

VIII SOUTH-AMERICAN CONFERENCE ON MIGRATIONS

Montevideo- Uruguay- September 17 - 19, 2008

DECLARATION OF MONTEVIDEO - MIGRATION, DEVELOPMENT AND HUMAN RIGHTS OF MIGRANTS

The Representatives of the Republic of Argentina, the Republic of Bolivia, the Federative Republic of Brazil, the Republic of Chile, the Republic of Colombia, the Republic of Ecuador, the Republic of Paraguay, the Republic of Peru, the Republic of Suriname, the Oriental Republic of Uruguay, and the Bolivarian Republic of Venezuela, gathered in the 8th South American Conference on Migrations, in Montevideo, held between September 17 and September 19, 2008;

REAFFIRMING their adherence to the principles set forth by international rules and conventions, in particular, the Universal Declaration of Human Rights, the American Convention on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on Elimination of all Forms of Discrimination against Women, the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, the Convention relating to the Status of Refugees (1951), and the Protocol relating to the Status of Refugees (1967); the Protocols of Promotion and Protection of Human Rights of the MERCOSUR and the Andean Charter for the Promotion and Protection of Human Rights.

Taking into account the commitments and guidelines adopted by the Governments during the preceding South-American Conferences and the declarations on migration policy carried out by the European Union made by the Presidents of the Union of South-American Nations and by the Presidents of the MERCOSUR Member and Associated States; the Declaration of the Rio Group; Resolution 332 of the Latin American Integration Association; Resolution 938 (1554/08) of the Permanent Council of the Organization of American States; the notices given by the Ministries of Foreign Affairs of the Andean Community of Nations and the Andean Court of Justice; the Declaration of Quito of the I Andean Forum on Migration and the Position of the Meeting of Ministers of the Interior of the MERCOSUR and Associated Members, in particular on the "Return Directive";

Reaffirming the importance of protecting and guaranteeing the full respect of human rights of migrants and their family members, in particular women and children, regardless of their migratory status;

Reaffirming the right of every individual to free circulation and that migration is a natural condition of the human being and part of the historical development process of humanity;

Considering that the "consolidation of a South-American identity through the progressive recognition of the rights of the nationals of a Member State residing in any of the other Member States, with the purpose of obtaining a South-American citizenship" is one of the specific goals of the Union of South-American Nations;

RECOGNIZING that poverty, inequality of opportunities, access to basic services, gender inequity, income gaps and different life conditions among the regions constitute the main reasons for migration; and that there is a shared though differentiated responsibility of the States of Origin and the States of Destination in finding the solution to this issue;

Considering the contribution of migrants to the economic, cultural and social development of the countries of origin as well as of the countries of destination;

Considering the adoption by some receiving countries of restrictive migration policies based on the concept of security, which hinder the main rights of migrants;

Taking into account the integration process fostered by the Peoples and Governments of the region and the improvements reached during the process of free circulation and residence of persons, as well as the historically cumulated experience and the traditional opening as migrants-receiving countries;

Conscious of the significance of facing the present world context in order to reach a common position in migration issues and bearing in mind the next II Global Forum on Migration and Development to be held in Manila in October 27-30, 2008;

DECLARE

1. Their absolute conviction that the human being is the main issue of migration policies and programs, and consequently, priority should be given to the full exercise of migrants' rights.

2. The multidimensional characteristic of migration and the application of restrictive measures by the countries of destination do not constitute a realistic solution to irregular migration. Migration must be dealt with as a whole and in a comprehensive way, through policies tending to eliminate factors that give origin to migration and by the promotion of dialogue among the countries of origin, transit and destination.

3. To exhort the implementation of a constructive dialogue, which must incorporate the analysis of the deep reasons of migration, caused by the asymmetries and inequity in international economic relations.

4. To refuse migrants criminalization, xenophobe, discrimination and abuse of authority and massive deportations by some receiving countries;

5. To express their refusal of the European Union approval of the so called Return Directives and the criminalization of migrants that might imply the application of this kind of rules and to point out that the returning operation may only result from the free decision of the migrant.

6. That the procedural guarantees for human rights protection of migrants and the observance of the main principles of International Law and of the pertinent international agreements, shall be primary and must not be subject to the implementation of public policies.

7. To reaffirm the will to create the mechanisms for a permanent dialogue in the field of migrations, according to the commitments undertaken in the Declaration of Lima ALC-UE, of May 16, 2008 on the basis of a widened agenda to include not only restrictive migration policies as contemplated in the European Pact on Migration and Asylum, but also those international cooperation actions and policies for the true development of the countries of origin in accordance with the Millennium Development Goals.

8. To emphasize the importance that the developed countries should adopt the necessary policies to prevent international economic asymmetries, multimillionaire subsidies that distort competitiveness, the failure to open their markets to the products of the developing countries from deepening migration reasons, that is structural poverty, social exclusion and inequality of opportunities.

9. To exhort the European Union to promote migration policies consistent with the promotion of human rights and the integral development and urge the member states to keep and deepen the commitments undertaken in the Millennium Development Goals, the Human Rights International Law, the International Humanitarian Law and international jurisprudence in the matter, as well as in the dialogues UE - Latin America and the Caribbean, MERCOSUR, ACN, and Chile.

10. To exhort the European Union to reconsider the Decision adopted by the COREPER and the European Parliament and to establish procedures and mechanisms tending to the regularization of migrants from the South American region that are still in an irregular migration condition.

11. That emigration constitutes a high social and economic cost for our countries, on account that part of the public investment in human development is transferred to the countries of destination, in prejudice of the development of the countries of origin and by the negative impact of family disintegration.

12. That, notwithstanding the right to work and to free circulation, the active capture of qualified human resources results particularly alarming, being promoted by the developed countries through discriminatory selective policies, resulting in a transfer of human resources from the less developed countries to the developed world, without an adequate cooperation and co-responsibility.

13. To exhort those countries which have not yet adhered and/or ratified and applied the International Convention on Protection of the Rights of all Migrant Workers and their families, to do so.

14. Likewise, to urge the States which have not yet adhered and/or ratified and applied the United Nations Convention against transnational organized crime, its Protocol on Illicit Traffic of Migrants by Land, Sea and Air and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, to do so.

15. To reaffirm the decision adopted by the States of the region to fight against execrable crimes of trafficking in persons and illicit trafficking in migrants, recalling, at the same time, that the re-strengthening of restrictive migration policies and measures by some countries of

destination, are one of the issues that encourage crime increase, endangering our populations. Likewise, to promote international cooperation for the protection of victims in the countries of origin, transit and destination, to include guidelines, legal protection and assistance in case of returning to the country of origin after having made a free decision.

16. To point out the progress achieved regarding free circulation of people, as a basis for development and to encourage regional integration, and urge the countries which have not yet adhered to the Residence and Immigration Regularization of the MERCOSUR and Associated States to do so.

17. Their decision to consolidate the South-American Migrations Conference as a permanent instance of political dialogue and cooperation in the region. The Pro Tempore Presidency, in consultation with all the countries, shall produce in the IX Conference a project proposing the operating mechanisms and strategic development of the SMC.

18. Within the framework of good practices on migration management, they agree to establish the South-American Net for Migration Governability, with the purpose of taking advantage of and spreading the capacities developed by each country member of the SMC and enhancing them on the basis of the South-American horizontal cooperation and strengthening of regional integration.

19. To hold intersessional meetings with the purpose of carrying out the follow-up of the decisions adopted by the SMC and preparing the following Conferences.

20. That it is necessary to reinforce the linking policies of the member states with the citizens residing abroad. In that sense, the SMC is a privileged forum for the exchange of experiences on such field. Therefore, this issue should be dealt with during the afore mentioned intersessional meetings.

21. To produce the Declaration of Montevideo before the II Global Forum on Migration and Development, to be held in Manila, Philippines.

22. To thank and accept the offer of the Republic of Ecuador as headquarters for the IX South-American Conference on Migrations to be held during 2009.

23. To highlight the participation of the MIO elected General Director, Ambassador William Lacy Swing, during the deliberations of the SMC, as well as the tasks carried out by such Organization as Technical Secretariat of the Conference.

24. To thank the people and authorities of the Oriental Republic of Uruguay for their kind greeting and hospitality towards the participating Delegations and by the great organization of the VIII South-American Conference on Migrations.

Montevideo, September 19, 2008.

[Signatures of representatives of Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Suriname, Uruguay, Venezuela]