

RECOMMENDATION 108/2009¹

Migration in BSEC Member States: Legal Aspects

1. The Parliamentary Assembly of the Organisation of the Black Sea Economic Cooperation (PABSEC) acknowledges the multifaceted and complex nature of migration trends in the Black Sea region. The primary reasons for migration are to escape unemployment and the economic hardships of transition, inequalities in income and lifestyle, violation of human rights and environmental degradation constitute additional factors generating migration. In the context of unresolved conflicts, the issue of displacement remains a rather complex priority.
2. Migration, while offering opportunities as well as challenges, influences the social, economic, and political dynamics in the countries of destination, transit, or origin. Well-managed migration that takes place within a legal framework promotes human exchange and contributes to economic growth. Mismanaged and irregular migration, which is outside the legal framework, has a serious negative impact on national and regional stability and security. Therefore, migration needs to be addressed in a comprehensive and balanced manner if the Black Sea area is to reap the benefits and reduce the risks related to migration.
3. The PABSEC notes that the ongoing global financial and economic crisis has led to rising unemployment and other social problems, which has led to an increase in irregular migration. The growing activities of transitional organized criminal groups that profit from human trafficking and smuggling pose serious problems in the countries of origin, transit, and destination. Illegal migration has increasingly become a major economic, social, political, and security concern for the governments in the Black Sea region, and building an efficient migration management framework has become a priority.
4. The Assembly is aware that in a rapidly changing globalized world proper and adequate legislative frameworks are of paramount importance in dealing with migration issues. The national parliaments of the BSEC member states give due priority to reviewing, updating, and modernizing existing legal instruments in order to establish a proper legislative framework that is compatible with international migration standards. The primary

¹ Assembly debate on 12 June 2009 (see Doc.: GA33/LC33/REP/09, Report of the Legal and Political Affairs Committee: *Migration in the BSEC Member States: Legal Aspects*, held in Manisa, Turkey, on 29-30 April 2009; Rapporteur: Mr. Paata Davitaia – Georgia).

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objective is to meet the known challenges in migration management, with due regard to global migration trends and sound understanding of national perspectives.

5. Migration practices and legislative frameworks vary in the BSEC member states. Therefore, coordinated, coherent, and effective migration policies are needed, based on the sovereign rights and legitimate interests of each country, as well as on their international obligations.
6. The PABSEC recognizes that international cooperation is essential to address the challenges of migration management and to promote economic growth and sustainable development. Solutions to migration problems can best be found through mutual and integrated action in the spirit of partnership, within the common goal to turn the Black Sea region into the area of peace, stability, and prosperity.
7. The Assembly appreciates the efforts of international organizations, notably the International Organization for Migration (IOM), in sharing knowledge with the BSEC and its member states. The PABSEC welcomes providing expert advice, research findings, technical cooperation, and operational assistance in order to build national capacities and facilitate international, regional, and bilateral cooperation in migration management issues.
8. **Therefore, the Assembly recommends** that the Parliaments and the Governments of the BSEC member states:
 - i. *improve* national legal frameworks for migration management with due regard to the interests of neighbouring states and procedures, as well as international obligations;
 - ii. *fulfill* international obligations under the international legal instruments, and incorporate the provisions of international conventions related to migration into national legislations;
 - iii. *ensure* bilateral and multilateral inter-agency cooperation covering key issues such as visa policies, admission policies, border management, asylum, trafficking, readmission;
 - iv. *ensure* that migration policy of the states provides the guidelines for timely and well-coordinated response of the state institutions to the challenging issues of migration;
 - v. *support* a comprehensive analysis of the root causes and consequences of migration in order to better understand and manage migration;
 - vi. *pass* necessary legislation to prevent irregular migration, human trafficking and smuggling, to combat criminal organizations, and to offer protection and rehabilitation to the victims of trafficking;
 - vii. *devise* knowledge-sharing frameworks that will best facilitate the sharing of information and the exchange of best practices on the broad migration agenda and *to support* projects involving non-state actors and representatives of civil society;
 - viii. *take measures* to establish conditions for the return of refugees and displaced persons to their countries of origin, including rehabilitation programs;
 - ix. *promote* awareness campaigns on the benefits and positive impact of legal migration and simultaneously raise awareness of the adverse effects of migrant trafficking and related abuse;

- x. *strengthen* bilateral frameworks for cooperation in the migration sphere and, where necessary, extend their scope by signing new agreements covering specific areas;
 - xi. *participate* more actively in the regional and inter-regional gatherings dedicated to new approaches to the global challenges of migration and *to ensure* an effective framework for enhanced relations and working contacts with major European and international bodies specializing in migration, in order to enrich the Black Sea regional cooperation with new concepts and elements elaborated by the international community;
9. **The Assembly invites** the BSEC Council of the Ministers of Foreign Affairs to consider this Recommendation.