

INTERNATIONAL ORGANIZATION FOR MIGRATION AND THE UN SYSTEM: A MISSED OPPORTUNITY

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The decision to make IOM a “related agency” at the September high-level meeting on refugees and migrants merely delays institutional reform in the hopes of building consensus later for a global compact for migration. The UN needs a lead agency for migration.

In preparation for the September General Assembly summit, the International Organization for Migration (IOM) explored becoming part of the UN system after working for 65 years side-by-side. The logic was straightforward: to complement ongoing UN work for migrants and to transform IOM into the world organization’s lead agency for them. No such norm-setting and operational transformation, however, took place with predictable implications for both UN humanitarian and development organizations. Yet another reform opportunity was missed. Plus ça change...

IOM and the UN have worked closely for decades: In 1992, IOM became a permanent observer in the General Assembly. In 1996, the UN and IOM signed a formal cooperation agreement. In 2013, they updated their relationship through a memorandum of understanding (MOU). The recent push represents a failed attempt to fill an obvious hole in and improve the global governance of migration. Based on more than 60 interviews with staff of IOM, the office of the UN High Commissioner for Refugees (UNHCR), and the European Union (EU) during the summer of 2016 along with participants at the September 2016 high-level gathering in New York, this briefing laments the latest in a long history of non-decisions by member states. It may be decades before another opportunity arises to institutionalize migrants’ rights within a specialized agency in the UN system.

WHY JOIN THE UN?

Burgeoning numbers of migrants, refugees, and IDPs over the last quarter-century (see Figure 1) have led the IOM and UN to consider a closer, formal working relationship. But the dramatic movements of refugees and migrants in 2015-2016—particularly to Europe—created additional momentum for including IOM in the UN system. The stated goal earlier this summer was to “strengthen their cooperation and enhance their ability to fulfil their respective mandates.”¹ A 2007 IOM briefing suggested three benefits: first, IOM would become a full participant in senior policy making. Second, as the UN has occupied center stage in debates about international migration, IOM risked being marginalized. Third, IOM staff could benefit from administrative formalities, including the UN laissez-passer.²

The United Nations requires a lead agency for migrants rather than relying upon UNHCR as a catch-all agency for all issues related to both the push (refugees and internally displaced persons, IDPs) and pull (migrants) of people on the move. One senior IOM official said, “Migration is too big to not have a placeholder in the UN.” UNHCR officials expressed hope that once IOM was part of the UN system, they would have an equal partner for negotiations and implementation. “In order to maintain the integrity of the asylum system, you really need to know what you are doing with people who do not qualify [for refugee status] and be able to offer outcomes and solutions to these people,” said a senior UNHCR protection officer. “That is not UNHCR’s role, but someone needs to do it. IOM and UNHCR work quite well in referring rejected asylum seekers for assisted voluntary returns.”

More controversially, the UN also requires an authoritative voice to define the human rights of migrants and protect them. The Sustainable Development Goals recognized for the first time the importance of migrants to development, but do not adequately address involuntary migration. The 2016 World Humanitarian Summit in Istanbul recognized this task as central to both humanitarian and development operations, but participants failed to rally support for serious change to the humanitarian system.⁵ Disappointingly but predictably, the new UN-IOM agreement emphatically denies IOM a norm-setting function and preserves its role as a subcontractor for member states. The result: vulnerable migrants still have no champion within the UN system.

Figure 1: Number of Refugees, IDPs, and International Migrants³

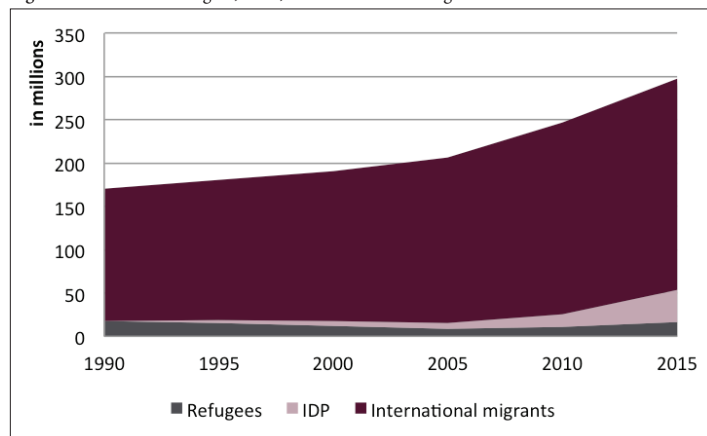
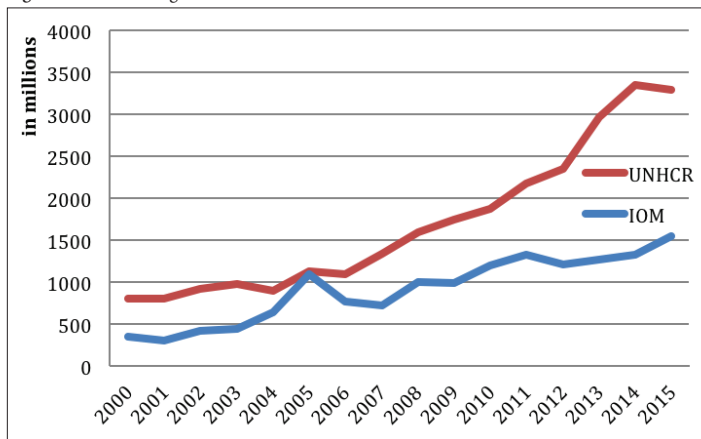


Figure 2: Annual Budgets for UNHCR and IOM⁴



International conversations and negotiations require a dedicated analytical capacity and advocate for migration's benefits—particularly the migration and development (M&D) nexus, temporary labor migrants, and diaspora remittances. IOM has enormous expertise and experience in M&D—for example, running projects like the Migration for Development in Africa that entices diaspora professionals to work with and return home. The UN Development Programme (UNDP) recognizes the M&D potential but has inconsistently funded and implemented projects. Both IOM and UNDP often overlook M&D's complexities: for example, GDP growth often increases the number of emigrants, and projects aimed to build state capacity for border control do nothing to help local economies.⁶ Some joint M&D programming already exists involving UNDP and IOM along with UNHCR, the International Labour Organization (ILO), and the UN Population Fund. The Joint Migration & Development Initiative has funded 51 local projects, produced a handbook for migration and development, and a website for collaboration.⁷

Crucially, IOM has labored to overcome its image as a tool of western member states, especially the United States. Joining the UN could broaden IOM's support base and strengthen its legitimacy as an actor in sensitive political environments. IOM could and should be responsible for mainstreaming migration and development policies with a presence in both the UN humanitarian and development systems.

GLOBAL DIVISION OF LABOR

The global governance of migration is a patchwork of institutions, treaties, and semi-regular forums. A division of labor exists between various UN organizations and IOM.

UNHCR has the most clearly defined role, responsible for protection of refugees as spelled out in the 1951 Refugee Convention and the 1967 Protocol. Overtime, UNHCR's mandate stretched to include IDPs.⁸ In addition, UNHCR has assumed the role as coordinator of the cluster response in emergencies, often responsible for ensuring protection of refugees (especially vulnerable groups); assisting and monitoring refugee status determination; monitoring reception, registration, and detention practices. UNHCR also addresses "refugee-like situations"—but this is an institutional sleight-of-hand. As one senior official asserts, "UNHCR's responsibility starts and ends with refugees."

Other UN programs and organizations fill-in when issues overlap, such as migration and development (UNDP), migrant children and families (UNICEF), migrant workers (ILO), humanitarian relief for displaced persons (Office for the Coordination of Humanitarian Affairs), food in camps (World Food Programme), and combatting human trafficking (UN Office for Drug Control). The UN secretary-general has also appointed Peter Sutherland as Special Representative for International Migration, François Crépeau as Special Rapporteur on the Human Rights of Migrants, and Tomáš Boček as Special Representative on Migration and Refugees. In total, 28 different components of the UN system deal with migration with no clear leadership or hierarchy.

IOM's operations fall into two broad categories, both with implications for the UN's humanitarian and development efforts: assistance to migrants in emergency situations; and such traditional tasks as voluntary return and migration policy. IOM primarily works with migrants or with mixed flows (refugees, IDPs, and migrants), but it also provides services like health checks and travel logistics for refugees being relocated or resettled. Figure 2 compares the annual budgets of IOM and UNHCR since 2000; much of the increase in IOM's budget in the 2000s reflected its expanded membership, while UNHCR's budgets grew as a result of increased humanitarian operations.

UN and IOM officials already collaborate in reception centers, refugee camps, and coordination mechanisms. Their work often occurs through spaces like Regional Migrant and Refugee Response Plans, the Migration Crisis Operational Framework, and the Migrants in Crisis Initiative. In some regions, there are mixed migration task forces that meet regularly to exchange information, coordinate responses, and plan joint projects. In March 2016 in Greece alone, there were 54 working groups—made up of UN organizations, IOM, EU, and other major non-governmental organizations (NGOs)—meeting regularly to coordinate their response to the large flows of migrants and refugees.⁹

In short, while not formally within the UN system, IOM has become an essential player in the world organization's humanitarian and development responses.

WHAT WILL CHANGE?

While the IOM's joining the UN system was meant to be a major outcome of the September meeting, the agreed text basically extends the previous IOM-UN relationship. IOM already follows UN staff rules and security regulations, and it participates in the UN pension plan. In addition, IOM also is present in consultations, submits reports, and makes recommendations when requested.

A 2007 IOM policy brief outlined four options for the future: 1) implement more fully the current cooperation agreement; 2) become a related agency; 3) transition to a UN fund or program; or 4) become a specialized agency.¹⁰ The brief concluded that becoming a UN fund was least attractive because it would require a fundamental change in the organization's governance and narrow its ability to act independently. The status quo option was not onerous but also lacked the benefits of greater participation or influence in high-level policy. In fact, in 2007 the IOM director-general requested joining the UN Development Group (UNDG) and Chief Executive Board (CEB), but his request was denied. This decision has changed with the new agreement but still falls short of the requisite stature.¹¹

Many practical coordination and programming advantages would result from converting IOM into a specialized agency, and thus we are hoping to keep this issue alive as discussions continue. Such status is “generally meant to acknowledge the leading role of specialized agencies in their respective domains”¹²—a contentious change for UNHCR and UNDP whose work often overlaps with migration. Government inertia and protection of organizational turf explain most UN decisions, and the September 2016 outcome is no exception.

The agreement designates IOM as a “related agency,” which preserves it as “an independent, autonomous and non-normative international organization.”¹³ Box 1 summarizes the main points of the IOM-UN agreement. IOM will participate in all UN coordination mechanisms, such as the UNDG, the Inter-Agency Standing Committee, and the Global Migration Group. As IOM was already participating in all but the UNDG and CEB, the agreement is not making radical changes. While IOM will now enjoy a seat at the high table of UN policy making, it was hardly lacking influence earlier—particularly in coordination mechanisms, regional task forces, and joint response plans.

Box 1: Summary of IOM-UN Agreement

- Exchange of information, expert advice, and assistance
- Cooperation in statistics
- Commitment to avoid duplication of activities and services
- Add agenda items and participate in all meetings without vote
- Provide special studies related to each others work
- Cooperate on efficient administrations (facilities, staff, and services)
- IOM staff can travel on the UN laissez-passer

IOM, most likely, was not designated as the lead agency for migration-related issues because of lobbying by UN organizations that are competing for resources and relevance. The agreement does not spell out how expenses are to be apportioned on joint projects. The door is left open for future accords, for example on key protection of confidentiality and data-sharing because UNHCR maintains extensive databases of registered refugees and asylum seekers. There are risks with sharing data—for example, information about individuals fleeing persecution should not be shared with countries of persecution—but also such benefits as cost savings and family reunification.

It is unclear whether IOM will participate in UN country teams or be integrated into “Delivering as One.” The agreement lays the groundwork to “explore the possibility of establishing common facilities or services in specific areas, with due regard to cost savings.”¹⁴ But interviews with key staff suggest that IOM is keen to maintain independence and not lose direct influence in countries where they have labored for decades. IOM staff resemble other parts of the UN system in not wishing to be subject to UN resident coordinators and additional oversight and reporting. At the same time, staff appreciate that joining the UN system could free up IOM to advocate and mainstream migration best practices.

Finally, overlaps between IOM and UN responsibilities should be resolved. Both IOM and UNHCR gather extensive data on migrants and refugees, often on the same people. For example, IOM began the Missing Migrants Project because no UN organization was collecting this information, while IOM also collects other data on migration flows that overlap with UNHCR statistics. In future, all UN agencies (including IOM) should resolve who is collecting which data and submit them in a uniform and centralized way. Another potential downside is the transaction costs for participation in UN coordination mechanisms.

MAJOR CHALLENGES

Because IOM is merely a “related agency” of the UN system, the UN and IOM must confront three major differences that were postponed: definitions, relationships to member states, and workplace cultures. Despite the lack of clarity in September, the UN and IOM should address these tensions directly in the interest of crafting more cohesive and effective responses to the challenges of global migration.

Different Definitions

The first major challenge is how IOM and the UN system define refugees and migrants. UNHCR uses the strictest definition of refugees as persons who have fled their country because of “a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” The language of the 1951 Refugee Convention specifically excludes IOM’s bread-and-butter: economic migrants who flee to improve their situations. UNHCR defends its narrow definition for two reasons: First, it is easier to determine well-founded fear of persecution than dire economic circumstances. Second, member states agreed to protect refugee rights under the narrow definition; and any dilution could endanger the current international norm of protection.

IOM considers refugees one sub-category of migrants. To a greater extent than UNHCR, the IOM deals with “mixed migration flows” that include refugees, economic migrants, unaccompanied minors, forced migrants, or trafficked persons. IOM defines a migrant as “any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.”¹⁵

Now that IOM is part of the UN system, it is unclear which agencies will lead and are primarily responsible for emergency and development responses for mixed migrant populations. Kicking the can down the road does not address these essential management and policy issues.

Different Member States

IOM and the United Nations have different memberships and different relationships with them. There are 148 states that are signatories of either the 1951 Refugee Convention or the 1967 Protocol, while IOM has 165 member and eight observer states.¹⁶ Notably missing from the refugee conventions are several states with major displaced populations: Eritrea, India, Jordan, Libya, Nepal, Pakistan, South Sudan, Sri Lanka, Thailand, and Vietnam. In June 2016, China applied to become a member of IOM, while Russia remains an observer.¹⁷

If IOM and UN operations become more synchronized, gaps in membership could become obstacles to rapid responses in emergencies,

including Security Council decisions. Alternatively, the world organization could benefit from IOM's more inclusive membership for migration issues—bringing into the fold states that previously preferred to manage migration outside the UN system.

In contrast to UNHCR, the IOM maintains that it is not and will not become a norm-setter. This tenuous position is hard to fathom because all UN organizations seek to extend customary law through best practices. More importantly, because the UN has a comparative advantage in global norm-setting,¹⁸ it requires a legitimate but currently missing voice on migration. IOM should set norms as an integral part of the UN system.

Different working cultures

IOM and the UN have distinct working cultures. UNHCR's mandate is to protect the rights of refugees and hold states accountable to international human rights standards. IOM has thrived on the "projectization" of its operations. IOM projects operate on full-cost recovery through government contracts. In practice then, IOM is a subcontractor for member states with insufficient expertise or experience in such issues as assisted voluntary returns. In other cases, IOM has few resources for pre-emptive policy planning.

In addition, IOM is not consensus-based—projects reflect individual member state's interests. IOM is not used to "shaming and blaming," which is a necessary component of the international tool-kit when states violate the fundamental rights of migrants.

IOM has the potential to add to the performance and reputation of the UN system. While the September 2016 high-level meeting was an important moment of international cooperation on migration, it was a missed opportunity for IOM and the UN. Parallel to the IOM negotiations, UN Special Advisor Karen AbuZayd spearheaded discussions about a Global Compact for Safe, Regular and Orderly Migration and a Global Compact on Refugee Responsibility-Sharing. The lack of meaningful movement on such crucial issues shows that the United Nations—both for humanitarian and development purposes—requires a dedicated agency capable of leading on the rights of migrants and championing the benefits. The IOM should be that entity.

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NOTES

1. UN General Assembly, "Agreement concerning the Relationship between the United Nations and the International Organization for Migration," 70th session, UN document A/70/976, 8 July 2016, 3.
2. IOM, "Options for the IOM-UN Relationship: Additional Analysis of the Costs and Benefits," 94th session, IOM document MC/INF/290, 9 November 2007, 14-15.
3. *Refugee statistics also include people in refugee-like situations, but do not include Palestinian refugees registered under the UNRWA. See: UNHCR Statistics Portal, http://popstats.unhcr.org/en/time_series;UN_DESA, <http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates15.shtml>.*
4. *Data compiled by authors from annual budget reports using UNHCR revised expenditure and IOM's operational budget.*
5. See Peter J. Hoffman, "Humanitarianism in Treatment: Analyzing the World Humanitarian Summit," *FUNDS Briefing #41*, August 2016, <http://www.futureun.org/en/Publications-Surveys/Article?newsid=94>.
6. For further discussion of the tensions in the migration and development nexus, see: Nicholas R. Micinski and Thomas G. Weiss, "The European Migrant Crisis: Can Development Agencies Do Better?" *FUNDS Briefing #37*, January 2016, <http://www.futureun.org/en/Publications-Surveys/Article?newsid=84>.
7. www.migration4development.org. See also EC-UN Joint Migration & Development Initiative, "The involvement of countries of origin in the integration process," Sixth Meeting of the European Integration Forum, Brussels, 9 November 2011, https://www.google.gr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=9&ved=0ahUKewidxoXwtarOAhXGPRoKHdSyA6YQFghOMAg&url=https%3A%2F%2Fec.europa.eu%2Fmigrant-integration%2Findex.cfm%3Faction%3Dmedia.download%26uid%3D2075B2F-022F-CFEA-54FAAEB7DBFEA6FC&usq=AFQjCNEuK6K0M0al4589_nyGVQR0lmuahQ&bvm=bv.128617741,bs.1,d.bGs

8. Alexander Betts, "UNHCR, Autonomy, and Mandate Change," in *International Actors as Self-Directed Actors: A Framework for Analysis*, ed. Joel E. Oestereich (New York: Routledge, 2012), 127-128; Thomas G. Weiss and David A. Korn, *Internal Displacement: Conceptualization and its Consequences* (London: Routledge, 2006).
9. UNHCR, "UNHCR- Coordination Mechanisms in Greece," 18 March 2016, <https://data.unhcr.org/mediterranean/download.php?id=911>.
10. IOM, "Options for the IOM-UN Relationship: Additional Analysis of the Costs and Benefits," 94th session, IOM document MC/INF/290, 9 November 2007, 2-4.
11. UN General Assembly, "Agreement concerning the Relationship between the United Nations and the International Organization for Migration," 70th session, UN document A/70/976, 8 July 2016.
12. IOM, "Options for the IOM-UN Relationship: Additional Analysis of the Costs and Benefits," 94th session, IOM document MC/INF/290, 9 November 2007, 6.
13. UN General Assembly, "Agreement concerning the Relationship between the United Nations and the International Organization for Migration," 70th session, UN document A/70/976, 8 July 2016, 3.
14. *Ibid.*, 6.
15. IOM, "IOM Definition of 'Migrant,'" 15 March 2016, <https://www.iom.int/sites/default/files/about-iom/IOM-definition-of-a-migrant-15March2016.pdf>.
16. States not signatories of 1951 Refugee Convention or 1967 Protocol are: Bangladesh, Comoros, Eritrea, Guyana, India, Jordan, Kiribati, Libya, Maldives, Marshall Islands, Mauritius, Micronesia, Mongolia, Myanmar, Nepal, Pakistan, Saint Lucia, South Sudan, Sri Lanka, Thailand, Vanuatu, Vietnam; Not member states of IOM: Dominica, Equatorial Guinea, Liechtenstein, Monaco, and Russian Federation. States that are neither members of IOM or signatories of refugee conventions: Bahrain, Bhutan, Cuba, Indonesia, Iraq, Kuwait, Laos, Lebanon, Moldova, Oman, North Korea, Qatar, Saudi Arabia, Singapore, Syria, UAE, Uzbekistan, Andorra, Brunei, Grenada, Palau, San Marino, Tonga.
17. IOM, "International Organization for Migration Welcomes China Application for IOM Membership," 13 June 2016, <https://www.iom.int/news/international-organization-migration-welcomes-china-application-iom-membership>.
18. See Richard Jolly, Louis Emmerij, and Thomas G. Weiss, *UN Ideas That Changed the World* (Bloomington: Indiana University Press, 2009).

