

LADDER CONSORTIUM JOINT STATEMENT- REACTION TO THE MALTA DECLARATION of the MEETING of the Council of the EU 3rd February 2017

In reaction to the ‘Malta Declaration’ produced by the members of the European Council in Malta of the 3rd February 2017, we, the consortium of LADDER¹ (composed of 46 Local Authorities, Civil Society organisations and networks, originating from 36 EU and non-EU countries), wish to first welcome the importance given to migration within the agenda of the Malta Presidency of the Council of the EU. However, we wish to express our disappointment regarding the statements made within the Malta Declaration which continue to risk securitising the response to migration within and around the EU Borders at the expense of respecting and upholding the Human Rights of migrants.

The Migration Partnership Framework Agreement launched last year showed a deep determination to curb irregular arrivals in the EU through the Eastern Mediterranean route. We have previously issued our concerns with such a policy and the EU- Turkey Agreement.² The results of this latest summit manifested within the Malta Declaration are equally worrying. According to our commitment to respect human rights, international law and uphold European values, we find the following elements of the Malta Declaration are, in particular, a cause for concern:

A Focus on Libya: Towards a Dangerous “Double Filter”

The EU member states insist on the need for cooperation with Libya, and stabilisation of the country to tackle migration issues. They express their readiness to contribute to the improvement of the political situation, by helping local authorities acquiring “control over the land and sea borders”. The success of this project relies on several policies such as financial and training support of national coast guards, of local communities or of reception capacities.

Whilst welcoming an approach that sees the EU looking beyond its own borders and seeking ways to contribute to stabilisation in the neighbouring region, through for example ‘development of local communities to improve their socio-economic situation and enhance their resilience’. All efforts being made continue to put a focus on keeping migrants out of Europe. The statement clearly implies that EU policy will be to build a “double wall” or a “double filter” to prevent migrants from entering into Europe. The first wall would stand at the Libyan borders and the second at the European ones. We remain extremely concerned for the situation of migrants within Libyan Borders and question the stability and safety of the country for such vulnerable populations.

The Policy of Return: Ensuring Respect for International Law and Human Rights

In addition to the system of double filter through the cooperation with Libya, we wish to reiterate the need for any return policy to ensure it upholds Human Rights and international law. The updated Action Plan on returns needs to ensure that:

¹ www.ladder-project.eu

² <http://www.sosmalta.org/file.aspx?f=889>
<http://www.sosmalta.org/file.aspx?f=886>

“No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment» (A19).

Moves by certain member states to seek to undermine these rights means that now more than ever we need to push to reinforce this article and ensure the rights of people on the move are first and foremost considered. At no point must the actions highlighted in the Malta Declaration and the proposed Action Plan on returns result in undermining the removal of protection of these people and their deportation to countries where their rights are not safeguarded. Any Action plan on return must focus on a review and development of a strategic, effective and coherent policy on Assisted Voluntary Return rather than forced return.

Deterring Smugglers at the Risk of Creating New Dangerous Routes for Migrants

To face the flows of migrants, the Malta Declaration reiterates the will of the European member states to deter smugglers' activity perceived as responsible for the increasing level of migration through dangerous means into European countries.

However, as previously stated by our consortium, we believe that a focus on deterrence and the reinforcement of external border controls fails to solve the issue and can lead to the development of new routes which are less and less safe for the migrants. We reiterate the need for more safe and regular channels of migration to Europe in order to undermine the market for smugglers and ensure the increased safety of migrants.

A Focus on Security Measures: A Short-Term and Unsustainable Policy

In the Malta Declaration, the EU reiterated its commitments that ODA for Africa and the EU Trust Fund for Africa will cover the cost of proposed security measures aimed at preventing the flow of irregular migrants. International and European funding destined for sustainable development projects in Africa, would now be directly targeted to migration-related projects and to the control of external borders. We find this securitisation of development aid profoundly troubling.

The allocation of international funding to border control must not be at the cost of the aid for development in the countries from which the migrants flee. The migration crisis can only be tackled with long term and increased funding to development aid and humanitarian assistance to tackle the root causes of migration and ensure stable and safe countries for people to live in.

Conclusions

We would like to reiterate that the current position and policy direction taken by the European Council entails an undermining of European fundamental principles. The LADDER consortium calls for the respect of migrants' human rights upheld by the EU and asks the EU member states to reconsider their position in particular concerning the return of irregular migrants, the safety of the migrants on the different routes to reach and cross European countries and to ensure a response to the migration crisis which ensures safe and secure passage for migrants fleeing conflict, (through resettlement, humanitarian admission and humanitarian visas, family reunification, worker mobility across skill levels and student visas) and the respect of every human right. Further cooperation on international, national and local stages including through consultation with local government and civil society who are often at the forefront of responding and dealing with the impacts of migration at local level with little or no resources or support or access to policy making and with migrants themselves is imperative to define a comprehensive adequate strategies that do not undermine Development Aid or Human Rights and manage migration in a collaborative, transparent and open manner.