

INTERFACE :

Refugee Crisis



A TRIPLE CRISIS

It is a migration crisis of historic proportions. Never, since the end of the Second World War, has Europe experienced such a huge influx of refugees – more than one million in 2015. A crisis of solidarity too, since the EU Member States have still not managed to agree and some countries are planning to build walls at their borders (Hungary, Poland and Austria for example). And finally, an existential crisis: the refugee crisis is putting to the test our open border culture and our ability to tackle challenges together.

In fact, Europe has been unable to come up with a joint solution, much less a joint response to the conflict in Syria. In March, in a bid to control the influx of refugees, the EU and Turkey signed an agreement that effectively shifts the burden of the crisis from the Member States to Turkey. While this may be regarded as a first step towards a solution, it should be incorporated into a wider geostrategic agenda: Turkey could be considered as an “associated State”, to use a term coined by Philippe Herzog. Of course, however, it would have to assume all the responsibilities that such a role implies.

This crisis, which has laid bare such deep human distress, should stir Europe to seek a coordinated, and above all human, solution.

Clotilde WARIN and Anne MACEY

EUROPEAN SOLIDARITY FOR ASYLUM SEEKERS? (P. 2-3)

Corinne BALLEIX | *Political scientist*

MIGRANTS’ RIGHTS (P. 4)

Catherine WITHOL DE WENDEN | *Political analyst at CNRS*

WE NEED A GLOBAL EUROPEAN POLICY (P. 5)

Peter SUTHERLAND | *UN Special Representative on Migrations*

LABOUR MARKET AND MIGRANTS (P. 6 et 7)

Jose Silva PENEDA | *Principal adviser for EPSC*
Séverine FERAUD | *Senior adviser at BDA*

UNRESOLVED EXTERNAL CRISIS (P. 8 -9)

Nicole GNESOTTO | *Professor at the CNAM*

KHARTOUM PROCESS (P. 10 -11)

Dame Rosalind MARSDEN | *Associate Fellow, Africa Programme at Chatham House*

NO, SCHENGEN IS NOT DEAD (P. 12-13)

Hervé JOUANJEAN | *Vice-president of Confrontations*

EXTERNAL BORDERS FOR EUROPE (P. 14-15)

Michel FOUCHER | *geographer, diplomat*

OUR RECOMMENDATIONS (P. 16)

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EUROPEAN SOLIDARITY FOR ASYLUM SEEKERS?

CORINNE BALLEIX | political scientist, author of *Politique migratoire de l'Union européenne*

The number of asylum seekers is climbing to historic highs in Europe. The European Commission has proposed a joint, solidarity-based approach to tackling the crisis. But are the Member States willing to accept the introduction of burden-sharing mechanisms? Based on what criteria?

Consequent to the long-term crises on Europe's doorstep, 625,000 people applied for asylum in the European Union in 2014 according to Eurostat (1), compared with fewer than 435,000 in 2013. Lying on the external borders of the European Union, Italy received 65,000 asylum applications, Hungary 43,000 and Greece 9,500. But some other Member States reported far larger numbers of applications: 203,000 in Germany, 81,000 in Sweden, 63,000 in France. Conversely, Estonia received only 155 applications, Slovakia 330 and Latvia 375. In theory, migration policy should be based on solidarity and the equal sharing of responsibilities between the Member States (2). In this context, how can we ensure that the migration burden is shared fairly across the European Union?

The Dublin regulation (3) sets out criteria for determining which Member State is responsible for examining an asylum request, the country of entry being required to record the migrant's fingerprints in the Eurodac database (4). The decision is supposed to be based primarily on the existence of family links, but such links are difficult to establish. So in most cases the country of entry is designated as the host country, and must also be held responsible for controlling the external borders of the Schengen Area. In reaction to this, Greece and Italy do not always record migrants in the Eurodac system. They allow them to leave and to apply for asylum in other Member States, as evidenced by the asylum figures. In addition, asylum seekers are rarely relocated from one Member State to another because of the cost and the difficulties involved. In 2011, according to the Ecumenical Aid Service (CIMADE), only 1.7% of asylum seekers in France were relocated to another Member

State. Taking note of Greece's difficulties in coping with the influx of migrants, the European courts have suspended all relocations to Greece (5). Likewise, in November 2014, the European Court of Human Rights refused the relocation of the Tarakhel family to Italy, judging that the Italian authorities were not able to provide them with appropriate living conditions (6).

Such shortcomings raise questions about the free movement of persons within the Schengen Area (7). So in October 2013 the Member States adopted a revised Schengen governance package, which gives them broader powers to reintroduce internal border controls should one of them fail persistently to protect the external borders of the Schengen Area.

Distribution key for relocating refugees

In response to the tragic deaths of migrants in the Mediterranean Sea, the Commission put forward a European agenda on migration in May 2015. It contained innovative, emergency and more long-term measures to increase solidarity between Member States in managing "persons in clear need of protection", particularly Syrians, Iraqis and Eritreans, whose asylum applications are accepted in over 75% of cases. It proposed the creation of a compulsory emergency relocation scheme, with the aim of relocating (8) 40,000 people "in clear need of protection" (9) from Italy and Greece to other Member States over two years. The Commission defined a distribution key for the relocation of refugees across the Member States, which includes the following criteria: gross national product (up to 40%), population (40%), unemployment rate (10%), number of asylum seekers and refugees already taken in (10%). In return, teams from the FRONTEX agency, the European Asylum Support Office, the Office of the United Nations High Commissioner for Refugees and the Member States would be sent to waiting areas (hotspots) in Italy and Greece. They would help the authorities there to register migrants and sort them into "ordinary" asylum seekers, persons in clear need of

CONFRONTATIONS



protection and eligible for relocation, and “irregular” migrants who should be removed as quickly as possible. In addition, the Commission has adopted a recommendation inviting Member States to share the burden of resettling 20,000 people from outside the EU (10) – as identified by the UNHCR – over two years. The Commission may, if necessary, propose a compulsory resettlement scheme.

Over 40% of those arriving by sea are from Syria

But the compulsory distribution scheme was deemed too restrictive by the Member States and was clearly rejected at the European Council meeting on 25 and 26 June 2015 (11). Besides increasing emergency aid for front-line countries (Italy and Greece), the Justice and Foreign Affairs Council decided, at an extraordinary session on 20 July, that the emergency distribution of migrants would be conducted on a voluntary basis: the Member States therefore decided to resettle 22,504 people – which was above the 20,000 target – and to relocate 32,250 people, with the aim of meeting the 40,000 target by the end of 2015.

However, these initiatives quickly turned out to be inadequate: in the first three months of 2015, the number of asylum applications had increased by 86% compared with the same period in 2014, and the

number of first-time applicants had reached 185,000 (12). Over the summer, the numbers skyrocketed: between January and June 2015, Hungary recorded 65,415 asylum applications vs. 43,000 in 2014; between January and July 2015, Germany received 188,486 applications vs. 203,000 in 2014 (13). In response, on 9 September the Commission presented a new proposal to urgently relocate 120,000 people from Italy, Greece and Hungary, as well as a permanent and compulsory

« Member States must continue their efforts to a migratory solidarity system »

relocation mechanism, once again based on a distribution key between

Member States (14).

The Justice and Home Affairs Council and the European Council are going to continue their efforts to set up a solidarity-based migration management system. Hopefully it will be commensurate with the principles that the EU propounds and the challenges that it faces.

September 2015

1) Eurostat, n° 53/2015, 20 March 2015.

2) Article 80 TFUE du Treaty of Lisbon.

3) Regulation (UE) n° 604/3013 of European Parliament and of European Council (26th of June 2013).

4) Regulation (UE) n° 603/2013 of European Parliament and of European Council (26 th of June 2013).

5) CEDH, 21 January 2011, MSS c/Belgium and Greece, req. n° 30 689/09. CJUE, 21 Dec. 2011

6) CEDH, 4 November 2014, Grand Chamber, Tarakhel c/ Helvetic Confederation, n° 29217/12.

7) Regulation (UE) 1051/2013 of European Parliament and of European Council (22nd of October 2013 modifying the Regulation (CE) n° 562/2006.

8) European Commission, Proposal of a Council decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece, COM(2015) 286 final, 27.05.2015.

9) Extraordinary European Council, « Declaration », 23 April 2015.

10) European Commission, Commission recommendation of 8.06.2015 on a European resettlement scheme, C(2015).

11) Solution in accordance with o) in the conclusions of European Council (23rd of April 2015).

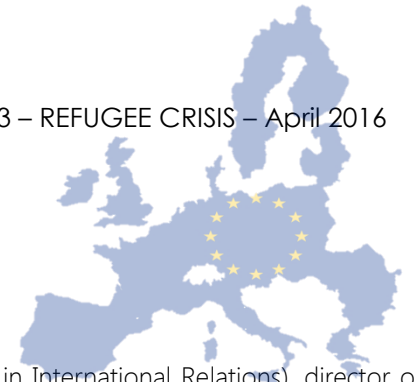
12) Cf. Eurostat press release, n° 112/2015, 18th of June 2015.

13) L'Obs Rue89, « Asylum seekers, Map and Figures to understand », 3rd September 2015, <http://rue89.nouvelobs.com/2015/09/03/demandeurs-dasile-carte-les-chiffres-comprendre-261038>

14) European Commission, Proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary, COM(2015).

MIGRANTS' RIGHTS, EUROPE'S DUTIES

CATHERINE WITHOL DE WENDEN | political analyst (CERI – Center for Studies in International Relations), director of research at CNRS (French National Center for Scientific Research) specialized on migration issues



How can we tackle the migrant crisis when nationalist positions, even intolerance of outsiders, seem to hold sway in European public opinion? Surely it is time for each Member State to agree to take its share of the responsibility, particularly by accepting a proportion of these migrants onto its own soil?

During the summer of 2015, and over the last few months generally, Europe has been facing an unprecedented migrant crisis: 625,000 asylum applications in 2014 according to the United Nations High Commissioner for Refugees (UNHCR), and 2,000 dead in the Mediterranean in 2015 according to the International Organization for Migration (IOM) out of the 200,000 migrants who crossed the Mediterranean to Europe. And we must not forget all the other tragedies: Calais, where the asylum seekers and would-be immigrants to the UK have been left to rot in a shanty town no man's land for several years; the 71 dead bodies found in a truck in Austria, further victims of people traffickers; and of course the Syrians in a state of utmost destitution crossing the Macedonian border at the end of August. The asylum crisis is still on Europe's doorstep, with asylum seekers coming from Libya (former filter for sub-Saharan migrants on their way to the European Union), from Syria (almost 6 million displaced people, over 4 million outside their own country), from Iraq, from Afghanistan – from which people are still leaving, including those who were sent back – and from the Horn of Africa where civil war is endemic. This is a quite exceptional situation, and Europe might be expected to produce a quite exceptional response.

Rejection of quotas on principle

However, for almost the last 25 years, deep misgivings about migrants – if not outright intolerance of them – have been ingrained in most European countries. The far right is gaining ground everywhere in Europe and national immigration policies usually focus on allaying the anxieties expressed in opinion polls and the fear generated by the unemployment situation. In response to these issues of immigration and asylum, they offer no solutions respectful of human rights, or addressing the needs of the labour market or even the problem of the ageing population. The European Commission's proposals had long put a heavy emphasis on security issues and setting country quotas for taking asylum seekers, but in May 2015 they issued a fresh set of innovative proposals. Many states rejected them – they rejected them on the grounds of exercising their sovereignty, refusing to accept quotas on principle, but most of all through fear of how public

opinion would react. It is high time, given all the tragedies we have seen, for Europe to show itself true to the principles on which it was founded: observance of human rights, particularly the right of asylum (which forms part of the Community law that all EU countries should implement), respect for the dignity of the individual, freedom of thought, freedom of belief and access to these rights. The military-style dissuasion and prevention strategy, consisting of waging war on immigrants and refugees, has been found to be both costly and ineffective. Because displaced people will go to any lengths, and they are not afraid of the public policies supposed to stop them. Today we are a very long way from the welcome given by popular consensus to the Vietnamese and Chileans in the 1970s, even though they were from opposite ends of the political spectrum. We are even further away from the acceptance of the streams of refugees generated by the aftermath of the Second World War and decolonisation.

We need to get back to Europe's core values

There is one small glimmer of hope in the all-pervading gloom: Angela Merkel's very recent statement asserting that Germany was ready to do its bit in accepting refugees. Her voice seems to take us back to the values that have been fundamental to Europe and to the Federal Republic of Germany since they were founded. A few other countries seem to be following her lead, slowly, such as Italy and France. Progress is very hesitant, because immigration has so long been associated with insecurity and terrorism that they have been forced to backtrack. Other countries, such as Turkey, Jordan and Lebanon, though ill-equipped to receive such large numbers of people, have already opened their frontiers pragmatically. Charities have gone into action, here and there, sometimes substituting for government bodies. Europe is in crisis and is pervaded by a deep-seated fear of outsiders and being different. To break free of this, and to get back to our values, right now is a good time for a new burst of solidarity.

Septembre 2015

“WE NEED A GLOBAL EUROPEAN POLICY TO TACKLE THE MIGRATION CRISIS.”

PETER SUTHERLAND | United Nations Special Representative for Migration and Development



European countries are not taking their share of responsibility in the current migration crisis and have left countries like Turkey and Italy to deal with it alone, simply because they are closer. But we cannot go on ignoring the migration issue.

At the last European summit, the German chancellor acknowledged that migration is Europe's biggest challenge. Angela Merkel even went so far as to say that European asylum and migration policy is “broken”. In fact, there has been no real response to the loss of lives in the Mediterranean, and the lack of solidarity shown by the European Council in June was staggering.

Migration policy is “broken”

What has caused the crisis? The lack of political leadership at national level. Europe's politicians are afraid to say that migration is beneficial because that would go against public opinion. However, by evading the issue, national leaders have given a free hand to extremists who never miss an opportunity to exaggerate the problems and challenges posed by migrants. Yet, in most cases, migrants are an asset: they are less likely to be unemployed than the native population and they create more jobs than they take. Although these facts are incontestable, they are never brought to public knowledge, which considerably alters the current perception of migrants. According to a recent survey, 67% of French people, 53% of Germans and 57% of Italians are in favour of reintroducing border controls.

How can we get out of this impasse? First of all, we must clarify the distinction between asylum seekers and economic migrants, which is still far too vague. The majority of asylum seekers pay much more to cross the Mediterranean on a makeshift boat than they would to fly first class from New Dehli to an airport in Europe. That shows how desperate they are... I wonder why these migrants can't be registered in Cairo or Khartoum? Why? Because European countries are not taking their fair share of responsibility by taking in some of the refugees. It would seem that the European Union expects countries like Turkey and Italy to deal with the problem, simply because they are closer.

Turkey is doing far more for Syrian refugees than the European

Union is. Yet, after the Soviet invasion of Budapest in autumn 1956, Europe took in 100,000 Hungarian refugees. Today, less than 60 years later, Hungary has chosen to build a wall to stop migrants crossing its border...

No fair share of responsibility

It's a shame that Europe is incapable of addressing the demographic challenges posed by the undeniable ageing of its population. We need migrants much more than we care to admit. We should establish

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partnerships with Africa and Mediterranean countries, based on principles of equality. Of course we could hope for

greater mobility and better governance in Africa. But that's not enough. We also need to introduce a new European policy for the Mediterranean area. We often look down on the United States, but we should bear in mind that their asylum system is much more generous and efficient than ours. And take inspiration from it.

Europe has its back against the wall. It needs to introduce innovative new measures to better protect refugees and forced migrants, especially those who are not specifically mentioned in the 1951 Convention relating to the status of refugees. We cannot continue to ignore the migrant crisis. Turkey, which has a population of 74 million, has taken in two million Syrian refugees since 2011, while Europe, with its population of over 500 million, has barely taken in 150,000. The burden must be shared more equitably. And it must be done fast. We need a global European policy. We are talking about men, women and children: human beings. That's the whole point of globalisation.

September 2015



THE EUROPEAN LABOUR MARKET AND THE REFUGEES: LOOKING BEYOND THE DRAMA OF OUR DAYS

JOSE SILVA PENEDA | Principal adviser for European Social Policy in the European Policy Strategic Centre (EPSC)

Europe is facing major challenges due to its aging population and a lack of investments in many sectors. The current influx of migrants may be an opportunity for Member States to create a truly European labour market.

Within Europe, there are huge differences among Member States regarding culture, tradition and language, and these are reflected in the development of different social systems, including in the organization of labour markets.

One can speak about a real European Social Model only in terms of the core values at the origin of the European political and economic integration project. Those values are common to all Member States. The way those values are developed inside each Member State is quite another thing: there we find great differences as, for example, is the case for labour markets regulation.

This explains why social policies remain to a large extent the responsibility of Member States and why, in accordance with the “principle of subsidiarity”, the role of the European institutions is limited to supporting and complementing the activities at national level. At European level, regulation can be produced in some areas -for example on working practices or the protection of workers- and support provided to Member States to facilitate the coordination of their actions, or establish guidelines and to exchange best practices. But, to put it briefly, a European labour market doesn't exist (yet?) and Europeans tools are limited. This will not change easily.

No real integrated labour market

The great social problem in Europe is unemployment, both long-term and among young people, and its social implications are dramatic. But unemployment is not just a question of quantity. Europe is also facing a lack of quality jobs and increasing precariousness. Furthermore, the instruments for increasing the mobility of workers inside the EU are not effective, which

confirms the non-existence of a really integrated labour market.

This situation only can be reversed through investment and this is the main reason for the European level support towards the Juncker Plan. All the conditions

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for a much-needed increase in investment are currently present: low interest rates, decreasing oil

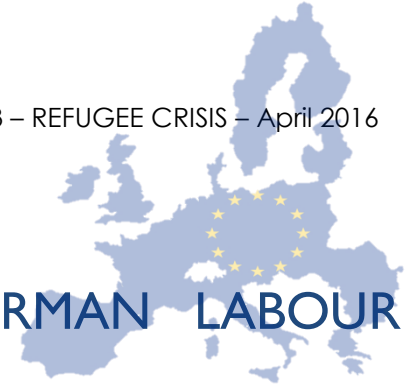
prices, euro devaluation and the existence of large pools of liquidity.

It is within this context that Europe is facing an enormous influx of refugees. In my opinion, this is a challenge which needs a long-term vision as well as short-term measures. The European Union will undergo a significant decline of its population aged between 15 and 64 years. By 2050, this group will decline by around 50 million people!

A long-term vision, setting out an immigration policy where the management of population flows can be done in a coordinated manner, not only taking into account the economic and demographic situation of Europe but also with the countries of origin and developing new instruments capable of facilitating the integration of migrants into the social fabric of the destination country, is something that has to become a high priority in European policy.

If tackled properly, the increase in organised mobility of labour force from the Middle East and North Africa to Europe may turn out to be a win-win game. It may even bring about a true labour market.

November 2015



THE GRADUAL OPENING OF THE GERMAN LABOUR MARKET TO ASYLUM SEEKERS

SEVERINE FERAUD | Senior Adviser at the Federation of German Employers' syndicates (BDA)

Germany is expecting one million migrants by the end of 2015. German businesses are getting ready for this massive influx of people. But the legal framework must be amended to ensure asylum seekers really do have access to the job market.

Germany has a huge structural deficit in qualified personnel, which is worsened by weaknesses in its education system and by generational ageing. According to the German Ministry of Economy, the shortfall in qualified workers will break the two million mark in the next 15 years.

To ensure economic prosperity and long-term competitiveness, Germany must act quickly on two fronts. Firstly, it must take steps to unlock the full potential of its own human assets more quickly, and to get young people, women, disabled people, elderly people and existing immigrants into the job market. Secondly, it must optimise its strategy for attracting qualified workers from outside Germany and Europe.

Immigration reform onto the back-burner

In 2013, according to the Federal Office for Migration and Refugees, the number of immigrants entering Germany rose to a record high of 429,000 (the highest figure in 20 years). The majority were qualified workers from southern and eastern Europe, but several studies have shown that the number of immigrant workers from these areas should drop in the future due to population ageing. So intra-European mobility will not be enough to meet the needs of Germany's labour market, bearing in mind that in 2013 only 3.3% of European citizens lived and worked in another Member State than their own. Hence the need to develop a broader national immigration policy for economic purposes. However, the urgent nature of the refugee crisis in Europe has forced the government to put immigration reform onto the back-burner, despite it being strategic for Germany's future.

To "activate" the potential labour force already present in Germany, the Confederation of German Employers' Associations (BDA) has long advocated amending the legislative framework to facilitate labour market access for asylum seekers who are very likely to stay or who are "tolerated" (geduldet). Work is an essential factor in integration. But it is also fundamentally important that the right to asylum is

granted for humanitarian reasons, regardless of personal qualifications.

The federal government has made a number of improvements. However, there is still a lot to do and it must be done fast, given the massive influx of refugees into Germany. For example, asylum seekers who are likely to stay in the country and foreigners who are "tolerated" (geduldet) still struggle to obtain an apprenticeship. In fact, it is not always guaranteed that they will be able to stay in Germany until they have finished their apprenticeship (three years). If they are not automatically hired by the company in which they did their apprenticeship, their right of residence is not necessarily

renewed to enable them to find a job.

This situation is not very reassuring, either for the

asylum seeker or for the company, which does not know from one year to the next whether the person it is training will be able to stay in Germany to complete their apprenticeship and to start working once their apprenticeship is over.

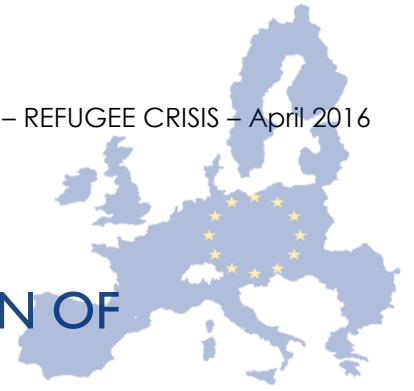
« German companies are reacting to the current influx of refugees with a great deal of flexibility and creativity. »

Nonetheless, German companies are reacting to the current influx of refugees with a great deal of flexibility and creativity. For example, they do not require applicants to provide proof of education, which are not always officially recognised anyway. They prefer to test people on the job by taking them on as trainees for example.

The federal government is expecting one million refugees by the end of 2015. How is the country going to cope? Hasn't the time come to draw up a national immigration policy geared towards employment? Such a policy would meet both humanitarian and economic requirements, since Germany must integrate foreign workers into its labour market to safeguard its own future.

November 2015

“REFUGEES ARE INTERNAL MANIFESTATION OF UNRESOLVED EXTERNAL CRISIS.”



NICOLE GNESOTTO | Professor at the CNAM and Chair of the Board at the Institut des Hautes-études de Défense Nationale (IHEDN), on the causes of the refugee crisis.

There has been a massive influx of refugees into Europe since the start of the year, most of them from Syria, Afghanistan and Iraq. Confrontations Europe has re-examined the causes of the refugee tragedy with Nicole Gnesotto, a professor at the CNAM and Chair of the Board at the Institut des Hautes-études de Défense nationale. Behind all the human lives that have been ripped apart or lost, there are a whole range of crises that the European Union cannot continue to ignore.

Is the current migrant crisis a direct consequence of the collective indifference of the EU Member States to their neighbours, particularly those south of the Mediterranean?

Nicole Gnesotto: Yes, Europeans are paying the price for international absenteeism. But the refugees are not a threat. They are victims. We must be careful not to confuse the issues here.

All we know for certain is that the refugees are victims of conflicts that no-one seems able to resolve. We can indeed point the finger at Europe for its failure to act and its inability to reach an agreement on the violent conflicts in Libya in 2011 and Syria in August 2013; and we can wish that Europe would tackle the problem at the roots. I think things are starting to go that way now, as awareness grows of what is now widely referred to as the continuum between internal and external security.

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Europe is facing a terrorist threat inside its borders and is dealing with a refugee problem, both of which are internal manifestations of unresolved external crises. So if we want to forge a cohesive response to public safety needs, we will have to try and develop a global policy on external crises and come up with some long-term solutions to eliminate the causes of forced emigration.

Are Europeans, because of their inaction and their divisions, responsible in a way for the refugee crisis?

Nicole Gnesotto : The Americans are largely to blame, having played a key role in the demolition of the Middle East. Were it not for the war in Iraq, the Middle East would not be in a state of civil war today. The war in Iraq upset the balance in the region, destroyed societies and encouraged the development of ethnic and religious extremism. Of course, this does not excuse Europe's inaction. But its lack of involvement and the divisions between its Member States can be explained to some extent by America's actions.

« The Americans are largely to blame, having played a key role in the demolition of the Middle East. »

In 2003, Europeans were very divided over the United States' intervention in Iraq. Then, in 2005/2006, they aligned themselves with American policy. But their decision to coordinate their actions with American policy rather than inventing their own solutions to the conflicts largely explains their failure to act now. There are also other divisions specific to the European construction process. The main point of discord concerns the legitimacy of the Union as an important diplomatic and military power, since Great Britain is opposed to Europe having any real strategic ambitions. The second point of discord concerns the use of force, which has been accentuated by specific conflicts such as the one in Libya. Some countries, including Germany, were opposed to using force in 2001 to protect the people of Benghazi.

And are we still following the American lead today, in 2015?

CONFRONTATIONS



Nicole Gnesotto : Yes, but with one subtle difference. The United States has followed Europe's imaginative and united lead on the difficult situation in Iran. Europe, through the High Representative of the Union for Foreign Affairs, has led the negotiations with Iran since 2003, and has achieved a positive outcome. It is the exception that proves the rule. Europe has not come up with any proposals regarding the situation in Iraq, Syria and Israel/Palestine, which is a shame. I think Europeans should very quickly propose a regional conference on the Levant (Iraq, Syria, etc.) rather than wait for Russian diplomats to steal the idea from them...

What can Europe do? Does it already have the instruments it needs to act, or does it need to create new ones?

Nicole Gnesotto : There is one organisation that is not doing what it should be, and that is the European Council. I find it very disappointing that the European Council never has time to discuss international matters. The heads of state and government deal with a lot of crises (the euro, Greece, etc.) but they never, or very rarely, take the time to think about the collapse of Europe's southern borders and its overall implications for Europe's future.

There are two priorities for European security today: Russia and its policy on Ukraine, and the demolition of the Greater Middle East. If the dramatic forecasts on the number of refugees likely to arrive in Europe are true, then the situation is clearly urgent. We need to develop long-term political and diplomatic solutions, and support local parties in implementing them. It will take political imagination, investment, resources and intelligence, but Europe can do it. Don't forget that it was the 1980 European Council in Venice that came up with the two-state solution: "two states for two groups of people within secure and recognized borders."

«There are two priorities for European security today: Russia and its policy on Ukraine, and the demolition of the Greater Middle East.»

The problem also is that the European Union, as an institution, does not know how to handle emergencies. It can cope with long-term, peace-time situations and negotiations. But in emergencies, national interests regain the upper hand. And some States, thrown into a panic by the floods of refugees, are choosing to close their borders. In addition, the European Union has recently become very lax when it comes to defending its own values. In 2006, when Jörg Haider's extreme right-wing party won a landslide victory in Austria, the European Union responded very firmly and suspended Austria's participation in certain meetings.

«A common right of asylum must be established immediately, as a matter of urgency.»

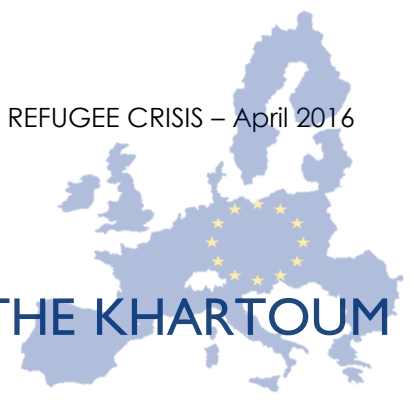
Today, the European Union has adopted an astonishingly

casual attitude towards Hungary and towards the rise to power of openly xenophobic movements in several countries. The European Parliament is equally silent, which is even more surprising. Finally, the Union is poorly equipped to handle the influx of refugees: a common right of asylum must be established immediately, as a matter of urgency.

What is lacking today is political awareness of the urgency and the collective political will to respond. As far as the refugee crisis is concerned, Europe is not the problem; it is the solution. But the solution must be properly organised. Europe must establish collective tools: as part of the counter-terrorism response, it must push ahead more quickly with negotiations on creating an air transport passenger register in Europe. Secondly, it must create a European coast and boarder guard to prevent smuggling. Lastly, it must seek a regional, global, diplomatic solution to stabilise the situation in Syria and Iraq. All we are waiting for is the go-ahead from the European Council. Those in Europe who believe the solution is to build walls and re-establish borders are going to be confronted in a few years' time with a burgeoning of extreme right-wing governments, the end of European democracy and millions of refugees dying on our doorstep.

Interview by **Clotilde Warin**, Editor-in-Chief of La Revue.

November 2015



THE MIGRATION CRISIS AND OF AFRICA: THE KHARTOUM PROCESS

DAME ROSALIND MARSDEN | Associate Fellow, Africa Programme at *Chatham House*, the Royal Institute of International Affairs. She was the EU Special Representative for Sudan from September 2010 until October 2013.

The migrants who are risking their lives in order to get to Europe come from Syria, Iraq, Afghanistan but also the Horn of Africa. EU has launched, in 2014, “the Khartoum process”, a project which aim is to fight against illegal migration from this region. The EU approach to cooperation with a regime, which is seen, by many governments, as responsible for illegal migration and human trafficking, has given rise to a lively debate.

The EU is facing an unprecedented influx of refugees and migrants from Africa and the Middle East, with hundreds of thousands arriving on Europe's shores, risking their lives to escape from violent conflict, persecution and poverty in search of a better future. Because of the sheer magnitude of the Syrian refugee crisis, Western media coverage in recent months has focused on those using the eastern route via Turkey, most of whom are coming from Syria, Iraq and Afghanistan. Yet tens of thousands of refugees and migrants from the Sahel and the Horn of Africa continue to make the long and dangerous sea journey from Libya to Italy. The fact that Libya is used as a springboard means that there is also a risk of infiltration by extremists.

Fighting human trafficking

The EU's initial response to the crisis focused more on the symptoms than the root causes of the migration crisis, with an emphasis on strengthening border fences, enlarging EU maritime operations, distributing refugee quotas and increasing returns. On the external front, the migration crisis has led to renewed interest in Europe's Southern Neighbourhood and a reinvigorated EU relationship with transit countries like Turkey. It is less clear how the EU will cooperate with repressive regimes in Africa and the Middle East, whose policies are causing the mass outflow of refugees and migrants in the first place.

A case in point is the EU Horn of Africa Migration Route Initiative, also known as “the Khartoum process,” which was launched at a ministerial conference in

Rome in November 2014 as a forum for political dialogue and cooperation between countries of origin, transit and destination to tackle irregular migration and human trafficking and smuggling of migrants in the Horn of Africa. According to the UN High Commissioner for Refugees, four of the world's ten largest source countries for refugees in 2014 were Somalia, Sudan, South Sudan and Eritrea. The Khartoum process and the long-standing Rabat process for North, West and Central Africa will be supported by an Emergency Trust Fund. On 11-12 November,

European leaders and more than a dozen African nations met in Valetta to discuss migration issues, including the objectives, rules and procedures for the Trust Fund.

« Four of the world's ten largest source countries for refugees in 2014 were Somalia, Sudan, South Sudan and Eritrea »

War crimes, crimes against humanity and genocide

In the case of a country like Sudan, which is under sanctions and has a Head of State indicted by the International Criminal Court on charges of war crimes, crimes against humanity and genocide, the EU's approach to cooperation on migration issues has given rise to a lively debate. Advocates of the Khartoum process argue that, with migration now the EU's number one priority, there is no alternative but to engage more closely with Khartoum because Sudan is a major transit route, especially for young Eritreans trying to escape years of military conscription and

CONFRONTATIONS



poverty. EU officials hope that such engagement might open the way to raise issues related to the root causes. The recent introduction of Sudanese anti-trafficking legislation and a proposed ant-trafficking conference in Eastern Sudan are seen as quick wins.

Khartoum is under pressure from its neighbours, especially Egypt, to do more to control its borders because of concerns about infiltration by extremists. Engaging with Sudan on migration is in itself not a novelty. There have been working level discussions with Sudanese officials and UNHCR for a number of years, particularly on the treatment of Eritreans in refugee camps in Eastern Sudan. What is new is that this dialogue has now been elevated to ministerial level and given a regional dimension. Migration and forced displacement have now assumed a much higher priority for the EU, as reflected in the Horn of Africa Regional Action Plan adopted by EU Foreign Ministers on 26 October 2015.

« Khartoum is under pressure from its neighbours, especially Egypt, to do more to control its borders »

Tackling illegal migration

Sceptics would argue, however, that the Khartoum process risks legitimizing the Government of Sudan and increasing its resilience to international pressure by treating it as a partner in tackling illegal migration and human trafficking, when its own policies are a major factor in causing the problem and Sudanese security officials are themselves allegedly complicit in trafficking networks.

By portraying Sudan primarily as a country of transit rather than a country of origin, the Khartoum process downplays Sudan's role as the fourth largest producer of refugees in the world and the fact that many of those trying to cross from Libya or camped in Calais are Darfuris. At the end of 2014, there were 666,000 Sudanese refugees living in other countries as a result of internal conflicts in Darfur, Southern Kordofan and Blue Nile, in addition to the millions of people internally displaced by conflict inside Sudan. It also downplays the role of poor governance, widespread official corruption and economic collapse in driving large

numbers of young Sudanese, including those who do not live in conflict zones, to seek their future elsewhere.

Poor governance and corruption

The ministerial declaration of 28 November 2014 on the Khartoum process refers to addressing the root causes of illegal migration by eradicating poverty and promoting sustainable development but does not mention the need to tackle other underlying factors that are driving forced displacement such as protracted conflict, poor governance and corruption. In the case of Sudan, there is an added dilemma because the Khartoum process is intended to build state capacity in migration and border management, yet the EU is constrained in providing budget support to state structures.

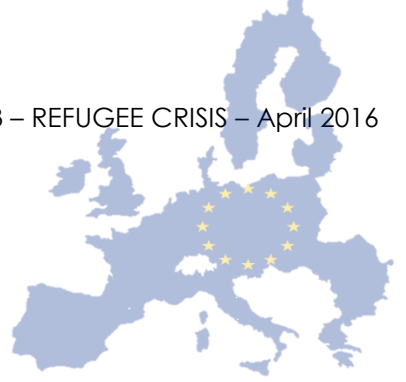
The key test for the Khartoum process will be whether it has a sustainable impact on the ground. One way for the EU to reassure sceptics would be to ensure maximum transparency over the content of the dialogue with Khartoum and the choice of projects to be supported ; to press for the investigation and prosecution of trafficking networks and any officials found to be colluding with them; to promote better educational and job opportunities for Eritrean refugees who have lived for many years in refugee

« One way for the EU to reassure sceptics would be to ensure maximum transparency over the content of the dialogue with Khartoum »

camps in eastern Sudan; and to demonstrate that a dialogue on migration will in no way reduce diplomatic efforts to

promote a holistic and inclusive political solution to resolve Sudan's problems, including ending violent conflict, progress towards democratization and respect for human rights.. There is no quick solution to the root causes of forced displacement and irregular migration but this is where the emphasis should lie.

November 2015



NO, THE SCHENGEN AREA IS NOT DEAD

HERVE JOUANJEAN | Vice-president of Confrontations Europe

Some Member States have responded to the massive influx of migrants by temporarily reintroducing controls at their borders, as per the emergency procedures provided for in the Schengen Borders Code. Consequently, some people are claiming that the Schengen Area has failed, which is an easy but ineffective position to take. Schengen is suffering from a lack of trust between the participating Member States. But Schengen must be endowed with more efficient control procedures.

Over 1.5 million irregular migrants crossed the external borders of the European Union in the first 11 months of 2015 (1). That is almost twice as many irregular migrant crossings than in the period 2009-2014. This massive influx has put considerable strain on the mechanisms introduced under the Schengen agreement, which is now an integral part of the Community acquis. It has brought their weaknesses to light, especially since – for obvious geographic reasons – the initial pressure has fallen primarily on southern European countries like Greece, some of which are in a fragile economic state.

Several Member States (including France) have taken urgent and exceptional measures in accordance with the Schengen Borders Code, leading some observers to claim that the Schengen Area is dead. That is not only too hasty, but it is also rather irresponsible. In this context, it is worth remembering what President Juncker said to the European Parliament last November: “A single currency doesn't make sense if Schengen fails. It is one of the main pillars of European construction.” Those who regularly drive from Paris to Brussels can testify to that – how can the single market survive with wagons queuing for five miles at the French border? We have never seen anything like it, even before the single market. It is no coincidence that the Schengen signatories stated in the recitals to the agreement that they were “prompted by the resolve to achieve the abolition of checks at their common borders on the movement of nationals of the Member States of the European Communities and to facilitate the movement of goods and services.” The Schengen agreement is part of the economic model upon which

“Several Member States (including France) have taken urgent and exceptional measures »

the European Union is built. At a time when increasing the competitiveness of Europe's economy is a priority, it would be suicidal to reintroduce national borders.

Distrusts between Member states

That said, there cannot be a Schengen Area without internal borders if Europe's external borders are not efficiently controlled and protected, and there is no doubt that it is in serious trouble. One could draw a parallel between the incompleteness of the Eurozone brought to light by the 2008 crisis and the Greek crisis, and the incompleteness of the Schengen Area revealed by the migrant crisis. We know what the problems are this time around too. The Treaty on the Functioning of the European Union is clear and ambitious. It describes in detail the controls to which persons crossing the EU's external borders are subject, the conditions governing their movement and the establishment of an integrated external border management system. It also discusses the common asylum policy. However, the practice does not match the theory because the Member States are unwilling to trust each other; there is a lack of solidarity within the Schengen Area and individual countries are reticent to share some aspects of their national sovereignty.

It is difficult to stem a huge tide of migrants. Remember the flood of Spanish refugees at the French border during the Spanish civil war, and the long lines of Belgian and French refugees during the 1940 collapse. But the influx can be controlled. We have the means.

“There is a lack of solidarity within the Schengen Area and individual countries are reticent to share some aspects of their national sovereignty »

CONFRONTATIONS



The rules on border controls specify that irregular migrants must be registered and then directed either towards the asylum procedure or the return procedure. The fingerprinting requirement was not properly implemented for a long time, but with the establishment of hotspots the situation has improved a lot. Eighty percent of migrants are now fingerprinted thanks to the European budget, which is going to finance the latest equipment needed for the Eurodac system.

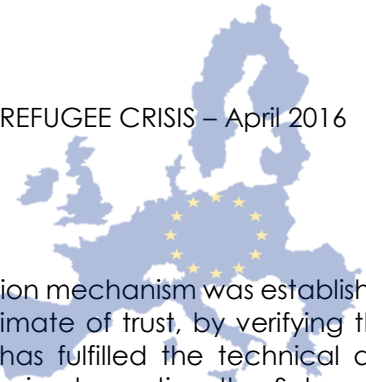
Frontex short of staff

However, 60% of return decisions are not enforced because many third states refuse to readmit their citizens and because readmission agreements are complex and difficult to implement. With or without Schengen, the problem will not go away. The migrants become illegal and, in general, continue their journey to their chosen destination. The Commission has initiated numerous procedures against Member States who do not adhere to European rules, to little effect so far. Asylum seekers also carry on towards their preferred Member State even though, according to the Dublin regulation, it is the country of entry that is responsible for examining their application. The Frontex agency, tasked with promoting, coordinating and developing external border controls, is desperately short of staff, equipment and money, despite repeated appeals from the Commission. Databases like the Schengen Information System (SIS), which is the backbone of Schengen cooperation, are subject to numerous restrictions, limiting access to national data that could be useful to other Member States.

« The migrant crisis and the terrorist attacks and threats in France and other EU countries call for action and cooperation »

Complex readmission agreements

Would the situation improve if the Member States were to gain full control of their national borders? Given the situation in Great Britain, an insular state that is not a member of the Schengen Area, it is doubtful. The problem can only be resolved at EU level. The migrant crisis and the terrorist attacks and threats in France and other EU countries call for action and cooperation.



The Schengen evaluation mechanism was established in 2013 to create a climate of trust, by verifying that each Member State has fulfilled the technical and legal preconditions for implementing the Schengen acquis. A relocation plan has been adopted to help Member States on the front line of the crisis, despite initial reticence on the part of some.

Relocation plan

In December, the European Commission proposed a highly ambitious action plan with the aim of introducing a whole wealth of means to strengthen external border controls. The goal is to establish a European border and coast guard to ensure European border control standards are enforced and it will provide greater operational support to Member States

where necessary.

« The goal is to establish a European border and coast guard to ensure European border control standards are enforced and it will provide greater operational support to Member States »

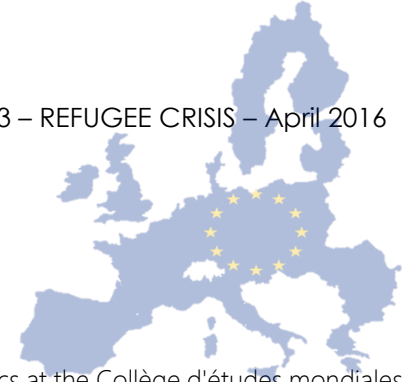
Frontex will play a much bigger role in risk prevention and control, and in managing the return of illegal migrants to their home countries.

The Schengen

Borders Code will be amended to allow for systematic document verification at the European Union's external borders.

Some Member States have reservations about certain aspects of the Commission's proposals. For example, there has been a great deal of discussion about the relocation plan. But let's be clear about this. European solidarity is not an à la carte menu. We can't extol its virtues when it comes to the European budget and then reject it when we are asked to take in political asylum seekers. Hopefully, this will not be a sticking point in future discussions. That would be a shame, at what is such a landmark moment for the European Union.

Janvier 2016



EXTERNAL BORDERS FOR EUROPE

MICHEL FOUCHER | Geographer and diplomat, holder of the chair of applied geopolitics at the Collège d'études mondiales (World Studies College) in Paris

Portraying Europe as having no borders is both dangerous and misguided, and makes it impossible to meet the security and immigration challenges Europe currently faces. The Schengen Convention does not abolish borders, it only abolishes systematic border controls. Genuine cooperation at both the national and European levels is needed to address these border issues.

On the world stage, the European Union is unique geopolitically in that it combines four completely different border realities. With the Schengen Agreement, it has set up the most advanced internal free movement system. It is challenged with deciding on a strategy for managing its southern boundary limits because of structural migration pressures. It needs to deal with the boundary disputes raised by the 1989-1992 geopolitical transition, particularly in the western Balkans. As well as the territorial effects of the national restoration of Great Russia in 2013-2016, involving the Crimea and Ukraine and the various conflicts "on hold" in an area extending from Moldavia to Azerbaijan. And it needs to do all this without having reached a decision on the ultimate borders of Europe as established under its legal status of European Union.

The abrupt return of border issues in the European Union echoes both the new security challenges from the east and south that needs to be faced, and the power of an imagined inevitable disappearance of borders to which people have been wedded for several decades. I

« It is true that "EU prospects" (membership commitments) can help defuse tensions and frictions »

have always maintained that this idea of a "no borders" Europe is as misguided as it is dangerous (1).

Dangerous because it was underpinned by a vision underplaying the central role of nation states, both throughout the continent's long history and in the construction of an established Europe. At a time when well-publicised terrorist attacks are casting a pall over the citizens of European states, the responses needed are obviously of a sovereign nature, in other words delivered initially at the national level (2). The "no borders" mantra and its corollary of the compulsory transfer of sovereignty have contributed to a sort of collective security disarmament. It is easy to understand why Europe wanted to exorcise borders from its DNA, given their connotation with frontiers and front lines symbolising national confrontations. And why free movement is now seen as the everyday

symbol of restored peace. But by seeking only to distance ourselves from the past when building the future, we are in danger of taking the real world into account only in so far as it matches our idealistic aspirations for a cooperative European utopia: we fall into the trap of oversimplifying history.

Misguided, because the "no borders" rhetoric was and still is the corollary of a continuing expansion of the European Union, aimed at exporting the European model, and therefore necessitating a strict refusal to fix ultimate boundaries. It is true that "EU prospects" (membership commitments) can help defuse tensions and frictions, as we saw in the Balkans. But the weight of numbers complicates Community decision-making and spurs some states to take the initiative themselves. And, when it comes to the crunch, how can you feel you are a member of a political community capable of an "external" policy when there is never any clear demarcation of who is inside and who is outside? This geopolitical black hole reinforces the simplistic approach to our history and, in this respect, the supposed "return of borders" is merely the symptom of our growing awareness of the sovereign responsibilities that the European states system will have to shoulder in the real world as we unfortunately find it.

If we want to avoid seeing a further widening in the gulf between public opinion and the heads of European states and Community institutions in a period of severe crises, the Member States will have to show that they are able to come together to take action jointly in the 2016 geopolitical environment – a real world environment completely different to that prevailing when the European Union was founded. The machinery of state in democratic countries has become less effective for various reasons, such as globalisation, the disruptive effects of technology and individualisation, and we face the threat described by Pierre Manent: "Everyone is staring at another gathering, one with a blurred form and status – "Europe", whose main achievement has been to make each nation feel sorry for being only a nation" (3).

CONFRONTATIONS



On a more practical note, we should remember that the Schengen Agreement (1985) and the Schengen Convention (1990) established a single free movement area for the citizens of the 26 signatory states, affecting over 400 million people in 4,300,000 km². Legal external movements also involve over 400 million people, half of them European citizens, and 1,700 points of entry. The Schengen Convention was never intended to “abolish” borders, but to do away with systematic border controls hindering the flow of goods and people. Moreover, European Court of Justice case law allows targeted border controls within a 20 km strip, based on a customs radius, a practice that customs officers confirm is effective for control purposes.

But the Convention has seen major changes in the area covered and in the boundaries to which it applies as the European Union has expanded and as its Member States have signed up to the Convention. Since seven Member States (the five founder states plus Spain and Portugal) signed it in 1995, the Schengen area has been expanded in six successive steps: Italy and Austria became signatories in 1997; Greece in 2000; Norway, Denmark, Finland and Sweden in 2001; the six new European Union members from 2004 to 2007 plus Malta; then Switzerland in 2008 and Lichtenstein in 2011. The plan is for Croatia to join in 2016, and Romania and Bulgaria in 2017.

National and European co-management

That being the case, why bother to invest in temporary boundaries, and how would that even be possible? Furthermore, there are no Schengen borders as such, in the sense of the effective exercising of sovereignty, since they are no more than the sum of national segments. And if national border control capabilities prove inadequate, as in Greece, the Union is powerless.

Introducing a mechanism for imposing effective controls on the external borders of the political entity that is Europe has therefore become a matter of urgency. The idea would be both to boost national capabilities, for example in Italy and Greece, and to set up special units acting under a European Union mandate, in the manner of mandates issued under the United Nation’s resolutions with a “lead country” – which needs to be the relevant state so as to respect

its sovereignty – managing the problem jointly both nationally and at the European level. We must not wait for Greece’s neighbour, Turkey, to become more cooperative in the future; the Greek section of the external border, both on land and in the sea, therefore requires substantial numbers of people to be deployed rapidly, as has been done in the case of Italy. Yet, the disputes between Greece and Turkey on their sea and air boundaries are not settled. Furthermore, it would be a good idea to transfer the Frontex head office to Thessalonica, nearer to the critical areas, or at least to locate the head office of the new European border guard agency there.

There is concrete interaction between free movement and the single market (4), and this is also the case between Europe’s management of external borders faced with crises and with unstoppable migration pressures (5) and the laying down of official external

«Introducing a mechanism for imposing effective controls on the external borders of the political entity that is Europe has therefore become a matter of urgency»

European boundaries. Here, once again, we run into the stumbling block of

Turkey, a country whose ambivalence to the Middle East is not unconnected with the current crises. It is realistic to negotiate with Ankara on the status of European Union associate, but it must remain outside Schengen (6). If these scenarios cannot be applied, we will have to fall back on the option of a smaller Schengen area, and on national borders that can be controlled effectively.

The time has come, for the first time in its history, for the European Union to leave behind its geopolitical uncertainties, which henceforth will have more disadvantages than advantages, and to lay down its boundaries clearly, since borders not only define the limits within which sovereign authority is exercised, but also help to forge an identity. Laying down boundaries is not the same thing as closing them; it is more about establishing the geographical extent of the political edifice.

January 2015

1 L’Obsession des frontières, Pub. Perrin 2007 and Perrin Tempus 2012.

2 And it is not by delegating security responsibilities to other people that two ministers of the interior well-versed in bilateral cooperation will see their efforts suddenly become more effective.

3 Situation de la France, Desclée de Brouwer, 2015.

4 The German Chancellor argues that the Eurozone and open borders were directly linked, to guard against the risks that “closures” of various types would pose to the workings of the single market (11 January 2016).

5 Michel Foucher, Les Migrations sont irrépressibles, Le Monde, 6 August 2015.

6 Ankara should also be made to put an end to the “Shamgen” area, which carved out a no-visa area running from North Africa to the Middle East, facilitating illegal immigration under the cover of movements of refugees.



Our recommendations

1. **Maintain effective controls at the external borders of the Schengen area** by pooling the human and financial resources of the European agencies and Member States on a long-term basis. It is important to address the lack of strategic leadership from the various agencies (Frontex, which manages operational cooperation at the external borders of the Member States ; EASO, the European Asylum Support Office; and Europol, the European police office tasked with combating international crime and terrorism). The latter cannot be coordinated solely by the Justice and Home Affairs Council (JHA), which is composed of the Justice and Home Affairs ministers of all the Member States.
2. **Bring asylum seeker assessment procedures within the competence of the Community**, or at least harmonise them. In practice, more financial and human resources could be allocated to the European Asylum Support Office (EASO) to enable it to handle these procedures.
3. **Ensure the more equitable distribution of refugees between Member States.** Although the Member States had reached an agreement on the redistribution of 160,000 refugees from Greece and Italy, actual enforcement of the agreement has been a resounding failure. It is neither realistic nor acceptable to expect the countries of entry (Greece and Italy) and a handful of countries in the north (Germany, Sweden, Denmark and so on) to bear the majority of the migrant burden. A more ambitious solidarity system is needed, with a distribution key based on objective criteria specific to each country: number of inhabitants, national wealth, unemployment rate, population density, etc. Countries refusing to take in refugees would contribute to the joint financial effort.
4. **Facilitate the integration of newcomers and their children.** Migrant aid associations are very clear : the first priority should be language learning followed by education, training, the recognition of qualifications and job search assistance. Bearing in mind that some countries would prefer to take in Christian refugees only, it is important to initiate a dialogue with refugees in host countries about democracy, human rights, women's rights and the cultural rules specific to their host countries.
5. **Tackle the root causes of the crisis.** The aim should be to join forces with the Union's southern neighbours to develop a joint approach to people-smuggling networks and to prevent asylum seekers from setting sail because the countries on the southern shores of the Mediterranean are unable to offer them a decent life. To attack the problem at the roots, the Union should play an active and cohesive role in the Syrian peace process and review its security and defence policy to promote stability and economic growth across the region.

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