South-South Migration and Socio-political Rights: What Role for Regional Governance?

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Panel: Transnational Migration of Care Workers: Challenges & Outcomes
Situating UNRISD institutionally

MANDATE:
An autonomous research institute within the UN system which undertakes policy relevant research on contemporary social development issues

What this means

- UNRISD has freedom to undertake critical research, to explore alternatives, to address neglected issues and to raise politically or culturally sensitive topics

- UNRISD is located at the intersection of the UN, academia, civil society:
  - convening power among and between these groups
  - can do what other institutions cannot or are not doing
Migration Research at UNRISD


- Hujo/Piper (eds.) 2010: *South-South Migration. Implications for social policy and development*
Some linkages between migration and social policy

• Perspective of migrant:
  – Access to social rights and services for migrant and family members; portability
  – Decent work for migrant workers regardless of status
  – Access to labour markets and LM services/benefits
  – Protection of basic rights (person & property, deportation etc.)

• Perspective of origin country
  – Brain drain (impact on social systems in sending country)
  – Social and economic impact on family left behind

• Perspective of host country
  – Impact on labour markets and employment
  – Impact on social system (demand and supply, e.g. immigration of care workers)
  – Impact on social reproduction
Migration, Care and Social Policy: Reproduction

**Social Policy and Reproduction**
- SP helps to share the burden of social reproduction and care among members of society
- SP can create gender-sensitive institutions and programmes supporting reproductive and care-related tasks
- SP can impact positively on household income level and finance reproductive tasks

**Migration and Reproduction**
- Migration of care providers
- Care needs of migrants and left-behind family members
- Remittances
- Gendered nature of migration
Transnational Migration of Care Workers

• «Global care chain» literature mainly focused on South-North migration flows, what about migrant care labour in a S-S context? (Yeates: from weaker to stronger periphery, e.g. Argentina or South Africa as host countries)

• How does governance of migration address socio-political rights of migrant care labour? What role has migrant care labour within national care regimes?
Current Research on Regional Governance of Migration and Socio-Political Rights

• Focus on developing countries (host and sending), social policy, rights

• Objective of the Research

• “The ultimate goal of the project is to advance knowledge on how to design social policies and migration governance mechanisms at the national, bilateral and regional level in order to protect migrants’ well-being and rights throughout the migration process as well as those of family members, while simultaneously maximizing the social development impact of migration.”
Research Questions

• What are the trends regarding regional cooperation on migration, social policy and migrants’ rights?
• What is the impact of global and regional legal frameworks on policies and practices?
• What effects do migrants’ organizations and networks at the regional level have on migrants’ rights and welfare entitlements?
Why focus on the regional level?

• Much of S-S migration is intra-regional
• Free movement of people objective of advanced regional integration projects
• Regional level can have advantages vis-a-vis national and global level:
  – Closer links within regional community, shared values and interests, common institutions and processes, appropriate level for supra-national policy issues with regional relevance
Governance

Not government

- Beyond the nation-state framework
- Role of various actors
  - Multilayered/multi-level/multi-scalar
  - networked
  - formal, informal mechanisms/processes

- Migration governance debate focused on global level
  - management of migration
  - migration-development nexus
  - rights-based approach

- but: neglect of governance of labour migration
Rights-Based Governance

- a RBA focuses on bottom-up processes and highlights agency and an actors' perspective
- a RBA to migration as opposed to a security or management framework on the one hand, and an economic efficiency framework that treats migrants as commodities on the other hand
Regional Integration and Migration


• Serious challenges for migrants with regard to access to residence, formal labour markets, social protection and public services, political voice and participation.
Regionalism and Migrants’ Rights in ASEAN

• Intra-regional migration important (60% of total in-migration from intra-regional migrants); migrant care workers important

• Least progressive region regarding promotion of rights-based migration governance, but 2007 Declaration on the Protection and Promotion of Rights of Migrants and initiative on free movement for skilled labour by 2015 (AEC)

• Economic benefits of migration recognized (cheap labour: growth, remittances: poverty reduction, FOREX), negative attitude towards RBA (low ratification of migrant conventions, „Asian values“)

• Democratization and globalization has increased regional cooperation and participatory spaces (transnational social movement advocacy↑ ex MFA, TF-AMW: push for alternative regionalism)
Regionalism and Migrants’ Rights in South America: Mercosur

- Intra-regional (S-S) migration not very relevant; care related migration relevant
- Most progressive region regarding free movement and migrants’ rights (see also UNASUR and South American Conference on Migration declarations with emphasis on HR for migrants)
- Resident agreements (2002)
- PLAN of Action MERCOSUR Citizenship (2010)
- Challenges:
  - Contradiction right to migrate, free movement, full access to social rights regardless of nationality & status (objectives of PLAN and legislation in Arg & Uy) vs. exclusionary rights based on citizenship
Regionalism and Migrants’ Rights in Africa: SADC

- Intra-regional migration very relevant, care related migration relevant
- Negative public attitude towards migration/migrants: security approach
- Discrepancy between rights-based national legal frameworks (e.g. RSA national constitution) and violation of migrant rights
- Migration Dialogue for Southern Africa (MIDSA) since 2000 serves as forum for dialogue, issues recommendations
- UN Migrant Workers Convention only ratified by Lesotho, Mozambique, Seychelles, ILO Domestic Workers Convention ratified by Mauritius and South Africa
Common challenges regarding regional rights-based migration governance

• Regional policies do not interfere with national sovereignty
• Constraints of regional institutional and financial capacity
• Persistent negative public attitudes regarding migrants/migration (particularly SSA, also Asia, less LA)
• Least progress for undocumented & irregular labour migrants; uneven development regarding care & domestic workers
• Unilateral provisions by sending countries often lack enforcement in host countries
• Regional standards might fall below national standards and lead to regressive policy adjustments
Final remarks

• Regional governance of migration, in particular with strong civil society presence, can have positive impacts for migrants’ rights and empowerment (discourse, agenda, international standards, regional champions etc.)

• Regional governance limited by strength/weakness of regional integration projects and de facto influence on national policy-making

• Contradiction between states’ objectives to contain costs of increasing demand for care services (child care, elderly care, long-term care etc.) and (migrant) care workers’ right to decent work and pay.

• Power imbalances at regional level likely to be reflected in policy outcomes (host country bias)
Final remarks

• Implementation vs. formal rights and policy declarations: powerful actors have to push for implementation (not only migrants themselves), issue of decentralization at national level
• More debate on relationship between development and rights objectives needed; rights discourse still difficult to sell in some regions
• More cooperation between sending and receiving countries needed
• More research needed on complex implications of migration for the care economy and paid and unpaid care work as well as policy impact (including impact of global and regional governance)
UNRISD Conference Papers

- Regions, migration, and social policy: What are and what could be the linkages? (Bob Deacon)
- Migration, regional integration and social transformation: A North-South comparative approach (Ronaldo Munck and Mary Hyland, published in Global Social Policy)
- A comparative view on regional migration policies (Sonja Nita)
- Migration governance and migrant rights in the Southern African Development Community (SADC): Attempts at harmonisation in a disharmonious region (Belinda Dodson and Jonathan Crush)
- Managing international labour migration in ASEAN: Perspectives from sending and receiving countries (Aniceto Orbeta)
- Transnational Social Movements in ASEAN Policy Advocacy: The Case of Regional Migrants’ Rights Policy (Jenina Joy Chavez)
- Migration, citizenship and free movements in South America: A rights-based analysis of regional initiatives (Pablo Ceriani Cernadas)
- Chinese migrants in Africa: bilateral and informal governance of a poorly understood South-South flow (Giles Mohan and Ben Lampert)
- Multilayered migration governance: The partnership approach in the EU and beyond (Sandra Lavenex and Marion Panizzon)
- The migration and labour question today: lessons from the Mexico-US corridor (Raúl Delgado Wise and Humberto Marquez Covarrubias)
- Speedy Latin America, slow Europe – Regional Implementation processes of the ILO Convention on Decent Work for Domestic Workers (Helen Schwenken)
Thank you!

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