Migration, Civil Society and Global Governance

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Chapter 3

Global migration governance, civil society and the paradoxes of sustainability

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ABSTRACT

Against the presentation of an asymmetric global governance, this article analyzes the formation of global migration governance with its focus on the politics of migration and development. It traces the marginalization of a rights-based approach to migration and the streamlining of migration governance into business-friendly migration management and a geopolitical securitization agenda. It also reviews the trajectory towards factoring migration into a global development policy discourse as formulated in the UN 2030 Development Agenda. Specifically, it indicates that the inclusion of migration into the Sustainable Development Goals (SDGs) may promote migrant workers' rights because several of these invoke universal human rights instruments, social protection and the observance of the ILO decent work agenda. However, this will only be possible if civil society critically engages powerful state and non-state actors in the process of monitoring the SDGs' implementation, and resists their streamlining into investment and free trade neoliberal development regimes.

Introduction

International migration has come to be an essential component of neoliberal globalization and its related national and regional political economies of inequality (Ackerman, Goodwin, Dougherty, & Gallagher, 2000; Milanovic, 2018). On the one hand, it has become one of the vital survival strategies for people struck by wars, poverty and precarity, brought about by vagaries of neoliberal geo-political and geo-economic restructuring, and the landscaping of free trade and free capital movement. On the other hand, international migration has been projected as a solution to demographic deficits in the global North. Concurrently, there is a dominant view which sees international migration as the source of enormous gains to be unleashed by free labour migration from poorer to economically dominant countries. Arguably, this can by far outscore the effects of global trade and finance on poverty reduction (Pritchett, 2006; Rodrik, 2011).

The majority of the 244 million international migrants are migrant workers.[1] Labour migrants, both regular and irregular, have become targets for the configuration of a (less free) global labour market regime, subjected to a regime of asymmetric global governance driven by the supremacy of a free trade regime and the canon of the free movement of capital (Likić-Brborić & Schierup,

2015). The current global political economy features labour commodification, as well as the disassembling of labour and social rights. It produces uneven patterns of exploitation and precarious employment, with migrants constituting the most vulnerable segment in the making of a flexible and disposable labour force (Woolfson & Likic-Brboric, 2008). Yet, for better or worse, there is no unified international migration regime, comparable to financial and trade regimes, which regulate the free movement of capital, goods and services in a globalized political economy (Betts, 2011; Koser, 2010). The persistence of irregular migration flows and the 'refugee crisis' in 2015, instigated by the war in Syria and protracted conflicts in the Middle East and Africa, demonstrated a flagrant lack of a functioning regime of the international movement of people, encompassing shared rules, norms and procedures, as well as authoritative actors accountable for its implementation.

Although there is no coherent global governance regime for migration, we have seen multiple regional and global initiatives and deliberations on global migration governance. Within an asymmetric and dual global governance, the dominant governance actors, such as transnational corporations (TNCs), the World Trade Organization (WTO), the World Bank (WB) and developed states, have sought to promote a business-friendly migration management approach, driven by the demand of matching high- and low-skilled labour, without entertaining labour and migrants' rights. Conversely, several UN agencies led by the International Labour Organization (ILO) challenged this approach by launching a rights-based approach to migration (ILO, 2006). This approach was supported by a multitude of 'old' and 'new' social movements (Munck, 2007) that mobilized for social justice in a global political economy, and contested the increasing power of corporations and financial institutions shaping the hegemonic governance of production, finance, security and technological innovation.

Following several international initiatives, conferences and reports (GCIM, 2005; WCSDG, 2004), the UN initiated a High-Level Dialogue (UN-HLD) on International Migration and Development in order to address migration challenges. The first UN-HLD was held in 2006, yet failed to include migration on the UN norm-setting agenda. Subsequently, in 2007, governments launched the Global Forum for Migration and Development (GFMD), designed as a state-led, nonbinding and informal process. It is considered as the most inclusive arena for framing the incipient global governance of migration, involving continuous intergovernmental deliberations between sending, receiving and transit states (Betts, 2011). Since the inception of the GFMD, so-called 'Civil Society Days' (CSD) have been organized preceding the GFMD meetings. The GFMD/CSD process mirrors a common feature of global governance processes, informed by the so called Post Washington Consensus (PWC); the reframing of neoliberal development policies of comprehensive marketization, trade liberalization and privatization in terms of a discourse of sustainability, participation and 'good governance' (Smith, 2012; Stiglitz, 2002). In this conjuncture, the CSOs, including various labour and migrant rights movements and activists have managed to mobilize and strategically engage for the promotion of a rights-based migration governance, demonstrating genuine transversal cosmopolitanism (Hosseini, Gills, & Goodman, 2017) and tenacious activism, in spite of rather limited access to the migration agenda-making arenas and the democratic deficit in global governance (Grugel & Piper, 2011; Schierup, Ålund, & Likić-Brborić, 2015). Informed and strengthened by the World Social Forum for Migration (WSFM) and the vision of 'another world is possible', major civil society associations and networks have mobilized for the inclusion of the migrants' rights into the UN-HLD and the GFMD agenda. Migrants Rights International (MRI), the Migrant Forum for Asia (MFA), the Europe-based Platform for International Cooperation on Undocumented Migrants (PICUM) and the Transnational Migrant Platform (TMP), to name a few, initiated the People's Global Action for Migration, Development and Human Rights (PGA). It was set as a parallel event to the

GFMD/CSD process and an alternative space for migrant rights organizations, trade unions, academia, faith-based organizations, as well as women and human rights organizations to strategize for the promotion of migrants' human rights and Southern perspectives on migration and development (Castles, 2011; MFA, 2009).

The very denomination of these processes is telling of their ambition – to connect 'migration and development' (Omelaniuk, 2012). This was finally attained in 2015 by factoring migration into the UN Post-2015 Development Agenda and a number of sustainable development goals (SDGs). At the GFMD/CSD meeting which took place in Istanbul in October 2015, several leading migrant and migrant-supporting CSOs announced this as a major breakthrough. Since its adoption in September 2015, the UN 2030 Development Agenda, advertised as an integrated approach to development, inclusive of human and labour rights for all, has promised its realization in terms of governance that assures accountability for the promotion of transnational social rights and citizenship. This promise needs to be scrutinized, which this article attempts to do.

Against the background of the contextualization and presentation of an asymmetric global governance, understood as instrumental for neoliberal globalization, this article analyzes the process through which global migration governance has been formulated with its focus on the politics of migration and development. Furthermore, it scrutinizes the trajectory towards factoring migration into a global development policy discourse as formulated in the UN 2030 Development Agenda and SDGs. The main ambition is to identify the space for and the role of global civil society in this process, as well as its organizational capacity and strategies to challenge a de-politicizing 'neoliberal political rationality' through projecting counterhegemonic political visions, alternative development models and a rights-based approach to migration.

The main question addressed is the following: What has happened with the alternative approaches to development and a rights-based approach to migration in an ongoing reframing of the migration-development nexus in terms of the neoliberal approach to development focused on business-friendly migration management and temporary, circular migration schemes? In the following, the article maps the global institutional and organizational actors and frameworks which shape the GFMD/CSD process, its normative positionality and operational modalities, including relations with governments, the UN system and civil society. It endeavours to identify some of the main actors and alternative discursive frames as articulated through the GFMD process and interrogate what agenda-setting, streamlined towards migration management and the migration related SDGs, may mean for the space and role of civil society.

Global political economy, migration and global governance

Globalization, informed by the neoliberal vision of free-market capitalism, has involved the configuration of the global economy by the asymmetric incorporation of countries, territories and people into a crisis-driven expansion of neoliberal order across the world. The emerging 'variegated' neoliberalization, imposing persistent and uneven 'market-disciplinary regulatory restructuring', has entailed the privatizations of state owned enterprises and public services, as well as austere fiscal policy and trade liberalization, perpetuating neoliberal transformation dynamics across time and space (Brenner, Peck, & Theodore, 2010). Particularly, neoliberal globalization has involved the global financialization of economies, corporate-driven transnational reorganization of production via global production networks (GPN) and global value chains (GVC), outsourcing and subcontracting, deepening commodification, and the 'tendential' configuration of a global labour market (Overbeek, 2002).

A 'moving map of neoliberalization' (Harvey, 2005), carved out through financial and corporate global and regional restructuring, has generated economic crises, unemployment, poverty, the informalization of the economy and irregular migration, resulting in the interlinking configurations of political economies of inequalities and the precarization of life and work both in the developing and developed world (Schierup & Jørgensen, 2016). Globalization has challenged the nation state and instigated the crisis of multilateralism, as well as the inclusion of corporate interests and conservative NGOs, pushing for further reforms of the UN multilateral development system towards a 'new constitutionalism' of the WTO (Fitzpatrick, 2009). Responses to poverty, increasing inequality, the informalization of the economy and the resulting irregular migration have projected development policies informed by the PWC and 'Bretton Woods paradigm', regarding investment friendly market reforms, the privatizations of public services and a GATT/WTO-driven international trade regime.

In this context, Phillips (2009) claims that 'the articulation of migration as a national development strategy is representative of a transnationalized (and regionalized) form of uneven and unequal development'. It is one dynamic motor generating 'inequalities between national economies and societies which result from the often massive export – and absorption – of workers from the capital-poor areas of the global "periphery"' (p. 133). The government policy shift towards facilitating and outsourcing governance, attuned to the support and maintenance of the corporate practices constructing global production networks and global value chains, has sustained the 'adverse incorporation' of informal, often forced labour into the formal economy (Mayer & Phillips, 2017).

The resulting 'hollowing out' of national labour market regulations and the related changes of industrial relations, inferred by the connective informalization of the economies and irregular migration, demonstrated an urgent need for a transnational governance of workers' rights (Egels-Zandén, 2009). Several UN agencies over the course of the 1990s, within their overlapping mandates to promote human development, labour rights and social justice, elaborated on a comprehensive theoretical and policy framework for the promotion of the social dimension of globalization; a 'UN paradigm' that could represent an alternative to neoliberal trade and export-led development approach (Likić-Brborić & Schierup, 2015; Thérien, 2005). The ILO, in line with its mission of labour decommodification, took a leading role in forging a discourse of global justice, solidarity and fair globalization, configured around the concept of decent work and a rights-based migration approach. On the highest level, the ILO initiated the WCSDG (The World Commission on the Social Dimension of Globalisation), producing its final report 'A Fair Globalisation' in 2004. The report takes stock on the impact of globalization and proposes an inclusive framework for a fair global governance in order to balance global financial and economic institutions, free capital and trade flows, with a universal social floor, human and labour rights, and fair rules for the cross-border movement of people (WCSDG, 2004). It also points to the lack of 'a multilateral regime for the cross-border movement of people that makes the process more orderly and eliminates the exploitation of migrants' (p. 96), which reinforces different initiatives to develop global governance for migration. The UN Secretary-General launched the Global Commission on International Migration that presented its report in 2005 (GCIM, 2005), calling for migration policies to curb undocumented migration and reaffirm existing legal mechanisms that should frame migration policies. However, the ensuing process of political deliberations on and the policy production of migration governance has taken a turn that reinforced WTO/WB/IMF-centred 'facilitating' and 'outsourcing' global governance, as well as involve the further marginalization of the ILO as described in the next section.

Towards global migration governance

According to Betts (2011), the institutional framework for regulating global migration consists of a weak formal multilateralism, 'embeddedness' into other transnational rules and regulations, such as trade regimes, and various informal networks and partnerships. As international migration is 'regulated through a multilayered architecture of international governance', comprising binding transnational rules and regulations, but also a variety of 'soft law' procedures fragmented across different governance levels (Kunz, Levenex, & Pannizon, 2011, pp. 15–16), it has proved too complex and dysfunctional in addressing contemporary migration challenges. The complexity involves both different types of migration and their assignment to corresponding fields of international law at different governance levels.

Drawing on the understanding of 'global' as overlapping scales, Gamlen and Marsh (2011, p. xiv) state 'that global migration governance is not simply synonymous with the international system, but is instead intertwined with and constituted by processes involving multiple geographical scales – including an emergent transnational scale'. They identify three different modes of governing global migration. The first is the national mode as the nation-state is still the most important regulator by means of controlling migration through borders, safeguarding access to territory, nation, citizenship and rights. The second is the international mode that entails the formal and informal cooperation between nation states to regulate migration issues. It includes bilateral, regional and multilateral governance. They also identify a new transnational mode of migration governance as 'a neoliberal assessment of the role of states in regulating market mechanisms such as migration' (2011, p. xxiv). Informed by 'the new migration and development optimism', this approach promotes temporary and circular labour migration schemes allegedly producing 'triple wins' for sending and receiving states, as well as the migrants themselves, connecting diaspora engagement to development in their homelands (2011, p. xxiv). This mode of governance pursues market solutions and, in line with neoliberal governmentality, constitutes mobile, circulating transnational subjects in the globalized economy beyond the purview of nation-states.

Kunz et al. (2011) identify four main interrelated migration issues regulated at multilateral, trans-regional and bilateral levels, namely: economic mobility, security, the human and labour rights of migrants, and development cooperation. Within this architecture, the rights of refugees and workers stand out as the most regulated in terms of codification and organizational responsibility for the implementation. The refugee regime, overseen by the UN High Commissioner for Refugees (UNHCR), is regulated by binding international laws.[2] It is still a stronghold of refugee protection, in spite of challenges brought about by various states' non-compliance in cases of sundry refugee emergencies. Yet, other human and workers' rights in the global economy have been poorly protected. Even though there is a bundle of human rights and labour conventions, they lack a supporting institutional structure (Aleinikoff, 2003). Others, like Kunz et al. (2011), claim in line with Betts (2011) that there is an institutional structure, but it is weak and fragmented.

Historically, the responsibility for labour migration was divided between the ILO and the International Organization for Migration (IOM). The former was established in 1919 and later positioned within the UN system. Its mission has been to set norms assuring the decommodification of labour in the international economy, including the protection of migrant workers. To that end, several ILO conventions have been adopted.[3] However, neither the USA nor Canada have signed or ratified them, in spite of an ILO strategy to conform to US hegemony and its flexible labour market regulations (Cox, 1977; Vosko, 2002). Due to US anti-communism in the Cold-War era following WWII, the role of the ILO, especially in the field of labour migration, has been side-lined. However, after the

exclusion of social clauses from the WTO trade agreements and Dispute Settlement Mechanisms in 1996, the ILO attempted to assume the main responsibility for connecting labour migration to universal labour standards and rights. It formulated and promoted the Decent Work Agenda (DWA) and a rights-based approach to migration that also includes the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ILO, 2010; Likić-Brborić & Schierup, 2015). However, the ILO's role in the global governance of labour migration remains weak.

Contrastingly, the IOM has been gaining a central role in the development of global migration governance. Instead of conforming to UN-based ILO and UNHCR normative and organizational missions, the Western receiving countries decided to establish the Intergovernmental Committee on European Migration in 1951, outside the UN system, which was later renamed the IOM (Georgi, 2010). Its main mission was initially to assist receiving states in the admission of European migrants after WWII, and later to manage East-West and other refugee crises, both during and after the Cold War, not to protect migrants. Being an intergovernmental organization, it is supported by 166 member states and 11 state observers, as well as a number of NGOs and INGOs, and is structured according to a project-based model operating in 150 states across the globe (Martin, 2015; Pécoud, 2018). The IOM has been praised for its efficiency and flexibility in supporting governments to meet various migration challenges and needs. In comparison to the UN-based ILO and UNHCR, upholding UN human and labour rights conventions, the IOM has been normatively unrestricted and flexible to assist states to 'manage migration' by both controlling irregular and facilitating labour migration (Pécoud, 2018). It is regarded as the key actor that generates consensus informed by a global approach to migration, including border management measures and a problematic policy of 'voluntary return'. Last but not least, informed by neoliberal ideas of migration as individual solutions to inequality and poverty brought about by the impact of globalization, it has been instrumental in adjusting national migration policy-making to the needs of global capitalism and supporting private recruitment practices (Pécoud, 2018).

Drawing on Geiger and Pécoud (2014) and Kunz et al. (2011), it is possible to identify the constitution of three different categories of migrants to be assigned to different international organizations: (1) migrant workers, whose rights are monitored by the ILO and Office of the UN High Commissioner for Human Rights (OHCHR); (2) refugees and asylum seekers to be protected by the UNHCR; and (3) 'economic migrants', who are mostly circular mobile workers responsive to transnational labour market and corporate demand, to be expedited by the IOM. The term 'economic migrants' has also been used in media and policy discourses to differentiate those who migrate in search of a better life from refugees, which also implies that they do not qualify for asylum.[4] It is the last category, economic migrants and the need to govern new economic mobility has instigated various transnational and trans-regional initiatives to develop the global governance of migration. Susan Martin (2015, p. 66) openly states that '(m)ultilateral corporations want governments to facilitate intercountry movements of their own personnel' and need to meet labour shortages in several sectors, such as agriculture, IT or health.

While labour mobility is partly regulated by the WTO/GATS (World Trade Organization/General Agreement in Trade in Services) on a multilateral level, it has not included the protection of labour and human rights. There is also a plethora of various regional and bilateral trade agreements that address labour mobility.[5] These are complemented by corporate voluntary codes of conduct and international framework agreements (IFAs) struck between global unions and multinational corporations, reflecting a long-term shift from government to the weak transnational governance of labour rights.

Towards a neoliberal migration regime: the IOM and migration management

In search of developing transnational solutions to the twin problem of irregular migration and economically wanted trans-regional and global migration, several initiatives have been put forward, such as sub-regional and regional consultations processes (RCPs), inter-regional fora (IRF) and global discussions on common norms and regulations for a global migration policy. The landmark in the inclusion of migration into UN development fora is the 1994 International Conference on Population and Development (ICPD) in Cairo. At this meeting, 179 governments agreed on a 20-year comprehensive Programme of Action (PoA), a set of internationally agreed recommendations on both internal and international migration, with a specific section 'International Migration and Development'. It is important to emphasize that the main recommendation to governments was to focus on the root causes of migration, development and the right not to migrate (Martin, 2015).

The idea to link migration to development was revisited by the Swiss government, which presented the Berne Initiative in 2001, a state-led consultative process, to engender a cooperative approach to effective international migration management. As a result, in December 2004, a non-binding reference framework, the 'International Agenda for Migration Management' (IAMM) was presented, focusing on the need to develop shared understandings and 'effective practices' to promote legal migration and integration pathways for immigrants, but also to cut irregular migration and fight human trafficking. The Agenda also projected the links between migration and development, security and other international concerns (Martin, 2015, p. 72). In this, the IAMM departs from the ICPD PoA progressive development approach and narrows it down towards the nexus between migration and development attuned to the interests of the receiving developed states.

Susan Martin (2015) maintains that the Berne Initiative, although successful in bringing governments together, needed to be legitimized by forging more inclusive forms of collaboration with non-state actors. The other issue was to identify UN and other international agencies dealing with migration issues, and propose a main agency with a clear mandate to manage migration challenges, as emphasized by the so-called Doyle Report, commissioned by UN Secretary-General Kofi Annan. The report asked for a clear organizational mandate to manage migration issues, and to that end, the Secretary-General appointed the GCIM, financed by Sweden and Switzerland as the main actors behind the Berne Initiative. Once again, the problem of organizational responsibility for migration issues came to the fore, and the commission opted for merging the IOM and UNHCR, or the inclusion of the IOM into the UN system in order to regulate voluntary migration. Interestingly enough, the potential role of the ILO was downplayed. Without making a final recommendation, the Global Migration Group (GMG) was built, consisting of the original members of the Geneva Migration Group (IOM, ILO, OHCR, UNCTAD, UNHCR and UNODC), the WB and other agencies[6] (Martin, 2015).

In the following years, the IOM assumed the main position, producing knowledge and framing the discourse of migration as a 'global' problem implying 'global' cooperation, but also as 'a normal process' bringing 'triple-win' benefits 'to All' (migrants, as well as sending and receiving countries). Migration was to be 'well managed' and 'orderly', as well as linked to development and environmental issues (Geiger & Pécoud, 2014; Pécoud, 2018). This discourse frames the main political focus on: security and border control; economic migration adjusted to labour market demand; and the protection of migrants and development (Pécoud, 2018). Drawing on the Foucauldian perspective on liberal government, which focuses on technocratic power to manage populations, Sara

Kalm (2010, p. 29) sees global migration management as 'a particular solution to the question of how to govern the global population'. It reflects the 'political rationality' of neoliberal governmentality to infuse marketization and entrepreneurialism on both institutional and individual actors, constituting 'mobile subjects' in a technical and non-political manner. At the same time, she demonstrates how the global policy discourse normalizes migration and emphasizes its potential positive impact on the global political economy.

In their critical examination of the emerging migration management policy approach, Geiger and Pécoud (2010) state that this depoliticized and technical discourse of migration resonates with the PWC; neoliberal policy prescriptions jointly designed by the WB and IMF and imposed on crisis-ridden indebted developing countries as conditions for their debt restructuring. However, this policy approach, supported by Western receiving countries, needs to be diffused to other sending and transit countries, and legitimized in line with the PWC participatory governance model via consultations with other stakeholders and civil society actors.

UN-HLD, GFMD/CSD and the business case for migration and development

Following these initiatives and demands for a coherent global migration regime supporting international migration, the UN-HLD was launched in 2006. Instead of focusing on the right not to migrate, the UNHLD promoted a new direction, attuned to the idea of employer- and trade-friendly transnational economic migration, facilitating a WTO/GATS mode of global migration governance. This is not surprising considering the fact that the UN Secretary-General appointed Peter Sutherland, former director general of the WTO, previous EU commissioner for competition, as well as a chairman of BP and Goldman Sachs, as his special representative for international migration and development. Besides the representatives of states and GMG agencies, various CSOs, NGOs and business stakeholders participated. CSOs also established a global steering committee that staged a parallel event, the Global Community Dialogue on Migration, Development and Human Rights. With 80 participants representing 45 organizations from Asia, North America, Latin America, Europe, Africa and the Pacific, the group demanded guarantees for migrant workers' labour rights and advocated for a rights-based approach to migration (MFA, 2009).

In spite of the initiative to discuss international migration as a norm-setting issue within the UN framework, the outcome of the HLD was to continue the interstate dialogue informally, leading to the launch of the Global Forum for Migration and Development (GFMD) in 2007. Since then, within an asymmetric multi-level global governance, the GFMD, as an 'informal, non-binding, voluntary and government-led process' figures as the most comprehensive arena for continuous intergovernmental deliberations between sending, receiving and transit states in order 'to foster practical and action-oriented outcomes at national, bilateral and international level' and 'maximize the development benefits of migration and migration flows'.[7]

The GFMD has been held every year, except for 2013, taking place interchangeably in developing and developed states, which also chair the respective GFMD meetings. The host states responsible for previous, present and coming meetings build the so-called *Troika*, which prepares the meetings, with support of the Steering Group (SG) consisting of supporting governments responsible for the formulation of Roundtable (RT) agendas. The UN Special Representative also attends the meetings, while all other states are invited to join the meetings of 'Friends of Forum', together with UN agencies and other selected organizations.[8]

From the beginning, the GFMD also designated so-called Civil Society Days (CSD) as spaces to exchange ideas with a plethora of international organizations, multilateral global and regional bodies

(e.g. GMG), business actors, and broad civil society, including migrant organizations, trade unions, academia and non-governmental think-tanks. By designing the CSD, the Forum aimed to address the deficiency of the Berne Initiative to meet the criteria of inclusiveness and obtain legitimacy. It initially supported a space for a larger social movement, which later denominated as the People Global Action for Migration, Development and Human Rights (PGA), to hold gatherings preceding and preparing for the CSD. Since 2010, it has also designated the so-called 'Common Space' for Civil Society to interact with the governments.

The Troika governments set the agenda for the GFMD meetings, as well as the initial blueprint for the CSD meetings. The superficial scrutiny of the main themes of the government agenda towards the inclusion of migration into the SDGs barely traces any influence of migrants and for migrants' CSOs on the GFMD process. The first GFMD meeting in Brussels, with the theme '*Migration and Socio-Economic Development*' focused on labour mobility, remittances, policy and partnerships and apparently disregarded migrants as actors. Only two of the meetings focused on migrants as actors in their main themes.[9] However, migrants' empowerment and human development are justified only if they serve development. Particularly, in the overall summit themes,[10] migrants as actors have dissolved into discourses centred on 'migration' and 'development', 'partnership' and 'cooperation', and the instrumentalization of migration for the 'benefits for all', clearly reflecting the IOM discourse of migration management.

In their review of the intergovernmental recommendations and conclusions on migration governance initiatives from 1994 to 2009, Maas and Koser (2010) confirm that most recommendations concern governance and cooperation, while the issues of root causes, labour migration, social cohesion and circular migration were not adequately attended. Furthermore, they find that the 2007–2009 GFMD recommendations were far less focused on the issues of human rights, protection and gender, and the GFMD was called to ensure 'meaningful consultation with the private sector in particular and with civil society at large in general' (p. 11).

The report, commissioned by the Hague Process on Refugees and Migration (THP),[11] was written by Wies Maas from the International Catholic Migration Commission (ICMC) and Khalid Koser from the World Economic Forum (WEF) Global Agenda Council on Migration. It seems that the report set the stage for the mobilization of both business stakeholders and CSOs advocating for migrants' human and labour rights before the 2010 GFMD in Mexico. The organizers responded by creating a Common Space for enhanced interchange between CSOs and governments, and by handing over the organization of the 2011 CSD to civil society, namely the ICMC.

When it comes to business stakeholders, their influence on the GFMD process has considerably grown. In 2011, the Swiss chair focused on labour migration and decided to involve the private sector, business leaders and recruitment agencies, in line with the final statement of the CSD in Mexico. This was even reflected in the CSD meeting in Geneva, marked by WEF and THP active involvement in setting up the theme on labour matching. The charm offensive of the 'private sector' continued ahead of the 2013 HLD in New York with the submission of the *White paper for the United Nations General Assembly High Level Dialogue on International Migration and Development 2013*. The paper, written and signed by, besides Khalid Koser, the WEF Global Agenda Council on Migration, Ola Henrikson, the director-general, Ministry of Justice, Sweden, Göran Hultin, chairman and chief executive officer of Caden Corporation, the UK, and not least by a critical scholar Saskia Sassen, presents a business case for migration, development and integration, and pledges the full respect for the human rights of migrants.

The Swedish chair in Office, which took over in 2013/14, unmistakably pursued an employer-friendly labour migration approach, informed by the 2008 Swedish labour migration law as 'the

best practice'. This is not surprising considering that the Swedish conservative government set in place radical reforms of the Swedish welfare model and labour market institutions in an attempt to weaken Swedish trade unions which were reluctant to participation in the GFMD in Stockholm. In 2015, during the GFMD meeting in Istanbul, the so-called 'business mechanism' was introduced, assuring agenda-setting power for business stakeholders. In the midst of the refugee crisis, the 2014–2015 Final Concept Note[12] stated that: 'A policy framework conducive to safe, fair, orderly, well-governed and productive migration, that is respectful of the human rights and dignity of every human being, is a prerequisite for realizing the full developmental potential of international migration' (p. 1). However, while reaffirming the inclusion of migration into the 2030 Sustainable Development Agenda, it called for 'sector-specific development policies', the recognition of the demand for low-skilled labour in agriculture and care work, and the need to protect these migrants. Finally, yet importantly, the concept paper also launched a 'developmental approach' to the problems of refugees and forced migrants, claiming 'the traditional "care and maintenance" model … unsustainable' (p. 5) and advertising labour market access via recruitment companies as a winning solution to the challenges brought about by the refugee crisis. Thus, in spite of the declared respect for human rights, this developmental approach exemplifies a neoliberal reframing of the solution to the 'refugee crisis' by repositioning refugees from the protection assured by a binding international refugee regime into weakly protected economic migrants, absorbed into temporary and circular labour migration regimes, and by outsourcing their management to private recruitment companies.

François Crépeau, in his capacity of the United Nations Special Rapporteur on the Human Rights of Migrants, warns that these trajectories 'pose fundamental ethical and legal questions about how the programmed temporary nature of mobility and the economic rationale can be reconciled with the human rights of migrants' and calls for 'a human rights-centred global governance' (Crépeau & Atak, 2016, p. 124). Regardless of this critical note, and the loss of legitimacy in the 2008 financial crisis, the neoliberal project seems to relentlessly progress so that one more 'refugee crisis' does not 'go to waste' (cf. Mirowski, 2013).

The 2016 GFMD/CSD proceeded towards the further designation of a migration management approach in order to fit the corporate global workforce and people management, as illustrated by the excerpt from the concept paper (p. 2):[13]

> Meanwhile, fast emerging global trade-investment-finance regimes and new forms of regional connectivity frameworks demand that 'people' are placed at the centre of economic planning equations and that peoples' movement (*people-to-people contact*) be facilitated to a much greater extent than in the past if ambitions for 'inclusive economic growth' are to be fully realized.

Simultaneously, the issues of migrant and human rights shifted to the 2016 New York Declaration for Refugees and Migrants, and the UN negotiations for the global compact for safe, orderly and regular migration (GCM).

In this trajectory towards business-friendly migration management and the legitimation of the commercialization of international migration, the German chair of the GFMD summit in Berlin referred to a 'global social contract' in the 2017–18 GFMD Concept Note '*Towards a Global Social Contract on Migration and Development*'. This needs to be deconstructed as it reflects the political vision of the 2030 Sustainable Development Agenda, which has been, paradoxically, included in the discourse of the WEF. At the 2018 WEF Annual meeting, Sharan Burrow, general secretary of the International Trade Union Confederation (ITUC), reiterated the need for a new social contract and called for 'the responsibility of business, including platform businesses', especially as:

… corporations refuse to practice due diligence, by not establishing grievance mechanisms for remedy of abuses against the hidden 94% of their workforce in their global supply chains, they perpetuate a depraved model of profit-making that has driven inequality to a level now seen as a global risk in itself.[14]

However, her critique seems to have been instrumentalized by WEF Chairman Klaus Schwab to launch the idea of a new social contract and the central role of business in pursuing this goal, while 'government and civil society must be fully engaged partners in a truly multistakeholder effort'.[15] This business-led global governance can also be interpreted as a corporate/business appropriation of the 2030 Agenda and its implementation via public-private partnerships, such as Multisectoral Global Funds (MGF).

At this stage, we have consequently seen how the processes of global migration governance framing have been streamlined into a GFMD-driven management approach. Instead of the forging, institutionalization and implementation structures of accountability for realization of human and labour rights, these rights and regulations have been transferred to voluntary modes of corporate governance, although dressed in the human rights and fair migration discourse. The shift to bilateral and regional free trade agreements and partnerships translates GATS Mode 4 into lower levels of governance. The recent designation of the IOM as the UN Migration Agency legitimizes the business friendly migration regime, reinforced by the inception of the WEF's vision of migration governance that merges techniques of securitization and economic mobility.

In the course of a decade long process, the engagement and influence of civil society have faced multiple constraints. Although, since 2011, the role of the GFMD Civil Society Coordinating Office has been assigned to the ICMC; an international non-governmental organization based in Geneva, previously chairing CSD Steering Committee. However, this repositioning has led to internal political divisions. The same year, several GFMD critical organizations, including trade unions and migrant women associations, initiated the building of the Global Coalition for Migration (GCM), a 'meta network' with the objective of meeting the challenge of internal rifts (Kalm & Uhlin, 2015) by reaffirming migrant workers and human rights perspectives. The ICMC, on the other hand, pursuing the aim of factoring migration into the 2030 Sustainable Development Agenda, built the Migration and Development Network (MADE), inclusive of business-friendly diaspora and development NGOs. It also reshuffled the CSD Steering Committee in order to marginalize CSOs critical of the GFMD. In the process, the PGA/WSFM as an 'invented space' (see Rother, 2018b; Ålund & Schierup, 2018; Delgado Wise, 2018) has shrunk, reflecting the problems of the marginalization and lack of institutional and financial support, shared by many social movements. This confirms previous studies that have shown limited access to and influence of civil society on global governance and the practices of 'civic-consensual modes of relation to the global political economy' (Buckley, 2013, p. 65; O'Brien, Goetz, Scholte, & Williams, 2000).

While Stefan Rother (2018a) sees the discursive framing of migration issues in terms of human rights in the GFMD/CSD process, and the IOM projects as 'norm diffusion and state socialisation', this evolvement needs to be assessed against the marginalization of ILO rights-based labour migration governance. Even the ILO has been marginalized and remains a thin project-based organization balancing between levels and agendas, in spite of the fact that 'decent work agenda' has been stated as an important SDG.

Migration governance, development and paradoxes of sustainability

The inclusion of migration into the 2030 Sustainable Development Agenda is attributed to CSOs' mobilization, as well as their organizational capacity to lobby for the inclusion of migration and

migrants' human and labour rights into global development strategies. Particularly, the formulation and promotion of a joint civil society platform on migrant and migration-related goals and targets for development, the so-called 'Stockholm Agenda' that was launched at 2014 GFMD/CSD, is considered the most significant stage in this process.

The 2030 Agenda declares to offer an integrated development approach, which has managed to balance opposing social, economic and environmental considerations, the so-called 'triple bottom line' (Sachs, 2012). This promise was translated into 17 SDGs and 169 targets, and 11 of these goals are relevant for migration.[16] The High Level Political Forum (HLPF) as 'the central platform for the follow-up and review' of the implementation process, involving both states and stakeholders including CSOs, has been established. Furthermore, its indivisibility is allegedly ensured by inclusive and participatory 'good governance' to be achieved by stakeholders' participation in the review, follow-up and monitoring of the 17 SDGs. However, all this ambition is conditional on the financial sector's support, as pledged by the Addis Ababa Action Agenda at the Third International Conference on Financing for Development in 2015.

Seen in this perspective, it is important to review if the new governance for development in general, and the governance of migration in particular, announced in the SDGs will indeed address the root causes of the precarization of life and work brought about by the decades of top-down implementation of uniform neoliberal development policies and their technical implementation. The WTO norms and standards remain unchallenged, at least in the global fora, with the Bretton Woods international financial institutions (IFIs), namely the World Bank and the IMF, still instrumental in the imposition of the neoliberal development model and the promotion of free capital mobility. Civil society actors have criticized the exclusive and technical approach to developing indicators that measure the realization of the goals and targets. It seems that the UN organizational architecture, attuned to the implementation of the SDGs through the establishment of the HLPF, is contingent on the mandate and required resources to promote hierarchical global economic governance.

Considering the hegemonic consensus behind 'migration management', reflected in recurrent initiatives to devise optimistic regional and bilateral labour migration schemes, such as temporary/circular migration, which are expected to bring forth developmental benefits for poor countries in line with a so-called triple win and 3R (Recruitment-Remittances-Return) approach to the migration/development nexus (Martin, Martin, & Weil, 2006), it is questionable if a comprehensive rights-based regime for labour and economic migration can be institutionalized through project-based instances. The ILO has received a supportive role by the promotion of a Fair Migration and Fair Recruitment Practices Project and the MFA has joined as a project partner. The IOM has, on the other hand, engaged a prominent MRI/PGA activist as an adviser. These practices of marginalization and co-option clearly call for addressing the past and future role of, space for and organizational capacity of CSOs in agenda-setting and implementation processes. So far, the engagement of CSOs in various global processes has been captured into the promotion of the neoliberal development project 'through the routinising of neoliberal processes of "participation", transparency and accountability' (Carroll & Jarvis, 2015, p. 277). This resonates with David Harvey's warning of the danger of human rights activism becoming embedded in the neoliberal frame (Harvey, 2005, p. 176).

Essentially, such a discussion brings to the fore the need for a serious interrogation of the potential of global civil society to resist the persistent neoliberal globalization and engrained free trade ideology which are undemocratically pushed for by the WTO/WB/IMF and on-going, top-level covert negotiations on regional trade agreements. Yet, the continuation of the GFMD process in parallel to HLPF review of the 2030 Agenda needs to be scrutinized by the CSOs in order to assure the

genuinely integrated nature of the SDGs in promoting democratic governance, alternative and local development models (see McKeon, 2018) that entertain labour rights, as well as social and health protection for all. If not, the SDGs might easily become the instruments of the final marketization and corporatization of human life.

Furthermore, 'the hegemony of progressive neoliberalism' and its progressive politics of recognition, has enabled 'a deeply *regressive* political economy to become the dynamic center of a new hegemonic bloc' (Fraser, 2017), ushering populist and xenophobic political responses to forced migration. Following the 2008 financial crisis and the 2015 European 'refugee crisis', we have seen the populist and nationalist capture of traditionally democratic states, increasing xenophobia and anti-migrant attitudes. They challenge not only transnational and cosmopolitan solidarity movements, including democratic multicultural and anti-discrimination initiatives, but also the neoliberal economic globalization project in all its editions. In this conjuncture, the WEF stands ready to accomplish the Fourth Industrial Revolution and meet the multiple challenges of migration by focusing on global people management and sophisticated surveillance technology, forging a new global social contract and new security and mobility frameworks.[17]

Despite a strong advocacy for migrant workers' rights and social protection in the governance of migration, the main challenge remains to address the social and individual costs of migration and protect migrant workers against the worst forms of exploitation, informalization and precarization. These are embedded in neoliberal development policy reforms that, paradoxically, breed insecurities and vulnerabilities as the main causes of forced migration. They also imagine migration as a preferable survival strategy, thus reproducing precarity all the way through connectivity in the current formal and informal migration and global production regimes. Thus, a migration for development approach complements already identified economic paradoxes; the implementation of economic development policies that generate inequality and poverty (Panchamukhi, 2000).

Yet, the inclusion of migration into the SDGs may promote migrant workers' rights because several goals and targets invoke universal human rights instruments, social protection and observance of the ILO decent work agenda. However, this will only be possible if development NGOs, civil society, grassroots movements, trade unions and labour movements across North-South divisions critically engage with transformative agendas, development alternatives and contest the technical implementation mechanisms that prevent the real transformative effect of the SDGs (Banks, Hulme, & Edwards, 2015).

In the context of global migration governance, the CSOs have reinvigorated their mobilization for the UN Global Compact on Migration and the implementation of the migration-related SDGs. Hopefully, this engagement may contribute to a broader consolidation of the PGA/WSFM and a stronger voice of critical NGOs and CSOs such as Oxfam, TMP, GCM and MFA, in order to push for the effective institutionalization of labour and migrant workers' rights in global governance.

Notes

1. According to ILO estimates, in 2013 there were 155 million migrant workers (55.7% men and 44.3% women), representing 4.4% of the global workforce. The largest shares of migrant workers live in the US (24.7%) and Northern, Western and South Europe (23.8%), followed by Asia and the Pacific (21.9%).
2. Namely, the 1951 UN Refugee Convention, including its 1967 Protocol, signed by around 150 countries (Martin, 2015).
3. For example, the 1949 Migration for Employment Convention (No. 97) and Recommendation (No. 86), ratified by 49 states, and the 1975 Migrant Workers' Convention (No. 143) and Recommendation (No. 151), ratified only by 23 countries (Martin, 2015).

4. Critical migration scholars and human rights activists designate the term 'forced migrants' for all categories of migrants who emigrate due to poverty, precarity, deteriorating living and working conditions (see Delgado Wise, 2018).

5. For example, the Economic Community of West African States (ECOWAS), Common Market of the South (MERCOSUR/Brazil, Argentina, Uruguay, Paraguay and Venezuela), North America Free Trade Agreement (NAFTA), European Free Trade Agreement (EFTA) and EU Mobility Partnerships, to name but a few.

6. There are at present more than 20 UN agencies included in the GMG (http://www.globalmigrationgroup.org/gmg-members).

7. https://gfmd.org/process/background.

8. Within this context, member states share Migration and Development M&D practices compiled in the Platform for Partnerships (https://gfmd.org/pfp).

9. These were the 2008 GFMD/CSD in Manila *'Protecting and Empowering Migrants for Development'*, and the 2012 GFMD/CSD in Port Louis *'Enhancing the Human Development of Migrants and their Contribution to the Development of Communities and States'*.

10. The GFMD Summit Themes are available at https://gfmd.org.

11. The THP 'is an independent, not-for-profit organisation, which brings together diverse stakeholders to seek solutions to migration and refugee challenges' and 'specialises in innovative collaborations in the nexus between business, cities & migration'. It is a global network of over 4000 individuals, public and civil society organisations and institutions around the world, including the IOM, World Economic Forum (WEF), employers' confederations, cities, corporations such as Siemens, IBM and Manpower, to name but a few (thehagueprocess.org).

12. GFMD 2014–2015, Republic of Turkey, Chair in Office, Final Concept Note (https://gfmd.org/docs/turkey-2014-2015).

13. Concept Paper GFMD 2016 (https://gfmd.org/docs/bangladesh-2016).

14. https://www.weforum.org/agenda/2018/01/time-new-social-contract-inequality-work-sharan-burrow/.

15. https://www.weforum.org/agenda/2018/01/the-world-needs-qualitative-easing-and-business-must-lead/.

16. Many of these actually reflect various CSOs' claims for a rights-based approach to migration. Thus, SDG 5 promises gender equality and empowerment of all women and girls, and target 5.2 envisions to 'eliminate forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation'. Goal 8 promises 'sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all', target 8.7 foresees 'to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour' and target 8.8 'to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.' To meet Goal 10 focused on the reduction of inequalities between and within countries, 'orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies', and the facilitation of remittances, free trade and investments are specified as specific targets. (https://sustainabledevelopment.un.org/sdgs). To promote just, peaceful and inclusive societies and build 'effective, accountable institutions' is stated as one of the SDGs (Goal 16) for itself, as well as a necessary condition for the realization of sustainable development.

17. https://www.weforum.org/projects/shaping-the-future-of-security-in-travel.

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