

**Opinion of the European Committee of the Regions — Partnership Framework with third countries
on migration**

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POLICY RECOMMENDATIONS

General context

According to the UNHCR, there are over 60 million refugees and displaced persons worldwide, half of which are from two regions of the world: the Middle East and Africa.

The International Organisation for Migration estimates that more than 1,2 million migrants arrived in Europe by sea in 2015 and almost 35 000 by land. This compares with 280 000 who arrived by land and sea for the whole of 2014. These figures do not include those who got to Europe undetected.

While the EU agreement with Turkey has considerably reduced the numbers of migrants by boat from Turkey, the flow from the northern coast of Africa has once again increased. Niger in West Africa is the main crossroads for migrants from western and central Africa: as of May 2016 it is estimated that more than 16 000 people per week transit through Niger on their way north. By some estimates there are thousands of migrants in Libya looking for ways to enter the EU.

The Committee of the Regions has been prominently advocating the adoption of a holistic approach to migration, allowing for a more decentralised and efficient management of migration movements. The CoR is fully committed to the 2030 Agenda for Sustainable Development's recognition that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses.

The CoR is further committed to implement obligations stemming from four pillars of migration management according to the EU Agenda for Migration of 2015: reducing the incentives for irregular migration, improving border management and security of EU external borders, including efforts to prevent perils at sea involving migrants, implementing a strong common asylum policy and introducing a new policy on legal migration.

The CoR has pointed out that the root causes of irregular migration, including economic or social causes, should be tackled by the EU at the source.

The CoR supports regional and local cooperation to ensure safe, orderly and regular migration, involving full respect for human rights and humane treatment of migrants regardless of their migration status, of refugees and of displaced persons, as emphasised in the 2030 Agenda for Sustainable Development.

THE EUROPEAN COMMITTEE OF THE REGIONS

1. Welcomes the communication on 'Establishing a new Partnership Framework', as it underlines the fact that the migration problem is complex and has to be tackled on different levels. Points out that asylum is a fundamental human

right protected by international law and by international obligations that are binding on all the Member States. Therefore urges the EU and the Member States to set up safe, legal routes for refugees such as humanitarian corridors, visas on humanitarian grounds and enhanced family reunification. The Member States should examine the possibility for asylum applications to be submitted in their embassies and consulates.

2. Recognises that the communication encompasses an innovative approach based first and foremost on cooperation with third countries, taking into account both the EU's interests and the interests of the partner countries, in order to ensure a better management of migration.

3. Supports and acknowledges the need for the EU to speak with a single voice and to involve all relevant stakeholders and institutions. Local and regional authorities can and should play a role in the joint effort with the EU and national level and with third countries to implement comprehensive migration partnerships (compacts), especially those regions and municipalities with a significant diaspora population from the countries covered by the Partnership Framework.

4. Agrees that much more needs to be done as the EU is still faced with a humanitarian crisis. Third countries and EU partners are sheltering millions of refugees, many of them unaccompanied minors, forced to leave their homes, as well as many economic migrants who aspire to come to Europe. In that regard, international cooperation between the EU and third countries has to take on a new dimension and introduce additional instruments tailored to respond well to recent and upcoming migration challenges.

5. Urges the European Commission to encourage all actors — Member States, EU institutions and key third countries — to work together in partnership to bring order into migratory flows and to prevent dangerous sea journeys for asylum-seekers and undocumented economic migrants in the hands of human smugglers or traffickers. At the same time, the CoR is aware of the urgency in tackling and removing the root causes of irregular migration and forced displacement in countries of origin. International, national, regional and local cooperation is crucial for making a common European migration policy a reality, in line with the European Agenda for Migration.

6. Recognises that migration and development policies are closely linked. This link has been an essential part in the discussions around the post-2015 UN development agenda decided in September 2015 in New York. Effective and humane migration management must be considered crucial for the successful implementation of the agenda. The CoR is well aware of benefits and opportunities of safe, orderly and regular migration for migrants, countries of origin, transit and destination. In addition, it emphasises the importance of involving diaspora populations in the development of their countries of origin. It is also aware of the detrimental impact of irregular migration to migrants and the obligation of countries of origin to receive their nationals in readmission and return procedures, in line with the EU Return Directive and international instruments.

7. Reiterates its support for the European Agenda on Migration presented in 2015, which indicates the various actions that have to be taken in parallel to address both the external and internal aspects of the current migration challenge. The external agenda focuses on partnerships with third countries in forging credible and reachable goals to reduce the number of people forced to flee, taking into consideration the root causes of irregular migration.

8. Agrees that apart from measures already taken by the EU such as the Valletta Summit, the EU-Turkey Statement, high-level dialogues on migration, the reviewed European Neighbourhood Policy, the Western Balkans Leaders Meeting, there is a need to further strengthen the EU's strategic, long-term approach vis-à-vis third countries and enhance internal coherence and coordination with the EU Member States. A more coordinated, systematic and structured approach to maximise the synergies and leverages of the Union's internal and external policies is required. Moreover, direct access by regional and local authorities to European Neighbourhood Policy funds and other funds relevant to the Mediterranean region must be guaranteed.

9. Agrees that, as well as reducing the possibilities for irregular migration and possibilities for illegal entry to the EU, the EU needs to strengthen coherent, credible and effective readmission and return policies with countries of origin that actively involve immigrant communities in EU countries, respecting human rights and the principle of non-refoulement, and taking account of the real capacity of the countries of origin and of transit to guarantee the rights of those people who are readmitted or returned.

10. Without prejudice to international obligations to provide protection to asylum-seekers and all those entitled to other forms of international protection regardless of regularity of their entry to the EU, the CoR calls for establishment of hotspots to third countries, for people requesting international protection. These hotspots should be set up in third countries, managed by the EU and international bodies (UNHCR) and tasked with examining the legitimacy of requests for asylum. For people recognised as entitled to asylum or international protection, regular means of transport to the European countries of their choice should be provided, so as to avoid crossings made in fragile craft operated by traffickers.

11. Agrees that the EU needs to put in place pathways for people to come to the EU legally — whether to seek international protection, or to seek work, education, research or investment opportunities.

12. Urges the EU and the Commission to insist on better cooperation between the various bodies and agencies fighting against the traffickers and smugglers — Frontex, Nato, EU Navfor MED, European Migrant Smuggling Centre in Europol — and on a better sharing of intelligence data between these agencies and agencies of Member States.

13. Calls upon the EU to provide extra support to organisations such as the International Office of Migration (IOM), who are helping to return migrants who reach transit countries and realise that they have been deceived or just do not wish to continue to the EU.

The Partnership Framework — A new comprehensive cooperation with third countries on migration

14. Welcomes the ultimate aim of the Partnership Framework to be a coherent and tailored engagement where the Union and its Member States act in a coordinated manner putting together instruments, tools and leverage to reach comprehensive partnerships (compacts) with third countries to better manage migration in full respect of all partners' humanitarian and human rights obligations.

15. Fully supports the short-term objective to save lives in the Mediterranean sea and calls for a long-term objective to work with partner countries to prevent perilous sea journeys controlled by organised criminal groups; supports the aim to introduce incentives for return and readmission to countries of origin and enable migrants and refugees to stay as close as possible to their homes. Priority should be given to vulnerable applicants and particularly, unaccompanied minors whose best interests should always be a primary consideration in line with decisions of the Court of Justice; in this regard, calls on the European Commission to continue working on the question of unaccompanied minors in the migration process, as dealing with them is often the responsibility of the regions. Eagerly awaits the Commission's new comprehensive strategy, which is to be implemented as a follow-up to the Action Plan on Unaccompanied Minors (2011-2014), so that the situation of missing and unaccompanied children is taken into account.

16. Reiterates the EU commitment to tackle long-term economic, social and demographic challenges and labour shortages in the EU through targeted new policies on legal migration, in line with the EU Agenda for Migration and other key migration policy instruments. This can be done also supporting legitimate aspirations of long-term residents to take part and make a contribution to public and political life. Migration from third countries might ensure sustainable growth of the EU economy and Europe needs qualified people to ensure competitiveness at the global level. At the same time, partner countries fear a 'brain drain'. Circular migration could be a solution to avoid the danger of a brain drain in partner countries.

17. Reminds the Council that the CoR can facilitate dialogue and cooperation with local and regional authorities in countries of origin and transit of migrants, for instance through the existing bodies and platforms (ARLEM, Corleap, Joint Consultative Committees and Working Groups). This cooperation is a necessary condition to implement the pre-departure measures that prepare the migrants before coming legally to the EU or refugees prior to resettlement from partner countries currently hosting them (like Turkey, Lebanon and Jordan).

18. Suggests facilitation of information exchange between EU local and regional authorities and countries of origin of economic migrants that would significantly reduce incentives for irregular migration; such information exchanges should

include awareness-raising on readmission agreements, informing the people wishing to reach the EU regarding the real work opportunities in the EU, the dangers of taking irregular routes of migration, the real situation regarding rules and regulations related to international protection which are often distorted to lure migrants into entrusting themselves to traffickers, employment possibilities, available social welfare benefits, etc.

19. Agrees that positive incentives should be part of the EU's development policy, rewarding those countries that fulfil their international obligation to readmit their own nationals and those that cooperate in managing migration from third countries, as well as those taking action to adequately host persons fleeing conflict and persecution.

20. Agrees that, in order to make the new approach successful, there is a need to mix positive and negative incentives with regards to partner countries. In the same time, there is a need to strike a careful balance between migration management incentives and global EU development aid. Aid should not be entirely conditioned by fulfilment of obligations under readmission agreements with third countries, as this could jeopardise the achievement of the Sustainable Development Goals and the EU Treaty of Lisbon's commitments to eradicate extreme poverty and inequality. Ability and willingness of partner countries to cooperate in migration management with the EU should be clearly separated, as they are substantially different. In this sense, the CoR considers that the use of official development assistance should focus on projects in the field of security and border management only when they are clearly beneficial for the recipients. Partner countries unable to implement migration arrangements should still benefit from financial and other instruments aimed at achieving operationalisation of EU migration compacts.

21. Therefore urges the EU to try to develop tailored partnership arrangements with third parties that genuinely reflect the needs, concerns and capacities of the third parties, taking into account the fact that different partners face different challenges and different circumstances.

22. Encourages Member States of the EU who have traditionally close ties with particular countries (historical, cultural, economic, etc.) to use these connections to promote the cooperation with and between those countries, to facilitate the readmission and reintegration of readmitted persons.

23. Encourages the European Commission to finalise the new partnership priorities with Jordan and Lebanon following the European Neighbourhood Policy Review of 2015 as soon as possible. Lebanon and Jordan, together with Turkey, host most of the 5 million Syrian refugees. In Jordan, currently one person in nine is a refugee from the Syrian civil war — almost 700 000 out of 6,7 million inhabitants. In Lebanon, this figure stands at 1,1 million out of 4,6 million and in Turkey at more than 2,5 million out of 79,5 million inhabitants.

24. Is concerned with regard to the EU-Turkey Agreement of 18 March 2016 on refugees, in particular because of several serious human rights issues relating to the detention of asylum-seekers in 'hotspots' on the Greek Aegean islands, but also in view of the return of asylum-seekers to Turkey as a 'first country of asylum' or 'safe third country', and because of fears that Turkey may be returning refugees to Syria itself. The CoR is also worried by the slow build-up of the Greek asylum systems' capacity to administer the asylum process in the hotspots and delays in the provision of support to Greece, the so far very low level of resettlement of refugees from Turkey, and delays in the disbursement of EU financial assistance to Turkey's efforts in supporting Syrian refugees.

25. Is critical of the establishment, without real guarantees, of the 16 priority countries identified in the communication for the new agreements as not all of them can be considered 'safe third countries' and/or have acceptable human rights records. Even if the 'safe third country' rule does not apply in these agreements, the example of Turkey sends worrying signals in this respect. Mechanisms for the EU to monitor reception in these countries should be set up.

26. Is looking forward to the adoption of the strategic communication on Tunisia. The continuation of its peaceful and democratic post-revolution transition towards economic and security stability would send a very positive signal to the area and should therefore be supported by the EU.

27. Recalls that the situation in Libya requires particular attention and strategic steps, and welcomes the engagement in this respect foreseen in the communication. The CoR stresses the importance of the cooperation with the Libyan LRAs and asks the Commission to give full support to the efforts made by the CoR and ARLEM to promote the cooperation initiatives between EU LRAs and their Libyan counterparts, started at the last ARLEM Plenary in Nicosia (the Nicosia Initiative).

28. Welcomes the emphasis on cooperating with transit countries, which usually bear significant financial burden — particularly at the local and regional levels — in hosting asylum-seekers and irregular migrants. The UN New York Declaration for Refugees and Migrants adopted in September 2016 has recognised that large movements of refugees and migrants disproportionately affect neighbouring and transit countries and stretch their capacities. Therefore, local and regional authorities of transit countries should benefit from EU-led capacity building, financial assistance and information sharing. Calls on the EU to include facilities that support direct peer-to-peer cooperation between local and regional authorities from the EU and partner countries to increase planning and governing capacities at the local and regional level.

29. Agrees that an essential part of any compact will be the joint efforts to make returns and readmission of unsuccessful asylum-seekers and irregular migrants work. The CoR recognises that local and regional authorities of countries of origin are at the forefront of migration policies with many key responsibilities such as providing access to the labour market, housing, education and healthcare, all of which impact directly on their capacity to reintegrate returnees and thus to ensure social cohesion and sustainable societies. Everyday questions of reception, integration and reintegration of migrants are felt particularly at local and regional level. Thus, compacts should seek to increase the effectiveness and sustainability of the return process and provide adequate funding for voluntary returns, as well as to help countries of origin in reintegrating readmitted nationals.

30. Believes that multilevel governance is the most appropriate means to generate the necessary mix of measures and initiatives, in order to achieve optimum results in the reception, integration and reintegration of migrants.

31. Recalls that best practices must be shared among local and regional authorities in the EU and in third countries regarding all aspects of migration, including but not limited to, integration and reintegration policies, tackling irregular migration, recognising early warning signs and/or early prevention of crisis situations, fighting human smuggling and trafficking of migrants (in line with EU Action Plan Against Migrant Smuggling 2015-2020, UN Protocol on Smuggling of Migrants by Land, Sea and Air, the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 and the Palermo Protocol). The CoR is well placed to reach out to cities and regions in partner countries to facilitate and encourage the exchange of innovative ideas and practices and to promote more effective involvement of local and regional authorities in the design and the implementation of migration and integration policies, in line with multilevel governance and the subsidiarity principle.

32. Agrees that the expertise and resources of Member States are essential in delivering the compacts and that effective cooperation depends on networks of EU experts on the ground including those with a knowledge of local and regional dimension of migration. Therefore, the CoR welcomes the deployment of European Migration Liaison Officers to priority source and transit countries to help coordinate EU cooperation against migrant smuggling and urges Member States to quickly nominate the appropriate experts for this task.

Financial Aid

33. Supports the use of existing financial instruments and existing trust funds to achieve the short-term objectives of the compact, but calls on the EU Member States in this context to provide their respective contributions to these funds as agreed without delay.

34. Highlights the importance of exploiting synergies between existing funds such as: the Facility for Refugees in Turkey (EUR 3 billion), the EU Emergency Trust Fund for Africa (EUR 1,8 billion), the EU Regional Trust Fund in Response to the Syrian Crisis (EUR 1 billion) as well as other financial instruments which potentially could provide up to EUR 8 billion over 2016-2020 to deliver the compacts. Possible synergies with the Structural Funds should also be examined.

35. Welcomes the Commissions' proposal for an ambitious external investment plan that that would tackle root causes of irregular migration and support partner countries in managing consequences of irregular migration in Africa and in the EU Neighbourhood countries, while contributing to the achievement of other UN development goals and calls on the Commission to develop this tool as quickly as possible, in close dialogue with EU Member States and international partners.

36. Welcomes the proposed external investment plan package for Africa and EU Neighbourhood countries aimed at mobilising investments (through an improved business environment, a single entry point for financing requests for investments and private sector financing) and boosting job creation in partner countries.

37. Welcomes stepping up EU technical assistance and support for economic and structural reforms to improve the business environment. The CoR particularly calls for the proposed technical assistance to involve local authorities and companies, and support them in developing a higher number of bankable projects which improve the general business environment and making them known to the international investor community.

38. Is convinced of the short-term and long-term impact of the proposed investment plan on improving sustainable development of EU partner countries which are major countries of origin of migrants or countries of transit of asylum-seekers and irregular migrants. Therefore, the proposed plan will directly tackle root causes of irregular migration, and will help reduce incentives to engage in irregular migration.

39. Recognises the importance of the EU, Member States, third countries, international financial institutions and European bilateral development institutions as well as the private sector all contributing to the investment plan. The CoR welcomes the initiative by the Commission of presenting an ambitious external investment plan, which aims to mobilise EUR 62 billion to contribute to achieving the UN development goals and thus tackling the root causes of irregular migration.

40. In this regard, calls for the Commission's initiative to be implemented via the signature of a specific agreement with the Member States and other international partners, requiring them to match the total contributions made available by the EU, as incentives for further public and private investment.

41. Welcomes the plan presented in September which is based on three pillars: mobilising private investment, stepping up technical assistance, and improving the general business environment; regrets the absence of any reference to local and regional authorities in the communication and stresses the importance of directing assistance and resources to local and regional authorities. The second pillar must clearly also involve the LRAs and the CoR should be a partner in its implementation. The CoR Atlas of Decentralised Cooperation can be a useful tool to help to identify projects in need of financing and possible cooperation partners. Calls for representation of local and regional authorities in the governance structure of the external investment plan.

42. Urges therefore the EC to involve the CoR in the design of the plan as the voice of local and regional authorities in the EU, many of which have extensive experience in development cooperation.

43. Urges the Commission to explore ways to engage different diaspora groups in EU Member States in being partners in financing investments in their countries of origin. In 2013, migrants from developing countries sent home over EUR 400 billion. These remittances tend to be more stable than other private capital flows, declining by a mere 5 % during the recent global financial crisis and recovering rapidly to pre-crisis levels. A good example of the potential of remittances is the fact that in 2013, remittances sent by the diaspora to Senegal made up 10 % of its GDP.

Role of local and regional authorities in providing information

44. Reiterates that LRAs both in the EU and third countries can and should play a role in the joint effort with the EU and national level and with countries to implement migration partnerships. In particular, LRAs have a key role in raising awareness and providing necessary information to citizens in the countries of origin, transit and destination.

45. Potential migrants have to be aware of the risks and dangers they face when trying to enter the EU irregularly. They must also be informed about the conditions and structures in the countries of destination including information on the labour market, access to relevant training and language courses, and the conditions for family reunification. Potential migrants should be made aware of the cultural differences between their country of origin and their country of destination, alerting them to unacceptable behaviour and practices.

46. People and companies in the countries of destination should be informed about the benefits of migration and be properly trained to help with migrants' integration. This information can best be achieved at local and regional level where the authorities have the greatest proximity to citizens. Good legal migration and long-term integration policies at local and regional level are means against the phenomena of racism and xenophobia.

47. Recalls that, while the proposed Partnership Framework does mention the need to reinforce local capacity building through the development and neighbourhood policies in its introduction, it does not elaborate further on concrete measures to fulfil this need. The CoR can and should be a partner in local and regional capacity building efforts in partner countries.

48. Underlines the need to invest in local capacities and in actions of local and regional governments of partner countries. Local governments should be made partners in all pillars of the external investment plan and the CoR supports Platforma's suggestion on EU city-to-partner-country-city cooperation as a key instrument for the implementation of the new approach and building capacity and sharing technical expertise in local migration management; in this sense, believes the external investment plan should fund city-to-city and region-to-region cooperation.

49. Emphasises that cooperation among EU, Member States, EU-LRAs and LRAs in the countries of origin and transit of migrants can help manage migration more efficiently to the benefit of all parties. To this end the EU and Member States need to support the LRAs both financially and politically.

Brussels, 8 February 2017.

*The President
of the European Committee of the Regions*

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