

# Regional approaches to labour mobility

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# Structure of presentation

- **Overview**
- Some Broad Categories
- Conclusion

# Overview

- Regional agreements are preferential trade agreements, not labour mobility agreements
  - Most are connected with the supply of services
  - And other forms of movement directly related to trade and investment
- Some agreements aim for deep integration and the creation of a single economic space
  - These allow for broader mobility, beyond trade, and beyond labour

# Overview

- Continuum of approaches
  - Mobility of people in general (including permanent migration and non-workers)
  - Free movement of labour, including entry to the local labour market
  - Facilitation for certain kinds of trade- or investment-related activities
  - GATS model – only temporary movement and only for service suppliers
- This variety reflects, e.g., geographical proximity, levels of development, cultural and historical ties.

# Overview

- Symbiotic relationship between RTAs and the GATS
  - NAFTA provided model for GATS
  - Other RTAs use GATS model (e.g., EU-Mexico, US-Jordan)
- RTAs also feed off each other
  - Latin American agreements; proposals in FTAA resemble NAFTA and EU-Mexico

# Overview

- Need to be careful comparing RTAs (apples and oranges)
  - Some restrictions are unnecessary when the RTA doesn't offer a certain kind of access
    - E.g., EU specification that certain jobs reserved for nationals only required in context broad mobility
  - Some RTAs offer broad mobility, but exclude some sectors; others cover all sectors but limit mobility to certain defined groups.

# Overview

- Facilitated movement of people does not always equal right to provide specific services
  - Need to read in conjunction with liberalisation commitments on particular service sectors for all types of agreement
    - Agreements can exclude certain service sectors from coverage; apply special rules to certain sectors
    - Professions remain governed by national regulations on licensing and qualifications

# Overview

- RTAs not providing full labour or service supplier mobility tend to use GATS-type carve outs
  - Exclude permanent migration and access to labour market
  - Don't impinge on right to regulate entry and stay of individuals
- Most RTAs are subject to general immigration legislation
  - Parties retain discretion to grant, refuse and administer residence permits



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# Some Broad Categories

- Some cover movement only under mode 4 in services chapter
  - e.g., MERCOSUR, US-Jordan
- Some group all mobility (investment and goods related) in a separate chapter
  - e.g., Group of Three, Japan-Singapore
- Others include reference to mobility of key personnel in investment provisions
  - e.g., ASEAN
- Or sectoral chapters
  - e.g., EU-Mexico on financial services

# Some Broad Categories

- Identify broad groupings based on text, not implementation
  - Full mobility of labour
    - EU, EEA, EFTA, COMESA, Trans-Tasman Travel Arrangement
  - Market access for certain groups, including beyond service suppliers and/or agreements grouping all mobility in a separate chapter
    - CARICOM, NAFTA, Canada-Chile, Europe Agreements, Japan-Singapore, Group of Three

# Some Broad Categories

- Agreements using GATS model with some additional elements
  - US-Jordan, EU-Mexico, AFTA, Euro-Med (Morocco, Tunisia)
- Agreements using the GATS model
  - MERCOSUR
- Agreements providing no market access but facilitated entry
  - APEC, SAARC
- Some are works in progress
  - SADC

# Some Broad Categories

- Additionally, some RTAs create special visa schemes or other types of managed entry
  - Trade NAFTA visas
  - APEC Business Travel Card
  - Experience might be interesting for GATS
    - Indicates that the more diverse the membership, more scope allowed for existing regimes
      - Administrative capacity a major issue
- Others try to give access under existing visa schemes
  - Can lead to difficult discussions about who gets to make policy

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# Conclusion

- Labour provisions in RTAs illustrate
  - Range of options for access, calibrated to national needs
  - Need for close policy coordination and dialogue between migration and trade authorities
  - Need to consider how to implement commitments and administrative capacity required