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EU MIGRATION PARTNERSHIP REVISITED

Compilation of the findings and recommendations discussed during the workshop on “EU Migration Partnership Revisited” held in Malta from 27-28 March 2017

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Introduction

For at least a decade, the issue of migration and mobility has been a focus for the different forms of cooperation, dialogue and partnership between the European Union and the countries of the Southern and Eastern Mediterranean. The growing numbers of persons globally on the move and in need of protection, in particularly refugees in the Southern and Eastern Mediterranean region, pose new challenges both for countries of transit and destination. A key step in dealing with the multitude of challenges was taken through the Valletta EU Migration Summit in November 2015 and the new Migration Partnership Framework in June 2016. In order to review these existing instruments of EU migration policies and the developments since the Valletta summit, the KAS Regional Program South Mediterranean invited experts from the MENA region, Europe as well as other relevant African countries, such as Ethiopia and Niger, to participate in an expert workshop from 27-28 March in Malta.

During the workshop, the participants discussed current EU migration policies and the developments since Valletta, identifying the most important new initiatives. The workshop thus provided a platform to assess the success but also shortcomings of existing dialogue formats, on the regional, bilateral and intraregional level, and to provide recommendations for necessary adjustments and potential improvements based on this evaluation.

Valletta and Beyond – Progress and Remaining Challenges

During the first roundtable current priorities of the European Commission in regards to EU migration policies were highlighted and weaknesses of the current approach were put to discussion. Speakers remarked that while many new initiatives and instruments have been created, such as the Migration Partnerships, the EU Trust Fund, and the European External Investment Plan, the underlying rationale remains EU-centered with a focus on deterrence. Possibilities for legal migration and long-term measures to foster development and stabilization in Africa are seen to constitute lesser priorities. Moreover, the implementation of the Valletta Action Plan and the EU Migration Partnership Framework with African countries were assessed to be neither sufficiently balanced nor conducted in a spirit of true partnership, thus risking undermining the EU's image as a partner in the domains of migration and development. Discussion thus highlighted the need to strengthen African-European dialogue on a more equal footing, create avenues for legal migration and give renewed attention to addressing root causes of migration through long-term development efforts.

As response to the current approach, a "Malta Plan" was proposed to be developed under the Maltese Council presidency in order to create an effective, human and politically viable approach for border and asylum policies in the Mediterranean. As a first step this would require a full implementation of the EU-Turkey agreement, and secondly the application of the right lessons to the Central Mediterranean. The key for this plan lies in quickly processing asylum applications of everyone who arrives, and in quickly returning those whose claims are rejected to their countries of origin. Taking into account the understandable suspicion of African countries concerning readmission agreements under which they would have to take back an unlimited number of their citizens, the plan proposes specific "take back" agreements between the EU and African countries of origin which focus only on those who arrive in Italy after these agreements enter into force. In return, offering appropriate and concrete benefits, such as scholarships, visa facilitation and schemes for regular work migration, is seen as crucial. Furthermore, the quick relocation of accepted asylum-seekers to other European countries constitutes a necessary mechanism under this approach.

Migration Compacts – Assessment, Lessons, and the Way Ahead

Discussions during the second roundtable focused on the instrument of "migration compacts" as used under the EU Migration Partnership Framework. The compacts aim to reduce irregular migration by tackling smuggler networks, opening up possibilities for legal migration, facilitating the return of irregular migrants and addressing the root causes of irregular movement of people. Participants pointed to the potential of these compacts – if well-designed and implemented – to bring together multiple stakeholders and to set mutually reinforcing commitments in order to improve protection of displaced populations and foster livelihoods as long-term contribution to addressing root causes of migration. However, problems of lacking transparency, weak monitoring mechanisms and patchy implementation continue to hinder the full development of the compact model's potential. Once again, a prioritization of border control and deterrence over protection of refugees and creation of livelihoods was described as problematic in this regard. Linked to this, the prevailing short term focus is seen to risk undermining longer term efforts which are the only sustainable means to remove drivers of displacement.

A first-hand account of the negotiation and implementation process of the Jordan compact served to illustrate the challenges for the compact model in a specific country context. While participants agreed that the migration compact model holds considerable potential, the discussions also demonstrated a clear need to rethink the way the compacts have been designed and implemented up until now.

Regional Frameworks for Dialogue and Cooperation

The next roundtable subsequently turned the attention towards regional frameworks for dialogue and cooperation on migration. The speakers presented views from Tunisia, Niger as one of the main transit countries for migration in Africa and Greece as one of the European countries most affected by migrant arrivals. It was remarked that large differences exist between Africa and Europe in how the issue of migration is perceived and how it should be managed. It is thus seen as imperative for an effective cooperation that issues treated at the regional level address the priorities of both Europe and Africa.

It was argued that while bilateral agreements between EU member states, on the one hand, and transit countries and/or countries of origin on the other, might offer short-term solutions to migration-related issues, regional agreements are more likely to address the long-standing root causes of migration. In this regard, it was stressed that the EU and its member-states should not trade a holistic regional approach for quick fixes that promise immediate gains, but might prevent more sustainable outcomes.

The following issues were identified to best be treated at the regional level:

- Deepening regional economic integration in Africa through Regional Economic Communities and increasingly through continental integration
- Reinforcing regional cooperation and harmonization of labor migration policies
- Strengthening cooperation between states' sub-regional/regional agencies and the international community in border management, particularly in the area of law enforcement, sharing migration-related data and information, training and sustained dialogue
- Developing common regional countermeasures and greater policy coherence on curbing irregular migration and fight transnational organized crime
- Enhancing international and regional cooperation in the area of return and readmission
- Ensuring that countries ratify and implement conventions on the protection of migrants, refugees and IDPs

Taking into account the deeply regional and international nature of migration, IOM's Migrant Resource and Response Mechanism was introduced. The program offers protection and direct assistance to migrants in transit centers and on the migratory routes as well as orientation and awareness raising activities about the risks of migration. In the realm of return and readmission IOM assists people through assisted voluntary return programs and reintegration projects in their countries of origin. It furthermore works towards a strengthening of collaboration among countries of transit, origin and destination. A stronger engagement of regional actors and institutions, such as ECOWAS and the African Union, in initiatives for migrants as well as political dialogue and governance is seen as crucial.

Bilateral Dialogues on Migration and Mobility

A further roundtable highlighted efforts of dialogue on the bilateral level and identified current trends and challenges in the context of bilateral dialogue and cooperation. In the case of Libya, characterized by state failure, lacking government structures and an unclear involvement of government authorities in human smuggling activities, cooperation with state actors remains a sensitive issue. Nevertheless – and due to a perceived lack of alternatives – the EU and its member states continue their efforts to reach agreements with the UN-supported Government of National Accord in order to reduce migration flows over the Mediterranean. The latest Memorandum of Understanding between Italy and Libya – which has now been nullified by a court in Tripoli – is currently the most prominent example of these efforts of cooperation. The continuing power imbalance in reaching these agreements was critically remarked.

It was further highlighted how the growing role of private actors, such as militias and private security firms, in filling this vacuum of state actors creates issues of accountability and increases the risk of human rights violations in Libya.

In the context of Lebanon, as one of the first countries to negotiate a bilateral migration compact with the EU, bilateral dialogue has also been characterized by an increasing move away from topics of legal ways for migration in the negotiations to a focus on deterrence and security issues. Speakers thus stressed the need for a stronger humanitarian focus and a more assertive leadership by the host country in the negotiations.

The Necessity for Intraregional Coordination

The subsequent roundtable then focused on intraregional coordination in the field of migration by assessing already existing dialogue and coordination formats as well as providing recommendations for enhanced cooperation. With about two third of international migrants holding the citizenship of an African country living in another African country - and not in Europe or North America - regional migration governance in the contexts of the regional economic communities (ECOWAS, IGAD, SADC, EAC, etc.) is of an ever increasing importance.

With regard to North Africa, it was stressed that the current situation in Maghreb countries - particularly economic difficulties and high youth unemployment - does not allow them to act as a "buffer" zone for migration on the southern shores of the Mediterranean. Migration management to, in, and from the Maghreb thus needs to be conducted as part of a coherent and multilateral approach and must be implemented in partnership with Sub-Saharan countries of departure. Such cooperation must include the signing of readmission agreements with countries whose citizens can neither pass to Europe nor profit from conditions of legal stay in one of the Maghreb countries. Furthermore the migration challenge in North Africa will require tangible structural social and economic development policies at the national and regional levels in the long-term.

Other speakers stressed the role existing regional organizations, particularly ECOWAS, and the affiliated regional consultative processes (RCPs) on migration can play in order to bring together states, international organizations and NGOs for informal and non-binding dialogue and information exchange on migration-related issues, such as establishing a regional free movement agenda and a functional regional migration regime. Moreover, regional economic communities can help to foster regional cooperation on migration through their political leverage to push for the implementation of the non-binding recommendations of the RCPs.

While these intraregional migration governance mechanisms exist, numerous challenges however remain for closer intraregional cooperation. These include competing priorities, with economic and security concerns as well as fears over threats to national sovereignty shaping the agenda. Additionally, often longstanding political disagreements between states and competition between them for external benefits, such as development aid and opportunities for legal migration, hamper closer cooperation. This sense of competition can also serve to explain the preference of some policy makers for bilateral agreements on migration issues. On a more general basis, limited awareness of policy makers on migration trends and their consequences as well as a lack of political will present a further obstacle.

An improvement of the data and evidence base concerning regional migration patterns as well as awareness-raising among policy makers at all levels regarding the importance of addressing migration politically were thus highlighted as priorities in order to address these limitations. Additionally, technical and financial support from international actors is seen as crucial in order to manage migration in a developmental way. The speakers stressed the importance of including African' states priorities and best practices from the region in the support of regional programs.

Conclusion

The discussions during the workshop showed that while EU migration policy has noteworthy evolved since the Valletta summit, with numerous new initiatives and instruments having been launched, the continuous focus on EU priorities and the increasing concentration on deterrence and border control risks undermining the potential of existing dialogue formats and challenges the validity of the EU's proclaimed partnership approach. Efforts to reach quick gains and short-term fixes – oftentimes motivated by popular pressure in member states – are prioritized at the expense of investing in legal avenues for migration and long-term development efforts to address root causes of migration. Effective dialogue in this context will have to balance needs of the EU with other countries' needs in order to find common ground for cooperation. Furthermore, the creation of a sound evidence base for affected countries is indispensable in order to design effective and appropriate policies for each country context. By taking up these recommendations, the potential of existing for-mats for dialogue and cooperation, on the regional, bilateral, and intra-regional level, can be harnessed more effectively in order to design more holistic approaches based on priorities of both the EU and its partner countries.



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