

# CONCORD initial reaction to the New Pact on Migration and Asylum

6 October 2020

CONCORD Europe welcomes a number of aspects of the New Pact on Migration and Asylum presented by the European Commission on 23 September 2020. While we understand that the European Commission's priority is to rebuild trust among EU Member States on migration policy, we would like to stress that **a credible migration policy can only be achieved if it also respects international conventions on human rights**. While some proposals go in the right direction to protect the rights of people on the move, CONCORD Europe is concerned that the New Pact on Migration and Asylum also includes elements that are not aligned with development cooperation objectives, or human rights' standards.

In many cases, forced migration is a response to problems to which Europe contributes – such as conflicts exacerbated by arms trade and the competition for natural resources, unjust macroeconomic relations and climate change. Addressing the root causes of forced migration should therefore mean that the EU looks at the impact of its policies on partner countries' capacity to implement Agenda 2030 and the Sustainable Development Goals. Policy Coherence for Development (PCD) is a requirement of the EU Treaty<sup>1</sup>, but evidence shows that a PCD perspective is not sufficiently applied to EU policy making<sup>2</sup>. This is unfortunately also the case for the New Pact on Migration and Asylum.

Migration can play a *positive* role for sustainable development both in Europe and in developing countries. CONCORD Europe calls for an EU migration policy that strikes a better balance between the rights of migrants and the interests of partner countries and EU member states than the current proposal from the European Commission. In this context, CONCORD Europe puts forward some preliminary observations on the New Pact for Migration and Asylum focusing particularly on the external dimension: Chapter 6 "Working with our International Partners".

## What we like with the New Pact on Migration and Asylum

- **Chapter 6 (introduction):** CONCORD Europe recognises the challenge of ensuring that EU migration policies contribute to sustainable development in countries of origin, transit and destination. Therefore, **we welcome the references to positive impacts of migration**, mentioning that "Migration policies that work well are in the interest of partner countries, the EU, and refugees and migrants themselves." A coherent approach to migration considers regular migration flows as an asset for achieving poverty reduction and sustainable development, for example through economic and social remittances, "brain gain", diaspora engagement and positive effects on trade and investment.

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<sup>1</sup> Policy Coherence for Development (PCD) is recently rooted in Article 208 of the Lisbon Treaty (2009) and reiterated in the European Consensus on Development (2017)

<sup>2</sup> See the CONCORD report [The impact of EU policies in the World](#) (2017) or the subsequent briefing [The impact of EU policies in the world - one year on](#) (2018)

- **Chapter 6.2:** As the world's largest donor of development assistance (ODA), the EU plays a key role to address emergency and humanitarian needs. CONCORD Europe welcomes that the **EU maintains its "strong commitment to providing life-saving support to millions of refugees and displaced people** as well as fostering sustainable development-oriented solutions"<sup>3</sup>.
- CONCORD Europe acknowledges the challenge that the European Commission faces in bridging the very different views of EU Member States with regards to migration and asylum. While **we welcome the recognition of migration and asylum being the responsibility of the whole of Europe**, we encourage the European Commission to not only talk about solidarity among EU Member States, but to extend this solidarity also to people (migrants and asylum seekers) from countries outside of the EU.

## What can be improved with the New Pact on Migration and Asylum

- **Chapter 6 (introduction):** The new Pact states that "Migration is central to the EU's overall relationships with key partner countries of origin and transit"<sup>4</sup>. CONCORD Europe reiterates that **it is important to keep a *people-centred approach* in any EU migration policy** and acknowledges the efforts by the European Commission to take such an approach in the New Pact. **It is however still crucial to keep in mind that migration is one key element of sustainable development but not the only decisive factor to achieve it.** We will not achieve (or fail to achieve) sustainable development only by addressing migration.  
The "comprehensive, balanced and tailor-made partnerships" mentioned in the new Pact, must be based on human rights' principles, the 2030 Agenda and the Global Compact on Migration. In these partnerships, migration governance should be coherent with other EU external actions, respecting human rights and leaving no one behind as stipulated in the 2030 Agenda.
- **Chapter 6.1:** CONCORD Europe agrees that the EU's migration approach needs to "deploy a wide range of policy tools, and have the flexibility to be both tailor-made and able to adjust over time. Different policies such as development cooperation, security, visa, trade, agriculture, investment and employment, energy, environment and climate change, and education, should not be dealt with in isolation"<sup>5</sup>. **Overcoming the isolation of different policy tools however means adopting a Policy Coherence for Sustainable Development approach**, recognising the centrality of sustainable development and understanding how migration could be enhanced for the well-being of people in developing countries and Europe together. This should be at the core of a truly mutually beneficial partnership.
- **Chapter 6.6:** CONCORD Europe also **welcomes the intention to support legal pathways to Europe**. This includes the requirement to strengthen resettlements. although more could be done to align them with the UNHCR three year strategy 2019-2021<sup>6</sup>. We also welcome the statement to "include complementary pathways to protection, such as humanitarian admission schemes and measures such as study or work related schemes."

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<sup>3</sup> Page 19 in the New Pact on Migration and Asylum

<sup>4</sup> Page 17 in the New Pact on Migration and Asylum

<sup>5</sup> Page 17 in the New Pact on Migration and Asylum

<sup>6</sup> <https://www.unhcr.org/5d15db254.pdf>;

In this context however, priority should be given to groups that have been made vulnerable such as unaccompanied children and families with children, women, including girl children and disabled people.

## What should be removed from the New Pact on Migration and Asylum

- **Chapter 6.1:** **The volume of the migration spending target 10% of the NDICI, is excessive, and does not have any basis in the Treaties or international agreements.** The Commission should not refer to the 10 % benchmark ahead of a finalised and agreed Multiannual Financial Framework (MFF). **This can be regarded as an attempt by the Commission to tie the hands of the MFF negotiations.** Therefore the spending target should be eliminated or the percentage decreased to ensure a balanced development approach to migration throughout the text. The Pact also says that the “EU’s external financial instruments also provide for additional flexibilities to respond to unforeseen circumstances or crises”. Even though it is possible in the NDICI’s flexibility cushion to use funding to address “migratory pressure” the European Commission should not already plan to allocate this funding to the Pact since it is also supposed to be made available for crisis and post-crisis situations.
- **Chapter 6.3:** The European Commission affirms that “assistance will be targeted as needed to those countries with a significant migration dimension.” This could have a diversion effect in the distribution of EU aid. CONCORD Europe advocates that **criteria for allocation of EU ODA between regions and countries must be fair, objective and based on the needs of partner countries (with a focus on Least Developed Countries).** There should be no diversion of finance from poor countries and regions to the migrants’ countries of origin, or transit countries, on the sole basis that they are on a migratory route. Also, it would appear that the EU’s neighbours are a particular priority which prescribes which countries should be allocated aid. This fails to meet the above mentioned criteria.
- **Chapter 6.4:** In terms of Frontex’s enhanced scope of action, CONCORD Europe calls for a **clear assessment of the implications on human mobility in developing countries.** Such an assessment must clarify what the potential consequences for migrants and their human rights along the external border might be with such an enhanced role of Frontex. In this context, and related to the budget allocated to certain companies to handle borders, it is all the more important to investigate who might benefit from business opportunities that arise in connection with a strengthened management of EU’s borders<sup>7</sup>.
- **Chapter 6.5:** The Pact mentions that “migration issues such as border management or more effective implementation of return and readmission can be politically sensitive for partners”<sup>8</sup>. Furthermore, the section focusing on cooperation on readmission with third countries indicates that these discussions must be seen in the “context of the full range of the EU’s and Member States’ policies, tools and instruments” which also implies that development cooperation policies can be used in the context of fostering readmission and reintegration. CONCORD Europe **strongly opposes applying conditionality to development aid for partner countries,** based on their compliance with returns and readmissions, migration management and border control. It limits progress on

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<sup>7</sup> See for example the Transnational Institute Report on [the lucrative business of borders](#)

<sup>8</sup> Page 17 in the New Pact on Migration and Asylum

sustainable development to a narrow framework that measures success based on the number of departures and returns, and ignores the valuable contributions of human mobility to development and resilience.

- **Chapter 6.6: The Talent Partnership introduced in the New Pact might have severe negative effects on partner countries. It risks draining partner countries of its own well-educated talent, only to benefit Europe.** This is a potential source of increased inequality as well as discrimination. The EU should refrain from picking and choosing who serves the EU's needs best, without considering the effects it has on the country from where the talent leaves. In addition this raises questions about how the EU intends to address low skill mobility and shape programmes for migrants without high-profiled skill-sets. It is particularly concerning that Europe is leveraging its economic, financial and political power to incentivise talents from some of the poorest countries in the world to leave their home country.

In order to prevent the above-mentioned negative effects on our partner countries, **CONCORD Europe encourages Member States to take these considerations into account.** Neglecting the development cooperation dimension in the New Pact on Migration and Asylum could over time undermine the pursuit of long-term social, environmental and economic goals, as defined in the 2030 Agenda, both within the EU and outside.

