GMPA

Global Migration Policy Associates

*An International research, policy development,
advisory services and advocacy group*

*Views on Proposed Targets for the post-2015 Development Agenda Regarding International Migration,
GMPA Activities in 2014 in view of the UNSG 8 Point Programme, &
Contextual Concerns: International Migration, Human Rights, the Development Agenda*

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I.   About GMPA

Global Migration Policy Associates (GMPA) is an international non-profit civil society association in the field of migration, committed to promoting respect and protection for all migrants by advancing effective, participatory, rights-based governance of migration, nationally, regionally and globally. Working in academic, applied and/or advocacy settings in every region, GMPA members bring professional experience, interdisciplinary expertise and interpersonal networks to bear on collaborative activities, designing and carrying out research; advising governments, international bodies, social partners and civil society on policy and practice; and providing training in all areas of migration analysis and governance.

GMPA's Vocation is to:
- Accumulate, develop and apply knowledge base on rights-based governance of migration;
- Provide "cutting edge," rights-based knowledge and technical perspective on migration;
- Develop comprehensive, integrated programme responses at international, regional and local levels;
- Address international-regional cooperation and integration challenges when "States owned" and security paradigms contradict human economic, social and political development.

The GMPA agenda comprises:
- A strategic programme supporting governance of migration, protection of migrants rights and inclusive participation of migrants in host as well as home societies;
- Encouraging human development and empowerment while sustaining social cohesion in increasingly diverse societies;
- Deriving national, regional and international approaches to global problems through the collaborative formulation of an inclusive global political framework;
- Identifying the gaps in in a more narrowly defined 'migration management' agenda by promoting normative-based governance, rights-based protection inclusive of social protection, equality of treatment, decent work for all migrants, and participation by migrants.

A flagship achievement is the January 2015 adoption by the 24th African Union Summit of an AU/ILO/IOM/ECA Joint Labour Migration Programme (JLMP), designed by GMPA. The product is a stakeholder defined, multidisciplinary technical cooperation and capacity building

programme addressing contemporary challenges of free movement in six Regional Economic Communities (RECs) across Africa.

II.   Activities in 2014 in view of the UNSG 8 Point Programme

1. *Protect the human rights of all migrants*

One of GMPA's key priorities is supporting wider ratification and implementation of the ICRMW and relevant International Labour Standards (ILO-C97 and C-143 on migrant workers, C-181 on private employment agencies, C-189 on decent work for domestic workers) as well as ILO Conventions on social security and rights and protections at work. Five of eighteen Associates are members of treaty supervisory bodies (CMW, CERD, HRC). In 2014, GMPA participated in a panel during the CMW General Discussion in April and provided information on countries under review in September. In informal initiatives, GMPA has encouraged coordination among treaty bodies in addressing situations concerning migrants.

A key project in 2014 has been the comprehensive assessment of international instruments concerning migration governance as domesticated within Nigerian law. This has involved broad government, social partner and civil society engagement to implement the ICRMW, ILO C-97, C-143, C-181 and C-189, as well as the ECOWAS Protocols on Free Movement, Rights to Residence and to Establishment. Replication of the model is anticipated elsewhere.

2. *Reduce the costs of labour migration; Promoting decent work and social protection for migrants*

More than cost reduction, the GMPA agenda emphasizes enhanced workplace protection, the expansion of social protection, and decent work for all migrants. In 2014, GMPA advised stakeholders in Southern Africa on extending social security access and portability to migrants.

3. *Eliminate migrant exploitation, including human trafficking*

GMPA is focused on addressing exploitative working and living situations facing migrant workers in all regions. The Africa JLMP, described above, includes core components on strengthening labour institutions, extending application of labour standards to protect migrant workers, and supporting improved labour inspection in places where migrants are employed.

4. *Address the plight of stranded migrants; focus on migrants at risk*

Migrant workers experience widespread, multiple forms of discrimination in most host countries. Thus, GMPA considers "stranded migrants" within the broader category of *migrants at risk*: women and girls, young migrants, and racial/ethnic minorities. In 2014, GMPA highlighted human rights and migrant women through its participation in the Beijing + 20 Review preparatory process, leading to further activity at the CSW session in New York in March 2015. A global assessment of discrimination against migrants in currently underway.

5. *Improve public perceptions of migrants*

In 2014, GMPA generated research reports, papers and presentations encouraging government officials, migration practitioners and advocates to sustain migrant-friendly discourse. Numerous television, radio, internet and print media reaching national and international audiences featured GMPA-identified spokespersons, interviewees or op-ed writers.

6. *Integrate migration into the development agenda*

Throughout its work, GMPA represents the perspective that migration *is* the development

agenda. A prime concern is supporting regional free movement regimes to advance cooperation, integration and development, as reflected in content of the Africa JLMP referenced above.

7. Strengthen the migration evidence base

GMPA Associates actively produce scholarship representing an evidence-based approach to global migration. GMPA has developed a website database with over 150 substantial documents by leading experts in a number of disciplines, reflecting all main thematic areas of migration.

8. Enhance migration partnerships and cooperation

GMPA is a cooperative network and platform for the exchange of ideas among migration experts working in a variety of institutional settings. Thus, one of its key objectives is to cultivate an integrated approach of research, technical cooperation, advocacy and policy development at every level of intellectual production and engagement, worldwide.

III. Views on proposed targets for the post-2015 development agenda as they relate to international migrants, migration and mobility (regarding the Proposal of the Open Working Group (OWG) for Sustainable Development Goals)

A general concern is the inadequate reference in the proposal to an explicit goal of universal realization of human rights and fundamental freedoms. In particular, we would like to see an explicit acknowledgement of migrants as participants in most States, sometimes in large proportions. Though we appreciate mention of 'migratory status' in paragraph 4 of the OWG proposal, we urge that nationality be enumerated among the grounds of discrimination, as it is listed in the ICRMW. Language may be revised as follows (in bold):

*"People are at the centre of sustainable development and, in this regard, Rio+20 promised to strive for a world that is just, equitable and inclusive, and committed to work together to promote sustained and inclusive economic growth, social development, **human rights,** and environmental protection and thereby to benefit all, in particular the children of the world, youth and future generations of the world without distinction of any kind such as age, sex, disability, culture, race, ethnicity, origin, **nationality,** migratory status, religion, economic or other status."*

Goal 1: End poverty in all its forms everywhere
- *(1.3) implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable*

The extension of social protection systems and measures to migrants is a crucial contemporary challenge, as reflected in a number of recent national and regional initiatives worldwide. This goal needs to be explicitly reflected in development agenda implementation targets and indicators, such as legislation, social security administration, and migration policy.

Goal 3: Ensure healthy lives and promote well-being for all at all ages
- *(3.3) by 2030 end the epidemics of AIDS, tuberculosis, malaria, ... and combat other communicable diseases*

Inclusion of migrants in health protection, prevention and treatment efforts - including those related to communicable diseases - needs to be explicitly incorporated into the targets, indicators and implementing measures for the post-2015 development agenda.

Goal 4: Ensure inclusive and equitable quality education and promote life-long learning opportunities for all
- *(4.3) by 2030 ensure equal access for all women and men to affordable quality technical,*

vocational and tertiary education, including university

- *(4.4) by 2030, increase by x% the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship*

A specific emphasis should be placed on expansion and reform of Technical Vocational Education & Training (TVET) and the international recognition of qualifications, particularly at regional levels.

Goal 5: Achieve gender equality and empower all women and girls

- *(5.1) end all forms of discrimination against all women and girls everywhere*
- *(5.2) eliminate all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation*
- *(5.5) ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life*
- *(5.6) ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the ICPD and the Beijing Platform for Action and the outcome documents of their review conferences*

In agreement with these formulations, our view is that the multiple discrimination faced by migrant women and girls - as well as prevention of violence, access to participation and leadership and to health and reproductive rights - must be explicitly addressed in development target implementation measures and indicators.

Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

- (8.3) promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage formalization and growth of micro-, small- and medium-sized enterprises including through access to financial services
- (8.5) by 2030 achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value
- (8.8) protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment

GMPA urges that specific attention to the inclusion of migrant workers be explicitly emphasized, stressing linkages among employment creation, formalization and growth of enterprises, equality of treatment, and decent work based on respect for labour standards.

Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

- *(9.1) develop quality, reliable, sustainable and resilient infrastructure, including regional and trans-border infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all*

Impeded circulation of labour and skills is a serious impediment to investment, industrialization, innovation and, ultimately, development in many countries. For this reason, attention should be given to the essential linkages between development of regional economic cooperation systems and infrastructures facilitating free movement of persons.

Goal 10: Reduce inequality within and among countries

- *(10.2) by 2030 empower and promote the social, economic and political inclusion of all*

irrespective of age, sex, disability, race, ethnicity, origin, nationality, religion or economic or other status

- *(10.3) ensure equal opportunity and reduce inequalities of outcome, including through eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and actions in this regard*
- *(10.4) adopt policies especially fiscal, wage, and social protection policies and progressively achieve greater equality*
- *(10.7) facilitate orderly, safe, regular and responsible, rights-based migration and mobility of people, including through implementation of planned and well-managed migration policies*

These targets should be considered as a package applying inclusively to migrants and non-nationals, including the descendants of migrants. Inclusion, equality of treatment and non-discrimination – in outcomes as well as intent, and under all circumstances - are fundamental principles in international instruments, and are essential to a "rights-based approach" to migration. "Orderly, safe, regular and responsible" is appropriate language in reference to the mobility of goods, services, capital, and technology, but the priority with regard to human migration must always be respect for human rights.

Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- *(16.3) promote the rule of law at the national and international levels, and ensure equal access to justice for all*
- *(16.6) develop effective, accountable and transparent institutions at all levels*
- *(16.7) ensure responsive, inclusive, participatory and representative decision-making at all levels*
- *(16.9) by 2030 provide legal identity for all including birth registration*
- *(16.10) ensure public access to information and protect fundamental freedoms, in accordance with international agreements and national legislation and international agreements*
- *(16.a) strengthen relevant national institutions, including through international cooperation, for building capacities at all levels, in particular in developing countries, for preventing violence and combating terrorism and crime*
- *(16.b) promote and enforce non-discriminatory laws and policies for sustainable development*

When invoking the rule of law, language should be incorporated specifying the promotion and implementation of international standards on human rights and international labour standards. A particular concern for GMPA is the development of effective and accountable labour institutions to address the growing role that migration plays in meeting workforce, skills and employment needs of States. Specific reference is needed in implementation measures and indicators to supporting capacity and competence building for labour institutions and social partner organizations at country and regional levels.

Migrants themselves – including young people and women - should participate in representative decision-making at all levels. Explicit attention should be paid to the legal recognition and regularization of status for migrants in unauthorized situations in the eventual implementation of this target. With regard to public access to information (16.10), we recommend reversing order of terms in the target statement, in view of the reality that fundamental freedoms universally guaranteed in international law are in fact restricted by current national legislation in a number of countries. Migration expertise within the full range of national institutions – and not only those concerned with crime and terrorism prevention - should be strengthened with respect to their respective areas of competence, such as labour, social

protection, and rights protection. Last but not least, non-discriminatory law and policy preventing discrimination on the basis of nationality needs to be an explicit priority, and this international commitment against nationality-based discrimination must be domesticated within national laws and policy.

Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development

- *(17.3) mobilize additional financial resources for developing countries from multiple sources*
- *(17.9) enhance international support for implementing effective and targeted capacity building in developing countries to support national and regional plans to implement all sustainable development goals, including through North-South, South-South, and triangular cooperation*
- *(17.13) enhance global macroeconomic stability including through policy coordination and policy coherence*
- *(17.14) enhance policy coherence for sustainable development*
- *(17.15) respect each country's policy space and leadership to establish and implement policies for poverty eradication and sustainable development*
- *(17.16) enhance the global partnership for sustainable development complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technologies and financial resources to support the achievement of sustainable development goals in all countries, particularly developing countries*
- *(17.17) encourage and promote effective public, public-private, and civil society partnerships, building on the experience and resourcing strategies of partnerships*
- *(17.18) by 2020, enhance capacity building support to developing countries, including for LDCs and SIDS, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts*

Finance and Capacity Building: Reference to regional programmes should be included in the implementation agenda with regard to the mobilization of additional financial resources and the promotion of broad stakeholder engagement and intra-regional as well as inter-regional cooperation. Explicit reference should also be made to the incorporation of social partner and civil society stakeholders in capacity building.

Policy and Institutional Coherence: Goal 17 should highlight the crucial importance of regional economic integration initiatives as key motors for development. There are currently more than twelve such international communities involving more than 100 countries. This target might be revised as follows:

(17.add.) support regional economic integration communities and initiatives as important means of enhancing international cooperation, market efficiencies, policy coherency and sustainable development.

Multi-stakeholder partnerships: As a multi-stakeholder global partnership, GMPA would like to see language referencing such partnerships on migration governance, policy and practice in the implementation agenda for these two proposed targets.

Data, monitoring and accountability: In addition to the areas of information collection and analysis itemized in 17.18, high-quality, timely and reliable data on migration should be disaggregated according to employment situation, education and skills characteristics, social protection needs and coverage.

IV. Contextual Concerns: International Migration, Human Rights and the Development Agenda

There appears to be broad consensus among both migration and development scholars and practitioners that international migration must occupy a central role in any global framework for sustainable development. GMPA members are in strong agreement with this perspective. However, we are concerned that the predominant discourse and official programmatic approaches neither accurately capture the critical global challenges of migration nor articulate adequate, necessarily comprehensive –and rights-based—responses.

1. Migration today is central to development

The UN estimated that in 2014 there were some 232 million "international migrants" resident outside their country of birth or citizenship. This may be a significant undercount since it does not account for non-resident short-term, temporary and/or seasonal migrants. The ILO calculated that 105 million of the 214 million people living outside their countries of birth or citizenship in 2010 were economically active. Estimating one accompanying dependent for each active adult, well over 90 per cent of migration today is bound up with employment outcomes. The economic contributions of migrants are central to labour markets in more than 100 countries today, including most industrialized countries. Foreign-born workers comprise 10% to 15% of the workforce in Western European countries and around 18% in immigration countries of Australia, Canada and the USA. Growing portions of populations in many countries in Africa, Asia, the Americas, the Caribbean, and Eurasia also originate elsewhere. Worldwide, approximately 60% of migration takes place within regional economic communities (RECs).

2. Development and migration

While development may often be equated with growth of GDP and/or increased production of goods and services, GMPA defines 'development' in broader terms, as the elaboration of productive means, forces, and capacities to provide goods, services, technology and knowledge to meet human needs for sustenance and well being. Generally, development policies are focused on the extraction of resources; the production of goods, services and technology; building infrastructures for transportation and distribution of goods, services and people; and ensuring basic standards of housing, nutrition, healthcare, education, and culture for the population. Elaborating and maintaining these means requires developing labour force and skills as well as to expand technology, knowledge, and capital itself in "developed" as well as "developing" countries.

Evolution and diversification of technology along with transformations and relocations of industrial processes and changes in the organization of work itself are constant characteristics of the world today. This constant evolution requires accelerating complexity, diversity and specialization in competencies and skills of work forces in each and every country worldwide, driving a constantly increasing, international mobility of labour at all skill levels. For many enterprises and for entire economic sectors, low cost, unprotected foreign labour is the only ticket to survival. Agriculture would not remain viable in Europe nor in North America, nor could a part of the population afford to eat without low-cost immigrant labour. Health and home care for children and increasing populations of ageing people depend on migrants, as do hotel, restaurant and tourist sectors in many countries both South and North. Intense global competition exacerbated by free trade generate a race-to-the-bottom that pushes down labour costs and politicizes the provision of social services, indeed the very social function of States.

Exploitative conditions for migrants are structurally driven, as is irregular migration. Keeping some migrants cheap, docile, flexible - and removable without social obligations - is not just desirable but imperative to "keep jobs at home", no matter what the jobs are and who does them. When labour moves as it must, it is often subject to abuse, exploitation and repression. Those who suffer most are the many persons simply obeying – often with little choice — the

laws of supply and demand of the globalized capitalist market economy. Migrants occupy a terrain of dispute over conditions of work, between investments in safety and health protection and lowered costs to obtain higher returns on capital. Thus, the treatment of migrants poses fundamental questions regarding whether workers can freely associate and collectively bargain for fair remuneration and decent work.

3. Future challenges

Evidence suggests that the world will face even greater international mobility in the decades to come. The majority of the world's countries face population ageing and workforce decline. Algeria, Argentina, Armenia, Azerbaijan, Brazil, Colombia, Indonesia, Iran, both Koreas, Lebanon, Mauritius, Mexico, Morocco, Peru, Qatar, Saudi Arabia, Singapore, Tunisia, Turkey, Vietnam - among more than 124 of 210 recognized countries or territories - have already reached zero population growth, and most industrialized countries are far below this threshold. Germany will lose 5 million workers over the next fifteen years, while the Russian Federation has lost 10 million since 2000. The Japanese workforce is expected to shrink 37% between 1990 and 2030. According to a recent study, Switzerland will need 400,000 additional workers by 2030; authorities in Qatar anticipate recruiting one million migrants before 2020. China's labour force is predicted to decline by over 100 million by 2040. Meanwhile, according to one forecast by the McKenzie Global Institute, the global skills shortage is projected to reach 85 million by 2020. This in seven years, when employers worldwide complain today that they cannot find qualified candidates to fill one in three jobs.

4. Rights-based governance in question

For GMPA, the existing normative framework offers a comprehensive foundation for governance of migration worldwide, and is essential for assuring human rights protection for all migrants. This framework comprises migration-specific instruments and applicable provisions of instruments in five categories of international law: 1) the nine main Human Rights Conventions; 2) all up-to-date International Labour Standards; 3) the 1951 Convention and 1967 Protocol on the Status of Refugees; 4) the Vienna Convention on Consular Relations; and 5) Protocols on trafficking in persons and smuggling of migrants to the Convention against transnational organized crime. In addition, regional instruments on human rights, migrant workers, refugees, and trafficking have been established by the African Union, the Council of Europe, the European Union and the Organization of American States. These instruments are the result of a century of common cause in elaborating national and international systems of government, and reflect the recognition that effective governance requires regulation among conflicting interests, as is certainly the case with international migration.

However, we have observed that normative, enforceable protections for migrants are not being promoted in current discourse or action. Specific reference to the ICRMW in UN documents and official pronouncements is increasingly rare. Budgeting for promotion of migrant worker instruments has been virtually non-existent since the 1980s, whether in UN agencies, other international organizations, or civil society organizations. Nor have donor agencies, whether government or private, provided any significant support. Indeed, in the context of the highly competitive globalized economy, some actors assert that a rights-based approach to international migration does not serve their national interests. A policy discourse of "rights versus numbers" and "the price of rights" posits that the level of rights protections for migrants is negotiable, bringing into question the universality and inalienability of human rights. Such arguments are predicated on the assumption that lowering wages instigates job creation, that withdrawal of some human rights would not compromise "core" protections, and that migrants would benefit from such trade-offs by gaining greater access to employment. This argument is used to justify the promotion of short term, temporary, and/or seasonal migration regimes, with restricted rights and protections for workers. Such "circular migration" is characterized as a win-win solution to employment needs and the protection "national cohesion and cultural integrity."

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6. Architectural changes

We observe with regret that the technical competences on migration of certain UN agencies, as well as specific migration outcomes of World Conferences, have been abandoned in recent decades. In their place, closed "States' owned" platforms for deal making operate outside the UN, while intergovernmental consultative processes on migration have been convened outside existing normative migration regimes in regional communities of States. At the national level, the responsibility for migration governance has been transferred in many countries from labour and employment-concerned ministries to security and control agencies. As a result, the emphasis on administering a growing foreign component of the workforce has shifted from the implementation of labour standards to enforcement of immigration laws, and violations of labor rights are addressed through police measures at the expense of social dialogue.

From a rights-based perspective that seeks to maximize the development effects of labour migration, this trend has disturbing implications. Increased border control and restrictions on mobility of migrants counteracts "free movement" regimes that are central to regional integration and development efforts worldwide. Intensified policing forces commerce underground, creates opportunities for corruption, and reinforces xenophobia. Parallel and perhaps consequent trends include criminalization of migrants, arbitrary detention of children, and the summary *refoulement* of asylees. Movement control measures also undermine the right to change employment in order to escape exploitative conditions – or to organize across sectors and industries. These effects not only affect migrant workers; they influence work environments in which rights become subsumed to profitability.

7. Challenge of xenophobia

GMPA is particularly concerned with the endorsement of discriminatory policies in many States, and the persistence of racist, xenophobic behaviour against migrants worldwide. Within diverse societies characterized by rapid socioeconomic change, social cohesion can only be achieved through deliberate policies, comprising legal, institutional and practical measures. Demonstrable proof for this assertion can be found in countries where immigration has *not* led to violence and harassment, and where anti-immigrant politicians have gained little prominence. Such situations are the consequence of inclusive political discourse, generated through both effective grassroots advocacy and recognition at the highest levels, coupled with highly visible media campaigning and the sustained commitment of government, social partners and civil society.

8. Contextual Concerns in summary

Today, virtually every country on the planet is an origin, destination and/or transit country for migrants. Most are all three. Migration is a nexus at which critical issues of demography, economic sustainability and social cohesion come together with profound implications for analysis, politics and governance at local, national, and international levels worldwide. Yet migration has yet to be adequately addressed as a primary mechanism for advancing development, equity and social welfare. On the contrary, a proliferation of restrictive migration regimes militates against foresighted response to immense challenges and opportunities for international mobility of people. While it is critical for development policies to consider the integral role of migrants in the economic life of both origin and destination/employment countries, setting development as the sole or primary reference point for migration risks reducing migrants to a role as economic actors or factors. In a deregulatory policy environment, equality of treatment is too easily considered as a constraining conditionality, rather than a foundational principle for social participation. First and foremost, migrant workers and their families are human beings, regardless of their utility to development.

Reducing the effects of migration on host societies to simple cost-benefit calculus tends to emphasize "problems" over "contributions" as discrete phenomena, disregarding their systemic interrelations. It also assumes a unified standpoint of "national interest" without considering the divergent priorities of different stakeholders that characterize migration policy debates. Competing political and institutional priorities are rarely resolved in a unified fashion at any level of governance, except by imposition, while informal entry and employment practices often deliberately evade government regulation. Utilitarian reasoning operates as a perverse incentive to reduce costs through exploitative labour practices and the withdrawal of state recognition. A fundamental premise implicit in this discourse - and in policy initiatives in many countries - is that foreigners are not equal, nor are they equally entitled to inclusion under law or ideology of the nation-state.

While necessary to consider the practical circumstances confronting policymakers, we must not lose sight of the fact that those circumstances must themselves be addressed. Like climate change, the unequal distribution of resources and opportunities across the world is the effect of historical trends that have never been constrained by national boundaries, and can only be meaningfully addressed through an unprecedented degree of international cooperation. Human rights standards are the product of just such a process. Without a common and inclusive normative referent to orient our efforts, we risk instituting tiered systems of membership that can only exacerbate conditions of social inequality, with a terrible price to be paid by all in the global future.

Prepared by the GMPA Coordinating Team on behalf of the Association. GMPA activity reflects work done collectively by two or more Associates, work carried out by the secretariat in Geneva,