



Connections for Development

Migrants' Rights, Double Citizenship and Circular Migration

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1.0 Introduction

This paper explores the concept of migration and development against the backdrop of this euro-Africa Civil society forum, with special reference to migrants' rights, dual citizenship, circular migration and their implications for Africa's development. This event comes at a time when global agendas are shifting fast while at the same time the future of the African continent in the global economy remains in the balance. The continent is still characterised by poverty, debt, unemployment, conflicts, emigration and the effects of less than successful international development policies.

However, my aim is not to conduct a lecture on the problems Africa faces in terms of its relationship with Europe and the rest of the world, but rather to place in context concerns about migrants' rights, double citizenship and circular migration from the perspective of one looking in from outside.

This event should endeavour to echo the voices of those Africans, western trade unions, civil society and other stakeholders who worry about Africa's future. It should attempt to debate emerging concerns that Africa appears to be on the brink of modern day colonisation by its northern "allies". It should pay attention to the growing "whispers" about the role of multinationals, China, the north, financial establishments and trade organisations' in the modern day scramble for Africa's natural resources.

There is growing scepticism about the willingness of the north to reduce poverty in Africa, and in some quarters there is a firm belief that African poverty is deliberately designed in London and Washington, transported through the World Bank, International Monetary Fund (IMF) and World Trade Organisation (WTO) policies and implemented through African governments with, generally, less than the requisite level of political will to question such damaging policies. While Africa remains in the grip of wars, increasing morbidity and mortality rates, drought, famine, disease and unrelenting poverty, the rest of the world only appears to be interested in how much can be reaped from the continent through unjustifiable trade regulations, which

often are contradictory to national regulations and implemented with no regard to the impact on the local communities. Below are some insights into why IMF, its sister institutions and northern governments are thought responsible for poverty and underdevelopment in Africa:

- **Economic Partnership Agreements (EPAs) between the EU and the African Caribbean and Pacific (ACP) states:** The draft EPAs have been circulated to all six EPAs regions by the EU and it has been noted that they are all almost identical and contain "... little development content but instead reflect the EU's interests and trade approaches. They fail to fulfil the development goals of the EPAs were supposed to meet"¹. Protesters across the world say the EPAs proposed by the EU would "destroy livelihoods and the environment and undermine future development and regional integration."
- **Structural Adjustment Policies (SAPs):** Originally introduced to guarantee "debt repayment", and "economic restructuring" only ended up causing a lot of unnecessary suffering and more poverty in Africa. It forced African countries to limit spending on health, education development, employment and concentrate on debt settlement and economics policies prescribed by IMF and co.
- **National Debt:** The general feeling is that African countries are in debt and poverty partly due to the policies of international institutions such as the IMF and the World Bank. Such heavy debts ensure that African countries open access to their natural resources under unfavourable terms, forcing them to compete in a dwindling export market, compel them to import more and respect northern "trade protectionism" by exporting a select few raw materials for northern industries while the north enjoys huge profits by adding value to the materials imported at almost zero cost. Whilst some African countries have had their debts cancelled², the benefits are not as obvious as one might expect. For example, debt cancellation results in a corresponding amount cut from the aid flows these countries

¹ Marc Maes of the Brussels-based NGO coalition 11.11.11.

² This only includes debts from the World Bank, IMF and African Development Bank, but not from the Inter-American Development Bank or any other multilateral agency.

were otherwise likely to receive³. Debt cancellation also comes with “strings attached”, and this typically means privatisation and liberalisation, misconceived policy measures that often harm poorer people and benefit international traders.

- **Privatisation Programmes:** In Tanzania, their water privatization plan was reportedly supported by the IMF, World Bank, and the British government and run by a British-German-Tanzanian conglomerate (City Water Services). However, the Tanzanian government cancelled the ten-year project on the grounds that it instead led to the deterioration of water supply in the targeted city; and
- Growing “resentment against private water monopolies” in South America, Africa, the Caribbean and Asia because most northern companies are accused of setting prices above what most poor people can afford.

It’s thus understandable why there is scepticism even about this Joint EU-Africa Strategy especially as all the problems that Africa associates with policies from the north still persist. More and more people are out of employment, more qualified people emigrate to look for opportunities elsewhere, diseases and conflicts are widespread.

Nonetheless, African governments themselves have to shoulder some of the blame for some of these negative outcomes, and we should ask ourselves what they, African institutions and civil society are doing to protect the future of their citizens, preserve their environments and ensure that foreign investment actually benefits the average African as much as it does those multinationals.

In view of this background, perhaps, the civil society forum is right to approach the migration and development nexus from the double citizenship, circular migration and the migrants’ rights dimension. This is because none of these underdevelopment issues can be objectively discussed in isolation of events in Africa. Unless we appreciate that international economic

³ Alex Wilks, European Network on Debt and Development, 20/06/2005: www.opendemocracy.net/globalization-summits/debt_2616.jsp

development policies have a direct impact on the need to migrate, it will be difficult to find appropriate, workable and fair solutions.

2.0 Migrants' Rights

The UN conventions on human rights set out a range of rules and regulations that are universally recognised benchmarks for the respect and protection of individual liberties. When these liberties are thought to be in jeopardy victims often seek protection from violence, persecution, abuse, inhumane and degrading treatment, and in such circumstances migration becomes a tangible alternative to the vulnerable. The UN conventions stipulate that when people migrate either temporarily or permanently to another country/geographical location, they still are owed a duty of care.

This is a scenario that has characterised most of Africa in the past few decades. Examples include, Rwanda, Angola, Somalia, Mozambique, Zimbabwe, Southern Sudan, Northern Uganda, Democratic Republic of Congo and most recently the Darfur region in western Sudan. Reports have shown the gross disregard for human dignity and life in those parts of Africa with increasing numbers of refugees and internally displaced persons on the move. Nonetheless, human rights abuses are not only typical of Africa, this calls for better measures and responses that protect migrants' rights regardless of their places of birth, colour, race, sex, age, social status or reasons for migrating.

Additionally, it seems that wherever they go, migrants are still prone to human rights abuses, from employers, authorities, traffickers and ill-informed host communities. Yet, the reality is that migrants (in their different capacities) do contribute significantly to the economies of their host countries.

While it can be acknowledged that laws (including human rights laws) are dynamic and often affected by prevailing circumstances, it's important to remember that human rights issues have very real repercussions on every individual's everyday life - migrants and natives of a given place alike.

Sadly, whilst receiving countries and employers are willing to capitalise on migrants' skills and labour, they are less interested in caring for them. It's usually the case that migrants who suffer abuse are the hardest people to reach, possibly because of fear of authorities, employers or sometimes due to a lack of understanding of their rights in a given environment. This raises the need for trade unions, government departments and civil society organisations to be more vigilant in:

- Raising awareness about working legally;
- Migrant workers' rights and/or rights at work;
- Promoting informed debate about the known exploitation and abuse of migrants by employers, etc and
- Sensitizing migrants about options available to them and how to improve their circumstances.

3.0 Double Citizenship in the Global Context

Double citizenship is an important but largely ignored element of the migration and development agenda. However, the discussions about migrants' rights above, put into perspective the issue of double citizenship. Double citizenship becomes even more instrumental when examined from global citizenship and globalisation perspectives, since it responds to the "modern and diverse" range of global debates. For example, it suggests a sense and idea of transnationalism, implies flexible movement of resources between countries and it respects the idea of national identity. This shows that a well managed double citizenship agenda could strengthen the ideals of global citizenship and may enable the circulation of skills, resources, capital, technology and ideas on a global scale.

As James Tully⁴, University of Victoria, once argued "... 'modern and diverse' citizenship share the idea that citizens are the subjects or bearers of rights and duties guaranteed by the rule of law, that is, by some... 'relations of governance'. " Then again, Tully says, those meanings still differ over applicable rights, duties and 'rule of law.' Perhaps, such divergence of views

⁴ James Tully, "The Meanings of Global Citizenship Conference, Liu Centre and Trudeau Foundation, UBC, September 9-10, 2005.

could explain why double citizenship still remains a grey area between nations.

Yet, it strengthens the concept of circulation, ensures that a citizen maintains their right to “a double presence and absence” between the person’s two countries at a given time. As a result, it is relevant for development because it overrides the restrictive mentality of “national identity” or a “singular belonging” and embraces free movement of capital, labour etc.

In addition, double citizenship, has the potential of boosting cultural integration, community cohesion, enabling migrants to enjoy better working conditions and the freedom to circulate between home, host and other countries. However, if differences over its meanings and importance in the global economy persist, those benefits may never be realized.

4.0 Circular Migration

Circulation Migration directly complements the essence of double citizenship as well as better respect of migrants’ rights. To some degree, theories of circular migration assume that “economically-driven” migration is a result of poverty as opposed to “forced migration” which stems from conflicts, persecution and natural calamities. This implies that circular migration aims to address the known causes of migration by mainstreaming the concept as a means of poverty reduction. This way, it gives due consideration to the “national and international” or “local and global” human mobility as a precursor of socio-economic development.

Steven Vertovec⁵, University of Oxford argues that, “... circular migration is also being advocated as a potential solution (at least in part) to a number of challenges surrounding contemporary migration.” He further questions “What are policy-makers suggesting, why now, and what should we bear in mind if circular migration is indeed to be the way forward in the global policy?”

⁵ Steven Vertovec, *Circular Migration: the way forward in global policy?*, International Migration Institute, University of Oxford, 2007.

Obviously there are no definite answers to Vertovec's question, except when we explore the positives and negatives of circular migration with the aim of suggesting strategies and frameworks that suits the needs of contemporary migrants.

We ought to remember that international migration on its own is not enough to generate socio-economic development; instead it should be nurtured, steered and underpinned by suitable policies. However, there is a danger by the mainstream of viewing circular migration only in terms of facilitating return, yet the term suggests the ability of migrants to rotate or "circulate".

Ali Mansoor, an editor with the World Bank commented, "... the current bilateral agreements for migration do not contain mechanisms to encourage circular or repeated migration. If it is costly for potential migrants to apply for a space on a temporary migration programme, they may well have an incentive to remain abroad for longer periods than they prefer."

Circular migration has the following advantages:

- It could present northern employers with the necessary work force in sectors for which they are unable to recruit home grown workers while respecting both the countries' laws and migrants' rights;
- It can reduce "illegal migration" and the threat of cruelty to migrants while giving them the incentive return home;
- It could also redress brain-drain in two ways: a) enable unemployed people from poor countries to migrate for "brain regeneration" purposes instead of remaining redundant in their home countries and b) encourage them to return home easily to resume family life or consider taking up other jobs there.

5.0 Envisioning Africa's Tomorrow: The way forward

There are disparate views about where Africa should be now and in the future. Who it should partner with? Who has Africa's best interests at heart? Does the African Diaspora have a role to play in their continent's development? There are still no conclusive answers to what the future will be. Compared with other continents, Africa still has the furthest distance to travel along the road to development.

However, there are things that Africa seems to be clear about, for example, the need for more jobs and enterprise as the most important means for development, for one. It is thought that the creation of new jobs would help the continent reverse the knock-on effects of the SAPs, privatisation and liberalisation policies, and unfavourable foreign investment. Better still, it would enable African economies to control the brain-drain by keeping newly qualified people in gainful employment.

As the African Union now constitutionally recognises its absent citizens (the Diaspora) as the 6th constituency under the Economic Social and Cultural Council of the African Union (ECOSOCC), the Diaspora should be facilitated to fully participate in Africa's development. Last but not least, dual citizenship and circular migration could be leveraged for better migration management and control measures, or to enable citizens' to exercise their rights to a double belonging between countries.