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*Migrations, Brain Drain and Global Justice:
What role for corporations?*

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In what way are CSR and international migrations related?

NEGATIVE OBLIGATIONS

- Migrants' rights → HUMAN RIGHTS
- Migrant workers' rights → LABOUR STANDARDS

POSITIVE OBLIGATIONS

- Skilled migrants and brain drain → DEVELOPMENT

Corporations' negative obligations (1/2)

Two points of view:

- as “pull factors”: respect for human rights and guarantee of proper labour standards
 - no trafficking;
 - no discrimination, no exploitation
- as “push factors”: respect for human rights
 - not causing harm to local populations, thereby obliging them to move

Corporations' negative obligations (2/2)

- Legal-theoretical framework (soft law): OECD Guidelines, ILO Tripartite Declaration, UN Global Compact, UN Guiding Principles on Business and Human Rights;
- Studies under way:
 - Business for Social Responsibility & ILO (reports e recommendations);
 - Institute for Human Rights and Business: “Business and Migration” initiative;
 - International Business Leaders Forum in partnership with the Institute for Human Rights and Business
- Some examples: initiatives promoted by Unilever, Nike, Manpower, Timberland

Corporations' positive obligations (1/3)

- Brain drain: skilled workers' migration to developed countries
- Major issue in development studies and global justice debates, questioning the role and the choices of states, migrants and corporations, by posing three sets of ethical dilemmas:
 - for the *migrant*: human right to move VS positive duty to contribute to collective development;
 - for the *state*: duty to let people go AND duty to committ to development and to create opportunities;
 - for *corporations*: right to hire “the best and the brightest” VS positive duty to contribute to the development of the countries where they operate

Corporations' positive obligations (2/3)

Ideas that have been put forward:

- “Bhagwati” tax
- Ethical recruitment
- Codes of practice (health care sector)
- Brain circulation

Corporations' positive obligations (3/3)

- Examples of initiatives in partnership with International Organizations:
 - HP & UNESCO “Brain drain initiative”;
 - TOKTEN: UNDP Transfer of Knowledge through Expatriate Nationals (= Brain Circulation).
- Examples of CSR initiatives:
 - eni: “dual flag” approach;
 - BP: Project Management College.

In conclusion

- The issues posed by international migrations fall within corporate social responsibilities;
- There is a growing concern towards corporations' respect of migrants' rights;
- The brain drain phenomenon can represent a new challenge for corporations' positive obligations and commitment to development:
 - private sector's potential roles are to be explored.