

# DANISH REFUGEE COUNCIL'S POSITIONS ON THE EU'S NEW PARTNERSHIP FRAMEWORK WITH THIRD COUNTRIES



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**The New Partnership Framework** with third countries under the European Agenda on Migration, launched by the European Commission in June 2016 and swiftly endorsed by the Council later that same month, is the EU response to the global challenge of displacement and migration and in particular to the predominantly political crisis within the EU that the pressure on EU's borders has caused. The partnership framework aims to leverage all existing EU and Member States' instruments and tools available for external cooperation in order to curb refugee and migrant movements to Europe, and is inspired by the EU-Turkey deal. While DRC is in support of a comprehensive, coherent and joint response to global displacement and migration, acknowledges the financial resources being committed by the EU, and welcomes the intent to leverage investments in partner countries via the private sector, we are concerned with the implications of an approach that represents an increasingly control-based EU policy shifting the focus from protection of refugees and migrants to a focus on deterrence and border management.

**DRC advocates** that a humane, people-centered and protection-focused response is adopted by the EU and Member States in the search for joined-up, sustainable solutions. We call on the EU and Member States to adopt a balanced narrative around refugees and migrants, framed in terms of manageability and solutions, and to lead by example in the development of a framework for global responsibility sharing upholding the EU's high standards and values.

**The following are key recommendations and concerns:**

- **Protection and rights must be at the core of a partnership framework with third countries.** The communication addresses mixed flows as a whole, without making a clear distinction between refugees in need of international protection and migrants. Everyone on the move, regardless of status, mode of travel and country of origin, must have their fundamental human rights upheld. A framework for the management of forced displacement and migration must take into account diverse protection concerns and the obligation to uphold particular rights for particular people including distinguishing between migrants and refugees, recognizing the particular vulnerabilities, protection concerns and rights afforded to each of these groups.
- **Restricting and limiting the regular routes and avenues for refugee and migrant movements will not reduce the number of people in need of protection.** Inspired by the EU-Turkey deal, which assesses its success primarily on the impact on crossings from Turkey

to Greece, a key objective of the partnership framework is the reduction of irregular arrivals to the EU and the increase of returns and readmissions to countries of origin and transit. While the EU-Turkey deal may have contributed to decrease numbers crossing the Aegean Sea, it has not lowered the numbers of people in need of protection. People in need of protection find and use other routes to get to safety. Restrictive measures pushes people choose alternative routes and embark on more risky journeys using irregular methods and routes.

- **A genuine objective of saving lives must include safe and regular pathways for mobility.** The new partnership framework puts its emphasis on less mobility rather than safer mobility. The EU should ensure *more* safe and regular pathways to seek asylum, including through humanitarian admission, resettlement, family reunification and other safe admission schemes, and expanding opportunities for regular migration, and recognize the positive contributions of refugees and migrants to economic growth and development.
- **The EU must lead by example in its support of the establishment of an international system of solidarity and responsibility sharing to manage movements of refugees and migrants by shouldering its fair share.** The communication commits to support the establishment of a UN-led global resettlement scheme to contribute to a fair sharing of displaced persons, however in essence the new partnership framework further cements the *quid pro quo* principle characterizing the EU-Turkey Statement, which is effectively externalizing protection responsibilities to a third country in exchange for funding, and other inducements. Resettlement is mentioned only as possible leverage vis-à-vis third countries and made conditional upon cooperation on migration management.
- **Return of people in need of international protection to countries where protection is not guaranteed**

**cannot be accepted.** The potential readmission of third country nationals in need of international protection to countries of transit where protection cannot be guaranteed is a great concern and cannot be accepted. The EU-Turkey deal sets a dangerous precedence in the externalizing of asylum processing, which runs a real risk of preventing refugee's access to asylum and their right to protection against refoulement.

- **A partnership framework must ensure that the return or readmission of migrants, and rejected asylum seekers is conducted in safety, dignity and with respect for human rights,** as well as primacy for voluntary return in accordance with fundamental human rights and the international protection regime. While migrants in an irregular situation may not have a legitimate claim for asylum or a basis for legal stay, they have rights to life, protection, and dignified treatment en route, in transit and destination. The explicit objective of fast returns of migrants in irregular status through *temporary and informal readmission arrangements* with third countries is a concern, running the risk of compromising human rights, and must be closely monitored.
- **Conditionalities based on returns and readmissions and the ability of states to prevent onward movements should not form the basis of partnerships with third countries or of the allocation of development aid.** While conditionality in development cooperation is not new, and can be an effective tool, the proposed model poses a real risk of undermining protection standards, and of diverting development funding from its primary objective of addressing structural poverty alleviation and fragility to border management and control measures, representing a shift from a value based to an interest based approach in development cooperation. The EU has been a leading donor in development cooperation and should uphold its reputation as a global donor of high standards, values and a human rights focus.



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#### About DRC

DRC delivers protection-focused programmes all along the displacement route from the regions of origin in the Middle East, Central Asia, Horn of Africa, and West Africa, to the transit areas in Iran, Turkey, Libya, Tunisia and South-Eastern Europe, as well as in Denmark as one of the destination points in Europe.

DRC is uniquely positioned with knowledge about people on the move, their situation in regions of origin, and their needs and protection concerns along the transit routes and in destination points.