



# Migration & Development: A Matter of Seeking Justice



Half a decade since the 2008 financial crisis and the world economy has yet to recover. The impacts continue to be felt throughout the globe—with the marginalized and the poorest bearing the brunt of the fall. Aggressive neoliberal strategies are implemented supposedly to counter the raging side effects of crises, but none has yet shown positively that it can bring the world to genuine and sustainable pathways to development. With the nearing deadline for the Millennium Development Goals (MDGs) by 2015, various intergovernmental bodies and multilateral structures are eyeing the potential of migration as a strategic asset to contain the crisis and become a core component of the post-2015 development roadmap.

History teaches us that migration is the oldest human response to conditions of poverty and inequality. It is an important development issue as it brings to fore the oppressive conditions that force workers to leave their countries of birth in search of greener pasture elsewhere. However, predominant development policies view migration more as a demographic opportunity to maximize rather than a problem of social justice that needs to be addressed.

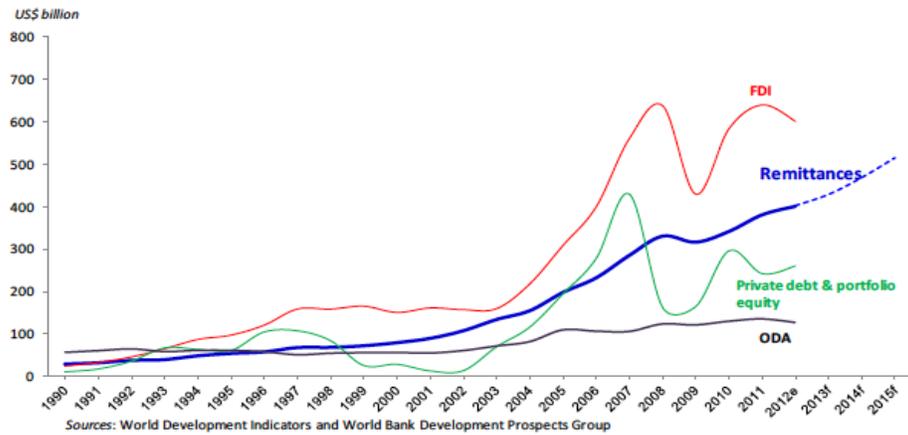
## I. OVERVIEW OF CURRENT MIGRATION PATTERNS

According to latest UN-DESA figures released just this September 2013, more than 232 million people, or about 3.2% of the global population, now live outside their countries of birth—a stark increase compared with 175 million migrants in 2000 and 154 million in 1990.<sup>1</sup> Some 48 percent

of international migrants are women, which makes them more vulnerable to multiple discriminations and precarious employments.<sup>2</sup>

In 2012, remittance inflows to developing countries are estimated to have reached \$401 billion, marking a 5.3% growth rate compared to the previous year. Top recipients of officially recorded remittance inflows include India (\$69 billion), China (\$60 billion), the Philippines (\$24 billion), and Mexico (\$23 billion). Other countries that received large remittance flows include Nigeria, Egypt, Bangladesh, Pakistan, Lebanon and Vietnam.

Despite the prolonged depression of recent years, remittances are still expected to rise by up to \$608 billion in 2014 or an average of 8.8% growth rate from 2013-2015 (about \$515 billion in 2015).

**Figure 1: Remittances and other resource flows to developing countries**

Remittances sent by migrant workers to their homelands far outperform official development assistance funds and is second only to foreign direct investments.<sup>3</sup> (See Figure 1.)

This increasing diaspora of workers from around the globe, coupled with the upsurge of remittance rates, is reflective of aggressive labor export policies implemented by sending countries in order to utilize remittance as a primary source of financial capital. The conditions that perpetuate labour migration are preserved by neoliberal instruments that drive the global process of restructuring production. The restructuring of production causes deindustrialization among developing countries, which among other adverse impacts, hinders them from sustainably generating enough jobs to accommodate their burgeoning workforce. The likely result is mass economic migration, often further fueled by other factors such as agricultural decline, environmental degradation, gross inequalities, and state neglect—all of which contribute to mass displacement and forcible migration.

Due to its enormous potential contributions to the world economy, migration is often touted as a motor for development. Nonetheless, the worsening conditions and human rights violations faced in the hosting countries by migrants have always been belittled. Despite various conventions and international agreements to protect the welfare of migrants and the right to freedom of movement, migrants continue to suffer the adverse consequences of a globalizing la-

bour force. This can be seen in the increasing number of cases of work-related abuse including slave-like conditions, abuse, racial profiling, trafficking and other violations of migrant rights that should be at the core of the global migration discourse.

## II. MIGRATION AS A CENTRAL ISSUE IN DEVELOPMENT

Labour mobility complements the restructuring of capital under the current social system. Three decades of neoliberal globalization have accumulated an oversupply of labour that is further enhanced by corporate strategies and government policies all of which aim to depress wages by all means possible. Labour exportation mechanisms have since then become hardwired to labour policies of sending countries that aim to tap into the vast potential of migrant remittances.

For the past three decades, countries of the global South have failed to generate sufficient jobs to absorb their fast growing labour force, and have failed to ensure decent wages and benefits to retain even their employed work force, leading to the disproportionate growth of a massive and globally deployable army of labour. The main flow of migrant labour has thus been from poor countries of the global South towards rich countries of the global North and even to other developing but labour-scarce countries. (See Box 1).

### A. Homegrown labour force as precious resource for national development

A well-developed local labour force is a primary factor for domestic self-sufficiency, capacity building, and comprehensive national development. Such a home-grown labour force is already socially and culturally fit to contribute to national development by virtue of language, basic education, cultural values, family and community ties, support systems, and so on. A local labour force will strike roots more quickly and profusely among the communities and sectors that ultimately comprise the many components of a national economy.

All the more is this absolute value of a local labour force further enhanced when the country harnesses its full potential by means of general and technical training, intellectual development and scientific knowhow, and cultural development that puts a high premium on patriotism, public service, and professionalism. When this valuable human resource is abruptly eroded by mass migration, it constitutes a traumatic and immeasurable loss to national development, and is not easily reversed. It is so precious a resource that it is often taken for granted until the sending country starts to feel the long-term impacts of distorted or thwarted development due to massive exportation of its labour force.

Individually, or even as communities, migrant workers and their families may find immediate relief to poverty and new economic opportunities in foreign employment. As an entire economy, the first tentative steps of sending workers abroad to ease the burden of domestic unemployment gradually spawns new lucrative services engaged in labour recruitment and deployment and remittance processing, which bring profit to specialized businesses and additional revenue to the government. More and more of the labour force are drawn in. It soon becomes a vicious cycle.

While migrant remittances can greatly improve the sending country's financial balance sheets, massive labor export deprives sending countries of skilled labour and professionals that they in fact urgently need, as developing countries, to expand domestic capacity not just for industrial and agricultural production but for other productive areas and services, including health, education, skills training, science and technology.

### Box 1. COMMON CAUSES OF MIGRATION

**Economic conditions:** Increasing inequality, joblessness, landlessness, and the growing gap in living standards and wages can force people to migrate in search for greener pasture elsewhere.

**Governance and public services:** Unbearable living conditions—through the lack of public assistance and other basic social services—can also serve as a powerful “push factor” for people to migrate.

**Conflict:** This is the most common factor that causes political displacements and the increase in refugee populations. Internal political, religious or ethnic conflicts result in the forced displacement of entire communities—often overflowing across national borders to seek safe sanctuary.

**Environmental degradation:** Mass migrations can occur as a result of disasters such as earthquakes, floods, coastal erosion, and droughts.

**Government policies and demographic imbalances:** A sharp increase in life expectancy coupled with decreasing fertility can warrant a tipping demand for labour forces outside the region, which then becomes a strong “pull factor.” To address the shortage of manpower, governments implement incentives for migration to attract foreign workers.

**Cultural “pull factors” and transnational networks:** Existing networks based in destination countries largely facilitate legal migration flows towards industrialized regions of the world.

**Finally, all and any of these factors** are enhanced by neoliberal restructuring including labour flexibilisation resulting in the expansion of labour recruitment offices in sending and host countries and creation of temporary contract workers.

The increasing exodus of labour weakens domestic economic foundations. Governments of sending countries in turn become reliant on remittance inflows, not to husband these hard-earned incomes carefully to fuel domestic production, but to engage in more of the same unsustainable strategies that may artificially improve GDP but do not provide long-term solutions to non-industrialization, agricultural decline, chronic poverty, unemployment, and others.

### B. Labour export as development strategy: myth and reality

Arguments favouring the use of migration for development can be classified into two themes: 1) migrant remittances can stimulate beneficial economic activities from the individual recipient household to macro-

economic levels through increased private consumption, enhancement of human capital, and other forms of multiplier effects on the economy and investment grades; and 2) knowledge and skills transfer upon return of migrants to their homelands will benefit the domestic economy.

However, these arguments fail to recognize the context in which migration exists today: that most labour-exporting countries cannot translate these two advantages (granting that these do present themselves as advantages) into sustainable domestic development because the developing countries are trapped in a neoliberal development strategy which cannot be sustained but entangles them in global crises, and is ultimately detrimental to their peoples.

While remittances spur private consumption and enhance human capital development, country-level economic and structural weaknesses make it difficult to sustain and multiply these benefits. Even with migrants bringing back new knowledge and skills from abroad, suitable conditions may be lacking for these skills to be harnessed for domestic development. IFAD estimates that a migrant worker sends an average of \$1,200 annually.<sup>4</sup> Assuming that this amount is enough for a migrant worker's children to finish college, it merely replicates the same basic condition of many new college graduates competing for jobs that get scarcer every year.

Various intergovernmental meetings have agreed to decrease remittance costs in half by the year 2014, with expectations that decreasing the current 10% transmission charges to 5% will ensure a \$15 billion increase in global remittances.<sup>5</sup> The potentially enormous financial gain in bigger remittances, is seen as a sound development strategy. But lubricating remittance flows merely implies the further systematization of labour exportation and the availability of more money in circulation.

The ADB acknowledges that the so-called resilience of migrant remittances, or even their "altruistic" tendency (with marked increases during times of crises and disasters back home) does not necessarily imply favourable income and working conditions for migrant workers. In fact, the same ADB re-

port suggests that this supposed resilience comes from migrant workers' willingness "to do the 3D jobs—dirty, dangerous, or demeaning (or demanding or difficult)—that many locals refuse to do."<sup>6</sup> Thus, migrant workers are less susceptible to layoffs and are able to keep their jobs regardless of the country's economic situation.

The structural flaw at the core of labour export as a development strategy is that it remains premised and heavily dependent on the policies and mechanisms of neoliberal globalization. Labour, in this context, is merely viewed as just one among a number of production factors that must be allowed to freely flow—like capital, like goods and services as trade items, like information—to where it can best play its role. To hope that remittances and new skills flowing back home will somehow fuel domestic development is actually not very different from expecting the same result by exporting timber, minerals, and other quickly-depleted natural resources.

### **C. Social implications and impacts**

The social implications and impacts of labor migration have been extensively documented at the national level in selected sending countries, but a lot more needs to be done to see the bigger picture among developing countries in general. Here we can only restate the most significant ones:

Labor migration, which creates reliance on increased inflow of remittances from working abroad, does stimulate household consumption—a condition that should spur domestic growth in a general sense but in reality is restricted to specific areas such as household construction, education, tourism, and retail trade. There is much anecdotal evidence that shows how returning migrant workers tend to distort local consumption patterns, which in turn trigger inflation.

Labour migration and the resulting remittances also tend to increase or enhance local inequalities between recipient and non-recipient households. "Migrant networks" have been observed to somehow offset these gaps, as successful migrants help their poor relatives and neighbors to also land jobs abroad. But this only shifts the inequali-

ties at higher levels.

Labour migration introduces many labour market distortions, including bizarre situations in which there is an oversupply of nurses but many rural clinics are understaffed, or in which doctors are obliged to retrain and be deployed as nurses because of bigger demand and quicker returns, or in which farms have become idle because many rural people are lining up to work abroad or have sold their land to send a family member abroad. Labour migration also introduces many distortions in educational priorities, as state and private colleges and universities respond to the ever-fluctuating market demand for exportable graduates.

Overreliance on remittance can lead to a case of economic complacency as well as a projection of economic growth while a significant number of citizens suffer from joblessness or underemployment. Cross-country analysis suggests that remittances are directly related to income inequality in Africa and Latin America. Similar findings of disproportionate development are also evident in Mexico, Egypt and other regions that heavily rely on migrant remittances as a source of financial capital.<sup>7</sup>

In the long run, remittances as a potentially productive resource are dissipated because of structural weaknesses in the countries of origin, including lack of access to productive land and lack of government support for small-scale enterprises and cooperatives.

A massive and long-term labour export program also creates or aggravates disintegrative factors affecting basic units of society such as families and village life. Families are abruptly forced to undergo changes in structure, roles and parental processes, leading to a wide range of psychosocial impacts that have yet to be fully understood and addressed.

### III. UPHOLDING MIGRANT RIGHTS AND THE RIGHT TO DEVELOPMENT

The current state of migration underscores the more basic structural issues of underdevelopment and inequality. Placing migration in the post-2015 development agenda requires an alternative paradigm that opposes

the further systematization of labor export programs and that locates human rights at the center of the global migration discourse.

#### A. Protect migrant rights

The tendency of policy discourse on migration to focus on purely economic parameters such as remittance flows must not detract from the main focus, which should be on the rights and welfare of migrant workers as well as their families. We must not tire of restating and elaborating the broad gamut of migrants' rights, and of reminding policy-makers of their responsibility to ensure at all levels that these rights are protected. Globally, the most encompassing international law on migrants' rights is the *International Convention of the Rights of All Migrant Workers and Members of their Families*, enforced on July 1, 2003 and ratified by more than 20 states. The convention presents some of the most basic rights of migrant workers abroad including but not limited to: right to protection from compulsory labour, slavery or servitude; right to fair and adequate compensation; and rights of migrants in distress, detention or imprisonment.

In addition, the International Labour Organization has issued a big number of instruments that apply to migrant labour, protecting them from conditions of servitude, forced labour, and discrimination, and upholding their right to freedom of association.<sup>9</sup>

**Enforcement of international law on migrant rights.** A comprehensive migration policy must have at its core the protection of the full extent and range of migrant rights. Countries must act, if they have not done so yet, to bind their governments to observe various conventions and international agreements on the rights of migrants and the welfare of their families, and especially for countries of origin, transit and destination to respect all human rights of migrants wherever they may be.

**Implement labour standards.** In particular, legal actions must be enforced through the full and strict implementation of UN and ILO conventions and instruments that ensure strict labour standards for migrant workers,

## **Box 2. RIGHTS OF MAJOR CONCERN TO MIGRANTS <sup>8</sup>**

### **Right to non-discrimination and equality**

**before the law:** is a protective right for migrants against discrimination and exclusion based on race, colour, sex, religion, political opinion, national extraction or social origin. It also entails the right of all persons to be treated equally within juridical processes.

**Right to work:** in the case of migrants, the right to work is a guarantee of employment opportunity regardless of nationality, ethnicity, religion or gender.

**Right to social security:** recognizes migrants' right to assistance whenever suffering from illness, disability, maternity, employment injury, unemployment or old age.

**Right to freedom of movement:** is a universal right that gives individuals the liberty to travel and seek employment in any country so long as the rights of others are not violated in the process.

**Right to the highest standard of physical and mental health:** or simply the right to health is an inclusive entitlement that allows migrants to enjoy the full extent of a healthy environment including access to potable water, sanitation, reproductive health, health-related education, and healthy occupational conditions.

both for sending and receiving countries.

**Empower migrant workers.** All migrant workers must be allowed to participate in organized collective action, which is essential in protecting migrant rights. Otherwise, institutional and economic pressures can more easily distort legal measures and protective mechanisms on migrant rights, as well as drive a wedge between organized native labour and unorganized migrant work force.

**Establish cooperation.** To further ensure that migrant workers enjoy the full extent of their rights, cooperative arrangements must be developed between sending and receiving countries and their relevant agencies, including open lines of communication accessible to the migrants and their organizations so they can participate in policy

making, planning, monitoring, dispute and complaints settlement.

**Reform labour export policies.** Country-level policies and programs on labour export must be consistent with UN and ILO conventions on labour and migration, especially to combat the prevalent types of abuses against applicant, in-transit, and actually deployed migrants. Governments must also establish institutional mechanisms, including those that maximize the participation of migrant organisations and civil society, to regulate and monitor the business operations of labour recruitment and deployment agencies and related services.

## **B. Pursue peoples' right to development**

On a still broader front, we must relate migrant rights to the right of nations and peoples to development. Migration, by itself certainly not a regressive phenomenon, must nonetheless be detached from its neo-liberal moorings and find anew its proper place within each country's need—each country's right—to genuine and sustainable development.

In that context, we must repeatedly recall the painful history of colonialism: how, in the last 500 years, a few powerful Western countries used their armies and navies, their corporations and bureaucracies, to seize control and manage the plunder of vast territories of native peoples in Asia, Africa, Latin America and Oceania. This is most relevant to labor migration, because the same forces of colonialism that blocked the subjugated peoples from pursuing their own paths of development, also uprooted self-sufficient communities, disrupted indigenous patterns, and triggered mass migrations of impoverished peoples—first to cities, then overseas. It is no accident that cheap and abundant Asian coolie labor was soon seen everywhere, from the railroads, mines and plantations of the U.S. west, to British, French, and Dutch ships and ports. The big difference is that now labor export is more systematic, globalized, and market-driven.

The lesson is that the right to development (RTD) of peoples has central relevance to the issue of migration, and must provide the

lynchpin for placing migration policy in the context of rights-based development.

While RTD runs through most UN declarations and conventions, explicitly or implicitly, it is most comprehensively summed up in the Declaration of the Right of Development, adopted by the UN General Assembly on December 4, 1986. The Declaration aptly sums up the many dimensions and components of RTD, which it defines as “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

The Declaration acknowledges that development is hindered by “colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war,” which result in massive and flagrant violations of the human rights of peoples and individuals.

The Declaration unambiguously treats RTD as a human right in the individual personal sense, stating that the “human person is the central subject of development and should be the active participant and beneficiary of the right to development.” At the same time, it also expands the right to a collective one exercised by communities and by states, which “have the right and the duty to formulate appropriate national development policies,” and which “have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.”

Using the right to development as the core principle, government and multilateral planners and policymakers must consider the following framework proposals:

### **Place migration in the wider context of sustainable development**

Especially in developing countries, the state (as one of its major roles) must pursue development strategies that are capable of

managing migration to become just one of many options available to its people rather than a necessity or forced option because of limited economic choices. Developing country governments can prevent this type of forced migration by removing the very conditions that drive it.

This question goes into the heart of the nexus between migration and development: To eradicate forced migration, a developing country must launch into a path of sustainable development that can provide its people not just with enough jobs and livelihood opportunities, not just with enough income and social benefits, but underlying that, an entirely new way of viewing the role of its labor force in uplifting the whole country from the shackles of age-old underdevelopment, poverty, and inequality.

While a government has to allow its people the option to seek better pastures abroad through migration, its policy must not take the form of systematic labour export that treat workers as cheap commodities. It must not rely on migrant remittances as an alternative development fund or as a milking cow for government revenue. Labour export policies must be replaced by a rights-based approach to migration. Sending countries must provide free migration services and information, regulate recruitment agencies, and strike a balance between allowing migration as a free choice and providing adequate protection for migrant workers.<sup>10</sup>

It is also important to provide appropriate support and recognition for professional development through education and skills training to prevent further exodus of skilled workers. Institutional mechanisms that provide free and accessible skills training and continuing education must be established to satisfy the people’s natural drive to raise their capacities.

The responsibility of ensuring the rights and welfare of migrant workers mainly rests with the states of both sending and receiving countries, even as the private sector, multi-state bodies and civil society must play their own well-defined roles.

Multi-state bodies must continue to assist states in developing international instru-

ments and standards on migrants' rights and welfare, with due emphasis on addressing migrant problems that cut across borders, including human trafficking, racial discrimination, and displacement due to social unrest or armed conflict.

### Allow democratic participation

Civil society organizations, on the other hand, must develop their migrant constituencies, maximize their roles as independent actors in the national and international arena, and engage with processes involving states and multi-state bodies to ensure full representation and participation of migrants in decisions that affect them.

The current global decision-making body directly responsible for migration policymaking provides very little space for civil society participation. It is the primary task of multilateral processes such as the UN HLD as well as the Global Forum on Migration and Development (GFMD) to provide an inclusive space to take into account the various stakeholders affected by policies agreed upon by intergovernmental institutions.

Policy outputs must be made accessible to public scrutiny and CSO negotiations. From preparatory discussions up to the actual official meetings, civil society voices and recommendations of other stakeholders must be heard and seriously considered in order to realize a truly democratic process that respects the rights of migrants.

### Uphold the Development Justice Agenda

A growing array of civil society organizations including IBON International have been engaged in the process of defining the post-2015 development agenda, and have recently raised the call for a truly transformative development agenda framed by the key concept of development justice.<sup>11</sup>

Calling for the right to development will remain a hollow catchword unless we also address the injustices that have prevented whole countries from claiming this right. Development justice provides a framework that considers people as the agents of change, that recognizes past injustices especially to developing countries and to their impover-

ished peoples, and that aims to substantively address the structural problems underlying these injustices.

Framed by the call for development justice, a growing number of CSOs have also been pushing for a campaign for people's goals that will more sharply address the key areas where the MDGs have fallen short or which they fail to address. The People's Goals as currently articulated contain ten major goals that represent concrete commitments and attainable objectives towards substantially addressing the issues of human rights, poverty and inequality, food sovereignty, full employment and decent work, universal social protection, gender justice, climate justice, new international architecture for economic cooperation, democracy and governance, and peace and security. All these, especially the first six, are of core relevance to migration and migrants' rights. 

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### NOTES

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