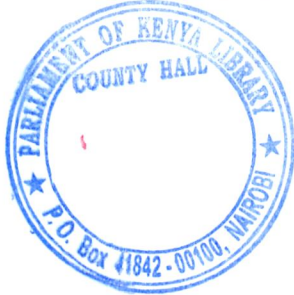


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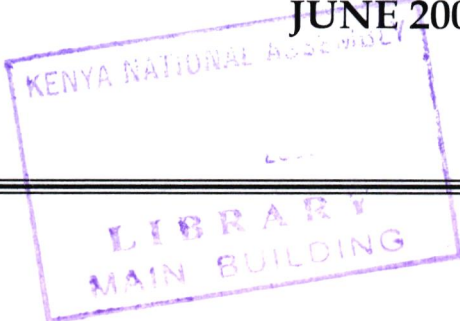
TENTH PARLIAMENT- SECOND SESSION

REPORT OF

**THE AFRICAN PARLIAMETARY UNION
 CONFERENCE ON "AFRICA AND MIGRATION:
 CHALLENGES, PROBLEMS AND SOLUTIONS"
 HELD IN MOROCCO, RABAT, 22-24 MAY 2008**

**PARLIAMENT BUILDINGS
 NAIROBI**

JUNE 2008



FORWARD

Mr. Speaker Sir,

This report is a summary of proceedings and resolutions of the African Parliamentary conference migration held in Rabat, Morocco from 22-24 May 2008.

Mr. Speaker Sir,

The Kenya National Assembly was represented by the following:

The Hon. Jeremiah Ng'ayu Kioni, MP and Leader of the Delegation,

The Hon. Shakila Abdallah, MP,

The Hon. Fred Chesebe Kapondi, MP,

The Hon. Ali Hassan Joho, MP,

Ms M. J. Chesire - Clerk Assistant and Secretary to the Delegation

The National Groups of the following countries participated in the Conference:

Algeria, Angola, Benin Burkina Faso, Cameroon, Central Africa, Democratic Republic of Congo, Cote d'Ivoire, Egypt, Gabon, Ghana, Kenya, Mali, Morocco, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa and Zimbabwe.

Mr Speaker Sir,

During the opening ceremony the Speaker of the House of Representatives of the Kingdom of Morocco, H.E. Mustapha Mansouri, was elected the President of the conference and a delegate from

Parliament of Sierra Leone was elected the Rapporteur-General of the conference. In his opening remarks the president welcomed the participants to the Kingdom of Morocco and reminded the delegates that APU could only justify itself if it continuously engages itself and prods governments and other international and regional bodies to find effective solutions problems facing the continent. He stressed that the 21st Century has dawned with the world witnessing a sustained move towards a new era characterized by globally integrated economy, where decisions regarding production, consumption and other aspects of social relations have increasingly assumed transnational dimensions.

He elaborated that though Globalization has created labour demand patterns which inherently favour short-term, temporary employment resulting in short-term labour migration appears to be on the rise with distinct gender differentiated consequences hence the need for African parliaments to develop and implement a common framework for migration policies and laws to guide effective and efficient management of migration.

The conference was also addressed by the Chairman of the Executive Committee, Hon. Pie Ntavyohanyuma Speaker of the Parliament of Burundi. On the onset he challenged the delegates to use the meeting to design strategies on how to deal with the migration issue at the national, sub-regional, continental and international levels. He elaborated that migration was becoming increasingly apparent that migration can and should be a mutually beneficial situation for both

country of origin and receiving countries. The speech by the APU Chairman is appended (**Appendix I**).

Mr. Speaker Sir,

A key note address was delivered by the representative of the United Nations Committee on Migrant Workers, Mr. Abdelhamid El Jamri who stated that migrants were partners in the establishment of new political and social dynamics as well as economic perspective; hence they should be stakeholders in the partnership between the North and South. The speech is appended (**Appendix II**).

The conference was also addressed by the secretary-General of the Inter Parliamentary Union (IPU); Mr. Anders Johnson, the International Labour Organization (ILO), United Nations High Commission for Refugees (UNHCR) who challenged the participants to come up with policies to address the migration related issues.

On behalf of delegation I wish to thank the Speaker for according us the opportunity to represent the Assembly at this very important meeting. Allow me Mr. Speaker on behalf of the delegation to submit the report of the APU conference on Migration together with adopted resolutions.

Thank you, Mr. Speaker Sir.



Hon Jeremiah Ng'ayu Kioni, MP
LEADER OF THE DELEGATION

SUMMARY OF PROCEEDINGS

The conference whose main theme was **"Africa and migration: challenges, problems and solutions"** focused on the human rights dimension of migration, causes and challenges emanating from of migration as well as exploring ways of managing the irregular migration in a human rights-compatible way and fighting inhuman or discriminatory treatment of migrants. This saw the participants actively involved in the presentation and deliberation of the following topics in the plenary and workshops. The Kenyan delegation participated in all the four workshops. The delegation was honoured when the conference unanimously elected the leader of the delegation chair workshop 2 on humanitarian aspects of migration.

WORKSHOP 1:

Topic: Migration and development labour mobility in a globalized world; contribution of migrants to the development.

During debate on the topic the participants were certain that people migrate regardless of how authorities make it difficult for them if they perceive the benefits to be worthwhile. They stressed the need for the current constraints placed on migration to be reviewed in the light of this fact and consider policies that lead to the elimination of all forms of discrimination against migrants.

The participants were in agreement that policy responses to the issue of migrant workers, xenophobia and human rights should seek cooperation among law enforcement, prosecution and judiciary; trade unions and legislative reforms. The increase in clandestine migration, including people trafficking, threatens human rights and creates new challenges for governments and the international community.

Migration represents a livelihood strategy for most migrants from the developing countries. The existing migration patterns show a trend of movement from the poor economies to the developed economies and that migration consistently portrays a case of vicious cycle; that while highly skilled workers from a developing country move into industrialized countries, they will be replaced by highly skilled workers from even less developed countries thus triggering migration chain.

The participants reiterated that if Governments were to make migration deliver benefits in terms of development, then policies need to be based on a sound understanding of the complex relationship between migration and development. Thorough understanding of the patterns of migration, the reasons for it, and its developmental impacts are the key building blocks for policy.

The participants acknowledged that despite the enormous challenges facing the migrants, migration harbours a pool of opportunities which were enumerated as follows, among other things,

- Enhances intercultural communication;
- Remittances contribute to the reduction of poverty;
- The acquisition by migrants of skills and knowledge in countries of destination can be put to use by their countries of origin, thereby contributing to sustainable development; and
- Offers the possibility of financial independence of women.

Within the above framework, countries need to create incentives by way of suitable investment policies to attract citizens in the diaspora to participate in national development and thus make migration beneficial to the aggregate economy.

Migration with all its inherent practices is a process fostering development. The motive of migration may not only be to earn daily income but also to be able to save for investment back home. There is increasing evidence that international migrants are some of the heavy investors in the home country, either in the rural or urban areas. Migrants often use their savings; skills and experience to generate capital that can be invested back home thereby raising the living standards of the community and the domestic economy.

Although the negative impacts of migration to a greater extent bedevil the developing countries more than the developed economies the resource flows which migration can generate tend to balance the equation.

Workshop 2:

Topic: Humanitarian aspects of migration

On the onset participants stated immigrants are humans entitled to fundamental human rights, as legally protected under international law. Specifically, The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) addresses the treatment, welfare and human rights of both documented and undocumented migrant workers and their families.

The convention provides for international legal protection of migrant workers and ensure accountability of governments and other actors. The MWC reemphasizes that human dignity applies to all humans, especially a vulnerable group such as immigrants.

The participants discussed in detail the lack of effective international mechanisms that regulate and protect the rights of labour moving across national borders, both legal and illegal migrants are vulnerable to human rights abuses.

They opined that the mobility associated with globalization is also affecting the traditional social fabric particularly within the nuclear family. The search for livelihood with the ever expanding labour, particularly by women, children, youth market is eroding family life and

this threatens the traditional family relations. The competitive work environment that is brought about by globalization may drive women and men alike, to abscond their parental responsibilities thereby causing further alienation between the genders. This is likely to affect worker's productivity, as well as contribute to a change in public perception on women empowerment.

Workshop 3:

Topic: Migration and human rights: regulating migration in human rights compatible way.

The participants were concerned that the mobility factors of production including labour in its various forms and migration from one place to another, forms the backbone of local, regional and international production, trade and profit accumulation. The migrant worker syndrome is uniquely incurable in totality and it may not be eradicated. However, the complexity of the issue is compounded by clandestine trafficking in foreign labour fuelled by wide disparities in levels of economic development and value for employment.

A representative of the International Labour Organization (ILO) informed the workshop that international labour laws and legal instruments have recognized the need for the protection of migrant workers' rights in an attempt to stem their abuse and exploitation

globally. The (ILO) has in its numerous fora and legal regimes given prominence to the advocacy for enhanced security and fair treatment for migrant workers and their families since the 1920s.

The participants were in agreement that States must declare and pursue policies that help to ensure equal access to employment opportunities and secure equality of treatment in respect to matters such occupation, social security, and trade union and cultural rights.

The gloomy scenario that faces Africa's medi-care personnel industry needs global regulation. The fact that migrating African personnel are allowed to relocate to serve in relatively better-staffed situations casts into doubt developed countries often-stated goal of improving health indicators in developing countries.

The participants called upon Parliaments developing countries to provide enough remuneration, increase the number of the health workers, provide enough medical supplies, and improve health infrastructure to provide a better environment for the health workers leading to retention. They should be in the frontline of the battle by helping the international community to eradicate all forms of human rights abuses and violation. They need to press against racism and intolerance and ensure they produce legislations that provide for planned and organized migration of persons. Indeed, they can influence their own governments

and international agencies to step up the war against xenophobia and intolerance.

Given the fact that many international instruments have been accepted by governments but are yet to be ratified, Parliaments can identify, push and facilitate the passage of such unattended treaties and conventions. This will have the net effect of turning the declarations into actions.

Parliamentarians could also take every available opportunity in their various platforms (public meetings, media engagements and press interviews/discussions etc) to sensitize and educate the people on the need for tolerance, respect for diversity, human rights and dignity of all other persons.

Workshop 4:

Topic: Regional initiatives, cooperation partnership and coherence in migration governance

The participants were concerned that while Africa is well endowed with abundant natural resources and human capital essential for exploitation for development the migration challenges facing the continent were numerous and complex calling for concerted efforts to address the appalling situation. The participants enumerated some of the glaring issues on migration facing the continent Africa. They include poor socio-economic conditions such as low wages, high levels of unemployment, rural underdevelopment, poverty and lack of opportunity; which fuel migration. These factors are occasioned by a mismatch between the

rapid population growth and the available resources, low level of requisite technology to exploit the available natural resources and capacity to create employment and jobs. Migration in Africa is also induced by political and social factors, including poor governance, nepotism and corruption, human rights violations, political instability, environmental factors, conflict and civil strife, the real or perceived opportunity for a better life, high income, greater security, better quality of education and health care.

Migrations are catalyzed by the low costs of migration, improved communication, greater information availability and the need to join relatives, families and friends, among other factors.

The trend in the migratory flows is that there has been lack of coordination and rationalization, and thereby leading to a mismanaged and/ or unmanaged migration. This can have serious negative consequences in both destination and origin areas, including potential destabilizing effect on national, regional and international security.

In this regard, participants agreed that there was urgent need to address the challenges posed by migration. Strategies to regulate or govern the migratory flow rest on the cooperation and political will among countries to take a common position on migration issues. In Africa, regional initiatives, cooperation and partnerships already exist which are essential towards making strides in managing migration.

These include AU, NEPAD, APRM, PAP and AGOA among other regional and sub-regional bodies such as EAC, SADC, and ECOWAS.

The adopted resolutions of the workshops/conference are appended. (Appendix III)

APPENDIX I

**AFRICAN PARLIAMENTARY UNION
A P U**



**“African Parliamentary Conference on Africa and Migration
Challenges, Problems and Solutions”**

Rabat, 22-24 Mai 2008-05-18

**Statement by His Excellency Dr. Pie Ntavyohanyuma,
President of the Executive Committee of the African
Parliamentary Union**

The Speaker of the House of Representatives of Morocco,
The President of the Chamber of Councilors of Morocco,
Honourable Speakers of Parliaments,
The Secretary General of the Inter-Parliamentary Union,
The Chairman of the United Nations Committee on Migrant Workers,
The Representative of the International Labour Organization,
The Representative of the United Nations High Commissioner on Human Rights,
The Representative of the International Organization for Migration,
Representatives of international organizations,
Honourable Heads and Members of Parliamentary Organizations,
Honorable Ministers,
Your Excellencies Ambassadors and Members of the Diplomatic Corps,
Ladies and Gentlemen,

On behalf of the African Parliamentary Union, allow me, first of all, to welcome you and express my sincere thanks to you for participating in this important conference. I also wish to acknowledge the presence of our partners and to thank them for their availability, support and interest in this meeting.

I wish to express my special thanks to the Parliament of the Kingdom of Morocco for accepting to host this conference and also for the facilities accorded us to ensure its success.

With your attendance at this meeting, the African Parliamentary Union will implement one of the important aspects of its annual work programme, namely, organizing a conference on migration. True to its objectives, the African Parliamentary Union spares, and will not spare no effort in contributing to frank and deep discussions on such a vital issue as migration. It will pursue its efforts in contributing to promoting sustainable development in African countries - development based on the universal values of democracy and the respect for human rights.

The African Parliamentary Union will pursue its goal to strive to strengthen the continent's parliamentary institutions, which ought to have the capacities needed to be involved in laying the foundation for sustainable development.

That is why the African Parliamentary Union, in its capacity as an inter-parliamentarian organization, and aware of the major challenges faced by our continent, has continually promoted dialogue and exchange of ideas among Africa's parliaments and with inter-parliamentary and international organizations. In this regard, we welcome the excellent relations between us and the inter-parliamentary organizations, particularly the Inter-Parliamentary Union, which supported and contributed to the preparation of this meeting, and also with the international organizations which bring their technical expertise to bear to help us in grasping the issues.

Ladies and Gentlemen,

Our participation in this conference attests to the importance that our countries and the inter-parliamentary organizations give to the issue of international migration. The

proportions gained by this phenomenon the countries of origin, the transit or destination countries, with dire economic, social, human and security consequences, calls for our parliaments, in partnership with the organizations concerned, to consider the ways and means to address the issue of migration.

I am convinced that in our meetings, we shall focus on learning more about international migration laws and shall share our experiences in migration policy and management. In reviewing the various forms of migration, we are sure to be able to contribute constructively to migration management that would bring progress to migrant persons and their families and development for the both the country of origin and the destination country.

Be it regular migration, irregular migration, migration of vulnerable persons like women and children, the contribution of migrants to the development of the countries of origin and destination countries, the forced displacement of persons, who then become refugee migrants, the respect for the human rights of migrants, or bilateral and regional cooperation in migration, national Parliaments have a vital role to play in ratifying international instruments and incorporating the provisions of such instruments in national legislation.

The development of migration, currently none other than the outcome of poor socio-economic conditions, and at times, coupled with other factors like natural disasters and conflicts, has become an issue of great concern to the international community. This explains why, as national parliamentarians, we ought to give the issue the focus it deserves to become part of national policy on development and protection of human rights.

You will all agree that our continent is an important source of both qualified and unqualified labour. We are thus deeply concerned by the exodus of persons with vocational qualifications or university degrees, a phenomenon, which is increasingly concerning women. Alas, this exodus is encouraged by selective migrant admission policies. This only exacerbates the brain drain at a time when our continent is in dire need for talents to carry out its goals, especially the Millennium Development Goals. Together with our partners of the destination countries, we must take measures to formulate policies on each side that encourage the return and participation of migrants in the development of their countries of origin.

Ladies and Gentlemen,

Our continent has not remained passive to the phenomenon of migration, as can be seen from the Africa migration policy framework adopted by the 9th Executive Council of the African Union held in Banjul in June 2006, and the common strategy contained in the Tripoli Declaration adopted by the Ministerial Euro-African Conference on Migration and Development, held in November 2006. These were followed by the 2nd EU-Africa-Summit held in December 2007 in Lisbon, which addressed the migration issue. This shows the commitment of the countries of the North and the South to address migration issues through cooperation, dialogue and consultations.

Migration will then be perceived as a vector of development and social progress, for the entire migration chain and regional and international cohesion and stability, which will certainly contribute to globalization with a human face.

That is why, as parliamentarians, we must encourage this process of partnership in migration, by working within the framework of our legislative offices and management strategies on migration at the national, sub-regional, continental and international levels.

Ladies and Gentlemen,

I am convinced that the discussions that will take place at this conference will be of use to our Parliaments in their approach to the issue of migration, so that the strategies formulated by all will be balanced and the rights of migrants preserved in the respect of the interest of our countries.

Finally, in reiterating our thanks for your participation, it is my wish that your meetings contribute to better management of migration for shared development.

Thank you very much.

APPENDIX II

Africa and Migration: Challenges, Problems and Solutions

Rabat, Morocco, 22 – 24 May 2008

Abdelhamid El Jamri
Development Projects Consultant Engineer
United Nations Expert,
Chairman of the Committee for the Protection
of all Migrant Workers and their Families

Eljamri@yahoo.fr

Thank you Mr. Chairman,

Honourable Parliamentarians, Mr. Chairman, Dear Colleagues,
Allow me first of all, to thank the organizers for asking me to participate in this important seminar and I feel honoured to speak before this august assembly.

I feel honoured, more so, as I am standing before the Parliament of the Kingdom of Morocco, my dear country.

Current Dynamics:

Migration is increasingly growing and will take on greater dimensions in the future. Migration has accelerated with globalization and climate change.

At the institutional level: several events have taken place:

The dynamics of the United Nations:

- The entry into force of CMW;
- The establishment of the global mission;
- The year 2006 was the year of migration and development;
- Several dynamics and initiatives around the United institutions: IOM, ILO, etc.;
- The World Migration and Development Congress, which took up the high-level debate of the United Nations, September 2006...;
- And many other initiatives at research centres, by civil society, etc.

The objectives of these dynamics, the first of which may be considered as having been achieved, i.e., putting the International Agenda, the issue of how to manage migratory flows at the international level.

However, the management of migratory flows is far from being achieved.

Migration policies, be they at the level of governments, regions, or even at the world level, do not generally address the rights of migrant workers and their families.

There have been some positive experiences in some countries or regions, but this concerns only a minute portion of migratory flows.

Quite often, there is good will on the part of leaders, but at the practical level, the countries encounter implementation difficulties, because the migration thematic is complex and has become a science far removed from most people.

Herein lies the need to build on this science, which is practised at specialized institutions such as ILO, IOM, and at research centres and by associations.

Today, there is a gap between the level where debate has reached on the issue of migratory flows in this era of globalization and the transformation of such debate into migratory policies and management tools of these flows at the international level.

Today, CMW is the main specific tool that can serve as basis for formulating migration policies and for putting in place the management tools for migratory flows at the international level.

Permit me, Mr. Chairman, under migration in this era of globalization, to focus on two points:

1. The relation between migration and development at the international level: What kind of synergy is needed?
2. The need to take into account the human rights dimension in the formulation of all migration policies and the system of management of the migratory flows at the international level.

First of all, however, Mr. Chairman, allow me to express a wish. I wish that Parliamentarians, especially those belonging to States that have not yet ratified the Convention on the rights of migrant workers, would inform their counterparts about the existence of this Convention and especially, on its importance as the principal tool of defence of the rights of all migrant workers and their families.

I've expressed this wish, because of the state in which the issue of migrant rights finds itself today. The implementation of the Convention, which first requires ratification by a large number of countries, is being slowed down today by all kinds of obstacles and arguments put forward by some countries that have still not ratified it. Allow me, Mr. Chairman, before addressing the two points I have just mentioned, to relate some of these arguments and the solutions that could be given to them:

- Some countries would wish to give priority to strengthening border controls in order to put an end to illicit migration. Indeed, such an approach is not incompatible with the recognition of the fundamental rights of all migrant workers in the same territory.
- Some countries consider rising poverty, the gaping hole between rich and poor countries, and population explosion in some developing countries as the major causes of migration: recognizing the need of all migrant workers would be encouraging increased illicit migration, which would be incompatible with a dissuasive policy. We can counter that by saying that knowledge or ignorance of the existence of rights is no determining factor, when a migrant worker feels compelled to leave his country to survive elsewhere; besides, the legal relevance of the argument is doubtful, to say the least, when we know that the Convention allows the State to use its powers to set the criteria governing the admission of migrant workers.
- Some States believe that the number of migrant workers in their territory does not warrant efforts by the country to ratify the Convention. These States seem to under-estimate the positive impact that their move would make on other States.

- Some States feel that with the economic crisis and the high unemployment rate, their countries are not ready to adopt the text, which would be seen like “granting” rights to foreigners, especially illegal ones. Such an argument is dangerous, because it encourages xenophobia, discrimination and abuse. These are acts that the Convention is seeking to address and eradicate: the Convention only reaffirms the existence of fundamental rights guaranteed all individuals.
- Some States are of the view that migration regulations fall under the law of the foreigners, and therefore, national sovereignty; it would be inappropriate for the State to make commitments in this respect. If migration policy affects the very heart of sovereignty, recognition of fundamental rights therefore becomes an international obligation for every State.
- Other States consider national legislation to be protectionist as it is, and consistent with international standards. Ratification would have the benefit of entrenching the obligations of the State in international law, thereby making it difficult to make changes that are incompatible with the law.
- Some States believe that the Convention covers a vast area and it is very likely that a State must first change its domestic legislation to adapt it to the provisions of the Convention: this obstacle is real, but temporary, if the State takes the necessary measures to adjust its legislation.

These are the arguments put forward by some States. Honourable MPs, allow me to ask you to discuss this issue; may be you may advance more arguments, but above all we must enrich the debate and try to seek solutions.

Now, if you will allow me, Mr. Chairman, I wish to address the first point.

Part 1: Migration/Development Synergy in the World

Migrants have strong links with their country of origin. The migrant’s relationship with his country of origin often falls under a “migration contract” between him and his family. The family gives him financial assistance. For his part, he makes commitments to them. After he leaves his home country, the immigrant plays the role of economic, social and cultural cooperation between his host country and country of origin.

The important role played by migration is not recognized. It is important to recognize this role and to implement programmes to improve the livelihood of

migrants in their host country. Quite often, the approach to migration is tied to legal and security issues and not the social, cultural and economic wealth of migration and the role that it can play in the area of cooperation and development.

Today, the role and potential of migrants are far from being taken into account. There are no good programmes that allow immigrants to contribute to the development process and trade. Current migration policies only aim at curbing migratory flows. Migrants are a median segment between the host country and country of origin.

Transfers (financial, social and cultural) carried out by immigrants to their countries of origin are quite significant. Be it immigrants from the South to the North or immigrants from the South to the South, the volume of financial transfers in terms of foreign exchange accounts for the leading or second source of income for some of these countries of origin. In these countries of origin, immigration becomes an essential element of their economic policy. The capacity of immigrants to be vital stakeholders in development is not recognized in the country of origin, neither is it recognized in the host country for that matter, as active economic operators involved in the collective activity of production and development.

Apart from financial transfers, immigrants also transfer goods. Indeed, transfer in kind should not be under-estimated. They complement the funds transfer. These transferred goods may be used for private consumption (furnishing the home, transport, etc.) or to create an income-generating activity: workshop, small production plant, etc. Quite often, these transfers of goods alleviate the shortages on the market.

Increasingly, migrants are putting up projects such as building homes, investing in the formal or informal economy. Some of them elect to return to settle in their country of origin after having emigrated over a long or short period of time. At such a time, other types of transfer take place, namely, transfer of skills, know-how in organization and trades, and technology transfer. These skills and know-how often make the projects initiated profitable and viable and backed up by financial and economic partners.

Apart from these transfers, we also have the inevitable cultural transfer. This is a factor of wealth for the host and country of origin alike. This type of transfer also entails the transfer of human values, democratic values, the values of human rights and equality, social values: equality between men and women and the right to education for all, among others.

Today, the individual-type transfer is giving way to collective transfers. Many immigrants come together to launch large, purely private projects aimed at

improving livelihoods and the collective good of the people: development and improvement of village infrastructures such as roads, electrification, schools, etc.

To measure the impact of the economic relations of the immigrant with his country of origin and its development, we distinguish between productive transfer and non-productive transfer, which is meant for the end user. Indeed, it is productive transfer that has an impact on the development of the country. At the same time, however, in the case of for health or education, this becomes an investment on people, on human capital. The immigrant's financial aid is often a welcome answer to shortcomings in the education system or social security. In enabling citizens to receive education and have better health care access, immigrants will play a better role in development.

When immigrants or immigrant associations invest in private or public projects, they enable their region, their city or village to obtain new services financed by funds other than credit and other forms of financing to which these poor regions do not have access.

The impact of the participation of migrants in development is still visible in terms of massive intervention in a region. In the region of Kayes in Mali, area of origin for the majority of Malian immigrants in France for instance, that region benefits from activities carried out by their immigrant associations, in addition to several dozens of French development associations present in these villages. The associations have understood the need to become federated to equip themselves with large-scale intervention capacities.

Migrants are key partners in the establishment of new political and social dynamics. Immigrants must be stakeholders in the partnership between the North and the South. They are an important factor in this partnership, especially at the economic level, through the volume of financial and commercial trade they engage in; at the cultural level, through the wealth of culture they inject into the various countries and through the role they play in cultural exchanges; and at the social level, through their involvement in social networks and the links they maintain with their countries of origin.

Implementing programmes that would allow these potentialities to develop would have effects on the development of the countries of origin and improve integration in the host country. A new migration policy, in both the North and the South, based on fundamental human rights, on a compromise on the circulation of persons, as an alternative to the Shengen-type treaties, and on the true respect for social rights and access to citizenship, will foster the advancement of the partnership and curb racism, discrimination and illicit immigration.

From the analytical standpoint, three approaches may structure the link between immigration and development:

1. A macro-economic approach, aimed at determining the nature of exchanges between the host country and the country of origin. This approach also aims at determining the impact of migration on societies in both the country of origin and host country;
2. Analysis of strategies and logic of stakeholders on the ground: modalities of direct intervention on the ground;
3. Analysis of public policies and interaction between stakeholders and the States, both of origin and host.

From the migration policy and partnership standpoint, several actions are possible, in addition to any claims that can be made in terms of immigration. What is needed is:

- Implementation of programmes that would allow the development of the potentialities of immigrants to enable them to contribute to the development of the country of origin;
- Separate the issue of migration from the issue of development. Joint development is a dynamic of cooperation, exchange and partnership between various countries, but it is in no way a solution to the issue of migration;
- Promote the dynamics of solidarity and cooperation between NGOs of migrants and civil society of the countries of origin;
- Recognize organizations and experts stemming from immigration and involve them in the preparation and implementation of programmes of cooperation, exchange and development.

Part 2: Human Rights of Immigrants

What I am now going to present to you is partly the outcome of discussions carried out within our committee, in preparation for the high-level talks of the General Assembly on international migration and development.

Government representatives, non-governmental organizations and resource persons all participated in these discussions.

Our discussions dwelt on *Protection of the fundamental rights of migrant workers and their family members and its impact on development in the country of origin and the host country.*

Among the points discussed are:

1. The human being is the central subject of the development process, and consequently, must be considered as the active participant and beneficiary of the right to development, as stipulated in the Declaration on the Right to Development. While migrants are first and foremost, human beings, who have rights, they are also active development agents. The issue of migration should therefore be tackled from the human rights point of view, in accordance with the Universal Declaration on Human Rights and the obligation of States, and in line with the major international treaties on human rights, bearing in mind that development does not simply denote economic development, but also implies the cultural, social and political aspects.

2. We noted the lack of information on numerous aspects of the link between migration and development. In the country of employment, migrants are often perceived as an economic and social burden, and even at times, as a religious, social and political threat, while in reality, they are an essential and positive factor in the economy of most developed countries as they fill in the gaps on the work market and revitalize the population. In the countries of origin, migration often eases the strain on the work market, the transfer of funds also often account for a major portion of gross domestic investment, and returned migrant workers bring with them the skills they have acquired. To better understand the dynamics of the relationship between migration and development and optimize the advantages of migration, we recommend that the international community should conduct fresh studies, focusing on the manner in which migration impacts on the development of the country of origin as the country of employment, in particular, the role of human rights in the process.

Promotion and protection of the rights of migrant workers and their family members

3. We believe that respect for the human rights of all migrant workers and their family members will enhance the beneficial effects of migration on development, both in the country of origin and in the host country. Protection of human rights and prevention of discrimination in the host country are essential factors for improving the integration of migrant workers and their family members, thereby enabling them to better contribute to the socio-economic well-being of the host country. Proper defense of the economic and social rights in the country of origin will help prevent immigration becoming a forced decision and will enhance the beneficial effects on the development of the country of origin.

Our discussions also dwelt on the rights stipulated in the International Convention on the protection of the rights of all migrant workers and their family members.

Dissemination of reliable information

Access to reliable information is essential to enabling migrants to prepare themselves appropriately, assess the advantages and disadvantages of migration and avoid difficulties in the host countries, thereby optimizing the possibilities of migration. Reliable information and awareness initiatives may prevent the trade and trafficking of migrants, in particular women and children, or cause them to fail.

Migrant workers must be adequately informed of the situation in the host country to prepare themselves for their stay in a country far from home. Such information will help them to better engage in their activities and contribute to the social and economic development of their host country and will facilitate their integration.

It is also important to inform the people of the host country of the contribution of migrants to their society, in order to avert racism, xenophobia and discrimination.

Control of recruitment agencies

Failure to control recruitment agents and agencies has led to numerous cases of abuse of migrant workers, who are often forced to pay exorbitant recruitment fees, and end up heavily indebted. In the worst cases, migrants become victims of forced labour. It is highly important therefore, to subject recruitment agencies to rigorous surveillance to avoid such abuses.

Equal remuneration and conditions of work

Equal remuneration and conditions of work on the one hand, protects migrant workers against abuse, and on the other, dissuades employers from resorting to illicit recruitment practices.

Protection of the rights and integration of migrants

Migrant workers, in particular, illegal ones, are among the most vulnerable groups of society, because they often lack access to social protection networks. They are further exposed to exploitation, racism and discrimination, because of their migrant status, and are often reluctant to use the legal means at their disposal to defend their rights, or are simply incapable of doing so. Special attention should be given to protection of their rights to facilitate their integration, while respecting their cultural diversity and preventing their marginalization and social exclusion, which further makes them vulnerable. The presence of large

APPENDIX III



AFRICAN PARLIAMENTARY UNION

B.P.V 314 Abidjan, Côte d'Ivoire
Web Site : <http://www.african-pu.org>

African Parliamentary Conference "Africa and Migration: *challenges, problems and solutions*" (Rabat, Kingdom of Morocco, 22-24 May 2008)

FINAL DECLARATION

National parliaments of Algeria, Angola, Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Gabon, Ghana, Gambia, Guinea, Kenya, Mali, Mauritania, Morocco, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa and Zimbabwe,

Having met in Rabat on the invitation of the House of Representatives and the House of Councilors of the Kingdom of Morocco, from 22 to 24 May 2008, at the Conference on "Africa and Migration: Challenges, Problems and Solutions", organized by the African Parliamentary Union (APU) in cooperation with the Inter-parliamentary Union (IPU), with the support of the International Organization for Migration (IOM), the International Labour Organization (ILO), the Office of the UN High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), and chaired by the Speaker of the House of Representatives of the Kingdom of Morocco, the Honourable Mustapha Mansouri,

Recalling:

- The first EU-AU Ministerial Conference on Migration and Development held in Rabat from 10 to 11 July 2006;
- The Migration Policy Framework for Africa adopted by the Assembly of the African Union in Banjul in July 2006;
- The Joint Africa-EU Declaration on Migration and Development adopted in Tripoli on 22 and 23 November 2006;
- The findings of the First Global Forum on Migration and Development held in Brussels from 9 to 11 July 2007;
- The Second Euro-African Summit held in Lisbon from 8 to 9 December 2007;
- The Euro-Mediterranean Partnership under the Barcelona Process;
- The 5+5 dialogue on Migration in the Western Mediterranean;
- The seminar on "Migration: human rights perspective" organized by the Inter-Parliamentary Union (Geneva 24 - 26 October 2007);
- The Resolution of the 118th Assembly of the Inter-Parliamentary Union on "Migrant Workers, People Trafficking, Xenophobia And Human Rights" (Cape Town, 18 April 2008),

Affirming that migration within and outside borders constitutes one of the major concerns of governments, thereby making the management of migration one of the major challenges facing our Governments in this new Millennium,

Recalling that pursuant to the Universal Declaration on Human Rights, all human beings are born free and equal in dignity and in rights, and that everyone possesses the rights and liberties proclaimed in this instrument,

Reaffirming that States shall guarantee to all persons found on their territory, without any kind of distinction, the rights stated in international instruments, particularly the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families,

Recognizing that every country is likely to be faced with the problem of migrant influx, and therefore protecting migrants is a shared responsibility of all States and it is a matter of respect for basic human rights,

Aware that migrant workers and their families, particularly the children of illegal migrants, constitute a vulnerable population group whose fundamental rights must be recognized and protected,

Stressing that the lack of a wide and global multilateral approach to migration policy and restrictions on legitimate migrants have dire direct consequences, whereby migrants are increasingly victims of rejection, cruelty, ill-treatment, aggression and marginalization, leading to criminal behaviour such as human trafficking and hate crime stemming from xenophobia,

Convinced that the respect for human rights is a universal social issue, and that migration, within the framework of inappropriate and inefficient migration policies, human trafficking, xenophobia, are all threats to the dignity, fundamental rights, freedoms and the well-being of the individual,

Recognizing that the deterioration of the political and socio-economic situations, particularly engendered by the absence of democracy, unemployment, poverty, armed conflicts, insecurity, inequality in international commercial exchanges, transhumance, environmental degradation, climatic changes, and natural disasters are among the root causes of massive migration and forced displacement of populations in Africa,

Stressing that globalization heightens the movement of persons in all regions within and outside the African continent,

Observing that the rights of workers, legal migration, the circulation and mobility of individuals and the exchange of labour, are generally not taken into account in trade liberalization projects,

Considering that the current rise in the prices of oil and of foodstuffs is likely to further delay the achievement of the Millennium Development Goals (MDGs), thereby increasing once more migration tendencies from poor countries to rich countries,

Affirming the need for States to formulate policies covering all aspects of migration and to promote and strengthen dialogue and cooperation on sub-regional, regional, continental and international levels,

Convinced that well-managed migration can give considerable advantages to both origin and destination countries, while a mismanaged migration can have serious negative consequences for States and the well-being of migrants,

Deeply concerned about the number of migrant persons in protracted situations in Africa and Europe, the serious violations of human rights, the growing xenophobia, intolerance against migrants, and threats to the physical safety of migrants, especially women and children who are exposed to sexual violence,

Aware of the dilemmas posed by mixed flows of migrants fleeing persecution and persons migrating for economic reasons,

Noting that despite the positive experiences of many migrant workers, a significant number face undue hardships and abuse in the form of low wages, poor working conditions, quasi-total absence of social protection, denial of freedom of association and workers' rights, discrimination and xenophobia, as well as social exclusion,

Paying tribute to African countries which have provided protection and solutions to migrants,

Resolved to do all in their power to maintain the generous tradition of asylum on the African Continent, and to ensure that migrants receive effective protection and have access to lasting solutions as quickly as possible,

Encouraged by the fact that, as a result of numerous ongoing peace and development processes in Africa, there is today an enormous potential for lasting solutions to migrants' problems,

Considering that the New Partnership for Africa's Development (NEPAD) and the African Union's Peace and Security Council can contribute to the resolution of many of the root causes of migration by promoting socio-economic and political development;

Recognizing that the two ILO Conventions specifically relating to migrants—the 1949 Convention on Migration for Employment (No. 97) and the 1975 Convention on Migrant Workers (Supplementary Provisions) (No. 143) — together with the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, provide a comprehensive legal framework for migration policy and practice covering most issues of treatment of migrant workers and of inter-State cooperation on regulating migration, and remain the foundation of the international migrant protection system in Africa, and have provided a resilient framework within which migrants find protection,

Noting that African migrants contribute significantly to the economic prosperity of the host countries, many experts having reckoned that half of the growth of some States is a fruit of the labour of emigrants,

Stressing the need to adopt a regional or global proactive approach to manage migration,

Recognizing that good political and economic governance is essential to the protection of migrant rights,

Determined to participate in the management of migration through legislative and other types of measures,

Legal and policy framework for the governance of migration

1. **Emphasize** the role of the Euro-African Conference on migration and development held in Rabat, Kingdom of Morocco from 10 to 11 July 2006 which initiated constructive dialogue between Africa and Europe on the subject of migration;
2. **Encourage** States to sign and/or ratify the two ILO Conventions relating to migrants —the 1949 Convention on Migration for Employment (No. 97) and the 1975 Convention on Migrant Workers (Supplementary Provisions) (No. 143) — and also the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and adhere to them;
3. **Call** on African States to incorporate in their national legislations the provisions of international conventions relating to work and to migration, to implement them and to ensure follow-up by submitting periodical reports;
4. **Recommend** that African States draw up common sub-regional and continental approaches on migration and establish legal frameworks in accordance with the Common African Position on Migration and Development adopted in Banjul by the African Union Assembly in July 2006;
5. **Invite** States to implement existing legal frameworks and to establish mechanisms to evaluate migration policies and monitoring systems of migratory flows;
6. **Affirm** that the current migration problem cannot be resolved through unilateral, bilateral or security arrangements, but rather by multilateral, multi-dimensional and constructive means, respecting human dignity;
7. **Stress** the need for countries to draw up and institute policies to manage migratory flows, taking the phenomenon itself into account, in order to forestall the negative effects of migration;
8. **Encourage** African parliaments and parliamentarians to promote policy reforms aimed at democratization, transparency, respect for human rights and negotiated settlement of conflicts, so as to reduce migratory tendencies;
9. **Invite** European national parliaments and the European Parliament to desist from enacting laws that tend to aggravate the already difficult situation of African migrants and to see to the respect of international norms as regards the protection of their rights;
10. **Urgently call** on African parliaments to enact laws prohibiting media broadcasts of racist, gender-based or xenophobic ideologies; to promote research on xenophobia, racism and sexual discrimination, to better understand these problems and improve the process of integration in the destination countries;
11. **Urge** parliaments to be particularly attentive to the situation of migrants who are exposed to both racial and sexual discrimination;
12. **Request** destination countries to abstain from adopting unilateral migration policies and to coordinate their migration policies with the origin and transit countries;


13. **Invite** African Parliaments to form committees or networks specialized in questions relating to migration and to promote parliamentary diplomacy in this field;

Migration and development: Labour mobility in a globalized world; contribution of migrants to development

14. **Urge** African governments to improve their educational systems and adapt them for the labour market, on the one hand, and to promote good political and economic governance so as to build the capacities of countries to maintain potential migrants and encourage the return of migrants to their countries of origin, on the other hand;
15. **Invite** governments to promote awareness campaigns on the benefits and positive impact of migration on development in order to put an end to xenophobia and violence against migrants;
16. **Affirm** that joint and coherent mechanisms are the only means of providing solutions to the concerns and pressures of migration and enabling both the North and the South to take advantage of migration for their development;
17. **Earnestly urge** governments of developed countries to recognize the economic importance of migration in trade liberalization agreements and to improve the living conditions of migrants worldwide, to ensure that globalization becomes "a positive force for all the people of the world", as proclaimed by the United Nations Millennium Declaration;
18. **Call on** developed countries to encourage high labour-intensity investments in countries of origin in order to reduce migratory flows for economic reasons;
19. **Invite** countries of destination of African migrants to adopt measures to facilitate migrants remittances through joint programmes with the countries of origin. These programmes would be aimed at encouraging African communities to invest in their countries of origin; **reaffirming**, however, that migrants remittances are not a substitute to public development aid;
20. **Encourage** African investments in the countries of origin of migrants, by setting up a body responsible for the African Diaspora, and call on African governments to set up a bank that would assist in mobilizing and investing the migrants remittances;
21. **Appeal to** destination countries to introduce compensation mechanisms for the countries of origin to offset the brain drain;

Humanitarian aspects of migration

22. **Call on** States to comply with international instruments on the protection of refugees (the 1951 Convention on the status of refugees and its 1967 protocol, and the 1969 OAU Convention on Refugees), stateless persons (the 1954 Convention on the status of stateless persons and the 1961 Convention on the reduction of stateless cases), migrant workers (the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families) and victims of human trafficking and migrant smuggling (the two protocols attached to the 2000 Convention against Transnational Organized Crime);

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23. **Urge** States to fulfill their obligations toward the application of international texts on refugees and international texts guaranteeing the protection of human rights, especially the principle of non-refoulement and allowing refugees to exercise their fundamental rights;
 24. **Urge** National Parliaments to prepare, consider and adopt national laws and procedures and where necessary, those governing registration, granting of documents, protection and assistance to refugees, victims of trafficking and migrants in vulnerable situations;
 25. **Request** national Parliaments to see to it that competent authorities take appropriate measures on the national level likely to alleviate certain human consequences, in particular:
 - (a) to allow migrants and their relatives establish family relations among them, when these relations are broken up, especially through the service networks of the Red Cross and the Red Crescent national societies dealing with search for persons;
 - (b) to ensure appropriate and respectful treatment of discovered dead bodies, and as much as possible identify them especially in the absence of official identification documents;
 26. **Also request** national Parliaments to:
 - promote institutional and administrative capacity building to protect and assist persons who are inadequately protected, and closely monitor the practices of States in areas such as control of borders, detention of migrants and asylum seekers, reception and accommodation facilities, social assistance measures, health and education policies for refugees, asylum seekers and migrants; and,
 - promote the institution of policies and practices that respect the fundamental rights and the adoption of dissuasive measures;
 27. **Call for** national human development initiatives that:
 - (a) integrate refugees and migrants as stakeholders engaged in the development of the country and in poverty reduction strategies, while recognizing the symbiotic link between the self-sufficiency of refugees and the development of the local communities;
 - (b) aim at preventing illegal emigration by offering alternatives to migration and programmes geared toward the search for sustainable means of existence;
 28. **Call on** States to propose, if possible, to persons without refugee status, other options that would give them access to programmes for migrant workers or grant migrant worker status to persons requiring protection in countries where there is no legal framework or action on the status of refugees, and who can be integrated into the labour market. From this viewpoint, it is relevant to contribute to the implementation of information programmes on legal migration channels so as to curb illegal movements;



29. **Encourage** States to support civil society initiatives:
 - (a) in favour of the rights of refugees and protection of migrants;
 - (b) in providing direct assistance to vulnerable persons;
 - (c) in helping to ensure the independence of refugees and migrants through income-generating activities or access to other possibilities for acquiring their means of existence;
30. **Urge** States to create an enabling environment, and their Parliaments to contribute to the emergence of public discourse in favour of refugees, asylum seekers and migrants, highlighting their various origins (those who came on their own free will, those who were compelled to flee), and the socio-economic and cultural contribution of refugees and migrants to the life of the host society;
31. **Call** on African States to incorporate environmental considerations in the formulation of migration management policies, in order to efficiently cope with the influx of refugees and ensure their protection and resettlement, by seeking assistance from the United Nations High Commissioner for Refugees;

Migration and Human Rights

32. **Invite** African parliaments to effectively promote and protect the fundamental rights of migrants in accordance with international instruments such as the Universal Declaration on Human Rights and the African Charter on Human and Peoples' Rights;
33. **Call on** host countries to ensure that migrants are given the same treatment as citizens, with respect to access to social services (education and health) and provide legal services to migrants and protect their rights when their status becomes illegal;
34. **Invite** States to formulate a new approach that involves civil society in information and awareness campaigns on the protection of migrants' rights;
35. **Urge** African States to formulate and implement a common policy aimed at protecting the human rights of their citizens who have been expelled by the host country, to bring an end to police violence and ensure the reinstatement of their bank assets;
36. **Support** all initiatives aimed at encouraging all States concerned by migration issues to undertake to implement international agreements that protect the rights of migrants, the key one being the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, which entered into force in 2003, but which has not been signed by any of the countries of the North that receive migrants;
37. **Invite** host countries to respect the international legitimate rights of migrants with respect to religious practices, cultural, linguistic and civil rights, and combat discriminatory practices in the work place, in the field of accommodation and access to social care, so as to facilitate their social integration in the host country;



38. **Call on** origin and destination countries to take the necessary measures to prevent human trafficking;

Regional initiatives, cooperation, partnerships and coherence in migration governance

39. **Urge** African States to adopt a common migration policy among themselves by harmonizing migration laws and procedures, in accordance with the regional policy framework;
40. **Call for** cooperation among African countries with a view to instituting and implementing policies on migration within the framework of the Regional Economic Communities (RECs);
41. **Urge** governments to desist from adopting restrictive policies on migration, by encouraging the implementation of a coherent and concerted policy on the management of migration under multilateral and international cooperation;
42. **Recall** the commitment of host countries, in particular European countries, in the area of migration and development, to draw up realistic cooperation programmes in the area of legal migration and adopt measures aimed at facilitating the movement of migrants without resorting to selective policies;
43. **Call on** Governments to promote centers of research and to set up an information network on qualified manpower at the regional and continental levels, to facilitate mutually beneficial migration exchanges, particularly, in the areas of industry, education and health;
44. **Urge** African States to create a common market within their Regional Economic Communities;
45. **Call** for the establishment of bilateral frameworks for consultations and negotiations on the living conditions and integration difficulties, with a view to engaging in international efforts to lay the foundation for an International Migration Law. The law will serve as an international reference for managing migration at the international level, particularly, within the framework of the Global Forum of Migration under the auspices of the United Nations ;
46. **Urge** African States to establish dialogue with their European partners on migration in conformity with their interests and the rights of migrants;
47. **Call** for the guarantee of equitable representation of members in commissions handling issues on the monitoring of bilateral agreements, particularly those on social protection and judicial matters, and **call for** serious negotiations, so as to promote and widen bilateral legislative structures and the signing of new agreements in this area, with emphasis on destination countries that have not yet done so;
48. **Urge** the central and regional authorities in destination countries to take gender aspects into account in the formulation of policies and programmes on the integration of migrants into their host societies, and facilitate family grouping and legal migration and enhance the protection of migrants against all forms of abuse and human trafficking;



49. **Propose** the establishment, within the African Parliamentary Union, of the African Parliamentary Conference on Migration and Development, which will meet every two years;
50. **Entrust** the Bureau of the African Parliamentary Union in cooperation with the president of the conference to ensure the follow-up of the implementation of the present recommendations and to see, in particular to, the quick execution of paragraph 9.

Done in Rabat on 24 May 2008

