

# Procedure file

Basic information	
COS - Procedure on a strategy paper (historic) <a href="#">1999/2096(COS)</a>	Procedure completed
Asylum and migration: plans for origin and transit countries (Afghanistan, Albania, Iraq, Morocco, Somalia, Sri Lanka)	
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.10.08 Migration policy	
Geographical area Morocco Somalia Afghanistan Albania Iraq Sri Lanka	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Citizens' Freedoms and Rights, Justice and Home Affairs		29/07/1999
		PPE-DE <a href="#">HERNÁNDEZ MOLLAR Jorge Salvador</a>	
European Parliament	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> Foreign Affairs, Human Rights, Common Security, Defense		25/11/1999
		V/ALE <a href="#">WUORI Matti</a>	
European Parliament	<b>BUDG</b> Budgets		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">2206</a>	11/10/1999
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2203</a>	04/10/1999
	<a href="#">General Affairs</a>	<a href="#">2192</a>	21/06/1999
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2184</a>	27/05/1999

Key events			
27/05/1999	Debate in Council	<a href="#">2184</a>	
21/06/1999	Debate in Council	<a href="#">2192</a>	
23/09/1999	Non-legislative basic document published	<a href="#">N5-0159/1999</a>	Summary
04/10/1999	Debate in Council	<a href="#">2203</a>	
04/10/1999	Committee referral announced in		

	Parliament		
11/10/1999	Resolution/conclusions adopted by Council		
24/02/2000	Vote in committee		Summary
24/02/2000	Committee report tabled for plenary	<a href="#">A5-0057/2000</a>	
29/03/2000	Debate in Parliament		
30/03/2000	Decision by Parliament	<a href="#">T5-0130/2000</a>	Summary
30/03/2000	End of procedure in Parliament		
29/12/2000	Final act published in Official Journal		

### Technical information

Procedure reference	1999/2096(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/10807

### Documentation gateway

Supplementary non-legislative basic document	<a href="#">05264/2/1999</a>	26/02/1999	CSL	Summary
Non-legislative basic document	<a href="#">N5-0159/1999</a>	23/09/1999	CSL	Summary
Supplementary non-legislative basic document	<a href="#">03443/3/1999</a>	23/09/1999	CSL	Summary
Supplementary non-legislative basic document	<a href="#">03714/3/1999</a>	23/09/1999	CSL	
Supplementary non-legislative basic document	<a href="#">03739/2/1999</a>	23/09/1999	CSL	
Supplementary non-legislative basic document	<a href="#">03769/2/1999</a>	23/09/1999	CSL	
Supplementary non-legislative basic document	<a href="#">03770/2/1999</a>	23/09/1999	CSL	Summary
Supplementary non-legislative basic document	<a href="#">04025/1999</a>	23/09/1999	CSL	Summary
Committee report tabled for plenary, single reading	<a href="#">A5-0057/2000</a> <a href="#">OJ C 377 29.12.2000, p. 0005</a>	24/02/2000	EP	
Text adopted by Parliament, single reading	<a href="#">T5-0130/2000</a> <a href="#">OJ C 378 29.12.2000, p. 0018-0075</a>	30/03/2000	EP	Summary

## Asylum and migration: plans for origin and transit countries (Afghanistan, Albania, Iraq, Morocco, Somalia, Sri Lanka)

**PURPOSE** : on the initiative of the Netherlands delegation, to prepare action plans for the most important countries of origin and transit of asylum-seekers and migrants. **CONTENT** : following an initiative by the Netherlands, the Council set up a High Level Working Group on Asylum and Migration on the 7-8 December 1998, with the view to establishing a common, integrated, cross-pillar approach targeted at the situation in the most important countries of origin of asylum-seekers and migrants. The Council agreed, in particular, that, after consultations of the Members of the High Level Working Group, COREPER would suggest the terms of reference and organisation of this group and submit them for approval to the Council in January 1999 at the latest. It further agreed that the High Level Working Group would submit a proposal for a list of countries of origin and transit of asylum-seekers and migrants for which action plans for the implementation of an integrated

cross-pillar approach will be prepared. Following its last two meetings on 17.12.1998 and 11.01.1999, the High Level Working Group reached an agreement on the draft terms and a procedure on the determination of the countries from which most of the asylum-seekers and migrants who enter the EU originate from, as well as on the criteria for selecting the countries for which an action plan should be prepared (these criteria include statistics on asylum and migrants applications, geographical balance of the country concerned, likelihood of successful implementation of an action plan, consensus among the Member States). The following countries have been selected for preparation of an action plan: - Afghanistan/Pakistan; - Albania and the neighbouring region; - Morocco; - Somalia; - Sri Lanka. In addition, an assessment of the results yielded so far by the Action Plan on the influx of migrants from Iraq and the neighbouring region will take place.?

## Asylum and migration: plans for origin and transit countries (Afghanistan, Albania, Iraq, Morocco, Somalia, Sri Lanka)

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In line with the Council's wishes expressed in December 1998, the High Level Working Group on Asylum and Migration has proposed a draft Action plan for Iraq which includes: - an assessment of the political situation in the country ; - statistical information and information on the causes of migration and flight of the Iraqi population (in particular, the Kurds) to the Union; - an inventory of measures and actions undertaken by the Member States and the Community in order to address the needs of these people. This report outlines the measures taken by intergovernmental organisations (UNHCR, ICRC) and NGOs in order to help these people, as well as providing a concrete evaluation of the situation in the country which has been impoverished by 10 years of very strict economic embargo and civil war between the Kurds and the Iraqis. It should be noted that amongst most of the people who have managed to leave Iraqi territory, it is the Kurds who have been able to reach Europe the most easily through Turkey. Finally, the report presents a series of measures to be taken in the future by the European Union with view to the situation in Iraq, accompanied by an implementation timetable. These measures are divided into two, the first concern Iraq as such, and the others concern the North of the country where the Kurds are mainly based. Concerning Iraq, the report shows that it is necessary to continue the actions initiated in 1998 in the European Action Plan framework for Iraq, which included an intense dialogue with the Turkish authorities on the fate of Kurds concentrated at their borders (refer to procedure document COS/1998/2045). Furthermore, a bilateral dialogue between the EU and Iraq must be maintained so as to evaluate the possibility of creating European actions in this country. Other initiatives are foreseen, such as development aid and humanitarian aid (through ECHO) with the view to stop the spread of poverty among the Iraqi people following the economic embargo. With regard to migration, the report considers that an effort must be made with a view to better evaluating the migration flow (with the exception of the Kurds) coming from Iraq towards Europe. As far as Kurds in the north of Iraq are concerned, the report proposes the setting up of development actions aiming to create infrastructures and local employment. With regard to migration, efforts should be made to allow the NGOs to help the Kurdish people on their territory. Lastly, the Council is hoping for the launch of negotiations with Turkey regarding the repatriation via this country of Iraqi asylum-seekers, mainly Kurds, who want (or not) to voluntarily return to Northern Iraq.

## Asylum and migration: plans for origin and transit countries (Afghanistan, Albania, Iraq, Morocco, Somalia, Sri Lanka)

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In line with the Council's wishes, expressed in December 1998, the High Level Working Group on Asylum and Migration has proposed a Draft Action Plan for Sri-Lanka which includes : - an assessment of the political situation in the country; - statistical information and information on the causes of migration and flight of the Sri-Lankan population in the direction of the Union; - an inventory of measures and actions undertaken by the Member States and the Community in order to address the needs of the Sri Lankan people. The report also outlines the measures taken by inter-governmental organisations (UNHCR, ICRC) and NGOs in order to help these people, as well as providing a practical evaluation of the situation in a country torn by inter-ethnic conflicts (in particular, opposition to Sri-Lankan Tamils who are of Indian origin). It should be noted that the rates of admission of Sri-Lankan asylum seekers in the Member States are low, although there are significant variations from one Member State to the next (ranging from 1% to 51%), only a tiny proportion of them have the status of real refugees. Furthermore, it is rare that Sri-Lankans are sent back to their country by Member States in view of the instability that reigns in Sri-Lanka and the refusal of the competent Sri-Lankan authorities to accept the mass influx of returnees. The report goes on to present a series of measures to be taken in the future by the Union in view of the situation in Sri-Lanka accompanied by a timetable for implementation. Overall, the report believes that aid must be continued to be given to Sri-Lanka in order to solve internal conflicts. Initiatives are foreseen within the CFSP, such as strengthening the dialogue between parties and the support of budgetary assistance in order to defend human rights. Appropriate cooperation with Canada and the USA is also envisaged in the framework of the Transatlantic dialogue. Other initiatives are envisaged, such as development aid and economic cooperation so as to reduce poverty, as well as landmine clearance measures and improvements in the water supply,... With regard to migration, the report foresees the consideration of measures that aim to simplify the freely consented repatriation of refugees or the evaluation of the assistance programmes for the return of asylum seekers who have not been granted refugee status and illegal immigrants (bearing in mind the sensitivity of the Sri-Lankan authorities concerning the number of returnees). In addition, measures are also provided in view of tackling illegal immigration racketeering and trafficking in children. The Member States should also provide for programmes to integrate Sri-Lankan nationals who are legally residing in the Member States.

## Asylum and migration: plans for origin and transit countries (Afghanistan, Albania, Iraq, Morocco, Somalia, Sri Lanka)

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In line with the Council's wishes, expressed in December 1998, the High Level Group on Asylum and Migration has proposed a draft Action plan for Afghanistan which includes : - an assessment of the political situation in the country; - statistical information and information on the causes of migration and flight of the Afghanistan population in the direction of the Union, as well as to other parts of the world (Pakistan, Iran, Central Asia and the former USSR republics); - an inventory of measures and actions taken by the Member States and the Community in order to address the needs of the Afghan people. The report outlines the measures taken by intergovernmental organisations (UNHCR, ICRC) and NGOs in order to help these people, as well as providing a practical evaluation of the situation in the country (where 90% of the territory is controlled by Talibans). Concerning the measures to be taken in the Union with respect to the people in question, the report considers that assistance must continue to be given to Afghanistan with a view to finding a political solution to the conflict and limiting the problems

experienced by humanitarian NGOs present in the country. Initiatives foreseen within the CFSP (along with an implementation timetable), include maintaining the embargo on the export of arms and military equipment, helping to implement a global strategy for the respect of human rights with, in particular, the deployment of a UN special civil affairs unit the primary objective of which will be to monitor the human rights situation in Afghanistan. As well as starting a constructive dialogue with the competent Afghan authorities, the Union intends to help the Iranian Government that receives Afghan refugee population on its territory, by an appropriate assistance programme and to institute a partnership on cooperation with Afghanistan in order to ease the impact of conflicts and ensure security for all Afghans. In this regard, the Commission will develop practical ideas for an intervention strategy based on its proposals set out in its paper "The EU and Afghanistan Cooperation Strategy 1999-2000". In cooperation programmes, special attention will continue to be accorded to activities that aim to improve basic living conditions in Afghanistan. In this respect, priority is given to the restoration of health care and educational facilities, as well as to de-mining programmes in the countryside and emergency aid to promote the emergence of a civil society in Afghanistan. With respect to migration, the report foresees consideration of measures aiming to simplify the freely consented repatriation of refugees and the evaluation of aid programmes for the return of asylum seekers who have not been granted refugee status, as well as illegal immigrants. It is also planned that the Member States shall conclude readmission agreements and provide for programmes to tackle the problem of the forgery of official documents, such as passports and visas, (the report also foresees the development of a common strategy for the treatment of those Afghan asylum seekers where there are serious reasons for considering the application of the exclusion clauses of the 1951 Geneva Convention). Lastly, the report foresees the funding by the Union of measures designed to protect Afghan repatriates.?

## Asylum and migration: plans for origin and transit countries (Afghanistan, Albania, Iraq, Morocco, Somalia, Sri Lanka)

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**PURPOSE :** to inform the European Parliament of a final report containing action plans for the implementation of an integrated cross-pillar approach targeted at the situation in the most important countries of origin of asylum-seekers and migrants. **CONTENTS :** In response to an initiative from the Netherlands, the General Affairs Council on 7 and 8 December 1998 set up the High Level Working Group on Asylum and Migration, and its terms of reference were approved by the Council in January 1999. The Group was instructed to prepare cross-pillar Action Plans for selected countries of origin and transit of asylum seekers and migrants. The final report of the Group, contains Action Plans for the countries such as Afghanistan and the region, Albania and the region, Iraq, Morocco, Somalia and Sri Lanka. By establishing the High Level Working Group and giving it the task of drawing up Action Plans targeted at the situation in the above-mentioned countries, the Council has demonstrated that it is in the interest of both the citizens of the Union and the citizens of the countries of origin and of transit of asylum seekers and migrants to address the root causes of migration and flight, as well as the consequences. The Action Plans are a concrete expression of cooperation within the EU in the field of asylum and migration, as intended by the Treaty of Amsterdam. They will make a practical contribution by suggesting concrete measures to be taken in the framework of an EU asylum and migration policy, which is one of the topics for discussion at the special session of the European Council in Tampere. The special session in Tampere on 15-16 October should come to a decision which would consequently make the proposal definitive. The Action Plans contain operational proposals for measures for cooperation with the countries concerned in 3 integrated categories : - foreign policy; - development and economic assistance and - migration and asylum policy. They can be considered as a first attempt by the EU to define a comprehensive and coherent approach targeted at the situation in these countries. In addition, essential instruments of a coherent approach are dialogue, cooperation and development. Important components of the approach are protection of all human rights, support for democratisation and the rule of law, social and economic development, alleviation of poverty, support for conflict prevention and reconciliation, and cooperation with UNHCR and human rights organisations, observance of refugees' and asylum seekers' right to protection, integration of migrants, and the fight against illegal immigration. In order to safeguard an efficient and parallel implementation of the Action Plans, the Council, the Commission and the Member States need to work closely together in a coordinated manner. The necessary financial and personnel resources will need to be made available in various policy fields. Moreover, the objectives of the cross-pillar approach and the Action Plans can also be promoted by intensifying cooperation with the countries who have applied for membership of the European Union.?

## Asylum and migration: plans for origin and transit countries (Afghanistan, Albania, Iraq, Morocco, Somalia, Sri Lanka)

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The committee adopted the report by Jorge Salvador HERNÁNDEZ MOLLAR (EPP/ED, E) on asylum-seekers and migrants, dealing specifically with action plans for countries of origin or transit. The main aim of the plans was to analyse the political, economic and human rights situation in the countries concerned (Afghanistan, Albania, Morocco, Somalia, Sri Lanka and Iraq) and the root causes of flight or migration. The committee stressed the importance of formulating a European asylum policy based on strict application of the Geneva Convention to underpin relations between the Union and third countries, with particular regard to the most important countries and regions of origin. It also drew attention to the need for further efforts to introduce at the earliest opportunity an effective and fair European temporary protection system for displaced persons, together with solidarity in respect of the reception and accommodation of such persons. It wanted to harmonise the forms of protection that were additional to refugee status, on the basis of the experience and rules of those Member States which had the highest humanitarian standards. As regards immigration, since this was a complex phenomenon involving political, historical, social and economic factors, the report argued that illegal immigrants could not be considered to be criminals in the same way as persons guilty of serious offences linked to organised crime. Cooperation with countries of origin should include offering that the EU act as intermediary in peace talks with opposition and dissident groups in cases of internal conflicts, the provision of assistance to target countries in establishing or reforming administrative structures, action to combat corruption and increased development aid for the countries in question. ?

## Asylum and migration: plans for origin and transit countries (Afghanistan, Albania, Iraq, Morocco, Somalia, Sri Lanka)

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The European Parliament adopted its resolution drafted by Mr. Jorge Salvador HERNANDEZ MOLLAR (EPP/ED, E) on asylum-seekers and migrants - action plans for countries of origin or transit. The Parliament notes that, despite the fact that the Amsterdam Treaty has required immigration and asylum policies to be brought into the Community sphere, the Council has continued to show a marked tendency to use the

intergovernmental procedure under the third pillar for these matters, appearing to reflect the lack of concern for transparency that has been criticised time and time again in the past and this tendency is also reflected in the Council's decision to set up a High Level Group not subject to democratic control. It also considers that the action plans drawn up by the Group for the target countries, whilst containing useful data and analyses, neither make a real political contribution nor do they bring any Community value-added to the solution of the problems which remain the root cause of immigration and asylum seeking. Parliament also points out that the political leaders and representatives of civil society in the countries concerned were not adequately consulted or involved in the drafting of the plans and that this does not augur well for the successful implementation of the plans. It urges the European institutions to base their future choices on a Community approach which must, above all: - ensure that due respect is shown for the institutional role of Parliament and the Commission; in particular, Parliament should be consulted in advance on future action plans and this should not be an overall consultation, but one which will enable it to undertake a more in-depth analysis and thus adopt appropriate measures; - involve preliminary discussions, with the participation of civil society, in the countries concerned; - focus on those countries with which there is a real possibility of establishing multisectoral cooperation thanks to a satisfactory level of political stability and the existence of democratic and representative governments, starting with more intensive political and social dialogue. Parliament considers that; although the scope of these proposals covers both the Community pillar and the intergovernmental pillar, any agreement concluded with a third country forms part of the EU's external policy and reminds the Commission and the Council that the EP must be consulted so that it can express its views on all such agreements. The EP expresses concern at the imbalance in the action plans between the provisions concerning punitive action and those concerning integration - an imbalance which might, in the long term, prove counterproductive and damage the interests of the Member States. It rejects the thinking behind measures which do not manage to establish a coherent distinction between immigration and asylum proper. With regard to recommendations on asylum, the EP considers that the reception of refugees in the region does not absolve the Member States from the duties which they have as the asylum seekers' host countries under the international conventions and it stresses that the individual protection of refugees and their families must be guaranteed. It also stresses that keeping refugees in peripheral countries must not become a long-term solution and that significantly increased aid must be given to such countries in order to enable them to cope with inflows from neighbouring states. It calls for the following to be given priority in the Unions cooperation activities: - effective protection for asylum seekers and refugees in regions neighbouring main countries of origin, whenever feasible in the light of local conditions; - structural improvements of the institutions responsible for initial reception of asylum seekers and international protection in the EU Member States; - the consolidation of a regional approach to the return of asylum-seekers whose applications have been rejected and to voluntary return from neighbouring countries (assistance with reintegration, cover of travel expenses and allowances, offer of vocational training, and assistance to local communities taking in returnees). With regard to immigration, the EP condemns the incoherent and unbalanced nature of action plans which propose measures even when the EU does not yet have its own immigration policy. It considers that the Member States must make an effort to ensure that immigration is possible by legal routes; urges minimum Community standards to be set for the admission of third country nationals to the Union in accordance with the Commission proposals. It also urges the Member States, as a matter of urgency, to harmonise their data so as to make Eurostat's work more effective and that the main countries of origin be held jointly responsible for the management of migratory flows to the Member States, on the basis of clear and accepted criteria. It calls for action to combat illegal immigration to focus on: - the adoption by the EU of common measures to prevent and crack down on organised trafficking in illegal immigrants, - providing healthcare for illegal immigrants and education for the children of these families, - measures to combat illegal employment in the Union, - carrying out a study into the political, economic and social factors underlying illegal immigration, - the provision of information on the traffic in immigrants to agents responsible for monitoring in the target countries, - the organisation of information campaigns in the target countries and neighbouring countries on the consequences of illegal entry and clandestine employment in the EU. On the subject of cooperation between the EU and target countries in internal affairs, the Parliament calls on the Council to take the appropriate decisions to permit a new political cooperation with the selected countries, centred on strengthening the rule of law. Political cooperation should include: - offering for the EU to act as intermediary in peace talks with opposition and dissident groups, - the provision of assistance to target countries in establishing or reforming administrative structures and drawing up new procedures which are tailored to local circumstances but comply with the principle of legal certainty (e.g. laws and procedures governing citizenship and personal data), - action to combat corruption, as well as to ensure respect for international human rights instruments and the promotion of national laws and procedures for their enforcement, - strengthening development aid in the countries concerned. Lastly, the EP proposes that a new heading be created in the 2001 budget to cover 'cooperation with third countries in the fields of justice and home affairs, with particular reference to immigration'.?