



RESEARCH PROJECT

“Development via Migration”

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Development via Migration

Bantayehu Demlie Gezahegn has studied in the International Doctoral Program “Business and Human Rights” at the Friedrich-Alexander-Universität Erlangen-Nürnberg. There, as part of his doctorate in law, the legal scholar researched on how defining development as an individual right implies the availability of choices including options to migrate or stay. The research uses the 2018 UN Global Compact for Migration as a concrete example and discusses implications for States and non-State actors.

Development is rarely defined for the individual

The global discourse on migration is inextricably linked with development. A dominant approach is to assume that investing in development in low-income countries will lead to less migration from those locations. Several studies have criticized this approach for its lack of focus on individual factors.

Bantayehu Demlie Gezahegn used theories that frame development as an expression of agency to define the right to development at the individual level. Historically, the right to development emerged as a group right. As a result, its individual dimension is not sufficiently defined.

Drawing from the evolution of development as a right at the UN and regional systems such as the African system, his research develops criteria for defining development as an individual right. He argues that development for individuals entails the expansion of their capabilities and choices. Among other implications, this understanding requires us to rethink the global discourse on the nexus between development and migration in two particularly important ways. Firstly, the link between the two should include individual perspectives. Secondly, the discourse should focus not only on those who migrate but also on those who stay behind.

Migration or staying forms part of development

Decisions to migrate or stay behind may be either based on one's free exercise of agency or involuntary. Conflict and climate change may force people to flee but may also make it difficult to flee depending on individual and contextual factors such as gender, age, socio-economic status, and so on. Development as an individual right entails the removal of barriers for people either to decide to migrate or stay behind to fulfil their personal aspirations where they are.

Gezahegn's work already observes this framing in the Global Compact for Safe, Orderly and Regular Migration, adopted by the UN in 2018. The Compact frames migration not as a problem, but as part of the human experience throughout history.

On the link between development and migration, one key objective of the Compact is to minimize the adverse drivers and structural factors that compel people to leave their country of origin. It requires States to create conducive conditions for people to fulfil their personal aspirations in their own country. Furthermore, States assume commitments so that migration is not an act of desperation but one which is safe, orderly, and regular. By doing so, the Compact addresses both migration and staying options.

Gezahegn argues that the right to development is a legally binding norm. When defined to incorporate migrating and staying options as its elements, the right to development can be construed to include a right to migrate or stay. This understanding will have significant implications for the obligations of States and the

responsibilities of businesses and other non-State actors in several areas including investment-induced displacement, climate-related displacement or immobility, and labour migration arrangements.

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🔗 <https://www.business-humanrights.fau.eu/>

🔗 <https://www.afronomicslaw.org/category/analysis/symposium-introduction-right-development-and-migration>