

Review

Ryszard Cholewinski, Paul de Guchteneire and Antoine Pécoud (eds), **Migration and Human Rights: The United Nations Convention on Migrant Workers' Rights**

Cambridge and Paris: Cambridge University Press and UNESCO, 2009, 450 pp., £60.00 hb. (ISBN 978-0-521-19946-9), £23.99 pb. (ISBN 978-0-521-13611-2)

When a book's subject matter is the 'UN's best kept secret', expectations are bound to run high and this volume does not disappoint. It is a persuasive work, not least because of its skilful avoidance of repetition, but also due to its great scholarship and the wide range of its contributors' professional backgrounds. It is impossible to do justice here to the book's numerous contributors, thanks to whom the book manages to be comprehensive without becoming tedious or less than readable. More significantly, the book fills an important gap in the human rights–migration literature since there has been scant academic and policy interest in the International Convention on Migrant Workers' Rights (ICMWR). Moreover, what makes the book unique and engaging is the underlying fervour that runs through the chapters and brings the authors together in indignation at the incapability or unwillingness of states to address the human rights of migrant workers in the twenty-first century.

The theme tackled in this volume is not new. In 1951, at the inception of the modern human rights movement, Hannah Arendt was already pointing out the difficulties that non-nationals had in accessing human rights. This situation is brought about by the inherent tension in the modern world, which Seyla Benhabib calls the 'paradox of democratic legitimacy', between democratic forms of representation and accountability and the spread of cosmopolitan norms. States increasingly find themselves juggling the responsibilities to promote and protect human rights on the one hand, and the prioritisation of state

interests, which at times involves the exclusion of non-nationals, on the other. These contradictory forces are what the authors eloquently expose and seek to unravel. This they do by using the ICMWR as a yardstick of political will and commitment to the human rights of migrant workers.

The book is divided into two sections. The first is devoted to documenting how the ICMWR came about and to analysis of its content, scope and mode of functioning. The ICMWR seeks to draw the attention of the international community to the dehumanisation of migrant workers and members of their families. Most of the rights listed in the ICMWR had appeared in earlier conventions, but their application to non-nationals was (and still is) problematic, since legislation in some states uses terminology that effectively excludes migrants, especially those in irregular situations. Moreover, great difficulties have characterised the Convention from its inception in the 1970s to the present day; the drafting phase took 13 years, with formal adoption by the UN in 1990, but it only entered into force in 2003, and it remains the Convention with the smallest number of participating states.

The first chapter, by the editors, De Guchteneire, Pécoud and Cholewinski, deserves a special mention for its adept introduction of the subject and the subsequent chapters, and also for summarising 'the way forward' by advancing policy considerations for policymakers and academics. The authors lament the increasingly hostile environment with respect to migrants' rights, created by current migration policies and sustained by the 'culture of citizenship' (Touzenis), which normalises migrants' poor living and working conditions. The editors identify three broadly defined factors leading to this situation—market forces, sovereignty and security issues—which they propose should be analysed thoroughly.

Section 2 introduces various case studies exploring the situation of migrant workers' rights; the chapters specifically deal with Asia, the

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European Union, Canada, Mexico, South Africa, the United Kingdom, France, Germany and Italy. The authors seek to uncover the underlying concerns of states which have not ratified the Convention, and look at prospects for ratification in a global economic climate in which migrant workers are among those the most negatively affected. The dominant discourse is state-centred, excluding migrant workers' human rights. Two themes emerge strongly in this section: first, most of the authors refer to the fact that some of the major concerns contributing to Western states' resistance to ratification of the ICMWR are unfounded. For example, it is often stated that ratification implies a loss of national sovereignty over admission policies but this claim is clearly refuted by Article 79 of the ICMWR. The second theme is the singular role that NGOs have in addressing such misperceptions and in increasing

the visibility of the ICMWR. In spite of their atypical lack of engagement with the Convention's initial drafting process, NGOs' role in subsequent years has increased considerably and they have been credited with maintaining interest in the ICMWR. All of the volume's contributors, whatever their background, emphasise the need to reappraise states' perceptions of the human rights of migrant workers and the important role that the ICMWR can have in bringing this about. This book will surely be of interest to a wide spectrum of people including academics, policymakers, NGO activists and people working on migration issues within international organisations.

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