



THE SECRETARIAT

## **REGIONAL HEARING FOR THE MEDITERRANEAN AND THE MIDDLE EAST**

**Cairo, Egypt – 13 and 14 September 2004**

### **SUMMARY REPORT**

#### **Introduction**

On 13 and 14 September 2004, the Global Commission on International Migration (GCIM) organised the Regional Hearing for the Mediterranean and the Middle East, in Cairo, Egypt. After its Regional Hearing for Asia, in May 2004 in Manila, the Cairo meeting was the second in a series of consultations that the Commission will hold in five regions of the world in the course of 2004 and 2005.

These regional meetings provide the Commission with an important opportunity to hear the views of a wide range of stakeholders and to gain insight into those migration issues which are of specific relevance to each region. The findings of the Hearings will contribute to the Commission's Final Report, which will be presented to the United Nations Secretary-General and other stakeholders in mid-2005.

The Hearing was addressed by a number of keynote speakers, including Dr Ahmed Ahmed El Amawy, Minister of Manpower and Migration of Egypt, Dr Mohamed Ezzedin Abdel-Moneim, Deputy Foreign Minister of Egypt, Ambassador Nancy Bakir, Assistant Secretary-General of the League of Arab States, and Mr Manuel Marin, member of the Global Commission and President of the Spanish Parliament. The Co-chairs of the Global Commission, Mr Jan Karlsson of Sweden and Dr Mamphela Ramphele of South Africa, presided over the event. The Executive Director of the Global Commission, Dr Rolf K. Jenny, provided a detailed summary of the Hearing's proceedings during the closing plenary session.

Over 150 people attended the Hearing, including government officials from Egypt, France, Greece, Italy, Jordan, Lebanon, Libya, Mauritania, Morocco, Saudi Arabia, Spain, Sudan, Tunisia, Turkey, and Yemen. The Hearing was also attended by representatives of the following members of the Global Commission's Core Group of States: Australia, Canada, the Holy See, Hungary, India, Indonesia, Mexico, The Netherlands, Pakistan, Philippines, South Africa, Sri Lanka, Sweden, Switzerland and the United Kingdom.

A variety of international organizations, regional bodies, NGOs, trade unions, civil society organizations, academic institutions and representatives of the private sector all participated in

the Hearing. These included the League of Arab States, ILO, IOM, UNAIDS, UNHCR, UNDP, UNIFEM, UNFPA and WHO.

The Hearing took place in plenary and in working panels that involved three different stakeholder groups: governments; regional bodies, international organizations and experts; and civil society, including NGOs and the private sector.

The agenda of the Hearing covered four topics:

- the economic dimensions of international migration;
- irregular migration;
- migrants in society and the human rights of migrants; and,
- national, regional and international governance of international migration.

This summary report reflects the general content of discussion in working panels and plenary. No statements in the report are attributed to individual participants.

### **Economic Aspects of Migration**

Participants agreed that many parts of the Middle East and Mediterranean region have a large and growing surplus of labour, especially amongst the younger generation. Egypt, for example, needs to create an additional 500,000 new jobs every year to absorb all of those young people who enter the labour market. Confronted with the prospect of unemployment, underemployment, low incomes and poor working conditions, growing numbers of people in the region feel that they have little option but to look for employment in other parts of the world, especially the European Union.

Examining the root causes of this situation, the Hearing identified a number of different factors which have added to the high level of migration pressure that exists within the region. Some participants focused on the poor economic performance of many countries in the Middle East and Mediterranean, coupled with high fertility levels and the continuous growth of the working-age population. Other participants placed greater emphasis on the regional inequalities that have resulted from the globalization process and the current international trade regime, as well as the introduction of free-market economic policies which have reduced public spending and cut the number of jobs available.

While economic considerations have evidently played a major role in persuading large numbers of people to migrate from the Middle East and Mediterranean region, the Hearing acknowledged that a number of other variables must also be taken into account. In this respect, participants made particular reference to the issues of poor governance, political instability and human rights violations, as well as the continuous threat of violence and armed conflict that affects parts of the region.

Such conditions, it was pointed out, have two consequences. First, they act as a further inducement for people to leave their own country and to seek a more secure and satisfying life elsewhere. Second, they act as a serious constraint to foreign investment and encourage states to allocate a disproportionate amount of their budgets to defense and internal security. This in turn has exacerbated the region's poor development performance and limited the number of employment opportunities available to its population.

There was a broad consensus that the migration pressures that have built up in the Middle East and Mediterranean region will only be reduced by means of increased levels of economic development and human security. While primary responsibility for the attainment of these objectives lies with states and other stakeholders in the region, a number of speakers stressed the need to view this problem in a wider context.

The countries of the industrialized North, it was suggested by some participants, frequently refer to the task of promoting economic growth in the world's less prosperous states and have given their official support to the UN's Millennium Development Goals. In practice, however, it was alleged that they continued to pursue trade, aid and financial policies which compound rather than resolve the developmental problems experienced by countries of the South. In addition, it was pointed out, the countries of the European Union continue to exclude foreign nationals from their labour markets, despite the mounting evidence that migration will be needed to redress the demographic deficit (i.e. a diminishing and ageing population) that is emerging in Europe.

According to several participants, the sustainability of economic growth in the North will ultimately depend on migration from the South. In these circumstances, it was suggested, migrant workers from the Middle East and Mediterranean region should be regarded as an asset to be managed in a fair and effective manner, rather than as an epidemic to be eradicated.

The Hearing was reminded on several occasions that the Middle East and Mediterranean is not only a region of origin for many international migrants, but is also a place of destination and transit for a growing number of people from Africa and Asia. These migratory movements, most of which are irregular in nature, are placing a mounting burden on the economy and society of the countries concerned.

Addressing this issue, participants again stressed the need for a greater degree of support and policy coherence by the industrialized states. While the gap between the world's poorer and richer states continues to expand, people will inevitably seek to migrate from the former to the latter. And recent experience indicated that such movements would not necessarily be halted by the introduction of more restrictive migration controls.

As well as examining the economic causes of migration from and into the Middle East and Mediterranean region, the Hearing engaged in a thorough discussion of the costs and benefits of international migration. With respect to the benefits, much of the discussion focused on the role of migrant remittances, which in Egypt alone amounts to some three billion dollars a year.

There was a broad consensus that remittances make an important contribution to poverty reduction, enabling a considerable number of people in the region to purchase goods and services that they would otherwise not be able to afford. To the extent that remittances are also used for purposes such as construction, education and the establishment of small businesses, they could also be considered to have an impact that goes beyond immediate consumption. In general, however, remittances did not appear to make a substantial contribution to national or regional development.

Examining this question in more depth, several participants in the Hearing underlined the responsibility of states to provide a macroeconomic environment that is conducive to the use of remittances for developmental purposes, and which will encourage successful members of the region's diaspora to invest in their countries of origin.

A number of participants reminded the Hearing that remittances are a private form of money, which should not come under the control of governmental bodies or international financial institutions. Others explained that the current attention being given to the volume of migrant remittances sent to regions such as the Middle East and Mediterranean might eventually lead some stakeholders to propose a reduction in the level of official development assistance provided to the region. Such a scenario, the Hearing was told, would have adverse consequences for the region's economic performance and developmental potential, and would simply add to the high level of migration pressure that already exists in the Middle East and Mediterranean.

A number of speakers at the Hearing pointed out that remittances themselves play an important part in encouraging people in the region to leave their own country and to look for work abroad. In those parts of the region that have benefited from the receipt of remittances, it was explained, a 'culture of migration' has emerged. Young people growing up in this culture often have an unrealistic belief in the material and social rewards that migration will bring to them, and often overlook the difficulties and dangers associated with migration, especially when it is undertaken in an irregular manner.

The Hearing heard some mixed opinions with regard to the issue of brain drain. According to some participants, many states in the region did not generally consider the departure of educated citizens to be a major problem, partly because such migrants sent substantial sums of money home in the form of remittances, partly because such migrants might in any case be confronted with unemployment or underemployment if they were to remain in their own country, and partly because some of these migrants would eventually return to the region, bringing new skills, capital and transnational connections with them.

Other participants suggested that this perspective on the migration of people with education and training was a naïve and even dangerous one, as it failed to take account of the high costs involved in the education of people who subsequently take their skills to other parts of the world. It was also pointed out that higher-skilled migrants tend to remit a lower proportion of their income than unskilled migrants, and that such migrants have few incentives to return to countries where their wages and working conditions would be considerably worse than those they had grown accustomed to in more prosperous parts of the world.

Despite these different assessments of the brain drain issue, the Hearing reached a broad agreement on the need for states and other stakeholders to create conditions that are conducive to the return of skilled migrants. According to some speakers, the measures required to achieve this objective are far-reaching in nature. They include the introduction of democratic reforms, economic restructuring, the establishment of more favourable tax regimes for returning migrants as well additional investment in education and training.

### **Irregular migration**

Turning to the issue of irregular migration, the Hearing engaged in a substantive discussion of the terms employed to describe this phenomenon, including the alternative concepts of 'illegal migration', 'unauthorized migration', and 'undocumented migration'.

While there was not a clear consensus with respect to the relative merits of these terms, a number of participants stressed the need to maintain a clear distinction between regular and irregular migration, both conceptually and in terms of policy.

Other speakers pointed out that the notions of human smuggling and human trafficking should not be used interchangeably, as there is now a clear international consensus with respect to the different meaning of these concepts. A third group of participants warned that asylum seekers and refugees should not be subsumed within the broader category of ‘irregular migrants’, given their special protection needs and the specific rights to which they are entitled under international law.

There was a broad consensus with respect to both the causes and consequences of irregular migration. Examining the issue of causes, participants pointed to the lack of regular migration opportunities for many of the people leaving and entering the Middle East and Mediterranean region, the determination of migrants to circumvent the migration controls that have been introduced by the countries of Europe, and the growth of transnational social and commercial networks that facilitate the irregular movement of people from one country to another.

With regard to the consequences of irregular migration, the Hearing was informed that migrants themselves are frequently placed in great danger by this form of movement, especially when they use the services of unscrupulous smugglers. Women and children are particularly at risk of exploitation and abuse by traffickers. Examining the risks to which irregular migrants are exposed, many participants made reference to the large numbers of people who have lost their lives in recent months when attempting to cross the Mediterranean in small and unseaworthy boats.

As well as representing a threat to the lives and well-being of migrants themselves, participants suggested that irregular migration has a number of other adverse consequences. It is often linked to other forms of criminality, including the smuggling of narcotics and weapons and the international sex trade. By introducing a supply of cheap and illicit workers to the labour market it can depress wages and lead to the deterioration of working conditions in countries of transit and destination. When it takes place on a substantial scale, irregular migration can also pose a threat to social cohesion and encourage the manifestation of xenophobic and racist sentiments.

One speaker at the Hearing argued that the problem of irregular migration should be regarded as the common concern and responsibility of source, transit and destination countries. But it should also be regarded as an issue that entails ‘a common hypocrisy’.

On one hand, countries of origin and transit may have an interest in witnessing (and even facilitating) the departure of people who would otherwise be unemployed and who are able to send remittances home once they have moved on to another part of the world. On the other hand, countries of destination appear to have a continuous demand for foreign workers who will accept dirty, difficult and dangerous jobs, who will work for low wages and who relieve employers of the obligation to make social security payments and to observe health and safety regulations.

Turning to the policies and strategies that might be used to address the problem of irregular migration, participants in the Hearing made a number of general observations.

First, irregular migration is a complex and deeply-rooted phenomenon, and will not be eradicated by means of punitive measures alone.

Second, any initiatives taken to limit the scale and adverse consequences of irregular migration will require simultaneous and coordinated action at the national, regional and global levels.

Third, countries of origin and transit in the Middle East and Mediterranean region generally lack the resources and capacity required to implement effective measures in relation to irregular migration, and will therefore require assistance from the industrialized states and international organizations.

Fourth, in the current international climate, there is a danger that irregular migrants from the Middle East and Mediterranean region will be criminalized or associated with terrorism and threats to national security. In this respect, the Hearing was reminded that people do not lose their entitlement to any of their human rights because they have moved in an irregular manner. Any measures taken to combat irregular migration, the Hearing agreed, must be firmly based upon this principle.

Looking more specifically at such measures, participants in the Hearing identified a wide range of initiatives that might be taken in relation to irregular migration. These included:

- establishing information campaigns that would raise awareness amongst actual and potential migrants of the possible consequences of irregular migration;
- providing potential irregular migrants with accurate information about regular migration opportunities;
- improving collaboration and information-sharing between countries of origin, transit and destination
- implementing capacity-building projects in countries of origin and transit;
- establishing bilateral and multilateral agreements to facilitate the return and readmission of irregular migrants to their countries of origin;
- introducing harsher penalties for human smugglers, especially those who place the lives and well-being of their clients at risk;
- establishing fast, fair and efficient refugee status determination procedures, so as to ensure that speedy decisions can be made with respect to those irregular migrants who submit asylum applications;
- improving the protection, assistance and solutions available to refugees in countries of first asylum, so as to avert the need for them to move on to more distant states; and,
- regularizing the situation of migrants who have entered countries in an unauthorized manner so as to ensure that they can be absorbed into the formal labour market.

### **Migrants in society and the human rights of migrants**

The Hearing was informed that many migrants who have moved from or into the Middle East and Mediterranean region are confronted with threats to their human rights.

In recent years, and especially since the events of 9/11, migrants from Islamic countries the region have been regarded with increasing suspicion by other members of society in the countries to which they have moved. The fact that many of these migrants are young men, who have entered the countries of Europe in an irregular manner and who have subsequently submitted unsuccessful claims to refugee status appears to have reinforced the perception that migrants from the region represent a threat to the national interest of receiving states. In this climate, the Hearing was told, migrants from the Middle East and Mediterranean are increasingly subjected to discrimination and marginalization.

In the course of the Hearing, participants explained that migrants from other parts of the world are often confronted with equally difficult conditions of life once they reach the Middle East and Mediterranean Region. Contract labourers recruited from South and South-East Asia, for example, especially female migrants in domestic service, are not always treated fairly by their employers. They may be issued contracts in a language they cannot read, have their passports and others personal documents withheld from them, and be forbidden to practice their own religion or to enjoy the right of assembly. In the worst cases, some participants pointed out, they may also be subjected to physical or sexual abuse.

Irregular migrants from other parts of the world, especially those who make the hazardous overland journey to the Middle East and Mediterranean region from sub-Saharan Africa, also face a variety of threats to their human rights and human security.

If they are apprehended, migrants entering the region in an irregular manner may be subject to detention or summary deportation, and may not be granted the opportunity to submit a claim for asylum, even if they come from a country affected by armed conflict or political persecution. With the states of Europe making increasing demands on transit countries to tackle the problem of irregular migration, such difficulties are likely to persist unless appropriate capacity-building and advocacy initiatives are undertaken in the Middle East and Mediterranean region.

Responding to this information, participants in the Hearing again stressed the indivisible and non-negotiable nature of human rights, as well as the responsibility of states in upholding the rights of all migrants. At the same time, the Hearing acknowledged the important role that other stakeholders can play in the protection of migrants, including international organizations, NGOs, human rights bodies, religious communities, the private sector and civil society institutions.

Participants in the Hearing made a number of other and more specific proposals with respect to the issue of migrant rights.

First, they underlined the importance of providing migrants with adequate information about their rights, as well as access to legal advice.

Second, the Hearing recognized the need to educate public opinion about the situation and the economic contribution of migrants, so as to create a climate in which their rights will be respected by the rest of society.

Third, participants stressed the important role that countries of origin can play in monitoring and protecting the rights of citizens who have migrated to other countries, and in this respect identified a number of good practices pursued by different states. Such practices, it was suggested, should be systematically compiled and disseminated by the Global Commission on International Migration or another body.

Finally, a number of speakers at the Hearing emphasized the dangers of leaving the protection and welfare of migrant workers to unregulated market forces. In this respect, participants called upon states to play a more active role in negotiating bilateral labour agreements which include clear provisions on migrant rights, based upon the 1990 Migrant Workers Convention.

According to one participant in the Hearing, his country had initially acceded to that Convention as a means of protecting the rights of citizens who were living and working abroad. Subsequently, however, the country's ratification of the 1990 Convention had prompted the government to revise its policy and practice with regard to migrants arriving on its own territory.

Turning to the broader question of migrants in society, a number of participants in the Hearing alluded to the fact that many of the foreign nationals who are recruited to work in the Middle East and Mediterranean region are engaged on fixed-term labour contracts. As a result, they generally have no intention or expectation of integration in the countries where they are employed.

While this issue was not addressed in great detail by the Hearing, there was a general consensus that migrants of this kind should not be denied any human rights by virtue of their temporary status. According to a number of participants, appropriate provisions should also be made for temporary migrants who develop a deeper attachment to the country where are employed, such as those who wish to marry a national of that state.

### **Governance of international migration**

The final issue to be addressed by the Hearing was that of the governance of international migration at the national, regional and global levels.

Looking first at the national level, a number of Hearing participants suggested that states in the region generally do not have clearly articulated migration policies, nor do they have the information, resources, guidance or technical capacity required for the development and implementation of such policies. Other speakers argued that the development of coherent national migration policies was constrained by the slow pace of democratic reform and the consequent absence of an open public debate on the issue.

An additional problem identified in the area of national governance concerned the fact that migration issues are often dealt with by a number of different ministries, including labour ministries, development ministries, foreign ministries and interior ministries. There was a broad acknowledgment of the need to ensure more effective coordination between these different entities, so as to ensure that national migration policies are developed in a comprehensive and integrated manner. At the same time, participants in the Hearing drew attention to the need to ensure the involvement of other relevant stakeholders in the policymaking process, especially employers, trade unions and NGOs.

Turning to the issue of regional governance, the Hearing was informed that collaboration at the regional level can sometimes be difficult due to the competing interests of the states concerned. Nevertheless, the value of regional initiatives and consultative processes was widely recognized by the Hearing, as was the importance of promoting an ongoing dialogue and partnership with other regions of the world, especially the European Union. According to



some speakers, the establishment of a special committee on migration within the League of Arab States might facilitate such a dialogue.

The Hearing reached a broad consensus with respect to the compatibility and complementary nature of regional and global migration processes. Such processes, it was agreed, should proceed in parallel, recognizing that regional understandings and agreements might well be reached more quickly than those at the global level.

With respect to global initiatives, participants in the Hearing noted that a number of different processes had been launched in recent years, including the Berne Initiative, the ILO's non-binding framework on labour migration, the IOM's migration policy dialogue and the work of the Global Commission itself. The Hearing reached a broad consensus with respect to the need to create appropriate linkages and an effective synergy between these different initiatives. Given the risk of confusion, there was also a need for the precise purpose of these different initiatives to be properly explained to states and other stakeholders.

With respect to the issue of institutional arrangements, participants in the Hearing were generally not in favour of radical initiatives such as the establishment of a new international migration organization within the UN system. At the same time, they stressed the need to promote greater cooperation, coordination and policy coherence between existing organizations.

The Hearing provided some specific advice to the Global Commission on International Migration.

First, it urged the Commission to take full account of the conclusions and recommendations being reached in other international fora, including the global migration processes mentioned above.

Second, the Hearing suggested that in pursuing a global approach to the issue of international migration, the Commission should not lose sight of regional specificities and sensitivities.

Third, the Hearing felt that the Commission had a particular role to play in encouraging states to accede to and respect the provisions of the 1990 Migrant Workers Convention. .

Fourth, the Commission was urged to examine the impact of current trade policies on the scale and pattern of international migration, and to assess the extent to which GATS Mode 4 might be applied more broadly to the movement of people.

Finally, the Hearing reiterated the importance of the nexus between migration and development, and underlined the need for countries of origin and destination to consider this nexus more thoroughly. A number of participants referred to the need to revive the proposal for an international conference on migration and development – a proposal which had originated in Cairo at the 1994 International Conference on Population and Development.

The Global Commission, it was suggested, has an important role to play in identifying common interests and common responsibilities amongst countries of the South and countries of the North in the area of international migration. In encouraging such a dialogue, it was suggested, the Commission could galvanize the debate on international migration and lay the foundations for an international conference of the type proposed in Cairo a decade ago.