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Pursuing the capabilities approach within the migration–development nexus

Kerry Preibisch†, Warren Dodd and Yvonne Su

Department of Sociology and Anthropology, University of Guelph, Guelph, Ontario, Canada; Department of Population Medicine, University of Guelph, Guelph, Ontario, Canada; Department of Political Science, University of Guelph, Guelph, Ontario, Canada

ABSTRACT

The ‘migration–development nexus’ has become an established development mantra with debate surrounding the ability of migration to promote economic growth and reduce poverty. The optimism of this debate is paired with a push to control migration through the promotion of temporary migration programmes and initiatives considered to support the regular movement of migrants. This dominant paradigm has come under criticism, however, for overlooking the multidimensional costs of migration for migrants and their families. As evidence on the costs of migration gathers, debates within policy and scholarly arenas have turned to how to integrate human rights into migration and development initiatives. The discourse surrounding this debate largely draws on the capabilities approach, which sees expanding human capabilities as the central role of development. In this paper, we analyse the resulting discourse and implementation of this approach to demonstrate how this theoretical framework is utilised to conceptualise diverse outcomes for migrant worker rights within global governance priorities for managing migration. We argue that greater attention is needed in the application of the capabilities approach in order to resonate with policy-makers without compromising the integrity of the approach or separating migrants from their intrinsic human rights.

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Introduction

The pursuit to harness, maximise, and leverage the benefits of migration in order to promote economic growth and reduce poverty – the ‘migration–development nexus’ – is now an established development mantra (Nyberg-Sørensen, Van Hear, and Engberg-Pedersen 2002a; Faist 2008; Vammen and Brønden 2012). Much of the policy debate has centred on integrating migration into the development agenda (Adams and Page 2005; Ardittis and Laczko 2013) or, conversely, integrating development into the ways migration is addressed (OECD-UNDESA 2013). With the centrality of migration to global policy, the position and value of human rights within the migration–development nexus has also become a growing and contentious concern within policy and scholarship.
Some scholars suggest that rights are central to the development potential of migration (Böhning 2009; Basok and Piper 2012), while others propose that migrants may have to ‘trade off’ some of their economic and social rights for access to increased wages in high-income labour markets in order to advance their human development (Ruhs and Martin 2008; Ruhs 2013).

Over the past 15 years, numerous forums, reports, and initiatives have been created by national and multilateral organisations to highlight the potential positive linkages between migration and development (Gamlen 2014, 581). In 2006, the High-level Dialogue of the United Nations General Assembly on Migration and Development aimed ‘to identify appropriate ways and means to maximize [the] development benefits [of migration] and minimize its negative impacts’ (UNHCR 2006). From this dialogue, the Global Forum on Migration and Development was established to bring together states, international agencies, and civil society organisations to advance the cooperation on migration and development and develop practical and action-oriented outcomes.

At the same time, there is a push to manage, regulate, and control global migration flows. In 2005, the Global Commission on International Migration recommended that states and the private sector consider ‘introducing carefully designed temporary migration programmes (TMPs) as a means of addressing the economic needs of both countries of origin and destination’ (2005, 16). The proliferation of these programmes aligned with pressures within high-income states to infuse order within a context of rising economic-induced migration by largely undocumented labourers through targeted inflows. These programmes allow states to address xenophobic tensions among voting citizens in addition to concerns over the national security implications of irregular migration and human trafficking, money laundering, and terrorist funding (Castles 2006; Chi 2008; Datta 2009; Basok and Piper 2012). The proliferation of TMPs is championed as a means for destination states to control irregular flows, and is an issue that is increasingly addressed in collaboration with countries of origin (Plewa 2007). In particular, the safeguarding of the cross-border mobility of their citizens arguably allows countries of origin to benefit from the development impacts of remittances that temporary or circular migration enables (Plewa 2007; Chi 2008). However, the existence of power imbalances within these collaborations is questioned, as governments in migrant-origin countries are strongly encouraged by destination countries to manage their emigration flows in a more orderly manner.

More recently, focus on the potential for migration to contribute to economic development has been accompanied by increasing attention to protecting the human rights of migrant workers by a number of multilateral organisations and origin country governments. In particular, human rights were a key focus at the Global Forum for Migration and Development in 2010 on ‘shared prosperity, shared responsibility’ (Basok and Piper 2012; Vammen and Brønden 2012). In addition, the subsequent High-level Dialogue on International Migration and Development in 2013 focused specifically on human rights and the integration of rights, migration, and development in a comprehensive fashion (UN 2013). While remittances are still considered to have the potential to fuel economic growth in countries, and migrant workers are seen as effective ‘agents of development’, it is also acknowledged that these gains often come at the cost of migrants’ social and economic rights, including the right to mobility.
The tensions between the protection of migrant economic and social rights and the management of migration flows continue to play out within contemporary global development targets. Under the Sustainable Development Goals, target 8.8 appeals for the ‘[protection of] labour rights and [promotion of] safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment’. However, target 10.7 urges the ‘[facilitation of] orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies’ (United Nations Department of Economic and Social Affairs 2015). Under this framing, mobility is simultaneously connected to the control of prospective destination countries and upheld as a human right. However, there is little consideration of whether migration control and migrant rights are compatible or can be equally valued within destination countries.

In this paper, we interrogate the ways in which the language of rights and capabilities is currently grafted onto the migration and development debate. We view human rights as a global, multidimensional, and indivisible, normative framework that not only details the entitlements of all individuals, but also the obligations of states to guarantee these entitlements for everyone within their boundaries. Similarly, the concept of capabilities is used to exhibit the ability of individuals to achieve the outcomes they desire for themselves and their families. We demonstrate how these theoretical concepts are used to tie migration and development together and to also conceptualise diverse outcomes for migrant workers in terms of their development and rights. Under the dominant paradigm, both the capabilities and human development approaches are used to emphasise the agency and potential of migrants to contribute to their own economic growth and poverty alleviation in addition to that of their families, communities, and countries of origin. However, critics of this perspective argue that this paradigm pays little attention to possible rights violations to achieve these ends. Pragmatic approaches recognise the trade-off between rights and development that migrant workers face, and highlight the inherent conflicts that are considered to be a part of any application of the capabilities and the human development approaches.

We begin by tracing the history of the capabilities approach and highlight different facets of this theoretical framework that are of particular importance to, and commonly integrated into, discussion surrounding the migration–development nexus. Then, we map out the contours of the debate on migration and development within policy, making particular reference to places where the capabilities approach has been applied. Next, in light of the proliferation of TMPs, we examine pragmatic approaches that focus on the trade-off that migrant workers experience between their rights and development. While recognising the barriers to protecting the rights of migrant workers at the national and multilateral level, we argue that greater attention is needed in the application of the capabilities approach within the global governance of migration in order to promote a more coherent debate among scholars concerning the value and position of migrant worker rights. We argue that this implementation requires accountability to the origins of the capabilities approach, as well as transparency with respect to how it is applied, and consideration for what this tangibly means for migrant worker rights and state obligations.
An overview of the capabilities approach

Amartya Sen conceptualised of the capabilities approach to challenge the narrow utilitarianism that had dominated economics and to refute the tendency to conceive of poverty and inequality in terms of the income that households command or the commodities they possess. The approach began with asking the questions: ‘What are people actually able to do and to be? [and] What real opportunities are available to them?’ (Nussbaum 2011, x). As a result, the capabilities approach has ‘resituated human beings, and their wellbeing, as the end concerns of economic and social processes … founded on the intrinsic dignity of human freedom and people’s ability to be subjects of their own lives’ (Deneulin and McGregor 2010, 514).

One of the central aims of this theoretical framework is to better conceptualise human rights, social justice, freedom, power, and equality and how these ideas can be galvanised in the construction of a human development paradigm. In particular, the concept of capabilities is used to demonstrate the ability of individuals to achieve meaningful outcomes for themselves and their families. For Sen, the range of human capabilities is diverse and varies from elementary freedoms as being free from hunger to complex abilities as achieving self-respect (Sen 1989). For these reasons, protecting and enhancing individual and household capabilities has significant theoretical and policy implications for contemporary debates surrounding the connections between human rights and development within the migration–development nexus.

A key collaborator of Sen, Martha Nussbaum (1997), issued a version of the capabilities approach that departs from Sen in proposing a set of 10 basic entitlements that are required for all people to live a meaningful life.1 Her work extends the capabilities approach, originally designed for the community level, to a global stage (Gasper and Truong 2010). Nussbaum’s specific contribution lies not only in establishing the prerequisites for what living a life of dignity might look like, but also in proposing how to integrate these basic entitlements in policy and practice. According to Nussbaum (1997), pursuing global justice from the capabilities approach requires that international co-operation envisaged as a contract for mutual advantage is jettisoned in order to prioritise the achievement of basic entitlements for all human beings. This understanding of social co-operation focuses on fellowship grounded in a shared principle of a world in which all persons enjoy the minimum of what is required to live a dignified life. Thus, the capabilities approach is closely allied with a rights-based perspective (Nussbaum 1997, 276; Sen 2005, 153).

Like capabilities, human rights are multidimensional and go beyond political and civil liberties to include social and economic entitlements. Additionally, human rights are indivisible and global, and regardless of mobility, individuals cannot be separated from their intrinsic human rights. However, Sen (2005) is clear to differentiate between human rights and capabilities and argues that ‘the freedom to have any particular thing can be substantially distinguished from actually having that thing’ (155, emphasis in the original). While Sen and Nussbaum often include rights in their discussion of capabilities, they also make important distinctions between rights and capabilities to recognise the limitations of rights. The existing provisions in various international human rights declarations and conventions effectively tie rights to states, making states the guarantor of rights. In contrast, capabilities are theorised as tied to individual choice and agency, transcending the
distinction between state action and inaction in the implementation of rights. Yet, structural conditions shape capabilities and their exercise. Thus, securing capabilities for individuals, households, and communities may require state involvement to provide the political, economic, and material resources necessary to fully realise these capabilities (Briones 2011, 137; de Haas 2014).

The capabilities approach has significantly informed subsequent development paradigms including the human development approach that has been widely adopted in development studies and practice, including the migration–development nexus. Nussbaum (2011) distinguishes between the two approaches, arguing that the human development approach does not use the capabilities approach as a basis for normative political theory. Instead, under the human development approach, capabilities are used as a comparative measure, excluding some aspects of Sen’s formulation despite his major intellectual role in framing them (Nussbaum 2011, 17). For Nussbaum (2011), the human development approach ‘aim[s] to package comparative information in such a way as to reorient the development and policy debate, rather than to advance a systematic economic or political theory’ (17). This apparent reorientation of human development has attracted scholars and policy-makers who have co-opted the discourse of the capabilities and human development approaches while only applying select tenets of each or both to the migration–development nexus. Although there is broad-based support for both of these theoretical frameworks to inform international and national migration policy agendas, we argue that this acceptance is commonly predicated on a partial application of the capabilities approach.

The capabilities approach constitutes the core principles of the human development framework; however, the two differ in their view and acceptance of neoliberalism. While Sen is opposed to neoliberalism because of its failure to prioritise rights, freedoms, and human agency (Sen and Williams 1982), the human development approach implicitly accepts a neoliberal development paradigm (Saith 2006). Saith (2006) argues that both the human development approach and the related Millennium Development Goals have limited their policy alternatives to interventions that are compatible with the neoliberal policy template. Moreover, he contends ‘despite all the talk about pro-poor growth, there has been very little audible out-of-the-neoliberal-box thinking or argumentation on the offer from the UN family of agencies’ (2006, 1179). While the human development approach can be used to argue against neoliberalism, this theoretical framework, as it has been taken up at the multilateral level, leaves the neoliberal orientation of the global economy unopposed.

The debate on migration and development

The contemporary debate surrounding the migration–development nexus and the development potential of migration is often framed in terms of contrasting optimistic and pessimistic views (Spaan, van Naerssen, and Hillmann 2005; Faist 2008; de Haas 2012; Gamlen 2014). In the following section, we highlight the tensions between the dominant paradigm for global migration governance, which is aligned with the optimistic view, and its critics. As we demonstrate, the dominant paradigm positions migration as a tool for economic growth, poverty alleviation, and multidimensional human development. However, critics contend that this emphasis on individual economic decisions obscures the
structural realities of the global political economy, including growing inequality between
countries and within communities, development failures, and poor governance (Binford
2003; Chi 2008; de Haas 2008; Castles 2010; Delgado Wise, Márquez Covarrubias, and
Puentes 2013; Rother 2013).

The rise of remittances as a principal capital flow into the global South has fostered
optimism that they represent a new and critical means of economic growth. Indeed,
migrants’ financial transfers arguably surpass overseas development assistance (ODA)
in many regions of the global South. Apart from their purported growing volume, remit-
tances are considered to represent a much more stable and resilient financial flow than
those from ODA, private debt and equity, and foreign direct investment (Kapur 2004;
World Bank 2011). They may also be counter-cyclical relative to the remittance-receiving
economy, as they tend to rise in periods of a downturn in activity resulting from an econ-
omic shock, natural disaster, or political conflict, as migrants send more funds to support
their households in times of crisis (Ratha 2007). At the community and household level,
the evidence that migrants and their families generally consume and invest remittances in
their home communities is also considered to affect poverty and boost local development
through indirect multiplier and macroeconomic effects (de Haas 2005; Ratha 2007;
Böhning 2009; Datta 2009; Portes 2009).

In addition, the broad appeal of remittances as a tool for poverty alleviation stems from
their ability to circumvent traditional top-down bilateral and multilateral development aid
channels to reach migrant families directly (Ratha 2003; Adams and Page 2005; Hernan-
dez and Coutin 2006; Datta 2009). Moreover, remittances are lauded for their capacity to
‘bank the unbanked’. Through mobile services that have significantly reduced transaction
costs, millions of people with limited access to traditional bank services are now connected
to the formal financial sector (Goldring 2004; Vammen and Brønden 2012). The enthu-
siasm surrounding remittances has prompted grand pronouncements from World Bank
economists such as Branko Milanovic, who argues that ‘migration is probably the most
powerful tool for reducing global poverty and inequality’ (2011, 1).

However, critics argue that the dominant paradigm’s focus on financial institutions and
markets as key mediators between migration and development discounts the role of gov-
ernment policy and planning in forging these linkages in the first place, and undervalues
the need for institutional capacity building in countries of origin (Chi 2008; Wickramase-
kara 2011; Bakker 2015). Additionally, critics question the extent to which the reported
rise in remittances is due to a genuine increase of transfers or more consistent measuring
and reporting practices by governments and financial systems (Bakker 2015). It is also
argued that the distribution and impacts of financial remittances are highly selective
and heterogeneous within sending states (Nyberg-Sørensen, Van Hear, and Engberg-Ped-
ersen 2002b; de Haas 2005, 2012). As individuals living in extreme poverty are often
excluded from international migration, remittances are viewed not as a tool for poverty
alleviation, but as a mechanism for deepening existing economic and social inequalities
(de Haas 2012). At a national level, the expectation for international migrants to play a
significant role in poverty alleviation in their country of origin where international
migrants may only represent a small proportion of the population is arguably problematic
(de Haas 2007).

In addition, there is optimism about the potential for migration to spur multidimen-
sional human development for migrants and their families more broadly. Levitt’s
The 1998 concept of ‘social remittances’ goes beyond the limits of cash transfers to emphasise the transnational circulation of ideas, values, and practices. Further, enthusiasts of the positive development outcomes of migration contend that migrants, particularly the highly skilled, may return home with enhanced skills or capacity to innovate that can translate into possible ‘brain gain’ or ‘brain circulation’ (Faist 2008; Datta 2009; Vammen and Brønden 2012). While many of these perceived gains are premised on migrant return, brain circulation may also entail the exchange of knowledge and innovation through virtual ‘diaspora knowledge networks’ (Faist 2008; Datta 2009). For policy-makers, the potential to benefit from ‘brain transfer’ is seen as dependent on ‘getting the policy environment right’ (Datta 2009, 125).

However, a principal argument mitigating the development potential of migration contends that the loss of skilled human capacity is too detrimental to be reversed by the transfer of financial remittances (Raghuram 2009). For critics, despite what the dominant migration paradigm claims about the potential for ‘brain circulation’ between origin and destination countries, many migrants experience some degree of deskilling. Evidence of ‘brain waste’ is clear in light of the rising number of TMPs in high-income destination countries (Faist 2008; Datta 2009; Raghuram 2009). With temporary job openings in industries such as construction, agriculture, or domestic service, these opportunities represent the best prospect for some individuals to access labour markets in the global North regardless of their skill level. In the context of low-skilled migration, more relevant to the migration–development debate is the so-called brawn drain whereby the exodus of young men from rural areas contributes to agricultural labour shortages, a decline in agricultural productivity, and a loss of those most likely to be agricultural innovators (de Haas 2010).

Thus, on the one hand, the dominant paradigm within policy frameworks on international labour migration offers an optimistic view in which migration holds multiple benefits for development. In particular, these benefits can be best leveraged when the appropriate mechanisms are put in place to manage and control migration and when states cooperate to maximise its potential. While not ignoring multidimensional human development, the dominant paradigm prioritises economic growth and poverty alleviation as the key determinants and drivers of development. On the other hand, critics question the development potential of remittances and their ability to promote equitable poverty reduction. Moreover, the denial of economic and social rights to unauthorised migrants and the manner in which these rights are controlled within the operation of managed migration initiatives limit the development gains of migration for workers, their households, and communities.

The application of the capabilities approach within the dominant paradigm

The purported development benefits combined with discourse connecting human rights and mobility have made the capabilities approach particularly attractive to scholars and policy-makers to support the dominant paradigm. Indeed, the human development approach is increasingly referenced with respect to human mobility (Newland 2009; UNDP 2009). Most notably, the United Nations Development Programme’s (UNDP) 2009 Human Development Report entitled ‘Overcoming barriers: Human mobility and development’ focuses on migration through the supposed lens of the capabilities approach.
The Report reinforces the general optimism surrounding the prevailing approach to the migration–development nexus, highlighting the positive economic contribution of migration in both countries of origin and destination. In sum, the Report views human mobility as a freedom that is fundamental to development and movement as ‘a natural expression of people’s desire to choose how and where to lead their lives’ (2009, 18). Moreover, the Report argues that the recognition and protection of mobility as a capability is fundamental to framing our understanding of international migration flows and linking migration and development strategies. With this capability as a foundation for policy, increased economic efficiency and social equality at the national and international scale represent the logical outcomes of reducing or eliminating barriers to human mobility claimed by this report (Castles 2013).

For countries of origin, leveraging the benefits of migration is cast as addressing issues such as irregular migration, human trafficking, and migrant rights through the use of TMPs, bilateral agreements, and other policies regarding assisted return (Datta 2009). Achieving the correct policy environment further entails channelling economic remittances towards development, including facilitating financial transfers, reducing transaction costs, and matching collective remittances with state funds. In sum, it is argued that with the right mechanisms in place, policy-makers can seek to ‘capture migration’s development potential in a new global framework for development’ (Lacy Swing 2013, 4).

Thus, the migration–development debate is often on managing migration flows to benefit multiple stakeholders. The oft-cited ‘triple-win scenario’ envisions destination countries meeting their labour demands while limiting permanent immigration, origin countries benefiting from the remittances their citizens send home and the skills they acquire abroad, and migrants travelling safely across borders to access higher wages and contribute to the well-being of their households (Chi 2008; Basok and Piper 2012; Preibisch 2012). For destination countries, managing migration aims to meet labour market needs at both ends of the skill spectrum, restrict irregular or undesirable migration, placate xenophobic tendencies among voters, and safeguard national security (Datta 2009).

However, this application of the capabilities approach under the dominant paradigm can have problematic outcomes for countries of origin. Within the migration-management framework, migrant-sending countries are encouraged to deepen their cooperation with international organisations and governments in destination countries on the protection of migrant rights. However, and as previously argued, migrant-sending countries may lack the institutional capacity necessary to implement policies espoused in the managed migration framework, resulting in regulatory gaps (Chi 2008; Wickramasekara 2011). Moreover, curbing irregular migration and accepting readmissions has dominated collaborative policy-making between countries of destination and origin over institutional capacity building within origin countries (Wickramasekara 2011; Basok and Piper 2012).

In addition, the overemphasis on leveraging the economic benefits of migration under the dominant paradigm can obscure the multidimensional costs suffered by migrants and their families. Of greatest concern are the transit risks associated with irregular migration flows (Andrijasevic 2006). Restrictive immigration policies and border controls, rather than halting irregular migration, have increased the risks and costs of migration by funnelling migrants into more dangerous routes and increasing the financial rewards to smugglers and traffickers (de Haas 2008; Rother 2012; Sørensen 2012). Apart from the risks and costs of moving across borders, migrants often face restrictions on their
rights, barriers to accessing the rights they are accorded, and exploitation. The host of structural constraints and oppressive labour arrangements migrants encounter in the country of destination severely restrict their capacity to be ‘agents of development’.

Indeed, the dimensions of growing human mobility that have been obscured by the optimism of remittance flows, are brought into focus highlighting the social, psychological, and emotional costs experienced by migrants and their families. While migrants continue to make use of their capability for mobility under migration-management priorities regardless of authorisation, their right to mobility remains unrecognised and unprotected, meaning that this capability cannot be fully expressed.

**Temporary migration programmes and pragmatism in global migration governance**

One of the most prominent policy measures that has been promoted under the managed migration banner to achieve the proverbial ‘triple-win scenario’ is TMPs, whereby governments grant migrants legal authorisation to work for specific periods of time but rarely extend rights to residency or citizenship. While guest worker initiatives had declined across Western Europe by the mid-1970s, by the close of the century, there was a return to such policies across the high-income world. These initiatives are now the norm, with a number of countries establishing schemes for the temporary or seasonal entry of limited numbers of workers to meet specific labour needs (Plewa and Miller 2005; Castles 2006; Martin, Abella, and Kuptsch 2006). In essence, TMPs grant migrants legal entry and employment authorisation, allowing migrants to access higher wages while avoiding the risks associated with irregular movement. While some TMPs provide pathways that allow migrants the opportunity to transition to permanent residents, most programmes are designed to prevent permanent settlement. Such initiatives often inhibit migrants, particularly those entering low-skilled occupations, from migrating with their families and often tie their employment to a specific employer. For destination countries, TMPs enable them to meet their labour demands selectively, particularly in those industries that have difficulties retaining citizen workers, without the promise of eventual settlement (Faist 2008; Portes 2009; Ruhs 2013).

However, it is precisely the deportability of migrants that makes them a particularly flexible workforce (Hahamovitch 2003). For most migrants within TMPs, the binding of their right to employment and often residence in the destination country to a single employer acts as extra-economic coercion to acquiesce to substandard and often unsafe working conditions, illegal salary deductions, and long or variable working hours. Migrants have found that the national governments of their countries of origin may purposefully undermine their efforts to organise, unionise, or expand their rights when working abroad. The mechanisms of coercion are different for migrant workers without employment authorisation. For these migrants, the constant threat of deportation shapes their vulnerability to exploitation by employers, contractors, smugglers, and traffickers (Solidarity Center 2009; Anderson 2010; Heyman 2010; Ruhs 2013). Indeed, the managed migration agenda does not legitimise ‘illegal’ forms of migration as these mobility patterns are seen as a failure of the agenda’s mandate. As national governments aim to resolve the issue of so-called illegal migration through policy and enforcement,
undocumented migrants with precarious legal status face considerable struggles in the workforce and their everyday lives.

The restricted mobility of migrant workers further shapes their agency to exercise their economic and social rights. Migrants are often employed in rural and remote areas that are underserviced, which is part of the reason jobs in these areas fail to attract citizen workers. Moreover, many migrants on temporary employment authorisation are obliged to live in employer-provided accommodation or camps which have been linked to mobility restrictions, including the use of surveillance technology and the withholding of identity documents (Griffith 2006; Scott, Craig, and Geddes 2012). Squalid, unsanitary migrant labour camps are common in the emerging economies such as Saudi Arabia, the United Arab Emirates, or Qatar, but they are not exclusive to non-OECD destination countries (Oxfam America 2004; Tomic, Trumper, and Aguiar 2010). While authorised status may mitigate the precariousness that some migrant workers experience, both authorised and unauthorised migrant workers face conditions placed on their access to public goods and resources that limit their enjoyment of social rights (Goldring and Landolt 2013). The lack of portability of social rights and protections across state boundaries, such as full access to healthcare, education, public housing, and police protection, represents a major cost incurred by migrants that may not be refunded purely through wages accrued by employment abroad (Avato, Koettl, and Sabates-Wheeler 2010). Since rights to social protection in most countries are tied to periods of employment, contributions, or residency, migrants face particular challenges accessing benefits and retaining their entitlement to social protection not only in the destination country, but also their country of origin. Further, despite a litany of legislation at the international, regional, and national level aimed at curbing migrant exploitation, countries of destination have failed to implement the formal legal mechanisms to avoid discrepancies between the law and actual practice (Bonnici 2009; Piper 2009; Taran 2009).

Under the contemporary reality of the proliferation of TMPs, it is necessary to engage with how migrant worker rights and destination-country migrant worker admission policy are connected. Fundamental to the debate is the belief that human mobility inevitably involves trade-offs for migrants – for example, access to higher earnings in exchange for a loss of civic rights – and that analysing these trade-offs must be central to formulating appropriate policies. Further, this self-identified pragmatic approach argues that migrant worker rights may need to be ‘traded-off’ in order to access labour markets with higher wages and to maximise the macroeconomic benefit of migration for destination countries (Ruhs and Martin 2008; Ruhs 2013). More specifically, Ruhs (2013) views migrant rights to be an inherent part of labour immigration policy and consequently, he contends that policy-makers and scholars cannot fully study and understand one without considering the other.

In particular, economic considerations in destination countries are viewed as the primary driver for determining this balance between openness and human rights, presuming that the protection and enforcement of human rights requires financial resources (Ruhs 2013). According to this argument, granting more rights leads to an increased macroeconomic and social cost borne by destination countries and communities, which in turn, leads to the admission of fewer migrant workers. The perceived skill level of migrant workers also factors into the trade-off decision, as low-skilled workers are often considered to be a ‘drain’ on the social welfare system due to their seemingly low earning potential.
Consequently, the admission of low-skilled migrants can be tightly controlled through TMPs or through restricting migrants’ legal and social protections. Other considerations such as the domestic population’s perceptions concerning migrant labour and its societal cost or benefit can also factor into immigration admission policy decisions (Ruhs 2013).

Ruhs (2013) utilises the human development approach to structure his argument relating to the perceived trade-offs between destination country openness and rights. In particular, he argues:

> A key feature of the human development approach … is its explicit recognition of the possibility of conflicts and trade-offs between different dimensions of development (or between different components of capability), and the consequent need to engage in public debate and reasoning about how to value and prioritize competing capabilities and objectives. (Ruhs 2013, 123)

While acknowledging the multidimensional capabilities of migration workers, this interpretation of the human development approach engages with the tensions inherent to valuing and fully exercising migrant worker capabilities in practice. Contrary to Sen’s original conceptualisation of the capabilities approach, destination countries may consider the capabilities of migrants to be transient, non-essential components of their lives, easily exchanged or dropped altogether in order to meet immigration and economic objectives. Thus, an overemphasis on the ‘rights versus numbers’ debate may have implications for the full expression of migrant worker capabilities. In particular, the protection and promotion of migrant worker rights may be framed as an unattainable expectation for destination countries. This framing effectively validates status quo policies that attempt to integrate migration and development without adequate attention to rights, while at the same time disregarding migrants’ capabilities altogether. Along the same lines, Ruhs and Martin’s (2008) conceptualisation of the trade-off between rights and openness in destination countries is also critiqued for reducing migrant workers to commodities forced to accept human rights violations in order to access global labour markets and employment instead of receiving protection that is guaranteed under the international human rights framework (Wickramasekara 2008). While the analysis by Ruhs (2013) represents a strong empirical base, it is important that the notion of ‘trade-offs’ is not misconstrued to overvalue the macroeconomic growth and stability of destination countries at a high cost for migrant workers and their families.

Returning to the capabilities approach to frame the migration–development nexus

With scholars and policy-makers co-opting tenets of the capabilities approach and advocating for this theoretical framework to inform international and national migration policy agendas, we argue that this acceptance is commonly predicated on a partial application of the capabilities approach. Some of these partial applications have led to an undervaluing, in both policy and scholarship, of the interests of countries of origin and the economic and social rights of migrants. Moreover, the prioritisation of the macroeconomic growth and stability of destination countries via the commodification and exploitation of migrant labour becomes the normative standard whereby the success or failure of managed migration strategies are measured. Framed in this way, the capabilities approach
fails to address many facets of the migration–development nexus that are overlooked by the dominant migration paradigm including human rights abuses, structural inequalities both within and between countries, and political or economic displacement.

There is a need and opportunity to refine the debate surrounding the position of rights and capabilities within the migration–development nexus using the capabilities approach as the theoretical framework guiding and grounding this debate. To begin, the realities of contemporary international migration flows including the social and economic costs borne by migrant workers and their families must be acknowledged as a core component of this new debate. In addition, the lack of protections that these individuals experience must be identified and challenged. Structural barriers and interests within the global political economy that benefit from cheap, insecure migrant labour need to be exposed for their role in perpetuating and entrenching the 'unfreedoms' of migrant workers. Furthermore, the rights of migrants, their families, and their communities must be placed at the centre of this debate and be valued along with the macroeconomic growth of destination countries (Bonnici 2009).

Greater attention is needed to the process that connects the capabilities approach to migration, development, and human rights in order to support a more consistent and coherent debate among scholars and policy-makers. We argue that this process needs to consider the origins of this theoretical framework, and particularly how rights and capabilities reinforce each other. This process also needs to be transparent in terms of the position and value of human rights relative to other forces such as the macroeconomic growth of destination countries. An accountable and transparent application of the capabilities approach offers a strong foundation for scholars and policy-makers who aim to integrate human rights into the migration–development nexus and prioritise the protection and advancement of migrant worker rights.

For example, the capability of bodily integrity encompasses an individual’s ability ‘to move freely from place to place and to be secure against violent assault, including sexual assault and domestic violence’ (Nussbaum 1997, 287). The realisation of this capability for migrant workers challenges increasing border securitisation and restrictive immigration admission policies. This capability also questions the implicit sedentary bias that exists in structuralist arguments surrounding development and migration; that is, the idea that the poor constitute a threat to the prosperity and stability of receiving countries when they migrate and should therefore be encouraged to stay at home (Castles 2010; Sørensen 2012). Additionally under this capability, the abuse and exploitation that is too often synonymous with transit between countries would need to be addressed through coordinated efforts between origin and destination countries. Furthermore, recognising the capability of bodily integrity would challenge the power of employers to terminate employment without justification, call for greater regulation of the workplace, and promote private sector investments in working conditions.

The connection between migration and development is neither linear nor as straightforward as policy-makers and scholars who subscribe to the dominant paradigm optimistically claim (Geiger and Pécoud 2013). Rather, human rights, capabilities, and development are intricately linked, as development on any level cannot be achieved unless the rights of migrant workers are protected and enhanced. Securing migrant rights under conditions that protect their social and economic freedoms is a strong predictor of the development potential of migration and the development capacity of
migrant workers (Böhning 2009). Thus, the capabilities approach can offer a framework that prioritises the rights of migrant workers and promotes the conditions under which the capabilities of these individuals can be fully realised.

Conclusion

Policy-makers, scholars, and activists recognise and advocate for the need of a rights-based perspective to frame the debate surrounding migration and development processes and policy and to facilitate the development potential of international migration. However, the contemporary realities of the global governance of migration include poor rates of ratification of international human rights conventions and contradictory practices and policies at the national level within origin and destination countries that do not meet international standards as a direct consequence of the state-oriented nature of human rights. Recognising that pursuing a rights-based agenda that is grounded in the capabilities approach faces considerable challenges at the current political juncture, future research should address this impasse by exploring the range of projects from alternative paradigms that could be implemented. In addition, greater attention needs to be given to the strategies that are currently being pursued that seek to reconcile the rights-focused capabilities approach within global governance priorities for managing migration.

Indeed, there is an opportunity and need to make use of the capabilities approach in a manner that resonates with decision-makers at the local, national, and international level without compromising the integrity of the approach or separating migrants from their intrinsic human rights. Moving forward, there are promising examples of cross-border solidarity movements initiated by civil society actors that aim for migrants to retain their economic and social rights across labour markets (Gordon 2009, 2011). One example of these movements is the formalised partnership between the General Federation of Nepalese Trade Unions and the Korean Confederation of Trade Unions that coordinate to protect the rights of Nepali migrant workers in South Korea (Gordon 2009, 2011; ILO 2013). For these solidarity movements, prioritising the portability of social protections of migrants represents a necessary measure in the absence of the restructuring of domestic immigration policies in destination countries.

Moving forward, greater attention is needed in future applications of the capabilities approach within the migration–development nexus and global migration policy. An informed process that includes accountability to the origins of the theory and transparency with respect to the position of human rights in relation to migration and development can be used to ensure that the human rights of migrants and their families are recognised and valued. This process will also promote a more consistent and coherent debate among scholars and build the theoretical and empirical evidence base to support cross-border solidarity movements and focused multilateral and bilateral efforts aimed at protecting and enhancing the rights of migrants.

Note

1. These include: (1) life, (2) bodily health, (3) bodily integrity, (4) senses, imagination, and thought, (5) emotions, (6) practical reason, (7) affiliation, (8) other species, (9) play, and (10) control over one’s environment (Nussbaum 1997, 287–288).
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ORCID

Warren Dodd https://orcid.org/0000-0003-0774-7644

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