



AFRICAN PARLIAMENTARY UNION

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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);

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