

CONCORD briefing on Migration and Mobility in EU-Africa pillar of the post-Cotonou agreement

Context.

The EU's negotiating mandate¹ for the post-Cotonou EU-ACP Agreement, shows clearly that references to migration have multiplied. Furthermore, the message is clear: all relevant policy areas must be used to stem irregular migration and return migrants irregularly residing in third countries. There is, moreover, a worrying connection being made between the fight against terrorism, the benefits of well-managed migration and the need to stem irregular migration.² While the chapter about the environment and climate creates a welcome link with displacement³, there is little tangible action proposed regarding the protection of people affected by climate-induced displacement, which will certainly be the challenge of the future. As announced in the Common Provision of the Negotiating Mandate, the Parties committed to systematically promote a gender perspective. The lack of gender considerations under the mobility and migration chapter is concerning. A lack of legal pathways pushes people, including women, to move irregularly, exposing them to dangerous journeys, where they face particular challenges and are subject to various forms of violence.

In comparison, the ACP negotiating mandate⁴ clearly puts the emphasis on the need for development cooperation to focus on poverty eradication. In articles 156 through 159, the challenges and opportunities of migratory and refugee flows are mentioned, with the clear need for more intra-ACP migration, the promotion of legal migration, the importance of remittance flows, the need for returns and readmission to be voluntary and the preclusion of the use of development aid for negotiating restrictive border controls instead of the rights-based dialogue and framework.⁵

The issues are obvious, and the tension between the mandates is clear. The question of whether a genuine partnership of equals (as European Commission President Juncker put it⁶) can lead to balanced, rights-based and sustainable migration cooperation is dubious. Questions around return and readmission, and the leveraging of development assistance to foster tighter cooperation on migration management seem to be the two most contentious

¹ Negotiating Directives for a Partnership Agreement between the European Union and its Member States of the one part, and the countries of Africa, Caribbean, Pacific group of states, of the other part. Brussels, 21.06.2018, Council of the European Union

² Nature and Scope, Ibid

³ Title IV., Ibid

⁴ ACP Negotiating Mandate for a post-Cotonou Partnership Agreement with the European Union, 30 May 2018, Lome

⁵ 156-159. Points, ACP Negotiating Mandate for a post-Cotonou Partnership Agreement with the European Union, 30 May 2018, Lome

⁷ https://www.unhcr.org/gcr/GCR_English.pdf



issues creating discrepancy between the EU's and African countries' negotiating mandates and general approaches to the topic.

Recommendations.

CONCORD urges the EU to follow the comprehensive, positive approach to migration which can be found in the SDGs and the Global Compact on Migration (GCM) in order to genuinely leverage the development benefit of migration. The EU-Africa pillar in the post-Cotonou agreement must foresee the creation of regular pathways for people from all parts of society, with special attention to women and girls, in order to foster intra-African and EU-Africa regular mobility (such as student scholarships, skills and vocational training to ensure successful labour migration, familiar reunification and other complementary pathways) and the facilitation of circular migration by offering people long-term residency or citizenship in their host countries. This would, in turn, ensure the possibility of free movement between their country of origin and country of choice and bring knowledge to financial and social capital while contributing positively to both countries.

Development assistance must be used for achieving sustainable development and poverty reduction with a rights-based and gender-sensitive approach so that migration policy can play a role: not one that jeopardizes aid effectiveness and positive change - but rather one that fosters cooperation and rights-based international migration governance.

In the area of return, non-refoulement checks with special attention to gender-based violence must be promoted, with emphasis on voluntary return and sustainable reintegration. Tailor-made assistance may be needed to avoid the kind of 'circular migration' and irregular movement that is driven by desperation. It will be crucial to support the development of asylum systems in African countries that respect the spirit and the letter of refugee law and the Global Compact on Refugees⁷ in order to ensure the right to protection for all people in need. The EU should simultaneously maintain its commitment to resettlement and respect its shared responsibilities in offering asylum. Lastly, the EU should address the drivers of forced displacement, like conflict or climate change, so as to avoid further displacement situations. Basing the EU-Africa pillar on global processes and internationally acknowledged trends can help to make sure that a partnership of equals is established, with both parties equally influencing the final version of this legally binding framework.

⁷ https://www.unhcr.org/gcr/GCR_English.pdf



