LABOUR RIGHTS AS HUMAN RIGHTS?

MIGRATION, LABOUR MARKET RESTRUCTURING AND THE ROLE OF CIVIL SOCIETY IN GLOBAL GOVERNANCE

UNESCO-MOST Conference, Norrköping, Sweden
May 30-June 1, 2012

A Forum for Dialogue on Migration, “Decent Work” and Global Governance organized by REMESO (Institute for Research on Migration, Ethnicity, and Society) at Linköping University in collaboration with the INMD (International Network for Migration and Development), under the auspices of UNESCO-MOST and with financial support from The Swedish Council for Working Life and Social Research (FAS) and the Swedish Research Council (VR).
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Recent decades have seen remoulded or new transnational migration systems across the globe. Inter- and intra-regional migration have been propelled by major political and economic changes in Eastern Europe, massive growth of industrial and service economies such as China and India and increasing conflict- and climate driven refugee movements. This is accompanied by an unprecedented mobility of capital, restructuring of economies and flexibilisation of labour markets. Hence, the new political economy of migration is linked to informalisation and precarisation of work with re-enforced ethnic, racial and gender segmentations, as well as deteriorating social rights.

On this background major international organizations have sought to establish global normative frameworks for human and labour rights and fair rules for cross-border movement. Among them is the UN initiative for ‘fair globalisation’. Another is the ILO’s ‘decent work agenda’. In addition, a range of civil society movements are engaged in redefining issues of migration and global governance in the nexus of human rights, social rights and labour rights.

A Forum for Dialogue on Migration, “Decent Work” and Global Governance

This global scenario of structural change was the context for the Labour Rights as Human Rights? conference in Norrköping, Sweden, organised by REMESO (Institute for Research on Migration, Ethnicity, and Society) at Linköping University in collaboration with the INMD (International Network for Migration and Development), under the auspices of UNESCO-MOST and with financial support from The Swedish Council for Working Life and Social Research (FAS) and the Swedish Research Council (VR).

Jorge Romero, Saskia Sassen, Ronaldo Munck, Stephen Castles and Guy Standing

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Venue: Louis de Geer Concert Hall, Norrköping

May 30, 2012
10.15-11.00 Welcome and introduction
Aleksandra Ålund, REMESO, Swedish UNESCO-MOST, Helen Dannetun, Vice Chancellor, Linköping University, Kenneth Abrahamsson, Program Director, Swedish Council for Working Life and Social Research and Swedish UNESCO-MOST Committee, Raul Delgado Wise, University of Zacatecas, INMD, UNESCO, Carl-Ulrik Schierup, REMESO, Conference Director

11.00-15.30 Keynotes
Migration, Precarious Work and Rights. Historical and Current Perspectives
Stephen Castles, University of Sydney
Migrants and Denizens – Core of the Precariat
Guy Standing, University of Bath
A Savage Sorting of Winners and Losers: Can Human Rights Take Us Beyond?
Saskia Sassen, Columbia University
Beyond North and South: Migration, Informalization and Trade Union Revitalization
Ronaldo Munck, Dublin City University

16.00-17.30 Panel discussion
Stephen Castles, Guy Standing, Saskia Sassen, Ronaldo Munck

Discussants
Anna Avendaño, Immigrant Worker Program AFL-CIO, Jorge Romero Leon, Open Society Institute, New York, Moderator: Anders Neergaard, REMESO

May 31, 2012
9.00-17.30 Parallel Workshops
I - Migration, Precarisation and “Decent Work”: National Regulations and International Norms
II - Migration, Labour Rights, and Global Governance: Options for Civil Society

June 1, 2012
9.00 - 10.00 Summing up the Workshops: Perspectives, Conclusions and Discussion.
Luin Goldring, Ronaldo Munck, Valery Alzaga, Karl Flecker, Bettina Musiolek, Thord Ingesson
Moderator: Aleksandra Ålund, REMESO, UNESCO-MOST

10.30 - 12.00 Panel Discussion: Civil Society: Which Research Agenda for Strategic Action?
Colin Rajah, Migrant Rights International, Crecentia Mofokeng, BWI, South Africa, Milka Isinta, COTU, Kenya, Sam Hägglund, BWI, Sweden, Michèle LeVoy, PICUM
Discussants: Rinus Penninx, IMISCOE, Judy Fudge, CUNY
Moderator: Carl-Ulrik Schierup, REMESO

12.00 - 12.30 Preparations for the Global Forum on Migration and Development 2013-2014
Announcement by the incoming Swedish Chair of the Global Forum on Migration and Development 2013-2014, Eva Åkerman Börje, Swedish Ministry of Justice, Migration and Asylum Department

Which Agenda for Civil Society Days in Sweden 2014?
John Bingham, ICMC and William Gois, Migrant Forum in Asia

12.30 - 13.00 Closing Word: Retrospect and Prospect
What Has Been Done and How to Proceed from Here?
Welcoming Address: "Human rights - A promise for dummies?"

The Scientific Director of the conference, Professor Carl-Ulrik Schierup, Founder and Director of REMESO, said in his welcome address that “the notion of Human Rights is something of a free-floating signifier. It could mean an inclusive cosmopolitan strategy which brings us closer to the realization of an ideal and a policy of universal protection and inclusion of migrants and precarious workers”. However, he admitted, universal human rights is also something of “a promise for dummies” as it has too often been an idealized, yet empty, concept, with little real strength to change social conditions. Hence, the challenge is to create a forum in which the ideal can be nudged a bit forward towards realization.

Schierup’s opening was followed by opening statements also by Aleksandra Ålund, REMESO and Swedish UNESCO-MOST, Helen Dannetun, Vice Chancellor, Linköping University, Kenneth Abrahamsson, Program Director, Swedish Council for Working Life and Social Research and Swedish UNESCO-MOST Committee.

Keynote lectures

Five leading international scholars in the area of migration, labour life, precarisation, globalisation and welfare change introduced the conference.

Professor Raul Delgado Wise gave in his introductory address – The Migration and Labour Question – a brief comprehensive description of the issues at stake. He started out by emphasizing the twin aims of the conference to develop a new research agenda on Migration, Development and Human Rights, and, the work of framing policy debates in order to build bridges between government, academia and civil society, as well as between “north/south” and “sending, receiving and transit societies.”

He held up a picture of the problem at stake: “Labour is currently facing one of its most dramatic episodes in history. According to ILO figures: of the 3.3 billion workers in the world, more than half (1.7 billion) are subject to vulnerable working conditions, 900 million (nearly 30%) earn wages of 2 dollars per day or less, 204 million are unemployed, and around half survive in the shadows of the informal sector.”

He emphasized that the pressure to emigrate, as a desperate survival strategy, have grown dramatically, particularly in the global South. Of the large body of internal migrants, they make up 750 million, who “stand at the lowest echelon of the new geography of social marginalization and precariousness.”

However, he insisted that this situation is not inevitable. What is needed for change, is to “reorient the way we produce and share knowledge”, “new analytical categories connected to solid empirical data” and to “bring down myths, barriers and ways of seeing the world that fail to portray the dynamics of contemporary capitalism as it relates to migration, labour and human development.”

Raul Delgado Wise is Director of the Doctoral Program in Development Studies at the University of Zacatecas (Mexico), President of the International Migration and Development Network, and co-Chair of the Critical Development Studies Network. He is author/editor of 20 books and more than 150 essays. He is editor of the Journal Migración y Desarrollo, member of the editorial committee of several academic journals in the US, Canada, Brazil, Chile, Argentina and Mexico, and editor of the book series “Development and Migration” for Miguel Angel Porrúa.
Migration, Precarious Work and Rights. Historical and Current Perspectives
Stephen Castles, University of Sydney

"Legal Status is Not the Whole Story"

Stephen Castles offered a historical perspective on the development of the capitalist world market and how it has always been linked to differentiation of workers and the use of migration to create various forms of “unfree labour”, such as slavery, indentured workers, guest workers, forced labourers, undocumented workers and so on. The denial of equal rights has been based on gender, race, ethnicity, legal status, national origins and on the ideology of human capital.

He started with the classical case, the transatlantic slave trade and moved on to indentured slavery of Irish agricultural workers to Britain, USA and Australia. Contrasting these two showed that the formal legal status of the “migrant” is not the whole story. The Irish migrant workers were not formally unfree, but due to their economic vulnerability they were forced to enter contractual agreements in which they gave up their personal freedom and rights.

Stephen Castles

He then showed how there have been changing modes of differentiation, contrasting the labour recruitment systems of the 1945-1970s period with the epoch of globalisation and the creation of a global labour market. His point was that capitalism has made use of both free and unfree workers in every phase of its development. “Even where migration is voluntary, institutional and informal discrimination may limit the freedom and equality of the workers concerned.”

Stephen Castles is former professor of Migration and Refugee Studies, Director of the International Migration Institute (IMI) and Director of the Refugee Studies Centre at Oxford University and Director of the Centre for Multicultural Studies (1986-96), Director of the Centre for Asia Pacific Social Transformation Studies, at the University of Wollongong, Australia. Books include: The Age of Migration: International Population Movements in the Modern World (w Miller, Basingstoke, Palgrave-Macmillan, 2009); Migration, Citizenship and the European Welfare State: A European Dilemma (w Schierup and Hansen, Oxford: Oxford University Press, 2006); and Migration and Development: Perspectives from the South (ed. with Delgado Wise Geneva: International Organization for Migration, 2008).

A Savage Sorting of Winners and Losers: Can Human Rights Take Us Beyond?
Saskia Sassen, Columbia University

Saskia Sassen followed up with a reflexive argument on how we understand the current situation, linking the issues of the conference to methodological and philosophical strategies for how to understand them. She started out by asserting how any analysis of conditions, a subject or a system - such as the “immigrant,” global capitalism”, “the migration regime” – must recover how it was made and assembled. And the analytic work consists in disassembling the critical components of a process, event, or system.

In relation to the migrant subject, “the migrant” or the “trafficker” Sassen reminded how these figures are much more varied and complex constructions in need of disassembling to be more fully understood. She held up the variability of the immigrant subject in a global world: The low-wage worker; the international business man or woman; the foreign professional; The “IMF citizen”; the “sans-papiers”; the documented
authorized; “Documentary citizenship” and so on. She went over a vast ground and also addressed the racialisation of the immigrant which happens in immigrant policies, the hope attached to “remittances” (immigrants sending money home) and the production of different “immigrant spaces”, i.e. settings which produce migrants, internal or external, physically or conceptually.

"Dead land"

Along this line Sassen continued to speak very concretely about land issues and changes in organization of territories and land. So she suggested a focus, beside the commonplace on urbanisation, also on areas outside of cities and what actually happens on land that are annexed for production, mining, drilling etc. In this context she referred to her own map of “Dead land”, of areas no more inhabitable due to pollution and exploration, itself an engine behind migration. The expropriation and buying up of vast areas on all continents of the earth create a situation where the land is more valuable economically than the people or existing activities on these lands. Right now, Africa is the main target for land acquisition. She explained that the result is, in turn, the production of a huge surplus population. This in turn, she continued, is connected to the global economic crisis and a consecutive growth of “surveillance regimes” and businesses, also affecting and creating “immigrant spaces” and conditions for migrants.

She ended her talk with a description of the changes in relations such as citizenship-territory-state and rights and gave some glimpses of how in this terrain there might be ways forward, for example in the development towards increased possibilities for dual nationalities. She held up the possibilities of unlocking a few immigrant spaces by linking rights also to denationalized subjects or those with multiple nationalities.

Robert S. Lynd Professor of Sociology and Co-Chair, The Committee on Global Thought, Columbia University. Her recent books are Territory, Authority, Rights: From Medieval to Global Assemblages (Princeton University Press 2008), A Sociology of Globalization (W.W.Norton 2007), and the 4th fully updated edition of Cities in a World Economy (Sage 2012). Her books are translated into over 20 languages.

Migrants and Denizens - Core of the Precariat
Guy Standing, University of Bath

Guy Standing spoke about the growing precariat and how to understand this phenomenon, sociologically as changing class structure and as a new political agent. He started out his talk with a historical contextualisation, in reference to Polanyi’s classic book *The Great transformation*. He emphasized how the global transformation we live under today is both related, yet markedly different from that historical phase. The neo-liberalism, ushered in during the 1980s, established a global market system, as opposed to a national system of connected markets. It means a systematic re-regulation, not, as is widely believed, a de-regulation of working life. Thirdly, the globalisation era, entails, he emphasized, a far reaching commodification of “every possible sphere of existence.”

"A new class structure"

With this era, has come a new class structure, dividing people between a small plutocracy at the top, a growing and increasingly nomadic *salariat*, a related group of project oriented, skilled experts – the proficians, an old core of the shrinking proletariat and then below them, the precariat - “the growing number of people living and working in insecure conditions.” They most often lack an occupational identity, and security in forms of labour rights and social rights. Along with their absent occupational status, is an increasingly insecure political and social status in general, as this is to a greater extent conditioned by occupation. Under the precariat he claimed that a lumpen-
Precariat is emerging, often populated by migrants. They are without much political potential, as they are too much at risk and without resources.

Standing thus drew out the main characteristics of the precariat. They are “anchor-less”, loosely attached or detached from a community, with which comes social norms and codes of ethics. This in turn makes this strata specially adapt to be opportunistic, which is also what is demanded by the neo-liberal market. On top of this, this group is exploited both outside and inside labour, as they have to perform a lot unrecorded and unrewarded “work-for-labour.” An important point, made by standing, is that the precariat is not a new proletariat. It is not a group disciplined to fit for stable industrial labour, rather the opposite, they are expected to adapt “to a life of unstable labour.”

The globalisation era is furthermore characterized by a transition from citizenship to denizenship, and with it follows a great variation of different entitlements of rights endowed to different people. The creeping denization, with its plethora of regulations has enhanced the growth of a multiplicity of “ports of entry” on to the labour market, while simultaneously avenues to social mobility have been broken down and traditional social rights linked to citizenship and work have been dismantled. This scenario is hitting and exploiting migrants as well as sedentary people. In fact, Standing insists, denization and flexibilisation is turning all of us into migrants of a sort.

Politically this has consequences. The “higher” classes are increasingly detached from a solidaristic welfare state and in favour of economic liberalisation. The precariat and lumpen-precariat, below the old working class, “are detached from the welfare state by their own misfortune.” What has arisen is a mix of strong support for economic liberalisation, increased detachment from the political sphere as well as, instances of increased reactionary trends and populist xenophobia, bred by the increasing insecurities across the field, not least among the old working class, challenged by a growing mobile precariat.

A result is a libertarian paternalism, guarding norms that are desired or seen as threat to the established system, and this in turn paves the way for a “panoptical state” rationalized by a utilitarian ethics, i.e. a system and culture of surveillance, with an increasing criminalisation of denizens and citizens and their ways of protesting political and social grievances.

"A political inferno"

He characterizes the situation as a “political inferno.” The way out of it, he suggests, starts with the formulation of a progressive vision, a “Precariat Charter” that rests on a set of principles: The precariat is a new emerging class, and historically developments towards a more egalitarian society has always been based on the interests, insecurities and aspiration of emerging classes; This demands new form of collective action; A “forward march” entails three overlapping struggles: for recognition, for representation and for redistribution.

Lastly Standing emphasized the importance of a strategy to de-commodify people as workers, and in this his Charter is definitely radicalized and quite controversial to other political aspirations linked to work, unions and welfare, such as those represented by for example the ILO. This point leads him to disentangle work from income, and to suggest a “universal basic income as a right”. He did not send out foremost a hope that this will be realized but above all a prognosis, that the precariat will be politicised and organised, and is in fact already doing so now.

Guy Standing is Professor of Economic Security at the University of Bath in the UK. Form. Professor of Labour Economics at Monash University, Melbourne, Australia and Director of the Socio-Economic Security Programme of the International Labour Organisation in Geneva, Switzerland. His most recent books are: The Precariat: The New Dangerous Class (London and New York, Bloomsbury Academic Press, 2011) and Work after Globalization: Building Occupational Citizenship (Cheltenham, Edward Elgar, 2009). In 2009 he was elected to the Academy of Social Sciences in the UK.
Beyond North and South: Migration, Informalisation and Trade Union Revitalization
Ronaldo Munck, Dublin City University

Ronaldo Munck, lastly, asked a question, with an implied “bottom up” strategy to come with it, if not the labour movement can, and ought to, be revitalised by being forced to deal with, and include into its perspective more fully the facts of precarisation, flexibilisation and migration. As many of the other speakers, Munck talked against the background of the developments of the last 25 years, i.e. the neoliberal restructuring of labour and its impact on working conditions and the migratory landscape. He highlighted how today a traditional divide has crumbled, between the North and the South, i.e. between developed and underdeveloped countries and regions. The changes we stand before are worldwide.

These changes, Munck, emphasised have theoretical consequences for how we regard labour, and inclusion and exclusion and, informal and formal labour markets and modes of production. These distinctions cannot be upheld in view of the facts of contemporary capitalism. The formal sector is today far too intertwined with the informal. Moreover, and in line with this, the traditional view of marginalised groups standing outside regular capitalist production, is no longer valid, the growing group of migrant, precaritised and nomadic workers, have rather become an essential factor in and for production. The growing numbers of moveable, moving and flexible informalised workers around the globe play a key role in the “weakening of labour's social power.” There is, Munck, reminded, a global informal working class of about one billion, and it is growing. “The Precariat is becoming the rule, not the exception,” asserted with a quote from the political economist Peter Hall.

Organise illegals
This development Munck then brought to bear on the question of trade union strategies. Different unions in different regions have chosen quite different strategies. As it seems, the North has a lot to learn from the South in this regard. Munck thus expressed a cautious optimism that there are ways forward and good examples to draw inspiration and knowledge from. He said that “we can now note a concerted attempt [from unions] at reaching out beyond the bastions of formal employment.” And he corroborated this with examples from various regions where trade unions have chosen to organise various variants of informal, “illegal”, precariat workers.

What these unions, often in the South, have done, is thus to deviate and break with the traditional national protectionism of post world war II unions policies. And, the breakdown of national labour markets as well as distinctions between informal and formal labour should, he suggested, motivate unions to choose an inclusive strategy rather than to continue on a protectionist one. The development of a precariat can in the end prove to be what will revitalise and save the unions. And with the current financial and labour market crisis, surfacing in 2008, he suggested this allows for “a more widely legitimate contestation of ‘there is no alternative’ as accepted truth and the (re)construction of a democratic labour perspective where global, regional, national, and local outlooks are synchronised.

An important reason also for global synchronised union strategies, which Munck, emphasised, is that there no longer are any protection to be found behind political borders, and that precarisation is followed, increasingly, by precarious citizenship status for many migrants today. During the on-
During the ongoing economic crisis this means that “there was literally no place to hide.” A fact that in itself has exacerbated the social, economic and political precarious status of growing groups, among whom migrants are in the troublesome forefront. A global, inclusive union strategy can, according to Munck seek inspiration from history. The early phase of union organising holds example of both a more internationalised union vision and strategies that were more inclusive and more broadly political. And in fact today again vitality is, Munck insists, within international trade unionism rather than with the traditional national unions that hold on to a 20th century paradigm for their survival and renewal.

He offered a number of interesting examples, from different regions of different strategies for unions for how to cope with the current situation. There are social movement oriented unionism, political, strictly economic and more broad community unionism strategies. A conclusion he draws from current examples is that: “If the de-commodification of labour – rather than getting the best price for labour-power – becomes the driving force of trade unions then they will find themselves at the fore of a much broader global social counter-movement against the depredations of the unregulated market.”

Munck is Professor of Sociology and Theme Leader for internationalisation and interculturalism at Dublin City University. He has taught in Belfast, Liverpool, Cape Town and Durban. He has recently authored a trilogy on globalisation: Globalisation and Labour: The new ‘Great Transformation’ (Zed Books, 2002); Globalisation and Social Exclusion: A Transformationalist Perspective (Kumarian Press, 2005) and Globalisation and Contestation: The New Great Counter-Movement (Routledge, 2007). He is currently working on globalisation and migration in Ireland and edits the journal Translocations.

Workshop I

Migration, Precarisation and ‘Decent Work’ - National Regulations and International Norms

The focus of this workshop lay on multilateral human, social and labour rights frameworks, their normative contents, institutional embeddedness, as well as obstacles, opportunities and strategies for implementation in different settings. The recent shift towards a more restrictive migration management approach was discussed, as was the focus on demand-driven circular labour migration and the securitisation of irregular migration. This has resulted in state practices of evasion, violation and dismantling of human and labour rights. Various initiatives and venues towards the promotion of a global social agenda were scrutinised, ranging from ILO’s own strategies to embed ‘decent work agenda’, ‘fair trade’ initiatives, the UN initiative to stage GFMD (Global Forum for Migration and Development) and other initiatives such as the UN’s Social Compact.

The Workshop had three separate sessions:
I Legal Frameworks for Human and Labour Rights: International Instruments and National Laws
II Multilevel Governance, Global, Regional & Local Initiatives
III Towards a Rights-Based Approach to Migration: Research Agenda and Strategic Action

Responsible: Branka Likic-Brboric and Luin Goldring
Session I
Legal Frameworks for Human and Labour Rights: International Instruments and National laws

The objective of this session, chaired by Stephen Castles, University of Sydney, was to deliberate on international human rights and labour standards and mechanisms for their enforcements, including national laws and practices in different regional domains in the context of practices of global liberalisation and deregulation. Questions: What are the main jurisdicational tensions behind implementation failure and related problems of the deterioration of migrants’ and labour rights in different contexts? How do these play out at various levels of government/jurisdiction, and at various scales? And specifically, where do presenters fall on the continuum of arguing for strengthening legislative frameworks, or focusing on the problem of implementing (existing) frameworks?

Blurred Boundaries of Citizenship Luin Goldring, from York University, Toronto, opened the session with a presentation of her paper, co-authored with Patricia Landolt, University of Toronto: “The Conditionality of Precarious Non-Citizenship”. Her starting point was the changing nature of the field of citizenship studies. After dominating discussions of membership and rights, non-citizenship is gaining centre stage, after years of treatment as a residual category that served as a foil to citizenship but did not require much conceptual elaboration. According to Goldring, non-citizenship remains under-conceptualized.

One critical insight that she wants to bring to the discussion is that the boundaries between citizenship and non-citizenship are not fixed in time or space, and that these boundaries are permeable and potentially blurry. She suggested that non-citizenship can be analysed drawing on insights from feminist, anti-racist and other critical approaches to citizenship in order to examine boundary construction between citizenship and non-citizenship. And she argued that this ought to be done to understand the link between non-citizenship and the conditionality of precarious legal status.

In this context she emphasized two elements. First, it refers to the insecurity and contingency surrounding an individuals’ ongoing presence, including the formal and practical conditions that must be met in order to retain legal status and/or remain present in a jurisdiction. Second, precarity also refers to the uncertainty of access: to the multi-actor negotiations required to secure resources or public goods, whether or not these are formally defined as a right of the precarious non-citizen.

An important point for Goldring is the recognition that meeting the conditions necessary to retain status or secure rights calls for ongoing work and is based on unequal relations with a range of social actors (employers, family and friends, medical practitioners, school officials, co-workers, etc.). Drawing on her own research and reviews of work by others, she illustrated how conditionality (of legal status) plays out in people’s status trajectories and encounters with various institutional actors.

Goldring explained how this approach to the conditionality of legal status, complements, but is distinct from, arguments about social exclusion or differential inclusion based on the limited rights
of non-citizens. Given the increasing number of non-citizens generated in the context of global migrations, it is important to consider, she concluded, how we understand the production and negotiation of non-citizenship, in the practical bureaucracies facing the migrant.

*The Paradox of International Rights for Migrants*

**Judy Fudge, University of Victoria** continued with a presentation on "The Precarious Migrant Status and Precarious Employment: The Paradox of International Rights for Migrant Workers". The main aim of her paper was to address the question of whether international human right instruments designed to protect migrant workers’ rights have the potential to challenge the role of immigration law in producing precarious employment.

She started out by concluding that precarious work has proliferated to such an extent that it threatens to displace the standard employment relationship as the prevailing employment norm even in high-income countries. Building on a multidimensional approach to precarious employment, she explored the idea of precarious migration status and the role of the state in creating precarious migrants. For this purpose she elaborated on a taxonomy designed to map the link between migrant status and precarious employment. Through a case study of three “low-skill” streams – the Seasonal Agricultural Workers Program, the Live-in-Caregiver Program, and the Pilot Project for Occupations Requiring Lower Levels of Formal Training (NOC C and D) – in the Canadian Temporary Foreign Worker Program she asked whether migrant statuses institutionalise precarious employment norms.

Finally she brought in a discussion of the three international human and labour rights conventions specifically designed to protect migrant workers. In her paper she assesses the capacity of these conventions and other soft law norms to address the nexus between precarious migrant status and precarious employment identified in the case study.

Fudge concluded that international migrant workers’ rights instruments, especially when combined with core ILO conventions, have very limited potential to challenge state regulatory practices that cultivate the production of precarious employment. Although she maintained that the principle of equal treatment of migrant and national workers is an important bulwark against the segmentation of migrant workers into precarious employment, it falls short in those situations in which the problem is that the national workers are also treated badly.

The problem then, for Fudge, is that international migrant workers’ rights instruments defer to the principle of state sovereignty over immigration policy and accept the right of states to impose restrictions on non-national’s employment rights in exchange for the privilege to enter host state territory. The problem is that allowing states to tie a migrant worker’s work authorisation to a specific employer for two years permits state-sanctioned subordination of migrant workers to employers and creates a situation ripe for abuse. This undermines too deeply the commitment to equality of treatment of migrant and national workers, she emphasised.

*“The Right to Have Rights”*

Upon concluding she clarified that “the paradox of the international human rights regime” is that it is “structured around state sovereignty”, and, thus, the human rights of migrant workers run up against the boundaries of national citizenship. The assertion that migrant workers should have the same labour rights as citizens is a call for the extension of “the right to have rights”. The problem is that international human rights lack global solidarity and institutions to enforce them. However, the promise, she said, is that unions and migrant advocacy groups will be successful in their attempts to forge bonds of solidarity across borders and construct institutional regimes that make international rights for migrant workers real and enable them to challenge precarious employment norms.

*Asymmetric Governance*

The last paper in the session was presented by **Branka Likic-Brboric from REMESO, Linköping**
University: “Asymmetric Governance, Labour Standards, and Migrants’ Rights”, co-authored with Carl-Ulrik Schierup, also REMESO. The background to this paper is, on the one hand, that the emergence of a fundamentally reshaped global labour market regime during the last three decades has been marked by increasing informalisation of employment and followed by precarious working conditions, most seriously affecting irregular migrants. And, on the other hand, the fact that a range of social and political movements on transnational, regional and national level have generated strategies and discourses of contestation that emphasize the prominence of universal and collective rights, what she labelled a ‘Polanyian countermovement’.

In connection with these initiatives Branka Likic-Brboric addressed the issue of accountability and contingencies for the implementation of labour, migrants’ and human rights and the ILO’s decent work agenda within the existing global governance architecture.

She argued that setting up a workable model for codification and institutionalisation of labour standards, human rights and migrants’ rights cannot be left to the currently asymmetric global governance regime. The efforts of global and regional trade union confederations and other civil society organizations (CSOs) in repositioning the issue of a rights-based approach to migration, labour standards are essential. Importantly, the authors emphasized the need for a wide and inclusive concept of rights which contain an element of ‘inclusive accountability’ of the global governance regime. This is still wanting. But must be brought in to the discussion, she said.

The case the authors concentrate on in their analysis is the ILO ‘decent work agenda’. And upon judging its outcome they balance optimism with pessimism in seeing the important role played by this initiative, its mobilising and agenda setting force not the least, but also its lack of implementative and governing power and real effect. Hence, upon concluding Likic-Brboric called for further steps to secure that a pressure for accountability of large global actors and national governments is maintained. Norm setting, national and global organisations (CSO:s, trade unions, delegates of Global Forum for Migration and Development, etc) must work for a stronger institutionalisation and codification of a rights-based regime that can promote and realise global social justice.

Discussion
Samuel Engblom, TCO, The Swedish Confederation for Professional Employees and Valery Alzaga, Change to Win, European Organizing Coordinator started the discussion. Engblom focused on what he saw as key elements brought forth by the presenters. One point that many speakers had confirmed was the weakness of many of the international instruments, conventions and agreements ratified in order to protect the vulnerable worker, migrant and refugee on an international level, yet that very level lacks an implementary dimension and often remains in the normative and an aspiration. Therefore, he emphasized the importance of the idea of looking at “status trajectory”, and the notion of a “bundles of rights” facing and wanting for migrants, i.e. the complexity of the systems of legal status for migrants and the notion of ‘citizenship’, that comes out in studies such as the ones that had been presented.

"Labour Rights as Labour Rights”
He then also suggested, somewhat at odds with, or rather as a complementary perspective to, the conference main theme (Labour Rights as Human Rights), that maybe we should ask if not an assertion of ‘Labour Rights as Labour Rights’ could make for a way forward. The point he made was that in a situation when migration laws and a complex “bundle of regulations” pertaining to migrants and their status often overrides labour laws and the protection that labour rights are meant to guarantee, then maybe the most efficient remedy is to strengthen labour rights in its own right, so to speak. For, as he clarified, the priority given to migration laws and status makes for a situation where “labour law loses its autonomy.” So maybe, he suggested, if labour law was “applicable no matter of migrant status” a better protection of the precariat migrant worker could be achieved. This argument he summed up as an argument for “unbundling rights”
Valery Alzaga, followed up on this interesting twist and underlined the problem that “Human Rights” has been an often too abstract, impotent and disregarded norm to really have effect. She emphasized therefore the importance of identifying the political struggle in relation to the precariat and confirmed Samuel Engblom's idea by referring to the recent history in the US. There undocumented migrants could until recently sue employers for breaching labour laws, no matter of their own status within the area of migration jurisdiction. But the autonomy of labour laws, and this strategy, was recently done away with in recent legislation where priority was given to migratory status over labour law. Her message was thus that the unions must win back some of the lost terrain, and that this must happen with a concerted action on a local, national and global level. And that the local work must be tied to the international and global advocacy and vice versa. Hence, Alzaga called for a more efficient organizing.

The discussion continued and circled around the problem of which way would be a politically efficient way forward, to strengthen social, human and labour rights for migrants, regular and irregular. A breaking point turned out to be the question of the role of international conventions. Some, like John Bingham from the ICMC, said that at the UN they had been very doubtful about the strength and meaning of the convention for migrants, but were convinced by local activists that this is indeed a crucial tool for those groups fighting on a local level, it gives weight and legitimacy to their argument for better conditions for migrants. Jorge Romero from the Open Society Institute argued along the same line when he spoke of the instrumentality of rights, i.e. how they can be used to resist criminalisation of migrant workers.

Branka Likic-Brboric took the example of the ILO “decent work” agenda as an example of a relatively strong and successful campaign, yet which still had not been transformed into an implementable policy. She thereby put her finger on that crucial step which many discussants circled around, the move from normative agreements and conventions, to practical protective measures, i.e. policies.

Finally Saskia Sassen raised the question on strategy again, and asked whether one should work from “within an organisation” or across a complex field of organisations. She suggested that the regulatory system, or landscape, can be seen as a very complex assemblage of actors, rules, institutions, etc. and that today we might actually be in a particular historical period where we have potential to create a common ground across the field.

Session II
Multilevel Governance, Global, Regional & Local Initiatives

The objective of this session was to address global, regional and nationally-based initiatives on issues of migration and precarisation raised in the context of asymmetric negotiations of WTO rounds, involving the NAFTA, European regionalism, and the BRICs (Brazil, Russia, India, China, South Africa). Questions: Who is accountable for the implementation of the rights-based migration regime and what additional inputs from global and regional actors are necessary and effective in the enforcement of labour standards, and decent work? The session was chaired by Helma Lutz, Goethe University and REMESO, Linköping University.

The first presenter was Sarah Paoletti from University of Pennsylvania Law School. Her talk, which had the title “Using International Human Rights Mechanisms to Advance Labour Rights: Bridging the Gap Between Norms Development and Implementation in the United States”, offered insightful perspectives on labour rights as human rights from experience of legal practice. Paoletti’s main focus concerned the possibilities of pragmatic approaches to working in the intersections of rights at different levels.
International norms and standards are being developed through regional and international human rights mechanisms, pushed forward by a growing global migrant and labour rights movement, providing a new set of lenses through which to look at and conceive of migrant workers in several positive ways. Most fundamentally, international human rights law recognizes all individuals, regardless of migration status or category of work, as possessors of fundamental human rights - and as individuals entitled to equal access to judicial remedies when those rights are violated. Furthermore, by creating a positive rights regime that reaches beyond most domestic legal frameworks, a focal point for collective action and advocacy is created.

In her talk, Paoletti emphasised the difficulties facing practicing lawyers and legal advisors working in different streams and also described the organisational, professional as well as spatial distance between those working with (domestic) labour rights and (international) human rights.

**Freedom of Association**

She argued that freedom of association is crucial for the continuous advocacy of human rights as labour rights, but should primarily be understood as means to an end rather than a solution in itself. Increasingly, worker advocates are shifting the rights paradigm from local enforcement and localized (and often reactionary) litigation and organizing strategies and are looking to international and transnational rights mechanisms as they seek new strategies to supplement, or even supplant, the traditional advocacy that has failed to achieve the realization of labour rights as human rights. This is particularly true within the Americas, as labour rights advocates have begun to engage not only in domestic courts operating under the more narrow domestic regimes, but also on transnational rights enforcement mechanisms established under provisions of regional free trade agreements, as well as rights promotion and enforcement mechanisms established by regional and international human rights mechanisms.

Changes in language and discourse, by for example moving away from migrant workers being described as labour commodities or as ‘illegal aliens’, are similarly crucial but need to go hand in hand with the recognition of human rights for migrant workers to change workplace realities. The work of human rights advocates in the United States has historically not necessarily cross-pollinated with domestic legal services although, Paoletti argues, there is progress in merging rights discourses together, especially concerning worker rights for migrant workers.

**Look at the whole supply-chain!**

The second speaker was Bettina Musiolek from the Ostwind Institute and the Clean Clothes Campaign (CCC) and she contributed with a paper titled “False Promises – Women Migrants’ Rights in Global Supply Chains of Garments”.

Musiolek described the situation for many workers in the global garment industry and the strategies through which the campaign, relying on network partnership with organisations and trade unions in the countries where garments are generally produced, aims at making retails responsible along the full supply chain.

There are gendered aspects to the specific vulnerability of workers in these industries and several restrictions on freedom of association for many garment workers. Musiolek emphasised the responsibility of the industry through pointing at the relationship between an increased exploitation of migrant workers and more general trends of previously permanent and regular employment giving way to temporary contract labour.

The CCC has managed to gather information about the working conditions in the sector through off-site interviews. This knowledge is crucial for political action as there is today a general lack of
information regarding working conditions and access to labour rights among migrant workers. Academics generally use employers or trade unions as sources of information, which leads to a bias in our understanding of working conditions for many groups of migrant workers.

Similarly to the previous presentation by Paoletti, Musiolek also emphasised that the use of labour rights and international human rights need to take as its starting point the definitions and solutions put forward by clients/migrant workers themselves. It is through their claims that the usefulness of intersections between these rights and regulations become visible.

Musiolek also presented strategies of other social actors to approach injustice and exploitation within the garment industry. “Old trade unions” have not successfully incorporated migrant workers in their organisations or strategies against unlawful employers and exploitation. Labour rights must come before formal rights in order to secure jobs of migrant workers, Musiolek argued. Lastly, she stressed the importance of multi-stakeholder initiatives, collaborations between companies, trade unions and NGOs, to protect the interest of migrant workers.

Petra Herzfeld Olsson from Uppsala University presented the paper “Forced Labour and Migrant Berry Pickers in Sweden”, written together with Charles Woolfson and Christer Thörnqvist.

Herzfeld started out sketching the legal and policy framework, as well as describing the reported working conditions and employment circumstances, surrounding the exploitation of migrant berry pickers that has come to be headline news in Sweden and internationally in recent years. Many migrant workers are from Thailand and are employed by recruitment companies based outside Sweden, but there are also many berry pickers from EU countries. She explained how aspects of the Swedish labour market model provide specific challenges to the use of international conventions, and pointed for example at the lack of minimum wages regulated by law.

Herzfeld and her colleagues have also looked closer at the strategies of the Swedish trade union Kommunal (The Municipal Workers’ Union), who are responsible for organising workers in these sectors. The trade union needed to be creative in their approach to unionize migrant berry pickers by e.g. finding a clause that stated that young workers could be exempted from requirements of paying union fees, thus making it possible to represent workers who had been left without wages by criminal employers. However, Swedish trade unions do not have the organisation for handling a transnational labour market and therefore corporate social responsibility and norms of decent work needs to be incorporated to a larger extent to prevent exploitation of these migrant workers. Herzfeld also stressed that the regional legal framework of the EU has great impact on both migration regimes and possibilities to implement international and national law on workers’ rights.

The main argument put forward in the presentation was that further collaboration between different actors is needed in order to assert high levels of work protection and rights that are in fact existing in Sweden, yet insufficiently implemented. The national legal framework in a country such as Sweden, which has not been confronted with much international critique for failing to ensure workers’ rights in the past, proves weak in its’ ability to make use of international conventions.

Milka Isinta from Pan African Network in Defence of Migrants’ Rights talked on the theme “Building Solidarity and Action for Workers on the Move: a Kenyan Experience”.

In her presentation Isinta focused on Public Service International (PSI) and their support to workers in health and social care sectors. There are trends of increased migration in these sectors
and migrant workers often end up in precarious work. Feminisation of migration is also characteristic for this sector globally.

Isinta pointed at the need to take a transnational perspective on migration and workers’ rights. Western countries have an ageing population and the demand for health workers is great. This leads to an increased migration from e.g. sub-Saharan countries despite an acute shortage of doctors and nurses in these regions.

The strategies to tackle exploitation of migrant workers include creating proper channels for migration and giving information about costs of migration and other necessary knowledge about the labour market. Isinta also emphasised the difficulties of gaining trust from health workers who plan to migrate. This work is done in order to prevent rushed decisions, which are sometimes related to family pressure and the increased status in local communities gained from migrating to work elsewhere. The larger aim is to ensure the rights to migrate, but also the right to stay, by supporting the health care sector and social welfare in countries such as Kenya.

**Discussion**

Sam Hägglund from the European Association of Building and Woodworkers and Marek Canek from the Consortium of Migrant NGOs and The Initiative for the Rights of Migrant Workers Czech Republic commented on the presentations in the session.

Hägglund emphasised the importance of looking at European legislation and what was lost through the Laval ruling and new directives enforcing trade unions’ difficulties to practice control and the right to strike. He also remarked on political and employer strategies of using invented terms causing workers to fall outside legal categories. This makes awareness of working rights more difficult in times where “atypical employment” has become typical.

Agreeing with calls raised for giving priority to accessing rights before formalisation of migrant workers, Hägglund however noted that this is not a traditional position of European trade unions. Building alliances could be a way out of a situation where trade unions mainly fight for their members and guards against social dumping.

Marek Canek supported the need for more systematic overview of different cases and strategies to get access to migrants’ own stories. He meant that one way forward in enforcing rights could be to take direct actions against “the middle man” and discuss the problems of unions relying mostly on formal contracts.

Several workshop participants in the following discussion agreed that “the right to stay” is crucial to discuss in relation to initiatives where labour rights as human rights is highlighted. The value of transnational alliances could also be to point in the direction of alternatives to migration.

The problem of understanding agency among migrant workers and the potential problem of viewing them as being without choice in the migration process was also brought up in the discussions. How do narrow definitions of trafficking and forced labour affect our positions on penalty, it was asked. Although useful in certain situations, a state and NGO focus on anti-trafficking strategies and laws may lead to more restrictive immigration policies and border control that criminalise migrant workers and places more power at agents and recruiters.

In a remark about criminalisation as a strategy, Charles Woolson, REMESO, emphasised the importance of looking at responsibility and shifting perspectives in the debate. Through speaking about forced labour we can establish parameters understood by employers, he argued.

In the discussion about trade unions Helle Stenum (Roskilde University) commented that the campaign against social dumping in Denmark consists of a very clear idea of competition between
“native workers” and “illegal migrants” where trade unions end up taking the position of pro-deportation. Musiolek argued that another problem of organising is that migrant workers often do not identify with the work that they do, an identification that has been the base of traditional trade union organisation.

Session III
Towards a Rights-Based Approach to Migration: Research Agenda and Strategic Action

The session, chaired by John Bingham (International Catholic Migration Commission), aimed at promoting research capacity and induce a strategic action of trade unions and civil society organisations (CSO’s). The participants of the session represented different kinds of organisations and gathered to share their experiences and opinions in order to strengthen the further collaboration between research and CSO’s. As the chairman pointed out, all presentations were based on using ‘rights’ as a verb - ‘mobilizing’, ‘coordinating’, ‘organizing’ and ‘protecting’ - showing the dynamics and will for action. He posed a question: so, where do we go from here?

The first answer was given by William Gois, Migrant Forum in Asia. His presentation ‘Building Resistance: Mobilizing for an Alternative to the State Led Dominant Paradigm on Migration’ focused on the evolution of Global Forum on Migration and Development and it's relation with mobilizing civil society organizations (CSO’s). What has started as a group of NGO’s working on migration, development and human rights in 2007, is today a global platform, connecting and inviting variety of groups to dialogue: local communities, trade unions, researchers, politicians as well as global activists, international organizations and other actors. Huge mobilization of societies in Philippines, Mexico, African countries can be interpreted as a critique to civil society foundations, a quest for a right to let societies organize themselves. One of main achievements of Global Forum on Migration and Development (GFMD) is that governments recognize it, sit down together in round-table discussions that can shape political agendas. Since the GFMD was established, it has changed a lot and is still evolving. There should be more done to recognize its strengths and constrains, creating a base (structure, strategies) and building trust with NGO’s and institutions.

The discussion on GFMD was extended by Jorge Romero Leon (Open Society Institute) The main goal of his presentation ‘Which Way to a New Paradigm? Coordinating National and International Responses to Effect Change in the Global Dialogue on Migration’ was to explore the coordination of different national and international advocacy strategies, empowerment of migrants as well as promoting international dialogue in the GFMD and beyond. The challenges of this coordination Leon compared to the Hydra, the mythological creature with many heads: if you cut off one of its heads, even more grow back. It is the same with coordination that involves different levels, variety of states, institutions and organizations with many kinds of aims and strategies.

However, despite all the complexity, there is still a need to realize migrants’ rights, because there is an ongoing tendency to criminalize migration and secure and militarize borders of the immigration
countries. This is especially visible in so called ‘Gate countries’ (countries on the borders) after the economic crisis. Yet all these policies reflect the paradigm of international dialogue and show that states are semi-inclusive, semi-open and semi-participative. There is also a lack of information about states’ activities and overall situation of precarity of migrant labour. So, the most important task is to promote engagement of the governments into the international dialogue, to make information about their activities more accessible and address the case for migrants’ rights stronger.

Deena Ladd (Worker’s Action Center, WAC, Toronto) gave a presentation on the topic ‘Organizing by and with precarious workers: Toronto’s Workers Action Center and the intersections of precarious work and migration’. She shifted focus of the session from only migrant workers towards a broader topic of precarious work, which also involves a variety of other groups, like racialised workers, women, unemployed, low-waged workers, lacking accession to benefits, union protection or basic labour rights. WAC is dealing with many problems, faced by these particular groups through various campaigns, involvement of workers in the labour movement as well as supporting them in addressing particular problems with employers. A big part of WAC’s activities consists in lobbying and targeting government legislation, with the involvement and leadership of precarious workers themselves. The organization has already taken important steps, including improved protection for temp agency workers, live-in-caregivers, overall increase of minimum wages and the establishment of a coalition to ensure that migrant workers lead and engage the campaign work.

Sten-Erik Johansson (Fackligt Center for Papperslösa) was talking about ‘Trade Unions Protecting Irregular Migrant Workers’. He spoke of undocumented migrants, one of the most vulnerable and precarious groups. It mainly focused on the work of Trade Union Center for Undocumented Migrant Workers. The main goal of this center is to protect migrant’s rights on the labour market by providing information on, and assistance regarding, various issues related to labour market, e.g., working hours, wages, working conditions and environment. Johansson also reported that there are less migrants looking for help than before and there are mainly women, coming from Africa and South America. The center lately is working on networking with other organizations dealing with undocumented migrants in Sweden and is planning to spread information about good practices.

Discussion

The chairman John Bingham started the discussion and stressed the importance of building a base of activist organizations, of networking by building trust between them and seek ways to translate the international activism to national and local levels. George Joseph (Caritas, Sweden), agreed and reminded that ‘Rights are not given by someone, you already have them, because you are a human being’. Therefore the only thing needed is to implicate those rights in practice.

Helle Stenum (Roskilde University) talked about the problems related to the diversity of organizations working together yet having different goals. She reminded that not only organizations are different, but also migrants and precarious workers in general are not one homogenous group, so there is a need for inclusive social movements and new forms of solidarity, which allows for difference and plural demands.

The discussion also raised the issues concerning the future of the precariat, its tendency to grow, the future of organizations dealing with these issues and their capacity to change, adapt to the new problems and reduce them. Jorge Romero Leon came back to the application of global initiatives by reminding a slogan ‘Think globally – act locally’. He together with Deena Ladd was talking about a lack of information, reliable statistics on the situation of migrant workers and precarious workers in general. In conclusion, the representatives of organizations urged academics to produce knowledge more closely related to practice and more easily applicable.
Workshop II
Migration, Labour Rights, and Global Governance: Options for Civil Society

The overall purpose of this workshop was to address the dual movement of market restructuring of the world of work and workers counter-movements in response to this process. While the old strategies and organisational models are no longer an adequate response in this context, the crisis can provide an opportunity to revitalise and reinvent our approaches. There is the possibility of a move towards labour re-composition after the decades of unregulated market expansion under neo-liberalism. The ongoing effects of the financial crisis unleashed in 2008/09 can be seen across the globe but they are prompting a rethink ‘from above’ as it were and a similar recognition that ‘business as usual’ is inadequate as a trade union strategy for the 21st Century. Our focus in particular is on migrant workers and their organisations, their self-organisation, response to the state and the challenge they pose for trade unions as the prime organisers of workers whatever their status.

The Workshop had three sessions:

1 Challenges for Social Movements: Responses to Violation and Dismantling of Human and Labour Rights

2 Trade Union Responses

3 Migrant Organisations’ Responses

Responsible: Anders Neergaard, REMESO, Linköping University and Ronaldo Munck, Dublin City College

Session I: Challenges for Social Movements: Responses to Violation and Dismantling of Human and Labour Rights

The dismantling of many protective mechanisms and legal entitlements have put labour on the defensive more or less universally. This session focused on the role of labour as a social movement and its ability to respond to the current globalised and de-regulated environment with ever increasing movement of workers and their families across borders. Do we have to accept a much reduced set of aspirations? Does globalisation act purely for capital and simply plays off workers in one jurisdiction against those in another? The session considered issues around gender and ethnicity and presented new models for organisation of migrant workers.
There were three presentations given. **Ronaldo Munck of Dublin City University**, Ireland spoke of the global crisis and the possibility of it creating an opportunity for trade unions, migration and social transformation. He addressed the challenge which migration represents for trade unions in the context of globalisation and, more broadly, the challenges for critical social theory posed by the current global crisis. He presented the hypothesis that we are now moving beyond the categories of North and South in terms of the mutations of capitalism and their impact on the workers of the world. He discussed what he referred to as the new norm of insecure work and fragile/fragmented life conditions, “precariousness” in terms of tenure, working conditions, labour rights and, in many cases, life itself. He sketched out what he saw as being the limitations of a rights-based labour response to exploitation and the opportunities arising for a new multi-scalar global social unionism. Finally he posited a need for the decommodification of labour.

**Nicola Piper of the Arnold Bergstraesser Institute**, Freiburg University, Germany, focused on the issues around organizing migrant workers in what she described as ‘gendered and racialised’ spaces. She focused primarily on the collective agency of migrant workers from an intersectional and multi-sectoral perspective and, more particularly, from a gender perspective. She spoke of the important role of NGOs involved in upholding and advocating labour rights in sectors which are characterized by high percentages of foreigners, male and female, among the workforce. Her main research question which she sought to address is what does increasing diversity mean for political mobilisation and collective agency of migrant workers, given the complex composition of the workforce and the variety of organisations involved in advocacy and service provision? She considered this issue in the context of the situation of migrant workers in the agricultural, domestic and manufacturing sectors. She argued that there is a greater need to take into account the complexities of forming collective identities and the existence of contradictory actions, based on the diversity of the workforce in terms of gender, nationality, ethnicity, and migration status.

The final paper in this session was given by **Ana Avendaño of the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO)**. She outlined some new organizing models, using the Los Angeles Carwash Campaign: Building a Community Union as a model for a new approach for the organisation of low-wage workers. In doing so, she spoke of the critical need for the labour movement to develop new organizing models in, particularly ones that engage and empower low-wage immigrant workers. The rapidly changing demographics of the workforce and the shifting nature of precarious work require new responses. She used the Los Angeles Carwash Campaign as an example of how trade unions and migrant organizations can combine their strengths to craft a new paradigm for migrant worker organizing, which as a community-labour partnership and a new form of social movement unionism, strengthens undocumented workers’ ability to attain rights and navigate the workplace, their communities, and larger society. This is a model which recognizes workers as new political actors who are bearers of rights, and at the same time represents a challenge to traditional notions of citizenship.

**Discussion**

The discussion was led by the session Chair, **Thord Ingesson of the Swedish Trade Union Confederation (LO)**. The discussion focused primarily on issues pertaining to undocumented migrants and the denial of basic human rights to the undocumented in so many cases. A number of contributors addressed the issue of union attitudes to undocumented workers and the complexities
and inconsistency that exists in this regard. While union federations may be in favour of providing services to undocumented persons, many individual unions do not necessarily adopt the same position. Ana Avendaño spoke of the AFL/CIO situation where the federation works very closely with the affiliates on the issue and also provides space for the unions to interact with one another and to influence one another. In the case of Sweden where unions work closely with state and employers the larger unions won’t organize undocumented to avoid any conflict in that tri-partite relationship. Thord pointed out that his federation has fourteen affiliates and some have taken the decision to organize undocumented. There was also discussion about the lack of representation of migrant workers generally in trade unions and the need for inclusive strategies to involve them further.

Session II: Trade Union Responses

This session focused on the trade union response to the challenges of globalisation, particularly those brought about by the increase in labour migration.

There were again three presentations in the session, the first by Karl Flecker, of the Anti-Racism and Human Rights Department of the Canadian Labour Congress (CLC), who addressed the issues of Anti Racism, Human Rights and Trade Unions. Karl opened by screening a short film, ‘The Job’ by Screaming Frog Productions, Canada.

He then presented a brief history of labour immigration to Canada and the trade union response which was initially hostile, in line with the general public response. He spoke of how Canada replicated the common response where notions of racial superiority converge with the economic need to profit from others labour. Under such conditions, racism prospered and human rights suffered. He sees the labour movement as now increasingly challenging that historic model, and advancing an anti-racist analysis of migration programs and the need for a strong human rights framework to govern the movement of workers. Two important forces are driving this change - long standing principles of solidarity and commitment to human rights and declining union membership amidst major demographic changes in the labour movement. He outlined some of the initiatives individual unions in Canada are taking in this regard such as information campaigns, establishment of workers centres, union to state co-operation agreements, political engagement and class action lawsuits. Finally he made the provocative point that 80% of the Canadian labour force is outside of the traditional stereotype of male, white and heterosexual further pointing up the need for new approaches on the part of unions.

Jin Sook Lee, of the Global Migration Programme, Building and Wood Workers’ International (BWI) outlined the strategic approach of her organisation to Migrant Workers Rights. In the industries that BWI represents, there has been a long tradition of employing migrant workers from lower-wage economies. Further to that, due to globalisation which has resulted in further uneven economic growth amongst countries throughout the world, international migration on a temporary or contractual basis has increased. Since 2003, BWI has
seen a need to play a significant role at the global level in issues related to labour migration. At that time, BWI published the “Exploitation of construction, forestry and wood workers in connection with Migrant Cross Border Work, which attempted to give an overview of the status of migrant workers in the industries that BWI represent. BWI launched a Global Campaign on the Rights of Migrant Workers in 2010. Its approach is to organize migrant workers on the basis of “equal pay for equal work in the same work place.”

She gave a general overview of the situation of migrant workers in the BWI sectors and presented case studies of BWI initiatives to organise migrant workers and promote their rights in three different regions with high levels of migrant labour – Malaysia, Hong Kong and the GCC (consisting of UAE, Qatar, Kuwait, Oman, Bahrain and Saudi Arabia). She pointed to the fact that 99% of construction workers in Qatar are migrant. These initiatives included awareness raising workshops for local union leaders, development of bi-lateral, sub-regional, and regional networks between unions from countries of origin and destination, development of campaign and resource materials, development of issue-based campaigns, and coalition building.

The final speaker in this session, Ruth Milkman of The City University of New York (CUNY) discussed the issues around migration and trade union responses in the U.S. She pointed out that U.S. unions, past and present, have responded to migration in contradictory ways. On the one hand fears that migration of “cheap labour” would threaten labour standards have led some unions to support restrictive approaches to immigration and at times even to exclude them from union membership. In other cases, however, unions have supported immigrant workers' demands for citizenship rights and equal treatment in the workplace and have actively sought to recruit them as union members.

She traced the history back to the 1930s when the predominant approach of the US labour movement was exclusion up to the present time where unions are predominantly taking a much more inclusive approach to migrants. She discussed the reasons why the 21st century U.S. labour movement has moved so strongly toward inclusionary approaches and posited an element of self-preservation in that the only way unions can be successful in the current climate is by reaching out to broader constituencies and by building alliances. Also, the self-activity of migrant workers has persuaded unions that it’s a dynamic with which they need to engage. An aspect of this has led to the gradual erosion of mutual suspicion between trade unions and workers’ centres.

**Discussion**

The discussion led by the session Chair, Ronaldo Munck, began with a focus on broader issues of labour and politics. There were some differences of opinion on the subject of labour as a commodity with some contributors supporting Ronaldo’s earlier thesis that labour should be decommodified with others putting forward the view that labour is a commodity as it is something one person has that he/she sells to another for payment. On the issue of politics the point was made that politics had been absent from the discussion up to that point and that it was vital that those working in the area of migration – be they activists or academics – know how to use and influence politics. Anders Neergaard observed that “the democratic deficit is not the issue, it is a democratic crisis”. Here again there was some discussion on the issue of undocumented workers and the particular challenges involved in organising them. The issue of responding to the needs of young unemployed 1st and 2nd generation migrants was also raised as being critical but highly problematic for unions in particular and for NGOs to a lesser extent. Finally, on the subject of unions and the need for change and the development of strategic alliances in response to the current
global crisis, Karl Flecker remarked that unions are changing albeit slowly, “there’s some stumbling in the right direction and that’s better than no movement at all”.

Session 3: Migrant Organisations’ Responses

This session centred on migrant workers as self organisers and focused on the work of bodies and groupings that work with migrants as people with agency. This session, chaired by Seyhan Erdogu, of Ankara University, Turkey, had four presentations.

The first presenter Michelle LeVoy, of the Platform for International Cooperation on Undocumented Migrants (PICUM). She spoke of the role of PICUM and outlined what she sees as the major issues for undocumented workers and some of the possible approaches to dealing with these issues that can be, and have been, taken by the bodies that engage with them, i.e. the NGOs, trade unions and community organizations. She also emphasized the importance of awareness-raising around language in relation to undocumented migrants and the need to eliminate the concept of illegal work and illegal workers from the discourse. She spoke of the importance of co-operation between NGOs and trade unions (and community groups at a local level), in working with undocumented migrants and of the different strengths that each can bring to the relationship. NGOs are less bureaucratic and more flexible than trade unions and can therefore respond more quickly whereas trade unions have the structures and the resources to organize more effectively. While there are many examples of such co-operation and of unions reaching out to undocumented there is a need for it to be more formalized within the trade union structure.

Colin Rajah, of the National Network for Immigrant and Refugee Rights (NNIRR), spoke of the growth of alliances in civil society in the struggle around racism, migration and islamophobia. He put forward the theory that prior to 1994, policy-making around international migration was primarily centred on the protection and advancement of migrants’ rights but that since the 1994 International Conference on Population and Development, this has been systematically dismantled with the policy framing of migration being taken within a development context. As a result, the momentum on policies to advance migrants’ rights has regressed and today we see intensified criminalization, exploitation of migrants around the world, erosion of protective mechanisms and legal challenges within a rise in market economy orientated policy frameworks.

He sees this however, as having catalyzed new formations of migrant associations and other support organizations to respond to the substantial increase in rights abuses at the national, regional and international levels and the development of alliances to increase knowledge and build collective points of action and advocacy to maximize effectiveness and impact. Examples of such networks are PICUM, IDC, FEDECMI, JSF/JWB. Such international alliances have taken two primary directions – one that has spun-off from the broader World Social Forum framework, which is non-aligned to any governmental mechanism and the other that has coalesced movements focused around United Nations and its States’ mechanisms as well as the Global Forum on Migration and Development (GFMD).
He believes that in the coming years, there will be more attempts to not only streamline international governance on migration, but to consolidate civil society movements correspondingly. The Global Coalition on Migration (GCM) is already one such civil society entity, an “alliance of alliances” which brings together twelve existing international organizations including international trade union organizations such BWI and the ITUC.

Manfred Bergmann, of the Comitato Antirazzista Durban Italia (CADI), addressed the issue of treatment of migrants and asylum seekers in Italy and in Europe more generally by the state and state agencies and the efforts of NGOs and trade unions to support them. He described the reception system in Italy which he sees as being very poor and inhumane. Some of the issues he referred to were exceedingly long asylum investigation periods ranging up to three years and lack of funding for refugee shelters overall, and particularly inadequate dining facilities.

He addressed the work of the Italian asylum commission which considers and applies the Dublin regulation in the case of asylum seekers to Italy (note: the Dublin regulation is a European Union law intended to determine the Member State responsible for an asylum claim and providing for the transfer of an asylum seeker to that Member State. Usually, the responsible Member State will be the state through which the asylum seeker first entered the EU). He outlined difficulties in the application of this process where decisions which should have been made by representatives of four Government agencies were being made by just one.

He also questioned the inclusion of representatives of local authorities on this body as entailing a potential conflict of interest when deciding on the “reality of political refugees” and “the capacity of the territory to absorb refugees”. He also spoke of the collaborative work of unions and NGOs in this area as being of central importance, but today inadequate and not sufficiently broadly based. He thought there is too much concentration on the migrant worker in the workplace and insufficient focus on the broader life issues, such as access to health, housing, education, etc. A lack potentially contributing to an increase in the numbers of undocumented.

Finally, Jane Holgate, of the Centre for Employment Innovation and Change, University of Leeds, UK, addressed the issue of community unionism and the role of unions in the civic integration of immigrant workers. She discussed the role that unions have played (or not) in the integration of migrant workers to their structures and whether or not the notion/practice of ‘community unionism’ offers any insight in to the process and methods adopted in the collective organising of migrants.

She pointed to the growth in interest in ‘community unionism’ as a union response to the changing contours of global capitalism and as a way of (re)building citizen involvement in civil society, particularly among migrants. While there is a growing body of literature on community organising, she pointed out that what is missing in the literature is analysis of the combination of union and community organising and the tensions created as a result of trying to marry often conflicting concerns and different methods of working.

And she gave examples of three different approaches to organising – migrant workers organising independently (the Justice for Domestic Workers Campaign); trade union initiated campaign (the GMB union organising Asian workers in West London); joint organising campaigns involving unions working with community groups (London Citizens and trade unions).

Finally, she pointed out that while there has been a significant shift in UK unions in their approach to community-based organising over the last 5-10 years it should not be over stated.
labour movement is not homogeneous, that the trade union movement is not homogeneous and there is a need to recognise this in any discussion around or planning for strategic union development.

Jane Holgate also pointed out that some of the main issues for unions in endeavouring to organise migrants are around the nature and structure of unions and the difficulty they cause in effecting a quick response. This is generally the strength of the NGO and community organisation, that they’re structurally less bureaucratic and so have the facility to change course more quickly. However, this also means that they are less democratic and so open to other difficulties such as personal agendas. “Sometimes grassroots groups are less democratic than the world bank” Manfred Bergmann suggested.

There was some discussion around the generally transient nature of migrant employment though the point was made that transience is no longer just a feature of migrant employment but a feature of almost all modern employment, particularly in the low paid sector. Finally, in response to Michelle LeVoy’s presentation, there was some discussion around the big question of what to do about irregular migration. Is regularisation the only answer? Michelle sees regularisation as important but as only part of the response. Irregular migration will continue into the foreseeable future and regularisation alone will not solve that. She put forward an alternative agenda for unions as one of the possible ways forward, “Look and deal with workers as more than just workers, but as whole human beings”.
Panel Discussion: Civil Society - Which Research Agenda for Strategic Action?

As the conference was approaching its conclusion a panel of civil society actors was asked to deliberate on the question of which research agenda they want in order to promote stronger rights for migrants. The panel was peopled by Colin Rajah, Migrant Rights International, Crecentia Mofokeng, BWI, South Africa, Milka Isinta, COTU, Kenya, Sam Hägglund, BWI, Sweden, Michèle LeVoy, PICUM. Discussants: Rinus Penninx, IMISCOE, Judy Fudge, CUNY. Moderator: Carl-Ulrik Schierup, REMESO.

Colin Rajah began with an emphatic call for a stronger link between research and strategic action in a call for “research equality”. This is needed, he argued, as there are inherent structural inequities in terms of political power within research and because migrant communities are the real experts and must be brought into the research process more thoroughly. This would entail according to Rajah the building of strategic partnerships; tapping into community knowledge; listen to migrant voices; turning research into strategic action for change; strengthen migration communities.

"What Creates Irregularity?"
Michele LeVoy, from PICUM, called for a stronger research agenda focusing on undocumented migrants, as there is a gap in research on this account. Basic questions needs to be answered, she said, for example of the size of the phenomena?; what creates irregularity?; the risk of regular migrants falling into irregularity?; border control mechanisms?. She also called for better knowledge about which economic sectors absorb undocumented (irregular) migrants, and finally she wanted research to assist in developing a cost-efficient argument for letting irregular migrants have access to welfare services.

Milka Isinta, from COTU in Kenya, followed up on LeVoy’s themes and added that she wished for a better focus on female migration, and the interconnection and variations of Human Rights and Labour law. She also wanted a stronger focus on the relationship between climate change and migration. She called for deepened knowledge to better secure access to welfare services for all migrants.

“User Friendly Research”
Crecentia Mofokeng, BWI, South Africa, started out with a general critical remark, addressed to both present organisations as well as researchers. She said that we talk more about ourselves than about (and with) the migrant level. Hence, a stronger focus on relevant organisations such as unions is necessary according to Mofokeng, since the organisation of migrant worker is key. She wanted answers to the question of which strategy unions can and should adopt and if new models for engagement must be developed. Moreover, for research to benefit organisations and activist she called for “user friendly research”, i.e. applicable, practically oriented and understandable for other than the research community. Finally she also held up the need to better understand how xenophobia between regions, countries and even within organisations stifle and have an impact on the willingness to collaborate between different organisations. Especially when it comes to unions, xenophobia is a key issue, as a traditional protectionism of unions can play into and feed xenophobic reactions.
Sam Hägglund from BWI, Sweden, focused on the role of trade unions, and called for better communication between trade unions and migrant organisations. And he said Europe have a lot to learn from other regions where the communication have been more intense. He also suggested that researchers shall expose what is unfair in the application of law and in its consequences. Migrants move between different legal regimes. And this makes opportunities for employers. So the consequence is an important area of study. This “lacuna of rights” needs to be studied. Lastly, he also wanted to highlight the issue of xenophobia and the importance of combating it on different levels. Around Europe there is a spreading fear of foreigners, intensified by the current crisis. What are the mechanisms behind this spread of xenophobia? Research need to more strongly provide answers.

Discussants’ comments
Two discussants were assigned to this panel, providing replies from the research community. It was Rinus Penninx, IMISCOE and Judy Fudge, CUNY. Rinus Penninx followed up on, Colin Rajahs intervention and his call for research justice. Penninx granted that it forces researchers to think of their role. Yet, in disagreement with Rajah, he emphasized the distance from the activists and phenomena studied. Researchers ought not go so far as to become responsible for the decision that actors should make and take. Not least to be to easily disregarded as just partial actors. If a researcher is also an activist and thus a party in the issue in question, one might be useful for one part, yet also, too easily ignored and discredited by the other. Hence, there is something to say, for the distance. One should be critical, have the freedom to decide which questions to ask.

He then offered his view of what the field of migration studies need. It suffers from theoretical weakness. Although there are exceptions, but the general tendency is weak. To remedy this we need stronger empirical work and more knowledge on undocumented migrants.

Judy Fudge, finally, commented on the panels interventions with an argument about the importance of understanding and respecting the different roles played by different actors, activist, academics and so on. She also emphasized that there really are deep conflicts between researchers, between different groups, different organisations. They are not insoluble, but they are real. And we must not pretend they are not there. “I am a bad activist, but not a bad academic” she said, so there are different roles and we need to respect that.

Preparations for the Global Forum on Migration and Development 2013-2014
The last item was an announcement by the incoming Swedish Chair of the Global Forum on Migration and Development 2013-2014, Eva Åkerman Börje from the Swedish Ministry of Justice, Migration and Asylum Department. She gave in a short address a review of the development of the GFMD and a picture of what the Swedish leadership of the GFMD will emphasize. The Swedish leadership will continue to guard the open and transparent quality of the Forum and work towards enabling an on-going dialogue between states on issues of migration and development.

John Bingham, ICMC and William Gois, Migrant Forum in Asia, then commented on Åkerman Börje’s intervention and urged her and the GFMD to embrace the movements of civil society and engage in real dialogue with this important part of the global arena. William Gois pressed the argument that this is where progress can and must take place, and raised a hope that the Swedish leadership can “set a new benchmark for dialogue between civil society and governments.”

Read more on the Swedish Chairmanship 2013-2014
Closing Word: Retrospect and Prospect

What Has Been Done and How to Proceed from Here?
Raul Delgado Wise, UNESCO Chair on Migration, Development and Human Rights

Finally it was time to conclude the Conference. Closing words were given by Raul Delgado Wise, who then drew up the map in which the Conference had been navigating. His talk was a suggestion how to understand and contextualize the issues at stake with thought on what is needed for a change to come about.

The elements he lifted up and described involved the restructuring of labour, the re-launching of imperialism through global capitalism and the unequal distribution of work, security and income between the North and the South. These factors work as an engine behind a lot of forced migration and the build-up of a reserve-army of labour. To this he added the connected consequences of capitalist expansion: speculative financialisation and environmental degradation. He went over the global production of a new precarious proletariat, which in itself propels (through cheap labour) further growth of global capitalist exploitation, which in turn deepens the asymmetries between regions and countries even further. He then brought up the social and human consequences of these developments, which really is the sphere from where the real costs of the current situation is continuously drawn, according to Delgado Wise.

The problem he presented is us for is the classical one in terms of social change, it is the question of the agent of change. On this note he held up a set of important points. There is a need for a strategic vision for gaining social consciousness and there is a need to work to build organisations that are democratic and through their participation allow for migrant participation. This work also entail to demystify dominant visions of migration today, enlighten about the precarity of today’s migration and bring a strong right’s discourse in to the migration debate. At last he applauded the Conference for contributing to the work, through its initiative to build strategic alliances between academia, social movements and social organisations, and thereby contributing to a platform for the needed organic intellectual of migrants’.
Some more participants and organisers:


These proceedings have been produced by an editorial collective. Chair: Erik Berggren (REMESO). Members: Mary Hyland, (Senior Researcher, Dublin City University) Karin Krifors, Nedzad Mesic and Indre Genelyte (PhD cand. all REMESO).