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MEDAC Mediterranean Academy of Diplomatic Studies University of Malta

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**Euro-Mediterranean Relations: From Illegal to Legal Migration?**

This joint special issue of the Future of Europe Observer showcases the longstanding cooperation on Euro-Mediterranean migration policies between the Mediterranean Academy of Diplomatic Studies (MEDAC) from Malta and the Center for European Integration Studies (ZEI). It comprises of analyses by Master Fellows ("Class of 2018") from both institutions.

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**Future of Europe Observer** accompanies the debate on governance and regulation in the European Union. Authors are ZEI Scholars, Master of European Studies Fellows and Alumni.

## The Need for Cooperation in the Mediterranean

In the summer of 2018, European migration and asylum policy has entered into a phase of political deadlock with a clear lack of intra-EU solidarity and no sustainable solutions on the horizon. According to the UNHCR 57.668 men, women and children have arrived in Europe in 2018 of which 54.510 have arrived via the Mediterranean Sea. In comparison to previous years, the absolute numbers of arrivals have clearly decreased towards pre-2014 levels. Nevertheless, the death toll within the Mediterranean is rising with increased activity on the Central and Western Mediterranean route, having shifted from the predominant Western Balkan route, which was closed in 2016. These shifts in routes are evidence of the underlining changing dynamics of mixed migratory movements. In 2014, arrivals by sea amounted to 216.054 men, women and children with a death toll of 1.6 per cent, whereas for the first half of 2018 the known death toll has already increased to 2.7 per cent.

The political standoffs over migration and sea rescues in the early half of 2018 have highlighted the frustrations of EU frontline states and the need of revising regional arrangements for the disembarkation and processing of those rescued at sea, otherwise ship-by-ship arrangements will become the new norm in the Mediterranean and the European political landscape. While many have been discussing "the European refugee crisis", ZEI and MEDAC Fellows are looking at the issue at hand: a European policy crisis. The European Union is in desperate need of a comprehensive plan of action going past a reform of the Common European Asylum System (CEAS) and the European Agenda on Migration.

With recent new proposals by the EU Commission, including the implementation of "controlled centres" in the EU and "regional disembarkation arrangements", further measures are needed to create a sustainable and resilient European system of asylum policy. Such measures have to include building a nexus between legal and illegal migration, while fully respecting member states' human rights obligations, going beyond political virtues, while recognising the systematic failure and weaknesses of past policies and advancing cooperation with countries of origin and transit based on shared efforts on the European level. The structural deficiencies built into the European migration system—from both a legal and an operational nature—need to be understood and addressed even before the political game begins.

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# I. Migration in the Mediterranean

## Outline

Migration and relocation are „a shared moral duty"[1]. Do policymakers seek to assist people who are in a dire humanitarian state, or are they simply pursuing their self-interest (realist approach), shutting down borders to those in search of a better life?

Recent events recall that migration is a pressing political problem and show the harsh measures being taken by those in power: (i) With more than 2.300 children being separated from their families at the US border; (ii) the inaction of Germany's coalition government regarding immigration; (iii) with the Hungarian parliament approving laws which criminalise assistance to illegal migrants; (iv) with Italy's Deputy Prime Minister, Matteo Salvini, threatening to expel Roma people from Italy; and (v) the prevention of more than 630 migrants being docked at an Italian port[2];

Many would have thought that today, policies regarding migration would tend to focus more on morality and human rights. Alas, many EU leaders are choosing to adopt short-term policies against migration rather than focusing on the long-term effects.

The EU's mini-summit on migration in Brussels on 24 June 2018 failed to overcome the differences between leaders, with Austria's Chancellor Sebastian Kurz warning of a migrant "catastrophe" similar to that in 2015 if Europe did not agree on a common response.[3] Meanwhile EU member states have not reached consensus regarding the reform of the Dublin Regulation, which has occupied the agenda of successive EU Council presidencies since summer 2016. So far leader have been unable to strike a balance between accountability and solidarity. The Draft Conclusions of the European Council from 25 June 2018, no longer even mention a new date for finding an agreement.[4]

## Root Causes

French historian Fernand Braudel describes the Mediterranean as "not even a single sea, it is a complex of seas; and these seas are broken up by islands, interrupted by peninsulas, ringed by intricate coastlines"[5]. The three continents which surround the Mediterranean are very much diverse in nature. Thus, this heterogeneous geo-strategic area presents a challenge within itself to overcome security challenges.[6]

Numerous insecurities that force and encourage migration threaten the stability of not only the Mediterranean region, but have reached a global scale. . The Mediterranean basin consists of various regional insecurities ranging from failed states, terrorism, the proliferation of weapons, climate change, energy insecurity, economic disparity between the north and south of the Mediterranean, the Israeli-Palestinian conflict[7] and the illicit trafficking of small arms and light weapons.[8] Moreover, the lack of any serious political reform, and the economic stagnation throughout the African continent served as main push factors which led millions to pursue better lifestyle conditions elsewhere. However, the inadequate response from some of the EU member states, with regards to humanitarian policies and welfare resources, needs to improve instantaneously.[9]

Stephen Calleya stresses the need for a security dialogue, since the absence of such a dialogue has produced a security vacuum. In return, this vacuum would encourage forces of instability to enhance insecurity, such as illegal migration, terrorist activities, ethnic tensions, proliferation of weapons, human rights abuses, disputes on natural resources[10], as well as triggering arms races.[11]

1 European Parliament, News, 'EU refugee crisis: "Relocation is our shared moral duty", 16/05/2017, http://www.europarl.europa.eu/news/en/headlines/society/20170515STO74806/eu-refugee-crisis-relocation-is-our-shared-moral-duty

2 The Economist, Immigration, 'Separation anxiety: When immigration policies clash with values, the values usually win', The Economist, Volume 427 Number 9097, 23 June 2018

3 Cendrowicz, L, Why migration is haunting Europe again, iNews, 5 June 2018, https://inews.co.uk/news/world/why-migration-is-haunting-europe-again/

4 Agence Europe, Europe Daily Bulletin No. 12049, 'Migration: European Council prepares to bury reform of Dublin regulation for time being, Brussels, 26/06/2018, https://agenceurope.eu/en/bulletin/article/12049/15

5 Braudel, F., The Mediterranean and the Mediterranean World in the Age of Phillip II, Volume I, University California Press, USA, 1995. Pg. 17

6 Calleya, S., Security Challenges in the Euro-Med Area in the 21st Century: Mare nostrum, Routledge, 2013. Pg.5

7 Ibid. Pg. 6

8 Organization for Security and Co-operation in Europe (OSCE), 2014 OSCE Mediterranean Conference, Illicit Trafficking in Small Arms and Light Weapons and Fight against Terrorism in the Mediterranean Region, 2014

9 Op.Cit. Pg. 11

10 Ibid. 9-10

11 Calleya, S., Managing Security Challenges in the Euro-Mediterranean Area, Arraiolos Malta 2017: Med Agenda – Special Issue, MEDAC Publications in Mediterranean IR and Diplomacy, Malta, 2017. Pg. 36

Many regional organisations have failed to break the historical ties, as well as the diverse context of the ring of countries which encircle the Mediterranean basin. In this regard, in order to remove any uncertainties, it is pertinent to go back to what former French President Nicolas Sarkozy originally proposed – to break away from any historical ties and forget old attitudes.[12]

Roderick Pace claimed that Mediterranean countries are both sceptical and resistant in making a fresh start.[13] However, with pressures to enhance political dialogue and to strengthen regional integration, the Union for the Mediterranean's (UfM) activities are indeed contributing to regional stability and human development. Adopted in January 2017, the UfM roadmap for action claims to be a ray of hope at the end of the tunnel.

## The Role of the EU

Migration involves a process for the individual to weigh potential costs and benefits. Migration can be either temporary or permanent, with the aim to improve their lives or the lives of their families.[14]

"The Mediterranean is nowadays considered one of the most important gateways through which undocumented immigrants seek to reach the EU"[15], and occurs along three main routes, which are: the Western route; the Central route; and the Eastern route. Regrettably, the Central Mediterranean route is considered as the most popular as well as the deadliest migration route.[16] The Central Mediterranean began experiencing a growing influx of migrants since 2002. These migrants were predominantly from the Horn of Africa, departing from Libya towards Europe. The unremitting flow of migrants became a permanent security challenge feature for Europe especially for small states like Malta on which the management of illegal migration had an enormous impact - given its small size and high population density.[17]

Following the Arab Spring, the number of migrants crossing into Europe soared. Since the Second World War, Europe experienced the highest mass movement of people entering its borders.[18]The large majority of refugees entering Europe were those people fleeing from the terror and war in Syria and similar countries. The EU was suddenly faced with an unexpected challenge and was totally unprepared.

Apart from trying to target the root causes of migration, the EU since 2016 agreed on various measures to provide humanitarian assistance to refugees in need, both inside and outside the EU. The EU is still striving to relocate asylum seekers who are already in the EU, resettle people in need from neighbouring countries and return people who don't qualify for asylum. Moreover, in order to tackle the smuggling of people, the EU is improving security at the external borders with a new border and coast guard. In this way, the EU will offer safe and legal ways for people to enter the EU legally.[19]

Even though, according to the International Organisation for Migration (IOM) statistics, the number of refugees heading towards the EU, as well as asylum applications to EU countries is decreasing[20], "a comprehensive approach to migration is not only desirable but […] also necessary"[21]. In many cases, migration has an economic and a social side, though most of the migrants who apply for international protection in the EU do so because of poor security conditions in their country of origin. Admitting all of those, who come from non-conflict regions, would eventually overburden EU member states.[22]

In March 2016, the Maltese Member of the European Parliament (MEP) Roberta Metsola and Italian MEP

12 Pace, R., The Mediterranean Union risks being stillborn, 2009, https://www.um.edu.mt/__data/assets/pdf_file/0003/187374/2009_The_UfM_Risks_Being_Stillborn_Europes_World.pdf

13 Ibid.

14 Meze-Hausken, E., Migration caused by climate change: How vulnerable are people in dryland areas? A Case-study in Northern Ethiopia: Mitigation and Adaptation Strategies for Global Change [Mitigation Adapt. Strat. Global Change], vol. 5, no. 4, 2000. Pg. 380

15 Lutterbeck, D., Policing Migration in the Mediterranean, Mediterranean Politics, Vol. 11, No. 1, March 2006, Pg. 61, available at: ftp://budgie6.ethz.ch/gcspmigration 09/e/publications/Issues_Institutions/ME_Med/Academic_Papers/Lutterbeck-Med_Politics-March06.pdf

16 Op.Cit.

17 Calleya, S., Security Challenges in the Euro-Med Area in the 21st Century: Mare nostrum, Routledge, 2013. Pg. 89

18 Adams, P., Migration: Are more people on the move than ever before?, BBC News, 28 May 2015 http://www.bbc.com/news/world-32912867

19 European Commission, The EU and the refugee Crisis, July 2016.http://publications.europa.eu/webpub/com/factsheets/refugee-crisis/en/

20 International Organisation for Migration (IOM), Migration flows – Europe, 24 June 2018, http://migration.iom.int/europe/

21 Visser, R., Chapter 2: The dynamics of Migration: The role of the European Asylum Support Office, Omar Grech and Monika Wohlfeld (ed.), Migration in the Mediterranean, MEDAC, Malta, 2014. Pg. 16

22 Ibid

## I. Migration in the Mediterranean (continued from p.3)

Kashetu Kyenge compiled a report proposing the revision of the Dublin III Regulation. This report proposed changes to the relocation and settlement system; technical and financial aid to hotspots, especially to hotspots in Greece and Italy; and the issue of readmission.[23]

In order to address the challenges of irregular migration and its root causes, the EU, under the European Agenda on Migration proposed by the European Commission in 2015, launched a Partnership Framework with third countries in June 2016. According to the Agenda, efforts are required to increase manpower and equipment for the European Border and Coast Guard, proportionally contribute to the EU relocation scheme, whilst ensuring implementation of the EU-Turkey Agreement. In this regard, the Commission called upon the EU member states to comply with their legal obligations in 2017.[24]

Furthermore, the European Asylum Support Office (EASO) played a key role in the establishment of the Common European Asylum System (CEAS) to ensure coherence for handling individual asylum cases.[25]

Undoubtedly, migration in the Mediterranean featured as one of the main priorities throughout Malta's Council Presidency in the first half of 2017. As the last EU member state from the Mediterranean assuming the Presidency, (until Croatia and Slovenia, which will take charge in 2020 and 2021 respectively), it was crucial for Malta to bolster the Euro-Med relations.

On 3 February 2017, a European Council meeting in Malta adopted a ten-point plan to provide additional funds for Libya's stabilisation.[26] Moreover, on 9 March, EU leaders reiterated their commitment to the Malta Declaration.[27]

Meanwhile, on 1 February 2018 Operation Triton, which had been launched in 2014, was replaced by the new Joint Operation Themis. This new operation in the Central Mediterranean is operated by the European Border and Coast Guard Agency FRONTEX to assist Italy in border control activities.[28]

Search and rescue missions will remain under the umbrella of Operation Themis, covering the Central Mediterranean Sea from waters stretching from Algeria, Tunisia, Libya, Egypt to Turkey and Albania. Apart from a focus on enhanced law enforcement, the security component of the Operation includes intelligence gathering in order to detect terrorist threats as well as foreign fighters at the external borders.[29]

Meanwhile, on Friday 29 June 2018, the EU member states managed to break the deadlock over the management of migration, by agreeing to a number of common solutions[30] including (i) that the IMO and the UNHCR will be responsible together with the host countries for taking care of rescued people; (ii) that a specific long-term budget instrument for migration will be created for the 2021-2027 period; (iii) that member states need to put in place so-called "control centres" for rescued people from EU territorial waters.[31]

However, according to the President of the European Council Donald Tusk, it is "still much too early to talk of success".

## Conclusion

The chances of success in bringing forward Euro-Med relations are limited, if such an initiative is driven only by a few players, with an agenda set by one side. The plethora of security challenges in the Mediterranean is vast and diverse, ranging from ille-

23 European Parliament, European Parliament News, Press Release, MEPs propose a centralised EU system for asylum claims with national quotas, 16 March 2016, http://www.europarl.europa.eu/news/en/press-room/20160315IPR19462/meps-propose-a-centralised-eu-system-for-asylum-claims-with-national-quotas

24 European Commission - Press release, Partnership Framework on Migration: Commission reports on results and lessons learnt one year on, 13 June 2017, http://europa.eu/rapid/press-release_IP-17-1595_en.htm

25 EASO Presentation, Visit by the Mediterranean Academy of Diplomatic Studies to the European Asylum Support Office on 9 February 2018.

26 European Council - Council of the European Union, Official Website, Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route, 3 February 2017, http://www.consilium.europa.eu/en/press/press-releases/2017/02/03/malta-declaration/

27 European Council, Council of the European Union Meeting 09-10/03/2017, http://www.consilium.europa.eu/en/meetings/european-council/2017/03/09-10/

28 European Border and Coast Guard Agency (Frontex) Official Website, Frontex launching new operation in Central Med, 31 January 2018. http://frontex.europa.eu/pressroom/news/frontex-launching-new-operation-in-central-med-25ZiLR

29 Ibid.

30 Agence Europe, MIGRATION: Twenty-Eight hammer out ‚European' solution based largely on voluntary approach, https://agenceurope.eu/en/bulletin/article/12051/1, 28/06/2018

31 Agence Europe, MIGRATION: Donald Tusk says it is too early to talk about ‚success' in managing migrant challenge, https://agenceurope.eu/en/bulletin/article/12052/3, 29/06/2018

## ZEI-MEDAC Roundtable 2018

The migration crisis presents the Euro-Mediterranean region with unprecedented challenges. This year's ZEI-MEDAC Roundtable—held on 18 April 2018—provided students and junior diplomats from both sides of the Mediterranean with the opportunity to exchange ideas, experiences, and possible solutions on prevailing migration policy issues in the EU's neighbourhood.

The joint event forms part of the long-standing cooperation between the Mediterranean Academy of Diplomatic Studies (MEDAC) and ZEI.

gal migration, terrorism, human rights abuses, intolerance of different religions to xenophobia. The geographical proximity dictates urgent stability-building measures in the region. Calleya stressed that in order to strengthen the Euro-Mediterranean region, the EU has to systematically influence the regional dynamics in the Middle East more than it has recently done.[32]

International organisations, such as the EU, the Union for the Mediterranean (UfM), NATO, and the OSCE must work together in order to establish a functioning security framework in the Mediterranean. The EU must present itself as a reliable partner and seek to bolster and develop partnerships with its neighbours based on the principles of equality and mutual interest.

Moreover, Mediterranean countries are expected to announce a closer regional dialogue as a key to regional development, integration and security, through regional organisations and initiatives such as the UfM, the Western Mediterranean Dialogue (5+5), the Anna Lindh Foundation (ALF), the Mediterranean 7 (MED 7) and the EU-League of Arab States; which would ultimately mitigate the problem of migration. Alas, it is time to come to terms with the fact that illegal migration is a problem that will continue to dominate security patterns of interaction between the northern and southern shores of the Mediterranean."[33]

In order to manage illegal migration, the EU should first reach consensus to implement an effective development policy which aims at addressing the root causes of migration,[34] detention policy, burden sharing and maritime patrols.[35] In order to do so, it is pertinent that the EU should focus on economic rather than political reforms, whilst insisting on regulations of transparency education, training as well as an effective judiciary.[36] Moreover, while the EU has made progress through the hard work of EASO in Malta, an effective but humanitarian return and readmission policy should also be adopted without further delay.[37] Despite the agreement made between Italy, Germany and France with regards to migration in the Central Mediterranean route[38], the issue of migration proves to be a blunt reminder that EU member states are still at loggerheads. In fact, Malta's Prime Minister Joseph Muscat admitted that "on this issue Europe has failed".[39]

A recent, but telling example of this failure is the 'Lifeline' vessel, which stranded in the waters between Malta and Italy with over 230 migrants being on board. It has to be understood that each country tends to safeguard its national interest first. Yet it is crucial that the EU maintains its values of solidarity, coordination, transparency, and burden sharing among all member states.

All in all, migration remains a reality within the Euro-Mediterranean region and beyond. A holistic human rights based approach, which would favour targeting the root causes of migration and human trafficking first, should supersede all other policies, while security policies should not only focus on the needs of the countries of origin, but also the transit and destination countries.

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32 Calleya, S., Security Challenges in the Euro-Med Area in the 21st Century: Mare nostrum, Routledge, 2013. Pg.18

33 Ibid. Pg. 78

34 Ibid, Pg. 93

35 Ibid. Pg. 85

36 Ibid. Pg. 93

37 Ibid. Pg. 92

38 European Commission - Press release, Central Mediterranean Route: Commission proposes Action Plan to support Italy, reduce pressure and increase solidarity, 4 July 2017, http://europa.eu/rapid/press-release_IP-17-1882_en.htm

39 Malta EU 2017, Speech by Prime Minister Joseph Muscat at the European Parliament's, 4 July 2017, https://www.eu2017.mt/en/Press-Releases/Documents/pr171627_EN.pdf

## II. The multi-dimensional 'European Migration Agenda'

In May 2015, the European Commission adopted the so-called 'European Migration Agenda'. The Agenda is a political document focusing on migration, asylum and borders policies. Nevertheless, in light of the arrivals of asylum-seekers, along the shores of the EU's external Mediterranean borders, six short term policy priorities have been identified.

1) In September 2015, the Commission put forward a proposal for a Regulation on a emergency-driven but permanent crisis relocation mechanism under the Dublin system amending Regulation (EU) No 604/2013 of 26 June 2013 to provide relief to those member states confronting a higher influx. The mechanism is based on proposed mandatory new redistribution quota that would obligate member states to admit asylum seekers based on population, total GDP, average number of asylum applications over the five preceding years and unemployment rate with different weighting.

2) A resettlement mechanism for 20.000 refugees from outside the EU, and an extra 50 million euro budget 2015-16 to support this scheme

3) Tripling the capacities and budget of the EU External Border Agency (Frontex) joint border control and surveillance operations in the Mediterranean (called 'Triton' and 'Poseidon') in the next multi-annual budget between 2021 and 2027.

4) Increasing emergency funding to frontline EU member states by 60 million euro, and pursuing a new 'hotspot approach' that would enable EU home affairs agencies like Frontex, Europol and the European Asylum Support Office (EASO) to work on the ground by supporting 'frontline' member states in identifying, registering and fingerprinting migrants.

5) Strengthening Europol's joint maritime information operation in the Mediterranean to deal with migrants' smuggling via the European Police College (CEPOL)

6) Establishing an EU military operation called "European Union Naval Force Mediterranean - Operation Sophia" to dismantle traffickers' networks and the 'business model' of smugglers, so as to identify, capture and destroy vessels used by smugglers"[40]. This was in line with the Council of Minister's goal of setting up a Common Security and Defence Policy (CSDP) operation in the Mediterranean.

As a result of the permanent crush of migrants, some countries reinstated border controls despite the existence of the Schengen Area. As the internal borders remain an exception and must respect the principle of proportionality, the Commission has to authorise the respective national decisions. In addition 'the scope and duration of such a temporary reintroduction of border control at the internal borders is limited in time and should be restricted to the bare minimum needed to respond to the threat in question"[41]. Consequently, some nations have taken advantage of this and reintroduced border controls, such as Germany, Denmark or Sweden. The main concern of these governments was security-related and aimed at countering threats resulting from uncontrolled secondary movements.[42]

Nevertheless there are also divergent perceptions when it comes to border protection, or the flow of asylum seekers. Indeed, the main opponents of aiding asylum seekers and as such tighten measures to secure border control are Austria, Czech Republic, Slovakia, Hungary, Slovenia, Poland and Croatia. These countries, and respectively their representatives initiated a military collaboration in order to defend and better secure European values as well as the borders of Schengen zone. Their joint action plan encompasses efficient and instantaneous mutual help.

External border protection policies predominantly focus on strengthening the European Border and Coast Guard Agency, also known as Frontex. For the first time with the initiation of Frontex, an integrated border management was defined together with shared responsibilities. Frontex is composed of European Border guard teams, as well as liaison officers in member states. Its headquarters are situated in Warsaw. Frontex has the power and right to intervene in Member States after a Council's decision, and thus can also initiate return operations. Due to the migration crisis, there have been a skyrocketing increase of the budget, reaching 322 million euro in 2020, while the employment department will reach around 1000 staff members by 2020.

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40 Carrera, S., Blockmans, S., Gros, D. and Guild, E., (2015). The EU's Response to the Refugee Crisis: Taking Stock and Setting Policy Priorities.

41 European Commission, „Temporary Reintroduction of Border Control - Migration and Home Affairs - European Commission," Social Protection Statistics - Unemployment Benefits - Statistics Explained, 6 December 2016, accessed 4 July 2018, https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control_en.

42 Vande Ryse, D. „Nlchamber.com.pl." Accessed 4 July 2018. https://binged.it/2K4OCxM

## III. Illegal Migration and Economic Migrants: Considerations for the EU

The news on Italy's and Malta's refusal to allow entry to the rescue ship Aquarius has reignited the debate between the conflicting liberal and realist interpretations of human rights protection, sparking fierce debates on social media platforms on whether policymakers should give preference to national sovereignty or to international law. The friction that has arisen between the opposing factions over the Aquarius case has in effect highlighted the EU's inability to broker an unanimous internal agreement as to how its member states should effectively tackle the issue of illegal migration.

This is despite the fact that the migration crisis is hardly a new phenomenon, and the EU estimates that between 2015 and 2017 over 10.000 people have lost their lives in the Mediterranean. Whilst the number of illegal crossings have reduced from 1.8 million in 2015 to a little over 204 thousand in 2017, 73 per cent of Europeans still view the issue of migration as a top concern and want the EU to do more to manage the situation better.[43]

In order to better deal with the issue, it is important to try to understand what the underlying causes of migration are. Whilst a number of migrants are effectively fleeing war, danger and persecution, and have a legitimate claim for asylum and refugee status, sceptics argue that the majority of illegal migrants risking their lives to reach Europe are in effect 'economic migrants'. In relation to illegal migration the term is controversial, as those championing human rights argue that this label can be used to send people back more expeditiously even if sending them back could expose them to danger - a practice known as refoulement. The problem is that whilst the distinction between asylum seekers and economic migrants is clear on paper, it is a lot more blurred politically. This is because states have discretion on how to deal with economic migrants individually, whereas in relation to asylum seekers this discretion is a lot more limited.[44]

Notwithstanding the legitimate claims for asylum for those affected by war and conflict, the issue of economic migration has become ever more prevalent and is a contentious issue that divides opinion amongst EU member states. It is therefore crucial for the EU now more than ever to analyse its practices on economic migration, and to identify the factors that draw these migrants to Europe, and develop ways in which the EU can be better equipped to deal with the problem. Whilst the issue of migration is a highly complex one, it appears to me that the reason why economic migrants would risk their lives to move to Europe is a fairly simple one: they are unhappy in their country of origin. The reason for this unhappiness can be manifold: lack of civil liberties, lack of opportunities, freedom, choice, a better life, poverty; these are some of the main drivers that can lead to a flow of illegal economic migrants. Whilst some of the causes of these drivers can be attributed to natural disasters, the majority appear to be the result of weak governance in the respective country of origin, and a lack of diversification in education and the economic sector.

A long-term strategy that the EU could adopt is to develop support packages aimed at bringing about concrete change in the countries of origin in the form of tied development aid that must be measurable and achieve concrete results. In the short-term, whilst the EU must continue to effectively reducing the flow of illegal migrants coming into Europe, there are work shortages in the EU, which such economic migrants can accommodate, thus contributing to the EU's economy rather than being a burden. In its migration strategy it is therefore imperative that those economic migrants that have skills that can be put to good use within the EU are given - in a fair and transparent way - the opportunity to find gainful employment. Developing a system that allows this would further reduce the possibility of such migrants resorting to criminality and enable them to sustain themselves as well as reduce the risk of social alienation, which in turn could lead to extremist activity. Having said that, there are member states in the EU where unemployment rates are high and have remained high for a number of years. Striking the right balance on how and where economic migrants can seek gainful employment therefore requires very careful consideration.

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43 EU Parliament News, (2017, June 30) EU Migrant Crisis: Facts and Figures. Society. http://www.europarl.europa.eu/news/en/headlines/society/20170629STO78630/eu-migrant-crisis-facts-and-figures Accessed on 18.06.2018.

44 Shrivastava, J., (2018) Distinguishing between asylum seekers and economic migrants: An analysis of state practice. ATHA http://atha.se/blog/distinguishing-between-asylum-seekers-and-economic-migrants-analysis-state-practice Accessed on 18 June.2018

# IV. The Unexpected Migration Tide: Spain's Changed Face

Spain has been a country in rapid evolution since the end of Franco's dictatorship. After decades of isolation from Western Europe's democratic transformation, it has been catching up with other European countries. Likewise, the phenomenon of migration came to Spain later, but once it manifested itself, it did so swiftly and massively, putting the country to test and under pressure.

Spain used to be a country of emigrants in the 1960s and 70s. Between 1959 and 1973, until right before the oil crisis hit, it sent a bit more than 1.5 million migrants to other European countries, mostly to Switzerland, Belgium, France and Germany. During this period, the economy gradually improved. The country joined the European Economic Community (EEC) in 1986, which was an important factor for further improvement in living standards and a key factor for no longer being a country of emigration. Years later, it would become a recipient of migrants. Although the arrival of migrants started at the beginning of the 1990s, it really gained momentum at the end of the decade, as Spain was living through an economic expansion phase that coincided with the collapse in former communist countries and Latin American economies, the two main places of origin for most of migrants to Spain.

In 2017, the biggest communities of migrants residing in Spain came from Romania, with 678.000, Morocco 667.000 and China with 177.000 plus Ecuador, with 145.000.[45] In 2012, when the consequences of the crisis and its duration were not as pressing as nowadays, Moroccan citizens peaked at 800.000 and Romanians at 900.000, thus proving the tremendous importance of both communities and the considerable speed at which they both had been growing in just a decade. Spain had to face this quick phenomenon with a decentralised structure that required the national strategy to be agreed and shared with the regional governments. Therefore, the PECI (Strategic Plan or Citizenship and Integration) was born.[46] This plan considered the whole population as its target, included the NGOs and volunteers (third sector) in its considerations, amounting to a total budget of 2 billion euro in the 2011-2014 period - the main component of it being education, with 836 million euro, followed by employment accounting for 207 million. PECI put across a clear political message: Education and employment are the key drivers of any integration policy, while the cooperation of NGOs and volunteers with public administration bodies will play a crucial role.

In Spain's annual budget, 1082 million euro have been allocated to the third sector. The „reception" chapter is particularly noteworthy as it accounts for 374 million euro combined with 207 million euro of spending on education. This budget allocation includes the expectation that incoming migrants make their first contact with the host country through the third sector, which will assume a lot of responsibility in the starting phase of the education of migrants and their needs during the reception. Even if the amount allocated on the needs of women might be considered modest, PECI's chapter on women policy totaling 88 million euro acknowledges their particular challenges in a migration-related context.

Apart from the PECI and the established social services, like schooling and healthcare facilities, there are three specific budget lines to finance projects by NGOs to cater to the needs of the migrant population. Altogether, they receive 30 million euro and complement the actions of the PECI by providing financing for social integration projects, awareness raising, employment and training for volunteers in migration.

Furthermore, as a response to the end goal of any migrant, Spain has several rules in place to award permanent residence and full citizenship to the newcomers. Specifically, Spain requires three years of paid employment for an employer or as a self-employed person and accepts working in another member state of the EU after that period with a weekly return to Spanish soil. For full Spanish citizenship, the Spanish state requires 10 years of full legal residence on Spanish territory at the time of application.[47] For persons under the refugee status, the required period is 5 years, while there is a reduced period of two years for residents from former Spanish colonies like the Philippines, Equatorial Guinea and Latin American countries, plus Portugal, Andorra and the Jewish Sephardi minority.

45 The statistical data on migration to Spain has been retrieved from the Instituto Nacional de Estadística of Spain: http://www.ine.es/welcome.shtml

46 Ministerio de Trabajo e Inmigración, Dirección General de Integración de los Inmigrantes, Madrid 2011, "Segundo Plan Estratégico de Ciudadanía e Integración", retrieved from http://extranjeros.empleo.gob.es/es/Programas_Integracion/Plan_estrategico2011/pdf/PECI-2011-2014.pdf

47 Ministerio de Asuntos Exteriores, Unión Europea y Cooperación, "Nacionalidad española", retrieved from http://www.exteriores.gob.es/Portal/es/ServiciosAlCiudadano/InformacionParaExtranjeros/Paginas/Nacionalidad.aspx

## IV. The Unexpected Migration Tide: Spain's Changed Face

With regard to illegal migration, Spain has had to approach migration in a similar way as other European countries had to do before. It had to invest money and human resources to integrate those people coming to Spain illegally, who lack the resources whilst often being undocumented and unable to speak the language. This phenomenon - enhanced by Spain's geographical position - has arrived at our shores one generation later. The country addresses it with integration strategies whilst attempting to limit a potentially massive and uncontrollable migratory movement.

Looking back at the 1960s when the country was still a dictatorship, the slogan for tourism used to be „Spain is different". These words still ring true but have transcended their mere promotional purpose as Spain tackles the consequences of irregular migration. As with other developments in technology and economy, massive migration to Spain happened late and in a rather short period. Despite this, integration of migrants has been relatively successful. Nevertheless, the pressure of migration on social services and labour markets remains high and keeps growing. This demonstrates that migration is one of the issues that shapes Europe's twenty-first century most profoundly.

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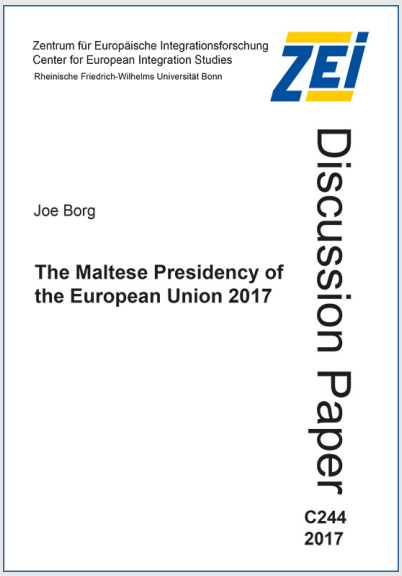
### ZEI Discussion Paper C 244/2017

**"The Maltese Presidency of the European Union 2017"**

By Joe Borg

This Paper by the first Maltese EU Commissioner Joe Borg seeks to address the three most prominent matters of the Maltese Presidency with a particular focus on the EU's Mediterranean Policy.




## V. The EU-Turkey Migration Mechanism: a Model to Emulate

As one of the main players on the world stage, the European Union has become a charming centre for citizens of third countries. The EU has reached a level where third states see it as a role model—not only in economic, social, and political terms but also from a democratic perspective in the wake of recent challenges. Due to the level of development in the EU, it is continuously exposed to immigration from other countries. Because of ongoing migration, especially some movements that have gained acceleration with the Arab Spring have confronted EU member states with new challenges.

Immigration is one of the most important problems the EU is currently facing. Both legal and illegal immigration have brought economic, political and sociocultural effects, which have generated a deep pressure to adapt on the Union. EU countries have been confronting the new challenges because of this sudden migration wave severely affecting the political cohesion of the EU since 2015.

The immediate reaction by policymakers has shown that the EU did not have a proper common asylum system nor a functioning infrastructure to cope with such a great number of arriving immigrants. Based on the idea of "building a stronger Union and playing a collective role in the world", the EU has decided to focus on origin and transit countries of migrants and refugees. After long-term practice and inadequate programmes, the EU has understood that it cannot simply solve the issue of migration via internal policies alone. Consequently, the EU-Turkey Migration Mechanism, established under a framework of human rights complaint to norms of the EU Global Strategy, has been an important step towards a solution.

The EU Facility for Refugees in Turkey promotes the EU's vision of a hand in hand solution with neighbours to ensure that the needs of refugees and host communities are addressed in an extensive and regulated way. In Turkey, authorities do this through

## V. The EU-Turkey Mechanism (continued from p. 9)

humanitarian support, education, migration management, medical aid, infrastructure, and a strong focus on socio-economic problems. The EU's external borders have increasingly been the scene of human tragedies to which the EU, together with its member states, must take immediate action to stem illegal migration on all existing and emerging routes.

Progress is marked in EU-Turkey bilateral relations and the cooperated action on migration has continued to deliver concrete results over the past two years in reducing irregular crossings, decreasing lives lost in the Aegean Sea. Irregular arrivals remain 97 per cent lower than in the period before the Statement became operational, while the number of lives lost at sea has decreased substantially. In order to have a sustainable solution for migration, both sides need to implement the EU-Turkey Statement with continuous efforts and committed policies.

While the EU's response to the emergency in 2015 / 2016 has been comprehensive, the current differences of opinion between its member states have exposed the fact that there are still ways in which the EU can better deal with such situations and with migration management in line with its principles and values. EU supranational institutions need to gather financial resources in a more sustainable way and prompt member states to show increased solidarity by sharing the responsibility for the reception of asylum-seekers. There is no way of addressing the migration issue without addressing intermestic conflicts.

As seen from the experiences acquired in UN refugee camps, the responsibility for migration management is a shared one, among not only EU member states but also vis-à-vis non-EU countries of transit and origin of migrants. A comprehensive approach grounded in mutual trust and solidarity among the EU member states and institutions, combining both internal and external policies, is a prerequisite for a well-functioning EU policy on this challenge.

The European Union has put a lot of effort into advancing and consolidating its relations with the Mediterranean region, which is one of the main sources of rising legal and illegal migration to Europe with regard to countries of origin and transit. Tackling the migration problem at its core requires a stronger cooperation with the Southern Mediterranean region.

Security concerns have always been the most important matter for the foreign policy of EU countries. This holds true especially for addressing the problems in third countries that devised their own Mediterranean Policy too. According to the European Council, which adopted the European Security Strategy on 12-13 December 2003, enlargement brought the EU much closer to the troubled areas.[1] It would thus be a great mistake to narrow the view on economic connections between the EU countries and the Southern Mediterranean states. Security is still the most delicate subject for the EU in its relations with MENA since it is a increasingly prominent aim among EU governments to promote the concept of a "Fortress Europe"; especially since the issue of illegal migration has turned into a matter of national and supranational security, thus reinforcing the process of securitisation. The real solution may be to mitigate the root causes that force people to move. As a senior Frontex representative argued at a conference in Madrid; "Trying to stop migrants as they arrived at the borders was too late. Instead, what was needed was more cooperation among neighbouring countries to prevent people reaching the European border in the first place"[2]. Therefore, the EU also needs a hand in hand solution with the countries of origin and transit like the EU-Turkey Migration Mechanism, which has proven to deliver favourable outcomes with regard to Eastern Mediterranean migration route.

There is still need for further action to prevent such tragic loss of life and to break the business model of smugglers through close cooperation with relevant third countries, most importantly along Central and Western Mediterranean migration routes.

The EU needs to live up to its ambition, as mentioned in the Global Strategy for the European Union's Foreign and Security Policy: The "EU will stand united in building a stronger Union, playing its collective role in the world."[3]

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1 European Security Strategy, p. 8, retrieved from https://europa.eu/globalstrategy/en/european-security-strategy-secure-europe-better-world

2 Allen, W / Anderson, B. / Van Hear, N. / Sumption, M. / Düvell, F. / Hough, J. / Rose, L. / Humphris, R. & Sarah Walker (2018) Who Counts in Crises? The New Geopolitics of International Migration and Refugee Governance, Geopolitics, 23:1, 217-243, retrieved from https://doi.org/10.1080/14650045.2017.1327740

3 EU Global Strategy, p. 7, retrieved from https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf

## VI. Bridging Divergent Perceptions on Migration Inside and Outside the EU

Many citizens of EU member states view migrants negatively. A part of the European media tends to label all people who try to cross the Mediterranean Sea a migrant in a generalised manner. But who are migrants, asylum seekers and refugees? A stricter differentiation would help us gain a better understanding of the divergent perceptions on them. How can we bridge these divergent perceptions?

A migrant is –according to the April 2010 Georgetown symposium and the discussions surrounding the proposed International Migrants Bill of Rights- a „person outside of a State of which he or she is a citizen or national"[4] while asylum seekers are „persons whose applications for asylum or refugee status are pending a final decision"[5].

According to Art 1, paragraph 2 of the 1951 "Convention Relating to the Status of Refugee", a refugee is „(whoever), owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it".

Nevertheless, the same paragraph mentioned above started with this sentence: „As a result of events occurring before 1 January 1951…", which limited the geographic (in Europe where the „events" occurred) and the time scope (before 1 January 1951). These limitations lasted until the adoption of the 1967 Protocol [6]that replaced the above-mentioned provisions.

After setting this distinction between migrants, asylum seekers and refugees, it should be easier to understand the divergent perceptions on them inside and outside the European Union and to find out how to bridge these divergent perceptions. Outside the EU, too many people see all migrants as refugees and therefore consider them to be entitled to certain protections under International Refugee Law. This attitude is an exaggeration and not reflective of the truth. A key protective provision is the „right to seek asylum" that codifies the legal stage between being a migrant and a refugee, i.e. an asylum seeker. Most importantly, the principle of „non-refoulement" that refers to the „the right of non-return to a territory where the refugee's life or freedom would be threatened because of race, religion, nationality, membership of a particular social group or political opinion".

The European population on the other hand overwhelmingly holds a different perception. Most EU citizens think of migrants as international migrants, who do not include labour migrants accounting for 150 million of the world's approximately 232 million international migrants according to the International Labour Organization (ILO)[7], nor asylum seekers and refugees being who are forced to leave their states and flee to the EU.

Therefore, a main step in bridging the divergent perceptions on migration inside and outside the EU is the recognition of the international protection needed for labour migrants[8] and the protection of asylum seekers and refugees under international refugee law.

Many stakeholders and institutions being involved in the field of migration have the responsibility to inform the media and laypersons of the differences in the terminology used that are not merely semantic but shape the perception of the public and policymakers alike.

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4 Acer, E., Goodman, J. (2009), „Reaffirming Rights: Human Rights Protections of Migrants, Asylum Seekers and Refugees in Immigration Detention", Georgetown Immigration Law Journal. P. 507.

5 UNHCR, „2006 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons" (2007). P. 3.

6 The Additional Protocol to the 1951 Convention Relating to the Status of Refugee (1967).

7 International Labour Organization (2015), retrieved from http://www.ilo.org/global/topics/labour-migration/news-statements/WCMS_436140/lang--en/index.htm

8 Taran, P. (2002), „Human Rights of Migrants: Challenges of the New Decade", The International Social Science Journal, Volume. 38, Issue 6.

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