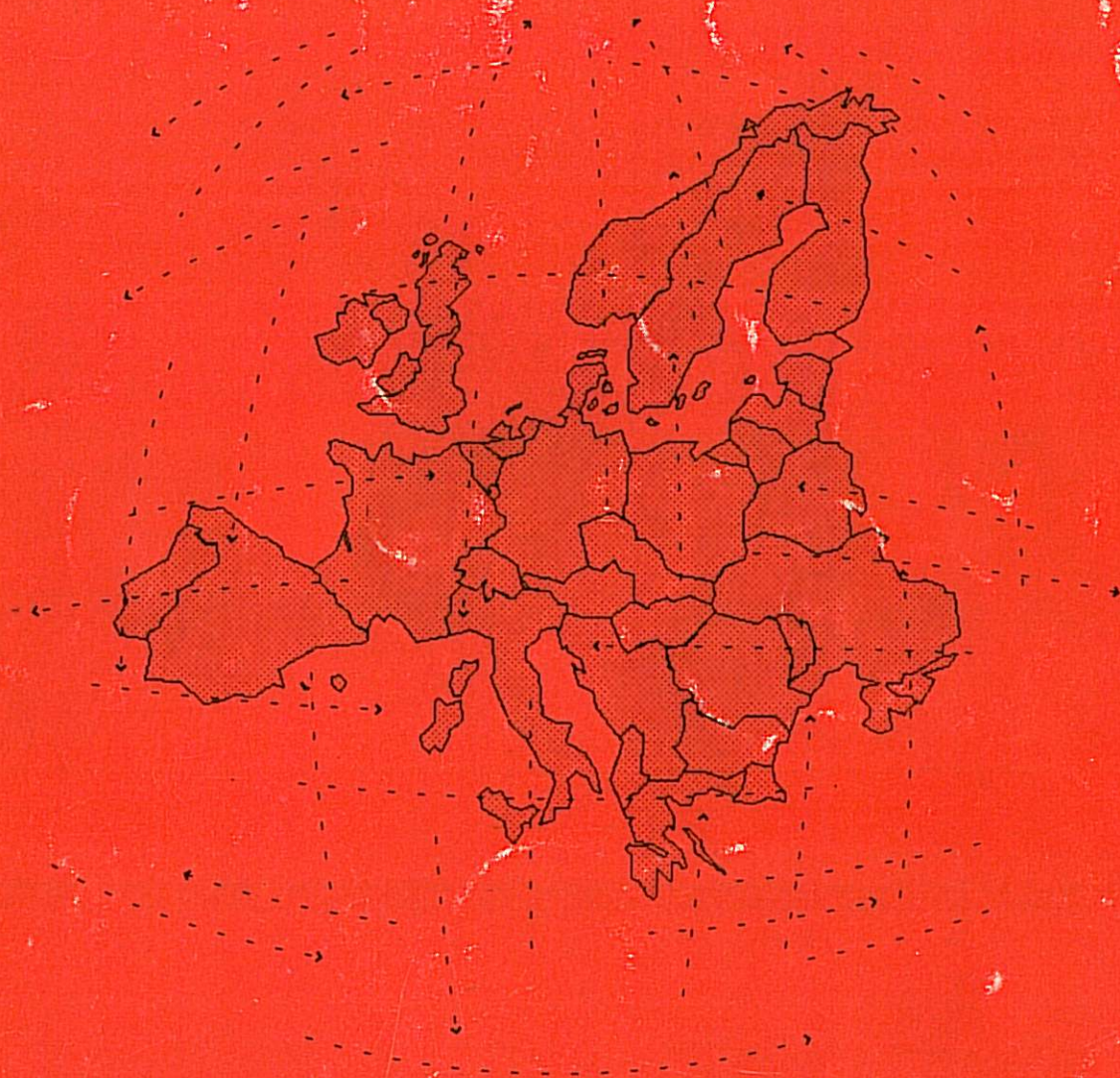


INTERNATIONAL MIGRATION ECONOMIC DEVELOPMENT AND HUMAN RIGHTS

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INTRODUCTION

In Western Europe and North America the current debate on movements of refugees and migrants focuses very much on the question of how to reduce these movements. As will be argued in this Briefing Paper, this is basically a matter of how to promote, worldwide, economic development and human rights. Moreover, given the relationship between international migration, economic development and human rights, there is a need to bring together expertise in these three fields in order to clearly define and implement future policies.

This Briefing Paper will concentrate on economic migration and Western European development policies. Clearly, policies to address root causes of forced migration should not be seen as a substitute to designing and implementing positive immigration policies. Therefore, this Briefing Paper is complimentary to Briefing Paper no. 15, on the making of European immigration policies.

Chapter I argues for a human rights approach to tackle root causes of forced migration. In chapter II, international measures to promote economic development are briefly reviewed. In chapter III some comments are made on the extent to which economic development has a moderating effect on migratory movements and how policies in this field need to be framed. In Chapter IV the possibilities and existing practices to include human rights considerations in development strategies are explored. Finally, in Chapter V some concluding remarks are made.

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I A HUMAN RIGHTS APPROACH

In national and international policies the relationship has always been recognised between economic development, employment and migration. As long as migration was seen as beneficial to all parties concerned, the rights and obligations of states and migrant workers were taken into consideration. In times when the orientation is shifting towards reducing migration, rights and obligations of the parties concerned need again to be defined and taken into consideration in policy-making processes

1. Shifting orientations

In the period following World War II, migration for employment was encouraged. The key-words were economic growth and liberalisation of trade and labour. In 1946, the ILO recommended to develop all possibilities of employment and for this purpose to facilitate the international distribution of manpower and, in particular, the movement of workers from countries with a surplus of manpower to countries with a shortage.

This approach shifted to one stressing the importance of migration of jobs alongside migration of persons. The key-words were the new international division of labour and the new economic world order. In 1976, the ILO called for policies which would provide alternatives to migration in the countries of origin of migrant workers. These recommendations called for development strategies in these countries which include an employment policy giving workers productive employment and satisfactory working and living conditions. Also recommended were development policies that are implemented in the framework of international co-operation which would facilitate the movements of capital and the transfer of technical know-how.

Nowadays the emphasis is on taking measures to prevent mass-migration. The key-words are globalisation of national economies and liberalisation of trade. In 1984, the ILO pleaded for the creation of more employment opportunities and better working conditions in countries of emigration, with a view to reducing the economic need to migrate. The promotion of full, productive and freely chosen employment should be an integral part and priority of governmental policies in the economic and social fields².

2. The right to move

Whatever the economic motives are that determine migration policies, human rights considerations should be of equal importance. This applies not only to the right to move but also to the right to remain in one's country of origin or habitual residence.

The right to move has been enshrined in international law. The Universal Declaration of Human Rights, among other international instruments, recognises the freedom of movement and residence within the borders of states and the right to leave and return to one's own country. In a sense, the right to move has been elaborated in universal and regional legal instruments protecting the rights of refugees and migrant workers. These instruments are of a general or specific character. The Universal Bill of Rights and the European Human Rights Convention apply to all persons within the jurisdiction of state parties and that includes legally residing foreigners or aliens such as refugees and migrant workers. Special instruments have been designed by the UN, the ILO and the Council of Europe to protect the rights of migrant workers and their families in areas ranging from recruitment to equal treatment. These instruments are the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, Migration for Employment Convention (Revised), of 1949 (ILO Convention no. 97), Migrant Workers (Supplementary Provisions) Convention of 1975 (ILO Convention no. 143), and the European Convention on the Legal Status of Migrant Workers of 1977. Unfortunately, these conventions, with the exception of ILO Convention no. 97, have been signed and ratified by only a small number of states³.

3. The right to stay

Internationally recognised economic, social and cultural rights, as well as civil and political rights could be seen as an elaboration of the right to remain in one's own country. For example, the UN Covenant on Economic, Social and Cultural Rights defines the right to an adequate standard of living including adequate food, clothing and housing, and the continuous improvement of living conditions. The Covenant also recognises the right of all peoples to freely dispose of their natural wealth and resources. The UN Declaration on the Right to Development states

that individuals are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised.

Given the fact that today's migration is mostly of a forced nature, one could argue that the right to stay is systematically violated. The victims are millions of uprooted people forced to migrate either internally or internationally.

4. Migratory movements

There are an estimated 100 to 120 million migrants, refugees and displaced persons in the world, a number that increases annually by an estimated two million persons. More than twenty million refugees and asylum-seekers flee from wars, political persecution, gross violation of human rights and dignity and sexual violence (political reasons). Twenty three million people are internally displaced for reasons of war, social upheaval and famine (political and economic reasons).

Migrant workers form the biggest group of people on the move. The numbers of international migrants are estimated at 30 to 40 million. Among them are those who leave their country of their own free will, looking for better job opportunities elsewhere, but millions of others are forced to build up a life in another country because of the lack of economic opportunities in their home countries, or because of natural or man-made ecological disasters which make migration necessary for survival (economic reasons). There are migrants who follow their migrated family members (social reasons). Their numbers are also estimated at 30 to 40 million. Furthermore, there is the group of people who either do not have all the required documents to stay in a country, or none of them at all. They include clandestine or undocumented workers and to a lesser extent overstayers and rejected asylum-seekers. Their growing numbers are estimated to be in the tens of millions.

5. Root causes

Persistent and even widening disparities between rich and poor in the world⁴, the increasing number of natural and man-made ecological disasters, ongoing violations of human rights and dignity, frequent outbreaks of civil war, ethnic tensions and ethnic "cleansing", continue to uproot people.

Addressing root causes of migration, or stemming the flows of involuntary migration, or combatting clandestine migration - to use official parlance - could be seen as acting to overcome the violation of the right to development and the right to stay. Effective development policies, firmly based on human rights considerations, could contribute to the correction of global disparities and may in this way reduce the economic need to migrate.

Human rights considerations are taken more and more seriously in international trade relations and development programmes. The United States has gained experience with linking trade and aid with human rights considerations, whereas the European Union is increasingly linking these policy areas. During the last GATT negotiations, it was proposed to include a social clause in the new Agreement. Although no consensus could be reached, as soon as the new World Trade Organisation starts its operations, the matter will undoubtedly be taken up again.

Easing migration pressures, to again use official language, would also have a positive effect on the way immigration is being handled by Western European governments. Today, immigration is very much seen as a matter of policing and law enforcement, which leaves little room for a positive and human rights based approach to immigration. Similarly, combatting clandestine migration tends to be limited to intensifying police control at borders and work places, whereas international conventions relevant to clandestine migration, namely ILO Convention no. 143 and the UN Convention on the Rights of All Migrant Workers and Members of Their Families, are not ratified or fully implemented.

Clearly, the right to stay and the right to move should not be played off against one other. Not all migration is forced migration and migration for employment is vital for the social and economic development of many receiving and sending countries. As the UNFPA rightly puts it in its 1993 report: "if the goal is to reduce migration pressures through development it will be essential to increase the capacity but reduce the need to migrate"⁵.

II DEVELOPMENT STRATEGIES

Different development strategies have been followed or suggested by developing countries on the one hand and by developed countries and international organisations on the other, such as the World Bank and the International Monetary Fund. This is not the place to discuss the effectiveness of these strategies. In this chapter three international measures which stimulate economic development of developing countries, namely foreign direct investment, trade liberalisation and official development aid will be considered in some detail⁶.

1. Foreign direct investment

Foreign Direct Investment (FDI) is used by transnational companies to buy or to set up labour intensive industries in countries where labour is cheap, or to circumvent tariff barriers in countries with a big internal market.

FDI outflows amounted to US\$ 1.3 trillion in 1989 and US\$ 1.9 trillion in 1992. The five major source countries are France, Germany, Japan, the United Kingdom and the United States, which together account for approximately two-thirds of the outflows worldwide. Outflows from developing countries amounted in 1992 to US\$ 9 billion, of which almost 90 percent comes from the four Asian newly industrialising countries and China.

As far as inflows are concerned, the economic recession in developed countries led to a decline of FDI inflows into these countries. In many developing countries, however, rapid economic growth and expanding domestic markets resulted in a sharp increase of inflows in these countries, culminating in US\$ 51 billion in 1992 and an estimated US\$ 80 billion in 1993. Between 1986 and 1993 investments in developing countries increased five-fold.

In the period 1980-1988 investors from the member states of the European Union invested US\$ 42 billion in developing countries against US\$ 38 billion and US\$ 30 billion by investors from the United States and Japan respectively.

Asia and the Pacific, as well as Latin America and the Caribbean, have received the largest investments and they absorbed between 66 percent and 81 percent of the total flows into developing countries over the

period 1981 to 1992. The 47 least developed countries, of which 31 are located in Africa, stayed far behind. The same applies to Central and Eastern Europe, a steady increase notwithstanding. The ten host developing countries with the biggest FDI inflows are, in descending order, China, Singapore, Mexico, Malaysia, Brazil, Hong Kong, Argentina, Thailand, Egypt and Taiwan.

There is no doubt that foreign investments play an important role in the development of economies. In developing countries it has stimulated economic growth and increased employment. Apart from more general questions as to whether economic growth has a moderating effect on migration (see next chapter), a few more specific questions can be raised as to whether FDI can be instrumental to a policy aiming at tackling root causes of forced migration.

Firstly, the relationship between FDI, increased employment and reduced migration for labour is not altogether clear. Some main recipient countries nevertheless remain exporters of labour (for example, Mexico and Egypt). Other recipient countries, on the contrary attract migrant workers (for example, Malaysia, Singapore and Hong Kong).

Secondly, the lion's share of FDI goes either to developed countries or to countries which are politically stable and have already made some progress in socio-economic development. Most of these countries do not belong to the top "producers" of migrants. Were foreign investments to reduce migration, they should be targeted at the least developed countries which "produce" large numbers of migrants, such as, for example, Mali and Mozambique in Africa, the Philippines and Yemen in Asia, and Colombia and Paraguay in Latin America.

Thirdly, FDI is a matter of private investors and notably transnational co-operations. In other words FDI cannot be used by governments as a means to promote economic development. However, governments of developing countries can create a stable political and social environment which would make their countries more attractive for investments. If political stability is one of the key factors in decision-making on investment by international companies, foreign policies of developed countries could emphasise measures fostering practices of good governance, including respect for human rights.

Stable regimes in developing countries may be successful in promoting economic and social progress, reducing the need to migrate for economic reasons yet, at the same time, they may not respect civil and political

rights, thereby forcing people to migrate for political reasons (China is a case in point).

Fourthly, companies will make their decisions more on the basis of expected returns on investments rather than on sustainable development criteria. Therefore, recipient countries are often selected because of their low wages and less stringent labour legislation. Yet very often, the presence of transnational co-operations in developing countries have an upgrading effect in terms of local wages and labour standards. In the longer run this would make these countries less attractive and could even result in the relocation of companies. In other words, whereas FDI could have a positive short term effect on the employment situation, it could be an uncertain factor in a longer term policy aiming at tackling root causes of migration.

It would be useful to know more about the role FDI plays in promoting such a type of economic development which reduces the need to migrate. It would also be worthwhile to find out if and to what extent transnational co-operations are willing and able to include the "migration factor" in their decision-making process concerning investments.

2. Trade liberalisation

Since the Second World War trade liberalisation has been favoured by developed countries as a major instrument for economic growth and development. The major international vehicle to abolish trade barriers has been the General Agreement on Tariffs and Trade (GATT). Since 1948, eight rounds of negotiations have been concluded on international trade, the abolition of tariff barriers and monetary issues. The last round, the Uruguay-round, was finalised in Marrakech last year and has led to the proposal to create the World Trade Organisation (WTO). On the regional level a great number of countries have concluded agreements to promote free trade. The most far reaching were the treaties establishing the European Economic Communities and the most recent one is the North American Free Trade Association.

Trade in goods and services is expected to increase because of all of these efforts and because more developing countries are abandoning their import substitution policies and are adopting policies oriented at production for the world market.

The European Union is the developing countries' major trading partner. In 1990 it absorbed 22 percent of the total exports from these countries

and supplied 23 percent of imports to the same countries. For the United States these figures are 23 percent and 17 percent, respectively.

The US Commission for the Study of International Migration and Cooperative Economic Development is convinced that expanded trade between sending countries and the US is the single most important longer term remedy to migration pressures. Although NAFTA was concluded primarily for economic reasons, it has also been defended as a means to reduce (clandestine) migration from Mexico to the US⁷.

If that turns out to be the case and this model could be followed elsewhere in the world, the question would be whether trade is liberated enough. Many experts hold the view that the outcome of the GATT Uruguay Round tends to favour developed and some advanced developing countries, but not the less developed countries. A significant number of trade barriers are still maintained. The Multi-Fibre Arrangement remains in force, although for a limited period, and costs developing countries, according to UNDP, an estimated US\$ 24 billion per year in export earnings⁸.

The European Union also maintains trade barriers against manufactured goods from developing countries in the "Third World" and Central and Eastern Europe. In the Commission's own words: "While proclaiming their readiness to open their respective markets via unilateral preferences (either generalised or regional), the industrialised world has, in practice, maintained substantial barriers to developing countries' exports (quantitative restrictions on agricultural products, textiles, shoes, etc.; or tariff peaks and escalation)". Some even speak of a new protectionism⁹. A good example of protectionism is that of OECD countries of their agriculture. In 1991 OECD countries spent US\$ 180 billion on subsidies in this sector. The member states of the European Union spent US\$ 38 billion on agricultural subsidies and US\$ 2.6 billion to store surpluses.

In the Commission's recently published "Guidelines for renewing the Generalised System of Preferences (GSP)", it is stated that Asia is the major GSP beneficiary, accounting for almost 70 percent of the preferential advantage in 1992. China takes nearly 25 percent of the total GSP benefits. The position of the least-developed countries has continued to be poor and a solution has to be found to the problem of a "few highly competitive beneficiaries hogging the lion's share of total GSP, partly at the expense of LLDCs"¹⁰.

In order to be effective in terms of reducing migration pressures, the

trade policies of the developed countries should be far less protectionist (manufactured goods, agriculture, textile and services) and more targeted at less developed countries. Increasingly, governments intend to include human rights clauses in trade agreements and aid policies. This is already common practice in the US and will be the case in the European Union (see chapter IV).

3. Official development aid

Official development aid (ODA) is also mentioned as a possible instrument to reduce the need for people to migrate for economic reasons. ODA is an instrument of governments to support developing countries and must be distinguished from financial activities undertaken by the various institutions of the World Bank, which make available loans or grants directly to developing countries.

In 1991 more than 90 percent of the total ODA was provided by members of the OECD's Development Assistance Committee (DAC). ODA from DAC countries totalled US\$ 56 billion in 1991, US\$ 60 billion in 1992 and US\$ 54 billion in 1993, respectively. The following figures may give an idea of the volume of ODA provided by the European Union and its member states. In 1991 the Union's development aid totalled US\$ 3.8 billion, or 5.7 percent of total Union expenditure. Between 1988 and 1991 it increased by 35 percent to account then for a seventh of the total aid from the member states (bilateral and multi-lateral). Union aid, together with the aid given by the individual member states, represents 43 percent of world aid. The principal beneficiaries are sub-Saharan Africa (58 percent), Asia (19 percent) and Latin America and the Caribbean (almost 10 percent). Aid to the Mediterranean (member states of the Union excluded) took up 4.1 percent in 1990¹¹.

Just to compare, migrants' official remittances amounted to US\$ 70 billion in 1993 and non-official remittances could easily amount to a quarter of this amount. For many migrant sending countries remittances are indispensable (balance of payments, debt servicing), although not many efforts are made to mobilise remittances for direct productive investments. Countries such as Turkey, India, Morocco, Pakistan, Yemen and Tunisia receive considerable more inflow of capital from migrants' remittances than from ODA. This fact explains why sending countries prefer to discuss guarantees for the unhindered flows of remittances

(which presupposes the continuation of migration for employment) above ways to moderate flows of migrants through ODA.

A joint ILO-UNHCR meeting on development aid and migration, held in Geneva in 1992, came to a number of valuable recommendations on the role ODA could play in reducing migration¹².

Firstly, not a global but a region-specific approach is recommended in order to address region or country specific circumstances leading to migration. This could range from measures to remedy demographic pressures, to supporting small and medium enterprises.

Secondly, it would make sense to look at neighbouring regions between which migration for employment takes place. For Western Europe this would mean the Mediterranean basin and Central and Eastern Europe.

Thirdly, aid donors should pool their aid and concentrate on employment creation and income generation in regions from which high numbers of persons emigrate.

Fourthly, aid donors should co-operate in order to concentrate their scarce resources and they could decide on a division of labour between them over a longer period of time.

Fifthly, donors and receivers should collaborate in the processes of identifying common goals and deciding on regions, volume of aid, etc.

III TRADE AND DEVELOPMENT POLICIES

There is little doubt that economic disparities between countries lead, under certain circumstances, to migration¹³. There is also enough evidence that economic development which bridges this gap could very well diminish migration. The question seems to be when and what kind of economic development reduces the need to migrate and which development policies need to be pursued.

1. Migration and development

In Europe, good examples of the migration reducing effect of economic development are countries such as Italy, Greece, Spain and Portugal. For years they were migrant-sending countries but after entering the European Community they changed into migrant-receiving countries. The European Union's economic development policy, which inextricably connects social and economic policies, had a diminishing effect on South-North migration within the Union. Moreover, the Union's internal migratory movements stabilised and changed character, namely from the movement of unskilled workers to that of skilled and highly-skilled workers. In the case of Greece, Spain and Portugal, the change from dictatorships to democracies and respect for human rights and fundamental freedoms, was made a condition for entering the European Union.

Most experts agree that measures to bring about development have only in the medium or longer term (ten to fifteen years) a moderating effect on migratory movements. Moreover, case studies show that, initially, development tends to increase migration for a certain period of time, changes the character of it and re-routes migratory movements. Good examples of this can be found in Europe (see above) as well as in Asia. Countries such as South-Korea and Taiwan changed from being sending countries to receiving countries, attracting workers from nearby countries who otherwise would have to find employment in more distant regions, (for example in North America and Western Europe). However, in these two countries out-migration did not come to a complete standstill. Economic development created a more internationally mobile and skilled middle class.

Also, the globalisation of the economy will undoubtedly have an effect on migration. National economies will be linked to each other and

it is very likely that movements of both skilled and semi-skilled labour will continue to take place. In other words, development is not a substitute for migration. Only in the medium or longer term will economic development reduce migration to some extent.

Another important factor needs to be taken into consideration, namely the conflicting interests between developed and developing countries. A great number of developed countries restrict immigration, whereas many developing countries rely on the "export of labour". There are calculations that immigration restrictions by developed countries cost developing countries at least US\$ 250 billion in direct and indirect income per year. This means that from the perspective of a developing country, migration is beneficial to economic development. Consequently, to convince sending countries of the need to address root causes of forced migration, its effectiveness must be shown in terms of compensation for real or perceived losses in income.

What is needed is a comprehensive development policy in its own right. It would have to preserve its autonomous goal, namely the correction of global disparities, and may in this way also respond *de facto* and in the longer run to root causes of forced migration. Additional goals to be achieved by development policies, as is suggested in various recent documents of the European Union, should be matched by additional resources.

European policies are still not properly addressing the root causes of underdevelopment and global disparities. Cynically enough, the massive uprooting of people and the fear that most of them would come to Europe has generated more interest for development policies.

Without under-estimating the significance of ODA, it is a moderate instrument to bring about development compared with the amounts (and the potential effects on migration) involved in FDI and trade liberalisation. Therefore a comprehensive approach to development policies is needed. Such an approach would have to eliminate contradictions (for example, between proclaiming free trade and maintaining trade barriers), to target the development of human resources (instead of return on investments only) and to combat poverty (by investing in the basic needs of people). Only when such policies are put in place, having a moderating effect on migration in the medium term, could ODA have some effect in the shorter term on the employment situation through the support of small and medium sized enterprises in migration generating regions.

2. Coherent policies

It will be essential to link policies in the fields of development, trade, aid and human rights. It is interesting to note that the European Union increasingly speaks of policy linking or policy coherence.

According to the Treaty of Rome, as amended by the Treaty on European Union, development policy of the Member States and the Union shall foster:

- a) sustainable economic and social development of developing countries, in particular the most disadvantaged,
- b) the smooth and gradual integration of developing countries into the world economy,
- c) the campaign against poverty,
- d) respect for human rights, fundamental freedoms and the rule of law and
- e) the promotion and consolidation of democracy (article 130u).

The Edinburgh Summit (December 1992) adopted the "Declaration on principles of governing aspects of migration policy". It states that "the Union and the member States will encourage liberal trade and economic co-operation with countries of emigration, thereby promoting economic development and increasing prosperity in those countries, and so reducing economic motives for migration. To the same end, they will ensure that the appropriate volume of development aid is effectively used to encourage sustainable social and economic development, in particular to contribute to job creation and the alleviation of poverty in the countries of origin, so further contributing in the longer term to a reduction of migration pressure".

Finally, in the Commission's most recent Communication on immigration and asylum policies it is stated that "a comprehensive approach to migration pressure requires coordination of action in the field of foreign policy, development cooperation and immigration and asylum policy by the Union and its member States"¹⁴.

In other words, efforts are made - at least in theory - to link various aspects of Union policies in the fields of international migration, development, trade, aid and human rights. It remains to be seen how these linkages work out in practice. In the process conflicting interests will certainly be revealed. For example, the Common Agricultural Policy (CAP)

protects farmers in Europe but severely damages farming in Africa. The newly concluded Association Agreements with Central European countries are still protectionist in such areas as steel and agriculture.

3. New initiatives

A modest number of new initiatives are taken by individual or groups of countries and international organisations which aim at, or could result in, reducing the economic need to migrate.

In October 1994 the Commission of the European Communities published its proposals for the creation of the Euro-Mediterranean Economic Area¹⁵. According to the Commission the proposals must be seen as an effort to respond to the need to support political reforms, including respect for human rights, and economic reforms leading to sustained growth and improved living standards in the Mediterranean countries. These reforms are supposed also to ease migration pressures. Some of the elements of the proposals to establish the Euro-Mediterranean Economic Area are elaborated, such as the integration of Mediterranean countries into the pan-European free trade network, more openness of Union markets for (agricultural) products from Mediterranean countries and financial assistance. The increase of foreign direct investment is encouraged.

Another initiative is the one taken by the International Labour Organisation. On the basis of the conclusions of the joint ILO-UNHCR meeting (see Chapter II), in 1993 the ILO launched its "Maghreb Programme". The programme's aim is to establish a broad based strategy, ie. a strategy which is actively supported by all parties concerned - for the more effective utilisation of international aid in Algeria, Morocco and Tunisia, by bringing together multi- and bilateral donors with key aid officials from these countries. As part of this strategy, the partners will strive to develop and promote policies and programmes aimed at employment creation and income generation for needy regions and target groups in order to reduce emigration pressure.

The first activity of the Maghreb Programme consisted of a regional workshop which took place in April 1993, bringing together all major donors and the three aid receiving countries, with the aim of exploring the potential interest in cooperation between donors on the one hand, and collaboration between donors and aid-receiving countries on the other.

Designed as a first step, the meeting aimed at building confidence and commitment in an atmosphere of mutual understanding and respect. The meeting analysed the main constraints impeding an efficient functioning of the labour markets in the Maghreb countries, resulting in considerable emigration pressure and the need to attack these constraints by targeted programmes aimed at specific regions and population groups¹⁶.

These programmes were elaborated at subsequent national programming workshops in Morocco and Tunisia. The national meeting on Algeria had to be postponed. The aim of these workshops was to work out in detail a comprehensive strategy for the generation of employment and income in the countries concerned, that could be supported both by European countries individually and by international organisations. The need for such strategies has become ever more pressing, given the sharp reduction in possibilities for emigration, resulting in increased migration pressure.

The Maghreb Programme's national workshops in Morocco and Tunisia, held in September and October 1993 respectively, brought together specialists from the donor community and from the countries concerned, in order to jointly consider the types of programmes or projects which might be agreed upon to promote employment and reduce migration pressures. Each of the workshops had a slightly different profile due to differences in the migratory situation, the economic circumstances and the institutional policy framework. The Moroccan workshop discussed proposals for action in the fields of family planning and rural development, vocational training and the insertion of young people into the labour market, and the promotion of micro-enterprises notably in regions affected by high emigration pressure. The Tunisian workshop focused on a pilot programme to be tested in three regions of heavy out-migration, consisting of the creation of micro-enterprises, job placement services, and vocational training specifically targeted at young girls¹⁷.

In the light of the workshops' discussions, the two programmes were further refined by aid-officials of the countries concerned. Subsequently, these programmes were presented to the bi- and multilateral donors on the occasion of a follow-up meeting held in Geneva in February 1994. The aim of this meeting was to solicit donor commitments for the programmes elaborated. The donors agreed on the need to coordinate their various aid efforts so as to arrive at a more coherent overall aid programme. However, it proved to be difficult to do so immediately. Existing aid

resources had already been committed and it was not deemed likely that additional funds could be made available. Although most of the donors considered the approach of the proposed programmes to be viable as a future orientation for their respective individual aid endeavours, it proved to be impossible, for the time being, to arrive at a combined and concentrated aid effort.

IV DEVELOPMENT AND HUMAN RIGHTS

From a NGO perspective the linkage point between development and migration is the promotion of human rights. Fortunately, this perspective is gaining more importance in foreign relations and in trade and development assistance policies. As far as national and international co-operation in business is concerned, many transnational corporations have adopted statements on the social responsibilities of companies in societies.

1. FDI and stakeholders' policies

Although foreign investment is made on the basis of return of investment criteria, it would be wrong to conclude that it only serves the purposes of shareholders. Companies are often aware of their social responsibility. These companies recognise that more parties than shareholders are affected by their activities. These stakeholders include, employees, managers, suppliers, consumers, local communities and governments.

Generally speaking there are three ways through which transnational corporations define their social responsibility¹⁸.

Firstly, companies can draw up company codes of conduct for investment abroad. Many companies have already done so and these codes include references to sustainable development and standards for wages and working conditions.

Secondly, national business associations can draw up codes for overseas investment. Also, these codes include references to fair labour management, promotion of education and personnel training, discrimination, etc.

Thirdly, the business community could adhere to agreed international standards. There are two examples of these international standards, namely the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and the OECD Guidelines on Multinational Enterprises. The ILO Declaration asks for observance of labour standards not less favourable than those observed by comparable employers in the host countries. It calls upon the companies to respect certain rights in keeping with national law and practice. The role of governments of host countries is therefore crucial and they are called upon to adhere to ILO Convention no. 87 concerning the Freedom of Association and Protection of the Right to Organise, and ILO Convention no. 98 concerning the Application of the Principles of the

Right to Organise and Bargain Collectively. The OECD Guidelines also include a reference to companies' policies in the event they have to shut down their operations in a certain country.

2. Trade and the social clause

The idea to link trade and workers' rights played an important role during the GATT Uruguay round. Notably, the US pushed for the inclusion of a social clause, but without success for the time being.

The US links trade policy and workers' rights in a number of programmes and in its Generalised System of Preferences (GSP). In a number of cases this has had a positive effect on the position of workers in developing countries¹⁹. The internationally recognised rights of workers include: the right of association, the right to organise and bargain collectively, the prohibition of the use of any form of forced or compulsory labour, a minimum age for the employment of children and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health²⁰.

At the European Union level, trade and human rights are also increasingly linked. The new GSP Guidelines referred to in Chapter II mention the internationally recognised labour standards (ie. ILO Conventions).

3. Conditionality

The European Union is moving towards a position of making development assistance conditional on the implementation of principles of good governance and the respect for human rights by recipient countries.

For example, the nature of governments in power in the so-called African-Caribbean-Pacific countries and their human rights record is becoming a major issue in the relations between the ACP countries and the European Union. Already in the most recent convention which deals with trade and aid relations between these two groups of countries, the Lomé IV Convention (1990), a human rights clause was included. In the framework of the mid-term review of the Convention, which is currently under way, the Commission of the European Communities proposed the introduction of a unilateral, discretionary suspension clause. This clause would be implemented if an ACP-country does not respect human rights and principles of good governance²¹.

4. Human rights and international relations

The linkage between human rights, trade and aid touches upon a very sensitive issue in international relations. There are governments and NGOs, in developed and developing countries, which have strong feelings either in favour or against it. Indeed, there are several arguments for and against such a linkage²².

Generally speaking it would be better to see social and economic rights as goals to work towards, instead of using general human rights standards as a moral yardstick. There is no need to develop new standards, rather existing conventions, declarations and recommendations should be implemented. International organisations should be adequately equipped to give assistance to governments to apply these international instruments at the national level.

Developed countries often consider themselves as the guardians of universal human rights and carry out a kind of moral policing, notably in cases when their own interests are not at stake, or when human rights considerations serve purposes other than human rights protection (namely as a non-tariff trade barrier). It is therefore important that discussions about the linkage of policies or conditionality of trade or aid include the effects of every aspect of foreign policies in terms of human rights protection. The debate must include all the relevant aspects of the promotion of human rights and not focus exclusively on the violation of civil and political rights by regimes in developing countries. This means that violations of cultural, social and economic rights in developing countries as a consequence of protectionism by developed countries and policies of international financial institutions should be considered as well.

Finally, a legal framework for the inclusion of human rights in trade and aid agreements is necessary. In the European Union such a framework is, at best, underdeveloped. This framework would provide for procedures on reporting human rights violations. Not only should the European Parliament's annual Human Rights Report carry more weight, but also the Joint EC-ACP Assembly should be more involved in this kind of reporting.

V SOME CONCLUDING REMARKS

Policy-makers are confronted with the situation of an immediate problem for which there are only longer term solutions. On the one hand, they have to respond to increasing migration pressures and uncontrolled migratory movements. On the other hand, the possible remedy, namely economic development, could only in the medium and longer term have a moderating effect on migration. This situation is tempting them to opt for the short term "solution" of closing borders and increasing police control. In that case only lip service is being paid to the need to tackle the root causes of migration.

As a matter of fact, NGOs active in the field of migration and asylum are confronted with the same dilemma. There are increasing numbers of people who, in order to survive, try to find protection and/or employment in developed countries. There is a strong tendency within the NGO community to focus activities uniquely on the reception of these people and on fighting governments which are not respecting their own immigration laws and good practices. At best they also pay lip service to the need for longer term solutions¹ by making general statements on the so-called global humanitarian mission of developed countries.

As long as governments and NGOs keep these positions, very little will be achieved and the root causes of migration will never really be tackled. As long as migration pressures are (perceived as) continuing to increase, policy-makers are inclined to close borders and to tighten police controls. As long as people from developing countries come to developed countries, NGOs will demand that governments respect (inter) national law concerning migration and refugees, and traditions of openness and hospitality. However, policies to address root causes of migration would ease the inclination of governments to take restrictive measures and, at the same time, offer the opportunity to live up to humanitarian obligations worldwide.

The enormous difficulties and pitfalls of putting such policies in place are described in the preceding chapters. Given the many fields involved, the expertise of those working in the fields of migration, development and human rights need to be brought together. This is not always a simple task. Specific governmental departments, but also NGOs with a specific mandate, do often not allow others to intervene in their policy area, which usually is defined in the limited terms of a specific

policy or mandate area. Therefore, efforts need to be made to end this restrictive division of labour and promote increased co-operation between migrant-sending and receiving countries (ie. aid receiving and providing countries), international organisations, (inter) governmental agencies and increased co-operation between these and NGOs.

NOTES:

1. The Briefing Paper is an elaboration of papers given individually by the two authors. See: Jan Niessen, International migration and development: a human rights perspective. Paper presented at the conference on Immigration and the European Union: building on a comprehensive approach organised by the Greek Presidency with the support of the European Commission (Athens, 1994), and Roger Zegers de Beijl, The ILO's Maghreb Programme: an effort to reduce migration pressures in Algeria, Morocco and Tunisia. Paper presented at the meeting on "Alternatives to migration: the role of the social partners", organised by the European Foundation for the Improvement of Living and Working Conditions (Brussels, 1994).
2. See for the ILO positions, respectively, Migration for Employment Recommendation (Revised), (no. 86, 1949), Declaration of principles and programme of action adopted by the tripartite world conference on employment, income distribution and social progress and the international division of labour (Geneva, June 1976) and Employment Policy Supplementary Provisions Recommendation (no. 169, 1984).
3. ILO Convention no. 97 has been ratified by 40 states; ILO Convention no. 143 has been ratified by 17 states; the UN Convention has been ratified by 2 states and the European Convention on the Legal Status of Migrant Workers has been ratified by 7 states.
4. UNDP Human Development Report 1992 (New York, 1992).
5. UNFPA, The State of the World Population 1993, page III (New York, 1993).
6. See for more in-depth studies and analysis W.R. Böhning and M.-L. Schloeter-Paredes, Aid in place of migration. Selected contributions to an ILO-UNHCR meeting (Geneva, 1994). See also W.R. Böhning, Helping migrants to stay at home. In: The Annals of the American Academy of Political and Social Science (July, 1994) and Sharon Stanton Russell and Michael Teitelbaum, International migration and international trade. World Bank Discussion Papers no. 160 (1992).
7. Commission for the Study of International Migration and Cooperative Economic Development, Unauthorized migration: an economic development response (Washington, 1990). Philip L. Martin, Trade and migration, NAFTA and agriculture (Washington, 1993).

8. See for a critical review of the GATT Uruguay Round, for example, P. Madden and J. Madeley, *Winners and losers. The impact of the GATT Uruguay Round on developing countries* (Christain Aid, London, 1993). More general comments on uneven trade relations can be found in UNDP Human Development Report 1992.
9. Commission of the European Communities, Development co-operation policy in the run-up to 2000 (SEC (92) 915 final/2) and on new protectionism, Bimal Gosh, Migration, trade and international economic cooperation. Do the inter-linkages work? Paper presented at the tenth IOM Seminar on Migration (September 1992).
10. Commission of the European Communities, Integration of developing countries in the international trading system. The role of the GSP 1995-2204. In: *Europe Documents* (Agence Europe, 11 June 1994).
11. Figures taken from ICVA and Eurostep, *The reality of aid 1994. An independent review of international aid* (Brussels/Geneva, 1994), Europe of 27 June 1994 and Commission of the European Communities, *Europe in a changing world. The external relations of the European Community* (Brussels, 1993).
12. See Christiane Kuptsch and Bohuslav Herman, *Two essays on using ODA to reduce emigration* (ILO Working Paper, 1992) and M. Brem and Ph. Rawkins, *Development assistance, migration and the Canadian agenda: linking policy, programme and actions*. These papers were presented at the ILO-UNHCR Meeting.
13. Although economic and social developments could explain how migration pressures increase or decrease, it does not explain entirely why people actually migrate or remain in their own country. More research is needed in which micro factors are considered, such as the existence of a migration tradition in certain regions or within families, the existence of networks, etc. It is extremely useful to conduct this kind of research not on a global but on a regional level. See for example the IOM/UNFPA study project on emigration dynamics in developing countries (*International Migration*, Vol. XXXII, no.2 1994) and Georges Tapinos (ed), *Libre-Echange et Migration Internationale au Maghreb*, Fondation Nationale des Sciences Politiques (Paris, June 1994).
14. Commission of the European Communities, Communication from the Commission to the Council and the European Parliament on immigration and asylum policies (Com (94) 23 final) (Brussels, 1994).

15. Commission of the European Communities' Communication to the Council and the European Parliament on the guidelines for future relations between the European Union and the Mediterranean (COM (94) 427). The following section is drawn from the Commission's press release (P/94/56 of 18 October 1994).
16. See ILO, Atelier régional sur un programme d'actions visant la réduction de la pression migratoire dans les pays du Maghreb: Algérie, Maroc, Tunisie. Résumés, conclusions, suites. (Geneva, ILO Working Document, 1993).
17. See ILO, Atelier national marocain sur un programme d'actions visant promouvoir l'emploi en vue de réduire la pression migratoire. Rabat, 20-23 septembre 1993. Résumés, conclusions, suites (Geneva, ILO Working Document, 1993); Atelier national tunisien sur un programme d'actions visant promouvoir l'emploi en vue de réduire la pression migratoire. To-zeur, 25-28 octobre. Résumés, conclusions, suites (Geneva, ILO Working Document, 1993).
18. Taken from UNCTAD World investment report (1994).
19. See, for example, Jorge F. Perez-Lopez, Conditioning trade on foreign labor law: the US Approach. In: Comparative labor law Journal 9:2 (Winter 1988), Lawyers - Committee for Human Rights, Human rights and US foreign policy: workers rights under the US trade law (New York, 1988) and idem, Human rights and US foreign policy: 1992 report and recommendations (New York, 1992). In its annual survey (1994) of violations of trade union rights, the International Confederation of Free Trade Unions mentions a few cases of successful implementation of the workers rights clause in the GSP.
20. See for an overview of international labour laws, N. Valticos, International labour law (Deventer, 1979).
21. For a critical comment see: APRODEV, Euro-CIDSE, Eurostep and NGDO-EC Liaison Committee, Lomé IV Mid Term Review. NGDO Position Paper (Brussels, 1994).
22. See, for example, G. van Liemt, Minimum labour standards and international trade: would a social clause work. In: International Labour Review, Vol. 128, 1989, No.4.

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