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**COMMITTEE OF EXPERTS
ON THE IMPLEMENTATION OF THE
MIGRATION MANAGEMENT STRATEGY (MG-FL)**

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13-14 May 2003

General Rapporteur's Conclusions

Conference on "Migration in the Mediterranean: Prospects for the Future"
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The conference involved a rich exchange of views encompassing all aspects of migration (involuntary and voluntary, regular and irregular) as well as a dialogue between participants from all countries involved in the migration process, including participants from countries on the southern shore of the Mediterranean from which many migrants come to Europe. There were also important contributions from representatives of intergovernmental and supranational organizations concerned with migration, such as the Council of Europe and its various institutions, the European Union, UNHCR, IOM as well as representatives of non-governmental organizations and civil society.

Many participants underlined that the terminology used in the migration debate often clouds and influences the perception of the migrant. The elements of the migration management strategy identified below must be clear on this question of terminology, particularly in respect of those migrants who enter countries without authorization or who overstay their permission to enter. Consequently, it is important to speak of *irregular* migration rather than “illegal” migration (which has criminal law connotations) and of *preventing* irregular migration rather than “fighting” or “combating” it in order to avoid the “war” or “police” logic that too often pervades debates on this subject.

Participants agreed that the quest for a coherent migration management strategy depends on a comprehensive or holistic approach, although unfortunately official practices can often be very different. For example, the Council of Europe Conference on “Irregular Migration and Dignity of Migrants: Cooperation in the Mediterranean Region” in Athens in October 2001 underlined that a strategy focusing solely on the prevention of irregular migration is insufficient to address this phenomenon, but that the rights of irregular migrants also have to be protected. Although participants noted that there is no international regime dealing with migration in a comprehensive manner, it must not be forgotten that a clear human rights regime exists at the universal level in the form of standards adopted by the UN and the ILO and at the regional level in the form of Council of Europe instruments, but that these standards have not been adopted by a sufficient number of governments across the whole spectrum of the migration process (i.e., sending, transit and destination countries). Therefore, more efforts need to be undertaken to recognize the rights of all migrants openly and explicitly, which may also include the adoption of programmatic measures to protect their rights.

A number of participants emphasized that a coherent migration management strategy must also be set within a framework of continuing migration, in other words it should be based on the understanding that migration is a fact of life. Consequently, such a strategy should not aim to prevent migration altogether but to encourage persons to resort to regular migration channels.

Mr. Mahiga (UNHCR) referred to the asylum/migration nexus, which begins by looking at the causes of asylum-seeking and migration that constitute a “complex reality”. Because the motivations for migration are often mixed, it is very difficult to identify clearly whether a migrant is leaving his or her country for reasons of persecution or the search of a better life. This nexus analogy is an important one in the context of elaborating and implementing a comprehensive and coherent migration management strategy, outlined during the Conference proceedings by the Council of Europe’s Director General of Social Cohesion, Mrs. Battaini-Dragoni, and Professor Salt (University College

London), and supported by the Ministers responsible for Migration Affairs at the Helsinki Conference in September 2002. Participants discussed and elaborated the important elements of such a strategy and the nexus and linkages between them. However, it was emphasized that none of these elements are exclusive to a particular group of countries (sending, transit or destination) and that all the countries involved in the migration process should share the responsibility for each element thus underlining that migration is a common concern.

The following elements were discussed:

- **protection of human rights** and the strengthening of democracy and the rule of law;
- **dialogue** on the local, governmental, regional and international levels;
- **genuine cooperation and partnership** between all countries involved in the migration process based on the principle of solidarity;
- **harmonization** and its importance at the European level, within North Africa and in the Mediterranean region generally;
- successful **integration** of migrants in host countries;
- the **role migrants can play in their countries of origin** (including the importance of remittances and investment);
- **sustainable development** and its realization.

Conference participants recognized that elaboration of many of these elements and undertaking their concrete implementation should constitute the focus of future work, not only in the Mediterranean region but also in the context of relations between Europe and the rest of the world. In this regard, it was underlined that an institutional framework, in the form of the proposed **European Migration Agency**, can play a vital role in defining, elaborating and implementing the elements of such a strategy.

The **human rights** dimension to migration, advocated by the Council of Europe, and eloquently outlined by Deputy Secretary General, Mrs. de Boer-Buquicchio in her opening presentation, must be the cornerstone for a successful strategy of orderly and coherent migration management. Professor de Azevedo referred to the migration project as a human economic initiative, which needs families, households, and the local community rather than governments or Parliaments, and that migration concerns human beings first and foremost. In this context, it is important not to undermine the fundamental human right to leave one's own country, which applies also to those nationals who leave their countries and enter another country without authorization. The arguments about promoting development in regions of outward migration and the "brain drain" must start from the important premise that coercive attempts to prevent migration are impermissible.

The human rights approach to migration is an important counterbalance to the fragmented approach taken in some countries where for example there is no access to social rights for certain groups of migrants or where the focus is entirely on the prevention of irregular migration. In this context, it was important to remember, as emphasized by a number of participants, that irregular migrants also have fundamental rights. It was also underlined that the protection of human rights constitutes a building-block for the sustainable development of countries of origin.

Participants stressed the need for **dialogue** at the local, governmental, regional, and international levels. With regard to governmental dialogue, this should include dialogue

between Ministries because migration must not be seen as the sole concern of Interior Ministries. Several participants also underscored the need for a dialogue of cultures and religions, particularly at this very sensitive time in international relations. In this regard, migrants could play an important role as intermediaries in diffusing international tensions.

Mr. Iwinski (Chairman of the Parliamentary Assembly's Committee on Migration, Refugees and Demography) referred to the need for a "dialogue of civilizations", as opposed to the clash of civilizations espoused in Professor Huntington's much discussed theory. Ms. Benaboud (European Centre for Global Interdependence and Solidarity) also stressed the necessity of cultural dialogue as a means of promoting sustainable development.

Another important element of a comprehensive migration management strategy is **genuine cooperation and partnership** between all countries involved in the migration process based on the principle of solidarity. Cooperation is first required to identify the principal migration problems and concerns. It is important to ensure the promotion of regular labour migration movements in order to match push and pull factors and the needs and interests of both countries of origin and destination. Cooperation is also necessary for the establishment of information or awareness campaigns in countries of origin to prevent the worst features of migration, particularly irregular migration facilitated by organized criminal trafficking and human smuggling networks. With regard to the return of migrants, a clear need was identified for the adoption of a coherent return policy with the full cooperation and partnership of all countries involved in the migration process. In this context, therefore, and as underlined by Minister Borg (Minister for Home Affairs and the Environment), readmission agreements cannot be developed in a vacuum. There is also a need for the inclusion of civil protection and assistance measures as well as open dialogue so that migration can truly become a common concern.

Participants from the Maghreb referred to the absence of a regulatory migration framework in the countries concerned and the lack of **harmonization** and coordination with other North African countries. But the lack of a coordinated approach in EU countries was also noted (for example, differences exist between the Mediterranean and Northern EU Member States). The development of a genuinely harmonized approach in Europe is essential for an orderly and coordinated migration management strategy. Moreover, it was stressed that agreement should not only concern negative questions (for example, the prevention of irregular migration), but also positive matters. Although agreement has recently been reached on a Directive on the right to family reunification for third residing lawfully in EU Member States, the approach taken in this measure has been identified as very restrictive, particularly by representatives of civil society. A similarly restrictive approach is also emerging from the current negotiations on the proposed Directives on the rights of third country nationals who are long-term residents and the admission of third country nationals to the EU for the purpose of employment and self-employment.

The successful integration of migrants in host countries entails costs, but it was stressed that the costs of non-integration are far greater. In particular, the positive contribution of migrants to the host country in economic, social and cultural terms needs to be emphasized. As noted by Mr. Dollis (Secretary General for Greeks Abroad), European countries have not established the same integration apparatus as new world countries because many continue to perceive migration as a temporary

phenomenon. Some participants also identified the problems posed by transit migration and the need to integrate those migrants who will stay. Integration is closely related to equal treatment in the host country, which should encompass political participation, including the right to vote. The importance of the nexus between the integration of migrants in the host country and development in countries of origin was also stressed.

Participants underlined the **important role that migrants can play in their country of origin**, in particular by sending remittances to and investing in that country; an element that is closely linked to the realization of sustainable development considered below. For example, remittances played a very significant economic role in Tunisia when the tourist industry collapsed in the wake of the terrorist attacks on the United States on 11 September 2001. Moreover, in Mali remittances amount to twice the public aid granted to that country by France. In this regard, it was underlined that the disparity between development assistance and remittances had to be integrated into any dialogue. However, it is also necessary to balance the economic benefits of remittances against the social costs of irregular migration on communities in country of origin, which raise a number of human rights concerns.

Finally, conference participants underlined that positive migration stimulates **sustainable development**. It was necessary to move away from the “return and development assistance” approach, which fails to take account of the whole complexity of the migration phenomenon. In this context, the efforts of the IntEnt (Internationalization of Entrepreneurship) Foundation in the Netherlands demonstrate how integrated migrants can be catalysts for change and play an important role in the development of their country of origin. According to the Director of the IntEnt Foundation, Mr. Molenaar, such an approach recognizes “circular/shuttle migration” and that migrants will stay in their newly adopted countries. A number of participants noted that migration constitutes an opportunity for development provided that the re-migration element is downscaled and that circular migration is recognized. It was also necessary that governments and the international community support investments by migrants in their country of origin. Moreover, sustainable development requires an institutional framework and the recognition of the clear connection between respect for human rights, democracy and development.