



3rd Standing Committee on Dialogue among Civilizations and Human Rights

"The implementation of the Global Compact for Migration: the role of PAM"

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Report

I. INTRODUCTION

1. All over the world, migration is currently triggering humanitarian crises, security bidding and political rejection. It represents a sensitive issue for the majority of States, attached to their sovereignty and reluctant to the development of international standards that would constrain their security or demographic policies.
2. Moreover, governments do not have the same interests or the same agenda. Thus, while border control is a priority for Western countries, this is not the case for the Sahel countries, which on the contrary need emigration to ease their labour market and contribute to their development. Similarly, the countries of the North seek to attract skilled migrants, while it is precisely the latter that the countries of the South would like to retain at home.
3. The drafting of the Global Compact on Migration, which began in the summer of 2016 at the UN in New York, is partly a response of the international community to the 2015 migration crisis associated with the conflict in Syria and poverty in the sub-Saharan Africa. While the refugee issue is governed by the 1951 Convention, economic migration has never benefited from a comparable multilateral instrument.
4. The Global Compact fills this gap partially. It is not legally binding, but offers a catalogue of best practices in the form of ten principles and 23 objectives. It proposes a global and balanced approach to migration.
5. National and regional parliaments, such as the Parliamentary Assembly of the Mediterranean, have a crucial role to play in achieving these objectives set out in the Compact.

II. THE GLOBAL COMPACT FOR SAFE, REGULAR AND ORDERLY MIGRATION

6. The Compact, adopted on 10 December 2018 at a Summit in Marrakech, Morocco, by 164 countries and the EU, was approved by the UN General Assembly on 19 December in New York. 152 countries voted in favour, 12 abstained and five voted against (United States, Hungary, Czech Republic, Poland and Israel).
7. The Compact has been accused by the anti-migrants front in Europe of facilitating the arrival of foreigners, leading to an uncontrolled flow of migrants and preventing States from controlling their borders and hampering their sovereignty.
8. However, the Compact states at the end of its preamble that it "presents a non-legally binding cooperation framework" (paragraphs 7 and 15b) and that "reaffirms the sovereign right of States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, in conformity with international law "(point 15c).
9. In addition, the Compact refers, in its preamble, to all international treaties and their purposes, it recalls them and incorporates them into its provisions. Therefore, it only reminds of the obligations to which the States have in any case already been constrained. This is why there is no creation of new rights or "new human rights" for the benefit of migrants.
10. In addition, according to the UN Secretary-General, 80% of the 23 broad, non-binding objective for "safe" and "orderly" migration established in the Compact are already being observed. Indeed, there are around 258 million migrants and people in movement around the world, which represents 3.4% of the world's population. More than 80% of the movements between countries are legal.
11. The notion of "safe" migration implies the need to protect migrants, in a context where many of them lose their lives attempting to cross borders illegally, but without insisting on the rights of migrants (such as the right to asylum), which Western countries perceive as an obstacle to their sovereignty. Indeed, according to the UN, more than 60 000 illegal migrants have died on the move since the year 2000.
12. The objectives of the Compact include the fight against the root causes of migration (underdevelopment, climate change) or the fight against "smugglers" and "traffickers" who are guilty of exploiting migrants and driving them to cross borders in dangerous conditions.
13. The Compact addresses many issues such as facilitating the return of migrant workers to their country of origin. It also recalls the obligations in terms of human rights and the fight against discrimination and xenophobia. It establishes a framework for countries of origin, transit, destination and return.

III. THE ROLE OF PARLIAMENTARIANS IN IMPLEMENTING THE COMPACT

14. National parliaments, and with them international parliaments, such as PAM, have a crucial role to play in the management of migration issues. They are called to assume their responsibilities by engaging themselves to tackle the causes of migration, and particularly by contributing to the achievement of development in the countries of origin, preventing conflicts, combating the impacts of climate change, supporting democratic and institutional processes, promoting social cohesion and alleviating social inequalities.
15. The text of the Compact makes several clear references to parliaments, in particular in the part on the implementation and review of the commitments. Indeed, the achievement of the 23 objectives of the Compact depends on the parliaments that are called upon to play their legislative and oversight role in this regard.
16. The mission of PAM member parliaments extends from legislative action to government oversight, evaluation and monitoring of public policies, to highlighting the consequences of national migration policies not only on conditions of migrants, but also on the representations that certain governments, organizations and groups make of migration.
17. Thus, PAM parliaments are expected to demonstrate their commitment to evidence-based political discourse, in devising policies and legislation that ensure that migration is governed properly and with the respect for human dignity, by drawing on the various solutions proposed by the Compact, by subjecting these policies and laws to their parliamentary control and pleading for regional and international dialogue.
18. It is also clear that there is a need for more legal migration channels and closer collaboration to share the benefits of migration, including through partnerships. In effect, deprived of legal channels, those who want to emigrate often have no choice but to resort to illegal ways. In this respect, collective action to effectively fight the smuggling of migrants and human trafficking is essential.
19. It is also important to recognize and highlight the benefits of migration, so often overlooked in public debates. Indeed, the contribution of migrants is considerable for both host countries and countries of origin.
20. PAM parliaments are also called upon to ratify and implement international human rights treaties and ILO conventions, and use parliamentary tools to hold governments accountable for their actions or inactions when it comes to enforcing the rights enshrined in these instruments.
21. PAM parliamentarians are called upon, as representatives of peoples, to fulfill a pedagogical role by introducing a new culture of migration and migrants, addressing

xenophobic and racist discourses and currents that exploit migration in order to gain political and electoral benefits, and to ensure that appropriate laws are in place to suppress xenophobia, racism, intolerance and other forms of discrimination, and to report all cases of transgression when they occur.

IV. PAM'S ROLE

22. A holistic approach to migration requires more coordinated and harmonized strategies for targeted interventions. Interparliamentary cooperation is essential to facilitate the harmonization of strategies, the exchange of good practices and the implementation of multilateral provisions.
23. PAM is the privileged regional Euro-Mediterranean forum for such an exchange. From the very beginning, PAM regularly organizes dedicated meetings, where its members engage in frank and passionate discussions about the complexity of the phenomenon, they provide reasoned analyses along with the options for action.
24. In addition, the Assembly is often invited by the United Nations and its regional partners to contribute to the regional and international debate on the subject. These occasions give PAM members more opportunities to meet with other MPs and experts for a fruitful exchange.
25. A PAM delegation, guided by President Roque, participated in the Marrakech Conference and highlighted the key role of parliaments in the orderly governance of migration and the importance of parliamentary initiatives to ensure the success of the implementation of the Compact, recalling the PAM resolution entitled "The Mediterranean dimension of a Global Compact for Migration and a Global Compact on Refugees" adopted on the occasion of its 12th Plenary Session.
26. On that occasion, PAM President also stressed the need to ensure harmonization of national legislation in the implementation of the Compact. To this end, PAM will also organize a dedicated meeting next June in Turkey on the monitoring and implementation of the commitments made by Member States under the Global Compact on Migration in the Euro-Mediterranean region.
27. The engagement of civil society and the private sector in the work of the Assembly is very important and is to be encouraged so that the Global Compact can be effectively implemented together.

V. CONCLUSIONS AND RECOMMENDATIONS

28. Although not binding, the Global Compact on Migration has political, cultural, educational and symbolic authority. Without being perfect by construction, it constitutes a good point of balance and progress towards a coordinated management of a lasting and global phenomenon. It is up to the PAM delegates, now, to translate its provisions into national policies and practical implementation measures. It is not a question of reinventing the wheel, but adapting and energizing it.
29. The national level is the core of the implementation of the Compact, as the primary responsibility lies with each of our governments. It then comes down to the sub-regional scale and responds to a need for regional coordination and international cooperation.
30. As parliamentarians, we have the responsibility to ensure the effective ratification and implementation of the various international conventions concerning the governance of migration, the protection of migrants and their families, refugees and the fight against smuggling and human trafficking.
31. It is important to commit ourselves to working within our parliaments to develop and implement a "concrete parliamentary plan of action on migration" that operationalizes the recommendations of the PAM resolution "The Mediterranean dimension of a Global Compact on Migration and a of a Global Compact on Refugees", the commitments made in the Global Compact as well as State obligations under international human rights law, and to report to PAM.
32. It is also crucial that parliaments, exercising oversight over the executive, regularly monitor progress in implementing the commitments made in the Global Compact, also by establishing or strengthening independent mechanisms to monitor the impact of migrant laws, policies and practices on human rights. It is desirable that PAM organises periodic follow-up meetings at the regional level in this regard.
33. We must also commit to contributing to the International Migration Review Forum, to which the Global Compact on Migration refers, with a view to discussing and sharing progress on the implementation of all aspects of the Global Compact, and to integrating the objectives set out in the Global Compact in our efforts to achieve the 2030 Sustainable Development Goals.
34. As President Roque pointed out at the Marrakech Summit, it is important that PAM continues to engage the parliaments of countries that have announced their withdrawal or the freezing of their decision. Parliamentary diplomacy can be the key to overcome the obstacles that traditional diplomacy often has difficulty in solving.