

Joint NGO Statement ahead of the European Council of 22-23 June 2017:

Towards a migration policy that works

In the last few years, migration has become a central part of the EU's foreign and development policy. In November 2015 the EU and several African states agreed on the Valletta Action Plan, which looks at ways to cooperate in the field of migration. In June 2016 the EU announced its new partnership approach with third countries, a framework that uses positive and negative incentives across policy domains to encourage partner countries to better cooperate in the field of migration¹. The five priority countries identified for this approach were Niger, Nigeria, Ethiopia, Senegal and Mali, among 16 other identified partnership countries².

Civil society met this approach with a lot of concern.^{3,4} Key issues outlined were:

- **A predominant focus on border control, return and readmission**, which primarily aims to stop onward movement.
- **Financing migration control through development aid**. The European Development Fund and the Africa Trust Fund are largely financing this new approach, which raises questions about the principles of effectiveness, ownership and alignment with the needs of the recipient countries, as well as around the crucial focus on eradicating poverty where it is needed most.
- **Negative impact on human rights**. Measures to tighten border control in third countries increase the risk of human rights violations.

In the last year, the partnership framework has achieved limited results. Its central premise, to leverage existing EU and Member States' external cooperation instruments and tools in order to manage migration to Europe, did not bear fruit. Prioritising return and readmission above all else has proven to be ineffective. From the Commission's fourth progress report on the partnership approach, it is clear that many third countries show a reluctance to cooperate, and even in Niger – hailed as a model by the Commission – refugees and migrants are now forced to take new and riskier routes, putting their lives at risk.⁵ In spite of deterrence measures put in place, people continue to move in search of safety or a better life. As civil society, we believe this model will prove to be unsustainable in the long-run. For a migration policy that works, we recommend the following:

- 1. Look at the bigger picture.** Migration is not a problem to be solved but a complex phenomenon with both positive and negative elements. Good governance, stability, respect and protection of human rights and the rule of law, equitable trade, fair taxation, climate change policies and sustainable private investment are all instrumental to long term development and eradication of extreme inequality, poverty and conflicts. These issues need to be addressed for the benefit of those people who are forced or decide to move, as well as those who are unable to flee from danger and poverty.
- 2. Expand and improve safe and regular pathways to reach the EU.** A notable gap in the EU's migration agenda remains the lack of any increase of safe and regular channels to reach the EU. Such measures would not only address the legitimate concerns of countries of origin – including

¹ <https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-385-EN-F1-1.PDF>

² Ethiopia, Eritrea, Mali, Niger, Nigeria, Senegal, Somalia, Sudan, Ghana, Ivory Coast, Algeria, Morocco, Tunisia, Afghanistan, Bangladesh and Pakistan.

³ https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/jointstatementeuimmigrationresponse.pdf

⁴ <http://carnegieeurope.eu/2016/11/21/upgrading-eu-s-migration-partnerships-pub-66209>

⁵ https://eeas.europa.eu/sites/eeas/files/4th_progress_report_partnership_framework_with_third_countries_under_european_agenda_on_migration.pdf

countries where remittances comprise between 10 and 20% of their GDP and constitute a major factor in development – but also ensure that the responsibility for protecting refugees globally is shared more fairly. Regular pathways to reach the EU are key to ‘save lives’ and ‘break the business model of smugglers’. The EU should facilitate mobility to Europe by opening and strengthening safe and regular channels both for those in need of international protection and for other migrants, including through resettlement, humanitarian admission and humanitarian visas, family reunification, worker mobility across skill levels, student visas and private sponsorship programmes. Member States must commit to clear benchmarks and appropriate timelines for implementing a migration framework that meets the needs of migrants, asylum-seekers and refugees, their families, as well as the needs and obligations of Member States.

3. **Prioritize protection needs.** In the last year, the EU has implemented a number of policies that raise protection concerns and potentially put the lives of refugees and migrants at risk. Returning people to Afghanistan, facilitating the interception of boats by Libyan authorities and the disembarkation of refugees and migrants in Libya, and attempting to outsource responsibility for migration control and asylum to extremely fragile countries in the Sahel and the Horn of Africa have all **contributed to a gradual erosion** of protection standards within the EU and globally. Such actions increase the risk of human rights violations – including unlawful expulsions – and may also lead to increased tensions and instability in the receiving state, more displacement, and loss of credibility for the EU as a global human rights actor. The EU needs to promote protection systems in third countries, and prove that it is a genuine partner by properly protecting refugees and migrants in the EU.
4. **Acknowledge the benefits of migration.** The EU takes pride in free mobility under Schengen, while simultaneously trying to undermine free mobility elsewhere. Some regions in Africa have a long tradition of economic mobility which is an important source of economic development and regional trade. Models like the ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment should be fostered and improved, acknowledging the benefits they may bring in free trade, economic growth and labour mobility. Furthermore, leaders need to emphasise the need for migration to the EU, and its benefits to receiving states.
5. **Plan with, not for, other countries.** There is no quick-fix for migration governance. Any strategy addressing migration should be **properly planned, consistently funded, country-driven, evidence based and comprehensive, and should be developed in cooperation with all relevant partners.** The partnership approach is a process driven by the self-interests of the European member states and the EU. It fails to include input from, and lacks ownership by, governments and communities in third countries. It also ignores regional and local dynamics and priorities. To make effective progress in migration policies, member states need to understand the complexity of the issue and re-assess the risks of a short-term, security focussed approach.
6. **Protect, promote and monitor human rights.** Align the partnership approach with the EU Strategic Framework on Human Rights and the EU Action Plan on Human Rights and Democracy, and ensure that the human rights of migrants, asylum-seekers and refugees are central to the development and implementation of any migration policies. EU member states should refrain from engaging in any form of cooperation that might prevent refugees and migrants from leaving a country where they do not have access to effective protection and are exposed to a real risk of human rights violations. They should set up human rights impact assessments linked to funding instruments and genuine partnerships with civil society. **Both EU and its member states should also consider the development of a human rights monitoring and accountability mechanism, mitigating the risks of external migration policies.**

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