



To Migrate or Not to Migrate: Defending Human Rights at Home and Abroad

IHRFG Semi-Annual Meeting, San Francisco, California
Tuesday, January 26, 2010, 11:00 – 12:30 am

Facilitator: **Lilian Autler**, Grassroots International

Speakers: **Catherine Tactaquin**, National Network for Immigrant and Refugee Rights; **Colin Rajah**, National network for Immigrant and Refugee Rights; **Aldo Gonzalez**, Union of Organizations of Sierra Juarez of Oaxaca, Mexico

Sponsor: Grassroots International

Lilian Autler provided a brief description of the session, indicating that it will focus on the process of migration from a human rights perspective. Specifically, on ways migration is embedded into different policies, including: immigration, trade, agriculture, and approaches to development in general.

She described what each of the panelists will be discussing. Aldo will discuss why people have migrated in large numbers out of immigrant communities in Oaxaca and what orgs are doing to protect their rights. Colin and Cathy will talk about migration in the international context and how policies are being discussed at international level. Finally, they will discuss how human rights funders can support initiatives to protect the human rights of migrants and how funders can impact policy making relating to migrants.

Aldo Gonzalez provided a background on the history of indigenous communities in Oaxaca. He discussed the implications of Spanish conquistadors on indigenous territories, stating that indigenous territories were destroyed in the process. Indigenous land, which has historically been held collectively, is now being privatized. This is detrimental to indigenous communities because families within the community can no longer be of mutual aid when there is not enough money to work the land and neighbors can no longer help work the land, as is possible in the collective holding model. Changes in the law have also impacted these communities. Guaranteed prices have been eliminated by the World Trade Organization and the Land Reform Law of 1992 allows for people outside the community to buy communal land. Mining companies can buy land with government concession and the extracting industry does not need the aid of the local communities. This has resulted in unemployment and displacement of indigenous people. Additionally, environmental organizations are beginning to provide payment for environmental services. They do not take into consideration that local people grow food on these lands, without which they are forced to migrate. When people are forced to migrate, they cannot participate in the community as they used to. They cannot have communal meetings and maintain their socio-political structure. Young people break away from custom and tradition. Indigenous people need to reinforce the process of growing their own grains for food. They also need to discuss their autonomy and the right to self-determination with the Mexican government.

Colin Rajah discussed how government policies to address climate change displace communities, something that is not being thought about. Trade agreements, economic partnerships seek to promote development, however they also cause a dramatic shift in how land is used in indigenous communities. Forms of sustainable living get

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shifting to larger industries. The countries of the global north enforce immigration control and closing down of borders, creating choke points and causing a funnel effect for displaced people trying to find other forms of sustainable living. Another important issue is to manage migration so that both the sending and receiving countries benefit economically. Temporary and guest worker programs are a good way to make this happen. An example is the Philippines, where labor exportation makes up 20% of national GDP. This has shifted the focus of migration in terms of human rights and the protection of migrants. In 2006, the international community began to look at a framework that focused on both migration and development. Looking at migration within a development framework between governments can help push an agenda that is beneficial to both countries. At human rights level, within this framework, there has been a deterioration of rights of migrant workers because they are seen as economic commodities and an endless supply of labor (they go back to their home countries with developed skills). Another shortcoming is that people remain in a state of flux and the family and community structure is negatively affected. It also exposes migrants to exploitation and abuse. With the launch of the Global Forum on Migration and Development, the discourse shift back to human rights issues in migration and development

Cathy Tactaquin focused on issues faced by migrant communities, using Haitian population in the U.S. as an example and opportunities for the international community to intervene. The issues faced by this community include: poverty in home country, lack of status in destination countries, loss of family, friends as a result of political and natural disasters. They are stuck without guarantees and protection. Marginalized communities have managed to become organized and play roles on national and international level. For example, they are working with faith communities to focus on migration. She noted that the UN Human Rights Council over next 2 years will focus on migration. The US now has seat in UN HR Council and can raise human rights concerns. Also, the International Labor Conference will employ a new resolution on domestic workers rights. The Beijing Platform on Women's Rights will focus on migrant women. This will address the important Intersection of gender with migrants' rights b/c majority of migrants are women – they will look at questions of families and children. She concluded by reiterating how these are all examples of the panorama of work and opportunities for impact at an international level.

Questions and Answers:

Q: A question was asked about the Migrants Rights Convention and whether the panelists foresaw the U.S. ratifying it.

A: The convention is a great educational tool, but the US has said that they do not need it because their human rights standards go beyond the convention. At global level, there is campaign for global ratification.

Q: Questions were asked regarding how migration is impacting the food system within indigenous communities.

A: One impact can be seen within the indigenous population in Mexico. Because of policies in Mexico that have forced people to migrate and stop growing their own corn, they are obliged to buy corn from outside. This is important because corn is the principal form of food for all Mexicans. Also, some challenges for the food movement are to look at abuses of labor in the food industry/system, which is held together by migrant workers.

Q: A question was asked about the remittance movement and how it can be used to channel money back into communities that need it.

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A: The remittance movement can be used to help indigenous communities, but corporations, banks, and money transfer agencies need to stop the use of exploitation to make a profit. Also, remittances cannot be used as an engine for international development; instead, governments need to make efforts towards sustainable economic development.