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Globalization, International Labor Migration And The Rights Of Migrant Workers

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Abstract:

The paper aims to draw attention to the gaps between policy and practice in the discourse on international migration and its connection with development. It argues that a significant reason for the limited development impact of migration is the restrictive immigration policies of major destination countries, particularly concerning low-skilled migrant workers from developing nations. The paper explores the implications of this 'closed door policy,' including the denial of labor demand, the increase in irregular migration, the exploitation and violation of rights of migrant workers, and the accelerated brain drain from developing countries. While temporary migration policies for low-skilled labor are being emphasized, the paper notes that actual achievements on the ground have been limited. The progress toward establishing a global migration regime that can effectively address these issues has also been slow, despite various consultative forums. The paper concludes by highlighting the urgent need for fresh approaches and bold initiatives to promote international labor mobility for the benefit of the global community. It suggests that the current policies are hindering the potential positive impact of migration on development and calls for a reevaluation of these approaches.

Keyword: Migration, Rights, Global Economy, Skill, Brain-Drain

Introduction

The global discourse on international migration has increasingly focused on its connections with development, emphasizing factors such as remittances, return migration, and circular migration as contributors to development benefits in countries of origin. While there is a positive shift in the perception of migration from a solely asylum-seeker and refugee issue, the paper argues that there is a significant gap between promises made and actual practices. It asserts that more political will and action are needed to turn migration into a force for development truly.

The general consensus that policies should maximize the positive aspects of migration while minimizing the negatives. It emphasizes the inseparable nature of gains from migration and the protection of migrant rights. The paper recognizes that migrant workers can contribute significantly to economic and social development when their rights are respected, and they enjoy decent working conditions.

However, the paper highlights several challenges associated with current migration patterns, including the abuse and exploitation of migrant workers, irregular migration, brain drain from developing countries,

limited avenues for migration of low-skilled workers, poor integration of migrants in host societies, racism, xenophobia, lack of credible migration policies, and poor compliance with international standards.

It narrows its focus to selective admission policies of destination countries, discussing their consequences for irregular migration flows, migrant rights, brain drain, and development benefits. It briefly explores the potential of recent interest in temporary migration programs and other regional and global initiatives to address these challenges.

In conclusion, the paper calls for more neutral terms in international migration discourse and advocates for using 'low-skilled' instead of 'unskilled' to describe workers. It suggests using terms like 'irregular migration' instead of 'illegal migration' to avoid criminalizing migrants. The paper positions international migration primarily as a decent work and labor market issue, emphasizing the need to address challenges and maximize its positive contributions to development.

International migration and labor market

The UN Population Division's 2005 estimate revealed that there were 191 million migrants globally, defined as individuals living outside their country of birth. Despite more than doubling since 1960, migrants constitute only about 3% of the global population. Female migrants, comprising 49.6% of the migrant stock, maintained a consistent share between 1965 and 2005. This global estimate encompasses migrants for employment, their families, asylum seekers, and refugees. The number of refugees decreased from 18.5 million in 1990 to 13.5 million in 2005, with annual asylum seekers ranging from 300,000 to 400,000 in recent years (2004-07).

The International Labour Office (ILO) estimated that around 86 million migrant workers existed globally in 2000, a figure projected to reach about 94 million in 2005. Consequently, the majority of global migrants are migrant workers and their families. International migration is portrayed as primarily a decent work and labor market issue, rather than an asylum-seeker, refugee, or security concern. The former UN Secretary General emphasized that most migrants are hardworking, courageous individuals seeking fair opportunities, not free rides. They are law-abiding, aiming to integrate while retaining their identity.

Despite increased integration in global markets for goods, services, and capital, the movement of people and labor across borders remains highly restricted. Immigration laws and policies, governed by the principle of state sovereignty, regulate this complex web. International migration, termed by some as "globalization's last frontier," is constrained by the absence of a corresponding right to enter, stay, or work in a third country, as no state has relinquished this right under any international treaty. This restriction significantly curtails the scope of human rights related to cross-border mobility.

Migration as a backdoor option for low-skilled workers

There is a growing body of evidence indicating substantial benefits to the global economy through the liberalization of migration, particularly for less skilled workers. The Global Commission on International Migration (GCIM) asserts that a well-regulated liberalization of the global labor market would bring significant advantages to the world. The World Bank conducted a simulation suggesting that a modest 3% addition (14.2 million workers, including 9.7 million low-skilled) to the global labor force through migration between 2001 and 2025 would yield overall gains of \$356 billion to the global economy—surpassing the potential gains from trade liberalization. This study emphasized clear-cut development gains from low-skilled emigration, with more complex effects observed for high-skilled emigration.

While researchers advocate for allowing increased migration to meet labor market needs and reap development benefits, current restrictive immigration policies, especially concerning low-skilled workers,

hinder these goals. The demand for low-skilled workers is not limited to temporary or seasonal requirements, as evidenced by projections from the US Department of Labor and the EU. Many occupations, such as agriculture, construction, cleaning, catering, tourism, care work, domestic service, and the entertainment industry, demonstrate a consistent need for low-skilled labor.

Current immigration policies often overlook the essential complementarity between low-skilled and high-skilled activities. The demand for low-skilled workers is further exacerbated by demographic trends, including population aging and decline. Eurostat demographic projections for the EU25 indicate a significant decrease in the share of the working-age population. The former UN Secretary-General emphasized that migrants are not just beneficial to Europe—they are also essential for Europe. However, current policies are failing to recognize the long-term structural demand for both low-skilled and highly skilled workers.

The policy bias against admitting low-skilled workers in major destination countries stems, in part, from the experiences of guest worker programs in the 1960s. However, with modern travel and communication, the fear of settlement is unfounded. Advanced tools like biometrics and electronic surveillance systems can easily track overstayers. The selective migration policies of certain countries, favoring skilled migrants, contribute to this bias, reducing the poverty-alleviating impact of migration. Restricting access for low-skilled labor, in contrast to policies promoting fairer trade, better aid, and debt relief, is considered by some as directly opposed to poverty reduction initiatives.

This policy vacuum for low-skilled workers pushes many toward irregular migration, trafficking, and smuggling, creating significant challenges that need to be addressed

Irregular migration-bugbear of immigration policy in developed nations

Irregular migration has become a central concern in managing international migration, particularly in major destination countries. However, the emphasis on irregular migration in debates and policies tends to overlook the complex factors contributing to its growth. The RSA Migration Commission accurately observed that irregular migration is an inherent aspect of the global labor market within each country. The portrayal of destination countries as 'victims' of irregular migration is questioned because it results directly from their restrictive immigration

Irregular migration is linked to intense competition under globalization, prompting some enterprises to operate informally and underground. The growth of informal and undeclared work in destination countries, driven by a demand for cheap and flexible labor, contributes to irregular migration. Enterprises in low-skilled sectors often rely on migrant workers in irregular status, leading to the expansion of the shadow economy. The phenomenon is also connected to the outsourcing of production operations, resulting in the emergence of labor brokers who supply the needs of different enterprises.

Efforts to address irregular migration through intensified control measures and militarized borders have proven ineffective. These policies often ignore the root causes of migration, fail to address the demand side, and can lead to criminalization of irregular migration and human rights violations. The focus on security concerns and the 'war on terror' has made migrants convenient scapegoats. Stricter border controls may make irregular migration more costly and dangerous but do not effectively prevent it.

Amnesties and regularizations have been implemented in some European countries as a response to irregular migration. However, the efficacy of these measures varies, and some host countries have proposed restrictions on 'mass regularization' programs. Host countries should recognize that migrant workers in irregular status have fundamental rights as human beings and workers, as outlined in international instruments such as the International Convention on the Protection of the Rights of All Migrant Workers and their Families (IcMw), 1990. The ILO position asserts that all labor standards apply to migrant workers in the workplace regardless of their status. Recognizing the rights of migrant workers is crucial for effective migration governance and protecting human rights.

Focus on skilled migration-brain drain

When adequately enforced. The consequence of this brain drain in the health sector is a severe shortage of skilled professionals in critical regions, leading to compromised healthcare delivery and a failure to meet essential health goals.

The phenomenon of brain drain extends beyond the health sector to various fields, including science, technology, engineering, and education. Developing countries invest resources in educating their populations, only to witness a significant portion of their skilled workforce migrating to developed countries in search of better opportunities. This poses a challenge to the development efforts of these countries, hindering the growth of local industries, research capabilities, and educational institutions.

The impact of brain drain is not solely economic; it also has social and cultural ramifications. Communities lose skilled individuals who could contribute to local development and progress. The social fabric can be strained as families are separated, and the departure of skilled individuals may lead to a loss of role models and mentors in their home communities.

Efforts to address the challenges of brain drain require a nuanced approach. Developing countries may seek international cooperation to establish ethical guidelines for the recruitment of skilled professionals. Initiatives to improve working conditions, provide competitive salaries, and create opportunities for career advancement can make a significant difference. Additionally, creating an environment that fosters innovation, research, and development within the home country may encourage skilled individuals to contribute to local progress.

The brain drain, particularly in the health sector, poses a significant challenge to developing countries. The loss of skilled professionals hampers progress in critical areas such as healthcare and education, affecting the achievement of sustainable development goals. Addressing this issue necessitates international collaboration, ethical recruitment practices, and efforts to create conducive environments for professional growth within developing countries.

Revival of guest worker programmes-too little, too late?

The complex issues surrounding temporary and circular migration programs are central to the ongoing debate on the benefits and challenges of global migration. Various international agencies have advocated for the expansion of legal migration opportunities through such programs, emphasizing the potential positive impacts on both countries of origin and destination.

Temporary migration programs are designed to address labor market needs, demographic trends, and economic demands. The International Labour Organization (ILO) Multilateral Framework, the Global Commission on International Migration (GCIM), and the World Bank have all expressed support for well-regulated temporary migration as a means of meeting labor surplus and shortage across countries.

Circular migration, in particular, has gained attention due to its potential benefits. It allows source countries to retain their skilled workforce, promotes brain circulation, and ensures regular remittance inflows. The appeal of circular migration lies in the fact that it offers a flexible way to address labor market needs without leading to permanent settlement concerns.

However, the practical implementation of these programs has faced challenges and limitations. Many proposals and initiatives focus primarily on skilled workers, potentially reinforcing the brain drain in origin countries. Additionally, temporary migration programs often neglect the rights and well-being of migrant workers, especially those in low-skilled sectors.

The European Commission's directives, such as the 'Blue Card,' have been criticized for potentially accelerating brain drain from poorer countries. While these initiatives claim to offer legal migration opportunities, they often concentrate on skilled workers, overlooking the larger presence of migrant workers in irregular status within the European Union.

The Global Forum on Migration and Development (GFMD) aimed to promote legal migration as an opportunity for development in both origin and destination countries. However, subsequent experiences have shown limited concrete measures to achieve these objectives. The emphasis on border management and the prevention of irregular migration in circular migration and mobility partnerships raises questions about the true impact on freer mobility and development.

The rights of temporary migrant workers remain a crucial aspect of the debate. Some argue that there may be a trade-off between increasing the numbers of low-skilled migrants and safeguarding their rights. However, the international community must prioritize protecting the basic rights of all migrant workers, rejecting any notion of compromising rights for increased numbers.

While temporary and circular migration programs hold promise for addressing labor market needs and promoting development, their implementation must consider the rights of migrant workers and avoid reinforcing existing inequalities. The challenge lies in finding ways to advance the rights agenda within temporary schemes, enhancing the development benefits of migration.

Global governance of international migration-mission

The existing international institutional architecture presents significant gaps, with various agencies focusing on specific aspects of migration and no single entity having a comprehensive mandate on international migration.

The International Labour Organization (ILO) has a mandate on labor migration and the protection of migrant workers, while the United Nations High Commissioner for Refugees (UNHCR) deals with forced migrants, asylum seekers, and refugees. The UN Office of the High Commissioner for Human Rights (UNOHCHR) focuses on the human rights of migrants, and the International Organization for Migration (IOM), an intergovernmental body outside the UN system, has an expanded but non-protective mandate.

Creating a new agency with a clear mandate, a "World Migration Organization" (WMO), is considered by some as the most effective option. However, major destination countries are unlikely to agree to this due to financial and political reasons that may challenge their sovereignty over immigration. Alternative options include mandating an existing agency, such as the ILO or UNHCR, or an intergovernmental agency like the IOM, to address the gaps in the existing system.

International standards on the governance and protection of migrant workers already exist through conventions such as the ILO Migration for Employment Convention (Revised), 1949, and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICMW). However, the reluctance of major destination countries to ratify and enforce these standards poses a challenge.

Non-binding frameworks, such as the ILO Multilateral Framework on Labour Migration, provide a rights-based approach but lack enforceability. Another option is establishing a global consultative forum involving major agencies working on migration, such as the Global Migration Group (GMG). The GMG focuses on promoting good governance of migration but faces challenges in coordination and promoting operational programs.

The Global Forum on Migration and Development (GFMD) is a state-driven process established to enhance interstate dialogue and cooperation, but its informal consultative nature and lack of direct involvement from civil society stakeholders limit its effectiveness.

While there is an emerging convergence of views in recent global initiatives, concrete multilateral initiatives for a new international migration order have seen limited progress. Destination countries often prefer non-binding and informal processes, leaving key challenges in migration unaddressed. Despite this, there is growing recognition of the need for enhanced international cooperation, legal avenues for migration, protection of migrant rights, gender-sensitive migration policies, and initiatives to create decent work opportunities in home countries. The challenge remains in establishing effective mechanisms at the international and regional levels to implement these understandings and address the complex issues surrounding migration.

Conclusions

The paper emphasizes the existing gap between rhetoric and action in international migration policies. Despite the numerous discussions and commitments made at global and regional summits, there is a lack of substantial progress and genuine dedication to making migration work for development and ensuring a fair deal for migrant workers.

The metaphorical expression, "Fine words do not produce food," drawn from a Nigerian proverb, underscores the idea that mere verbal promises and discussions have not translated into tangible outcomes or improvements in the lives of migrant workers. It suggests that action, rather than words alone, is needed to address the challenges in international migration.

The mention of spending significant resources on controlling immigration with limited success raises questions about the effectiveness of current strategies. The chair of the first Global Forum on Migration and Development (GFMD) prompts reflection on whether, in the future, there will be a realization that countries invested substantial resources in controlling immigration rather than fostering global labor mobility.

The call to build bridges instead of fences reflects the need for a more inclusive and cooperative approach to international migration. Building bridges implies fostering connections and cooperation between countries, promoting the mobility of workers, and ensuring the protection of their rights. The ultimate goal is to move toward a global labor market that benefits all parties involved, creating win-win scenarios for both origin and destination countries, as well as for the migrant workers themselves.

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