

Where's the Movement? Comparative Assessment of EU and US Migration and Trade Policies towards Latin America

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1. WHERE'S THE MOVEMENT?

Complex normative framework: which kind of obligation states prefer to comply with? Asymmetric process and non reciprocity

National framework will complement or oppose an harmonization process?

- National legislation often does not reflect or correspond to the laws of the regional trade agreements (RTAs). A major pending issue: the transposition of rules
- States continue to use unilateral measures and bilateral agreements

2. INTERNAL/EXTERNAL DIMENSION OF MIGRATION POLICIES

How can we make sure that domestic migratory policies are aligned to international framework?

- Political will and public support
- Institutional reform and better conditions of governance
- Financial and material resources

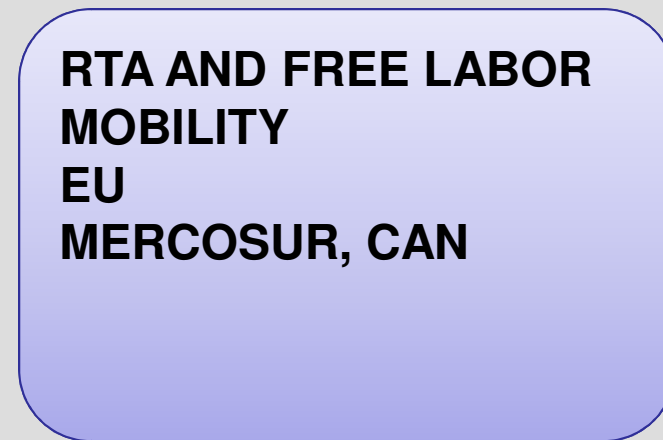
3. MIGRATION IN LATIN AMERICA - PERSPECTIVE

Several factors related to the political, economic and social situation had their share of influence + democratisation

Geographical and Cultural Proximity
Intra and Extra regional Migration

Which instruments are in place to manage labour mobility?
Objectives: highlight relevant provisions, stakeholders involved, protection issues implementation mechanisms.

4. MIGRATION AND TRADE POLICIES : HOW TO MAP DIFFERENT APPROACHES TO LABOR MOBILITY?



5. FREEDOM OF MOVEMENT OF WORKERS – REGIONAL APPROACH

Positive impact of MERCOSUR:

Agreement on residence for nationals of MERCOSUR states- Bolivia and Chile, 6 December 2002

- Balance of the rights between migrants (permanent or temporary) and nationals
 1. Right to perform any activities
 2. Right to enjoy the same rights
 3. Employment rights

Multilateral Agreement regarding Social Security (2005)

- No discrimination against social services and benefits
+ National laws (Argentina 2004, Brazil and Chile 2009)

6. BILATERAL APPROACH

Two models between GATS and NAFTA

US Bilaterals (NAFTA model) ≠ EU Bilaterals (GATS model)

NAFTA, US-CHILE FTA

- Limited to temporary entry
- 4 high-skilled categories
- Visas required
- General immigration requirements apply

Clear time frame

≠ inclusion of “development-friendly” provisions

7. CONCLUSION

“*Fair multilateralism*”. Need to build these agreements on common

PREMISES:

- Conceptual differences between trade in services and bilateral labour agreements must be resolved
- Protection and Safeguarding of human rights of migrants and members of their families must be incorporated systematically in all agreements
- Prevention of Exploitation within the private sector (control)
- All aspects of domestic regulation (transparency, good governance, regulatory requirements) are crucial for the functioning of a « balanced » market economy
- Mutual recognition agreements