

# HUMAN RIGHTS MUST BE PRIORITY AT LA VALETTA

## CONCORD Position towards La Valetta EU-Africa Migration Summit, Malta, 11-12 November 2015

5 NOVEMBER 2015

CONCORD, the Confederation of European Development and Relief NGOs, is extremely concerned with the EU's agenda for La Valetta Summit.

This agenda mainly reflects its security policy and border protection concerns and prioritises this over the fundamental rights and well-being of large numbers of migrants and refugees seeking asylum and protection from war, poverty and violence, and further strengthens its approach of externalization of EU's responsibility for refugee protection and regionalization of (return) migration governance. It is a double agenda that both promotes the return of migrants and prevents them from coming to Europe. This agenda is at odds with the fundamental values of an open European society, based on respect for human rights and human dignity, promotion of peace and solidarity between and among nations.

Is Europe forgetting its own world war history, after which the protection of refugees was agreed upon by the States around the world exactly because of our experience?

We call on the EU and its Member States to seriously reconsider this approach, in alignment with its fundamental values and principles for the benefit of migrants and refugees but also for the European Union itself in regaining the support among its citizens.

The double EU Agenda for La Valetta Summit focuses on five priorities:<sup>1</sup>

- Improving border management by African States, with EU support to their national strategies on migration and mobility, and with the accompanying "intensified political dialogue" (threatening to withdraw aid, trade deals and visa arrangements)<sup>2</sup>;
- Preventing and fighting against migrant smuggling and trafficking of human beings, including through military operations against smugglers, as well as crime investigation and prosecution;
- Preventing all irregular migration and increasing border management and anti-corruption efforts, including by organising missions by African officials to Europe in order to identify the nationality of irregular migrants who are not in need of international protection;

<sup>1</sup> See: [http://www.afronline.org/wp-content/uploads/2015/10/Valletta\\_Summit\\_Political\\_Declaration\\_Draft.pdf](http://www.afronline.org/wp-content/uploads/2015/10/Valletta_Summit_Political_Declaration_Draft.pdf) and [http://www.afronline.org/wp-content/uploads/2015/10/Valletta\\_Summit\\_Action\\_Plan\\_Draft.pdf](http://www.afronline.org/wp-content/uploads/2015/10/Valletta_Summit_Action_Plan_Draft.pdf)

<sup>2</sup> See: [http://www.consilium.europa.eu/press-releases-pdf/2015/10/40802203341\\_en\\_635799226800000000.pdf](http://www.consilium.europa.eu/press-releases-pdf/2015/10/40802203341_en_635799226800000000.pdf)

- Promoting return and readmission agreements to facilitate returns of irregular migrants, including through the ‘more-for-more’ approach making development aid conditional on return and readmission (“more return, more aid; less efforts and cooperation, less aid”). Even return to neighbouring countries is being pushed for;
- Shifting European Development Fund resources into a € 1.8 billion Trust Fund – meaning reallocating development aid for social-economic development in Sub-Saharan Africa to migration management policies in North African countries that are members of the Rabat and Khartoum processes.

**CONCORD calls for a different agenda:** an agenda that delivers on EU development objectives and the Sustainable Development Goals framework (including the SDG 10.7 on fair, safe and responsible migration) that EU Member States have unanimously committed to, and on the Treaty obligation for Policy Coherence for Development (article 208 TFEU). This is the way we can make migration an option, not a necessity!

This means:

- **Promoting and protecting the human rights of migrants**, not just in words but in action, starting with that all EU Member States agree on a timetable for ratifying and implementing the UN and ILO conventions on migrant rights and migrant labor;
- **Tackling the root causes of forced displacement and irregular migration**, by addressing instability and crises, including by reducing or resolving conflicts generating internal displacement and refugee flows. This should include a reflection by the EU Member States on their track record in responses to early warning, in conflict prevention and peace building, and in arms trade, for example in the case of Syria. The EU should forge a new humanitarian and development policy for preventing crisis and conflicts as well as trade and common security policies that are coherent with development objective;
- **Maximizing the development benefits of migration by investing in inclusive development**, by creating economic and social opportunities, decent work; strengthening democratic governance, rule of law, social accountability, human rights; strengthening resilience, basic services; investing more in education for children and job creation for young people; delivering on migration-related commitments as part of the Sustainable Development Agenda including reducing the transaction costs of remittances and enhancing diaspora engagement as social investors and entrepreneurs and as agents of change and actors for social justice;
- **Maximizing protection and asylum** to ensure protection of migrants, refugees and asylum seekers in countries of origin and along the entire migratory route, without any kind of discrimination and regardless of their migration status, and with particular attention to vulnerable groups, such as (unaccompanied) minors and women.

### **Prevent any more migrants deaths: enough is enough!**

Concord believes that scarce development resources should be used for stepping up international protection, tackling root causes and investing in inclusive development. **ODA should therefore NOT be used for reception of asylum seekers in Europe (not even for the first year) nor for fighting people smugglers, nor for financing border control reinforcement by African countries.**

CONCORD believes that recovering costs to host refugees and asylum seekers from their overseas aid budgets is not acceptable. Firstly, it diverts crucial funding away from the intended purpose, namely tackling root causes and investing in inclusive development. Secondly, it is self-defeating as a policy as it will reduce much needed assistance to people in the region, and thus make more of them conclude that

they have to move to Europe to have any chance of a decent life.

**CONCORD also wants a different agenda on migration.** As European Commission President Jean-Claude Juncker said in his State of the Union address to the European Parliament<sup>3</sup>, this requires:

- **Opening new legal channels for migration: more safe and controlled roads to Europe** in order to reduce both the risks and costs of migration, instead of stricter border controls that create ever more lucrative markets for people smugglers. Carrier sanctions should be lifted to facilitate safe crossings and undermine the business model of people smugglers.
- **Understanding migration as a resource for development.** This reflects the acknowledgement of migrants and diasporas' contribution to sustainable development in both their countries of origin and destination, as agreed in the 2030 Sustainable Development Goals. Why not advertise the success stories of African diaspora in Europe, showing their positive contribution to sustainable development in countries of destination? This would also help to counter populist and xenophobic tendencies in several EU Member States.

**Above all, CONCORD urges European and African leaders to respect and safeguard in all situations the safety and dignity of migrants!**

- **Promote and implement a genuine rights-based approach to migration.** Migrants' life, rights and dignity must be preserved at all times and in all situations. Refugees should not be penalized for their irregular entry or stay. No form of discrimination or violence is acceptable or justifiable, whether taken by public authorities or private actors. No coercive measures, through fingerprinting procedures and old or new forms of detention of migrants should be put in place. The so called "Hotspots" must respect international human rights law, in particular prohibition of arbitrary detention, collective expulsion and use of coercion in fingerprinting procedures, especially for children.
- **No military naval interventions to destroy people smugglers' vessels** as this runs too high risks to put migrants' lives in great danger. No humanitarian crisis should be answered with a military response. We call on EU leaders to fight against smuggling not with the arms but with more development cooperation assistance. There is no military response to a humanitarian crisis!

Finally, we deplore the **complete lack of involvement of European and African civil society** in La Valetta Summit process. We hope and expect we will be allowed to convey our concerns and recommendations to the Summit participants in La Valetta.

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<sup>3</sup> [http://ec.europa.eu/priorities/soteu/docs/state\\_of\\_the\\_union\\_2015\\_en.pdf](http://ec.europa.eu/priorities/soteu/docs/state_of_the_union_2015_en.pdf)