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 underratified
    - 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 Ios**
   - 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)
Background

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

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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

Concluding Remarks
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*
Selected Bibliography:


THANK YOU FOR YOUR ATTENTION!