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Migration Governance in the Arab Region and Beyond

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I. Introduction

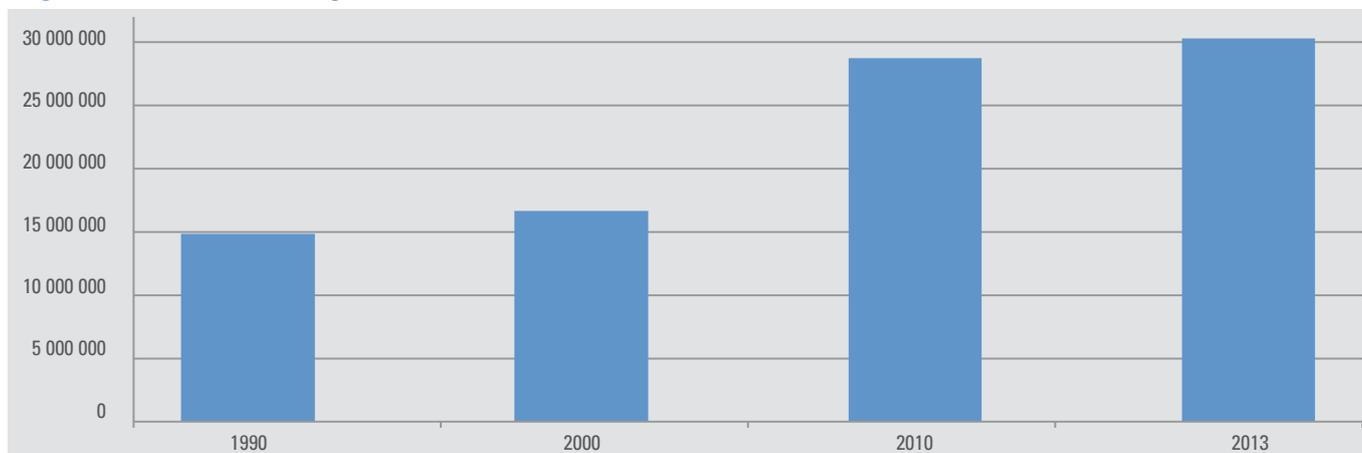
International migration is a large-scale phenomenon that affects families, economies, service provision and communities, posing both challenges and opportunities for countries in the Arab region. When managed well, migration can improve lives and strengthen labour markets. Fair rules of migration governance can indeed be key enablers for development;¹ but precipitous interventions and poor management increase pressure on resources and have deleterious effects on the stability of countries of origin, transit and destination.

Countries across the world are becoming increasingly integrated and interdependent. Given the global

nature of the world economy, they are less and less able to deal with the scale and complexity of migration challenges on their own. An integrated approach to migration-related issues, such as that adopted by the European Union, and effective migration policies can yield far-reaching benefits. The proposed new post-2015 development agenda provides politicians and policymakers with an additional impetus to enact reforms that transform not only the face of international migration but also their countries.

In many cases, a convergence of interests around migration is emerging between countries. Most recently, a number of crises have led to an upsurge in cross-border migrant smuggling and human trafficking. Arab countries in North

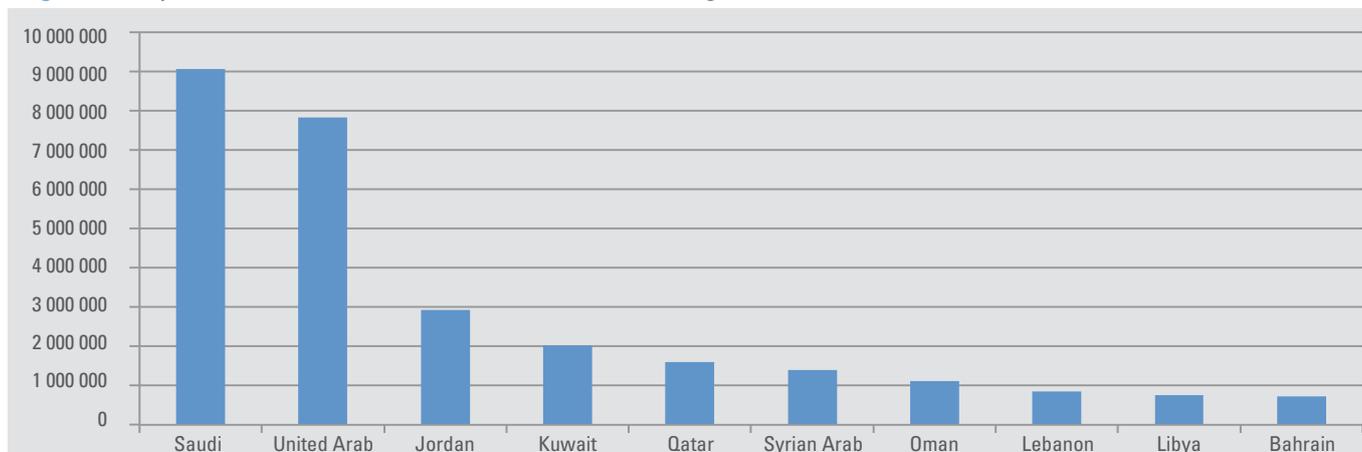
Figure 1. International migrant stock in Arab countries, 1990-2013



Source: United Nations, Department of Economic and Social Affairs, Trends in international migrant stock: Migrants by destination and origin database (POP/DB/MIG/Stock/Rev.2013) (accessed 30 January, 2015)

Note: Due to lack of data, the figures do not fully reflect the number of refugees registered with UNHCR since the onset of the crisis in the Syrian Arab Republic.

Figure 2. Top ten countries of destination in the Arab region, 2013



Source: United Nations, Department of Economic and Social Affairs, Trends in international migrant stock: Migrants by destination and origin database (POP/DB/MIG/Stock/Rev.2013) (accessed 30 January, 2015)

Note: Due to lack of data, the figures do not fully reflect the number of refugees registered with UNHCR since the onset of the crisis in the Syrian Arab Republic.

Africa are under increased pressure to control their borders and their Mediterranean coastline. According to the Government of Italy, the number of migrants and asylum-seekers arriving by sea in Italy alone reached 170,100 persons in 2014.² Displaced persons originating from or passing through the Arab region made up a significant portion of this figure. Migrants attempting to reach Europe via the Mediterranean were mainly Syrians, Somalians and Eritreans. According

to the European Union’s border control agency Frontex, more than 280,000 people entered the Union irregularly in 2014, with about 220,000 having crossed the Mediterranean.³ Over 3,500 people died or were reported missing while trying to cross the Mediterranean in the same year.⁴ These flows pose difficulties for authorities and demonstrate the need for decisive action and greater cooperation on migration governance between countries within and outside the region.

Responsible decisions are needed in the area of migration governance and reforms should be introduced to ensure orderly, safe, regular and responsible migration and mobility of people. This issue of the Social Development Bulletin thus examines good practice and the latest developments in the area of migration governance within the Arab region and beyond.

II. Regional developments

Coordination between Arab countries already exists on a number of issues, including movement of goods, capital, public health and telecommunications. A similar trend, albeit at a much slower pace, can be observed in the governance of international migration. In the absence of a global or regional migration regime, Arab countries have exerted efforts to facilitate international migration and enhance intraregional cooperation on migration issues.

The Abu Dhabi Dialogue between Gulf Cooperation Council (GCC) countries and

Yemen as countries of destination, and 11 Asian countries of origin for labour migrants focuses on developing four action-oriented partnerships, based on the notion of shared responsibility, in the following areas: (a) developing and sharing knowledge on labour market trends, workers' skills and remittances; (b) building capacity for more effective matching of labour supply and demand; (c) preventing illegal recruitment and promoting welfare and protection measures for migrant workers; and (d) developing a framework for a comprehensive approach to managing the entire cycle of temporary contractual work in order to maximize benefits for both countries of destination and origin, and for migrants themselves.

North African countries, including Algeria, Libya, Mauritania, Morocco, and Tunisia, have also engaged in interregional dialogue with European countries through processes such as the "5+5" Dialogue, an initiative on international migration issues. The Mediterranean Transit Migration Dialogue

Box 1. Key migration facts

In 2013, 22 million of the world's migrants originated from Arab countries, which in turn hosted over 30 million international migrants

Seven Arab States have either signed, ratified or acceded to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, were either acceded to or ratified by 18 and 13 Arab States, respectively. No Arab State has so far ratified the International Labour Organization (ILO) 2014 Protocol No. 29 to the Forced Labour Convention; the 1975 ILO Convention No. 143 on Migrant Workers; or the 2011 ILO Convention No. 189 on Domestic Workers.



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includes Lebanon, Libya, Morocco, the Syrian Arab Republic and Tunisia and is aimed at building common understanding on migration issues and jointly developing evidence-based, comprehensive and sustainable migration management systems. In 2014, the European Union-Africa Summit focused on migration and mobility, with migration being one of eight priority areas of the Joint Africa-European Union Strategy. The political declarations made during these Summits emphasized the benefits of migration and the need for greater cooperation to create more legal migration opportunities and address the root causes of migration. Participants also stressed the urgent need to tackle irregular migration and trafficking in persons, protect migrants and engage expatriate communities in development.⁵

III. Specific country reforms and policies

A number of policy developments at the country level are also noteworthy.

Jordan attempted to standardize working conditions for migrant domestic workers and to promote and protect their rights and welfare by introducing the Special Working Contract for Non-Jordanian Domestic Workers in 2003, in a context where domestic work as an employment category still lacks recognition in national labour laws. The primary purpose of this document is to provide a model contract that draws upon ILO conventions and highlights the provisions needed to ensure the

fundamental rights of domestic workers. In recent years, several positive developments have contributed to improving migrants' labour rights in the Arab region. One example is the reform of the *kafala* system in some GCC countries. Bahrain, Saudi Arabia and the United Arab Emirates have begun a review of their national legislation to improve protection of the labour rights of migrant workers, including through outlawing employer confiscation of workers' passports; allowing transfers of sponsorships; and banning recruitment fees and the withholding of wages. In 2012, Bahrain introduced the Labour Law for the Private Sector, which, for the first time, included domestic workers and significantly liberalized the *kafala* system as a tool to increase competitiveness of national workers. Article 39 of this law prohibits discriminatory practices, especially

in the payment of wages and the termination of contracts, on the basis of sex, ethnicity, language, religion and belief. This change marks significant progress in the GCC region; yet it fails to ensure some of the basic protections for domestic workers, such as defining weekly rest days, minimum wages and working hours.

Morocco introduced a new comprehensive migration policy in 2013 to increase protection of migrants. A one-year period for the regularization of migrants was set. Four national subcommittees were also formed to implement the policy with an emphasis on integration of regularized migrants; revision of the juridical, procedural and institutional frameworks; and management of migration flows on the basis of human rights principles.



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Regime changes in some Arab countries induced constitutional changes as well. Following the uprisings, Morocco (2011), Egypt and Tunisia (2014) revised their constitutions and adopted new texts that mention migration for the first time, bringing in advancements such as constitutional recognition of expatriate communities.

In December 2014, the Sudan became the most recent Arab country to ratify the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, setting a positive example as ratification of international legal instruments governing migration remains low across the Arab region and further progress in this area is needed.

IV. Way forward

The aforementioned regional developments demonstrate an increased engagement of Arab States in regional policy dialogues and strengthened regional cooperation and partnerships on key migration challenges. The proposed sustainable development goals (SDGs) framework should serve as a catalyst for further strengthening of governance and cooperation on migration-related issues. It includes a number of migration-related goals and targets (box 2) and will undoubtedly have an impact on future migration governance frameworks.

Political will and effective implementation and monitoring are crucial for achieving the new development agenda. However, lack of reliable



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data could be the main obstacle to monitoring the implementation of the four migration-related SDGs. States will have an important role in ensuring transparency, accessibility and dissemination of data so that the proposed new goals and targets can be monitored and reported on.

Given the global character of SDGs and the inherently transboundary nature of migration, implementation of harmonized policies, adoption of legal and regulatory frameworks and greater cooperation between countries are essential pillars of migration governance. Policy coherence is also crucial for achieving

Box 2. Proposed migration-related SDGs and targets

Goal 8: *Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*

- Target 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, particularly women migrants, and those in precarious employment.

Goal 10: *Reduce inequality within and among countries*

- Target 10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.
- Target 10.c: By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent.

Goal 16: *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*

- Target 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children.

Goal 17: *Strengthen the means of implementation and revitalize the global partnership for sustainable development*

- Target 17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts.

Source: United Nations, Report of the Open Working Group of the General Assembly on Sustainable Development Goals A/68/970 (2014).

greater regional integration. Institutional mechanisms should facilitate mobility of migrants to help strengthen economies, leverage human capital and prompt greater connectivity, creating an enabling environment for safe, regular and less costly migration.

The 2015 Situation Report on International Migration: Migration, Displacement and Development in a changing Arab Region, forthcoming ESCWA publication, will be a

useful tool for policymakers and Governments working on migration-related issues, providing a comprehensive overview of new developments in migration governance in the Arab region by thematic areas, including labour migration and irregular migration.

For more information on the 2015 Situation Report or any other migration-related queries, please contact Jozef Bartovic, Associate Social Affairs Officer, ESCWA, bartovic@un.org.

Endnotes

¹ United Nations Task Team on the Post-2015 United Nations Development Agenda, *Realizing the Future We Want for All: Report to the Secretary-General* (New York, June 2012), p. 24. Available from: http://www.un.org/en/development/desa/policy/untaskteam_undf/untt_report.pdf.

² See <http://www.iom-nederland.nl/en/406-migrant-arrivals-by-sea-in-italy-top-170-000-in-2014>.

³ ESCWA calculations based on Frontex, *FRAN Quarterly: Quarter 4, October-December 2014* (Warsaw, 2015).

⁴ See http://www.unhcr-northerneurope.org/fileadmin/user_upload/Documents/PDF/CMSI/2015-Mar-CMSI_Action_Plan.pdf.

⁵ The full texts of these political declarations are available from <http://www.statewatch.org/news/2012/oct/malta-declaration.pdf> and http://www.africa-eu-partnership.org/sites/default/files/documents/2014_eu-africa_declaration_on_migration_and_mobility.pdf.

www.statewatch.org/news/2012/oct/malta-declaration.pdf and http://www.africa-eu-partnership.org/sites/default/files/documents/2014_eu-africa_declaration_on_migration_and_mobility.pdf.