

**Government of National Accord (GNA)**

**Ministry of Foreign Affairs**

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**Note Verbale**

**The GNA's Ministry of Foreign Affairs (Department of International Organisations) extends its warmest regards to the International Organisation for Migration (IOM).**

As part of the Department's follow up and review of the non-binding Global Compact for Migration for Safe, Orderly and Regular Migration (GCM) adopted in Marrakech in 2018, please find our National Report on the Regional Review of the GCM.

**The GNA's Ministry of Foreign Affairs (Department of International Organisations) would like to take this opportunity to express its utmost respect and appreciation to IOM.**

**To: The International Organisation for Migration (IOM)**

**Tripoli, 4/10/2020**

**The State of Libya**  
**Government of National Accord (GNA)**  
**Ministry of Foreign Affairs**  
**Department of International Organisations**

**The Regional Review of the Global Compact for Safe, Orderly and Regular Migration**  
**Report of the State of Libya**  
**September 2020**

## **The official position of the State of Libya on the non-binding GCM adopted in Marrakech in 2018**

**Legal status:** Non-member state / Abstention

Official position on the GCM:

Libya agrees with some of the general principles on which the GCM is based, but has reservations regarding certain points which led to its abstention from the vote at the General Assembly. These reservations can be summarized as follow:

1. The GCM aims to legalise illegal migration. It creates confusion between the two concepts and does not clearly distinguish between illegal and legal migration.
2. The GCM, in its current form, confuses migrants and refugees, and does not clearly distinguish between the two concepts, despite the important differences between the two categories according to national definitions. It also confuses the rights of foreign workers and legally contracted expats with illegal workers.
3. The GCM puts countries of origin, transit and destination on an equal footing and does not distinguish between the rights and the obligations of each. The GCM also calls for the full integration of illegal migrants in their countries of residence with the aim of rendering them full nationals, the latter is a matter that Libya rejects in form and content.
4. In Libya's view, the GCM does not focus on addressing the root causes of illegal migration, on the complete contrary, it encourages citizens of countries of origin to leave their countries towards other countries in search of better livelihood sources instead of promoting sustainable development in the countries of origin to encourage them to stay and effectively contribute to the development of these countries.
5. The GCM considers migration a right, while it is a human choice which must adhere to the laws and regulations imposed by countries of transit and destination particularly with regard to the rules of entry, stay, and work.
6. Libya is currently going through a transition phase marked by instability which renders it difficult to join any international agreements that would create commitments for future governments.

### **Official commitment to participation to the process:**

Despite the fact that Libya did not sign the GCM and the fact that it is non-binding document; Libya committed to attending all thematic workshops and capacity-building workshops which were conducted in Cairo in December 2019, followed by regional reviews and the capacity-building workshop which was conducted virtually on 13 August 2020. By following-up on the activities related to the GCM, Libya aims to observe and remain aware of the developments in the implementation of the GCM objectives by its signatories, as well as the positive and negative aspects, the lessons learnt from implementing the GCM. Libya will benefit from all the information to be able to continuously update and re-evaluate its position concerning the GCM.

Developments of Migration Management in line with the principles of the GCM:

While reiterating Libya's reservations to signing the GCM adopted in Marrakech, the Libyan government has displayed its commitment to improving migration management in Libya notwithstanding the political and security challenges it is currently facing. Libya has made efforts in this regard in cooperation with

relevant local and international stakeholders. In 2019 and 2020, the Libyan government has effectively shown strong commitment to these issues by:

1. Forming the National Committee for Migration Strategies and Policies, which is a committee comprising technical experts with various backgrounds, as well as executive and legislative members from both the executive government branches and the Libyan House of Representatives in Tripoli. The committee's work aims to:
  - Focusing on migration management in a manner that extends beyond only combatting irregular entry.
  - Developing a strategy for coordination between the various entities.
  - Developing a strategy for long-term response.
  - Research and evaluations will be used to develop an evidence-based policy when developing this strategy.
  - The strategy design takes into consideration sustainable development goals.
  - The strategy aims to incorporate aspects drawn from current best practices in other countries, such as Morocco's experience.
  - Amongst the priorities of the strategy are the rule of law, human rights, and international cooperation particularly in the Mediterranean and Africa.
  - The strategy is meant to address migration management and decide the best way to manage migration either through a multi-institutional system or a central unified system.
2. Through cooperative programs with IOM, the relevant government bodies have displayed extensive interest in developing migrants' data registration systems and data sharing systems. The government is currently also developing a national system focusing on these aspects. The Ministry of Labour is also considering to establish a labour market information system, which will include information related to migrant workers.
3. The Ministry of Interior formed a special committee for the re-evaluation of the situation of some detention centres. It ordered the closure of a number of detention centres and the number of migrants currently in detention centres has become lower than 4,000 migrants.
4. Migrants from Niger and Egypt constitute the majority of migrants in Libya. In this regard, a multi-sector government committee was formed to examine the conditions of Egyptians and Nigerian migrants, with the view of developing the best policies to organise their entry and status, and to benefit from them in an orderly manner in the Libyan labour market.
5. Libya is still committed to Search and Rescue operations in its territorial waters.
6. Libya is still committed to cooperating with embassies and relevant international organisations in relation with migrants' voluntary return and repatriation.
7. The Libyan government, particularly the Ministry of Justice, has displayed great motivation to combat smuggling and human trafficking crimes. It is working closely with the United Nations Office on Drugs and Crime (UNODC), IOM, and UNICEF to develop its capabilities and knowledge of aspects related to smuggling and human trafficking. It is considering establishing capacity-building programs on these particular areas for the law enforcement and judicial bodies.

Conclusion: Libya aims to develop migration strategies in Libya in accordance with its sovereignty and national priorities as well as its international commitments. Despite the challenges caused by the current

political and security instability, it is important to continue deploying efforts to plan and learn from best practices, as well as to gather evidence, statistics and research on comparative policies. These efforts will constitute the preliminary phases that will lay the ground to develop a national strategy for a regular, orderly, and truly safe migration management as well as implement it properly in conformity with internal circumstances.