

Artículos

Migration, Human Rights & Sustainable Economies: A Century 21 Agenda

Migración, derechos humanos y economías sostenibles: Una agenda del siglo XXI



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Abstract: This comprehensive brief identifies a range of key contemporary challenges for human rights, development, and governance of international migration as an all-encompassing human, social, economic, political, and environmental phenomena. It premises that migration is fundamentally about development, human rights, and social welfare, showing that labour and skills mobility is key to sustaining viability of labour forces and economies and to obtaining return on capital in a globalized economy. It notes that over 90 percent of migration today results in employment and economic activity outcomes. Sustaining development in all regions depends on migration. The article discusses the structural and systemic imperatives for mobility of people worldwide and it identifies 20 law, policy and practical challenges for economic and social development, human rights, welfare of people, and for governance. The article reiterates the comprehensive international legal framework for governance of migration and reviews especially relevant global policy frameworks: the UN 2030 Sustainable Development Agenda and the New Urban Agenda. Discussion addresses abusive exploitation of migrants versus lacuna in legal protection; contentions between capital and labour in deregulation impacting migrant workers; dangers of xenophobia; gender specificity in migration; restrictions in access to social security for migrants; challenges to social and family welfare; growing skills and training constraints, and impact of the COVID-19 pandemic and often inappropriate response measures. The trend of regime change towards deregulatory migration control is raised, with mention of concerns on the Global Compact on Migration. A comprehensive Agenda for Action outlines policy lines and practical actions for rights-based, economically sustainable, and socially responsible governance of migration. This article and the action agenda build on the plenary address by the author to the Global Parliamentary Consultation on

International Migration held in Rabat, Morocco in December 2018.

Keywords: migrants, labour mobility, skills, sustainable development, globalisation, employment, rights-based approach, governance, migration policy, normative framework.

Resumen: Este exhaustivo informe identifica algunos desafíos contemporáneos clave para los derechos humanos, el desarrollo y la gobernanza de la migración internacional como un fenómeno humano, social, económico, político y ambiental. Parte de la premisa de que la migración tiene que ver fundamentalmente con el desarrollo, los derechos humanos y el bienestar social, y muestra que la movilidad laboral y de habilidades es clave para mantener la viabilidad de las fuerzas laborales y las economías y para obtener el rendimiento del capital en una economía globalizada. Señala que más del 90 por ciento de la migración actual genera resultados en el empleo y la actividad económica de los migrantes. El desarrollo sostenible en todas las regiones, depende de la migración. En el artículo se discute los imperativos estructurales y sistémicos de la movilidad de las personas en todo el mundo e identifica 20 desafíos legales, políticos y prácticos para el desarrollo económico y social, los derechos humanos, el bienestar de las personas y la gobernanza. El artículo reitera el amplio marco legal internacional para la gobernanza de la migración y revisa los marcos de políticas globales relevantes: la Agenda de Desarrollo Sostenible 2030 de la ONU y la Nueva Agenda Urbana. La discusión aborda la explotación abusiva de los migrantes frente a las lagunas en la protección legal; las disputas entre el capital y el trabajo en la desregulación que afecta a los trabajadores migrantes; los peligros de la xenofobia; la especificidad de género en la migración; las restricciones en el acceso a la seguridad social para los migrantes; los desafíos para el bienestar social y familiar; las crecientes limitaciones en materia de habilidades y capacitación, y el impacto de la pandemia de COVID-19 y las medidas de respuesta a menudo inapropiadas. Se plantea el cambio de régimen hacia el control migratorio desregulador, y se mencionan las preocupaciones del Pacto Mundial sobre la Migración. Una Agenda de Acción integral describe las líneas políticas y las acciones prácticas para una gobernanza de la migración basada en los derechos, económicamente sostenible y socialmente responsable. Este artículo y la agenda de acción se basan en la intervención plenaria del autor ante la Consulta Parlamentaria Mundial sobre Migración Internacional celebrada en Rabat, Marruecos, en diciembre de 2018.

Palabras clave: migrantes, movilidad laboral, desarrollo sostenible, globalización, empleo, enfoque de derechos, gobernanza migratoria, política migratoria, marco normativo.

Introduction

Migration is about people, and in a globalized world dominated by capitalist economic relations and ownership, is about sustaining economies and development, about human rights and about social welfare. Governance of migration is thus about ensuring protection of people, about decent work for all, about social protection, and about *justice* and *human development* for all people, whether they are working or not.

Migration today is international skills and labour mobility that sustains the *world of work* in the Twenty-First Century. It is key to employment and labour markets worldwide and to obtaining return on capital in a globalized economy. Sustaining development depends on migration in every region: Africa, the Americas, Asia-Pacific, Eurasia, Europe, and the Middle East. Migration has become a key factor in maintaining the viability and productivity of agriculture, construction, health care, hotel, restaurant and tourism and other sectors. International migration meets growing demand for skills; it dynamizes workforces and productivity; and mobility promotes entrepreneurship across every region. Remittances, transfer of skills and investments by migrants, as well as trade growth spurred by migration, enhance economic activity and well-being in many countries North and South.

However, just as the needs for skills and labour mobility increase to buttress viability, sustainability, and productivity of both labour forces and entire economies, the world seems to be getting it wrong on migration with intensified restrictions and barriers to mobility coupled with maligning of migrants and migration. These contradictions are highlighted by current unmet needs for workers at all skills levels in many industrialized countries that constrain economic recovery and appear to be a contributing factor to rising inflation.

This article seeks to identify the main global economic, social and governance challenges raised by international migration today and factors driving it in an anti-migration environment. It pursues to subsequently articulate the normative and policy lines of a global 'law and policy agenda' for effective, rights-based governance of migration that sustains economic viability and societal welfare broadly. This article and the action agenda were inspired by and build on the plenary address by the author to the Global Parliamentary Consultation on International Migration held in Rabat, Morocco in December 2018 (Taran, 2018).

Methodology

This article is built on a wide review and summary of contemporary literature, applicable law discourse, and practice following a 'Qualitative method' with reflexive and critical comparison approach combining broad, multidisciplinary literature review; monitoring of promotion, application, and treaty review of international standards; direct participation in policy processes in all regions; summation of executive experience in international organizations; and assessment of empirical research.

The literature review included a sweep of works on migration, human rights, international relations, social protection, international labour and skills mobility, development, and related topics. The normative review covered elaboration, promotion and monitoring of the international legal/framework and specific instruments concerning migration, regarding application of and status of realization of norms and rights. The review included country reporting to, treaty body observations on, and independent monitoring of international conventions and labour standards. The study drew on ongoing monitoring of international institutional and political processes addressing migration, migration governance and treatment of migrants and refugees. It also drew on direct experience in and knowledge gained from participation in international organizations such as ILO and IOM and in intergovernmental dialogues and consultations, some of which were not accessible to academics or other 'outsiders.' It took into account design and oversight for large scale multi-country empirical testing on discrimination in migrant/migrant-origin worker access to employment in twelve cities in Europe. The resulting article interfaces positions, analysis, findings, policy lines, and recommendations among these different bases utilizing the author's approach in compiling distinct as well as overlapping knowledge and perspective to prepare international conference resolutions and *rapporteur* reports.

Review and analysis

The qualitative study drawing also on empirical research was a sequel to four decades of reviewing and contributing to literature across multiple disciplines as well as migration-specific papers, briefs, reports and other documents. It built on participatory engagement in development, promotion, reporting and monitoring of international legal standards and policy frameworks combined with direct engagement in regional, national and local policy development,

technical cooperation, and advisory and training activities with concerned institutions and organizations in all regions of the world. This long-term combination of research and practice allowed for developing broad multi- and interdisciplinary knowledge, and analysis and, deriving from these, comprehensive policy formulations. The current review of literature, evolving policy, and practice refined contextual understanding of international migration, assessment of main challenges for governance and human welfare, and for updating law, policy and practice lines. Formulated to serve as a briefing for stakeholder-actors in government, civil society and migrant organizations, this article reviews context and drivers of international migration, followed by an identification of main law, policy and practice issues with brief elaboration on several salient concerns. It concludes with a comprehensive agenda for action addressing main issues identified in both the study review and practice.

A Context Review of Key Features of International Migration

Migration, Economic Activity and Development

Over 90 percent of migration today –whether for reasons of employment, family reunification, immigration, education, or due to refugee flight—is bound up in employment and economic activity outcomes. ILO calculated that 169 million of the 272 million people –including refugees – living outside their countries of birth or origin in 2019 were active migrant workers (ILO, 2021), meaning economically active – employed, self-employed or otherwise engaged in remunerative activity. Economically active/employed migrant workers in 2019 were 70.1 percent of all working age international migrants (ILO, 2021).

Nearly all the total migrant stock population of 15+ age (245 million in 2019) would be *migrant workers* by international convention definition: “intending to be engaged, engaged or having been engaged in remunerative activity”, including self-employment^[1]. Considering children and aged family members of working migrants means that nearly all migrants and refugees are, have been, or are intending to be engaged in work or dependent on persons who are.

In 2020 an estimated 281 million foreign-born people resided in countries other than where they were born (UNDESA, 2020a).^[2] 73 per cent of international migrants worldwide were between the ages of 20 and 64 years compared to 57 percent for the total world population (UNDESA, 2020a).

International migrants comprised 14 percent of the population in 2019 across all high-income countries; that proportion was

significantly higher in several countries in Europe, North America, and Oceania (UNDESA, 2019).

Foreign-born people comprise large portions of populations across 'Western' industrialized countries (see Table 1).

Table 1

Foreign-born as a share of population in some OECD countries,
%, 2019

| | | | |
|-------------|------|----------------|------|
| Switzerland | 29.7 | Ireland | 17.8 |
| Australia | 29.1 | Belgium | 17.2 |
| New Zealand | 26.8 | Germany | 16.1 |
| Israel | 21.2 | Norway | 15.6 |
| Canada | 21.0 | Estonia | 14.9 |
| Sweden | 19.5 | United Kingdom | 14.0 |
| Austria | 19.3 | Spain | 14.0 |
| Iceland | 18.1 | United States | 13.6 |

OECD, 2019a.

Migrants are also growing portions of populations in countries across Africa, Asia, Latin America and the Caribbean, Eurasia, and the Middle East.

The UN migrant estimate accounts for refugees and asylum/seekers who comprise 10.9 percent of the global international migrant population: 20.7 million refugees, 5.7 million Palestinians registered by UNRWA (UN Relief and Works Agency), and 4.1 million asylum seekers at the end of 2020 (UNHCR, 2021). UNHCR also estimated that there may be 10 million Stateless People worldwide.

However, the global migrant stock figures above are under-counts; many other *foreign* persons in temporary, short-term, or seasonal employment and/or residence situations are not counted in the UN statistics on *international migrants* when their sojourn is less than a year and/or if they retain residency in their home or another country. Commercial or transportation workers who have not changed their place of established residence and itinerant commercial traders, hundreds of thousands of whom retain residence in one country but circulate much of the time across numerous countries in regions such as Eastern, Southern and Western Africa are not formally counted as international migrants. However, many of these mobile workers fit the definition of international *migrant worker*, as do itinerant,

offshore, posted and cross-border “*frontalier*” workers, so are concerned by this discussion.

Migration occurs as populations age and workforces decline and even as unemployment remains high in some immigration countries. The global dichotomy is threefold: a significant proportion of unemployment is structurally inherent to jobless growth approaches by finance and industrial capital –North and South. Secondly, technological evolution results in many workers left with obsolete skills or simply without skills relevant to today's employer needs. Thirdly, education and training lag behind evolving economic and labour market needs, both in numbers and in content of training; often training and education do not address ‘youth bulges’ in population.

Development is often simplistically equated with growth of GDP – increased economic growth measured by domestic production of goods and services. However, a more adequate definition of *development* is:

the elaboration of productive means, forces, capacities, organization and output that provide goods, services, technology and knowledge to meet human needs for sustenance and well being. Development comprises building the material and technological means for: extraction and transformation of resources; production of goods, services and knowledge; constructing infrastructure for extraction, production, transportation and distribution; reproducing capital and labour and skills; and providing for human welfare/well-being in terms of housing, nutrition, healthcare, social protection, education, and culture in its broad sense (Taran, 2011, p.1).

Viable economic activity and thus development require bringing together capital, labour power, skills, resources, and technology. Economies are not sustainable and will not be sustained in developed or developing countries without the labour and skills to conduct economic activity and provide for human welfare. The viability of developed economies today depends on migration, even more so their future.

Human Mobility for Regional Integration and Development

Development requires bringing together and integrating material and human resources, capital, technological capacities, and doing so in larger market spaces across groups of states that combined can obtain the diversity of resources, scale of production, and market size necessary for viable economies in a highly competitive globalized world.

Free movement with rights to residence and establishment of employment or entrepreneurial activity is the means to ensure

availability of skills and labour where needed to spur investment and economic development. Free movement is essential to mobilize the breadth and diversity of professional and technical competencies as well as labour power across groupings of countries in RECs, sometimes referred to as common markets. It likewise provides for expanding free trade and commerce throughout those regional spaces, spurring production and distribution of locally-produced goods and services as well as increasing local employment.

Eleven regional integration processes involving in total more than 100 countries have operational free movement regimes for at least some community member nationals:

- Pacto Andino – the Andean Pact (South America)
- CARICOM – the Caribbean Community
- CEMAC – Communauté économique et monétaire de l'Afrique Centrale
- COMESA – Common Market of Eastern and Southern Africa
- EAC – East Africa Community
- ECCAS – Economic Community of Central African States
- ECOWAS – Economic Community of West African States
- EAEU – Eurasian Economic Union
- EU – European Union
- GCC – Gulf Cooperation Council
- SICA – Sistema de la Integración Centroamericana (Central American Integration System).

Additionally, IGAD –Inter-Governmental Authority on Development (Horn of Africa area) is finalizing a free movement Protocol while SADC –Southern African Development Community, has drafted a regime for *flexible* movement.

Commonly used terms to characterize migration, such as –South-North and South-South– do not accurately convey the reality that nearly half or more of all international migrants reside in the region from which they originated; notably 70 per cent of migrants born in Europe reside in another European country and 63 per cent of migrants originating in sub-Saharan Africa remain in that region (UNDESA, 2020a). In Africa, Europe, and Eurasia the larger part of migration is within the RECs with formal regimes of free circulation of persons. For example, more than 80 per cent of migration originating in West Africa goes to other member countries of ECOWAS; the proportion is similar in the Eurasia Economic Union. It is 45 to 50 per cent for the East Africa Community, the European Union, and *Mercosur*.

Economic Importance of Migration

Recent figures indicate that the annual flow of remittances to low- and middle-income countries was 540 billion US dollars in 2020 – a drop of only 1.6 per cent from 2019, despite predictions last year of a much higher decline due to the COVID-19 pandemic (Ratha et al, 2021). Preliminary indications suggest that total remittances to low- and middle-income countries in 2021 increased by 7 percent over 2020, making them modestly higher than in pre-COVID 2019. However, the true volume of remittances, including unrecorded flows through both formal and informal channels, is believed to be significantly larger than recorded figures.

In comparison, the reported figure of personal remittances to low- and middle- income countries in 2020 was more than three times larger than total official development assistance (ODA) by OECD member countries of the Development Assistance Committee (DAC) that amounted to USD 161.2 billion, an amount characterised as the highest ever but representing only representing 0.32 percent of their combined GNI (gross national income) (OECD, 2021).

Often missed in the 'migration-development' narrative is the huge value of personal remittances sent to developed countries. Total global remittances including to developed countries were 706 billion US dollars in 2020, indicating that remittances to high-income countries totalled 157 billion, nearly a quarter of the total (Ratha, Ju Kim, Plaza, Seshan et al, 2021).

Overall, the 27 member countries of the European Union received 109.9 billion euros equivalent in 2020 in personal remittances, while 110.7 billion euros were remitted from EU member countries, 58.1 billion euros of which to other EU countries, a figure greater than the 52.6 billion remitted outside the EU including to other non-EU European countries (Eurostat, 2021). Note that total intra-European personal remittances significantly exceed extra-EU remittances. For reference, in 2020, France received 22 billion euros, Germany 15.7 billion and Italy 8.5 billion in total personal remittances, according to Eurostat data (2021).^[3]

Despite pessimistic predictions during early months of the pandemic in 2020, personal remittances from EU countries to third countries in 2020 declined only by 3.5 percent from 2019, while inflows from third countries declined by 4.1 percent (Eurostat, 2021). 2021 data was not available at time of publication. Personal remittance outflows from EU countries to other EU countries in fact declined more in 2020 over 2019, by 15 percent. (Eurostat, 2021) Nonetheless, total remittance inflows to EU countries from other EU countries and from third countries were actually slightly higher in 2020 than in 2018, albeit by a modest 1.3 percent (Eurostat, 2021).

Remittances, however important, are an indirect indicator of the far larger economic value generated by the labour and economic activity of migrants/immigrants in their countries of employment. That total value may be 4.7 trillion dollars worth globally in 2020, when worldwide remittance flows were estimated to have exceeded \$704 billion (just 2.4 per cent less than in pre-COVID 2019), extrapolating from an IFAD calculation. The UN Secretary-General's 2018 report on *Making Migration Work for All* highlighted an estimate by the UN International Fund for Agricultural Development (IFAD) that "Migrant workers typically send home about 15 percent of their earnings as remittances. The remaining 85 percent [...] stays in host countries, and is mostly spent on housing, food, transportation, taxes and other necessities." (United Nations, 2018; IFAD, 2017).

That figure does not indicate the value added by migrants' labour not returned to workers in remuneration or benefits but that adds to the worth of employers, private and public, in formal and informal sectors.

In Europe, using a similar calculation, remittance figures for 2020 suggest the far larger overall value of migrant skills and labour to the EU and its member countries' economies, could be 738 billion euros that year, when EU member country remittance outflows were 110.7 billion euros, 52 percent of which went to other EU countries.

Furthermore, migrants contribute to the health of national social security systems, in some cases without ever obtaining benefits or use of their contributions. The acknowledged subsidy that undocumented migrant workers provide to the US Social Security system was estimated to be near 50 billion dollars over a recent five-year period: this subsidy comprises the contributions by undocumented migrant workers that they will never be able to collect or benefit from.

Remaining un-measured is the value of training and social reproduction cost transfers made by migrants moving usually from less to more developed countries. In aggregate terms, that represents a sort of *foreign aid* primarily from South to North. Assuming that each migrant with tertiary education represents \$40,000 in cost of usually State-financed higher education, migration of 100,000 skilled workers represents an aggregate transfer of tertiary educational investment equivalent to 4 billion US dollars. This figure is indicative, no research on costings and aggregate values has been widely done.

Greater Mobility Anticipated

Over the next decade, most of the world's countries and populations will face significant work-force decline. The German labour market will lack up to 6 million people in 2040 compared to 2018; even with relatively high immigration, the decline amounts to 4.5 million persons in the workforce (9 percent) by 2024 (Schattenberg and Bräuninger, 2019). The number of working-age Poles will fall by 28% between 2015 and 2050, the overall population will decline by 10 percent but half of Poland's population will be aged 50 or more by mid-century (Fleming, 2019). The Japanese labour force will shrink by 20 per cent in 2040 from what it was in 2017, a projected workforce reduction of more than 12 million persons (ibid). China's workforce declined by 40 million in the decade 2000 to 2010 and is currently projected to decline by another 35 million in just the next five years (Teng, 2021). Smaller countries are proportionately similarly affected. The Swiss national employers' organisation recently estimated that Switzerland may need 700,000 additional workers by 2030 (Swissinfo, 2020).

More than 100 of 224 countries and political territories are at or well below *zero population growth* fertility rates^[4], according to data in multiple world population projections including the UN *World Fertility and Family Planning 2020* report (UNDESA, 2020b) and the 2021 CIA *World Factbook*. Examples of countries at or below *replacement rate* fertility, by region are presented in Table 2.

Table 2

Countries currently at or below fertility rate of population replacement, by region

| | |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Africa | Djibouti, Libya, Mauritius, Seychelles, Tunisia, South Africa. |
| Asia | Bangladesh, Bhutan, Brunei, China, Hong Kong, Indonesia, Malaysia, South and North Korea, Malaysia, Mongolia, Singapore, Sri Lanka, Taiwan, Thailand, Vietnam. |
| Americas | Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, El Salvador, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay, USA, nearly all Caribbean countries. |
| Europe | All 27 EU member countries; Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, United Kingdom. |
| Eurasia | Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russian Federation, Ukraine, Uzbekistan |
| Middle East | Bahrain, Iran, Lebanon, Qatar, Saudi Arabia, Turkey, United Arab Emirates (UAE) |

by author

Over the next years, if not already, all these countries face increasing departures from their native workforces while new entrants of young people born in the country decline. In effect, all these countries need immigration as a key measure to retain viable

workforces, despite political discourse to the contrary. In reality, this means intensifying international competition for a most crucial economic resource: people with skills at all levels. The consequence for many countries is an increasing drain of skilled and educated human resources. It also means crises for contributory-based social security systems when declining work-force numbers face increasing numbers of retired workers.

Unmet demand for workers at all skills levels has surged in many industrial countries in the second year of the corona-virus pandemic, portending increased international migration. Meanwhile, particularly in Africa, the absence of jobs and decent work remains in countries with growing youth populations. Job creation has been consistently flat while youthful populations are adding millions of new workers each year to labour markets in which new jobs created only at best matched numbers of jobs lost.

The Governance Framework

There is indeed a comprehensive international legal framework for governance of migration despite academic literature and political discourse to the contrary. It is essentially designed to support good governance, regulation, and effective administration at national and local levels, where most migration issues and responsibilities are concentrated. The international governance framework comprises mandates and responsibilities in a range of international and regional agencies and organizations. The framework includes globally applicable policy recommendations elaborated in formal, authoritative international conferences over the last three decades.

The legal framework is provided by complementary legal standards in several areas of international law: 1) the nine main Human Rights Conventions; 2) all up-to-date International Labour Standards; 3) the 1951 Convention and 1967 Protocol on the Status of Refugees, 4) the Vienna Convention on Consular Relations; and 5) the two Protocols on trafficking in persons and smuggling of migrants to the Convention against transnational organized crime.

Three complementary, sequential international conventions on migration and migrant workers provide the core foundation for rights based, regulatory and cooperative governance of migration: ILO Convention 97 on Migration for Employment (1949), ILO Convention 143 on migrant workers (Supplementary Provisions) of 1975, and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).^[5] These three instruments contain a comprehensive set of legal norms for governance and administration of migration, for international dialogue and cooperation, and for recognition and

protection of universal human rights including labour rights that apply to all migrant workers and members of their families, and in effect to all migrants.

Protection of rights of all migrants cannot be realized nor enforced without recognition in national law and practice. Ratification of these instruments and incorporation of their provisions in national legislation is the necessary foundation for national and local governance and regulation of migration under the rule of law. In reality, 93 States (nearly half of the UN membership) have ratified at least one of these three instruments; 15 Council of Europe participating States, 32 African Union Member States and nearly all States in Central and South America have ratified one or more of these three conventions. Counting in the additional signatories of the ICRMW that have not ratified any of these Conventions, 105 countries worldwide are legally committed to uphold legal standards governing migration and protecting rights of migrants.

The international institutional structure mirrors the multitude of concerns in governing large populations, whether within a particular state or spread across many. A number of specialized UN and other international institutions address relevant aspects of migration in their mandates, competencies and activity. These include the international agencies addressing labour and employment, health, security, development, education, human rights, criminal justice, etc. No single agency could possibly address with necessary competence the range of concerns of governing populations, each requiring specialized knowledge, law, technical approaches, and functions, in the same way that no national government could do away with distinct ministries – often 20 or more– covering specific areas of governance to instead function with a sole super-ministry.

Global policy frameworks: Sustainable Development and New Urban Agendas

The Declaration and Programme of Action of the International Conference on Population and Development at Cairo in 1994^[6] was the first global development policy framework to emphasize the role of migration and its contributions to development. The UN 2030 Agenda for Sustainable Development with its Sustainable Development Goals (SDGs) adopted in 2015 and the New Urban Agenda adopted in Quito in October 2016 are the main contemporary policy frameworks.

The 2030 Agenda for Sustainable Development covers most topics and issues concerning development and human welfare and is relevant at local, national, regional and global levels. While explicit reference to migration is made in Sustainable Development Targets

8.8 and 10.7, more than 44 SDG Targets across the 17 SDGs apply to migrants, refugees, migration and/or migration-compelling situations (GMPA, 2017).

The Sustainable Development Agenda Targets relevant to migrants, refugees and migration include: social protection; empower and promote the social, economic and political inclusion of all; universal health protection; retention of health workforce in developing countries; equal access for women and men to affordable and quality technical, vocational and tertiary education; substantially reduce the proportion of youth not in employment, education or training; development that supports productive activities, decent job creation, entrepreneurship, creativity and innovation; valuing unpaid care and domestic work; prohibition and elimination of the worst forms of child labour, eradicate forced labour; protect labour rights and promote safe and secure working environments for all workers, including migrant workers; orderly, safe, regular and responsible migration and mobility of people; inclusive and sustainable urbanization; climate change-related planning and management; achieving a land-degradation-neutral world; and others.

The *New Urban Agenda -NUA* (2016) gives explicit attention to people-centered migration and development linkages. It constitutes the guidance framework for cities and urban settlements worldwide – where most migrants and refugees reside. The NUA commits “to strengthening synergies between international migration and development at the global, regional, national, subnational and local levels.” (New Urban Agenda, 2016, art 3). It calls for all cities to adopt law, policy and practice “promoting, as appropriate, full and productive employment, decent work for all and livelihood opportunities in cities and human settlements, with special attention to the needs and potential of women, youth, persons with disabilities, indigenous peoples and local communities, refugees, and internally displaced persons and migrants, particularly the poorest and those in vulnerable situations, and to promote non-discriminatory access to legal income-earning opportunities” (article 7).

Main Law, Policy and Practical Challenges

Increasing systemic and structural need for mobility of people with skills and work capacities underlies 20 key law, policy and practical challenges for development and welfare and thus for governance worldwide (see Table 3). These challenges have been consistently signalled in international conferences, parliamentary consultations, specialist meetings and civil society events over the last ten years. These all concern migration, especially migrant workers, also in many situations’ refugees, asylum seekers, stateless persons and mobile

cross-border workers. Beyond the first point, the order below implies no order of hierarchy or sequence; they are all *essential* and inter-related concerns overall, particularly for migrants and refugees as well as international, regional, national, and local entities directly concerned.

Brief reflections on some of these follows, several are elaborated in other articles in this special issue on international migration.

Table 3

20 key law, policy and practical challenges for governance of migration

1. Lack of legal protection and non-recognition of human rights including labour rights of migrants under law. 2. Utilitarian instrumentalization of migrants and migration subordinating human rights. 3. Xenophobic hostility and violence against migrants worldwide. 4. Prevalence of sub-standard, abusive employment relations and conditions of work for migrants, in context of deregulation with diminishing application of labour and occupational safety and health (OSH) standards. 5. Systematic/structural discrimination and exploitation of migrant women. 6. Lack of healthcare and workplace health protection for migrants and refugees; denial of their health rights. 7. Absence of access to and non-portability of social protection/social security for many migrants. 8. Social exclusion and absence of participation of migrants and refugees in associations and unions. 9. Migrant and refugee family separation and family decomposition coupled with social disruption for separated family members –particularly children—remaining 'at home' in places of origin. 10. Growing gaps between skills needs and the numbers and types formed worldwide. 11. Barriers and restrictions for migrant and diaspora entrepreneurs and for migrant SMEs. 12. Increasingly restrictive policies and attitudes towards migrants and refugees, threatening current and future economic viability of countries. 13. Instrumentalisation of development aid to extend migration control and repression. 14. Non-implementation of agreed free circulation regimes and increasing restrictions on free circulation were existent. 15. Concentration of migration management in security and policing institutions, contrasted with absence of policy and administrative responsibility by employment, labour, and social protection institutions. 16. Criminalization of migrants, association of migrants with criminality, particularly by emphasis on (counter) trafficking and smuggling of migrants and refugees. 17. Criminalization of solidarity with migrants, repression of migrants' rights defenders. 18. Obtaining comprehensive, rights-based national policy frameworks on migration consistent with human rights conventions, labour standards, and the 2030 Sustainable Development Agenda. 19. Implementation of city/urban policy and practice welcoming migrants and refugees in line with the New Urban Agenda. 20. The dearth of accurate and reliable data, analysis and knowledge about migration and development.

by author

Abusive Exploitation versus Protection

Abusively exploitative conditions are experienced by many migrants. They are structurally driven. An excerpt from the executive summary of a report on the UK sums up treatment today of many migrants in other industrialized countries as well (Cook, 2011, p.4):

“Migrants, especially those from outside the EU-15 who have limited access to social security provisions, face the paradoxical position of being welcomed by businesses and the state due to their high flexibility and minimal utilisation of the welfare state on the one hand, whilst facing increasing unease and hostility from anti-immigrant groups, the same state that welcomes them, and large numbers of the general public on the other.

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

Global competition, free trade, and the economic *race to the bottom* push against costs of labour and provision of social services; they challenge the very social function of States (Taran, 2015).

For many enterprises in many countries and for some entire economic sectors, low-cost foreign labour is the only ticket to survival. Labour dependent agriculture would not be viable in many countries in Africa, the Americas nor in Europe nor could a part of the population afford to eat without cheap immigrant labour. Health, homecare and schooling for children and care for populations of aging people today depend on migrants in many countries in all regions. So are hotel, restaurant, and tourist sectors prior to the COVID pandemic, and those sectors will be dependent on migrant workers for recovery and beyond.

Keeping migrant workers cheap, docile, flexible, and removable without social costs is imperative to keep jobs at home and maintain the viability of entire economies. Despite rhetoric about controlling migration, migrant workers falling into or remaining in irregular situations are often selectively tolerated because they provide the cheap, flexible labour needed to sustain enterprises and in doing so, retain employment and competitiveness. At the same time, labour standards are generally little or not at all applied in migrant-dependent sectors and industries, while labour inspection is often left with no capacity or competence to reach workplaces where migrant workers are prevalent.

Protection of human rights and of decent work is an essential pillar of good governance to international labour mobility, especially the application of international labour standards and their application and enforcement in all workplaces formal or informal, particularly where migrants are employed.

Contention and convergences between Economic Actors

Migration is a key terrain of contention between capital and labour: between the employers/private sector versus workers/especially organized unions. It is where the division of wealth is fought out-- how much of what is generated is returned to capital versus how much goes to working people as remuneration. Migrants are also the pawns in contention over conditions of work and investment in safety and health protections versus lowering labour and related costs to obtain higher returns on capital.

Capital, managed today mostly by private sector employers and *labour* represented by worker trade unions, are incontestably the core actors of economic activity, the key actors to advancing regional integration in fundamental economic and social dimensions.

Capital –embodied in private and public sector enterprise-- and labour in its aggregate are primary beneficiaries of liberalizing international circulation of capital, goods, services, technology and labour. They most immediately suffer the losses engendered by restrictions on circulation –whether of capital, goods or people.

Migration, however, also raises challenges to the extent working people remain organized to defend their interests. Migrant workers are key to whether workers freely associate and organize to collectively bargain for fair remuneration and decent work conditions; freedom of association of migrants or restrictions on it can make or break unionization.

The Danger of Xenophobia

An especially urgent concern is the generalized rise of discriminatory practices and of racist and xenophobic behaviour against migrants. Events in countries in all regions show that hostility towards migrants is rising—worldwide. Reported incidents in all regions include shootings of migrant workers at or near workplaces; individual or mob attacks on and killings of migrants; firebombing of migrant and refugee residences, businesses, and religious places. In situations of civil conflict, foreigners have been targeted with deadly hostility.

The concern is aggravated by the absence of vigorous responses by governments to anticipate, discourage, and prevent manifestations of xenophobic hostility against foreigners and to prosecute perpetrators. To the contrary, anti-foreigner hostility is aggravated by discourse by certain political leaders and by actions of some governments that tacitly encourage or directly engage in public brutality and violent repression against migrants. That includes police roundups and mass detention of migrants. A common refrain of “dignified deportation” and “return” as the solution to the (irregular) migration problem

frighteningly resonates with *deportation* as the solution to Europe's "Jewish problem" in the last century.

Social cohesion can only be maintained by deliberate legal, institutional, and practical measures. Demonstrable proof is that in the few countries such as Ireland and Finland where discrimination and xenophobia were vigorously discouraged by government and civil society, there have been few racist killings of migrants nor burnings of businesses, homes or places of worship of foreigners while anti-immigrant politicians and political parties have gained little support or sympathy.

Gender Specificity

The feminization of migration is not about the gender proportions of migration. Female participation has been above 45% for decades and is over 48% today (UNDESA, 2020a). In 2020, the number of female migrants slightly exceeded that of male migrants in Europe, Northern America and Oceania. The distinction from earlier times is that today most women migrants are economically active rather than dependents of migrant men. They often migrate on their own in all regions.

In a global context of stratification of employment and segmentation of labour markets, women migrants hold particular appeal for employers as they are sought after for 'women's work' that, not coincidentally, is usually low paid and unprotected: domestic work, healthcare, agriculture, hotel and restaurant, semi-skilled manufacturing in export processing zones. Common across these sectors is that while some workplaces may be highly socialized, they are not organized, meaning no unions or associations for mutual defence and solidarity, nor any bargaining power to press for decent work conditions.

Women and girl migrants are at high risk of sexual and gender-based abuse, exploitation and violence to a greater or lesser degree in all countries of residence and employment. Adoption of ILO Convention 189 on Decent Work for Domestic Workers brought attention to a sector of activity that is almost entirely comprised of women workers, while the most recent ILO Convention 190 on harassment at work is especially pertinent to the high risk and often unreported rates of harassment and abuse faced by women migrants. Promotion of ratification of these conventions should be springboards to highlight and address the generalized lack of effective protection faced by women migrant workers in agriculture, in textile sweatshops, in services, and elsewhere as well as in domestic work in industrialized countries across the global North as well as in the South. Testimony abounds of women working in these sectors

subject to abusive working conditions, sexual harassment, unprotected exposure to dangerous pesticides or chemicals, and other risks.

Social Protection

Effective social security systems provide income security, prevent and reduce poverty and inequality, and promote social inclusion and dignity. Social security enhances productivity and employability and supports sustainable economic development, contributing to decent living conditions for all and making extension of social security coverage for migrants vital to workers, the economy and society.

Although migrant workers contribute to the economies of both destination and origin countries, they are not usually taken into account in national social security schemes. Migrants often lose entitlement to social security benefits in their country of origin due to absence. They face restrictive conditions or non-access to social security in the country of employment. Even when they can contribute in host countries, their contributions and benefits often are not *portable* to origin countries.

Migrants and migration are today key terrain for global contention over social protection: who is responsible for it, who is covered and with what benefits. The intent in international law is universal coverage, as laid out in ILO Convention 102 on social security. The ILO and UN have established the notion of a *social protection floor* as a universal expectation. But assertions abound that social protection for migrants is today a question of finding a median between two “extremes,” one being full coverage, the other none at all.

In contrast, progressively extending social security to migrant workers is imperative to ensure welfare and social cohesion in every country and across regions. However, it can only be achieved with political will to obtain necessary legislative acts, administrative mechanisms, and practical measures.

Family welfare

Many migration regimes other than long term or permanent immigration, essentially require family separation, only calling for and admitting workers –whatever skills levels– alone, without family, at least initially.

In situations of civil warfare, men heads of family may leave first to find safe haven to then bring out wives and children; or in contrast men stay to engage in combat while sending family members out of harm’s way.

In both cases, the absence of breadwinner and family adults and role models often has devastating consequences for the socialization and education of children, left in care of less able grandparents or otherwise overwhelmed relatives. Little or no compensatory social and schooling support is available in most countries experiencing large emigration, that correlates with higher rates of school leaving, delinquency and psycho-social pathology among children with one or both parents abroad.

Skills and Training Constraints

No country today can form or train the entire range and number of evolving skills needed to perform the ever more complex work done on its territory. It is widely observed that institutions and educational systems in many countries are producing graduates with inappropriate, inadequate, or obsolete skills and knowledge. In consequence, fast changing technology and skills needs drive a constantly increasing, international mobility of skills, competences, and labour at all skill levels. Globally, Manpower predicts that “the global talent shortage is expected to result in 85 million unfilled roles by 2030”, citing its own research (Manpower Group, 2021).

At the same time, educational, vocational, and technical training systems are not accessible to many youths seeking employable skills and qualifications. The development cost is huge, skills are absent where they are needed to spur investment and support economic and infrastructure development. Impediments to mobility and absence of recognition of skills and experience compound the lack of training for current and future needs.

The Global COVID-19 Pandemic and Migration

The global situation has changed radically since March 2020. The global COVID-19 pandemic, its human consequences, generalized recession in 2020, and often ill-considered anti-coronavirus measures changed migration patterns –but did not reduce economic and development dependency on migration of skills and labour. While globalized travel bans, ‘stay in place’ confinement and work stoppage under the COVID-19 pandemic emergency meant that migrant workers everywhere were temporarily out of work –and some remain so-- renewed demand for foreign skills and labour has surged since mid 2021. While a severe decline in remittances to developing countries was predicted for 2020 as national economies abruptly contracted and jobs disappeared, in the end the actual decline was only about 1.6 per cent vis-a-vis 2019 (Ratha et al, 2021). Foreign workers appear to be needed now as much as ever in industries,

services and health care. Nonetheless, increasing restrictions on immigration combined with difficult economic and employment situations in some primarily migrant worker-origin countries make for a “buyer’s market” with some labour demand-side countries proposing de-regulatory terms, while origin countries face economic and social pressures to offer workers for jobs abroad at any price – whatever the human costs. (See article on *COVID-19 and migrants and refugees* in this issue as well as a previous research article in Spanish *La Pandemia de Covid y Los Migrantes: una Agenda de Diez Puntos Para Mitigar el Desastre en Curso* (Taran and Solorzano, 2021)).

Restructuring Governance: Redefining a New Regime for Labour?

The governance structure for migration –as well as ideology and practice of governing migration – has changed in both old and new immigration countries. The locus of migration regulation in immigration/migrant-receiving States over previous decades was generally in labour and employment ministries. That reflected the primacy of needs to protect both migrant and national workers as well as oversee employment relations and social dialogue. Those ministries retained key competences in labour market administration, in supporting and mediating negotiation between social partners, and in taking account of interests of the key migration actors: employers – public and private –and worker unions –the latter often inclusive of migrant workers. Those ministries supervise vital regulatory and administrative functions of labour inspection and social security.

Today, security and control institutions of States predominate in managing migration and controlling migrants: ministries of interior or home affairs now hold lead responsibilities on migration in many countries. Assertion by home affairs/interior ministries of hegemony on migration management and control is concurrent with broad redefinition and deregulation of conditions for labour. The treatment imposed on what are growing migrant components of workforces in turn influences treatment of the workforce broadly.

Administration of increasing foreign components of work forces by control institutions has consequences in shifting emphasis of law enforcement regarding work from labour standards to immigration enforcement and in imposing repressive policing to subdue labour conflicts at the expense of social dialogue (Taran, 2016).

In parallel, enhanced border and movement control measures within regional economic community spaces in Africa, the Americas and Eurasia have large implications in impeding and slowing mobility as well as raising costs, contrary to facilitating free movement of labour, skills and services. The longstanding existence of control posts

by multiple police, armed forces and intelligence entities as well as customs and immigration agencies along land routes in each country across much of Africa, each post with obligatory inspections of buses, trucks, and cars and payment of 'fees' by passengers and drivers, continues to restrict and slow down, rather than facilitate circulation of people as well as goods and services. In Europe, the increasing surveillance of some internal borders and incidents of muscled expulsions of migrants across borders from one EU member country to another are, unfortunately, consistent with global trends.

Movement control measures also undermine exercise of freedom of association rights in internationalized labour markets and employer supply chains. Tightened control on movement facilitates tightened control on workers and work forces, restricting realization of rights to change employers or workplaces to escape exploitative, oppressive conditions. Tightened control and restricted mobility also impede union organizing across sectors and industries as well as in production chains that themselves are increasingly organized across borders.

Meanwhile, advocates of expanded 'circular migration' (a misnomer for short term, temporary, and seasonal migration regimes) characterize it as the solution to both employment needs and to protecting 'national cohesion and cultural integrity' of nation states needing foreign labour. Many temporary migration regimes impose explicitly restricted labour rights, notably exclusion of freedom of association, while permitting reduced application of labour standards.

Of immediate and direct concern to application of *human rights for all* is the enactment of the '*delit de solidarite*' (the "offence of solidarity"), that criminalizes provision of assistance and support – including provisions food, housing or transportation– to migrants in unauthorized, irregular, or undocumented situations, and also rescue of migrants at sea; such laws mandate prosecution of individuals and organizations for engaging in acts of humanitarian assistance.

Coincidentally to these trends is consolidation of the IOM as the hegemonic global agency on migration and its inaccurate identification as the *UN migration agency* when it remains a *related organization* to the United Nations, the same status as that of the World Trade Organization - WTO. The formal IOM-UN Agreement explicitly states that the IOM "shall function as an independent, autonomous and non-normative international organization in the working relationship with the United Nations..." (United Nations, 2016, Article 2, para 3). As such, it is not subject to the UN Charter nor to compliance with United Nations normative conventions. Reporting to the UN by the related agency is discretionary: the IOM "may, if it decides it to be appropriate, submit reports on its activities to the General Assembly through the Secretary-General" (Ibid, Article 4).

A discourse justifying these initiatives posits that the level of rights protections for migrants is negotiable. The terminology of *rights versus numbers* and *the price of rights* is used to show the advantages of trade-offs where wider access by migrant workers to higher wage labour markets would be obtained by accepting reductions in application of labour rights. The long-disproved argument that lowering wages instigates creation of more jobs is not infrequently invoked.

A fundamental premise in this discourse –and in policy initiatives-- is that foreigners are not equal, nor are they equally entitled to protection or inclusion under law or ideology of the nation State. In practical terms, the notion of limiting rights of migrants presumes incentivizing greater migrant access to labour markets in higher income countries, and consequently, greater “development gains” through purportedly more jobs created if at lower wages and consequently, more remittances returned to migrant origin countries.

Consistent with the above is international regime change from a global framework of normative regulation, binding legal obligations and the accountability of formal public reporting on compliance, to a discursive process of meetings and review of good practices taken up by States to implement non-binding commitments to general policy options and practice recommendations. The Global Compact for Safe, Orderly and Regular Migration (GCM) (UNGA, 2018) adopted at an intergovernmental conference in 2018 does not enhance the normative rights-based approach to governance and regulation of migration. While providing assertively comprehensive guidance on all aspects of migration, it diverges from upholding binding standards of human rights protection and the legal accountability of States under international law by establishing a non-binding set of policy recommendations, many of which articulate lower and more narrower expectations than those in existing human rights Conventions and International Labour Standards.

Furthermore, as a pact of guidelines explicitly addressed to executive migration *management*, the Compact undermines the participation in formal governance by the legislative branch of government and dismisses the review and supervisory role of the judiciary; indeed, by omission it relegates these to sidelines while posing migration as primarily a matter for the executive branch of government, with the latter’s arbitrary discretion unfettered by legislative definition and judicial review.

The GCM also incorporates for the first time in a UN policy framework, language and policy notions of repressive control of mobility. It commends measures that effectively criminalize irregular migration as well as migrants in irregular situations and, in contrast, legitimize deportation and involuntary return and reintegration as

seemingly UN-consented approaches. The GCM calls on States to strengthen surveillance and control over national borders, objectively constraining universal rights to leave and return freely to one's own country and undermining free movement essential for development across regional communities in Africa, the Americas and elsewhere.

In Conclusion: an imperative *Agenda for Action*

As the context for and features of migration summarized above show, internationalized mobility/migration of people is essential to sustaining economies and maintaining development worldwide, and in doing so providing for human well-fare everywhere. That mobility of people, notably *labour* at all skills levels, is as essential to our common future as is mobility of resources, capital, goods, services, knowledge, and technology. However, as emphasized above, migration is people who have economic, labour, social, cultural, civil and political rights that must be respected, protected and realized for all people in all situations. To accomplish this requires effective rights-based, participative governance and regulation under the rule of law at all levels.

All of the concerns evoked in this brief must be addressed to ensure effective and just governance of migration that *realizes* human rights, equality and basic well-fare for all concerned, 'locals' and migrants and refugees alike. No concern can be left unaddressed if no-one is to be left behind. Only the comprehensive agenda outlined below at regional, national, and local levels will resolve the immense challenges of sustaining development and maintaining inclusive societies in the context of globalization. Enactment and implementation of all the elements in the agenda is essential; they are interrelated and interdependent.

The following agenda comprises legislative action, policy lines and practical measures for rights-based, economically sustainable, and socially responsible governance of migration. It combines and synthesizes the principles of international Conventions, global policy frameworks, and recommendations from international, tripartite, and civil society conferences around the world over the last 30 years. A fundamental challenge is mobilizing the political will and popular support to implement this agenda to realize inclusive communities, sustainable economies, universal respect for human rights, and well-being for all.

1. Full recognition and legal protection of all migrants
 - a) Promote ratification and implementation of the international legal standards recognizing and protecting rights of all migrants: the ICRMW, ILO C-97, ILO C-143 and ILO C-189.

b) Enact and assist in regularization of migrants and refugees in unauthorized situations.

2. Rights- and people-based narrative and discourse

a) Identify migrants as people and rights-holders first and foremost.

b) Call for respect for rights and dignity of and solidarity with all migrants and refugees.

c) Advocate for inclusion of, participation by, and integration with migrant and refugee persons and their communities.

3. Decent Work for all migrants: Vigorous enforcement of labour standards

a) Adopt, apply and enforce International Labour Standards, particularly in places and conditions where migrants are working.

b) Extend labour inspection in sectors and workplaces where migrants are working.

c) Fully 'fire-wall' labour inspection from immigration control.

4. Stop discrimination, xenophobia, and *racism* and against migrants

a) Repeal discriminatory legislation and reinforce non-discrimination/equality of treatment law and its implementation.

b) Define and implement national action plans against discrimination, xenophobia, and *racism*.

c) Denounce and repudiate any and all acts of xenophobic violence.

d) Demand anti-discrimination, anti-xenophobia political discourse, media reporting and school curricula.

5. Gender-specific migration legislation and policy

a) Ensure equality of rights, opportunities and protection for all migrant women and girls.

b) Obtain gender specific policy, measures and practices recognizing gender-based risks and ensuring equality in outcomes as well as intent.

c) Protect rights and provide appropriate support measures for LBGTQIA+ migrants and refugees.

6. Health for all migrants (health is a right for all).

a) Ensure full access by migrants to quality and appropriate health education, disease prevention and health care and treatment services and facilities.

b) Provide for specific, full and equal inclusion of all migrants in COVID prevention, protection, vaccination and treatment everywhere.

c) Elaborate specific national and local public health and safety and health at work policies inclusive of migrants and refugees.

d) Uphold and monitor occupational safety and health (OSH) protection for migrants in all workplaces.

7. Social Security for migrants

a) Implement unilateral measures to extend social security coverage and portability to migrants in both origin and employment countries.

b) Incorporate and harmonize social security access in regional integration spaces.

c) Obtain wider ratification and implementation of ILO C-102 on social security and ILO C-118 on portability of social security.

8. Participation of migrants and refugees; freedom of association and collective bargaining rights

a) Ensure freedom of association and collective bargaining rights for migrants and refugees

b) Support migrant workers organizing in unions and by unions.

c) Engage migrant and refugee participation and membership in community associations, worker unions, and CSOs.

9. Family Unity and family support

a) Provide for family unity and family reunification in all immigration and migration regimes.

b) Ensure immigration law facilitates family reunification.

c) Sustain socialization and education for children and adolescents remaining 'at home' in places of origin.

10. Training youth for employment; overcoming skills shortages

a) Reform, renovate and expand technical and vocational education and training for all youth

b) Promote migrant access to schooling, higher education and vocational and technical education and training (VTET), without discrimination.

c) Harmonize qualifications and training standards across regions and in regional economic communities in particular.

11. Facilitate migrant and diaspora entrepreneurship and their establishment of SMEs

a) Provide comprehensive training and coaching to migrant/diaspora entrepreneurs in conception, organization, product/service development, legal registration, fiscal matters, start-up and management of enterprises.

b) Provide access to start-up cost financing for qualified migrant entrepreneurial initiatives.

c) Support migrant entrepreneur/employer participation in employer and business associations.

12. Re-frame the narrative on migration towards inclusive, rights-based, mobility-facilitating discourse, policy, practice and institutional behaviour.

Key points include:

- migration is people, with universal, inalienable human rights and dignity;

- international mobility/migration is structurally necessary for current and future economic viability and welfare worldwide;

- migration supports *integrated human development* in all societies and countries;
- migrant workers support and sustain economies and development worldwide;
- migration is about freedom of movement as well as the *right to remain* where people are.

13. Engage in development cooperation that supports jobs-rich approaches.

a) Ensure that development aid supports: *jobs rich* building up of industry, agriculture, and infrastructure; local, national and regional transformation of resources; local and regional production and consumption of goods, services, and knowledge; regional economic integration; and fair trade, especially of value-added local resources employing people within their own regions.

b) Prevent any linking of development aid to migration control policies and measures or to enhancing repressive capacities of control and policing institutions in recipient states.

14. Promote full implementation of free circulation regimes

a) Advocate political will by governments to implement and maintain free circulation of people.

b) Promote ratification of free movement protocols by regional community member States and their parliaments.

c) Promulgate national implementing legislation and regulations for free movement protocols.

d) Harmonize labour codes and recognition of qualifications across REC member countries.

e) Derogate legal, administrative and control measures that thwart labour circulation.

15. Consolidate migration policy and administrative responsibility, capacity and coordination by labour and social protection institutions:

a) Concentrate labour migration governance responsibilities in labour/employment ministries

b) Designate focal points or units in labour institutions on labour migration/mobility

c) Encourage engagement on migration by social partner organizations.

d) Training and capacity building for labour institutions and social partners.

e) Engage tripartite consultation and coordination at national, regional and continental levels.

16. Decriminalize migrants, refugees, and migration:

a) De-criminalize/non-criminalization of immigration law and infractions to it.

b) Non-detention/end detention of migrants for non-criminal offences.

c) Treatment of all minors according to the best interests of the child.

d) Repeal of generalized migrant/traveller identify control, surveillance and restriction measures.

e) Lift border controls and eliminate in-country travel/transport inspection-control posts within established areas of REC free circulation of persons.

17. End repression of solidarity with migrants and of migrants' rights defenders

a) Repeal any existing '*delit de solidarité*' legislation and prevent enactment if proposed.

b) Demand that social protection, human/social services and CSO solidarity reach all migrants and refugees without discrimination of any kind, including on basis of status.

c) Ensure that service organisations and other civil society entities concerned attend to all migrants and refugees without discrimination.

d) Offer legal and political advocacy for anyone prosecuted or persecuted for defence of migrants' human rights including labour rights and social protection.

18. Establish national –and local-- *policy frameworks on migration*, with “whole of government' consultation and “whole of society” participation including social partners and civil society:

a) Involve all concerned government ministries, agencies, and authorities as well as legislators/parliamentarians, social partners, civil society, and migrant organizations.

b) Address comprehensively concerns, issues, and challenges of international migration, including human rights, labour standards, and humanitarian protection responsibilities.

c) Ensure that policy and practice respond to short-, medium-, and long-term considerations of domestic economic and social development, demographic trends and labour and skills needs.

d) Insist that national and local policy on migration is rights-based and socially responsible in line with international normative standards.

e) Address development cooperation, public and private foreign investment, and migration consequences of arms and munitions exports and international military engagements.

f) Consider displacement consequences of global warming and mitigation approaches that protect rights and facilitate remaining in place or close to places of origin.

19. Support *welcoming migrants and refugees*' policy and practice by cities

a) Support city elaboration of values-based, inclusive *welcoming migrants and refugees*’ narrative, policy, administration and practice.

b) Advocate for city policy and practice that upholds and promotes inclusion, non-discrimination/equality of treatment and full participation of migrants and refugees.

c) Engage whole of city/urban government administration on formulating and implementing action on reception, settlement, inclusion and integration of migrants and refugees.

d) Promote involvement of local community associations, unions, employer and business groups, civil society organizations and migrant/refugee associations.

20. Obtain gender & age disaggregated data and knowledge on migration, including migrant characteristics, situations, and conditions.

a) Adopt and utilize international statistical standards for all migration and migrant data.

b) Account for all migrants intending to work, working, and/or having been engaged in the world of work, including in informal, unregistered, or unseen economic activity, self-employed, temporarily non-working, long term unemployed, etc.

c) Obtain data on employment, education and qualifications, health and health care, social protection, rights protection and discrimination, services, etc. re migrants, refugees and migration.

d) Establish data sharing and coordination among national institutions concerned.

e) Interface data with relevant international labour market and labour migration databases.

f) Provide competencies, training and appropriate data hardware and software to the institutions, agencies, and personnel responsible for data and knowledge.

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Patrick Taran

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