

OAS Participation in the Migrant Protection Regime: Exploring the Influence of Net Migration, Regime Type, and Economic Capacity on State Participation

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Introduction

What causes states to support or oppose the global governance of migrant protection? To address this question, one must first understand the issue of migration and the existing legal norms and policies relating to migration. The first United Nations (UN) treaty on migration was adopted when member states signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CPMW) in 1990. However, the treaty only 39 signatories and 55 states parties (UN 1990). With growing concerns over recent trends of mass migration, including flows of refugees and migrant workers, UN member states decided to work collectively to develop international policies related to migration. Issues such protecting the human rights of migrants and burden sharing among UN member states were addressed in 2018 in the Global Compact for Safe, Orderly, and Regular Migration (GCM). According to the UN website, the GCM is the “first inter-governmentally negotiated agreement on migration” however the GCM is a non-binding agreement with the support of 152 of the 193 UN member states (UN Refugees and Migrants). The GCM’s main goal is to establish a common approach to international migration in all aspects, and its core elements include “values of state sovereignty, responsibility-sharing, non-discrimination, and human rights, and recognizes that a cooperative approach is needed to optimize the overall benefits of migration, while addressing its risks and

challenges for individuals and communities in countries of origin, transit and destination.” (UN Refugees and Migrants).

There are many reasons a state may opt to accept or reject migrants. Many of these decisions are often based on geographic and economic capacity such as available resources, domestic public opinion, and compliance with domestic, regional, and international treaties. A state may choose to accept and protect migrants to uphold international human rights norms as well as showcase ethical and moral considerations on a global scale. States can also accept and protect migrants to avoid spillover and regional issues related to displaced persons. According to the International Organization for Migration (IOM), there are about 57.5 million international migrants within the Americas, which equates to about 27 percent of international migrants in the world (IOM 2016a). Migration in the Americas is mainly addressed by domestic policies or bilateral agreements rather than by a specific regional treaty or agreement. In recent years, shifts in the nature and scale of migration trends in the Americas have disrupted regional politics and caused conflicts regarding the capacity and will of governments to accept migrants and to address related humanitarian issues (Center for American Progress 2020). However, the lack of existing regional and international law related to migration has led to a need for more research on patterns in the Americas and policy within the migrant protection regime.

Key Concepts

The IOM defines migration as “the movement of persons away from their place of usual residence, either across an international border or within a state” (IOM n.d.). The IOM defines emigration as, “from the perspective of the country of departure, the act of moving from one’s country of nationality or usual residence to another country, so that the country of destination effectively becomes his or her new country of usual residence” (IOM n.d.). Immigration is “from

the perspective of the country of arrival, a person who moves into a country other than that of his or her nationality or usual residence, so that the country of destination effectively becomes his or her new country of usual residence” (IOM n.d.). A sending state is a state in which emigration rates exceed immigration rates, and a “receiving state” is one in which immigration rates exceed emigration rates. Net migration refers to “the difference between the number of persons entering and leaving a country during the year per 1,000 persons” (IOM n.d.). In international relations, an international regime is the combination of norms, rules, institutions, and decision procedures around a specific issue area in international affairs (Keohane and Nye, 1977). I define the migrant protection regime as the combination of international policies, practices, and institutions related to protecting the human rights of migrants, which includes the CPMW and the GCM. As Human Development Index (HDI) is “a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living” (UNDP). The indicators used to create a country’s HDI are life expectancy, years of schooling, and Gross National Income (GNI) per capita (UNDP).

Literature Review

Scholarly research on the subject of migrant protection due to issues regarding migration emerged at the forefront of international relations only recently. The GCM was not adopted until 2018, only about two years prior to conducting my research. However, researchers have analyzed general topics relating to migration and individual states’ policies. The current body of research on the Americas’ involvement in the migrant protection regime is especially incomplete and lacks findings compared to the study of this topic in other regions such as Europe.

My research builds on a study conducted by Ladin Bacakoglu (2019) on the migrant protection regime in relation to the European Union. Bacakoglu utilizes explicit liberal

institutionalism to conduct a region inventory with a qualitative comparative case study and content analysis to explain differing EU visions on migration and the GCM, specifically focusing on Germany, Italy, Hungary, and Turkey. Bacakoglu's research question is "Does Europe speak with one voice on the GCM and, if not, why doesn't it?" She hypothesizes that "Europe does not have a collective voice on the GCM because individual European countries have historical contexts, along with security and economic concerns, that differentiate their stances on the GCM." Bacakoglu uses historical background and policies, economic and security concerns of the countries, and UNGA General Debate speeches in her analysis. Her research concludes that her hypothesis was not accurate, besides for Turkey. Bacakoglu's research is very comprehensive and accounts for different factors that explain divided EU opinions on migration such as historical background, policies, economic concerns, and security concerns. This liberalist approach is beneficial in this case because it accounts for different domestic factors that explain the lack of a cohesive EU perspective on migration and the GCM. Although Bacakoglu concludes that her hypothesis about the relationship between these factors and positions on the GCM is not accurate besides for Turkey, she is able to provide policy recommendations after conducting her analyses of each country (Bacakoglu 2019, 26-27). One of her recommendations is to provide countries the opportunity to select certain parts of the GCM to adopt since it is legally nonbinding (Bacakoglu 2019, 26-27). This could be beneficial because it directly addresses how the differing perspectives could be accounted for in the international migration regime. For further research, it would be beneficial to look at demographic factors such as HDI, which is why I have incorporated this variable into my own research. Even though this study focuses on Europe, I have utilized it as a loose model for my research to address a similar question regarding the Americas.

Wouter van Ginneken (2013) looks at national and international migrant protection policies to provide policy recommendations for more protection for migrants. The methods for this study include content analysis of regional and global treaties on migrant protection as well as analysis of secondary sources and prior research. Although this study mostly focuses on the European Union, the global component addresses how regional and domestic policies can be changed to better protect migrants, which I will address in my research as well.

Escobar (2007) studies Latin American migration to the United States to analyze how Latin American countries utilize dual-citizenship laws to extend rights to their citizens who have emigrated to other countries. She finds significant variation among Latin American countries' policies. This background information about some OAS countries' migration policies provides a starting point for me to build upon with my research. Escobar also provides a theoretical explanation of key terms such as migration and rights, as well as contextualizes the differences between sending and receiving states, which I discuss within the context of my research. Escobar takes an implicit liberalist approach, and although she does not explicitly outline her methods in her report, she states that her content analysis is conducted based on retention-of-nationality laws and how countries extend rights to migrants abroad. She studies these two topics through the lenses of the state, political parties, and immigrants.

In a more recent report, Escobar (2017) discusses the historical context of Latin America's migration trends and emphasizes that the region has transformed from a receiving region to a sending region of migrants in the last two centuries. Her research acknowledges that "Most Latin American countries have enfranchised their non-resident citizens and ten have enfranchised their immigrant non-citizen population" (Escobar 2017, 1). This report provides substantial background information for the purpose of my study although the topic is slightly

different because it is crucial to understand domestic policies before determining whether these policies are influential when determining support or lack thereof in a global migrant protection regime.

Giupponi (2017) utilized data from the Inter-American Court of Human Rights (IACtHR) to conduct a content analysis of existing case law regarding the protection of migrants' rights. Giupponi compares the IACtHR to the European Court of Human Rights (ECtHR) throughout his analysis in order to point out where the IACtHR succeeds and where progress is needed. He concludes that dialogue between both courts as well as dialogue between the IACtHR and the supreme and constitutional courts of the contracting states have increased progression by providing examples for domestic courts in the region. He concludes that the IACtHR provides substantial minimum standards for the protection of migrants and has played a significant role in expanding the rights of migrants (Giupponi 2017, 1495-1496). Understanding the minimum standards for migrant protection can help distinguish which states are neutral or minimal supporters of the migrant protection regime and which states take additional steps to ensure migrant protection.

Lee, Carling, and Orrenius (2018) address the International Migration Review and analyze how migration trends and migration research perspectives have changed over the past 50 years. This report to helped me frame my own research on migration based on what scholars have already done. I noticed a gap in research regarding participation in the global migrant protection regime and none of the research mentioned in this report discussed what explains participation. The current trends in research on migration include topics such as, "the establishment of international migration as its own distinct subfield across a number of social science disciplines; the increasing diversity of sending countries and the emergence of new

destinations; the increasing ethno-racial and socioeconomic diversity of immigrants; the rise of unauthorized immigration; the renewed focus on transnational connections, including remittances and engagement of the diaspora; the shift to models of two-way integration that account for how immigrants change destinations, not just how destinations change immigrants; and, last, increasing attention to the prospects of the children of immigrants” (Lee, Carling, and Orrenius 2018, 5). The article mentions that scholars in the United States, Canada, and Mexico are the only OAS states who have contributed articles to the *International Migration Review*.

Margheritis (2015) comparatively analyzes policies and discourse around migration in Latin America. Her research questions address why countries of origin (sending states) in Latin America, specifically Uruguay, Ecuador, Argentina, and Brazil, are implementing courting policy initiatives, why they are doing this now, and how they are implementing them. She hypothesizes that the policies all involve sending states taking friendly approaches, creating links and relationships, and efforts to increase support and resources from their citizens abroad. She uses an implicit constructivist approach. Her research considers how transnational actions and policies affect national identities, citizenship, and politics. Margheritis provides substantial information about general Latin American migration policies and relations between sending states and their emigrants abroad.

It is evident that there is a clear gap in existing research regarding states in the Americas and their policies and involvement in the international migrant protection regime. It is also evident that there is a gap in research regarding why states around the world take specific approaches to addressing migrant protection. Most existing scholarly research only addresses international and domestic policies, but fails to answer the questions surrounding why states

advocate for migrant protection or why they may choose not to. I address this gap with my research on Latin American migrant protection regime support.

Research Question

The question that this research seeks to answer is “What explains state participation and performance in the global and regional migrant protection regime?” The focus of this study is the Americas, specifically members of the Organization of American States (OAS). I define the migrant protection regime as including one United Nations treaty body and one General Assembly proposal with a recorded vote at a conference: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) and the Global Compact for Safe, Orderly and Regular Migration (GCM). Prior research conducted by Bacakoglu (2019) examined European participation in the global and regional European Union migration regime, which inspired me to conduct further research to examine participation and performance within a different region.

Hypotheses

I expect states in Latin America and the Caribbean to be advocates of human rights treaties and agreements such as the ICMW and the GCM. I hypothesize further that states that states with more migrants leaving their territory show more support for the global and regional migrant protection regime and states that take in more migrants show relatively less support. I expect states with free regimes to show more support for the migration regime than states with non-free regime types. I also hypothesize that states with higher economic capacities show more support than states with lower economic capacities. I expect the United States to be an outlier.

Theoretical Perspective

To look at factors that explain varying levels of OAS participation in the migrant protection regime, it is not enough to only address economic factors, regime type, security concerns, or historical context individually because I expect that a combination of elements affect participation of each state in the regime. A realist would focus on drug cartels, gangs, national security, and power struggles to explain participation, whereas a constructivist may focus on societal norms, history, discourse surrounding the topic, and identities relating to migrants (Mingst, Karns, and Lyon 2017, 9-12).

Rather than using a theoretical perspective of institutionalism or liberal institutionalism, which would consider the role of international organizations and global society, I opted to use a liberalist lens to examine economic capacity and regime type as variables in states' decisions to support or to reject the migrant protection regime. The basis of liberalism suggests that states' domestic characteristics and national politics affect international relations more than other factors. I focus on variables that are mostly individual characteristics of states. A realist would make the assumption that states are self-interested actors with similar goals and objectives in international relations. An institutionalist would look at the roles of international institutions as actors. Neither of these theoretical perspectives would not adequately help address my research question because I am hypothesizing that there are different reasons why a state may or may not support the migrant protection regime, and that these reasons will vary on a state by state basis based on each state's individual characteristics and behaviors (Slaughter 2011, 2-19). A liberalist approach allows me to take into account the importance of non-state actors such as international institutions and regimes without excluding the domestic characteristics of states. In my research I address contributing factors that align with other perspectives such as

constructivism and realism by taking them into account during my case study as supporting factors.

Research Design/Methodology

To answer my research question, I use qualitative methods to conduct a region inventory that shows OAS members' positions on the ICMW and the GCM and each states' categorization for each independent variable. I then selected two states, Trinidad and Tobago and Jamaica, for a comparative case study to determine which variables are most influential in shaping these countries' positions on the global and regional migrant protection regime. These two states are representative of opposite positions on each independent variable and the dependent variable. The case study includes an in-depth discussion of each variable, as well as relevant historical context, participation in the OAS and regional migration discussions, domestic policies and implementation of those policies, and other relevant factors specific to each country.

The time frame for this study focuses primarily on 2018 to the present, with relevant historical context included. I have opted to use 2018 as a starting year for my research because that is when the GCM was adopted (GCM). The ICMW was adopted in 1990, which could have been another option for the time frame, but lack of participation in this treaty suggests that looking at the GCM would be a better indicator of participation, and therefore a better indicator of reasons behind participation (ICMW).

To collect data for this study, I accessed data from the UN, the IOM, and Freedom House for the region inventory. The case study was compiled from the official government websites and records, foreign ministry websites, OAS and IOM data and records, and information from the Migration Policy Institute (MPI) for historical context.

To test my general hypothesis, I conducted a region inventory of OAS states to see which states have signed and ratified or acceded to the CPMW and supported the GCM, which have not, and which have abstained or refused to vote. I primarily tested for three independent variables: (1) net migration - if the state is a sending or receiving state for migrants, (2) regime type – if the state’s regime is free, partly free, or not free, and (3) economic capacity-if the country can afford to provide for migrants according to its Human Development Index (HDI). The dependent variable in this study is if the country is a supporter, neutral, or opponent of the global and regional migrant protection regimes, which I have determined based which states have joined the CPMW and supported the GCM. I proceeded by conducting a comparative case study of two countries that I selected based on the region inventory and other factors such as current migration situations, domestic policies and implementation, and participation in the regional migration regime within the OAS. The comparative case study allowed me to select two countries to conduct a deeper analysis of factors of participation or lack thereof in the migrant protection regime as well as analyze additional contributing factors that I did not initially test for in my region inventory. Contributing factors that I address in the comparative case study include: national security concerns/issues, domestic policies and laws, court cases, and historical context.

To operationalize the first independent variable of migrant flow, I used the Global Migration Data Portal from the International Organization for Migration (IOM) to collect data on the migrant flow for each OAS country, including statistics on migrant inflows, emigration outflows, and net migration. Based on this data, I assigned each country into one of two categories: sending state or receiving/destination state. States were categorized based on whether net migration was positive or negative. To operationalize the second independent variable, I used the index created by Freedom House that categorizes countries into three categories: not free,

partly free, and free. This index gives each state a rating on a scale of 0 of 100 (0 being not free and 100 being completely free) based on political rights and civil liberties and uses these rankings to sort states into the three categories. A limitation of this index is that critics argue it utilizes the United States as a standard for democracy, so the scale can be debated since all ratings are relative to the United States. However, this index is sufficient for the purpose of this study because it generally categorizes regime types. To operationalize the third independent variable of economic capacity, I used the United Nations Human Development Index (HDI), which incorporates life expectancy, education, and gross national income to give each state an HDI ranking. According to the UNDP, HDI can be broken up into four tiers or categories: very high, high, medium, and low. Rankings ranging from 0.8-1.0 constitute very high. Rankings ranging from 0.7-0.799 constitute high. Rankings ranging from 0.55-0.699 constitute medium. Rankings below 0.55 constitute low (“Human Development Index By Country” 2020).

After collecting data for all three independent variables, I looked at clusters of states to determine which states are outliers or strong examples of each case to research further in a comparative case study. I rearranged the data to identify patterns by looking at members of different regional groups such as the Caribbean Community (CARICOM) and the Central American Integration System (SICA) to assess similarities and differences amongst members. I excluded countries for consideration for the case study that had no available migration data on the Migration Data Portal. Those countries were Antigua and Barbuda, Commonwealth of Dominica, Saint Kitts and Nevis, and Saint Lucia. I also ruled out the United States and Canada for my case study because the focus of my research is Latin America and the Caribbean, and these two states are not representative of that region. After looking for patterns amongst members of CARICOM and SICA, I selected two CARICOM members for the case study,

Trinidad and Tobago and Jamaica. There were no surprises in the research at this point because states in Latin America and the Caribbean are generally supporters of human rights treaties. In this step, I took into account and addressed additional factors that may affect these countries' support or lack thereof in addition to the three variables that I am specifically testing for, and included additional variables that may be relevant to each specific country.

Advantages and Disadvantages

There are many advantages to this research design. The region inventory allowed me to select countries to represent the region in my collective case study that are representative of all sides of the debate on migration. The case study allowed an in-depth analysis of each country's position and performance in the global and regional migrant protection regime in order to assess which factors are the most influential and hopefully discover patterns and similarities between the driving influences on states' stance on migration. A liberalist approach allowed me to look at variables such as HDI and regime type that would not be addressed from other theoretical perspectives, and these variables were very influential in shaping participation.

One limitation of this research is that it does not account for every variable that could affect states' participation in the migrant protection regime. The observed relationships may be correlated but not causal. Since this study only focuses on three main variables, there could be other variables that are highly influential that I do not address, so this study is not fully conclusive. I try to address additional variables within the case study, but may not touch on every single factor. Another limitation of this study is that I only focus on OAS states in the Latin America and the Caribbean region, and I only focus on Caribbean states for the case study. I selected two Caribbean states for the case study to compare two states that are as similar as possible across other variables such as geographic location, size, and colonial history so that it is

easier to analyze the differences. Although doing this makes the study less generalizable, it enables a better comparison between both states. Further research should be conducted on other countries in the Americas and other regions to create a more global set of information and address global patterns in addition to regional ones.

Findings and Analysis

Region Inventory

The initial data set collected for the region inventory is displayed in Table 1. Table 2 displays the final categorization of each state for each independent variable and the dependent variable. States were categorized as sending or receiving states based on whether the net migration was positive (receiving state) or negative (sending state). Regime type was kept in the same categories as the initial data. I used the UN HDI tier system to categorize each state's HDI into Very High, High, Medium, and Low. I opted to group High and Very High HDI's together for the purpose of this study to represent a general category of high HDI. In the final column, states were sorted into 3 categories supporter, neutral, and opponent of the migrant protection regime. Supporters were states that supported both the CPMW and GCM. Neutral states include states who supported one but not the other or did not participate or vote for either. Opponents include states that voted no or opposed both the CPMW and the GCM.

Table 1:

State	Net Migration	Regime Type	HDI	CPMW	GCM
Antigua and Barbuda	No data	Free	0.776	No	No vote
Argentina	24,000	Free	0.83	Signed and ratified	Yes
Bahamas, The (Commonwealth of)	5,000	Free	0.805	No	Yes
Barbados	-397	Free	0.813	No	Yes
Belize	6,000	Free	0.72	Ratified/a	No vote
Bolivia	-47,500	Partly Free	0.703	Ratified/a	Yes
Brazil	106,000	Free	0.761	No	Yes
Canada	1.2 million	Free	0.922	Signed and ratified	Yes
Chile	558,500	Free	0.847	Ratified/a	A
Colombia	1 million	Partly Free	0.761	No	Yes
Costa Rica	21,000	Free	0.794	No	Yes
Cuba	-72,000	Not Free	0.778	No	Yes
Dominica (Commonwealth of)	No data	Free	0.724	No	Yes
Dominican Republic	-150,000	Partly Free	0.745	No	No vote
Ecuador	182,000	Partly Free	0.758	Ratified/a	Yes
El Salvador	-202,700	Partly Free	0.667	Signed and ratified	Yes
Grenada	-1,000	Free	0.763	No	Yes
Guatemala	-46,100	Partly Free	0.651	Signed and ratified	Yes
Guyana	-30,000	Free	0.67	Signed and ratified	Yes
Haiti	-175,000	Partly Free	0.503	Signed, not ratified	Yes
Honduras	-34,000	Partly Free	0.623	Ratified/a	Yes
Jamaica	-56,700	Free	0.726	Signed and ratified	Yes
Mexico	-300,000	Partly Free	0.767	Signed and ratified	Yes
Nicaragua	-106,400	Not Free	0.651	Ratified/a	Yes
Panama	56,000	Free	0.795	No	No vote
Paraguay	-82,800	Partly Free	0.724	Signed and ratified	No vote
Peru	495,300	Free	0.759	No	Yes
Saint Kitts and Nevis	No data	Free	0.777	No	Yes
Saint Lucia	No data	Free	0.745	No	Yes
Saint Vincent and the Grenadines	-1,000	Free	0.728	Ratified/a	Yes
Suriname	-5,000	Free	0.724	No	Yes
Trinidad and Tobago	-4,000	Free	0.799	No	No vote
United States of America	4.8 million	Free	0.92	No	No
Uruguay	-15,000	Free	0.808	Ratified/a	Yes

Table 2:

State	Sending/Receiving	Regime Type	HDI Tier	Migrant Protection
Antigua and Barbuda	No data	Free	High	Opponent
Argentina	Receiving	Free	Very High	Supporter
Bahamas, The (Commonwealth of)	Receiving	Free	Very High	Neutral
Barbados	Sending	Free	Very High	Neutral
Belize	Receiving	Free	High	Neutral
Bolivia	Sending	Partly Free	High	Supporter
Brazil	Receiving	Free	High	Neutral
Canada	Receiving	Free	Very High	Supporter
Chile	Receiving	Free	Very High	Supporter
Colombia	Receiving	Partly Free	High	Neutral
Costa Rica	Receiving	Free	High	Neutral
Cuba	Sending	Not Free	High	Neutral
Dominica (Commonwealth of)	No data	Free	High	Neutral
Dominican Republic	Sending	Partly Free	High	Opponent
Ecuador	Receiving	Partly Free	High	Supporter
El Salvador	Sending	Partly Free	Medium	Supporter
Grenada	Sending	Free	High	Neutral
Guatemala	Sending	Partly Free	Medium	Supporter
Guyana	Sending	Free	Medium	Supporter
Haiti	Sending	Partly Free	Low	Supporter
Honduras	Sending	Partly Free	Medium	Supporter
Jamaica	Sending	Free	High	Supporter
Mexico	Sending	Partly Free	High	Supporter
Nicaragua	Sending	Not Free	Medium	Supporter
Panama	Receiving	Free	High	Opponent
Paraguay	Sending	Partly Free	High	Supporter
Peru	Receiving	Free	High	Neutral
Saint Kitts and Nevis	No data	Free	High	Neutral
Saint Lucia	No data	Free	High	Neutral
Saint Vincent and the Grenadines	Sending	Free	High	Supporter
Suriname	Sending	Free	High	Neutral
Trinidad and Tobago	Sending	Free	High	Opponent
United States of America	Receiving	Free	Very High	Opponent
Uruguay	Sending	Free	Very High	Supporter

In Table 2, red represents receiving states, non-free regimes, low HDIs, and opponents of the global migrant protection regime. Yellow represents partly free states, medium HDIs, and neutral states to the global migrant protection regime. Green represents sending states, free regimes, high and very high HDIs, and supporters of the global migrant protection regime.

My general hypothesis that most OAS states would be supporters of the global migrant protection regime was partially proved. Of the 34 states, 16 supported both the CPMW and the GCM, 13 states were neutral, and only 5 states were categorized as opponents. Although less

than half of the states supported both the CPMW and the GCM, a majority of the states supported at least one of the two. Based on my hypotheses, I expected states with the color green across all 3 independent variables to support the global migrant protection regime, which would appear as green across all four columns. This was true for 3 out of the 34 states: Jamaica, Saint Vincent and the Grenadines, and Uruguay. Of the 18 sending states, 12 were also supporters of the global migrant protection regime, 4 were neutral, and only 5 were opponents.

The only two sending states that were categorized as opponents of the global migrant protection regime are Dominican Republic and Trinidad and Tobago. Of the 12 receiving states, only 4 were supporters of the global migrant protection regime, and 5 were neutral. The only receiving states that supported both the CPMW and the GCM are Argentina, Canada, Chile, and Ecuador. This may be attributed to their generally free regimes (and Ecuador's partly free regime) plus high or very high HDIs, which they all have in common. This generally upholds my first hypothesis that sending states are more likely to be supporters of the global migrant protection regime than receiving states.

To address my second hypothesis that free regimes are more likely to support the global migrant protection regime than non-free regimes, I compared the second independent variable, regime type, to the dependent variable. Of the 22 states with free regimes, 7 supported both the CPMW and the GCM, 11 were neutral, and 4 were opponents. Of the 10 states with partly free regimes, 8 were supporters, 1 was neutral, and 1 was an opponent. Of the 2 states with non-free regimes, 1 was a supporter, and 1 was neutral. Because all of the opponent states are either free regimes or partly free regimes and only two of the OAS states are non-free regimes, I was not able to confirm my hypothesis due to inconclusive data. Regime type may still be an influential factor in determining participation in the migrant protection regime in other regions.

The last independent variable was economic capacity operationalized as HDI. Of the 7 states with very high HDIs, only the United States opposed the global migrant protection regime; 4 were supporters, and 2 were neutral. Of the 21 states with high HDIs, 6 were supporters, 10 were neutral, and 4 were opponents. Of the 5 states with medium HDIs, all were supporters of both the CPMW and the GCM. The only state with a low HDI, Haiti, was a supporter of the regime. In general, states with high or very high HDIs support at least one of the two bodies of the global migrant protection regime with few exceptions. However, because few states in the region have medium or low HDIs, the evidence is not conclusive.

Comparative Case Study

Trinidad and Tobago is a clear outlier across all three independent variables in the study: A sending state, a free regime, and a high HDI, but the country voted against the CPMW and did not vote on the GCM. This presents an interesting case as the only country that was categorized as an opponent yet is green across all 3 independent variables. For the second case to analyze further, I opted to compare this strongest outlier to one of the strongest supporters: Like Trinidad and Tobago, Jamaica is also a CARICOM member state, but is on the opposite end of the spectrum due to its consistency with all 3 of my hypotheses. As two CARICOM members, these states have as many similarities as possible, which helps focus in on the differences and additional variables that affect each states support or lack of support for the global and regional migrant protection regimes. By selecting two CARICOM members I have controlled for variables such as geographic location and cultural and colonial history. Selecting two CARICOM members enabled me to evaluate participation in regional migrant protection regimes within the OAS and CARICOM.

CARICOM and OAS

Neither Trinidad and Tobago nor Jamaica has participated in migrant protection activities within the OAS beyond following its general policies and guidelines. Neither country has had representatives serve as chairs on the Committee on Migration Issues or led any OAS migration projects (OAS 2009). Trinidad and Tobago and Jamaica are both members of CARICOM, an organization that has its own regional migration policies that both states are subject to. Neither state has participated in any Caribbean Court of Justice cases related to migration, and there is no available data to analyze whether either state participated in the creation of CARICOM's policies related to migration. However, CARICOM's provisions that relate to migration apply to both (IOM 2018). First is the CARICOM Free Movement of Skilled Persons Act (2004), which addresses "qualifications and occupations required for qualifying certificates, spouses and dependants, penalties, and other regulations." Second is the CARICOM Establishment, Services, Capital and Movement of Community Nationals Act (CSME) (2006), which addresses movement restrictions and treatment of monopolies, safety and security measures, restrictions, and appeals. The CSME Free Movement Initiative allows over 14 categories of persons "to move and work throughout the region."

Trinidad and Tobago

Although Trinidad and Tobago has not supported the CPMW and the GCM, the state works with the IOM on its migration issues. The IOM established an office in Trinidad and Tobago in 2006 that still exists today. Trinidad and Tobago is involved in an ongoing project with the IOM to strengthen technical capacity and reshape its law enforcement to enhance security regarding transit migration (IOM 2016c). As of 2009, Trinidad and Tobago entered an agreement with the IOM to maintain communication and coordinate further migration projects, but no new projects have been identified by the IOM after 2009 (IOM 2016c).

Although Trinidad and Tobago is a sending state, it is one of the most developed states in the Caribbean due to its economy that relies on tourism, oil, natural gas, and significant foreign investment (IOM 2016c). According to the IOM, Trinidad and Tobago is a significant transit point for regional and extra-regional migrants reaching North America and Europe. However, this creates severe security concerns for the state with high rates of smuggling, human trafficking, organized crime, and potential terrorism (IOM 2016c). This creates an obstacle for the government due to increased vulnerability that exists due to open borders. Trinidad and Tobago has expressed a need to manage migration more closely and increase border security measures. These security concerns constitute an additional variable that clearly affects Trinidad and Tobago's hesitance to support the CPMW and GCM.

Emigration rates also affect Trinidad and Tobago's support for the migrant protection regime. The government generally supports emigration of unskilled workers, however Trinidad and Tobago faces problems concerning brain drain and emigration of its skilled workers to search for jobs elsewhere. The country mainly recruits migrants from Cuba, Nigeria, the Philippines, China, and India to take positions such as healthcare workers and construction workers. The state plans to develop policies to entice skilled workers to remain in the state, which may constitute a significant reason that the state does not want more international regulation of migration (IOM 2016c).

Although Trinidad and Tobago does not support the global migrant protection regime, the state participates in the regional migrant protection regime through the IOM and other regional efforts. According to the IOM, Trinidad and Tobago has participated in the discussion and development of regional migration data sharing systems such as "a project of the Inter-American Development Bank (IDB), Economic Commission for Latin America and the Caribbean

(ECLAC) and IOM on sharing migration data in Caribbean English-speaking countries” (IOM 2016c). Trinidad and Tobago is one of the four pilot countries hosting a project to increase migration data sharing in the Caribbean (IOM 2016c).

Trinidad and Tobago also participates in a working group called “Children Affected by Migration in the Caribbean” led by the IOM and CARICOM. This working group has developed a framework and steps to take action addressing the needs of children who are left behind when their parents or guardians migrate, children who migrate accompanied or unaccompanied, and children returning to their country of origin in the region (IOM 2016c).

On the other hand, Trinidad and Tobago lacks cohesive domestic policies regarding migrants and migration within the state. The state receives refugees and migrants from states such as Venezuela, but fails to support them adequately. The government also fails to address refugees and asylum seekers. The state has no national policies or legislation addressing this group. In 2014, the government approved a National Policy to Address Refugee and Asylum Matters, but has failed to implement it. The government considers refugees and asylum seekers (even those approved by the UN) to be undocumented migrants with minimal rights and aid. The reasons for this lack of policy can be summarized by lack of economic and geographic capacity, lack of resources, lack of international aid and assistance, and developmental obstacles such as minimal technological tools (Teff 2019). In recent years, the number of migrants and refugees in Trinidad and Tobago has increased drastically, which the state was not prepared for. According to Refugees International, “In 2016, there were fewer than 100 refugees. As of November 2018, more than 9,000 refugees and asylum seekers were registered by the United Nations Refugee Agency (UNHCR)” (Teff 2019).

The lack of domestic legislation on migration may be a significant reason why Trinidad and Tobago has not shown greater support for the global migrant protection regime, as the state may focusing its effort on establishing domestic policies before agreeing to regional and international ones. Currently Trinidad and Tobago does not recognize asylum seekers and forced migrants recognized by the UNHCR and charges these people with illegal entry and working illegally. Trinidad and Tobago also puts pressure on migrants to resettle elsewhere and carries out deportations that constitute refoulement, which is also condemned by the Refugee Convention of 1951 and the 1967 Protocol (Teff 2019). This policy is generally condemned by the UNHCR and other UN agencies, which may dissuade Trinidad and Tobago from agreeing to treaties and policies established by these same agencies.

A final variable that affects Trinidad and Tobago's stance on migrant protection is its current focus on its efforts to develop policies on refugees and asylum seekers specifically, while failing to address other types of migrants such as migrant workers. According to a statement given by Trinidad and Tobago to the 67th Session of the Executive Committee of the UNHCR (2016), lack of legislation has hindered the state's migrant protection efforts. However, the state addressed that it is in the first phase of policy implementation and plans to heighten its efforts to protect and support refugees and migrants. The state plans to work more closely with UN agencies and regional programs and organizations to continue to develop policies and action plans.

Jamaica

The region inventory shows that Jamaica's status as a sending state, free regime, and high HDI influence its support for the global migrant protection regime, there may additional factors motivating the state to support migrant protection. According to the IOM, Jamaica faces

migration-related challenges such as trafficking, smuggling, and issues related to the free movement of CARICOM nationals. Opposite from Trinidad and Tobago, the biggest obstacle for Jamaica is the increase in organized crime rates due to the increase of migrants and refugees; however, this does not deter the country from supporting international measures to regulate migration (IOM 2016b). Jamaica may hope to combat these obstacles by increasing domestic, regional, and international policymaking and cooperation, which explains its support for the CPMW and the GCM in addition to the three variables addressed previously.

Similar to Trinidad and Tobago, Jamaica also faces challenges related to brain drain and the emigration of skilled workers. According to the IOM, “Recent approximations indicate that over 80 per cent of Jamaicans with tertiary level education and living outside of Jamaica were trained in Jamaica” (IOM 2016b). This obstacle has enticed Jamaica to work with international organizations such as the IOM to create policies and programs to entice educated Jamaicans to remain in the country rather than emigrate. Also similar to the case of Trinidad and Tobago is Jamaica’s situation with “barrel children.” The term references children whose parents have migrated and left them to be cared for by siblings, relatives, or friends. Studies have shown that barrel children have trouble coping without their parents or guardians and are more likely to face depression and suicidal thoughts. Because of this, emigration from Jamaica has been labeled as “single strongest factor that contributes to the breakdown of the contemporary Jamaican family, contributing to poor academic performance and delinquent behavior” (IOM 2016b). Jamaica has been motivated by this obstacle to evaluate domestic policies and participate in the international and regional migrant protection regimes to protect these vulnerable children.

As a sending state, Jamaica also faces the problem of returnees. The state faces a large number of Jamaicans sent back after being imprisoned in the United Kingdom, Jamaica’s former

colonizer state. This creates concerns about reintegration and vulnerability of these deportees that makes them more susceptible to gang activity and involvement in organized crime (IOM 2016b). The government has expressed an increasing need to initiate policy efforts and international cooperation to facilitate reintegration, which further explains Jamaica's involvement in the migrant protection regime.

Jamaica's most significant domestic policy relating to migration is its 2011 National Policy on International Migration and Development Policy (IMDP). This policy's main goal is to increase the benefits of migration by making migration management more efficient and intertwining migration with development strategies (IOM 2018). This framework recognizes the need for both domestic and international approaches to migration, explaining why Jamaica would be an advocate for both regional and international migrant protection regimes. Jamaica also has a Diaspora Policy to supplement the National Policy. Jamaica's domestic policies recognize that "the intrinsically transnational nature of international migration requires that migration policies should also have a bilateral and multilateral component" (IOM 2018).

According to the CPMW's initial report of Jamaica (2017), lack of concrete data and communication also push Jamaica to work more closely with the UN and other regional and international organizations to further develop its migration policies. Other factors recognized by the report are Jamaica's long history of labor migration and Jamaica's commitment to the protection of human rights and sustainable development goals, which relate to the independent variables of net migration and regime type.

Conclusions

The data from my region inventory found no clear patterns among sub regions or regional governing bodies, and that factors influencing state participation in the global migrant protection regime vary on a state-by-state basis. The data from my region inventory and comparative case study indicates that my hypotheses are partially true. My research supports the hypothesis that OAS states will generally be supporters of the migrant protection regime. My first hypothesis regarding sending and receiving states is generally accurate; however, I was not able to prove my second and third hypotheses because the data was inconclusive. However, all three variables still proved to be influential determinants of participation in the regional and global migrant protection regime. My specific hypotheses were not fully upheld because of the extent to which intervening variables play a role in determining participation. I could not prove whether one variable is more influential than the others because the presence of other factors such as historical context, geographic capacity, domestic policies, and security concerns in addition to the three variables that I addressed in my region inventory all factor in when determining state participation, which is proved by the analysis conducted throughout the case study.

In the case of Trinidad and Tobago, security concerns were cited as an influential factor leading in the state's lack of participation in the global migrant protection regime and its increase in participation in domestic and regional migrant protection strategies. Other factors influencing Trinidad and Tobago in addition to the three variables in this study were crime rates, emigration rates, brain drain, lack of domestic policies, policy implementation failures, lack of international aid, and prioritization of other goals. In the case of Jamaica, the most influential factors were the three variables in this study. However, additional contributing factors leading to support for both

the global and regional migrant protection regimes were brain drain, security concerns, barrel children, deportees, and lack of existing data.

The comparative case study showed that the same variable that led Jamaica to support for the global and regional migrant protection regimes deterred Trinidad and Tobago from participating in both regimes depending on a country's national situation. For example, in the case of Trinidad and Tobago, brain drain and security concerns have deterred the state from participating in international agreements on migration. On the other hand, brain drain and security concerns have motivated Jamaica to support international efforts to regulate migration in hopes that these efforts would help combat this issue.

Further research is necessary to evaluate the extent to which these variables influence participation in the migrant protection regime. Further research is also necessary to determine which variables are most influential within different regions and individual states. Although I examined Trinidad and Tobago and Jamaica, the results of this comparative case study cannot be generalized to the entire region of the Caribbean or to the rest of the OAS member states.

Policy Recommendations

The general goal of the UN should be to increase support for the international migrant protection regime, which can be accomplished in a number of ways. First, the CPMW is a very specific treaty that mainly addresses migrant workers. The UN could increase participation in the regime by adopting a more general treaty on migration to facilitate communication and cooperation among member states and establish a broad body of international guidelines relating to all aspects of migration and all types of migrants. States may be more willing to sign on to a broader treaty that does not conflict with domestic policies already in place. The UNHCR focuses most of its migrant protection efforts on refugees, but the UN system lacks a cohesive, broad

agency or treaty body on migration in general. The GCM is broader, but it is not a binding treaty. The GCM could be used as a framework to develop another treaty body relating to migration. This recommendation is very feasible because states would be more likely and willing to support broad guidelines that can be applied to any state in any region rather than guidelines specific to migrant workers or refugees that apply to some states more than others.

Bacakoglu (2019) recommended to provide states the opportunity to adopt certain provisions within the GCM without supporting the agreement as a whole. Although this agreement is not legally binding, states would not be willing to support it if they know that they cannot uphold its terms within their territories. Based on my research, states may have different motivating factors and goals related to migration, so providing the opportunity to agree with some of the terms within the GCM but not others may entice more states who are neutral or opponents to take steps to become supporters of the global migrant protection regime by slowly implementing provisions a few at a time.

Finally, because Trinidad and Tobago was an opponent of the global migrant protection regime but has participated in the regional migrant protection regime, regional organizations such as the OAS, CARICOM, and SICA should provide member states with more opportunities to participate in the discussion and implementation of policies related to migration. This may entice more states to become involved as well as help shape domestic policies affecting migration.

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