



Global Governance of Migration and the Global Migrant Rights Movement

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Objective:

„Bottom-up“ Approach to Global Governance

→ Global Migrant Rights Movement

- *advocacy*
- *action*
 - access
 - strategies



Content/Structure

1. Background– *why global governance, why migrant rights?*
2. Governing Actors
3. Situating GG within academic debate(s)
4. Obstacles and opportunities to advancing the rights of migrants
5. Illustrative examples

At the global level, migration for employment „late arrival“

- *Institutional level*
 - no single UN agency with migration mandate
- *Normative level*
 - two ILO conventions (from 1949 and 1975) and 1990 UN Convention
 - highly underrated
 - viewed as ‚pre-globalisation‘ documents (*content*)
 - little promotional activity until late early 2000s

Recent flurry of activities surrounding migration:

1. *Global Commission on International Migration* 2003-2005

→ ‚data gathering‘ via regional consultations, commissioned papers etc.

2. *ILO Congress* 2004 devoted to revival of rights-based approach

3. *UN High Level Dialogue on Migration and Development* 2006

→ will be repeated in 2013

→ in meantime, annual Global Forum on Migration and Development

4. *Reports by various I/Os*

→ UN agencies (UNDP, UNRISD, UNFPA, UNIFEM)

→ IFIs (World Bank)

Items on the global agenda:

1. "management of migration"

- state cooperation and coordination on migration policy
- global trend towards temporary/circular migration

2. Instituting "migration as tool for development"

- positive take on migration/migrants' role in development
- neoliberal policy ethos ("self-help", "rolling back" of state)

What is the problem?

Dominant discourse and policy practice of „control“

- focus on controlling exit and entry (largely premised upon Northern interest)
- sidelining of protection issues

Manifested in:

- ‚forum shifting‘ away from UN standard setting to ‚extra-UN‘ fora
 - no accountability structures
 - no direct access for civil society actors

1. Standard setting IOs (part of UN system)

ILO

- tripartite system and complaint structure
- “decent work” agenda
- migrant workers represented via trade unions

OHCHR

Treaty Bodies

- they overview implementation process by State Parties
- civil society input via “shadow reports” to Treaty Bodies

UN Special Rapporteur

- annual report to Human Rights Council
- country visits by invitation only
- limited budget, staff capacity

...*threatened by competing agencies*

- increasing presence and role of the **IOM**:
 - inter-governmental organisation (outside the standard-based UN system)
 - no mandate to monitor or protect rights of migrants
 - no forum for civil society organisations to give input
 - no accountability mechanisms

.....and extra-UN fora and processes:

- Global Forum on Migration and Development
- Regional consultative processes
- WTO GATS Mode 4 (stalling....)

Governance concept

→ points to general trend towards greater cooperation among states and to the role of international organisations

„migration management“ agenda

- via provisioning of legal channels for migration
 - but: selective (and highly restrictive) policy framework
- via a more conducive institutional environment
 - = focus on controlling entry and exit
 - = lack of attention paid to „labour market governance“

A number of different academic approaches to governance

- IR/IPE
 - global governance associated with economic globalisation
 - privileging of **top-down** economic and financial governance
 - preserve of international organisations and states/governments
- International Law
 - role of **law** as tool for global order (*and power*)
 - concern with compliance
- Public Policy
 - new thinking about changes in policy delivery and state capacity by shifting attention **to society-based actors**
 - opening-up of channels of influence by non-state actors
- Development Studies
 - draws attention to irrelevance of IR/IPE/public policy perspectives in the **context of Global South**
 - points to difficulties in constructing a macro-theory of global governance in highly unequal world



From viewpoint of civil society/transnational actors:

„democratic deficit“

→ lack of transparency, accountability, participatory mechanisms

question: *does the incorporation of TN actors lead to democratisation of IOs?*

my interest: *how to advance migrant rights?*

Action-oriented, bottom-up approach

Actors

- Trade Unions
- Migrant Rights/labour rights NGOs

Strategies

- transnational networking
- trans-institutional networking
- use of political opportunity structures

→ to influence norms (*addressing the causes and consequences of migration in the form of rights*)

→ to take political action

Examples

- **Peoples' Global Action on Migration, Development and Human Rights**
 - nascent global migrant rights movement
- **International Domestic Worker Network**
 - sector-specific approach

Engagement with what aspect of global governance?



ILO Congress 2010 and 2011

→ new ILO Convention no. 189 on *Decent Work for Domestic Workers*

- lobbying for recognition of domestic work as „real“ work
- step towards regulating informal, non-standard work
- integration of migrant worker issues into rights agenda for all workers (*sector-specific approach*)

= ***lead taken by trade unions (IUF)***

= ***entry point for action on migrant rights via labour market governance***



Extra-UN process

– nonbinding, informal, state-led

Format:

- Annual meeting

two components: 1. government meeting, 2. Civil Society Days

content: roundtable sessions, identical lead topics

→ **Rights-Based Approach**

→ rights-based governance means to be **consistent with human rights standards**

= *right to mobility* (less restrictive policy environment)

= *labour rights* (recognition and decent work at origin and destination)

= *right to not have to migrate*

integrated rights-based approach:

→ **right to mobility combined with the right to development**

- **material features** of migrants need to be taken into account while considering the inequality of power relations between receiving wealthy countries and less wealthy countries of origin (Estevez, 2010)
- thus, human rights should be recognized for international migrants from a perspective of **decolonized global justice** (ibid.)

- **This Talk:**
 - tried to shed light on the **global movement for migrant rights** which targets the newly emerging global migration governance structure (or process) and discourse
 - it demands the **strengthening of the HR dimension** of migration governance **in two ways:**
 - 1. by demanding and providing **access**
 - 2. by **advancing** our **understanding of migrant rights**

Theoretical framework developed:

- **Rights based approach** to governance
 - normative dimensions
 - action- and process-oriented
- = „*governance from below*“

by drawing on social movement, constructivist IR and network perspectives

enshrined in postcolonial or decolonized epistemology



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ATTENTION!