

International Migration Review Forum Progress Declaration

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Quaker UN Office Brief Reflections¹

Consensus

The first United Nations International Migration Review Forum (IMRF) concluded in May, with States adopting its Progress Declaration (PD) by consensus² – a feat repeated two weeks’ later when it was endorsed by consensus by States in the UN General Assembly.³ This, in itself, is a major achievement – at a time of immense political pressure on both migration and multilateralism, States reaffirmed their collective will to work together to make migration work for all, including through affirming the human rights of all migrants and the need for safe, orderly and regular migration and the relevance of doing so within the remit of the United Nations. The PD does not go as far as needed to realise safe, orderly and regular migration for all migrants, nor as far as QUNO advocated for. It is gratifying that several States also voiced this view in their Explanations of Position after the adoption of the PD.⁴

The PD is made up of three sections – an introduction (paras.1 to 20), a section on progress, challenges and gaps in the implementation of the Global Compact (paras.21 to 51), and a set of recommended actions (paras.52 to 77). Although it claims to be and constitutes about half of the PD, the middle section could never have been detailed enough to provide a meaningful review of the full GCM. A briefer section with clearer reference to the review discussions at the IMRF and in the national and regional GCM reviews could have avoided lengthy negotiation of this section.

Reaffirmation

Importantly, the PD reaffirms 2018’s Global Compact for Safe, Regular and Orderly Migration (GCM) and its ten guiding principles, ensuring that the measures agreed at the IMRF are supplementary to the existing framework and any elements not specifically addressed in the PD are not omitted in the work to come. This reaffirmation had been contested by some of the minority of States that have not endorsed the GCM, but there could have been no progress if States were not able reaffirm the GCM just four years after its adoption.

Main tensions visible

The PD largely reflects some of the current main tensions in migration governance, most noticeably a view (by States of origin and some destination States) of (regular) migration as a beneficial force requiring facilitation, versus an emphasis by some destination States on migration, especially through irregular channels, as a challenge that needs to be limited or prevented. This plays out across the PD as person(migrant)-centric versus State-centric approaches. Nonetheless, States reaffirmed that all migrants are rights-holders and that human rights apply to all migrants, regardless of their migration status.

¹ Prepared by Kate Sheill with the generous support from the Friedrich-Ebert-Stiftung. These reflections provide an initial assessment of certain QUNO priorities for the International Migration Review Forum and are not a comprehensive human rights analysis of the Progress Declaration

² Following procedural votes on one paragraph

³ A/RES/76/266

⁴ <https://migrationnetwork.un.org/international-migration-review-forum-2022#>

Human rights

Ensuring that the PD was human rights-based was a QUNO priority and this was asserted by some States throughout the negotiations. The resulting PD affirms that all migrants are rights-holders, that they should be able to enjoy their human rights regardless of their migration status, and that States are obligated to respect, protect and fulfil their human rights and fundamental freedoms. However, as with the GCM, the PD contains elements that are human rights-based and elements that are more focused on the development potential (for States) of migration or on a securitisation approach.

Other areas of progress

The PD offers some small steps building from the GCM, highlights some key issues and gives a steer to aspects of the UN's work on migration.

- **Meaningful migrant participation** is central to a rights-based approach, vital to ensure that relevant policies are responsive to their diverse needs. The PD recognises and affirms this, including the full, equal and meaningful participation of women, in policy discussions, delivery and reviews on issues affecting them, including in the COVID-19 response and recovery and the formulation and implementation of migration policies (paras.51, 53, 56). In addition, stakeholder participation is a critical part of the process for the IMRF (paras.1, 17) and States recognised this and extended it to affirm stakeholders as active participants of future regional reviews of the GCM, the Plenary Meeting of the GA on the next SG's report, and the next IMRF (para.77).
- Although it could have been more explicit, the PD extends the GCM's consideration of the relationship between migration governance and **racism, racial discrimination, xenophobia and related intolerance** (paras.15, 47, 49, 54) with new references to systemic racism (paras.49, 54), including a commitment to policy review (para.54). There is also recognition that such discriminations extend to diasporas (paras.47, 49, 54).
- The language of the PD reflects years of activism in locating the precarity that migrants face – before and during their migration, including in transit – as largely situational rather than inherent to migrant(s). There is also growing understanding and acceptance by States of their role in creating and exacerbating such **situations of vulnerability** and their ability to prevent and reduce them (paras. 22, 24, 33, 34, 41, 47, 55, 59, 63).
- The PD progresses the GCM in its reference to **regularisation**, a term missing from the GCM, as part of the work to enhance and diversify migration pathways (para.59). This element of the PD commitments will be further elaborated by the Special Rapporteur on the human rights of migrants in his 2023 report to the Human Rights Council.

Areas for progress

Despite dialogue spaces in advance as well as the steer from the SG's report, States still struggled to agree on specific commitments to actions they would take to further implementation. As with the GCM, States were still unable to name key terms in migration governance, specifically firewalls,⁵ non-refoulement,⁶ – both of which are described in the GCM – and disembarkation (see below), or

⁵ Described in PD para.38 and covered in the use of "safe" access to services repeated through the text

⁶ It's absence from the text is particularly noticeable given its repeated affirmation in the Los Angeles Declaration on Migration and Protection adopted by 20 Americas States just a couple of weeks after the IMRF: <https://pm.gc.ca/en/news/statements/2022/06/10/los-angeles-declaration-migration-and-protection>

to progress work to end immigration detention. They did mandate content in the next Secretary General's (SG) report on the implementation of the GCM on a limited set of indicators (para.70) and on recommendations on missing migrants (para.76, see discussion below).

- Disappointingly, there are several instances where the PD employs **harmful narratives** – language that is anti-migrant and/or anti-rights. These should have no place in such a text. Although States affirmed in the PD the need for evidence-based public discourse and avoiding misleading narratives (paras.49, 54), they invoked scare tactics on large-scale migrations in relation to the climate crisis (para.27) and a presumption of criminality (para.61). This latter approach is also extended to an undermining of humanitarian assistance (see below). The PD also largely takes an instrumentalist approach, treating migrants mostly as workers and contributors to development, which is particularly noticeable given the weak labour rights protections offered in the PD.
- The PD does not adequately commit States to **ending lethal disregard** for migrants in transit, a QUNO priority for the IMRF. It places the burden of securing assistance on the migrant rather than affirming the legal obligations of the State (para.33). Though we appreciate the work to retain the paragraph dealing with (but now not naming) disembarkation (para.65), if all States were determined to save lives they would have agreed to clearer, stronger text. In several places throughout the PD, States do not protect the provision of humanitarian assistance, while claiming to defend it, using qualifiers to minimise the support permitted and to leave open the possibility that some humanitarian assistance could be criminalised (paras.33, 65). Lastly, one of the actions requested of the SG, to provide *“actionable recommendations on strengthening cooperation on missing migrants and providing humanitarian assistance to migrants in distress”* in two years' time is completely inadequate to the urgency and severity of the situation, which needs immediate action to prevent as well as mitigate situations in which migrants are in distress and at risk of going missing. Follow up activity on this mandate must be responsive to the urgency of the situation and the need for new approaches to engage in shifting political will.
- The PD reaffirms the gender responsiveness guiding principle of the GCM (paras.3, 56), however States did not include any standalone paragraph in the PD addressing the situations of women migrants. This **erasure of women migrants** is particularly noticeable given that the PD does include paragraphs recognising that they make up half of official counts of migrants, as well as on child migrants and addressing racism, racial discrimination, xenophobia and related intolerance. The references to women migrants that do appear in the PD are often harmful to efforts to realise women's rights and agency, exceptionalising them, focusing on their role as mothers, or employing violations-based vulnerability rhetoric (for example, paras.55, 56, 63). It is therefore important that the PD retained reference to **multiple and intersecting forms of discrimination** (para.49), although the language on **diversity** is weak (para.39): both were contested during the negotiations.
- The language in the PD on the **climate crisis** offers little progress on the GCM (see PD paras.12, 24, 27, 59). Although several States invoked climate change in their statements and pledges,⁷ and the IMRF hosted numerous side events on the issue, there was no concerted will to make

⁷ See submitted pledges at <https://migrationnetwork.un.org/the-pledging-dashboard> and <https://migrationnetwork.un.org/pledges>

progress on the diverse linkages between the harmful effects of this crisis and migrants and migrations, such as with language on addressing loss and damage.

Conclusion

The PD does not reflect the ambition we would have wanted to see which would have taken the GCM as a starting point and built on it with lessons learned through four years of implementation including with the challenges brought with the global pandemic and clear commitments for specific State action to address implementation gaps. The vagueness of many of the recommended actions and lack of timelines make it less clear what States will actually do but do leave space open in which stakeholders could be instrumental in interpreting and shaping the follow up to the recommended actions of the new PD as well as the ongoing work with the GCM.