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# Discourse Contestation, Deliberation, and the Democratization of Global Governance: Evaluating the Labour Migration-and-Development Arena Against the 'Discursive Democracy' Ideal

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## ABSTRACT

The labour migration-and-development (LMD) nexus has emerged as a salient global governance (GG) agenda and demands for global democratic legitimacy have been heard from the public sphere, yet the extent to which the GG on LMD is characterized with the participation by and consideration for 'All-Affected People' (AAP) is underexplored in existing literature. To mitigate concerns about the AAP (debates about who constitutes the category or its potentially extensive number) and the possibility of democracy being merely symbolic, this paper deploys the 'Discursive Democracy' (DiDe) normative yardstick which de-emphasizes 'actors' participation' for: 1) 'discourse contestation' in public spaces, and 2) 'inclusive', 'authentic deliberations' between public discourses as 'political equals' in authoritative spaces. This paper devotes special attention to the recent, consequential yet underexplored authoritative space of the 2016 UN High Level Summit on Migrants and Refugees (UNHLSM) and select public places prior to the event. Through deploying Stevenson and Dryzek's (2012a) coding scheme, this paper finds that the analyzed public spaces were healthy enough as a collective to the extent that it was inhibited by 4 contending LMD discourses which differ in political and economic terms: Bounded Management, Counter-Mobility, Mainstream Rights, and Grassroots Radicalism. By coding UNHLSM speeches with Stevenson and Dryzek's (2012a) scheme, interviewing a UNHLSM participant, as well as analyzing conference recordings/documents, and media reports, this paper illustrates a rather somber picture of the UNHLSM's deliberative contestations. Although not hegemonized by one public discourse class, the UNHLSM was marred by discursive exclusivity/inequality, as well as mistrust, instances of disrespect/coercion, and a lack of reflexivity. No features of deliberative contestations were completely absent in the UNHLSM, yet all were jeopardized in one way or another (leading to a 'low' quality overall).

**Keywords: Global Governance; Legitimacy; Discursive Democracy; Discourses; Labour Migration-and-Development**

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## ACRONYMS

AAP : All-Affected People

AOSIS : Alliance of Small Island States

ASEAN : Association of Southeast Asian Nations

DD : Deliberative Democracy

DiDe : Discursive Democracy

GA : General Assembly (UN)

GCS : Global Civil Society

GFMD : Global Forum on Migration and Development

GG : Global Governance

ILO : International Labour Organization

IMA : International Migrants Alliance

IOs : International Organization(s)

IOM : International Office for Migration

NGOs : Non-Governmental Organization(s)

RTD : Round Table Discussion (UNHLSM)

SDGs : Sustainable Development Goals

UN : United Nations

UNHLSM : United Nations High Level Summit on Migrants and Refugees

# Chapter I. Introduction

The labour migration-and-development (LMD) nexus[1] has risen high in global governance[2] (GG) agenda, yet scant academic attention has been paid to its state of democratic legitimacy. In this globalization era where there is a surge in cross-border phenomena, including labour migration, as well as a dispersion of power and authority to actors and locales, demands for *global* democracy which emphasizes the participation by and consideration for 'All-Affected People' (AAP) have now gained currency. Not only voiced by political theorists (i.e. Archibugi *et. al.,* 2012), demands for global democracy are now frequently heard from the public sphere. In the LMD context, they come from, namely, the International Migrants Alliance (IMA) and the Global Forum on Migration and Development (GFMD) Civil Society Days.[3] People may desire global democracy for different normative and or practical reasons (Koenig-Archibugi, 2017), yet it remains a desirable GG trait which cannot be ignored, especially for a nexus as salient as the LMD.

In response to concerns about the lack of *feasibility* of extending democracy to the global level and possibility of democracy becoming merely procedural, this paper employs 'discursive democracy' (DiDe) as a normative yardstick to empirically evaluate the GG on LMD[4]. By emphasizing the '*deliberative contestation*' of *all* '*discourse classes*' (Dryzek and Stevenson,

[1] The term often used in policy documents is migration-and-development, yet our focus is on 'labour migration', or the medium to long-term movement to find (better) employment abroad (excluding students). Labour migrants account for 150 million of the 232 million international migrants in 2013 (ILO, 2015).

[2] GG is conceptualized as the sum of cross-border coordination to provide public goods or solve global issues. More explanations in Chapter 2.

[3] "I'm speaking … to ensure that the voice of the most affected and the most marginalized … are heard. Your declaration must commit to **democratization of global institution and power** ..." (Lestari, 2015; emphasis added); "… **no democratic legitimacy is increasing** … We claim a rightful place by demanding genuine participation in governance … A place at the decision-making table and co-responsibility …" (Packer, 2015; emphasis added)

[4] The public may have various conceptualizations of what democratic legitimacy is, yet this paper focuses on 'DiDe'.

2011), DiDe mitigates debates about who constitutes the AAP, the complexity of crafting a representation mechanism for the (likely) extensive amount of AAP, and the difficulty of ensuring that democracy is not merely symbolic. The AAP's many viewpoints, according to DiDe, can be simplified into a manageable number of discourse classes, which are then (ideally) transferred to authoritative spaces to be deliberated as political equals on the basis of authenticity (trust, respect, absence of coercion, listening, and reflexivity). As it is inclusive of all perspectives which acknowledge that problems exist and offers better prospects for meaningful engagement, DiDe is normatively-defensible. It is also a relatively practical conception of global democracy as it simplifies the number of participants and requires no material redistribution as a pre-requisite. Against this backdrop, this research paper purports to answer the following question:

***"To what extent does the global governance on labour migration-and-development fulfill the 'discursive democracy' ideal?"***

The contributions of this research to existing global politics literature are as follow. First, it helps mitigate what Archibugi *et. al.* (2012) identify as a growing gap between normative and empirical accounts of global democracy. Dryzek and Stevenson (2011) and Stevenson and Dryzek (2012a; 2012b) have also empirically-evaluated the global climate governance against the DiDe, yet here I introduce a new arena: GG on LMD. This paper also contributes to LMD literature which have underexplored the subject, and tend to conceptualize global democracy only in terms of the procedural inclusion of global civil society (GCS) as socially-driven actors who speak a unified 'labour migrants' rights-oriented' discourse. This paper instead conceptualizes GCS as a 'sphere' of contending discourses which may not necessarily be only driven by social logic (following

Glasius and Ishkanian, 2015) and employs DiDe which ultimately generates a more nuanced view of the discursive terrain on the LMD nexus and a 'thicker' conceptualization of global democracy.

Ultimately, this paper presents a two-fold argument regarding the GG on LMD's empirical state of democratic legitimacy. To understand them, however, the limitations of this paper must firstly be delineated. First, this paper does not cover the entire GG on LMD architecture, instead focuses on the 2016 United Nations High Level Summit on Migrants and Refugees (UNHLSM) as a recent, consequential, yet underexplored authoritative LMD space, and a select number of public spaces prior to the evenet. Second, this paper also does not present a complete report of the DiDe situation in each of the public spaces analyzed (the speakers and deliberative contestations), instead focusing more broadly on identifying the discourse classes present in them as a collective. This is a justified limitation as there is still a place for 'deliberative enclaves' prior to deliberations (Stevenson and Dryzek, 2012a), and authoritative spaces are more consequential than the public sphere. The analyzed public spaces, as a whole, are found to be healthy enough to be inhibited by a multiplicity of contending discourses (fulfilling the 'contestatory' quality). Having said that, the UNHLSM's deliberative quality is found to be low. It was not hegemonized by one single logic and none of the features of deliberative contestations were completely missing. Yet, it was marred by tendencies toward 'discursive exclusivity/inequality' and a lack of 'deliberative authenticity' (with deep-seated mistrust, instances of coercion/disrespectful behavior, and a lack of reflexivity).

This paper is structured as follows. After this research is contextualized within the broader literary context of global democratic legitimacy, DiDe, and the LMD (Chapter 2), an exploration of the contestation of discourses in the GCS is presented (Chapter 3). Then, an analysis of the

UNHLSM's deliberative contestations is served in Chapter 4. To ease the readers in following the author's argument, this paper's 'methodology' is not explained in a separate section, instead tailored directly in the analysis. Lastly, the paper's conclusion and implications are served in Chapter 5.

# Chapter 2. Globalization and the New Dynamics of Governance: GG on LMD, (Global) Democratic Legitimacy, and 'DiDe'

## 2.1. Globalization and the Desirability of (Global) Democratic Legitimacy

Globalization has generated profound changes in contemporary governance. This paper adopts the transformationalist argument that globalization has not only facilitated the emergence of cross-border issues, but also a dispersal of power and authority to multiple actors and locales ('polycentrism' or GG), including International Organizations (IOs) (Zürn, 2012). The increased rate of labour migration and its perceived linkage with development (the LMD nexus) has now especially surged as an agenda in new global authoritative spaces (namely the GFMD) and existing IOs (i.e. the UNHLSM). When it comes to governance, 'legitimacy' is a vital component which indicates that the rule is justified in the eyes of subjects (Steffek and Hahn, 2010), and in today's context legitimacy is widely accepted to be rooted in 'democracy', or 'rule by the people' (*demos*) (Archibugi et. al., 2012). In response to globalization, demands for *global* democracy have now been voiced by political scientists and members of the public, including in the LMD context. I do not claim that democracy is a universally accepted source of legitimacy (Scharpf (1999) and Lovelock (2010), for example, argue that legitimacy hinges on effectiveness, or 'output legitimacy'), instead I simply stress that in *today*'s context, democracy remains *widely-accepted* as a major feature of legitimate GG which cannot be ignored.

Demands for 'global democracy' are strong, yet how can it be realized? *'Demos'* used to be accepted rather straightforwardly in the Westphalian statism era as 'national citizens' and the *'kratos'* as 'governments' within territorial bounds (Koenig-Archibugi, 2017). As issues and the effects of policies cut across borders, however, this paper agrees with the cosmopolitans that the

notion of '*demos*' has to encompass the 'AAP'. As for the *kratos*, some (refer to Marchetti, 2008) propose IOs which consist of democratic governments. Yet, not all governments today are democratic, and even if so they may only represent their citizens (no immediate guarantee that they would consider the AAP). This *kratos* idea is further weakened by the emergence of cross-border solidarities and increasing disconnect with nation-states, with the forming of IMA by some labour migrants from Indonesia and the Philippines to resist their subjugation as tools for *national* development as one evidence. Alternatively, some (consult Marchetti, 2008) propose the idea of global elections through which world citizens can directly elect their representatives. Yet, this is too logistically-taxing. Others (read Steffek and Hahn, 2010) argue for the procedural inclusion of some 'non-profit, socially-driven' actors under the banner of GCS to sit alongside states in IOs as a representative of those 'left behind' by governments. That said, the GCS cannot be construed as a single society who speaks one common, value-driven language. Instead, the GCS consists of a multiplicity of actors – professionalized Non-Governmental Organizations (NGOs), social movements, etc. - who may have competing viewpoints. If, say, all of them are to be included, we again encounter the 'lack of feasibility' issue. Recently, deliberative democrats (DD) also argue that democracy must be oriented toward meaningful engagement rather than mere procedural features. Normatively-appealing it may be, yet how can *all* AAP be admitted as GG participants? Or rather, what procedures can ensure that the 'representatives' truly represent *all* contending views from AAP?

### 2.2. DiDe as a Relatively More Practical Strand of DD

Although they share an affinity for meaningful engagement, DiDe is relatively more practical than DD as it favors 'discourse *classes*' to 'actors' (Dryzek and Niemeyer, 1998). Defined as linguistic

symbols which represent shared meanings (Hajer, 1995), discourses are consequential as they encapsulate diverse values, needs, and interests (Dryzek and Stevenson, 2011), coordinate people even in the absence of direct communications (Stevenson and Dryzek, 2012a), and influence practices (Holzscheiter, 2010). Discourse classes themselves are argued to embody similarities in the following: 1) **basic entities** whose existence is recognized or constructed, 2) assumptions about **natural relationships**, 3) **agents and their motives**, and 4) **key metaphors** or rhetorical devices (Stevenson and Dryzek, 2012a). GG is thus envisioned as a 'global deliberative system' consisting of: 1) healthy global 'public spaces' (GCS) filled with contending discourses, and 2) 'authoritative spaces' where consequential decisions are taken after deliberative contestations (Dryzek and Stevenson, 2011). In this paper, I follow Glasius and Ishkanian (2015) who do not conceptualize GCS discourses as merely being socially-driven, instead could also be more commercial or security-based. DiDe is ultimately also inclusive as it accommodates *all* discourses as political equals (Dryzek, 2000), even those often deemed as 'xenophobic', 'racist', and or 'not scientific', so long as they accept that problems exist. Not only it ethical as they are legitimate viewpoints from the AAP, it is also rational as it enables policy designs to be criticized from all possible angles (Stevenson and Dryzek, 2012b). 'Bad' arguments will ultimately be washed away by the endogenous mechanisms of deliberations encapsulated by 'reflexivity', or participants' openness to the weaknesses/merits of *all* discourses on the basis of trust, respect, and listening, not coercion or structural power (Mansbridge, 2009). As all AAP viewpoints are included yet simplified and the matter of *who* speaks is less problematized, DiDe mitigates the many complications pertaining to global democracy's *demos* and *kratos*.

How, then, does DiDe withstand criticisms emanating from those skeptical of political equality in the face of material inequality and hegemonic discourses? Gutmann and Thompson (1996), for one, argue that material redistribution is a necessary pre-requisite for DD. On a more structural level, Foucault (1980) contends that hegemonic discourses such as 'neoliberalism' *always* jeopardize deliberative processes. Dryzek (2000) is not oblivious to asymmetric power structures, yet views them optimistically as a grist for contestation and rejects the implicit assumption that materially-weak discourse carriers necessarily have communications deficiencies or devoid of influence. The 2015 Paris Accord was evident of this, where materially-weaker AOSIS countries could push industrialized countries to accept an ambitious 1.5 degree Celcius mitigation target. Stevenson and Dryzek (2012a) are also optimistic that the democratization of the production of meaning is plausible, with the emergence of alternative climate discourses which criticize neoliberalism as evidence. In sum, DiDe acknowledges that political inequality does exist in today's world and *can* occur jeopardize the authenticity of deliberative contestations, yet by the same breath also believes that 'political equality' is not something that is completely implausible.

### 2.3. Filling a Knowledge Gap: Applying the DiDe Yardstick on the GG on LMD

Existing LMD literature are predominantly focused on two aspects: 1) academic perspectives on how the nexus should be construed, and 2) the institutional architecture of and actor-related dynamics in the GG on LMD, with scant attention given to the GG on LMD's democratic legitimacy (and practically none to its interconnection with DiDe). This section presents a survey of the existing LMD literature and identifying the gap which this research seeks to fill.

### 2.3.1. LMD Literature 1: How Academics Construe the Nexus

Academics are divided into the 'optimists' and the 'pessimists' when it comes to how the nexus should be construed. While optimists view migration as beneficial for all, pessimists view it as being driven by underdevelopment in origin countries and that development is generated at the expense of labour migrants. For *optimists*, migration not only fills labour gaps in host states, but also generates 'financial remittances', or money sent back by migrants to their families back home which spur short-term consumption and economic growth (Ratha, 2003; Maimbo and Ratha, 2005). Moving beyond economic benefits, Levitt (1998) coins 'social remittances' to denote how migrants remit development values, while Rüland et. al. (2009) explore how migrants may influence democratization in the global South. To mitigate 'brain drain', or loss of potential human resources in origin countries, temporary migration is championed as a 'win-win' solution (consult Faist and Fauser, 2011). Migration is also perceived as widening migrants' families access to public services in the neoliberal era where governments roll back (Adida and Girod, 2011; de Haas, 2012; Rose Taylor, 2016). Ultimately, migration is believed as a more effective development tool compared to development aid or loans (Rosewarne, 2012). Meanwhile, *pessimists* such as Glick Schiller (2011) and Delgado Wise, Covarrubias, and Puente (2013) argue that (neoliberal) globalization caused many in the South to lose their jobs and subsidies – eventually, forced to migrate to the richer North. For them, there is a 'conspiracy' between underdeveloped origin countries, profit-maximizing businesses who desire cheap labors, and host countries who seek to fill low-security jobs denounced by citizens. Not only paid cheap wages, migrants as 'non-citizens' also have limited access to services and yet perceived as threats. Glorifying remittances is ultimately viewed as the North's strategy to justify less development aid and lump the burden for development on vulnerable individuals, especially females (Silvey, 2004; Munck, 2008). Castles

and Delgado Wise (2008) even contend that the nexus projects a false illusion that migrants can remit meaningfully in the absence of development in origin countries. The lack of conclusive findings notwithstanding, this category of literature illuminates how the many facets of the nexus are heavily contested (by scholars).

### 2.3.2. LMD Literature 2: The Institutional Architecture of and Actor-related Dynamics in the GG on LMD

As migration is a contentious issue rife with sovereignty, security, economic, and national identity concerns, its GG has been quite 'a laggard' despite its strong cross-border logic as a feature of economic globalization (Standing, 2008; Rother and Piper, 2014). It has historically been piecemeal and lacking in coherence (Grugel and Piper, 2011), yet this has recently shifted due to the failures of national/regional governance (Castles and Miller, 2003) and a renewed interest over its potential linkage with development. Rother (2010) has explored the evolutions in the GFMD's institutional characteristics, while Kunz (2013) argues that 'partnerships' are now a favored LMD governance mechanism and Babel et. al. (2015) explore Switzerland's 'one Switzerland' strategy as the 2014 GFMD Chair. Contrary to the 'top down' analysis, Rother (2009), Basok and Piper (2010), Piper and Rother (2012), Rother and Piper (2014), Schierup, Ålund, Likić-Brborić (2014), and Piper (2015) explore from the 'bottom up' how social activists under the heading of 'rights-oriented GCS' navigate the institutional complexity of the state-led GG on LMD, such as in the GFMD and ASEAN. In sum, this category of literature illuminates the salience of LMD as a GG agenda and the growth of GCS actors with their (seemingly unified) 'labour migrants' rights'-oriented discourse. Specifically, it also illuminates how the GFMD has received much attention while other IOs, such as the UN, have received little to none.

### 2.3.3. LMD Literature 3: The (Underexplored) Democratic Legitimacy of the GG on LMD

It is only recently that literature on the GG on LMD began to talk about 'global democracy', and they have also only couched the discussions in terms of the procedural inclusion of a seemingly-unified 'labour migrants' rights-driven' GCS. This lack of consideration over the democracy – GG on LMD interlinkage is quite surprising, especially considering how migration poses a major complication to the traditional national citizenship-based notion of democracy (Piper and Rother, 2015). Building on their 'bottom up' analysis of GCS actors' collective struggles, Rother and Piper (2014) and Piper (2015) converge on the conclusion that the existing 'democratic deficit' in the GG on LMD has been fairly mitigated with the inclusion of some of those actors. This line of work contributes to an under-researched topic, yet as I have outlined previously, it would be more productive to conceptualize GCS as a sphere of contending discourses, as consistent with the DiDe yardstick. Specifically, a *sphere* of competing discourses which may not necessarily be purely driven by social values (Glasius and Ishkanian, 2015) so as to capture the many contestations of meaning prevalent in the minds of the AAP, or the *demos* of global democracy.

## Chapter 3. GG on LMD's Healthy Set of Public Spaces: A Contestation between 4 Discourse Classes (in Political and Economic Terms)

Prior to analyzing the UNHLSM's quality of deliberative contestations, this Chapter firstly investigates the 'contestatory' quality of the GG on LMD's public spaces to: 1) understand whether they, as a collective, are inhibited by a multiplicity of contending discourses, and, if so, 2) identify the catalogue of public discourses which must be admitted in the UNHLSM. Ultimately, I used Stevenson and Dryzek's (2012a; 2012b) DiDe coding scheme (as outlined in section 2.2.)[5] to classify texts and verbal exchanges from physical public spaces (parallel conferences, seminars, organized protests, and speech rallies) which occurred between January 2014 (after the 2013 UN High Level Dialogue on MD II) - September 18, 2016 (a day before the UNHLSM) into 'discourse classes (refer to Appendix 1 for the list of public spaces). As the aim is to identify *the competing viewpoints* uttered in the *public sphere*, I de-emphasize explanations of the discourse classes' internal coherence, the discursive representatives, and the quality of deliberative contestations in each of the public space analyzed.

Ultimately, this Chapter demonstrates that the public spaces, as a collective, are healthy enough to the extent that they are not hegemonized by one logic, instead characterized by a contestation of 4 discourse classes in **political and economic** terms.

Regarding their **political** orientations, discourse classes are divided when it comes to whether they view (1) labour migration as being more of a challenge to Westphalian statism or labour migrants' rights/welfare, and 2) the solutions as located in statist or *polycentric* governance.

[5] Stevenson and Dryzek (2012a) do not stipulate a set number of minimum texts for a discourse class to be identified.

Regarding **economic** orientations, they are differentiated on the basis of whether they *accept* or *reject* the 1) usage of labour migration as a tool for development, and the 2) neoliberal capitalist system (accepting here refers to the belief that minor reforms in business practices are sufficient enough without contesting the fundamental logic of profit maximization and the free mobility of production factors).

The combination of the political and economic axis, ultimately, generates **4 classes of public LMD discourse** which ideally should be included within the UNHLSM (Figure 1):

1) ***Bounded Management*** (politically-statist, economically-accepting), 2) ***Counter-Mobility*** (politically-statist, economically-rejecting), 3) ***Mainstream Rights*** (politically-polycentric, economically-accepting), and also 4) ***Grassroots Radicalism*** (politically-polycentric, economically-rejecting).

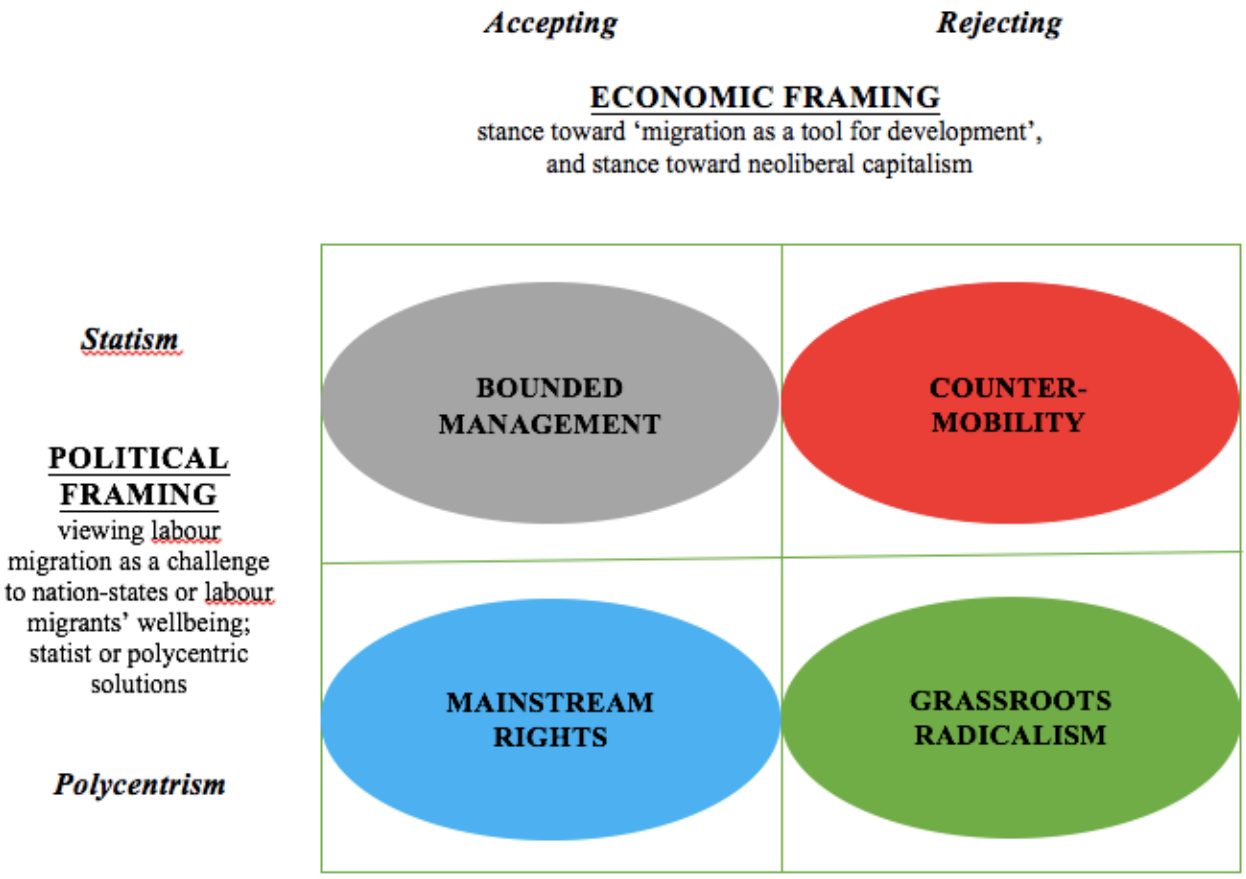


**Figure 1. A Contestation between 4 LMD Public Discourses (in Political and Economic Terms)**
Source: Author

To be sure, even if two classes have the same political orientation, some variance may still be observed. One example of this is the variance observed between ***Bounded Management*** and ***Counter-Mobility*** despite their agreement on how the issue with LMD is more about the challenges to nation-states rather than labour migrants' rights. The agreement notwithstanding, ***Bounded Management*** does not call for existing government elites to be replaced, while ***Counter-Mobility*** does call for a change in government regime. As another example, despite ***Grassroots Radicalism*** and ***Mainstream Rights***' agreement that power should be decentralized, they still have different opinions regarding which non-state actors should be accorded more power and space. While

***Grassroots Radicalism*** merely wants them to be accorded to grass-root labour migrants, ***Mainstream Rights*** calls for both to be given to non-profit 'GCS' actors and businesses.

This is similar to economic orientation. For instance, ***Grassroots Radicalism*** and ***Counter-Mobility*** share a rejection toward: 1) the notion that labour migration is an input for development, and 2) neoliberal capitalism. However, while the former voices this to defend the rights of oppressed labour migrants, the latter voices this for the welfare of national citizens.

The inclusion of the largely 'anti-migration' ***Counter-Mobility*** as a legitimate discourse class may be viewed as rather controversial for those who view it as 'xenophobic' or 'racist'. Yet, as outlined previously, I employ DiDe which calls for the inclusion of *all* viewpoints so long as they acknowledge the LMD nexus as problematic. Unlike the 'climate denialists' class which did not view climate change as a real issue and thus legitimately excluded by Stevenson and Dryzek (2012a), ***Counter-Mobility*** does acknowledge the existence of LMD-related problems.

The remainder of this Chapter revolves around explaining the constitutive elements of each of the 4 class of public discourse.

### 3.1. *Bounded Management* (Politically-Statist; Economically-Accepting)

***Bounded Management*** can be conceived as highly technocratic and managerial, as it is mainly concerned with governments' mismanagement of or the lack of control over the flow of labour migrants, which reduce the development benefits for all (destination and origin countries, businesses, and labour migrants). Weak borders, illegal migration channels, and governments' lack of control over who and how many are admitted into their territories on the basis of considerations for national security, development needs, demographics, labour market gaps, and potentials for

integration are framed as the core of LMD issues. The deportation, extortion, and exploitation of labour migrants are ultimately believed to be driven by the large inflow of people who migrate through illegal channels as well as a lack of capacity to police the borders.

To the extent that governments retain control and all parties adhere to the legal requirements set by governments, labour migration is viewed by ***Bounded Management*** as a positive component of economic globalization which creates development opportunities, not 'threats'.

***Bounded Management*** draws a sharp distinction between the definitions and rights of national citizens, labour migrants, and refugees. Labour migrants are viewed as people who migrate voluntarily in search of better economic opportunities, whilst refugees are perceived as those forcibly displaced and thus must be extended humanitarian protection. Over the two categories of migrants, however, national citizens continue to be prioritized.

The agency of states is emphasized by ***Bounded Management*** as the entities which could devise effective, coherent migration policies for the benefit of all. It is not necessarily against the idea of international cooperation or the participation of non-state actors. However, they only constitute partners for dialogue and implementation, not as those who should be accorded a seat in the decision-making table.

**Basic Entities Whose Existence Is Recognized or Constructed**
Nation-States; National Citizens; Migrants (as Distinct from Refugees); Territorial Borders

**Assumptions about Natural Relationships**
Management; Control; Win-win through Well-Managed Migration

**Agents and Their Motives**
Governments Who Have the Rights and Obligations to Secure Borders and Manage Migration
(Voluntary) Economic Labour Migrants

**Key Metaphors and Rhetorical Device**
Managed and Orderly Migration; Secure Borders; Well-Managed Migration as a Development Opportunity; Unmanaged Migration as a Challenge and Threat

**Figure 2. Bounded Management**
Source: Author

### 3.2. ***Counter-Mobility*** (Politically-Statist; Economically-Rejecting)

Although it shares nationalist tendencies with ***Bounded Management***, ***Counter-Mobility*** does not strictly differentiate labour migrants from refugees, instead views all migrants as the same. Not only burdening states with extra administrative tasks and inducing a state of crisis, migrants in general are also perceived as terrorists and criminals (security threats), steal jobs from national citizens because businesses tend to favor cheap labours (although low-skilled), reduce access for national citizens to development benefits (housing, education, pension funds, etc.), and embody distinct, foreign cultures which do not assimilate well in host societies. Migration, for ***Counter-Mobility***, is thus not regarded as a tool for (national) development.

It also does not consider the rights, wellbeing, and potential (socio-economic) contributions of labour migrants, while ***Bounded Management*** still acknowledges labour migrants' rights to the extent that national citizens are not disadvantaged and all migration flows being legal, orderly, and strongly-regulated by governments.

Speakers of ***Counter-Mobility*** often also use personalized communication strategies, particularly citing the negative experiences felt by national citizens with the presence and behavior of migrants.

***Counter-Mobility*** is adamant that newly-established governments (not the existing government and economic business elites who have failed to prioritize and protect national citizens) take back control and retract from globalization. Two solutions are especially proposed: 1) the securing and end of open territorial borders to stop, or at least temporarily halt, the influx of unwanted foreigners engendered by globalization, and 2) cancel free trade deals or other elements of neoliberal economic globalization.

Illustrative is Trump's (2016) speech in his Arizona rally: "… But to fix our immigration system, we must change our leadership in Washington … our immigration system is worse than anybody ever realized … The politicians won't talk about them … And Mexico will pay for the wall … On day one, we will begin working on an impenetrable … Southern wall … We do not know these people … Trojan horse … There is only one issue … The wellbeing of the American people …".

**Basic Entities Whose Existence Is Recognized or Constructed**
National Citizens; Nation-States; Territorial Borders; Migrants (Labour Migrants and Refugees) as Foreign Threats to National Security/Economic Development/Socio-Cultural Identity and Unity

**Assumptions about Natural Relationships**
The Need for a Re-exertion of Control and Temporary Halting of Migration Flows; Zero Sum Game (Win for Labour Migrants and Loss for National Citizens); The Need for Changes in the Current Government Regime

**Agents and Their Motives**
- National Citizens Who Need Protection and Prioritization
- Disadvantageous Neoliberal Economic Globalization
- Failed Government Elites Who Need to be Replaced

**Key Metaphors and Rhetorical Devices**
'Migrants' as Jobs and Benefits Stealers; Migrants as Threats

**Figure 3. Counter Mobility**
Source: Author

**3.3.** ***Mainstream Rights*** (Politically-Polycentric, Economically-Accepting)

The violations of migrants' rights by governments, businesses (recruitment agencies and employers), the media, and national citizens in host countries are framed by ***Mainstream Rights*** as the core problems associated with the LMD nexus. ***Mainstream Rights*** tends to be heavily oriented toward 'the global', and specifically the rights of all regardless of their citizenship status. There is, however, a ***Feminist Mainstream Rights*** strand which distinguishes female labour migrants (girls and women) as those whose plights deserve more attention and actions.

Similar to ***Counter-Mobility***, speakers of ***Mainstream Rights*** also often employ a 'personalized' communication strategy which revolve around personal stories. However, contrary to ***Counter-Mobility***-type stories, ***Mainstream Rights*** speakers often emphasize the harrowing real-life experiences of labour migrants.

The agency of non-state actors is particularly emphasized by ***Mainstream Rights*** as a democratizing force for GG. In particular, it demands 'multi-actor partnerships' and 'co-responsibility' for non-state actors on all governance levels to ensure that migration brings benefits for all parties and empowers migrants. The discourse class is supportive of IOs, including the GFMD, although it continues to make demands for them to accord more space for the meaningful role of non-state actors.

There is a slight contestation within ***Mainstream Rights*** regarding the ideal composition of non-state actors who should play a major role in GG. While generally the emphasis is on 'non-profit' GCS actors (NGOs, associations, community groups), the ***Business Case*** discursive strand pushes for businesses to also be included within the non-state category.

For ***Mainstream Rights***, the violation of migrants' rights is framed not as a structural problem rooted in the usage of migration as a tool for development or neoliberal capitalism, but as something caused merely by a lack of political will on the part of governments and businesses. Thus, ***Mainstream Rights*** strongly emphasizes how migration can bring many benefits, even for businesses (a form of 'business case' for labour migrants' rights).

**Basic Entities Whose Existence Are Recognized or Constructed**
Labour Migrants; Migrants' Rights and Opportunities in Destination Countries; Global Civil Society; Governments; Businesses; Democratic Polycentric Governance

**Assumptions about Natural Relationships**
Currently Conflictual; Potentials for Win-Win (Mutual Benefits) through 'Multi-stakeholder Partnerships' on All Levels of Governance

**Agents and Their Motives**
Civil Society as a Democratizing Force
Governments and Businesses in Destination Countries Who Lack Political Will
Xenophobic Media and Citizens in Transit and Destination Countries

**Key Metaphors and Rhetorical Device**
Migrants' Rights Are Human Rights; Rights-Based and People-Oriented Approach to Migration; Sad Stories of Migrants

**Figure 4. Mainstream Rights**
Source: Author

### 3.4. *Grassroots Radicalism* (Politically-Polycentric; Economically-Rejecting)

Similar to ***Mainstream Rights***, ***Grassroots Radicalism*** is mainly concerned with the multidimensional oppression or the violation of human rights experienced by labour migrants. However, Grassroots Radicalism views it as being fundamentally a problem of structure – governments' usage of migrants as a tool for development and businesses' need for cheap labors within the structure of neoliberal capitalism.

Akin to ***Mainstream Rights***, this discourse class also has a feminist strand which highlights the intersectionality between structural drivers of oppression: class, gender, race, and patriarchy – ultimately leading female labour migrants to be more subjected to exploitation in comparison to others in the whole population of labour migrants.

For ***Grassroots Radicalism***, the storyline is as follows. States' adoption of the neoliberal economic model triggered economic crises, widened North-South inequality, as well as loss of job opportunities and social subsidies which eventually forced those *from the lower classes* in the South to separate from their families to find (any kind of) employment in the richer North. Southern governments and capitalistic recruitment agencies thus collaborate to export Southern, low-class citizens as 'modern day slaves with no rights in foreign countries', or 'lifeless goods and capital', to be used as 'tools for development' (Lestari, 2016a). Not only do labour migrants only obtain low-paid and low-security work with temporary contracts (mostly in domestic households and factories), they are also denounced as threats, when actually they provide cheap labours for capitalistic economies. Whenever they have enough slaves, Northern governments shut off entry or conduct deportation, forcing desperate labour migrants to turn back to extreme poverty or illegal channels which further narrow their (already limited) access to social services.

***Grassroots Radicalism*** demands a further decentralization of power from the hands of states to IOs which have formal accountability mechanisms, such as the UN, and also grass-root labour migrants (not other non-state actors). Contrary to ***Mainstream Rights*** who perceives labour migrants as victims who need to be empowered, ***Grassroots Radicalism*** views labour migrants now already as empowered subjects who survived their oppression and collectively struggle to reclaim their own voice from GCS actors, especially academics and professionalized NGOs, who have long pretended to speak on grass-root labour migrants' behalf. The UN, not the GFMD, is particularly viewed here as key to holding governments accountable so that they would realize 'development justice', or a form of development generated by states through which labour migrants reap benefits from development, not the other way around where development is

generated at labour migrants' expense. To realize this, 'imperialistic neoliberal policies', namely free trade deals, which widen North-South gap and compel people to migrate, must be eliminated.

**Basic Entities Whose Existence Is Recognized or Constructed**
Low-Skilled Southern Labour Migrants (and Refugees) as Victims, Survivors, and Empowered Grass-root Movements; States as Those Responsible for Taking Actions; the United Nations for Global Democracy

**Assumptions about Natural Relationships**
Hierarchy; Imperialism; Slavery; Commodification; Conflict

**Agents and Their Motives**
Southern Governments Who Instrumentalize Migrants for Development
Capitalistic Businesses
Neoliberal, Communitarian, and Xenophobic Northern Governments and People
Academics and NGOs Who Strip Voices from Migrants
Migrants Who Survive Oppression and Struggle for Rights/Justice

**Key Metaphors and Rhetorical Devices**
'Slaves'; Migrants as Tools for Development; Anti-Imperialism; Migrants' Rights; Development Justice; Speak About Migrants *with* Migrants; Reflection on Their Own Personal Experiences; Against the GFMD

**Figure 5. Grassroots Radicalism**
Source: Author

The notion that there is a contestation of discourse classes in the LMD public spaces further serves as evidence for Stevenson and Dryzek's (2012a; 2012b) contention that the democratization of the production of meaning is 'plausible'. As a collectivity, the public spaces are not only hegemonized by ***Bounded Management***, but inhibited also by three other alternatives: ***Counter-Mobility***, ***Mainstream Rights***, and ***Grassroots Radicalism***. By drawing a difference between ***Mainstream Rights*** and ***Grassroots Radicalism***, we can discern how the view toward labour migrants' rights is more complicated than what is depicted in existing literature on the GG on LMD (refer back to

Chapter 3). The economic stance of ***Grassroots Radicalism*** and ***Counter-Mobility*** which rejects 'neoliberalism' (although for different reasons) further drives down the point that alternatives can emerge in the face of 'hegemonic discourses'. The two arguably also serve evidence for what Barnett and Duvall (2005) argue as the proximity between 'power' and 'resistance' in GG. ***Grassroots Radicalism*** and ***Counter-Mobility*** qualify as a form of resistance toward the exercise of 'structural power' or power which creates injustice for some of the world's populations. Furthermore, ***Grassroots Radicalism*** provides evidence for what Barnett and Duvall (2005) argue as 'resistance' toward the exercise of 'productive power' or the creation of debilitating subjectivities. In the public spaces, low-skilled, low-class labour migrants who predominantly speak the ***Grassroots Radicalism*** discourse class strongly resist the dominant subjectivities attributed to them as agents of or tools for national development who are weak, disempowered, and who cannot speak for themselves. Having considered the constitutive elements of the 4 public discourses and their differentiations in terms of politics and economics, my analysis can be read as providing a more nuanced view of the LMD nexus discursive terrain.

## Chapter 4. The UNHLSM's Low Quality of Deliberative Contestations: Discursive Exclusivity/Inequality and a Lack of Deliberative Authenticity

This Chapter focuses on the quality of 'deliberative contestations' in the UNHLSM as a recent, consequential, yet underexplored authoritative LMD spaces. The idea for the conference was conceived in September 2015 as part of an effort to tackle migration within the Sustainable Development Goals (SDGs) framework, and went on to manifest as a highly-prestigious 'High Level General Assembly Summit' (not merely a Dialogue). The UNHLSM went on to attract a breadth of participation from states and non-state entities, and served as the foundation for the negotiations on the 'UN Global Compact for Safe, Orderly, and Regular Migration' which is expected to be agreed by states as 'legally-binding' in 2018 and reinvigorate interests to tackle LMD-related problems, especially after years have passed without a re-surge in interest by states, especially 'major destinations', to ratify the UN Convention on Labour Migrants' Rights. The UNHLSM was also chosen here for more practical reasons. The conference recordings are accessible online (UN TV) and so enabled me to obtain data from multiple sources: observation of conference recordings, analysis of UNHLSM documents and media reports, and interview with a UNHLSM participant[6]. Specifically, five LMD-focused UNHLSM events were analyzed: Opening Session, ECOSOC Plenary Session, Round Table Discussions (RTD) 2, RTD 5, and the SDG Zone. The following sections investigates the extent to which the UNHLSM's empirical features fare against the 'discursive inclusivity/equality', and 'deliberative authenticity' (trust, respect, absence of coercion, listening, and reflexivity) criteria. The elements are not mutually exclusive, and so explanations for some criteria are meshed together. I may use the term 'GCS

[6] I contacted 4 other UNHLSM participants yet to no avail. To reduce the possibility of bias, this study does draw on other sources. The interview was conducted with Eni Lestari (Opening Speaker) via Skype on August 10, 2017 at 09.30 AM. She has given consent for her identity and statements to be disclosed in this paper.

actors' here, yet it denotes the UN's perspective (GCS as various non-profit NGOs or local community groups), not how I conceptualize it academically (a 'sphere' of contending discourses).

### 4.1. Traces of Discursive Exclusivity and Inequality

I used Stevenson and Dryzek's (2012a) coding scheme to classify speeches from the 5 UNHLSM[7] events to understand the level of discursive inclusivity and equality in numerical terms, and then drew upon other data sources to deduce: 1) the discursive inclusivity/equality situation from a procedural standpoint, and 2) trace the plausible reasons behind some marginal or missing discursive representations. Evidence suggests that the UNHLSM was not characterized by the equal presence of all the 4 contending public discourses as outlined in Chapter 3. In other words, there were imperfections in the transmission process from the GCS to the authoritative UNHLSM.

#### 4.1.1. Numerical Exclusion/Inequality

From a numerical standpoint, ***Mainstream Rights*** dominated, while ***Bounded Management*** tailed as a weaker form of dominant presence. ***Grassroots Radicalism*** was marginally represented, while ***Counter-Mobility*** was completely missing. The transmission process from the GCS to the authoritative UNHLSM was thus not perfect, although not fatal enough to the extent that the latter became hegemonized by only one viewpoint. The UNHLSM still embodied inclusivity, albeit at a considerably low degree.

[7] Speeches were excluded if: 1) not uploaded online in the UN SmartPaper system, 2) communicated in languages outside of English, 3) focused solely on refugees, and or 4) ignored the LMD nexus. Recordings for part 3 of the ECOSOC Plenary Session were also not accessible and thus not analyzed.

The majority of speeches coded (48 of 95) belong to ***Mainstream Rights***. This corroborates the arguments of existing LMD literature (Chapter 2) that the once-neglected notion of 'labour migrants' rights' has now become part of the 'mainstream' in GG.

Illustrative of ***Mainstream Rights*** inside the UNHLSM is the speech of Lagunzad (Philippines) in RTD 2. Lagunzad (2016) strongly advocated for labour migrants' rights, not only to occupational safety but also inclusive social access and protection against illegal recruiters, exorbitant recruitment fees, smugglers, and drug syndicates. He also advocated the mainstreaming of migration as an input for development, yet demands the latter to be social and sustainable enough so as to develop labour migrants' potentials and secure their livelihoods. The delegate also strongly praised the concept of states and non-state 'partnership':

> "We believe that migration protection and development are not mutually exclusive … In our engagement with foreign governments, international organizations … and civil societies … we have seen and felt the value of partnership and cooperation in advancing the agenda of migration and development …" (Lagunzad, 2006)

***Mainstream Rights***' two discursive strands (refer to Chapter 3), were also represented.

Illustrative of ***Feminist Mainstream Rights*** is the Opening Session speech from Mlambo-Ngcuka (the Global Migration Group). Mlambo-Ngcuka (2016) tried to shift the negative perception toward girl and women migrants by highlighting their cultural and economic values, and deplored the lack of policies which ensure the protection of their rights. As she emphasized economic benefits and did not connect rights to the broader notions of neoliberalism, economic class and North-South inequality, her speech is classified as ***Mainstream Rights***.

Illustrative of ***Business Case*** is the RTD 5 speech from Goldberg (International Employers Agency). Goldberg (2016) also strongly emphasizes the benefits of migration, and calls for migrants to be protected through open, modern, fair, humane, and orderly migration systems, as can be understood from the following:

> "By filling labour market needs, immigrants increase productivity and raise consumption … generating additional jobs and benefiting society … Migrants contribute to diversity, bring new skills, and increase innovation and productivity … migration policies are also necessary to ensure the protection and promotion of human rights …" (Goldberg, 2016)

Not only a matter of ethical and legal obligations, Goldberg (2016) argued that businesses, as employers and citizens, do have an interest in protecting labour migrants' rights as it also protects companies' reputation (Goldberg, 2016). Labour migrants' rights, in Goldberg's (2016) view, can only be ensured through a synergy between governments, trade unions, and businesses, which may contribute to migration policy debates through the GFMD Business Mechanism.

With 44 out of 95 speeches, ***Bounded Management*** was still a dominant presence, although numerically weaker if compared to ***Mainstream Rights***.

Illustrative of ***Bounded Management*** is Theresa May's (United Kingdom) ECOSOC Plenary Session Speech. Framing the core issues as the "overwhelming burdens put on countries to administer the large number of labour migrants", the lack of "controlled, legal, and safe migration" and "unmanageable population movements", May (2016) strongly emphasized the need for "a more effective policy approach". May (2016) argued that the problems can only be resolved

through: 1) an acknowledgment of countries' rights to control their borders and manage their populations, and 2) a clear differentiation between refugees and migrants so that national resources can be 'better' diverted to refugees whose lives are at risk unlike labour migrants who merely seek to find better employment opportunities. Below is an excerpt of her speech:

> "Unprecedented movement of people in search of greater economic opportunities … *Countries* have to be able to exercise *control over their borders* … The failure to do so erodes public confidence, fuels international crime, damages economies and reduces the resources for those *who genuinely need protection* …" (May, 2016; Emphasis added)

Also illustrative of ***Bounded Management*** is the RTD 2 speech from Dutton (Australia). The emphasis was placed on safe and orderly migration policies which strike a balance between population growth, nation-building, and economic needs (Dutton, 2016). Unruly migration flows were depicted as a challenge to national sovereignty, and the satisfaction of Australian national citizens in the practices of migration management emphasized (Dutton, 2016). *Only* well-managed migration policies, in Dutton's (2016) view, can realize the full economic and socio-cultural benefits of migration.

***Grassroots Radicalism***, however, was only marginally represented through 3 (out of 95) speeches. In both her Opening Session and SDG Zone speeches, Eni Lestari from the IMA (2016b) recounted her own experience of being forced into migration as a poor low-class woman from the South and falling victim to a system in which corporations reap profits through commodifying cheap migrant labours without treating them as human beings. Lestari (2016b) also argued how she now

collectively struggles with fellow grass-roots to demand 'development justice' which can only be achieved through governments' willingness to forego labour export as a development tool and talk to migrants as people who speak for themselves.

Similarly, Gabre (2016) in RTD 5 spoke about how the intersectionality of his identities as a migrant, refugee, and person of colour oppressed him, and how he now leads a resistance against states' and corporations' violation of migrants' rights. Gabre (2016) also called for the inclusion of migrants in governance and the abolition of unfair trade/economic policies.

Missing from the representations of ***Grassroots Radicalism*** (from both), however, is an explicit condemnation of the term 'neoliberalism', which is usually central to the discourse class when spoken in public spaces settings.

Unidentifiable from any of the UNHLSM speech analyzed, however, is a representation of ***Counter-Mobility***. The missing representation of ***Counter-Mobility*** is a clear violation of DiDe as ideally *all* discourse classes should ideally be admitted inside authoritative spaces.

### 4.1.2. Procedural Exclusion/Inequality

The marginalization/absence of discourses in numerical terms could have been somewhat mitigated by some technical-procedural assistance which favors the representatives of the numerically-disadvantaged discourse classes (in this case ***Grassroots Radicalism***, as there were no ***Counter-Mobility*** representatives inside the UNHLSM). Two procedural discriminations and one positive technical support were extended toward ***Grassroots Radicalism*** representatives.

For one, Lestari and Gabre as the numerically-disadvantaged ***Grassroots Radicalism***

representatives could have (ideally) been accorded far more time to speak. Yet, that was not the case as both were given equal speaking time as ***Mainstream Rights*** and ***Bounded Management*** representatives (UNHLSM Opening Session, 2016; UNHLSM RTD 5, 2017). Sure, Lestari was admitted inside the SDG Zone where she engaged in a 20 minutes-dialogue with Eliasson (UN Director General). However, Eliasson was the only other UNHLSM delegate in the venue and the extra 20 minutes still could not cumulatively catch up to the amount of airtime received by ***Mainstream Rights*** and ***Bounded Management*** representatives. From a DiDe standpoint, then, 'equal speaking time for all participants' cannot be taken at face value as positive as there may be instances where authoritative spaces admit uneven number of representatives for each of the class.

Another note of concern is the procedural discrimination enacted toward Lestari and Gabre as non-state entities inside the UNHLSM. In RTD 5 in which Gabre was present, the Chair enacted an 'Order of Precedence' which gave high-level state actors a precedence to speak and only accord speaking time for observing delegates to speak if there is leftover time (UNHLSM RTD 5, 2016). Gabre was eventually accorded an opportunity to speak, yet it could have easily not been the case. Both Gabre and Lestari, as non-states, were also barred from attending sessions other than the specific ones designated (Opening Session and SDG Zone for Lestari and RTD 5 for Gabre), which arguably lessened their ability to influence the UNHLSM decision-making process.

The limitations notwithstanding, there was one positive technical assistance provided for Lestari as a ***Grassroots Radicalism*** representative who was materially-weaker which ultimately helped enhance the level of discursive equality: the provision of travel grants and linguistic support (for non-English speakers). Although she could communicate in English, in her interview, Lestari

(2017) admitted that she would not have been able to attend the UNHLSM had it not been for the UN's generosity in bearing the cost of her transportation and accommodation.

### 4.1.3. The Exercise of Structural Power on the Margins of UNHLSM 'Inside' and 'Outside'

I also traced the lead up to the UNHLSM to better understand how its 'inside'/'outside' boundaries were delineated and illuminate some plausible reasons behind the UNHLSM's degree of discursive exclusivity/inequality.

One major explanation for the UNHLSM's degree of discursive exclusivity/inequality was the UN's emphasis on the 'procedural inclusion of actors' instead of 'discourse classes' (similar to the conceptualization of global democracy used by existing LMD academics as outlined in section 2.3.1.). While all UN member states were automatically granted entry, non-state representatives (who applied online) were selected by the organizers on the basis of balance between gender, geographical locations, and sectoral (NGOs, academics, and the private sector) representations, through open, transparent, and inclusive consultation with member states (United Nations, 2016).

Delving deeper, however, there is evidence to suggest that there was an exercise of structural power by some states to guard the UNHLSM's boundaries from 'outside' voices which may be too radical for their own self-interests.

In her interview, Lestari (2017) stated that it was common practice for some powerful states to bar 'critical voices' from entering UN forums, something which was also often subjected to in the past as a grass-root labour migrant. In her view, states usually only allow the 'harshest' critics to come from professionalized, (Northern) donor-driven NGOs who turn out to be quite tame to maintain a degree of good reputation. This is why Lestari (2017) was surprised to learn that her application

to the UNHLSM was successful, especially as she heard from some 'trusted insiders' a few days prior to the conference that the same thing had happened again: some 'powerful parties' fought hard to nullify her participation out of fear for her radical voice. Considering her track record, Lestari (2017) admitted to self-censoring some overly-radical elements from her UNHLSM Opening Session speech, including ones connected to 'neoliberalism', as she feared that herself and other grass-root labour migrants would never be able to enter future UN conferences.

Exclusion attempts (which were ultimately successful) were also experienced by 7 other GCS organizations. They had previously been selected to participate in the UNHLSM by the organizers, yet blocked a few days prior to the UNHLSM as a result of some member states' objections; the names of the blocked organizations were disclosed, yet the states and the reasons behind the veto were not (United Nations, 2016b). When asked by a journalist about this during UNHLSM's Press Briefing, Lykketoft stated that the exclusion was against his personal beliefs yet he believed that everything was still in accordance with the UN's existing rules and denied to give more elaborations on what had actually happened (Thomson and Lykketoft, 2017). When asked about this, Lestari (2017) during her interview reiterated what she had told me previously, that it was common practice for some radical voices, such as herself, to be subjected to exclusion attempts. To be sure, I do not provide a definitive conclusion as to why the aforementioned states exercised their veto rights toward the said organizations. However, this instance can still be argued as jeopardizing the DiDe ideal insofar as a lack of transparency was involved – paving the way for some participants or powerful parties to exclude certain viewpoints from speaking and reject them without the due process of deliberative contestations.

### 4.2. UNHLSM's Low Quality of Deliberative Authenticity

#### 4.2.1. Deep-Seated Mistrust

Evidence suggests that 'trust', a foundational element of authentic deliberative contestations, was also rather low in the UNHLSM due to: 1) past historical failures in the GG on LMD, and 2) what happened in the lead up to the UNHLSM, specifically regarding the exclusion of some non-state participants (which I have also touched upon previously). Sure, 'trust' may be construed as highly subjective and thus only identifiable through interviews with UNHLSM participants. I did interview one UNHLSM participants, yet contend that there are also some other data sources which could illuminate some UNHLSM participants' level of trust toward others.

At least **four** types of deep-seated mistrust can be identified from the UNHLSM context.

First, mistrust toward governments. Lestari (2017) confessed in her interview to having no trust at all in governments as they have historically displayed indifference to the plights of grass-root labour migrants, even when compelling arguments and horrific real life stories are presented in their doorsteps. In Lestari's (2017) view, the root of the problem is not states' lack of technical capacity, but states and businesses' neoliberal agenda which could not be realized without migrants' oppression. Lestari's mistrust was perhaps most evident through her decision to omit some 'overly-radical' features of her UNHLSM Opening Speech draft due to fear of being excluded in future UN processes (which I have also explored in the previous section). What she heard about some powerful parties' attempts at excluding her radical voice from the UNHLSM cemented her mistrust and suspicions of governments' true intentions behind their sweet promises of development and rights (Lestari, 2017).

Lestari was not the only UNHLSM participant who felt disappointed about the behavior of governments. Organizations under the banner of MADE (Migration and Development Civil Society Network) who were heavily involved in the preparations for the UNHLSM released a collective statement a few days prior to the UNHLSM to express their disappointment regarding what was explored in the previous section regarding states' exclusions of 7 GCS organizations (and the lack of transparency associated with it). Below is an excerpt of MADE's statement:

> "… Civil society organizations and networks across the globe are expressing their ***grave concern*** over the *blocking* itself as well as *the lack of transparency* on why objections are made and by whom, *insisting* upon *open civil society participation and transparency* …" (MADE, 2016; emphasis added)

Not only mistrusting of governments, Lestari (2017) also disclosed during her interview how she also did not (and continue not to) trust "tamed, elitist, professionalized NGO elites who always seek to look good as they are dependent on donors' money", in this context those who are annually involved in organizing the GFMD Civil Society Days under the MADE flag. The relationship between Lestari and MADE NGOs have always been tense, going way back to the GFMD inception in 2007 (another authoritative LMD space). Although deeply skeptical of the GFMD, she at least wanted to gain access to the Civil Society Days to try and re-radicalize it from within (Lestari, 2017). However, from time time, with the exception of the December 2016 Civil Society Days in Bangladesh, she had always been treated poorly and not allowed entry into the event. This year, she got rejected again from attending the GFMD Civil Society Days in Germany, although she admitted to being slightly optimistic that things would change after their 2016 Bangladesh

experience together. Lestari (2017) then concluded that they "… had and never will have the best of intentions for grass-roots. They are fearful that donors would stop funding their work if it looks as though labour migrants could already speak for themselves".

The third type of mistrust is one felt by Zeid Ra'ad Al Hussein (UN Special Rapporteur for Human Rights) toward the efficacy of the UNHLSM and some other participants. Not only did he call some participants as potentially "race-baiting bigots and deceivers who seek to gain or retain power by wielding prejudice and deceit" (Al Hussein, 2016), he was also cautious that the UNHLSM would be rather ineffective, as could be understood from the following: "This should not be a comfortable summit … cannot be reduced to speeches and feel good interviews … self-congratulations, and we move on… this summit was called because we have been largely failing …" (Al Hussein, 2016).

Having said that, I argue that 'trust' was not completely non-existent in the UNHLSM context. Despite her deep-rooted skepticisms, Lestari (2017) admitted to still having trust in the UN which "is equipped with formal mechanisms to supervise governments and hold them accountable". Lestari (2017) is especially trusting of the UN-NGLS (which selected the UNHLSM's non-state participants), which in her eyes is very oriented toward and inclusive of the voices of grass-root labour migrants. From William Lacy Swing's (IOM Director General) UNHLSM Opening Session speech, we can also discern from his speech a certain level of trust shared by the IOM as one of the participants and member states in general, which was especially evidenced by the latter's approval of the IOM being formally made a part of the UN structure:

> "… Trust built on a half-century of cooperation … a 65-year relationship … We are formalizing an old relationship … We built up a level of trust … This can be a defining moment for human mobility, here at this Summit …" (Lacy Swing, 2016)

### 4.2.2. Low Level of Reflexivity Owing to Instances of Disrespectful Behavior/Coercion, Mistrust and Discursive Exclusivity/Inequality

Deliberative contestations are ultimately expected to generate ***reflexivity*** toward the relative merits and weaknesses of *all* discourses after each discourse is represented *freely* and *in its entirety* by its representatives in a setting characterized by political equality, trust, respect, and absence of coercion. Considering that conceptualization, I argue the overall quality of UNHLSM's reflexivity was already jeopardized through the traces of discursive exclusivity/inclusivity and mistrust I have uncovered in the previous sections. Yet, as I will now explore in this section, the UNHLSM's quality of reflexivity was even more jeopardized through some identifiable instances of coercion/disrespectful behaviors. Granted that there were no direct forms of coercion inside the UNHLSM, such as physical altercations or violent interruptions toward delegates who are speaking. Yet, by tracing conference recordings and the speeches delivered, we can discern some implicit traces of disrespectful behavior, 'coercion', or a combination of the two in the UNHLSM.

At least two instances of coercion could be identified in the UNHLSM context. One which happened to Lestari, a grass-root labour migrant who spoke in the Opening Session, was already touched upon briefly. After hearing how some powerful states tried to nullify her participation, Lestari (2017) in her interview admitted to not only being more mistrusting of governments, but also afraid that she would be excluded from future UN conferences if she spoke too radically,

especially about the fatalistic logic of neoliberalism which is central to her beliefs. Lestari's coercion-induced fear ultimately disrupted the process of reflexivity in the UNHLSM as she could not bring herself to represent ***Grassroots Radicalism*** (to which she subscribes) freely in its entirety. Another instance of coercion (which also qualifies as a form of 'disrespect') can be observed in Al Hussein's (2016) Opening Session speech which contained some rather harsh words and a form of intimidation. Below is an excerpt of his speech:

> "*… race-baiting bigots … half truths and outright lies … bigots and deceivers … promote ruptures … some of them may well be in this Hall this morning …* we say to you: *We will continue to name you publicly. You may soon walk away from this Hall, but not from the broader judgement of 'we the people', all the world's people …*"
> (Al Hussein, 2016; Emphasis Added)

Although it does not qualify as coercion, the decision of a large sum of ECOSOC Plenary Session delegates to leave their respective seats for a considerably long period of time without the Chair's authorization qualifies as 'disrespectful behavior'. This was not only disrespectful to the Chair and the sanctity of the proceedings in general, but also led to some of the participants' arguments not being heard by others who left the room and the Chair temporarily suspending the meeting as the ones remaining on the speaker list had actually left the room (UNHLSM ECOSOC Plenary, 2016).

Having said that, genuine reflexivity can be argued as not completely missing from the UNHLSM through what happened in the 'SDG Zone' between Eliasson (UN Director General; ***Mainstream Rights*** representative) and Eni Lestari (a grass-root labour migrant; ***Grassroots Radicalism***

representative. Held after the Opening Session, the SDG Zone facilitated a conversational mini-dialogue (around 20 minutes) between a high-level UN leader and a representative of the GCS sector. This format was rather different from the Opening Session, ECOSOC Plenary or RTDs as each participant is given an opportunity to not only deliver an opening speech, but to also have their points followed up by the other party involved in the dialogue. In her interview, Lestari (2017) expressed satisfaction over the SDG Zone as she was accorded more time to speak (so she could better clarify her points and not be misinterpreted) and engage in dialogue (not only deliver a formal speech). Moreover, in the SDG Zone, Lestari (2017) admitted to feeling more free to present her arguments and tell her own stories, especially as she felt more trusting of Eliasson (and the UN in general) rather than governments. The trust and collegiality Lestari felt seemed mutual, with Eliasson praising Lestari numerous times during the dialogue; calling Lestari his friend and cracking jokes that Lestari could take over his job in December 2016 (the end of his term) after he saw how passionate of a person she was and how strong her convictions were. Ultimately, it could be argued that the dialogue moved Eliasson to display a form of 'reflexivity', especially as he acknowledged the justifications behind Lestari's plea for labour migrants to be treated as equals and included genuinely in the governance process. Specifically, this can be understood from the following statement by Eliasson:

> "It's great to hear you … We in the UN and member states should welcome you in our halls, that's why it's good for you to be one of our main speakers this morning. I also think you brought out something … You said that we don't want you to only work for us, but work with us. That's a very interesting additional thought, isn't it? That you should be part of working out the different formulas …" (SDG Zone, 2017)

Sure, the SDG Zone was not perfect as there were only two discourses present in the form. That being said, the SDG Zone does stand out from other events in the UNHLSM as a kind of 'best practice' which displayed the closest to a 'deliberative contestation' in the UNHLSM which was founded on trust, respect, absence of coercion, and reflexivity.

## Chapter 5. Conclusions and Implications

This paper has demonstrated the extent to which the GG on LMD embodies 'democratic legitimacy', as understood from a DiDe normative standpoint. Despite LMD's global salience and increasing public demands for 'global democracy', there have been very few analyses on the subject. The limited amount of literature which do tackle the subject tend to focus on the procedural inclusion of some GCS actors and their (seemingly-unified) 'rights-oriented' discourse. This paper complicates the notion that GCS is unified as it demonstrates the contestation of 4 discourse classes in public spaces between ***Bounded Management***, ***Counter-Mobility***, ***Mainstream Rights***, and ***Grassroots Radicalism***. The 4 classes largely differ in terms of their **political** views (whether labour migration is seen as posing more problems for nation-states or labour migrants' well-being; and whether statist or polycentric governance is seen as the better solution) and their **economic** views (whether labour migration is believed to be a tool for development and whether it is viewed that neoliberal capitalism should be dismantled). Although the public spaces are found to be healthy enough to be 'contestatory', this paper finds that there were imperfections in the way that the public discourses were transferred to the authoritative UNHLSM. It was not hegemonized by only one public discourse class, yet it was marred by:

1) Tendencies toward discursive exclusivity and inequality (numerical dominance of ***Mainstream Rights*** and ***Bounded Management***, marginal presence of ***Grassroots Radicalism*** and complete absence of ***Counter-Mobility***; procedural discriminations experienced by ***Grassroots Radicalism***; the exercise of structural power to delineate the inside/outside boundaries);
2) Deep-seated mistrust felt by participants toward others (governments, grass-root labour

migrants, and professionalized NGOs);

3) Some instances of implicit coercion/disrespectful behaviors;
4) Influenced also by components 1-3, a lack of reflexivity toward the relative merits and weaknesses of *all* discourse classes.

None of the ideal features of deliberative contestations were found to be completely non-existent in the UNHLSM, yet they were all jeopardized in one way or another. The GG on LMD, then, fulfills DiDe only to the extent that public spaces embody the 'contestatory' quality. The authoritative UNHLSM, meanwhile, exhibits a low degree of 'discursive inclusivity/equality' and 'deliberative authenticity'.

By employing 'DiDe' which emphasizes the contestation of 'discourse classes' in the GCS, this paper has shown that at least two things could be gained. First, a major distinction between two labour migrants' rights-oriented viewpoints: ***Mainstream Rights*** (which works within the existing neoliberal economic structure where migration is largely conceived as a tool for development and views labour migrants as needing 'empowerment') and ***Grassroots Radicalism*** (which resists the subjectivization of labour migrants as 'disempowered' and the neoliberal use of migration as a tool for development). I also managed to uncover other legitimate viewpoints from the AAP, as encapsulated by what I termed ***Bounded Management*** and ***Counter-Mobility***. Considering how deeply nuanced the LMD discursive terrain is, this paper demonstrates how 'thin' it would be for global democracy to be conceptualized merely in terms of the procedural inclusion of some 'labour migrants' rights-oriented' NGOs. That conceptualization does not necessarily guarantee that the many nuances of AAP's viewpoints on the LMD will be captured. Secondly, this paper also demonstrates the value of conceptualizing global democracy beyond 'what' (should be admitted

inside authoritative spaces) to include 'how' the 'what(s)' should be treated on the inside. As demonstrated by the UNHLSM case, representatives of 3 different discourse classes could be admitted to the 'inside', yet subjected to some numerical/procedural disadvantages, mistrust, and disrespectful/coercive behaviors.

Having considered the two implications, we can now think of ways to move forward. Out of all of UNHLSM's 'imperfections', two things particularly stand out as (likely) the most obstructive to future reforms: 1) the exercise of structural power by some states to guard the 'inside' of authoritative spaces from viewpoints which threaten their immediate self-interests, and 2) the dominant practical conceptualization of global democracy, at least in the UN, as being about including all member states and a handful of non-state entities on the basis of balance in geography, gender, and sectors. It would be difficult to ask powerful parties to refrain from exercising their power, especially if their own interests are at stake. It is equally difficult to convince people to re-orient their focus from including a tangible set of 'actors' into the more abstract realm of 'discourse classes', even if it is more normatively-justified. Despite the challenges, as Scholte (2005) argues, democracy remains an aspiration worth fighting for, as societies which do not strive for it tend to be a far more dangerous place. I thus call for more academic work to be conducted on the empirics of other GG arenas against the DiDe ideal to: 1) demonstrate the larger value of re-conceptualizing global democracy in discursive terms, and 2) outlining best practices or unique challenges in other authoritative spaces, which could strengthen the normative case for DiDe and engender practical guidance for policymakers in that direction. From the UNHLSM specifically, I identify the SDG Zone as a potential model for future reform as it encapsulated an almost perfect embodiment of DiDe by enabling reflexivity on the basis of authentic two-way dialogue (not one-way speeches)

between a limited number of discursive representatives. Sure, reforms are not easy, and changes are likely to be gradual. Yet, they are not implausible, and DiDe remains the best (even if not the easiest) path forward if we are truly serious about ‘global democratic legitimacy’.

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**D. Interview**

Lestari, Eni, (2017), Interview with Eni Lestari conducted by the Author, London, August 10, 2017, 09.30 – 10.30 AM.

# Appendix 1.
# Samples of the LMD Public Spaces Investigated

(There were over 50 public spaces analyzed for this research, and the ones cited here are merely some of the 'best' samples which embody the 4 different classes of discourse identified).

| | |
|---|---|
| Global Forum on Migration and Development (GFMD) Global Civil Society Days (in Sweden and Turkey) | 2014 and 2015 |
| Migration and Development Civil Society Network (MADE) Civil Society Consultations for South, East, and Southeast Asia (in the Philippines) | 2015 |
| MADE Civil Society Consultations for Eastern Europe and Central Asia (in Belgium) | 2015 |
| MADE Civil Society Consultations for West and Central Africa (in Senegal) | 2015 |
| MADE Civil Society Consultations for Latin America (in Costa Rica) | 2016 |
| MADE Civil Society Consultations for the Middle East and North Africa (in Lebanon) | 2016 |
| MADE Civil Society Consultations for East and South Africa (in Kenya) | 2016 |
| Migrante Canada Third Congress (in Canada) | 2015 |
| The International Migrants Alliance (IMA) Third General Assembly (in the Philippines) | 2015 |
| #MigrantSpeakUN Hong Kong Public Space (in Hong Kong ) | 2016 |
| Donald Trump Arizona Speech Rally (in the United States of America ) | 2016 |