

Future EU External Action on Migration

What the EU should be financing when migration is a predominant area of external action

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After the release of the European Commission's Communication package on the upcoming 2021-2027 Multiannual Financial Framework (MFF) of the European Union¹, CONCORD expresses concern about the fact that migration is appearing as a separate instrument (Migration and Border Management Instrument) and as a priority in the proposed single external instrument (Neighbourhood and the World Instrument) without ex-ante budget allocation secured for specific programmes.

In particular: **it is necessary for the European Commission to put forward an accurate and balanced plan with guidelines and criteria on migration –and displacement-related spending under the 'Migration and Border Management Instrument' and the different geographical and thematic programmes within the 'Neighbourhood and the World Instrument'**. Budgets addressing migration should be underpinned by sustainable, needs-based strategies elaborated on an equitable basis with countries of origin and transit. All the planned spending should be focused on protecting the rights of people on the move, through (i) ensuring access to humanitarian support for those who need it, (ii) bringing together humanitarian and development actors to provide long-term, predictable funding that is based on the needs of migrants, refugees and host communities and communities along the migratory routes, and (iii) ensuring that governments are working together to increase the development benefit of migration.

The experience with the EU Trust Fund for Africa (EUTF) shows that responding to a political priority in Europe by focusing on enforcement measures outside European borders risk fuelling poor governance, may undermine resilience and encourage reliance of migrants and refugees on smuggling and expose them to an increased risk of becoming victims of human trafficking and human rights violations.² Another lesson from the EUTF is that, even if at the start and according to the Valletta declaration, it covered 5 priority areas³ the implementation showed a trend to increase the focus of the EUTF on 2 areas, fighting human trafficking and migrant smuggling and strengthening cooperation to facilitate return and reintegration of irregular migrants.

¹ https://ec.europa.eu/commission/sites/beta-political/files/communication-modern-budget-may_2018_en.pdf

² CONCORD & CINI report: Partnership or conditionality: Monitoring the Migration Compacts and EU Trust Fund for Africa; and Oxfam, 'AN EMERGENCY FOR WHOM? The EU Emergency Trust Fund for Africa – migratory routes and development aid in Africa' (November 2017).

³ The five priority domains of Valetta are (1) addressing the root causes of irregular migration and developing the benefits of migration; (2) promoting regular migration and mobility; (3) reinforcing protection and asylum policies; (4) fighting against human trafficking and migrant smuggling; and (5) strengthening cooperation to facilitate return and reintegration of irregular migrants. *European Council, Valletta summit on migration, 11-12 November 2015, action plan, <http://www.consilium.europa.eu/en/press/pressreleases/2015/11/12-valletta-final-docs/>*

Here is a list of suggested priority areas for migration according to CONCORD:

- 1. Supporting partner countries in developing safe, orderly and regular migration pathways:** As part of external action, the EU needs to spend a considerable percentage of its migration financing on creating, supporting and improving safe and regular pathways for migrants across all skills levels, with a focus on supporting regional mobility between countries who depend on migration for their development. For example, between 70% and 80% of migrants in West Africa look for employment and development opportunities in neighbouring countries, which are all part of ECOWAS Free Movement Protocol, permitting ECOWAS citizens to enter, reside and establish economic activities in the territory of other member states.
- 2. Voluntary returns and reintegration:** EU support for returns of migrants must be human rights-based, sustainable, voluntary and dignified, based on existing readmission agreements, with a focus on a whole-of-government approach to reintegration, as well as a commitment to the *ius cogens* norm of non-refoulement and the prohibition of collective expulsion. Development aid should not be used for forced returns.
- 3. Addressing root causes:** It is important to recognize that the 'root causes' of human mobility are complex and include both adverse causes which push people from their home and positive drivers which encourage people to seek opportunities elsewhere. Addressing root causes and drivers must always be based on a thorough analysis of the context, in consultation with migrants and displaced people, host communities, as well as local and national governments. The specific needs of women, children and vulnerable persons must always be considered. The aim of European financial support should be to create sustainable solutions that address legitimate grievances, particularly around democratic processes and rule of law, social accountability, wealth distribution/inequality, gender justice and access to services, not to stem migration. Addressing root causes can only work parallel to offering safe and regular pathways, being mindful of the opportunities for development and humanitarian benefits that often come with cross-border movement. Although addressing root causes of forced migration, reaching development objectives and fighting inequality should not be influenced by the fact that a country or region is a country of origin of or on a migration route.
- 4. Cooperation with countries hosting displaced persons:** It is important to offer assistance to host communities, who are often affected by a large influx of displacement. Their own needs and resilience as host communities should be supported, with a view towards finding durable solutions for people who are displaced for long periods. This can only be effective if it provides local representatives, local and national governments and international aid providers with the opportunity to participate in a meaningful way in the design and the implementation of projects. Notably, support for displaced populations should be provided to internally displaced persons (IDPs) within their country, even if they have not crossed international borders.
- 5. Increasing access to international protection:** All the above-mentioned priority areas must be accompanied by programmes supporting persons in need of international



protection and their recognition among mixed migration flows, to ensure non-refoulement and the enjoyment of the right to seek asylum.

These five thematic areas should form the basis for the funding allocated for migration from the Migration and Border Management Instrument and the Neighbourhood and the World Instrument of the next MFF. Proportionate allocation of funds for each priority is a condition for sustainable impact. Moreover, the EU and the Member States must refrain from applying conditionality on development aid for partner countries, against their compliance with returns and readmissions, migration management and border control. Neither positive nor negative aid incentives should be used for the purpose of migration containment.

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