
OUT OF THE SHADOWLANDS:

A Report on an International Learning Circle on Migration and Citizenship

Inter Pares is a Canadian organization dedicated to promoting international social justice. In Canada and overseas we work to build understanding about the causes and effects of poverty and injustice, and the need for social change. We support communities in the global south to create healthy, safe and secure futures. We support people's struggles for self-determination and their efforts to challenge structural obstacles to change.

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A Report on an International Learning Circle on Migration and Citizenship

by Brian K. Murphy, Ottawa, November 2006

This report documents a three-day learning circle of people working on migration and the rights of people on the move. It first summarizes the thematic investigation that led to the identification of themes for deeper discussion. An examination of the opportunities and dilemmas presented by the UN Convention on the Rights of Migrant Workers is followed by an exploration of the ethical and political vitality of the construct of “open borders,” and an attempt to frame a forward-looking discourse on a global open migration policy. The report then summarizes our reflections on security, as manifest in the framework of the “war on terror”, focusing on the erosion of the human rights of all persons, particularly people on the move. The report concludes with an attempt to reframe a policy discourse that challenges current national security and border control regimes, and the irrational politics of fear that is used to justify them. An annotated resource list, bringing together the many resources suggested by the group, is included as an annex.

INTRODUCTION

This report documents a conversation that unfolded during a learning circle among an international group of persons with a history of working on issues of migration and the rights of “people on the move” – however categorized – in Canada and globally.

The meeting took place at the CAMMAC Music Camp on Québec’s Lac MacDonald, September 26-29, 2006. It brought together thirteen women and nine men of varied backgrounds, ranging in age from mid-twenties to mid-sixties, for three and a half days of reflection and discussion. All participants brought an integrated gender, race, and class structural analysis to the discussion; with the exception of this common element, the group was diverse in political formation and philosophical orientation.

The meeting was organized, hosted and chaired by the Canadian social justice organization, Inter Pares.¹ The author of this report² was an independent participant in the meeting, with the additional charge of synthesizing the discussion from his own perspective for use by the participants, Inter Pares, and others interested in these issues.

The participants were invited in their own personal capacity, on the basis of authoritative engagement on the issues to be discussed. The invitation was issued with

the understanding that participants were not expected to represent their own institution, organization, or any affinity group, nor were they expected to bring to the meeting a prepared discourse or presentation.

The group followed an open-agenda process that Inter Pares has developed and applied in its own internal reflection processes for over twenty years. The specific application of the process within a “learning circle” approach was first developed internally by Inter Pares in the 1980s, and later in its collaboration with Concordia University Institute in Management and Community Development in the 1990s.³ It has been applied in many external processes initiated by Inter Pares over that period, as well as in joint-agency initiatives where Inter Pares has been a lead agency.

Methodology and Trajectory of Discussion

The exchange began with an expansive open-ended check-in process during which the participants shared and exchanged their personal histories of engagement with issues relating to the experience and rights of migrants, and the convictions, dilemmas and questions they brought to the circle. In classical terms, this was an identification and investigation of themes in the universe of action and reflection shared among the participants, from which common elements were identified for further exploration.

¹ Inter Pares gratefully acknowledges the financial assistance of the International Development Research Council (IDRC) for the organization of the Learning Circle and preparation of this report.

² This report was prepared and written by Brian Murphy, an independent author, policy analyst, organizer and (proudly) a former long-time member of the Inter Pares staff team.

³ See “Reference Groups & Learning Circles,” notes for a seminar presented by Brian Murphy, Summer Program of the Institute in Management and Community Development, Concordia University, Montréal, June 16-20, 1997.

The key thematic elements that emerged can be summarized as:

- The opportunities and dilemmas for advocacy and protection presented by the UN Convention on the Rights of Migrant Workers and Members of their Families;
- The ethical and political viability of the construct of “open borders” as a forward-looking proposition for migration policy globally;
- The issue of “security” as manifest globally in the overarching framework of the “war on terror” and the national-security state, focusing on the ramification for the erosion of human rights and civil liberties of all persons, and of people on the move most specifically.

The discussion that led to these themes will be summarized in more detail in the next section.

When the themes had been identified and agreed upon, members of the group were identified to kick off the discussion on each of the various themes in turn, by presenting basic information, cutting the main issues, and leading the discussion. From the discussions that ensued, the participants then critically explored more concretely ways to frame a rigorous, proactive and propositional policy discourse on three main fronts: the application of the UN Convention on the Rights of Migrant Workers and Members of their Families; the political viability of an “open migration policy”; and the repressive elements of the “security” agenda and the ideology of the national-security state, particularly as these phenomena bear on migrants and migration flows.

The report will first summarize the thematic investigation that led to the identification of themes for deeper discussion. This is followed by a discussion of each theme in turn, with an elaboration of the framework for a policy discourse that emerged in each case.

THEMATIC INVESTIGATION

Issues

A common thread was the fact that the contemporary mainstream discourse on migration, to which we ourselves are integral, is a trap – as elaborated, for example, in the Inter Pares paper prepared to set the stage for the learning circle.⁴ The problems that we confront in migration policy emerge from paradoxes that are difficult to identify and to resolve. It was observed

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that we are experiencing “the co-existence of mutually exclusive realities” – certainly an adequate definition of a paradox – in which the reality of those who frame and administer current migration policies is distinct from, and discontiguous

from, that of the vast majority of the millions of persons migrating and on the move across the globe, and particularly from those migrants who are “undocumented.”

Reference was made to the analysis of the late David Bohm, who made a distinction between a “problem” and a “paradox,” and showed how we often focus on defining and confronting problems which obscure the paradox of which the problem is a permanent and continuous outcome.⁵ Bohm says that for centuries, humanity has been caught in paradoxes while mistaking the resulting difficulties merely as problems to be solved. He pointed out that almost always the only way to actually solve the problem is to finally resolve the paradox – that is, resolve the fundamental contradiction that creates the problem in the first place.⁶

Key to the paradoxes that bind the issue of problematized migration is the notion of “the Other.” Many participants expressed what one called “a lifetime experience with, and often as, the Other,” an experience that resonated with many participants personally, out-there, and

⁴ Crosby, Alison, *The Boundaries of Belonging: Reflections on Migration Policy into the 21st Century*, Occasional Paper No. 7. Ottawa: Inter Pares, June 2006. Available at: www.interpares.ca/en/publications/papers.php.

⁵ Bohm, David, *On Dialogue*, (edited by Lee Nichol), Routledge, London and New York, 1996.

⁶ For Bohm, the only sane and effective way forward for those who refuse to be complicit with societal irrationality and folly, is to “start something that has the quality of the solution rather than the quality of the problem.” [*On Dialogue*, p. 36.] By this he means, taking action that begins to make visible, resolve, and transcend the paradox and do away with the contradictions implicit in believing and acting on incompatible contraries. He identifies incoherence as a fundamental source of malaise and violence. The road to sanity and transformation is an increasing awareness of incoherence in our thought, in our lives, and in the belief system that is driving the events that make our future. But he warns, “if we have a desire for coherence, we can go about it wrongly and simply try to impose coherence, rather than discovering the incoherence and dropping it.” [*On Dialogue*, p. 78] For an in-depth discussion of this dilemma in the contemporary global context, see Murphy, Brian K., *Knowledge and Action: Challenging the Limits*, notes for keynote address to Inter Pares’ 30th Anniversary Symposium on Citizen Action, Tabaret Hall, University of Ottawa, April 29, 2005. Available at: www.interpares.ca/en/publications/other.php.

in-here – at the heart. These questions are as subjective as they are externalized. Many had personal experience as “outsiders,” and had asked, “Why am I not normal? What is normal? Who is normal?”

In this sense, migration was seen interconnected to many other volatile issues of the day on which the participants are engaged (most participants are working on a range of social policy issues from a perspective of inclusion and justice, rather than as “single-issue” advocates working solely on the rights of migrants).

A clear example was the “security” agenda and the “war on terror,” where certain classes of immigrants and migrants are at particular risk of harassment and detention. But it is broader than that. Many had experienced, for example, a clear overlap between the migration issue and the population control issue, with pro- and con- positions staked out with remarkable consistency: those promoting aggressive population-control policies tended to oppose liberal immigration policies as well. And increasingly – in a trend some have called the “the greening of hate” – the deep environment movement has identified over-population (and the masses of the poor generally) as a cause of apocalyptic environmental degradation world-wide. As a corollary, they portray migrants as a threat to the (pure, natural) environment, advocating control of immigration to maintain low and uniform population density, indeed going so far as to promote negative population growth (with the irony apparently missed) in the face of a putative immanent environmental catastrophe.⁷

Related to how these issues have become interconnected, participants identified the broader construction of grave and proximate threats that confront “us”: threats to security, to life and limb, to health and safety, to the environment, to “our way of life,” to freedom, democracy, culture, and civilization itself. All this plays into a pervasive (and cynical) politics of fear and paranoia, of xenophobia and fear of the unknown and the unknowable (and specifically, *the Other*), which is increasingly contrived and manipulated to justify national security measures.

In this context, immigrants, and migrants in general, are posited as a significant threat to the receiving countries and communities, indeed as an infection, and as

carriers of infection – literally as carriers of disease, and figuratively as carriers of socially and culturally unacceptable beliefs, behaviors, ideas and norms that infect and threaten the very survival of society and the nation.

Migrants are posited as a significant threat... an infection.

Many, and particularly those from Europe, felt that public opinion was becoming darker and more fixed against the influx of newcomers,

legal and illegal. There was less of a consensus that this is as true in North America, and most especially in Canada, where the discourse on migration has historically been more open than in Europe.

The experience of those promoting the application and protection of rights contained within the UN Convention on Migrant Workers and Members of their Families was shared in this context. There is not only lack of interest, but a deep hostility, to the Convention among the governments of the “receiving” countries in the Global North – essentially the industrialized nations within the Organization for Economic Co-operation and Development (OECD), including Canada. This raised the issue of how to proceed with campaigns promoting the rights contained in the Convention, and how the Convention itself might be used to educate public opinion.

The concrete experience of people on the move was explored. It was noted that the issue of migration is not merely about movement; it is also about confinement, and the processes and constructs of confinement, which entail dependency, coercion and captivity. The several participants whose work involved direct support to people who are uprooted against their will by force – usually in situations of extreme civil violence and conflict leading to mass displacement – shared the difficulties of dealing with these situations, which can last so long as to be virtually permanent, involving successive generations in intolerable conditions of displacement and confinement, as refugees or as internally displaced people. The problems inherent in processes where such populations attempt to return to their home places was also raised; these situations are equally difficult and complex, and even less studied and understood, indeed often ignored even by those who advocate on behalf of refugees and displaced people.⁸

⁷ Cf. recent article in *The Guardian Weekly*, “US population passes 300 million,” by Ed Pilkington, which states: “For Roy Beck, president of NumbersUSA, a research group focusing on immigration...the long-term increase could be put down entirely to immigration. ‘If we had zero net immigration we would never have reached 300 million; we’d be about 245 million today.’ The result, he says, is more congestion and restrictions and the decline of individualism, freedom and space.” *The Guardian Weekly*, October 15, 2006.

⁸ See for example, Bradley, Megan, *The Conditions of Just Return: State Responsibility and Restitution for Refugees*, Working Paper No. 21, Refugee Studies Centre, University of Oxford, March 2005.

The observation was made that humanitarian interveners rarely understand what one participant called “the sophisticated intentional strategies of people in crisis.” An example given was a village district in Afghanistan from which there had been a massive displacement. Investigations revealed that the community of displaced had dispersed strategically, so that only some, the most vulnerable, were in temporary camps maintained by international NGOs, while others had migrated in what could be seen as ever-widening concentric circles to larger and larger centers of economic activity, within Afghanistan to provincial towns and cities, and to

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Kabul and beyond internationally, including a very specific neighbourhood in London where there was a group from the community engaged in

a close network of mutual support and collectively contributing to the welfare of those displaced from their community in Afghanistan itself.

As indicated earlier, several participants came to the issues from their work in monitoring and advocating regarding the negative effects on civil liberties and human rights of the burgeoning national security apparatus, and the corollary “securitization” of immigration policy in their countries. A critical element in this is the issue of surveillance and the globalization of surveillance that now implicates migration policy worldwide.⁹

In the context of our discussion, particularly critical in regard to the new surveillance regimes is the contemporary significance of documentation – unqualified proof of origin and “identity” – and the criminalization of the “undocumented” and the relegation of undocumented people to the status of non-persons, stateless persons, and persons presumed dangerous and threatening to public safety. The ultimate goal is to document everyone, and to be able to keep track of everyone, our movements, and our location.

In a regime where legal existence is formal existence – an approved identity – those without formal identity in a very real sense do not exist, or to the extent they do exist, they exist as “illegal.” The vulnerability of people on the move, and particularly those forcibly uprooted

by whatever cause, is clear. A critical issue therefore is how to “regularize” migration policy to prevent the victimization of those without documents and to afford them the rights afforded all human beings within the existing international conventions and human rights law.

Just as migration policy intersects with national security policy, meeting participants also saw a profound overlap with overseas development assistance (ODA) policy as formulated by the donor nations, and particularly as harmonized within the DAC of the OECD.¹⁰ A clear sub-text of overseas development assistance has long been to intervene with humanitarian actions to keep uprooted people in their own regions and forestall migration from the South to the North. In recent years this sub-text has become a more explicit part of ODA agreements, for example by promoting and funding initiatives to “warehouse” asylum-seekers in beneficiary countries receiving refugee flows. In other cases, agreements include conditioning clauses that state that beneficiary countries will accept without contest all migrants deported back to that country by the donors.

These conditionalities are now standard elements within what some have called the “political economy of aid.” It was posited that just as a transformation in migration policies globally depends upon transcending the current discourse based on perceived threats that are integral to the essential “Other,” so a transformation of international relations to eradicate poverty and promote authentic global economic justice depends on transcending the current discourse on aid, and the intrusion on national sovereignty that it entails.

These issues – migration policy and international aid policy – are now inextricably linked, and those working on these themes in their various places have to work together to understand and to challenge these dynamics. There has been a precipitous step backward in the migrant-receiving OECD nations from what had been a long-standing, seemingly unassailable, humanitarian approach to the victims of forced displacement. Advocacy alone will not reverse this. The historical socio-political and psycho-cultural factors underlying this erosion of humanitarian sensibilities in each specific country have to be understood, made visible, confronted, and transformed.

⁹ See, for example, Webb, Maureen, *Illusions of Security: Global Surveillance and Democracy in the Post-9/11 World*, City Lights, San Francisco, publication pending, February 2007 [ISBN 0-87286-476-6].

¹⁰ The Organization for Economic Development and Cooperation (OECD), made up of a core group of 30 wealthy industrialized nations, includes a Development Assistance Committee (DAC) comprised of 23 “donor” nations, which acts as a locus for concerting ODA policies globally.

A sub-text of ODA is to intervene to keep uprooted people in their own regions and forestall migration.

This implies intense strategic discussions outside the discourses that bind us, to allow for an investigation of the complexities that we often ignore to avoid being immobilized in our day-to-day, often

humanitarian, actions. Our own over-simplifications can obscure the very elements – often paradoxical – that we need to identify, understand, and transcend if we are to be able to confront and transform the reality that contains the root causes of the phenomena we wish to change. We need to allow for complexity and not be demobilized by it, which also means confronting our own lack of confidence in our capacity to do this, and the critical lack of transformative ideas, propositions, and political engagement in this area.

Extending the theme of “complexities obscured,” one participant related how she is presently documenting, by means of a series of intimate interviews conducted over several weeks, the direct experience of specific women forcibly displaced by armed actors during the civil war in her country. Even after almost three decades of working with uprooted people, she is continuously surprised by how program interventions have only been touching the surfaces of the reality of forced migration and the lived experience of such migrants.

One strong impression from the testimonies she has been taking is that with all of the horror of sexual violence and violation her interviewees have endured, the worst for them – universally – was the expulsion from their home community, which they describe as “leaving behind the soul.” They are bereft of their soul – soul-dead. The cultural loss that is entailed in the phenomenon of forced migration is absolutely central and often obscured. It is an element often neither visible nor valued by mainstream (and usually urban) interveners who have to focus on immediate material needs, nor one simple to tackle even when acknowledged. Instead, people are apprehended as individuals and as victims, and their communal cultural existence obscured and ignored, especially in their new setting as displaced people. In this context, there is also insufficient attention to processes of return and the profound difficulties that such processes entail, including the fact that inevitably, even in return, much of what existed can never be recuperated, and so that even the return can be a loss.

The other side of the migration phenomenon – those who are not uprooted by force or circumstance, but who choose to migrate as an act of will – was also discussed. While so much attention is focused on preventing migration, the fact that many people willingly and eagerly migrate is as natural as the fact that other people settle and remain in one place for generations. This has been a reality throughout human history and will remain so, an inexorable desire and force in human affairs. The real issue should be that the opportunity to make this choice is profoundly unequal, and increasingly so, even as the forces of globalization promise a future “world without borders.” This is the issue we identified to take on in this discussion and in our work.

In embracing this reality, we also need to begin to understand in a much deeper way the new dynamics of migration involved, in the sense discussed earlier of intentional strategies of sophisticated global dispersal of communities and families. The globalized world we hear so much about focuses much attention on transnational corporations and multilateral governance.

That many people eagerly migrate is as natural as the fact that others remain in one place for generations.

Little attention is paid to the remarkable development of “transnational families,” of which there are millions upon millions – not merely displaced Afghans in London, an example we saw earlier, but Peruvians in Madrid, Filipinos in

Toronto, people of every nation in every nation, still organized as families and communities.

Mention was made of the stunning expansion of the “cell-phone generation,” which has affected relations internal to countries certainly, and the qualities of migration, and increasingly is a factor in the cohesion of transnational families. There is a radical transformation occurring in human habitation and social relations that is being obscured in the existing discourse and pre-occupations of both the state and of progressive protagonists in the debate on migration and migrants’ rights. We need to look at this, understand better the strategies at play on the part of people on the move, and ways that these new relations and skills will impinge on the future and the implications for progressive policy visions.

The discussion extended beyond the level of families and communities to the fact that, in many cases, we also can speak today of a distinct category of countries that

are “transnational nations.” Peru and the Philippines are two that were mentioned as concrete examples with which some in the group had direct experience. The education and export of trained personnel such as nurses, for example, as well as people who move as “domestic” workers, is now highly promoted and organized in these countries. There are many more. It was also pointed out that it is not only the legal “export” of workers that the new globalization encourages, but the illicit export, with trafficking and migration-slavery even more pervasive than is the above-ground industry of personnel transfer,¹¹ and already rivaling in UN statistics the trafficking of arms and drugs, the other fabulously lucrative avenues of illicit trade.

In this context, reference was made to the fact that thousands leave their home countries everyday, but no one keeps track of how many “come home in a coffin”; the numbers, we all know, are high and tragic. Yet within Asia, countries like the Philippines that do little to protect their nationals abroad are seen as a model of labour exportation, to be admired and replicated. This reality raises profound issues about the obligations of nations to protect and take care of their citizens abroad, and the clear and explicit reciprocal legitimization of this obligation, and right, within host countries.

This is an emerging political issue of huge significance in sending countries – Mexico is a high-profile example, but in no way the only one – as well as in receiving countries, and will only become more so. And in this context, remittances similarly are an issue that is on everybody’s lips, in terms of their importance to the economies of nations with large expatriate (that is, “migrant”)¹² communities abroad. A related issue is the regulations that facilitate or impede these remittances, and the incredible profiteering (cf. “Western Union Nations”) that is encouraged by current constraints imposed within “anti-terrorist” legislation restricting the international transfer of funds to only a few expensive regulated (and privileged) channels that retain a significant share of intended remittances in the economy of the host country.

All of this raises questions about the role of the state, and the interests of the state in its relations with its

citizens, at home and abroad. And as a participant from Latin America declared, the extent – or lack – of protection provided is not primarily an issue of resources, but of political will. The issue will become increasingly important in the years ahead.

It was recognized at the same time that strengthening the resolve of states to attend their citizens abroad would be of no assistance to those who themselves are fleeing the repressive governments of their own countries, or who are otherwise on the move as undocumented migrants fleeing unbearable circumstances in their own place. These are the millions upon millions of refugees and “illegals,” victims of forced displacement, trafficking and economic catastrophe, stateless people with no rights of citizenship or humanity, who one participant

described as “ghosts in the shadowland.” This is an intractable problem, the extent of which, and the duration of which, is itself a dilemma.

The situation of Muslim refugees is most critical in today’s context.

The elements that need scrutiny include the reticence of donors in

supporting work with internally displaced people dislocated inside their own borders as victims of their own governments (for example, in Burma), and the extreme danger experienced by those who try to bring humanitarian assistance to these populations; the increasingly prevalent practice of refugee warehousing, with examples where people are now well into the third and fourth generation born and living in virtual confinement in the same camps, with absolutely no prospect of successive generations going anywhere, ever; the lack of refugee rights in non-signatory countries, where people exist without status, subject to arbitrary benevolence (or not) and transitory policy; and the role of the United Nations High Commission for Refugees (UNHCR) in all of these circumstances.

The situation of Muslim refugees is most critical in today’s context: while few countries are accepting significant numbers of refugee claimants of any description from the camps and detention centres abroad, the greatest

¹¹ An example was given from a Latin American country where it is an open secret that the wealth of a man who runs a business securing employment overseas for female nurses and health aides comes not from his modest success in finding overseas employment for nurses, but the underground trade for sex workers for which his legal business is a facade.

¹² One participant pointed out that when she worked abroad she was considered an expatriate – even part of an “expatriate community” that was treated with some deference; she wondered, somewhat rhetorically, what was the difference between an expatriate and a migrant worker, how this distinction still comes to be made, and what it signifies. What if all migrant workers were simply considered “expatriates,” and received the deference that many people from industrialized nations take as their due when working abroad?

reluctance concerns Muslim refugees, who are particularly abandoned in the climate of anti-Islamic sentiment fomented worldwide within the “war on terror.”

Finally, there is the issue of ensuring the rights of migrant workers – many of whom are also refugees unwilling or unable to seek the “protection” of the camps – who toil in the millions, nameless, invisible, undocumented and unprotected throughout the world, North and South.

It was also acknowledged that those who are vulnerable to these conditions, to repression, to forced displacement, to being uprooted by economic and natural catastrophe, are those already marginal, the historically excluded populations, and most especially aboriginal communities who have experienced centuries of racist exploitation and cultural as well as physical dislocation – often at the hands of “colonists” and “pioneers,” immigrants themselves. It was pointed out by a (Canadian) participant that there is a stark difference between the way foreign refugees are received and served in coming to Canada and the manner in which Canada’s own First Nation people are “received” when they migrate to the very same cities. The grim reality is that many don’t survive the experience, and don’t even return home in a coffin, but end in a pauper’s grave. Just as with those uprooted in other places, theirs is an experience of lost land and cultural affinity, and an alienation as deep as any immigrant or refugee will ever feel – indeed, deeper and more permanent, because their experience has not been acceptance in a place where they are seen to belong, but a rejection, an alienation from a place that was once their own.

In sum, the discussion about issues that need to be addressed illustrated that inevitably the exploration of these elements ranges quickly into an intricate complex of dynamics among issues and phenomena that cross-cut the theme of migration itself. It was agreed, however, that migration is a critical nexus of the plethora of global issues that are coming to crisis in these times, and in taking on this theme in a fundamental way, we will have to be attentive to these cross-currents and interactions. In this context, emphasizing policy issues and the role of government in setting and implementing policy is critical but cannot address the entire set of challenges people face in their own historical processes.

The central issue in the politics of movement is belonging and alienation, violation and integrity. We need to influence the policy environment to transform the structures that violate the integrity of persons, while promoting an ethos of global social solidarity that transcends the forces of alienation and promotes an

authentic and inclusive sense of belonging of all in the human community.

Other Observations

The anti-immigrant faction, and its underlying white supremacist ethos, has gained a new momentum in the past decade that not long ago would have seemed impossible – a thing of the past. We need to understand this reversal and how it has been allowed to happen. This implies an authentic engagement with those permanently on the margins, whose existence has always been racialized and defined by alienation; the re-emergence of unmasked white supremacy is not such a mystery, or surprise, to them, since they have lived with it all along in their zones of exclusion.

The “securitization” of all facets of life and the civic space, and the pervasive overt and covert surveillance to which all citizens are now subject, implies an incipient police-state regime, nationally and internationally, that only a decade ago would also have been unimaginable. At the same time, there is a growing consciousness and unease among ordinary citizens in Europe and North America about this state of affairs – a growing sense that “the world has gone wrong” and that the infringement by the state in the lives of citizens must be resisted.

There is a loss of memory about the struggles that earned the rights that are now squandered on the altar of security.

Beyond the requisite humanitarian response to assist people in need, key elements that need to be brought forward by interveners on these issues are the promotion of human rights; attention to women and the differential experience of women; and protection of the so-called “undocumented.” Humanity,

and membership in the human community, cannot be defined by people’s papers, but rather by the guarantee of universal rights applicable to all persons.

There is a critical need to challenge the argument from our governments that “the world has changed” since September 2001 and therefore citizens must be willing to compromise civil and human rights to ensure “our collective security.” The world has not changed significantly in these early years of the twenty-first century, and the events of September 2001 did not represent a discontinuity except in the quality of the response, and the way that governments are using this argument to curtail rights and monitor the movement and activities

of citizens in a way that once would have been hard to imagine. We are confronted by a social amnesia. Part of our struggle is to recuperate that memory and make it central to people's understanding of what is happening today. There is a loss of memory about the historic struggles that earned the rights that are now carelessly squandered on the altar of (false) security, and the terrible experience people have undergone time and again in the life-and-death resistance against hyper-nationalist totalitarian regimes, their militarism, and their police-state apparatus.

Moral and ethical questions are as powerful and evocative to many as the appeal to human rights frameworks.

At the same time, it was noted that the preoccupation manifest in North America and Europe about the risk to civil rights of national security legislation and "anti-terrorist" police actions is not so prevalent in most countries in the South whose experience with repressive national

security regimes is often long-standing – certainly pre-dating 2001 – and often garners wide public support due to the history of insurrectional and counter-insurrectional violence that has affected public life and safety over decades. For them, in a very different sense, nothing has changed, and the new harmonized regimes driven by the U.S. and its allies (including Canada and the U.K.) have not had a visible impact "on the street." In these places it is not so obvious that something once enjoyed is being lost – indeed in many places civil society is more powerful, citizen rights more authenticated, and the public space more open, than in years gone by – and there are far more immediate and pressing issues of life and survival that form the public debate. This important difference in preoccupations is a barrier to the potential to form common cause North-South on these issues, and needs to be understood and taken into account.

The limits of the "rights-based" approach was also raised. The framework of rights does not and cannot respond to all of the complexities and imperatives of people caught in forces beyond their control. Humanitarian impulses need also to be called upon, as well as "faith-based" or ethical convictions that focus on common values and the concept of (universal) "humanity" and what it means to be human. The moral and ethical questions, "How have we come to accept the inhuman?" and "How have we lost the touchstone of our own humanity?," are as

powerful and evocative to many citizens as the appeal to "rights" and legal human rights frameworks.

We need to promote life itself – not just the lives of others but of all of us – and the capacity of each of us to be the fullest human being possible. This approach can be very effective in challenging and transcending people's fear that has been fomented by anti-terrorism hysteria. Change will be slow, and only possible if there is a revolution in people's thinking, which will mean an ethical revolution, not merely a change in legislation.

It was pointed out that promoting such a transformation in people's thinking should not be impossible. It was not so long ago that the attitudes we wish to promote were quite commonplace, and the policies and legislation that we are seeing being constructed internationally would have been unthinkable, as would have been the irrational paranoia, insecurity, and xenophobia that is being fomented today to justify these policies. This is a wheel that we have seen come 'round before not so very long ago. We need to take the lessons from history – the positive and hopeful lessons as well as the negative ones – and proceed with the confidence that the humane values and policies will over time resonate in the theatre of political debate.

Another observation focused on the need to attend the entire complex of elements in what is being caught (and problematized) in this one term: "migration." Migration, as one participant expressed it, is a daring act and a courageous choice: those who move "are the most audacious." The most vulnerable, those without means, external and internal, are forced to remain still, confined to a fate they do not control, and are also in need of support. We cannot address the phenomenon of migration unless we engage in the entire dynamic of local economies and communities, so that migration is an authentic choice open to all, and that remaining in place is equally authentic and viable.

The notion of "the Other" as object of all of this is not so simple: our notion of Other is part of ourselves, part of our own self-image, so when we are talking about the Other, or imagining the Other, we are talking about ourselves and how we imagine ourselves. It is inescapable, therefore, that to change the world, we need to change ourselves, our self-image and the place of the Other in the world and in our self image.

On a similar vein, the notion of "integration" was challenged. Most immigrants do not particularly want to "integrate" and do not share the implicit goal that integration policies promote – the absorption of

difference within a common homogenous popular culture. Acceptance, tolerance and diversity within a dynamic cultural milieu are the values that need to be promoted. These values should be central to any proposition for future policies governing migration.

It was also recalled that throughout the world, including in the industrialized and industrializing nations, the most dramatic and transformative migration is internal migration from rural areas to urban centres. The dislocation is huge, the impact and significance of the influx even greater. What if the spirit of the various conventions applied here, and the humanitarian response was commensurate? Is this even something that can be broached in the current discourse?

Similarly, is it not possible to authentically confront the experience of the Other in far-away lands while ignoring the primordial experience of alienation and dislocation of aboriginal peoples in our own countries, including in Canada.

Challenges

A clear set of primary challenges was identified from the outset. As citizens concerned with the rights of migrants, and as policy advocates, what propositions do we have, and how do we propose to attempt to move from the present to a future we imagine? How, borrowing from Bohm, do we help “start something that has the quality

Acceptance, tolerance and diversity within a dynamic cultural milieu should be central to future policies governing migration.

of the solution rather than the quality of the problem?” How do we “de-Other” the discourse in the popular imagination? How do we address fear?

Many identified the desperate need for cross-sectoral and transnational discussion and strategy-building spaces. The progressive space has been shrinking, especially since September 2001, and there is a need to take the initiative

to expand the space, to develop a new framework and language with which to engage the public and policy makers. Central to such discussions will have to be a “transitional strategy” – propositions cannot merely be in the ideal, but need to include concrete steps by which we “can get there from here.”

In the face of the situation and the challenges of working to promote the safety and rights of uprooted people

around the world and in our own countries, the group was confronted with the inevitable question: are there radical propositions possible that actually confront, on the basis of universal values of justice and social solidarity, the paradoxes we see in existing policies, and the societal irrationality underlying these policies? Can such propositions be framed in a way that can begin to build wide civil support and political will?

It was recognized that in the many places we come from, such as the communities in which we ourselves were raised, and even the progressive populations that form the support base of our organization and causes, this

We cannot simply dismiss people’s convictions and fears...the debate requires engaging their experience, and rethinking how we communicate.

conversation would appear more than radical; it would be counter-intuitive and perhaps even subversive. One person spoke of the attitudes in her hometown, another of the people she engaged as a public educator and mobilizer of the members of the human rights organization with which she works. The internal contradictions of ordinary, benevolent, and

quite well-intentioned citizens are part of the problem of public attitude we face. We cannot simply dismiss people’s convictions and fears. To engage a broad population in the debate will require engaging in their experience and beliefs, and rigorously rethinking how we communicate. In doing this, we need to challenge our own assumptions, and not merely the assumptions of those we wish to “educate.” This includes interrogating how research agendas get set and the dynamics of politics and power that influence the questions that are given precedence, and the answers that get attention and are sanctioned within different interest groups, including our own.

Related to this exercise of self-scrutiny there is a need to examine the limits of international law and the “language of rights,” which do not get at all of the concrete daily problems experienced by populations subject to forced dislocation, or participating in programs of repatriation.

Another dilemma of public engagement is experienced by front-line advocates working directly with migrants in crisis, including asylum detainees: it is too easy to be submerged in the imperatives of day-to-day accompaniment and service provision, which obscure everything else, and never move “from advocates to advocacy.”

When we have the capacity to respond to daily needs it is hard not to put all our energies there. At the same time, it is absolutely indispensable to put our attention to larger processes that can influence the policies and practices that ultimately determine the condition and fate of the people with whom we work.

The dilemma of resources was also raised. In the realm of civil liberties, while there is increasing public attention in North America and Europe, largely due to successes of civil society in mobilizing media attention, there remains virtually no access to resources from the mainstream philanthropic sector. The small resources that are available come from international social justice NGOs, labour organizations, progressive churches, and human rights organizations. It is extremely difficult to raise funds from foundations and other private sources for policy advocacy challenging new security legislation and the practices of security forces working within the new regimes, or for front-line work with those, including migrants, caught in the “system.”

One hypothesis is that, in this time of security-chill that casts suspicion on anyone challenging the anti-terrorist agenda and rhetoric, there is a fear in the sector of being seen as unpatriotic and disloyal to the primacy of public safety and the security of the nation – or even worse, as sympathetic to radical causes – and getting caught up in sanctions flowing from legislation that restricts support for political activities. It is not only potential funders who are influenced by this “chill effect.” Many front-line service organizations that receive public funding to deliver services are afraid to question the system of which they are part, or to challenge the policies of the state, and decline to associate with civil liberties coalitions and advocacy.

In all of this, the dilemma to which we returned again and again is the challenge of “proposition.” What propositions can be offered to begin to confront the issues raised, and how do we interject positive, transformative propositions into the policy discourse? The group increasingly saw the construct of “open borders” as something that needed to be explored if we want to develop a fundamental response to the dilemmas the world faces, and to the paradoxes of policy that underlie the current situation in the world.

Beyond policy advocacy, the process of proposition also has to be engaged at the programmatic level with people working in direct support of migrants in various contexts. Communities on the move are agents of their own destiny and of history. There is a need to develop

methods that ensure that engagement with such populations strengthens this agency and empowers people in the choices and actions upon which they have already embarked. At the same time, it needs to be clear that there are a variety and range of actors within communities on the move. There are differentials of power and diversity of interests among these various actors, for example among women and men, and we need to learn better how to take this into account in our own interventions and choices.

THEMED DISCUSSIONS

The meeting agreed to engage in a series of related “themed discussions” that emerged from our initial exchange. For the convenience of readers who were not present, these extended discussions, which had their own order, dynamic, and flow, are consolidated here to reflect the logic that emerged over the three days and the key issues and conclusions.

To this end, this section first explores the opportunities and dilemmas for advocacy and protection presented by the UN Convention on the Rights of Migrant Workers and Members of their Families. This is followed by an exploration of the ethical and political viability of the

Communities on the move are agents of their own destiny and of history.

construct of “open borders,” and an attempt to frame a forward-looking propositional discourse on a global open migration policy. The report then summarizes our reflections on the issue of “security” as manifest in the

overarching framework of the “war on terror” and the national-security state, focusing on the ramification for the erosion of human rights and civil liberties of all persons, and of people on the move most specifically. This section looks at the concrete situation and perspectives for the future on the militarized borders of Europe and North America, and concludes with an attempt to reframe a policy discourse that challenges current national security and border control regimes, and the irrational politics of fear that is used to justify them.

The UN Convention on Migrant Workers and their Families

A presentation was made about the UN Migrant Workers’ Convention by those most closely involved in this work. There were several in the meeting who have worked on

the issue locally and internationally; December 18 has been the lead actor, along with Equitas/International Centre for Human Rights Education (Montréal).

The International Convention on the Protection of All Migrant Workers and Members of their Families – often simply referred to as the Migrant Workers’ Convention (MWC) – was approved by the UN General Assembly on December 18, 1990, and entered into force July 1, 2003 when the requisite number of ratifications had been obtained. Its goal is to eradicate the exploitation of migrant workers throughout the world. The Convention provides a set of binding international standards to address the treatment, welfare, and human rights of documented and undocumented migrants, as well as the obligations and responsibilities on the part of sending and receiving states. It calls for the protection of the human rights of all who qualify as migrant workers under its provisions, regardless of their legal status. These include “frontier workers,” who reside in a neighbouring country to which they return daily or at least once a week; seasonal workers; seafarers employed on vessels registered in a country other than their own; workers on offshore installations that are under the jurisdiction of a nation other than their own; itinerant workers; and migrants employed on specific projects, as well as self-employed workers. The Convention imposes obligations on states in the interest of promoting “sound, equitable, humane and lawful conditions” for the cross-border migration of workers and members of their families. These include the establishment of policies on migration; the provision of information to employers, workers, and their organizations on policies, laws, and regulations; and assistance to migrant workers and their families. The Convention also establishes rules for the recruitment of migrant workers, and for their return to their countries of origin.

The Migrant Workers’ Convention presents a complex set of opportunities and dilemmas. It took over ten years to negotiate, and another ten to gain sufficient ratifications for it to come into force. Presently the Convention has been ratified by only 34 nations – few of them major receiving countries, none among the major industrialized nations of the OECD, and only two in all of Asia. On the other hand, there is considerable support among African and Latin American countries.

Why is the Convention significant, and what problems does it present? Why is it supported by many and opposed by others? Like all such international conventions, it is the result of compromises and so has positive and negative elements:

- It brings together all the rights already explicit in other conventions and formally affirms that these rights apply to migrant workers and their families;
- It explicitly (and for the first time) affords recognition to human rights of *undocumented* migrants; and
- It applies to *all* migrant workers regardless of legal status, *and* members of their families.

On the other hand:

- It *does* make a distinction between documented and undocumented migrants, and not all rights assigned to documented migrants are conveyed to the undocumented;
- It is often vague in what it conveys in terms of social welfare to the undocumented; and
- Some are excluded on the basis of the type of activity in which they are engaged.

Those states opposed to the Convention say that they do so because the rights conferred to authorized migrants are already covered by other conventions. They also do not accept indiscriminate recognition of the undocumented, and do not want to be obligated by international convention in their treatment of them. A third reason is that they see migration policy as an internal matter governed by domestic considerations, and they do not want domestic policies, including policies regarding social rights and services, subject to international obligation and scrutiny.¹³

The issue of whether these rights are “already covered” in other conventions and treaties is subtle. On the one hand, the point of the Migrant Workers’ Convention is that the human rights covered by earlier conventions *do* apply to migrant workers. The difference is that the MWC makes this explicit, whereas it was only implicit before. On the other hand, there is no reporting of the conditions and treatment of migrant workers required in the “country report” mechanisms of any of the other various “rights” conventions. Most references that do

¹³ For more on this issue see Pécoud, Antoine & Paul de Guchteneire, “Migration, Human Rights and the United Nations: An investigation of the obstacles to the UN Convention on Migrant Workers’ Rights,” Global Commission on International Migration, *Global Migration Perspectives*, No. 3, August 2004; and Yau, Jennifer, “Promise and Prospects of the UN’s Convention on Migrant Workers,” Migration Policy Institute, March 1, 2005. There are a number of UNESCO publications on the prospects of the Convention including several country studies from Asia Pacific, Africa, eastern Europe, and Canada. Research is underway on the European Union and the Southern African Development Community. Available at: http://portal.unesco.org/shs/en/ev.php-URL_ID=6554&URL_DO=DO_TOPIC&URL_SECTION=201.html#rapports.

touch on migrants in recent reports are about trafficking. In any case, without specific accountability to the terms of the Migrant Workers' Convention, the rights accorded to migrant workers within foreign borders remains subject to arbitrary national policies that can shift according to the political mood and the whims of governments that come and go.

In this vein, it was pointed out that in a recent informal discussion, a Canadian government official close to the dossier explained that Canada did not participate actively in the long consultations and negotiations that led up to the Migrant Workers' Convention because it did not take seriously the prospect that it would ever come into force. The official admitted that it is now recognized that this was a mistake. At the same time, the official argued, even if the other objections of the Canadian government were not definitive, Canada would have great difficulty ratifying the Convention since it does not recognize competing jurisdictions, for example the federal versus provincial levels of government in Canada, nor competing obligations under other bilateral and multilateral treaties.

It is clear that more work needs to be done, including an effort to analyze and counter the argument that the Migrant Workers' Convention is unnecessary since these rights are conferred and honoured through other conventions, and are therefore protected at the national level within all countries that are signatories to them. There is now an International NGO Platform on the Migrant Workers' Convention (IPMWC), a global coalition of 16 international non-governmental organizations based in Geneva, which advocates on issues concerning the implementation of the Convention. The NGO Platform also supports national coalitions from countries in the South with the preparation of their own submissions to the United Nations.¹⁴ Its activity has been hampered by the fact that it is not very well resourced, and smaller local civil society organizations (CSOs) are not very well integrated. In addition, present signatory states make reports on their own timetable but there is no official set schedule; ensuring national CSO participation and input into these reports, which requires resources and close follow-up, is also very difficult.

Aside from promoting the Convention itself, another important activity of the NGO Platform is bringing a

migrants' rights perspective to the work and discourse of other UN human rights institutions, such as the Human Rights Council and the Commission for Refugees, as well as screening reports and making observations about how migrant rights have been treated. Again, a lack of resources has inhibited this work.

Recently there appears to be a diminished commitment on the part of the UN Secretariat to push for further ratification of the MWC. Neither is there much interest or concerted support within the wider NGO sector for a campaign they don't think they can "win." As a result, the MWC is in danger of becoming merely symbolic. At the same time, in spite of the current lack of attention to the Convention, campaigning for its ratification and adherence is seen by many as an important tool for putting migrant issues on the global agenda in a way

Campaigning for ratification and adherence is seen as an important tool for putting migrant issues on the global agenda.

that is not subject to the ideologies of national governments that come and go, and policies that constantly shift according to the political mood. In the absence of a specific convention body or multilateral structure whose sole responsibility is to promote these issues and defend migrant rights,

a concerted and sustained campaign by CSOs for ratification and adherence to the MWC is seen as important.

There are diverse reasons that there has been resistance within civil society organizations to take up the cause of the Convention. For some – for example, advocates of a clear and uncompromising "open borders" approach – the MWC is seen as not going "far enough." They see it as just one more level of "categorization," while they are trying to do away with categories of differential treatment entirely. For others, there is a fear that the Convention could actually *erode* current practice in some countries where existing policies are more progressive than the minimal standard set by the Convention, even while recognizing that national policies are subject to political exigencies and easily could revert and become more regressive with change in governments unless protected by international obligations.

¹⁴ The IPMWC has recently published a guide for non-governmental organizations to assist national and regional organizations and coalitions to use the UN Migrant Workers' Convention as a tool for the promotion and protection of the rights of migrant workers and their families. It is available on-line in English, Spanish, and French at www.december18.net. Printed copies can be ordered from the IPMWC Secretariat. More information about December 18, the International NGO Platform on the Migrant Workers' Convention, and the Migrant Workers' Convention itself, can also be found at www.december18.net. UNESCO, which advocates for the MWC, also has information at: http://portal.unesco.org/shs/es/ev.php-URL_ID=1513&URL_DO=DO_TOPIC&URL_SECTION=201.html.

Finally, a significant reason for lack of interest among CSOs is a simple lack of knowledge about the Migrant Workers' Convention and the issues that it treats. The issue of migrant rights is not a very high priority within a CSO sector that is diverse, stretched thin, and preoccupied with a wide range of issues and demands. The issues are complex, and the realm of international law and multilateral protection somewhat remote to most.

It was also pointed out that many countries “sign everything” but do not honour their commitments, and this is the case as well in some of the countries that are signatories to the Convention. This presents a dilemma for NGOs and CSOs in the South: why put energy into international legal regimes when they are not applied, especially since resources are scarce, and they have little expertise in the politics of multilateral conventions in any case? This is “not cynicism, merely resignation,” in the words of one participant. In addition, in many of these countries, with the exception of one or two professionally specialized NGOs, there was no civil society involvement in the process of considering and ratifying the MWC, nor any significant public engagement. It happened because the government of the day wanted it, not because of wide public demand. In this sense, ratification of the MWC was not “won” by civil society, nor is it much attended to now that it is in force.

This said, many organizations within various regions – South-East Asia and Central America were mentioned specifically – consider the very existence of the Migrant Workers' Convention as extremely important symbolically, and as something that attaches immediate and irrefutable legitimacy to their advocacy on behalf of migrants. Regardless of whether the impact is negligible in terms of actual formal policy, it is an indispensable tool for advocacy.

There is a tension between considering the actual prospects for the widespread ratification and adherence to the Convention itself, and using it to promote a public discourse on the plight and rights of migrants. It is entirely reasonable to promote the Convention simply because it is the right thing to do, regardless of any calculation of the prospects for significant international buy-in to this specific Convention. For some this means using it as opportunity to foment a discussion and create dialogue on the underlying issues, using the current Convention as a base, but moving on from it in a propositional way. For others it means a continued campaign for the precise terms of the existing Convention.

A “learning” was offered from the experience of the ten-year (1994-2004) UN Cairo Process that focused on the issue of women, population, and reproductive health and freedom. Due precisely to some of the same dilemmas and tensions faced today concerning the correct way to approach the Migrant Workers' Convention, it was the experience of some participants that the global women's movement had become somewhat deflated, depoliticized, and demobilized by its preoccupation with consolidating the advances made in the 1994 Cairo Declaration through monitoring it and pushing for adherence. While the mobilizing and advocacy that led to the Cairo Process were important, and its final declaration remains a critical tool for women's organizations around the world, the emphasis on protecting the gains of Cairo was seen to have become, in some cases, somewhat of a diversion from contemporary struggles where people live, and from the creation of new and complementary strategies to continue the momentum of the long-term struggle for justice. This caveat resonated with many who saw how a similar preoccupation with defending the gains represented by the Migrant Workers' Convention could, over time, take up energies and creativity needed to open up new spaces and complementary strategies to promote migrants' rights.

It was suggested that in whatever strategy people use to advocate for migrant rights, the municipal sector provides a critical opportunity to engage in a progressive and very concrete fashion on these issues. It is at the level of municipalities that settlement issues are most critical, since this is the actual level of government that is responsible for integrating and serving people. There have been some interesting experiences in cities in California, for example, regarding the MWC and discrimination against women, which could provide ideas for similar efforts at the municipal level, engaging across advocate communities for education and policy purposes regarding women migrants and migrants in general.

It was agreed that there is merit in continuing to promote the wider acceptance and ratification of the Migrant Workers' Convention, without making the mistake of an “all or nothing” approach that drains resources and misses the wider opportunities. At least as important as promoting the Convention itself is making strategic use of its existence and terms to broaden the discussion and discourse on migrant rights, and bringing it to popular attention, locally and internationally. Key in the actual campaign for the acceptance and ratification of the Convention will be re-assessing the strategic

framework, focusing energies, and starting at the more local level of municipalities, provinces, and principalities to develop innovative campaigns – mention was made, for example of promoting “convention cities” – that speak to local issues in the terms of the Convention and the issues it addresses.

At the same time, there should be a continuation and expansion of strategies that are not focused specifically on the promotion of the Migrant Workers’ Convention, but rather on advocacy to transform specific current practices and injustices experienced within various communities, countries, and regions. These campaigns can quite effectively use the symbolic existence of the Convention to support advocacy on behalf of migrant rights. In this way, various strategies and campaigns can be mutually reinforcing while not diverting energies into sterile debates that force people into “binary oppositions,” into strategic choices that in fact are false dichotomies.

Open Borders

The group responsible for framing the discussion on open borders posited that an underlying assumption was an interrogation of the very notion of “borders”: not merely the frontiers of countries, but the internal “borders” – real and imagined – that form the barriers, limits, identities, and parameters of inclusion and exclusion.¹⁵ The group recommended a four-step process: explore what we mean by “open borders”; identify arguments for open borders from various perspectives; test these arguments in a role-play exercise, in which a delegation of CSO advocates engage in a consultation with a government panel reviewing public opinion on migration policy; and finally, reflect on that experience to draw lessons about ways of approaching the issues.

What do we mean by “open borders”?

It was agreed that for the purposes of a policy discussion we were talking about an “open migration policy” rather than about doing away with borders themselves. The issue is free movement across borders and within borders, not the eradication of borders.

The current process in Europe was presented as both a positive step and a negative one: an example of increasingly free movement of labour internally within the EU, while restricting entry and becoming a garrison to the world outside the EU. It was also pointed out that even with more freedom of movement of temporary workers, permanent settlement in new countries was not

The issue is free movement across borders and within borders, not the eradication of borders.

increasing significantly. An open borders policy would imply global open migration, with unrestricted access across all borders. This does not imply doing away with states, which would retain the role of “governing” and administering migration rather than controlling and preventing it.

There was a tension immediately apparent about whether we wanted to imagine how things might be ideally, or accept the limits of *realpolitik* and work within those limits. It was generally agreed that we would not be constrained by considerations of *realpolitik* – which in any case would have to be debated in its particulars – nor allow such concerns to limit *a priori* our own discussion and what we might imagine. At the same time, since the role of civil society is in part to challenge the prevailing *realpolitik*, and to challenge conventional wisdom and stretch the limits of the possible at a given time, we would seriously explore what we saw as the realistic limits of the (politically) possible in today’s context. This dilemma became the pivot of the discussion.

The debate about the moral and political imperative of opening borders to all who wish to enter and exit is neither arcane nor marginal. There is a significant body of literature dealing with the issue of open borders, although it has not recently been brought to the policy theatre directly, due in part to untested calculations about *realpolitik* and “what will fly” in today’s policy environment. So one goal was to consider whether it might be possible to “mainstream” the concept – to find a way to move the debate forward, rather than become mired in approaches that guaranteed losing it.

Reference was made to information and arguments in several relatively recent works that have explored the construct of open borders forcefully and effectively.¹⁶ Historically, open migration has been the norm worldwide, rather than the exception, and in the 19th and early 20th century it was the most commonly accepted idea. Throughout the Americas, as one example, unfettered migration was the rule, a continent virtually border-free in terms of right of passage.

¹⁵ Among others, see Anderson, Benedict, *Imagined Communities, Reflections on the Origins and Spread of Nationalism*, Verso, London and New York, 1983, 1991.

¹⁶ For references, see the Resources section at the end of this report.

Contrary to popular perception, those arriving and registered at Grosse Île, Québec and later at Pier 21 at Halifax Harbour, or at Ellis Island off Manhattan all those years ago, were not screened for passports – such documents did not exist at the time – but for disease and destination.

Simply put, it is clear that both in history and logic, the notion of open migration and the acceptance of national borders are not incompatible; they are neither in natural opposition nor mutually exclusive.

At the same time, borders exist, and are integral to a nation. Rights and values of nations are constructed, framed, negotiated, protected, and defended “within borders”; citizenship itself is a construct of shared antecedents and shared protection within defined borders, and membership in a community of shared values and culture.

In a profound sense the very notion of “self-determination,” a value much professed and defended in anti-imperialist and anti-colonialist struggles, is a construct that implies the right of people to define the borders – physical, moral and cultural – of their existence. The notion therefore also carries with it the burden of the dilemmas of inclusion and exclusion experienced throughout human history.

Similarly implicated are issues such as traditional land rights and aboriginal land claims, which also involve constructs of frontiers and borders and rights of precedence. It is instructive that in many aboriginal traditions, the claim of territory is not essentially a claim to borders, or even to exclusive use of land and resources, but the assertion of shared open and

unrestricted access and freedom of use of a defined territory, with reciprocal responsibilities for stewardship and conservation.¹⁷

In the context of such complexity, a key element in a developing discourse is whether the notion of open borders only emphasizes access by those on the global margins to the metropolises and centres of production and wealth, or whether it implies reciprocal openness in all directions and at all levels of abstraction of place and identity. Our assumption was that a viable proposition of open borders would assume as an ultimate goal openness between and within communities, however communities are defined, regardless of the level of abstraction. These issues are complex and not resolved easily. The way to move forward is not merely by building on current assumptions but by unpacking these assumptions, testing them, and perhaps replacing them with alternative assumptions or propositions that themselves can be tested.

The complexity of what is at stake is elaborated by the fact that while “open borders” imply the right to cross borders unrestricted in search for opportunity and self-fulfillment, the very idea of “openness” also implies the right to stay where one already lives, the right to permanence in the place where one belongs and has roots.

Indeed, from the evidence, given the choice and opportunity, most people would stay in close proximity to their place of origin, and certainly within the borders of the nation of their birth.¹⁸ We also know that a great deal of contemporary migration is forced, or at least coerced – a denial of the right to remain and be secure within borders that define the identity of those forcibly uprooted.¹⁹

¹⁷ A recent declaration of an North American Indigenous “Border Summit,” held September 29–October 1, 2006, is instructive. The Summit was organized by Tohono O’odham Nation leader Mike Flores and facilitated by the International Indian Treaty Council and the American Indian Movement. See Norell, Brenda, “Indigenous Border Summit Opposes Border Wall and Militarization,” Citizen Action in the Americas Profile (Silver City, NM: International Relations Center, October 31, 2006). Available at: <http://americas.irc-online.org/amcit/3648>.

¹⁸ UN estimates are that as of the beginning of 2006, approximately 3% of the planet’s people – in excess of 190 million persons – are migrants of some description living outside their original national borders. Many of these are forcibly displaced, including approximately 21 million officially recognized as refugees or “persons of interest in refugee-like conditions” by UNHCR [this figure excludes the 4.5 million Palestinian refugees under the responsibility of the United Nations Relief and Works Agency for Palestine Refugees, and another approximately 7–8 million IDPs still within their own borders but living in confined conditions]. The remainder are seeking opportunities for a better life under more or less duress, upwards of 50 million of whom are “irregular or unauthorized” – that is, undocumented. About 115 million lived in developed countries, according to UN figures. Three-quarters of all migrants lived in just 28 countries in 2005, with one of every five migrants living in the United States, which hosted over 38 million migrants in 2005, constituting almost 13 percent of the country’s population. In the category of “irregular or unauthorized migration,” the United States has an estimated 11 to 12 million irregular migrants; South Korea, about 140,000; Japan, 221,000; Australia, 60,000; and New Zealand, 20,000. We can assume that just as a proportion of these migrants would prefer to be at home, many others would take the opportunity to migrate if such opportunities were not so restricted and dangerous, and if the opportunity also existed to return home when their economic goals had been achieved. [For detailed statistics to end of 2005, see International Organization for Migration (IOM), Migration Trends: www.iom.int/jahia/page254.html#10; and UNHCR, Statistics: www.unhcr.org/cgi-bin/texis/vtx/home?page=statistics. For a recent “snapshot” see Deen, Talif, “UN Probes abuse of migrant workers worldwide,” IPS, Thursday, 26 October 2006, available at: www.ipsterraviva.net/europe/article.aspx?id=3979].

¹⁹ One participant stated that it is useful to remember as well that historically, and even very recently, people are victims of, and constrained by, changes in borders resulting from conflict and international political agreements, as in the oft-repeated exclamation of an (anonymous) Mexican nationalist, “We did not cross the border – the border crossed us!”

So, many migrants know two violations: first the denial of the right to remain; then the denial of the right, as uprooted people, to determine the final destination, and destiny, of themselves and their families.

“Open borders” implies the right to leave, the right to cross, and the right to remain.

“Open borders,” in this context, implies the right to leave, the right to cross, and the right to remain.

A discourse that examines the prospects for authentically open borders

will also have clear elements of a race and class analysis. The prophets of globalization have long promised a world without borders. This world already exists for some, including most in the group engaged in the discussion reported here. But not all. And certainly not for all equally. The issue is how to extend this freedom of movement to all, regardless of origin, race, ethnicity, gender, or class. As one person declared, “If I use a UK passport, I can go anywhere; if I use a passport from an African country, I can’t.”

The degree to which each of us participating in the meeting live and work in a world without borders is directly related to the passport we carry, although not exclusively; it is also related to the colour of our skin, our place of origin, the way we speak, and our economic status. The treatment at border crossings, for example, afforded the Canadian citizens in the meeting, was quite different depending on whether they were born inside or outside Canada, and whether they were non-white, despite all carrying the same passport. The immigrants to Canada who are white are rarely considered as immigrants and seldom encounter problems in custom queues; those who are non-white almost always face interrogation. Ironically, those passport holders born in Canada who are non-white are also often first assumed to be immigrants, regardless of what generation of native Canadians they represent. Obvious economic affluence mediates these dynamics, but only somewhat.

So in the vision we wished to test, “open borders” assumes not open access for some, but access for all; not as a mark of privilege, but as a mark of common “global citizenship,” universally applied within communities, between communities, and among communities.

Arguments in favour of open borders

Two basic sets of arguments were seen to be already in circulation that could lead to a proposition of open borders: a “left” or “social state” rationale, and a “right” or “market-state” rationale. Contrary to conventional

wisdom, these perspectives, although coming from different sets of assumptions and priorities, are not necessarily diametrically divergent when it comes to the liberalization of borders.

The social-oriented left points to global structures of inequality that can be mediated by increasing access to economic opportunity and by the redistribution of wealth through “liberalized” labour policies that accept the free movement of labour as a corollary of the free movement of goods promoted within “free trade” agreements. They also argue that most people move because there are jobs available but, if it were possible, would eventually return to their places of origin when they have achieved their economic goals; labour migration would largely be “circulatory” migration, rather than permanent immigration, with people participating in a go-and-return pattern on the basis of opportunity and an integrated set of economic and social interests.

Communal networks are very effective in conveying economic intelligence about labour market transitions and people would make choices about movement on the basis of where the opportunities are, meeting their own needs while meeting local labour needs and responding to market forces. Such migration patterns are nothing to fear and would serve society and the individual with less disruption and great benefit in both the sending and the receiving communities, while promoting economic justice and effecting a more equitable distribution of

Labour migration would largely be “circulatory” migration, rather than permanent immigration.

wealth. At the same time, the existence of open borders would reduce the vulnerabilities of migrants to risk, deprivation, and exploitation, which is consistent with the values of universal human rights.

Many on the market-oriented political right also support free labour market

mobility. Pointing to its internal consistency within a free-market philosophy, they promote policies in which movement across borders is unrestricted and job access, wages, and other conditions are minimally regulated, ensuring a stable low-cost labour supply, maximizing efficiencies and optimizing profits. Their goal is to have lower employee wage and benefit costs, reduced taxes, and generally greater economic efficiency, stability, flexibility, and dexterity in the marketplace, while reducing the role (and expense) of government. The priority is on a

stable critical mass of readily available labour, and on a stable, and growing, consumer base: workers and customers, the fire and fuel of commerce. Those on the right of the political spectrum also tend to be more libertarian in their outlook, giving priority to the freedom, and the obligation, of individuals to make their own opportunities free of government interference or assistance.

Another area where some elements of both the political left and political right come together from markedly different starting points is on the question of “criminalization,” and the various “wars” fought by governments on illicit activity: the war on crime, the war on drugs, the war on terror, the war against illegal migration. Many actors on both ends of the spectrum see these campaigns as ineffectual, expensive, and ultimately counterproductive – part of the problem, and a barrier to resolving the root causes.

The socially conscious left points to the structures of inequality, and emphasizes how those caught in the criminalized systems are themselves victims. The response should be an ameliorative, socially reconstructive strategy, focusing on the inequities of wealth and opportunity. This reasoning tends towards the promotion of decriminalization of all activities in which there is no victim – for example, of drug use, where the potential harm is to the user herself not to some other person or their property – and an emphasis on harm reduction programs. This argument could easily apply as well to unauthorized (“illegal”) migration.

Meanwhile, elements within the market-oriented right come to a similar proposition, based on an analysis of market forces. It is the very fact that an activity is illegal that makes it expensive, and therefore profitable for criminal elements. This promotes the growth of organized crime and the very real destruction that criminal entities spawn in society, not least the radical distortion in market forces, and the increasing incursion of criminal elements into legitimate spheres of business as a means to launder money originally earned through illicit commerce.

Decriminalizing an activity – again drugs have been the main, but not only, example used – removes it from the underground economy. It reduces the opportunity for criminals to amass wealth and economic power. It reduces the huge social and personal cost of forcing so many people into the criminal and prison systems. It reduces the incredible resources governments presently waste prosecuting ineffective laws and holding people in

detention or in prison, and reduces the bureaucracy to which citizens and businesses are subject, which in turn reduces taxes.

Challenges to the concept of open borders

It does not seem unrealistic that a conversation about the wisdom and benefits of an open border policy can be fomented across a broad political spectrum starting from these common elements. Still, it would not be easy, since the ultimate goal is not merely “open borders,” which is only a means to an end. For many the goal is the transformation of global economic structures and removal of the barriers to economic justice and equity. This is not the goal of all who would be engaged in such

Remittances are not an unambiguously progressive variable.

a debate, many of whom promote the removal of obstacles to market forces with the goal of strengthening existing global economic structures, rather than transforming them.

Nor can it be assumed that there is a uniform perspective even among those who occupy generally the same place on the political spectrum. There are many on the left who resist the idea of open borders out of fear of an erosion of the hard-won social-welfare state, and the rights of labour within this tradition. Similarly there are many on the right who resist open borders, and liberal immigration policies in general, for similar reasons, particularly the fear of loss of jobs and erosion of income, as well as out of racial, cultural, and religious conservatism.

It is also a reality that along the entire political spectrum, right to left, a debate about open borders will be influenced by racial bias, religious and ethnic prejudice, and xenophobia, and it is necessary to bring this element out clearly so that it is scrutinized and discussed.

Another element explored was perceptions about remittances, and the contribution that remittances make to redistribution of wealth. While it was agreed that the value of remittances in sending countries has become an argument by many to promote liberalized (although usually regulated and temporary) labour migration, it is a complex and contentious area.

Remittances are not an unambiguously progressive variable. They tend to reinforce precisely the structures of economic inequity that compel people to move as economic migrants, and maintain existing elites in their economic power and privilege. And while they are a factor in family and community welfare structures, the

wages of migrants, and the remittances that they transfer, also feed rapaciously exploitative businesses and organized crime.

Remittances are also exaggerated in terms of their significance, and especially as a factor in economic development. By and large they are a critical factor in the welfare of individual families, enabling consumption of basic necessities and other domestic goods and services, but do not generally enhance livelihoods, economic productivity, or permanent prospects, with the exception, perhaps, when used to invest in advanced education for the young or in occupational training. The fact that remittances are so significant is more a factor of the poverty of the families who depend upon them than the absolute value of the monies transferred. And they do little to enhance communities whose social

structures are eroded by the draining away of people forced to migrate in search of employment and opportunity.

Migration is not without paradoxes, and “open borders” is not the solution to all problems.

This is not to deny the importance of remittances in the lives of people, nor an argument against bringing the phenomenon

of remittances into the discourse on open borders. However it is vital that we bring a comprehensive and critical analysis to the debate and assess realistically and accurately how remittances play out as a factor, positively and negatively.²⁰

It was also recognized that promoting open borders in some variation or other is not exclusive of other issues and advocacy. Migration is not without its complexities and paradoxes, and “open borders” is not the solution to all problems, nor without fundamental problems in and of itself. The phenomenon of migration entails a host of other issues, such as gendered discrimination, sexual violence, trafficking, family breakdown and desertion, and households reliant on the sole support of single women (mothers, daughters, sisters). Promoting open borders will not resolve these and many related problems rooted in unjust social and economic structures

everywhere. Independent advocacy on these historic issues must remain a priority even as progress on liberalizing borders proceeds.

The notion of open borders does not respond to all the social issues of our time and should not be presented as a panacea to all of the national and global structures of injustice that need to be addressed. “Open borders” simply means that no person should arrive as a criminal, nor with the prospect of being criminalized, simply on the basis of her status; and it means that on arrival, all persons will have access to structures of social and legal recourse, with commensurate rights and obligations. The present situation is irrational and ineffective, extremely costly, and socially and economically destructive; “open borders” is a rational, sane, and effective way to organize border entry and exit policies. It implies normalizing and decriminalizing entry, and “regularizing” the process of dispensing the documentation required to live and work, using descriptive rather than restrictive categories.

To the national-security rationale for restricted entry and militarized borders, the basic response elaborated was that the putative security threat is exaggerated, the putative benefit of current practices an illusion, the unjust effects manifest and documented. The existing measures and practices are excessive, subjective, arbitrary, and represent a real and generalized threat of loss of liberties in which all citizens and visitors are at risk and everyone is potentially a criminal. The apprehension of people planning criminal acts is essentially a matter for police, not a security apparatus.

Role play: Civil society delegation meets government policy review panel

These arguments were further developed for presentation purposes and tested in a role-play exercise, in which a delegation of CSO advocates engaged in a consultation with a government panel reviewing public opinion on migration policy.

Six participants volunteered to represent the government panel of a generic OECD government, based loosely on Canada, but with great liberties taken (no relationship could be drawn between the characters and institutions portrayed and any actual person or entity, living or dead).

²⁰ This re-assessment has already begun; see for example, see Chikezie, Chukwu-Emeka, “Migrants and development: a new era,” OpenDemocracy, November 8, 2006. Chikezie argues that the bridges migrants are building between the states they have left and the ones they live in are starting to have a major impact on thinking about international development. Available at: www.opendemocracy.net/democracy-africa_democracy/migration_development_4077.jsp#. See also Ozden, Caglar and Maurice Schiff (eds.), *International Migration, Remittances and the Brain Drain*, World Bank, Migration and Development Research Program, October 2005. The Table of Contents & Chapter One, “Determinants of Migration, Destination, and Sector Choice: Disentangling Individual, Household, and Community Effects” by Jorge Mora and J. Edward, are available at: <http://econ.worldbank.org/external/default/main?theSitePK=1572893&contentMDK=20693491&pagePK=64168182&piPK=64168060>.

The panel was chaired by an official of the Prime Minister's Office, and included officials from the Departments of Immigration, Public Safety, and Foreign Affairs, as well as delegates from a labour body close to the government, and from an ethnic citizens' advisory committee appointed by the government to advise on multicultural perspectives on immigration and security issues.

Several other participants agreed to represent the various members of the civil society delegation, made up of representatives from a range of sectors: immigrant and refugee service organizations, human rights advocates, multi-faith ecumenical groups, multi-ethnic councils, business and manufacturing associations, academics, and international NGOs, as well as migrant workers working in-country on temporary visas – the “usual suspects,” as such delegations are often referred to in the halls of government.

Gaining public support requires long patient processes.

These two groups met separately and planned their interventions, and the role play began. The government set the rules of the game, the terms of

the consultation, and the timing. The citizens delegation proceeded to make their points within the constraints laid out. The members of the panel responded. This report will not attempt to document this exercise. It was fun, funny, and not just a little deflating.

After the role-play, and a much-deserved break, the participants reconvened to assess what we had learned. It was readily agreed that any outside observer would conclude that the members of the government panel easily finessed the discussion to defend the status quo. Some critical observations:

- The CSO delegation did not speak a language or make arguments that would be convincing to the ordinary citizen; to some extent we got trapped, perhaps inevitably, in caricatures of positions and of those who hold them. Gaining public support requires long patient processes of public education, debate and discussion, paying attention to people's experiences and concerns and taking these into account.
- The CSO delegation fell into the trap of a very national and country-specific discourse – local and conjunctural. We need to break out of that narrow focus to incorporate a global analysis. The global North has imposed policies and structures on the global South that determine the terms of the debate and the outcome; this needs to be challenged.
- It did not really matter which national government the panel had pretended to be: the arguments are identical everywhere, well-rehearsed, and impermeable.
- The CSO delegation accepted the defensive role that was imposed upon it; this is the worst position from which to promote transformative policies. Advocates should participate in such exercises only when they are confident of their position, and they have already done the hard work of educating their public and building a critical mass of support.
- Bringing about significant change in social systems is a long dynamic process. In promoting such change, participating in government consultation processes and other forms of policy presentations is not an end in itself, but merely one tool in a larger strategy over time. They should not be approached as win-lose propositions.
- The approach policy advocates take in consultation with governments and multilateral bodies is different than the approach that is used in engaging the public; they are two different exercises. The goal is for these exercises, while using distinct methods, to be mutually inclusive and consistent, reinforcing each other.
- The government panel raised points that the CSO delegates were not able to effectively refute; this helped us to identify arguments in defense of current immigration policy and border controls that we need to analyze more thoroughly as we consider for ourselves the efficacy of more open migration policies. For example: systems of security policing will remain necessary, and will have to be coordinated globally. What security apparatus would be acceptable globally even in a world of “open borders” as we have discussed it? And how will “security” be defined? Any viable proposition will have to be able to respond to this and other similar issues.
- The exercise grounded many participants in a propositional debate that they had not originally considered to be politically viable, and they came away surprised, encouraged, and motivated to take the discussion back to their own places to test it, and to study more the dilemmas and ramifications.
- The exercise was an excellent tool to discover our ignorance, where we have to “study up,” and where we have to do much more thinking, consultation, and analysis.

- The government position defending the status quo is rooted deeply; it will not be easy to challenge, and the task has to be taken seriously, so that new propositions are as well-considered as are the policies that currently exist.
- Policy advocates are most defensive when they are confined to a position of being critics of existing policy; this defensive posture changes to one of confidence and authority when advocates have sound propositions that have been tested and have gained some significant support. This underscored our sense in the learning circle that we needed to focus more critically on the propositional elements of our discussion.
- The context of any discourse on liberalizing immigration policy and constructing open borders has to move away from the “post-9/11” syndrome

What security apparatus would be acceptable globally even in a world of “open borders” as we have discussed it?

and emphasis on national security that dominate the debate in the North. Migration emerged as the critical issue of our times in the last quarter of the 20th century, and the driving forces lie within the profound long-term dynamics of economic globalization. The security agenda obscures these underlying forces and the

trajectory that human society is following. We need to take the discourse back to these fundamentals, and develop positive constructive propositions that acknowledge the deeper reality.

- At the same time, we can’t simply deny security as an issue; we need to take security issues into account, while distancing the discourse from the assumptions that migration as a phenomenon, and migrants themselves, are intrinsically a security threat.
- It would be quite interesting to have experienced this same role-play in some place in the South – what would that have looked like? What would the debate and discourse have been?
- The role-play did not seem to assume that a global open borders regime would be reciprocal; the focus was entirely on granting access to the industrialized global North, with no consideration of the implications of the reciprocal right of unfettered migration in the other direction.
- The concept of “circular labour migration,” with the majority of people not wishing to become permanent immigrants but coming and going, and being replaced by others cyclically, is a helpful reality check on what open migration policies might entail and create. We simply don’t know what to expect, or what the result might look like. Years ago there was tremendous resistance to the notion of a general amnesty for the tens of thousands of illegal immigrants in Canada. People anticipated a huge impact and all sorts of negative outcomes; they couldn’t imagine it and said it couldn’t be done. Then when it happened, it was entirely anti-climactic. If someone did not know the policy had gone into effect, the next day did not look any different than the day before. No chaos, no shock to the social system, to the economy, to the Canadian way of life. One week it was a volatile and polarizing issue; the next week it had evaporated and was forgotten.
- An important variable not seriously taken into account in the exercise is information media as a factor in relating to the public, and in advocating policy with governments; a critical element in dealing with the media is that media need “news,” and will frame things in terms of headlines and drama, which often causes distortions and tangential discussions – even in our own attempts to “attract media” – that divert attention from longer social processes and a more fundamental change discourse.

Rethinking borders: framing an open migration policy

Moving from this exercise, the group later renewed their discussion with the goal of re-framing a discourse on migration policy. Rather than speaking of “open borders,” which expresses more a desired generic outcome than a concrete political proposition, the group focused on what we came to refer to as an “open migration policy,” and the issue of reforming border controls.

The construct of open borders could be interpreted by some to require a transition in the very notion of the nation-state, and perhaps the expansion to an entity of governance greater than the nation-state. While such a transition might be underway historically, an open migration policy as we were discussing it does not anticipate such a transition, but rather assumes current existing nation states administering a regularized and reciprocal set of rules for entry, registry, residence, and exit.

In this context, an open migration policy would affirm the simple concept that *every person has the right and freedom to move if they wish*, with the corollary that *each person also has the right and freedom to stay where they are if that is their desire*.

The policy questions relate to the rules that regulate or constrain such movement, including who sets the rules, administers the rules, and polices them. The prevailing international human rights framework as codified in the various UN instruments would be the baseline for these rules and their administration. This is the starting point. A related conclusion is that a rational and efficient way to stop illegal migration is to simply legalize migration – that is, establish unambiguously that migration is a legal thing to do.

There is also a critical distinction between an open immigration policy and an open migration policy. Immigration pertains to “people coming in,” to another entering “our” space. Migration, on the other hand, pertains to people moving in all directions, in recurring and cyclical patterns. An open migration policy would normalize and regularize such movement.

In this framework, a critical element in a proposal for open migration policies would be the degree of portability of rights and entitlements of those who arrive, and therefore their universality. The core notion of an open migration policy is that there not be differential rights conferred on different categories of people, but a base level of universal human rights common to all. It is these rights that all persons carry with them, whoever they are, wherever they go, that must be respected and protected by all states.

It was recognized that in promoting a framework of open migration there is a very real risk of going only halfway, achieving open borders among selected states as part of a process of regional economic and security/defense (and to some extent political) integration – for example, the European Union, or Canada and the United States (and perhaps even Mexico) within current

The core of an open migration policy is that there not be differential rights conferred on different categories of people, but a base level of universal rights common to all.

proposals for “hemispheric continental integration”²¹ – while erecting higher and more impermeable barriers to entry from without, thereby deepening the current structures of global inequity and immobility.

This is not really an opening of borders, but an extension of borders for the purpose of consolidating them. In both Europe and North America, we are presently seeing some trends

towards increased temporary internal movement, along with a retrenchment of controls and surveillance and a distinction among claimants for entry. While this could appear to be a contradiction between opposing policy directions, it is not. It is a coherent, continued momentum in the direction of increasingly closed borders and intensified systems of controls – including internal controls – to reinforce a core ethos of national self-interest and exclusion.

A two-track strategic framework was posited, based on current realities and the need to move from the concrete conditions experienced today. The first track is already in place and needs to be intensified: civil society as a defender of rights and an agent of social solidarity, protection, and advocacy. The other track is a strategy of promoting a confident positive discourse that elaborates and explains the notion of open migration as a progressive proposition in the common interest, not only in terms of “rights” but in terms of promoting the welfare, security, opportunity, and well-being of all, and the contribution that people can make to society.

This implies addressing institutionalized fear, and the assumptions that underlie the belief that migration is a dangerous and threatening phenomenon to be controlled and minimized. The strategy should a) explain clearly

²¹ *Creating a North American Community: Chairmen's Statement on the Independent Task Force on the Future of North America*, March 2005, available at: www.cfr.org/publication/7912/. This is the concluding statement from a study sponsored by the Council on Foreign Relations in association with the Consejo Mexicano de Asuntos Internacionales and the Canadian Council of Chief Executives; it calls for a North American economic and security community by 2010 to address shared security threats, challenges to competitiveness, and interest in broad-based development across the three countries. In the document, former Canadian Deputy Prime Minister and Minister of Finance John Manley, former Finance Minister of Mexico Pedro Aspe, and former Governor of Massachusetts and Assistant U.S. Attorney General William Weld, make policy recommendations to articulate a long-term vision for North America. Co-chairing the study were Chief Executive of the Canadian Council of Chief Executives Thomas d'Aquino, President of the Consejo Mexicano de Asuntos Internacionales, Andres Rozental, and Director of the Center for North American Studies at American University, Robert Pastor. For commentary and documentation on a follow-up meeting, “Continental Prosperity in the New Security Environment,” Banff Springs, September 12-14, 2005, chaired by Pedro Aspe, former Alberta Premier Peter Lougheed, and former Secretary of State (and president and director of Bechtel corporation) George Shultz, see Michel Chossudovsky, *Secret Banff Meeting of CEOs and the Defense Establishment: Militarization and the Deconstruction of North America*, September 19, 2006, available at: www.globalresearch.ca/index.php?context=viewArticle&code=CHO20060919&articleId=3274. For ongoing analysis from a progressive coalition of Mexican and Canadian civil society organizations promoting alternative policies of hemispheric cooperation, see Common Frontiers, at www.commonfrontiers.ca.

the real dangers inherent in present approaches, both in terms of the security agenda and the general loss of rights and freedoms, and in terms of the development of nations, societies, and the wider global community of which all of us are part; and b) elaborate a vision of a world where migration is normal, legal, safe, and administered coherently and humanely.

The strategy should elaborate a vision of a world where migration is normal, legal, safe, and administered humanely.

An important problematic that will likely need to be addressed within such a discourse will be the extent and qualities of the entitlements that would be presumed within an open migration construct. For example, how would such a system frame participation in the polity, and the ongoing historical process

of setting the values and norms of the civic collectivity? Would every person, regardless of citizenship or duration of residence, participate in this process, and would all value-sets be considered valid and equal without prejudice, regardless of their affinity or divergence from prevailing national norms and values? We can anticipate this as an issue. Much of the resistance against immigration today in many societies – not just in the global North but within the global South – derives quite specifically from a determination to preserve values and norms in the face of imagined corrupting influences from outside. Regardless how one comes at these issues, these are valid questions that need to be considered and addressed directly and clearly.

It was recognized that some of these questions can only be engaged in the concrete. Global migration is a reality, and we can use recent experience to analyze these pressures and dilemmas, and resolve them. It would be useful to look at various predictive models of what might be the real impact of an open migration policy in the near-, mid-, and long-term. There is considerable reason to predict relatively small shifts in demographics and social dynamics. At this point there is no evidence that an open migration policy would significantly increase either the extent of migration or the social tensions and pressures that are inherent in incorporating migrants within long-established communities. Indeed, it is not unlikely that open migration policies, since they would facilitate the ease and safety with which persons could come, go, and return, would actually reduce permanent immigration and evolve much more dynamic and diverse forms of cyclical migration; anticipated

problems of integration, ghettoization, and values-clashes in society would thus be mediated and decline, rather than be enhanced.

Extending this projection, it is conceivable that with an authentic open migration system, rather than dealing with problems of incorporation of large numbers of new permanent residents, societies will find it even more challenging than it is presently to attract sufficient long-term immigrants to achieve the optimal population replacement rates required to sustain economic activity and the viability of the nation. This is a critical issue in many countries, North and South, although it gets far less attention than does the putative threat of migration. In such cases, rather than be concerned about an encroachment by migrants on the “entitlements” of citizenship, countries will have to be especially open and welcoming to convince sufficient people to choose to remain and apply to become part of the polity as permanent residents and ultimately citizens.

On another front, participants directly involved in providing humanitarian assistance to people in coercive situations and forced displacement observed that an authentic open migration policy would make it much easier for the international community to provide the protections now promised by the various UN conventions, which are honoured today more by exception than as the rule. Refugees, for example, would much more easily

and quickly find asylum, and internally displaced persons would more easily find refuge across borders that today are closed to them.

It is not unlikely that open migration policies would actually reduce permanent immigration.

The simple fact is that until there is a reform of the existing system, the concrete impact of such reforms are really speculation, and such

speculation almost always is negative and problematized. It emphasizes the anticipation of intractable problems and potential social catastrophe, while ignoring the problems in existing systems and the reality that these systems are failing, and are increasingly part of the very “problems” they are trying to solve. The failing systems will not last. What remains to be seen is what will replace them.

A critical intervening variable is the very construct of national security and the widespread perception of a clear and permanent threat in which migrants, and migration in general, are intrinsically implicated.

Security and Insecurity in the “Anti-Terrorist” Era

Fortress Europe and the North American security perimeter

Presentations were made on the European and North American context with regard to the security and rights agenda, drawing in particular on the work in this area by Statewatch in Europe and the Ottawa-based International Civil Liberties Monitoring Group (ICLMG).

Europe

We find ourselves in a situation in which “what was once unthinkable has become commonplace” in the new “Fortress Europe.” Reference was made to a publication originally published in 1995 and revised and updated in the autumn of 2006, that documents some of the injustices that were becoming commonplace in Europe even a decade ago and are now increasingly institutionalized.²² The dark side of the much-heralded loosening of internal controls to movement within Europe is the intensification and harmonizing of external controls. As this process deepens, and even as border controls within Europe apparently loosen, these external controls are now being turned inward so that everyone becomes subject to the invasive surveillance that accompanies barriers to entry, and subject to the pervasive structures of national security vigilance put in place to identify the enemy without, and seek out “the enemy within.”

European Union (EU) computer systems now link all border control entities, through which each country can add people to an “aliens list” (that is, persons refused entry) – presently numbering over one million persons – that applies throughout the EU. A fingerprint data base has been established to try to prevent what has become known as “asylum-shopping,” a technical aid to administering the Dublin Convention that mandates countries to deport unaccepted asylum-seekers to the original country of entry. Throughout the EU, the detention of asylum seekers and their families has become a norm. There are laws against anyone facilitating illegal entry and residence of aliens, which in effect criminalizes acts of charity and justice by those providing humanitarian or religious sanctuary, or social solidarity. The laws even go so far as to require health providers to refuse service to illegal aliens and report them to authorities, and to punish “rescue at sea” even of those in mortal peril. Collective expulsion is increasingly the

Collective expulsion is increasingly the norm in spite of the fact that this is a contravention of UN conventions.

norm in spite of the fact that this is explicitly a contravention of existing UN conventions, including the use of national airlines for this purpose. Objections to this practice have been dismissed with a cynical reliance on a language of

“efficiency” that increasingly characterizes debate on these issues.

In Europe the notion of “buffer states” is now incorporated in treaties. The EU requires that all states joining the Union bring into force the alien control regimes that currently apply within the EU, including accepting the return of aliens who first entered Europe through their borders. In this way they are becoming the “buffer” for Western Europe – without the resources to easily or effectively comply. There are now plans for collective monitoring, surveillance and patrolling of the “extreme frontiers” to ensure that the buffer is secure.

In addition to conditions imposed on new entrants to the EU, similar conditions are being imposed on aid and trade agreements – for example the Lomé Convention that applies to many African nations – which now often entail strict “re-admission” clauses for both nationals of the various countries and any aliens the deporting state believes originally transited through the country in question. Similarly there are “migration management” clauses which impose conditionalities regarding national legal codes and regulations, requiring for example strict prohibition and prosecution against “illegal exit,” as well as establishing alien detention centres and permission for EU security forces to monitor and police borders.

As referred to above, in the current “anti-terrorist” era there is a *re-internalization* of these norms. To verify exit, visa requirements are being harmonized, along with centralized identity and bio-data on all applicants (regardless of whether the application is successful). In the future, this will mean that if there is no verification of exit on the scheduled date of expiry of a visa, all systems throughout the international network are “on watch” – that is, alerted with a warrant for detention. National watch lists are now being used by police in some European countries such as the UK in random

²² Webber, Frances, *Border Wars and Asylum Crimes*, Statewatch, 2006. Originally published as “Crimes of arrival: immigrants and asylum-seekers in the new Europe,” Statewatch, 1995, 2000. Available at: www.statewatch.org/ordering/order.html.

searches, in much the same way that police will screen traffic indiscriminately to identify intoxicated drivers on a Saturday night.

In the pending reform of harmonized passport and identification regulations, due to come into effect in August 2007, fingerprints will be mandatory, as radio frequency identification (RFID) chips already are. And this in the context of a proposed EU-wide data base for travel documents, which will only facilitate what already exists in terms of facilitating U.S. access to all flight data on all passengers, regardless of point of embarkation or disembarkation. The key concept here is what is called “inter-operability,” which creates a surveillance system “without borders” and without real accountability on the part of individual governments.

The end of such systems, referred to as “total information surveillance,” is that 1) state and corporate data bases (most of the actual task of this data collection is privatized) will contain a lifetime profile of all movement, activity, and transactions; and 2) all persons will be risk-assessed *a priori*, and universally, and on a recurring

basis. This is the explicit premise of the surveillance systems proposed – and the only ones who have to worry are “those who have something to feel guilty about.”

The implications are dramatic for the person “without documents” or

Unless the system affirms a person’s status as a “non-threat,” they are by default a threat.

who is identified as a “risk.” The conditions of movement have become the conditions of possible confinement, based on the assumption of threat and guilt. In such a system, unless the system affirms a person’s status as a “non-threat,” they are by default a threat, with an assumption of guilt that must be disproven, with the onus of proof on the person who is now an alleged threat.²³ This state of affairs becomes more sinister when the role of technology is taken into account. The identification of threats is done with technology, and when it errs, the error can only be identified and reversed using the same flawed technology.

Despite these alarms – and the understanding that the full details and implications are not yet understood widely – it also appears that in most countries, these new

regimes are accepted by a significant proportion of the population as “the price we have to pay” to feel safe and secure. Concerning fears about a creeping loss of fundamental rights and freedoms, the general view is that “it can’t happen here,” or such things are “in the past, and can’t happen now.”

Canada

The basic elements are similar in Canada. As already alluded to, the harmonization and integration of Canadian surveillance and border control with U.S. security regimes such as U.S.-VISIT is already well underway. The main difference between North America and Europe seems to be in public opinion, in that we see more public knowledge and resistance in North America than in many places in Europe. This has forestalled temporarily in North America some of the invasive measures that are now in place and accepted in some countries in Europe, but they are being quickly introduced.

Still it is clear that we are living in a world of both actual and virtual borders. North America, including Mexico, is subject to a process of “deep integration” being consolidated within what is known as the “North American security perimeter.” This continental perimeter is monitored and “defended” by the new Northern Command (NORTHCOM) of the U.S. Defense Department. There is now in place a 30-point “smart border” agreement between Canada and the U.S. that when fully implemented will include: the “enhanced” sharing of immigration and border transit data banks; a new “safe third country” agreement that allows Canada and the United States to return aliens who cross their borders through the other’s territories; common border monitoring by the border agencies of the two countries; passenger screening and universal flight data-sharing for continental and trans-continental flights; cooperation agreements between domestic security sections of Canadian police forces, particularly between the RCMP and the FBI and CIA, that not only include information sharing, but also include U.S. agents placed within the Canadian police forces themselves. It is inevitable that when fully in place, these systems will be linked to the integrated European systems discussed earlier.

These measures have been taken without public discussion, and when revealed, public opinion has been trumped with the refrain that these are international agreements to which Canada has no choice but to comply, deflecting both the government’s direct complicity and responsibility in these measures.

²³ One participant observed that in such a system of *a priori* risk assessment, and given the manifest reality of “racial profiling” in identifying “risks,” the creation of “suspect communities” is also inevitable.

Many elements of citizens' private lives are caught up in this total information surveillance without their knowledge.

One thing that has been shared in private discussions by concerned legislators, and by government officials monitoring the systems such as the federal Privacy Commissioner²⁴ and officials of Transport Canada (the federal

department responsible for regulating and monitoring transportation, including airports), is that the technology required is extremely complex and critically behind schedule given the program of surveillance and migration control it is supposed to be supporting. Even its component parts, such as passenger recognition systems that have been in development for a long time, are primitive, flawed, and error-prone.

At the same time, many elements of citizens' private lives are caught up in this total information surveillance without their knowledge or even specific enabling legislation. Virtually all Canadian banking transactions, and in particular, credit card transactions, are processed in the U.S. by companies whose activities fall under the provisions of the USA PATRIOT Act, which requires them, on request, to share all data on financial transactions with the U.S. Department of Homeland Security, the CIA, and the FBI. The U.S. administration has already admitted that it has access to the SWIFT system maintained by the international banking industry to facilitate the inter-bank financial transfers of their clients.²⁵ Quite beyond the invasiveness of the practices in the lives of all citizens, the constraints that it has placed on the transmittal of family remittances, and the corollary increase in expense for those sending remittances, is significant.

Much other data that the Patriot Act does not allow the U.S. to collect itself is purchased by the government from private data collection firms, whose activity in collecting information on both U.S. citizens and the citizens of other countries is not prohibited. There was

an international uproar a few years ago when it was revealed that the U.S. Department of Justice had purchased information on Latin American citizens from a private data collection firm, ChoicePoint.²⁶ The data, which included Mexico's entire voter list and Colombia's citizen database, was obtained through contacts that broke local laws while providing the information to ChoicePoint. ChoicePoint's subsidiary, Database Technologies, was identified as the firm responsible for the disenfranchisement of Florida voters in the 2000 overhaul of that state's electoral lists.²⁷

Another critical theme is the enormous stake that the "surveillance-industrial complex" has in the new national security regimes. These systems of pervasive vigilance and control have become huge, publicly funded for-profit centers, and the military and security industries are themselves now

Much data collection and security maintenance is privatized, so that the inter-operability among state agencies now extends to the major corporations.

the driving forces in the development and deployment of technologies of surveillance and social control, including border control, detection, and detention. Much of the work of data collection and security maintenance is privatized or semi-privatized, so that the "inter-operability" among various state

agencies now extends to the inter-operability of major corporations with the state and its agencies. These industries not only operate within, but help create and reinforce, the climate of permanent present danger and the policies that create the demand for their services.

The Crisis on the Southern U.S. Border

Participants familiar with the issue of legal and illegal migration in the Americas offered perspectives from the United States, Mexico, Central America and South America on the situation on the U.S.-Mexico border and trends within U.S. society.

²⁴ The Federal Office of the Privacy Commissioner remains concerned about many of these issues even though the Canadian government removed oversight of the privacy of travellers' data from her official mandate and authority through one of the provisions of Bill C-17, which was part of the flurry of anti-terrorist legislation that followed September 2001.

²⁵ See "Bank Data is Sifted by U.S. in Secret to Block Terror," By Eric Lichtblau and James Rise, *New York Times*, June 23, 2006, available at: www.nytimes.com/2006/06/23/washington/23intel.html?ex=1308715200&en=168d69d26685c26c&ei=5088&partner=rssnyt&emc=rss; and "European Parliament resolution on the interception of bank transfer data from the SWIFT system by the U.S. secret services" at [www.privacyinternational.org/article.shtml?cmd\[347\]=x-347-539344](http://www.privacyinternational.org/article.shtml?cmd[347]=x-347-539344). The Privacy International Web site, www.privacyinternational.org, contains several primary documents on this and related issues.

²⁶ See "Latin American fury as U.S. buys information on millions," *Sydney Morning Herald*, May 6, 2003, available at: www.smh.com.au/articles/2003/05/05/1051987657714.html.

²⁷ See also "Firm in Florida election fiasco earns millions from files on foreigners" by Oliver Burkeman and Jo Tuckman, *The Guardian*, May 5, 2003, available at www.guardian.co.uk/usa/story/0,12271,949709,00.html.

In the U.S. we have been seeing for some years a normalization of anti-immigrant sentiment in some sections of the country, noisily promoted by white-supremacist elements within the far right wing of the Republican Party, although such sentiments are not limited to these elements. Anti-immigrant advocates have effectively developed a strategic public discourse around the publications and media strategy of such privately funded institutions as the Centre for Immigration Policy, and the musings of political theorists such as Samuel Huntington, for example in his recent writing on the “Hispanic challenge,” in which he gives legitimacy to the notion of immigration constituting a “threat to anglo-protestant culture,” the current credo of the anti-immigrant right-wing.²⁸

In the electoral process unfolding in the U.S. during the precise moment of our learning circle, this had become a wedge issue exploited by strategists of the federal administration and party organizations at the state level struggling to maintain the Republican majority in the U.S. Congress.²⁹ Regardless of the outcome, retrenchment of stricter immigration policy in the U.S. was seen as inevitable, although perhaps not as extreme as some anti-immigration advocates have been promoting.

In what is perhaps an indication of the difference in the base of anti-immigrant sentiment in the U.S. as distinct from Europe, attempts to introduce legislation criminalizing assistance by private citizens or organizations to illegal migrants failed recently. Still, this notion, which would have been unthinkable not very long ago, has now entered acceptable discourse and is subject to debate.

At the same time, in what some have called “the politics of spectacle,” we have seen the media attention that is given to the volunteer citizen border vigilante group known as the Minutemen. In point of fact, this group had existed for quite a while as a small, fringe outfit, until media outlets made them a spectacle in their news report and franchises began to spring up in several areas, including in urban centres. Even now these vigilante chapters are not very significant as an actual impediment to border flows, a paramilitary symbol rather than an effective force. They are a diversion that obscures the real militarization of the U.S. borders by the U.S. government itself, a border that is increasingly fenced, increasingly

patrolled – with 9,500 border agents, five per mile, covering the one thousand mile border in Arizona alone – and increasingly dangerous for those who attempt the up to five day trip through the desert.

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government.*

It is not sufficient however to attribute anti-immigration sentiment merely to a rabble-rousing reactionary right-wing intelligencia and political-religious establishment. The ground for such rhetoric is fertile in part due to the lived experience of ordinary working people and their families. This is especially

true of those in communities close to the southern borders who are objectively and subjectively overwhelmed by the extent and intensity of migration and who have no resources – material, social, cultural – with which to respond, either to the new arrivals, or to their own disaffection as the world around them changes without them having any input into what the future will look like. Advocates for the rights of migrants need to understand this experience and relate to it if they are to effectively turn this debate in a more open, humane, and progressive direction.

There are some signs that this is happening, and the mass mobilization of hundreds of thousands of migrants and their supporters in the United States in early 2006 – a mobilization, it is useful to remember, that has not occurred anywhere else in the world, including Western Europe – is an indication that the forces at play are dynamic.³⁰ The 2006 congressional and state electoral campaigns have revealed a deep vein of civil reaction against the fiercely anti-immigrant stance of the hard-line opponents, and perhaps signal the beginning of a shift in the “balance of forces” in this debate. Certainly it has encouraged some candidates to offer at least moderately more progressive counter-proposals for immigration management.³¹

There is also a growing movement of social solidarity accompaniment for migrants, largely faith-based and human rights-oriented, operating in the border areas

²⁸ Huntington, Samuel, *Who Are We? The Challenges to America's National Identity*, Simon & Schuster, 2004.

²⁹ See for example, Younge, Gary, “Unwelcome amigos: Immigration will be a sensitive issue in next week's U.S. midterm elections.” *The Weekly Guardian*, October 31, 2006.

³⁰ See, Lovato, Roberto, “Immigrants Regroup,” *The Nation*, November 13, 2006, available at: www.thenation.com/doc/20061113/lovato.

³¹ See, Gumbel, Andrew, “How the immigrant card stopped working for Arizona's Republicans,” *The Independent*, November 3, 2006. Available at: <http://news.independent.co.uk/world/americas/article1951260.ece>.

and the major receiving cities, although there is some concern that these efforts lack the political-economic analysis that is required to promote a more transformative approach to long-term structural issues. There is very little engagement with Mexican actors working on these themes to develop a joint analysis and strategy. The Mexican NGOs in the border regions are mainly humanitarian groups providing services for people rejected, along with some specific issue-oriented groups focusing, for example, on conditions in the *maquilas* and violence against women, as well as some environmental issues, with few explicitly pro-migrant political action groups.

It was noted as well that with all of the attention on migration from Latin America and the “Hispanic” threat, migrants to the U.S. from other parts of the world – for example, the Philippines – are largely invisible and unorganized, with no rights, no recourse, and suffering intense victimization. The specific experience of women, and the agency of women in the phenomenon of migration and as part of the underground economy, is

How surveillance and detention are “gendered” and the experience of women caught in these systems needs more study.

also a rich area for statistical and qualitative research to identify measures of appropriate support and social solidarity as well as advocacy.

Various ancillary implications were explored. The fundamental issue of how the phenomena of surveillance and detention are “gendered” and the

specific experience of women caught in these systems needs more study. Similar emphasis needs to be placed on the experience of aboriginal people, who even in their home countries are already virtual “non-persons” once they leave their own communities and reserves, subject to various forms of exploitation and discrimination. In this context, a dilemma was raised about how these issues can be brought to the political discourse of the most marginal populations in the South who in a sense “have never existed” – the threat of constant surveillance is not so real for those whose life experience is invisibility – and are primarily mobilized on issues of basic daily survival and protection of their places and land.

Rethinking security: challenging the agenda of fear

A propositional strategy that effectively engages in a serious re-assessment of current national and transnational policy on migration will have to involve re-thinking the construct of security itself, including a

realistic assessment of “threats,” while explicitly challenging the agenda of fear that has been consolidated since September 2001.

We live in what is increasingly a culture of risk-avoidance and risk-management that affects the policy environment in profoundly negative ways. It is based in perceptions that are unfounded in terms of the assessment of real risk, and in terms of the assessment of the probability that such risks can be significantly reduced and mediated without doing more harm than the putative threats themselves entail. This deepening phenomenon is extremely debilitating in its effect on public attitudes and citizen confidence and, in itself, is very unhealthy.

The obsession with disease, injury, and death, both in the media and in political discourse, has led to a political climate in which little attention is paid to policies which promote the vibrant elements in society that nurture life, health, and happiness – factors that constitute the absolutely best “defense” against the genuine elements of risk we inevitably face as a natural part of life and as citizens in free and democratic societies.

The policy discourse is preoccupied with morbidity and mortality rather than human vitality and dynamic societies. It promotes fatalism rather than confidence and enthusiasm about the future and the role each of us has in making the world we live in the best world it can be, and the authentic opportunity to act out this role in positive, life-promoting ways. Rather than reinforcing people’s sense of power, vitality, and playfulness, policy debates reinforce fear and vulnerability. It is a paternalistic discourse that emphasizes surrendering personal autonomy to try to ensure security from untold dangers and protection against apparently ever-present external threats. This climate of fear, fundamentally at odds with the objective reality of actual danger and risk, is at the core of people’s distrust of difference, of diversity, of anyone-not-us.

Unfortunately this climate of fear is reinforced by all elements within the political class: politicians, government officials, opinion-makers in academia and the media, professional lobbyists, and civil society advocates on the left and on the right. The standard methodology today is to name a grievous threat, a present and grave danger, and argue for policies that will mitigate if not entirely remove the threat. We perceive a world of constant adversity against which we must not only be on guard, but on the offensive, and increasingly *pre-emptively* on the offensive – that is, taking measures that destroy the threat even before the threat itself is manifest.

Unfortunately, such measures inevitably destroy precisely those elements of life, freedom, and a truly “civil” society – including “security” – that they are pretending to protect.

It is this culture of fear, this “garrison” ethos, that needs to be challenged to move the policy discourse forward, whether on the issue of the potential for building a positive, forward-looking open migration policy, or the issue of “security” itself.

At a minimum, one critical place to start is by emphasizing the “rule of law.” It is not at all radical to insist that, as a first principle – and first priority – the police, border control officials, intelligence agents, the military, and those responsible for foreign policy, must adhere to without exception, and promote without compromise, the rule of law and due process, including adherence to international law and UN conventions. Since the abuse of state authority and the state’s legitimate monopoly on coercion and violence, is itself the first – and historically, by far the most common – threat to the security of the person, her family, and her rights, this is where any discourse on security has to begin.

The problematic of security could also be usefully interrogated by looking at security issues “through the keyhole” of other issues – for example, migration, or political dissent – reversing the conventional approach of problematizing issues through the magnifying, and distorting, lens of security.

For example, first among the rights of the citizen to be protected by the rule of law should be the security of the person engaged in legitimate acts of political dissent, since the new national security regimes can so easily be used to proscribe political thoughts, attitudes, and acts that are uncomfortable for the state, but which do not actually pose an immediate and proximate physical threat to anyone. Already we have seen a terrible chill effect on dissent, for example dissent against the national security state and anti-terrorist legislation itself, or against the extreme militarism of the responses to terrorist acts and the “pre-emptive” wars presently being waged against enemies – seen and unseen, territorial and extra-territorial – purported to be supporters of terrorism. Fear has been strategically deployed to justify the construction of pervasive regimes of political repression and control. Integral to these regimes is the classic

phenomenon in which the great mass of people willingly surrender their freedom, and in a real sense, their security, out of fear.³²

Similarly, this hostile environment has set up barriers to the right to seek asylum, or simply to migrate, for countless individuals whose political dissent in their own

Since the abuse of state authority... is the most common threat to the security of the person, this is where any discourse on security has to begin.

countries has marked them as a threat in the eyes of authorities screening migrants in other countries. As pointed out earlier, this particularly affects Muslims aspiring to a new home, or simply to find temporary refuge, since they are considered *a priori* to be a potential threat due to their beliefs and affinities.

Using an issue such as migration as a “keyhole” also provides some innovative ways to re-cast the very notion of security. For example, in

conventional discourse the discussion of security often starts with the threat of “them” – *they* are coming and *we* must protect ourselves and defend “our” way of life.

But what if we were to focus the security discussion on *their* security? What if the first priority became, for example, to ensure the safety and security of all persons on the move, without exception? This would imply measures, for example, that explicitly and concretely ensure the security and safety of women and their children from a concrete set of presently pervasive security threats they experience universally during the process of moving: material and physical deprivation, disease, violence, rape, sexual exploitation, detention and incarceration by the state, confinement by criminal elements, slavery, and death by accident or intent, among others dangers.

Another issue through which to re-think security is the economic issue, and specifically, economic security, and how migration is related to the long-term economic security of nations and of the global economy itself. It is no longer controversial that virtually all major economies, and all of the industrialized nations, are dependent on migrant labour; and that maintenance of an optimal

³² There is a substantial literature that explores this phenomenon as manifest in the rise of totalitarian states in Europe in the early 20th century. See for example, Erich Fromm’s *Escape from Freedom* (1941) and Hannah Arendt, *The Origins of Totalitarianism* (1951). More popularly, George Orwell’s 1984 has entered the language and the public imagination as the classic warning against those who exploit fear and practice repression in the name of national security.

population base, including demographic and generation distribution, is dependent on immigration.³³ Simply stated, migration is critical to economic health and national viability. It is inescapable that rather than controlling migration, or more perversely *preventing* it, governments around the world will be trying to promote it. And the future of economies and the global economy will be determined in part by how they do this, and the extent to which it is done in an open, fluid, and creative manner.

Similarly, our collective security depends upon the free flow of ideas, the mingling of cultures and wisdom, the exchange of traditions and aspirations, the sharing of knowledge and experience.³⁴ Such freedom of ideas and exchange requires freedom of movement, and security of movement. Those who migrate are often the most audacious, bringing incredible dynamism and curiosity with them where they go, and these qualities are indispensable to continually making and re-making the world.

We looked forward to a time when this discourse is framed within a true life-promoting, positive “politics of vitality” rather than a politics of fear and the false discourse of false security. It is our goal to contribute to that positive vitality and continue together to develop and share a propositional and transformative discourse toward positive, transformed and life-promoting migration policies globally.

³³ See for example Demaret, Luc and Patrick Taran, “Dispelling the Migrant Myth,” Third World Network Features, October 2006, reprinted from the *World of Work*, No. 57, September 2006, a publication of the ILO. In this article, two ILO specialists weigh in on the current state of play for migrant workers, and in doing so separate fact from fiction in the debate over workers’ migration.

³⁴ See, for example, the new journal *Societies Without Borders*, edited by Judith Blau (University of North Carolina, Chapel Hill) and Alberto Moncada. *Societies Without Borders* will be a bi-annual journal with the aim of bringing scholars from different continents closer together by showing their different approaches of the same research material, especially human rights and public goods. *Societies Without Borders* will include articles by scholars, activists, teachers, and practitioners who understand the importance of collaborative efforts to affect and study change. A copy of Volume 1, 2006 of *Societies Without Borders* can be obtained by sending an e-mail to swb@brill.nl. See also Urry, John, *Sociology Beyond Borders: Mobilities for the Twenty-First Century*, Routledge, London & New York, 2000.

RESOURCES

What follows is a partial list of material referred to by participants during the learning circle or sent on when they returned home. It is not intended to be a comprehensive bibliography on migration issues, which is well beyond the scope of this report. In some cases the reference includes comments by the person who referred the material, and/or annotations by the author of this report from follow-up research.

1. Publications

Agustín, Laura Ma, “Forget Victimisation: Granting Agency to Migrants,” in *Development*, 46.3, pp. 30-36, 2003. Available at: www.choike.org/documentos/migration_agustin.pdf.

Arendt, Hannah, *The Origins of Totalitarianism*, Harcourt, New York, 1951.

Bannerji, Himani, *The Dark Side of the Nation: Essay on Multiculturalism, Nationalism and Gender*, Canadian Scholars’ Press, Toronto, 2000.

Bayley, David H., *Police for the Future (Studies in Crime and Public Policy)*, Oxford University Press, 1994.

Participant comment: “Bayley’s analysis is that present reactive or incident-oriented policing does not really prevent crime and that policing systems don’t deliver on what it promises. He sets out a blueprint for what needs to be done – requiring police to be engaged with communities. This book has helped me to demystify the dogma of orthodox policing and question our approaches to ‘security’ and ‘peacekeeping’ overseas.”

Binford, Leigh, “The Seasonal Agricultural Workers Program and Mexican Development,” Canadian Foundation for the Americas (FOCAL), August 2006. Available at: http://focal.ca/pdf/pp_leigh_binford.pdf.

Leigh Binford is Professor at the Posgrado en Sociología, Instituto de Ciencias Sociales y Humanidades, Benemérita Universidad Autónoma de Puebla, Mexico. The paper examines the social and economic implications of the Seasonal Agricultural Workers Program (SAWP) in selected communities of northwest Tlaxcala in Mexico.

Bohm, David, *On Dialogue* (edited by Lee Nichol), Routledge, London and New York, 1996.

Bradley, Megan, *The Conditions of Just Return: State Responsibility and Restitution for Refugees*, Working Paper No. 21, Refugee Studies Centre, University of Oxford, March 2005.

Brem, Maxwell, “Migrant workers in Canada: A review of the Canadian seasonal agricultural workers program,” Ottawa: North-South Institute, 2006. Contact the North-South Institute at www.nsi-ins.ca/english/default.asp.

Buber, Martin, *I and Thou*, New York. A.A. Knopf, 1964.

Participant comment: “Buber defines the heart of relationships and community: ‘A community is built on a living, reciprocal relationship, but the builder is the living, active centre.’ I must say that even though I read Buber in the early 70s I really did not understand him until the mid-80s. I think being a male had something to do with it.”

Bustamante, Jorge G., *Statement by Special Rapporteur on the human rights of migrants*, Second Session of the Human Rights Council, United Nations, Geneva, September 18, 2006. Available at: www.ohchr.org/english/bodies/hrcouncil.

Canoy, Marcel, et al, “Migration and public perception,” a report by the Bureau of European Policy Advisers (BEPA) to the European Commission, October 9, 2006. Available at: http://ec.europa.eu/dgs/policy_advisers/publications/docs/bepa_migration_final_09_10_006_en.pdf.

The report describes how the public presentation of immigrants and migratory phenomena by the media and by politicians is often biased or negative, linking them often almost exclusively to security issues while pejorative terminology commonly in use (such as “bogus asylum seekers” and “welfare scroungers”) obscures the reality that migrants consist of various groups with diverse expectations and opportunities. It analyzes how the lack of reliable and comparable statistics contributes to these perceptions.

Carens, Joseph H., “Who Should Get In? The Ethics of Immigration Admissions,” in *Ethics and International Affairs*, 17 (1), 95–110, 2003.

Carens is Professor of Political Science at the University of Toronto. His most recent book is *Culture, Citizenship and Community: A Contextual Exploration of Justice as Evenhandedness* (2000).

Chikezie, Chukwu-Emeka, "Migrants and development: a new era," *openDemocracy*, November 8, 2006. Available at: www.opendemocracy.net/democracy-africa_democracy/migration_development_4077.jsp#.

Chikezie argues that the bridges migrants are building between the states they have left and the ones they live in are starting to have a major impact on thinking about international development.

Choike, Migration: In Depth. Available at: www.choike.org/nuevo_eng/informes/2947.html#Migration:%20a%20global%20issue.

Choike's Web site has a page with an extremely valuable up-to-date catalogue of resources on the issues of migration and migrant workers, all hot-linked and accessible.

Cholewinski, Ryszard, "Protecting Migrant Workers in a Globalized World," Migration Policy Institute, March 2005. Available at: www.migrationinformation.org/feature/display.cfm?ID=293.

Cohen, Steve, *Standing on the Shoulders of Fascism: from immigration control to the strong state*, Trentham Books Limited, Stoke-on-Trent, UK, 2006. Available at: www.trentham-books.co.uk/pages/shoulders.htm.

Cohen is an immigration lawyer and activist on issues of immigration control and an author of the No One is Illegal manifesto.

Crosby, Alison, *The Boundaries of Belonging: Reflections on Migration Policies into the 21st Century*, Occasional Paper #7, Inter Pares, Ottawa, December 2006. Available at: www.interpares.ca/en/publications/papers.php.

This paper was initially presented at the 10th International Conference of the International Association for the Study of Forced Migration (IASFM), "Talking across Borders: Dialogues in Forced Migration Studies," York University, Toronto, December 2006. It examines how we categorize people who have been forced to leave their places of belonging, as well as the policies that enforce the boundaries of these categories. The extensive endnotes very usefully augment the resources listed in this section of the present report.

Dawson, Laura Ritchie, "A Managed Temporary Movement Program for Nurses from the Caribbean to Canada: The Short (but Interesting) Life of a Policy Advocacy Proposal," Canadian Foundation for the Americas (FOCAL), August 2006. Available at: http://focal.ca/pdf/pp_laura_ritchie_dawson.pdf.

Laura Dawson is Senior Associate at the Centre for Trade Policy and Law. The paper summarizes the attempt to build a program for Caribbean nurses coming to Canada, conceived to reduce the negative impacts of brain drain and discusses the lessons learned throughout the process of advocacy.

Deen, Thalif, "Gender Violence A Universal Norm, Says UN," IPS, Tuesday, October 10, 2006. Available at: www.ipsterraviva.net/europe/article.aspx?id=3911.

Reports on a landmark 113-page UN study on gender violence that reveals the extent to which women continue to be victims of sexual harassment, human trafficking and discrimination worldwide.

Deen, Talif, "UN Probes abuse of migrant workers worldwide," IPS, Thursday, October 26, 2006. Available at: www.ipsterraviva.net/europe/article.aspx?id=3979.

Demaret, Luc and Patrick Taran, "Dispelling the Migrant Myth," Third World Network Features, October 2006. Reprinted from the *World of Work*, No. 57, September 2006, a publication of the ILO.

In this article, two ILO specialists analyze the current state of play for migrant workers, and in doing so separate fact from fiction in the debate over workers' migration.

Ellul, Jacques, *The Technological Society*. New York: John Day Co., 1966.

Participant comment: "I don't think that M. Ellul had to spend a mind-numbing weekend trying to update his system software on a computer when he wrote this: *'Humanity seems to have forgotten the wherefore of all its travail, as though its goals had been translated into abstraction or had become implicit; or as though its ends rested in an unforeseeable future of undetermined date... Everything today seems to happen as though ends disappear, as result of the magnitude of the very means at our disposal.'*"

Ellul, Jacques, *Propaganda, The Formation of Men's Attitudes*, Vintage Books/Random House, New York, 1965.

Enloe, Cynthia, *Bananas, Beaches and Bases: Making Feminist Sense of International Politics*, University of California, 2001.

This is an updated edition of Enloe's classic text originally published in 1989, with a new preface. Cynthia Enloe is Professor of Government at Clark University and author of *Maneuvers: The International Politics of Militarizing Women's Lives* (2000), *The Morning After: Sexual Politics at the End of the Cold War* (1993), and *Does Khaki Become You?* (1988).

Equitas, *A UN Road Map: A Guide for Asian NGOs to the International Human Rights System and other Mechanisms*, (2nd edition), Montréal, 2004. Available at: www.equitas.org/english/ed-manuals/un-road-map.php.

The guide identifies practical approaches within and outside the UN and ILO systems. Although it was initially designed for Asian NGOs working on migrants' issues, it has been used by migrants' NGOs from other regions.

Fromm, Erich, *Escape from Freedom*, Holt, Rineheart and Winston, New York, 1941.

Gibney, Matthew, *The Ethics and Politics of Asylum*, Cambridge University Press, 2004.

Gibney, Mark (ed.), *Open Borders? Closed Societies? The Ethical and Political Issues*, Greenwood Press, Westport CT, 1988.

See particularly: Singer, P. and Singer, R. , "The Ethics of Refugee Policy," pp. 111–130.

Giles, Wenona and Jennifer Hyndman (eds.), *Sites of Violence: Gender and Conflict Zones*, University of California Press, 2004.

Giles, Wenona, Malathi de Alwis, Edith Klein and Neluka Silva (eds.), *Feminists Under Fire: Exchanges Across War Zones, Between The Lines*, Toronto, 2003.

Harris, Nigel, *Thinking the Unthinkable, The Immigration Myth Exposed*, Tauris, London & New York, 2002.

Radical and indispensable.

Hartmann, Betsy, Banu Subramaniam and Charles Lerner (eds.), *Making Threats: Biofears and Environmental Anxieties*, Rowman & Littlefield, Maryland, 2005.

Participant comment: "This anthology looks critically, from a variety of perspectives, at how security threats are constructed, focusing in particular on the use of biological and environmental narratives

and imagery and the authors and agencies that deploy them. Fear of migration is a major theme of the book. Of particular interest to the discourse of this learning circle are the chapters by Lipschutz, Orr, Passavant, Subramaniam, Zerner, Hartmann and Hendrixson. Orr's chapter on 'The militarization of inner space' is a must-read."

Hartmann, Betsy and Banu Subramaniam, "Interrogating Fear: Bio-terror, the Environment and the Construction of Threats," A Curriculum Outline, Hampshire College, Fall 2006. Available from Betsy Hartmann, Director, Population and Development Program, Hampshire College. Amherst, MA, at bhartmann@hampshire.edu.

Hartmann, Betsy and Amy Oliver (eds.), "10 Reasons to Rethink 'Overpopulation'," *DifferenTakes* No. 40, Hampshire College, Fall 2006. Available at: <http://popdev.hampshire.edu>.

DifferenTakes is an investigative series of issue papers, published by the Population and Development Program at Hampshire College, providing alternative information and analysis on a wide range of reproductive rights, population, environment and social justice issues. This issue explores the common fear that world "overpopulation" causes environmental degradation, hunger, poverty, and political insecurity. Not only is this belief inaccurate, it also has negative consequences for communities traditionally targeted by population control and blinds us to the real causes of and possible solutions to these serious problems.

Hayter, Teresa, *Open Borders: The Case Against Immigration Controls* (Second Edition), Pluto Press, UK, 2004. Distributed in the United States by the University of Michigan Press.

Originally published by Pluto Books in 2000 as *The Case for Open Borders*, this was one of the first books to lay out the progressive arguments for an open borders policy. The new edition brings the work up to date with a lengthy preface exploring how the practices of the British government over the past few years has continued the abusive and irrational border controls and the criminalization of entire communities. This second edition also updates the bibliography and list of campaigning groups, and ends with a new manifesto for a world without borders.

Heidegger, Martin, *The Question Concerning Technology (and Other Essays)*, translated and introduced by Wm. Lovitt, Harper & Row, New York, 1977.

Hillyard, Paddy et al. *Beyond Criminology*, Pluto Books, London, 2004. Available at: www.plutobooks.com/pdf/0745319033.pdf#search=%22Beyond%20Crimnology%22.

Participant comment: “The book argues that criminal harm forms only a tiny proportion of the vast bulk of social harms, a good place to start any debate on re-imagining security.” Includes a chapter by Frances Webber on the harm caused by the “war on migration” and another on “Gendering harm through a life course perspective” by Christina Pantazis.

Inter Pares, *Towards a Feminist Political Economy*, Occasional Paper #5, Ottawa, November 2004. Available at: www.interpares.ca/en/publications/papers.php

This paper attempts to clarify how gender influences the social and political relationships and structures of power, and the differential economic effects that flow from these relationships and structures.

Inter Pares, *Rethinking Development: Promoting Global Justice in the 21st Century*, Occasional Paper #6, Ottawa, November 2004. Available at: www.interpares.ca/en/publications/papers.php.

This paper reviews aspects of the global context that we anticipate will form the imperatives that frame international development cooperation in the years ahead, and summarizes some elements of our own attempts to “re-think” international development cooperation.

International Organization for Migration (IOM), *Migration Trends*, Geneva, 2006.

See www.iom.int/jahia/page254.html#10 for detailed statistics on migration to end of 2005.

Joint Council for the Welfare of Immigrants (JCWI), *A Response To The European Commission Green Paper On An EU Approach To Managing Economic Migration*, April 2005. Available at: www.coordeurop.org/sito/0com/doc05_jcwi_grpp_subm.html.

Joint Council for the Welfare of Immigrants (JCWI), *The Case For Regularizing Irregular Migrants*, July 2006. Available at: www.december18.net/web/contact/start.php?lang=EN&menuID=52&conID=445.

Human Rights Watch, *Swept Under the Rug: Abuses against Domestic Workers around the World*, July 2006. Available at: <http://hrw.org/reports/2006/wrd0706m>.

Lawrence, Bonita and Enakshi Dua, “Decolonizing Anti-Racism,” in *Race, Racism, and Empire: Reflections on Canada, an issue of social justice*, edited by Jody Nyasha Warner, December 2005.

Maslow, Abrams, *The Psychology of Science*, New York Harper, 1966. Available at Maslow’s online bookstore: www.maslow.com.

A participant reminds us of Maslow’s famous analogy: that if the only tool one had in his possession was a hammer, he would go around treating everything else as if it were a nail.

Maalouf, Amin, *Les Identités meurtrières*, LGF-Livre de Poche, 2001.

Marcuse, Herbert, *One Dimensional Man, Studies in the Ideology of Advanced Industrial Society*, Boston: Beacon Press, 1964, 1991.

A participant comments: “Marcuse argues that technological rationality negates dialectical thought. He sees that the only glimmer of revolutionary opposition to the prevailing system lies with a ‘substratum’ of ‘outsiders and outcasts’...”

Miller, Alice M., “Sexuality, Violence against Women, and Human Rights: Women Make Demands and Ladies Get Protection,” in *Health and Human Rights*, Vol 2, No. 7, 2004. Available in PDF format at www.choike.org/nuevo_eng/informes/3982.html (see under “Related links”: “Debate and Discussion documents”).

Excellent paper: recommended.

Migration Information Source, *World Migration Map: Central America, The Caribbean, And North America*. Available at: www.migrationinformation.org/wmm/.

This newly revised World Migration Map Data Tool shows the origins and destinations of migrants to and from nearly every country in the world. The new World Migration Map provides data on Central America, the Caribbean, and North America in addition to South America, so there is now up-to-date data on all 50 countries of the Americas.

Murphy, Brian K., *Transforming Ourselves, Transforming the World: An Open Conspiracy for Social Change*, ZED Books (London and New York) and Fernwood Books, Halifax, 1999; also available as *De la pensée à l'action: la personne au cœur du changement social* (trans. Geneviève Boulanger), Ecosociété, Montréal, 2001.

The book examines what motivates us to activist citizenship in the cause of justice and social transformation. It includes a section on reference

groups and learning circles, among other strategies for promoting collective change processes. See also "Reference Groups & Learning Circles," notes for a seminar presented by Brian K. Murphy, Summer Program of the Institute in Management and Community Development, Concordia University, Montréal, June 16-20, 1997.

Murphy, Brian K., *Knowledge and Action: Challenging the Limits*, Notes for Keynote Address to Inter Pares 30th Anniversary Symposium on Citizen Action, Tabaret Hall, University of Ottawa, April 29, 2005. Available at www.interpares.ca/en/publications/other.php.

Newland, Kathleen, "The governance of international migration: mechanisms, processes and institutions," a paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration by the Migration Policy Institute, September 2005. Available at: www.gcim.org/mm/File/TS%208b.pdf.

A useful review of the various initiatives in existence or under discussion regarding a "global mobility regime" (dominant paradigm).

No One Is Illegal UK, *Workers' control not immigration controls*, May 1, 2006. Available at http://noii.trick.ca/_cache/WorkersControl.pdf.

Participant comment: "The well-known phrase 'workers of the world unite' does not mean 'only workers with the correct immigration status' unite: a trade union programme of opposition to immigration restrictions and the case for open borders, as submitted to the trade unions by No One Is Illegal UK."

Norell, Brenda, "Indigenous Border Summit Opposes Border Wall and Militarization," *Citizen Action in the Americas Profile* (International Relations Center, Silver City, NM, October 31, 2006. Available at: <http://americas.irc-online.org/amcit/3648>.

The article explains why indigenous peoples at the Border Summit of the Americas on Tohono O'odham tribal land opposed the construction of a border wall that will dissect indigenous communities on ancestral lands split by the U.S.-Mexico border. The Summit participants issued a strong statement against the ongoing militarization of their homelands. The article also describes efforts by some tribal activists to ensure that migrants crossing the ancestral lands do not die of thirst and other hazards.

Ozden, Caglar and Maurice Schiff (eds.), *International Migration, Remittances and the Brain Drain*, World Bank, Migration and Development Research Program, October 2005.

The first major work of the research program, the volume contains country case studies (including Guatemala, Mexico, the Philippines) on the impact of remittances on poverty and expenditure patterns, and several chapters on the brain drain, including the largest existing data base on the brain drain, and analyses of the brain gain, brain waste, and the impact on productivity in destination countries. The Table of Contents and Chapter One, "Determinants of Migration, Destination, and Sector Choice: Disentangling Individual, Household, and Community Effects," by Jorge Mora and J. Edward, are available at: <http://econ.worldbank.org/external/default/main?theSitePK=1572893&contentMDK=20693491&pagePK=64168182&piPK=64168060>.

Pécoud, Antoine and Paul de Guchteneire, "Migration without borders: an investigation into the free movement of people," *Global Migration Perspectives*, No. 27, April 2005 UNESCO. Available at: http://portal.unesco.org/shs/en/file_download.php/c52c87427687eb05899b7c198f00df08GMP27.pdf.

A thoughtful review of many of the issues around open borders.

Pécoud, Antoine & Paul de Guchteneire, "Migration, Human Rights and the United Nations: An investigation of the obstacles to the UN Convention on Migrant Workers' Rights," *Global Commission on International Migration, Global Migration Perspectives*, No. 3, August 2004. Available at: http://portal.unesco.org/shs/en/ev.php-URL_ID=6611&URL_DO=DO_PRINTPAGE&URL_SECTION=201.html.

Postman, Neil, *Technopoly, The Surrender of Culture to Technology*, Vintage Books, Random House, New York, 1993.

Refugee Council USA, *Report on U.S. Refugee Admissions Program*. Available at: www.refugeecouncilusa.org/RCUSA2006finpostbl-w.pdf.

A report on the U.S. Refugee Admissions Program for 2006 and 2007 with a special focus on the impact of the material support bar on refugees and asylum seekers.

Roszak, Theodore, *Where the Wasteland Ends: Politics and Transcendence in Postindustrial Society*, Garden City, New York: Doubleday, 1973.

A participant shares with us Roszak's conviction: "We can now recognize that the fate of the soul is the fate of the social order: that if the spirit within us withers, so too will the world that we build about us."

Sassen, Saskia, "Migration policy: from control to governance," *openDemocracy*, July 13, 2006. Available at: www.opendemocracy.net/people-migrationeurope/militarising_borders_3735.jsp.

Saul, John Ralston, *The Unconscious Civilization*, CBC Massey Lectures, House of Anansi, Toronto, 1995.

An analysis of the "corporatist" society and its corrosive affect on citizenship and critical political discourse.

Seglow, Jonathan, "The Ethics of Immigration," *Political Studies Review*: Vol 3, 317–334, Royal Holloway, University of London, 2005. Available at: www.rhul.ac.uk/politics-and-ir/Seglow_Political_Studies_Review_article_2005.pdf.

This review essay examines recent work in political theory on the ethics of immigration admissions. It considers arguments put forward by Michael Walzer, Peter Meilaender and David Miller, among others, for state control of borders, up against the work of Joseph Carens, Phillip Cole, Michael Dummett and others who advocate open or much more open borders. The paper argues that rights to immigration need embedding in global principles of resource redistribution, and sketches a cosmopolitan approach to immigration by which impartial criteria such as population density and gross domestic product would determine how many migrants states have a duty to admit.

Sivanandan, A., "Racism, Liberty and the War on Terror," Institute on Race Relations, London, 2006. Available at: www.irr.org.uk/2006/september/ak000011.html.

Sivanandan, A., "Attacks on multicultural Britain pave the way for enforced assimilation," *The Guardian*, September 13, 2006. Available at: www.guardian.co.uk/print/0%2C%2C329575265-103677%2C00.html.

Tumolva, Cecilia and D, Tomeldan, "Domestic Workers and Caregivers' Rights: the impact of changes to BC's employment standards regulation," in *Canadian Woman Studies/les cahiers de la femme*, Vol 23, No. 3 & 4. Spring/Summer, 2004.

UNESCO, *Project on the International Migrants' Rights Convention*, Geneva. Available at: http://portal.unesco.org/shs/en/ev.php-URL_ID=6554&URL_DO=DO_TOPIC&URL_SECTION=201.html#rapports.

This Web portal includes a number of publications on the prospects of the Convention including several country studies from Asia Pacific (Bangladesh, Indonesia, Japan, South Korea, Philippines, Malaysia, New Zealand, Singapore, Sri Lanka); Africa (Burkina Faso, Senegal, Nigeria, Gabon, Niger, Cameroon, Benin), eastern Europe, and Canada. Research is underway on the European Union (particularly France, Germany, Italy, Norway, Poland, Spain and the United Kingdom) and the Southern African Development Community (SADC).

United Nations High Commission for Refugees (UNHCR), *Statistics*, Geneva.

For detailed statistics to end of 2005, see: www.unhcr.org/cgi-bin/texis/vtx/home?page=statistics.

UNITED for Intercultural Action, *Death by Policy: The Fatal Realities of 'Fortress Europe'*, Amsterdam, 2006. Available at: www.united.non-profit.nl/pages/campfatalrealities.htm.

Since 1993, UNITED has been monitoring and making a list of the refugees and migrants who have died in their attempt to enter "Fortress Europe" or as a result of Europe's immigration policies. This report documents the more than 7,000 deaths have been recorded up to now.

Urry, John, *Sociology Beyond Borders: Mobilities for the Twenty-First Century*, Routledge, London & New York, 2000.

Webb, Maureen, *Illusions of Security: Global Surveillance and Democracy in the Post-9/11 World*, City Lights, San Francisco, publication pending, February 2007.

This book examines the trend towards mass, globalized surveillance and a "pre-emptive" model of security, and its effects on democratic values and human rights around the world. Maureen Webb is a human rights lawyer and activist based at the Canadian Association of University Teachers (CAUT); she is co-chair of the Ottawa-based International Civil Liberties Monitoring Group and the Coordinator for Security and Human Rights issues for Lawyers' Rights Watch Canada.

Webber, Frances, *Border Wars and Asylum Crimes, Statewatch*, U.K., 2006. Updated edition of the Statewatch pamphlet, *Crimes of arrival: immigrants and asylum-seekers in the new Europe* (1995, 2000) by the same author. Available at: www.statewatch.org/ordering/order.html.

The author is a barrister specializing in immigration cases. This document looks at the treatment of asylum seekers across the European Union. Indispensable.

Wiener, Norbert, *The Human Use of Human Beings, Cybernetics and Society*, Anchor Books/Doubleday, New York, 1954, re-issued by De Capo, New York, 1994.

Yau, Jennifer, "Promise and Prospects of the UN's Convention on Migrant Workers," Migration Policy Institute, March 1, 2005.

2. Video

***Borderless* (2006)**

A 25-minute documentary poem about migrants living and working without status in Canada. Told in their own voices, the stories of Geraldo, an undocumented Costa Rican construction worker, and Angela, a second-generation Caribbean domestic worker, bring to life problems of labour exploitation and family separation caused by restrictive immigration policy. Directed by Min Sook Lee with narration text by Dionne Brand, narrated by actor and poet d'bi young. *Borderless* is a production of KAIROS: Canadian Ecumenical Justice Initiatives, www.kairoscanada.org.

***Chavez Ravine: A Los Angeles Story* (2005)
www.pbs.org/independentlens/chavezravine**

The film tells the story of how this Mexican-American community was destroyed during the early 1950s when the city of Los Angeles forcefully evicted the 300 families of Chavez Ravine to make way for a low-income public housing project. Instead of building the promised housing, the city sold the land to Brooklyn Dodgers baseball owner Walter O'Malley, who built Dodger Stadium on the site. Fifty years later, filmmaker Jordan Mechner explores what happened, interviewing many of the former residents of Chavez Ravine, as well as some of the officials who oversaw the destruction of the community. Narrated by Cheech Marin and scored by Ry Cooder and Lalo Guerrero, Chavez Ravine combines

contemporary interviews with archival footage and Normark's haunting black-and-white photographs to reclaim and celebrate a beloved community of the past. Home and educational video copies of *Chavez Ravine: A Los Angeles Story* are available from: Bullfrog Films, phone: 800-543-3764, e-mail: john@bullfrogfilms.com, Web: www.bullfrogfilms.com. The soundtrack recording, *Chavez Ravine*, by Ry Cooder and Lalo Guerrero (2005) is available from: Nonesuch Label, # ASIN: B0009353IW

***Children of Men* (2006) www.childrenofmen.net**

This feature film drama presents a dystopian vision of the future, where refugees and immigrants are hunted down, caged and sent to camps, already a reality in some parts of the world.

***The Crosses of Juárez* (2006) www.opendemocracy.net/arts-photography/crosses_3273.jsp**

A stunning photo essay posted to openDemocracy by Carlos Reyes-Manzo, it documents how since 1993 thousands of Mexican women have been systematically abducted, raped, tortured and killed, and those responsible for the crimes have largely remained free. Carlos Reyes-Manzo documents in images and words a terrible and touching situation that shows no sign of abating.

***Secure Freedom* (2006)**

A CTV documentary film by filmmaker Alexandre Trudeau. Trudeau investigates the inner working of Canada's "security certificates," gaining exclusive access to Hassan Almrei who is being held as a suspected terrorist.

***When Strangers Re-Unite* (1999)
www.pmm.qc.ca/strangers**

Many Filipino live-in caregivers in Canada are separated from their families for years as they work under Canada's immigration policies. This hour-long film by Florchita Bautista and Marie Boti of Productions Mulit-Monde, offers an intimate and candid portrait of what happens when family members, who have become virtual strangers, are reunited.

3. Organizations

Choike www.choike.org

A Web portal dedicated to improving the visibility of the work done by NGOs and social movements from the South. It serves as a platform where citizen groups can disseminate their work, and at the same time enrich it with information from diverse sources, which is presented from the perspective of Southern civil society. Choike is the Mapuche name for the Southern Cross, the constellation that helps travelers find their way. Choike is a project of the Instituto del Tercer Mundo/Third World Institute, based in Montevideo, Uruguay.

December 18 www.december18.net

Named after the International Day of Solidarity with Migrants, initiated in 1997 by Asian migrant organizations, December 18 supports the work of migrant organizations around the world by using the Internet as a tool for advocacy, networking and the dissemination of information. Advocacy is focused on UN human rights protection mechanisms as well as regional developments and initiatives in Europe, the Americas, Asia and Africa. The primary focus remains the ratification of the Convention by all countries.

European Civil Liberties Network www.ecln.org

The ECLN was launched on October 19, 2005 as a long-term project to develop a platform for groups working on civil liberties issues across Europe. Participating organizations share the common objective of seeking to create a European society based on freedom and diversity, a society of fundamental civil liberties and personal and political freedoms, of free movement and freedom of information, and equal rights for all. A collection of “essays in defence of civil liberties and democracy,” produced to mark the launch the ECLN, is available on its Web site. The essays deal with a range of issues – contemporary racism and “Islamophobia,” the “war on terror” and human rights, “speech crime” and deportation, EU policy-making, the politics and technologies of surveillance, immigration and asylum, freedom of information, the criminal justice system and the rights of children.

International Civil Liberties Monitoring Group

Created in 2002, the International Civil Liberties Monitoring Group (ICLMG) is a coalition of over 35 Canadian organizations, created in the aftermath of government reaction to the events of September, 2001. Its purpose is to monitor “anti-terrorism” legislation and other security measures that affect civil liberties, human rights, refugee protection, political dissent, and the activities of charities carrying out international cooperation and humanitarian assistance globally. The ICLMG has raised concerns about Canada’s anti-terrorism legislation and other counter-terrorism measures, the continental harmonization of security policies with the United States, the practice of covert data-sharing among states, the lack of transparency and accountability in the use of security certificates, the erosion of privacy rights, the lack of “due process,” and the lack of political oversight over security operations. The ICLMG also challenges practices that contravene the Canadian Charter of Rights and Freedoms, other Canadian laws and international human rights standards, and monitors the use of security certificates and secret trials to deport landed immigrants and refugees. The Monitoring Group is also part of the International Campaign on Citizen Registration and Global Surveillance [www.i-cams.org] to alert the public, the media and policy makers about the negative impact of harmonized global surveillance on privacy rights, and freedom of movement and association. ICLMG contact: 1 Nicholas Street, Ottawa, Ontario, Canada, K1N 7B7, Telephone 613-241-5298, e-mail Roch Tassé <rocht@iclmg.ca>.

International NGO Platform on the Migrant Workers’ Convention (IPMWC)

IPMWC is a global coalition of 16 international non-governmental organizations, including December 18 which acts as its secretariat, that advocates on issues concerning implementation of the Migrant Workers’ Convention, as well as bringing a migrants’ rights perspective to the work of the six other UN human rights institutions, such the Human Rights Council and the High Commission for Refugees (UNHCR). The NGO Platform also supports national coalitions from countries in the South with the preparation of their own submissions to the United Nations. The IPMWC has recently published a Guide for non-governmental organizations to assist national and regional

organizations and coalitions to use the UN Migrant Workers' Convention as a tool for the promotion and protection of the rights of migrant workers and their families, available on-line in English, Spanish and French at www.december18.net. Printed copies can be ordered from the IPMWC Secretariat. More information about the International NGO Platform on the Migrant Workers' Convention, and the Migrant Workers' Convention itself, can also be found at www.december18.net.

Joint Council for the Welfare of Immigrants (JCWI)
www.jcwi.org.uk

JCWI is an independent non-governmental organization in the United Kingdom working in the field of immigration, asylum, European Community free movement, and British nationality law. Established in 1967, JCWI has a network of over 1,000 participants and support from national trade unions, human rights and legal defence groups, faith organizations, and the anti-racist movement. It has participated in Europe-wide discussion on the shape and direction of migration policy and is currently active in the European Migration Dialogue, the European Platform for the Rights of Migrant Workers, and the Platform for International Cooperation on Undocumented Migrants.

The Migration Information Source
www.migrationinformation.org/index.cfm

This site provides fresh thought, authoritative data from numerous global organizations and governments, and global analysis of international migration and refugee trends. A unique, online resource, the Source offers useful tools, vital data, and essential facts on the movement of people worldwide. The Migration Information Source is a project of the Migration Policy Institute.

Migration Watch **www.migrationwatchuk.org**

This is a perspective from another quarter: the neo-conservative agenda in independent think-tank form.

No One is Illegal (UK) **www.noii.org.uk**

More than just a great campaigning slogan, this organization is leading the progressive debate in Britain and in many senses, in the world.

No Border Network **www.noborder.org**

NBN conducts activist campaigns across Europe.

Privacy International **www.privacyinternational.org**

The PI web site contains several primary documents on abuses of national security regimes and related issues. Notable new resources is the annual report by the Electronic Privacy Information Center and Privacy International, which reviews the state of privacy in more than 70 countries around the world. It outlines legal protections for privacy, and summarizes important issues and events relating to privacy and surveillance. Each country report covers the constitutional, legal, and regulatory framework protecting privacy and the surveillance of communications by law enforcement, new landmark court cases, most noteworthy advocacy work of non-governmental organizations and human rights groups, various new developments, and major news stories related to privacy. Issued October 30, 2006; available at: [www.privacyinternational.org/article.shtml?cmd\[347\]=x-347-545223](http://www.privacyinternational.org/article.shtml?cmd[347]=x-347-545223)

Statewatch **www.statewatch.org**

Founded in 1991, Statewatch is comprised of lawyers, academics, journalists, researchers and community activists. Its European network of contributors is drawn from 15 countries. Statewatch encourages the publication of investigative journalism and critical research in the fields of the state, justice and home affairs, civil liberties, accountability and openness. One of Statewatch's primary purposes is to provide a service for civil society to encourage informed discussion and debate through the provision of news, features and analyses backed up by full-text documentation so that people can access for themselves primary sources and come to their own conclusions. The Statewatch bulletin is now in its 13th year of publication. Coverage includes news, features, and research sources on new measures introduced by national governments and the EU institutions in Brussels as well as reporting from the ground on the effect of policies and state practices in the community. Statewatch News Online carries news and features with extensive full-text background documentation to supplement coverage in the bulletin. On its Web site, Statewatch maintains fourteen "Observatories" on civil liberties and openness in the EU and a further four "Observatories" on the Statewatch European Monitoring and Documentation Centre (SEMDOC). Together with News Online, they provide comprehensive resources widely accessed across Europe. The Statewatch

subscriber Web site is accessible through an online subscription to bulletin subscribers; it carries the current bulletin in PDF format, and a database of all coverage in the bulletin from 1991 to the current issue. Statewatch is a member of the International Campaign Against Mass Surveillance (ICAMS) [www.i-cams.org] founded by the American Civil Liberties Union (ACLU), Focus on the Global South (Thailand), the Friends Committee on National Legislation (USA), the International Civil Liberties Monitoring Group (Canada) and Statewatch. Contact: Statewatch, PO Box 1516, London N16 0EW, UK tel: (00 44) 208 802 1882, e-mail: office@statewatch.org www.statewatch.org.

United Nations Educational, Scientific and Cultural Organization (UNESCO)

Among its wide range of activities, UNESCO advocates for the MWC, and is a very useful source of information on migrant issues. See: http://portal.unesco.org/shs/es/ev.php-URL_ID=1513&URL_DO=DO_TOPIC&URL_SECTION=201.html.

UNITED for Intercultural Action
www.unitedagainstracism.org

UNITED is a voluntary cooperation of more than 560 organizations from 49 European countries united in an anti-racism network promoting the rights of refugees and migrants, and an end to racism, nationalism and discrimination. Contact: Postbus 413, NL-1000 AK Amsterdam, Netherlands, phone +31-20-6834778, fax +31-20-683458, email: info@unitedagainstracism.org.

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