

the use of force to enforce sovereign debt contracts following the *Venezuelan Preferential Case*, international society has been able to agree on few systemic improvements over the past hundred years.

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IOM Unbound? Obligations and Accountability of the International Organization for Migration in an Era of Expansion. Edited by Megan Bradley, Cathryn Costello, and Angela Sherwood. Cambridge, UK: Cambridge University Press, 2023. Pp. xxiii, 467. Index.
doi:10.1017/ajil.2024.6

IOM Unbound? is a timely and comprehensive edited volume, exclusively devoted to the study of the International Organization for Migration (IOM). The book, edited by Megan Bradley of McGill University, Cathryn Costello of Oxford, and Angela Sherwood of Queen Mary University, brings together nineteen researchers who work mainly in the fields of international law and international relations. IOM is an agency that has substantially expanded the volume and scope of its activities over the past three decades. The book addresses the implications of these developments, specifically in terms of IOM's respect for the human rights of migrants and for its obligations under international law.

Founded in 1951, IOM is a Geneva-based intergovernmental organization (IO). It was initially mandated to address the situation of the people displaced by World War II in Europe, notably by facilitating their out-migration to the Americas and Australia. Its Constitution conditions state membership on support for "free movement," i.e., the right to leave, which excluded states like the USSR and made membership possible only for Western "capitalist" countries. IOM was set up outside the UN system, as a counterweight to the contemporaneously created Office of the United Nations High Commissioner for Refugees (UNHCR).

The United States, in particular, feared communist influence inside UN agencies and played a leading role in the agency. This is still the case today: the United States is the IOM's largest bilateral donor, and in 2023 the Biden administration successfully spearheaded a fierce campaign in favor of its candidate Amy Pope to oust former director Antonio Vitorino from Portugal. Out of the eleven director generals the IOM has had since its creation, Pope is the ninth to come from the United States.

After an initial period marked by instability, IOM became a permanent organization in 1989 and has experienced steady growth since then. It expanded from forty-three member states in 1991 to 175 today. Key non-Western states like China and Russia joined, in 2016 and 2021 respectively. In 2016, it became a related organization of the UN, presenting itself as the "UN migration agency." This is a significant development: international migration is a major political issue throughout the world, with far-reaching implications for development, human rights, security or international cooperation; but the topic used to be rather absent from the UN agenda (as the UNHCR's mandate focuses on refugees only). IOM filled this gap and now plays a key role, both in operational activities and in policy-oriented discussions over global migration governance. It was the leading agency behind the adoption in 2018 of the Global Compact for Safe, Orderly and Regular Migration, an ambitious UN-sponsored multilateral initiative, and also serves as the secretariat of the UN Network on Migration, established in 2019 to coordinate the UN's activities in this field.

IOM's growth and increasing influence have not been without controversy. Because of its financial and political dependence on a small number of states in the Global North, IOM is criticized for focusing its agenda on the migration issues that matter most for these countries, namely the control of borders and the prevention of unauthorized migration. This bias is reinforced by IOM's so-called "projectization" system, which enables member states to fund targeted projects that advance their own agendas (rather than advance the common good

objectives traditionally associated with IOs). Projectization comes along with a strong degree of decentralization: IOM's field offices are quite autonomous and organize their work in conjunction with local governments and according to the local/regional context, in loose relation with the overall mandate of the agency and with its headquarters in Geneva. Australia, for example, solicits IOM's regional bureaus to operate security- and control-oriented projects in Indonesia in order to stop unwanted migration from this country,¹ while the European Union does the same in North Africa.²

This has spurred long-standing debates surrounding IOM's human rights record. In 2002, a joint statement by Amnesty International and Human Rights Watch expressed "concerns about the human rights impact of certain IOM operations,"³ and in 2013 the then UN Special Rapporteur on the human rights of migrants, Professor François Crépeau, wrote that "the mandate and funding of IOM pose structural problems with regard to fully adopting a human rights framework."⁴ A major and well-identified issue in this respect lies in the weak normative framework in which IOM operates. Whereas UNHCR's work is rooted in the 1951 Convention Relating to the Status of Refugees (and the 1967 Protocol), the international community has not agreed on a strong and binding migration regime, and IOM does not have comparable international standards to ground its mission. International legal standards applicable to migration are found, for example, in the fields of humanitarian law, labor law, disaster law, and transnational criminal law (which addresses

situations of human smuggling and trafficking). But these standards make for a fragmented normative framework, thereby leaving states, and the IOM, considerable room to maneuver in their treatment of migrants and application of international standards.

As a matter of fact, *IOM Unbound?* provides ample evidence of the relationship between IOM's activities and human rights violations. For example, Chapter 13, by Angela Sherwood, Isabelle Lemay, and Cathryn Costello, thoroughly reviews a particularly infamous project, in which the IOM ran offshore detention centers in Nauru and Papua New Guinea between 2001 and 2007. Funded by the Australian government, but run by the IOM, these centers served to detain asylum seekers who had been intercepted when trying to reach Australia by boat; they were then forcibly and indefinitely detained without the possibility of legally challenging their detention, in violation of international standards pertaining to detention (and especially immigration detention).

In the face of such situations, researchers working on IOM have usually been critical of the agency and have blamed it for serving the interests of powerful states like Australia to the detriment of migrants' rights. This scholarship and the controversies mentioned above are reviewed in the introduction of *IOM Unbound?*, and the editors rightly remark that "much of the existing scholarship on IOM is highly critical, reflecting concerns about the ways in which IOM enables states' restrictive migration management goals" (p. 4). Yet, and even though the book does document IOM's normative shortcomings, the contributors to the volume do not adhere to this critical standpoint.

Rather, the book embraces an alternative approach, based on the recognition that IOM is "a duty bearer under international law" (p. 20) and that this calls for examining the norms and standards that apply to its activities. According to the editors, "the notion that IOM has no obligations, particularly in relation to human rights and humanitarian norms, simply because it has sometimes failed to recognize and adhere to

¹ Asher Lazarus Hirsch & Cameron Doig, *Outsourcing Control: The International Organization for Migration in Indonesia*, 22 INT'L J. HUM. RTS. 681 (2018), at <https://www.tandfonline.com/doi/full/10.1080/13642987.2017.1417261>.

² Julien Brachet, *Policing the Desert: The IOM in Libya Beyond War and Peace*, 48 ANTIPODE 272 (2016).

³ Statement by Amnesty International & Human Rights Watch to the Governing Council (2002), at <https://www.amnesty.org/en/documents/ior42/006/2002/en>.

⁴ United Nations, Human Rights of Migrants: Notes by the Secretary General, para. 2(b)(60), UN Doc. A/68/283 (Aug. 7, 2013).

them, does not withstand scrutiny” (p. 5). The purpose of *IOM Unbound?* is then to propose a detailed analysis of the normative context in which IOM operates, with particular attention to recent developments and to how IOM has been strengthening its compliance with international legal standards. This is coupled with an explicit aspiration to provide policy-guidance, as each chapter concludes with policy recommendations designed to improve IOM’s respect for human rights and international standards.

The merit of this approach is to broaden the range of scholarly perspectives on IOM. It is true that the agency cannot simply put aside international law standards, and it therefore makes sense to examine the normative basis of its activities. This is all the more useful because research on IOM comes mainly from political sociology, which often pays little attention to legal and normative questions. And it is legitimate for scholars to rely on their expertise in order to provide policy recommendations, with the objective of strengthening IOM’s compliance with international law. Finally, and in more general terms, *IOM Unbound?* is only the third book to focus on this agency,⁵ which indicates the extent to which IOM has remained understudied, despite its growing influence and in contrast to other agencies like the UNHCR.

Yet, while seemingly coherent and sensible, the approach followed by *IOM Unbound?* raises a number of major questions that are not entirely addressed in the volume. In particular, it proves confusing to document IOM’s normative shortcomings (as with the example above on immigration detention), while at the same time emphasizing IOM’s obligations under international law. In order to further discuss these core research questions, this review details the content of the book before turning to more general

reflections on how academic research can work *on* and *with* IOM.

Part 1 of the book (Chs. 2–6), entitled “IOM’s Mandate, Structure, and Relationship with the UN,” addresses the normative dimension of IOM’s work and puts forward a number of arguments. The first regards the IOM’s Constitution. As discussed in Chapter 1, this Constitution is notoriously problematic because it does not refer to human rights, while displaying full respect for the sovereignty of its member states and giving priority to domestic law. As stated in Article 1(3), “[t]he Organization shall recognize the fact that control of standards of admission and the number of immigrants to be admitted are matters within the domestic jurisdiction of States, and, in carrying out its functions, shall conform to the laws, regulations and policies of the States concerned.” This provision is why IOM is commonly understood as a “non-normative” organization, which limits itself to the provision of logistical/technical services to governments (like the transport of migrants) and is not authorized to design, to advocate for, or even to implement international standards. Against this background, *IOM Unbound?* makes two points. The first is that the Constitution should be revised; summarizing the key policy recommendations of the book, the editors write that “one recommendation stands out as fundamental: it is now time to revamp the IOM Constitution to better reflect and direct its expansive roles in contemporary global governance” (p. 39). On the other hand, they also minimize the importance of this Constitution, by arguing that regardless of whether or not it is revised, IOM must at any rate respect the norms contained in other international standards.

In addition, IOM has also adopted an array of internal norms and procedures to ensure its compliance with international standards. In Chapter 2, Megan Bradley reviews these internal policy guidelines and argues that, while they mainly serve the objective of avoiding criticisms and increasing the legitimacy of the organization, they nevertheless promote a culture of human rights within the agency. In Chapter 4, Stian

⁵ The two others are: INTERNATIONAL “MIGRATION MANAGEMENT” IN THE EARLY COLD WAR: THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION (Lina Venturas ed., 2015); and THE INTERNATIONAL ORGANIZATION FOR MIGRATION: THE NEW “UN MIGRATION AGENCY” IN CRITICAL PERSPECTIVE (Martin Geiger & Antoine Pécoud eds., 2020).

Øby Johansen reaches a more skeptical conclusion. He analyzes the IOM's Office of the Inspector General (OIG), whose role is to strengthen the agency's human rights accountability mechanisms, but shows that, while there have been certain improvements, the OIG remains unable to achieve this objective. The main difficulty is that it can only investigate staff members and contractors (and not the agency itself), which makes it impossible to address the structural factors underlying IOM's human rights violations.

A third argument regards IOM's new status as a "related organization" of the UN, according to the Agreement Concerning the Relationship Between the UN and the International Organization for Migration adopted by the UN General Assembly on July 8, 2016. This agreement represented a long-awaited and much-debated move that has often been positively interpreted as an indication that IOM was abandoning its "standalone" position and agreeing to position its work within the UN's international law framework. In Chapter 6, Miriam Cullen discusses the complexity and ambivalences of the IOM-UN relationship in terms of IOM's normative commitments and obligations. Not only is the status of a "related" organization somewhat unclear, but the wording of the agreement is also open to different interpretations. In particular, Article 2(5) recognizes IOM as "an essential contributor in the field of human mobility, [including] in the protection of migrants," but also as an "independent, autonomous and non-normative international organization." This arguably makes for an ambivalent situation in terms of whether or not IOM is bound by UN standards.

Fourthly, even if IOM lacks a strong normative framework, this is not the case of its member states, which have legal obligations and may not therefore solicit the organization for services incompatible with international human rights law. As the editors recall in Chapter 1, "States cannot, as a matter of law, evade their own obligations by acting through IOs" (p. 20). While this is formally undeniable, the Nauru/Papua New Guinea example mentioned above shows

that in practice governments may turn to IOM to circumvent their obligations. The problem then lies in accountability mechanisms, as the migrants who are affected by IOM's activities may find it difficult to claim their rights. In Chapter 3, Jan Klabbers argues that, while this is a problem common to many IOs and to virtually all situations of outsourcing, the picture remains unsatisfactory: "If and when IOM does wrong, it will be difficult to hold it to account under international law" (p. 99). He adds that this is also a matter of organizational culture; IOM is often associated with what is taken to be an "American" way of doing things (i.e., unbureaucratic, results-oriented, and competitive), which has earned the agency a "cowboy" reputation, and leads to working methods characterized by low respect for procedures (including when the procedures serve to uphold rights and standards).

Moving away from legal and institutional dynamics, the second part of the book is entitled "IOM in Action" and proposes an in-depth analysis of IOM's different fields of activity (Chs. 7–15). A common structure characterizes most of these chapters. Focusing on a specific area of work, they start by documenting IOM's activities therein and then analyze the extent to which the agency takes into account relevant normative instruments. Taken together, these chapters provide a useful and comprehensive overview of IOM's activities (although they omit certain important areas, like human smuggling and trafficking and all the issues pertaining to gender and discrimination against women).

Some of the chapters address well-known issues. As noted above, Chapter 13 reviews the long-standing controversies on IOM's projects in the field of migrant detention. Chapter 14, by Jean-Pierre Gauci, investigates another central and much-debated part of IOM's work, namely so-called "voluntary returns." The purpose of such programs is to induce irregular migrants and rejected asylum seekers to return to their country on the basis of voluntariness, in order to avoid the human costs and legal obstacles associated with forced expulsions; but these programs

have long been criticized for amounting to a form of “soft deportation.”⁶

Other chapters address emerging topics. For example, Chapter 9 by Anne Koch examines the normative issues raised by data collection, in a context in which migration and border control practices increasingly rely on the gathering of potentially sensitive and personal information (like biometric data). In Chapter 8, Nina Hall focuses on climate-related migration, showing how IOM’s conceptualization of migration as an adaptation to environmental degradation raises potential concerns over the rights of displaced people.

The general conclusion of many of the chapters in Part 2 is that IOM routinely disrespects the international standards pertaining to its different fields of activities. In Chapter 10, Janie Chuang analyzes labor migration projects, showing that they neglect international labor law and states’ responsibilities, in particular because they often resort to audit certifications by private companies. Chapter 11 by Geoff Gilbert focuses on IOM’s humanitarian interventions. He notes that the agency works directly with governments and argues that it therefore cannot respect the principles of independence and impartiality that should guide humanitarian action.

In Chapter 12, Bríd Ní Ghráinne and Ben Hudson explore IOM’s work with internally displaced people (IDPs). Following the same approach as other chapters, they analyze IOM’s projects (in countries like Iraq and Haiti), before assessing their compatibility with international standards, including the UN Guiding Principles on Internal Displacement. Once again, the conclusion is that there is a substantial gap between IOM’s practices and the relevant norms, especially because IOM is often more concerned with returning IDPs to their home rather than protecting their rights. Faced with such normative shortcomings, the authors

candidly write that “it is difficult to understand why IOM pays such little attention to the [Guiding Principles]” (p. 359).

This is indeed a good question. But unfortunately, *IOM Unbound?* provides little information on *why* IOM does not respect international standards. It carefully documents IOM’s activities, details the relevant normative/legal framework, and outlines the gap between the two. But it does not take the next step and attempt to identify the reasons that would explain this state of affairs.

This is partly a matter of methodology and of disciplinary anchoring. Drawing mainly on international law and IR, *IOM Unbound?* is based on the examination of norms, on the analysis of reports, and on interviews with IOM staff members. This makes it difficult to understand the causes of the gap between IOM’s activities and international standards. Indeed, as Johansen writes in Chapter 4, “IOM has co-opted the language of human rights” (p. 111): it is therefore difficult to find reports that would document IOM’s shortcomings, or to interview civil servants who would explain why they decide to disregard aspects of international law. To move forward in the analysis, researchers probably need to go to the field, and to examine as directly as possible the ways in which IOM operates, its interactions with member states, the attitude of its employees toward the normative dilemmas raised by its projects, and so on. Such field work is all the more necessary because, as noted, IOM is a highly decentralized agency, in which field offices enjoy a strong degree of autonomy. Research that focuses on IOM’s headquarters and on its general organizational pattern is thus unlikely to capture what is really going on.

Moreover, the book sticks to a fairly narrow (and at times purely descriptive) approach to its topic. As a result, it does not address a number of core arguments and theoretical frameworks that have been extensively debated in migration studies. To take an example, the word *capitalism* does not appear in *IOM Unbound?*. It is clear that the authors do not identify as Marxist, radical or “anti-globalization” researchers. But one does not need to embrace these perspectives to

⁶ Arjen Leerkes, Rianne van Os & Eline Boersema, *What Drives “Soft Deportation”? Understanding The Rise in Assisted Voluntary Return Among Rejected Asylum Seekers in The Netherlands*, 23 POPULATION, SPACE & PLACE 2059 (2017), at <https://onlinelibrary.wiley.com/doi/abs/10.1002/psp.2059>.

acknowledge that migration flows are embedded in global market forces, for instance when it comes to the need for cheap and under-protected labor in Western advanced economies. This is a well-known and structural obstacle to the protection of migrants' rights, but IOM has no mandate to address socioeconomic matters (unlike other IOs such as the International Labor Organization). It is tasked to implement states' sovereign right to control borders and regulate migration, but doing so in a context in which socioeconomic forces so powerfully push people to move inevitably requires a certain degree of violence—and hence the risk of threatening migrant rights.

The words *colonial(ism)* and *post-colonial(ism)* likewise rarely appear in this volume. Here again, there is no need to be a radical researcher to recall that in many regions of the world migration connects countries with a shared colonial history (Mexico and the United States, North Africa and France, etc.), and that one of the features of colonial history is the unequal access to rights enjoyed by colonizers and colonized populations. *IOM Unbound?* does not address an emerging body of research that investigates the colonial legacy in migration politics and migration law.⁷ This absence is all the more puzzling as one of its editors has published a ground-breaking article on IOM's colonial roots.⁸

A third analytical framework that could have been mobilized is the well-established literature on the relationship between migration, sovereignty, and human rights, and especially non-citizens' "right to have rights" in a context in which states are to guarantee the human rights of all while at the same time exercising their sovereign

prerogative to forcibly control foreigners. The work of Hannah Arendt is not cited for example, even though it is directly relevant: IOM is indeed an intergovernmental organization that must respect state sovereignty over migration, while also implementing universal standards to protect migrants, whatever their legal status.

To put it differently, the book's various ambitions create a dilemma. On the one hand, as a doctrinal and conceptual matter, it wants to acknowledge and study the normative framework in which IOM operates (Part 1), while at the same time as a descriptive matter the volume wants to investigate the IOM's actual practices—and its shortcomings (Part 2). As noted, one way in which *IOM Unbound?* tries to bridge these ambitions is through the elaboration of policy recommendations: it calls for a revision of IOM's Constitution and each chapter features a policy-relevant conclusion about the ways in which IOM could increase its respect for international standards. However sound in theory, these policy recommendations are not entirely convincing, as the ways in which they are to be communicated to IOM and translated into actual changes are unclear. More fundamentally, it is difficult to propose solutions to a problem that is not fully understood; as long as the book does not address the *why* question raised above it will find it difficult to achieve change within IOM.

The policy recommendations thus rather seem to fulfill a purpose that is internal to the book, namely to bridge the gap between the emphasis on norms and the empirical recognition that norms are not central in IOM's work. Chapter 15 by Sherwood and Bradley is even more puzzling, as its recommendations do not target IOM, but human rights NGOs; the authors advise them to be less critical toward IOM in order to be more influential and to better steer the organization in a rights-friendly direction. Yet the authors provide little reason to believe that mild criticism would be more efficient in terms of achieving greater respect for migrants' rights.

To some extent, this recommendation to NGOs embodies the general attitude of the

⁷ See, e. g., Karin de Vries & Thomas Spijkerboer, *Race and the Regulation of International Migration: The Ongoing Impact of Colonialism in the Case Law of the European Court of Human Rights*, 39 NETH. Q. HUM. RTS. 291 (2021), at <https://doi.org/10.1177/09240519211053932>.

⁸ Megan Bradley, *Colonial Continuities and Colonial Unknowing in International Migration Management: The International Organization for Migration Reconsidered*, 49 J. ETHNIC & MIGRATION STUD. 22 (2023), at <https://www.tandfonline.com/doi/full/10.1080/1369183X.2022.2127407>.

book toward its object of study. Unlike previous research rooted in critical migration studies, and despite the fact that its conclusions about the gap between IOM's activities and international standards could easily nurture (rather than challenge) such critical research, *IOM Unbound?* is less "aggressive" toward IOM and adopts a constructive and supportive tone, with the objective of engaging in a productive relationship to the organization. The authors display an apparently genuine sympathy toward IOM and seem convinced that they can contribute to improving its respect for human rights. This is a significant development as it could possibly reconfigure the relationship between IOM and academic research.

Like all IOs, IOM maintains relationships with a network of scholars and experts, who are routinely solicited to write reports, attend conferences, take part in various committees, and so on. But these researchers work *with* or *for* IOM, whereas the few academics who work *on* IOM have generally adopted a critical attitude that has fueled the controversies described above. Research on IOM has therefore been rather untypical in its relationship to its object: scholarly research on the UN and on IOs is indeed often pervaded by the assumption that, even if these organizations may display shortcomings, they are overall worth supporting. A thorough discussion of this political/epistemological state of affairs is beyond the scope of this review, but one can suggest that this is probably due to IOs' reputation as actors working in the interest of all and supporting the common good.

Chimni, for instance, observes that the UNHCR is surrounded by a kind of epistemic community of refugee (and refugee law) researchers. This community sometimes criticizes the UNHCR, but in general it assumes that this agency does a good job and must be defended (especially against governments in the Global North, which are portrayed as unsympathetic to refugees' rights). The supportive nature of this research community contributes to protect the UNHCR from more fundamental criticisms of its role in refugee governance. Moreover, this community is mostly based in the Global North

and prevents the emergence of more critical views from the South.⁹ In this respect, and even if many academic books display the same characteristic, one should note that all contributors to *IOM Unbound?* come from Western/Northern research institutions—a notable choice, particularly given the fact that IOM is predominantly active in the Global South.

A number of key arguments in this respect can be found in various chapters. In Chapter 4, Johansen writes that IOM is characterized by "its weak association with global public goods" and that it does not therefore correspond to the "ideal type" IO (p. 104). This is because, as Christian Kreuder-Sonnen and Philip M. Tantow write in Chapter 7, "IOM often works at the behest of particularly powerful donor states on the territory of weaker states, without any clear foundation in a multilaterally endorsed set of principles" (p. 212). In Chapter 5, Helmut Philipp Aust and Lena Riemer suggest that this calls for interrogating the very desirability of cooperation, which in general is positively valued as a core principle of multilateralism. But for IOM, cooperation may mean increased control over peoples' freedom and the reinforcement of national borders on the basis of a state-centered (and sometimes even xenophobic) political agenda. Taken together, these different statements could provide a pretty clear-cut answer to the question of *why* IOM disregards human rights, and of how this loose respect for international law explains IOM's expansion over the past decades. But these arguments are scattered across the book, and not brought together to constitute a coherent answer.

To conclude, one cannot let the foreword of *IOM Unbound?* go unnoticed. Written by E. Tendayi Achiume, professor of law at the University of California Los Angeles (who also served as the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related

⁹ B. S. Chimni, *The Birth of a "Discipline": From Refugee to Forced Migration Studies*, 22 J. REFUGEE STUD. 11 (2009), at <https://doi.org/10.1093/jrs/fen051>.

Intolerance between 2017 and 2022), it is the most intriguing chapter of the book. The author underlines the ambivalent nature of IOM, which provides “life-giving aid to migrants in desperate situations” while at the same time forming “part of the infrastructure of racialized border enforcement” (p. xi). She further criticizes this agency’s “remarkably deferential stance to state sovereignty over migration control” (p. xiii), before making one of the boldest statements of the entire volume: “before the institution can truly turn the page on its past, the questions of compensation and reparation for the practices it has enabled must be addressed” (*id.*). This is probably the very first time that a leading scholar and practitioner asks IOM for “compensation” and “reparation,” a vocabulary more commonly

associated with post-dictatorship situations than with UN agencies.

After such an opening, readers might be a bit disillusioned by the somewhat conventional list of policy recommendations, and more generally by the lack of clear and ambitious hypotheses about IOM’s role in governing migration in an era of unequal, post-colonial and capitalist globalization. But readers will also benefit from the broad scope of the book, from the wealth of information brought together, by the clarity, precision, and exactness of its analyses, and by the determination to turn IOM into a full object of inquiry for international law and international relations.

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