

POLICY BRIEFING

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Fostering Europe-Asia Cooperation in Addressing Irregular Migration and Refugee Movements¹

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Refugee movements and irregular migration are no new phenomena to Asia and Europe, but have shaped them for decades. Irregular migration patterns in both regions show certain similarities and the causes for leaving the respective home countries are also comparable. The direct linkages between the two regions concerning this challenge are strong as a high number of refugees and irregular migrants to Europe originate from Asia or transit through the region. Despite these connections, collaboration has been limited. Thus, it is necessary to foster an exchange between both sides to address these matters jointly.

A European Crisis – A European Solution

The huge influx of refugees and irregular migrants confronts the European Union and its Member States with immense challenges which include the fundamental values and spirit of European unity. The recent developments have shown that despite many achievements over the last decades, the European integration process still has tough decisions to make and to confront the question of how much power should be transferred. The first big challenge in the migration field unveiled the existing competing interests, lack of solidarity – if not to say the European spirit of the early years of integration –, limited commitment to humanitarian assistance and the fact that agreements in difficult policy areas have reflected the lowest common denominator. Despite this challenging environment, the response cannot be anything else but a European approach with both a domestic and external dimension.

In the current crisis, the EU can rely on the experience of those Member States at its periphery which have been addressing refugees for many years. The achievements of the Italian Mare Nostrum mission and also the reasons for its discontinuity should be taken into account and reflected in 'Operation Sophia' off the coast of Libya and the NATO engagement in the Aegean Sea.

The developments of 2015 illustrated that the European countries have to manage the refugee and migration movements before they arrive or latest in

¹ DISCLAIMER: This policy brief does contain information from the KAS policy conference "Refugees and Migration in Europe and Asia" held in Manila on 4-5 April, 2016. It does not address integration measures, regular migration and labor migration, but a number of recommendations mentioned also apply to these forms of migration. Several of the suggestions made for Europe or Asia can also be applied and considered vice-versa.

the first country of arrival in order to keep the Schengen system functioning. Therefore, cooperation with external neighbors is critical. In the context of the current European asylum policies, it is indispensable to differentiate between refugees and purely economic irregular immigrants in order to manage the inflow and establish a new system. Experts suggest that a yearly quota for the intake of refugees and regular migrants with a clause ensuring the repatriation of irregular migrants with zero chance of being granted asylum have to be agreed upon with the respective sending country. This cooperation with non-EU countries can facilitate safe movement and a manageable as well as targeted influx. The German approach towards the Western Balkans states and the EU-Turkey Agreement are cases in point. Despite this, the reality remains that refugees will still arrive in the EU. Due to its size, economic strength and humanitarian responsibility, the EU will have to keep a certain flexibility to accept refugees once they arrive. A second option would be to allow refugees to apply for asylum from countries outside of the EU. They should be provided with information on the receiving societies and language courses prior to entering the Union. A third alternative would be to keep the underlying Dublin principal of applying for asylum in the EU country of arrival, but in return refugees have to be offered an EU-wide asylum status. This has to be complemented by an improved reception system and EU-controlled temporary reception facilities at the EU's periphery.

All of these approaches have to be accompanied by a reform of the European asylum system. Once granted asylum within the EU, the refugees should face less restrictions on free movement and labor market access. Informal qualifications have to be taken into account and job-matching agencies, ideally pre-departure to Europe, have to be set up. An overarching EU agency with liaison officers in all countries has to be established to monitor movements. Receiving countries will need to raise awareness among its population, provide information and prevent possible tensions even before the refugees arrive. It will also be necessary to include a burden sharing clause in this common and comprehensive EU asylum policy allowing either for a redistribution of the refugees or a financial compensation to Member States accepting refugees. The difficulty of such a policy is that several Member States could insist on a special opt-out clause which will greatly compromise the effectiveness of a common asylum policy. Even if this will be no easy way, pushing the burden to a few states and finger pointing at others will not help to resolve the situation but create distrust among the European nations. The example of Sweden shows that each country's system has a certain capacity limit. In the absence of a common European solution, even these countries will be forced to stop the influx of refugees and immigrants to ensure that their state bodies and authorities can still function in an orderly manner.

Asia – Similar Challenges, Same Solutions?

Asia is a region which has been shaped by migration for many centuries. This has resulted in a high cultural and religious diversity between but also within

the countries, and minorities which are confronted with politically dominant majorities. It is not uncommon that this societal complexity causes tensions, conflicts and discriminatory actions which are among the main driving factors for refugees. For a long time these movements took place across land borders, but with the stronger enforcement of border controls and the rising number of refugees new and more dangerous maritime routes are being used.

Some Asian countries have been accepting large number of refugees, much higher than most of the European countries, for many years. These are less developed countries with lower capacities to handle such an influx. They can thus provide useful lessons learnt, highlight pitfalls and it is important to not only support them but also learn from their experiences to avoid failures. The case of Pakistan shows that receiving countries have to provide the refugees not only with shelter and food, but must take care of them from the start as these people are vulnerable to radicalization. For example, children have to be integrated through education and adolescents be provided with vocational training to allow them access to the labor market.

Similar to Europe, the refugee crisis of 2015 has caused the questioning of existing traditions and unwritten rules in Southeast Asia – but in a different direction from Europe. The boat refugees led to an unusual non-abidance to the principles of consensus and non-interference. Thailand and Malaysia have publically criticized the behaviour of another ASEAN member, namely Myanmar. As a result, ASEAN Foreign Ministers agreed to address the root causes and held an ASEAN Special Meeting on Transnational Crime. Since refugees and irregular migrants can never be viewed independently from trafficking in persons (TIP), ASEAN has recently declared combating human trafficking a priority, created a trust fund and adopted the ASEAN Convention against Trafficking in Persons. People smuggling and TIP are key focus areas of the ASEAN Vision 2025 roadmap. Especially the identification of victims and the following protection measures offer much room for improvement. This is not only the case in Southeast Asia but in Europe alike. A particular problem is that many refugees do not receive work permits nor asylum (only two ASEAN states have signed the 1951 Refugee Convention) and no protection, making them highly vulnerable even after they fled their country. The ASEAN Economic Community offers the opportunity to establish certain standards to facilitate regular labor migration among the states and decrease the attractiveness of traffickers. Due to its structure, ASEAN can provide a regional framework and coordination, but addressing the problem will still be the responsibility of the source countries and national policies are decisive. The basic challenge is the non-binding mandate of ASEAN declarations, resulting in a lack of national implementation and enforcement.

Compared to Europe, internally displaced persons (IDPs) are of a far bigger scale in Asia. In the Philippines people are forced to leave their homes due to conflicts and natural disasters. In Bangladesh people have been affected by environmental and climate change. Myanmar's treatment of the Rohingya minority resulted first in internal displacement and in a second step in the new boat people of 2015. This shows that internal displacement can easily develop into a transnational dimension if no solution is in sight. This

underlines the need for any cause and development concerning refugees to be examined in a holistic manner. A key problem of IDPs is that they are hardly predictable which results in purely short-term emergency responses, but no long-term strategies in terms of preparation of receiving communities and post-displacement measures to facilitate integration into the new community, and to enable access to the education system and labor market. The necessity for post-arrival measures even before the displaced people arrive also applies to transnational refugees in Asia and Europe. This has to be accompanied by measures preparing them to return to their original location once possible.

Combatting the Causes

Causes for refugees and irregular migration are manifold and interdependent. In most cases there is no one single reason for the displacement. Although economic causes do play a significant role, the focus here will instead be on causes making it almost impossible for people to remain in their place of origin. While many countries have clear rules in place on how to deal with regular migrants, it is necessary to develop a targeted approach to fight causes and means of irregular migration, but still keep asylum standards high. The causes include, but are not limited to, political and religious prosecution, political instability, conflicts, discrimination against minorities, statelessness, disasters and environmental degradation threatening habitat. Some of these causes can be persistent and result in long-term relocation, while others fluctuate resulting in temporary displacement. Disasters and environmental causes can then again be a gradual process or sudden onset. These causes for displacement exemplify that any prevention system has to be comprehensive, flexible and highly adaptable. Besides domestic measures, fighting the causes of refugees and irregular migration clearly requires international cooperation. In cases where the source country is willing to prevent the causes, a coordinated approach is necessary. This means the introduction of protective legislations, agencies and an interagency framework to ensure coordination, cooperation and policy coherence. Before taking any action, the country has to determine the root causes and share information on these as a pre-displacement measure to raise awareness and prepare the vulnerable groups. Preventive measures are still limited and most actions are reactive. Since many source countries are limited in their capacities, international assistance has to be provided to them in form of trainings and finance. A particular challenge in resolving causes is unintended effects of the taken actions. Cooperation with countries that have gone through similar problems can help to predict and avoid such negative consequences. The prevention of root causes is certainly more challenging in cases where the source country deliberately accepts that its citizens will flee due to its own actions. But even in these cases the neighboring countries, which are always the most affected by refugee movements, and the international community have to minimize the reasons and provide a coordinated approach. Using a responsibility to protect (R2P) approach can be quite difficult as it often does not respect the

state's sovereignty which again can have a negative impact on international cooperation in general. A solution could be temporary protection of refugees either in neighboring countries or humanitarian corridors close to the borders. States have to also tackle the facilitators – namely the people smugglers and traffickers. Much like the driving factors, many traffickers are not one-dimensional. Due to their spanning network among government authorities, corrupt elites and a low level of punishment, they are involved in other crime fields and their connections are interlinked. They are flexible and the modus operandi can change. For instance, nowadays fishing boats function not only as a means of transport but also as a place of exploitation itself. Since this takes place in international waters, the judicial restrictions and responsibilities for law enforcement remain unclear. In cooperation with neighboring countries, porous borders should be better monitored and through a checks-and-balances system, corrupted border guard forces could be identified.

Recommendations for Future Europe-Asia Cooperation

Given the diverse root causes and characteristics of refugee movements and irregular migration combined with the transnational structure, there is much opportunity for an enhanced Europe-Asia cooperation.

During the moving process, both sides should cooperate to facilitate a safe and regular migration. This includes monitoring of the movements, collection of data as well as sharing of information. They should standardize law enforcement and training on routes being used and victim / violator identification to stop human trafficking and irregular migrants smuggling practices. Ensuring policy coherence and a working interagency coordination between judiciary, police, intelligence service, civil-society organizations and the business sector should also be the case between the regions and governments as it enables immediate actions. A better monitoring will ensure that the gap between actual arrivals and submitted asylum applications narrows. Both sides should cooperate in the resettling of irregular economic migrants, and in the case of return of refugees, pre-resettlement assistance should be provided in the temporary host country. Since the migration flows between the two regions are likely to increase, the establishment of migration and integration dialogue fora on the track-1, 2 and 1.5 level should be fostered. Such dialogues can also help to define the roles and different levels of responsibilities of all actors involved. They can accelerate coordinated measures by the governments and across sectors. This does not mean that existing EU-ASEAN mechanisms should be retired, but the cooperation should rather leverage on these and ensure implementation of regional initiatives. Facing the reality of the current situation and improbable quick consensus finding among big groups of countries, it will be beneficial to negotiate bilateral agreements between sending and receiving countries in addition to multilateral efforts. If Europe and Asia agree to cooperate bilaterally and multilaterally, they can set an example and by that greatly contribute to the global governance of irregular migration and refugees.