

Migration in Latin America and the Caribbean: A view from the ICFTU/ORIT

Historically speaking, the migratory movements of the population of Latin America and the Caribbean have been closely related to the development of societies in these regions and, more specifically, to economic, social and political imbalances.

Iván González Alvarado

Human and Trade Union Rights Programme
Coordinator, ICFTU/ORIT

Hilda Sánchez

External consultant for the ICFTU/ORIT

Over the past few decades, migration flows have changed very significantly in terms of size, direction, general characteristics and their overall impact in countries of origin and host countries alike. The Economic Commission for Latin America and the Caribbean (ECLAC) has identified three major migration patterns in Latin America and the Caribbean:

- Historical immigration into Latin America from overseas between the mid-nineteenth and mid-twentieth centuries, with a strong European component.
- Intra-regional migration, favoured by socio-economic developments and structural factors, particularly during the period 1970-1990, which saw the highest rates of migration within Latin America.
- South-North migration flows, resulting in the loss of qualified workers in Latin America and the Caribbean, the emergence of immigrant communities, and the development of an economic potential associated with the remittances sent by migrants to their countries of origin. According to data published by the Inter-American Development Bank

(IDB, 2002), Latin America received close to US\$23 billion in revenue from migrant workers in 2001. This figure is equivalent to one-and-a-half times the amount of interest paid by Latin American countries to service their foreign debt in the past five years. It should be noted that most of this revenue originates from the poorest migrant workers and, in particular, from Latin Americans working in the United States (who account for 80 per cent of revenue) or in Europe, Japan and Canada (20 per cent of revenue).

Migration trends and their social and economic impact

Beginning in the mid-1970s and lasting well into the 1990s, two intertwined and overlapping processes also began to feature in the traditional migration flows of workers between countries in the region and especially between their border areas: first, the forced migration of large sections of the population as a result of violent conflicts and political conditions that put people's lives at risk and second, a marked increase in migration to countries outside the region, mainly the United States.

This trend continued until peace processes took effect in the region (Nicaragua in 1990, El Salvador in 1992 and Guatemala in 1996). During the 1980s the number of refugees and displaced persons worryingly reached approximately 2 million (IOM, *Migrations in Central America. Proceso-Puebla and Hurricane Mitch*, 1999). The re-establishment of peace and the strengthening of democratic processes led to large numbers of displaced persons and refugees returning to their countries of origin.

To some extent, Mexico is a special case because of the presence – for over a century now – of large numbers of Mexican nationals in the United States. Current estimates put the number of Hispanics living in the United States at over 31.7 million (or 11.7 per cent of the total population of the United States), including more than 20 million people of Mexican origin. Some 64 per cent of the 18 million Latinos in the United States are Mexican. According to the IDB, Mexico was the main recipient of remittances from migrant workers, with US\$9.3 billion, an amount roughly equivalent to twice the value of its agricultural exports or two-thirds of its crude oil exports, and equal to Mexico's total revenue from tourism.

In the countries of the Andean region, cross-border migration (i.e. the movements of workers between countries in the same region) historically followed a fairly regular pattern: Colombian workers flowed into Venezuela and Ecuador, Ecuadorians and Peruvians into Venezuela, and Bolivians into Argentina. Thus, for example, Colombian labourers worked in Venezuela's sugarcane and coffee plantations and in Ecuador's banana and flower plantations, Colombian women went to Venezuela to find employment as domestic workers, and Bolivian and Peruvian textile and agricultural workers were common in Argentina. These patterns began to change with the onset of the Latin American economic crisis in the 1980s. Faced with the deterioration of economic conditions in the host countries, increasing numbers of migrant workers began to return to their countries of origin. The 1990s were characterized

by extra-regional migration towards the United States and a few European countries, mainly Spain. This trend still continues today.

In the Southern Cone region, migration was also largely confined to intra-regional flows until the mid-1980s: Brazilians, Paraguayans and Uruguayans went to Argentina, Paraguayans to Brazil, and Peruvians and Bolivians to Chile. While differences existed in the degree of attractiveness of each country, these migration flows had in common the fact that they met the employment needs of unskilled or semiskilled labour.

Economic recession reversed the pattern of migration in the Southern Cone. Many Argentinians who had been forced to leave their own country as refugees and/or political asylum seekers during the dictatorship, were unable to find a job in Argentina when they returned there after the re-establishment of democracy. As a result of successive economic crises, Argentina went from being a receiving country to a sending one, albeit to other parts of the world, i.e. the United States and Europe. For its part Brazil, which has traditionally shown a low rate of economically motivated emigration, is now attracting manpower from other countries in the region within the framework of the MERCOSUR economic integration process. There is still a steady outflow of migrants from Paraguay and Uruguay, especially towards the larger MERCOSUR member countries and, to a lesser extent, towards the United States and Europe.

The gender dimension

Gender is a key dimension of international migration. In the American continent as a whole, according to ECLAC estimates, there has been a shift from predominantly female migration (in the 1970s and 1980s) to mainly male migration (thereafter). However, if we restrict our analysis to cross-border migration between Latin American countries, we can see that there is a strong trend towards "feminization".

The difference is explained by the increasing proportion of male workers in the stock of Latin American immigrants in the United States.

ECLAC highlights the fact that variations in the gender composition of current migration flows stems from the complementarity between the labour markets of the countries of origin and the host countries. The predominance of male workers among Mexican migrants to the United States or among Bolivian and Chilean migrants to Argentina is a result of the major demand for male workers in the agricultural and mining sectors in the receiving countries. Conversely, the stock of Colombian immigrants in Venezuela and of Paraguayan immigrants in Argentina is characterized by a female majority, and this can be explained by the fact that most immigrants from these countries work in the service sector, including domestic work. In Caribbean countries, the marginal predominance of women workers is associated with a large number of jobs in the tourism sector.

Workers, migrant workers and their rights

The harsh reality faced by migrant workers throughout human history has changed very little as regards the exercise of their fundamental rights. The difficulties and uncertainties faced by migrants when they leave their home countries (including a whole range of economic, cultural, psychological, linguistic and social aspects) are compounded by the risks associated with illegality – a common situation for many workers who arrive in a country as undocumented immigrants, particularly in countries where no clear policies exist to deal with this kind of workforce. As a result, immigrants often fall prey to unscrupulous government officials or employers who take advantage of these workers' illegal status to subject them to exploitative conditions.

According to the list of Conventions ratified by different countries (as pub-

lished by the 90th International Labour Conference on the basis of the information as at 31 December 2001), only 14 of the 34 countries that make up the American continent had ratified the Migration for Employment Convention (Revised), 1949 (No. 97). Of these 14, only one (Venezuela) had ratified the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). These two Conventions establish the general conditions, obligations and policies that member States must adopt with regard to migrant workers, particularly in order to guarantee their fundamental rights.

The International Convention on the Protection of Migrant Workers and Members of Their Families is another key international instrument in this area (see article by Patrick Taran on page 26). To date, 20 States have ratified the Convention, among them six countries in the American continent, specifically in Latin America and the Caribbean. Furthermore, in 1999 a Special Rapporteur on the Human Rights of Migrants was appointed by the Commission on Human Rights, initially for a three-year period, which has now been extended for a further three years. The Commission has also adopted a number of recommendations in this area.

Within the framework of the Organization of American States (OAS), the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights, when interpreted in their broadest sense, include the rights of migrant workers. Similarly, the Americas Summit System – whose technical secretariat is the responsibility of the OAS, ECLAC and the IDB – has recently included the issue of migrant workers in its agenda as part of the process leading to the establishment of the Free Trade Area of the Americas (FTAA).

Apart from the ratification and adoption of international legislation, the information available on the situation of migrant workers and the conditions in which they live and work, as well as on government policies in this area, is very scarce and fragmentary in most countries

of the region. However, while the problems faced by people who are forced to leave their countries to look for better living and working conditions are numerous and of many different kinds, most such problems have been highlighted by human rights organizations, other organizations dealing specifically with the welfare of migrant workers, trade unions and UN-sponsored international bodies such as the ILO and the Human Rights Commission.

The report drawn up on these issues by the Special Rapporteur of the OAS Inter-American Commission on Human Rights (CHR)¹ mentions several cases involving situations which reflected unawareness of the human rights of these workers. The report highlights a number of aspects, including the need to protect immigrants' right to work and to send remittances back home, the right of Mexican workers to due diligence and procedure in dealing with their legal status as immigrants in the United States, physical abuse by border patrols and reported cases of xenophobia in the United States, and the vulnerability of Guatemalan and other Central American workers to exploitative work practices and to unfair treatment because of their need to travel across Mexican territory.

The report also mentions the plight of Nicaraguans in Costa Rica (who are particularly vulnerable to exploitation because of their large numbers) and the fact that security forces on both sides of the Venezuela-Colombia border may react violently against immigrants because law-enforcement officers are not always able to distinguish them from common criminals. Furthermore, the report denounces the massive and summary expulsion of Haitians from the Dominican Republic. The situation of Haitian workers is characterized by many violations of human rights, ranging from dismal working and living conditions on the plantations to the massive and racially discriminatory expulsions suffered by these workers. The main concern in the Southern Cone is that of the precarious situation of Peruvian, Bolivian and Paraguayan workers in Argentina who are forced to work as illegal immigrants and

are therefore being ruthlessly exploited, as indicated in the CHR report.

In addition to those mentioned above, there are other problems which have become increasingly serious as a result of economic globalization. A recent study by the ILO Office in Lima (*La agenda laboral en la globalización: eficiencia económica con progreso social*, "The agenda of labour organizations in the context of globalization: Economic efficiency and social progress", by Daniel Martínez and Victor Tokman, 1999) focuses on the steady increase in the number of illegal immigrants. This is giving rise to two problems:

- Illegal immigrants swell the numbers of the excluded, either because they join the labour market in precarious conditions and without any protection, or because they have no guaranteed access to the basic social services provided by the State for all citizens. In some countries, too, there is the insecurity suffered by workers and their families as a result of being targeted by the police.
- Illegal immigrants join the labour market without benefiting from the labour laws of the country where they work and are generally forced to accept lower-than-average pay levels. To some extent, legal immigrants experience the same kind of exclusion as illegal ones.

Migration in the context of globalization

In its report *Globalization and Development* (2002), ECLAC underlines the fact that international migration was instrumental in integrating the economies of countries on both sides of the Atlantic until the First World War. After the Second World War migrant workers contributed to economic and social integration between the South and the North, especially in Europe and North America. In both periods the mobility of the labour force went hand in hand with the mobility of capital, whereas today international migration seems to have been excluded from the globalization process.

Workers who migrate from their countries are also subject to the rules that promote and favour the free movement of capital, goods and services as well as the integration of business companies. At the same time, however, those rules restrict both the movement of the labour force and the exercising of labour rights. In this context, “workers are production factors that are moved about rather than the subjects of protected rights”.² The prospect of globalization without human mobility raises questions about the ethical acceptability, political realism and economic effectiveness of such a process. It is also doubtful whether a global development strategy of this kind would be sustainable in the long term.

The ORIT outlook

The issue of migrant workers was incorporated institutionally into the ORIT’s strategic outlook by the 8th Congress (Toronto, April 1993), which adopted a specific resolution on the subject. The resolution started by expressing growing concern about the marked increase of migration in the Americas. It went on to note that most migrant workers left their countries because of recurrent economic crises or serious political conflicts, and that therefore the top priority for the international community was to help create situations where people were not forced to leave their family, their community or their country. Furthermore, the resolution highlighted the particularly difficult situation of seasonal agricultural workers or labourers.

Via the ICFTU, the resolution urged the international bodies, especially the United Nations High Commissioner for Refugees (UNHCR) to review the criteria for the recognition of foreigners’ refugee status in order to establish protective mechanisms for those who leave their countries fleeing from extreme hardship. The resolution stated that trade union education aimed at strengthening solidarity and identifying the real causes of the problems faced by migrant workers could contribute

to eliminating prejudices and finding solutions to existing problems. It called on national trade union confederations, including the ORIT’s affiliates as well as all sister confederations, to urge governments in the region to enact appropriate legislation to grant legal status to the migrant population and recognize these workers as a specific category under national labour legislation. Finally, it pressed for prompt ratification of all the relevant ILO Conventions and called for the full recognition of, and respect for, the human rights of migrant workers, including, in particular, freedom of association to enable migrants to organize in unions, and the right to social security.

Addressing migration issues in the context of NAFTA

More recently, ORIT’s approach to the issue of migration has focused primarily on the North American Free Trade Agreement (NAFTA) and, in particular, the latter’s impact on Mexico within the framework of a general analysis of the potential impact of the FTAA.

In its document *Alternative for the Americas* (2001), the Continental Social Alliance (CSA) – of which ORIT is a member – underlined the fact that large-scale migration by jobseekers is part of the (increasingly rapid) globalization process. Workers are being forced to migrate to join what is effectively a global labour market – a huge reserve of manpower that can be selectively recruited from any part of the world.

The problem arises when – as in the United States – migration policies are regarded as a means of “reconstructing” a country while at the same time deciding who should form part of it and who should not. In particular, migration policies are designed to attract a large number of qualified immigrants and to supply a plentiful, cheap and strictly controlled labour force to certain local industries (specifically agri-foodstuffs industries, canneries and packaging plants, and certain clothing and some service industries).

Furthermore, US legislation deals with illegal immigration in such a way as effectively to treat any undocumented worker as a criminal. This approach stems from the agreements reached between the United States and Mexico when NAFTA was first launched, based on the assumption that the treaty would by itself provide a long-term solution to the problem of Mexican migration, given that the development and availability of new and better jobs in workers' countries of origin is the only way of reducing migratory pressures in the long run. According to the US Government, the FTAA should follow a similar approach. This, however, contrasts markedly with the emphasis placed by the Santiago Summit on each sovereign state's right to devise and implement its own judicial provisions and its own migration policies, leading to the establishment of bilateral and multilateral agreements. Previously, both the Andean and MERCOSUR countries expressed similar positions, though these declarations were not followed by the creation of appropriate legal instruments.

In the meantime, as part of the ORIT trade union family, the AFL-CIO has conducted an evaluation of NAFTA with the help of non-governmental organizations (NGOs) in the United States, Canada and Mexico (*NAFTA seven years on: Its effects on workers in the three countries*, 2001). In this analysis, the migration variable is related to the net loss of jobs and the increasingly poorer quality of employment, specifically in the case of Mexico.

NAFTA has reversed the normal process of migration (from the countryside to towns) which typifies developing economies. Between 1991 and 1997 the size of the rural population increased slightly while at the same time living conditions in towns deteriorated.

Trade union activities in the MERCOSUR area

In the context of their activities in the social-policy bodies and labour organizations of MERCOSUR, trade unions in the Southern

Cone countries have identified migration as an issue of strategic importance. Accordingly, they have promoted the creation of an ad hoc committee within the framework of the ten-member Sub-Working Group on Employment, Industrial Relations and Social Security. The committee has been making progress on several fronts, including a survey to assess the situation in various areas, detailed consideration of the issue of legislation, a number of studies of the dynamics of the labour market with special emphasis on migration, and the creation of a body to provide information and training on migration issues.

Trade unions have also endorsed a Protocol on Social Security in MERCOSUR, which addresses the specific situation of intra-regional migrant workers. Furthermore, unions have recognized the importance of following up the work carried out in relation to the Services Protocol adopted in 1997, which covers the provision of services involving the physical presence of workers from other countries and the movement of individual service providers and professionals throughout MERCOSUR territory.

Trade union activities in the Andean region

Trade union organizations in the countries of this region are present in the bodies of the Andean Community of Nations (ACN) via the Andean Consultative Council on Labour Issues, which enables the unions to take part (jointly with the employers) in the debates and decision-making processes of the ACN. An issue frequently discussed within this body is the situation of migrant workers and their rights, as well as the search for compromises with and between governments in order to develop policies that will enable migrant workers to regularize their situation and enjoy the rights to which they are entitled.

The ACN governments recently adopted (July 2002) an Andean Charter for the Promotion and Protection of Human Rights, one section of which deals with the

Rights of Migrants and their Families, outlining the basic measures required to protect this category of migrant workers and the members of their families.

Final remarks

The situation of migrant workers and the conditions in which they live and work in Latin America and the Caribbean in the context of globalization and economic integration represent a major challenge for the trade union movement. The historical patterns of migration resulting from the search for better living standards and better employment opportunities have been largely superseded by changes in the dynamics of production and trade which are subjecting the Southern countries to mounting competitive pressures, forcing them to vie for a share of international markets governed by increasingly unfair rules.

Unemployment, poverty and social exclusion are the key factors underlying migration between countries in the Latin American and Caribbean region, and from this region to the North. Migrant workers are set to become the new poor in the receiving countries. This situation will not change unless our countries take positive steps to achieve a model of sustainable development which prioritizes the social dimension, education, health and adequate housing for all, as well as the creation of decent jobs, as key elements to counteract the negative aspects of migration.

In the meantime trade unions both in the North and the South must address a number of fundamental tasks, given that global economic interdependence makes cooperation between different countries and regions necessary to tackle the existing problems. Trade union organizations must help to achieve full recognition of migrant workers' rights in the receiving countries, strive to raise public awareness of migrant workers' valuable contribution to economic development, and combat abuses by closely monitoring companies and economic sectors that make use of immigrant labour.

In the sending countries, trade union organizations must monitor the conditions in which workers migrate, placing special emphasis on both the sending and the receiving country's responsibility to ensure that migrant workers are employed with the necessary degree of transparency, and that migrants are aware of their rights whatever country they are bound for. Another task which trade unions should not neglect concerns the obligations and commitments of ILO member States as regards the adoption and ratification of the specific Conventions and Recommendations on migrant workers and their rights, as well as the adoption of appropriate policies to achieve the goals set out in those Conventions and Recommendations.

Governments must ratify the existing instruments concerning migration, particularly the Convention on the Protection of Migrant Workers and Members of Their Families. Bilateral and regional cooperation between governments and international organizations should be strengthened to ensure fair treatment for migrant workers. An important aspect of this is the establishment of bi-national committees on migration and regional processes in the Americas. Furthermore, campaigns should be implemented to increase awareness of the risks associated with undocumented migration and to publicize the human rights of immigrants. It is also necessary to promote campaigns against xenophobia.

National and international attention should also focus on the responsibility of employers in receiving countries. Employers have a duty to comply with the legal provisions of the international Conventions and national laws which protect the rights of migrant workers. Eradicating reprehensible practices, such as taking advantage of migrant workers' illegal status to impose exploitative employment conditions, must be placed at the top of the agenda. Similarly, any association with criminal organizations involved in the trafficking of undocumented workers from other countries should be investigated and penalized as an unethical business practice.

Finally, all stakeholders in the world of labour should support the campaign for the ratification of the United Nations Convention on the Protection of Migrant Workers and Members of Their Families, and take advantage of the institutional opportunities offered by participation in regional integration bodies, such as NAFTA, MERCOSUR, the Central American Common Market and the Andean Community of Nations, to draw the attention of governments to the situation of migrant workers and to the need to protect their basic

rights. Steps should also be taken to press for all international commitments to be incorporated into national laws.

Notes

¹ Juan Mendez: *Report by the Special Rapporteur for Migrant Workers and their Families of the Inter-American Commission on Human Rights*, August 2001, <http://www.acnur.org>

² Lelio Marmora and María Cassarino: "La variable migratoria en el Mercosur" (The Migration Variable in Mercosur) in *IOM Review of International Migration in Latin America*, Vol. 17 (1999), No. 1, p. 4.
