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REVISED NOTE

from: Romanian Delegation

to: Delegations

Subject: Black Sea Cooperation Platform

Delegations will find below a revised Note from the Romanian delegation concerning the Black Sea Cooperation Platform following the High Level Working Group on Asylum and Migration on 11 March 2009.

BLACK SEA COOPERATION PLATFORM

(cover note)

Regional situation

While historically the Black Sea region faced significant migratory flows, over the last 18 years, due to demographic and economic growth disparities and the maintenance of frozen conflicts, it became an important region in terms of source and transit for illegal immigration and trafficking in human beings. Additionally, political situation, conflicts and poverty in the distant and neighbouring countries of South-East Asia and even Africa have occasioned a flow of migratory movements, including illegal migration.

Since 1 January 2007, when Romania and Bulgaria joined EU, the EU's external borders have reached the Black Sea. Further on, their envisaged accession to the Schengen area in 2011 will offer direct access to EU for migrants crossing the borders of these two countries.

Considering the geographic and strategic relevance of the Black Sea region, all initiatives for regional cooperation have a strong impact locally and in the surrounding regions. The region, well known for its geostrategic importance, at the crossroads of Europe, the Middle East and Central Asia, has been gradually factored in the strategies and policies of the EU (e.g. Strategic Partnership with Russia, Black Sea Synergy etc).

Besides its geostrategic relevance in terms of hard security, energy security and economic development, the region also stands as a source, destination and transit route for migratory flows.

It is common knowledge that migration is no longer an issue that can be dealt with by individual countries. This has given rise to the need to identify and address the resulting migration challenges and trends, as well as the possibilities for follow up at regional level.

A series of initiatives have been developed in the region, but further effort is necessary to put together and coordinate the action of actors in the region in the field of migration, and the financial support that could be provided by EU, Member States and other international donors.

The EU mandate

In June 2007 the European Council endorsed a series of Conclusions approving priority actions in the field of migration, including for the Black Sea area. The EU Member States have therefore been mandated to develop a regional cooperation tool in the field of migration and development in the Black Sea, between the EU, Member States and interested third-countries from the region.

Following this political mandate, since November 2007, Romania has been deeply involved in promoting this cooperation concept, both within the Council of the EU, where it has received major support from the Member States¹, as well as among the countries of the region.

Scope and objectives of the Cooperation Platform

Participation within the Platform is addressed to all Black Sea riparian states, including Armenia and Azerbaijan, and is made on a voluntary basis - any other state from the region could join, at any time.

The proposal for a Cooperation Platform in the field of Migration and Development is meant to supplement the already existing dialogue between EU and the Black Sea States, as well as between the States of the region themselves, and to add a regional dimension to the management of migration. It aims at becoming an important communication channel with the EU in the field of migration and development, bringing the realities of the Black Sea region to the attention of the European Union central institutions.

It also has the potential to facilitate the flow of information on possible financing sources for projects in the region. The initiatives and the projects agreed upon within the framework of the Platform could benefit from EU funding (EU programme concerning Migration and Asylum, ENPI, pre-accession funds, etc).

¹ Bulgaria, Czech Republic, Cyprus, Finland, France, Germany, Greece, Hungary, Lithuania, The Netherlands, Portugal, Romania, Slovakia, Spain, Sweden, United Kingdom have expressed their willingness to express ways of cooperating within this format.

Cooperation principles

The decision to cooperate stems from the conviction that migration phenomena cannot be tackled by individual measures, but by common efforts and a strengthened cooperation between the countries concerned.

The Platform should be specifically tailored to the needs and challenges of the Black Sea region, in order to offer the necessary framework for both assessing and responding to existing challenges, as well as for installing the early- warning mechanism for the prevention of future migration-born insecurity at the Eastern EU border.

The participating states are free to decide upon the structures and the modalities to work within the Platform, in order to ensure local ownership.

The Black Sea Cooperation Platform will have an operational character, being focused on prioritizing objectives and developing concrete projects.

In order to efficiently use the existing resources and to avoid overlapping, the Platform will use the expertise already acquired in the region, and will explore ways to articulate with the regional cooperation structures.

DRAFT JOINT STATEMENT
ON THE OPERATIONAL COOPERATION WITHIN THE PLATFORM IN THE FIELD
OF MIGRATION AND DEVELOPMENT IN THE BLACK SEA REGION

Armenia, Azerbaijan, Bulgaria, Czech Republic, Cyprus, Finland, France, Germany, Georgia, Greece, Hungary, Lithuania, Republic of Moldova, the Netherlands, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, Turkey, Ukraine, United Kingdom and the European Commissioner for Justice, Liberty and Security;

AWARE that international migration is a reality of the contemporary globalized world and that well managed and legal migratory movements can contribute to economic growth in both the country of origin and the country of destination,

AFFIRMING that effective action must be taken against illegal migration, in partnership, whilst respecting the fundamental rights and dignity of migrants,

BEARING IN MIND the particular geographic and strategic relevance of the Black Sea region, at the crossroads of Europe, the Middle East, Central Asia and North Africa, for the size and structure of the international migratory flows,

RECALLING the commitment expressed, via the Black Sea Synergy, by the Ministers of Foreign Affairs of the countries of the European Union and of the wider Black Sea area in Kyiv, on 14 February 2008, on, among others, a strengthened cooperation in the field of migration,

RECALLING the Global Approach to Migration adopted by the European Council in December 2005, and, in particular, the European Council Conclusions of 21 and 22 June on enhancing the implementation of the Global Approach to Migration and its application to the Eastern and South-Eastern regions neighbouring the EU, the Council Conclusions of 17 and 18 June 2007 calling for the establishment of a Black Sea Cooperation Platform, the Council conclusions of 8 December 2008 on the evaluation of the Global Approach to migration and the European Pact on Immigration and Asylum, adopted by the European Council of 15 and 16 October 2008,

CONSIDERING the Migration Policy Recommendations for the Black Sea region, endorsed by the Ministers of Foreign Affairs of the Black Sea Economic Cooperation member states, on 23 October 2008,

RECALLING the Joint Declaration approved by the Ministers in charge of migration on the occasion of the Ministerial Conference on Building Migration Partnerships, held in Prague, on 27 and 28 April 2009;

BEARING IN MIND the existing frameworks for cooperation between our countries on migration issues, especially under the European Neighbourhood Policy and its Black Sea Synergy, to ensure coherence, exploit synergies and avoid duplications between migration policies,

HAVE DECIDED to cooperate within the framework of the Cooperation Platform in the field of migration and development for the Black Sea region. The Cooperation Platform will be based on partnership and mutual interest and will provide a mechanism for a focused and strengthened dialogue on migration and development and for improving migration management and practical cooperation between European Union Member States and the countries of the region, as well as between these countries themselves. The Black Sea Cooperation Platform will focus on practical cooperation and will seek to identify a range of interventions to address shared concerns, resulting from the political dialogue among the countries of the region.

To this end, we hereby **AGREE** to explore ways of implementing the objectives of the region in the area of migration and development via a set of common actions provided for in the Annex to this statement, on a voluntary basis and according to the specific nature of the partners' migratory situation, their ensuing priorities as well as the distinction of the competences, along the following lines:

- a) **Better managing legal migration** through concrete actions aimed at promoting a better framework among the countries of the region for legal mobility, supported by more information, and at improving regional cooperation between the key players, especially as regards integration and protection for migrants, while taking into account national competences and priorities and the different labour market needs;

- b) **Encouraging synergies between migration and development** by developing policies on voluntary return and sustainable reintegration of returning migrants, and by strengthening the cooperation between relevant players and diasporas in order to facilitate productive investment of remittances;
- c) **Preventing and countering illegal migration** especially by improving information exchange, including in the area of readmission, the coordination of patrols and monitoring measures, including such measures directed at combating trafficking in human beings and networks of organised crime and by strengthening the professional training of the authorities with competencies in this field.

The Cooperation Platform will endeavour to bring Black Sea realities and needs in this field to the closer attention of the European Union. To this end, the developments within this framework could be brought to the attention of the EU Council on such occasions as deemed necessary by the participating States.

The initiatives and the projects agreed upon within the framework of the Cooperation Platform could benefit from EU funding, as well as national contributions from the participating States.

This Platform will draw on existing regional instruments and initiatives, such as BSEC, the SECI regional centre, the Budapest Process and the Black Sea Border Coordination and Information Centre – Burgas. Relevant organizations with activities in the field of migration, such as IOM, UNHCR, ICMPD, could be invited to share their expertise on Black Sea specific issues and participate in common actions.

The participating States will decide upon the structures and the modalities to work within the Platform, in order to facilitate a result-oriented dialogue which can review the existing work and ensure its coherence, identify gaps and opportunities for future work.

The provisions of this Joint Statement are not designed to create legal rights or obligations under international law.

Agreed in Prague, on 28 April 2009.

Annex on proposed actions

The Participating States commit to explore the implementation of appropriate and concrete measures to pursue – on a voluntary basis - the following actions:

1. Better managing legal migration:

- facilitating communication and exchange of good practices among partners in the field of labour migration;
- enhancing legal framework and institutional capacity in the region in order to better manage labour migration;
- providing training to local authorities on the management of labour markets;
- exploring ways of facilitating and encouraging circular migration.

2. Encouraging synergies between migration and development

- Enhancing policies supporting the productive investment of remittances;
- Facilitating sustainable return and social reintegration of labour migrants through exchange of information and best practices among relevant actors;
- Developing partnerships among national, regional and local authorities, the diaspora and international organisations, where appropriate, with a view to creating opportunities for social investments and collective remittance projects and programmes.

3. Preventing and countering illegal migration

- Harmonising and enhancing the comparability of the existing data on return and readmission, taking into consideration existing international standards on data collection, and building the capacity necessary in order to monitor, collect and analyse such data;
- Developing the exchange of information between the Black Sea coastal States, including the lower Danube, with the aim of harmonising their surveillance and patrol activities;
- Establishing a best practices catalogue for border guards on countering illegal migration and strengthening professional training of border guards with the support of FRONTEX;
- Strengthening regional capacity on countering trafficking/smuggling in human beings.