sub-regional and cross-continental trade agreements (CAFTA DR or NAFTA) manage the benefits and risks of circular migration and extend legal migration channels. Session 8 will also address how regional frameworks contribute to migration governance beyond their region by interplaying with bilateral agreements and international organizations and what conditions need to be fulfilled for these to disseminate their policies to the global level. To this end, this session will offer an overview of different types of responses formulated to meet the challenge of labor mobility, introduce possible avenues for addressing the gaps noted and look at selected case studies which have identified innovative tools to liberalise the movement of persons.

- **Free Movement in the EU** Constantinos Fotakis, Advisor to the Director in charge of Analysis, Evaluation and External Relations, DG Employment, Social Affairs and Inclusion, European Commission
- **Operationalising the ECOWAS Protocol on Free Movement of People: Prospects for Sub-Regional Trade and Development** Aderanti Adepoju, University of Lagos
- **ASEAN Protocol on Free Movement and ASEAN Trade Agreements with Mobility Chapters** Sophie Nonnenmacher, IOM Bangkok
- **Where’s the Movement? US–Chile FTA, NAFTA, CAFTA DR: Comparative Assessment of EU and US Migration and Trade Policies towards Latin America** Cesla Amarelle, University of Neuchatel and Elisa Fornalé, WTI

Chair: Pierre Sauvé (WTI)

Discussant: Christiane Kuptsch (ILO)

– *Coffee Break* –

11:30–12:30 Session 9 (Break-out): Policy Implications of Trade, Migration and Development: An initial Discussion

The previous sessions have shown how essential it is to explore new linkages between migration and other issue areas. Globalising economies transform the scale, speed and patterns of labour mobility thereby creating new expectations by the market, which are 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. Three groups, each representing one key actor in the debate will discuss how to optimise the policy mix of trade, migration and development and how to align the different venues and levels, in particular how to align immigration law to trade agreements so as to form mutually beneficial relationships. Each Group is asked to discuss both the questions below and to develop 3–5 key policy recommendations, which will then be reported to the moderator of the plenary session 10:

- How can we raise the positive economic and human development impacts of the trans-boundary movement of labour migrants at all skill levels?
 - Which strategies should (government/private sector/diaspora) adopt to improve cooperation with the other actors (government/private sector/diaspora) so as to raise the gains of labour mobility for development?
- **Group “Government”:** Ambassador Gomez Camacho (Mexico)
 - 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. To translate such demands into effective policies, governments should mainstream migration into trade, development and education policy formulation.
 - **Group “Private Sector”:** Guy Morgan (BSR)
 - The private sector is called upon to facilitate migrants’ market admission, to translate migrants’ employment into human development gains (skill upgrading opportunities and other education and training), to encourage migrants’ skills and financial transfers and to promote circularity or reintegration at home.
 - **Group “Migrants and Diasporas”:** Philippe Fargues (European University Institute)
 - Migrants individually or collectively can contribute to maximising the development gains from migration by establishing business contacts between a host country firm and their countries of origin, by carrying out transnational entrepreneurial activities or transferring the 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.

– Lunch Break –

14:00–15:30 Session 10 (Plenary discussion led by Gottfried Zürcher, Swiss Federal Office for Migration): Reports of the Break-out Sessions and Discussion on Policy Implications of Trade, Migration and Development

Following up on the results of break-out Session 9, this Session will raise the following relevant questions with a view to formulating policy recommendations: When defining international substantive standards and norms on labour mobility, and also policies, how can government, the private sector, diaspora organisations, education and research institutions as well as employer associations and trade unions be brought to share in the responsibility for maximising the opportunities for lawful labour mobility? Institutionally and in the absence of an international framework for managing migration, to what extent could a multilevel system of different agreements and policies step in to fill the gap?

– Coffee Break –

16:00–17:00 Session 11: Conclusions and Policy Recommendations led by the Co-Chairs Sri Lanka and Switzerland

This session will link the outcomes of the thematic M4MD conference to the global perspective of the GFMD.

Closure and Farewell –