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“From crisis to governance of migration and refugee flows”

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Report

I. INTRODUCTION

1. The Global Compact for Safe, Orderly, and Regular Migration and the Global Compact on Refugees, adopted in 2018, were borne out of a sense of crisis with a particular focus on the Mediterranean region, as one of the regions in which the migratory flows have grown exponentially, causing humanitarian, economic, security and political implications worldwide.
2. As presented in detail in the PAM report on "The implementation of the Global Compact for Migration: PAM's Role", the Parliamentary Assembly of the Mediterranean was closely engaged in the process of drafting and adoption of the two Compacts. In February 2019, the Assembly adopted a related resolution calling upon the parliaments of its Member States to draw up a concrete parliamentary action plan on migration, to implement the recommendations of its reports on migration, the commitments made in the Global Compact, as well as the obligations arising from international law.
3. However, persisting tragedy continue to plague the Mediterranean Sea. New deaths are reported daily by the media and international organisations, degradation of human lives - through trafficking and smuggling, the extension of the maritime “danger zones” to new areas, and the stigmatisation of NGOs, all phenomena that have been described and denounced in the Assembly's previous report on the Global Compact on Migration and meetings or events to which it contributed. PAM has been consistently calling upon its Member States to save lives in the Mediterranean, whether in their own search and rescue zone, or in the search and rescue zones of countries that do not live up to their obligations, or even in the territorial waters of failed States, and also refrain from prosecuting as smugglers, those providing humanitarian assistance.
4. PAM continued to be strongly committed to encourage enhanced cooperation and collective actions in dealing with the problems and challenges related to human mobility, including mixed movements involving migrants, asylum-seekers and refugees. In this regard, PAM organized a major parliamentary Conference on the “Nexus between population movements

and security”, held on 19-21 June 2019 in Ankara, generously hosted by the Grand National Assembly of Turkey. On that occasion, the importance of fulfilling the objectives of the two Compacts was reiterated.

5. The Assembly is best placed also to draw attention to the need to respect the provisions of the international human rights instruments and to implement the recommendations made by bodies such as UNHCR, OHCHR, IOM, and other international organisations mandated to assist and advise States in better managing the reception and protection of migrants and refugees.

II. THE CURRENT SITUATION IN THE MEDITERRANEAN

6. Even though the migration flow is not stopping yet, migration figures have declined significantly compared to 2018, by roughly 37%¹. The most privilege route to move from North Africa to Europe is now the West Mediterranean route (27% of the total arrivals to Europe), while 12% were registered crossing the Central Mediterranean route, to Italy and Malta. The East Mediterranean route, instead, represents today more than 61% of all arrivals to Europe in Cyprus, Bulgaria and Greece. In particular, Greece was the top arrival country in Europe in 2019, with 87% arrivals by sea and the remaining 13% by land. Authorities in Bosnia and Herzegovina, Albania and Montenegro have also observed a significant increase in arrivals in 2019 through the Western Balkans, but the situation remains far removed from the experience in 2015 and 2016.²
7. The number of people who died or went missing on the Mediterranean route in 2019 rose up to 1,246.³ According to the UNHCR, since 2015, drowning have become six times more likely to occur in recent years, partly due to changing refugee policies in the EU. One migrant child is reported dead or missing every day.⁴ The Central Mediterranean route has the highest death percentage.
8. Detention Centers and Refugee Camps in the Mediterranean countries continue to suffer from overcapacity, which results in violent clashes, such as those occurred in September in Lesbos and Samos (Greece), as well as in Malta in October 2019. According to UNHCR, Greece has received 45,600 of the 77,400 people crossing the Mediterranean Sea this year - more than Spain, Italy, Malta and Cyprus combined. On Lesbos, the official reception centre in Moria is at five times its capacity, with 12,600 people. On Samos, the Vathy facility houses 5,500 people – eight times over its capacity – and on Kos, some 3,000 people live in a space meant for just 700.⁵

¹ IOM, *Mixed Migration Flows in the Mediterranean. Compilation of Available Data and Information* October 2019. Available at <https://migration.iom.int/reports/europe-%E2%80%94-mixed-migration-flows-europe-monthly-overview-october-2019?close=true>

² Ibid.

³ Ibid

⁴ *Fatal Journeys Volume 4: Missing Migrant Children*, 2019, International Organization for Migration’s Global Migration Data Analysis Centre (GMDAC), Children’s Fund, UNICEF. Available at <https://publications.iom.int/books/fatal-journeys-volume-4-missing-migrant-children>

⁵ UN News, *Athens urged to fast track asylum seekers amid island shelters crisis – UNHCR*, 1 October 2019. Available at <https://news.un.org/en/story/2019/10/1048312>

9. The situation in Libya’s refugee camps is also alarming, as an estimated 1.3 million people, including 50,000 registered refugees and asylum seekers, and an estimated 800,000 migrants are in need of humanitarian assistance. On 3 July 2019, airstrikes on the Tajoura Detention Centre in Tripoli killed more than 50 migrants and refugees, among them 6 children, and injured more than 130, despite the location of the centre being known by all parties to the conflict. The bombed detention centre remains operational to this day, despite urgent and persistent calls to close it.⁶ OHCHR spokesperson Rupert Colville expressed deep concern about the “ghastly conditions” in which migrants and refugees are being detained in the capital Tripoli and elsewhere in Libya.⁷

III. FROM CRISIS NARRATIVES TO MIGRATION GOVERNANCE

10. While safe, orderly and regular migration is regarded as valuable by all the parties involved, in Europe external migration management and border control measures - as well as restrictions on search and rescue operations and visa policies - have resulted in fewer arrivals but higher death tolls.⁸ The Council of Europe’s Human Rights Commissioner, in his June 2019 Recommendation on “*Bridging the protection gap for refugees and migrants in the Mediterranean*”, criticized the EU Member States for having “adopted laws, policies and practices which have often been contrary to their legal obligations to ensure effective search and rescue operations (SAR), the prompt and safe disembarkation and treatment of rescued people, and the prevention of torture, inhuman or degrading treatment”.⁹
11. As it stands, the European Union has no legal system through which its Member States can share responsibility for hosting migrants in a fair manner. They are still unable to agree on the reform of the Dublin Regulation. Member States on the EU’s Southern border call for the institutionalization of relocation quotas and greater shared responsibility for migrant arrivals, but the members of the Visegrád group refuse to support any form of solidarity mechanism. Meanwhile, countries in Northern and Western Europe tend to emphasize their relative openness to limited relocations, yet they seem mostly concerned about stopping secondary movements. Simultaneously, the European Commission is pushing for reforms that would increase the role of what it calls “safe third countries” in hosting migrants.¹⁰
12. Participating at the meeting of the Working Group on Smuggling of Migrants of Conference of the Parties to the United Nations Convention against Transnational Organized Crime, held in Vienna on 11-13 September 2019, PAM urged the European States to adopt and

⁶ *Three Months After Tajoura Airstrike, IOM Renews Calls for Urgent Action*, 1 October 2019, IOM, Geneva. Available at <https://www.iom.int/news/three-months-after-tajoura-airstrike-iom-renews-calls-urgent-action>

⁷ Press briefing note on Libya, 7 June 2019. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24681&LangID=E>

⁸ IOM, *Flow Monitoring Europe*, <http://migration.iom.int/europe?type=arrivals> and *Missing Migrants Project* <http://www.missingmigrants.iom.it>.

⁹ Council of Europe Commissioner for Human Rights, *Lives saved. Rights protected. Bridging the protection gap for refugees and migrants in the Mediterranean*, Council of Europe, June 2019. Available at <https://rm.coe.int/lives-saved-rights-protected-bridging-the-protection-gap-for-refugees-/168094eb87>

¹⁰ Shoshana Fine, *All at sea: Europe’s crisis of solidarity on migration*, European Council on Foreign Relations, October 2019. Available at https://www.ecfr.eu/publications/summary/all_at_sea_europes_crisis_of_solidarity_on_migration

implement, as a matter of urgency, agreed and compulsory policies based on solidarity and burden sharing, to avoid that shoreline countries be left alone to deal with the phenomenon and seek, over and over, ad hoc solutions for each humanitarian rescue ship reaching their territorial waters.

13. Although the idea of the European Council of establishing regional disembarkation platforms¹¹ was rejected by North African countries, as they suspected that the platforms would become *de facto* detention centers,¹² the EU has implemented many elements of them – including returns of migrants and asylum seekers to countries such as Libya, Morocco, Tunisia, and Turkey, as well as outsourcing asylum processing that enables only a select few to enter the EU.
14. In particular, under EU pressure, the Libyan authorities have extended their SAR zone, barring NGOs from entering it. This has also led to a rise in the number of migrants returning to Libya, despite the United Nations’ calls for a halt to such activity and even though Libya has not signed the Geneva Convention. The EU’s transfer of border control and SAR activities to Libya has increased the rate of migrants deaths (one in every three in the first four months of 2019). A submission by two civil rights lawyers to the International Criminal Court condemned the EU for its role in returning migrants to Libya.¹³
15. Shifting responsibility to third countries to reinforce European Union border controls implies serious risks to human rights; it increases the risk of migrants being “stranded” in transit countries through readmission procedures, as well as the increased use of punitive and restrictive measures such as *refoulement*, arbitrary detention and ill-treatment. It is also a way for many European Union member States to distance themselves from the politically divisive issue of assisting and integrating refugees. Keeping migrants at a greater distance may also in fact provide a means of avoiding situations of *refoulement* within Europe. States should refrain from sending migrants back to countries where they are exposed to the risk of torture and inhuman or degrading treatment or punishment, and not to co-operate on migration control with third countries if this is likely to result in violations of human rights.

IV. REFUGEES

16. The global refugee population have risen to over 25 million, of which 20.4 million refugees under the mandate of UNHCR (5.6 million Syrian refugees)¹⁴ and 5.5 million under the mandate of UNRWA. The geography of the refugee crisis shows that, contrary to European media narratives, the large majority of refugees (85%) are hosted in low- and middle-

¹¹ European Council conclusions, 28 June 2018, PR 421/18, 29/06/2018.

¹² Daniel Boffey, *African Union seeks to kill EU plan to process migrants in Africa*, 24 February 2019, The Guardian. Available at <https://www.theguardian.com/world/2019/feb/24/african-union-seeks-to-kill-eu-plan-to-process-migrants-in-africa>

¹³ Owen Bowcott, *ICC submission calls for prosecution of EU over migrant deaths*, The Guardian, 3 June 2019. Available at <https://www.theguardian.com/law/2019/jun/03/icc-submission-calls-for-prosecution-of-eu-over-migrant-deaths>

¹⁴ UNHCR, *Operational Portal Refugee Situations*. Available at <https://data2.unhcr.org/en/situations/syria>

income countries¹⁵, while in Europe refugees comprise only about 0.4% of the overall population, and non-EU migrants make up a narrow 4%.¹⁶ Sub-Saharan Africa hosts more than 26% of the world's refugee population.¹⁷ African countries, home to over 24 million forcibly displaced persons, representing one-third of the world's total, were praised by UN Secretary-General António Guterres¹⁸ and UNHCR Chief Filippo Grandi¹⁹ for their treatment of refugees.

17. Approximately 13 million of the global refugee population are child refugees of which 7.1 million do not attend school.²⁰ While expressing worries for the situation of thousands of children asylum seekers and unaccompanied minors, unable to access education in Greece because of lack of funding, UNHCR welcomed the “exemplary” approach of Turkey,²¹ which PAM delegates witnessed, first-hand and with satisfaction, by visiting the Nizip refugee camp, on the occasion of the parliamentary Conference held in Ankara in June 2019. On that occasion, it was stressed the need for prompt parliamentary action, to address the question of the future of the some 29,000 children under the age of 12, from over 60 countries and born from ISIS suspect fighters, who are at high risk of radicalization and are currently living in detention camps and centres in North Eastern Syria. Deep concern of PAM is also the uncertainty about the nationality of the large number of FTFs and their families detained in prisons or refugee camps, whose fate is still to be decided.
18. In order to support the implementation of the Global Compact on Refugees, UNHCR and the World Bank recently opened in Copenhagen a data centre on refugees aimed at increasing knowledge on the socio-economic dimensions of refugee situations and the communities hosting them persons to improve policy and practice in addressing them. Moreover, the first-ever Global Refugee Forum, a key element of the Compact, was held in December 2019 in Geneva and concluded with more than 770 pledges of support, covering areas such as protection, employment, and education, for refugees and the communities which have taken them in.²²
19. In 2019, UNRWA marked 70 years in service for 5.5 million Palestine refugees in Jordan, Lebanon, Syria, the Gaza Strip and the West Bank, including East Jerusalem, but also faced the most serious financial shortfall in its history, namely US\$ 446 million at the start of the year, which was brought down to US\$ 21 million in November 2019. The funds received before the end of the year 2019 have not been sufficient to close the shortfall and the agency is carrying over a significant deficit into 2020, which threatens its ability to sustain its

¹⁵UNHCR, *Global trends. Forced displacement in 2018*, June 2019. Available at: <https://www.unhcr.org/5d08d7ee7.pdf>

¹⁶ International Rescue Committee, *Forging a common path: A European approach to the integration of refugees and asylum-seekers*, July 2018, <https://www.rescue-uk.org/sites/default/files/document/1735/ircsurvivingtothriving-final>

¹⁷ <https://www.unhcr.org/africa.html>

¹⁸ UN Secretary-General António Guterres said in a press conference on 9 February 2019, following a meeting with the Chairperson of the African Union Commission in Addis Ababa, Ethiopia.

¹⁹ At the informal meeting, entitled “Responding effectively to the needs of refugees, displaced persons and returnees: the role of the UN Security Council and its members”, organised by the three African members of the Security Council—Equatorial Guinea, Côte d’Ivoire and South Africa—in conjunction with the African Union Permanent Observer Mission to the UN.

²⁰ UNHCR, *Stepping Up, Refugee education in crisis*, 2019. Available at <https://www.unhcr.org/steppingup/>

²¹ UN News, *More than half of world's refugee children 'do not get an education', warns UNHCR*, 30 August 2019. Available at <https://news.un.org/en/story/2019/08/1045281>

²² Summary of the first Global Refugee Forum by the co-convenors, UNHCR; 18 December 2019, available at <https://www.unhcr.org/5dfa70e24>

operations and ability to deliver humanitarian assistance.²³ Its mandate has been extended until 2023.²⁴ The issue of UNRWA was discussed in detail at the 37th PAM Bureau meeting, and it was recalled PAM support for the socio-economic role of that agency, until Palestinian authorities will have the resources and capacity to take over, and it was further decided for PAM President and PAM Vice-President Hon. Belal Qasem to hold a meeting with the interim leadership of UNRWA, to discuss the prospects of the agency.

V. RESETTLEMENTS AND RETURNS

20. More than 1.4 million displaced people in over 60 refugee hosting countries will need resettlement in 2020.²⁵ The East and Horn of Africa region has the highest resettlement needs. This is followed by Turkey (420,000), which hosts 3.7 million refugees, the wider Middle East and North Africa region (250,000) and the Central Africa and the Great Lakes region (almost 165,000).
21. UNHCR and partners unveiled an initiative in support of resettlement and other legal alternatives to enter countries, such as family, work and study routes. By the end of 2028, the objective of the strategy is to expand so-called “third country solutions” for three million refugees, with one million resettling in 50 countries and two million benefiting from alternative pathways. However, procedure for family reunification presents several complexities that make access difficult for applicants who are beneficiaries of international protection and access to student visas and work permits for refugees, remains marginal.²⁶
22. The resettlement quotas for migrants from North Africa that EU Member States have put forward on a voluntary basis are far lower than those called for by UNHCR. Europe’s contribution to global re-settlement has been modest and represents less than 6% of the total need. There is no set European approach to resettlement, and Italy is the only EU member State that has directly resettled migrants from Libya, while the others claim that doing so poses too great a security risk.²⁷
23. On 29 October 2019, Turkish President Recep Tayyip Erdogan presented UN Secretary-General António Guterres with a plan for resettling hundreds-of-thousands of Syrian refugees, in the wake of the country’s military operation in Northeastern Syria launched on 9 October 2019, aimed at creating a so-called “safe zone” along the border for returnees. Between January 2016 and September 2019, more than 209,000 Syrian refugees spontaneously returned from Egypt, Iraq, Jordan, Lebanon and Turkey.²⁸ The pressure on

²³ End of year message from the Acting Commissioner-General Mr. Christian Saunders, 31 December 2019. Available at <https://www.unrwa.org/newsroom/official-statements/end-year-message-commissioner-general-unrwa-staff>

²⁴ „Gaza ten years later, United Nations Country Team in the occupied Palestinian territory, July 2017. Available at https://unsco.unmissions.org/sites/default/files/gaza_10_years_later_-_11_july_2017.pdf

²⁵ UNHCR: resettlement is critical lifeline for refugees and needs strengthening, 01 July 2019. Available at <https://www.unhcr.org/en-us/news/press/2019/7/5d19dd524/unhcr-resettlement-critical-lifeline-refugees-needs-strengthening.html>

²⁶ Daniele Albanese, “Safe and Legal pathways towards Europe”, in *Weathering the storm. Charting new courses in the Mediterranean*, ISPI, 2019

²⁷ ECFR interview with an international organisation official, Rome, June 2019.

²⁸ UNHCR Operations Worldwide Focus. Available at <http://reporting.unhcr.org/node/36>

Syrian refugees to return has further exacerbated since the inception of the so-called Russian “initiative” in July 2018 to facilitate the return of 1.7 million refugees. As of September 2019, the number of Syrian refugee returns stands at around 75,500.²⁹ According to OCHA, an estimated 341,000 IDPs returned to their areas of origin in the first nine months of the year.³⁰ Intention surveys indicate that more than three quarters of the Syrian refugee population hope to be able to return one day. However, as stressed during a recent PAM meeting held in Rome, voluntary returns should be in line with the implementation of the UNHCR protection thresholds and parameters necessary for these refugees to return.

VI. THE FUTURE OF MIGRATION FROM AFRICA TO EUROPE

24. While the European migration crisis has now reduced in scope, UN projections showing that the African population is meant to double over the next 30 years, from 1.2 billion inhabitants today to 2.5 billion in 2050,³¹ have fueled fears of a potential “multiplier effect” that demographic developments could have on migration from Africa to Europe. Whilst, on the one hand, conflicts can spark sudden, high and unpredictable migration, flows are also linked to more predictable factors, which can contribute to plan more effective policy responses.
25. According to ISPI,³² migration flows from Africa to Europe are expected to increase somewhat, but also to remain well within the range of past fluctuations and even decrease moderately towards 2040, meaning that the number of African citizens living in the EU is expected to increase only marginally, from 1.8% today to 2.5%. The migration rate to Europe from Northern African countries will continue to be higher than that of the rest of African countries. But, in absolute terms, a shift is occurring, as more and more people are expected to reach Europe from Sub-Saharan Africa (110,000 migrants per year between 2020 and 2040) rather than North African countries (50,000 per year). This is a significant evolution if compared to the past three decades, when North African migrants comprised approximately half of total migration from Africa to the EU.
26. A UN migration study³³ shows that 93% of Africans making the journey to European countries along irregular routes would try the passage again, despite facing often life-threatening danger. The report “Scaling Fences” finds that getting a job was not the only motivation to move; that not all irregular migrants were ‘poor’ in Africa, nor had lower education levels. The report highlights that migration is a reverberation of development progress across Africa, albeit progress that is uneven and not fast enough to meet people’s aspirations. Barriers to opportunity, or ‘choice-lessness’, emerge from this study as critical factors informing the calculation of these young people.

²⁹ *ibid*

³⁰ *Ibid.*

³¹ UN DESA Population Division, *World Population Prospects, 2019*, [https://population.un.org/wpp/Download/ Standard/Population/](https://population.un.org/wpp/Download/Standard/Population/)

³² *Ibid.*

³³ UN Development Programme (UNDP), *Scaling Fences: Voices of Irregular African Migrants to Europe*. Available at <https://www.undp.org/content/dam/rba/docs/Reports/UNDP-Scaling-Fences-EN-2019.pdf>

27. Tailoring legal migration channels (especially for labour migrants) to expected migration flows from specific countries can help the EU avoid the human and economic losses caused by forcing migrants to take irregular channels instead. This could be combined more strongly with programs to educate and train potential migrants who are still in their countries of origin, bringing down costs while increasing the chances to integrate once here. Investing in integration policies that are fit for those who are expected to reach Europe in the near future can also help to cut costs and focus on those policies that work (such as language courses or vocational training in specific sectors).
28. The migratory flow caused by climate change is also alarming. According to the Internal Displacement Monitoring Centre, 17.2 million people had to leave their homes last year, because of disasters that negatively affected their lives. Increasing environmental change and disasters, such as the Lake Chad's shrinkage, are influencing human movement and displacement, together with conflict and violence linked to political upheavals, communal and ethnic tensions and the emergence of new armed groups.³⁴ The World Bank has put forward projections for internal climate migration amounting to 143 million people by 2050 in three regions of the world, if no climate action is taken.
29. The Global Compact on migration shows how States can handle - now and in the future – the impacts of climate change, disasters and environmental degradation on international migration. Responding to the challenges of environmental migration in a way that benefits both countries and communities, including migrants and refugees, is a complex process. Solutions can range from tweaking migration practices, such as visa regimes, to developing human rights-based protection measures. Most importantly, they involve a coordinated approach from national governments, bringing together experts from different walks of life.

VII. CONCLUSIONS AND RECOMMENDATIONS

30. Migration in the Mediterranean is and remains one of the most important issues for PAM countries. It continues to be a cause for unprecedented humanitarian, economic, security and political challenges in both, the Mediterranean basin, and Europe and Africa at large. These challenges are unlikely to diminish soon due to the instability caused by lack of peace and instability in the Middle East, *inter alia*, the persistent political crises in Libya, Syria and Iraq, the stalled peace process between Palestine and Israel and the mass displacement in the neighboring countries, destabilization by low intensity conflicts in Africa, extreme poverty and the consequences of climate change, to name a few.
31. Two issues must therefore continue to be addressed until solutions are found. Firstly, responsibility-sharing through relocation, support with financial and human resources, better implementation of asylum procedures and other concerted action should enable States to deal with migration without creating “crisis” situations. Secondly, every effort must be

³⁴ UN Environment Programme, *The tale of a disappearing lake*. Available at <https://www.unenvironment.org/news-and-stories/story/tale-disappearing-lake>

made to protect migrants and asylum-seekers against the dangers to which they are exposed, and to put an end to the smuggling and trafficking, by providing safe, legal migration pathways. Forecasting future migration flows is crucial to fostering an approach to migration governance that is led by pragmatism, rather than baseless fears and false myths.

32. Policies and programmes to protect, empower and invest in refugee, migrant and displaced children is crucial. A successful integration of young migrants offers the opportunity to take full advantage of the benefits migration can offer, and to protect them from radicalization. This includes strengthening young migrants, supporting their individual development by ensuring access to education, cultural integration - including language and vocational training - and providing adequate health and psychological support.
33. As a parliamentary organization, PAM MPs have the responsibility to ensure that the objectives of the Compacts are achieved and further improved. It is very important that PAM continues to work on the implementation of the Global Compacts' objectives. This includes, inter alia, a fruitful dialogue with those countries that have so far refused to sign the Global Compact for Migration and monitoring the influence of migrants' laws, policies and practices on human rights. Governments should ensure that reception conditions for migrant and refugees fulfil the basic rights and needs of these people, especially for children and women.
34. Comprehensive global cooperation can improve the current difficulties arising from the vulnerability of the region and the resulting wave of mixed flows of migrants and refugees. A PAM meeting dedicated to the analysis of the future prospects of migration and refugee movements from Africa to Europe is highly recommended in order to predict such movements.
35. The best way to deal with displacement, remains to deal with the root causes, so that people do not need to leave home in the first place. The international community must listen to young people who do not simply want stability, but better prospects and hope for the future. It is also important to support host countries, both financially, and by removing barriers that prevent refugees from working, or from fully integrating within host communities.
36. Moreover, since preventing and combating migrant smuggling and human trafficking requires a new legal framework between countries of origin, transit and destination, PAM can convene a meeting dedicated to the harmonization of legislations on smuggling of migrants and the effective implementation of the Smuggling Protocol in the Euro-Mediterranean area, as it is already doing on the issue on counter terrorism.
37. Special attention should be dedicated to the future of the migration and refugees flows from Africa to Europe with the aim of predicting and better managing those flows. A PAM meeting on the subject is highly recommended, and Morocco has already expressed the interest of hosting it in 2020.