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ADVOCACY UPDATE

Report from Santiago Hemispheric Forums on Human Mobility, Human Rights and Human Trafficking, November 19-22, 2002

Last month, migrant and human rights advocates from throughout the Americas gathered in Santiago, Chile for the Civil Society Forum of the Americas on Human Mobility. This forum took place parallel to the inter-governmental Hemispheric Conference on International Migration: Human Rights and Trafficking in Persons in the Americas. We have summarized some of the highlights and key outcomes of both gatherings below, and we have attached to this message English and Spanish versions of the civil society declaration to the governments as well.

Please note: this is the first posting on the listserv we created to facilitate communication amongst US-based organizations concerned with regional and hemispheric migration issues and policy discussions. Everyone who participated in the Oct. 7 meeting in Washington regarding the Regional Network of Civil Organizations on Migration (RNCOM) was added to the list; if you would like to be removed from this list, please send an email to Spring Miller, smiller@enlacesamerica.org. This is an open list, if you know of others who would be interested in receiving these updates, feel free to pass this along and/or send email to smiller@enlacesamerica.org.

Civil Society Forum

The civil society meeting offered a first opportunity for organizations working on various aspects of the migration phenomenon and protection of migrants' human rights throughout the Americas to meet and share experiences. Although sometimes lacking in focus, the civil society gathering offered a number of opportunities for lively exchange. Both the RNCOM and the emerging South American Forum took advantage of the larger gathering to meet separately. The two networks also met together in an evening session and began to lay the groundwork for more formal exchanges.

An Economic Commission on Latin America (ECLAC) study released the day before the conference began reported that there are 20 million people from North and South America living outside their country of origin, half of whom emigrated during the 1990s. Most emigrants from Latin America end up in the United States, though significant numbers are also residing in other countries in the region or in Europe. The Civil Society meeting opened just as the region's defense ministers were convening to discuss regional security. As a result, concerns about the increased militarization of borders and ensuing human rights violations were never far from the center of most discussions.

Participants

Approximately 100 representatives of civil society organizations participated in the civil society forum. Forum participants from Central and North America and the Dominican Republic were largely representatives of member organizations of the Regional Network of Civil Organizations on Migration (RNCOM).

Most Forum participants representing South American organizations are involved in the emergent process of the South American network on migration. This regional network held its first gathering in August 2002 in Quito, Ecuador. The South American Forum loosely parallels a South American inter-governmental forum on migration, but, in contrast to the RNCOM, it is developing an autonomous and multi-issue civil society agenda and space.

Major themes:

Need for Regional Policy and Rules

Speakers and conference participants pointed to several trends which inhibit full compliance with international standards of protection for migrants and refugees in the Americas. First, a number of countries in the hemisphere, many of which are simultaneously countries of origin, destination, and transit for migrants, have not yet developed comprehensive migration policies or the infrastructure to deal with the various dimensions of the migration phenomenon. The RNCOM “Guidelines” initiative attempted to address at least part of this concern by creating standards for detention and deportation within North America, Central America and the Dominican Republic. However, security concerns have stalled efforts to promote official adoption of the guidelines. The Mercosur recently announced a process to legalize workers within the Mercosur (plus Chile and Bolivia) region. This is regarded as a very positive step, but the full implications will emerge as the agreement begins to be implemented.

Dominance of Security Agenda

Second, and perhaps most importantly, the U.S.’ post-9/11 national security strategy, which has come to dominate its migration policy agenda, has been imposed on other countries throughout the region. Subverting migration policy discussions to national security concerns obscures receiving and sending countries’ economic dependence on migration, distorts what should be the administrative, non-criminal nature of migration management, and undermines state obligations to protect migrants’ human rights.

Root Causes of Migration

The importance of addressing the root causes of migration emerged as another key theme of the meeting. Many of the organizations from South America have their origins in community development and economic justice movements. Participants discussed the roles of trade and integration as forces generating migration flows, as well as specific concerns about the impacts of the proposed Free Trade Area of the Americas, and of increased violence in Colombia. Most participants appeared to depart from a strong conviction that civil society must work together to advance a broad rights agenda (including social, economic, and cultural rights) in order to make systemic improvements for migrants and potential migrants in the region.

Trafficking

The issue of human trafficking emerged on the civil society agenda as a reflection of the longstanding concern with protecting more vulnerable migrant and potential migrant populations. Led by some of the more experienced groups from Brazil, Colombia and the United States, the discussion of human trafficking as a social phenomena and human rights concern was provided a rich opportunity for learning and debate. While participants expressed some caution in embracing government-initiated counter-trafficking initiatives without consideration for human rights implications, a call for additional research, prevent and protection measures for trafficked persons was recorded. As one participant noted, the goal is to ensure safe migration.

Next Steps

Given the international causes and repercussions of the migration phenomenon, and the fact that national migration policies and practices throughout the hemisphere are increasingly being developed and implemented in the framework of a security agenda defined by the U.S., participants agreed that developing mechanisms for future hemispheric collaboration and communication is critical. However, participants also felt that because of the diverse migratory realities throughout the hemisphere, and the fact that their attempts to get to know one another are still in infant stages, discussions of the formation of a hemispheric civil society forum are premature. First, it is important to strengthen and consolidate national and sub-regional processes and ensure that these processes are effectively strengthening advocacy work already underway.

The North and Central American regional process (RNCOM) is in a state of internal transformation and transition. The network's efforts in recent years have focused on advocacy directed towards the inter-governmental Regional Conference on Migration (RCM) process and specifically the promotion of the Regional Guidelines. Now that the Guidelines campaign is stalled, and the future of the RCM itself is uncertain, RNCOM members are currently undertaking a planning process to identify ways in which the network can reformulate its substantive focus and internal process in order to remain a useful regional space for the promotion of migrants' rights. RNCOM members met in Santiago to discuss a time frame for the strategic planning, currently scheduled for the first quarter of 2003.

The South American process is much newer than the RNCOM, having convened its first gathering in August of this year. The South American process is being spearheaded by a national coalition of diverse groups in Ecuador concerned with migration. One interesting characteristic of the Ecuadorian coalition is that there are a number of well-organized, well-established migrant-led organizations who are playing a protagonistic role in the development of the national forum. Representatives of the Ecuadorian national coalition, as well as organizations from Venezuela, Colombia, Peru, Brazil, Argentina, and Chile, participated in the Santiago forum. The political landscape in South America is evolving rapidly (with the recent elections of left-leaning populists in Ecuador and Brazil, the continued political uncertainty in Venezuela and economic uncertainty in Argentina), and coordinated regional activity on migration issues is still in its infant stages.

Participants in the South American forum and the RNCOM committed to remain in communication with one another as they go about strengthening their own national and sub-regional processes.

Participants identified several areas in which hemispheric mechanisms for communication would be useful in strengthening their local/national work:

1. direct service/case support
2. policy analysis, advocacy
3. strengthening the voices of organized migrants – creating spaces for mutual education, communication, and building political power

Governmental Forum

The final governmental declaration is scheduled to be released within a month. The final text will be available at www.cepal.cl.

The meeting was not of great import in terms of concrete policy decisions, but served to illuminate the extent to which security concerns dominate the current U.S. and hemispheric migration policy agenda. The U.S. government appears to be enthusiastically promoting efforts to stop human trafficking from the perspective of migration control. While advocates are pleased that the governments are paying attention to the issue of trafficking and want to look for ways to support them in providing services to victims, they are concerned that the governments are using trafficking or smuggling crackdown efforts as a pretext for the further criminalization of human mobility and militarization of national borders. Greater efforts need to be made to clarify the distinctions between smuggling and trafficking, and the importance of framing counter-trafficking measures in a human rights context.