ASPEN ITALIA VIEWS

BEYOND THE MIGRATION AND ASYLUM CRISIS

Options and lessons for Europe

edited by

Ferruccio Pastore

Ibrahim Awad, Rosa Balfour, Angeliki Dimitriadi, Andrew Geddes, Birgit Glorius, Ahmet İçduygu, Rey Koslowski, Attila Melegh, Ferruccio Pastore, Marie Louise Seeberg, Endre Sik, Doğuş Şimşek

Aspen Institute Italia

TRECCANI
LA CULTURA ITALIANA

Aspen Institute Italia

- An Aspenia online special -
2017

Beyond the Migration and Asylum Crisis

Options and lessons for Europe

edited by
Ferruccio Pastore

Ibrahim Awad, Rosa Balfour, Angeliki Dimitriadi, Andrew Geddes, Birgit Glorius, Ahmet İçduygu, Rey Koslowski, Attila Melegh, Ferruccio Pastore, Marie Louise Seeberg, Endre Sik, Doğuş Şimşek

TABLE OF CONTENT

II. Key drivers of the policy responses to the crisis

2.1 National vs. European responses: A constant source of tension

2.2 Implementing the solidarity principle through physical redistribution of asylum seekers and refugees: Relocation and resettlement

2.3 Reinforcing joint activities at common external borders, from Triton to NATO

2.4 Externalising control and protection: The Western Balkans and Turkey

2.5 "Tackling root causes": The evolving EU Migration & Development agenda

III. Structural limitations in the EU's response and possible strategic adjustments

3.1 Three structural limitations of an essentially political nature

3.2 A large-scale investment strategy is needed to support radical policy change

3.3 Open dilemmas on possible sources of funding

3.4 Concluding thoughts: how to bridge the short and long term

Part II - Which way out the crisis? Voices from in and around Europe

IV. Lessons from the frontline: What can be learnt from the Greek experience
Angeliki Dimitriadis

V. "Wir schaffen das": A German perspective on refugees and bottom-up integration
Birgit Glorius

VI. A view from Eastern Europe: Tentative thoughts on crisis and calamity
Endre Sik and Attila Melegh

Aspen Institute Italia

Aspen Institute Italia is a private, independent, international, nonpartisan and nonprofit association that encourages a free exchange of opinions about knowledge, information and values.

Aspen Institute Italia's mission is to internationalize the country's entrepreneurial, political and cultural leadership, as well as to promote the free exchange of ideas and beliefs, in a search for common values, knowledge and interests. Programs focus on the problems and challenges facing today's decision-makers in politics, economics, academia and the media, with particular attention to the business world. Independent but coordinated offices - in the US, France, Germany, Spain, Romania, the Czech Republic, Ukraine, Japan, India and Mexico - form the Aspen international network.

The Aspen Institute was founded in the United States in 1950, upon the initiative of a group of intellectuals and businessmen. The aim was to relaunch a dialogue that would encourage decision makers to share knowledge and values in the complicated international context that was just emerging from the devastation of World War II. In Italy, the Institute was established in 1984.

Aspen Italia Views

"Aspen Italia Views" is a series of studies and analyses on some of the major challenges facing contemporary societies. Published materials deal with topics ranging from culture, economics and technology, to politics and security, on both Italy and the international system. The series aims to offer analytical tools for the main social phenomena, with special attention to the business community.

PREFACE

While for years now Syria's neighboring countries (Jordan, Lebanon and Turkey) have been hosting the vast majority of the country's refugees (currently more than 4.4 million), a mixed inflow of 1.4 million migrants and refugees since 2015 has been enough to plunge the European Union into a deep political crisis - one often defined as an "existential" threat due to the widespread perception of its potentially fatal impact on the EU as the world has known it.

This crisis is neither accidental nor transient. Instead, it is deeply rooted in a supranational system of migration governance which, however incomplete and structurally unbalanced, has proven to be effective overall for more than two decades. But the viability of that system, largely based on the political and normative foundations set in 1990 by the closely connected Schengen and Dublin Conventions, was conditional upon a specific geopolitical and economic context. Over the last few years, that context has been radically altered by the combined effect of the euro crisis and the post-2011 wave of instability in the Middle East and North Africa.

The EU's response to the migration and asylum crisis has been complex and, in some respects, innovative. It included a wide array of measures, articulated over at least three geopolitical layers: from the attempts at better internal distribution of asylum seekers through relocation, to the enhancement of cooperation with receiving and transit countries (primarily Turkey) in the neighborhood, to the reinforcement of external tools aimed at reducing forced migrations by tackling their root causes.

This is an integrated and long-term strategy that, in order to yield results, needs to be implemented over time and in all of its components, with a massive and constant investment of political and financial resources. Unfortunately, this is not happening: some key components (relocation) are still almost totally paralyzed by national political vetoes, while others (upgrade of cooperation with Africa) are still essentially based on resounding but vague engagements.

While key EU governments are increasingly absorbed by internal political preoccupations in anticipation of a long and potentially destabilizing electoral year (starting in the Netherlands in March 2017 and culminating in Germany in the early autumn, with a French and probably an Italian vote in between), the management of the migration and asylum crisis has been moved to the back burner. But none of the structural problems that generated it has really been solved. Today's apparent quiet rests entirely on the implementation of the fragile deal with Turkey and it is in any case dramatically contradicted by the record levels of arrivals and deaths along the Central Mediterranean route in 2016.

In this context, for the EU as a whole, keeping a strategic perspective is a vital necessity. This collective book aims at giving a contribution in this direction, by bridging short-term constraints and long-term horizons, and by bringing together a rich variety of national and regional views. The volume is organized in two sections: in Part I, the volume's editor provides a broad framing of the main issues. After focusing on the deep historical and political roots of the crisis, he moves on to a comprehensive reconstruction of the European policy response and to an assessment of its main structural limitations and possible adjustments. In Part II, eleven experts from different geographical areas (several EU countries, but also the South and East Mediterranean and North America) and disciplinary backgrounds (from political science to sociology and international relations) offer their distinct perspectives and provide specific recommendations. What emerges is a complex and unstable mosaic that still needs significant and durable

investments of political, financial and intellectual energies to prevent further disruption.

Beginning to address the migration challenge in its complexity actually sheds light on a wider set of requirements that would make the EU a more effective policy actor: indeed, it is necessary to consider the entire continuum of foreign and security policies, development cooperation, border management policies, and socioeconomic integration. Without an overall policy framework, and the sectoral synergies that logically follow from that framework, more effective migration policies cannot even take shape – much less be pursued consistently over time and across the whole EU. The "Global Strategy" presented in June 2016 by EU foreign policy chief Federica Mogherini is a step in the right direction, especially as regards diagnosis. However, there are missing links in the strategy and areas where more detailed prescriptions (with an indication of available resources and common capabilities) are needed.

The migration crisis reflects and in some ways amplifies the well-known weaknesses of both the EU's internal organization and its external projection. Future debates on how to improve Europe's performances will have to incorporate the two dimensions – internal and external – which in turn requires a major effort at consensus building.

It is precisely in this spirit of consensus building and policy innovation that the seven Aspen Institutes based on the European continent have launched the "Aspen Initiative for Europe" (AIfE), chaired by Marta Dassù. The migration crisis was a key topic of the AIfE conference that took place in Rome in December 2016, in which a version of the contribution that forms Part I of this book was presented and discussed.

Ferruccio Pastore and Roberto Menotti

PART I

The European migration and asylum crisis as a long-term challenge

Ferruccio Pastore [1]

I

Putting the European migration and asylum crisis[2] in context

1.1. *Schengen-Dublin (1985-1990): The regulatory roots of the current crisis*

The roots of the EMAC, as it started being defined in 2015, run deep into a past in which Europe was still split by the Iron Curtain and the European Union as such still did not exist.

The second half of the 1980s was a period of profound (although at the time not very salient, in political terms) transformations in the governance of what were traditionally labelled as "home affairs". In 1985, in the small village of Schengen, Luxembourg, five of the six original members of the European Community (Belgium, France, Germany, Luxembourg and the Netherlands; only Italy was not included) signed a treaty that can retrospectively be considered as the foundation stone of the European migration regime.

As with other key steps in the European integration process, the original rationale was essentially economic: getting rid of lengthy and systematic controls on goods and persons at internal borders was expected to give a boost (as, in fact, it did) to international trade within the common area. But in order to compensate for such internal liberalization, some security-driven complementary measures were adopted, aimed at harmonizing the standards of border controls towards the outside.

This simple but highly innovative design (free movement inside + common external borders) was perfected with the Schengen Convention of June 19, 1990. This was a much more complex text than the original treaty, covering a wide range of issues stretching from police and judicial cooperation to the sharing of security data, and - crucially for the purposes of this paper - to the responsibility for processing asylum claims. The latter was also the specific object of another, closely connected international treaty which had been signed in Dublin, only four days before (June 15, 1990), by a slightly larger circle of European states.

The Dublin Convention and the asylum-related provisions of the Schengen Convention originated as a cooperative and – as will be further described – essentially defensive response to the growing number of asylum-seekers in Europe and to the phenomenon of "asylum-shopping" (i.e. repeated asylum claims filed in different states with the aim to increase the probability of a positive outcome).

texts share a core principle implying a structural asymmetry that, after having long been neglected, has recently become a source of major political tension among European states. Namely, according to what is now frequently referred to as the "Dublin principle", when a non-EU migrant claims asylum after having irregularly crossed the common external border of the signatory states, there is only one state that is legally responsible for processing such claim, that being the first state of entry. In the case of recent inflows from North Africa and the Middle East, this rule amounts to concentrating the primary (legal, operational and financial) responsibility to protect on a handful of peripheral member states, primarily Greece and Italy.

1.2. *Expansion and crisis of the Schengen-Dublin regime*

Before analysing the recent (and, so far, largely unsuccessful) European attempts at rebalancing the fundamental asymmetry of the Dublin principle, it is worth stressing that the international regulatory regime hinged upon the

Schengen and Dublin Conventions has long been relatively effective and uncontested. Politically, the system was long viewed as a major success, measured amongst other things by its quick expansion even beyond the EU's boundaries: a first wave of Schengen expansion reached southern Europe (Italy signed in November 1990, Spain and Portugal in June 1991, Greece in November 1992); Austria joined in April 1995, followed by Scandinavian countries (Denmark, Finland and Sweden all signed at the end of 1996; Iceland and Norway became associates at the same time). The next stages of expansion coincided, more than a decade later, with the two waves of EU Eastern enlargement (2004 and 2007). In 2008, agreements on Switzerland's and Liechtenstein's participation in the Schengen area were concluded.

In all these cases, sometime (from a few months to several years) always passed between the signature and the actual full implementation of all treaty provisions (in particular those concerning the suppression of border controls). The transition from formal to full-fledged membership of the club is regulated by specific technical criteria, but still requires a unanimous decision by pre-existing members. This leaves a margin of discretionary appreciation which explains why some countries (Bulgaria, Cyprus and Romania), in spite of being formal members for years now, still do not enjoy full implementation.

Schengen's success started being questioned in 2011, when the early (and limited) migratory side effects of the Arab Spring triggered the first tensions among member states. The French government's decision in April 2011 to temporarily reintroduce border controls with Italy (and even to briefly suspend cross-border train circulation) in order to stop a few thousand youth fleeing the chaotic Tunisian transition was an early warning about the hidden frailty of the "borderless zone".

But the warning was largely ignored and it took a much bigger surge in unplanned migration to bring the issue to the top of the European agenda. The trigger this time was the almost simultaneous escalation of two civil wars in Europe's neighbourhood: in Syria since 2012 and in Libya since

2014. The combination of these two conflicts produced both a major growth in forced migration and the collapse of "externalised" migration controls that European states had long delegated to the authorities in Tripoli. The result was a rapid increase in both crossing attempts and migrant deaths, first in the Sicily Channel (between Tunisia/western Libya and southern Italy) and, since late 2014, between Turkey and the Greek islands in the Aegean.

The impact of this sudden growth in arrivals of forced migrants and asylum seekers has been extremely uneven in terms of affected EU member states: while Italy and Greece have been by far the main countries of entry (and therefore responsible for processing asylum claims and granting protection, to the extent that the Dublin rules are actually applied), Germany, followed by Sweden and Austria have increasingly stood out as the preferred destinations. As for the countries along the so-called "Balkan route" (Macedonia, Serbia, Croatia and Hungary), they have been crossed by massive transit flows, but with negligible rates of permanence.

Such unbalanced distribution of arrivals, transits and especially asylum applications has been the real detonator of the EMAC in political terms. Consequently, as we will see in greater detail below, one of the main drivers of the policy response at the European level has been a series of (until now highly ineffective) attempts at redistributing protection responsibilities in a more balanced way among member states.

A redistribution of this sort would represent a (more or less extensive) derogation of the Dublin principle illustrated above, in the name of the de facto conflicting (but until now largely ineffective) "solidarity principle" according to which:

"The policies of the Union set out in this Chapter [among which are asylum policies] and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States" (Article 80 of the

Treaty on the Functioning of the European Union - TFEU).

1.3. *"Burden sharing": The negative framing of migration and the political roots of the current crisis*

In EU policy jargon and in the expert literature, the issue of the distribution of protection responsibilities among member states is usually dubbed as "burden sharing".

The term started being used in this sense at the beginning of the 1990s, in the context of another perceived "refugee crisis". The number of asylum seekers had started growing in Europe already during the 1980s, but the peak (for that era) was reached in 1992, when the war in the former Yugoslavia produced a large outflow, mainly from Bosnia-Herzegovina. In that case too, Germany was by far the preferred destination, receiving 438,191 applications out of 674,056 for all of the EU15 (Source: Eurostat).

It was in that context that the concept of burden sharing (*Lastenverteilung* in German) started to be used. This is evidently very far from being a neutral term. It very strongly bears the idea that refugees are, and cannot be anything but a liability, rather than a resource, for both the state and the community of destination.

The widespread use of this derogatory expression is worth stressing as it reveals a deeper cultural and political trend that needs to be brought into focus in order to understand the political roots of the EMAC. It is the broad tendency by which international migration has gradually come to be predominantly perceived by European public opinion as a problematic, if not threatening phenomenon and to be presented as such in public discourse in most member states.

This predominantly negative framing of migration in the EU – an overall distinctive feature, especially in comparison with other rich democracies (typically, at least until recently, those created by European emigrants, at the

expense of pre-existing natives: Australia, Canada, USA) - is the outcome of a long and complex historical process that cannot be reconstructed here. It will be useful, however, to recall a few decisive developments.

International labor migration was a crucial factor in Europe's post-World War II reconstruction and in the subsequent long period of sustained and inclusive growth. For three decades, industrial development was made possible by massive worker mobility, both intra-continental (mainly from the South and the East of the European continent towards its western core) and inter-continental (mainly from former African and Asian colonies, plus a few other sending countries, such as Turkey).

European migration policies and attitudes towards international migration changed abruptly in the first half of the 1970s. Like in the current crisis, geopolitical tensions in the Middle East played a crucial role in that time period. Between 1973 and 1974, under the pressure of the economic downturn triggered by an oil embargo implemented by Arab producers in the context of the Yom Kippur Arab-Israeli war, all main European immigration countries adopted a ban on new low-skilled labor immigration from outside what was then the European Economic Community.

The stop to international recruitment did not produce, however, a general halt in immigration. On the contrary, growing restrictions to labor migration boosted other types of inflows (family migration, asylum seekers, visa overstayers, etc.). This produced a gradual but radical shift in public attitudes, with the growing perception that international migration was less and less under the control of political authorities, either because it was driven by entitlements or because it was undocumented and unauthorized.

In this context, immigration became an increasingly politicized issue and anti-immigrant movements, soon organized into parties, started to emerge in several European political systems. These new forms of political mobilization were usually based on various combinations of three main types of anti-immigration arguments: a) economic ones (e.g. alleged

detrimental competition with natives in the labor market and/or in the access to the welfare system); b) social and cultural arguments (e.g. alleged negative impact on social cohesion and cultural values; c) security arguments (e.g. alleged increase in petty and/or organized crime and, already back in the 1970s and 1980s, risks of terrorism).

Security arguments, in particular, became more prominent in the 1990s, when the collapse of the Socialist bloc led to a (temporary) mitigation in the perception of "traditional" hard security threats and a more acute sense that "new security threats" (such as transnational organized crime, terrorism, "illegal immigration") were looming. Even though these different phenomena had little in common, besides stemming from non-state transnational actors, they were often lumped together in political discourse and policy responses.

This was notably the case with the "third pillar" of the European Union created by the 1992 Maastricht Treaty. This was a new institutional environment for cooperation in the field of "justice and home affairs" (JHA) covering topics as diverse as police and judicial cooperation against transnational crime and terrorism, international fraud, drug addiction, external borders, migration (both legal and unauthorized) and asylum policy.

Such undifferentiated framing and institutional bundling contributed to a growing "securitization" of migration in both conceptual and normative terms. The actual frames, narratives and dominant imageries underpinning the securitization process have been changing significantly depending on contingencies (e.g. recession periods, waves of "moral panic", etc.) and on local/national specificities. But, the spiral of securitization has generally gained ground throughout Europe, although in different forms and with varying intensity, thereby generating easy-to-use and powerful arguments for populist politicians and weakening mainstream political forces.

1.4. *Competing narratives: The role of demographic and economic arguments*

Domestic political arenas have been the primary and decisive environment for the development of security-based political discourse on immigration in Europe. However, as illustrated by the predominantly security-oriented treatment of migration issues in the context of the Schengen and Maastricht Treaties, European cooperation has also been an important driver in the securitization of the issue.

It is important to stress, though, that the European institutions have also played a significant, albeit altogether less effective, role in balancing such a negative trend by promoting more positive perceptions of and approaches to migration. This became apparent in the final years of the last century when, with center-left majorities in power in almost all member state capitals, the European Union was entrusted by member states with the task to promote a more positive view of legal migration and to develop common policies in this area, as well as to promote liberal policy-making in the field of immigrant integration and non-discrimination. The legal and institutional foundations for such a new and more comprehensive approach to migration were laid by the Amsterdam Treaty (signed on October 2, 1997).

A further important step was taken two years later, when the European Council – in its first ad hoc meeting ever specifically devoted to internal security and migration issues, held under the Finnish presidency in Tampere – adopted a very ambitious blueprint for the development of a common migration and asylum policy. Reading a few lines from that historical programmatic declaration is enough to measure the appalling discrepancy between its unprecedented level of ambition and its implementation means:

"The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. To that end, the Union as well as Member States are invited to contribute, within their respective

competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development" (Tampere European Council, October 15-16, 1999, Presidency Conclusions, Point 11).

In the same years, a more positive official framing of migration at international and European levels was enhanced by the growing awareness of the rapidly expanding demographic gaps of developed counties. A specific but remarkable intellectual impulse to this paradigm shift came in 2001 from the publication of a provocative report from the United Nations' Population Division entitled "Replacement Migration. Is It a Solution to Declining and Ageing Populations?"

Starting from the early 2000s, the United Nations added its voice in rebalancing security-centerd migration narratives with more positive social and economic assessments. In 2003, then Secretary General Kofi Annan established a <u>Global Commission on International Migration (GCIM)</u> that paved the way for the High-Level Dialogue on International Migration and Development of September 2006 and for the subsequent launch of the Global Forum on Migration and Development (GFMD).

While economic scholarship was, after a long period of neglect, rediscovering migration as a topic, the World Bank (WB) too contributed to the new cultural climate by releasing, as from the mid-2000s, a series of studies strongly advocating the developmental potential of migrant remittances. Rhetoric about international migration as a "win-win-win strategy" for both states of origin and destination, and for migrants themselves, was spreading, while new and appealing policy concepts such as "brain circulation" were gradually overtaking the older notion of "brain drain".

But positive economic accounts of international migration have remained essentially top-down and technocratic, without really succeeding in

reaching and shaping public opinion at a wider and deeper level. Advocating the medium- and long-term benefits of migration has become even more difficult since the outburst of the economic crisis in 2007-2008. Even though migrant workers and families have generally suffered disproportionally from the crisis in comparison to natives, previous perceptions of their economic usefulness have eroded.

While the struggle between competing narratives of migration seems to become ever harsher, the EU and national authorities are called to increasingly difficult exercises of rhetorical and political mediation, as illustrated by this telling passage of the European Agenda on Migration adopted in May 2015:

"Europe needs to build up its own skills base and equip people for inclusion in today's labor market. […] but even with a determined effort over the medium and long term we are unlikely to be able to fully match the needs. The EU is also facing a series of long-term economic and demographic challenges. Its population is ageing, while its economy is increasingly dependent on highly-skilled jobs. Furthermore, without migration the EU's working age population will decline by 17.5 million in the next decade. Migration will increasingly be an important way to enhance the sustainability of our welfare system and to ensure sustainable growth of the EU economy. This is why, even if the case for legal migration will always be difficult at a time of high unemployment and social change, it is important to have in place a clear and rigorous common system, which reflects the EU interest, including by maintaining Europe as an attractive destination for migrants" (COM(2015) 240 final, May 13, 2015, p. 14).

NOTES

[1] The author wishes to thank Marta Dassù and Roberto Menotti for their valuable comments on earlier versions. The opinions expressed however are the author's own.

[2] Terminological note: Unless stated otherwise, the expression "European Migration and Asylum Crisis" (EMAC) is used to refer to the political crisis in the EU (along multiple cleavages: among member states, between them and EU institutions, as well as among EU institutions themselves)

triggered in 2015 by an unprecedented rise in "mixed inflows" (i.e. those unplanned and irregular collective migratory movements in which individuals formally entitled to international protection share the same entry channels with others who fall into the legal category of "irregular economic migration"). Therefore, the phrase "European Migration and Asylum Crisis" does not refer directly to the growth in unplanned arrivals and asylum applications, but only to its political impact.

A second terminological caveat is needed: given the extremely controversial nature of the terminology used to label different categories of migrants, unless stated differently, the term "migrant" is used in a broad and neutral way, without implying any a priori judgement on the deservingness of any kind of legal protection. This is in line with the policy on this crucial point announced for instance by the BBC which "…uses the term migrant to refer to all people on the move who have yet to complete the legal process of claiming asylum. This group includes people fleeing war-torn countries such as Syria, who are likely to be granted refugee status, as well as people who are seeking jobs and better lives, who governments are likely to rule are economic migrants" (http://www.bbc.com/news/world-europe-36038217). It should be added, however, that the dominant legal and political discourse is still based on a fundamental conceptual and terminological dualism, which juxtaposes "spontaneous" economic migrants, whom states can legitimately refuse to admit, and "forced" migrants seeking protection, or refugees, towards whom states have an internationally recognised obligation of non-refoulement and protection.

II

Key drivers of the policy responses to the crisis

2.1. *National vs. European responses: A constant source of tension*

There is no evident and fundamental disagreement amongst European experts and decision-makers about the causes of the EU's political crisis over mixed migration, as summarised in the previous section. Most EU leaders would probably even agree, at least in private, on the sensitive statement that an excessively negative and undifferentiated framing of migration has contributed to Europe's current political vulnerability and lack of cohesion. But, if some consensus exists at the level of diagnoses, it certainly does not persist at the level of responses, where disagreement is still deep and entrenched, affecting decision-making methods as well as substantive responses.

The awareness that the old migration regime hinged upon the joint operation of the Schengen and Dublin "twin conventions" is not viable any more is unchallenged since at least October 7, 2015, when it was solemnly proclaimed in a joint speech by Angela Merkel and François Hollande before the European Parliament that "[t]he Dublin process, in its current form, is obsolete." But, in the same period, Europe's strategic disarray was made evident by the EU heads of state and government declaring that "we have all to uphold, apply and implement our existing rules, including the Dublin regulation and the Schengen *acquis"* (Informal European Council of September 23, 2015, Presidency conclusions, emphasis added).

In this situation of strategic confusion, European decision-making procedures have found themselves under heavy and growing pressure, threatened as they were by frequent unilateral accelerations, wavering compliance with common rules and binding decisions - more or less blatant free-rider behaviours.

The first unilateral suspension of common rules was actually a powerful and positive move. It consisted in a spectacular act of solidarity undertaken by the German government on August 21, 2015, when the German Federal Office for Migration and Refugees (German acronym: BAMF) announced its decision to discontinue the application of the Dublin regulation for Syrian asylum seekers, and thus to suspend their expulsions towards EU countries of entry.

It should be added, though, that the implementation of the Dublin readmission rules was already incomplete, uneven and highly problematic. In fact, in previous years, both the national courts of some key destination member states and European courts (both the EU's Court of Justice and the European Court of Human Rights adopted landmark decisions in 2011) had ruled that asylum seekers could not be expulsed back to key member states of first entry (most notably Greece, but - on a case-by-case basis - also Italy, Hungary, Bulgaria and Malta) because their reception systems were deemed utterly inadequate. Besides, even when the Dublin rules were formally applicable, their practical implementation was often hampered by bureaucratic difficulties and an alleged lack of collaboration by first-entry states. In particular, Italy and Greece had long attracted criticism from Germany and other destination states for their poor levels of compliance with the norms on biometrical identification (i.e. fingerprinting) and registration of asylum seekers in the EU-wide Eurodac database, which is a necessary precondition for subsequent readmission in all cases of unauthorised intra-EU secondary migration.

Berlin's radical U-turn on the Dublin rules triggered a sudden and steep rise in asylum applications. This in turn caused harsh political backlashes

(especially some regional governments, i.e. Bavaria, the Land at the border with Austria where the refugee inflow had been particularly massive) that induced the federal authorities to adopt emergency counter measures. Thus, on September 13, 2015, Germany temporarily suspended Schengen provisions by reintroducing systematic controls at its borders with Austria. In the following weeks, this unexpected German move unleashed a chain reaction, pushing seven other member states (Belgium, Denmark, Hungary, Austria, Slovenia, Sweden and Norway) to adopt and repeatedly prolong similar decisions by invoking urgent reasons of "public policy or internal security" (as foreseen by Article 25 of the Schengen Borders Code).

While it is clear (and seldom explicitly disputed) that the ongoing EMAC is caused by intrinsically transnational developments and cannot be addressed in any fundamental way but through coordinated measures, the last few years have been marked by constant tension and competition between arduous attempts at supranational responses and unilateral initiatives. As we have briefly described, in a few important circumstances, unilateral moves by individual member states were of a proactive and positive nature (besides the already mentioned German policy shift of the summer of 2015, a case in point is the launch of Operation Mare Nostrum by Italy in October 2013: see Section 2.3 for more details). In most cases, however, unilateral short-term responses to the EMAC were of a repressive nature and essentially consisted in refusals to comply with solidarity and protection obligations, in the reinforcement (or reintroduction) of border controls and/or in restrictions to the entitlements of asylum seekers and refugees. Measures of this kind frequently had the effect (whether intended or unintended) of reorienting migration flows and other forms of "beggar-thy-neighbour" policy.

2.2. *Implementing the solidarity principle through physical redistribution of asylum seekers and refugees: Relocation and resettlement*

Refugees' choice to leave their country of origin is, by definition, not a

voluntary one. As for the destination of their flight, it depends on the complex and dynamic interplay of various constraints (geographical, economic, political) and of individual (or collective) preferences. These preferences (and the migratory strategies they give origin to) are generally shaped by different types of "pull factors" associated with possible countries/localities of destination: existence of family or ethnic connections that may facilitate access and insertion; perception of economic opportunities and more generally of life conditions at destination, including cultural affinity, availability of welfare benefits etc. Due to the complex and evolving interactions of these macro-, meso- and micro-level factors, the distribution of asylum seekers is necessarily uneven and it may not correspond to political preferences of destination regions or states. Such a gap may in turn give rise to claims of inter-regional and international redistribution, or other forms of compensation.

As previously mentioned, (see Section 1.3) the expression "burden sharing" started being used in the asylum debate at the beginning of the 1990s, when some of the main European destination states, led by Germany, raised the issue of a fairer distribution of protection costs and responsibilities among EU members. There are many ways, however, to operate such rebalancing: one, perhaps the simplest within a supranational entity like the EU, is just to transfer financial resources from less to more affected countries: this is in fact what the EU has long been doing, although on a limited scale, by means of ad hoc funds (from 2000 to 2013, the European Refugee Fund – ERF; since 2014, the Asylum, Migration and Integration Fund – AMIF).

Another way to pursue a better sharing of the protection "burden" is through normative and policy interventions aimed at correcting the set of incentives and deterrents that shape the refugees' migratory strategies. The EU has long been engaged in this sort of incentive-based rebalancing through its directives aimed at harmonising the national asylum systems of its member states, thereby reducing the deep disparities in the quality of

protection that were (and still are largely) perceived as one of the main causes of international imbalances in refugee distribution.

Finally, there is a third possible approach to asylum burden sharing that consists in the physical redistribution of asylum seekers or refugees among countries. This form of burden sharing can take the form of direct resettlement from countries of first arrival upon flight (usually close to the origin country) or of subsequent relocation from a first country of asylum. Compared with financial compensation and policy harmonization, physical redistribution is perhaps the most problematic, both for legal and social reasons (redistribution plans are often hard to reconcile with refugees' preferences and thus can seldom be entirely voluntary) and for political ones. In fact, in a context of predominantly negative framing of migration and of consequently high political sensitivity (see Section 1.3), prospective states of secondary destination are generally reluctant to accept refugee resettlement and relocation.

This is the reason compulsory physical redistribution has traditionally been deemed unviable in the EU context and even considered as a sort of political taboo. This already became evident during the negotiations of the pioneering (but never implemented) 2001 directive on temporary protection (2001/55/EC) which, while stating that "Member States shall receive persons who are eligible for temporary protection in a spirit of Community solidarity," specified that "[t]hey shall indicate – in figures or in general terms – their capacity to receive such persons" (Article 25).

The EU's traditional adversity towards coercive relocation has receded under the dramatic pressure generated by recent developments. The proposal to adopt a "temporary distribution scheme for persons in clear need of international protection," conceived as a "precursor of a lasting solution […] a permanent system for sharing the responsibility for large numbers of refugees and asylum seekers among Member States" was first advanced in May 2015 by the Commission in its European Agenda on Migration (COM(2015) 240 final). On that basis, after negotiations of

unprecedented toughness, the Council adopted two coordinated decisions (binding, as such, for all member states except Denmark, the UK and Ireland, which had long ago opted out of "communitarization" in this policy area) establishing a temporary and exceptional relocation mechanism for 160,000 asylum seekers from Greece and Italy to other EU countries. In breach of a consolidated decision-making practice in this field, the decision was not taken by consensus but by a qualified majority vote (QMV), with a vast majority of member states outvoting four eastern European countries (the Czech Republic, Slovakia, Hungary and Romania). A strong political opposition to mandatory quotas was reiterated in the following months, especially in the framework of the so-called Višegrad group (also known as V4, an informal grouping of Central and Eastern European countries), where Poland, following a political majority shift and a government change, also came to harshly express critical views.

Opposition did not limit itself to political criticism, but also took legal forms, with both Slovakia and Hungary filing actions for annulment to the EU Court of Justice (pending cases C-643/15 and C-647/15). The Hungarian government even attempted to secure plebiscitarian domestic support for its battle against the relocation scheme by calling a consultative referendum. The initiative stirred hot controversies, both for constitutional reasons and for the blatantly biased nature of the question: "Do you want the European Union to be entitled to prescribe the mandatory settlement of non-Hungarian citizens in Hungary without the consent of parliament?" Due to a low turnout (around 44%), the popular consultation finally held on October 2, 2016 yielded no valid result. The fact that the overwhelming majority of voters (98%) were against EU relocation decisions, however, represented a strong political signal.

It is not surprising that the EU's relocation scheme, born in such a poisoned and fractious climate, is encountering huge difficulties in taking off. The sheer refusal to cooperate by openly opposed countries, accompanied by more indirect but equally damaging obstructionist tactics

by others, make for a very disappointing outcome: according to the Commission's "Eighth report on relocation and resettlement" (COM(2016) 791 final), in spite of a mild acceleration in the latest period, as of December 6, 2016 only 8,162 Syrian, Eritrean and Iraqi asylum seekers had been relocated, most of which (6,212) from Greece and only 1,950 from Italy. Numbers are even more ludicrously low when it comes to especially vulnerable – but often also particularly challenging in terms of integration – categories, such as unaccompanied minors (only 172 relocated in the EU as a whole since the launch of the scheme).

The extreme reluctance of European states to express solidarity through material openness to forced migrants is confirmed by the disappointing results of the resettlement scheme adopted by the Justice and Home Affairs Council in July 2015: in spite of 22,504 admission pledges made by 20 member states, only 10,695 people have been resettled so far, mainly from Turkey, Jordan and Lebanon.

In spite of these evident and serious implementation difficulties, the EU is still giving high priority to "physical burden sharing" as a key ingredient of its comprehensive response to the EMAC. In fact, in its May 4, 2016 reform package, besides the upgrade of the European Asylum Support Office (EASO) into a proper European Union Agency for Asylum, the Commission also proposed a permanent reform of the Dublin III regulation. The new proposal is based on a corrective allocation mechanism (labelled "the fairness mechanism") that would automatically establish when a country is facing a disproportionate number of asylum applications with regard to its size and wealth. Beyond that threshold, all further applicants in that country would be relocated across the EU. States of secondary destination that are unwilling to accept relocated asylum seekers would be allowed to opt out, but only in exchange for a solidarity contribution of €250,000 for each refused applicant.

The insistence of the Commission on the relocation approach, however, is losing steam. A significant signal came from the informal EU summit held

under the Slovak presidency on September 16, 2016 in Bratislava. On that occasion, the four countries of the Višegrad group proposed a new approach labelled "flexible solidarity" whereby countries unwilling to admit asylum seekers could instead contribute to common migration policy efforts financially, and/or with equipment and manpower. Taking distance from the Commission's proposals, some key German politicians, including the European Parliament Chairman, SPD's Martin Schulz, expressed favour for this new and more flexible approach.

2.3. *Reinforcing joint activities at common external borders, from Triton to NATO*

The EU's policy response to the EMAC has been complex and multi-layered. The previous section has focused on what can be defined as the "internal dimension" of this articulated policy response, which has essentially been aimed at enhancing solidarity among member states and at reinforcing the Common European Asylum System (CEAS). But the EU's response strategy also has an "external dimension", which has been gaining political salience and practical importance especially since the beginning of 2016, in parallel with the growing awareness of the political difficulties in the promotion of a more systematic and effective internal burden-sharing.

The external dimension of the EU's political response to the EMAC has been articulated along three main geopolitical levels that will be analysed in this section, as well as in the following two. These three levels correspond respectively to i) the management of common external borders and (in case of maritime borders) common activities in international waters off common borders; ii) relations and different forms of cooperation with non-EU transit countries (see Section 2.4); iii) relations and different forms of cooperation with non-EU sending countries (see Section 2.5)[3].

As briefly mentioned in Section 1, the key principles in terms of the respective roles and responsibilities of member states for the control and surveillance of common external borders were set in the Schengen

agreement of 1985 and, in a more detailed way, in the Implementing Convention of 1990. Article 6 of that seminal text stated amongst other things that:

"1. Cross-border movement at external borders shall be subject to checks by the competent authorities. Checks shall be carried out for the Contracting Parties' territories, in accordance with uniform principles, within the scope of national powers and national law and taking account of the interests of all Contracting Parties.
[…]
4. The Contracting Parties undertake to deploy enough suitably qualified officers to carry out checks and surveillance along external borders.
5. An equal degree of control shall be exercised at external borders."

As already stressed, this regulatory approach was intrinsically unbalanced. Peripheral states, in particular, were invested with a full-fledged and potentially very demanding responsibility to control movements across land and sea borders ("air borders" – i.e. international airports - being less directly influenced by geography, their management costs are determined by different logics) in the common interest and according to common standards, but relying exclusively on their own means and resources.

On the occasion of the two waves of EU enlargement to the East (2004 and 2007), the "Schengen *acquis*" (i.e. the vast body of norms and standards generated in the field of borders, migration, asylum etc. since the signature of the Schengen Convention) was imposed integrally on the new member states. The responsibility for the management of the (by then much-extended) eastern land border of the EU thus shifted from Austria and Germany to a belt of former socialist countries with limited previous experience in the fields of migration control (except for the very different meaning that this notion had in socialist times).

It is only since the early 2000s that some measures have been taken to

mitigate Schengen's structural unbalances. First came some tools of financial compensation for the disproportionate border control costs borne by peripheral states (i.e. temporary funding for prospective member states during the pre-accession phase, plus the more general External Borders Fund endowed with 1,820 million euros for the period of 2007–2013). But a symbolically much more ambitious step was taken in October 2004 with the establishment by Council Regulation (EC)2007/2004 of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, better known by its less awkward name Frontex.

information management, risk analysis and research, Frontex has the competence to launch and coordinate joint operations to address critical border situations. But these operations are carried out using national staff and equipment and are therefore constantly subject to member states' political will and practical availability. The lack of autonomous operational capacity confines Frontex to a merely auxiliary role, far below the level of real challenges. This gap has appeared ever more evidently since late 2013 when Libya's relapse into a situation of chaos caused a surge in attempts of irregular crossing of the Sicily Channel. The conditions imposed by smugglers became even more dangerous and inhumane, with an ensuing rise in accidents and deaths.

A major shipwreck off the Sicilian island of Lampedusa on October 3, 2013 (366 victims, at least 20 migrants missing) pushed the Italian government to react by launching a large-scale search-and-rescue operation called "Mare Nostrum". Meant by Italy as a unilateral assumption of responsibility aimed at gaining credibility and leverage to obtain more European solidarity, Mare Nostrum was a technical success but a political failure, at least in the short term. Domestic and international criticism alleging *de facto* magnet effects led to its discontinuation at the end of 2014.

In May 2016, the EU Council agreed to extend Sophia's mandate by one year and to entrust it with two additional tasks: i) "capacity building and

training of, and information sharing with, the Libyan Coastguard and Navy" and ii) "contributing to […] implementation of the UN arms embargo on the High Seas off the coast of Libya on the basis of a new UN Security Council Resolution" (No. 2292, adopted on June 14, 2016).

The latest step in this process of multilateralization of migration management in the Central Mediterranean was the launch on July 9, 2016 of NATO's "Operation Sea Guardian". Building on the precedent set in February 2016 with the start of NATO anti-smuggling activities in the Aegean Sea, Sea Guardian began with a relatively broad scope, including "the provision of a range of capabilities including Intelligence, Surveillance and Reconnaissance, and logistics support […] contribution to capacity building of the Libyan coastguard and navy" (NATO Press Release (2016) 100).

With persistently high levels of political instability and insecurity in Libya, even these policy developments - that critics have decried as a "militarization" of a humanitarian crisis – have so far proven insufficient in curtailing irregular crossings and deaths along the Central Mediterranean route. While at the end of December 2016 arrivals in Italy had grown to over 181,000 compared to slightly over 150,000 in 2015, the death toll grew much more dramatically to 5,079 victims (of which 4,576 in the Central Mediterranean) up from 3,771 in the whole of 2015, previously the deadliest year on record.

This ongoing tragedy and the pressing political need to regain control over a critical stretch of the EU's external border lie behind one of the most significant policy decisions made since the outburst of the EMAC, namely the establishment of a European Border and Coast Guard (EBCG). Ideas of an upgrade of Frontex had been floating around for years, but 2015 marked a clear acceleration: after Commission President Jean-Claude Juncker had singled out the establishment of an EBCG as one of the key political priorities of his mandate, on December 15, 2015 the EU's executive body put forward a legislative proposal. Considering the usual pace of decision-

making in the EU, it was remarkable that in just a few months, and after some changes introduced by the Parliament, such a complex and controversial proposal obtained final approval by the Council on 14 September 2016 and could begin its activities on 6 October 2016.

The newly agreed EBCG is an umbrella organization bringing together a reinforced Frontex - renamed European Border and Coast Guard Agency (EBCGA) – and the member states' border guard authorities. Besides strengthened regulatory and operational roles, the Agency will be entrusted with a new supervisory role, based on a procedure called "vulnerability assessment", which will also allow it to intervene when a member state is unable or unwilling to meet its border control responsibilities.

Following a harsh debate on the possibility to impose a supranational supervision to laggard member states, a compromise solution prevailed (as drafted in Article 19 of the Regulation): if a member state's inactivity is jeopardising the functioning of the Schengen border check-free area, on a proposal by the Commission, the Council may decide to intervene. If, however, the concerned member state still refuses, other EU countries may temporarily reintroduce internal border checks (which, as a possible final outcome, however, is not very different from what is already happening).

Although innovative, the EBCG "is overall not a revolutionary leap forwards, as" – in the words of an important study commissioned by the European Parliament – "it preserves the fundamental premise that the Agency neither has its own border guards nor powers of command and control over national border guards" (*The proposal for a European Border and Coast Guard: evolution or revolution in external border management?*, March 2016). It will take time to understand if what on paper appears a quasi-federalist move will make a substantial difference in the actual functioning of the European integrated border management system.

2.4. *Externalising control and protection: The Western Balkans and Turkey*

In liberal countries committed to international and constitutional legal principles about asylum and international protection, international borders can never be managed as indiscriminate barriers. International borders of liberal countries can only operate as *filters*, legitimately leaving out unwanted migrants but being bound to letting in legitimate protection claimants and anybody whose "life or freedom would [*in case of expulsion or rejection*] be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion" (Article 33(1), 1951 Geneva relating to the Status of Refugees).

This is the simple but fundamental reason European states – even long before the outburst of the EMAC – had developed an *external migration management strategy*, based on cooperation with a wide array of *sending countries* and, most crucially, with *transit countries* situated in the EU's geographical neighbourhood.

In the pre-EMAC years, especially in relations with non-EU Mediterranean countries, the "external dimension" of European migration policies mainly consisted of the "externalization" of controls and was primarily aimed at limiting direct arrivals to the EU's external borders. As briefly recalled in Section 1.2, until 2011, this "externalization" strategy was effective overall and had a crucial role in allowing the European migration and asylum regime to survive relatively unquestioned, in spite of its (now evident) internal structural weaknesses. The Arab upheavals and the wave of conflict and instability that followed compelled the EU and its member states to radically rethink this approach.

While along the so-called "Central Mediterranean route" the lack of a stable political counterpart in Libya has been forcing Europeans to rely upon border controls and maritime activities (as mentioned in Section 2.3), diplomatic tools have been essential in dealing with the interconnected "Eastern Mediterranean" and "Western Balkans" routes[4]. Given the geographical conformation of the region, in order to reach the most popular destinations in central and northern Europe, migrants typically have to cross

the EU's external borders twice: from Turkey into Greece (or Bulgaria), then out of the EU to Macedonia or Serbia, and from there into the EU again (Croatia or Hungary). For this reason, the EU's strategy to tackle the EMAC in the region has focused in parallel on the Western Balkans and on Turkey as key hubs.

Since the early 1990s, when Albania represented the top priority in the European struggle against migrant smuggling, the Western Balkans have long been an important corridor for irregular migration into the EU. This led to a wealth of policy initiatives, both bilateral (now in the context of pre-accession negotiations) and regional (such as, for instance, the Migration, Asylum and Refugees Regional Initiative created in 2003 under the former Stability Pact for South-Eastern Europe).

But all of these policy development and capacity-building measures proved dramatically insufficient when a combination of factors (reduced exit controls by Turkey; poor border management by Greece; a "magnet effect" generated by the German opening of the summer 2015) brought transit along the Balkans route to hundreds of thousands within a few weeks.

The immediate response by the affected countries was hectic and uncoordinated, with a mix of laxity and harsh repression aimed at getting rid of the unplanned and unwelcome presence as quickly as possible. In a region in which the political tensions of the past are not entirely placated, this brought about a very dangerous chain reaction made of militarised border closures and repeated retaliations, with a massive and heavy impact on the fundamental rights of migrants. Well aware of the risks of an escalation, the EU took responsibility. The alarmed words of Commissioner Johannes Hahn in a speech given on September 17, 2015 are revealing about the climate of those days:

"Let's be crystal-clear: the Western Balkans are an enclave in the EU. To get there, a refugee has to walk through at least one Member State. We can't blame them for lax border controls if our own Member States don't do their

job. […] we have no interest in adding instability. […] All must shoulder their fair share – and these countries are willing – but the Western Balkans must not become a parking lot or 'no man's land' for stranded refugees. That would be a grave geostrategic mistake!"

The decisive step was a so-called "mini-summit" held on October 20, 2015 in Brussels, when eight member states (Austria, Bulgaria, Croatia, Germany, Greece, Hungary, Romania and Slovenia) and three candidates (Albania, the Former Yugoslav Republic of Macedonia and Serbia) reached an agreement on a 17-point plan of action. In exchange for financial support provided by international and regional financial institutions (such as the European Investment Bank, the European Bank for Reconstruction and Development and the Development Bank of the Council of Europe), the Balkan countries involved agreed that "[a] policy of waving through refugees without informing a neighbouring country is not acceptable" and committed to increase their total reception capacity by at least 50,000 places, if necessary by also involving the EU Civil Protection Mechanism. This proved effective and allowed European Council President Donald Tusk to tweet triumphantly on March 9, 2016: "Irregular flows of migrants along Western Balkans route have come to an end. Not a question of unilateral actions but common EU28 decision."

Given the transnational interdependencies of migration dynamics, however, this important move inevitably had repercussions which needed to be tackled. In response to the closure of the Balkans route, Italian and Albanian migration authorities intensified their long-lasting cooperation in anticipation of a potential re-emergence of the Adriatic smuggling route, which has however not materialised so far. Large numbers of migrants and refugees bottled up in Greece, in often terrible conditions, called for an extraordinary humanitarian effort. Above all, the sealing of the Macedonian border would have simply been a very precarious, and possibly even counter-productive, remedy, had the inflow from Turkey to Greece continued unabated. This is why, as of late 2015, European authorities and

member states, with Germany firmly in the driving seat, had set an agreement with Turkey as their top priority.

Months of harsh and wide-ranging negotiations followed. These were made even more complex by the tense political situation in Turkey, where President Recep Tayyip Erdoğan took advantage of his temporary position of relative strength towards the EU to further tighten restrictions on political opposition and independent media. The negotiations delivered in two stages, first with a Joint Action Plan activated on November 29, 2015 and then with the definitive EU-Turkey statement of March 18, 2016, which was not officially defined an "agreement" and not published in the EU's Official Journal in order to circumvent the necessity of full parliamentary scrutiny.

Entirely aimed at preventing any further unchecked arrivals in Greece, this historical and highly controversial deal pursues its strategic goal through a series of mutual engagements which, on paper, appear of an almost geometrical clarity:

"1) All new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey; 2) For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU; 3) Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU; 4) Once irregular crossings between Turkey and the EU are ending or have been substantially reduced, a Voluntary Humanitarian Admission Scheme will be activated; 5) The fulfilment of the visa liberalization roadmap will be accelerated with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016 [later postponed]. Turkey will take all the necessary steps to fulfil the remaining requirements; 6) The EU will, in close cooperation with Turkey, further speed up the disbursement of the initially allocated €3 billion under the Facility for Refugees in Turkey. Once these resources are about to be used in full, the EU will mobilise additional funding for the Facility up to an additional €3 billion to the end of 2018; 7) The EU and Turkey welcomed the ongoing work on the upgrading of the

Customs Union. 8) The accession process will be re-energised, with Chapter 33 to be opened during the Dutch Presidency of the Council of the European Union and preparatory work on the opening of other chapters to continue at an accelerated pace; 9) The EU and Turkey will work to improve humanitarian conditions inside Syria" (European Commission, 19 March 2016, MEMO/16/963).

In particular, the core mechanism by which "for every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU" appears – in the words of analyst Elizabeth Collett – "beguiling and, from a distance, charmingly simple." In practice, implementation difficulties are huge as shown by the fact that, eight months since the beginning of the implementation, there had been only 1,187 returns from the Greek islands to Turkey and just 2,761 Syrian refugees were resettled from Turkey to the EU (European Commission, Fourth Report on the progress made in the implementation of the EU-Turkey Statement, COM(2016) 792 final).

In broader migration control terms, however, the agreement with Turkey is yielding the intended results: as the European Council noted with satisfaction in its Conclusions of 28 June 2016, "crossings from Turkey to the Greek islands have sharply decreased and have now almost come to a halt." It remains to be seen if and how the attempted coup of July 15, 2016 in Turkey, and its dramatic aftermath, will affect the living conditions of Syrians in Turkey and the implementation of the deal with the EU in the longer term.

2.5 *"Tackling root causes": The evolving EU Migration & Development agenda*

The third geopolitical layer of the external dimension of European migration policies, besides external borders and relations with transit countries (analysed in the two previous sections), consists of the wider circle of relations with source countries.[5]

In the context of the ongoing EMAC, a crucial problem is represented by the EU's lack of direct political and military leverage to address the two conflict situations which are the immediate causes of the current extraordinary flows. In Libya, the EU as such is virtually absent (except for the prospective role of the expanded Sophia Operation in training the Libyan Coast Guard: see Section 2.3) and evident rifts exist among some key member states in dealing with local political actors. Also in Syria, the only important role that the EU is playing is indirect and it consists in the sizeable humanitarian assistance provided (mainly through the "EU Regional Trust Fund in response to the Syrian crisis", also known as the "Madad Fund", created in December 2014) to Jordan and Lebanon, along with Turkey, as the main receiving countries of Syrian refugees.

The EU is striving to compensate for the lack of direct influence in Libya and Syria by enhancing the external projection of its migration policies and by orienting ever more explicitly its foreign policy (and, even more generally, its external action) towards migration policy goals. Before illustrating how this is done, however, it is worth providing a rapid overview of the previous EU policy developments in this field.

The idea that the EU should develop a comprehensive migration policy based on cooperative relations with sending states, aimed at tackling the "root causes" of forced and irregular migration, and at harnessing the potential of legal migration for development, is not a new one. Since it made its appearance in official rhetoric at the end of the 1990s (see Section 1.4), it gave origin to a series of policy initiatives of growing scope and complexity.

In an early phase, the EU adopted a *sectoral and unilateral approach*, essentially consisting in putting pressure on key third countries of origin to secure their cooperation in EU-defined migration control policies, without envisaging direct counterparts or compensations. It soon turned out that that method had fundamental limitations, as clearly shown, for instance, by the European Commission's meagre results in the negotiation of effective

readmission agreements for the expulsion of irregular migrants.

The awareness of this structural ineffectiveness prompted a gradual shift towards a more comprehensive (*both thematically and geographically*) and *more cooperative approach*, which found an ambitious expression in the Global Approach to Migration (GAM) launched in 2005. Conceived as the overarching framework of the EU external migration and asylum policies, the GAM gave rise to a number of regional initiatives, mainly focusing on the EU's southern neighbourhood and Africa. Worth recalling here are the "Intergovernmental Euro-African Dialogue on Migration and Development" launched in Rabat in July 2006 (known as the "Rabat process"), the EU-Africa ministerial conference held in Tripoli in November 2007, and the more recent "EU-Horn of Africa Migration Route Initiative" (better known as the "Khartoum process") active since November 2014.

Given their high levels of proclaimed ambition, all of these initiatives, however, suffered from a structural lack of funding and of political prioritization. Besides, from a more technical point of view, these endeavours were hampered by insufficient coordination with other policy areas, within the broad domain of the EU's external action (e.g. trade, development aid, etc.). This deprived Europe's external migration strategies of credible and tangible quid pro quo to be offered to sending countries in exchange for their cooperation against smugglers and irregular migration. This was (and still is) a major political hurdle, as emigration restrictions are largely (and understandably) perceived by countries of origin as going against their citizens' interests and therefore as highly unpopular.

A first important step towards tackling this fundamental political obstacle was taken in 2011, with the decision to expand the GAM as to include legal mobility of non-migratory nature (i.e., in European Union law, limited to periods of less than three months). Visa policy was rightly identified as "an influential instrument for a forward-looking policy on mobility" (European Commission, Communication on "The Global Approach to Migration and

Mobility", COM/2011/0743) and a final "M" for "mobility" was added to the acronym GAMM. As evident also today in the negotiations with Turkey, promising liberalization on short-term circulation may indeed be an effective tool in securing restrictions on other forms of mobility.

Like other aspects of migration policies, the EU's approach to relations with sending countries has also been deeply affected by the EMAC. A first high-profile diplomatic response came in November 2015, when more than 40 European and African heads of state and government met in Malta, driven by the awareness of "the high degree of interdependence between Africa and Europe [*and of the*] common challenges that have an impact on migration: promoting democracy, human rights, eradicating poverty, supporting socio-economic development, including rural development, mitigating and adapting to the effects of climate change" (Valletta Summit, November 11-12, 2015, Political Declaration). Under such a resounding heading, this huge summit produced an Action Plan covering an incredibly wide range of topics and countries, backed by a new ad hoc financial tool (the 1.8 billion euro "EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa").

The disappointment of many African governments in the gap between Valletta's alleged goals and its actual means threatened to produce a political deadlock. This negative prospect induced the EU to substantially rethink its approach in the following months. The first outcome of this review has been a new blueprint issued by the European Commission on June 7, 2016: the Communication "on establishing a new Partnership Framework with third countries under the European Agenda on Migration" (COM(2016) 385). Four distinctive and innovative features of this new programmatic stance – which was endorsed by the European Council on June 28, 2016 - are worth highlighting:

a) The *mainstreaming of migration policy goals in other fields* of the EU's *external action*, which was already inscribed in official documents for years, received a further, radical boost, well-illustrated by the following

passage:

"Even though considered potentially effective, and building on their positive impact on migration, neighbourhood, development and trade are not the only policies that are relevant to support the compacts. No policy areas should be exempted from this approach. All EU policies including education, research, climate change, energy, environment, agriculture, should in principle be part of a package, bringing maximum leverage to the discussion" (COM(2016) 385, p. 9, emphasis added). Besides, it is stressed that the new approach will be implemented through a "mix of positive and negative incentives" (ibidem, p. 6).

b) *Selection and hierarchization of geopolitical priorities*. Compared to previous exercises – including the Valletta Plan – which had a continental or even global scope, the new Partnership Framework is based on tailored partnerships (called "compacts") with specific third countries. In the initial phase, two of the priority countries are in the Middle East (Jordan and Lebanon) and five are in Sub-Saharan Africa (Niger, Nigeria, Senegal, Mali and Ethiopia). Unable to intervene directly in conflict-ridden source and transit countries (i.e. Syria and Libya; see Section 2.4), the EU chooses to focus on a limited number of key origin and transit countries in the region.

c) The Partnership Framework proposes to fundamentally reconsider "the scale and nature of traditional development co-operation models [*by giving a*] much greater role [...] to private investors looking for new investment opportunities in emerging markets. Instead of letting irregular migrants risk their lives trying to reach European labor markets, European private and public resources should be mobilised for investment in third countries of origin" (ibidem, p. 11, emphasis added). The idea in itself (*promoting development to prevent migration*) is certainly not new (and both technically and politically very controversial). What is new, however, is the means by which Brussels is now proposing to pursue such a strategic goal. As envisaged in the Commission's ambitious September 14, 2016 Communication (COM/2016/0581 final) – containing among other things the

proposal of an External Investment Plan to be implemented through a new European Fund for Sustainable Development (EFSD) for Africa and the Middle East - European institutions and member states would only provide a small part of the immense resources needed to address the determinants of forced migration. The bulk of such financial effort should consist of private investments, attracted and channeled through guarantee mechanisms. This radical innovation in the EU's approach to Migration & Development policies - and to development cooperation more generally - is based on two fundamental (and debatable) assumptions:

The first concerns the extent of the financial leverage that could be generated: the Commission assumes that a contribution of 3.35 billion euros from the EU budget, matched by member states, could mobilize up to 88 billion euros. The hypothesis of a such a powerful multiplier is based on the positive precedent of the European Fund for Strategic Investment (EFSI) which, however, operates in a totally different context.

In the second place, EFSD's role as a key component of EU migration policy is based on the hypothesis that private capital would spontaneously flow precisely into the countries and regions where the migratory pressure towards the EU is stronger. Especially in the case of forced migration flows from very fragile countries, this appears to be a far-fetched assumption to say the least.

In the third place, it certainly cannot be guaranteed that, even in the context of adequate private capital flows to the right countries, investment would flow exactly to the ideal sectors – i.e. those with the highest impact in terms of employment generation but possibly with a limited short-term return on investment.

d) Finally, the new Partnership Framework aims at giving a strong impulse to the multilateral governance of migration, through a stronger involvement of the UN system and of the EU's partner countries within the G7 and the G20. In the words of the European Commission, the basic

argument in support of this attempt at multilateralising the EMAC is ethical before it is political:

"While the EU has a duty to contribute its share in helping displaced persons in clear need of international protection, the resettlement of refugees, in particular of persons displaced by the Syrian conflict, is a joint responsibility of the international community. The EU's international partners need to assume their share of responsibility. The EU should use the political leverage at its disposal to garner stronger support from its partners in forging a more equitable system of resettlement. The EU should support the establishment of a UN-supported global resettlement scheme to enable their rapid and efficient resettlement to safe countries. All countries should be invited to participate in such a scheme in line with the principles of responsibility sharing and solidarity" (ibidem, pp. 12-13).

This component of the EU's broader strategy received encouraging feedback from two major international events recently held in New York City: the UN Summit for Refugees and Migrants (September 19, 2016; http://refugeesmigrants.un.org/) and the Leaders' Summit on Refugees (September 20, 2016) organised by US President Barack Obama. The two summits had obviously different characteristics and intended goals. From a European perspective, however, both brought some important results.

The UN summit was important especially for its impact on global agenda setting and on the framing of migration issues in the international arena. By focusing broadly on "large movements of refugees and migrants," it paved the way for a more comprehensive and effective international governance of two legally distinct phenomena which, however, are often practically mingled along the same migration routes.

As for the Leaders' Summit, besides roughly doubling refugee resettlement pledges, participating countries created new tools meant to support low- and medium-income countries in their efforts (which are currently much more substantial than those of high-income countries) in

hosting forced migrants and resettled refugees. This refers respectively to the World Bank's Global Crisis Response Platform and to the Emerging Resettlement Countries Joint Support Mechanism, which will be jointly managed by IOM and UNHCR. But mention should also be made of "Education Cannot Wait", the world's first fund for education in emergencies and protracted crises, and of the CEO roundtable with large US businesses that committed more than 650 million US dollars in assistance for refugee education, employment and other forms of support.

NOTES

[3] It is worth specifying here that, in today's increasingly complex geography of international migration, in purely demographic and sociological terms, no country is exclusively a source, a transit corridor or a final destination. In an age of intense, although uneven and volatile, globalization, of reduced travel costs, and of booming circulation of information, most countries are *simultaneously generating, channelling and receiving migration flows*. Therefore, the terms "origin/transit/destination country" are used according to the conventional meaning that these terms are usually given in the EU policy jargon, i.e. with reference to the prevalent "migratory function" of a given country from the point of view of current EU political perceptions and priorities.

[4] "Routes" are understood here, in conformity with the meaning given to the term by Frontex, as geographical trajectories typically used by migrants and smugglers for irregular access to the territory of the EU. Besides airports, Frontex (http://frontex.europa.eu/trends-and-routes/migratory-routes-map/) identifies eight main sea and land migratory routes: a) Western African route; b) Western Mediterranean route; c) Central Mediterranean route; d) Apulia and Calabria route; e) Circular route from Albania to Greece; f) Western Balkans route; g) Eastern Mediterranean route; h) Eastern Borders route.

[5] See, however, footnote 2 on the conventional nature of the distinction between "sending", "transit" and "receiving countries" of migration.

III

Structural limitations in the EU's response and possible strategic adjustments

3.1. *Three structural limitations of an essentially political nature*

The EMAC has greatly reinforced pre-existing dis-integration trends within the EU, most dramatically by fuelling the previously neglected public sentiment that led to the largely unexpected vote on Brexit. Although it has radically altered the politics of the EU, the EMAC has not fundamentally changed its *policies*.

As shown in the previous sections, the policy response to the crisis has certainly been robust, multi-dimensional and wide-ranging. However, some of its most essential and innovative components, although formally agreed upon, still largely exist only on paper (as is the case with relocation) or are being very precariously implemented (as with the EU-Turkey deal).

There is still significant disproportion between the great amount of political, diplomatic and communication activity undertaken and ongoing, and the tangible (not just planned, promised or expected) policy outcomes. To some extent, in an initial phase at least, such a gap between symbolical and practical responses, between declared intentions and actual solutions, is physiological. If persistently large, however, it could become seriously counterproductive, as it would confirm and even reinforce an already strong and widespread public mistrust in the actual capacity (and even will) of the EU institutions to effectively manage mixed flows and to stem what

electorates predominantly perceive as out-of-control and unwelcome migration.

The causes of such a gap and of the global insufficiency of the EU's policy response to the EMAC thus far are *not of a merely contingent and technical nature*. Rather they consist in *structural limitations of an essentially political nature* which call for demanding strategic adjustments. Three such structural limitations appear crucial:

I) The top-down imposition of "burden sharing" (in the form of refugee reception) to reluctant states/communities is not just proving to be a very difficult and so far largely unsuccessful endeavour, but also a strategically questionable one, as it risks to backfire by boosting the consensus to xenophobic and anti-EU movements.

Without relinquishing the overarching legal principle and the practical goal of greater solidarity, it is thus essential to find creative ways to avoid the politically fatal equation of "EU = refugee dispatcher" and to stimulate larger grassroots support and wider acceptance of refugee reception. As will be suggested in the next section, this requires substantial and carefully targeted investment.

II) Relying too heavily on the externalization of migration management and protection functions to neighbouring countries of first arrival and (potential) transit is an attractive but intrinsically problematic approach with potentially heavy side effects.

Amongst the most evident shortcomings of such approach are the following: a) it generates dependence and risks of political blackmailing from third countries, which are offered an extremely powerful, easy-to-use and potentially inexhaustible tool of diplomatic pressure; b) in the case of transit states that are not stable liberal democracies (as is typically the case today in the EU's near abroad), it is very hard to accompany the outsourcing of control and protection functions with rigorous scrutiny on the actual

standards of respect for the fundamental rights of both refugees and ordinary migrants. A de facto repressive and illiberal externalization would risk undermining the EU's political and moral international credibility and to reinforce, rather than mitigating, the "root causes" of flight and the demand for smuggling services.

It is therefore essential to find innovative approaches to cooperation with transit countries, based on constant and critical engagement, which is capable of maintaining control over the actual outcomes. This too requires strong, cohesive and constant political will, supported by substantial investments.

III) Tackling the "root causes" of forced migration from a very vast region (covering as a minimum the Middle East and most of the African continent) towards Europe is a hugely demanding long-term goal that implies political and demo-economic stabilization (i.e. matching the pace of economic and demographic growth) and requires a radical rethinking of the EU's strategic *raison d'être* and its structural metamorphosis, from an essentially introverted to a much more outward-projected union.

Such historical reconversion cannot be proclaimed so easily, but needs to be patiently constructed over time through massive investments of political determination, creativity and material resources.

3.2 *A large-scale investment strategy is needed to support radical policy change*

Surmounting the three structural hurdles described above is an extremely complex and necessarily long-lasting *technical* endeavour. The core of the challenge, however, is not technical but *deeply and intrinsically political.* In fact, in all three cases, overcoming the structural limitations of the EU's response to the EMAC requires an outstanding capacity to generate ample and steady consensus around some deep societal and cultural changes.

Internally, consensus needs to be developed about the *acceptability* and even, in a long-term perspective, the desirability of demographic injections through regulated immigration (of both humanitarian and economic nature), especially in countries weakened by shrinking working age populations as is the case in much of Europe particularly in the eastern part of the continent.

Given the generally undisputed awareness that future migratory pressure from the Middle East and Africa cannot be entirely absorbed by Europe (fully open borders are not an option), and that isolating Europe from that pressure would pervert its fundamental values (indiscriminately closed borders are not an option either), consensus also needs to be built around the necessity to reduce migratory pressure by investing much more substantially in the stability and prosperity of the EU's wider neighbourhood.

Building consensus on the need for more regulated immigration and on the simultaneous and interdependent need to engage in order to mitigate exogenous migratory pressures is primarily a cultural and educational mission. This is an imperative long-term priority that exceeds the scope of this volume and on which it is not possible to dwell here. But overcoming the acute phase of the EMAC is an urgent task that cannot wait for the inevitably lengthy times required by cultural change and public education. In the short to medium term, other tools also need to be activated.

In the first place, political communication can be greatly improved, and indeed growing attention is being devoted to the importance of narratives, in this and in other policy areas. But rhetoric alone, however skilful and sophisticated, is of limited effect or even counterproductive, if it is not hinged upon tangible foundations. Massive material incentives are thus also needed to reverse dominant perceptions and to make a convincing case that only through more internal solidarity and more international engagement can Europe rise again from nationalistic fragmentation and isolationist decline.

Overcoming the structural hurdles that thus far have limited the effectiveness of the EU's response to the EMAC therefore requires a *long-term public investment strategy of unprecedented scale*, articulated over three distinct geopolitical levels:

a) The first strand of action should be aimed at supporting the inclusion of both newcomers and receiving communities in the EU with a view to reward the propensity to integrate within both groups. In particular, rewarding local communities for their openness to accept and include beneficiaries of international protection (for instance, through targeted infrastructural investments, fiscal benefits and/or special welfare or cultural initiatives) could operate as a game-changer in the debate about relocation. Such a positive, incentive-based (rather than moralistic and coercive) approach, could even help demographically shrinking communities - which in many cases do not have substantial historical experience with foreign immigration - to overcome their understandable reluctance to accept unplanned arrivals and return to a path of demographic (and economic) growth.

The strategic importance of reaching out directly and positively to local receiving communities and their leaders has also been stressed in a recent and thought-provoking contribution by financial tycoon and philanthropist George Soros:

"It will be crucial for the EU to fundamentally rethink the implementation of its stillborn resettlement and relocation programs […] The union cannot coerce either member states or refugees to participate in these programs. They must be voluntary […] These programs should be deeply anchored in communities. Mayors across Europe have shown a remarkable willingness to receive refugees but have been thwarted by national governments. Public-private sponsorship programs — wherein small groups of individuals, community organizations, and companies support newcomers, financially and otherwise, as they negotiate schools, job markets, and communities — could benefit from the untapped goodwill of citizens throughout Europe" (G.

Soros, *This Is Europe's Last Chance to Fix Its Refugee Policy*, 19 July 2016, www.foreignpolicy.com).

b) A second strand of the long-term investment strategy needed to tackle the EMAC in a more decisive and durable way should aim at supporting the development of inclusive and transparent reception and integration systems in countries of first arrival in the EU's neighbourhood. Being aware of the intrinsic limitations of the "outsourcing approach" (see Section 3.1) and of the necessity to keep it limited to emergency situations and limited periods, the experience so far (not just with the EU-Turkey deal) makes it clear that both very substantial resources and a strong and cohesive leadership are needed to strike a convincing balance between policy effectiveness, social sustainability and respect for fundamental rights.

In this field too, targeted efforts should be made to channel resources directly to beneficiaries as well as to local communities and NGOs in the target countries of first arrival, as a potentially effective way to enhance the social acceptance of refugees and to avoid the appropriation of funds by undemocratic central governments and ruling elites.

From this point of view, a recent development in the implementation of the Facility for Refugees in Turkey created by the March 2016 deal (see Section 2.4) is worth highlighting as promising. This refers to the "Emergency Social Safety Net", presented as "the EU's largest-ever humanitarian programme" (European Commission, *Third Report on the Progress made in the implementation of the EU-Turkey Statement*, COM(2016) 634 final), under which 348 million euros are directly transferred to the final beneficiaries via electronic cards aimed at covering the basic needs of up to one million Syrian refugees.

c) The last (but far from least) strand of a long-term out-of-EMAC investment strategy should be geared to the broad goal of promoting sustainable and job-intensive development in a vast potential emigration basin stretching from the Middle East to the Guinea Gulf, encompassing the

Horn of Africa and the Sahel strip. At this level, the need for a long-term investment plan is explicitly acknowledged by the European institutions. In Section 2.5, the steps already taken are briefly illustrated, with the 1.8 billion euro "EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa" created by the November 2015 Valletta Summit, and with the "External Investment Plan" proposed by the Commission in September 2016.

Although promising, these first moves are problematic. Besides some serious doubts on whether the announced financial target is realistic (up to 88 billion euros, most of which ideally coming from private investors: see Section 2.5), the burgeoning debate on the future External Investment Plan is loaded with fundamental ambiguities about its real strategic priority: is it development (that in the long run should then reduce migratory pressure) or is it an immediate reduction of migratory pressure through more systematic, cooperative and pre-emptive migration controls? While it is generally acknowledged that development can hardly take place without robust doses of mobility (not just of goods and capitals, but also of people), the European Commission's seminal document maintains an ambivalent conceptual stance, as shown by this very explicitly formulated conditionality:

"Positive and negative incentives should be integrated in the EU's development policy, rewarding those countries that fulfil their international obligation to readmit their own nationals, and those that cooperate in managing the flows of irregular migrants from third countries [...]. Equally, there must be consequences for those who do not cooperate on readmission and return" (Communication "on establishing a new Partnership Framework with third countries under the European Agenda on Migration" (COM(2016) 385, p. 9).

The priority given to migration control goals in the implementation of the new Partnership Framework is even more pronounced in the approach taken by the European Council in its Conclusions of June 28, 2016:

"Building on the Commission communication, the EU will put into place and swiftly implement this Framework based on effective incentives and adequate conditionality, starting with a limited number of priority countries of origin and transit, with the following objectives:
- to pursue specific and measurable results in terms of fast and operational returns of irregular migrants, including by applying temporary arrangements, pending the conclusion of full-fledged readmission agreements;
- to create and apply the necessary leverage, by using all relevant EU policies, instruments and tools, including development and trade;
- to also mobilise elements falling within Member States' competence and to seek synergies with Member States in relations with the specific countries.
Cooperation on readmission and return will be a key test of the partnership between the EU and these partners" (European Council, SN 58/16, point 2, emphasis added).

3.3. *Open dilemmas on possible sources of funding*

A multi-dimensional and long-term investment strategy like the one sketched above would clearly be extremely costly and could not take off without a major convergence of political will, interests and power at the international level. Such awareness has only begun to come to the forefront, for instance in occasional references made by some European leaders (amongst others, the German Finanzminister Wolfgang Schäuble and the European Commission's First Vicepresident Frans Timmermans at the January 2016 World Economic Forum in Davos) to the need for an equivalent of the historical Marshall Plan. As noted by an already cited and acute observer, however:

"After World War II, the United States invested 1.4% of its GDP to help rebuild Europe — every year for four years. An investment on the scale of the original Marshall Plan would require around 270 billion euros a year for the next four years, a number we are very far from" (G. Soros, op. cit.).

Understandably, although occasionally tempted by vague references to the

Marshall Plan as an easy rhetorical *coup de théatre*, European leaders are reluctant to dwell on the details, especially in the context of a continent that is torn apart by ideological divergences on how to boost and finance growth. Such divisions became apparent in April 2015 when the Italian government presented a "non-paper" entitled "Migration Compact - Contribution to an EU strategy for external action on migration." The Italian contribution contained, among other things, the provocative proposal to launch:

"EU-Africa bonds to facilitate the access of African countries to capital markets (with a medium-to-long-term perspective in order to ensure capital availability for growth and sustainable prosperity schemes), as well as other innovative financing initiatives (facilitating remittances and their re-investment and blending mechanisms, etc.), in synergy with the European Investment Bank and other European and international financial organizations."

Unsurprisingly, several semi-official voices immediately rose from Berlin, rebuking what went straight against a deep conviction of the current German leadership. This does not prevent, however, that strong voices keep being raised in favour of an approach based on common debt as the only one with a potentially decisive impact:

"The very existence of the European Union is at stake. It is the height of irresponsibility and a dereliction of duty to allow the EU to disintegrate without utilizing all its financial resources. Throughout history, governments have issued bonds in response to national emergencies. When should the EU use its largely untapped borrowing capacity if not at a moment when it is in mortal danger? Doing so would have the additional advantage of providing a much needed economic stimulus. With interest rates at historic lows, now is a particularly favorable moment to take on such debt" (G. Soros, op. cit.).

Besides supranational bonds, other creative fundraising ideas have also been floating around recently in association with plans of migration policy-

driven upgrades of Europe's engagement in its neighbourhood and in Africa. This has been the case, for instance, of the coordinated, Europe-wide tax on fossil fuels hinted at in January 2016 by Wolfgang Schäuble. Not even this *ballon d'essai*, however, has evolved into a structured policy proposal thus far.

In the meantime, however, the policymaking process has been focusing on a different approach (see Section 2.5), embodied in the June 2016 Commission communication on a "new Partnership Framework with third countries" and more recently in the External Investment Plan proposed on September 14, 2016. As already stressed, this new "blending approach" is based on optimistic hypotheses about the capacity of public core funding to mobilise much larger (at least tenfold) private capital. This approach is explicitly inspired by the recent precedent of the EFSI, better known as the "Juncker Fund", which was set up in 2015 to boost investment within the EU. But, if even in the case of the EFSI, virtuous leverage dynamics are finding difficulty in taking off even in some of the weakest and least attractive (at least for short/medium term-oriented financial capital) EU member states, it is far from obvious how the same approach could work for some of the poorest and most fragile countries in the world, like Mali or Niger.

In any case, if there is any plausibility in the prospect of such a vast and durable wave of public-private cooperation for the development of Africa, it is certainly not associated with a merely defensive and security-centered approach to migration management. Rather, it requires a positive long-term vision of the Euro-African space, as a growingly integrated space of circulation, exchange and production. Therefore, if the EU is serious about promoting a long-term alliance with European and global investors to help build a sustainable African future, it should embrace more clearly, consistently and courageously a positive and confident view of mobility, migration and diversity as vectors of development, rather than threatening anomalies.

The search for viable strategies to finance the long-term policy response to EMAC is just starting and it will, in any case, be a long and complex process. However daunting it appears, one should never forget that inaction - accompanied as it would be by further retrenchment into national borders and unilateral practices – would also bear enormous costs. Human and political costs, first, but also economic ones. In the case of a suspension of the Schengen Agreement, for instance, according to a recent study commissioned by the German Bertelsmann Foundation, "by 2025, the cumulative economic performance of the EU overall would be between nearly €500 billion and approximately €1.4 trillion lower than in the case of open EU internal borders" (Global Economic Dynamics, *Departure from the Schengen Agreement*, 2016). And this doesn't even consider some specific economic dimensions, such as the impact on the tourism industry or on commuters in border areas.

3.4. *Concluding thoughts: How to bridge the short and long term*

It is in the essence of populism to sell simple, rapid and definitive solutions to thorny and divisive issues. The deeper the crisis, the more appealing an easy path out of it appears, and the more difficult it becomes to counter propaganda and to build consensus about gradual, costly and demanding response strategies.

However – and here lies a fundamental and dramatic paradox embedded in the current European crisis - few, if any, among decision-makers and experts would seriously and in good faith maintain that a quick, cheap and decisive solution to the EMAC does indeed exist. Massive, unplanned, largely forced migration flows as the "new normal" has already become a worn-out expression, which keeps popping out in think-tank reports and high-level meetings. There are indeed few doubts that the out-of-EMAC strategy cannot be but extremely complex, protracted and costly, and that it will necessarily imply heavy trade-offs, sacrifices and compromises.

Given the necessarily processual nature of the response, timing and

balancing its different components is (and will long keep being) absolutely essential. As put in a recent analysis by the European Council on Foreign Relations:

"A major challenge for the proposed [*and indeed any*] European refugee crisis response is sequencing. There is no point trying to implement the different parts of the package on their own – the measures are interdependent. However, different parts of the package are more significant to some member states than to others – for example, states currently under intense pressure from refugee arrivals [...] may be unlikely to accept any deal without a commitment from others in Europe to key components of the package and increased resources to support their response to domestic challenges" (S. Dennison and J. Janning, *Bear Any Burden: how EU governments can manage the refugee crisis*, April 2016, p. 12, www.ecfr.eu).

Given the diversity of conditions, interests and perspectives of the relevant players and stakeholders, every single move or combination of moves should be designed (and thus made politically sustainable) by carefully considering who gains and who suffers from it, without ever losing sight of the long-term perspective and scenarios. While short-termism is a clear risk in the EU's response to the EMAC, neglecting the short term and focusing too rigidly on long-term goals would be an equally dangerous error.

Preserving overall (technical and political) coherence between the different components and stages of the European responses to the EMAC is therefore essential. In particular, it is crucial to bridge the short term with the long term as harmonically and continuously as possible, as the only recipe for a really responsible and sustainable pragmatism. But in a European Union with 27 (more or less) active members (plus one inert one), where the "populist threat" *de facto* reintroduces strong elements of inter-governmentalism (even mainstream governments of the smaller states are heard arguing: "If I don't stick to my electorate's immediate claims, I will

lose to the really bad ones. And this will also be your problem"), rising from the narrow short-term horizon to invest in the future is more arduous than ever.

However limited the political and economic weight of its four members, the obstructionist tactics deployed by the Višegrad Group have so far proven effective. On the contrary, building alternative coalitions that could unblock the impasse (e.g. a revived "Club Med") is proving extremely difficult, due among other things to the unprecedented political weakness of some key member states' governments (most evidently France and Spain).

All of this leaves a key question that needs to be raised, although it exceeds the scope of this volume and will thus not be dealt with at length: *Can the EMAC be solved or at least decisively mitigated within the current EU institutional structure? Or is more internal institutional differentiation needed?*

A few voices have spoken out in favour of a revival of the process of institutional reform, with a view to open the way for a more homogeneous inner core, willing and able to make the necessarily huge investments needed to build a credible and appealing common future (as suggested in Section 3.2). Until now, however, the extreme prudence shown by some key players (primarily by the current German leadership) has prevented any serious progress at this level and it presently appears certain that the institutional *status quo* will not be openly questioned until (at least) after the French and German elections in 2017. Only in the medium term, thus, will it gradually become clearer if the EU can survive this existential crisis by remaining basically as it is now, or if it will need to undergo a much deeper renewal.

PART II

Which way out the crisis? Voices from in and around Europe

IV

Lessons from the frontline: What can be learnt from the Greek experience

Angeliki Dimitriadis

Greece has undoubtedly been at the forefront of two major crises in the past couple of years. First there was the financial crisis, and then the refugee crisis. The first was met with a lot of grumbling across Europe, but also an implicit recognition that the interconnectedness of the Eurozone required a show of solidarity. Solidarity has proven much harder to achieve in response to the arrival of more than one million asylum seekers in Europe in the past two years.

In 2015, 860,000 passed through Greece and roughly 70% of those entered through one island in the Northern Aegean: the island of Lesvos. In the summer of 2016, the islands like Lesvos that were the focus of the refugee crisis saw an almost 80% loss in revenue from tourism (for some their only revenue), as they were no longer prime destinations for vacationers. When the Western Balkan route closed and the EU-Turkey Statement came into effect (March 2016), Greece sought to return to normalcy. Half a year later, it is becoming clear that this is not yet possible. The Greek government, the islanders and humanitarian organizations all maintain a watchful eye on the horizon, fearful of the collapse of the EU-Turkey Statement and the reopening of the border. Greece is still very much in crisis mode and the solution can only come from its European partners.

Immediately, however, five issues should be addressed to pave the way out of the crisis: the need for a new narrative, flexible support mechanisms for frontline states, strengthening the role of municipalities and regions, relocation and mutual recognition of positive claims, and finally making returns sustainable.

A new narrative for migration

First and foremost, there is a need for a new narrative regarding migration. The European Agenda on Migration failed to achieve this, resembling more of a "to-do" list for the European Commission. There is no common agreement on the role Europe wants to play in relation to migration, both as a destination but also a safe heaven. The member states need to agree on a vision of Europe factoring in the demographic needs that are increasing, and the fact that migration can be a positive development in the long run. In other words, a new narrative is needed both for policymakers and citizens, in which migration is framed as a positive challenge, with the potential to benefit societies, rather than a problem. Having a framework to operate within, like the one provided by the European Agenda, is a first step, which is necessary but insufficient.

Supporting frontline states

Frontline states like Greece and Italy have unique needs. They use a significant portion of their human and financial resources to patrol their external borders, undertake search and rescue operations, screen new arrivals and provide first reception. Their local populations bear witness to the inflows and often feel particularly vulnerable. Greece, for instance, is facing the daunting task of patrolling an extensive coastline (the Aegean Sea) and land border with Turkey for entry, in addition to the maritime border (the Ionian Sea) to prevent secondary movements towards Italy. The very geography that facilitates entry makes exit difficult, effectively trapping migrants in Greece for lengthy periods of time. Dependent on smugglers to cross either the extremely difficult Western Balkan route or the rough

Adriatic Sea, many often wait in abysmal reception camps. In November 2016, the total number of those stranded in the country was 62,530. This number does not appear large, especially when compared to Germany's one million and Sweden's one hundred thousand. However, it is less about size and more about capacity and experience. Greece lacks both and though they can be developed gradually, it is impossible to do so while in crisis mode.

For Greece, the financial burden has been and remains significant, as costs are only partially covered by the EU budget. One of the main problems is the limitations in hiring new civil servants created by the Memorandum of Understanding signed with the European Commission that restricts hires in the public sector. This means that for example, the Asylum Service and First Reception can only be staffed with existing civil servants, with few willing participants. Yet the areas affected by the migrant crisis are the ones where hiring is needed most in order to reinforce the number of coastguard, medical personnel on the islands and in towns with refugee centers nearby, teachers for schools receiving minors, social workers and psychologists and additional staff for processing asylum claims swiftly and efficiently. These are services that can certainly not be covered with the limited personnel sent thus far by other member states.

What is needed is the flexibility to directly hire staff. Costs should be covered directly from the EU budget, with renewable annual contracts and hiring should take place either through NGOs (as already done with the UN Refugee Agency) or through municipalities and regions (rather than at the state level). Prioritization should be given to locals in areas hosting or willing to receive migrants and/or refugees. This would reduce unemployment, compensate local communities for their efforts, and directly support the reception and care of arrivals. The most common complaint of locals on the Greek islands in the summer of 2016 regarded the Member States and the European Commission There were so many ways to show solidarity, from encouraging citizens to book their holidays on those islands, to the European Commission offering direct financial assistance to the

municipalities to boost employment for the locals who had spent a year saving lives at sea. Even the most welcoming people will eventually grow fatigued with the refugee crisis and, as the past year has shown, populism and xenophobia are the most urgent threats to counter in Europe. A different kind of fund should therefore emerge, one that assists local municipalities receiving refugees and economic migrants by supporting local job growth, investment and social services. This would also put a positive spin on integration.

Relocation through mutual recognition of positive asylum decisions

Frontline states require reassurance that they will not be transformed into a dumping ground for Europe, nor into vast transit camps. This is only achieved through relocation. Although processing must take place upon arrival, physical redistribution is required not only because it is impossible for one or two countries to shoulder the responsibility, but also because it is a practical sign of solidarity. In other words, there is a need for more mobility and settlement in the different member states for those who have received some form of international protection. Currently, there is no mutual recognition of positive asylum decisions between member states and settlement in another country is particularly difficult for those awarded with some form of international protection. Establishing mutual recognition of positive decisions would result in the further harmonization of standards between member states (i.e. it would make more countries become desirable destinations), and allow for those who wish to move to do so without risking losing the awarded protection and rights associated. Mutual recognition should kick in after two or three years of continuous residence in the country where protection was granted and upon completion, and the person should be free to move and settle in the country of choice. There is little evidence that everyone would move after those three years expired. For some, integration may work. For others, it is perhaps more beneficial to both parties (state and individual) to part ways. One member's loss can be another's gain.

Strengthening the role of cities and municipalities

Greek cities have proven far more adaptable, agile and welcoming than expected. Tasked with the reception and integration of newcomers, they often addressed the challenges by bringing in the private sector, civil society and attempting to meet the needs of the refugees through innovative methods. Thus, there is an added value in strengthening their role and decision-making powers when it comes to refugees, including their redistribution, access to the labor market and integration. Cooperation among cities across EU member states needs to expand in order to ensure an exchange of best practices and innovations with additional funding for pilot schemes for innovative solutions for housing, educating and training refugees. Finally, a model should be explored whereby cities across EU member states that have expressed a willingness to receive refugees should be able to do so by direct exchange, either through the current relocation mechanism, or alternative schemes. At present the internal redistribution systems in many member states result in some urban centers receiving fewer persons than they are willing and/or able to host, while others are overburdened. Such a model, would facilitate integration and serve as a positive example for other cities.

Making returns sustainable

Frontline states need to implement returns since they have a continuous inflow unlike other member states. Greece, again, is an example of the gap between policy and practice. Rejected asylum seekers who have exhausted all legal avenues and migrants who have opted out of the asylum system voluntarily tend to remain irregularly in the country. This is partly because migrants do not wish to return and partly because their countries of origin do not want them returned. Many go back indebted to countries with poor job opportunities. It is also difficult for the country of origin that relies on remittances to support the local population and alleviate some of the demographic pressures. Reintegration is difficult and often associated with failure. For returns to be successful both the individual and the country of

origin need to be incentivized, ideally through local programs offering jobs, reintegration, assistance and short-term financial support. It is not only about offering incentives to the country, but (more importantly) to the local society and the individual. The voluntary return programs should be expanded, and integrated in the national systems with a larger contribution from the EU aimed at covering the expenses and investment needed at a local level.

Irrespective of the multiple ways and ideas that can be generated to move away from the crisis discourse, Europe first needs to accept that the world is changing around it, as should its response and place in it. Not everyone can find shelter in Europe and not everyone needs to. However, there is a duty to try and protect as many as possible and to seek a unique opportunity to foster mutually beneficial migration practices. The financial cost is undoubtedly large and potentially risky in a period in which Europe is plagued by populist discourse. What the past year has shown is that there is no singular solution. Instead, there are many options that have not been tried nor tested, and many that have and failed. Migration is constantly evolving and changing and so should Europe's response to it.

V

"Wir schaffen das": A German perspective on refugees and bottom-up integration

Birgit Glorius

Wir schaffen das! is German Chancellor Angela Merkel's version of Barack Obama's "Yes, we can." It was probably one of the most cited, vowed and criticized statements of the year 2015. Critics complained that Merkel left the path of political regulation, as this statement (and her decision to suspend the Dublin Convention for Syrian refugees), triggered refugee movements towards Germany, and Europe in general. Supporters, rather, highlighted the emotional undertone in Merkel's message (who is known for not being emotional in public) that helped raise public support for refugees and installed a sense of pride about the power of civic engagement, which has clearly been present in the context of refugee reception in Germany since 2015.

Regarding the practical reality of refugee reception at the local level, there is considerable variety. Drawing from exploratory research results from 2015 and applying theoretical approaches considering destination choice as an autonomous decision, I will develop my argumentation of autonomous pathways to integration on the local level.

Autonomy of migration and migration systems

The autonomy of migration approach challenges the central assumption of

neoclassical migration theory that migration occurs as a (rational) response to undesirable economic or social factors, thus giving the migrant a reactive role. The autonomy of migration approach does not deny social, cultural or economic factors, but it places migrants' agency, their subjective perceptions and decisions, at the center of the explanatory model of mobility, and thus identifies migration as a "social movement" and "creative force" (Papadopoulos, Stephenson, Tsianos 2008; Papadopoulos, Tsianos 2013). One of the implications of this approach is that migratory moves are considered to take place largely outside of political regulation in the sense of "politics of control".

How can this model be applied to the refugee reception situation in Germany? Considering the subjectivity of migrant decision-making, perceptions of and experiences with countries of arrival indeed play a relevant role in shaping the movement. Germany, albeit long self-represented as a non-immigrant country, has a deep history of immigration and migrant integration. The guest workers of the 1960s and 1970s can give an account of their struggles, but also of their success in establishing a living in Germany. Their images and experiences are transported back to their home societies and establish a joint imagination, which influences further mobility decisions for a long time. This is relevant in the case of the previous big refugee wave in Europe, consisting of refugees from the Balkan wars in the 1990s. Many refugees from disintegrating Yugoslavia had either personal experiences working in Germany or followed the paths of relatives and friends who could give them shelter and support. Theoretically this phenomenon can be addressed with the migration system and the network approach.

The migration systems approach hypothesizes that migration flows between specific countries are developed in the context of and structured by a set of multiple connections (historical, cultural and economic) between those countries, so that the migration flow is only one among many flows of ideas, goods and humans (Kritz, Zlotnik 1992, Massey et al. 1993).

Migration is further facilitated by the existence of social networks among migrants and non-migrants, which form the micro-level of migration systems. The probability of migration between countries within a migration system is thus higher than between countries that belong to different migration systems. Again turning to the example of migrants from the former Yugoslavia, one can observe the historical contingency of migration systems. Today's Balkan refugees, the majority of whom arrive in Germany, also follow the experiences and imaginations of their ancestors. In Kosovo, for example, one can observe signs of German influence at every street corner. Young Kosovars are often fluent in German as many of them spent their childhoods in Germany as children of Balkan refugees until they needed to return due to the temporary nature of their refugee status. Their perceptions and experiences of Germany are positive, and many are looking for ways to escape the difficult economic and political situation in Kosovo and return to Germany.

Thus, it can be concluded that migrants actually have the agency to choose their destination and reach their goal, irrespective of their legal status. Their high motivation and positive perceptions of destinations can facilitate integration processes and thus also incorporate advantages for the destination countries.

Relocation and the role of the local level

Turning the concept of autonomy towards receiving societies, one must ask what would happen if destination countries were able to choose the migrants in the context of relocation processes. As Ferruccio Pastore argues in this volume, European migration discourse tends to have a negative framing, stressing the fact that migration burdens social institutions, creating security concerns and thus producing public concern that may translate into populist politics. Looking at the realities of refugee migration in Germany, it is important to note that neither asylum seekers nor hosting localities have a choice. The redistribution of arriving asylum seekers within Germany follows a distribution key that considers the population size and tax income

of federal states (*Länder*) and thus provides a model of burden sharing following neoclassical arguments. Within the federal states, asylum seekers are further distributed to counties and from there to municipalities, again applying the logics of burden sharing.

During the constant inflow of asylum seekers in 2015, significant variations turned up at the local level regarding the quantitative capacities to host refugees and the strategies to raise civic engagement and prevent xenophobic reactions (Glorius, forthcoming; Glorius, Schondelmayer, forthcoming; Hinger, Schäfer, Pott, 2016). Some municipalities, due to a lack in housing capacities, accommodated refugees in emergency shelters such as gyms or tent camps. In other localities the main concern of the local administrations was not focused on the refugees' well-being, but on the reassurance of the local populations. In other occasions and places, refugee accommodation and integration appeared as a sound and well-organized process. The observed best practices frequently are in line with variances in the discursive framing of asylum migration, which is developed in a twofold way: on the one hand local authorities raise awareness about the joint humanitarian obligation of state institutions and civil society, on the other hand the arrival of mostly young and motivated asylum-seekers is depicted as an opportunity for the hosting localities, as the newcomers provide a means to alleviate structural or economic problems related to demographic change. On this discursive basis, local stakeholders send out positive signals to both migrants and the local population and thus lay the ground for the justification and intensification of integration measures. In some municipalities facing negative demographic dynamics, local authorities addressed the national authorities with an offer to accommodate more asylum seekers than the number allocated to them (Goebel, 2016; Rosenfeld, 2016). Those cases show the possibility of a win-win situation, both on a practical level and on the basis of discourse, which will also reach the local populations.

Migrant reception as bottom-up and top-down approach

The statement *Wir schaffen das!* was a clear signal towards the principle of subsidiarity of social market economies, in which the welfare state assumes responsibility in cases (and only in those cases) where social problems cannot be solved by a municipality's own means. This results in a high responsibility for civil society and civic institutions to shape reception and integration processes. This task, as mentioned previously, is frequently approached in a very proactive way. Civic engagement not only results in an alleviation of integration paths, but also provides for personal face-to-face contact between immigrants and local populations and thus promotes mutual understanding and the reduction of prejudices on both sides. However, a prerequisite for the success of these bottom-up integration strategies is to provide civil society actors with the autonomy to make their own decisions and implement the results. Excessive regulation from state authorities can have a deterrent effect. Anecdotal evidence provides an account of the frustrating experiences of volunteers who in some cases feel blocked by regulations. One example is the stipulation that refugee accommodations may only be equipped with furniture provided by the welfare service, therefore additional furniture donated by volunteers on the basis of actual need is actively removed.

Especially in Germany, however, which truly serves as prototype for a highly-regulated country, the provision of autonomy on the local level can also be understood as an act of civic empowerment. To take this argument further, if local communities were actively involved in the decisions surrounding accommodating refugees, local democratic processes would come into the fore, which would finally strengthen civil societies and make them more resilient against populist movements. This would be a key to solving the European migration and asylum crisis, which concurrently is a crisis of European democracy.

References

Glorius; B.: The challenge of diversity through migration: refugee reception in the German federal state of Saxony. In: Hungarian Geographical

Bulletin (HGB) (forthcoming).

Glorius, B. and Schondelmayer, A.C.: Perspektiven auf Fluchtmigration in Ost und West – ein regionaler Blick auf kommunale Integrationspraxis. In: Zeitschrift für vergleichende Politikwissenschaft (forthcoming).

Goebel, K. (2016): Macht das Modell Altena Schule? WDR News, Jan. 20th 2016.

Hinger, S., Schäfer, P., Pott, A. (2016): The Local Production of Asylum. In: Journal of Refugee Studies, Doi: 10.1093/jrs/few029.

Kritz, M. u. H. Zlotnik (1992): Global interactions: Migration systems, processes, and policies. In: Kritz, M. (ed.): International migration systems. A global approach. Oxford, S. 1–16.

Massey, D. S., J. Arango, G. Hugo, A. Kouaouci, A. Pellegrino u. J. E. Taylor (1993): Theories on international migration: A review and appraisal. In: PDR 19 (3), S. 431–466.

Papadopoulos, D., Stephenson, N., and Tsianos, V. (2008), Escape Routes. Control and Subversion in the 21st Century, London – Ann Arbor, MI: Pluto Press.

Papadopoulos, D. and Tsianos, V. (2013): After citizenship: autonomy of migration, organisational ontology and mobile commons. In: Citizenship Studies Vol. 17, Iss. 2, 2013.

Rosenfeld, D. (2016): Kommt her zu mir! In: Zeit online, Nov. 27th 2014, available at http://www.zeit.de/2014/49/fluechtlinge-goslar-buergermeister (last access Dec. 4th 2016).

VI

A view from Eastern Europe: Tentative thoughts on crisis and calamity

Endre Sik and Attila Melegh

The starting point of Ferruccio Pastore's analysis is convincing: the realization that the viability of the European migration governance system, based on the Schengen and Dublin Conventions, which was in turn conditional upon a "peaceful" and economically "balanced" context (at least from an EU perspective), is under heavy pressure. This is partly the case because in the aftermath of the euro crisis and the "Arab Spring", the EU unexpectedly found that both its peace and balance were gone. Moreover, the EU had to face the fact that its external borders were very permeable and that the burden sharing of migration was unbalanced (even the rules and procedures of negotiating over them were non-existent).

Pastore argues that the EU's response to this crisis (which according to him is a "political crisis (…) along multiple cleavages: among member states, between them and EU institutions, as well as among EU institutions themselves") was complex and in some respect innovative. However, the solutions were both time-consuming and capital (both in a political and financial sense) intensive, when time and capital are scarce resources.

The following paragraphs (1) rephrase Pastore's concept in a different way, then argue that a major issue in the current European Migration and Asylum Crisis (EMAC) is that (2) when a calamity (the coming of large

masses of migrants) occurs during a crisis period (caused by the problems of the 2004-2007 accessions and the euro crisis) then the bureaucracy is usually incapable of reacting properly, and (3) the behavior of the new accession countries unavoidably deepens the crisis. The conclusion (4) will offer a worst-practice example (Hungary) to illustrate these theses.

1. The story started with the large scale extension of the EU that began in 2004 and the parallel collapse of some parts of the neighboring regions, notably Western Asia and North Africa (Afghanistan, then Iraq, Libya and Syria). It was a strange twist in history (unless one believes in conspiracy theories) that the 2008 economic crisis hit the eurozone in a period in which the accession of so many new countries into the EU had not yet been fully digested and labor markets were being gradually opened for workers from the new member states. The overlapping of these problems created a full scale, EU-wide political crisis. Here the term crisis is used in the original Greek/medical sense (and in its Latin derivative as well), i.e. a "turning point"[6]. Consequently, the word *crisis*, unlike in its use by politicians and the media (often intentionally) and by "the man in the street" (usually unintentionally), indicates the possibility of either positive or negative outcomes for the EU.

Then in the early 2010s immigration from the vicinity of Europe (which has always existed) was converted into a mass migration phenomenon, a calamity (akin to war, pestilence, revolution or famine (Sorokin, 1946)[7] which hit the crisis-ridden EU unexpectedly. This calamity on top of a crisis situation deeply challenged the very fabric of EU governance structures and (at least in the short term) created controversies - either completely new ones or shed light on old ones that were previously either mitigated or dormant.

2. The EU now has to face an ongoing crisis of its internal political and governance structure simultaneously with a calamity. The ultimate problem is that the efforts to achieve the positive outcomes of a crisis (or at least

effectively tackle the negative consequences) cannot be done with the same means as those necessary to reduce the negative effects of a calamity. While the latter requires fast and often heavy-handed actions (measures that may even include sacrificing EU principles and/or the sovereignty of member states), the former, i.e. moving toward a positive post-crisis scenario, requires painful but strategic (i.e. slow, determined and often "EU value-rational") efforts harmonized among the member states with different (often conflicting) interests, capacities and levels of commitment to the EU. For example, while fighting the EMAC as a calamity, the strengthening of external border controls should have received priority in order to rebalance the burden sharing among EU member countries, to find a feasible mix of best practices for integration, and to develop effective security actions (first of all, anti-terrorist defense). All of this needs strategic planning, requiring a lot of patient, careful, and consequently long negotiations. And this was to be done among member states that belong to regions with entirely different migratory experiences and therefore diverse (and often conflicting) migration governance.

The problem is that the EU, due to its very sociological nature,[8] is slow and bureaucratic.[9] Moreover, it has strong negative attitudes toward "non-Europeans" (including various versions and scales of Orientalisms)[10] and lacks a strong identity[11] as an entity (having the historical legacy of strong nation states). The conflicting interests of the member states further reduce the speed of calamity reduction and freeze (and often also bias) actions needed for the move towards positive crisis management. And to fight calamity, success is a must and it must be done quickly otherwise lasting unsolved issues will increase the probability of the emergence of negative crisis components for the EU.

3. The paradox, i.e. the instant fight against calamity and the strategic actions to push the crisis situation towards a positive scenario, is made further problematic by the opportunistic[12] and xenophobic[13] behavior of the new accession countries. These countries are sometimes "captured" by

nationalist elite groups seeking ways to secure their power via demonizing pro-EU elites and EU "interventionist" mechanisms and demanding "equal" treatment with Western states which are characterized as "being responsible for the crisis." These tendencies, as well as the "trendiness" of populist/nationalist and rightwing policies and political discourse, further reduce the chances of solving the paradoxical task.

And it is highly unlikely that these countries will change their behavior as it is the result of several high-inertia and mutually reinforcing conditions originating from path dependent characteristics such as:

- a semi-peripheral position (e.g. within the EU, the inner inequalities have remained unchanged (despite the free movement of goods, services and labor));
- a post-soviet legacy (e.g. state-centeredness, suspicion concerning anything "foreign" and describing "Brussels" as the new equivalent of "Moscow");
- a post-peasant past (e.g. egocentrism, intolerance and immobility);
- postponed nation-building (e.g. oversensitivity to being handled as "second class" states, feelings of ethnocentric superiority over all types of minorities and neighboring nations, and pro-natalism as a way to secure the future of the nation);
- buffer zone syndrome (which refers partly to the migrant sending nature of the countries in the region,[14] partly to those impacts the EU made before and in the course of the harmonization process preceding accession).

The combined effects of these legacies increase the probability that (at least the political elite of) the post-2004 accession countries will react to any determined calamity reduction or strategic positive crisis management from the EU with suspicion mixed with ethnocentrism, opportunism blended with selfishness, goal-rationality and mocking value-rationality, etc. The high inertia of such characteristics (*ceteris paribus*) increases the probability that these countries cannot be encouraged (let alone be assumed automatically ready) to show solidarity, or to participate in cooperative

efforts in the actions needed to solve the calamity/crisis paradox.

Consequently, serious doubts arise about whether these EU member states would be ready to play a positive role in what Pastore quite rightly believes to be a crucial approach to positive crisis management: "Overcoming the structural hurdles that thus far have limited the effectiveness of the EU's response to the EMAC therefore requires a *long-term public investment strategy of unprecedented scale*."

4. This is even less likely if the practice of the Hungarian government of building an "illiberal democracy" (which includes decreasing the independence of local governments, strangling civil society, ethnocentrism, using migrants as scapegoats,[15] accusing the EU for everything that goes wrong and claiming EU-funding-based good performance of the economy as its own success, etc.) will tempt other EU member states and induce them to adopt similar political behaviors.

Furthermore, while there is only a small number of immigrants (and almost no refugees) in the region (except members of their quasi-diaspora[16]), there is a large labor migrant community in the EU15 countries that host a larger number of immigrants and refugees. Therefore the concerns of these countries to defend the position of "our migrants" strengthen the hostility to foreigners and increase EU-skepticism, which are coupled with the imaginative biopolitical struggle between "our migrants" and immigrants who come to take away "their jobs" and social support. On a discursive level, the Eastern European governments fight to protect the privileges of their migrant workers as opposed to "illegals" or "outsiders".

NOTES

[6] "That change in a disease which indicates whether the result is to be recovery or death; sometimes, also, a striking change of symptoms attended by an outward manifestation, as by an eruption or sweat."
(http://www.websters1913.com/words/Crisis)
[7] Sorokin Pitirim A. (1946) Man and society in calamity; the effects of war, revolution, famine,

pestilence upon human mind, behavior, social organization and cultural life, Transaction Publishers.

[8] Böröcz, József and Mahua Sarkar (2005) What is the EU? International Sociology 20(2): 153–173 (http://www.rci.rutgers.edu/~jborocz/IS..pdf).

[9] Both in the original (and positive) Weberian sense and with the negative connotation of the "man in the street" (often overplayed intentionally by EU-skeptics).

[10] Melegh, Attila (2006) On the East/West Slope. Globalization, Nationalism, Racism and Discourses on Central and Eastern Europe. New York-Budapest, CEU Press.

[11] EU identity strengthening actions (such as an EU ID or EU "soft power" reinforcement, etc.) can be useful in helping to move towards the positive crisis scenario but only in the long run.

[12] For example, turning a blind eye to the coming of migrants (e.g. Kosovars in 2014 when Serbian authorities allowed them to use their IDs as quasi-passports to enter Serbia, and once they crossed the non-existing Schengen border between Hungary and Serbia, they caught the first train to Vienna or Munich, meanwhile for years more than 90% of the refugee applications in Hungary were unfinished since the applicants had disappeared to Austria or/Germany, etc). The reason for such opportunistic practices was to forego the costly procedure of handling asylum applications.

[13] All and any comparative European xenophobia data show that countries in the Eastern and Southern periphery have significantly higher values than in core countries and in the Northern periphery (Scandinavia), see for example the Derex index (http://derexindex.eu/) and the results of the latest Eurobarometer survey (http://ec.europa.eu/public_opinion/archives/eb/eb83/eb83_publ_en.pdf). However, as Europe is becoming more and more touchable by people fleeing war-torn regions, EU citizens intensify their "orientalist" rhetoric and refugees suddenly become "Eastern hordes" that need no mercy from "Europeans" (often religious Christians). One reason the European population may be so sensitive to "conspiracy theories" in relation to the EMAC is the need for cognitive dissonance reduction, i.e. not out of ignorance or racism but to silence their benevolent and Christian half.

[14] Melegh, Attila (2013) Net migration and historical development in Southeastern Europe since 1950. Hungarian Historical Review 1, no. 3–4 (2012): 144–182.

[15] The Hungarian government applies very innovative techniques to achieve its goals, such as the invention and shameless use of the "moral panic button", i.e. creating a state-financed, extremely expensive and long-lasting anti-migrant campaign that goes way beyond the "standard" practice of manipulating the population through the media, including a fake national consultation and referendum, as well as building a forest of giant billboards all over the country (Sik, Endre (2016) A hungaricum: the moral panic button. Mozgó Világ 10:67-80, (in Hungarian) (https://www.academia.edu/29226543/Egy_hungaricum_a_mor%C3%A1lisp%C3%A1nik-gomb).

[16] The quasi-diaspora consists of a minority group displaying diasporic features that is the majority across the border (in its "kin-state"). The quasi-diaspora was constructed not by migration but by the shifts of the national borders (Sik Endre and Judit Tóth (2003) Joining an EU identity: integration of Hungary and the Hungarians. In: Europeanization, National Identities and Migration, eds.: Willfried Spohn, Anna Triandafyllidou, Routledge, London, pp. 223-244, Sik Endre and Blanka Szeitl (2015) Quasi-diaspora and Cross-border Diaspora in the Hungarian-Slovak-Ukrainian Triborder Region Review of Sociology 25(4):107-125, (http://www.szociologia.hu/dynamic/107_125_oldal.pdf).

VII

Scandinavian divergences: Closure reactions and innovative ideas

Marie Louise Seeberg

One Scandinavia, three asylum policies

The Scandinavian countries have gone through very different experiences and developments since the beginning of 2015. First, the numbers of asylum seekers arriving in the three countries in 2015 vary widely, with Sweden receiving by far the largest numbers in both absolute and relative terms. Second, while Danish and Norwegian authorities appear to have welcomed the opportunity to tighten their immigration policies, Swedish authorities have more reluctantly submitted to European pressure to close its borders. In a general comparative perspective, Swedish policies have been closer to the German path of openness, while Norway and Denmark have more readily participated in the "race to the bottom" to deter asylum seekers.

The Norwegian refugee crisis in numbers

In 2015, a total of 31,150 women, men and children sought international protection in Norway.[17] For a very prosperous and territorially large country, this number may be considered low. However, relative to the population, it was the fourth highest in Europe (following Hungary, Sweden and Austria). Furthermore, it was a considerable increase from 2014 when 11,480 applications were registered. The increase in 2015 happened mainly

in the late summer and autumn. The official statistics on new asylum applications per month, issued by the Norwegian Directorate of Immigration, show a gradual increase through the summer months of 2015 and a steep increase in the autumn, followed by a sharp drop from November to December:

Asylum applications, Jan 2015 - Aug 2016

January 2015 - August 2016: New asylum applications by month. Source: The Norwegian Directorate of Immigration (UDI)
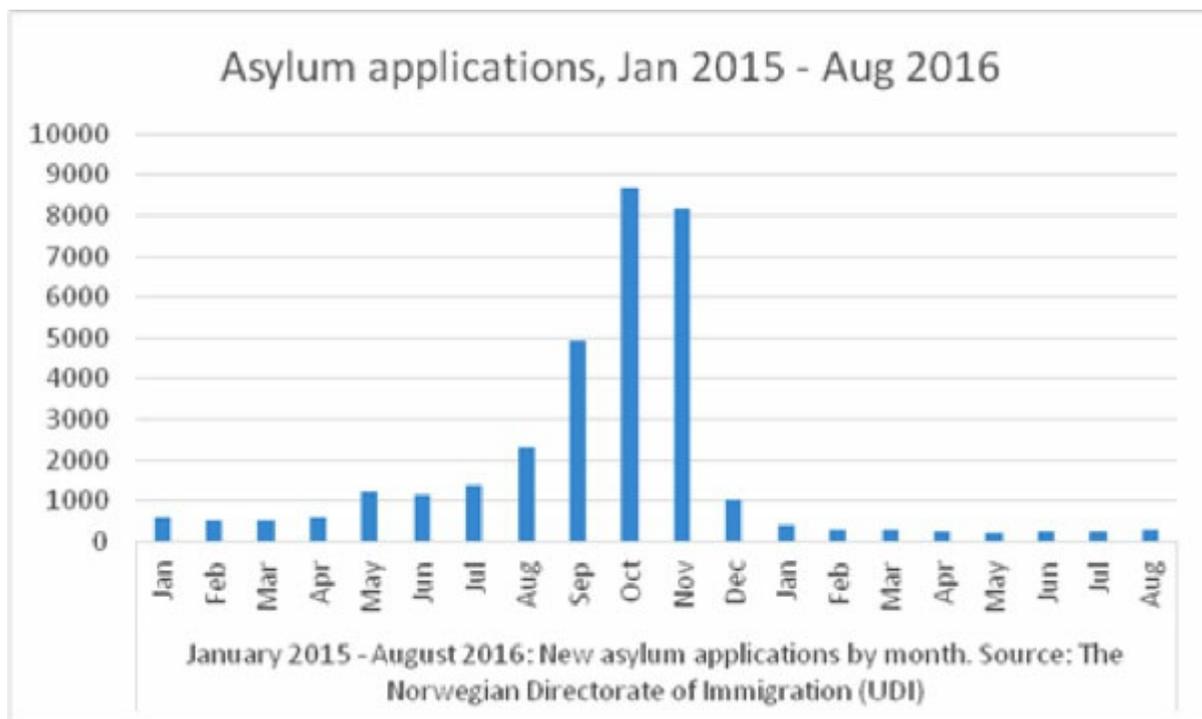
In the autumn of 2015, after the introduction of intra-Schengen and even intra-Nordic border crossing checks and refusals, remote communities in the Norwegian and Finnish Arctic suddenly saw thousands of asylum seekers coming across the border from Russia. In November, Norway closed the Russian border to asylum seekers.

It thus appears as if 2015 was an exceptional year in Norwegian asylum history. In the first ten months of 2016, only 2,804 new asylum cases were registered. However, rather than regarding 2015 as the exception and all other years as normal, one might consider the end of 2015 onwards as a period in which there is a new historical low in asylum seeker arrivals in Norway. The extreme reduction, regardless of its causes (explained below), also means that the right to seek asylum in Norway was extended to an average of 280 persons per month the first ten months of 2016. These are the

persons who have managed to reach Norwegian territory and include the first 20 that were relocated to Norway in October 2016 under the emergency relocation agreements, in which Norway agreed to relocate a total of 1,500 asylum seekers from Italy and Greece in 2016 and 2017. Judging by the current approval rate of 53%, only about half of all asylum seekers in Norway are likely to obtain international protection.

A tightening of Norway's asylum practice

In April 2016, the Norwegian government made the decision to build a new security fence along the border. Although its practical consequences are debatable, its symbolic message is clear: keep out. The same message was posted on a special Facebook page ("Stricter asylum regulations in Norway: Important information") established by the government of Norway to reach potential asylum seekers who might be planning to go to Norway. The "keep out" message was also sent through an extensive series of policy and legal changes, including further substantial reductions in already meagre allowances to asylum seekers, legal amendments and instructions that allow the rejection and return of asylum seekers to countries like Afghanistan, collaboration with countries like Eritrea to facilitate the return of rejected asylum seekers, temporary residence permits to unaccompanied minors, changing the period of residence to become eligible for permanent residence from 3 to 5 years, and limiting family reunification and family establishment rights for refugees. As a part of the deterrence policy, the Directorate of Immigration has also been instructed to withdraw protection extended to refugees once the Norwegian government considers that the country of origin is safe.

The Norwegian government is adamant: its own hard line, under the motto "strict, but fair" has been a success, especially in deterring asylum seekers from selecting Norway as their country of destination. Others might argue that the dramatic reduction in the number of arrivals is a result of a combination of factors. Notably, the reverse domino effect of border fences going up around and within Europe meant that people who had no valid visa

and wanted to seek protection in Norway had an almost impossible task. The "success" thus rests heavily on decisions made elsewhere.

From Eurodac to Eurofam: A new tool for a viable solution

In light of the common good of extending protection to those in need, the historic low in the arrival of asylum seekers to Norway can only be characterized as a failure. Shooting for success would mean taking responsibility for solving the crisis in the European asylum system. Most importantly, success would mean saving lives through offering protection where it is due and preserving human dignity through facilitating access to asylum and providing the means to find work and build a new life.

In 2015, I worked on a research project on the Dublin Regulation and its effects on the onward migration of asylum seekers within Europe (Takle and Seeberg 2015). Many interpret the Dublin Regulation as a rule that requires asylum seekers who have moved on after arriving in Europe to return to the country of first entry. The BBC website, for example, offers a similar explanation, "Under EU rules, migrants must stay in the first country they reach, which is determined by where they give their fingerprints".[18]

This perception is so widespread that even researchers and the bureaucrats who implement and practice the Regulation tend to sum it up in this way. However, it is patently false: The legal document clearly states that its aim is to determine which country should process each individual asylum case if a person has applied for asylum in more than one European country. It provides a list of criteria that countries must consider when determining this. One of the criteria does concern the first country of arrival. Importantly, however, the Regulation also makes it clear that caseworkers must consider the criteria in a specific order, so that the first listed must be considered first (Dublin III, chapter III). The strict hierarchy is as follows:

1. Family members in a European country (nuclear family, children up to 18) either with refugee status, legally resident, or in an asylum process

2. Residence permit or entry visa (valid or recently valid)

3. First country of arrival in EU/Schengen area

4. First country where asylum is claimed

The primary criterion to be considered is clearly that of family attachment. Why is there such a discrepancy between the intention and letter of the Dublin Regulation and the way it is practiced? The main explanation is that the European countries have invested heavily in Eurodac, the main tool in facilitating the application of the "first country of arrival" criterion, while investing nothing in tools to apply the "family" criterion.

More than 6 billion euros were spent on the Eurodac fingerprint database from 2004-2012. The huge investment has, however, not reduced onward migration in Europe. On the contrary, there was an enormous increase of multiple asylum applications in the same period (Statewatch and Jones 2014).

Onward migration in Europe happens because people have to move until they find a place where it is possible to stay. International protection of refugees implies not just physical shelter from immediate threats, but also the possibility to live in dignity.

A new tool needs to be urgently developed, a "Eurofam" database, to facilitate the application of the primary Dublin regulation criterion, that of family connections. A family-based distribution approach would be more effective in terms of long-term integration as it would hold the strategic advantage of the power of inclusion that family networks are proven to have in immigration contexts. The family criterion should be widened to include more distant family members, and friends or even strangers who are willing to sponsor the asylum seeker.

Our research also shows that European administrative cooperation works quite well. Even though governments are at loggerheads when it comes to

the distribution of asylum seekers, the national bureaucracies are able to work together in individual cases and have established well-functioning routines for such cooperation. With a proper tool for bringing people together in countries where they have better prospects, these well-functioning routines will be invaluable.

Combining a family-based distribution approach with a labor-oriented one would further provide a reasonable chance to make a legal living and contribute to the receiving societies. In terms of long-term social and economic integration, and therefore the prevention of irregular secondary movements, this is a sustainable and viable solution. Conversely, forcibly holding refugees back in countries with weak labor markets, welfare systems and economies where they have no social ties is likely to lead to antagonism and destabilization.

References

Dublin III: Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or stateless person (recast), [2013] OJ L180/31.

Statewatch, and Chris Jones. 2014. 11 Years of Eurodac. Statewatch Analyses 5/14

http://www.statewatch.org/analyses/no-235-eurodac.pdf, accessed Nov 3, 2016

Takle, Marianne, and Marie Louise Seeberg. 2015. *"All European countries are not the same!" The Dublin Regulation and onward migration in Europe*. NOVA Rapport 12/15. Oslo: NOVA-HiOA

https://www.hioa.no/eng/About-HiOA/Center-for-Welfare-and-Labor-Research/NOVA/Publikasjonar/Rapporter/2015/All-European-countries-

are-not-the-same!, accessed Oct 25, 2016

NOTES

17   https://www.udi.no/en/statistics-and-analysis/statistics/asylsoknader-etter-statsborgerskap-og-maned-2015/

18 http://www.bbc.com/news/world-europe-37857728

VIII

Bargaining over refugees: Turkey's view

Ahmet İçduygu and Doğuş Şimşek

While the Syrian refugees have become the world's largest refugee population, Turkey has been hosting the largest share with almost three million. Since the outbreak of the flows from Syria in 2011, the international community has not showed solidarity by sharing the humanitarian responsibilities with countries of asylum. When a massive influx of Syrian refugees spread to Europe, especially in the summer of 2015 after four years of war, Europe finally woke up to the issue.

The European Union's limited response to the Syrian migration has focused on humanitarian aid, border protection and the resettlement of a very limited number of refugees, rather than on fully sharing the basic concerns for refugee protection. Since the summer of 2015, however, when thousands of refugees seriously suffered at the European borders and some tragically lost their lives at sea, the EU's response to the Syrian migration shifted towards stopping the flows of refugees and irregular migrants. The number of refugees arriving to Europe seeking international protection increased from 542,680 in 2014 to 1,255,640 in 2015. [19] After the summer of 2015, the EU began collaborating with Turkey to control and reduce the flows arriving in Europe.[20] The EU agreed with Turkey on a "one in, one out" exchange in March 2016.[21] In addition, the EU committed to re-energizing Turkey's accession process by establishing structured and more frequent high-level dialogue and opening new negotiation chapters;

accelerating the lifting of visa requirements for Turkish citizens in the Schengen zone by October 2016 (later postponed to December 2016); and providing an initial 3 billion euros to improve the situation of Syrians in Turkey. [22] Since September 2016, the total number of arrivals from Turkey to the Greek islands was 5,678 with an average daily arrival of 81.[23] Since the EU-Turkey deal came into effect, 1,187 irregular migrants have been returned from Greece to Turkey and 2,761 Syrians have been resettled from Turkey to European countries.[24] [25] Between September and December 2016, 869 persons returned voluntarily to their countries of origin from the mainland of Greece. [26]

Even though there has been a considerable decline in the number of irregular border crossings between Turkey and Greece since the agreement was reached, there has been very little progress in the other targets of the agreement. For instance, Turkey has received only a small portion of the 3 billion euros and the visa-free regime between Turkey and the EU has been continuously delayed due to Turkey's rejection of EU calls to rewrite its anti-terrorism law. In November 2016, the EU Parliament voted to freeze talks on Turkey's membership to the EU due to the country's position on human rights and on reintroducing the death penalty. The EU's decision has been criticized by Turkish President Recep Tayyip Erdogan and he threatened to "open the gates" to Europe for millions of Syrian refugees. Consequently, the future of the EU- Turkey migration deal seems quite uncertain.

In response to the Syrian migration, Turkey has also taken number of steps during the last five years, including "the Regulation on Temporary Protection," passed in October 2014, that provides Syrian refugees with the guarantee of non-refoulement, access to basic humanitarian services and the right to education as well as healthcare services. It also adopted "the Regulation on Work Permit of Refugees under Temporary Protection," passed in January 2016, that facilitates the process of applying for work permits for refugees six months after their registration under temporary

protection status. These are a part of the country's policies and practices on integrating migrants and refugees into the wider societal environment. In July 2016, President's Erdogan's announcement that Syrians could eventually be granted Turkish citizenship is another important step. Although the details of the citizenship scheme have not been disclosed yet, the announcement suggests that the Turkish government accepts that the settlement of Syrians in Turkey could turn into a long-term and/or permanent process.

Even though, these regulations reveal many shortcomings in practice, it should be noted that Turkey has little experience with mass immigration, the settlement of millions refugees and coping effectively in terms of administrative, legal, political and social arrangements.[27] The experience of the EU-Turkey deal shows that there is difficulty in agreeing on the management of the bargaining process over migration and asylum issues especially after the EU's decision to freeze talks on Turkey's EU accession process. Consequently, concrete steps are needed from the international community (other states, inter-governmental organizations and international non-governmental organizations) to share the very basic humanitarian responsibilities. The solutions should be based on strong international cooperation and on international customary laws, with a view to provide better living conditions and integration opportunities for Syrian refugees in Turkey, and elsewhere, rather than concentrating only on border controls, state security and limiting the movements of refugees. It is crucial that refugees in need of humanitarian protection are not used as a political tool.

While the notion of "responsibility sharing" remains rather vague, the EU-Turkey deal has provided an opportunity for an experimental cooperation, given the complexity involved in migration- and asylum-related bargaining, with hopes of establishing a mutually rewarding solution.[28] The reality is that the implications of diplomatic bargaining related to borders, migration or asylum, either inside or outside the accession process, will not have an impact only on the parties involved, and

the course of the process as a whole must be considered. From this perspective, as observed in the case of the EU-Turkey deal, migration- and asylum-related bargaining has witnessed frequent oscillation between the "blame game" and an "anchor for the accession period." At the current stage, it appears that the mismanagement of the bargaining over migration and asylum issues, with its current political reverberations both in Europe and Turkey, carries the indisputable hazard of reversing the process of bettering the relationship between the EU and Turkey. In fact, the EU-Turkey refugee deal was not only formulated through a narrow technical agreement on the issue of refugees, rather structured within a wider framework of various political concerns related to Turkey's EU membership. Consequently, one could argue that the EU- Turkey refugee deal implicitly indicated that any step in the EU accession process, visa liberalization or the enhanced cooperation on migration management can indirectly provide a country like Turkey with an opportunity to become a safe place for refugees - especially since there is hope that the deal could lead to improvements in the social inclusion of Syrian refugees in the communities of Turkey. [29]

The specific impact of the EU-Turkey deal on the conditions of Syrian refugees in Turkey is associated with the improvement of humanitarian assistance, such as providing cash transfers via an electronic debit card to help the most vulnerable refugees cover their basic needs including food, shelter or education, and non-humanitarian assistance such as developing access to education, healthcare, socio-economic support and municipal infrastructure. Under the EU's largest humanitarian program, with a budget of 348 million euros, aimed at providing cash assistance to the most vulnerable by the first half of 2017, the first cash distributions are expected to take place at the end of December 2016.[30] Apart from this, in the field of protection, 20 "safe houses" for women and girls are to be established with the aim of facilitating access to healthcare services and protection against gender-related violence.[31] In relation to the education of refugee children, according to the Turkish Ministry of Education, there was a 50% increase in the number of school-aged Syrian children between June 2015 and March

2016. However, as of November 2016, some 400,000 of the approximately 900,000 of these children still do not attend education facilities.[32] At the "Supporting Syria and the Region" conference in London in January 2016, Turkish authorities committed to enroll all Syrian children in school by the end of the 2016-2017 academic year. As a part of the understanding based on the EU-Turkey deal, the Ministry of Education has decided to close the Temporary Education Centers and integrate all Syrian students into the Turkish education system. As of September 2016, primary and pre-school Syrian children can only attend public schools. Some academics and NGO representatives agree that Syrian children should be integrated into Turkish schools, but at the same time they should learn their mother tongue in order to eventually reintegrate into the Syrian school system.[33]

In relation to entering the labor market, the Turkish government granted the right to work permits to Syrians under temporary protection.[34] However, this regulation is not successful in practice as the number of Syrian refugees actually granted work permits as of November 2016 was only around 11,102[35] due to employers' unwillingness to offer employment contracts and refugees not having Turkish identification documents during the first six months after registration.

Turkey's policies and practices related to Syrian refugees have shifted from the notion of short-term "guest" towards permanent settlement and even citizenship.[36] However, this move has caused increased resentment in Turkey especially after Erdogan's announcement that Syrian refugees would be granted citizenship. This is related to the perception of Syrian refugees as an economic burden, a security risk and a threat to demographic balance and identity.

In summary, Turkey has taken important steps towards the integration of Syrian refugees in Turkey but more needs to be done especially on the current status of Syrians. A sustainable status needs to be given to Syrian refugees rather than temporary protection with no clear legal provision on

the time limit or how their status can become permanent. Authorities should provide a clear legal provision on the status based on an inclusive definition of membership. They should implement integration policies, not only for Syrians but for all migrant groups, on the basis of a constructive dialogue with all relevant national and international stakeholders.

NOTES

[19] "Asylum in the EU Member States Record number of over 1.2 million first time asylum seekers registered in 2015", Eurostat news release, 4 March 2016, http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/

*Prof. Dr., Dean, College of Social Sciences and Humanities, Koç University, Istanbul, Turkey

**Dr., Post-Doctoral Research Fellow, Migration Research Center (MiReKoc), Koç University, Istanbul, Turkey

[20] Ahmet Icduygu and Dogus Simsek (Forthcoming, 2016) "Syrian refugees in Turkey: Towards Integration Policies?", Turkish Policy Quarterly.

[21] Ahmet Icduygu and Sule Toktas (2016) "After the EU- Turkey refugee deal: A perspective from Turkey", *Clingendael, Netherlands Institute of International Relations*, https://www.clingendael.nl/publication/after-eu-turkey-refugee-deal-perspective-turkey.

[22] Ahmet Icduygu and Evin Millet, "Syrian Refugees in Turkey: Insecure Lives in an Environment of Pseudo-Integration," *Global Turkey in Europe*, Issue Working Papers 13 (August 2016), http://www.iai.it/en/pubblicazioni/syrian-refugees-turkey-insecure-lives-environment-pseudo-integration.

[23] European Commission's fourth report on the progress made in the implementation of the EU-Turkey statement, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/4th_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf

[24] European Commission, Fourth Report on the Progress Made in the Implementation of the EU-Turkey Statement, op. cit..

[25] Laura Batalla Adam (2016) "'The Refugee Card in EU-Turkey Relations: A Necessary but Uncertain Deal', Working Paper 14, September 2016, Global Turkey in Europe.

[26] European Commission's fourth report on the progress made in the implementation of the EU-Turkey statement, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/4th_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf

[27] Ahmet Icduygu and Sule Toktas (2016) "After the EU- Turkey refugee deal: A perspective from Turkey", *Clingendael, Netherlands Institute of International Relations*, https://www.clingendael.nl/publication/after-eu-turkey-refugee-deal-perspective-turkey.

[28] Ahmet Icduygu and Evin Millet, "Syrian Refugees in Turkey: Insecure Lives in an Environment of Pseudo-Integration," *Global Turkey in Europe*, Issue Working Papers 13 (August 2016), http://www.iai.it/en/pubblicazioni/syrian-refugees-turkey-insecure-lives-environment-pseudo-

integration.

[29] Ahmet Icduygu and Evin Millet, "Syrian Refugees in Turkey: Insecure Lives in an Environment of Pseudo-Integration," *Global Turkey in Europe*, Issue Working Papers 13 (August 2016), http://www.iai.it/en/pubblicazioni/syrian-refugees-turkey-insecure-lives-environment-pseudo-integration.

[30] European Commission's fourth report on the progress made in the implementation of the EU-Turkey statement, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/4th_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf

[31] Ibid.

[32] "Turkey's refugee crisis: the politics of performance", Europe Report No: 241, International Crisis Group, 30 November 2016, http://reliefweb.int/sites/reliefweb.int/files/resources/241-turkey-s-refugee%20-crisis-the-politics-of-permanence.pdf

[33] "Education for Syrian children in Turkey: Turkish or Arabic?", Turkish Daily News, January 2016, http://www.hurriyetdailynews.com/education-for-syrian-children-in-turkey-turkish-or-arabic.aspx?pageID=449&nID=93833&NewsCatID=412

[34] Ahmet Icduygu and Evin Millet, "Syrian Refugees in Turkey: Insecure Lives in an Environment of Pseudo-Integration," *Global Turkey in Europe*, Issue Working Papers 13 (August 2016), http://www.iai.it/en/pubblicazioni/syrian-refugees-turkey-insecure-lives-environment-pseudo-integration.

[35] European Commission's fourth report on the progress made in the implementation of the EU-Turkey statement, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/4th_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf

[36] Ahmet Icduygu and Evin Millet, "Syrian Refugees in Turkey: Insecure Lives in an Environment of Pseudo-Integration," *Global Turkey in Europe*, Issue Working Papers 13 (August 2016), http://www.iai.it/en/pubblicazioni/syrian-refugees-turkey-insecure-lives-environment-pseudo-integration.

IX

The impact of Europe's immigration fears on foreign and security policy

Rosa Balfour

By the spring of 2016, six months into the peak of the refugee and migrant influx into Western Europe from the Middle East and Africa, through Turkey and the Western Balkans, Europe's institutions and leaders were on their knees. The political crisis spurred by the unpreparedness to deal with the influx appeared to jeopardize the entire integration project on the continent, and all the policy solutions identified seemed to cause more rifts among EU member states and the institutions than solutions.

Eventually, the closure of the border between Greece and the former Yugoslav Republic of Macedonia and the EU-Turkey deal, however much criticized, brought some respite to European leaders and initiated a period of revision of existing policies and approaches.

This revision is underscoring a number of shifts, some of which were already underway. The 2015 European Agenda on Migration (EAM) had signaled a move away from offering channels for legal migration in parallel to efforts towards contrasting irregular migration, which the Global Approach to Migration and Mobility had postulated ten years earlier. Legal channels for migration progressively occupied less space in the documents produced by the EU institutions since the EAM release, giving way to efforts towards border control and the containment of flows – legal or

irregular – which seems to have become the overwhelming objective guiding all policy.

Throughout the crisis period, the key drivers of these decisions were the heads of state and government, meeting in the European Council, and home affairs ministers, by and large to the exclusion of foreign ministers and European diplomacy. Once the flows were reduced and the key objective of containing numbers established in mid-2016, attention turned towards identifying all the appropriate tools available to foreign, development and security policy to nip flows to Europe in the bud.

Efforts to step up diplomacy with African countries of origin and transit had already been made in 2015 when the November Valletta summit brought together political leaders from the two continents to discuss ways to better manage the movement of people. This was one of the few occasions for dialogue on migration issues at the highest political level, following which a general consensus emerged that if some of the commitments were put into practice, especially the financial ones, Euro-African cooperation could improve.

But it was only the urgency of the European crisis in the spring of 2016 that pushed through some concrete suggestions on how to reduce the flows. In June 2016, the Commission proposed new partnership frameworks with key countries to include "migration compacts". These are currently being negotiated with Lebanon (approved in November 2016), Jordan, Nigeria, Niger, Senegal, Ethiopia and Mali. Focusing on individual countries as opposed to continent-wide ambitions may be a first step towards a more concrete and achievable policy. However, in terms of substance, these frameworks do not seem to promise an enlightened approach to foreign policy and security policy.

What do these partnership frameworks tell us about the future direction of European foreign and security policy? The partnership frameworks for Lebanon and Jordan have identified bottom up tools to support the fragile

situation of both countries as hosts of huge refugee communities. Creating economic opportunities for refugees and supporting economic sustainability, while offering substantial humanitarian aid and budget support, entail the mobilization of a wide range of EU tools, some of which have been tried and tested in that region. Working on rules of origin to support exports to Europe from refugee business start-ups, for example, is technically and politically challenging but can be pursued as an innovative approach to bringing relief and ensuring stability in those countries. Security and counter-terrorism cooperation are also priority areas together with governance and the rule of law. All these initiatives are designed to help these two countries cope with refugee communities (registered Syrian refugees constitute between 10 and 25% of the populations of Jordan and Lebanon, though estimates of unregistered Syrian refugees double these figures) in order to prevent them from moving on toward Europe.

The extent to which the partnership frameworks with Lebanon and Jordan can inform negotiations with African states, which are countries of greater emigration, is uncertain. The progress report published in October 2016 shows some evolution in EU thinking. In June, the proposals attached negative conditions to ensure the cooperation of African states, including cutting development aid for those not complying with EU requests; by October the plans suggested a recognition that negative conditionality cannot work. The focus nonetheless remains on offering financial assistance to those countries cooperating on returns and readmissions, which promise to be the main goals of these imminent frameworks.

It is unclear whether it is realistic to assume that progress can be made in the uneven field of cooperation with African states on readmissions and returns. This emphasis may be an attempt to assuage those EU member states that are most keen to show domestic public opinion that they are pushing desired objectives in Brussels. Even the member states' track record on implementing agreed returns is patchy. For African states emigration is a source of development. Conservative World Bank estimates put remittances

from Sub-Saharan African emigration between 2 and 3% of its GDP, about 60% more than official development aid flows. The EU is pledging to increase financial flows to African states that cooperate in stemming migration flows through an EU Trust Fund for Africa and a European External Investment Plan (which are not to the tune of the six billion euros promised to Turkey). But there remains a fundamental discrepancy between EU interests in migration prevention and African interests in emigration and development.

Despite the priority status that European states seem to have given to migration control, there are little to no fresh resources. Thus far, these new initiatives have been financed through the use of existing budget lines, mostly from development aid, unspent resources, and accompanied by efforts to increase funding by attracting additional contributions from member states and other donors.

Alongside potential future changes to development aid budgets, the EU is also looking at how the infrastructure of African states requires financial and technical support to equip it with means for border control, refugee centers and surveillance mechanisms. In a continent still poor in democratic standards, this has implications for good governance and third countries' respect of fundamental freedoms, alongside ensuring that know-how, technical and financial transfers in this field are not used for other purposes. The EU has been developing its Common Security and Defense Policy in Africa for anti-piracy activities, combating organized crime and terrorism, and border control – all important areas for both Europe and Africa but which require careful monitoring for human rights violations.

The rise in importance of migration for Europe's external relations can thus have several implications. It will be complicated and controversial to subject the many historical interests and relationships that European states have developed with African states and societies to the sole request of cooperation on migration, without placing migration within a broader strategic context that spans economic to human relations. While the past

decade has seen Euro-African diplomacy struggling to change gears and move past post-colonial aid dependency and towards a more equal-level relationship, an excessive centrality of migration control brings in European demands in a rather unilateral way, with the financial benefits lacking credibility if no new resources are made available.

The primacy of migration control also fails to address the deeper patterns behind emigration – conflict and instability, demography and climate change. Europe has made broad global commitments through the Sustainable Development Goals (SDGs) precisely to address medium and long-term development needs in a holistic fashion. These risk being compromised if external migration policy is not designed within that framework.

Security cooperation is likely to see more investment, especially if European defense budgets do increase following a potential destabilization ushered in by Donald Trump's victory. While there is scope to strengthen EU-African security sector cooperation in a number of important fields, much care will be needed to ensure that it is appropriately developed in full respect of international law.

X

Towards a joint approach to migration and asylum in the Euro-Mediterranean space

Ibrahim Awad

Old and new migration and refugee dynamics

Since 2011, the civil conflicts in Syria and Libya have been at the origin of large population movements. Refugees flowed from Syria to bordering and other countries in the Middle East that remain by far hosts to the largest numbers. From Libya, migrant workers from numerous origins sought refuge in bordering Egypt and Tunisia before being flown back to their home countries. Hundreds of thousands of Libyans fleeing the conflict also arrived in the two bordering countries, especially Tunisia.

When living conditions and sources of livelihood deteriorated, and policies and attitudes changed in countries of the region, refugees from Syria overflowed into the neighborhood - into Europe. Never before had the concept of "neighborhood", introduced by the European Union in the early 2000s in its relations with its southern and eastern borders, been so vivid. Asylum seekers, mainly from Syria but from other countries in the Middle East and Africa as well, moved in mixed flows with migrants, including from European countries in the Balkans.

In Libya, the power vacuum and the effective disintegration of the country facilitated unauthorized migration movements from its coasts, and across the

Mediterranean, to southern European countries. These movements were largely made of migrants, but they also included refugees who originated from different regions in Africa, especially West, Central and the Horn of Africa, as well as in Asian countries and in the Middle East.

Thus, seeking asylum in Europe, specifically by individuals from the Middle East but also from Africa, added to the already lingering question of migration from countries on the southern shore of the Mediterranean. In the Southern and Eastern Mediterranean (SEM), the EU thus had to face two problematic types of population movements simultaneously: an old one and a new one. Responses and policies, therefore, needed to be both short- and long-term in character. Short-term responses had to address the sudden high growth rates of migrants and refugees hosted in SEM countries and overflowing into Europe. Long-term policies needed to address the unchanged parameters of the migration question. In the background of both the short- and long-term responses are the dominant perceptions of refugees and migrants that are increasingly present in Europe, which seriously hinder the fulfillment of any policy objective.

The rationale for a more cooperative approach

This essay advocates for a joint policy approach to migration and asylum issues affecting countries on both shores. To date, policies have been formulated separately. In the specific case of the EU, SEM countries are implicitly considered "policy-takers". They are expected to accept and implement policies. At times, policy incentives are given to them. But the sense of crisis felt in the EU is a good indication that the policies it formulated and implemented did not produce their intended results. This should be a sufficient basis for reconsidering the policy formulation process, even if this entails radical transformations. As for the SEM countries, they are not in a position to relegate the EU to the status of policy-taker. Rather than being intended, the irregular cross-Mediterranean flows and movements of refugees from countries bordering Syria are the consequence of the inability to formulate policy either because of the

collapse of decision-making systems or the lack of resources. A joint approach to migration and asylum should make policies commensurate with challenges and responsive to the concerns of EU and SEM countries. This may sound unrealistic given the divergence of interests between the two parties. However, there is a convergence of interests, but much depends on how such interests are conceived and defined.

Long-term responses, meanwhile, are focused on migration. They address the structural problems of demand for labor in the EU and excess labor supply in the SEM countries. They may also encompass the phenomenon of lifestyle migration witnessed in recent years from the north to the south of the Mediterranean.

The distribution of refugees and asylum seekers between SEM countries and EU member states may be seen as a source of divergence. The more one party hosts, the better for the other as it has fewer. But this divergence would be better managed through a joint approach.

A joint approach can produce different benefits for both parties, somewhat in the sense of the "package deal" known in European integration theory. SEM countries bordering on Syria, excluding Turkey, already host some 2.5 million refugees and asylum seekers. These countries could not have closed their borders when the refugees sought protection in their territories starting in 2011. It is true that specific country identities, such as Lebanese or Jordanian or Iraqi, have emerged in the Arab Middle East in the past century. They are at the origin of expressions of rejection of Syrian refugees witnessed at present. However, relationships between countries in the Middle East are complex. Common history and intricate links between populations, in addition to the binding norm of non-refoulement in international customary law, made it unthinkable for Lebanon, Jordan or Iraq to close their borders to the Syrian refugees. However, three years later, in the summer of 2014, the inability to continue providing for the refugees made Lebanon close its borders, except in the case of humanitarian situations. This closure, and deteriorating living conditions in general in

Lebanon and in other host countries in the region, pushed refugees and newer flows to Turkey and beyond to territories of the EU.

Interests converge in jointly approaching how to meet the livelihood needs of refugees hosted in the SEM countries and the volumes to be admitted as asylum seekers and resettled refugees in the EU member states. The interest of SEM countries is obvious as they would receive financial and technical assistance, and resettlement opportunities in Europe would reduce the numbers of refugees they host. But the interest of the EU member states is also evident. By providing assistance and resettlement opportunities, they would live up to the expectations of international cooperation under international refugee law. Furthermore, through enabling host countries in the Middle East to create the conditions of decent livelihoods for refugees, fewer flows would arrive in Europe. The interest of the EU in a joint approach goes even further. By receiving refugees under resettlement, humanitarian admission or private sponsorship schemes, the EU would rise to the level of the principles of universal human rights and open social systems that it promotes on the international scene. These principles are an intangible resource for the EU in its relationships with the world at large and particularly with its southern neighborhood.

More cooperation is needed not only on asylum but also on migration

The migration issue is not new and has two main causes. One is fertility rates, population growth and ageing, which result in shrinking working age populations and labor forces on the European shore, and expanding working age populations and labor forces on the southern and eastern shores. The second cause is economic growth rates that are incapable of raising demand for labor and improving living conditions in the south. The misfortune is that growth rates are also low on the northern shore of the Mediterranean. Unemployment rates, especially among youth, are high on both shores. This has contributed to making migration from SEM countries to the EU a political question in the north, on which identity-based, populist, political parties and movements now thrive. These have faulted migration for

unemployment in Europe, while research has repeatedly shown that they are unrelated. They have also exploited terrorist attacks in Europe to fan exclusionary theses and hate speech despite the fact that perpetrators were EU citizens with only distant migration backgrounds.

As for asylum, the interests of SEM countries and the EU may also seem divergent in migration. The interest of the former is to increase the volume of migrants in order to reduce pressures on labor markets and to maximize migrant remittances. In contrast, the EU member states wish to reduce migration given their low growth and high unemployment rates. Under the pressure of populist movements, they may also argue that they wish to preserve national identities. In reality, all of these theses call for joint rather than separate approaches. There is a convergent interest in an approach that would jointly determine the volumes and characteristics of migrants. Interests also converge on the need for economic policies that raise growth rates and demand for labor, which would reduce urges to migrate among youth in the south. In a more strategic, long-term perspective, the EU's interest is to secure inflows of migrant workers. Migration is not the only solution to the shrinking working age populations and labor forces in the EU, but it certainly is an effective one.

There is also a convergent interest in countering hate speech against migrants as it also affects national populations of close or distant migration origins. Social peace and inclusion in the EU member states and the preservation of the European political model require combating xenophobic and exclusionary attitudes.

Forging a joint Euro-Mediterranean approach to asylum and migration

The EU and SEM countries hosting refugees should come together and discuss protection, livelihoods and durable solutions for asylum seekers and refugees. The EU can offer financial and technical resources, in addition to resettlement, sponsorship and humanitarian admission opportunities. SEM

host countries also have policy resources to offer. The protection they bestow and their hosting of refugees, in the volume of more than two million in Lebanon and Jordan alone despite their small populations, are among these resources. Clearly, SEM states can also use the volume of expenditures they make to provide for the needs of refugees as a tool at the negotiating table. The two parties to the discussions should aim at producing a policy plan in all three sectors of refugee policy. Livelihood policy measures should encompass education, healthcare, housing and employment. The plan should also include proposals for the international system as a whole to shoulder its responsibility in burden sharing. Proposals would gain legitimacy if they were jointly submitted by the EU and SEM countries. Such proposals could also be shared as contributions to the negotiation of the Compact on the Large Movements of Refugees, which the September 2016 United Nations Summit on the subject decided should be adopted by 2018.

Regarding migration, policies on employment, training, education, access to respective labor markets, visas and residence should also be jointly formulated. Trade and development policies have a bearing on migration as well as on larger economic growth. Their formulation and the improvement of their effectiveness should be jointly discussed.

The EU has financial, technical and technological resources, as well as large markets for goods and services and labor markets, as tools in negotiations of a joint approach to migration. The SEM countries, rather, have working age populations, labor forces, markets for goods and services and a strong development potential as negotiating instruments.

XI

How to reassure the "anxious middle"? Reflections on the drivers of migration and of migration politics

Andrew Geddes

Ferruccio Pastore's excellent and insightful analysis of the European migration and asylum crisis makes the very important point that the crisis has exacerbated tendencies towards EU disintegration. This short comment will reflect on the immense political challenges faced by the EU by distinguishing between the drivers of migration (why people move, how they move and where they move to) and the drivers of migration politics (the causes of attitudes towards immigration in EU member states). The analysis will show that there is a considerable and dangerous disjunction between the drivers of migration and those of migration politics. Efforts need to be made to close this gap not only to resolve the migration and asylum crisis, but to address the EU's wider political crisis.

EU migration and asylum policy is both a response and an effort to shape the drivers of migration towards Europe. "Drivers" is intended to mean the fundamental economic, political, demographic, social and environmental factors that contribute to peoples' decisions about whether or not to migrate. There is convincing evidence that core socio-economic factors linked to relative inequalities in income and wealth play a key role in shaping migration decisions. The effects of conflict (either within or between states) also factor in heavily, as seen in the case of Syria. The demographic structure of a population can also influence migration, as can environmental

challenges such as climate change.

Indeed, these are potential drivers. Whether or not people actually migrate is determined by the effects of and interactions between these different factors. However, the drivers and triggers say nothing about the distance, direction and duration of migration. Research shows that the poorest and most vulnerable may lack the physical, financial and social resources needed to migrate and may be trapped. Meanwhile, large migration flows in Africa and Asia to fast growing cities are moving away from one kind of risk (inability to sustain livelihoods in rural areas) and towards others risks (informal settlements in large cities, potential exploitation at work).

My own current research funded by the European Research Council looks at how people who seek to make, shape or influence policy in Europe understand the causes and effects of these potential drivers.[37] Confirming Pastore's remarks on the resonance of this term, we have found a widely held view that Europe faces a "new normal" characterized by significant pressure on EU external borders that is likely to be a long-term phenomenon and shape EU and European migration politics and policy for years to come. Whether or not this perception is accurate is less important than the fact that, at the official level, there is a widespread understanding that there has been a change in the underlying drivers of migration and that high migration pressures are the new normal. The resonance of this idea of a new normality is evident in the European Commission's Communication outlining a new approach to partnership on migration with seven priority partner countries (Ethiopia, Jordan, Lebanon, Mali, Niger, Nigeria and Senegal). The Commission document specially states that "Migratory pressure is the 'new normal' both for the EU and for partner countries and is part of a broader global displacement crisis."[38]

Whether or not this view is accurate is less important than the effects it has on action (or inaction). Here the lines of policy development outlined by

Pastore can be seen, along with the dilemmas of short and long-term action and the trap of populist responses. Pastore identifies the kind of institutional measures that could contribute to a longer-term approach and rightly acknowledges that, at their most basic, these are institutional questions that raise much broader concerns about the appropriateness of EU institutional frameworks.

I would suggest that we also look beyond these frameworks and think about their relationship to EU citizens. Such relations are central to the legitimacy of these institutions and to the wider EU project. The future of EU migration and asylum policy after the crisis is not only an "internal" EU-level and technical debate about institutional responsibilities and capacities, it is also a debate about whether the EU can respond to the concerns of its citizens. This is not to say that these concerns all flow in the same direction, but that migration is a deeply contentious and salient concern across the EU. If the Union is to develop an effective response, it must recognize the highly political nature of these issues and the importance they have for EU citizens.

It is here that a particularly powerful trend in public attitudes towards immigration in Europe can be identified. Powerful evidence demonstrates a correlation between low levels of trust in political institutions and political leaders with opposition to immigration.[39] Declining trust is particularly associated with social groups that have been labeled as being "left behind", meaning those who have not benefited from social and economic change and may find themselves in low status or precarious employment.

This divide has been defined as "cultural" because it cannot be reduced to socio-economic points of reference. It is cultural also in that the world of migration, mobility and multiculturalism is literally and metaphorically distant from the lives of those left behind. This divide can have powerful electoral consequences in European politics, as the Brexit vote demonstrated. Further expressions of this discontent may emerge in the elections scheduled to take place across the EU in 2017 and 2018.

The reframing or reforming of internal EU institutional responses must also address this wider political question. If this is not done, the migration and refugee crisis may powerfully undermine the EU in ways that contribute to a much broader political crisis of legitimacy for the wider EU project.

One first step is to understand more about attitudes towards immigration. Research in the UK shows that there is a significant section of the population that can be called the "anxious middle". [40] These are not people who irreconcilably oppose immigration or, alternatively, favor a much more open response. Rather, they have concerns about immigration and feel that these need to be addressed. They deeply resent being labeled as racist, xenophobic or ignorant for having such concerns or being told by experts that their views are wrong and that they need to be better educated. They are in need of reassurance about flows and integration, while they are also open to a more nuanced debate about particular forms of migration.

What can be drawn from this? First, the debate about EU migration and asylum policy cannot only be a technical one about competencies and institutional frameworks. More than 20 years have passed since the EU crossed the Rubicon to enter the domain of "high politics". Responsibilities for migration and asylum, as well as monetary and fiscal policy and aspects of foreign and defense policy, are not technocratic issues that can be managed away from the scrutiny of citizens. Second, far more needs to be known about the distribution of attitudes towards immigration across the EU given that these are likely to differ between member states. More also needs to be understood about the drivers of these attitudes and the conditions under which they might be susceptible to change. For example, how can the anxious middle be reassured? To this end, the Migration Policy Center at the European University Institute will launch a major project in 2017 to collate and analyze data from all EU member states in order to better understand public attitudes towards migration. Knowing more about the factors that shape these attitudes will better position the EU to respond to the immense challenges it faces.

NOTE

[37] Prospects for International Migration Governance, www.migrationgovernance.org

[38] European Commission, *A New Partnership Framework with Third Countries under the European Agenda on Migration*, June 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs

[39] McLaren, L. (2012) 'The cultural divide in Europe: migration, multiculturalism and political trust', *World Politics*, 64(2): 199-241.

[40] British Future, How to Talk about Immigration, 2014, http://www.britishfuture.org/publication/talk-immigration/

XII

Addressing side-effects of increasing border security cooperation: A global perspective

Rey Koslowski

There is relatively little international cooperation on migration at the global level. Although there is an established international refugee regime based on the 1951 UN Refugee Convention and supported by the UN High Commissioner for Refugees (UNHCR), as well as a latent but strengthening international travel regime based on the norm of secure facilitation of travel, there is no international labor migration regime.[41] Moreover, these regimes may work at cross-purposes. International cooperation within the international travel regime to improve travel and border security can conflict with the international refugee regime's mission to protect those with a well-founded fear of persecution, especially if the side effects of border security cooperation for refugee protection are not addressed.

Reinforcing global migration governance

Adopted by the UN General Assembly on September 19, 2016, the New York Declaration for Refugees and Migrants includes "commitments to refugees and migrants" and calls for negotiating a "global compact for safe, orderly and regular migration" and for achieving a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees by adopting a "global compact on refugees." UN member states may now be in a better position to increase international cooperation on

refugees and migration but the Declaration primarily addresses the world's 244 million international migrants, defined by the UN as those who have lived outside of their country of nationality or birth for more than one year. With worldwide annual international tourist arrivals now exceeding one billion, there are probably more than two billion annual border crossings by tourists, business people, students and commuters who travel internationally for stays of less than a year. UN organizations and state officials who deal with refugees and migrants have been seemingly oblivious to the strengthening of the international travel regime by the diplomats and interior ministry officials who forge an ever growing number of international agreements to increase cooperation on travel and border security. Most notable are the anti-human trafficking and anti-human smuggling protocols of the 2000 UN Convention on Transnational Organized Crime and the anti-terrorism resolutions of the UN Security Council, which have explicit provisions for increasing cooperation among border control authorities, information sharing and building border control capacities that are implemented by the UN Office on Drugs and Crime and the UN Counter-Terrorism Executive Directorate. Many other agreements and the work of international organizations, including agreements on biometric travel documents within the International Civil Aviation Organization and on passport security within INTERPOL, have further strengthened the international travel regime.

More border guards and fences in Europe than in the US

Regional cooperation to secure travel and control borders exceeds global cooperation and has been taken to the highest level in the European Union with the Schengen Convention, the formation of FRONTEX and, as of October 2016, the European Border and Coast Guard. Collective EU border control capabilities are considerable. FRONTEX estimated in 2010 that EU member states had 400,000 border guards and police officers involved in border management, [42] the vast majority of whom practice integrated border management and follow the Schengen Border Code. This number dwarfs the

62,000 employees in the US Department of Homeland Security's Bureau of Customs and Border Protection even when combined with the 20,000 employees of the Immigration and Customs Enforcement and 15,000 employees of US Citizenship and Immigration Services.[43] Similarly, EU member states now collectively have more fencing along their borders than does the United States.

The side effects of border security cooperation for refugee protection

Asylum applications on a state's territory are largely a function of weak or careless border controls. Given that the overwhelming majority of asylum seekers now arriving in the EU have been smuggled or committed travel document fraud, international cooperation to secure international travel and improve border controls reduces the opportunities for successful spontaneous arrival asylum seeking by those with a well-founded fear of individual persecution and increases the potential for human rights abuses around the world. Although the number of asylum seekers worldwide has increased significantly over the past five years, looking toward a future of increasing use of new technologies to control borders, more secure travel documents, more information sharing and international cooperation among growing ranks of border guards, more effective inspection processes and successful efforts to push asylum application processing offshore onto ships and into third countries, we can anticipate a decline in spontaneous arrival asylum applications. Many of these asylum-seekers may have bogus applications but some will be people whose lives are truly in peril.

More resettlement, necessary but not sufficient

Future protection of those with well-founded fears of persecution will require that international cooperation on border security and investments in border fences, technology and staffing is complemented with more European and global cooperation to increase refugee resettlement from countries of first asylum, as well as increase funding to the UNHCR for humanitarian assistance in countries of first asylum and for protection to be put in place

for persons displaced within their own countries.

Resettlement supports the functioning of the refugee regime by providing the governments of countries of first asylum with the assurance that the refugees they take in, who will not be able to return to their home countries, can eventually find a durable solution through resettlement in another country and, thereby, politically enable these governments to accept additional asylum seekers rather than close their borders. The UNHCR projects that 1.1 million refugees are in need of resettlement. In 2015, the UNHCR submitted applications to states for the resettlement of 134,000 refugees, of whom 107,100 were admitted, with the US accepting 66,500. Most of the world's states do not have refugee resettlement programs and most of the 33 countries that do offer resettlement or humanitarian admission have been reluctant to accept more refugees. EU member states have collectively resettled an average of 7,500 refugees per year between 2011 and 2015, a very modest 7% of the total. The European Commission proposal for a European Union Resettlement Framework would rationalize and promote more refugee resettlement but it has encountered significant opposition from the Višegrad group of Poland, Hungary, Slovakia and the Czech Republic.

Even if the EU's annual resettlement figures were to reach six-digit figures annually, as called for by UN High Commissioner for Refugees Filippo Grandi,[44] and the total world-wide number of refugees resettled were to reach two or three hundred thousand, it would still only be a small percentage of the millions of refugees in countries of first asylum in need of food, shelter, healthcare and education for their children. Until these refugee's needs are met, they will remain tempted by human smugglers to move onward toward Europe. Similarly, if the internally displaced cannot be fed and housed in their own countries, they will cross international borders and add to the ranks of asylum seekers and refugees elsewhere.

Matching border control funding with protection funding

Many EU member state policymakers reject resettling more refugees, often contending that refugees should be hosted by countries neighboring

refugee-generating states because refugees can be housed and fed more cheaply there than in Europe. But when the time comes to provide money to take care of refugees in countries of first asylum, these same policymakers are often unwilling to raise the revenues to pay for the necessary voluntary contributions that fund the UNHCR and have failed to keep pace with the unprecedented needs. As the number of refugees increased 53% from 10.5 million in 2012 to 16.1 million in 2015 and the internally displaced increased 130% from 17.7 million to 40.8 million in the same time period, UNHCR expenditures only increased 37% from 2.4 billion US dollars to 3.3 billion.[45] At a February 2016 conference, donors pledged 6 billion to help Syrian refugees in 2016 and 6.1 billion for 2017-2020 but only 4.7 of the first 6 billion has been delivered as of October 2016. The EU-Turkey agreement stipulates that the EU and member states will pay Turkey 3 billion euros for refugee assistance in 2016 and 2017 but only delivered 677 million euros as of November 2016.

The side effects of more effective border controls could be addressed by more stable funding for the UNHCR through a matching fund mechanism: For every euro that a government spends on border security, that state would also contribute a euro to a trust fund for UNHCR expenditures. Of course one-to-one matching may not be politically feasible, but what about a 50%, 10%, or 1% match? Similarly, the costs of humanitarian assistance to internally displaced persons and refugees could be integrated into military budgets with matching contributions to the UNCHR of 1% of any spending on military interventions abroad and 1% of receipts from weapons sales to foreign governments. We know that military interventions produce refugees but every refugee crisis produced by military actions is treated by politicians like a big surprise that requires emergency action and appeals for additional funding for humanitarian aid.

While such a trust fund would provide the UNHCR with more stable funding, structural challenges also need to be addressed. As the UNHCR brought internally displaced persons under its protective umbrella beginning two decades ago, the organization has increasingly become the UN's general-purpose tool of humanitarian intervention and, in the last few years,

has taken on a dramatically increasing number of internally displaced persons as well as more donors, NGO partners, stakeholders and increasingly complex mechanisms for serving all of the UNCHR's "population of concern," now reaching an unprecedented 65 million. While the entry of the International Organization for Migration (IOM) into the UN system may help rationalize global efforts to address these challenges, the IOM must not only organizationally complement the UNHCR but also generate synergies between the two organizations that can effectively scale up responses to these unprecedented numbers and corresponding complexities. The biggest structural problems, however, remain the propensity for political actors within UN member states to choose violence to resolve their differences, to conduct their civil wars in ways that do not spare women, children and the elderly but drives them from their homes and, finally, the willingness of other UN member states to fuel these civil wars with ample supplies of weapons.

Politicians like to engage in the symbolic politics of border security by hiring more border guards, spending more on border control technologies, building fences and forging international agreements to increase cooperation on border security. Such international cooperation can conflict with the international refugee regime's mission to protect those with a well-founded fear of persecution. Contributions to the UNHCR that match just a fraction of what states spend on border security and military interventions could ameliorate some of the adverse side effects of border security cooperation on refugee protection. Such matching contributions to the UNHCR would also enable states to materially demonstrate the commitments that they made to refugees in the New York Declaration and serve as a litmus test for politicians who argue that refugees should be protected in countries of first asylum rather than be resettled.

NOTE

[41] For elaboration, see Rey Koslowski ed. *Global Mobility Regimes* (New York: Palgrave Macmillan, 2011)

[42] *Beyond the Frontiers, Frontex: The First Five Years* (Warsaw: Frontex, 2010), p. 26.

[43] *DHS FY2016 Budget-in-Brief.*

44 Filippo Grandi, "Protecting Refugees in Europe and Beyond: Can the EU Rise to the Challenge? European Policy Center, Brussels, 5 December 2016.

45 Source: *UNHCR Statistical Yearbook, various years; UNHCR Global Appeal*, various years.

Short Biographies

Ibrahim Awad is at present Professor of Global Affairs and Director, Center for Migration and Refugee Studies at the American University in Cairo. He previously held the position of Director, ILO International Migration Programme. His recent publications include "Labour Migration Governance in Times of Political Transition: A Comparative Analysis of Egypt and Tunisia" and "Population Movements in the Aftermath of the Arab Awakening: The Syrian Refugee Crisis between Regional Factors and State Interest".

Rosa Balfour is a Senior Fellow at the Germany Marshall Fund of the US and Acting Director of its Europe Programme. She focuses on European foreign and security policy, including the relationship between Europe's internal politics and international relations. She has researched and published widely on issues relating to European foreign policy and external action, relations with the Mediterranean region, Eastern Europe and the Balkans, EU enlargement, European Neighbourhood Policy, and on the role of human rights and democracy in international relations. Prior to joining GMF, she was a Director at the European Policy Centre (EPC), an independent think tank based in Brussels, where she headed the Europe in the World programme. She holds an MA in history from Cambridge University, an MSc in European Studies and PhD in International Relations both from the London School of Economics and Political Science.

Angeliki Dimitriadi is a Research Fellow at the Hellenic Foundation for European and Foreign Policy (ELIAMEP) in Athens. Her research explores European migration and asylum policies as well as irregular transit migration to Greece. She has published in peer-reviewed journals on irregular migration and EU migration management and asylum policies and regularly comments on migration issues in the media. Her book on irregular

Afghan migration is forthcoming in 2017 from Palgrave.

Andrew Geddes holds the Chair in Migration Studies and is Director of the Migration Policy Center at the European University Institute, Florence. For the period 2014-19 he has been awarded an Advanced Investigator Grant by the European Research Council for a project on the drivers of global migration governance (the MIGPROSP project, details at www.migrationgovernance.org). In 2016 he published with Peter Scholten The Politics of Migration and Immigration in Europe (Sage).

Birgit Glorius, Dr. rer. nat., works as professor for human geography of East Central Europe at Chemnitz University of Technology. She earned a diploma in human geography from the University of Würzburg and a doctoral degree from the University of Halle-Wittenberg. Her research interests are in the fields of international migration, transnationalism, demographic change and social production of space. The majority of her research is focused on Germany and East Central Europe.

Ahmet İçduygu is Dean of the College of Social Sciences and Humanities at Koç University, Istanbul Turkey. He currently holds a dual appointment as a full professor at Koç, one is in the Department of International Relations and the other is in the Department of Sociology. He holds a PhD in Demography from the Australian National University. He teaches on migration studies, citizenship studies, international organizations, civil society, nationalism and ethnicity, and population studies.

Rey Koslowski is Associate Professor of Political Science, University at Albany, State University of New York (SUNY). Author of Migrants and Citizens: Demographic Change in the European States System (Cornell University Press, 2000); editor of Global Mobility Regimes (Palgrave Macmillan 2011). Recent articles include: "Chinese Soft Power and Immigration Reform," "Selective Migration Policy Models and Changing Realities of Implementation" and "Visa Policy, Security and Transatlantic Relations."

Attila Melegh is a sociologist, economist and historian. He has taught in the United States, Russia, Georgia and Hungary. He is associate professor at Corvinus University, Budapest, and a senior researcher at the Demographic Research Institute. His research focuses on the global social change in the 20th century, and international migration. Author of three books in English and Hungarian, and he has published over a hundred scholarly publications. He is the founding director of Karl Polányi Research Center at Corvinus University, president of the European Network in Universal and Global History.

Ferruccio Pastore is director of the Forum of International and European Research on Immigration (FIERI), an independent research institute based in Torino. Besides research, he has worked as an adviser on migration policy issues for Italian institutions and international organizations. In 2016 he edited "Changing Neighbourhoods. Inter-group Relations and Migrant Integration in European Cities" (with I. Ponzo, Springer) and "Multiplication and multiplicity: transformations of border control" (with A. Kraler and M. Hendow).

Marie Louise Seeberg is social anthropologist, Research Professor, Coordinator of migration research at NOVA- HiOA, leader of the Norwegian Network for Migration Research and of IMISCOE research group Contested Childhoods in times of Crises. Her many research topics include the Dublin Regulation and onward migration of asylum seekers in Europe, meanings of home and homeland among Vietnamese refugees in Norway, relations between Swedish welfare institutions and refugees from Vietnam, and conditions for asylum seeking children in Norway.

Endre Sik (1948) DSc, habil. Professor at Debrecen University, professor emeritus at ELTE University, senior project manager at TÁRKI, former director of the National Focal Point of the European Union Centre for Monitoring Race and Xenophobia. For ten years he was the chairman of Refuge – Association for Helping Migrants. He served as the president of the Hungarian Sociological Association.

Doğuş Şimşek received her PhD in Sociology from City University London. She currently works as a post-doctoral research Fellow at Migration Research Centre (MireKoc) at Koc University. Her recent research project focuses on integration and transnational links of Syrian refugees in Turkey. Her main research interests are migration studies, transnationalism, diaspora, urban space, second generation, racism, ethnicity and identity.

Indice