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AFFAIRS, AT PART II OF THE 17th MEETING OF THE
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**“Migration management and its linkages with economic, social and
environmental policies to the benefit of stability and security in the
OSCE region”**

**Session VI: Strengthening regional and inter-State co-operation in the area of migration
management for the benefit of stability and security**

1. Introduction

Effective management of migration flows relies on the establishment of a network of strategic co-operation between the countries of origin, transit and destination.

Beginning with the informal meeting of the Heads of State or Government at Hampton Court in October 2005, the European Councils of December 2005, 2006 and 2007 gradually outlined the Global Approach to Migration. The Global Approach was presented to the United Nations for the first time during the High-Level Dialogue on International Migration and Development in New York in September 2006. Subsequently, the Global Forums on Migration and Development were held in Belgium in 2007 and in the Philippines in 2008. Athens will host the Global Forum on Migration and Development in November of this year.

The Global Approach involves a comprehensive European migration policy that incorporates the common foreign policy of the European Union (EU). It calls for a real partnership between the countries of origin, transit and destination.

2. The Rabat Process

This is a clear example of regional co-operation between the EU and the African countries located along the West African migration route.

In fact, the Lisbon Declaration of December 2007, which established the Joint Africa-EU Strategy at the continental level, refers explicitly in the section on migration and development to the regional processes involved in migration co-operation already under way, and this is where the Rabat Process comes in.

Besides its regional approach, the Rabat Process is based among other things on the following inspirational principles:

- The principle of joint responsibility among the countries of origin, transit and destination in dealing with migration issues;
- A direct consequence of the principle of joint responsibility is the principle of adoption of a migration policy by the countries involved. Basically, it means that each country should have its own migration policy and the capacities to make it effective;
- The principle of the comprehensive handling of migration flows, which calls for simultaneous and balanced attention to the various dimensions and stages of the migration phenomenon: the systematic management of legal migration, the combating of irregular immigration, smuggling and trafficking in human beings, and the complementarity between migration and development.

Taking the principles referred to in the Rabat Declaration of July 2006 as a starting point, for the first time a practical and operational “partnership arrangement” between the countries of origin, transit and destination for migration has been established to meet the challenges posed by migration flows.

Since the start of the Rabat Process, three African countries have been intensely involved in this Process and are spearheading it on behalf of the South: Morocco, the venue of the first Euro-African Ministerial Conference on Migration and Development in July 2006, Burkina Faso and Senegal (which will host the third Euro-African Ministerial Conference on Migration and Development in 2011).

The second Euro-African Ministerial Conference on Migration and Development, held in Paris on 25 November 2008, adopted by consensus the Declaration of Paris, which, among other things, included the Three-Year Co-operation Programme 2009–2011, setting a time-frame for the implementation of the actions provided for in the Programme and also ensuring the continuity of the Process.

It confirms the voluntary nature of these actions: the Rabat Process countries can carry out a “significant number” of these actions according to the specific features of the countries concerned, provided that they are implemented with respect for fundamental rights and human dignity and the principles of international law (respecting the commitments already agreed bilaterally by the participating countries) and that they take account of the balance between the commitments of the countries of origin, transit and destination.

The Co-operation Programme’s actions will be financed within the existing budgetary framework since no new resources have been provided for. This calls for the involvement of the African financial institutions in the synergies, which aim at improving co-ordination among the various guarantors playing an active role in this co-operation.

3. Intergovernmental co-operation

The fight against clandestine migration flows is also based on the establishment of a network for strategic co-operation with the countries of origin and transit. In the case of

Spain, the legal instruments are the Framework Co-operation Agreements on Migration, also called New Generation Agreements as opposed to the traditional readmission agreements.

- The philosophy behind the Framework Agreements is to give a legal structure to a comprehensive action that depends on co-operation and collaboration among all the States involved, that is to say both the countries receiving immigration and the countries of origin and transit of irregular immigration.
- The Framework Co-operation Agreements on Migration are arranged around the three pillars on which the Global Approach is based.
- Spain has so far signed Framework Co-operation Agreements on Migration with the following sub-Saharan African countries: Guinea-Conakry, Guinea-Bissau, The Gambia, Niger, Cape Verde and Mali.
- The Framework Co-operation Agreements on Migration signed by Spain are structured as follows:

A preamble, reaffirming the validity of the principles and obligations assumed in the Partnership Agreement between the EU and the African, Caribbean and Pacific Group of States signed in Cotonou in 2000, including the obligation to readmit the nationals of a State Party who are irregularly on the territory of another State Party as set forth in Article 13 of the aforementioned Agreement.

A chapter outlining general provisions calling for the elimination of any act that, directly or indirectly, entails a distinction, exclusion, restriction or preference on their respective territories with regard to a national of the other party to the agreement on the basis of race, colour, sex, religion, etc.

A chapter on the admission of workers who are not in Spain or resident there. This concerns recruitment in the country of origin of temporary workers with the obligation to return. The situation in the Spanish labour market determines the need for such recruitment in the country of origin.

A chapter on voluntary return, within the framework of regular labour hiring, for those persons who decide to return to their country of origin under economic and social development projects financed through microcredits.

A chapter on integration of the residents and measures to facilitate integration, such as Spanish language and culture training programmes, integration into the social and work environment, and information on the basic legal and institutional framework of the host country.

A chapter on migration and development, in line with the Master Plan for Spanish Co-operation and within the general framework of poverty reduction. It calls for programmes and projects to create employment and establish adequate living conditions in the most impoverished areas and the strengthening of the institutional capacities of the countries of origin through the elaboration and implementation of their national migration policies.

A chapter on combating irregular immigration and smuggling and trafficking in human beings that takes into account, among other aspects, co-operation to strengthen border controls (FRONTEX, SEAHORSE, etc.), awareness-raising campaigns, the security of the national identification documents of the countries of origin and reinforcement of their institutional capabilities.

A chapter on readmission of persons when it is proven that the person in question is a national of a party to the agreement. The procedure and guarantees for the readmission of persons forms an annex to these agreements and is an integral part of them.

Lastly, a chapter on follow-up and application of the Framework Agreement, which envisages the establishment of a Joint Commission consisting of representatives of the parties to the agreement to deal with matters concerning its application.