

**ACP/28/025/06 Final**  
*Department of Political Affairs  
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**Brussels, 13 April 2006**

**BRUSSELS DECLARATION  
ON ASYLUM, MIGRATION AND MOBILITY**

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### I. PREAMBLE

**We, the Ministers from the African, Caribbean and Pacific (ACP) Group of States in charge of Asylum, Migration and Mobility, meeting in Brussels, Belgium on 13 April 2006,**

1. **Considering** that the ACP Group of States share a common historic, demographic, social, economic, political and cultural reality, this reality is made up of pluralities, economic, geographical and developmental diversities, relationships of domination and oppression, and marked by the people's struggle to claim and affirm their right to mobility, to work and to economic autonomy, in-dissociable from the affirmation of their identity;
2. **Considering** also the importance of methods for managing the populations influenced by this shared historic, demographic and geographic reality;
3. **Considering** the increasing importance of the migration phenomenon, and the need for the involvement of all the stakeholders in its management;
4. **Noting** the increased burden represented by the massive influx of refugees and asylum-seekers, and its impact on the absorption capacity as regards security, the environment, administrative management, social and economic infrastructures and on the overall development of the societies of ACP host countries;
5. **Acknowledging** the fact that conflicts, poverty, population growth, poor management, under-development, lack of opportunities, and environmental factors contribute to migration, and that effective management of migration requires that these root causes be examined;
6. **Underlining** the fact that the issue of irregular or forced migration is being addressed in terms of security considerations, rather than in the wider context of development that takes account of the problems of migration in development strategies;
7. **Noting** the negative effects of deportation to their countries of origin of criminals who have completed prison sentences, and the difficulties caused by the risks of the propagation of major criminal activity;

8. **Acknowledging** that the spread of HIV/AIDS is greatly exacerbated in instances of forced migration and among refugee populations and asylum seekers, thereby placing a heavy burden on the social services of receiving countries;
9. **Noting** that the selective migration approach adopted by developed countries, including those that target ACP expertise, is posing a grave threat to ACP economies and societies;
10. **Noting also** the loss of significant investments made by ACP States in training and human resource development in priority sectors, especially basic social sectors, due to the negative impact of the brain-drain in these sectors;
11. **Stressing** the importance of the different ACP development plans that contribute to reducing the deep-rooted causes of migration, the promotion of socio-economic and political development (development of human resources, including the reversal of the brain-drain), and the Declaration and Plan of Action of the African Union Special Ouagadougou Summit on Employment and Poverty Alleviation;
12. **Considering** that international migration has become a global phenomenon and is expected to continue to increase in the foreseeable future, and **noting** that internal and intra-ACP migration are, statistically speaking, substantially higher than migration from ACP States to developed countries, and remain lower in the context of overall migration from other regions;
13. **Recalling** the commitments made by the international community, inter alia, in the UN Millennium Declaration and the Millennium Development Goals (MDGs), the Monterrey Consensus, the UN Convention on Migrants' Rights, the UN Convention on Refugees of 1951, and its 1967 Protocol, as well as other relevant international Conventions and Protocols;
14. **Stressing** that the actions in support of the Millennium Development Goals can address some of the structural causes of migration, and that migration can positively influence the achievement of the MDGs;
15. **Stressing also** that intra-ACP cooperation and dialogue between ACP States can reinforce their capacity to manage migration, particularly by promoting the development of common approaches aimed at harmonising policies, laws and strategies on migration;
16. **Recalling** the conclusions of the 23<sup>rd</sup> France-Africa Summit held in Bamako on 3 and 4 December 2005, which focused mainly on the youth in development;

17. **Recalling** also the decision of the Summit of the Heads of State and Government of the African Union (AU), held in Khartoum on 23 and 24 January 2006, re-affirming the scope and impact of migration on development, and **expressing** grave concern at the increasing number of migrants from Africa and beyond the borders of the continent, and the brain-drain syndrome, particularly to the developed countries, as well as the AU's decision to prepare a common African position on migration and development;
18. **Recalling** the development principles outlined in the Nadi and Maputo Declarations adopted by the ACP Heads of State and Government in 2002 and 2004, respectively, regarding the issue of migration and mobility of ACP nationals;
19. **Stressing** the importance attached to migration in Article 13 of the ACP-EU Partnership Agreement (Cotonou Agreement), which specifies that "The issue of migration shall be the subject of in-depth dialogue in the framework of the ACP-EU Partnership ...", and highlighting Article 80 on reversing the trend of the exodus from ACP States;
20. **Welcoming** with satisfaction, Decision No.4/2005 from the 30<sup>th</sup> Session of the ACP-EC Council of Ministers held on 24 and 25 June 2005, allocating resources for "*methodological support and capacity building to establish a common ACP Facility for capacity building in migration and development*";
21. **Noting** the report adopted by the plenary Session of the meeting of Experts from the European Union, Latin America and the Caribbean on Migration during March 2006;
22. **Noting** the report published by the Global Commission on International Migration (GCIM), particularly the section on the overall statistics, based on data from the United Nations Department of Economic and Social Affairs (UNDESA), World Bank, International Organisation for Migration (IOM), International Labour Organisation (ILO), and the United Nations High Commissioner for Refugees (UNHCR) on global migration;
23. **Acknowledging** the need to take into consideration and provide for all aspects of migration that affect the countries of origin, transit and destination, as well as those that derive from new international regulations on the mobility of people and capital;
24. **Noting** that the under-development of ACP States is a reality in relation to the rest of the world, and that the disparities in the demographics, economies, social systems and environments have given rise to migratory flows, and that these disparities are both a reality and a perception, and that there is therefore a need to reverse this situation;

25. **Acknowledging** that the “brain drain” that affects relevant sectors, including education and health, constitutes a major obstacle to the development of ACP States, in as much as it is an increasingly widespread phenomenon;
26. **Recognizing** the high cost and increasing difficulties for migrants’ remittances via the non-conventional system, and the difficulties of access to the conventional and regulated system;
27. **Noting** that national and regional financial institutions are essential to the economic life of ACP States, and that they have a mission not only to remunerate their shareholders, but also to reinvest a portion of their holdings into the economic life of the host countries and regions;
28. **Noting** that the illegal transfer of funds from ACP States to Europe and other parts of the world, negatively impacts on the economies of ACP States;
29. **Striving** to ensure that the cultural dimension of migration and mobility is respected in so far as sedentary and nomadic peoples have always co-existed, made a cultural contribution, and therefore form part of people’s right to live within their own culture;
30. **Noting** the dominant role played by mobility in ACP cultures, which facilitates the circulation of ideas, know-how and best practices (universities, students, trainees, artistes, researchers, etc.);
31. **Noting also** the positive contribution migration could make to promote better understanding amongst civilizations and cultures to transcend post-colonial and territorial divisions by the establishment of relationships between states and peoples;
32. **Noting, however**, that manpower needs in European countries give rise to an adverse effect by draining the skilled labour force from ACP States, thereby contributing to a decrease in the quality of life and public social services in ACP States;
33. **Noting also** that the barriers set up by European countries in no way diminish the ultimate objective of potential migrants, but result in the creation of “transit economies” that promote organised criminal networks;
34. **Acknowledging** the importance of appropriate legislation and a conducive legal environment in fostering cooperation in the fight against networks involved in the trafficking in human beings and people smuggling, particularly vulnerable groups, including women and children;

35. **Noting** the increased importance of the European Regional Development Fund (ERDF) and the increased funding available for countries in the immediate neighborhood of the European Union for programmes aimed at reinforcing its borders, particularly those in southern Europe;
36. **Considering** the need to develop and fund migration management programmes for the wider neighborhood of the European Union, of which the ACP States are an essential part; and
37. **Stressing** the need to maintain the solidarity of the ACP Group in the on-going discussions on the mobility of human resources and employment opportunities in the framework of both the WTO and EPA negotiations.

**HEREBY DECLARE THAT WE:**

## **II. ASYLUM, MIGRATION AND DEVELOPMENT**

38. **Reiterate** the importance of discussing these migration issues in a global context, and that it is critical to find collective solutions, both at national, regional and all-ACP levels;
39. **Re-affirm** that solutions for migration cannot be based only on security concerns, and **undertake** to engage in shared reflections and dialogue on approaches that will be more effective and less destructive in terms of the overall perception of the general public in the countries of origin, as well as transit and host countries, and based on the respect of human rights, including the right to seek asylum;
40. **Undertake** to defend the mobility of ACP nationals as a human right that contributes to the cultural, social and economic diversity of peoples in the countries of origin, as well as in transit and host countries;
41. **Reiterate** that policies aimed at asylum, migration and mobility are currently dealing mostly with the results and not the causes of migration, which are diverse and complex, and cover areas such as social and human development (education, health, etc), the environment, poverty, capacity building, agriculture, food security and autonomy, as well as culture;
42. **State** that sustainable development aimed at better living conditions is required, thereby contributing to the maintenance of stability within populations, through quality education for all, quality health services accessible to everyone, and basic services such as water, adequate food supplies and electricity, which form part of an enabling environment for stability and development that deter irregular migration;

43. **Undertake** to consider, as a matter of priority, the need to establish a platform for the constant exchange of ideas and information at the intra-ACP and ACP-EU levels;
44. **Recommend** that the impact of asylum-seekers and refugees, and studies undertaken on the issue of asylum be taken into account in the development and stability strategies of ACP States to create favourable living conditions for nationals from countries of origin, so that they will not be forced to leave their countries;
45. **Undertake** to manage, as a matter of urgency, the rural exodus that fosters rapid urbanisation, with the main corollary being problems of access to infra-structures and social security, and in this regard create the conditions that will promote sustainable urbanisation as well as cities without slums to ensure that migrants benefit from all the facilities that cities have to offer;
46. **Urge** ACP States to develop the coveted economic wealth that they possess and to pay special attention to developing human resources and generating employment in all relevant sectors;
47. **Call** on the EU, a labour recruitment source, to facilitate the granting of appropriate visas and permits, and opening the EU labour market to ACP under qualified nationals;
48. **Undertake** to compile reliable, timely and appropriate desegregated data and information on the origins, networks, and social conditions of migrants;
49. **Undertake also** to facilitate the search for general, collective, and non-security solutions, with full respect for, and concrete application of human rights;
50. **Undertake** to link the national and regional development policies to migration patterns and the impact of economic policies in developed countries, such as agricultural subsidies, on the agricultural sector in ACP States which in turn has a bearing on rural-urban migration;
51. **Call** for international cooperation, technical assistance and capacity building in managing our borders, tackling irregular aspects of migration, particularly human trafficking, and creating a conducive financial and investment climate for economic growth and entrepreneurship;
52. **Urge** EU Member States, international inter-governmental institutions, and other relevant institutions to design and implement preventive measures and strategies to eradicate racial discrimination, xenophobia, ethnocentrism and related intolerance against migrants from ACP States;

53. **Call** on Governments of ACP States and development partners to address the burden placed on environmental and the social services of ACP States by migration, especially with regard to the spread of the HIV/AIDS pandemic;
54. **Urge** ACP States and regions to ensure that migration is included in the 10<sup>th</sup> EDF Programming exercise as well as in Poverty Reduction Strategy Papers (PRSPs);

### **III. MIGRATION AND THE ROLE OF THE DIASPORA IN DEVELOPMENT**

55. **Undertake** to manage the exodus of ACP human resources as a consequence of selective migration policies of developed countries, and which results in the lack or under-performance of the provision of basic services in developing countries;
56. **Call** for the creation of private initiatives to contribute to ACP States' and regions' economic and social development programmes, which may include the financing of public goods such as education and health;
57. **Recommend** concerted action, in close collaboration with the relevant banking institutions, EU, and regional and national authorities to promote cost effective transfer of funds that are currently dominated by cash transfer offices, aimed at reducing costs and eliminating the bias against remittances in national and regional regulatory systems;
58. **Urge** the Heads of our regional organizations to engage with the Diaspora organizations in developing schemes that highlight the positive role of the Diaspora for channeling their knowledge, skills and financial resources to their home countries, and their advocacy role on behalf of their home countries whilst abroad;

### **IV. MIGRATION AND MOBILITY OF HUMAN RESOURCES**

59. **Urge** the adoption of Intra-ACP measures to manage the recruitment, employment, and exodus of skilled labour force and human resources to developed countries;
60. **Call** upon the EU to support the ACP Group in the current World Trade Organisation (WTO) negotiations, particularly with regard to Mode 4, which is critical for the clarification of future relations between the European Union and ACP States as regards the flow of legal workers;

61. **Urge** the Governments of ACP States to strengthen their solidarity and cohesion, as well as to remain united during the international trade negotiations within the WTO framework;
62. **Call** upon developed countries that recruit trained and skills persons from ACP States to provide assistance for the replacement and renewal of human resources by training, capacity and institutional building in ACP States;

## **V. MIGRATION AND REGIONAL INTEGRATION**

63. **Undertake** to negotiate united as a Group to influence the on-going WTO and EPAs economic and trade negotiations, more especially those on services, recognising that a lasting solution to irregular migration is an integral part of these international agreements;
64. **Encourage** regional integration organisations to facilitate the movement of persons, goods and capital that contribute to the development of enterprises for the processing of natural resources from ACP States;
65. **Call** on the relevant organisations to facilitate transfers and investments in the countries of origin, and to place this transfer activity within the framework of regional banking institutions so that our economies will not be deprived of the overall volume of the profit derived from these transfers;
66. **Urge** our Governments to simplify and to find coherence in the framework of the Economic Partnerships Agreements (EPA) of which the primary objective is to achieve sustainable development through enhanced regional integration;
67. **Call** on our Governments to accelerate elaboration and eventual implementation of instruments to facilitate labour mobility in regional economic communities;

## **VI. MIGRATION AND THE FIGHT AGAINST CRIME**

68. **Undertake** to combat the trafficking of human beings, people smuggling and other forms of trans-national crimes by organising awareness campaigns and establishing appropriate mechanisms and measures in countries of origin, transit and destination, and also highlighting the dangers inherent in resorting to smuggling and trafficking networks, as well as to strengthen policies and systems to assist in the fight against terrorism;

69. **Encourage** the collection of information on these networks and their victims, the search for concerted solutions at the national, regional and international level, and give special attention to protecting victims of criminal networks;
70. **Commit** to engage in actions aimed at eliminating the trafficking of women and children;
71. **Undertake** to engage ACP States and EU countries in sharing the burden of hosting refugees, asylum seekers and other displaced persons, and their repatriation to their countries of origin, especially those in mass-influx situations of a protracted nature with a view to reducing and managing the emergence of crimes related to forced migration;
72. **Request** the EU and other developing partners to provide assistance to transit countries that will allow for the management of irregular migration, taking into account the respect for human rights;
73. **Condemn** the practice of some developed countries of deporting hardened criminals who have completed their period of incarceration to their countries of origin without due consultation, as this poses a threat to the national security and stability of the country through their involvement in criminal activities and practices;
74. **Undertake** to consider, with attention, the management and re-integration of ex-criminals who have been deported by host-countries to ACP States;

## VII. VIRTUAL OBSERVATORY ON ACP MIGRATION

75. **Advocate** the creation of a Virtual Observatory for ACP Migration to develop ACP solutions to migration challenges in view of the need for complete, independent or relevant information that could be used for comparative analyses and research, and **underline** its importance for ACP social and economic development, including a better understanding of the available skills in ACP States, the protection of, and respect for our populations, our intra-ACP neighbourly relations, and relations further away, including the EU;
76. **Encourage** the proposed Virtual Observatory for ACP Migration to work with, and draw on the experiences and expertise of similar bodies;

## VIII. FINAL PROVISIONS

77. **Request** the ACP Council of Ministers to engage dispositions related to asylum, migration and mobility in the programming exercise of the 10<sup>th</sup> European Development Fund;
78. **Request** the ACP Council of Ministers to adopt a common position on Migration and Development in preparation for the United Nations High Level Dialogue on International Migration and Development, scheduled to take place in New York during September 2006;
79. **Appeal** to ACP States, the Chairman of the meeting, the Secretary-General of the ACP Group of States and the joint ACP-EU institutions, in collaboration with our partners and financial institutions for development at national, regional and international level, to support, follow up, and participate in the implementation of the Brussels Plan of Action that we have adopted for the implementation of this Declaration;
80. **Undertake** to promote and distribute this Brussels Declaration on the issues of Asylum, Migration and Mobility, and implement its Plan of Action; and finally
81. **Request** the Chairman of the 1<sup>st</sup> Meeting of ACP Ministers in charge of Asylum, Migration and Mobility to forward the Brussels Declaration and Plan of Action to the President of the ACP Council of Ministers, the President of the EU Council of Ministers, the President of the European Commission, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the Heads of the ACP regional organisations, the United Nations High Level Dialogue on International Migration and Development, as well as to our other relevant bilateral and multilateral partners.

**Brussels, 13 April 2006**

**For the 1<sup>st</sup> Meeting of ACP Ministers in charge of  
Asylum, Migration and Mobility**

**Chairperson**

**H.E. General Paul M'BOT  
Head of Division  
Minister of Security and Public Order  
Republic of Congo**