



African Parliamentary Union (APU)



National Assembly of Niger

Third African parliamentary conference on migration

Promoting safe, orderly and regular migration:
which role for the Parliament especially in the implementation
of the related Global compact

Organised by the African Parliamentary Union (APU), in collaboration with the Inter-Parliamentary Union (IPU) and the support of International Organization for Migration (IOM), and the National Assembly of Niger

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SUMMARY REPORT

In line with its commitment to contribute towards efforts for safe, orderly and regular migration, the African Parliamentary Union organized its Third Conference on Migration at the National Assembly of Niger. It was attended by 16 national parliaments, members of the African Parliamentary Union, from Algeria, Benin, Burkina Faso, Burundi, Cameroon, Côte d'Ivoire, Djibouti, Equatorial Guinea, Ghana, Guinea Bissau, Kenya, Morocco, Niger, Uganda, Senegal and Sudan. The conference was moderated by representatives of the International Organization for Migration (IOM), the Development Center of the Organization for Economic Co-operation and Development (OECD), the Global Alliance of National Human Rights Institutions (GANHRI), the Pan-African Parliamentary Center, as well as experts on legal and migration issues.

Following the major changes that it has undergone in recent years, migration in its new dynamic requires, for better governance, the adoption of national policies that take into account its international dimension, and facilitate the strengthening of international dialogue and its integration into the planning of development strategies. It is also important to design this new migration policy architecture within the framework of the holistic structure proposed by the Global Compact for Safe, Orderly and Regular Migration, to be adopted in December 2018 in Marrakech, and whose implementation will require a decisive contribution from the Parliament.

The objectives of the Niamey conference were to: enable parliamentarians to have a better grasp of the major political issues related to the management of migration -in terms of protection of human rights, taking women and children into account, and formulating policies for the return and integration of migrants – and in connection with the Global Compact whose parliamentary perspectives must be explored as part of its effective implementation for lasting impact; remind them of international migration standards and policies which should be translated into national legislation that have to be implemented;

encourage and initiate cooperation with all stakeholders involved in the management of this issue, with a view to pooling and coordinating efforts towards safe, orderly and regular migration.

Considering the timeless nature of migration, participants pointed out that, as a stimulus to the economy and a factor of socio-cultural diversity, migration would always exist. As a result, they stressed that it would be better to know all the parameters for controlling it than stopping it altogether.

With this in mind, they recognized that Parliament, by virtue of its constitutional prerogatives of legislation, budget voting, control of government action and representation, has the legitimacy to take action to contribute to the general mobilization for better management of migration.

However, as a prelude to this substantial contribution, emphasis was placed on the need for Parliament to grasp all aspects of this multifaceted and complex issue, with unforeseen implications. This first important step should allow it to assess the extent of the issue and the resources to be mobilized for targeted action that would have long-term impacts. To this end, and among the parliamentary provisions envisaged, it has been proposed that Parliament should adopt this theme as one of its priorities and establish a structure to monitor it regularly. Participants then reviewed the topics of the conference, which were discussed in depth by the experts.

A. Migration governance

Participants were informed about the rationale behind the need for migration governance, because of the major changes it has undergone, making it a topical issue in international politics. Indeed, its sheer volume, impact, cross-cutting nature, involving a greater number of stakeholders, traditional national migration policies are largely outdated or even ineffective against this growing phenomenon.

As it stands, migration governance would involve a set of institutions and forms of cooperation at the international, regional and bilateral levels. It is based on three principles including adherence to international standards and respect for the human rights of migrants; a policy involving the entire government; the establishment of partnerships; and aims three main objectives: the well-being of migrants and origin and destination societies; mechanisms to manage migration crises; and enhanced cooperation at the multilateral, regional and bilateral levels, to ensure safe, orderly and regular migration.

Parliamentarians ought to contribute to the implementation of migration governance by:

- protection of all through the proper integration of migrants' rights in legislation;
- supporting the development of a government approach, including the adoption of indicators for the implementation of Sustainable Development Goal (SDG) 10.7 and monitoring progress;
- promoting a more balanced, evidence-based (data) approach to migration, in order to contribute to changing discourse on migration (hearings, research, etc.).

Participants were of the view that the Global compact for safe, orderly and regular migration should be a binding instrument for States parties to ensure the full implementation of the migration governance desired and promoted by the entire international community. This is all the more important as failure of the strategies adopted to date was due to the priority given to political dialogue. They called for the need to create a parliamentary fund to support the efforts of the people's elected representatives including the strengthening of their capacity.

B. Current migration policies and trends

African Union Agenda 2063, the Sustainable Development Goals and the Addis Ababa Plan of Action were all mentioned under migration management and the link between migration and development.

It was noted that migration within the African continent, which is very complex and constantly changing, is at a higher scale than that between the continent and Europe. It has been suggested that governance should be implemented based on a holistic approach, enriched with up-to-date data, the reliability of which must be ensured, and with the effective collaboration of all the countries of the continent. Participants welcomed the efforts of the African Union in the area of free movement of persons, while addressing the challenges to the implementation of the Protocol on Free Movement of Persons. To this end, it was recommended that parliaments should encourage the ratification and implementation of this protocol, while ensuring the education of the population on the benefits of migration, and the depoliticization of related issues.

C. Global compact for safe, orderly and regular migration

After a brief review of the context of its formulation, which dates back to the adoption by the United Nations General Assembly of the New York Declaration for Refugees and Migrants, on 19 September 2016, participants were briefed on some key considerations of the Global compact, which aims to address all dimensions of migration, from development to security, and through a human rights-based approach; and be designed in the context of the SDGs and in line with target 10.7, for which States commit themselves to cooperate at the international level to facilitate safe, orderly and regular migration.

Having endorsed the principles and objectives of the Compact, participants recalled the importance of the following actions to be undertaken with a view to achieving these objectives:

- collecting and using reliable data on migrants;
- coordinating border management;
- fighting against illegal migration in respect for human rights and human dignity;
- ensuring contribution by the diaspora to sustainable development in all countries;
- skills recognition;
- ensuring financial inclusion of migrants and improving conditions for remittances;

- strengthening international cooperation for dignified, safe and sustainable reintegration with guarantee of transfer of social security rights.

D. Consideration of some highlights of the Global compact for the African continent

Participants were reminded of the distorted view that is commonly held about migrants and the discriminatory treatment to which they are subjected, in total disregard for international human rights standards. Participants were informed that, just like the SDGs, the Global compact addresses migration management, using a human rights-based approach as one of its fundamental principles.

Similarly, they were informed that, contrary to popular belief, women and children, especially unaccompanied children, form a considerable part of migratory flows, whose vulnerability, in terms of lack of travel documents, knowledge of practices and rules in transit and destination countries, appropriate vocational training, expose them to all forms of maltreatment by traffickers.

In view of the concerns raised, and considering the Global compact provisions to address them, participants recognized the paramount role to be played by Parliament, as part of its prerogatives. It was recommended that it should ensure ratification of all international and regional human rights, refugee and labour law instruments and have them translated into the domestic legal arsenal, for formulating national policies and programmes, which should be implemented in the same way as the Global compact, after adoption.

Among the actions to be undertaken, participants called for the introduction of legislation to punish abuses meted out to migrants, paying particular attention to the vulnerability of women and accompanied or unaccompanied children, who should benefit from specific provisions on the issuance of travel documents, non-discriminatory access to social services, education, and protection.

Participants recognized that reintegration is an essential link in the management of migration. Therefore, they advocated for sustainable reintegration that requires an integrated approach based on coordinated involvement of different actors. This approach should be supported by a well-articulated system of data collection, monitoring and evaluation, and enhanced with programs to facilitate the return and resettlement of migrants.

They also called for the increasing mobilization of resources, which will have the advantage of contributing significantly both upstream - to socio-economic development that makes it possible to envisage the future with serenity - and downstream - facilitated reintegration and consolidation of social cohesion - to managing migration.

E. Next steps

Considering the increasing scale of migration, efforts made to control it, and the growing intra-African migration, participants agreed on the following parliamentary prospects:

1. take ownership of the issue of migration, as part of the priority actions of APU, and set the Union's vision for it;
2. set up a parliamentary think-tank within APU to monitor this issue and its development, to define and propose orientations for the actions to be undertaken, and to coordinate the contribution of APU with that of the other actors involved in migration management;
3. conduct regional consultations, to collect information for better coordination;
4. establish long-term cooperation with all stakeholders involved especially IPU, IOM, African Union, other regional and international institutions and civil society organizations.