

Leave no one behind: Making the 'shared values of human dignity' in International Law Central to achieving the SDGs agenda in relation to migrants in the global tropics

Journal of Tropical Futures
1–22
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DOI: 10.1177/27538931251335162
journals.sagepub.com/home/itf



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Abstract

The global migration crisis, driven mainly by armed conflicts and human rights abuses in the world, is wreaking havoc on the 'leave no one behind' (LNOB) transformative promise of the UN Agenda 2030, thus raising questions whether the crisis is beyond the sustainable development goals' (SDGs') reach and states' political will to achieve them. One common feature of this crisis is the constant ripping apart of the 'shared values of human dignity'—power, enlightenment, wellbeing, wealth, skills, affection, respect and rectitude—the very foundational values upon which the SDGs should stand. In relation to the protection of migrants, these values are rarely upheld, an indication that the SDGs' promise to reduce injustices in the world by 2030 may be falling through the cracks. Previous research in human rights and migration has focused narrowly on the doctrinal relationship between human dignity and the SDGs Agenda, overlooking both wider and non-doctrinal ways in which the shared values of human dignity distinctively bear on the responsibility of states to fulfil the LNOB pledge in relation to migrants. Through reference to three key cases of forcibly displaced migrants in the global tropics: one in Asia (Rohingya migrants fleeing persecution in Myanmar), another in Central America (the migrant caravan at the US-Mexico border), and the last one in the Horn of Africa (South Sudan and Somalia migrants moving through sea routes in an attempt to reach Europe and the UK), this article addresses this gap in the literature by providing a more nuanced account of where and how we might engage these shared values of human dignity when assessing the responsibility of states to fulfil the LNOB pledge in relation to people caught up in forced migration, regardless of whether they are labelled migrants or refugees. The article argues that states' substantially achieving the LNOB pledge would require an SDGs implementation framework premised on shared values of human dignity.

Keywords

Migrants, refugees, SDGs, LNOB, shared values of human dignity

Introduction

The overarching defining principle of the UN Agenda 2030 and its sustainable development goals (SDGs) is the 'leave no one behind' (LNOB) transformative promise shared by every nation to work together to secure and protect the rights, dignity and wellbeing of everyone on a healthy, thriving and sustainable planet earth (Fukuda-Parr, 2022; UNICEF, 2021). Viewed more broadly from human rights and political philosophy perspectives, the LNOB pledge implies that we all belong to a common humanity, that we are all inhabitants of a shared and sustainable globalised world, in which any action taken in one part that 'leaves anyone behind' negatively impacts the development and quality of life and wellbeing of those carried along in the other parts, however distant in space and time. The international community of states working

together in the spirit of global solidarity thus have a common goal (or responsibility) to initiate concrete LNOB-compliant actions and policies to improve, enrich and protect this shared, globalised world such that the rights and dignity of everyone living in it are respected, protected and fulfilled (Moon, 2015; UNDP, 2023). It may, therefore, be said that if the LNOB aspirations of states to protect the vulnerable populations of the world, in particular, those furthest behind, were to be realised by 2030 as envisioned, they may arguably (without

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overstating their legal and human rights value), represent one of the greatest tributes ever paid to humanity since the adoption of the Universal Declaration of Human Rights in 1948.

However, with barely 5 years left before 2030, the UN reports that the likelihood of meeting the LNOB pledge and the overall SDGs by 2030 is slim, suggesting that this 'promise is in peril' (United Nations, 2023: 2-3; UNGA, 2023: 2-42; United Nations, 2024: 3-43) and 'dangerously off course' (Robinson, 2023: 9) given that 'over half of [the] world is being left behind' (UNSG, 2023) SG/SM/21776). People are considered 'left behind' when they 'lack the choices and opportunities to participate in and benefit from development progress...or [when they] endure disadvantages or deprivations that limit their choices and opportunities relative to others in society (UNDP, 2018: 3). One sector of life where this peril of being left behind has been most evident and keenly felt is the world of transnational migration, a 'defining feature of our globalised world, connecting societies within and across all regions, making us all countries of origin, transit and destination' (UN Global Compact for Migration—GCM, Para 10). In the last decade or so, transnational migration has involved an unprecedented forced movement of people across state borders, resulting in what is now known as the 'global migration crisis' or, in the context of the EU, the 'EU migrant crisis' (Baldwin-Edwards et al., 2019; Berry, Inaki and Kerry, 2015; Collyer and King, 2016; Crawley, 2016; Georgiou and Zaborowsky, 2017; Martins, 2016; Quinne, 2016). The global migration crisis, driven mainly by armed conflicts, persecution and systematic human rights abuses in the world, is wreaking havoc on the 2030 SDGs Agenda. It undoubtedly raises questions about whether the crisis is beyond the SDGs' reach and states' political will to achieve them.

One common feature of this migration crisis is the constant erosion and ripping apart of the 'shared values of human dignity—power, enlightenment, wellbeing, wealth, skills, affection, respect and rectitude' (McDougal et al., 1978: 227-307; McDougal et al., 1978; 231-235; McDougal et al., 2019)—the very foundational values upon which the 2030 Agenda and its LNOB pledge should stand. In relation to the protection of migrants and refugees, these shared human values are rarely upheld, an indication that the SDGs' inspiring promise to reduce inequalities and injustices in the world by 2030 may be falling through the cracks. Part of the reason for the failure to uphold these shared human values in relation to migrants and refugees is the distinction that states and international law place on these two categories of people in terms of the type and degree of protection that each group deserves. While refugees are widely seen as people in genuine need of international protection from a well-founded fear of persecution, as envisaged under the 1951 Refugee Convention (Giulia,

2010: 252), migrants are seen as people mostly moving for economic reasons, seeking protections generally available under international human rights law (UNHCR, 2016). This distinction is also reflected in the two Global Compacts adopted by the UN in 2018, one for migrants—the Global Compact for Migration (GCM, 2018) and the other for refugees—the Global Compact for Refugees (GCR, 2018). The distinction, criticised for being 'relatively arbitrary' and suffering from 'sedentary bias' (Long, 2013: 4), allows states to lawfully justify treating migrants and refugees differently in protection terms based on their legal classification. Although state authorities often 'separate between these mobilities to establish which are refugees and which are migrants, they hold more in common than they have differences' (Cantat, 2016: 12).

Experts have argued that in a world of growing migration crises, drawing a binary distinction between migrants and refugees could be the difference between life and death (Goldenziel, 2019: 161), between upholding their right to shared values of human dignity or denying it. As Carlin argues, the 'two kinds of people rhetoric is troubling on many levels...it undermines the humanitarian principles that should guide our response to emergencies...when people drown at sea or suffocate in lorries, our first question should not be, so which kind were they, refugees or migrants?' (Carlin, 2015). Instead, protecting the human dignity of people, whether they are migrants or refugees, should be the primary goal of states in line with the 2030 Agenda and its LNOB vision. This is more so, given that international human rights law imposes a non-refoulement obligation on states to protect migrants even if not formally recognised as refugees (Harvey, 2015; do Valle, 2024: 1), and the level of protection envisaged is comparably as consequential as those owed to people formally recognised as refugees.

In light of the foregoing, the main contention made is that the global migration crises challenge the resilience and effectiveness of the SDGs Agenda and its LNOB pledge at three levels: first, migrant flows expose the existing gaps, inadequacies and shortcomings of the 2030 Agenda, at least in implementation terms, to empower migrants to have greater access to the shared values of human dignity; second, they raise the question of how the SDGs and their related targets should adapt, evolve and develop beyond 2030 taking into account the imperatives of granting migrant populations greater access to the shared values of human dignity; and, third, the issue of what should be the appropriate response of states to the inherent shortcomings and seemingly broken LNOB promise, for example, responses through legislations, policies, or more consensus building and action plans immediately comes to the fore. The article asks if the growing global migration crises test the capacity of the LNOB pledge to protect the dignity of migrants, such as to require a more redemptive, resilient and human

dignity-oriented approach to implementation of the SDGs beyond 2030. It enquires into how the shared values of human dignity apply to the legal, policy and political question of the treatment of migrants by states in their pursuit of the LNOB pledge.

Governed by the New Haven School policy-oriented jurisprudence, which first outlined these eight shared values of human dignity in normative terms (McDougal et al., 1978), the article makes three mutually reinforcing arguments. Firstly, the drive and aspiration of migrants to gain greater access to these eight shared values of human dignity, especially the value of wellbeing and empowerment, is the real reason why they move. As these values are washed away by armed conflicts raging in the migrants' origin countries, they move across state borders in search of these values elsewhere. Yet, current efforts by states to implement the 2030 Agenda do not seem to truly recognise that migrants live in a particular situation of vulnerability. They have virtually no power to acquire these shared values as they are often pushed to the margins of the world and the margins of the law (Agier, 2008: 3) because of their irregular status. To evidence how migrants are often pushed to the margins of society, deprived of the shared values of human dignity and left behind in states' pursuit of the LNOB pledge, an analysis of three important cases of forcibly displaced migrants in the global tropics is conducted. One in Asia (the displaced Rohingya migrants fleeing ethnic persecution in Myanmar); another in Central America (the migrant caravan that unfolded at the US-Mexico border until early 2025); and the other in the Horn of Africa (the South Sudan and Somalia migrants moving through the Mediterranean Sea and the English Channel in an attempt to enter Europe and the UK in search of protection). Secondly, if the 2030 Agenda was genuinely intended to be used as a rallying instrument to apply the shared values of human dignity to pressing global problems such as the migration crisis, then it does not advertise this fact enough, neither is its effect keenly felt by migrants, in particular, those in the tropical regions of the world. And thirdly, making the shared values of human dignity central to achieving the 2030 Agenda is one of the most effective, productive and emancipatory ways to address the systemic deprivations, inequalities and injustices suffered by migrants in the world.

In developing these arguments, the article contributes to existing literature in the field of law and migration in several ways. Firstly, previous research in human rights law and migration has focused narrowly on the doctrinal relationship or interlinks between the concept of human dignity and the 2030 Agenda (e.g., ACIA, 2019; May and Daly, 2020; May and Daly, 2021; Pirson, 2023), overlooking both wider and non-doctrinal ways in which the shared values of human dignity distinctively bear on the responsibility of states to fulfil the LNOB pledge when confronted by migrants. Building on Brownsword

(Brownsword, 2021), this article addresses this gap in the literature by drawing up a responsibility-based argument that provides a more nuanced account of where and how we might engage the shared values of human dignity when assessing the responsibility of states to fulfil the LNOB pledge in relation to migrants. It offers a new perspective to theorising state responsibilities towards migrants that go beyond legal prescriptions contained in international human rights treaties to advance a more morally driven consideration—that of human dignity.

Secondly, while the LNOB pledge is highly significant for its unequivocal commitment to reducing the vulnerabilities that leave people behind, it is also significant for what it leaves out—namely, any reference to a value-based, value-oriented policy approach to its implementation in relation to migrants. As the New Haven School of International Law asserts, the contemporary doctrinal intellectual discussion of human rights that is not driven by shared value considerations and processes is inadequate and it is one of the factors that explain the international community's failures in securing the protection of human rights (McDougal et al., 1978; Reisman, 2000; Reisman et al., 2007; Wiesner, 2009; Wiesner, 2010). Therefore, the article provides practical insights into how states may develop a value-based, value-dependent policy framework for operationalising the LNOB pledge at national levels using the example of the shared value of wellbeing, to better appraise the 2030 Agenda's effectiveness in protecting left-behind migrants.

Thirdly, by employing a diverse range of case studies drawn from across the global tropics to provide a practical illustration of the inadequacies and failings of the current legal frameworks addressing the rights and dignity of migrants, important insights about the status, effectiveness and failures of the rights, duties and obligations created by the LNOB pledge which were not observed in previous studies are made observable. And fourthly, the article attempts to theorise what a more effective and resilient SDGs implementation framework based on the shared values of human dignity would look like; what in political terms, the basis and consensus for such a framework should be; and what normative claims for the legitimacy and acceptability of such framework would be required. These contributions and arguments could be significant for policymaking, evaluation and development but also for influencing current knowledge and practice in the field of human rights law, migration and the SDGs. Not least because the issue of how best to implement and operationalise the LNOB pledge in relation to migrants remains a major transnational challenge for states, requiring the development of rigorous scholarship and coherent policy and practice for human rights-compliant resolution.

The structure of the article is as follows: the first section critically examines the foundations of the LNOB pledge in international law and its particular relevance and

application to the critical cases of forcibly displaced migrants in the global tropics. In light of the findings of the analysis of the case studies, the second section then considers the 'place' of migrants in the LNOB transformative promise. The third section then attempts to locate the shared values of human dignity in the LNOB framework, taking into account the centrality of the concept of human dignity to the survival of migrants in their daily struggles to find a quality life. The fourth section demonstrates how states can practically develop a value-based, value-dependent policy framework for the operationalisation of the LNOB pledge at the national level using the example of the value of wellbeing. The fifth section addresses the question of how the shared values of human dignity specifically bear on the responsibility of states to fulfil the LNOB pledge when confronted by migrants. In sixth section, I develop the argument that realising a value-oriented responsibility of states to protect migrant rights and dignity in line with the LNOB pledge requires a fundamental shift in commitment, strategies and actions on the part of states. The shift in commitment envisaged is in at least three important respects, namely commitment to addressing the shortcomings in current human rights frameworks for enforcing the LNOB pledge, commitment to policy changes that can cause the LNOB pledge to evolve and develop beyond the 2030 mark, and commitment to changes in states' strategies and action plans to address the LNOB's current failures. Bearing these commitments in mind, the article in the concluding section highlights the imperatives of states developing an LNOB implementation framework premised on shared values of human dignity to protect migrants more effectively. Ultimately, migrants make important contributions to the economic life and growth of nations (ILO, 2024); thus, their protection is in the best interest of states.

The International Law Foundations of the LNOB pledge, measured progress, limitations and critical application to cases of forcibly displaced migrants in the global tropics

The 2030 SDGs Agenda and its LNOB pledge 'did not emerge from, and were not inserted into, a normative vacuum' (Kim, 2016: 15). They are deeply grounded and rooted in existing international law (Declaration 23 of the 2030 Agenda), the principles and purposes of the United Nations Charter 1945 (UNGA Resolution A/RES/70/1, Para 10), the Universal Declaration of Human Rights 1948 (UNGA Resolution A/RES/217(III); Kaufman, 2017; Bantekas and Akestoridip, 2023), and the UNGA World Summit Outcome 2005 (UNGA Resolution A/RES/60/1). They are also grounded in the overarching vision of human rights, a vision to improve our shared globalised world and to create a 'new one in which the dignity of

each individual will enjoy secure international protection' (Moyn, 2010: 1). It is, therefore, crucial that no one is left behind (WHO, 2023). To this end, the underlying goal of the LNOB is inclusiveness—the transformative vision to protect everyone in the world from harm and suffering and to uphold the human rights of all individuals without discrimination (Vidal, 2021). In this context, the impact of the LNOB pledge so far may be reasonably significant on the national, regional and international levels in the sense that many of the human rights norms it embodies have been incorporated into and/or influenced some tropical countries' social development policies. For example, in Uganda (a tropical country), the government has committed to the inclusion of the SDGs Agenda and its LNOB pledge into the country's Vision 2040, dubbed 'A Transformed Ugandan Society from a Peasant to a Modern and Prosperous Country Within 30 years' (Third National Development Plan (NDPIII), 2021). This commitment to include the LNOB norms in Uganda Vision 2040 is expected to reflect the country's integrated policies, laws and institutional arrangements for service delivery (UN Women in Uganda, 2023). To ensure that no one is left behind, the Ugandan government adopted a human rights-based approach to development that prioritises social intervention programmes to respond to the needs of marginalised and vulnerable groups (Uganda Vision 2040: 93 & 108) including migrants.

Similarly, in Costa Rica (another tropical country), the government adopted the Costa Rica Second National Integration Plan (2018–2022), which incorporated SDG 10 and aimed at facilitating the integration of vulnerable migrants and refugees into national life (UNDESA, 2022). In the same vein, the IOM Index Report on the progress made so far with the implementation of the SDGs globally indicated that about 4% of governments reported having established planned and well-managed migration policies to facilitate safe, orderly, and regular migration and address inequalities within and among countries (Vidal and Laczko, 2022: 26-29). At the European Union (EU) level, before the COVID-19 pandemic, considerable progress was made in the area of reducing inequalities after the EU committed to attaining the SDGs and its LNOB pledge, both internally and through its 2017 European Consensus on Development to support partner countries worldwide in achieving the SDGs (Mackie and Allwood, 2022: 14). Building on its earlier MIgration EU eXpertise Initiative (MIEUX), which existed since 2009 and concluded in March 2024, the EU, through the International Centre for Migration Policy Development, also forged development partnerships with over 100 countries across Africa, Asia, Latin America, the Caribbean, and the European neighbourhood, as well as with civil societies and regional organisations, to provide capacity building and development activities on any topic linked to migration and supporting the SDGs (European Commission, 2024).

At the international level, there is the WASH Guidance developed by UNICEF that outlines workable strategies to eradicate poverty in all its forms, tackle inequalities and discrimination, and prioritise those furthest behind using LNOB framework (Cf OHCHR, 2006: 49; UNICEF, 2021). In what can be seen as a significant effort to bolster the 2030 SDGs Agenda and its LNOB pledge, the UN adopted the Global Compact for Migration (GCM) in 2018 to reinforce the responsibilities of states to uphold migrant rights. The UN subsequently followed up on its adoption of the GCM by establishing the UN Network on Migration to serve as a collaborative community platform, helping coordinate and support UN member states, entities and partners to ensure effective implementation, follow up, and review of the GCM. These national, regional and international policy initiatives considered herein may be viewed as reflecting positively on what has been achieved so far by states and the UN in delivering on the LNOB pledge. They point to some normative standards and practices that could inform and shape a resilient and human dignity-oriented SDGs implementation framework that many states could potentially adopt as a model to deliver on the LNOB pledge at the national

However, despite the significant positive contributions of the 2030 SDGs Agenda and its LNOB pledge to the lives and wellbeing of migrants in some parts of the world, the migration crisis continues to display highly asymmetric impacts on migrant lives. It challenges the capacity of the LNOB pledge to empower migrants in specific regions to access the shared values of human dignity. In this context, the plight of forcibly displaced migrants in the global tropics (Menendez, 2020:11–14 & 61–94), especially those in Asia (the Rohingya migrants fleeing ethnic persecution in Myanmar), Central America (the migrant caravan that continued to unfold at the US-Mexico border until early 2025), and the Horn of Africa (South Sudanese and Somali migrants attempting to reach Europe and the UK via sea routes) stands out as a matter of distinct concern for several key reasons. First, by the end of 2022, it was estimated that approximately 117 million people (including refugees and asylum seekers) were living in displacement globally and in need of international protection (IOM, 2024: 5). Of this number, around 5.4 million were predominantly from Venezuela (a tropical country) (IOM, 2024: 5), with the UNHCR putting the figure at 6.2 million (UNHCR, 2024). Similarly, in 2018, over 700,000 Rohingya refugees fled the ethnic violence in Myanmar (McAdam, 2018: 571-572). That year also saw the United States separate over 2300 children from their parents while attempting to enter the US from the US-Mexico border (McAdam, 2018: 571). In 2025, the US resumed the use of military force to confront migrants at the US-Mexico border following a similar deployment of troops back in 2018, underscoring the severity of the

migration crisis at the border. When considering these forced migration episodes and the number of people displaced relative to the overall global migration/refugee crisis, the global tropics will emerge as one of the areas of the world most adversely affected by this crisis. Thus, the global tropics represent a significant geography to test the stability, effectiveness and capacity of the LNOB pledge to protect migrants facing various forms and degrees of vulnerability.

Second, the global migration and refugee crisis disproportionately affects countries in the global tropics because of their vulnerability to the devastating effects of climate change, forcing people to move and seek safety and protection internally within the tropics and elsewhere in the world. The UNHCR reports that climate-related disasters accounted for more than half of new displacement in 2022, with nearly 60% of the displaced refugees living in countries most vulnerable to climate change effects (Siegfried, 2023), of which the global tropics stand out. Similarly, the IOM reports that in 2023, about 47 million people, representing about 56% of new internal displacements, were triggered by climate change disasters (IOM, 2023a). Of this number, 2 million were displaced in Somalia and 1.8 million in Bangladesh (IOM, 2023b) both countries in the global tropics. Given the serious consequences of these climate change-induced displacements, Goal 13 of the 2030 SDGs Agenda requires states to take urgent actions to combat climate change and address the migration crisis it has triggered worldwide, especially in tropical countries. Because of the empirical significance of the selected case studies in the global tropics in assessing the resilience, strengths and failures of the LNOB pledge to protect migrants, they are examined in more detail in the next sections below.

The case of displaced Rohingya migrants in refugee camps in Bangladesh

The Rohingya people in Myanmar, located in Southeast Asia, have been and continue to be displaced and driven from their homeland due to ethnic repression and systematic human rights abuses (HRC, 2018: 6). They have been forcibly rendered stateless by the Myanmar authorities under the Myanmar Citizenship Act of 1982 (Alam, 2015; Brinham, 2019) and are widely regarded as the 'most persecuted group' in the world (Wolf, 2017: 5; Manti and Islam, 2022: 36; Faisal and Ahmed, 2022: 11). The 1982 Citizenship Act which contradicts the UN Convention on the Reduction of Statelessness of 1961 has compelled the Rohingya people to endure a dehumanising 'sub-human life' (Uddin, 2015; Uddin, 2020: 6). Their situation has been described as a 'textbook example of ethnic cleansing' (UK House of Commons, 2018: 3), with thousands of them displaced to neighbouring Bangladesh (UNICEF, 2021). The Kutupalong refugee camp in Cox's Bazar, where many of them are now confined, is widely recognised as the world's largest refugee camp (Islam, 2022: 1196) and has become a site of abandonment, highlighting one of the most glaring failures of the LNOB pledge. Research shows that they are often denied freedom of movement and the right to work and receive education outside the camps (Holloway and Fan, 2018: 6), as they possess no recognised legal status or identity documents (Rahman, 2024). As stateless people living in that camp, the Rohingya migrants are not able to access most of the eight shared values of human dignity, especially the value of *power* (the empowerment to claim rights), wealth (the quest for a better economic standard of living as opposed to hunger and poverty), wellbeing (the human desire to be in a state of wellness), affection (the human desire to be recognised, loved and cherished) and respect (respect for their basic rights and dignity). For many, the deprivation of dignity for the Rohingya people in Bangladesh arises directly from their statelessness (Menendez, 2020: 31; Rahman, 2024).

According to Article 1 of the UN Convention Relating to the Status of Stateless Persons, a stateless person is defined as one 'who is not considered a national by any state under the operation of its law'. The consequences of being stateless were vividly captured by Strayer, who stated, 'a man can lead a reasonably full life without a family, a fixed local residence or a religious affiliation, but if he is stateless he is nothing. He has no rights, no security and little opportunity for a useful career. There is no salvation on earth outside the framework of an organised state' (Strayer, 2005: 3). Thus, the moment the connection between the state and the legal personhood that belonging to a state offers is severed, the result is a crushing defeat for the rights and dignity of those rendered stateless (Stonebridge, 2018: vii). When Hannah Arendt wrote in her powerful essay 'We Refugees' that refugees lost the 'familiarity of daily life' (Arendt, 1943: 69-77; Arendt, 1973: 294), experienced a 'rupture of [their] private lives' (Arendt, 2007a: 264), and were 'dispossessed of a political community that could render their actions, speech and opinion relevant and meaningful' (Arendt, 1973: 376), she was addressing the 'rightlessness' of migrants rendered stateless in the nation-state system (Agamben, 1995; Arendt, 1973: 293–296). The rendering of the Rohingya people stateless and rightless in the modern world is arguably a return to the nation-state system where, according to Arendt, refugees were excluded from having the right to have rights; a system which, from the moment it was perverted into an instrument of nationalism, began rendering millions of people stateless and rightless across the globe. Arendt recognises this as a 'tragedy' because it transformed states from being the guarantors of human rights to protectors of 'only nationals' (Cf Agamben, 2008: 90-95; Arendt, 1973: 230–231).

As such, the moment human beings are rendered stateless and we realise that we are just ordinary humans with no political life and shared values of human dignity, the moment we are stripped of our 'right to have rights'; our political right to action and speech taken away, then, we become aware of our 'rightlessness' (Arendt, 1973: 296) and 'expulsion from humanity' (Arendt, 1973: 297). The denial of one's dignity and right to have rights exposes the 'abstract nakedness of being human' (Arendt, 1973: 380) and the worthlessness of life 'outside the pale of the law' (Arendt, 1973: 277, 283, 286; Larking, 2016: 7–8). It is argued that the present condition of statelessness and rightlessness of the Rohingya people makes them paradigmatic examples of human beings described by Weil as 'uprooted individuals' (Weil, 2002:44), people who have lost their place and right to have rights in the modern political world—there is little or no guarantee of legal protection for them, being victims of state repression. The Myanmar state's neglect of their obligations to the Rohingya migrants and the lack of legal pathways to their protection in Bangladesh are key determinant factors that explain their dehumanised and undignified treatment in refugee camps. The humanitarian crisis they face in refugee camps is arguably a damning indictment of the international community's widely professed ability to implement the LNOB pledge to protect migrants there effectively. Many contemporary humanitarian challenges that the LNOB pledge aims to address, such as the 'public health crisis' (Bayes et al., 2018: e487–e488), child poverty, and child labour, are increasing among Rohingya migrants in the Kutupalong camp (Duran, Al-Haddad and Ahmed, 2023: 5). It is argued that to reverse the rightlessness of the Rohingya people and make human rights and the LNOB more meaningful and relevant to them, the LNOB pledge must be conceived as a productive, emancipatory and redemptive pathway to their overcoming their rightlessness and life deprived of the shared values of human dignity. A similar line of argument is canvassed in relation to the migrant caravan case (examined below) at the US-Mexico border.

The migrant caravan case at the US-Mexico border

The Migrant Caravan phenomenon in Central America involves a large number of migrants moving from the Northern Triangle region (Honduras, Venezuela, Guatemala and El Salvador), through the US-Mexico border and seeking to enter the United States in search of safety and protection. For decades now, particularly, in the early 2000s, migrant caravans have regularly crossed through Mexico, with the known case of the caravan of

mothers of missing migrants formed in Nicaragua in response to the issue of migrants who disappeared during their migration journeys (Pastorfield-Li, Carter, Moore and Montes, 2020: 15). However, it was not until the fall of 2018 that the first large-scale caravan of migrants moving through the US-Mexico border was recorded, grabbing news headlines at the time and attracting global attention (Thornton, 2018). Studies have revealed that human vulnerabilities brought about by extreme levels of poverty and insecurity in these countries remain the main push factors driving the deadly migrant caravan journeys (Hale and Ma, 2023; Lourdes Rosas-Lopez et al., 2023). These push factors significantly erode the shared values of human dignity in many societies in Central America by creating unbearable human conditions that make it difficult, if not impossible, for people to access life-saving resources in their states of origin. Thus, like the Rohingya migrants in Bangladesh, the caravan migrants also lack real empowerment in their home countries to access the shared values of human dignity, especially the value of wealth, wellbeing, skills, affection and respect. As a result, they are forced to make risky cross-border journeys in search of these shared human values in the United States. These push factors, in particular, extreme levels of hunger and poverty that erode these values, are human catastrophes that states aimed to address through the 2030 SDGs Agenda and its LNOB pledge. However, the implementation of the LNOB pledge in the context of the US-Mexico border crisis has had little or no positive effect on the lives and wellbeing of the caravan migrants in terms of empowering them to access these life-saving human values.

The apparent ineffectiveness of the LNOB pledge in relation to migrant protection at the US-Mexico border be explained in part by the increasingly deterrence-oriented and restrictive migration and border policies of the US government in response to the movement of the caravan migrants into its territory (Menendez, 2020: 61-94). When the large movement of caravan migrants through the US-Mexico border reached historic levels in 2018, US President Donald Trump expressed outrage and strong opposition to the migrant caravan episode (Blitzer, 2018). He claimed the migrant caravans mean the United States is being stolen (Pengelly and Agren, 2018) and vowed to 'cut off' foreign aid to Guatemala, Honduras and El Salvador (BBC, 2018), where most of the migrants are coming from. With the return of Trump to the US Presidency in 2025, the Republican-led administration is now doubling down on its campaign promise of deploying deterrence-oriented and militarised policies to stop the so-called illegal and criminal migrants from crossing the US-Mexico border to seek asylum in the United States (Chishti and Bush-Joseph, 2025). Pursuant to the President's 'Executive Order on Immigration' (White House, 2025), the enforcement of such policies involves

using the US Department of Homeland Security Task Forces to carry out immigration raids across the United States and enforce mass deportation of migrants out of the United States (American Immigration Council, 2025). The deployment of deterrence-oriented migration policies against migrants at border zones will arguably cripple the best efforts of the international community to implement the LNOB pledge in migration and refugee contexts, not only in the global tropics but also across the world.

The caravan migrants' attempt to negotiate the border with the United States leads to all kinds of dignitystripping framings. For example, their status is often either labelled 'illegal', 'irregular' or 'unauthorised' by some political leaders in the United States, thereby creating a justification to exclude them from protection. In his State of the Union Address in March 2024, former US President Joe Biden referred to an undocumented migrant as an 'illegal' (Gloria, 2024), although he later regretted using that word (Baker, 2024). Similarly, President Trump has used words such as 'invasion' (LeVine and Sacchetti, 2023), 'animals' (Davis, 2018) and 'poisoning the blood' (Blake, 2023) to describe the caravan migrants seeking protection in the United States. Such political rhetoric, it is argued, dehumanises the migrants, deprives them of a place to be in the world and undermines their human dignity contrary to the LNOB pledge. As Arendt argued, 'the fundamental deprivation of human rights is manifested first and above all in the deprivation of a *place* in the world which makes opinions significant and actions effective' (Arendt, 1973: 296). To be deprived of a 'place' in the world is to appear in the periphery of society where one finds himself standing outside the law. In calling for a 'new guarantee for human dignity' of migrants in the modern political world, Arendt claims that in order to truly become a bearer of human dignity, a person must have a place in the world, the right to belonging in a state, recognition as having legal personhood and political agency to claim rights such as to render their actions and opinions significant (Arendt, 1973: ix). Arendt's claim resonates with Burke's who argued that what confers dignity on humans is not necessarily the fact of one's humanness per se but rather the fact of one's 'place' in society (Burke, 1790: 32). The deprivation of one's place in the world is a harsh reality that not only the caravan migrants are facing but also migrants fleeing conflicts in the Horn of Africa, especially those from war-torn South Sudan and Somalia.

The case of South Sudan and Somalia migrants fleeing conflicts in the horn of Africa

The proacted armed conflict in the Horn of Africa has forced a significant number of migrants in South Sudan and Somalia to move through the risky Mediterranean Sea and English Channel in a desperate attempt to enter Europe and the United Kingdom in search of protection. The Horn of Africa is a classic example of a region where conflicts and human insecurity have created a dire humanitarian crisis (Human Rights Watch, 2025) and undermined state institutions that could have enabled migrants to access the shared values of human dignity. These conflicts destroy the social fabric (shared values, norms, institutions and interconnected relationships) that binds a society together. The many years of conflict in South Sudan have continued to drive migrant movements from the region into Europe. It is estimated that South Sudan is the third largest country of origin for refugees in the Horn of Africa with over 2.3 million people displaced as of January 2020 (Gregson, 2020: 4). Similarly, it is estimated that around 1.5 million Somali refugees displaced by war in the country have left the Horn of Africa region in search of safety in the western world (Hammond, Bakewell and Chordi, 2017: 15). As people on the precipice and in dire need of refuge and secure protection from violence and harm, the Horn of Africa migrants in their large numbers are frequently forced out of their homes to make risky journeys across high seas, borders and other liminal migration spaces in search of refuge in the territory of states other than their own. As the award-winning British-Somali poet, Warsan Shire while lending her voice to the plights of refugees, put it in her poem 'Home', 'no one leaves home unless home is the mouth of a shark; you only run for the border when you see the whole city running as well' (Shire, 2009: 2). This inspirational poem captures the pain and traumatic lived experience of migrants/refugees and the factors that drive them out of their homes such as war, persecution, human rights abuses, etc. These push factors turn the hitherto safe homes of the migrants/refugees into a shark's mouth—a metaphor that describes how a safe place suddenly becomes a dangerous place for people to live in unless the people leave for their safety (Shire, 2009: 2).

In such a situation of migrant and refugee flows triggered by war and human rights abuses, international law envisages that states, in drawing up their legal, policy and political response to forced migration, the protection of the human dignity of migrants be given primary consideration. This aligns with the fundamental principle of humanitarianism enshrined in international (Gieseken, 2017: 121–152). However, the experience has been very different in practice in terms of the legal, policy and political responses of states to the movement of migrants from the Horn of Africa and other parts of the global tropics seeking to enter Europe and the United Kingdom in search of protection. For example, the United Kingdom and other European states have adopted securitised prevention through deterrence policies against migrants in a bid to dissuade them from making risky

sea journeys into their territories (Perez, 2023: 304–321). A recent example of such pernicious state policies is the UK's 'prevention through deterrence policy' against migrants mostly from the global tropics attempting to cross the English Channel in small boats and dinghies into the United Kingdom, criticised as 'woefully uninformed and short-sighted' (Timberlake, 2021: 5). To implement this prevention through deterrence, the government enacted the Illegal Migration Act 2023 and Safety of Rwanda Act 2024 which were preceded by adoption of the UK/Rwanda Asylum policy to externalise and outsource migration governance (Walsh and Cuibus, 2024:14). In addition, to implement this prevention through deterrence policy on the political level, former Prime Minister Rishi Sunak back in January 2023 made 'stopping the boats' one of his five key pledges to the British people (Oxford Migration Observatory, 2023).

Two UN bodies—the UN High Commissioner for Refugees and the Office of the UN High Commissioner for Human Rights—fear that the 'stop the boat policy' of the UK government fails to follow international human rights standards and norms and constitutes a violation of migrants' right to human dignity (UNHCR, 2024; OHCHR, 2023). These laws and policies, criticised for their tendency to criminalise migrants, create hostile environments for them (Goodfellow, 2020; Griffiths and Yeo, 2021; Hiam, Steele and McKee, 2018; Perez, 2023; Webber, 2019) and circumvent the UK's human rights obligations towards migrants are designed to externally govern and regulate migrant lives. The deployment of these laws and policies against migrants, on the one hand, forcibly reduces migrant lives to mere biology by stripping them of shared values of human dignity and, on the other hand, uncovers the foundational structures of exception deeply rooted in the very nucleus of the UK migration laws and policies. It is argued that such restrictive migration laws and policies violate human rights because they have the tendency to render ineffective the principles of humanitarianism and shared values of humanity in international law, which ideally should underpin the LNOB pledge.

The case studies and what they teach us at a human level in LNOB terms: Mutual co-existence of human security, humanitarianism and shared values of human dignity

What these three case studies hold in common is that they all implicate the shared values of human dignity in migration contexts. For example, the decisions of migrants to cross state borders or jump on the boat in an attempt to escape from armed conflict or seek protection in the developed world and the actions of states to regulate such

journeys through enforcement of externalised, securitised, deterrence-oriented and restrictive migration policies often end up infringing on some or all of these values. Thus, if these case studies teach us any lesson at a human level about the lived experiences of migrants in the global tropics, it is that treating human security, humanitarianism and the shared values of human dignity as mutually co-existent and inclusive goals of international law is key to achieving the LNOB pledge in migration contexts. This mutual co-existence, which should inform state responses to the global migration crisis, presupposes that all the basic human rights enshrined in the Universal Declaration of Human Rights 1948, the International Covenant on Civil and Political Rights 1966 and other relevant international human rights treaties must be pursued and applied together within the SDGs framework for states to have a humanitarian response that leaves no one behind in migration contexts.

Although some might argue that some particular human rights are most relevant in these contexts, such as the right to life, liberty and human dignity, the more credible position is that human rights are interdependent and not binary in nature, and no one particular right can be realised in isolation of others. For example, there can be no such thing as true protection of one's right to the shared values of human dignity if the policies of states initiated to protect that right are not underpinned by the principles of humanitarianism, equality and non-discrimination in international law (UNICEF, 2021: 4). This is why the UN has consistently maintained that the LNOB is premised on the principle of humanitarianism in international law. In his widely accepted Agenda for Humanity presented during the World Humanitarian Summit in 2016, the UN Secretary-General outlined the UN's humanitarian-framed guidance for operationalising the LNOB in crisis contexts that certainly includes the global migration and refugee crisis (UNGA, 2016). It stresses the imperatives of empowering people to live a dignified life in a secure and liberal world free from all forms of violence and human rights violations. The underlying basis of humanitarian action in international law is the protection of the dignity of people (Cuttitta, 2019) including migrants.

Humanitarianism underlies the 'fundamental belief in the value of human life and dignity and the moral imperative to protect human beings and relieve human suffering in the wake of natural disasters or man-made crisis' (Sorensen and Plambech, 2019: 6). This aligns with the broader goal of human rights—the aspiration to protect human beings from harm. Interestingly, the LNOB pledge draws its strength from this redemptive goal of human rights which not only 'aspires to name, define, call into being, redeem the human' (Esmeir, 2006: 1544) but also aspires to make 'human' who would otherwise be 'non-human' (Asad, 2003) such as migrants. The imperatives of securing protection for migrants cannot be overstated given the

general agreement in the literature that in the modern political world, migrants face severe deprivations in their daily struggles for survival (Foresti, Jessica and Dempster, 2018). Obviously, there can be no such thing as genuine protection of the human rights and dignity of migrants, if, for example, they continue to live in extreme hunger and abject poverty (linked to SDG Goals 1 and 2) or continue to be subjected to unequal treatment in our shared globalised world (linked to Goal 10). The same can be said of the SDG (Goal 3) which talks about the health and wellbeing of people in the world, including migrants (*UN Resolution A/RES/70/1, paras 23–26*).

Against this backdrop, the UN's positive approach to operationalising the LNOB pledge when confronted by migrants is to engage states and all relevant bodies and institutions at multilateral levels and through informal institutional networks to gather data to identify where migrant vulnerabilities exist. This assists the United Nations in initiating LNOB-compliant actions, policies and programmes to tackle existing patterns of exclusion, inequalities, discrimination and other structural constraints that impact migrant lives. Despite this positive approach, a recent study conducted by the International Organization for Migration (IOM) has found that there is a disturbing dearth of data on how states, especially those in the developing world, are using the SDGs indicators to monitor the implementation of the LNOB pledge in relation to migrants (Vidal, 2021). As a result, as we approach the 2030 mark, we still do not know precisely the actual effects (positive or negative) that the LNOB pledge is having on migrants (Vidal, 2021: 4), more specifically, whether they are being left behind or furthest behind, to what extent and the factors responsible.

Are migrants left behind or furthest behind? The 'place' of migrants in the 2030 SDGs agenda and its LNOB transformative pledge

The UN Agenda 2030 outlines 17 SDGs, each with corresponding specific targets alongside some key monitoring indicators. Only one (Target 10.7) under Goal 10 makes specific reference to migration and migration policies. It calls on all states to 'facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies' (Target 10.7). The achievement of and/or progress towards the achievement of Goal 10 and the corresponding Target 10.7 is to be measured using four specific performance indicators, three of which (Indicators 10.7.2, 10.7.3 and 10.7.4) are potentially relevant to migrants. In addition to Goal 10, Target 10.7 and its measurement indicators, the SDGs Agenda specifically identify migrants and refugees as being among the most deprived people in terms of legal protection (SDGs Agenda for Transformation, para 23). It is therefore surprising that prior to 2020, specific refugee indicators in the SDGs indicator framework had been omitted (Nahmias and Baal, 2019). Thus, owing to the lack of refugee/migrant indicators prior to 2020, there was no way of measuring whether refugees and conflict-fleeing migrants were being left behind, and if so, to what extent and the factors responsible. Three reasons can be adduced to explain the initial 'refugee/ migrant displacement gap' in the SDGs indicator framework. First, there is a dearth of data on migrant/refugee wellbeing at all levels of policy engagement and planning (IRC, 2019). Second, the majority of migrants/refugee-hosting countries are fragile states trapped in armed conflicts, thus making it difficult, if not impossible, for such countries to meet the SDGs in an atmosphere of violence (Samman et al., 2018). Third, when an indicator framework is used as a measurement tool to evaluate progress towards the attainment of specific policy goals such as the 2030 Agenda, any item or subject matter not expressly included in that indicator framework (in this case, migrants wellbeing) can neither be officially measured nor reported on and therefore not considered vital to the achievement of the overall goals.

However, in 2020, after periods of sustained advocacy by the Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs), a specific indicator on refugees was integrated into the existing SDGs monitoring indicator framework (Nahmias and Baal, 2019). While such inclusion is a welcome development, experts argue there is still a significant refugee gap in the indicator framework (Denaro and Giuffré, 2022). For example, the SDGs framework fails to specify how Indicator 10.7.4 can be used to evidence the existence or lack of well-managed migration policies taking into account the responsibility of states to facilitate safe, orderly and regular migration in line with Target 10.7 of the 2030 Agenda monitoring framework. In a similar vein, not all targets relevant to migrants and migration have a corresponding measurement indicator relevant to migration and not all measurement indicators relevant to migration have corresponding targets relevant to migration (17.3.2). It is argued that the initial refugees' indicator absence in the SDGs Agenda monitoring framework is a reflection of the wider structural, consistent and endemic neglect of migrants' and refugees' right to shared values of human dignity by states. This is evident in the push-back migration policies of states against migrants. The pushback policies of states against migrants are not a new phenomenon as historical precedents are well-documented to explain the practice (Mann, 2013; Velasco, 2015). Across time and space, Britain in the 1940s, the United States in the 1990s, and Australia in the 2000s have pushed migrants back to places outside their territories (Glynn, 2017).

It is argued that such push-back migration policies are in striking opposition to and/or a contradiction of what the

LNOB pledge stands for. Also of concern is that the LNOB implementation strategies, as represented by the monitoring indicators, do not seem to recognise the devasting impact of push-back migration policies of states on the lives of migrants and their basic right to human dignity. As Kati Turtiainen argues, the neoliberal policies of many states 'do not regard undocumented migrants as deserving of [a] good life' (Turtiainen, 2018: 186). Such is the stark reality of the lived experiences and anecdotes of migrants in the global tropics who find themselves displaced to the penumbrae of society, forcing some scholars to wonder if human rights are really for migrants (Dembour and Kelly, 2011). They are often located within the exceptionalised migration spaces where, at the threshold of the nation-states, they are put in a 'state of exception' (Agamben, 2005; Schmitt, 1985), enabling states to place them 'outside the pale of the law' (Arendt, 1973: 296). They are also often confined to 'spaces of exception'—that is, politically enacted spaces created to perpetuate the state of exception under which states may suspend the normal juridical order and rights of human beings (Vaughan-William, 2009). This is where some scholars argue that the state 'defines what it is to be human and thereby identifies an exception, the migrant as something other than human' (Kovras and Robins, 2017: 159).

The insidious effects of states' sovereign power in determining the legal subjects of law (inclusion) and those excluded from law's protection (exclusion) are captured well in Agamben's idea of bare life (life deprived of political rights), viewing migrants as victims of state violence (Agamben, 1998; Agamben, 2013). They are also captured in Bauman's notion of wasted lives (Bauman, 2004; Cf Spijkerboer, 2017), viewing migrants as people excluded from legal protection and deprived of a life of dignity. They are further captured in what some scholars describe as a 'stage of limbo' (Hartonen et al., 2022: 1132) viewing migrants as people living within and outside the nation-state simultaneously (Jaji, 2011: 223). In the same vein, the notion of 'liminal legality' (Menjivar, 2006: 999), which views migrants as people living in a dehumanising state of legal ambiguity, not knowing what their legal status is, conveys this message. Even though migrants are not just 'flotsams...adrift and open to control and dispersal [or exclusion] by whomever finds them' (Goodwin-Gill, 2011: 447), they are often treated as such at sea and borders. The logic of exclusion 'render migrant illegality visible' (De Genova 2002: 424; De Genova, 2013:1180) and prevails when states prevent migrants from reaching their territories through legal pathways, forcing them to risk crossing deadly seas and other liminal migration spaces to reach Europe and other parts of the world.

In light of the above, there is no doubt that even migrants who make vital economic contributions to the Eda II

SDGs (IOM, 2023a) and wider economies of states, connecting global markets, filling labour gaps and enriching social diversity (Goldin, Cameron and Balarajan, 2011) face a significant risk of being left furthest behind. The risk of migrants being left furthest behind indicates the shortcomings of the LNOB and 'international human rights law as the primary source of protection' (Chetail, 2013: 231) for migrants' rights and dignity. The broader 'place' of the 'shared values of human dignity' in the LNOB pledge is explored in more detail in the next section below to further highlight the imperatives of adopting human dignity-oriented migration policies that ensure more efficient protection of migrants in the world.

Locating the broader 'place' of the 'shared values of human dignity' in the 2030 agenda and its LNOB pledge

The concept of human dignity remains a contested and nebulous concept in the lexicon of the law, philosophy and ethics in that none of these disciplines offers any generally accepted definition of it (Brownsword, 2014a; Collste, 2014; Rosen, 2012). Questions such as who is human, who can be dignified, what it means to be dignified and how human dignity grounds human rights dominate legal discourses on human rights (Brownsword, 2014b; McCrudden, 2014). Human dignity, it is often said, is the foundational concept of the global human rights regime (Waldron, 2013), and so one would expect the values of human dignity to feature strongly in the 2030 Agenda. However, at first glance, the eight shared values of human dignity—power, enlightenment, wellbeing, wealth, skills, affection, respect and rectitude (McDougal et al., 1978; McDougal et al., 2019) that international law seeks to uphold and vest in every human being do not seem central to the 2030 Agenda.

For example, there is no explicit reference to these shared values of human dignity in the 2030 Agenda, beyond its general declaration that '...the dignity of the human person is fundamental, [and states] wish to see the Goals and targets met for all nations and peoples and all segments of society' (2030 Agenda, Preamble 4). In other words, it does not explicitly characterise the shared values of human dignity as guiding values that serve as a metric for evaluating what might be right or wrong in a state's actions when confronted by migrants or how and where precisely we might engage the shared values of human dignity when assessing the responsibility of states to protect migrants. Similarly, the UN General Assembly Resolution that laid the foundation for the adoption of the 2030 Agenda makes no explicit reference to the shared values of human dignity beyond echoing the familiar understanding that human dignity is the foundation of human rights (Resolution A/RES/70/1, para 8).

Nonetheless, for three reasons grounded in international human rights treaties, we might find that there are implicit echoes of the shared values of human dignity in the 2030 Agenda. Firstly, the 2030 Agenda is anchored on international human rights law, which recognises that human dignity grounds the most basic considerations about international morality. In particular, the values of human dignity are implicit in the responsibility of states to respect, protect and fulfil human rights as contained in the Universal Declaration of Human Rights (UDHR, Article 1), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Secondly, a combined reading of the objectives of the 2030 Agenda and the related soft laws on migration and refugees—the Global Compact for Migration—Objective 21 and the Global Compact for Refugees—Paragraph 7 reveals that the principle of human dignity underpins the obligation of states to protect the human rights of migrants in the world. Thirdly, the 2030 Agenda (Preamble 14) makes specific reference to the imperatives of eliminating the disparities of opportunity that people face in the shared globalised world in terms of wealth and power. Interestingly, 'wealth' and 'power' are both essential shared values of human dignity. However, these are only two of the eight shared values of human dignity. Thus, it can be argued that the 2030 Agenda does not stress enough the importance of the shared values of human dignity to human rights protection and does not ensure that their effects are keenly felt by migrants. This is all the more surprising because these shared values of human dignity are coterminous with human rights and form the basis for human rights to exist.

It is argued that the drive and aspiration of migrants to gain greater access to the shared values of human dignity, especially the value of wellbeing is the real reason why migrants move (Hettige et al., 2012). These shared values are washed away by the war raging in some migrants' origin states. This is the case with the Rohingya, South Sudan and Somalia migrants in the global tropics who have seen these values completely obliterated by the violence raging in their home countries, and they are now moving in large numbers across seas and borders to seek these values elsewhere in the world. These tropical migrants, therefore, make value claims on states, as we have seen with the caravan migrants' episode at the US-Mexico border, to grant them greater access to these shared values, notably wellbeing and power. For these migrants, this would mean states empowering them to have enhanced access to those shared values. In other words, for migrants, the *power* (interpreted from a migrant perspective as 'empowerment') to claim the 'right to have rights' (Arendt, 1973: 296) as well as having reliable access to human security at all stages of their migration journeys are the most effective ways to protect them from harm. Being at the receiving end of deterrence-oriented border control policies of states, migrants live in particular 'vulnerable positions' (Collste, 2014: 461); they have virtually no *power* or *empowerment* to acquire recognition before states and the law because of their irregular status.

Similarly, respect (for their right to life and dignity) is another value at stake that migrants look for in their life-long struggles. Axel Honneth's theory of recognition (Honneth, 1995) holds that people must be loved and cherished, socially esteemed and respected as having human rights that are institutionalised on the juridical and state level. However, in situations of perilous sea migration that expose migrants to the risk of death, migrants enjoy neither respect for their liberty/freedom nor are they treated with the dignity they deserve. Also, in a migration world where states are increasingly tightening up their border policies and hostile environments towards migrants by radical anti-immigrant populist governments appear to be mounting (Schain, 2018), migrants, in particular, those fleeing armed conflict, feel deprived of the value of affection, their aspiration for love, recognition and acceptance in receiving states after fleeing conflict in their origin states.

Furthermore, like all human beings, migrants also desire wealth as a value of human dignity; their quest for a better standard of living contributes to their desire and motivation to move in search of survival. Migrants fleeing poverty and human suffering in their place of origin identify the value of wealth as central to enhancing their wellbeing and that of their families. Such desire means that they easily fall prey to false promises of people smugglers who assure them of opportunities to acquire jobs and values of skills, enlightenment and rectitude offered by the laws and social care systems of the receiving states. In a people smuggling scenario, migrants are not guaranteed safety or protection of their human dignity; they are instead often subjected to gross human rights abuses and exploitation en route (Atak and Crepeau, 2014), and are usually packed into unseaworthy boats with little or no chance of reaching their destination. Given that the deterrence-oriented migration policies of states often drive migrants into the hands of people smugglers, migrants feel states have deprived them of these shared values in their struggle for survival. It is argued that the fact of migrants being deprived of their shared values of human dignity and the need to empower them to gain better access to those values demonstrates the imperatives of states developing a more value-based, value-dependent policy framework to operationalise the implementation of the LNOB pledge to benefit migrants.

Towards a value-based, value-dependent policy framework for operationalising the SDGs agenda and its LNOB pledge in relation to migrants using example of the value of wellbeing

In precise terms, how these shared value claims by migrants can, in practice, fit into or be embedded in

states' responsibility to respect, protect and fulfil the human rights of migrants will depend on how we conceive of an ideal SDGs-LNOB implementation framework. So, how should we conceptualise, define and operationalise an ideal valued-based, value-dependent SDGs-LNOB implementation policy framework in relation to migrants? To address this question, it would be helpful to narrow down the evaluation by selecting just one of the eight shared values and using it to define what this SDGs-LNOB implementation framework would look like. If we carefully examine all the eight shared values, we realise that the value of wellbeing is the foundational value upon which the other seven values find expression. More so, given that human beings must first be vested with the value of wellbeing before the values of respect, affection and empowerment can flourish in anyone's life. Therefore, the value of wellbeing, believed to be empirically and inextricably interlinked with the SDGs (De Nevel and Sachs, 2020) is used to carry out this valuebased policy evaluation of the SDGs Agenda.

Generally, wellbeing as a value of human dignity is often defined as a 'positive state of affairs in which the personal, relational and collective needs and aspirations of individuals and communities are fulfilled' (Prilleltensky, 2005: 54, Prilleltensky, 2008: 359; Prilleltensky, 2013:148; Cf. Griffin, 1986). Support for the wellbeing of migrants means addressing their needs through LNOB-compliant policies in such a way that they are given a voice over matters that affect their lives directly. It implies 'compassion and responsible caring' (Prilleltensky, Walsh-Bowers and Rossiter, 1999: 324) for migrants in ways that promote 'personal, collective and relational wellness' (Prilleltensky, 2001: 753). So, put simply, in our context, an SDGs-LNOB policy implementation framework that is value-based and value-dependent would mean a policy framework in which the protection of migrants' wellbeing (physical and mental) is put at its epicentre. It is argued that such SDGs-LNOB policy implementation framework should recognise the four constituents of wellbeing described by Prilleltensky in his integrated '4S' model of wellbeing consisting of (i) sites of wellbeing, (ii) signs of wellbeing, (iii) source of wellbeing and (iv) strategies of wellbeing (Prilleltensky, 2005). The 'sites' of wellbeing refer to the 'location of wellbeing', that is, 'where' in any relevant context that wellbeing can be situated, located or engaged (Prilleltensky, 2005).

Given that the value of wellbeing is individually, relationally, collectively and physically centred, it follows that relevant sites of wellbeing in our context will also be personal, relational, collective and physical sites. Conceived in this way in relation to migrants, the relevant *sites* of wellbeing where an SDGs-LNOB implementation policy framework may be directed will ideally include the 'high seas', 'border spaces', 'refugee camps' etc, where migrants are often trapped (together taken as 'physical

sites'). In addition, the 'relationships', 'persons' and 'migrant communities', both in the origin, transit and destination countries, are together taken as 'personal, relational and collective sites'. Closely linked to the *sites* of wellbeing are 'signs' of wellbeing. This refers to the practical manifestations and/or expressions of the value of wellbeing in those relevant sites identified above (e.g. a feeling of contentment, satisfaction, happiness, etc). Through analysis of the results of the LNOB's implementation so far and how they have impacted migrant lives, we can easily tell whether their value of wellbeing is being met or not.

In the same vein, by 'source' of wellbeing in our context, it is meant particular sources from where the shared value of wellbeing can be derived, such as to empower migrants to overcome their vulnerabilities. Here, we position the SDGs Agenda and any LNOB implementation policies of states derived therefrom as real or potential sources of *wellbeing* for migrants in the relevant sites stated above. If migrants are genuinely empowered in those sites, the signs of wellbeing will show it. The last of the four constituents of wellbeing are 'strategies' of wellbeing. They refer to social policy interventions and support services that are specifically and strategically deployed to address the human rights and needs of migrants in those sites of wellbeing identified whilst also attending to the signs and sources of wellbeing in those sites. If we integrate all four constituents of wellbeing (sites, signs, sources and strategies) into an operational model that can be built into an SDGs-LNOB policy implementation framework, they should present the following syllogism: the realisation and maximisation of the value of wellbeing in each of the four sites (personal, relational, community and physical) are reflected in the sign (wellness) shown by the dignified quality of life of migrants in those sites; which derives from a particular source (the SDGs Agenda itself, LNOB implementation policies of states, etc); and promoted by a strategy of empowerment (Cf Prilleltensky, 1993: 105) in the form of giving social interventions and support services (social, economic, health, etc) to migrants facing vulnerabilities in those sites.

In line with this conceptualisation, it is argued that a value-based, value-dependent SDGs-LNOB implementation framework should be people-centred on both the individual and the wider social level. More so, given that such a framework can potentially shape the direction of future migration policies of states and how states will interpret, apply and discharge their responsibility to uphold migrants' right to shared values of human dignity. However, this proposed SDGs-LNOB implementation framework will raise the question examined below of how the 'shared values of human dignity' distinctively bear on the responsibility of states to fulfil the LNOB pledge when confronted by migrants.

How do the 'shared values of human dignity' distinctively bear on the responsibility of states to fulfil the LNOB pledge when confronted by migrants?

Predictably, the responsibility of states to protect the human rights and dignity of migrants at all stages of their journeys is often in direct tension with the sovereign right of states to control and decide who should enter and leave through their borders. Whatever the nature of this tension is—whether it is about the hostile treatment of migrants at borders (UNGA, 2022) or about the wrongs that violate cosmopolitan human rights standards (Brownsword, 2021: 6) when a wrongful treatment of migrants is alleged—we return to the fundamental question: how do the 'shared values of human dignity' distinctively bear on the responsibility of states to fulfil the LNOB pledge and human rights generally when confronted by migrants? (Cf. Brownsword, 2021). Generally, under international law, the responsibility of states to uphold human rights in the terms envisaged by the LNOB pledge is threetiered: first, is the responsibility to respect; second, is the responsibility to *protect*; and third, is the responsibility to fulfil. While the responsibility to respect requires states to refrain from actions that interfere with or hinder the enjoyment of rights by human beings, otherwise known as the negative obligation not to violate rights (HRC Resolution A/HRC/RES/17/4), the responsibility protect requires states to take positive actions through law, policies and practices to prevent the violations of human rights by third parties including non-state actors (Hunt et al., 2023). In the same vein, the responsibility to *fulfil* requires states to take appropriate measures, including legislative, administrative, judicial and other actions towards the full and progressive realisation of human rights (UNCHR, 2016).

If we apply this three-tiered human rights responsibility of states to the LNOB pledge in relation to migrants, threetiered results will emerge as follows: firstly, in relation to the 'respect' obligation, states have a responsibility to respect migrants' right to the shared values of human dignity by refraining from actions that interfere with and/ or undermine the enjoyment of these values by migrants. For example, international human rights and refugee law envisages that states refrain from returning conflict-fleeing migrants to places where their lives and safety could be endangered (Refugee Convention 1951-Article 33) or enact securitised migration policies that drive migrants back to spaces where their rights to these shared human values will be violated. Secondly, in relation to the 'protect' obligation, states have a responsibility to protect migrants' right to the shared values of human dignity by preventing third parties from taking any actions or embarking on activities that violate these shared values. For example, states must require private actors and corporations that hire migrants for work to adopt labour policies and actions that will facilitate state efforts to enforce the LNOB pledge and uphold migrants' right to these human values (Cf. United Nations HRC, 2011). Finally, in relation to the 'fulfil' obligation, states have a responsibility to *fulfil* migrants' right to the shared values of human dignity by initiating LNOB-compliant migration policies that enhance migrants' wellbeing whilst also putting in place all necessary legislative, administrative and other measures towards a full realisation of these values.

Overall, in principle, in pursuit of the LNOB pledge, we might appeal to the shared values of human dignity in relation to the fulfilment of each of these three-tiered states' responsibility towards migrants. In other words, it may be argued that states upholding the shared values of human dignity in the exercise of their responsibility to protect migrants should take precedence over any conflicting national considerations (political, economic, social, etc) however cogent and compelling those considerations may be in any given case and circumstance. Each one of the eight shared values of human dignity might, in different cases and circumstances, speak to what may be distinctively wrong in states' treatment of migrants. Not least because the normative standard upon which the responsibility of states for failure to uphold these shared values is based is that the law having created a system of reasonable expectations in the society, one of which is the expectation to uphold these values, there is a need for the legal ordering of the society based on those expectations. Therefore, in taking any actions/decisions that affect migrant lives, states must recognise that migrants as members of the society have the right to demand that their shared values of human dignity be fulfilled by states in line with the expectations of the society to do so. That being said, the responsibility of states to uphold migrants' right to the shared values of human dignity in a migration crisis world is not without legal and political challenges. This is so because the 2030 Agenda identifies global partnership and cooperation of states in the spirit of 'solidarity' (a practice riddled with controversies—Cf. Hufnagel, 2013) as the most fundamental strategy or means through which to operationalise the LNOB pledge (Agenda Preambles 39-41). While it is agreed that solidarity is a fundamental value of shared responsibility that demands that 'global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice...[ensuring] that those who suffer or benefit the least receive help from those who benefit the most' (General Assembly, Resolution A/RES/57/213), it remains a subject of significant controversy/debate in the field of migration.

That controversy explains why, in cooperation terms, the issue of what should be the appropriate legal, policy and political response of states to the global migration crisis has been one of 'obsession of sorts, not only in Europe but also in other parts of the so-called developed world' (Mann, 2016: 3). Not even the adoption of the inspiring 2030 Agenda with the promise not to leave anyone behind has changed the fact that state cooperation to address pressing global problems is riddled with challenges. Thus, it is no surprise that experts, including the former UN Secretary-General Ban Ki-Moon, described the global migration crisis as a 'crisis of solidarity' (Fine, 2019; Takle, 2018; United Nations, 2016) or a 'crisis of humanitarianism' (Fotaki, 2017). The migration crisis has not only been a litmus test for the solidarity of supranational bodies like the EU but also a reflection of the solidarity/cooperation gap between states within international community (Brändle et al., 2019). This cooperation gap is explained in part by the fact that international law is unclear about the kind or level of cooperation that is required of individual states regarding global migration governance, and states rarely agree on how best to operationalise or implement international cooperative frameworks relating to migration. As such, even though states have agreed to cooperate to facilitate the implementation of the LNOB in the spirit of solidarity, a failure to realise this agreed objective will not necessarily trigger the responsibility of states for such failure.

Four apparent legal challenges underscore this fact. First, the 2030 Agenda and its SDGs and LNOB pledge are not legally binding on states (Guiry, 2024:401), nor are they enforceable in international law; although, the use of politically forceful terms in many parts of the Agenda such as 'we resolve' (para 3), 'we reaffirm' (paras 11, 12 and 19), 'we are committed' (para 24), 'we commit' (paras 25 and 28) and 'we acknowledge' (paras 45 and 46) does suggest that the Agenda is politically binding on states. However, even though it may be argued that when states politically commit to carry out an agreed agenda on the international scene, it signifies their intention to respect the commitments contained in that agenda; political commitments are, nonetheless, not as effectual as outright legal commitments. Second, even if the 2030 Agenda and its SDGs were to be legally binding on states, it might not be possible to identify which specific state is responsible for certain breaches of those commitments as all states are acting collectively.

Third, while states have the responsibility, at least in political terms, to implement the SDGs, the 'precise division and content of these sovereign responsibilities remain contested and subject to varying interpretations' (Gammeltoft-Hansen and Alberts, 2010: 6). Fourth, international law of state responsibility prescribes no clear rule on how the responsibilities should be shared or allocated to multiple states in practice concerning the SGDs-LNOB implementation neither does it prescribe how to distribute the duty to cooperate. David Miller while examining this kind of problem in relation to

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national responsibility and global justice argued that 'an undistributed duty...to which everybody is subject is likely to be exercised by nobody unless it can be allocated in some way' (Miller, 2007: 98). Given that these challenges are very real; for states to overcome them, they need a fundamental shift in commitment towards initiating a more resilient SDGs-LNOB implementation framework based on the shared values of human dignity.

A fundamental shift in states' commitment, strategies and actions beyond 2030: Towards a more resilient SDGs implementation framework based on shared values of human dignity

Against the backdrop of the inherent weakness of international cooperation frameworks considered in the preceding section, it is argued that a fundamental shift in states' commitment, strategies and actions beyond the 2030 mark is required to effectively achieve the LNOB pledge in relation to migrants. This type of shift in commitment acknowledges that the migration policies of states often need to be responsive and dynamic, adapting to new information and changing circumstances. Not least because contemporary socio-political and economic adversities in the world occasioned by the global migration crises challenge the capacity of states to protect the rights and dignity of migrants. Therefore, to enhance the legal and political capacity of states to protect the rights and dignity of migrants, changes in at least three key areas of legal and policy developments related to the 2030 Agenda are required. The first is changes in substance (i.e. changes that address existing inadequacies/gaps in the international human rights frameworks for migration governance); the second is changes in process (i.e. changes targeted at determining how the 2030 Agenda and its LNOB pledge should adapt, evolve and develop beyond 2030 taking into account the imperatives of granting migrants greater access to the values of human dignity); and third, is changes in choices (i.e. changes related to what the appropriate response of states to the current failures of the LNOB pledge in relation to migrants should be, e.g., responses through legislations/law-making, policies, judicial strategies or through more consensus building and action plans). It is argued such changes in substance, process and choices that states might adopt as well as any shift in commitment/actions by states to achieve them should be directed at 'formative policy evaluation' of the current LNOB-implementation strategies (at all levels of policy engagements from local to international) to make the shared values of human dignity central to achieving the LNOB pledge.

A 'formative policy evaluation', understood as either an ex-ante evaluation of a proposed policy's potential benefits or as an ex-post review of an existing policy's effectiveness

(MacLaughlin, 2017) is key to assessing the effectiveness of and/or progress made so far with implementation of the LNOB pledge by states. This will complement the current practice of measuring progress through the use of performance or monitoring indicators. This formative policy evaluation approach to assessing the efficacy (or lack thereof) of the LNOB pledge is consistent with what social science experts call 'Transformative Innovation Policies (TIP)' (Santos and Coad, 2023) which assert that profound societal challenges currently facing the world such as the migration crisis require profound changes in the current socio-technical systems to address them (Molas-Gallart et al., 2021; Schot and Steinmueller, 2018). It is also consistent with the policy-oriented international law approach to addressing pressing global problems whereby law is deployed as a field of governance and theory for making rational social choices and decisions (Reisman, Wiessner and Willard, 2007) geared towards addressing, in this context, the migration crisis in ways that uphold migrants' right to shared values of human dignity.

These changes are important for at least two key reasons. First, unlike in many other transnational matters, international human rights law as it applies to migration and the SDGs Agenda lacks a coherent global governance framework that is holistic and effective enough to address the global migration crisis. Therefore, transformative, innovative policy approaches premised on shared values of human dignity are required to make existing human rights frameworks more responsive and effective to deliver better on their key promises to migrants. Second, the nature of the SDG framework itself, in that it does not make the values of human dignity a priority, gives rise to feelings of uncertainty about the resilience of the LNOB pledge to protect the human dignity of migrants in the most difficult of circumstances. Therefore, adopting an SDGs implementation framework premised on the shared values of human dignity will equip the legal and policy systems for enforcing the LNOB pledge with the necessary resilience to empower migrants to overcome their value deprivations in a migration crisis world. By 'resilience' it is meant 'the capacity of a system to experience shocks while retaining essentially the same function, structure, and therefore identity' (Walker et al., 2006: 14). In the context of the legal and policy systems for enforcing the LNOB pledge, this definition will entail the capacity of an SDGs implementation framework premised on shared values of human dignity to preserve the stability of the LNOB and deliver on its promise not to leave migrants behind in the face of the growing global migration crisis (Cf Ruhl, Cosens and Soininen, 2021:509–525).

In other words, these shared human values represent a pathway to 'resilience'; they precede and enable the emergence of resilience in systems and institutions. The article, therefore, suggests that a revised SDGs implementation

framework premised on the shared values of human dignity and built upon the existing migration frameworks (GCM and GCR) is needed. The article argues that a resilient SDGs implementation framework premised on shared values of human dignity would be one that thrives on three mutually reinforcing resilient indicators—(a) a and effective system of law that LNOB-compliant, (b) administered by strong and independent monitoring institutions at the national level and (c) equipped with efficient enforcement mechanisms, procedures and resources that enable states to protect, fulfil and respect migrants' right to the values of human dignity. The article further argues that in institutional terms, such a resilient SDGs implementation framework can be operationalised by states at the level of multilateralism (coordinated through, e.g., the UN and regional bodies like the EU) and transnational institutional networks (coordinated through, e.g., the IOM and the United Nations Network on Migration). Such multilateral and institutional coordination at the international level is key to states finding common ground/agreement (beyond political declarations) about how best to implement the LNOB pledge to benefit migrants and fulfil their right to human dignity. This multilateral and institutional coordination strategy is also vital for upholding the cooperation function of international law that underpins state practice in the field of migration. In political terms, the consensus for such a resilient SDGs implementation framework can be based on the legal, policy and political imperatives of upholding the humanitarian goal of empowering migrants to gain greater access to the shared values of human dignity. In normative terms, the legitimacy and acceptability of such a resilient SDGs framework by states can be based on the legal claim that such a framework will find support and expression in the language and texture of existing international law, which obligates states to protect the human rights and dignity of migrants.

Conclusion

The central thesis advanced in this article is that an SDGs-LNOB implementation framework premised on 'shared values of human dignity' is required to accomplish whatever goal/objective the world wants to achieve through the 2030 SDGs Agenda and its LNOB pledge. The LNOB pledge, grounded in existing international law, has the potential to influence states' and international policymaking targeted at advancing the international community's goal of securing a safe, orderly and regular migration world based on respect for the shared values of human dignity. Key insights based on the analysis presented in the article, are: (i) the chances of substantially realising the SDGs Agenda will be largely dependent on the political willingness of states to pursue LNOB-specific and compliant implementation policies within their domestic legal

orders; (ii) state efforts at the domestic level can be mutually reinforced at the level of multilateralism through engagement with transnational institutional networks to implement the LNOB pledge; (iii) states have a human rights responsibility to grant migrants greater access to the shared values of human dignity especially the value of wellbeing and empowerment at all stages of their migration journeys and struggles for survival; (iv) states realising their responsibility to protect migrants' right to shared values of human dignity will require a fundamental shift from mere political commitment on their part to a more effective legal commitment to fully implement the LNOB pledge; and (v) since the human rights responsibilities of states to migrants are underpinned by the international law principle of respect for human dignity, a breach of or failure by states to fulfil them can constitute a legal and moral wrong capable of triggering their international responsibility for such wrong or failure. Overall, it is maintained that putting the shared values of human dignity at the centre of states' efforts to implement the LNOB pledge is key to effectively protecting the human rights and dignity of migrants in the world. Migrants make significant contributions to the sustainable development, economic growth, and wellbeing of nations; thus, their protection is in the best interests of the states.

Declaration of conflicting interests

The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author received no financial support for the research, authorship, and/or publication of this article.

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