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A comprehensive humanitarian and political response to the migration and refugee crisis in Europe

Committee Opinion¹

Committee on Political Affairs and Democracy

Rapporteur: Ms Ioanneta KAVVADIA, Greece, Group of the Unified European Left

A. Conclusions of the committee

1. The Committee on Political Affairs and Democracy congratulates the rapporteur of the Committee on Migration, Refugees and Displaced Persons, Mr Duarte Marques (Portugal, EPP/CD), on his excellent report and supports by and large the proposed resolution and recommendation.
2. The committee shares in particular the main message of the report prepared by Mr Marques as presented in his conclusions: while most of the potential immediate and viable solutions, as well as roadmaps for future sustainable migration management, exist at both international and national levels, the problem mainly lies in the effective implementation of policies on the ground and the fulfilment of decisions already taken and pledges already made by European States. The committee welcomes the fact that the report covers the issue of the root causes of the migratory and refugee flows and looks at global challenges to come, such as forced migration due to climate change. It is also important that the report sheds light on the positive aspects of migration as instrumental for renewed dynamic and Europe's survival of the "demographic winter" it is entering.
3. For its part, the Committee on Political Affairs and Democracy proposes some amendments to the draft resolution aimed at reinforcing the message of the report by notably underlying the long-term nature of the challenges raised by the migratory and refugee flows into Europe (which go beyond a temporary "crisis") and the principles of solidarity and human dignity on which any comprehensive humanitarian and political response to these challenges should be based.

B. Proposed amendments

Amendment to the titles: Replace the words "in Europe" with the words "and the continuing flows into Europe".

Amendment A (to the draft resolution)

In paragraph 1, replace the words "the migrant and refugee crisis remains one of the main challenges facing European countries" with the following words:

"no comprehensive humanitarian and political response has yet been given to the challenges raised by the large-scale migratory and refugee flows into Europe".

1. Reference to committee: [Doc. 14005](#), Reference 4203 of 10 March 2017. Reporting committee: Committee on Migration, Refugees and Displaced Persons. See [Doc. 14342](#). Opinion approved by the committee on 26 June 2017.



Amendment B (to the draft resolution)

After paragraph 5, insert the following paragraph:

“The Assembly also welcomes the New York Declaration for Refugees and Migrants, adopted by the United Nations General Assembly in September 2016, which underlines the need for fair responsibility-sharing for hosting the world’s refugees and outlines a Comprehensive Refugee Response Framework calling for a whole-of-society approach.”

Amendment C (to the draft resolution)

In paragraph 7, replace the words “In view of the ever more urgent need to find comprehensive humanitarian and political responses to the crisis by improving co-operation and harmonising human rights protection,” with the following words:

“A comprehensive humanitarian and political response to the challenges raised by large-scale migratory and refugee flows into Europe should be based on the principles of human dignity and solidarity and aim at improving co-operation and harmonising human rights protection. Therefore,”

Amendment D (to the draft resolution)

Delete paragraphs 7.4 and 7.6 and, before paragraph 8, insert the following paragraph:

“The Assembly underlines that, for European Union member States, solidarity is a legal obligation emanating from the Treaties as well as a fundamental principle of European Union law. It therefore asks the European Union and/or its member States to:

- 1. fully implement without further delay the relocation and resettlement decisions already taken by the European Union, if they have not yet done so;*
- 2. speed up the work on the adoption of the new Regulation on a common asylum procedure, replacing the Asylum Procedures Directive, and the reform of the Common European Asylum System, including the revision of the Dublin Regulation and the modalities of applying the principles of fair sharing of responsibility and solidarity in the future.”*

Amendment E (to the draft resolution)

At the beginning of paragraph 8.6, replace the words “consider introducing a requirement that refugees undertake” with the following words:

“explore further incentives for resettled or relocated refugees”

C. Explanatory memorandum by Ms Ioanneta Kavvadia, rapporteur for opinion

1. Regrettably more than a temporary “crisis”

1. The report prepared by Mr Marques rightly looks at the overall challenges raised by large-scale migratory and refugee flows, including their root causes during recent years, but also anticipates future challenges such as forced migration caused by unbalanced climate conditions.

2. It is thus clear from the report itself that the term “crisis” alone does not do justice to the challenges European countries are facing. In fact, the term “crisis” implies an exceptional, temporary situation which should soon be overcome. However, the migratory and refugee flows that Europe has been experiencing for the last years are driven by geopolitical and economic dynamics in the neighbourhood and beyond, such as the Syrian and Libyan conflicts, but also the overall situation in Africa, which, regrettably, can be expected to continue in the years to come.

3. The Committee on Political Affairs and Democracy has reacted to the war in Syria already in 2012, then in 2013 and most recently produced a report on the situation in Aleppo. It is shocking to note that [Resolution 1878 \(2012\)](#) could have been written today, even though five years have elapsed with dramatic humanitarian consequences, including more than 300 000 deaths! We are indeed still in search of “an

inclusive Syrian-led political process” leading to a genuine political transition which “must meet the aspirations of the Syrian people and enable them to determine their own future independently and democratically, through free and fair elections, after the country has been stabilised”.²

4. As regards the situation in Libya, our committee organised a regional conference in Rome in June 2015 and discussed amongst other things the situation in Libya with representatives also from the country.³ Again, the situation has hardly evolved since. We are still trying to achieve political and security stability in Libya to help the Libyan authorities acquire control over the land and sea borders and to combat transit and smuggling activities.⁴ The European Union’s support for the Presidency Council and the Government of National Accord backed by the United Nations was recently reaffirmed in the Malta Declaration, adopted by the European Council on 3 February 2017, with the overall aim of achieving “an inclusive political settlement under the framework of the Libyan Political Agreement”.⁵

5. As long as we fail to offer proper political responses to these conflicts it is difficult to imagine how we will stop people from fleeing these regions, taking the risk of losing their lives and those of their loved ones, to flee war. I therefore fully share Mr Marques’ view, reflected in the draft resolution proposed by the Committee on Migration, Refugees and Displaced Persons, that member States of the Council of Europe and countries in Europe’s neighbourhood should pursue political dialogue with countries in situations of armed conflict and do their utmost to promote peaceful solutions. Our Assembly can play at least a limited but important role, especially as a platform for dialogue, including with countries whose parliament enjoys partner for democracy status, such as Jordan⁶ and Morocco,⁷ or with which we have established a privileged dialogue, such as Tunisia.⁸

6. Other root causes of the migratory and refugee flows such as economic hardship, due to increasing inequalities around the globe, are regrettably also set to last while environmental causes, linked to unbalanced climate conditions, become more acute with the passage of time.

7. Therefore, I propose with Amendment F to add to the title of the resolution a reference to “the continuing flows into Europe” so that it is clear that what started as an emergency situation, a “crisis”, is a phenomenon that continues and regrettably will not end soon.

8. For the same reasons, I propose with Amendment A to refer in the opening paragraph of the resolution to the “large-scale migratory and refugee flows into Europe”. Amendment A aims also at reinforcing the main message and purpose of the report, that is the need to offer a “comprehensive humanitarian and political response”, something Europe has so far failed to do, due mainly to lack of political will by many European governments.

2. The principles of human dignity and solidarity as the basis of any comprehensive response

9. It is clear, and Mr Marques report shares this position, that the challenges that large-scale migratory and refugee flows in Europe have raised cannot be met through the technocratic management of such flows or fragmented policies of deterrence or “interception” of migrants or refugees, even less so by the sealing of borders or the building of walls.

10. A comprehensive humanitarian and political response to these challenges should be based on the principles and values of human dignity and solidarity and aim at improving co-operation and harmonising human rights protection, as defined, *inter alia*, in the fundamental text of European legal culture, the European

2. [Resolution 2138 \(2016\)](#) on the situation in Aleppo and compare it with [Resolution 1878 \(2012\)](#) on the situation in Syria. See also [Recommendation 2026 \(2013\)](#) on the situation in Syria and [Resolution 2016 \(2014\)](#) and [Recommendation 2055 \(2016\)](#) “Threats against humanity posed by the terrorist group known as ‘IS’: violence against Christians and other religious or ethnic communities”.

3. Document [AS/Pol/Inf \(2015\) 15](#).

4. See also the report by Mr Michele Nicoletti (Italy, SOC) on “Promoting integrity in governance to tackle political corruption” ([Doc. 14344](#)) referring to new forms of corruption which emerged together with the unprecedented migratory and refugee flows of recent years.

5. The [Malta Declaration adopted by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route](#). On the basis of a motion for a resolution on “Libya’s future between the threats of terrorism and a democratic prospect”, [Doc. 13812](#), a report is under preparation by the Committee on Political Affairs and Democracy (rapporteur: Mr Attila Korodi, Romania, EPP/CD).

6. Document [AS/Pol \(2017\) 16](#).

7. [Resolution 2061 \(2015\)](#).

8. [Resolution 2166 \(2017\)](#).

Convention on Human Rights (ETS No. 5). This should be the main message of the resolution we will adopt and, although this is also the message of Mr Marques' report, I propose to spell out the principles that should guide our common response more clearly through Amendment C.

11. Indeed, today one may wonder what has survived from the fundamental values and high ideals that once inspired the early visionaries of peaceful and democratic European integration. The refugee crisis has become a catalyst for the emergence of phenomena, policies, rhetoric and stereotypes that we thought we had finally buried in the oblivion of the dark European past. Racism and xenophobia emerges again amidst an overall atmosphere of institutional obsolescence and decline; not only controls but also armed guards and barbed wire in hermetically closed borders between European States are making a comeback.

12. Full respect for human dignity and human rights of refugees and asylum seekers is one of the axes upon which consensus for a comprehensive response should be reached. While the issue of human rights of refugees and migrants is dealt with by Mr Miltiadis Varvitsiotis' report on "Human rights implications of the European response to transit migration across the Mediterranean",⁹ I would like, for my part, to underline that European culture and European values are not at risk from refugees, but only from those who, supposedly in order to defend that very culture, engage in a crescendo misanthropy and racism. Europe will have lost its values and its very essence if we shut the doors and turn our backs on the people seeking refuge.

13. Then comes solidarity and fair sharing of responsibility as another fundamental principle on which any comprehensive response to large movements of refugees and migrants in Europe, but also the world as a whole, should be based. Let's not forget, in fact, that Europe is concerned by only a small percentage of the world's refugees.

14. The principles of solidarity and fair sharing of responsibilities call for a fair and efficient system for the allocation and relocation of refugees, based on the ability of each country to offer asylum to specific numbers of refugees.

15. I explain below, under section 3 especially dealing with European Union, what the principle of solidarity implies for its member States.

16. At a global level, it is worth referring to a recent text, the [New York Declaration for Refugees and Migrants](#), adopted by the United Nations General Assembly in September 2016, which underlines the need for fair responsibility-sharing for hosting the world's refugees. This is why I propose Amendment B.

17. This landmark political declaration is directed at improving the way in which the international community as a whole responds to large movements of refugees and migrants, including protracted refugee situations. It reflects an understanding that protecting those who are forced to flee, and supporting the countries and communities that shelter them, are shared international responsibilities that must be borne more equitably and in a more predictable manner.

18. In its Annex I, the New York Declaration outlines a Comprehensive Refugee Response Framework calling on member States to develop a multi-stakeholder, "whole-of-society" approach that includes "national and local authorities, international organisations, international financial institutions, regional organisations, regional co-ordination and partnership mechanisms, civil society partners, including faith-based organisations and academia, the private sector, media and the refugees themselves".¹⁰ In particular, the framework seeks to ensure more sustainable refugee responses by linking humanitarian and development efforts early on in a crisis, and by strengthening sustainable approaches that invest in the resilience of both refugees and local communities, including through investment in national and local systems wherever possible.¹¹

19. Last but not least, a comprehensive humanitarian and political response to the migratory and refugee crisis and the continuing flows into Europe should include a complete policy for the social and economic integration of refugees in European societies, as the report by Mr Marques rightly points out. Religious fanaticism is the last refuge of those who have nowhere else to turn, of the fragmented, the marginalised. The link between indiscriminate violence and social marginalisation, poverty, unemployment and racism is established and cannot be denied.

20. Facilitating integration of resettled and relocated refugees is a major challenge for hosting countries and it is not contested that it requires particular efforts and investment on their part. This is why I understand that the draft resolution proposed by the migration committee refers to the need for these efforts and investment

9. [Doc. 14341](#).

10. Paragraph 2 of Annex I to the New York declaration.

11. See also [UNHCR: Towards a global compact on refugees: a roadmap](#).

not to be “wasted” in cases where refugees who receive assistance move to another country. However, one cannot impose an “obligation” for them to reside in the country which offered them assistance. Therefore, I suggest through Amendment E to maintain the message but rephrase it so that it is clear that we do not want to oblige the refugees to settle in a given country but we wish to create incentives so that they do chose to settle in the country which offered them assistance and facilitated their integration.

3. Implications of the principle of solidarity for European Union member States

21. As I mentioned above, any comprehensive political response to the challenges raised by the migratory and refugee flows now and in the future should be based on the principal of solidarity.

22. In this section devoted exclusively to the European Union, I would like to underline that, for the member States of the European Union, solidarity is not just a political principle member States may choose to implement or not. It is a legal obligation emanating from Article 80 of the Treaty on the Functioning of the European Union (TFEU) and a fundamental principle of European Union law.

23. This principle is translated into concrete fundamental decisions taken by the European Union in 2015 on relocation and resettlement of migrants and refugees, designed to share the burden and the responsibility more equitably among member States. It is unacceptable that these legally binding decisions, two years later, have to a great extent remained only on paper. One wonders how it is that the principle of *pacta sunt servanda* does not apply in this case. It is to be hoped that the Court of Luxembourg, currently examining the cases of Hungary and the Slovak Republic in this respect, will remove any doubt as to the legal obligation of member States of the European Union to implement decisions already taken by them.

24. In fact, how can we speak about reforming the European migration policy when Europe has failed to implement its own policies and decisions on this issue?

25. Hence, by Amendment D, I suggest we clarify in a single paragraph dealing with the specific responsibilities at European Union level, the legal character of the principle of solidarity and the need to implement fully relocation and resettlement decisions already taken.

26. Furthermore, I suggest that we are more precise about the stage of procedure within the European Union as regards the reform process and in particular the adoption of the new Regulation on a common asylum procedure. The latter is in fact currently blocked within the European Council by some member States. Rather than calling for implementation once adopted, we should therefore start by calling for its rapid adoption.

27. I fully agree with the draft resolution as proposed when it suggests the reform of the whole European Common Asylum System, including the revision of the Dublin Regulation. In the wording I propose, I think it is made clearer that this reform should precisely provide for a fixed and permanent system of fair sharing of responsibility among the member States of the European Union in application of the legally binding principle of solidarity. In my view, the only viable option to achieve this is the legal sanctioning of compulsory quotas for the relocation of asylum seekers, based on specific criteria integrated within the Schengen system, in order to obtain automatic application.

28. In conclusion, I would like to recall the speech Václav Havel pronounced in Aix La Chapelle in 1996 when he said that the European Union represented an unprecedented attempt to transform Europe into a democratic space governed by solidarity.

29. Today we have before us perhaps the last opportunity to rescue the values upon which united Europe is built, solidarity, democracy and equality among the partner States, and to guarantee that the States and peoples of Europe will continue on their common path. We must work together in good faith and in a spirit of mutual understanding to achieve this.