

MIGRATION COMPACT

Contribution to an EU strategy for external action on migration

1. INTRODUCTION

The unprecedented phenomenon of growing migratory flows towards Europe is expected to last for decades due to various geopolitical dynamics in the neighbourhood and beyond (mainly Middle East and North Africa, Sahel, Horn of Africa): security challenges and regional instability, deterioration of economic and social environment, poverty and unemployment, climate change, etc. The migratory challenge is seriously jeopardising the fundamental pillars of European integration (e.g. integrity of the Schengen area) and solidarity among Member States.

The complexity of such a challenge is linked to the mixed nature of the flows (both refugees and economic migrants). Actions taken in the **Eastern route** have to deal with mixed flows with a greater component of refugees due to the civil war in Syria. Flows through the **Central/Western Mediterranean route** are composed mainly by economic migrants and are expected to last in the medium-long term. The EU should be ready to cope with both challenges (the second is expected to last for decades) as well as with the opening of other possible routes (eg. north-east).

At the same time, if well managed, migration may represent an opportunity both for the EU and partner countries, in terms of economic growth and development, and for an ageing Europe in terms of sustainability of social security systems.

2. LESSONS LEARNED

Most recently a number of initiatives and legislative proposals have been discussed at EU level to address the challenge, mainly focusing on the EU internal dimension, such as: the establishment of the European Border Guard; the reform of the Common European Asylum System which should feed into ambitious legislative proposals; the Decisions on relocation adopted in 2015; the intention of the Commission to not take into account the costs for the management of the current crisis under the Stability and Growth Pact; the Communication “Back to Schengen” and the recent proposals on “Smart Borders”.

However such measures only constitute components, even though important ones, of the more comprehensive response needed which so far does not yet directly address the external dimension of our migration policy. In order to be effective such internal measures need to be complemented with a stronger joint external action. The outburst of the migratory crisis highlighted the need to overcome fragmentation of available EU external action tools and to upgrade the Global Approach to Migration and Mobility, revise the EU-ACP partnership, and further develop the pathways offered by the Valletta Action Plan, by the EU-Turkey agreement and by the existing Dialogues the EU is promoting at regional level (such as the Khartoum and Rabat Processes).

In order to design a reinforced external action strategy on migration it is urgent to carry out a comprehensive analysis of all existing instruments and actions with the aim to highlight the strengths and weaknesses of the existing framework and consequently reorient the EU programming and planning.

The recent EU/Turkey agreement represents the first attempt to initiate a large-scale cooperation with a third country and has shown that it is possible to use existing tools and budget in an innovative way.

All existing initiatives and instruments in the field of external action should be directed (in a coherent way with the internal ones) to developing an active strategy, focussing first and foremost on African countries of origin and transit.

3. THE WAY FORWARD: “THE FAIR GRAND BARGAIN”

The first step of the strategy should concern the **identification of key partner countries** to cooperate with on migratory issues and the definition of the kind of cooperation to develop with each of them. A matrix should be defined, on the basis of different migratory features of each country (origin, transit, origin and transit) and be adapted according to the characteristics of the country (e.g. economic and social trends, security, climate change, etc.). The Country Fiches prepared by the Commission and the EEAS are a good starting point and an example of interinstitutional cooperation which is much needed to improve our approach. Such a mapping should be accompanied by a thorough needs assessment to be carried out together with the third country, in a genuine spirit of co-ownership, and should become the basis for Country Specific Action Plans for an enhanced Partnership.

The EU should upgrade its commitment on priorities identified by the third country, while the latter should upgrade its commitment on priorities identified by the EU.

3.1 The EU may offer:

- ✓ **Investment Projects** with a high social and infrastructural impact to be identified together with the partner country as a crucial incentive for enhancing cooperation with the EU. To that end, programming of external action financial instruments (EDF, DCI, ENI, etc...) should be reoriented and a new EU Fund for Investments in third countries should be established.
- ✓ **"EU-Africa bonds"** to facilitate the access of African countries to capital markets (with a medium-to-long-term perspective in order to ensure capital availability for growth and sustainable prosperity schemes), as well as other innovative financing initiatives (facilitating remittances and their re-investment and blending mechanisms, etc.), in synergy with the EIB¹ and other European and international financial organizations.
- ✓ **Cooperation on security:** mainstreaming migration (border management/control, customs, criminal justice, management of migrants and refugees in line with international standards) in the mandate of existing and future CSDP missions in Africa (Sahel; a reflection could also be conducted for the Horn of Africa). The logical next step in this process would be a regional grouping of missions to better manage a phenomenon that, by definition, has a “cross-border” dimension. Support should also be ensured to existing regional processes aimed at regional cooperation in security and migration domain (e.g. the G5 Sahel). This approach should go alongside the practical implementation of the Capacity Building for Security and Development concept (“CBSD”), coupling training with adequate equipment.
- ✓ **Legal migration opportunities**, building upon the pillars set out at the Tampere European Council in 1999, as an incentive that could include: entry quotas for workers, information on job opportunities in Europe for third countries nationals, pre-departure measures (including language and vocational training) in collaboration with European companies ready to employ manpower from third countries, matching of demand and supply of jobs, professional and social integration in the host Member States, Erasmus Plus programmes for students and researchers. Initiatives on circular migration as well as south-to-south migration opportunities should be further explored.
- ✓ **Resettlement schemes** as compensation for the burden on those countries that engage in establishing national asylum systems in line with international standards.

¹ See European Council Conclusions, 17-18 March 2016, doc. 12/1/16.

3.2 The EU may ask:

- ✓ Commitment on effective **Border Control** and **reduction of flows towards Europe**. The EU should help with "capacity building" initiatives and supply of equipment and technologies. Third countries should also engage in Search and Rescue activities. The European Border Guard, within its new mandate, has to step up the cooperation with third countries and have a coordinating role.
- ✓ **Cooperation on returns/readmissions**, focusing on operational agreements, reciprocal posting of liaison officers in third countries and Member States to speed up identification and issuing of travel documents. The EU should fund these secondments as well as reintegration programmes for returnees. The third country should accept repatriations also via charter flights organized by individual Member States or by the European Border Guard. The EU should provide assistance in the development of biometric databases and IT systems for civil registers. Development of readmission cooperation among third countries should be supported by the EU. The EU should promote a coherent revision of the EU-ACP partnership (post-Cotonou) in line with EU priorities on migration, including the full implementation of obligations under art. 13.5 of the Cotonou agreement.
- ✓ **Management of migration and refugee flows**: third countries should be supported in establishing a system of reception and management of migratory flows (including infrastructures and logistics), which should foresee careful on-site screening of refugees and economic migrants, coupled with resettlement measures to Europe for those in need of international protection and returns for irregular migrants.
- ✓ **Establishment of asylum systems**: the EU should support third countries in establishing national systems, in line with international standards, which offer on-site protection ("safe harbours") to those in need. The experience of relevant international organizations such as UNHCR and IOM could be used to help third countries to establish reception centres for refugees, financed by the EU.
- ✓ To strengthen the **fight against trafficking in human beings and smuggling of migrants** also through joint police and judicial cooperation.

To implement this approach, **the new European Border Guard** (in particular the new Office for Returns) **should develop a plan** (already before the entry into force of the Regulation) **for joint EU return operations** to be financed with the EU budget and for supporting return operations from third countries of transit to countries of origin (where cooperation on readmission is in place). The possibility for Member States having privileged relations with specific third countries to lead and organize (with the support of the Agency) joint return operations should be explored. The EU should use in an effective way its network of Delegations, the new Border Guard and all Common Security Defense Policy instruments. This effort could be complemented by contributions from Member States.

All EU and MS existing security, foreign and development policy instruments should be strategically combined to maintain a **constant European law enforcement presence in the Saharan belt** with the objective of formally training, equipping, assisting and cooperating on security with countries in the region (border control, joint patrolling, irregular migration and trafficking, terrorism, drugs, organised crime, etc.), while informally improving our early warning and prevention mechanisms.

3.3 The “Migration Compact” approach should be financed through:

- **Reorienting of programming of external action financial instruments** (EDF, DCI, ENI, etc...).
- **A new financial “Instrument for the external action in the field of migration”** (IEAM)² to be established within the EU budget and operate in synergy with AMIF and ISF. In the meantime, the EU should increase resources available under the Emergency Africa Trust Fund in support of a EU-Africa Program for prosperity, security and migration, building on the Valletta Action Plan and make use of regional migration dialogues (such as the Khartoum and Rabat Processes) to ensure African ownership.
- **“Common EU Migration Bonds”** to be issued to fund the migration management in Member States and to finance the “Migration Compact” goals.
- **A new EU Fund for Investments in third countries** to finance sustainable investments in the region and attract European investors, including through blending structures and operations by the Commission and the EIB.

LIBYA

In this context, the **stabilization** of major transit countries, such as Libya, is a strategic priority of the first order also to cope with migration and refugee flows. At the EU level, we will need to step up our partnership with the Libyan government, while engaging in targeted **capacity-building** programs aimed at bolstering the Government’s control over its territory and law-enforcement capacity.

The EU should ensure the best possible use of EUNAVFOR MED Sophia and its capacity in contributing to the disruption of the business model of human smuggling and trafficking networks in the Central Mediterranean, thus contributing to Libyan and regional security. When the necessary conditions will be met, different possible options and tasks can be included in the Operation’s mandate, moving it to new phases and tasks, including the training of the Libyan Coastguard.

In addition the EU should offer Libya security sector support, including advice and capacity building in the fields of police and criminal justice, through a civilian **CSDP mission**, focusing as well on **border management** and assisting Libyan authorities in their efforts to **fight terrorism and improve management of migration flows**.

To this end, UN and EU efforts should aim at supporting the management in Libyan territory of migratory flows, also through careful screening of refugees and economic migrants, coupled with resettlement measures for those in need of international protection and return for irregular migrants.

² IEAM should cover potentially all geographic areas and could be used also for mobilising additional funding for the Facility for Refugees in Turkey.