



Regional and Bilateral Approaches to Movement of Service Suppliers

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Turin International Symposium on Migration and Development

28 - 30 June 2006



IOM • OIM

Introduction – Conceptual Gap

- Mode 4 movement is a subset of a subset of a subset of migration – within temporary labour migration
- The concept of “service suppliers” is not relevant for migration managers
- Most temporary labour migration takes place outside the context of negotiated arrangements
 - i.e. unilateral approaches (i.e. entry quotas), irregular movements
- It is recognized that all would be better off with labour migration that is lawful, and agreed
- How do we get from here to there?
- Mode 4 is the only multilateral treaty addressed to facilitating the movement of people, but it is quite limited in its scope and coverage
- This presentation focuses on others means of managed temporary labour migration.

Regional Agreements – Formal and Informal

- Formal mechanisms of regional integration
 - Free movement of labour initiatives and obligations to cooperate in regional treaties
 - European Union, NAFTA, MERCOSUR
 - Complementary tools for migration management
- Informal mechanisms of regional cooperation
 - Regional Consultative Processes (RCPs)

Regional Trade Agreements (RTAs)

- Approach labour migration in a variety of ways
 - Some agreements cover mobility of people in general
 - Some address all skill levels and some address only certain skill levels
- RTAs are primarily about preferential trade and only incidentally about labour migration
- In most cases, RTAs do not override general migration legislation

Bilateral Labour Agreements (BLAs)

- Bilateral Labour Agreements formalize commitment
 - Regularize flows, create predictability, address needs and establish the conditions of employment/protect migrants
 - Benefit both countries of origin and countries of destination
 - Facilitate relationships between governments at the departmental, working level

How Regional Trade Agreements can inform Mode 4



- RTAs could provide templates for workable multilateral agreements
- RTAs could provide building blocks for future global trade agreements including Mode 4
- Some RTAs create special visa schemes or other types of managed entry
- Provide examples of what countries seeking market access can offer (e.g. commitment to verify qualifications, identity and criminal records of potential service providers)

Bilateral Labour Agreements - Perspectives

- Destination Country Perspective
 - Meet labour demand immediately and enhance regional integration
 - Reduce irregular migration
 - Strengthen ties between countries with historical linkage
- Country of Origin Perspective
 - Provide increased access to foreign labour markets
 - Complement poverty reduction and national development goals
 - Provide basis for sustained remittances
 - Reintegration assistance for returnees

What Can be Learned from Bilateral Agreements?



- BLAs are more flexible than binding multilateral commitments and therefore often more attractive to migration managers
- Can provide examples of how to manage migration of temporary workers
- BLAs often employ measures to guarantee return
- BLAs establish obligations for the country of origin as well as the country of destination
- BLAs can facilitate the protection of migrant workers through measures taken by countries of origin and destination

Lessons from Regional and Bilateral Agreements



- Regional variance precludes broad based conclusions
- Countries seem to prefer bilateral and regional approaches to preserve flexibility
 - Even BLAs and RTAs may accomplish less than contemplated
 - Most labour flows still occur outside BLA and RTA frameworks
 - RTAs and BLAs cannot simply be expanded into global agreements