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## **The EU Migration Pact and Action Plan on Integration and Inclusion: A Progressive Step or Half Measure?**

*Stephanie E. Berry\* and Isilay Taban\*\**

### **Abstract:**

The European Commission, following the adoption of the New Pact on Migration and Asylum, has released the Action Plan on Integration and Inclusion 2021-2027 (hereinafter ‘The Action Plan’). The Action Plan outlines recommendations that aim to foster integrated and cohesive societies. However, this article argues that the understanding of integration advanced by the Action Plan has the potential to be counterproductive. Utilising the expertise of minority rights bodies in the field of diversity management, this article scrutinises the Action Plan’s approach, highlighting that it suffers from several distinct flaws. Specifically, the Action Plan is underpinned by a narrative that securitizes both Islam and migration; conflates integration with assimilation; and adopts a thin understanding of integration and intercultural dialogue. Moving forward, the EU should take heed of the work of minority rights bodies to develop a comprehensive integration strategy.

**Keywords:** Diversity management; migrants; EU Migration Pact; integration; EU Action Plan on Integration and Inclusion; minority rights

### I. INTRODUCTION

In order to provide an effective response to the challenges posed by migration, the European Commission adopted the New Pact on Migration and Asylum (hereinafter ‘The Migration Pact’) in September 2020, which aims to establish a comprehensive and coherent European migration system.<sup>1</sup> The Migration Pact claims to address migration holistically and introduces policies in a wide range of areas, including border management; procedures on asylum and return; search and rescue mechanisms; the enhancement of solidarity among member States

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<sup>1</sup> European Commission, “New Pact on Migration and Asylum” COM(2020) 609 final, 23 September 2020.

and the development of viable legal pathways for those in need of protection.<sup>2</sup> Whilst the Migration Pact also identifies integration as a key area that requires specific attention in an effective migration system,<sup>3</sup> this issue has been elaborated within the separate Action Plan on Integration and Inclusion 2021-2027 (hereinafter ‘The Action Plan’), which is to be adopted as part of the Migration Pact.<sup>4</sup> The Action Plan provides detailed guidance with respect to what steps member States should take to successfully manage diversity.

The Action Plan, by endorsing the provision of inclusive education and training, the improvement of employment opportunities and skills recognition, the promotion of equal access to health and housing and the development of intercultural dialogue, aims to create integrated and cohesive societies.<sup>5</sup> This article, however, argues that despite this promising intention, the vision of integration presented by the Action Plan is superficial, assimilationist and informed by a perceived threat posed by both Islam and migration to both State and societal security. This has the potential, at the very least, to reduce the effectiveness of the integration strategies proposed by the Action Plan but may also be counterproductive and undermine the integration of diverse societies.

In order to analyse the Action Plan, this article draws on the considerable expertise of the Advisory Committee to the Framework Convention for the Protection of National Minorities (hereinafter ACFC) and the OSCE High Commissioner for National Minorities (hereinafter HCNM) in relation to diversity management. Although these bodies primarily focus on the rights of persons belonging to national minorities, they have also addressed the integration of migrants in their work.<sup>6</sup> Notably, in the context of the EU accession process, the EU has already recognised and deferred to the expertise of the ACFC and HCNM in the field of minority rights.<sup>7</sup> This article demonstrates that, in direct contrast to the Action Plan, the approach adopted by the ACFC and HCNM to diversity management broadly aligns with that advocated

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<sup>2</sup> *Ibid.*, 2.

<sup>3</sup> *Ibid.*, 26-28.

<sup>4</sup> European Commission, “Action Plan on Integration and Inclusion 2021-2027” COM2020 758 (final), 24 November 2020 (hereinafter ‘Action Plan’).

<sup>5</sup> *Ibid.*, 8-15, 20-22.

<sup>6</sup> The ACFC considers the integration of migrants and other ‘new minorities’ under article 6 of the Framework Convention for the Protection of National Minorities, adopted on 1 February 1995, entered into force on 1 February 1998, ETS No. 157 (FCNM). See also, OSCE High Commissioner for National Minorities, The Ljubljana Guidelines on Integration of Diverse Societies & Explanatory Note, November 2012 (Hereinafter ‘Ljubljana Guidelines’).

<sup>7</sup> See generally, Florian Bieber and Roland Bieber, “The Gradual Emergence of European Minority Rights”, in Florian Bieber and Roland Bieber, *Negotiating Unity and Diversity in the European Union* (Palgrave Macmillan, Cham, 2020), 181-207.

by multiculturalists, interculturalists (specifically in relation to intercultural dialogue) and social psychologists. Thus, the EU must learn from these minority rights bodies if it is to design effective integration policies and avoid the many pitfalls associated with diversity management.

This article, in section 2, examines the framing of the Action Plan in terms of a perceived threat posed by migration and, specifically, Islam to societal and state security. It reveals that by connecting integration to security concerns, the Action Plan has the potential to undermine rather than strengthen social cohesion. Sections 3 and 4 turn to the substantive content of the Action Plan. Section 3 demonstrates that both the Action Plan's interpretation of 'integration' and proposed education policies, reflect a one-sided understanding of integration, that is inherently assimilationist. Moreover, whilst the Action Plan's focus on socio-economic rights is a step forward, it still misses the opportunity to provide more tailored remedies. Section 4 analyses the proposals of the Action Plan in relation to intercultural dialogue and suggests that although the local level strategies proposed are a good starting point, the Action Plan's interpretation of this concept is underdeveloped and, as a result, has the potential to undermine its success.

## II. THE CONSTRUCTION OF MIGRANTS AS A THREAT

The Action Plan identifies integration as a way to address terrorism and the perceived threat posed by migrants to the 'European way of life'. The framing of the Action Plan in these terms is arguably a continuation of the historical conflict prevention approach adopted within minority rights protection.<sup>8</sup> Yet, while the ACFC has increasingly sought to move away from security narratives and make a positive rights based case for minority rights,<sup>9</sup> the Action Plan appears to have reverted to a security based approach to diversity management. These developments may be interconnected. Kymlicka suggests that while national minorities have been desecuritized in Western Europe, this has been replaced by the securitization of Muslim migrants and their descendants.<sup>10</sup> Yet, security based approaches to diversity management can

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<sup>8</sup> Gaetano Pentassuglia *Minorities in International Law: An Introductory Study* (Council of Europe Publishing, Strasbourg, 2002), 25. See, further, *Minority Schools in Albania* PCIJ Series A./B. Advisory Opinion of April 6 1935, at 17; OSCE, Mandate of the Office of the High Commissioner for National Minorities, at <[osce.org/hcnm/107878](http://osce.org/hcnm/107878)>; Preamble, FCNM.

<sup>9</sup> Georgia (opinion adopted on 19 March 2009, published on 10 October 2009), para. 59.

<sup>10</sup> Will Kymlicka, "The Rise and Fall of Multiculturalism? New Debates and Accommodation in Diverse Societies" 61 *International Social Science Journal* (2010), 97-112, at 106.

be counterproductive and, accordingly, undermine social cohesion.<sup>11</sup> Thus, this section argues that the EU should learn from the ACFC and make a positive case for integration rather than one focused on a perceived security threat. This section initially analyses how broader European anxieties surrounding Islam have influenced the framing of the Action Plan. Second, it explores the implications of framing ‘integration’ in security terms for the success of the Action Plan.

The Action Plan is framed in terms drawn from popular and political discourse, that belie not a general concern about the integration of migrants, but rather reflect European anxieties surrounding specifically Muslim migrants. Within Europe, Islam and Muslims have been constructed as a threat to societal security. Threats to societal security occur, when “the existence of a cultural ‘other’ is perceived to pose a threat to the reproduction of the majority culture”.<sup>12</sup> Thus, the perceived threat to the majority’s ‘way of life’ posed by immigration, and immigrants’ perceived lack of integration, are archetypal examples of threats to societal security.<sup>13</sup> Specifically, Buzan notes that “Europeans are often sensitive to Islamic immigrants, whose strong, visible and alien culture can be seen as a defiance of integration and therefore as a kind of invasion.”<sup>14</sup>

This is mirrored in the Action Plan, insofar as migrants’ resistance to the ‘European way of life’ and European values is simply “recognized to be true”.<sup>15</sup> For example, an introductory paragraph asserts that integration,

also means respecting common European values as enshrined in the EU Treaties and in the Charter of Fundamental Rights of the European Union, including democracy, the rule of law, the freedoms of speech and religion, as well as the rights to equality and non-discrimination. These fundamental values are an

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<sup>11</sup> Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford University Press, Oxford, 2007), 9.

<sup>12</sup> Paul Roe, “Societal Security”, in Alan Collins (ed.), *Contemporary Security Studies* (Oxford University Press, Oxford, 4<sup>th</sup> ed. 2016), 215-228 at 220.

<sup>13</sup> Columbia Peoples and Nick Vaughan-Williams, *Critical Security Studies: An Introduction* (Routledge, London, New York, 2010), 198; Ole Wæver, “Securitization and Desecuritization” in Ronnie D. Lipschutz (ed.), *On Security* (Columbia University Press, New York, 1995), 46-86 at 65; Barry Buzan, Ole Wæver and Jaap de Wilde, *Security: A New Framework for Analysis* (Lynne Rienner Publishers, Boulder, London, 1998), 23.

<sup>14</sup> Barry Buzan, “Societal Security, State Security and Internationalisation”, in Ole Wæver *et al.*, *Identity, Migration and the New Security Agenda in Europe* (Pinter, London, 1993), 41-58 at 43.

<sup>15</sup> Luca Mavelli, “Between Normalisation and Exception: The Securitisation of Islam and the Construction of the Secular Subject”, 41 *Millennium: Journal of International Studies* (2013), 159-181, at 171.

essential part of living and participating in European society. They are also the reasoning behind the creation of the ‘Promoting our European way of life’ portfolio within the Commission.<sup>16</sup>

This paragraph, that implies that migrants do not respect “common European values”, such as “democracy”, “the freedoms of speech and religion” and “equality and non-discrimination” directly echoes domestic debates and events surrounding the compatibility of Islam with these ‘European values’.<sup>17</sup> Indeed, each one of these ‘values’ can be mapped on to a specific debate or controversy in which Islam has been constructed as illiberal and undemocratic. For example, the Islamic revolution in Iran led Islam to be perceived as directly incompatible with democracy.<sup>18</sup> Islam has been interpreted to conflict with freedom of expression in the popular imagination as a result of the Rushdie Affair, the Danish Cartoon Crisis and the Charlie Hebdo Crisis. Similarly, the prohibition of apostasy and debates surrounding secularism have led Islam to be constructed as incompatible with freedom of religion within Europe. Finally, the stereotype that Muslims oppose the recognition of women’s rights and LGBT rights is reflected in the suggestion that migrants do not respect equality and non-discrimination.<sup>19</sup> The Action Plan’s reliance on narratives that imply that Muslims are unable to integrate into ‘the European way of life’ is further strengthened by references to ‘segregation’.<sup>20</sup>

It is perhaps unsurprising that the Action Plan appears to conflate *migrant* with Muslim. In many EU member States, the majority of non-EU migrants are Muslims,<sup>21</sup> and as noted by the Gallup Coexist Index 2009, “in Europe, ‘immigrant’ is virtually synonymous with ‘Muslim’”.<sup>22</sup> Yet, by juxtaposing the ‘European way of life’ with the presumed values of migrants, the Action Plan suggests an irreconcilable clash between the two that is reminiscent of the ‘clash of civilizations’<sup>23</sup> narrative. Throughout Europe, Muslim religiosity has been

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<sup>16</sup> Action Plan, *op.cit.*, note 4, 1.

<sup>17</sup> Ayhan Kaya, *Islam, Migration and Integration: The Age of Securitization* (Palgrave Macmillan, Houndmills, Basingstoke, 2009), 177; Mikkel Rytter, “Writing Against Integration: Danish Imaginaries of Culture, Race and Belonging”, 84 *Ethnos* (2019), 678-697, at 684.

<sup>18</sup> Iméne Ajala, “Muslims in France and Great Britain: Issues of Securitization, Identities and Loyalties Post 9/11”, 34 *Journal of Muslim Minority Affairs* (2014), 123-133, at 124.

<sup>19</sup> See also, Action Plan, *op.cit.*, note 4, 21.

<sup>20</sup> *Ibid.*, 6, 8 Cf. Yunis Alam and Charles Husband, “Islamophobia, community cohesion and counter-terrorism policies in Britain”, 47 *Patterns of Prejudice* (2013), 235–252, at 243.

<sup>21</sup> Kymlicka, *op.cit.*, note 11, 125-126.

<sup>22</sup> Gallup Coexist Index 2009: A Global Study of Interfaith Relations (Gallup 2009) 11, at <<https://ec.europa.eu/migrant-integration/?action=media.download&uuid=2A90B77A-F80B-C7A7-A794B80181AA1A58>>.

<sup>23</sup> See generally, Samuel P. Huntington, “The Clash of Civilizations?”, 72 *Foreign Affairs* (1993), 22-49.

constructed as a barrier to belonging and integration.<sup>24</sup> By adopting similar rhetoric, the Action Plan reinforces the dominant view, as surmised by Parekh, that “Muslims have not integrated [...] because they do not want to and cannot integrate. They cannot integrate because their ways of life and thought are fundamentally incompatible with those of Europe.”<sup>25</sup> Thus, while the Action Plan asserts that “[t]he European way of life is an inclusive one”,<sup>26</sup> it contradictorily suggests that conformity is a prerequisite of belonging.<sup>27</sup>

Finally, by framing integration as an antidote to ‘extremist ideologies’, ‘violent extremism’, ‘radicalisation’ and ‘terrorism’,<sup>28</sup> the Action Plan not only conflates *migrant* with *Muslim* but also with *terrorist*. Significantly, the tendency within Europe to portray Muslims and migrants as terrorists has been a cause of concern for the ACFC.<sup>29</sup> The Action Plan refrains from explicitly making this link.<sup>30</sup> Yet, as it focuses on the integration of migrants—rather than society as whole—the Action Plan implies that integration is the antidote to extremism amongst migrant populations. Indeed, much of the terminology used in the Action Plan is commonly associated with Islamic terrorism and domestic counter-terrorism measures, especially when adopted in the context of integration policies.<sup>31</sup>

While the Action Plan avoids explicitly singling out Muslim migrants for attention, the document is unmistakably informed by debates, controversies and events concerning European Muslims. In so doing it, perhaps unintentionally, reinforces stereotypes that have led Muslims to be constructed as a threat to societal and state security within Europe. This is not to suggest that integration and counter-extremism measures are not mutually reinforcing. Rather, we argue that presenting integration as a strategy to counter threats to security distracts from the positive case for integration and, in so doing, the Action Plan may undermine social cohesion.

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<sup>24</sup> Ajala, *op.cit.*, note 18, 124.

<sup>25</sup> Bhikhu Parekh, “Europe, liberalism and the ‘Muslim question’”, in Tariq Modood, Anna Triandafyllidou and Ricard Zapata-Barrero (eds.), *Multiculturalism, Muslims and Citizenship: A European Approach* (Routledge, London, New York, 2010), 179-203, at 180.

<sup>26</sup> Action Plan, *op.cit.*, note 4, 1.

<sup>27</sup> For further discussion of this point, see Alexandra Xanthaki, “Against integration, for human rights”, 20 *The International Journal of Human Rights* (2016), 815-838, at 823, 831.

<sup>28</sup> Action Plan, *op.cit.*, note 4, 6, 9, 20.

<sup>29</sup> Slovenia (second opinion adopted on 26 May 2005, published on 1 December 2005), para. 100; Denmark (fourth opinion adopted on 20 May 2014, published on 20 January 2015), para. 64; Spain (fourth opinion adopted on 3 December 2014, published on 23 June 2015), para. 43; Germany (fourth opinion adopted on 19 March 2015, published on 1 October 2015), para. 63.

<sup>30</sup> Action Plan, *op.cit.*, note 4, 6.

<sup>31</sup> Therese O’Toole, Daniel Nilsson DeHanas and Tariq Modood, “Balancing tolerance, security and Muslim engagement in the UK: The impact of the ‘Prevent’ agenda”, 5 *Critical Studies on Terrorism* (2012), 373–389, at 379.

Specifically, the Action Plan has the potential to: reinforce the ‘us vs. them’ narratives that it aims to counteract; undermine respect of the rights of migrants, increase the insecurity of the majority and migrant communities, and inhibit the engagement of Muslim migrants with integration strategies.

The Action Plan seeks, amongst other aims, to “strengthen contact and trust between different communities within society”<sup>32</sup> and “combat xenophobia, exclusion, radicalisation and ‘us vs. them’ narratives while building mutual respect and fostering migrants’ sense of belonging”.<sup>33</sup> Yet, the presumption that ‘the European way of life’ and European values are somehow alien to ‘illiberal’ migrants has the potential to reinforce ‘us vs. them’ narratives. Indeed, as observed by Pram Gad, “government statements on integration of refugees and migrants” are “‘security narratives’ about what ‘we’ need to do to ‘them’ to protect ‘us’ from ‘them’”.<sup>34</sup> This phenomenon can be observed in the community cohesion policies adopted by the United Kingdom since 2001, which tied together integration and counter-terrorism agendas<sup>35</sup> and in so doing, kept “at the forefront of the public mind the inherently alien nature of the Muslim presence in Britain”.<sup>36</sup> This approach has two potentially undesirable consequences: first, it has the potential to legitimise the intolerance of the majority as “[p]eople dislike ethnic and racial diversity, but they do not want to appear as racists or xenophobes, so they look around for some more ‘acceptable’ reason to oppose immigrant multiculturalism, such as fears about illiberal practices or security threats”;<sup>37</sup> and, second, by legitimising the ‘us v. them’ narrative, the Action Plan has the potential to decrease the security of the majority by increasing its perception of threat.<sup>38</sup>

Further, by reinforcing the majority’s perception that migrants pose a threat, the Action Plan has the potential to legitimise interferences with migrants’ rights on the basis that their claims

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<sup>32</sup> Action Plan, *op.cit.*, note 4, 6.

<sup>33</sup> *Ibid.*, 20.

<sup>34</sup> Ulrik Pram Gad, “Peace, welfare, culture: Muslims as a security problem in Danish integration discourse”, 1 *Nord Europa Forum* (2011), 41-72, at 45

<sup>35</sup> O’Toole, Nilsson DeHanas and Modood, *op.cit.*, note 31, 379.

<sup>36</sup> Alam and Husband, *op.cit.*, note 20, 247.

<sup>37</sup> Kymlicka, *op.cit.*, note 11, 126.

<sup>38</sup> Ole Wæver, “The EU as a Security Actor: Reflections from a Pessimistic Constructivist on Post-Sovereign Security Orders”, in Morten Kelstrup and Michael Williams (eds.), *International Relations Theory and the Politics of European Integration: Power, Security, and Community* (Routledge, London, New York, 2000), 250-294, at 253.



are “politically exceptional, culturally unreasonable or theologically alien”.<sup>39</sup> This has been confirmed by the ACFC that has observed that the portrayal or perception of minorities as a threat has the potential to justify restrictions on human rights;<sup>40</sup> inhibit the exercise of rights;<sup>41</sup> and in the longer term may result in tensions or conflict.<sup>42</sup> Specifically, the ACFC has expressed concern at reports from Muslim representatives in the Ukraine, “that there is little understanding and knowledge in society in general of their religion and this is sometimes aggravated by increased stereotyping in society of Muslims as extremists”, that in turn has led to violations of freedom of religion or belief.<sup>43</sup>

Moreover, the merging of counter-terrorism and community cohesion agendas has been identified to be counter-productive by both the ACFC and academics. Specifically, the ACFC has noted, in relation to the UK, “that the work on integration appears to be jeopardised by certain aspects of counter-terrorism policy and anti-extremism/antiradicalisation programmes... that risk fomenting fear and resentment among persons belonging to national and ethnic minorities, in particular in the Muslim community”.<sup>44</sup> Indeed, experience from the UK suggests that connecting integration and counter-terrorism agendas directly damaged trust between Muslim communities and the authorities,<sup>45</sup> and led Muslim communities to become suspicious of and, therefore, disengage with integration strategies.<sup>46</sup>

Consequently, while the ACFC has moved away from a security based approach to make a positive case for diversity management, the Action Plan replicates old mistakes and reinforces the perception that migrants pose a threat. Moving forward, it is important that the EU focuses on making a positive case for integration policies, rather than continuing to frame integration in terms of the perceived threat posed by migrants to societal and state security.

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<sup>39</sup> Anna Triandafyllidou, Tariq Modood and Ricard Zapata-Barrero, “European challenges to multicultural citizenship: Muslims, secularism and beyond”, in Tariq Modood, Anna Triandafyllidou and Ricard Zapata-Barrero (eds.), *Multiculturalism, Muslims and Citizenship: A European Approach* (Routledge, London, New York, 2010), 1-22, at 3.

<sup>40</sup> Slovak Republic (fourth opinion adopted on 3 December 2014, published on 4 June 2015), para. 35; Spain, *op.cit.*, note 29, para. 41.

<sup>41</sup> See, for example, United Kingdom (second opinion adopted on 6 June 2007, published on 26 October 2007), paras. 140, 158; Spain, *op.cit.*, note 29, para. 43; Ukraine (third opinion adopted on 22 March 2012, published on 5 April 2013), para. 84.

<sup>42</sup> United Kingdom (third opinion adopted on 30 June 2011, published on 22 December 2011), para. 89.

<sup>43</sup> Ukraine, *op.cit.*, note 41, para. 84

<sup>44</sup> United Kingdom (fourth opinion adopted on 25 May 2016, published on 27 February 2017), para. 74. See also Alam and Husband, *op.cit.*, note 20, 247.

<sup>45</sup> Alam and Husband, *op.cit.*, note 20, 249.

<sup>46</sup> Therese O’Toole *et al.*, “Governing through Prevent? Regulation and Contested Practice in State-Muslim Engagement”, 50 *Sociology* (2016), 160-177, at 172.

### III. THE SCOPE AND INTERPRETATION OF INTEGRATION

This section explores the scope and interpretation of integration in the Action Plan. Specifically, it argues that the Action Plan appears to broadly align with the principles adopted by the ACFC as well as the HCNM's 2012 'Ljubljana Guidelines on Integration of Diverse Societies' (hereinafter 'Ljubljana Guidelines').<sup>47</sup> However, the interpretation of these principles is either assimilatory or falls short of addressing issues that have the potential to enhance the integration process for migrants. This section starts by examining the Action Plan's interpretation of 'integration' to show that it is more representative of assimilation than integration. It then examines the proposed education strategies to reveal that they do not align with integration as a two-way process and have the potential to undermine the integration of European societies. Lastly, it explains the significance of socio-economic rights for the successful integration of migrants whilst highlighting the Action Plan's failure to provide meaningful recommendations.

#### A. *Is 'Integration as a Two-Way Process' Sufficient?*

The term integration is used to refer to 'the process of settlement, interaction with the host society, and social change that follows immigration'.<sup>48</sup> Despite the lack of consensus on what integration means and what it entails,<sup>49</sup> it is widely accepted in Europe that it denotes to a two-way process of mutual adaptation by both migrants and the host society.<sup>50</sup> In contrast to integration, assimilation refers to a one-way process in which only newcomers adapt.<sup>51</sup>

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<sup>47</sup> Ljubljana Guidelines, *op.cit.*, note 6.

<sup>48</sup> Rinus Penninx and Blanca Garcés-Mascareñas, "The Concept of Integration as an Analytical Tool and as a Policy Concept", in Rinus Penninx and Blanca Garcés-Mascareñas (eds.), *Integration Processes and Policies in Europe—Context, Levels and Actors* (Springer, Cham, 2016), 11-29, at 11.

<sup>49</sup> See, for example, the definition of integration in Tom Hadden, "Integration and Separation: Legal and Political Choices in Implementing Minority Rights", in Nazila Ghanea and Alexandra Xanthaki (eds.), *Minorities, Peoples and Self-Determination: Essays in Honour of Patrick Thornberry* (Martinus Nijhoff, Leiden and Boston, 2005), 173-193, at 176.

<sup>50</sup> Tariq Modood, *Multiculturalism: A Civic Idea* (Polity Press, Cambridge, 2nd edn 2013), 44. For similar approaches, see Ljubljana Guidelines, *op.cit.*, note 6, 3,4.

<sup>51</sup> Stephanie E. Berry, "Aligning Interculturalism with International Human Rights Law: "Living Together" without Assimilation" 18 *Human Rights Law Review* (2018), 441-71, at 448. See also, Deborah Phillips, "Minority Ethnic Segregation, Integration and Citizenship: A European perspective", 36 *Journal of Ethnic and Migration Studies* (2010), 209-225, at 211.

The Action Plan, similarly to the HCNM and the ACFC, defines integration as a two-way process. Whilst this is a welcome characterisation, the Action Plan's description of what this concept entails is more representative of assimilation:

[I]f integration and inclusion are to be successful, it must also be a two-way process whereby migrants and EU citizens with migrant background are offered help to integrate and they in turn make an active effort to become integrated. The integration process involves the host society, which should create the opportunities for the immigrants' full economic, social, cultural, and political participation. It also involves adaptation by migrants who all have rights and responsibilities in relation to their new country of residence.<sup>52</sup>

This description focuses purely on the provision of opportunities for migrants and relies on migrants' efforts to integrate and, as such, fails to recognise the concomitant duty of the host society to adapt. This contradicts the approach of minority rights bodies that have interpreted integration as a genuinely two-way process.<sup>53</sup> For example, the ACFC in distinguishing successful integration from forced assimilation, has stressed that "integration is a process of give-and-take and affects society as a whole. Efforts cannot therefore be expected only from persons belonging to minority communities, but they must also be made by members of the majority population".<sup>54</sup> Thus, although the Action Plan highlights that the responsibility rests not just with migrants, but also host communities when explaining how to build "strong partnerships for a more effective integration process",<sup>55</sup> it does little to impose meaningful responsibilities on host communities in its recommendations. Therefore, the Action Plan understands integration to be a one-way process and thus conflates it with assimilation.

The assimilationist understanding of integration within the Action Plan is further exacerbated by the lack of recognition of the right of migrants to maintain their cultural identities. The failure to recognise this right implicitly permits the imposition of the host society's culture on migrants and disregards migrants' distinct cultural identities, which is at odds with the understanding of integration as a two-way process.<sup>56</sup> Thus, integration requires that migrants

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<sup>52</sup> Action Plan, *op.cit.*, note 4, 2.

<sup>53</sup> See for example, Ljubljana Guidelines, *op.cit.*, note 6, 3-4, para. 43.

<sup>54</sup> ACFC, "Thematic Commentary No. 4: The Framework Convention: A Key Tool to Managing Diversity Through Minority Rights", ACFC/56DOC(2016)001, 27 May 2016, at para. 44.

<sup>55</sup> Action Plan, *op.cit.*, note 4, 15.

<sup>56</sup> Kristin Henrard, "Tracing Visions on Integration and/of Minorities: An Analysis of the Supervisory Practices of the FCNM", 13 *International Community Law Review* (2011), 333-360, at 340.

should, at a minimum, be permitted to preserve their cultural identity in host States. Whilst this was acknowledged by the Council of the EU in 2004: “Full respect for the immigrants’ and their descendants’ own language and culture should be also an important element of integration policy”,<sup>57</sup> it has been overlooked by the European Commission in the Action Plan. Thus, although the Action Plan does not prohibit migrants from sustaining their own cultures, it only refers to the culture of the host society<sup>58</sup> and not the culture of migrants. In stark contrast to the Action Plan, both the HCNM and ACFC emphasise the importance of the maintenance of migrants’ cultural identity for their successful integration. The Ljubljana Guidelines require States “to create conditions for persons belonging to minorities to effectively participate in the cultural life of *their own community and of wider society*”.<sup>59</sup> Similarly, the ACFC notes that cultural policies should ensure that all cultures that exist in society “are visibly and audibly present in the public domain, so that everybody is aware of the diverse character of society and recognises himself or herself as an integral part of it”.<sup>60</sup>

The Action Plan’s failure to refer to the preservation of migrants’ cultural identities not only has an adverse impact on the protection of diversity in host States, but it may also lead to a misconception that successful integration can take place even when migrants are forced to relinquish their cultures.<sup>61</sup> Significantly, policies that require migrants to shed their culture have the potential to trigger negative intergroup attitudes and generate cultural conflict, resulting in less successful adaptation.<sup>62</sup> Given that the existence of multiple identities is a pillar of cohesive multicultural societies,<sup>63</sup> and migrants’ sense of belonging is directly correlated to their ability to sustain their cultural identities,<sup>64</sup> the HCNM and ACFC’s understanding of integration appears to have a greater chance of successfully integrating migrants.

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<sup>57</sup> The Council of European Union, Justice and Home Affairs, “Common Basic Principles for Immigrant Integration Policy in the European Union”, 20, at <[https://ec.europa.eu/migrant-integration/?action=media\\_download&uuid=29C7FD4E-BA62-D4EA-18A8C8B34E873190](https://ec.europa.eu/migrant-integration/?action=media_download&uuid=29C7FD4E-BA62-D4EA-18A8C8B34E873190)> .

<sup>58</sup> Action Plan, *op.cit.*, note 4, 9.

<sup>59</sup> Ljubljana Guidelines, *op.cit.*, note 6, para. 41 (emphasis added).

<sup>60</sup> ACFC, *op.cit.*, note 54, para. 61.

<sup>61</sup> John W. Berry, “Immigration, Acculturation, and Adaptation”, 46 *Applied Psychology: An International Review* (1997), 5-34, at 19.

<sup>62</sup> *Ibid.*, 23.

<sup>63</sup> Xavier Fonseca, Stephan Lukosch, and Frances Brazier, “Social Cohesion Revisited: A New Definition and How to Characterize It”, 32 *The European Journal of Social Science Research* (2019), 231-253, at 246; Ricard Zapata-Barrero, “Interculturalism in the Post-Multicultural Debate: A Defence”, 5 *Comparative Migration Studies* (2017), 1-23, at 3.

<sup>64</sup> Jan Pieter van Oudenhoven, Jaimee Stuart and Linda K. Tip, “Immigrants and ethnocultural groups”, in David L. Sam and John W. Berry (eds.), *The Cambridge Handbook of Acculturation Psychology* (Cambridge University Press, Cambridge, 2<sup>nd</sup> ed. 2010), 134-152, at 144.

The Action Plan focuses on adapting migrants to their host States whilst imposing no corresponding obligation on the host society to adapt to the presence of migrants. Thus, its interpretation of integration overlooks the fact that this term refers to a two-way process. Moreover, when promoting participation, it only pays attention to the culture of the host society and does not advocate for the protection of migrants' identities and accordingly nurture multicultural societies. Consequently, the Action Plan has adopted a thin conception of integration as compared to minority rights bodies. If the Action Plan is to achieve successful integration, it should learn from the work of the HCNM and ACFC.

### *B. Education as a Pillar of Successful Integration*

The Action Plan, in parallel to both the Ljubljana Guidelines and the practice of ACFC, recognises education as the foundation of successful participation and as a vital tool for fostering integration and social cohesion.<sup>65</sup> It emphasises the positive effects of attending schools on migrant children's educational and linguistic attainment as well as their parents' and families' interaction with the host society.<sup>66</sup> While ensuring education can allow migrants to gain the necessary skills to fully participate in the host society, thus contributing to successful integration, the Action Plan takes a rather one-sided approach when determining what migrants' education should involve. This has the potential not only to undermine the main objectives of integration as a two-way process on a conceptual level, but also to practically obstruct the integration of migrants.

It is widely recognised that learning the host State's language provides migrants with a basic foundation for their education, as well as access to services such as employment and health and a medium that they can use in their interaction with the host society.<sup>67</sup> Although integration does not require the provision of mother tongue education in all languages, its emphasis on the adoption of policies that "aim to create a society in which diversity is respected"<sup>68</sup> requires conditions where individuals are able to maintain their diverse characteristics. However, the

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<sup>65</sup> Action Plan, *op.cit.*, note 4, 8; Ljubljana Guidelines, *op.cit.*, note 6, para. 44; ACFC, *op.cit.*, note 54, para. 59.

<sup>66</sup> Action Plan, *op.cit.*, note 4, 8.

<sup>67</sup> Linda K. Tip and others, "Improving Refugee Well-Being with Better Language Skills and More Intergroup Contact", 10 *Social Psychological and Personality Science* (2019), 144-151, at 144; Michael Collyer and others, "A Long Term Commitment: Integration of Resettled Refugees in the UK", Sussex Centre for Migration Research Reports, December 2018, 24-28 at <<http://www.sussex.ac.uk/migration/research/integrationcitizenship/refugeeresettlement/reports>>; Nicole Dubus, "Integration or Building Resilience: What Should the Goal Be in Refugee Resettlement?", 16 *Journal of Immigrant & Refugee Studies* (2018), 413-429, at 413, 415.

<sup>68</sup> Ljubljana Guidelines, *op.cit.*, note 6, 3-4.

Action Plan seems to expect migrants to quickly adjust to the current system in their host States through the provision of courses on the host State's language and culture, without facilitating the maintenance of migrants' own cultural identity.<sup>69</sup> Since these policies may potentially lead to a gradual elimination of migrants' linguistic differences, they are more representative of assimilation than integration.<sup>70</sup> In contrast, as endorsed by the ACFC, the promotion of an open and diverse language environment where the first language of migrants is taught in addition to the host State language, serves the host State's interests as it facilitates both the preservation of migrants' linguistic identities and integration.<sup>71</sup> This is because, despite the common presumption that the maintenance of migrants' own languages hinders their participation in society,<sup>72</sup> a substantial body of research suggests that mother tongue acquisition in practice often acts as a catalyst for migrants' integration.<sup>73</sup> Not only does it help migrants learn the host State's main language but it also enables them to benefit from mainstream education.<sup>74</sup> Therefore, rather than focusing only on migrant's acquisition of the host State's language, the Action Plan must also promote an education policy that encourages States to provide mother tongue education for migrants. Such a policy would not only align with the concept of integration as a two-way process, but it would also pave the way for more positive integration outcomes.<sup>75</sup>

Moreover, the Action Plan emphasises teaching democracy to discourage migrants from gravitating towards "violent extremist ideologies, organisations and movements".<sup>76</sup> This strategy has also been adopted by the ACFC.<sup>77</sup> However, by failing to recognise its relevance

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<sup>69</sup> Action Plan, *op.cit.*, note 4, 8, 9.

<sup>70</sup> UNHCR, "A New Beginning: Refugee Integration in Europe", September 2013, 36, at <<https://www.unhcr.org/protection/operations/52403d389/new-beginning-refugee-integration-europe.html>>; Joseph Marko and Roberta Medda-Windischer, "Language Rights and Duties for New Minorities: Integration through Diversity Governance", in Iryna Ulasiuk, Laurentiu Hadîrcă and William Romans (eds.), *Language Policy and Conflict Prevention* (Brill, Leiden, Boston, 2018), 251-284, at 273.

<sup>71</sup> San Marino (fourth opinion adopted on 20 November 2015, published on 21 April 2016) para. 9; Liechtenstein (fourth opinion adopted on 21 May 2014, published on 10 December 2014) paras. 5, 6.

<sup>72</sup> Ruud Koopmans, "Trade-offs between Equality and Difference: Immigrant Integration, Multiculturalism and the Welfare State in Cross-National Perspective", 36 *Journal of Ethnic and Migration Studies* (2010), 1-26, at 10.

<sup>73</sup> See, for example, Nihad Bunar, "Migration and Education in Sweden: Integration of Migrants in the Swedish School Education and Higher Education Systems", NESET Ad hoc Report, 2017, 15 at <<https://nesetweb.eu/en/resources/library/migration-and-education-in-sweden-integration-of-migrants-in-the-swedish-school-education-and-higher-education-systems/>>; Tove Skutnabb-Kangass, "Language Policy and Linguistic Human Rights", in Thomas Ricento (ed.), *Introduction to Language Policy: Theory and Method* (Blackwell Publishing, Oxford, 2006), 273-292, at 280.

<sup>74</sup> *Ibid.*

<sup>75</sup> See generally, Angela-MinhTu D. Nguyen and Verónica Benet-Martínez, "Biculturalism and Adjustment: A Meta-Analysis", 44 *Journal of Cross-Cultural Psychology* (2013), 122-159.

<sup>76</sup> Action Plan, *op.cit.*, note 4, 9.

<sup>77</sup> Czech Republic (fourth opinion adopted on 16 November 2015, published on 28 June 2016), para 54.

to children who belong to the majority in host States as well as migrant children, the Action Plan presumes that migrants have inherently extremist and undemocratic tendencies and in the absence of such education, only migrants are vulnerable to radicalisation. Such rhetoric has the potential to obstruct the formation of trust between migrants and the host society<sup>78</sup> and thereby, the establishment of integrated societies. Furthermore, there has been a significant rise in support of the far-right across Europe, which appears to be largely driven by a perceived threat posed by migrants to the national identity and culture of host States.<sup>79</sup> This has led to an increase in divisive and intolerant rhetoric<sup>80</sup> and racial attacks against migrants,<sup>81</sup> and, thereby, undermines migrants' integration. This demonstrates that not only migrants but also the majority society needs to be taught about democracy and other so-called European values if the EU is to create integrated and cohesive societies.

### *C. Socio-Economic Rights as a Prerequisite of Integration*

The Action Plan has taken a similar approach to both the HCNM and ACFC by emphasising the importance of migrants' access to socio-economic rights for their successful integration and has encouraged member States to facilitate their enjoyment of these rights.<sup>82</sup> Specifically, it recommends that States enhance migrants' access to housing, education, employment and healthcare.<sup>83</sup> Despite taking significant steps in the right direction, the Action Plan still fails to address crucial issues relevant to the successful integration of migrants.

The Action Plan advances our understanding of integration as a two-way process by emphasising on the role of healthcare and housing for migrants' ability to settle in host States.<sup>84</sup> Its emphasis on the provision of affordable housing is a progressive development,<sup>85</sup> as housing

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<sup>78</sup> Alam and Husband, *op.cit.*, note 20, 249.

<sup>79</sup> Geertje Lucassen, and Marcel Lubbers, "Who fears what? Explaining Far-Right-Wing Preference in Europe by Distinguishing Perceived Cultural and Economic Ethnic Threats", 45 *Comparative Political Studies* (2012), 547-574.

<sup>80</sup> Croatia (fourth opinion adopted on 18 November 2015, published on 30 May 2016) at para. 41; United Kingdom, *op.cit.*, note 44, para. 73.

<sup>81</sup> Pietro Castelli Gattinara and Andrea L. P. Pirro, "The far right as social movement", 21(4) *European Societies* (2019), 447-462, at 448-449.

<sup>82</sup> Ljubljana Guidelines, *op.cit.*, note 6, para. 40; Italy (third opinion adopted on 15 November 2010, published on 30 May 2011) para. 98; Estonia (fourth opinion adopted on 19 March 2015, published on 21 October 2015) para. 45; Georgia (second opinion adopted on 17 June 2015, published on 11 January 2016) para. 49.

<sup>83</sup> Action Plan, *op.cit.*, note 4, 11-15.

<sup>84</sup> *Ibid.*, 13-17.

<sup>85</sup> *Ibid.*, 14.

has a positive effect on migrants' overall physical and emotional well-being and, in particular, their sense of belonging.<sup>86</sup> In relation to healthcare, it draws attention to hurdles faced by migrants, such as, duration of stay, discrimination, insufficient knowledge about the healthcare system and linguistic and cultural obstacles.<sup>87</sup> Significantly, by recognising the potential for trauma and mental health to undermine migrants' access to healthcare, the Action Plan implicitly links migrants' mental health to successful integration.<sup>88</sup> However, the Action Plan fails to emphasise that such trauma and mental health problems may inhibit migrants' engagement with some integration activities, and that this should not be understood as a sign of their unwillingness to integrate.

In addition to healthcare and housing, the Action Plan's recognition of access to employment as an essential condition for successful integration is a welcome step. Employment facilitates migrants' participation in the host society and promotes independence by allowing them to carve out a role for themselves using their skills and qualifications.<sup>89</sup> The Action Plan's emphasis on the inclusion of migrants in the labour market has positive implications not only for migrants but also for the host society.<sup>90</sup> This is because it enhances the visibility of migrants' contribution, and therefore alleviates the perception that migrants are a threat to the economic well-being of the host society.<sup>91</sup> Migrants' access to the labour market also facilitates the realisation of their rights to housing, education and healthcare.<sup>92</sup> The Action Plan, in parallel to the Ljubljana Guidelines, also recognises employment as a key part of integration, and recommends that more support should be provided to increase migrants' access to financing, vocational training and advice, and to streamline the process for the assessment of their skills and the recognition of their qualifications.<sup>93</sup>

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<sup>86</sup> Alastair Ager, and Alison Strang, "Understanding integration: A conceptual framework", 21 *Journal of Refugee Studies* (2008), 166-191, at 171.

<sup>87</sup> Action Plan, *op.cit.*, note 4, 13.

<sup>88</sup> *Ibid.*

<sup>89</sup> Ager and Strang, *op.cit.*, note 86, 170; Karen Duke, Rosemary Sales and Jeanne Gregory, "Refugee resettlement in Europe", in Alice Bloch and Carl Levy (eds.), *Refugees, Citizenship and Social Policy in Europe* (Palgrave Macmillan, Basingstoke, 1999), 105–127, 106.

<sup>90</sup> Maja Korac, "Cross-ethnic networks, self-reception system, and functional integration of refugees from the former Yugoslavia in Rome" 2 *Journal of International Migration and Integration/Revue de l'integration et de la migration internationale* (2001), 1-26, at 14. Ager and Strang, *op.cit.*, note 86, 171.

<sup>91</sup> John.W. Berry, "A Psychology of Immigration", 57 *Journal of Social Issues* (2001), 615-631, at 624.

<sup>92</sup> Anja Rudiger and Sarah Spencer, "Social Integration of Migrants and Ethnic Minorities: Politics to Combat Discrimination", The Economic and Social Aspects of Migration Conference, Jointly organised by the European Commission and the OECD, Brussels, 21-22 January 2003, 23, at <<https://www.oecd.org/migration/mig/15516956.pdf>>.

<sup>93</sup> Action Plan, *op.cit.*, note 4, 9-12; Ljubljana Guidelines, *op.cit.*, note 6, para. 40.



Despite these positive elements, the Action Plan does not sufficiently acknowledge the impact that discrimination and prejudice experienced by migrants has on their participation in the labour market; it merely encourages member States to “raise awareness of discrimination in the recruitment process and in the workplace and reinforce anti-discrimination measures”.<sup>94</sup> In contrast, the ACFC has frequently expressed concern that ‘persons of immigrant origin continue to face particular difficulties and discrimination’.<sup>95</sup> In order to effectively address discriminatory practices against migrants and thereby advance their integration, the Action Plan should identify policies to diagnose and eliminate the discrimination faced by migrants in relation to employment.

Consequently, if the EU is to increase the effectiveness of the Action Plan and successfully integrate migrants, it should learn lessons from the work of minority rights bodies when both interpreting the term ‘integration’ and designing integration policies.

#### IV. THE SCOPE AND INTERPRETATION OF INTERCULTURAL DIALOGUE

A positive development in the Action Plan, as compared to the 2016 Action Plan on the Integration of Third Country Nationals,<sup>96</sup> is its focus on social cohesion and, specifically, intercultural dialogue as a means to achieve this. Significantly, the Action Plan recognises the need “to better involve the host society in integration and inclusion policies”<sup>97</sup> and section three, entitled “[f]ostering participation and encounters with the host society”,<sup>98</sup> briefly sets out how this can be achieved. However, the Action Plan also relies on a thin understanding of intercultural dialogue that must be strengthened in practice, if it is to achieve its aim of creating more cohesive European societies.

The Action Plan identifies three key proposals in section three that align closely with the vision of intercultural dialogue set out by the ACFC and interculturalists. First, it recognises that

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<sup>94</sup> Action Plan, *op.cit.*, note 4, 12, 13.

<sup>95</sup> Spain (second opinion adopted on 22 February 2007, published on 2 April 2008) para. 89. See also, San Marino, *op.cit.*, note 71, para. 14; Bosnia and Herzegovina (second opinion adopted on 9 October 2008, published on 27 April 2014) para. 125.

<sup>96</sup> European Commission, “Action Plan on the integration of third country nationals”, COM(2016) 377 final, 7 June 2016.

<sup>97</sup> Action Plan, *op.cit.*, note 4, 5.

<sup>98</sup> *Ibid.*, 20-23.

migrants’ “active participation in consultative and decision-making processes can help empower them and ensure that integration and inclusion policies are more effective and reflect real needs”.<sup>99</sup> Similarly interculturalists and the ACFC have recognised that effective participation facilitates integration and social cohesion.<sup>100</sup> In order to facilitate this, the ACFC has called upon States to establish effective “participatory structures”<sup>101</sup> and to consult minorities in relation to issues that impact them.<sup>102</sup> The steps taken by the European Commission to consult migrants and their representative organisations during the drafting of the Action Plan are particularly encouraging.<sup>103</sup> However, as acknowledged in the Action Plan, in addition to this, action is also required to enable migrants to “participate in consultative and decision-making processes at local, regional [and] national [...] levels”.<sup>104</sup>

The second way in which the Action Plan conforms with interculturalism and the work of the ACFC, is that it emphasises that interaction between migrants and the host society “is a strong means for inclusion and more cohesive societies”.<sup>105</sup> It further specifies that this provides “opportunities for the local communities to learn more about people arriving in their communities and their backgrounds”.<sup>106</sup> In so doing, the Action Plan aligns with Allport’s contact theory, which demonstrates that positive interactions are a prerequisite of social cohesion and prejudice reduction.<sup>107</sup>

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<sup>99</sup> *Ibid.*, 20.

<sup>100</sup> See, for example, Ted Cantele, “National Identity, Plurality and Interculturalism”, 85 *The Political Quarterly* (2014), 312-319, at 318; Ricard Zapata-Barrero, “Theorising Intercultural Citizenship”, in Nasar Meer, Tariq Modood and Ricard Zapata-Barrero (eds.), *Multiculturalism and Interculturalism - Debating the Dividing Lines* (Edinburgh University Press, Edinburgh, 2016), 53-76, at 57; The Netherlands (opinion adopted on 25 June 2009, published on 17 February 2010), para. 38.

<sup>101</sup> The Netherlands (second opinion adopted on 20 June 2013, published on 20 December 2013), para. 64.

<sup>102</sup> Finland (third opinion adopted on 14 October 2010, published on 13 April 2011), paras. 69, 74; Italy, *op.cit.*, note 82, para. 77.

<sup>103</sup> See generally, European Commission, “Report on the consultation on the integration and inclusion of migrants and people with a migrant background” (Directorate-General for Migration and Home Affairs, November 2020); European Commission, “Analysis of the responses to the public consultation on the integration and inclusion of migrants and people with a migrant background: Synthesis Report” (Directorate-General for Migration and Home Affairs, November 2020).

<sup>104</sup> Action Plan, *op.cit.*, note 4, 21.

<sup>105</sup> *Ibid.*, 20. Cf. Patrick Loobuyck, “Towards an Intercultural Sense of Belonging Together: Reflections on the Theoretical and Political Level”, in Nasar Meer, Tariq Modood and Ricard Zapata-Barrero (eds.), *Multiculturalism and Interculturalism – Debating the Dividing Lines* (Edinburgh University Press, Edinburgh, 2016), 225-245, at 230; The Netherlands, *op.cit.*, note 101, para. 58.

<sup>106</sup> Action Plan, *op.cit.*, note 4, 20.

<sup>107</sup> See generally, Gordon W. Allport, *The Nature of Prejudice* (Addison-Wesley, Reading, Mass., 1954). See, further, Ted Cantele, “Interculturalism as a New Narrative for the Era of Globalisation and Super-Diversity”, in Martyn Barrett (ed.), *Interculturalism and Multiculturalism: Similarities and Differences* (Council of Europe Publishing, Strasbourg, 2013), 69-91, at 80; Ricard Zapata-Barrero, “Exploring the Foundations of the Intercultural Policy Paradigm: A Comprehensive Approach”, 23 *Identities: Global Studies in Culture and Power* (2016), 155-173, at 160.

Finally, the Action Plan identifies that a lack of knowledge and information about migration and integration amongst the host population can undermine social cohesion and, further, highlights the role of the media, civil society and education institutes, in addressing this.<sup>108</sup> Similarly, the ACFC has recognised the role that these bodies can play in educating the majority about diversity and the culture of minorities.<sup>109</sup>

However, other aspects of the Action Plan do not go far enough to ensure that the intercultural approach it proposes is successful. Specifically, the Action Plan suggests that by bringing people together, intercultural interaction, “helps combat xenophobia, exclusion, radicalisation and ‘us vs. them’ narratives while building mutual respect and fostering migrants’ sense of belonging”.<sup>110</sup> Yet, as noted by Barrett, intercultural interaction and intercultural education must be combined with measures to remove barriers to their success.<sup>111</sup> Two interrelated issues have the potential to undermine the approach suggested by the Action Plan: majoritarian intolerance of migrants<sup>112</sup> and exclusionary national identities.<sup>113</sup> Yet, as the Action Plan adopts an assimilationist interpretation of ‘integration’, it does not recognise the need for the host society to actively adapt to the presence of migrants. Accordingly, it does not identify these barriers as problematic nor how they can be addressed in practice.

Thus, while the Action Plan establishes that “it will be implemented in close interaction with ... the EU’s anti-racism action plan”,<sup>114</sup> it does not explicitly recognise that addressing intolerance is a prerequisite of social cohesion. Moreover, the educational measures proposed by the Action Plan are unlikely to be sufficient to combat majoritarian intolerance, especially if negative stereotypes about migrants are pervasive.<sup>115</sup> In contrast, the ACFC has recognised

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<sup>108</sup> Action Plan, *op.cit.*, note 4, 21.

<sup>109</sup> See, for example, Portugal (second opinion adopted on 5 November 2009, published on 26 April 2010), para. 79; United Kingdom, *op.cit.*, note 41, paras. 109, 116; The Netherlands, *op.cit.*, note 101, para. 56.

<sup>110</sup> Action Plan, *op.cit.*, note 4, 20.

<sup>111</sup> Martyn Barrett, “Intercultural Competence: A Distinctive Hallmark of Interculturalism?” in Martyn Barrett (ed.), *Interculturalism and Multiculturalism: Similarities and Differences* (Council of Europe Publishing, Strasbourg, 2013), 147-168, at 157.

<sup>112</sup> Denmark (second opinion adopted on 9 December 2004, published on 11 May 2005), paras. 77-79, 96-97; United Kingdom, *op.cit.*, note 41, paras. 112-113; Spain (third opinion adopted on 22 March 2012, published on 13 November 2012), para. 73.

<sup>113</sup> Germany (third opinion adopted on 27 May 2010, published on 6 December 2010), para. 87; The Netherlands, *op.cit.*, note 101, para 37.

<sup>114</sup> Action Plan, *op.cit.*, note 4, 3.

<sup>115</sup> Armando Rodríguez Pérez *et al.*, “Infra-humanization of Outgroups throughout the World. The Role of Similarity, Intergroup Friendship, Knowledge of the Outgroup, and Status”, *27 Anales de Psicología* (2011), 679-687, at 685-86.

that intolerance and xenophobia, particularly in the media and political sphere,<sup>116</sup> inhibit intercultural interaction by contributing to “feelings of hostility and rejection”.<sup>117</sup> Interculturalists and the ACFC suggest that one way to address such intolerance is to create a positive narrative surrounding migration by, for example, recognising “the positive contribution that foreigner’s participation in society, including in the labour market, could make”.<sup>118</sup> Significantly, the Action Plan recognises the key role played by migrants in Europe, particularly in the context of the Covid-19 pandemic.<sup>119</sup> Yet, as it does not follow this through to its operative sections, it is unlikely to influence national policy development.

Moreover, the Action Plan’s focus on grassroots, localised projects to enable intercultural interaction are also unlikely to be sufficient to create a broader culture that is welcoming of diversity and migrants. The idea that interaction facilitates threat and prejudice reduction,<sup>120</sup> is corroborated by studies from the UK that suggest that tolerance of diversity is highest in ethnically diverse areas.<sup>121</sup> Yet, if a society is to be welcoming of migrants, then less diverse areas must also adapt to their presence of migrants and, accordingly, local measures must be complemented with national policies that create space for migrants within the national story. Without such measures, there is a risk, as identified by interculturalists and the ACFC, that majoritarian intolerance and opposition to the visible presence of minority and migrant cultures will undermine social cohesion.<sup>122</sup> Thus, Bouchard suggests that alongside the adaptation of newcomers,<sup>123</sup> there must also be space for diversity within the national identity, including the reasonable accommodation of minority practices, in order to facilitate integration and reduce

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<sup>116</sup> Denmark, *op.cit.*, note 112, paras. 77-79, 96-97; United Kingdom, *op.cit.*, note 41, paras. 112-113; Norway (second opinion adopted on 5 October 2006, published on 16 November 2006), para. 83.

<sup>117</sup> Austria (opinion adopted on 16 May 2002, published on 7 November 2002), para. 32. See also Jenny Phillimore, “Refugees, Acculturation Strategies, Stress and Integration”, 40 *Journal of Social Policy* (2011), 575-593, at 585.

<sup>118</sup> Denmark, *op.cit.*, note 112, para 85. See also, Germany, *op.cit.*, note 113, para. 88; Norway (third opinion adopted on 30 June 2011, published on 31 August 2011), para. 67; Zapata-Barrero, *op.cit.*, note 100, 64.

<sup>119</sup> Action Plan, *op.cit.*, note 4, 2.

<sup>120</sup> See generally, Allport, *op.cit.*, note 107; Thomas Fraser Pettigrew and Linda R. Tropp, “How does intergroup contact reduce prejudice? Meta-analytic tests of three mediators”, 38 *European Journal of Social Psychology* (2008), 922-934.

<sup>121</sup> Helen Dempster and Karen Hargrave, “Understanding public attitudes towards refugees and migrants”, Chatham House, The Royal Institute of International Affairs, Working paper 512, June 2017, at <<https://cdn.odi.org/media/documents/11600.pdf>>.

<sup>122</sup> Gérard Bouchard, “Quebec Interculturalism and Canadian Multiculturalism” in Nasar Meer, Tariq Modood and Ricard Zapata-Barrero (eds.), *Multiculturalism and Interculturalism - Debating the Dividing Lines* (Edinburgh University Press, Edinburgh, 2016), 77-103, at 86; Loobuyck, *op.cit.*, note 105, 233; Denmark, *op.cit.*, note 112, para. 86.

<sup>123</sup> Gérard Bouchard, “What is Interculturalism?”, 56 *McGill Law Journal* (2011), 435-468, at 458.

discrimination.<sup>124</sup> Similarly, the ACFC has recognised that diversity must be visible within society, “so that everybody is aware of the diverse character of society and recognizes himself or herself as an integral part of it”.<sup>125</sup> The omission of measures from the Action Plan to facilitate the majority’s adaptation to the presence of migrants, can perhaps be attributed to its narrow interpretation of ‘integration’. However, if it is to achieve its purpose, the Action Plan must suggest measures to facilitate ‘integration’ as a genuinely two-way process of mutual adaptation.

Consequently, while the Action Plan makes significant progress by recognising the importance of intercultural dialogue for social cohesion, it adopts a thin interpretation of this concept and, in so doing, potentially undermines the success of the measures it proposes. If the Action Plan is to facilitate social cohesion, it must recognise the need for measures that enable the majority to adapt to the presence of migrants in their societies.

## CONCLUSION

This article has demonstrated that the Action Plan’s current approach to integration is not conducive to the development of integrated and cohesive European societies, and therefore does not offer an effective system for States to manage diversity. By analysing both the framing and the content of the Action Plan, this article has revealed that it contains some promising developments and many practical measures that align with the work of minority rights bodies, and thus, at first glance, appears to be a step in the right direction. However, it adopts a security based approach to diversity management and conceives of integration as a one-way process. These are both traits that have the potential to undermine the creation of cohesive and integrated European societies. Therefore, the EU must learn from the approach adopted by minority rights bodies, if the successful integration of migrants is to be achieved. Specifically, the EU must: make a positive case for integration rather than one rooted in security concerns; interpret integration as a genuinely two-way process of mutual adaptation requiring that both migrants and the host community make concessions; recognise migrants’ diverse needs and aspirations, including their right to preserve their cultural identity; and seek to remove barriers to successful integration, including intolerance and exclusionary national identities.

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<sup>124</sup> *Ibid.*

<sup>125</sup> ACFC, *op.cit.*, note 54, para.61.

Significantly, unless the Action Plan is reinforced, it has the potential to undermine the success of the EU's Migration Pact. The EU has struggled to garner the support of member States for a comprehensive and coherent migration policy rooted in solidarity.<sup>126</sup> State hesitancy in this respect can, at least in part, be attributed to the politically sensitive nature of migration at a domestic level throughout Europe.<sup>127</sup> Indeed, European societies are more likely to oppose the EU's efforts in the field of migration if they are poorly integrated.<sup>128</sup> This is exacerbated if the majority has not adapted to the presence of migrants and perceives that migrants pose a threat.<sup>129</sup> As the current incarnation of the Action Plan reiterates the securitized approach to migration and does not require the adaptation of the majority, it is unlikely to resolve these barriers to a common EU migration and asylum policy. Thus, if the Migration Pact is to provide an effective response to the challenges posed by migration, it is imperative that the EU draws on the extensive experience of minority rights bodies in relation to diversity management to strengthen the Action Plan.

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<sup>126</sup> Linda Basile and Francesco Olmastroni, "Sharing the burden in a free riders' land: The EU migration and asylum policy in the views of public opinion and politicians", 59 *European Journal of Political Research* (2020), 669-691, at 670-71.

<sup>127</sup> *Ibid.*, at 669-70.

<sup>128</sup> *Ibid.*, 682.

<sup>129</sup> *Ibid.*