Global Governance of Migration and the Global Migrant Rights Movement

Dr. Nicola Piper
Arnold Bergstraesser Institute
Freiburg University
Germany
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 Ilos**
   → 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
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….)

Governing Actors……..
Global Migration Governance

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?
Advancing the Rights of Migrants

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
Selected Bibliography:


THANK YOU FOR YOUR ATTENTION!