

Intervention

The New EU Pact of Asylum and Migration :

Is there a sustainable proposal for managing the new Humanitarian and Refugee Crisis the EU is experiencing



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Latest News



Dr Eleftheria FTAKLAKI

- ❑ *Doctor in European Studies and International/Regional Relations*
- ❑ *Post Doctoral Fellow -Researcher*
- ❑ *Lecturer at the Aegean University*
- ❑ *Project Developer JMM EU.E.N.I.C*

Great Humanitarian Crisis

- Starting with the blatant condemnation of the war in **Ukraine**, and any politics of revisionism wherever it comes from, **we must stand** in Dignity and Solidarity in addressing the unthinkable War in Ukraine and the **Great Humanitarian Crisis** created by the war.
- More **than 2.2 million people**, have fled Ukraine and a huge number have come to EU MS (Poland, Hungary, Slovakia and Romania), and
- No one can predict how far this massive wave will go.





EU response to Ukrainian crisis

- ❖ We must acknowledge the EU's quick reflexes in managing this crisis, with the adoption of concrete measures to COPE WITH the large flows at the borders, the strengthening of the MS that are Gateways and the temporary measures (1 to 3 years) for refugees with a package of 6 measures:
 - ❖ *-Rights of residence,*
 - ❖ *-Access to the labour market in accordance with Member States' labour market policies,*
 - ❖ *Access to housing,*
 - ❖ *Social welfare assistance, Medical or other assistance,*
 - ❖ *Provision for unaccompanied children and adolescents to be entitled to legal guardianship and access to education.*

Is there Migration & Asylum policy in EU?

Although migration has been an issue of concern in Europe since the 1980s, the EU gradually began to shape its immigration policy after the establishment of the **Schengen area**, when it put the problem in a framework of Security and Cooperation at an Intergovernmental level.

Although, the **Maastricht Treaty** formalised intergovernmental cooperation between the Member States,

it was the **Treaty of Amsterdam** that substantially **deepened European policy**.

In this way thus, the issue of illegal immigration was transformed from a matter of common interest to an area of a matter of common policy.

This development was driven by fears of mass migration to the EU from the countries of the **former Soviet Union** and the pressure from migratory flows that increased due to the war in **Yugoslavia** and the demographic and economic changes in Africa.

- ❑ On the results of the **Council Tampere (1999)**, the Union stressed "...the need for continuous control of external borders in order to stop illegal immigration and to fight those who organise it...».
- ❑ THE UNION DEFINED THE PROBLEM OF ILLEGAL IMMIGRATION, MAINLY AS A CROSS-BORDER THREAT.
- ❑ The EU's first efforts to form a system external border control system was the establishment of the Border Guard under the ODYSSEUS programme and the ARGO programme
- ❑ **FRONTEX AGENCY:** the main instrument for border controls has been, since 2004, the European Border for the management and coordination of cooperation at external borders of the EU

Cooperation with Third Countries ...

The Hague Programme (2005), which followed the Tampere, introduced a very important dimension of illegal immigration, that of the fight against illegal immigration problem through **foreign policy instruments**.

The **development of relations with third countries** is seen as an effective means of controlling migration and aims to create security zones around the Union, as well as to controlling sources of migration

COOPERATION WITH THIRD COUNTRIES is one of the most important deterrent instruments as through the creation of partnerships it can to combat the problem at source

the AENEAS programme (2004): on developing tools and capacities for the sound and equitable management of migration flows.

refugees and migrants



Politicisation of Development Cooperation

- The **POLITICISATION** of Development Cooperation and Humanitarian Aid with the EU has contributed to addressing **MIGRATION AND ASYLUM**?



- An important element that has been introduced into the Union's development policy is to increase its coherence in relation to its migration policy in order to ensure,
- On the one hand, **development assistance to partner countries** in order to manage the migration phenomenon more effectively and,
- on the other hand, to encourage these countries to cooperate effectively in the readmission of illegal immigrants to them.

The New Migration & Asylum Pact of EU under the pressure of 2015 refugee's crisis

Since its inception, the **European Strategy** has been **CHARACTERISED** by **DEFENSIVE AND DETERRENT** instruments aimed at to repel migratory inflows.



Common Security and Defence Policy (CFSP)

- ❑ In view of the widespread outbreak of illegal immigration in the Mediterranean,
 - the EU has changed the policy into a more AGGRESSIVE ONE, using CFSP institutional instruments to directly curb the threat to the security of Member States.
- ❑ This change, which was accompanied by the transfer of the means of combating illegal immigration to the Common Security and Defence Policy (CFSP) was aimed, on the one hand, AT DESTROYING THE DESTRUCTION of vessels and networks of smugglers, on the one hand, and the rescue of the victims of victims of illegal migration.
- ❑ As the Commission* points out, all these short-term and aggressive measures ARE NOT ABLE TO SOLVE THE PROBLEMS OF EUROPEAN IMMIGRATION POLICY, WHICH HAVE BEEN HIGHLIGHTED PARTICULARLY HIGHLIGHTED BY THE CURRENT CRISIS.

*COM(2015) 450 final 2015/0208 (COD), pg 4

The New Migration & Asylum Pact of EU

The **Lisbon Treaty** (TFEU/2007), introduced for the migration issues included in internal affairs, the procedure of the co-decision procedure between the Council and the Parliament (ordinary legislative procedure).



In 2014 was a major change in European policy on tackling illegal immigration.

The EU transformed its Strategy from DETERRENCE to CONTAINMENT the threat of illegal immigration.

Thus, it has chosen to shift part of its agenda from the internal affairs pillar to that of the Common Policy Security and Defence Policy (CFSP), which falls institutionally within the CFSP

In other words, he chose to to combat the problem of illegal immigration and smuggling by developing tactics, which are taken into account in the Union's external security policy, such as military naval operation EUNAVFOR MED.

The New Migration & Asylum Pact of EU under the pressure of 2015 refugee's crisis

Angela Merkel
was right:
“the migration
crisis will define
this decade”



WHAT EMERGED FROM THE MIGRATION CRISIS FACED BY THE EU & ITS MEMBER STATES IN 2015

Bearing in mind the recent experience of managing the Syrian refugee crisis (2015-2016), "trauma", it is important to **highlight** some important POINTS related to this issue:

□ **Structural solidarity deficit between MS**

□ **Absence of Common Migration Policy**

□ **The biggest burden was taken over by the EU's external maritime borders.**

□ **Greece is among them (5 Greek islands in the Aegean)**

□ **Dublin (I-III) totally insufficient:**

The EU and the MS reviewed the issue of addressing the issue of **MIGRATION and ASYLUM**, with the Commission proposing the

NEW PACT ON MIGRATION & ASYLUM,

opening a new public consultation on the functioning and effectiveness of the **NEW PACT**.



The New Migration & Asylum Pact of EU

- The New Pact recognises that no Member State should shoulder a **disproportionate responsibility** and that all **Member States should contribute to solidarity on a constant basis.**
- The EU asylum and migration management system **needs to provide for the special needs of vulnerable groups**, including through resettlement.
- The Commission has identified the needs of **children as a priority, as boys and girls in migration are particularly vulnerable**
- A common **EU system for returns** is needed which combines stronger structures inside the EU with more effective cooperation with third countries on return and readmission.

1. What's the EU Pact on Migration and Asylum?

- The **EU Pact on Migration and Asylum** is a policy document that sets out the EU's agenda on migration for the years to come and a package of legislative proposals and recommendations.
- The Pact was presented by the European Commission in September 2020, with the purpose of "providing a comprehensive approach, bringing together policy in the areas of migration, asylum, integration and border management".
- It **addresses border management and aims to integrate the internal and external dimensions of migration policies.**



EU MIGRATION AND ASYLUM PACT

- Faster screening process
- Flexible solidarity - receiving asylum seekers, aiding returns or logistical support
- Strengthen support to external EU borders
- New EU Return Coordinator
- Partnerships with non-EU countries

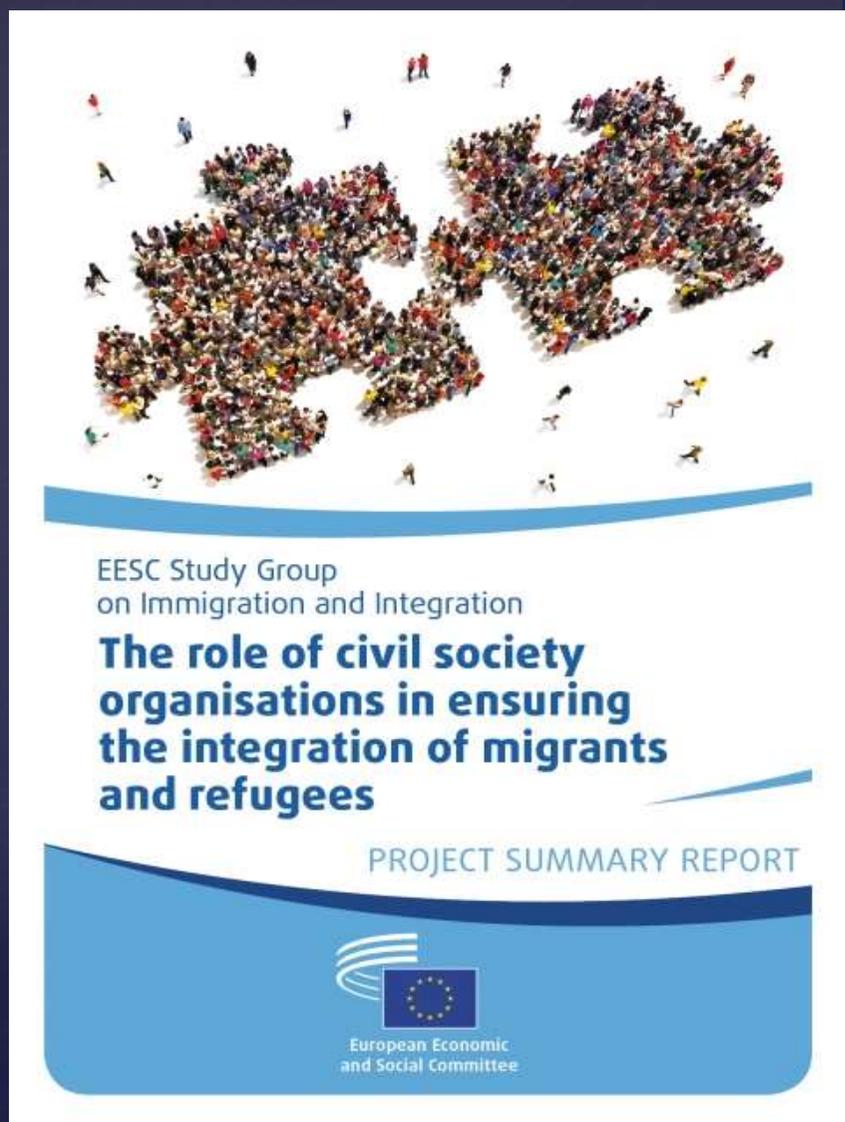
The Externalisation of Migration : A better perspective in the New Pact:

- ⌘ Externalisation through “soft” law agreements is increasingly becoming the new model adopted by the EU to streamline its external relations policy and limit the number of refugees in the EU.
- ⌘ These agreements are signed under the names "friendship", "support" or "solidarity" in order to "hide" the violation of international laws related to the right of asylum and the principle of non-refoulement.
- ⌘ The EU reiterates its willingness to conclude bilateral readmission agreements with countries of origin and transit of migrants

- ⌘ All these initiatives and the resulting agreements have been criticised for their tendency to unilaterally impose more preconditions on African countries on behalf of the EU.
- ⌘ The EU tends to describe such arrangements as 'win-win projects', as more returns to third countries are 'rewarded' with more cooperation and when return targets are not met, third countries are 'punished' by having conditionality on development imposed on them

- ❑ EU funding was part of the solidarity toolkit for increased arrivals in the Mediterranean.
- ❑ The main component of emergency funding is the Asylum, Migration and Integration Fund (Asylum, Migration and Integration Fund /AMIF)

The New Migration & Asylum Pact of EU



Food for thought....

- But in parallel with this operational process, the Union needs to clarify its political narrative on migration.
- Is there space, will and acceptance of an open society?
- How does it understand the concept of European citizenship and citizenship issues?
- What is the Union's vision for its future in relation to the mobility of populations and the integration of nationals of other countries coming to European territory?

MIGRATION QUO VADIS?

COOPERATION AGREEMENTS AS A TOOL IN THE EXTERNALISATION OF MANAGEMENT THE REDERUM OF ASYLUM

- i) An evaluation of Cotonou Partnership Agreement
- ii) The new OACP-EU Partnership Agreement (post-Cotonou Agreement) and ,
- iii) The Joint Africa-EU Strategy (hereinafter JAES)
- iv) The Cooperation Agreements with Libya and Niger

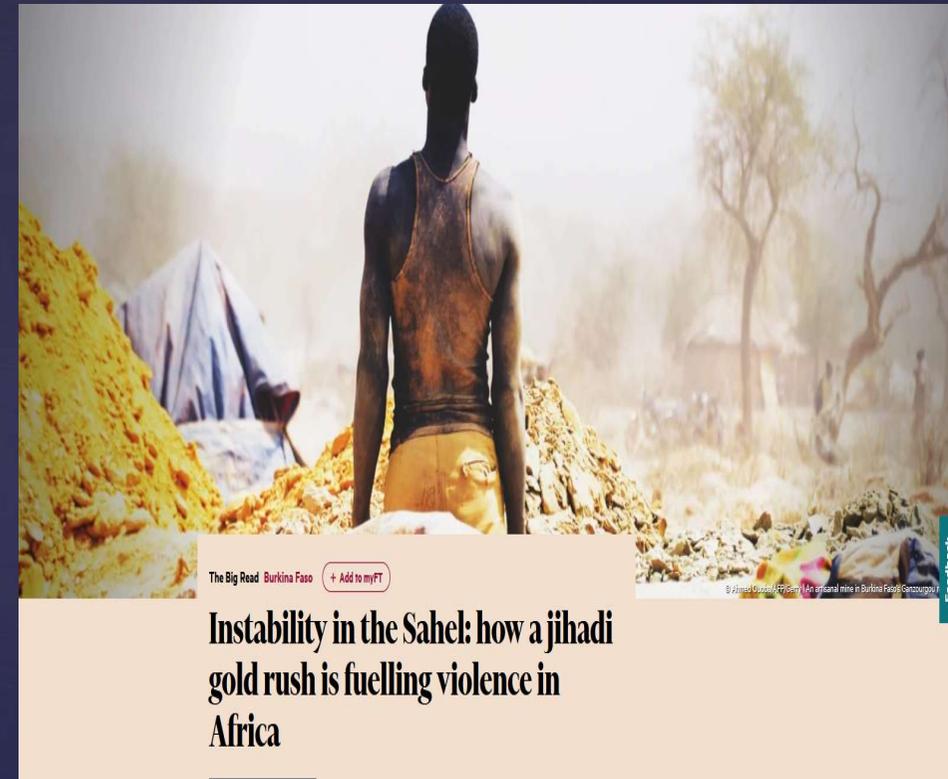
- Non-Governmental Actors, Civil Societies, are one of the main innovation of the CPA and the new OACP-EU Partnership Agreement (post-Cotonou Agreement) and the Joint Africa-EU Strategy (hereinafter JAES).
- NGOs agree that it is important to simplify procedures and identify key thematic areas of joint work where progress can benefit both European and African societies.
- However, they believe such choices should be based on a thorough evaluation of the past action plans and the added value of the new agreements as opposed to other international frameworks.



EU POLICIES ON THE PROPER MANAGEMENT OF MIGRATION FLOWS FROM AFRICA, HAVE THEY BORNE ANY FRUIT?

Finally, have the EU's policies on the proper management of migration flows from third countries neighbouring Europe, such as Africa in this case, borne any fruit?

- ❑ Are the project of development, security , humanitarian aid , considered successful EU policies?
- ❑ Even more so, how can we talk about successful cooperation agreements with these countries when armed conflicts are mushrooming, when the attempt to create Western-style democratic societies is being systematically undermined (Iraq, Libya, Tunisia, Afghanistan, etc), and when the Islamist threat is spreading its tentacles in these countries.

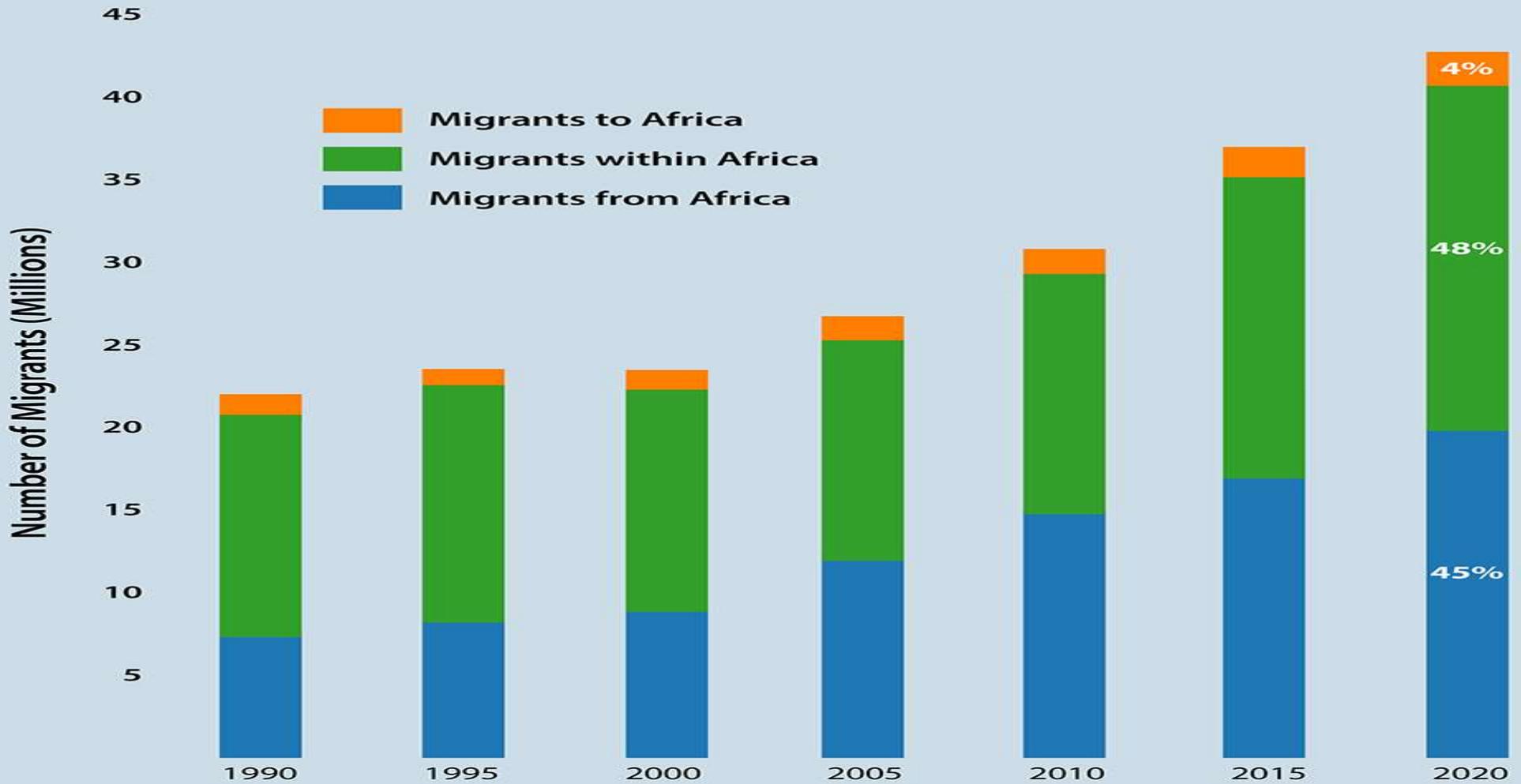


FINANCIAL TIMES , 27.06.2021

EU POLICIES ON THE PROPER MANAGEMENT OF MIGRATION FLOWS FROM AFRICA, HAVE THEY BORNE ANY FRUIT?

WEAKNESSES- ENDORSEMENTS

Migration within and from Africa

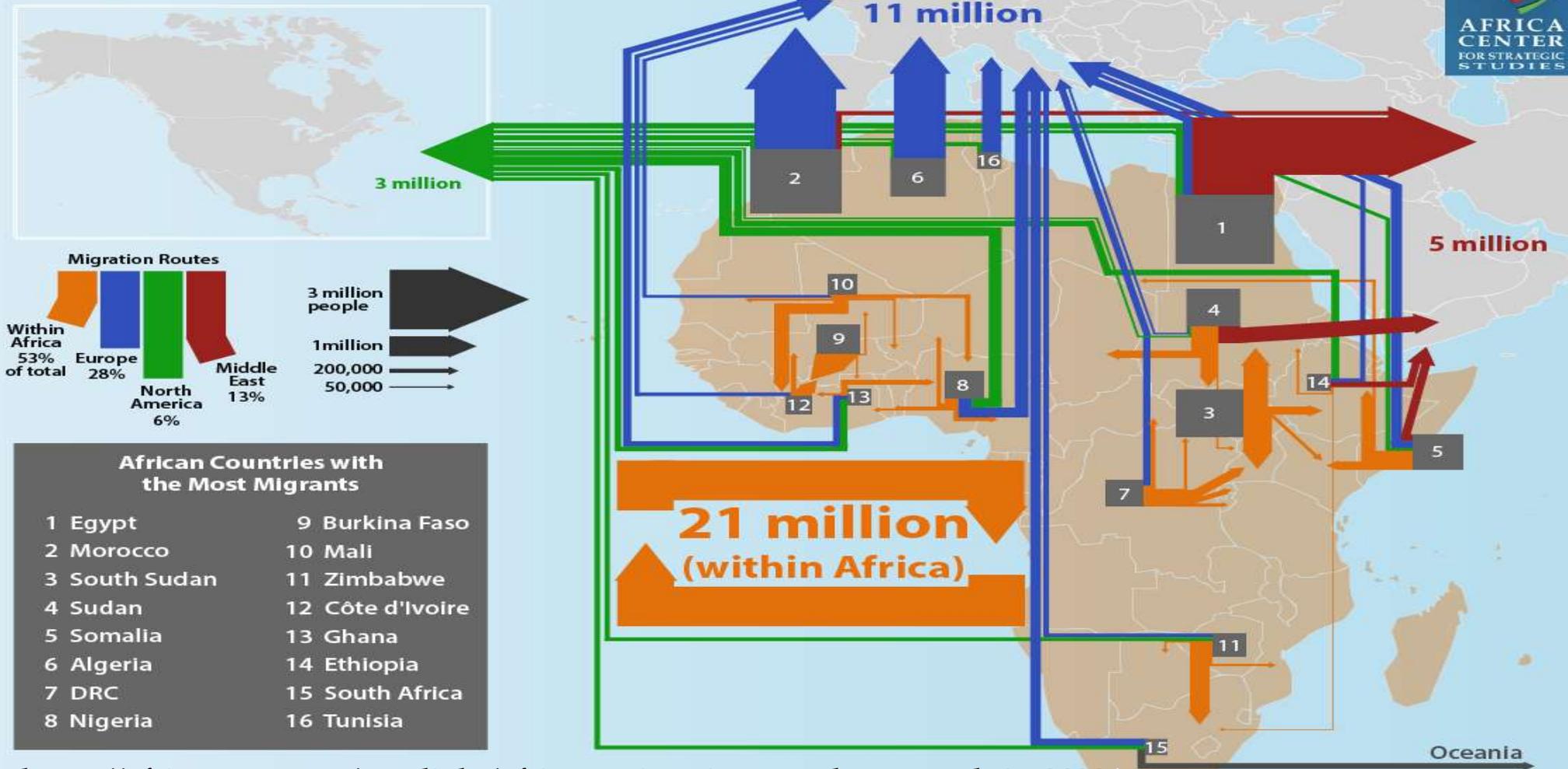


Data source: UN DESA

EU POLICIES ON THE PROPER MANAGEMENT OF MIGRATION FLOWS FROM AFRICA, HAVE THEY BORNE ANY FRUIT?

WEAKNESSES-ENDORSEMENTS

Top African Migrant Departures and Destinations



<https://africacenter.org/spotlight/african-migration-trends-to-watch-in-2022/>

Data Source: UN DESA

Concluding

WEAKNESSES-
ENDORSEMENTS

What is emerging is the reconfiguration of migration management from security to a development-focused approach.

Moving BEYOND 'ONE-SIZE-FITS-ALL' approaches to migration governance implies that the global migration governance agenda continues to be dominated by internal security concerns worldwide.

EU policymakers can learn from their predecessors from the 2015 European refugee crisis, where their approach focused more on a 'BIG PICTURE' APPROACH TO SUSTAINABLE MIGRATION GOVERNANCE.

And of course, we don't need "A LA CARTE"
MIGRATION AND ASYLUM POLICY



Concluding

ENDORSEMENTS

WEAKNESSES-

SOLIDARITY

MULTILEVEL
GOVERNANCE

FINANCIAL
FRAMEWORK

FINANCIAL
FRAMEWORK



The New Migration & Asylum Pact of EU

SOLIDARITY

MUST BE AT THE
HEART OF EU
POLICIES

SOLIDARITY

PROMOTE Solidarity as described in the Treaties and not as a form of charity BUT AS a moral imperative.

The concept of Solidarity in our societies is confused with charity and security, but there is an important difference, as the concept of Solidarity is not just a moral precept.

It is a principle with legal value and an imperative in modern Justice , which creates obligations of Fair Sharing of responsibilities for international actors, but also for States, regional and local government, civil society, etc.

The New Migration & Asylum Pact of EU

MULTILEVEL GOVERNANCE

PARTICIPATION OF ALL
LEVELS OF
GOVERNMENT
& CIVIL SOCIETY
SHOULD BE
STRENGTHENED.

Solidarity in a Multilevel Governance

- ❑ Union Policies, the policies of the Union, the MSs and the LRGs should be driven by this should be created. In this process, the Value, and Mechanisms of Collective Solidarity participation of all levels of government should be strengthened.
- ❑ In this process it is important to have a bold decentralization of responsibilities and resources to all EU MS in order to enable other levels of government (local government) to take responsibility for managing the crisis at local level.
- ❑ The involvement of Civil Society is an equally important factor in crisis management where, in coordination with local government, they can make the Unthinkable a viable reality. Member States, regions and municipalities have the possibility to support measures to address migration challenges under

The New Migration & Asylum Pact of EU

FINANCIAL FRAMEWORK

FACILITATING FUND FOR EUROPEAN AID

FINANCIAL FRAMEWORK:

- Facilitating the use of cohesion policy and the Fund for European Aid to the Most Deprived (FEAD) resources to support measures to address migration challenges (European Structural and Investment Funds and the European Fund for the most deprived persons (EFF))
- The Commission's proposal to change the Regulations contributes in this direction and ENABLES the possibility of a 100% co-financing rate for the ERDF, ESF, Cohesion Fund and FEAD for the accounting year 2021-2022.
- Importantly, the proposal aims to facilitate the use of Cohesion Policy and FEAD resources by Member States and regions to support measures to address migration challenges in the context of subsidiarity (for non-exclusive competence).

The New Migration & Asylum Pact of EU: Quo Vadis?

QUO VADIS?

In retrospect, clearly we cannot nullify or overemphasise the externalisation of the EU to deal with migration and asylum

-Nor are there any magic recipes

-Certainly addressing such a vital problem, is dealt with in a piecemeal, Eurocentric and discretionary manner...

-There is more of a managerial approach than a political one

Migration must be seen from **the specific to the general**:

- Through the revision of the Treaties
- Through a new understanding of the concept of borders; and its "management".
- Through a new political framework, which will be put together:

-With the completion of the process of regionalisation of third countries (e.g. the EU),

- With a new understanding of the EU's role and contribution to the global community, in terms of politics, not transaction.

- The active involvement of the Civil Society

The New Migration & Asylum Pact of EU: Quo Vadis?

- ❖ The answer to the Migration issue must established



- ❖ THE BASIC VALUES OF THE EUROPEAN ACQUIS

(HUMAN RIGHTS, DEMOCRACY, RULE OF LAW)

- ❖ SHOULD BE AT THE CENTER OF EU MIGRATION POLICY

- ❖ AND NOT...

