



Migration in the EU-ACP Partnership After 2020: Implementing the UN Global Compact

Brussels, Belgium

Date of publication: November 2018

Rapporteurs:

Mr. Marco Funk, Policy Officer, Friedrich Ebert Stiftung (FES)

Ms. Daniela Iller, Policy Officer, Friedrich Ebert Stiftung

Ms. Cecilia Lwiindi Nedziwe, Research Coordinator, University of Johannesburg (UJ) Institute for Pan-African Thought and Conversation (IPATC), South Africa

Also prepared with the support of the African, Caribbean, and Pacific (ACP) Secretariat

Editor: Professor Adekeye Adebajo, Director, UJ Institute For Pan-African Thought and Conversation

5 MOLESEY AVENUE, AUCKLAND PARK 2092, JOHANNESBURG, SOUTH AFRICA

TEL: +27 11 559 7230 ■ FAX: +27 865 527 6448 ■ WEBSITE: <http://ipatc.joburg/>

1. Introduction

The Cotonou Partnership Agreement between the European Union (EU) and 78 African, Caribbean, and Pacific (ACP) countries is set to expire in 2020. Negotiations on a post-Cotonou successor agreement began in September 2018, and migration will be a major topic.

The beginning of these negotiations coincides with the final preparations of the United Nations (UN) Global Compact for Safe, Orderly, and Regular Migration, to be adopted in Morocco's medieval city of Marrakesh in December 2018. Although the two agreements are distinct from each other, there is a great deal of potential overlap. The renewed EU-ACP Partnership Agreement could potentially be shaped as a regional mechanism to implement the Global Compact.

A comparison of the EU and the ACP's negotiating mandates reveals significantly divergent positions in the area of migration. While Brussels focuses on the need to stem irregular migration, facilitate returns, and strengthen border controls; the ACP tends to stress the positive effects of migration and seeks to promote legal mobility. This divergence demonstrates each party's different priorities and political calculations. Nevertheless, there is scope for compromise on many issues including legal migration which is also part of the EU's negotiating mandate. Furthermore, Brussels's interest in addressing the root causes of migration aligns with the development priorities of ACP countries.

An estimated 3,200 African migrant "boat people" died in 2017 in aquatic Mediterranean graves, while 1,730 perished between January and October 2018. Several of the EU's 28 governments view migration largely through a security prism. Some of their citizens have shown great hostility to migrants and asylum-seekers, resulting in the electoral success of right-wing parties, particularly in Hungary, Poland, Italy, the Czech Republic, Slovakia, and Austria. EU governments have further proposed ideas such as forced returns of migrants and establishing "disembarkation platforms" in North African countries such as Egypt and Morocco. Despite the atavistic slave trade of black African migrants in Libya, about 10,000 migrants still remain stuck in detention camps in the anarchic country.

In order to facilitate and shape the implementation of the UN Global Compact for Migration to be agreed in December 2018, the Friedrich Ebert Stiftung (FES) EU offices in collaboration with the ACP Secretariat and the University of Johannesburg's (UJ) Institute for Pan-African Thought and Conversation (IPATC) in South Africa, organised a one-day policy dialogue in October 2018 in Brussels to examine these issues. The meeting assessed the renewed EU-ACP Partnership Agreement with about 20 Brussels-based policymakers and experts in the context of the UN Global Compact for Migration, as well as the UN's 2030 Agenda for Sustainable Development, with a view to balancing issues of border security with those of development and human rights.



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AFRICAN MIGRANTS ON A DINGHY ARE APPROACHED BY A SEARCH AND RESCUE TEAM DURING AN OPERATION IN THE MEDITERRANEAN SEA IN MAY 2016.

IMAGE SOURCE - The Japan Times
PHOTO CREDIT - Giorgos Moutafis/SOS Mediterranee via AP
LINK - <https://www.japantimes.co.jp/news/2016/05/24/world/social-issues-world/libya-italy-sea-route-main-migrant-conduit-north-2600-rescued-24-hours/#.W87zKIW-Q1>

2. The UN Global Compact, Return, and Circular Migration

African civil society activists have argued that migration can be a developmental opportunity, noted that most African migrants remain on the continent, and observed that only 20 percent of migrants move to Europe. At the same time, several African governments have been accused of failing to show sufficient concern for the plight of their citizens embarking on these perilous voyages across the Mediterranean. Many have also been charged with failing to address the conditions of poor governance and massive youth unemployment that have provided the push factors for this contemporary African exodus.

Although not legally binding, the UN Global Compact for Migration should be politically binding. African and EU governments were the main players in the negotiations, and managed to agree on several controversial issues despite their divergent views on migration. Issues around the return of migrants to their home countries were the most contentious, and nearly scuttled the negotiations of the draft Global Compact in fiery debates in the UN General Assembly. Most African states insisted that returns be voluntary, as stipulated in the 2016 New York Declaration for Refugees and Migrants, while EU negotiators pushed for forced returns to be included in the Compact. The compromise was to avoid use of the terms “voluntary” or “forced”, and to push instead for bilateral agreements to formalise returns between states.



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FLAGS FLUTTERING IN FRONT OF THE UN GENERAL ASSEMBLY BUILDING, MANHATTAN, NEW YORK.

IMAGE SOURCE - Time
PHOTO CREDIT - Getty Images
LINK - <http://time.com/4945477/global-health-united-nations-general-assembly/>

For Brussels, return agreements are the price to pay for legal pathways. Given the strong anti-immigration climate across Europe, it is politically difficult for EU governments to increase legal immigration from third country governments which do not agree to returns. This is a particularly pressing issue for the EU due to failed asylum-seekers who face deportation, but cannot be returned to their home countries due to a lack of travel documentation. In 2017, EU governments rejected 54 percent of the 650,000 applications of first-time asylum-seekers. Since failed asylum-seekers are typically viewed as “economic migrants”, providing them with legal channels to EU countries would ease the pressure on asylum regimes. This would also eventually reduce the number of deportations resulting from unfounded asylum claims, since a higher proportion of asylum-seekers would obtain protection status. Returns and legal pathways are thus two sides of the same coin.

Circular migration schemes are an often cited policy option to address the need for mobility while ensuring a predictable return process. However, this concept has not yet been fully developed because it needs to be temporary in order to work effectively. Such initiatives also need to be carefully tailored to meet local needs and circumstances, and be individually negotiated between states for specific groups and durations rather than within the framework of generic multilateral agreements. If these schemes are to work effectively, strict rules would be needed to disincentivize secondary movements from the country of intended destination to richer countries. Beneficiaries of circular migration schemes to poorer EU members like Romania or Bulgaria, for example, may be tempted to take

up informal work in wealthier countries like Germany or France, thus undermining trust in the concept. Similarly, countries of origin would need to accept responsibility for a circular migrant, once her or his visa expires.

The temporary nature of such circular migration schemes could also minimise “brain drain” from the developing world which remains a major concern for ACP states. Developing countries clearly have an interest in maintaining their own human capital and the related economic potential of such skilled individuals. Mobility, in this sense, could be mutually beneficial. Pilot projects could be another useful way to test and expand the concept of circular migration. New legislation would not be required, and funding is already available under the EU’s Asylum, Migration, and Integration Fund (3.1 billion euros), as well as the EU Trust Fund for Africa (4.1 billion euros). Few member states have so far accessed this funding. A structural understanding of labour demand, as well as disaggregated data to demonstrate the success of circular migration, are also urgently needed.

The political window of opportunity for innovative approaches to migration management is rapidly closing due to the political realities on both sides of the Mediterranean: in Africa and Europe. These circumstances will further complicate post-Cotonou negotiations, and thus need to be urgently addressed.

3. Root Causes, Displacement, and Human Trafficking

There is a complex array of factors that increase vulnerabilities related to migration including poverty, under-development, lack of employment opportunities, gender inequality, illiteracy, violence against women and girls, climate change, and natural disasters. Human trafficking is best discussed at both the North-South and South-South levels. Despite the diversity of the 79 ACP states, they share many common challenges in this area. Conflicts emerging from climate and economic injustices, civil war, and corruption are often among the root causes of migration. However, there is still a need to respect the fundamental human rights of migrants. Any detention must observe international human rights law, as well as the access of migrants to basic social services.

Discussions on migration were held between the ACP and the EU between 2016 and 2018. Consensus was reached between both parties at the meeting on “Trafficking in Human Beings with Special Focus on Women and Children” in June 2018, which provided recommendations to support a comprehensive and holistic approach to managing human trafficking in 10 key areas:

- First, enact comprehensive legislation on both trafficking in human beings and smuggling, while stressing the differences between both phenomena and consistently observing UN Protocols and Conventions.
- Second, implement effectively national legislation on both trafficking of human beings and smuggling of migrants, while simultaneously tackling diverse forms of exploitation.
- Third, establish effective systems to detect victims and dismantle criminal networks, while simultaneously providing proper training to judiciaries, law enforcement authorities, health-care workers, and labour inspectors.
- Fourth, address the challenges of trafficking from the South to the North (mainly from Africa to the EU); from the South to the South; as well as intra-regional trafficking (within the African, Caribbean, and Pacific regions).
- Fifth, improve data collection as a prerequisite to crafting policies, taking concrete actions, promoting evidence-based programming, and establishing better developed security structures.
- Sixth, promote effective policies to protect victims of migration and trafficking from human rights and gender-based abuses.

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WEST AFRICANS AT THE GREEK-MACEDONIAN BORDER, HEAD NORTH FOR WORK IN 2015.

IMAGE SOURCE - Sapiens
PHOTO CREDIT - Dalton Bennett/Associated Press
LINK - <https://www.sapiens.org/culture/migration-crisis-illegality-industry/>

- Seventh, accelerate efforts to dismantle highly organised criminal networks, thus increasing prosecutions while establishing a system of financial tracking and conducting financial investigations.
- Eighth, ensure proper mechanisms of coordination, at the national level, within and among domestic agencies dealing with migration.
- Ninth, the private sector should help finance public outreach and awareness campaigns on the dangers of human trafficking, particularly at the community and national levels; and
- Tenth, improve and sustain the social and economic status of Diaspora communities to ensure equitable socio-economic development.

4. Migration, Development, Diasporas, and Remittances

With the number of international migrants estimated at 173 million in 2000, and 258 million in 2017, international migration has increased by 49 percent during the last two decades. In contrast to the Millennium Development Goals (MDGs) of 2000-2015, the Sustainable Development Goals (SDGs), from 2016, recognised the plight of migrants and their positive contributions to both their countries of origin and residence, as well as to the growth of the global economy. Migrants also enhance the efforts of cities to become vibrant economic and habitable centres.

Migrants not only contribute substantial growth and prosperity to their countries of origin, but are also doing so in their countries of destination in the form of tax contributions, housing, goods, and services. For example, the increasing remittance flows to developing countries is one of the most tangible contributions that migrants make to improving socio-economic development in their countries of origin. In 2017, remittance flows to low and middle-income countries were estimated at \$466 billion: three times the size of Official Development Assistance (ODA) to these countries.

The significant benefits of migration go beyond economic development to include the social aspects that facilitate mutual global cooperation. For example, the expertise and skills of migrants and Diaspora communities constitute key drivers of development and social remittances such as informal interactions, sharing of ideas, and participation in various community services through societies and religious institutions.

Migration also has negative dimensions, characterised by xenophobia, harsh restrictions on immigration, and regulations that maintain the low value attached to physical labour. Migrants who have entered rich countries



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AFRICAN REFUGEES AND MIGRANTS ATTEMPT TO CROSS THE RAZOR-WIRE FENCES THAT SEPARATE MOROCCO AND THE SPANISH ENCLAVE OF MELILLA IN 2016.

IMAGE SOURCE - GlobalPost
 PHOTO CREDIT - Jose Palazon/GlobalPost
 LINK - <https://gpinvestigations.pri.org/the-crossing-eb527318eb76>

unlawfully become “illegal immigrants”, and are excluded from various entitlements including sometimes basic social services, while migrants from rich countries are described as “expatriates” and avoid such discrimination. In Africa and Europe, xenophobia has also been driven by a sense of social exclusion and hostile narratives about migrants reducing the social welfare benefits of locals.

There are multiple causes of migration. For example, the global co-option of governments by the logic of privatisation, particularly of necessary public services, has diminished the spheres of welfare and benefits, and rendered public services deficient. More attention must also be paid to Small Island Developing States (SIDS) within the ACP due to the increasing number of climate-induced migration, particularly from the Pacific.

5. Policy Recommendations

The following ten key policy recommendations emerged from the Brussels policy dialogue in October 2018.

1. The ACP-EU partnership should aim to highlight the benefits of migration at all levels, and address the core concerns of welfare and human development in relation to policies on Return and Readmission; evidence-based research and policies must consistently guide migration debates; the issue of North-South reciprocity should also be pursued in relation to visa facilitation.
2. ACP governments should cooperate with European governments on the return of failed asylum-seekers and address the factors that push their citizens to leave their home countries at such great personal risk, while the EU should create more legal pathways for economic migrants from ACP countries.
3. Circular migration schemes could be a particularly effective legal channel that should be expanded. These projects must be temporary in nature, and carefully tailored to meet the special needs and circumstances of sending and receiving countries.
4. In order to encourage circular migration, a better structural understanding of labour demand is required. In particular, more disaggregated data should be collected in order to reveal successful cases of circular migration.
5. Consultations on human trafficking at the regional, intra-ACP, and ACP-EU levels must be consolidated; ACP-EU cooperation on the monitoring, evaluation, and reporting of trafficking programmes should further be promoted.
6. Increased support must be provided to on-going regional efforts to collect data and exchange information on best practices among and between the ACP and the EU.
7. Legal and judiciary reforms in ACP states should be supported to include the contributions of indigenous communities and traditional systems; ACP governments must also incorporate migration into their development planning, while the more efficient use of remittances should be facilitated through innovative instruments such as e-banking and mobile payments, as well as Diaspora development and investment funds.

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THE EXTERIOR OF ACP HOUSE, THE HEADQUARTERS OF THE AFRICAN, CARIBBEAN, AND PACIFIC GROUP OF STATES, IN BRUSSELS, BELGIUM.

IMAGE SOURCE - Foursquare
LINK - <https://foursquare.com/v/acp-house/4dcbd2a2fa76d745f05c8f6f/photos>

8. Remittances are an important source of development finance, and therefore require supportive measures. The European Commission has sought to support initiatives to increase remittances from Diaspora communities; the Centre of Excellence on Remittances in Africa should be replicated in the Caribbean and the Pacific, with special measures promoted such as investment bonds to support economically vulnerable groups, particularly youth and women.
9. A user-friendly monitoring and evaluation tool should be developed for all implementing partners and stakeholders working on the UN Global Compact to track and report on migrants at risk, human rights violations, and the status of migrants and refugees; migrant deaths must be urgently prevented, and search and rescue operations should not be criminalised, while smuggling – which increasingly targets young children – should be thoroughly investigated and prosecuted; and
10. Any detention of migrants should be based on international human rights law, and migrants must have access to basic social services; preparedness strategies must also be strengthened to support climate-induced migrants.



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A REFUGEE CAMP IN VENTIMIGLIA, ITALY, FACES THE WEALTHY FRENCH RIVIERA.

IMAGE SOURCE - Medium

PHOTO CREDIT - Aurora Percannella

LINK - <https://medium.com/contributoria/the-human-face-of-north-african-migrants-in-europe-bb99f228cd73>