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**DEMOCRATISING MIGRATION FROM THE BOTTOM UP: THE RISE OF THE GLOBAL MIGRANT RIGHTS MOVEMENT[[1]](#footnote-1)**

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**INTRODUCTION**

In recent years, the international migration of workers has reached a firm place on the global policy agenda as evidenced by a flurry of activities amounting to the emergence of - what some would call - the ‘global governance of migration’ (Grugel & Piper 2007; Betts 2011; Koser 2010). Despite the fact that cross-border migration for work has been subject to attention by numerous international organisations and major world conferences for decades, concrete problem-solving arrangements in the form of institutions and formal as well as informal rules surrounding it – that is, global migration governance - has been a comparatively slow affair. This can to a large extent be attributed to states’ (real or perceived) needs to control population flows and access to employment opportunities, mediated by national sovereignty claims and demands by employers for a flexible and ‘affordable’ workforce. As a result of this combination of political interests and sensitivities, the inception of an institutional architecture that would effectively govern international migration has lagged behind.

In order to overcome the challenges posed by multiple institutional deficiencies, migrant rights activists have begun to step up their mobilising efforts on the global level. Building on grassroots migrant activism, transnational advocacy networks have been formed and broader social movement building, including transnational campaigns for labour standards and labour rights, embarked upon. In doing so, they have developed a comprehensive approach to migrant rights that addresses not only the consequences but also the major causes leading to international migration in the first place. Such initiatives are challenging elitist (‘top-down’) projects of global governance by articulating alternative visions based on international human and labour rights principles (‘bottom-up governance’).

Taking the activist perspective as the starting point, the argument advanced here is twofold: (1) that movement practices in migrant rights networks are putting forward increasingly coherent claims that transcend the conventional thinking about global governance and human rights (rights-assuming advocacy); and (2) such practices are effectively transgressing inter-state political arenas (participatory, rights-producing politics).

Rights-assuming advocacy refers to the ideational advancement of the meaning of migrants’ rights in a global justice context derived from the actual experience of the many workers who labour in low-wage sectors; and who are, as migrants, deprived of their political rights due to their precarious status in social and legal terms. Political marginalisation is compounded by social and geographic marginalisation that comes with the filling jobs in specific sectors where migrants are overrepresented (such as private households, in agriculture/rural areas, on construction sites, or as seafarers). The specific strategies employed by the global migrant rights movement to represent, and thus gain greater recognition of, a new understanding of migrant workers’ rights vis-à-vis the emerging ‘global migration governance’ centre upon the claiming of political space, that is access to relevant political processes. These strategies fall into the realm of rights-producing politics. Further, it is on the basis of the cooperation between the two main protagonists, trade unions and migrant rights associations, that strategic positioning of migrant rights issues within the global policy debate is taking place, with the aim of promoting a rights-based approach to migration and its governance. The combination of rights-producing politics and rights-assuming advocacy is expressed in the rights-based approach to migration which involves the reframing of migrants rights as well as attempts to democratise migration governance in participatory terms.

Drawing on social movement scholarship and constructivist strands within International Relations (IR) with the aim to go beyond conventional conceptualisations of human rights, this paper attempts to demonstrate that (1) a rights-based approach (RBA) is evidenced in the political struggle for a more inclusive and ‚just’ global governance of migration; this is an activity that has shown some positive effects on global democracy by diversifying recognition and increasing representation amidst interstate concerns; and that (2) this position supports the view, elaborated by certain constructivists, that participatory political acts can have ideational effects and reveal a politically productive force in mobilisation struggles. This position has been neglected in rights-based cosmopolitan accounts which tend to place rights outside of politics.

In sum, this paper’s overall objective is to investigate the emerging global governance of migration from the perspective of migrant rights activists and their endeavour to inject a comprehensive rights-based understanding in an ideational and processual sense. I begin my discussion with an outline of the institutional and discursive developments towards global governance of migration approached from a global justice perspective. I then turn to the conceptualisation of a comprehensive rights-based approach to work-related migration in a global context. The section thereafter investigates the efforts made by the emerging global migrant rights movement in their attempt to democratise migration governance[[2]](#footnote-2), followed by brief concluding remarks.

**RIGHTS-PRODUCING POLITICS: DEMOCRATISING THE GLOBAL GOVERNANCE OF MIGRATION**

„It is time for direct democracy. This means democratizing access to power, encouraging social organisations, and promoting instruments of participation, including protecting the right to freedom of association and collective bargaining, for all migrant and informal sector workers, and encouraging full and meaningful participation in the trade union movements in both sending and host countries.“

(Final Declaration of the 5th World Social Forum on Migration, clause 25, 2012)

The idea of global governancein its various conceptualisations has emerged to capture cooperation of different actors (governmental, IOs, NGOs) within a network made up of formal and informal rules in order to reform institutions of ‘the global’ to meet the challenges of providing citizens with global public goods (Rittberger 2001; Kennedy et. al. 2002; Jönsson & Tallberg 2010). The scope of ‘global’ is defined in its reference to the workings of and interactions with international governmental organisation[[3]](#footnote-3) based on transnational aims, including the labour and human rights of international migrants.

Recognition that, as a policy field, international migration for work requires not only bilateral but effective global regulation has come very late when compared to other issue areas that have been subject to global governance for some time - such as trade, health, and finance (Kalm 2010; Jönsson & Tallberg 2010; Betts 2011; Koser 2010). Yet, the transnationalisation of labour markets and labour systems through international migration is among the key features of economic globalisation today (Standing 2008), and as a truly global phenomenon migration implicates most, if not all, countries in the world in one form or another, as migrant sender and/or receiver (or place of transit).

Most forms of migration have employment-related aspects as geographic mobility is largely a response to lacking economic opportunities under conditions of insufficient or non-existing social safety nets provided by states and the increasing or continuing privatisation of essential public good such as health and education (Hujo & Piper 2010; UN DESA 2011). This is compounded by the fact that much migration occurs within regions or in a ‘South South’ context: according to the United Nations, “among people who move across national borders, just over a third moved from a developing to a developed country” (UNDP 2009: 2). The significance of intra-regional migration in the Global South has implications for the common claim that migration contributes to development and poverty alleviation (Hujo & Piper 2010). Migrants tend to find themselves in a state of precariousness[[4]](#footnote-4) on the basis of labouring in low-wage sectors, often in an undocumented or contract-tied manner (ILO 2013) and then again post-migration when returning home to often still hopeless situations which drive them to re-migrate (Spitzer & Piper 2014). It is the combination of specific migration policies and the material features of migrants set within the inequality of power relations between wealthier receiving and poorer sending countries of migrants that constitute vital aspects which need to be taken into account in assessing a “just” global deal for migrants (Estevez 2010). These aspects are also subject to the politics around the governance of migration and the attempt by civil society to reshape it.

**Governing Cross-border Mobility of Workers**

There is now evidence of greater global cooperation between states in the area of migration: the establishment of the Global Commission on International Migration in 2003, the report of the World Commission on the Social Dimension of Globalization in 2004 (ILO 2004), the International Labour Organisation’s (ILO) annual labour conferences in 2004, 2010 and 2011 devoted to the promotion of rights and labour standards relevant to migrant workers, and the first United Nations (UN) High Level Dialogue on Migration and Development in September 2006. Further evidence is the creation of the state-led Global Forum on Migration and Development (GFMD) which has held annual meetings since 2007. These developments are undoubtedly part of a gradual shift toward the emergence of global governance of migration, broadly defined as the proliferation of rules and regulations directing the cross-border mobility of workers**,** which has attracted interest by academics (Grugel & Piper 2007, 2011; Kalm 2010; Koser 2010; Geiger & Pécoud 2011; Betts 2011) as well as policy makers (IOM 2010).

The discourse and policy prescriptions that have resulted so far from this new international cooperation on migration has largely centred upon what Chi refers to as “the paradigm of ‘managed temporary labor migration’” (Chi 2008: 500). The ‘management of migration’ discourse is linked to the renewed interest in migration’s contribution to development (‘migration-development-nexus’), placing great emphasis on the design of formal policies by which origin and destination states try to assert control over migratory flows and employment - that is, over income and profit generation as well as the securing of livelihoods through migration. This framework claims to constitute a ‘triple win’situation, benefiting host and source countries as well as the migrants themselves (UN 2006).

Yet, there is plenty of evidence that the majority of international migrants who labour in the bottom rungs of the global economy are not among the winners, pointing to the fact that concerns for “migration” governance (policies that regulate the flow of people) are not matched with “labour” governance (that is, labour rights embedded in functioning labour relations). This has partly to do with the fact that global migration governance has come about at a specific historical moment in time when labour has suffered in the form of downgrading of labour standards and loss of traditional union rights, due to the spreading of neoliberalism and the restructuring of the global economy (Munck 2002; Standing 2011; Schierup & Castles 2011). This trend is also reflected in the weakened position of the ILO, *the* central standard setting international organisation in the realm of labour (migrant and non-migrant) (Standing 2008). As a result, the dominant policy approach focuses primarily on controlling migration through state cooperation and extracting economic benefits of foreign workers whilst paying lip service to the human rights of migrants. This is evident from the under-ratification of specific international standards on migrant workers, the piecemeal (and highly politicised) process of addressing the protection issues of migrant workers, and the ‘forum shifting[[5]](#footnote-5)’ to extra-UN venues such as the informal, non-binding Global Forum on Migration and Development (GFMD) that has been held on an annual basis since 2007. In this sense, migration governance has failed to deliver the ‘triple wins’ (Wickramasekara 2011).

Being in practice embedded in an increasingly restrictive policy environment, current policy practices heavily circumscribe the human and labour rights of migrants[[6]](#footnote-6) which are well set out in existing international instruments[[7]](#footnote-7). As low-skilled/low-wage temporary contract workers, many migrants find themselves in highly vulnerable and exploitative situations. Migration governance, thus, continues to fail in several key areas as reflected in decent work deficits in regard to labour rights, employment opportunities and social protection.

It is because of the structural and experiential vulnerability and marginalisation of the many migrant workers that migrant rights organisations from around the world have come together to voice a common critique of the dominant discourse and concomitant policy prescriptions at the global level which reflects disregard for human rights issues (Civil Society GFMD 2012; Global Unions 2012; WSFM 2012). The argument made instead is in favour of a human rights framework considered essential for successful migration governancealongside socio-economic development. This critique, therefore, constitutes a counter-discourse: the need for a rights-based approach to labour migrationto address the rights deficit in current policy making practices as well as lack of decent work in both origin and destination countries. The issue of the RBA has been raised repeatedly by civil society (WSFM 2012; at the GFMD, advocating in their statement at the 2012 Mauritius GFMD for “Operationalizing a Rights-based Approach to Labour Mobility” and  **“**Rights-based Development Solutions and Migration”). Migrant rights’ advocates’ critique also extends to the fairly closed process of current governance by states, leading to the demand for greater participation in decision making also being voiced (Piper & Rother 2012).

In this way, the migrant rights movement joins others in challenging the conventional bases of authority as they question both the legitimacy of representative democratic institutions as well as the capacity of these institutions to effectively provide for human need (Holloway 2002; Tilly 1995). This point is being made more broadly in some of the social movement literature (beyond the area of migration) (Smith & West 2012; Smith 2008). This leads to the argument – substantiated on the basis of mounting migrant rights advocacy - about these movement networks generating alternative political spaces where moral claims are being advanced in ways that may threaten the existing institutional arrangements which are subjected to increasing crises and contradictions.

**RIGHTS-ASSUMING ADVOCACY: MIGRANT RIGHTS IN A GLOBAL CONTEXT**

(WSFM Report 2012: 114)

„..... the right not to emigrate should be in place in the countries of origin. This implies creating the necessary conditions that transform migration into a choice rather than a necessity“

(Final Declaration of the 5th World Social Forum on Migration, clause 31, 2012)

This quotation hints at the point made above about the current failure of turning migration into a ‘triple win’ on the basis of lacking labour governance ‘here and there’ (i.e. in countries of origin and destination, linking causes and consequences of migration) in the context of changing migration dynamics and practices (that is, the feminisation of migration, significance of intra-regional flows, and the spreading of temporary employer tied-contract schemes).

Further, this quotation points to the importance of a broad-based social justice approach which for migrant activists revolves around safe, secure and fairly-paid work, access to social protection and portable social rights, dignity and respect for migrants in the countries of destination and their countries of origin. In other words, responsibility for delivering migrants’ rights is to be treated as a global issue, placed not only on the shoulders of countries of destination but also countries of origin. In addition, equally (if not even more) crucial for migrants are political rights – starting with the right to join and form collective organisations in order to push for participation with the ultimate goal of demanding and claiming their rights as workers ‘at home’ and ‘abroad’.

A comprehensive rights-based approach (RBA) to migration, therefore, addresses migrant rights as embedded in the full circle of migration, i.e. such approach understands migration as a process involving three main stages: pre-migration, overseas stay and return migration. The RBA, thus,relates to the obligations and responsiblities not only of country of destination societies (post-migration) but also country of origin societies. This means it also addresses the root causes of migration and the vicious cycle of migration-and-re-migration from a rights perspective.

Applied to the realm of employment and work, it is the ILO’s ‚decent work’ agenda that forms the basis from which the migrant rights community argues for the need to create decent employment opportunities ‚here and there’, in order to render migration a greater choice rather than a necessity or force as it is currently being experienced right by many migrant workers. In political representational terms, such approach points to the importance of membership in political organisations as a type of quasi-citizenship and to such organisations’ operations across borders, i.e. transnationally (Gordon 2008; Piper & Gencianos 2014). These kind of connections are reflected in the migrant rights movement’s mobilsing efforts (as discussed in the next section).

In a context where migrant rights are not recognised (when migrants are treated as non-citizens and therefore not legitimate bearers of rights or ‚absent’ citizens) let alone put in practice, the promotion and protection of migrant rights through participation by migrant rights organisations becomes a central pillar of rights-based migration governance. In this sense, in recognising the political agency of migrants and the importance of their participation or representation in decision-making processes, the RBA goes beyond a legalistic approach. Furthermore, by applying a comprehensive rights-based approach to migration and development, the RBA – as argued for by the global migrant rights movement - involves not only (legal) recognition and (political) representation but also (material) redistribution in the sense that better opportunities „here“ and „there“ would result in greater gains from migration, plus would provide more choice as regards the decision to migrate in the first place.

What is at stake here is, therefore, neither a conventional understanding of citizenship nor a liberal, individualistic notion of human rights. Classically, rights questions with regard to migration referred to whether economic migrants could access political citizenship in their country of destination, meaning the right to vote, the acquisition of formal citizenship and even membership of political organisations such as political parties (Layton Henry 1990). By contrast, the ‘new rights’ agenda places migration squarely in the context of debates about global justice and focuses on the combined responsibilities of both sending and receiving countries. The ‘new rights agenda’ reflects the growing centrality of rights in debates about global development (Piper & Grugel 2014). As a result, the articulation of rights claims has become central to the way in which grassroots social movements have framed grievances in recent years (VeneKlasen et al. 2004). Rights direct attention to the drama of ordinary people caught up in grand, impersonal global practices (Goodale & Merry 2007).

This is the context for choosing the somewhat diffuse sounding notion of ‘migrant rights’ here which in my interpretation refers to broader mobility rights that go beyond national citizenship rights, or rights applied to the post-migration phase only. In fact, they apply to political representation (Gordon 2009) and political responsibility (Young 2004) beyond the confines of the nation-state. Given the widespread non-acceptance of migrant rights (due to being what Tanya Basok calls “counter-hegemonic” rights claims, 2009), this notion therefore importantly builds on Nancy Fraser’s argument that the two major families of justice claims – claims for socio-economic redistribution and claims for socio-legal recognition – have to be supplemented by political representation, set within the context of an increasingly globalising world (2005). Redistribution and recognition, as she points out, are in themselves political “in the sense of being contested and power-laden” (2005:74), and thus intricately linked to the issue of representation which concerns the procedures that structure public processes of contestation. Taking these claim making processes out of the national realm is highly important for migrants who are often excluded from political processes in countries of destination – and to some extent from their countries of origin also. It is these multiple exclusions which the global migrant rights movement is trying to address through mobilising in the form of multiple networks on the basis of a comprehensive rights-based approach to migration.

The notion of ‘migrant rights’ is in this sense linked to a particular understanding of rights in general. I take inspiration here from Koskenniemi (2002) who treats rights not as a ‘given’ or part of a moral order, but as historically contingent and products of politics. He refers to this process as ‘field constitution’ whereby an aspect of reality comes to be characterised in terms of rights at a particular moment in time. This process involves delicate politics, allocation of resources and struggle over institutional competencies. This can be observed with regard to the fragmented global migration governance and international organisations’ aspirations to become the key migration agent. But this can equally be observed within the sphere of civil society (Piper & Rother 2014). Overall, as only some aspects of reality become recognised in terms of rights while others do not, the process of field constitution is not “politically innocent” (Koskenniemi, 2002: 83). In turn, a ‘political’ position on rights allows us to reclaim the emancipatory potential of rights and to treat them as open-ended, hence “irreducibly political” (ibid., p. 80).

Rather than taking a legalistic or normative approach, the subject of migrant rights is addressed here from a perspective which views rights as a product of political struggle embedded in material inequality. It is, therefore, the constructivist and radical view of human rights that is supported here. The former is evidenced in Koskenniemi’s writings who treats rights as the effects of politics rather than the prevalent human rights view which presents them not usually as the product of politics but of ideational or normative innovation. Radical human rights scholarship adds to the position of human rights as a product of politics a ‚bottom up’ perspective: that is of human rights as emanating from social movements and the political struggle by ‚ordinary’ people (Stammers 2009; Rajagopal 2002). The cosmopolitan accounts of rights, by contrast, do not appreciate the rights-producing agency of networked civil society organisations[[8]](#footnote-8).

The practice of rights is shaped through actual struggles informed by people’s own understanding of what they are justly entitled to. In other words, drawing meaning of rights from the perspective of those claiming them “transforms defined normative parameters of human rights debates” and establishes “actor-oriented perspectives” on rights (Nyamu-Musembi 2002:1). Conceptualising grievances as rights and the actual claiming of rights are actions which derive from the changing aspirations of people, and such change is typically induced by claims making mechanisms typically based upon freedom of speech and freedom of association (Nett 1971). Where such freedom does not exist due to political oppression, transnational advocacy networks are often used as a strategy (Keck & Sikkink 1998). Thus, a non-legalistic perspective on rights draws our attention (amongst other) to the vital role played by civil society organisations and their networks as vectors of collective agency and action in ensuring the promotion and shaping of human rights discourse and protection, i.e. through ‘bottom up’ processes involving political activism (Grugel & Piper 2011; Piper 2009).

Returning to the evolving nature of the fragmented architecture and state-led processes of migration governance that tend to lack concern for the rights of migrants (Boehning 2009) and offer few opportunities for social activism aimed at addressing the rights deficit in policy making (Piper & Grugel 2014), the next question that arises pertains to what migrant rights activists concretely do about this state of affairs in terms of mobilising. What kind of strategies are employed to redirect current migration policy making at the global level toward a rights-based approach? In other words, what does it take to democratise global migration governance?

**DEMOCRATISING MIGRATION AND ITS GOVERNANCE FROM THE BOTTOM UP: THE EMERGING GLOBAL MIGRANT RIGHTS MOVEMENT**

**“**Our biggest asset is the existence of global social movements. Our task is to think and work together so that we move beyond advocacy for policy changes, and towards a strong process of inter-movement building so that we can occupy the relevant spaces and challenge the global paradigm.” (WSFM, 2013: 42)

This quotation resonates Bourdieu’s comment made about the French anti-globalisation movement: that the „first consequence of this movement is the movement itself, its very existence“and that it pulls the marginalised out of „invisibility, isolation, silence and non-existence“ (1998: 89). What the above quotation also hints at is the issue of strategic positioning vis-à-vis the fragmented global migration governance architecture on the basis of the formation of ‚networks of networks’ (inter-movement building) and specific framing of migrant rights in order to challenge dominant discourses and global governance projects, that is by (1) addressing the lack of attention to „labour“ governance by exclusively focusing on migration governance; and (2) addressing the migration-development nexus in its drive to institutionalise migration as a solution to development failures.

**Labour governance via a new ILO convention**

The recent achievement of having a convention that is relevant to a considerable, and mostly female, migrant workforce not only placed on the agenda of an ILO Congress but also resulting in ist actual drafing and consecutive adoption – that is, the ILO Convention No. 189 on Decent Work for Domestic Workers from 2011 - constitutes an example of the successful strategy of forming ‚networks of networks’ between migrant rights organisations and trade unions. ‚Successful’ is meant here in political terms by integrating migrant worker issues into an otherwise sector specific (rather than migrant specific) approach to labour standards – the sector of domestic work. This is an example of strategic framing that diverts attention somewhat from migrant labour (which constitutes the politically more contentious issue) to the plight of a workforce (comprise of migrants and non-migrants) in a sector as a whole – a workforce which is considerable in size but has hitherto been unregulated and, thus, hidden. Some migrant rights NGOs were disappointed about the fact that the situation of migrant domestic workers was not pushed more to the fore in the deliberations as well as the text of the convention itself. But it was down to the politically more savvy trade unions due to their have longstanding experience with the ILO standard making process that saw a greater chance in a more „migrant neutral“ sector approach – and with success. The ILO Convention No. 189 constitutes a political victory as an instrument which regulates a hitherto unregulated sector in the informal economy whose workforce is primarily female and primarily located in, or drawn from, the Global South, of which a considerabele percentage are migrants.

Importantly, the success of the ILO Convention is related the networks of networks between migrant rights organisations and trade unions. As most of the more powerful, well resourced unions in the Global North have little experience with informal sector work in general and domestic work in specific, they depended on the expertise of domestic worker and migrant rights organisations, opening an important entry point for non-union worker representation. Specific individual activists were recruited into the official negotiation process who could draw on their personal experience as domestic workers. One such person is Melissa Begonia[[9]](#footnote-9) who left the Philippines over a decade ago, initially for domestic work in Singapore, to eventually move with her latest employer to London. When a number of problems came together, she turned to outside help and subsequently became instrumental in the establishment of *Justice for Domestic Workers* (J4DW) in 2009, an organisation of migrant domestic workers working in private households. J4DW has become an affliate of UNITE the union. She was a member of the British trade union delegation at the ILO Congresses in 2011 and 2012 when ILO Convention No. 189 was negotiated. During this process she made a number of interventions and became a kind of role model to other (the non-unionised) female migrant rights activists who were present as observers. Her rise from an abused domestic worker in foreign lands who had no idea about international standards and global processes to an activist speaking at plenary sessions at the ILC is a remarkable achievement – and in itself seen as empowering (by her and other activists[[10]](#footnote-10)).

In fact the whole involvement of unconventional (that is, non-unionist) activists and migrant worker organisations revived the entire ILO process and its heavily routinised and highly technical procedures. Senior ILO staff found this new approach rather refreshing and stimulating (personal interviews conducted in 2011 and 2012). Whether opening up channels to domestic and migrant worker organisations constitutes a breaking through the sacrosanct tripartite structure of the ILO by turning this into a consistent feature of the ILO is yet to be seen. But it is a step into the ‚right’ direction as pointed out by critics who have argued for the ILO’s need for institutional renewal and inclusion of non-traditional types of workers who in fact make up the majority of workers worldwide (Standing 2008). In this way, the ILO would also become more relevant to the many informal workers in the Global South (Sen 2000).

Establishing links between unions and domestic or migrant worker organisations is seen as important for information and resource sharing – and for gaining critical mass as regards mobilising and lobbying efforts. Because many migrant and domestic worker organisations are much newer on the political scene than man of the well-established unions, they also benefit from leadership training provided to them by some unions (personal communication, October 2012). Such training is, however, not only provided by unions but also by established migrant rights activists, many of whom from the Philippines.

When surveying the key places and spaces of migrant rights activism, the presence and leadership role of activists from the Philippines stands out. This is a reflection of the decade long history of instituted ‚labour export’ policies practiced by the Philippine government since the 1970s with little evidence of slowing down, resulting in Filipinos being numerically the dominant nationality group in many places with extensive transnational and diaspora networks. In addition, Filipinos have a long social movement legacy (Chung 2008). In Hong Kong, for instance, Filipinos have been proactive in training other nationality groups. As the chairperson of one of the migrant worker alliances in Hong Kong, explains: (after experiencing sustained abusive treatment by her employer) „I did not know where the consulate was; I did not know the immigration department; my passport was kept by the agency. I ran away and an NGO helped me to find shelter.“ (The Guardian, 2014). She first learned about her rights and then shared this knowledge with fellow foreign workers. As an Indonesian citizen, she fully credits Filipino activists who came to Hong Kong earlier for helping to teach later arrivals how to organise (ibid; see also Piper 2009). The training of migrants to become activists and organisers has not only resulted in the set-up of other domestic workers unions but also inspired some returnees to set up migrant rights organisations in the country of origin (Indonesia, for instance). Many of these grassroots organisations joined regional networks such the *Migrant Forum in Asia* which in turn is instrumental in the mobilising efforts at the global level. What these empirical examples demonstrate is that social movement actors emerge as embedded in both the transnational and domestic contexts, as also found by Malets and Zajak (2014).

**Challenging the migration-development nexus**

With regard to the global level, migrant rights organisations around the world and their regional networks formed the Peoples’ Global Action on Migration, Development and Human Rights (hereafter PGA) in response to the state-led process and closed-door deliberations of the GFMD as well as in response to the broad-based composition of the Civil Society Days. The PGA was established at the first global meeting on international migration and development held at UN level, the UN High Level Dialogue on Migration and Development, in 2006. It comprises regional and national migrant rights networks, supported by global and a few national trade unions[[11]](#footnote-11). At the PGA in Mexico City in 2010, for instance, there were nearly 800 delegates representing migrant associations, trade unions, human rights and women’s groups, faith-based and anti-poverty organisations as well as academics.

The PGA brings together groups from around the world to provide essential space for lobbying and pressuring governments and international bodies to look at migration – and development - from a human rights perspective and to make governments accountable to their international human rights and development commitments. Furthermore, the PGA paves the way for capacity building and establishment or widening of networks.

Born out of the PGA process is the Global Coalition of Migration (GCM), the first truly global initiative aimed at the promotion of migrants’ rights. It constitutes a formal alliance of global unions, regional and national networks of membership based migrant rights organisations from Europe, Asia, Africa, Latin and North America as well as two academic networks. It uses the network form of operating to share information and resources and to develop common strategies. One such strategy is to reach out to other social movements – such as Via Campensina, the peasant movement, which is now part of the GCM. Via Campensina’s motivation for joining the migrant rights movement is partly based on the personal experience of displacement by many peasants and the subsequent migration of their wives or other female family members to work overseas as domestic workers (pulled by rising opportunities in the expanding global care economy).

The argument put forward here is that political opportunities are not only capitalised on but also created by migrant rights organisations and their networks: they have responded to state-led (GMFD) or state-dominated (UNHDL) processes by creating their own processes and political spaces (PGA, WSFM) which have culminated in the set-up of the Global Coalition for Migration. These CSO-driven processes constitute ‘networks of networks’ in that they are comprised of regional migrant rights networks such as the MFA, the Pan-African Network, PICUM and global unions as well as academic/research networks.

It is through the CSO-led processes that a radical rethinking of migration and the socio-economic development models that surround migration is being pursued. These gatherings are used to deepen the analysis of the migration-development nexus and to sharpen their counter-discourse of what they view as a systematised labour export-import programme practiced on a global scale. In their interpretation, such practice amounts to forced migration.

The key messages that have emanated from these ‚networks of networks’ and cross-sectoral alliances are: guarantee to the right to free movement one the one hand and the creation of employment/livelihood opportunities for people ‘at home’, i.e. the right not to have to migrate in the first place, on the other hand. The activists are politically savvy enough to realise that the “right not to have to migrate“ can be misinterpreted and abused by anti-migrant constituencies in mostly migrant receiving countries. Instead, they resort to the demand for decent work ‘here’ and ‘there’, thus using the ILO’s broader policy framework.

In sum, the unified message that has come out of the CSO-led initatives in response to the migration-development nexus and ‚management of migration’ discourse promoted by global governing bodies is that development goes beyond economics and involves comprehensive human, or people-centred, development. Instead of the current ‘migration-development’ paradigm that views migrants as ‚agents of development’ in the neoliberal sense of ‚self-help’ in an era of increasing privitisation of public goods, the demand is for a re-focus on the ‘migration-employment nexus’, that is combined migration and labour governance - and, thus, a greater role for the ILO in the global governance of migration.

**DEMOCRATISING MIGRATION THROUGH A NEW RIGHTS AGENDA – CONCLUSION**

We are at a specific historical moment in time when neoliberal thinking dominates policymaking and policy outcomes which, when applied to the experience of migrant workers, tend to gloss over the costs of migrating under highly restrictive and selective policy frameworks that are promoted globally and implemented by an increasing number of countries nationally. Incidences of injustice that invariably arise from this have been subject to rising mobilising and organising efforts by trade unions and migrant rights associations. Grievances and hardships experienced by migrant workers – which revolve around the outcome of global injustice in representational and redistributional terms – are thus increasingly being voiced in a collective manner by way of multiple networks and efforts towards broader movement building.

The new rights agenda which centers upon a comprehensive rights-based approach to migration is promoted by the global migrant rights network to democratise migration with the aim of turning migration into a more emancipatory and less oppressive (or forced) phenomenon. The strategy for achieving this is by democratising migration governance to render migration more just in terms of “parity of participation” by „dismantling institutionalised obstacles that prevent some people from participating on a par with others“ (Fraser 2005). These democratising efforts come from the bottom up, based on the actual experience of the many margnialised migrant workers who are labouring in low-wage sectors under precarious legal and political conditions, channelled through rising collective activism by unions and non-union organisations through the network form (‚networks of networks’). The barriers of organisational membership are still present in many instances but they are gradually being broken down, as demonstrated in the example of the collaborative activism around the ILO Convention No. 189 on Decent Work for Domestic Workers. The rights-based approach combines rights-producing politics and rights-assuming advocacy in claiming politic space for the articulation of an alternative vision, expressed in a new migrant rights agenda, to the elitist, top-down project of global migration governance.

The advancement of a new migrant rights agenda as part of broader global justice movements demands an analytical reevaluation of democracy in normative, strategic and empirical terms. The case of the global migrant rights movement demonstrates a pushing of the boundaries of democracy to a cross-border understanding of its institutional functionings and ideational reasoning. A different imaginary of democracy is emerging - of a new spatial composite where the multi-tiered, non-territorial and multi-institutional dynamics of democracy are played out .

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2. The author of this paper has attended most of these global fora over the last 10 years. The observations made and arguments advanced are based on participant and event observation as well as interviews with key representatives of relevant organisations conducted over the period of 2003 to 2012. [↑](#footnote-ref-2)
3. For a more detailed review of the literature, see Basok &

Piper 2012. [↑](#footnote-ref-3)
4. Lewis et al (2014) refer to this state of affairs as “hyper-precarity” ("Hyper-precarious lives? Migrants, work and forced labour in the Global North.," *Progress in Human Geography* Online. DOI: 10.1177/0309132514548303(2014). [↑](#footnote-ref-4)
5. Political scientists would refer to this as “forum shopping”. From a human and labour rights perspective, however, this pertains to “forum shifting” as civil society organisations have no access to such fora. [↑](#footnote-ref-5)
6. The main rights issues for migrant rights advocates revolve around the strict temporary character of migration (1 to 3 years), the lack of family unification, the involvement of private, profit-oriented recruitment agencies and the employer-tied nature of work permits which exposes migrants to high levels of dependency and abuse at the workplace. [↑](#footnote-ref-6)
7. For a full list see ILO, *The ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration*, Geneva, International Labour Office, 2006. [↑](#footnote-ref-7)
8. A distinction needs to be made here between institutional cosmopolitanism as promoted by Thomas Pogge (2001) and Neo-Kantian approach offered by Benhabib (2007) who argues for taking the question of political membership and democracy in a specific civic entity seriously. She does however not believe in a system of global justice and removes this discussion from the global governance debate. Striking is that the role of trade unions or the labour movement more broadly is completely absent from these accounts. [↑](#footnote-ref-8)
9. This is her real name: she is a public figure who regularly appears in the public sphere (media etc.) and on her organisation’s website. [↑](#footnote-ref-9)
10. As became clear in conversations the author had with Melissa and other activists during the ILC in Geneva. [↑](#footnote-ref-10)
11. Those are: BWI, ICTU, PSI, the Canadian Trade Union Council, and AFL-CIO. [↑](#footnote-ref-11)