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INDEPENDENT ACTORS IN DEMOCRACY PROMOTION AND DEVELOPMENT COOPERATION

A new Approach to Migration in the Light of Africa-EU Relations

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1. Executive Summary

The topic of migration is of critical importance for the Joint Africa-EU Partnership. The EU and the African Union have adopted different frameworks on migration and mobility. At the EU-Africa Summit held in Brussels in April 2014, heads of state from both continents agreed on a common Declaration on Migration and Mobility in addition to the broader Summit Declaration.

The right policy framework and international cooperation are key for managing migration towards fostered development. However, in order to achieve tangible results and positive trends in migration, a new approach must be explored.

We need an efficient policy framework that reinforces the nexus between development and migration and adapts regulations and legal norms correspondingly. This Policy Paper will provide recommendations for steps towards adopting such a common approach.

It was elaborated by members of the ENoP Working Group on Africa-EU Relations. In order to complement the European perspective, three chapters have been co-authored by African partners.

As a contribution to the way ahead, the following aspects of migration in the context of Africa and Europe are addressed in this paper:

- Development and Migration – A new Approach for Africa-EU Relations Post-2015
- Safeguarding the Right to Asylum in Europe
- Labour and Migration
- Environmental Migration, Climate Change and the Post-2015 Sustainable Development Agenda
- EU Integration Policy – The Example of Malta

2. Development and Migration – A new Approach for Africa-EU Relations Post-2015

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Migration – when it is safe, legal, and voluntary – is the oldest poverty-reduction and human-development strategy.¹

Migration is essential, inevitable and remains a complex historical phenomenon. It is often seen as a result of imbalances in development and as influencing development – positively or negatively, depending on the context. While some may view migration as a source of livelihood, investment and overall development, others see it as a burden due to its socio-economic and political costs, which can hamper development. However, there is no question that there is a strong link between migration and development, from source to destination – though the concept is applied quite differently to developed and developing countries. Causes for migration differ widely. Migrants may move to new countries in search of better living conditions, work or family reunification. These voluntary movements should be distinguished from forced migration, whereby exterior threats to life and livelihood such as natural disasters or political conflicts force people to leave their homes. Thus, the effects of climate change often lead to forced migration.

As migration cannot be disconnected from integration and the capacities of a society to do so, migration is often perceived as a challenge to developed countries. It is essentially because of the latter that decision-makers must underline the clear benefits migration brings to development. Migration has fuelled growth, innovation and entrepreneurship, not only in migrants' countries of destination but also their countries of origin, with regard to the three aspects of remittances, recruitment (employment) and return. The International Organisation for Migration (IOM) acknowledges migration as an enabler of development, providing a clear contribution to the Millennium Development Goals (MDGs) as financial and social remittances have a considerable impact on countries of origin.² The World Bank estimates that remittances have reached levels nearly three times higher than official development cooperation funds, with global figures for remittances expected to grow at an average of over 8% annually in the period

from 2013-2016, to about \$700 billion by 2016.³ Remittances benefit local households in countries of origin by sustaining daily living and, over time, providing investment funds for education, health services, housing and businesses. At a national level, remittances contribute to the balance of payments by providing much needed foreign exchange.⁴ At the same time, migrants are agents of development in terms of human social capital, such that the return of migrants can maximise the impact of migration through skill transfer ("brain circulation"). On the other hand, industrialised countries with an ageing population and high labour needs increasingly benefit from the youth labour migrants from developing countries. In addition, migrants often take over low-skilled jobs that local workers are no longer willing to perform. Even though we must not overlook the potential negative impacts of migration, such as children left behind or brain drain in the countries of origin, policies must be shaped from a global perspective in order to maximise the positive outcomes of migration.

In spite of all the benefits, there is a tragic side to migration, one that has dominated the debate during recent months. As national frameworks regulating immigration have become more restrictive, making it difficult for people from the South to get visas to legally enter developed countries, in recent years the number resorting to irregular means of entering has been on the increase. A great deal of migration today takes place at the hands of traffickers and smugglers, through unsafe and exploitative channels. Upon arrival in their countries of destination, migrants are at the risk of further human and labour rights abuses as they are often forced to take on illicit work or jobs that fall far short of their actual qualifications. Moreover, every day migrants perish at sea or along borders and face rejection and racism in their ports of arrival. Recipient countries such as Malta and Kenya must secure emergency funds for social welfare, repatriation or settlement programmes linked to immigration. For example, Kenya is currently hosting over 350,000 refugees, with growing numbers from South-Central Somalia⁵, an example of how migration can slow development. The incidents of drowning off the coasts of Lampedusa and South Sudan paint a dramatic picture of the negative realities of migration. Sadly, it took several such tragedies and shipwrecks in the Mediterranean Sea to push the topic into the focus of discussion. In 2013 the EU set up a Task Force Mediterranean (TFM) with the mandate of working out a range of measures to tackle the issue of migration and come up

1 Sutherland, Peter, Swing, William Lacy (17 March 2014), "Migration on the Move", <http://www.project-syndicate.org/commentary/peter-sutherland-and-william-l-swing-explain-why-migration-is-likely-to-gain-a-prominent-place-in-the-post-2015-development-agenda>

2 World Bank (October 2013), "Migration and Remittance Flows: Recent Trends and Outlook, 2013-2016", <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief21.pdf>, p.2.

3 Cf. above World bank (October 2013), Migration and Development Brief, p.1.

4 The Migration-Development Nexus: Evidence and Policy Options Prepared for IOM by Ninna Nyberg-Sorensen, Nicholas Van Hear and Poul Engberg-Pedersen for IOM, July 2002.

5 Cf. IOM on Kenya, <https://www.iom.int/cms/en/sites/iom/home/where-we-work/africa-and-the-middle-east/east-africa/kenya.default.html?displayTab=facts-and-figures> (page consulted October 30th 2014).

with an integrated EU approach.⁶ The question remains as to the ideal outline of an approach to manage migration in a way that it equally contributes to development for all; this Policy Paper will provide recommendations for steps towards it.

Migration and Development in EU–Africa Relations going forward Post-2015

The topic of migration is of critical importance for the Joint Africa-EU Partnership. Both the EU and the African Union have adopted different frameworks on migration and mobility. During the EU-Africa Summit held in Brussels in April 2014, heads of states from both continents agreed on a common *Declaration on Migration and Mobility* in addition to the broader Summit Declaration. In the common Declaration, they committed “to maximise the development impact of migration and mobility, to improve migration governance and cooperation in countries of origin, transit and destination and to promote the role of migrants as agents of innovation and development.”⁷ They further pledged to recognise the benefits of migration to both regions as a driver of inclusive growth, and to envisage an improvement of governance and cooperation in order to encourage legal migration such as labour migration. It is stated as crucial to address the root causes of illegal migration, and to enhance efforts to provide job opportunities, higher education and technological skills transfer for the younger generations in Africa. At the same time, the declaration underlines the need for the respect for human rights and dignity in this matter, as well as for a committed fight against the trafficking of human beings as modern form of slavery. It expresses a strong political will to address challenges in a comprehensive and coherent manner, with the aim of improving people’s opportunities on the basis of partnership and shared responsibility.

Furthermore, the Common African Position (CAP)⁸ on the Post-2015 Development Agenda clearly stipulates the need to strengthen migration and development. In the EU Global Approach to Migration and Mobility,⁹ the Council reiterates the need to foster stronger coherence between migration and other policy areas, in line with the EU’s Policy Coherence for Development commitments. The AU has also adopted a number of frameworks, including the Migration Policy Framework for Africa and the Action Plan for Boosting Intra-African Trade.¹⁰

The right policy framework and international cooperation are key steps in managing migration with a view to fostering development. The above initiatives are therefore commendable. However, in order to achieve tangible results and positive trends in migration, a new approach must be explored. Currently, Africa is dealing with a number of different conflicts in places such as South Sudan, Central African Republic, DR Congo, Libya, Mali, Nigeria and Somalia, leading to displacement of people, whereas the migration challenges in Europe are primarily of an economic nature. Approaches are thus needed that propose not restricting but facilitating migration, that see it as a process to be managed rather than a problem to be solved, and that propose expanding the possibilities for human aspirations and potential through mobility.¹¹ Which begs the question, *who will be in charge of creating the environment for fostering well-managed migration?* Given the prevailing circumstances, it will be for both, developed countries such as EU Member States that dispose of the necessary resources¹² and African countries, to come up with joint initiatives to better manage migration and raise its profile within the global context.¹³

6 Communication from the Commission to the European Parliament and the Council on the work of the Task Force Mediterranean, COM(2013) 869 final, 4.12.2012, (page consulted September 30th 2014).

7 EU-Africa Declaration on Migration and Mobility, Fourth EU-Africa Summit, 3rd of April 2014, (page consulted September 30th 2014)

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dpap/dv/eu-africa_migration_declaration/_eu-africa_migration_declaration_en.pdf

8 “Common African position on the post 2015 Development Agenda launched”, Press Release, African Union, June 3rd 2014, (page consulted September 30th 2014)

<http://ea.au.int/en/content/common-african-position-cap-post-2015-development-agenda-launched>

9 “Global Approach to Migration and Mobility”, DG Home Affairs, 14th of April 2014, (page consulted September 30th 2014)

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration/index_en.htm

10 “Action Plan for boosting Intra-African trade”, African union, Addis Ababa, January 2012, (page consulted September 30th 2014)

<http://www.au.int/en/sites/default/files/Action%20Plan%20for%20boosting%20intra-African%20trade%20F-English.pdf>

11 IOM, Swing, William Lacy (August 2013), “International migration and development– Towards a high-road scenario”,

<http://www.iom.int/cms/en/sites/iom/home/what-we-do/migration-policy-and-research/migration-policy-1/migration-policy-practice/issues/augustseptember-2013/international-migration-and-deve.html>

12 Cf. Bulletin of the Fridays of the Commission (June 2014), Hansungule, Michelo, “The principle of complementarity in the Rome Statue in the context of EU-Africa-EU”,

<http://ecdpm.org/wp-content/uploads/AUC-Bulletin-2014-Making-EU-Africa-Relations-Future-Proof.pdf>, p.47ff.: The article states that there is hardly any European or Western state that could plead poverty in the same sense as African states.

13 Cf. Footnote 5: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/142097.pdf

The interconnectedness between migration and development echoes through the current global development debate, with a shift from focusing on poverty reduction in a few countries to a broader quest to achieve global sustainable development. As such, it is not only logical but necessary to integrate migration prominently into the Post-2015 Development Agenda, as an enabler and a cross-cutting indicator for other development targets. The current proposal for a set of Sustainable Development Goals (SDG) does not prominently feature migration, however. It is not drafted as a stand-alone goal out of a current total of 17, but appears under proposed goal number 10 for reducing “inequality within and between countries”. Sub-goal 10.7 aims to facilitate “orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies.”¹⁴

If managed properly, migration can play a significant role in sustainable development and in alleviating demographic and economic challenges. However, a mere expression of political commitment is in no way sufficient. An efficient policy framework needs to be implemented, one which reinforces the nexus between development and migration and adapts regulations and legal norms correspondingly.

14 Proposal of the UN Working group on SDGs (retrieved October 31st 2014), <http://sustainabledevelopment.un.org/sdgsproposal.html>

3. Safeguarding the Right to Asylum in Europe

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The Lampedusa disaster of October 2013 is perhaps the most well-known among the refugee tragedies at Europe's borders in recent times, but it is far from unique. New victims are claimed every week. It has been estimated that up to 20,000¹⁵ people, of whom many are nationals of African countries, have died attempting to make their way to Europe through irregular means of transport in the last two decades.¹⁶

The hundreds of thousands trying to reach Europe each year in order to exercise their right to apply for asylum¹⁷ still represent only a minimal fraction of the world's refugees, while more than 80% are received by developing countries.¹⁸ At the same time, EU external border control has become increasingly successful in impeding so-called illegal immigration to the Union. Increased patrolling, razor-blade barbed-wire fences and night-vision surveillance cameras have been installed at the most trafficked external borders along the Mediterranean coasts and the border to Turkey.¹⁹ In so doing, the EU has managed to limit the flow of asylum seekers to its Member States compared to earlier estimates.²⁰

Even if we do not yet fully realise it, transcontinental migration stands as one of the major issues of our time. The world is currently experiencing the worst humanitarian refugee crisis since the Second World War. Consequently, hundreds of thousands of human lives are at stake, and they literally depend on our solidarity.

In accordance with the 1951 UN Refugee Convention, all EU Member States are legally obliged to offer protection to refu-

gees.²¹ In 2009 this responsibility was further confirmed through the incorporation of the EU Charter of Fundamental Rights in the Treaty of Lisbon.²² However, today nearly all those who would be legally entitled to protection in Europe are de facto denied the opportunity to even apply.

As a general rule, asylum seekers must be physically present in the country in which they wish to apply. Meanwhile, alternative ways of legal entry such as visas for visits, studies or work are consistently denied to anyone that could fall under the suspicion of "defecting" into seeking asylum upon reaching European shores. This practically disqualifies most people who are escaping for legitimate asylum motives from being granted legal entry to the Union – including African refugees from conflicts in DR Congo and Somalia or persecution in Eritrea, as well as victims of war in Syria and Afghanistan. The European practice of constructing de-facto obstacles to the exercise of the legal right to asylum risks coming into severe conflict with the object and purpose of the existing international legal protection framework. It therefore clearly constitutes a legal challenge to the obligations of EU states, but even more so a moral one.

The current EU asylum policy framework is to a large extent shaped by the Dublin Regulation, which determines the sharing of responsibility between EU Member States. The regulation's core principle – the first country of entry is the one responsible for receiving and assessing the asylum application – is resulting in overcrowded refugee centres in Mediterranean border states and leading to systematic deportations of asylum seekers to countries with severe social and legal deficits.

The Dublin III Regulation currently in force²³ is based on the assumption that the adhering States (EU28, Norway, Switzerland,

15 Shenker, Jack. "Mediterranean Migrant Deaths: a litany of a largely avoidable loss", *The Guardian*, October 3rd 2013 (Page consulted August 15th 2014) <http://www.theguardian.com/world/2013/oct/03/mediterranean-migrant-deaths-avoidable-loss>

16 Ibid.

17 "Europe's Asylum Seekers", *BBC News Europe*, September 2014 (Page consulted September 30th 2014) <http://www.bbc.com/news/world-europe-24636868>

18 "Facts and Figures about Refugees", UNHCR The UN Refugee Agency, 2013, (Page consulted September 30th 2014) <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>

19 Nielsen, Nikolaj. "Fortress Europe: a Greek wall close up", *euobserver*, December 21st 2012, (Page consulted September 28th) <http://euobserver.com/fortress-eu/118565>. "Frontex between Greece and Turkey: The border of denial – The Deployment of Frontex is impairing the right of asylum", International Federation for Human Rights (FIDH), July 17th 2014, (Page consulted September 28th 2014) <http://www.fidh.org/en/europe/15756-frontex-between-greece-and-turkey-the-border-of-denial-the-deployment-of>

20 "An increase in asylum seekers over the first six months of the year", *Migrationsverket*, 4th July 2013, (Page consulted September 28th 2014), <http://www.migrationsverket.se/English/About-the-Migration-Board/News-archive/News-archive-2013/2013-07-04-An-increase-in-asylum-seekers-over-the-first-six-months-of-the-year.html>

21 "Convention and Protocol Relating to the Status of Refugees", UNHCR – The Refugee Agency, February 1st 2011, (Page consulted September 28th 2014), <http://www.unhcr.org/3b66c2aa10.html>

22 Article 18, Charter of Fundamental Rights of the European Union, December 18th 2000, (Page consulted September 30th 2014), http://www.europarl.europa.eu/charter/pdf/text_en.pdf

23 "Dublin III Regulation", Regulation No 604/2013 of the European Parliament and of the Council, Official Journal of the European Union, June 29th 2013, (Page consulted September 2014). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>

Iceland) offer somewhat equivalent conditions for asylum seekers, or that they at least uphold acceptable minimum standards in the handling of asylum cases and treatment of applicants, in accordance with the EU Asylum Procedures and Reception Directives.²⁴

Adherence to such minimum standards ought to be a requirement for the legitimacy of applying this European legal instrument, by transferring asylum seekers between Member States in accordance with their first point of entry. A European Court of Human Rights judgment from January 2011 found that the transfer of third country nationals to Greece through application of the Dublin Regulation constituted a violation of article 3 (prohibition of torture) of the European Convention of the Human Rights.²⁵ In fact, the inability of Member States to adequately safeguard the most fundamental human rights in their application of the regulation must be considered a serious failure of the common migration policy. Several thousand asylum applicants were involuntarily – and often forcibly – transferred to Greece in the period prior to the judgment, despite substantial evidence that they would face severely inhumane conditions in the receiving country, including the risk of torture; EU Member States and institutions did not adjust their transfer practices until after the court ruling.

The failure of certain Member States to assure acceptable minimal standards for asylum inquiries and social conditions, at times related to their exposed geographical position, continues to constitute a serious concern for the political legitimacy of the application of the Dublin Regulation. There is therefore an obvious need to introduce a mechanism of permanent or temporary suspension of certain Member States as recipient countries, with regard to their size, geographical position and conditions otherwise.

The quota refugee system basically remains the only exception to the requirement of physical presence for the submission of an asylum application in the EU. Despite the obligation of EU Member States to cooperate with the UN quota-refugee implementing agency, UNHCR, the European Union only granted quota-protection to approximately 5,000 people in 2013, of which one Member State (Sweden) received more than a third.²⁶ These numbers contrast largely with the nearly 3 million refugees that have so far fled the war in Syria alone,²⁷ and of whom neighbouring states such as Lebanon, Jordan and Turkey bear the bulk of the responsibility.

Faced with the most alarming global humanitarian crisis in decades in their immediate neighbourhood, EU Member States could reasonably be expected to scale up their commitments. Such an increase in humanitarian responsibility might, however, be compromised by the current rise in the influence of extreme-right wing and xenophobic political movements across the European political scene. In the absence of an ambitious, unified and solidarity-driven common European practice on migration, the EU framework must provide for, and encourage, individual Member State initiatives to extend their unilateral commitments. In this regard, the Schengen Visa Regime should allow for Member States to assure the right to seek asylum on their territories, for example by unilaterally and temporarily exempting certain particularly at-risk nationals from visa requirements.

While focusing on mechanisms for legal avenues for asylum seekers to access the EU is necessary in order to find solutions to the refugee crisis, it is inevitable to add the role and consequences of EU border control to the equation. The increased efficiency of FRONTEX in its mission to impede so-called irregular

24 Council Directive 2003/9 /EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, Official Journal of the European Union, February 6th 2003, (Page consulted September 30th)

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32003L0009&from=EN>

“Asylum Procedures”, European Commission DG Home Affairs, October 1st 2013, (Page consulted September 30th 2014)

http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/common-procedures/index_en.htm

25 Mallia, Patricia. “Case of M.S.S.v. Belgium and Greece: A Catalyst in the Re-thinking of the Dublin II Regulation, Refugee Survey Quarterly, Vol. 30 No. 3, 2011, (Page consulted September 30th 2014)

<http://rsq.oxfordjournals.org/content/30/3/107.abstract>

26 EU Resettlement Fact sheet, UNHCR – The Refugee Agency, (Page consulted September 28th 2014)

<http://www.unhcr.org/524c31b69.pdf>

27 Syria Regional Refugee Response, Inter-Agency Information Portal, UNHCR – The Refugee Agency, September 23rd 2014, (Page consulted September 28th 2014)

<http://data.unhcr.org/syrianrefugees/regional.php>

migration to Europe obviously also constitutes a major obstruction to legitimate refugee migration. The effective closure of alternative entry points risks contributing to the desperation of people risking their lives in unseaworthy vessels. FRONTEX has repeatedly been criticised for actions that could constitute “push-backs” of refugees along European borders, effectively impeding them to seek asylum at EU border control offices.²⁸ This includes preventing vessels from reaching European shores and keeping asylum seekers away from EU borders by collaborating with the Turkish authorities.

The root causes of migration must be understood and addressed in order to better manage the current flows. Regardless of migration policy reform, people will continue to die as long as the drivers behind their escape remain. Therefore, Africa and Europe have obvious common interests and responsibilities in genuinely and adequately addressing the conditions causing this migratory crisis. Given its historical role, Europe must take a particular responsibility. Its relations with Africa should strive to further embrace principles of sustainable and inclusive economic development and encourage human rights and social equality, even when such interests might contrast with short-term economic gains. With the new EU Commission, policy coherence for development should no longer remain a laudable objective but should be put into practice. EU trade policies must be aligned with development objectives, and those regarding tax evasion and the arms trade must be reviewed. How governments manage to tackle the humanitarian crisis at Europe’s borders is inevitably a wager for the Africa-EU Partnership.

Despite its critical importance, concrete migration reform still appears to be given limited space on the Euro-African political agenda. While claiming to be “appalled over the loss of life caused by irregular migration,”²⁹ the general Declaration by the

4th EU-Africa Summit of April 2014 and its specific Declaration on Migration and Mobility do not clearly identify the root causes or propose any comprehensive solutions. In this context, civil societies in both continents have an important responsibility to keep up the pressure on governments and institutions, ensuring their genuine commitment to find sustainable solutions to the ongoing humanitarian crisis.

The international legal framework for migration is largely based on principles laid down by the international community in the aftermath of the 2nd World War. Consequently, it reflects the humanitarian and political contexts of the immediate post-war period, where protection from persecution on the basis of political views and ethnicity were its central theme. This is clear in the provisions of the 1951 UN Refugee Convention, which as a rule constitutes a basis for EU Member States’ national asylum legislation. However, global migratory patterns and their root causes have shifted considerably over the last decades, and the relevance and sufficiency of existing legal frameworks have been called into question. Never have so many people fled violence and humanitarian crises, and still only a fraction would qualify for the legal definition of refugees. From a humanitarian point of view, this is a crucial moment for EU Member States to honour their legal and moral commitments, by safeguarding the right to international protection in Europe through the establishment of effective, safe and legal avenues to asylum in the EU. Therefore it is important that the current framework on legal immigration be broadened in order to prevent any failure to reflect today’s realities on legitimate motives for migration. One important step should be to move away from protectionist doctrines and complement current regulations with effective provisions for labour immigration opportunities in the EU.

28 Frenzen, Niels. “Mediterranean flows into Europe: Migration and the EU’s foreign policy – Analysis by European Parliament DG for External Policies”, Migrants at Sea, March 25th 2014, (Page consulted September 28th)

<http://migrantsatsea.org/tag/push-back-practice/>

International Federation for Human Rights (FIDH), July 17th 2014

<http://www.fidh.org/en/europe/15756-frontex-between-greece-and-turkey-the-border-of-denial-the-deployment-of>

29 Fourth EU Summit: Declaration, European Commission, April 3rd 2014, p. 9 (Page consulted September 30th 2014)

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/142096.pdf

EU-Africa Declaration on Migration and Mobility, Fourth EU-Africa Summit, 3rd April 2014, (Page consulted September 30th 2014)

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dpap/dv/eu-africa_migration_declaration/_eu-africa_migration_declaration_en.pdf

Recommendations:

- The EU Commission and Member States should reform the Dublin III Regulation with a view to safeguarding acceptable minimal standards in the asylum process, by introducing a mechanism of permanent or temporary exception of certain Member States as recipient countries with regard to their size, geographical position and other conditions.
- The European Commission should encourage EU Member States to honour their obligations to the UN Refugee Convention, with a view to assuring the possibility of everyone to effectively exercise their right to apply for asylum, to substantially increase their quota-refugee commitments, and to consider loosening national visa regulations for particularly at-risk nationals.
- The mission and function of the EU border control agency FRONTEX should be reviewed with a view to facilitating legal routes into Europe, particularly with regard to asylum seekers, in accordance with the recommendations of the Africa-EU Civil Society Forum of October 2013.³⁰
- All EU Member States should, in an act of solidarity, support rescue operations such as Mare Nostrum, that can save the lives of thousands of refugees who will continue to cross the sea as long as root causes for their flight remain unaddressed.
- African and EU governments must allow for civil society actors on both sides of the Mediterranean to take an active part in the agenda setting and surveillance of the respect of fundamental human rights in national and common policies on migration.
- African and EU governments' efforts to tackle concerns related to migration should shift their focus from impeding the movement of people to addressing the root causes, by promoting sustainable and inclusive economic and social development, honouring development policies and promoting peace and human rights.

³⁰ CSO Brussels Declaration on the JAES, 25 October 2013, (Page consulted November 13th 2014)
http://www.africa-eu-partnership.org/sites/default/files/documents/jaes-cso_brussels_declaration.pdf

4. Labour and Migration

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In the current debate on labour and migration, the focus is mostly on the negative aspects of migration and the population growth of the African continent. Nonetheless, in an increasingly interconnected world, the migration of people cross borders will play an expanding role in the world economy. The heads of European and African States demonstrated their awareness on the importance of labour migration during the fourth EU-Africa Summit in Brussels, emphasising that facilitating policies should be promoted,³¹ but that at the implementation level a lot still needs to be done.

It is a combination of a general lack of jobs as well as a dearth of more highly skilled jobs that encourages Africans to emigrate and impedes their return after studies or work experience in Europe. By increasing policy coherence between trade, development and migration policies, Europe can contribute towards moving from “brain drain” to “brain gain” in African countries. Focussing its policies more on the creation of jobs, it can help to strengthen economic prospects.

From brain drain...

“In 25 years, Africa will be empty of brains”. That was the warning of Dr. Lalla Ben Barka of the UN Economic Commission for Africa.³² The brain drain effect was traditionally associated with the flow of skilled individuals from the developing world to Western Europe and North America. Nowadays, migration flows have become more complex including South-South migratory flows. Globally, Africa – especially Sub-Saharan Africa – has experienced the most serious negative repercussions of skilled people leaving. An estimated 300,000 African professionals live and work outside the continent. Since 1990, Africa has lost 20,000 professionals each year, and about 30,000 Sub-Saharan Africans holding PhDs live outside Africa.³³

The departure of health professionals has worsened the already insufficient ability of medical and social services in several Sub-Saharan countries to deliver even basic and social needs. 38 Sub-Saharan African countries fall short of the minimum World Health Organisation standard of 20 physicians per 100,000 people.³⁴ Brain drain has impacted some areas of specialisation much more than others; however, it particularly affects those that are essential for maintaining social services for society. Shortfalls have been severe for most countries in the fields of medicine, nursing, physical and human sciences, engineering, technology and computer programming.

The causes that contribute to the brain drain effect are numerous. They can be political, as most parts of Africa face political and security issues such as military coups, political persecution, poor human rights practices, the absence of academic freedom, etc.. They can also be economic, with huge salary differences between European and African countries: for instance, evidence from Africa suggests that many emigrants trained as health care workers were not working in that sector at the time of their departure. They had left the health care sector before they emigrated, which reflects their dissatisfaction with the working conditions, infrastructure and pay offered by their own countries. In order to keep these skilled workers, poor labour market conditions must be addressed.³⁵

Looking ahead, it will be important to enhance African and European civil society’s engagement in European policy debates on migration, as well as their association with Joint Africa-EU Strategy processes in a more consistent way. Efforts should focus on creating a comprehensive, detailed and up-to date database on the impacts of brain drain, in order to help decision-makers formulate more effective policies that encourage skilled persons in those areas where their departure is negatively affecting development priorities. CSOs in the form of think-tanks and other experts in the field of labour market also have an important role to play in analysing the root causes and improving ways to disseminate research findings throughout the continent on improved working environments and a strengthened private sector. The

31 EU-Africa Declaration on Migration and Mobility, Fourth EU-Africa Summit, 3rd April 2014, (Page consulted September 30th 2014)

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dpap/dv/eu-africa_migration_declaration/_eu-africa_migration_declaration_en.pdf

32 Debele, Ainalem. “Brain Drain and Capacity Building in Africa”, International Development Research Centre IDRC, (Page consulted 25th August 2014)

<http://www.idrc.ca/EN/Resources/Publications/Pages/ArticleDetails.aspx?PublicationID=704>

33 Shinn, David. “African Migration and the Brain Drain”, Institute for African Studies, Slovenia Global Action, Ljubljana, Slovenia, 20th June 2008,

(Page consulted 25th August 2014)

<https://sites.google.com/site/davidshinn/Home/african-migration-and-the-brain-drain>

34 Naicker, Saraladevi. Plange-Rhule, Jacob. Tutt, Roger. Eastwood, John. “Shortage Of Healthcare Workers In Developing Countries- Africa”, Spring 2009,

(Page consulted 25th August 2014)

<http://www.ishib.org/journal/19-1s1/ethn-19-01s1-60.pdf>

35 Dayton-Johnson, Jeff. Pfeiffer, Antje. Schuettler, Kirsten. Schwinn, Johanna. “Migration and Employment”, Organization of Economic Cooperation and Development, 2009, (Page consulted 25th August 2014)

<http://www.oecd.org/development/povertyreduction/43280513.pdf>

private sector and donors such as the EU should cooperate in developing centres of excellence for scientific research and the collection of evidence-based data, and increase budgetary allocations for research.

To brain gain...

Skills transfer is the other side of the coin of brain drain, whereby African migrants gain knowledge and skills abroad, which can then valuably be applied back home, a phenomenon referred to as “brain gain”.³⁶ This positive effect of labour migration can only apply if efficient strategies are developed to encourage return and circular migration. European education institutions can play an important role in turning the tables from brain drain to brain gain by strengthening direct links between institutions, but also by using grants given to students in a more strategic way and creating closer links with development policies. This can effectively turn migrants into the “agents of innovation”, mentioned in the latest EU-Africa Summit declaration.³⁷

Another aspect is the role of Diaspora. Immigrants today are re-connecting with their countries of origin more easily and more frequently than they could in the past. This new paradigm warrants a fresh look at the true impact of migration on the social and economic development of emerging and developing nations.

And creating economic prospects...

Remittances sent from working migrants to African countries contribute greatly to poverty reduction. The World Bank estimated that the African continent is presently almost dependent on remittances. The African Diaspora is a major source of foreign income, to the extent that remittances now outstrip foreign aid. Nearly 140 million Africans live abroad. The money they send back home exceeds

the development aid provided by European financial instruments.³⁸ The exact amount of these remittances is unknown, as not all of it is sent through official banking channels, but the official volume sent to the continent has gradually increased over the years, from \$11 billion in 2000 to \$60 billion in 2012.³⁹ To best leverage these financial flows, an “African Institute for Remittances” initiative is led by the African Union with the support of the World Bank and the European Commission, with the aim of monitoring the flow of remittances and overseeing policies in order to make money transfers easier, cheaper, safer and more productive.⁴⁰

Policies need to target both financial institutions (to reduce the transaction costs of remittances) and beneficiaries (to encourage smart financial choices and promote investment in countries of origin). For optimum development impact, all stakeholders should be considered: banks and money transfer operators, national institutions, the private sector and the diaspora, NGOs and International Organisations.

While making labour migration more efficient, the real challenge lies in the creation of local jobs. “Looking forward, over the next 15 years an additional 600 million new jobs will be needed to absorb burgeoning working-age populations, mainly in Asia and Sub-Saharan Africa.”⁴¹ The World Development Report was given the title “Jobs” in 2013. It emphasized the central role of job creation for the process of development. With the GDP of African countries growing at a speed of approximately 5% per year on average⁴², and a rapidly expanding population and labour force,⁴³ creating economic prospects and good jobs will be a crucial challenge for the continent in the years to come.

Jobs are increasingly seen as a key indicator for creating development. The EU-Africa declaration on Migration and Mobility (2014) therefore spoke of the importance of “providing employment

36 “African Common Position on Migration and Development”, African Union Executive Council, 9th Ordinary Session 15-29 June 2006, Gambia, (Page consulted 25th August 2014) http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/rcps/igad/african_common_position_md.pdf

37 Declaration of the IV Africa-EU Summit, April 2014. (page consulted 25th August 2014)

http://www.imvf.org/ficheiros/file/anexo_officialdocuments_normal.pdf

38 “International Migrant Remittances and their Role to Development”, OECD, 2006, (Page consulted August 25th 2014)

<http://www.oecd.org/els/mig/38840502.pdf>

39 Migration Remittances Factbook 2011, The World Bank, October 31st 2011, (Page consulted August 25th 2014)

<http://data.worldbank.org/data-catalog/migration-and-remittances>

40 Thematic Partnership on migration: Mobility and Employment Action Plan 2011-2013, June 14th 2013. (Page consulted August 25th 2014)

http://www.africa-eu-partnership.org/sites/default/files/documents/130614_mme_action_plan_fiches_-_update_clean_2.pdf

41 “World Development Report 2013 ‘Jobs’”, The World Bank, Washington, US, 2013 (Page consulted August 25th 2014)

http://siteresources.worldbank.org/EXTNWD2013/Resources/8258024-1320950747192/8260293-1322665883147/WDR_2013_Report.pdf

42 “Africa’s Growth Set to Reach 5.2 percent in 2014 With Strong Investment Growth and Household Spending” Africa Pulse, Vol. 9, The World Bank, Washington, US, April 7th 2014. (Page consulted August 25th 2014)

<http://www.worldbank.org/en/news/press-release/2014/04/07/africas-growth-set-to-reach-52-percent-in-2014-with-strong-investment-growth-and-household-spending>

43 Leke, Acha. Lund, Susan. Roxburgh, Charles. van Wamelen, Arend. “What’s driving Africa’s growth”, McKinsey & Company. June 10th 2010, (Page consulted August 25th 2014)

http://www.mckinsey.com/insights/economic_studies/whats_driving_africas_growth

44 EU-Africa Declaration on Migration and Mobility, EU-Africa summit, 2-3 April 2014, (Page consulted August 25th 2014)

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/142097.pdf

opportunities for the youth at regional level".⁴⁴ In order to achieve this objective, policies need to be directed at supporting small-scale or local private sector development and small and medium enterprises (SMEs). Decent job creation must be a focus of development cooperation policies.

Job creation also means creating favourable conditions for the private sector to invest in a country. The most important conditions for a so-called enabling environment are: good governance and macro-economic stability; a sound infrastructure; legal certainty and an effective system of taxation; sound labour and

employment laws and their proper enforcement; the presence of qualified employees; access to social security; independent trade unions and employers' associations; and a strong civil society.⁴⁵

Civil Society Organisations can play an important role in strengthening this enabling environment and creating inclusive growth, as they are informed about situations on the ground and have sound knowledge on local situations and counterparts. By actively seeking cooperation with private companies and research institutes, CSOs can add this knowledge to an innovative growth-agenda.

Recommendations:

Policy-makers at the European and African level should:

- Address *brain drain* by improving working conditions and salaries for highly skilled workers in African countries as pull-factors to encourage return and circular migration.
- Promote initiatives such as the African Remittances Institute to facilitate better, more effective and safer remittance transfer systems that fully take into account the specificities of African countries.
- Foster small-scale local private sector growth by focusing on strengthening an enabling environment, such as: good governance and macro-economic stability; a sound infrastructure; legal certainty and an effective system of taxation; sound labour and employment laws and their proper enforcement; the presence of qualified employees; access to social security; independent trade unions and employers' associations; and a strong civil society.
- Give job creation a more prominent role in the strategic relationship between Africa and the European Union as well as in development policies.
- Ensure sufficient space for CSOs to fulfill their role in monitoring specialised training programmes in developing countries.
- Allow CSOs to play a stronger role in facilitating dialogue between governments, academia and the private sector on job creation, but also needs-based education programmes and the preconditions to establish them.

⁴⁴ "Development through sustainable enterprise", Social Economic Council, Social and Economic Council, The Hague, October 2011, (Page consulted August 25th 2014) https://www.ser.nl/~media/files/internet/talen/engels/2011/2011_10.ashx

5. Environmental Migration, Climate Change and the Post-2015 Sustainable Development Agenda

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There has always been a fundamental interdependency between migration and the environment, but the reality of climate change adds a new complexity to this nexus – while making the need to address it all the more urgent within the framework of Africa-EU relations. The Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC)⁴⁶ shows how serious the need for action is. Sea levels are rising and storms and droughts are becoming more frequent. Arctic ice and glaciers are melting. The world faces a loss of biodiversity. With changing rainfall patterns, water – already a scarce resource in many African states – will become even scarcer. Extreme weather events like droughts, storms, and heavy rainfall will increase.⁴⁷ Many African states, which are contributing the least to climate change, are affected the most by the effects of environmental migration as a direct cause.

Environmental factors have long had an impact on global migration flows, as people have historically left places with harsh or deteriorating conditions. However, the scale of these flows, both internally between African states and cross-continently into the EU, is expected to rise as a result of accelerated climate change.⁴⁸ At the same time, environmental migration also serves as an adaptation strategy for those affected by the impacts of climate change. Yet mobility often remains a luxury, not an option for those who cannot afford to migrate. This is why the most vulnerable people in African states are the ones often stuck in rural areas heavily impacted by climate change, unable to seek protection and start a new life elsewhere. Even though a majority of environmental migrants are expected to end up in urban areas and bigger cities within African states, migration caused by environmental change will both directly and indirectly impact Africa-EU security and development

relations.⁴⁹ The EU should therefore strive to enhance policy coherence by building greater synergies between migration and climate change policies for adaptation planning and funding, in order to recognise the role of migration in building capacity to cope with climate change. It should thus be a major task of the Sustainable Development Goals (SDGs) to integrate consistent policies on migration. The SDGs are scheduled to be agreed in September 2015, a few months ahead of the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC COP21) in Paris, France. It is of great importance that the SDGs and European Member States' official climate change commitments will result in mutually beneficial outcomes for both negotiations to secure an inclusive global deal on climate change.⁵⁰

Environmental migration is a transnational issue that requires structured dialogue with African states at EU level. The EU has already taken several important steps by spending millions of Euros on food security, climate change adaptation programmes, and humanitarian crises.⁵¹ There are nevertheless still major gaps in the EU development policy, for example in the protection system for people displaced by sudden as well as slow onset disasters. Mainstreaming climate change adaptation in EU policies has been one of the key pillars of EU adaptation policy acts since 2009, and continues to be a priority within the EU Adaptation Strategy. This should be further encouraged. The EU has all the potential to be a global leader in international climate diplomacy. It should advocate, in close partnership with the African Union, for a robust global emissions regime in Paris in 2015. In order to achieve policy coherence for development obligations⁵² and enhance its leading role in bringing environmental concerns to the forefront of the Joint Africa-EU Strategy, the EU needs to further shoulder the responsibility it shares with other polluting states to considerably slash emissions and support environmental migrants by increasing investment in developing countries in Africa through the Green Climate Fund (GCF). The GCF is currently the main vehicle for the developed countries' promise to spend \$100 billion annually on climate finance until 2020.⁵³ The conditions are in place, since the link between migration and development is one of the four priority areas of the Global Approach

46 The Fifth Assessment Report, Intergovernmental Panel on Climate Change, October 2009, (Page consulted January 26th 2014)

<http://www.ipcc.ch/report/ar5/>

47 "IPCC Report highlights need for collective and significant action to keep warming below 2°C", European Commission – Climate Action News, April 14th 2014, (Page consulted January 26th 2014)

http://ec.europa.eu/clima/news/articles/news_2014041401_en.htm

48 World Migration Report 2010: The Future of Migration: Building capacities for Change, IOM World Migration Report Series, November 2010, (Page consulted January 26th 2014)

http://publications.iom.int/bookstore/free/WMR_2010_ENGLISH.pdf

49 Gemenne, Francois. "Environmental Migration in a Warmer World", Seminar, Stockholm University, May 6th 2011, (Page consulted January 26th 2014)

<http://www.stockholmresilience.org/>

50 "Sustainable Development goals: Post-2015 process", UN Sustainable Development-Knowledge Platform, (Page consulted January 26th 2014)

<http://sustainabledevelopment.un.org/index.php?menu=1561>

51 Coherent Policies: Climate change, Concord Europe, (Page consulted 26th January 2014) <http://www.concordeurope.org/coherent-policies/climate-change>

52 Mid-term Strategic Vision, COST Action IS11011: Climate Change and Migration, December 19th 2013, (Page consulted January 26th 2014)

<http://www.climatemigration.eu>

53 "The Green Climate Fund", UN Framework Convention on Climate Change, (Page Consulted January 26th 2014)

http://unfccc.int/cooperation_and_support/financial_mechanism/green_climate_fund/items/5869.php

to Migration and Mobility (GAMM)⁵⁴, which provides the overarching framework for EU external migration policy. Still more practical commitment is needed in order for the EU-Africa dialogue to result in concrete action and accurate budget allocation on this matter and, not least, for better coordination between EU Member States.⁵⁵

Environmental movements and political foundations within African states have more closely witnessed the dramatic impacts of climate change and environmental degradation over the last decade. In Rwanda, during 1999, 2000 and 2001, residents of the Bugesera region south of Kigali faced a serious drought as a natural lake (Lake Cyohoha North) dried up. A lack of food led populations to start migrating to other areas. People begged in the capital of Kigali, and an evaluation carried out by Kigali rural authorities at the time showed that around 53,000 families were affected by the famine and were in dire need of food aid. About 7,000 children dropped out of school because their families could no longer afford the fees. This sad scenario is now repeating itself once again.⁵⁶ In June 2014, people in Bugesera raised serious concerns about

the likelihood of being affected by famine following a prolonged season of drought, with most of their crops drying up. As a result, migration flows began once again towards the Southern Province. This recent trend calls for more efforts to reduce the harmful effects of climate change and explore the root causes of environmental migration, especially since this area was once the food basket of Rwanda.⁵⁷ Kenya also suffers from serious droughts regularly: by December last year millions of people were in need of food aid, which led the Kenyan Government to launch an urgent food appeal.⁵⁸ As a result of these extreme conditions, pastoralists and other subsistence farmers in the arid and semi-arid regions of the country started to migrate to other areas in search of grass for cattle, food, shelter and water.⁵⁹ The food situation was the most drastic, with the entire East African region facing its worst famine in nearly 60 years in 2011. Countries affected were Kenya, Somalia, Ethiopia, Djibouti and some parts of Uganda.⁶⁰ These cases serve to show how serious the need for action is within the framework of EU-Africa relations, in order to address and prioritise the important aspects of environmental migration.

53 "The Green Climate Fund", UN Framework Convention on Climate Change, (Page Consulted January 26th 2014)

http://unfccc.int/cooperation_and_support/financial_mechanism/green_climate_fund/items/5869.php

54 COM(2011) 743 final: Communication on The Global Approach to Migration and Mobility, quoted in Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Maximising the Development Impact of Migration – The EU contribution for the UN High-level Dialogue and next steps towards broadening the development-migration nexus, May 25th 2013, (Page consulted January 26th 2014)

http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/general/docs/maximising_the_development_impact_of_migration.pdf

55 Report – Migration and global environmental change: Future challenges and opportunities, Migration and global environmental change and Foresight projects, U.K. Government Office for Science, October 20th 2011, (Page consulted January 26th 2014)

<https://www.gov.uk/government/publications/migration-and-global-environmental-change-future-challenges-and-opportunities>

56 Famine claims heavy toll in southern Rwandan region, Deutsche Presse Agentur, July 26th 2000, (page consulted January 26th 2014)

<http://reliefweb.int/report/rwanda/famine-claims-heavy-toll-southern-rwandan-region>

57 Kazibwe, Andrew. "Save us from Ravaging drought, Bugesera residents tell government", The East African, June 7th 2014, (Page consulted June 26th 2014)

<http://www.theeastafrican.co.ke/Rwanda/News/Save-us-from-ravaging-drought--Bugesera-residents-tell-govt-/-/1433218/2340030/-/kijy7wz/-/index.html>

58 ECHO Factsheet „Kenya“, European Commission-Humanitarian Aid and Civil Protection, (page consulted November 6th 2014)

http://ec.europa.eu/echo/files/aid/countries/factsheets/kenya_en.pdf

59 Jones, Sam. "Kenya's Turkana region brought to brink of humanitarian crisis by drought" The Guardian, March 26th 2014, (Page consulted June 26th 2014)

<http://www.theguardian.com/global-development/2014/mar/26/kenya-drought-triggers-fears-humanitarian-crisis>

60 Onyanggo-Obbo, Charles. "Spreading hunger tests open borders in East Africa", The East African, July 24th 2011,

<http://www.theeastafrican.co.ke/news/Spreading+hunger+tests+open+borders+in+East+Africa/-/2558/1206690/-/item/0/-/I32b64/-/index.html>

Recommendations:

- The EU must secure an inclusive global deal on climate change investment through the SDGs by including migration governance as a stand-alone goal.
- EU Commission and Member States should live up to their commitments regarding policy coherence for development in the field of climate change and migration, by promoting a structured policy dialogue, also on working level, on the nexus between sustainable development and migration.
- EU and Member States' development cooperation with African countries should strengthen effective adaption strategies by supporting a more flexible framework, emphasising decentralized and locally adapted solutions for human mobility as adaptive response to environmental change.
- African and European governments should put the necessary effort into ensuring investment in the Green Climate Fund, in order to financially support African developing countries in their efforts to manage internal migration flows and adaptation measures.
- A revised EU-Africa Partnership should provide a mechanism for civil society that allows access to information and provides space for effective monitoring of initiatives addressing the nexus of migration and climate change adaptation.
- Development planning carried out by local authorities warrants greater attention in order to enhance the adaptive capacity of communities related to climate change induced natural disasters.

6. EU Integration Policy – The Example of Malta

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The integration of immigrants in the EU is strongly dependent on the national policies of Member States. Although the EU is not directly responsible for the integration of immigrants in individual Member States, it supports national and local policies with policy coordination, exchange of knowledge and financial backing.⁶¹ The integration of third country nationals (TCNs) in the European Union was first addressed at the 1999 European Council in Tampere, where the heads of Government *inter alia* called for a more vigorous integration policy aimed at granting third country nationals residing legally in the EU “rights and obligations comparable to those of EU citizens”.⁶² Following Tampere, several communications and texts were issued by the EU aimed at the further development of a policy cohesion on the integration of third country nationals, including family reunification (COM (2002) 225), the long-term establishment of third-country nationals (COM (2001) 127), and the admission and residence conditions of third-country national workers (COM (2001) 386). The EU also adopted directives related to the integration of asylum seekers and refugees, such as the EU Reception Directive, which lays out the minimum standards for receiving asylum seekers (2003/9/CE) and provides a legal framework for addressing discrimination, which is applicable to all residents regardless of their nationality (directives 2000/43/CE and 2000/78/CE). Further steps were taken at the European Council in Lisbon, where EU leaders undertook the task of defining coordination methods in the fields of labour and social integration, such as the revised 1997 European Employment Strategy, the 2000 Nice European Council goals on integration and social inclusion, the 2001 Laeken European Council propositions to reinforce information exchanges on migration, as well as financial instruments such as the European Social Fund, EQUAL, URBAN II, the European Investment Fund, the European Refugee Fund, and the European Union Fund on the Integration of Third Country Nationals.⁶³

Another major milestone in the development of integration policy in the EU was at the Hague European Council meeting in 2004.

The Council concluded that “developing a set of EU common basic principles on integration is essential, not only given the diversity of experiences and circumstances, but also given the shared interest that Member States have in agreeing upon shared goals on integration.”⁶⁴ Thus, the Common Basic Principles (CBP) on integration were adopted, which laid down a framework to serve as a reference point for the implementation and evaluation of the current and future integration policies of Member States. While the CBP were non-binding for Member States, they provided a framework for key policy areas of integration that were considered essential.

In 2011 the European Commission made further recommendations to the Parliament, the Council, the European Social Committee and the Committee of the Regions, in order to address the challenges of integration in the EU with respective areas for action. The proposals were aimed at the implementation of the Common Basic Principles on integration, and mainly focused on action to increase economic, social, cultural and political participation by immigrants on the local level. They also highlighted challenges that needed to be solved if the EU was to benefit fully from the potential offered by immigration and the value of diversity. Furthermore, the Commission called for countries of origin to be involved in the integration process.

In its aim to harmonise integration, the EU has even developed tools such as the Migrant Integration Policy Index (MIPEX) to measure indicators of integration in individual Member States. However, if the EU is unable to enforce the implementation of a common policy for the integration of migrants across Europe, all these efforts will have been futile.

Integration Policies in Malta – lack of concepts, coherence and responsibility

The recent influx of irregular migrants into the EU has posed a significant challenge to the implementation of an effective integration policy in Europe. Southern European countries such as Italy, Spain, Greece and Malta have experienced record levels of asylum seekers within their borders in the last decade. As these countries consider the management and hosting of these large numbers of migrants in their territories as a disproportionate burden on their national resources and a threat to their national

61 Common Basic Principles for immigrant integration policy in the EU”, Immigration: Integration DG Home Affairs, August 13th 2013, (Page consulted June 10th 2014) http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/immigration/integration/index_en.htm

62 Presidency Conclusions, Tampere European Council, October 15th, 16th 1999, (Page consulted June 10th 2014) http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/00200-r1.en9.htm

63 Martiniello, Marco. “Towards a coherent approach to immigrant integration policy(ies) in the European Union”, Theories of International Migration, European Doctorate on Migration, Diversity and Identities, University of Liege, August 29th 2006, (page consulted June 10th 2014) <http://www.oecd.org/dev/38295165.pdf>

64 Donner, Piet. Remkes, Johan. Verdonk, Rita. Justice and Home Affairs, Press Release, 2618th Council meeting, Council of the European Union, Brussels, November 19th 2004, (Page consulted June 10th 2014) http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf#zoom=100

security, they often called on the EU to implement the principles of burden-sharing as enshrined in the Treaties, by relocating some migrants to larger and wealthier Member States. According to the UNHCR, in 2013 Malta received the highest number of asylum-seekers compared to its national population, i.e. on average 20.2 applicants per 1,000 inhabitants.⁶⁵ Apart from being the smallest country of the EU, Malta also has the highest population density, with over 1,200 inhabitants per square kilometre.

Despite the achievements of the EU in securing a general legal and policy framework for the integration of immigrants, their integration remains a challenge due to the lack of cohesive policies at the national level. Very few EU Member States have a national policy on integration at all. For instance, in Malta there is no national policy framework on integration taking into account the specific nature of Malta as both a recipient country for migrants arriving by sea from Africa, and most of all as a transition country for most of the migrants, who do not consider Malta as their final destination.⁶⁶ Moreover, individual policies on integration are fragmented. On the one hand, since 2002 there have been policies relating to the integration and protection of asylum seekers coming from Sub-Saharan Africa, but on the other hand there are also various policies relating to the integration and protection of all other third country nationals. Additionally, the general assumption is that immigrants legally residing in Malta will have access to mainstream services without discrimination, based on the protection of national anti-discrimination laws. The transitory nature of migrants in Malta has tended to have a negative impact on integration policy development. This is partly due to the lack of interest by the authorities in investing in such a transitory migrant population, and also partly due to the lack of a long-term interest by most migrant groups to remain in Malta.

There is no single entity, authority or department that takes the leading role in overseeing the integration and protection of immigrants in Malta. The Ministry for Home Affairs and National Security (MHAS) is responsible for the integration of asylum seekers and refugees and for residency and citizenship policy. The Ministry for the Family and Social Solidarity is responsible for the integration of unaccompanied minors and for social welfare. The Ministry for Education and Employment is responsible for access to employment, training and minimum work conditions, while the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties is responsible for anti-discrimination in general.

Although the EU Common Basic Principles on integration define integration as a “two-way process” involving migrants and their host countries, there is generally no consensus on the definition of integration in national debates and policies across the EU. In national integration policies, the term ‘integration’ is often defined and understood in terms of assimilation or multiculturalism. In assimilation, the onus of integration is placed on the migrant to adapt his behaviour to that of the culture of the host country. Thus, integration is seen as a one-way street, whereby the migrant must assimilate into the rest of the population of the host country.⁶⁷ In contrast, multiculturalism asserts the co-existence of all cultures and argues that the host society should not impose a single norm to which the migrant must adhere, whatever his/her own ethnic or religious background. Furthermore, the role of key actors in the integration process, such as the public sector, the private sector, and NGOs, is often left out or minimized in national or local integration policies. In the case of Malta, while asylum seekers and people with subsidiary protection are granted access to free health care, employment and education, including language training, other migrants residing legally in Malta are required to pay for these mainstream services.

The integration policy currently in place in Malta focuses on immigrants’ rights of access to employment and mainstream services as provided by law. But there are no programmes that encourage the formation of migrant organisations or the empowerment of existing migrant communities in civic and political participation. A recent suggestion in Malta for the inclusion of migrants in local council elections was given a cold reception by the authorities and was rejected outright by a majority of the population.

Although the EU acknowledges that the successful integration of migrants into the societies of host countries within the EU is the key to maximising the opportunities of legal migration and making the most of the contributions that immigration can make to EU development, there is not even an agreed definition of what “integration” is supposed to mean. The lack of consensus on the definition of integration has given rise to different integration models implemented throughout the EU.

Although much has been achieved in laying the foundations for the basic legal and policy framework for the development of an EU integration policy, still many challenges have to be overcome. As long as the development and implementation of integration policies still lies in the hands of the individual Member States, there is a long way to go in achieving common EU-wide integration policy to the benefit of all three, migrants, host and home countries.

65 “UNHCR : Malta last year received highest number of asylum seekers compared to national population”, Times of Malta News, March 22nd 2014, (page consulted June 10th 2014)

<http://www.timesofmalta.com/articles/view/20140322/local/unhcr-malta-last-year-received-highest-number-of-asylum-seekers-compared-to-national-population.511699>

66 Over 99% of refugees and persons with subsidiary protection status have applied with the UNHCR to be relocated or resettled in another country.

Recommendations:

- A review of the EU common immigration policy in the light of the integration needs and capacity of individual Member States.
- The adoption of an integration directive, which provides the legal framework for the integration of third country nationals and for the implementation of minimum standards by Member States.
- The creation of a mechanism for the enforcement of minimum standards on the integration of third country nationals in the EU.
- The active participation of countries of origin in immigration policy and the sharing of information between the EU and countries of origin.
- The implementation of a responsibility sharing mechanism that takes into consideration the needs of certain Member States, especially the Southern European countries.

The European Network of Political Foundations (ENoP) is the representative platform of currently 68 political foundations from 25 countries. ENoP unites member foundations from six party families (ALDE, EPP, S&D, ECR, Greens/EFA, GUE/NGL). Political Foundations have been active players in the field of democracy support for several decades. On the one hand, they contribute to effective development and democratisation policies by implementing projects on the ground. On the other hand, they develop policy ideas and contribute to agenda-setting in the national and EU context. Since its establishment in 2006 ENoP has become a trusted partner of EU institutions and an important actor in the field of democracy support. The network currently enjoys the financial support of the European Commission in the framework of the co-funded project “Building a bridge towards socio-political stakeholders for an effective EU development assistance – enhanced dialogue with and within the European Network of Political Foundations”.

The Working Group (WG) on EU-Africa Relations was established in 2012. In its current composition its representatives come from the following ENoP member-organisations: CEVRO/Liberáln-konzervativní akademie (The Czech Republic), Eduardo Frei Stichting (Netherlands), Friedrich-Ebert-Stiftung (Germany), Fondazzjoni IDEAT (Malta), Green Forum (Sweden), Hanns-Seidel-Stiftung (Germany), KIC/Christian Democratic International Center (Sweden), Konrad-Adenauer-Stiftung (Germany), Konstantinos Karamanlis Institute for Democracy (Greece), Olof Palme International Centre (Sweden), PolAk/Politische Akademie der ÖVP (Austria).

The primary objective of the WG is to accompany the implementation of the Joint Africa-EU Strategy and the ongoing process of its revision. In line with the core areas of engagement of Political Foundations, the WG places a special emphasis on the Partnership for Democracy, Governance and Human Rights. The aim of our work is to highlight the need for adaptation in the JAES Partnership designs when it comes to thematic core areas and the implementation of the Partnership. Of particular concern for us is the role ascribed to civil society and the space that is provided for engagement of CSOs in the various Partnerships.

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