

OPINION

The structural flaw in the EU's migration policy

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The EU migration policy lacks a true understanding of the root causes. The approach is therefore ill-fitted for purpose, risks undermining development, and may even exacerbate fragility.

In 2015, the European Union (EU) adopted the European Agenda on Migration, which offered a comprehensive response to the increase in irregular arrivals at European shores.^[1] The Agenda proposed a framework for better migration management, based on reforms to the common European asylum system and external borders management, as well as cooperation with third countries to reduce irregular migrant and address the “root causes” of forced displacement.

However, the EU and its member states external migration policy lacks a true understanding of those “causes.” Instead, actors responsible for home affairs were given an opportunity to extend their reach and duplicate domestic responses to irregular migration – predominately return policies and border management – and the ability to implement them in their relations with third countries. The result is an approach to migration and displacement in developing and middle-income countries, which is ill-fitted for purpose, risks undermining development, and may even exacerbate fragility. European cooperation with partner countries should be based on a conflict-sensitive and context-specific agenda, with a full analysis of socio-economic and development needs.



Life jackets abandoned at a beach in Lesbos 2015.

EU policies and publications often refer to migratory routes and, most commonly, to the “Central and Eastern Mediterranean Routes.”^[2] Maps that depict these routes are drawn with arrows, having their heads in Europe and tails extending as far back as Nigeria, Ethiopia, Syria and Afghanistan. But the picture of migration and displacement in the Middle East and in Africa is much less focused on the European continent, and would be better depicted by concentric circles around countries of origin than by arrows. According to UN data, 36.3 million African migrants live outside their countries of origin.^[3] Of those, 19.4 million live in other African countries, compared to 9.3 million who live in Europe. In West Africa, where free movement is both rooted in history and promoted by the Economic Community of West African States (ECOWAS), it is estimated that between 70 and 90 percent of cross-border movement is of people who remain within the region.^[4]

The movement of displaced people in the Middle East follows roughly the same trends, with the vast majority of people who are forced to flee their home being displaced in their own country or in neighbouring countries. For example, between the years 2015-2017, the number of people who sought asylum in the EU from the three most common nationalities – Syria, Afghanistan and Iraq – was 1.5 million.^[5] In comparison, the total number displaced people who remained within the borders of those three countries is estimated at 11 million^[6] and the number of refugees hosted by neighbouring countries is over 8 million.^[7]

It is clear then that the vast majority of migrants and displaced people stay close to their country of origin. Yet when EU member states failed to reach agreements on the internal aspects of migration management, such as responsibility sharing,^[8] they increasingly reoriented European foreign and aid policies in an attempt to stop irregular migration to Europe’s borders.^[9] As a result, the institutional structures that follow the external dimensions of the migration agenda are composed predominately of representatives with an expertise in justice and home affairs issues, rather than foreign affairs and development. They include the Justice and Home Affairs Council Configuration and the relevant working groups,^[10] member state Interior Ministries, and the European Commission’s Directorate-General Migration and Home Affairs.



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A representative of Frontex agency during a patrol near the Greek island of Lesbos in 2015.

The prominence of the Home Affairs agenda in negotiations with third countries may also be due to some European member states not maintaining a permanent presence, such as an embassy, in the third countries with which migration dialogues are taking place. Lacking a history of relations that is based on mutual interests and a multidimensional contextual analysis, these member states observe countries in Africa and in the Middle East solely through the lens of arrivals to Europe.

The role played by home affairs actors results in the EU and member states often duplicating solutions which they use on their own territory to reduce the number of irregular migrants: support for restrictive migration policies,^[11] increased investment in returns,^[12] and increased border management and security cooperation.^[13] A case in point is that only one per cent of the European investment in the dedicated fund for addressing displacement, migration and stability for Africa – the EU Emergency Trust Fund – has been allocated to facilitating safer movement across borders as of 1 January 2018.^[14] Worryingly, the European Council has indicated its support for expanding this approach in the next EU Multiannual Financial Framework beyond the year 2021, by suggesting that “dedicated, significant” funding “for external migration management” should become a part of the EU’s next internal asylum, migration, border management and internal security funds.^[15] This is likely to mean that home affairs policies and governance structure will increasingly dictate the EU’s approach to migration and displacement abroad.

Duplicating domestic solutions into foreign and development agendas can be a critical mistake. Such solutions are likely to have implications on the role of the diaspora, on communities’ resilience in border regions, as well as on stability, long term development and on respect for human rights. But European impact on interrelated areas will be overlooked, as long as the driving force behind them is the European interior agenda. Over time, they are likely to impact not only the small number of people who begin their journeys with the aim of

reaching Europe, but also the displaced people and migrants who travel in regions far away from European borders. While the debate on Europe's migration policy is ongoing at home, the issue of migration and displacement in third countries must return to where it belongs – as one of the issues covered by the EU and member states' development agenda, not home affairs.

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[1] European Commission, *A European Agenda on Migration* (13 May 2015, COM(2015 240 final)).

[2] See, the Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route (3 February 2017); Most recently, see also European Commission, *Progress report on the Implementation of the European Agenda on Migration* (16 May 2018).

[3] This figure includes regular and irregular migrants, as well as refugees and other displaced people. See: United Nations Department of Economic and Social Affairs Population Division, *International Migration Report 2017*, Table 1.2. The report equates international migrants with foreign-born and foreign citizens.

[4] The assessments vary based on source and location. See: Sahel and West African Club (SWAC), Organisation for Economic Co-operation and Development (OECD), 2016, *The Economic and Regional Context of West African Migrations*. See also Molenaar, El Kamouni-Janssen, 2017, *Turning the Tide: The politics of irregular migration in the Sahel and Libya* 13-15.

[5] Eurostat, *Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data (rounded)*, data as of 30 March 2018. Syrians: 812,635 first time asylum applications; Afghanis: 415,925 first time asylum applications; Iraqis: 306,770 first time asylum applications..

[6] 6.6 million internally displaced people (IDPs) in Syria (UNHCR Syria Emergency (<http://www.unhcr.org/syria-emergency.html>)); 2.9 million in Iraq (<http://www.unhcr.org/iraq-emergency.html>); 1.5 million at the end of 2016 (IDMC).

[7] Syrian refugees: 5.5 million in Turkey, Lebanon, Jordan and Iraq (UNHCR Syria Emergency (<http://www.unhcr.org/syria-emergency.html>)). Afghani (<http://www.unhcr.org/afghanistan.html>) refugees: 2.5 million. 278,047 Iraqi refugees hosted in countries in the region (UNHCR Flash Update: Iraq, 26 April 2018).

[8] At the time of writing, EU member states remain divided on their respective responsibilities for processing asylum applications, both in the negotiations of the new EU Regulation for establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection (the ‘Dublin Regulation’) and in the aftermath of the Emergency Relocation Schemes of 2015. While Mediterranean member states support a mandatory relocation mechanism, several central European countries oppose it.

[9] See, e.g., the Justice and Home Affairs Council meeting on 20 April 2015, which included a joint session between foreign and interior ministers to discuss migration issues, in which ministers agreed on the priorities for external action on migration, including “diplomatic action ... to do more to resolve the root causes of migration, including conflicts, poverty and human rights violations” (Justice and Home Affairs Council 20/04/2015, Main Results (<http://www.consilium.europa.eu/en/meetings/jha/2015/04/20/>) visited on 2 May 2018).

[10] Predominately the High-Level Working Group on Asylum and Migration, with the mandate “to establish a common, integrated, cross-pillar approach targeted at the situation in the most important countries of origin of asylum-seekers and migrants.” (Presidency note to Coreper/Council on the Terms of Reference of the High Level Working Group on Asylum and Migration; preparation of action plans for the most important countries of origin and transit of asylum seekers and migrants (Brussels, 13 January 1999 5264/99)).

[11] The EU and its member states support reforms to the migration laws in relevant Khartoum Process countries, in particular Eritrea, Somalia, South Sudan and Sudan (see EUTF Africa project T05-EUTF-HoA-REG-09). Additional European efforts supported legislative changes in Niger (see: Fransje Molenaar, Irregular migration and human smuggling networks in Niger (Clingendael, February 2017), p. 12.) and Nigeria (See European Council on Foreign Relations, The Mediterranean and Migration: Postcards from a ‘crisis’ http://www.ecfr.eu/specials/mapping_migration (http://www.ecfr.eu/specials/mapping_migration))

[12] The EUTF Africa includes a comprehensive framework for joint action between the EUTF and the International Organisation for Migration (IOM), for returns and reintegration of migrants. The EUTF-IOM Initiative covers 14 countries in the Sahel and North Africa. See European Commission, 2017 Annual report EU Trust Fund for The EU Emergency Trust Fund Africa, p. 22.

[13] See for example (https://ec.europa.eu/trustfundforafrica/sites/euetfa/files/t05-eutf-noa-ly-04_fin_5.pdf), the EU's cooperation with the Libyan coastguard in intercepting migrants' boats in the Mediterranean, co-financed by the EU Emergency Trust Fund for Africa, DG Home and Italy. This, while the EU Delegation to Libya is located in Tunis and the Italian Embassy being the only representation located in Tripoli.

[14] Oxfam, 'An Emergency For Whom?' (<https://oxf.am/2zG8aau>) The EU Emergency Trust Fund for Africa – migratory routes and development aid in Africa' (November 2017).

[15] European Council conclusions, 28 June 2018, para. 9.

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