



Global Migration Policy Associates

*An International research, policy development,
advisory services and advocacy group*

***EUROPEAN TURKISH BUSINESS CONFEDERATION-UNITEE
European Parliament Luncheon Roundtable
'Skills to unleash: New European Entrepreneurs'***

***BRUSSELS
26 November 2013***

**CONTEXT BACKGROUND NOTE
*MIGRATION TODAY: KEY ISSUES FOR EUROPE***

Migration has become the issue of the Century. It provokes news headlines everywhere, it is what makes or breaks economies, and it inspires hundreds of conferences... such as this one.

Following a several pertinent vignettes of the real story of migration today.

1. *Migration today?*

Its about the survival of development in Europe. And across the industrialized world. Migration today is certainly more significant for development in the industrialized north than for development of the South.

As former mayor Ken Livingston said, London would not make it to breakfast without migrants.

Foreign born workers now comprise 10% to 15% of labour forces in Western European countries, around 18% in immigration countries of Australia, Canada and the USA.¹ 30% in Switzerland. Taking account of offspring of recent immigrants gives figures of 20% or more of work forces “issue de l’immigration” in some European countries. The proportion of population is 19.6% in Germany, of work force is well over 20%.

Migrant workers provide required skills and labour power not otherwise available.

Economic contributions and the employment characteristics of migrants are central to labour markets and labour force composition, in more than 100 countries today. They comprise growing portions in many countries in Africa, Asia, the Americas, the Caribbean, and Eurasia. 50-90% of work forces in most member States of the Gulf Coordination Council (GCC).

Put in perspective:

There are an estimated 232 million people residing today in countries other than where they were born or are citizens. ILO calculated that 105 million of the 214 million people living outside their countries of birth or citizenship in 2010 are economically active. That is to say: employed, self-employed or otherwise engaged in remunerative activity. That represents nearly all of those of working age. Given an estimate of one

¹ Recent figures for most EU countries and “immigration countries” mentioned are found in the OECD *International Migration Outlook: SOPEMI 2011* Statistical Annex

accompanying dependent for each active adult, well over 90 per cent of migration today is bound up in labour and employment outcomes.²

And these figures do not measure the millions more in temporary, short-term situations not counted as resident in destination countries.

2. We ain't seen nothin' yet...

Within 15 years, the majority of world's countries –and populations-- will be in work force decline and population ageing mode.³ Germany loses 5 million members of work force in next ten years, the Russian Federation has lost 10 million since 2000, and rate is now some 1 million workers less per year in its domestic labour force. The Japanese labour force will shrink 37% over the next 25 years. A recent study says that Switzerland will need 400,000 additional workers by 2030. And Qatar 1 million additional migrant workers before 2020. And there's the big one: China's work force will decline by at least 126 million people in 20 years.

If that weren't enough, wake up. Argentina, Armenia, Azerbaijan, Brazil, Colombia, Indonesia, Iran, both Koreas, Lebanon, Mauritius, Mexico, Morocco, Peru, Qatar, Saudi Arabia, Singapore, Thailand, Tunisia, Turkey, Vietnam, --among others-- have reached or are reaching zero population growth rates. This year.⁴ Tunisia reached it 7 years ago

That means that over the next 15 years or less, all of these countries face increasing departures from the work force uncompensated by entrants.

An example of what that means? Already, the net flow of migration between the USA and Mexico is southward. To Mexico.

This means increasingly intensified global competition for the most crucial economic resource of all today, labour and skills. And particularly for virtually all levels of trained skills.

And where are those skills comin' from?

A recent forecasting study by the McKenzie Global Institute estimates that the global shortage of high skilled and trained technical skills is projected to reach 85 million by 2020. That's 40 million high skilled with tertiary education in developed countries, and 45 million with vocational, technical and scientific training in developing countries.

This in just seven years, when employers around the world today complain that they cannot fill one in three jobs on offer with the needed level of skills.

As it is, no country today can form or train the entire range and number of ever-evolving skills and competencies needed to perform the ever more complex, inter-related work done on its territory.

And evolving skills and technology is what our world is about today.

Evolution and diversification of technology along with transformations and relocations of industrial processes and changes in the organization of work itself are constant characteristics of the world of work today. This constant evolution requires accelerating complexity, diversity and specialization in the competencies and skills of work forces in each and every country worldwide.

² ILO, *International Labour Migration: a Rights Based Approach*, International Labour Office, Geneva, 2010, page 1.

³ For a corporate view on the phenomena, see Ernst & Young online report: "Six global trends shaping the business world: Demographic shifts transform the global workforce" at <http://www.ey.com/GL/en/Issues/Business-environment/Six-global-trends-shaping-the-business-world---Demographic-shifts-transform-the-global-workforce>

⁴ See for example the *CIA World Factbook, Country Comparison: Total Fertility Rate(s)* at <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2127rank.html>. 2.2 children per woman is considered the 'replacement rate' of zero population growth, below which population will decline.

This drives a constantly increasing, international mobility of skills, competences and labour at all skill levels. Migration is today international labour and skills mobility. It is the key factor to sustaining and renovating essential processes of development: production of goods, services and knowledge, distribution, construction of facilities for housing, education, healthcare and transportation.

Development and migration

Too often development is simplistically equated with growth of GDP, increased domestic production of goods and services. However, it is much more than that. A more adequate understanding of development is: the elaboration of productive means, forces, and capacities to provide goods, services, technology and knowledge to meet human needs for sustenance and well being.

Development comprises building the material means for: extraction and transformation of resources; for production of goods, services and technology; for constructing infrastructures for transportation and distribution of resources, goods, services and people; and it is providing for human well-being in terms of housing, nutrition, healthcare, education and culture in its broad sense.⁵

Elaborating and maintaining these material means requires developing the labour force and its skills to do all this as well as to continue expanding technology, knowledge, and capital itself. And that is certainly as much an issue for the 'developed' North as for the developing South.

3. Will Europe attract?

Anticipate a concern here. Across the board, European policy and practice on migration is, simply put, not attractive. **That means, not competitive in tight market**

Neither attractive to draw talent, nor attractive for employers to get needed talent when they need it. Not a year later when the order already went somewhere else because it needed to be filled next month, not next year.

Like to cite an example of competing for talent. A few years ago, Germany ventured forth to recruit needed high tech ICT and other skills from Asia. Offered a first blue card. With limitations, supposedly to protect. (Don't ask me what.) Certain conditions, two years only. No family. No job change. No renewal. And speak German. The result, modest quota one-third filled in first year. Meanwhile, USA quota was subscribed in first three-four months.

On top of that, press is full of anti-immigrant rhetoric. And streets have their share of migrant busters. Never mind discrimination in employment: takes someone of immigrant background equally qualified five times as many tries to get positive outcome in job seeking.

Why go where made to feel not wanted when offers abound where welcome.

Abuse, exploitation and xenophobia

When labour does move as it must, it is often subject to abuse, exploitation and draconian repressive measures.

An excerpt from the executive summary of a recent report on the UK sums up features consistent with data from other EU countries:⁶

“Migrants, especially those from outside the EU15 who have limited access to social security provisions, face the paradoxical position of being welcomed by businesses and the state due to their high flexibility and minimal utilisation of the welfare state on the one hand, whilst facing increasing unease and hostility from anti-immigrant groups, the same state that welcomes them, and large numbers of the general public on the other.

⁵ In “Rethinking Development and Migration; Some Elements for Discussion,” online GMPA Working Paper by Patrick Taran, Global Migration Policy Associates.

⁶ Ian M. Cook, *Hierarchies of Vulnerability: Country report United Kingdom; Labour migration and the systems of social protection*, Multikulturni Centrum Praha, Czech Republic, 2011, page 4

The highly unregulated and flexible economy has allowed many migrants to easily find work and businesses to remain competitive whilst simultaneously creating the conditions for widespread exploitation and producing divisions amongst workers, both between (native) born/migrant and between different groupings of labour migrants.

Exploitation is linked to a hierarchy of vulnerability with the rights and entitlements guaranteed or not by a migrant's legal status, the legal provisions between the UK and a migrant's 'home' country, unionisation, racism, contract type and flexibility all affecting this vulnerability hierarchy."

Exploitative conditions for migrants are structurally driven. As is irregular migration. It's the nature of the system. For many enterprises in many countries, for entire economic sectors, low cost foreign labour is the only ticket to survival. Literally. Agriculture would simply not be viable in Europe nor in North America, nor would a part of the population afford to eat without cheap immigrant labour. Health and home care for children and increasing populations of ageing people depends on migrants. As do hotel, restaurant and tourist sectors in many countries. Global competition, free trade, and the race to the bottom phenomena push against costs of labour and provision of social services, indeed they challenge the very social function of States.

Keeping some migrants cheap, docile, flexible –and removable without social costs-- becomes not just highly desirable. It becomes imperative to keep jobs at home and economies afloat. No matter what those jobs are and who is doing them. It is no accident that from 6 to 11 million undocumented migrants have remained in the US economy over the last three decades. It is also no accident that there are significant numbers of undocumented workers throughout the EU and in many other countries. Even as rhetoric abounds about controlling migration, migrant workers remain in irregular situations, tolerated because they provide that cheap, docile, flexible labour needed to sustain enterprises and employment.

Migration is a key zone of contention between labour and capital today. It is certainly where division of wealth is fought out-- how much of what is generated is returned to capital versus how much goes to working people as remuneration and to and populations as public services. Migration is also a terrain of dispute over conditions of work. Will work be decent or become yet more precarious and exploitative?

Migrants are often the vectors of contention over conditions of work and investment in safety and health protections versus lowering costs to obtain higher returns on capital. Or simply to maintain returns. Migration also poses the question of whether – not just to what extent-- working people remain organized to defend and advance their interests. Migrant workers are key to whether and how employees –workers– freely associate and organize to collectively bargain for fair remuneration and decent work conditions.

The challenge of xenophobia and a good response

A particularly burning concern is the perceived generalized rise in both application of discriminatory policies and of racist, xenophobic behaviour against migrants. Hostility towards migrants has been manifested worldwide. The concern is aggravated by the absence, with one or two exceptions, of vigorous responses by governments to anticipate, discourage, prevent and prosecute perpetrators of manifestations of racist and xenophobic hostility against foreigners.

Social cohesion can only be maintained by deliberate legal, institutional and practical measures. The demonstrable proof is that in a few countries –such as Ireland-- there have been almost no racist killings of migrants nor burnings of businesses, homes or places of worship of foreigners. There, anti-immigrant politicians and political parties have gained no traction and no prominence. Discrimination against foreigners may be manifested. But is expressly made unacceptable.

The generalized atmosphere of inclusion in Ireland is no accident. It is the consequence of the political discourse projected from the highest level, in statements and acts by Presidents, by consistent official annual national Anti-Racism Workplace Weeks jointly instigated by government, social partners and civil society with highly visible media campaigning, public events, and all kinds of awareness raising, organizing and advocacy in workplaces, communities, churches across the country. This attitude was shaped in the exemplary Irish National Plan of Action Against Racism inspired by the outcome of the Durban World Conference, elaborated in dialogue across Irish society and institutions.

Where it counts most, non-discrimination, anti-racism and integration of migrants have been prominent elements in the Irish national Social Partner agreements since the late 1990s, and have been incorporated in labour contracts, in trade union priorities and in training of business leaders and employers. Not to underestimate is the mutually reinforcing establishment of institutions to promote, advocate and monitor equality of treatment, non-discrimination and integration. Key among these is the Irish Equality Authority and the (recently discontinued) National Coordinating Committee Against Racism and Intolerance bringing together government and civil society.

Had such a package of discourse, measures and institutions been practised elsewhere, the news headlines coming out of other countries would be very different than what they are today.

4. The governance framework

The economic processes of capitalist industrialization clearly required normative regulation to provide protection and decent conditions for persons engaged in work. Regulation was also essential to support employment, to ensure social protection, and to invoke social dialogue to resolve contentions between the main economic actors: employers and workers. That was what a major part of the Treaty that ended World War I was about.

International concern for protection of workers outside their own countries was explicitly established in the Treaty of Versailles of 1919. The first international conference on migration took place in 1923. That was in Bologna, Italy, convened by the Italian government under fledgling ILO auspices to press the destination countries of the day to reduce the terrible abuse of migrants of that time.

The first international treaties with provisions on legal and social protection for migrant workers were drawn up in the 1930s. Subsequently, a range of instruments in several areas of international law established a comprehensive framework of legal norms for governance. Relevant provisions are found in five categories of international law:

The nine main Human Rights Conventions; 2) all up-to-date International Labour Standards; 3) the widely ratified 1951 Convention and 1967 Protocol on the Status of Refugees, 4) the Vienna Convention on Consular Relations; and 5) the two Protocols on trafficking in persons and smuggling of migrants to the Convention against transnational organized crime.

Specific regional instruments on human rights, migrant workers, refugees, and trafficking established by the African Union, the Council of Europe, the European Union and the Organization of American States provide further normative guidance in their respective regions.

At the core of the global legal regime for migration governance are three complementary, sequential instruments specifically on international migration: ILO Conventions 97 and 143, and the subsequent ICRMW built on the ILO conventions. All three contain norms for governance and administration of migration and provisions for international dialogue and cooperation, as well as specific standards recognizing and protecting the rights of migrant workers and their families.

87 countries have ratified at least one of these three instruments. Counting in not yet ratified signatories of the ICRMW, 98 countries are legally bound to uphold migrants rights on their territories. That is two-thirds of all countries for which migration is significant economic, social and political governance concern. That means that a large portion of countries concerned have committed to putting national migration legislation, policy and practice --notably the protection of migrants-- within the framework of global international standards. That includes 11 of the 'EU 15' and some 22 of the 47 member States of the Council of Europe.

Meanwhile, the existing multilateral institutional architecture is being abandoned and torn down. The roles and competences of the relevant UN agencies as well as specific migration outcomes of the World Conferences over the last 20 years have been set aside. Instead, construction of closed intergovernmental "States' owned" platforms for consultation and deal making on migration have been built outside the UN system. This has also taken place at regional level, outside existing multilateral institutions responsible for

migration regimes in regional communities of States.

Now, the control, state security and repression institutions of States predominate in sometimes, quite literally controlling migration, and migrants. In all aspects, including the fundamental ones of labour and employment domains. Under these institutions, arbitrary discretion of authority is often privileged over strict application of normative standards and behaviour.

6. Steps forward

However the future is designed, labour migration will be ever more important for Europe, and the entire world. A coherent, comprehensive, whole systems/whole of government approach is required. Key components are:

1. Obtaining *collection and analysis of relevant labour migration and labour market data* to guide policy formulation.
2. ***Engaging social partners*** –employers and worker organizations—in migration policy and administration.
3. Strengthening the ***standards-based approach to migration***, in national law and practice, namely by ratification of ILO Conventions 97 and 143 on migration for employment and the International Convention on rights of migrant workers.

These are the inescapably essential foundations for:

4. Consolidating explicit national and European ***policy on labour migration***.
5. An ***informed and transparent labour migration system*** to meet measured, legitimate labour needs.
6. ***Enforcing minimum decent work standards in all sectors of activity***, to suppress abuse of workers and reduce incentives for recruitment of irregular migrants.
7. National ***plans of action against discrimination and xenophobia***.
8. Extending ***social security coverage and portability*** to all migrant workers.
9. ***Retooling vocational education and training*** to meet current needs and future demand.

History tells us that migration has been an essential ingredient of growth and development of many countries. It has been to the growth and prosperity of this region. And it will be essential to economic survival in the years to come. However, unless regulated by appropriate laws and policies, migration will entail high costs in violations of rights of persons, in social disruption, in reduced productivity, and in lost opportunities for development.⁷

* * *

Patrick Taran,
President,
Global Migration Policy Associates (GMPA)
email: taran@globalmigrationpolicy.org

⁷ See: ILO, *Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration*, International Labour Office, Geneva, 2006. Available at: http://www.ilo.org/public/libdoc/ilo/2006/106B09_343_engl.pdf

Useful Background, Policy and Practice References:

Economic Migration, Social Cohesion and Development: Towards an Integrated Approach. Patrick Taran (editor) with Irina Ivakhnyuk, Maria da Conceição Pereira Ramos and Arno Tanner. Council of Europe, Strasbourg. 2009.
Order from:

http://book.coe.int/EN/ficheouvrage.php?PAGEID=36&lang=EN&produit_aliasid=2402

EU: *Common Basic Principles on Integration* (CBPs) Justice and Home Affairs. European Union. 14615/04 (Press 321). 19 November 2004

EU: *Framework Strategy for Non-Discrimination and Equal Opportunities*, EC Communication COM (2005) 224 final, 1 June 2005

Guide to ratification of the International Convention on rights of migrant workers. Steering Committee, Geneva, 2009: Available in English, French, Russian, Spanish. English version at:

http://www.migrantsrights.org/documents/ICRMWRatificationGuide_December2009English.pdf

ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration. ILO, Geneva. 2006. Available in Arabic, Chinese, English, French, Russian, Spanish and other languages. English version at: http://www.ilo.org/public/libdoc/ilo/2006/106B09_343_engl.pdf

International Labour Migration, a Rights Based Approach. ILO, Geneva. 2010. Executive summary at:

http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_125362.pdf

Resolution and Conclusions on a Fair Deal for Migrant Workers in the Global Economy, International Labour Conference, 92nd Session, June 2004. (ILO, Geneva) http://www.ilo.org/migrant/download/ilcmig_res-eng.pdf

Social Security for Migrant Workers; A rights-based approach. Hirose, Kenichi, Nikac̆, Miloš; Tamagno, Edward. 2011. International Labour Office (ILO), Budapest. November 2011. Available at:

http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms_168796.pdf

Ten Ways to Protect Undocumented Migrant Workers, PICUM (Platform for International Cooperation on Undocumented Migrants) Brussels.

<http://www.picum.org/sites/default/files/data/PICUM%20Ten%20Ways%20to%20Protect%20Undocumented%20Migrant%20Workers.pdf>.

Workplace Europe: Trade Unions Supporting Mobile And Migrant Workers, European Trade Union Confederation (ETUC), Brussels, 2011

http://www.etuc.org/IMG/pdf/WPE_Final_Brochure_EN_final_doc.pdf