

MIGRATION, CRISIS, AND SOCIAL DISINTEGRATION

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Introduction

Scratch a headline and behind it is a story of hostility, attacks, tensions, conflict involving foreigners, often migrants, sometimes refugees, or even foreign students or visitors.

It is now clear that the biggest danger to social cohesion everywhere is the rising tide of xenophobia and racist violence against foreigners or those seen as foreigners, even in their own land. This is as true in Africa, Asia and the Americas as it is in Europe.

To kick off this Strategic Conference, I outline the impact of the global crisis on migrants and offer perspective on migration in this age of globalization. I will highlight what we should be fighting for, and then suggest lines of action, lines to contribute to building ENAR strategy for the next period.

I. IMPACT OF THE CRISIS

The global financial crisis has evolved into a deepening global employment crisis. This employment crisis has a huge impact on labour mobility and labour migration, and on perceptions of migration and migrants.

Data compiled by ILO shows multiple impacts of the crisis on migrants:

- 1) Migrants and persons of foreign origin are hard hit, they are disproportionately among those laid off or rendered unemployed.
- 2) Migrants remaining employed are often affected by reductions in pay, working time, and worsening working conditions.
- 3) Migrant workers have less access to social safety net support. This is especially true for migrants in irregular situations.
- 4) However, migrants are still not returning home, unless forcibly expelled. This even when they are offered financial incentives to voluntarily depart. Simply put, conditions at home may be worse.

- 5) Migrant workers are compelled to take whatever work they can find. They accept more substandard pay and abusive conditions than before. This presents a major policy challenge for stabilization of labour markets and working conditions.
- 6) Scapegoating of migrants and xenophobic violence against foreigners are on the rise throughout the world. These are expressed in increased murders and lynchings of migrants in some countries, in generalized expressions of anti-foreigner sentiment, in hostile political discourse, and in calls for exclusion of migrants from access to labour markets and social protection benefits.
- 7) Many countries have reduced quotas or intake of foreign workers; some countries have embarked on deliberate policies of exclusion and expulsion of migrants.
- 8) Migrant remittances home have declined, although not as much as earlier predicted.
- 9) The deteriorated situations in home countries make the remittances migrants can send an even more crucial lifeline for families and local communities.
- 10) What employment opportunities existed earlier for those remaining at home have evaporated in some countries, meaning fewer options for persons coming back from abroad. This makes the return of migrant workers potentially a greater threat to labour market stability and ultimately, social stability at home.

However, it is incontestable that, given long term labour market, demographic and technological trends, immigrant labour and skills will be as essential for recovery from the crisis as they were before.

The discussion here is, by definition, about upholding rights, about mutual respect amongst peoples in our communities, and about what to do to change a political environment feeding xenophobia and racialized violence.

These challenges are inevitably rooted in the economic, social and political changes taking in Europe, and worldwide. We have to know what we're up against.

II. MIGRATION TODAY: DEREGULATION AND EXPLOITATION

Migration today is largely bound up with labour, with employment, and with the very survival of economies. ILO estimates that some 105 million of the total 214 million people living outside their countries of birth or citizenship in 2010 are economically active, engaged in the world of work.¹ This means most working-age adults in the global migrant population –including refugees-- taking into account that this migrant population includes children and aged dependents. In Western European countries, the foreign-born proportion of the work force is ten percent or more, nearly 15% in Ireland, 40% in Luxembourg² and 25% in Switzerland. It is 15-20% in Australia, Canada and the USA. In Ivory Coast, it is 25%. In certain Arab Gulf states, it reaches 80%.

¹ ILO. A Rights Based Approach to Labour Migration. 2010.

² EU. Employment Report 2008 European Union DG Employment. Brussels. Issued 2009.

Migration serves as an instrument to adjust the skills, age and sectoral composition of national and regional labour markets. Migration provides responses to fast-changing needs for skills and personnel resulting from technological advances, changes in market conditions and industrial transformations. In countries of aging populations, migration is replenishing declining work forces and injecting younger workers, in turn contributing to increased dynamism, innovation and mobility in those work forces.

In this era of internationalisation of labour mobility, migration is driven not just by demographic changes, but by globalization and the dynamics of capitalist development itself. Mobility of capital and rapid evolutions in technology and organization of work requires that labour and skills go where investments are made and where changes take place in work, and in organization of work.

Deregulation

However, labour migration is taking place in a globalized context of deregulation of work and of labour markets. Salient characteristics of changes in work today include increased precarity of employment, expanded informalisation of work and economic activity, and deteriorating conditions at work. These changes affect large numbers of workers in industrialised countries as well as in developing countries.

These competitive pressures provide huge incentives for seeking and hiring labour compelled to accept lowered standards and more precarious and 'flexible' employment, in industrialized and less-developed countries.

On the supply side, a large and continuous availability of labour is assured by what may be the biggest failing of globalization: its inability to create decent employment where people live...in countries with growing and youthful populations. High unemployment rates, lack of formal jobs and terrible working conditions –in short, the absence of decent work in many less developed countries assures a high supply of labour and skills compelled to look elsewhere for sustenance and employment.

Migrant workers are concentrated in sectors and activities where labour standards are weak, and or where enforcement of existing standards is lax or non-existent. Migrant workers face lacunae of real protection of health and safety. For example, in Western Europe, foreign workers face occupational injury and death rates twice as high as for nationals.

More generally, employment for many migrants is associated with underpayment or non-payment of wages, physical abuse, sexual harassment and violence against women workers, denial and repression of freedom of association and trade union rights.

Please bear in mind, while the focus of this analysis is on migrant workers, we clearly understand that these conditions and challenges generally affect populations of immigrant origins and visible minorities.

Irregular Migration

The ILO estimates that, globally, some fifteen percent of international migrant workers are in irregular situations: without legal authorization for residence and/or employment, or undocumented. A thorough EU-supported research effort called Clandestino, shows that the proportion in Europe is less, and actually declined between 2002 and 2008.³

Migrants in irregular situations are even more vulnerable to exploitation and abuse. The flow of low-skilled migrants is channelled by clandestine means precisely because of the non-existence of legal migration categories that would allow for legal entry in destination countries.

III. POLICY CONTRADICTIONS

These structural contradictions play out in behaviour of governments. Tough political rhetoric and border control measures contrast with tolerance of irregular migrants providing cheap, flexible and docile labour. Flows of low-skilled migrants are channelled by clandestine means in the absence of legal migration channels for legal entry. Once in host countries, migrants in irregular status remain confined to jobs in unstructured or informal sectors, under exploitative conditions of employment.

Discrimination plays an important role in maintaining –and justifying– stratification and segmentation in the labour market. Compounding the challenges of discrimination and integration are identities of nation-states constructed around mono-racial, mono-cultural, monolingual, and mono-religious definitions of belonging.

The architecture emerging shows a two tiered labour market. On the one side, high skilled and high paid. At the other end, “competitive” workers in a low wage, low protection, low rights labour market. These workers allow Europe to compete with other parts of a globalized world. They are also thrust into competition with other workers, exercising downward pressure on prevailing wages, working conditions and social protection generally.

This is to say that there huge stakes at play. It means we need to know, to understand what the challenge is in essence, not just in image. But to get somewhere, we need to know where we are going, where we want to go, in order to achieve progress.

IV. “RIGHTS-BASED APPROACH”

Historical experience shows that regulation providing protection for any vulnerable population cannot be left to market mechanisms. When highly competitive and now globalized market pressures are brought to bear in the absence of protections and appropriate regulation, migration is characterized by abuse and exploitation of migrant workers, marginalization and social

³ CLANDESTINO *Undocumented Migration: Counting the Uncountable. Data and Trends Across Europe*

Research project funded by the European Commission, DG RTD, FP6, 2007-2009.
http://irregular-migration.hwvi.net/Stock_estimates.6170.0.html For more information, visit <http://clandestino.eliamep.gr> (country reports and research briefs), and <http://irregular-migration.hwvi.net> (database).

exclusion of migrant and immigrant origin populations, fear of loss of jobs blamed on immigration, increasing anti-immigrant sentiments and, ultimately, communal violence.

Over the last century, rules and systems for this regulatory protection have been built up, notably in the forms of International Labour Standards and human rights conventions, and the mechanisms for their supervision. International Labour Standards are applicable to the protection of *decent work* conditions for all migrant workers. These include rights and rules on occupational safety and health, conditions of work, protection of wages, labour inspection, employment policy, social security, maternity protection, regulation of private and public employment agencies, and on sectors of employment where large numbers of migrant workers are often concentrated.

Three specific international instruments explicitly define the application of human and labour rights to migrant workers: ILO Convention 97 on Migration for Employment (of 1949), ILO Convention 143 on migrant workers (Supplementary Provisions) (of 1975), and the 1990 International Convention on the Protection of All Migrant Workers and Members of Their Families. These three Conventions comprise an *international charter on migration*, providing a broad and comprehensive framework covering most issues of treatment of migrants. These are not just instruments on rights, they contain provisions to encourage and guide intergovernmental consultation, information sharing and cooperation on nearly all aspects of international migration.

82 countries –nearly two thirds of the some 130 countries for which international migration is an important feature-- have ratified at least one of these three complementary conventions. Eleven member States of the EU have ratified one or both of the ILO Conventions on migrant workers, among them most of the larger migrant destination countries:

However, it is now politically correct in this region to chant “we will not, we will not, we will not ratify. What we see instead are rules and policy that, while calling for expanded skilled migration, seem to expand a space of non-law, non application of law, for other migrants.

Assuming agreement on seeking a future Europe defined by the full exercise of human rights, decent work, justice, solidarity, well being and social cohesion, I suggest core elements for a policy agenda addressing migration, labour mobility and equality.

IV. CORE POLICY AGENDA

Three broad areas for intervention are: (1) shoring up legal protection and decent work conditions for migrant workers –and vulnerable national workers; (2) enhancing employment creation and social safety net protections; and (3) resolutely repressing xenophobic violence.

Lines of Response

A Ten Point programme, as it were, would be:

1. Explicit and direct support for ratification and application of the core international standards, namely ILO migrant worker Conventions 97 and 143, and the 1990 International Convention on rights of migrant workers,

2. Advocate for a decent, rights based approach to migration policy in European states and in the European Union. The ILO Multilateral Framework for Labour Migration Policy provides comprehensively the principles, standards, guidelines, institutional models, measures and practical examples applicable to the European context as well as elsewhere.⁴
3. Increasing capacity and extending labour law enforcement –labour inspection-- to sectors and workplaces where migrant workers are concentrated.
4. Strengthening anti-discrimination measures and discourse. This means using all appropriate legal and administrative means to repress racist violence and xenophobia against foreigners, and to prosecute perpetrators to the fullest extent of the law.
5. Explicitly discouraging scapegoating of migrants in public discourse. This implies opposing forced expulsions or returns of migrant workers –which implicitly scapegoat them, and maintaining intakes of foreign workers for agriculture and other sectors where labour and skills remain necessary and will be required for recovery.
6. Enhancing cooperation among social partners, civil society and governments to put into practice the Durban program of action on discrimination and xenophobia.
7. Expanding public support for employment intensive recovery measures, notably employment retention, for example by job sharing, and employment creation.
8. Impeding cutbacks to social protection measures; rather, extending them to the most affected populations.
9. Supporting efforts to unionize migrant workers, and encouraging union leadership from among migrant workers.
10. Building the alliance between unions –worker organizations—and other civil society organizations.

These lines of action may be helpful in shaping the strategy and plan of action ENAR will be elaborating over these next two days.

You have an essential role to play in influencing public opinion as well as the policy and practice of government. How our societies treat migrants and how diversity is incorporated will determine whether we succeed in building societies of justice, dignity, democracy, and human security.

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⁴ ILO. 2006. Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration (Geneva).
http://www.ilo.org/public/libdoc/ilo/2006/106B09_343_engl.pdf

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