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IN-DEPTH ANALYSIS

Mediterranean flows into Europe: - Migration and the EU's foreign policy -

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Abstract

A series of heartrending stories from Europe's southern shores – near the Italian island of Lampedusa, in the Greek waters of the Aegean Sea, at the Spanish enclave of Ceuta – have brought Mediterranean migration to the top of the political agenda. EU leaders have emphasised the need for policies treating migration to be guided by the principles of 'prevention, protection and solidarity'. The Mediterranean Task Force, established in October 2013, has suggested 38 ways to prevent further loss of life. But beyond these immediate responses, the EU must engage in a broader and longer-term debate on the ways that migration is addressed by its different external policies – those touching on security, development cooperation, the neighbourhood policy and international protection.

The European Parliament can play an important role by promoting a dialogue about migration with third countries. This discussion, which should be pursued through interparliamentary as well as inter-institutional discussions, may lead to stronger cooperation in the management of regular migration and a more effective fight against irregular migration. Whilst the Parliament should demand that all EU and third countries' policies fully respect human rights, it should also consider Mediterranean migration in a wider context and highlight the positive potential of human mobility for socioeconomic development.

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1 The political salience of migration

Migration is an old phenomenon, currently understood politically through both its internal and external dimension.

Migration is hardly a new phenomenon: individual human beings and entire communities have always moved from one place to another for various reasons. The emergence of the modern state-system did not end these movements, but framed the way in which the process is understood politically, notably by establishing a division between internal and external migration, leading to very different responses to these phenomena.

Recent tragedies at the EU's maritime borders have put trans-Mediterranean migration back on top of the political agenda.

Whilst migration has a long history, its salience on the political agenda greatly fluctuates for different reasons. The tragedy off the Italian island of Lampedusa on 3 October 2013, when more than 350 people (mostly Eritreans) died, put trans-Mediterranean migration back on top of the political agenda. In the few months since, other incidents have occurred. Recently, security forces off the Greek coast and in the Spanish enclave of Ceuta have been accused of repelling immigrants and causing their deaths. The instability across North Africa (especially in Libya) and the Syrian civil war (which has generated an important number of refugees) have further enhanced the political visibility of trans-Mediterranean migration, despite the fact that it is far from a new phenomenon.

After the Lampedusa tragedy, a Mediterranean Task Force was established to prevent further loss of life.

The EU's most important response to Lampedusa was the establishment of a Mediterranean Task Force by the European Commission. On 4 December 2013 the task force suggested 38 ways to prevent further loss of life. These included enhancing cooperation with third countries; developing regional protection, resettlement and reinforced legal access to Europe; fighting against trafficking, smuggling and organised crime; reinforcing border surveillance and maritime inter-agency civilian and military cooperation in the operations of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States (Frontex) and the European Border Surveillance System (Eurosur); as well as assisting EU Member States facing significant migration pressures. The Council of the EU endorsed the task force's conclusions and called for their implementation in December 2013. EU leaders will return to the issue in June 2014, with a broader discussion on longer-term policy perspectives.

The EP should use its political weight and legitimacy to call for a comprehensive discussion on migration.

The European Parliament should not stay on the margins of this important debate about migration into the EU. The institution should rather use its political weight and legitimacy to demand a serious, comprehensive and long-term discussion on external migration, both inside the EU and with third partners. EP President Martin Schulz highlighted this during his addresses to the Council in October and December 2013, and the EP's plenary adopted a resolution on the tragic events off Lampedusa on 23 October 2013. But there is more the EP can do to engage with the issue. While the question of internal migration has proven an incendiary one in this year of European elections, the EP can play a role in widening the debate to include the issue of external migration, while demanding that the EU and its Member States develop a coherent and unified response to this phenomenon.

2 Migration in the Mediterranean

2.1 Overview

Irregular flows represent a small portion of overall migration to the EU.

Despite the political salience of migration, migratory flows represent a small portion of overall migration to the EU. While year-on-year variation is significant, 1.7 million people – only 0.3 % of the Union's total population of 500 million – migrated to the EU in 2011. The great majority of those people arrived in the EU regularly, on work or study visas, for family reunification or seeking asylum. That same year, the 27 Member States granted asylum to 84 100 people; in 2012, 102 700 asylum applications were approved (mostly from Syria, Afghanistan and Somalia) of the 407 300 decisions made. France, Germany, Sweden and the United Kingdom are the EU countries that grant the highest number of migrants protection status.

A major increase in detections of illegal border crossings in the Mediterranean was detected in 2013.

In 2012, the number of people crossing the EU external borders irregularly was 72 437, according to Frontex. This was almost half of the number reported in 2011 (141 051)[1]. A total of 77 140 illegal entries have been reported for the first three quarters of 2013.

Illegal migration into Europe across the Mediterranean constitutes a distinct – and apparently growing – category of illegal migration, in part due to the growing controls and operations at the EU's land borders, and in part to political conflicts in the greater Mediterranean region. In 2012, 80.6 % of the irregular migrants detected at the EU's external borders were detected at the Mediterranean. Many more illegal border crossings in the Mediterranean were detected in 2013 than in 2012 – even more than during the 2011 Arab Spring. And in the third quarter of 2013, almost 70 % of detections were made at the EU maritime borders, whereas at the same period in 2012, such detections accounted only for 40 %.

In 2012, trans-Mediterranean irregular migrants accounted for 80.6% of the total number of irregular migrants counted along the EU external borders.

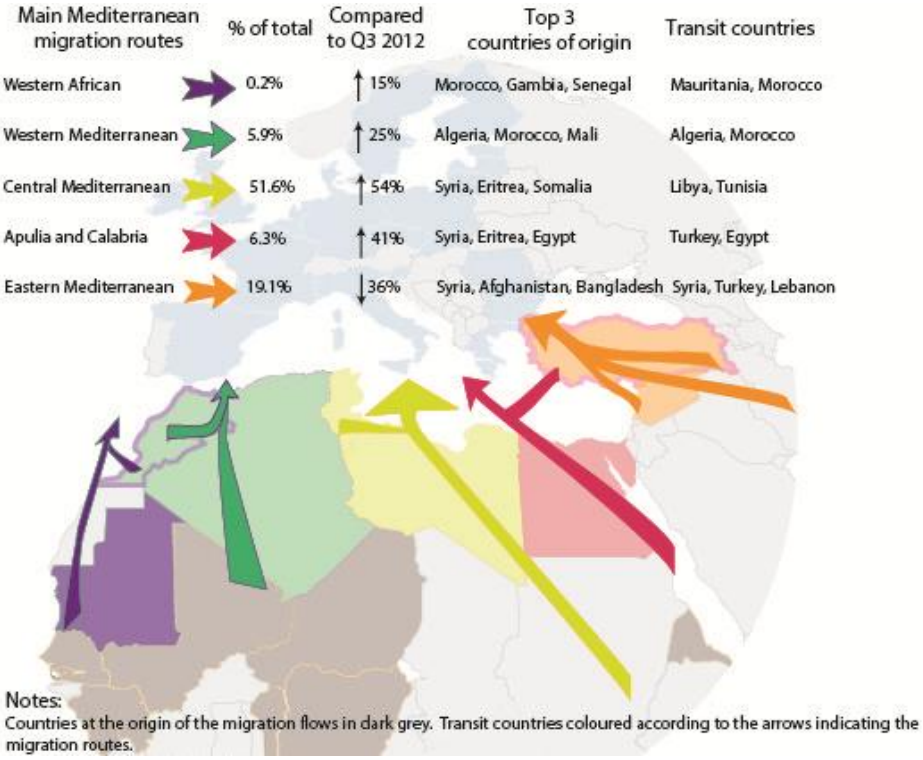
Today, five main migration routes in the Mediterranean zone are used by illegal immigrants (*see map below*). Whereas most irregular immigrants entering Europe elsewhere are young single men with low levels of education seeking better living conditions, Mediterranean flows are more 'complex'; they mix economic migrants in search of employment opportunities with those fleeing insecurity and war, who are able to claim asylum in the EU.

In the third quarter of 2013, the most common nationality of intercepted migrants was Syrian.

In 2013, the composition of irregular Mediterranean flows evolved compared to the previous year, notably due to the Syrian crisis. Compared to the third quarter of 2012, when the most commonly detected nationality among illegal migrants in the Mediterranean was Afghan, the third quarter of 2013 witnessed a massive influx of Syrians and Eritreans. Somalis, Nigerians and Egyptians also appeared in significant numbers.

[1] Frontex, Annual Risk Analysis 2012 and 2013.

Figure 1:
Main Mediterranean migration routes



Source: FRONTEX data
Infographic by Eulalia Claros, European Parliament Research Service

2.2 Evolution

While five different routes across the Mediterranean have been favoured by migrants, which of the five is most travelled has varied, depending largely on pressures in migrants' home countries and the response at the EU's external borders.

The Central Mediterranean was the most popular route for irregular migration in 2011 and 2013 (Q3).

In the third quarter of 2013, the Central Mediterranean route witnessed the greatest number of migrants of all the routes – as had also been the case at the beginning of 2011, with the Arab Spring events. This route, used by migrants from the Horn of Africa, Libya and Tunisia, has experienced episodic surges in migrant traffic throughout the past ten years. The United Nations High Commissioner for Refugees (UNHCR) has estimated that some 25 000 people fled to Italy from North Africa in 2005. The number fell to 9 573 by 2009 after a treaty on migration (the Benghazi Agreement, or the 'Treaty of Friendship and Cooperation') was signed by Italy and Libya in 2008. In 2011, however, migration through the Central Mediterranean route soared again – to 61 000 – driven by the political and civil unrest across the region, particularly in Tunisia and Libya. The next year was calmer, before a significant increase occurred between the second and third quarters of 2013 as a result of growing flows of irregular immigrants from Eritrea and Syria.

In 2012 the Eastern Mediterranean route was the most travelled.

The Eastern Mediterranean route was the preferred route in 2012. Detections along this route, which serves migrants from Syria and further east (including Afghanistan and Bangladesh), have followed a seasonal pattern over the past decade, peaking during the summer time. Following the implementation of a set of Greek operations ('Aspida' and

'Xenios Zeus') at the Greek-Turkish land border in August 2012, the number of detections at that border dropped by 35 % compared to 2011. Instead, immigrants from the east have attempted to cross the Aegean Sea and use the Bulgarian-Turkish route. Due to the Syrian crisis, Syrians have become the most detected nationality on the Eastern Mediterranean route since the second half of 2012.

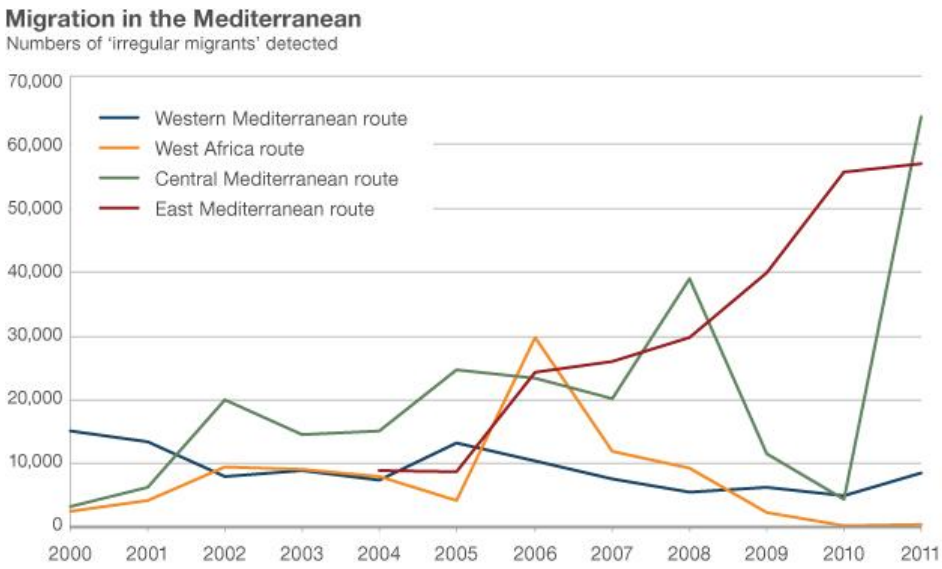
Despite occasional peaks, the Western African and Western Mediterranean routes remain less important in terms of number of detections.

The Apulia and Calabria route was characterised by steady, relatively modest flows until the third quarter of 2013, when detections sharply increased as a result of unrest in the Middle East.

In the Western Mediterranean, of the stream of migration has been relatively restrained during the past ten years, although detections in the third quarter of 2013 were the highest reported in two years. Since 2004, Spain and Morocco jointly patrol the area, and this had led to a 40 % reduction in arrivals traversing the western Mediterranean sea by 2012.

Finally, the Western African route saw a marked increase in detections (from 5 000 to 30 000) in 2005-2006. The signing of police and repatriation agreements between Spain and Senegal, Mauritania and Morocco, and the conclusion of a Mobility Partnership between the EU and Morocco have since resulted in a significant drop in detections.

Figure 2: Numbers of 'irregular migrants' detected in the Mediterranean, 2000-2011



Source: UNHCR

3 EU migration policy: Success or failure?

3.1 Legal framework

Despite the inclusion of common principles governing EU migration policies in the Treaty on the Functioning of the European Union (TFEU Articles 79 and 80), EU policies remain fragmented in numerous ways.

A first division exists between those competencies held by Member States and those dealt with at the EU level. Labour migration is still a competence of Member States, most of which have hesitated to open their legal entry

EU migration policies are fragmented between the EU and Member States levels, and between external and internal dimensions.

channels for migrating workers, and have instead beefed up their border controls. Member States have resisted EU attempts to harmonise elements of their migration policies. For the moment, EU competences cover the conditions for third country nationals to enter and reside in the EU, measures destined to promote integration of migrants, the fight against irregular migration and the conclusion of readmission agreements with third countries.

In addition, the external and internal dimensions of migration – often inextricably linked – are covered by different policy and financial instruments.

To address this, the EU Global Approach to Migration and Mobility (GAMM) was adopted in 2008.

Steps have been taken to harmonise the different aspects of EU migration policy. In 2008 the EU adopted its 'Global Approach to Migration and Mobility' (GAMM) to unite all migration-related policies in a coherent manner. The overall goal of the GAMM is to encourage regular migration and to fight irregular migration through cooperation with third countries (both those from which migrants originate and those through which they transit), including by concluding 'mobility partnerships'. Nonetheless, the implementation of the GAMM has proved difficult, and the EU's approach to migration has often been dominated by an excessively security-oriented approach. This has sometimes contradicted the stated goals of EU migration policies in the Mediterranean, as well as the principles succinctly put forward by EU Council President Herman Van Rompuy: 'prevention, protection and solidarity'.

3.2 Security and combatting irregular migration

There is a growing militarisation of the response to irregular migration in the Mediterranean region.

Protection features prominently in the context of the EU's concept of 'Integrated Border Management', although it can be understood either as protection from irregular migrants or as protection of those same migrants from the dangers of the sea. This ambiguous character of the term 'protection' and its translation into practice through the different instruments involved in border protection leaves space for a grey area in terms of interpretation, and raises a number of concerns. The report of the EU's High Representative for Foreign Affairs and Security Policy (HRVP) to the 2013 EU Defence Council stated that 'the distinction between internal and external security is breaking down'[2]. This has meant that illegal migration has often been considered a security threat on the same level as organised crime, with security instruments wielded against all these phenomena.

The increasing militarisation of the issue of irregular migration was underscored in December 2013, when the European Council called for the establishment of an EU Maritime Security Strategy by June 2014 as well as

[2] Preparing the December 2013 European Council on Security and Defence – Final Report by the High Representative/Head of the EDA on the Common Security and Defence Policy, Brussels, 15 October 2013, p.1

This issue is also increasingly linked to maritime security. Both elements feature prominently in the agenda of the Greek Presidency for the first semester of 2014.

for increased synergies between the EU's Common Security and Defence Policy (CSDP) and freedom/security/justice actors to tackle illegal migration. The Council also encouraged the use of CSDP to support third states in border management. The current, Greek presidency of the Council has made irregular migration and maritime security priorities for the first semester of 2014. The link between the two issues has also been emphasised by the European Parliament in its report on the Maritime dimension of the Common Security and Defence Policy.

Frontex and Eurosur

The EU and the Member States are adopting a strategy for Integrated Border Management that consists of a 'hardware' component – the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) – and a 'software' component – the European Border Surveillance System (Eurosur).

The EU's Integrated Border Management system can be seen as composed of 'hardware' (Frontex – the European Agency for the Management of Operational Cooperation at the External Borders of the Member States) and 'software' (Eurosur – the European Border Surveillance System) components.

Frontex was created in 2004, ((EC) 2007/2004) and last reformed in 2011, when the scope of the mission was widened. Frontex's 'hard security' aspect is accentuated by the language and the equipment of its operations. According to the HRVP´s report of 15 October 2013, the development and use of remotely piloted aircraft systems (RPAS, or drones) is encouraged in joint civilian-military operations in the field of border management. The 2012 Frontex work programme stated that it was studying aerial border surveillance and drones that could be used in Frontex joint (sea and land) operations[3]. Following the events off Lampedusa, Frontex operations in the Mediterranean were given greater funding – EUR 7.9 million for 2013. The Mediterranean Task Force also calls for cooperation with national authorities that have already undertaken such operations, such as Operation Mare Nostrum launched by the Italian Defence Ministry after the Lampedusa tragedy.

Eurosur, operational since 2013, is an information exchange system designed to improve the management of the EU external borders.

Eurosur is an information-exchange system designed to improve the management of the EU external borders. More specifically, it is a 'system of systems' which 'results when independent systems are integrated into a larger system that delivers unique capabilities'[4]. Inter-agency cooperation is thus a fundamental prerequisite for it to function. Eurosur became operational in December 2013 and will be used by Frontex to monitor the EU´s maritime borders through a complex net of surveillance mechanisms. Eurosur complements the Common Information Sharing Environment (CISE), an 'internet of the sea' that itself forms part of a more global approach towards maritime security using information exchanges through any possible means. The EU aims to link together a maximum of surveillance instruments based on exchanges of data used for surveillance.

[3] Frontex, Programme of Work, 2012, p.105
[4] Maritime Surveillance in Support of ESDP. The Wise Pen Team Report to EDA Steering Board, 26 April 2010, p48

All these systems should become interlinked through national coordination centres by 2015 and may be used by all related communities – both civilian and military – in the EU maritime domain[5].

Consequences of securing of borders

A lack of clarity during sea operations perpetuates the danger for migrants.

A lack of clarity during sea operations in international or Member States' territorial waters heightens the danger faced by migrants. In fact, authorities have not faced great problems in tracking vessels, but have not always acted coherently when vessels are detected. The Commission published a proposal on 12 April 2013 to overcome divergent interpretations of international maritime law and ensure the efficiency of sea operations coordinated by Frontex. The objective of the proposal, currently being discussed by the European Parliament, is to integrate the humanitarian aspects of border surveillance into sea operations. The importance of such a harmonisation was underscored by the January 2014 events off the island of Farmakonisi, on the maritime border between Greece and Turkey, which led to the death of 12 migrants. The Greek coastguard has been accused by survivors of breaching the principle of non-refoulement when it attempted to drag the migrants towards Turkish territorial waters and refused to rescue them when they fell in the sea[6].

The Commission has put forward a proposal to improve coordination, although often the real problem is a lack of willingness to act when a vessel is detected.

After the Lampedusa tragedy, the EU's objective, according to Commissioner´s Cecilia Malmström, was to avoid any more loss of life by identifying and rescuing vessels at risk and thereby reinforcing the humanitarian elements of EU border security policies[7]. However, it is unclear whether the militarisation of EU border management (resulting from a tighter relation between the CSDP and Frontex) will actually save lives or create even more danger for migrants.

3.3 A security-driven approach to Mediterranean migration

The EU perceives migration from the MENA (Middle East and North Africa) region through the lens of migration's short-term impact on the security of EU Member States. On a Mediterranean level, a network has been established to allow participating states to directly exchange factual information on incidents and patrols in near real-time via satellite communication. The Seahorse Mediterranean Network between EU Mediterranean Member States and North African countries is expected to be functional by 2015, after a public tender is carried out in 2014. Libya has already joined the network, and Tunisia, Algeria and Egypt are expected to join in 2014.

[5] Determining the technical and operational framework of the European Border Surveillance System (Eurosur) and the actions to be taken for its establishment, Euro CommissionStaff Working Paper, Brussels, 28.1.2011

[6] 'Inquiry calls after migrants die under tow in Greece', 22/1/2014, BBC News

[7] Tragic accident outside Lampedusa: Statement by European Commissioner for Home Affairs, Cecilia Malmström, 3 October 2013 Brussels

The EU perceives migration from the region through the lens of migration's short-term impact on the security of EU Member States.

Libya suffers from a very unstable security and political situation. Since Libya is unable to counter the activities of smugglers and traffickers, in May 2013 the EU Council approved a border assistance mission (EUBAM) to Libya. This modest, civilian CSDP mission was intended to help the Libyan authorities improve the security of the country's borders. The authorisation for EUBAM Libya came two years after the military mission EUFOR Libya was authorised, in April 2011 – although EUFOR Libya was never deployed due to lack of consensus among EU Member States[8]. The EUBAM Libya mission has no executive mandate, and can only partially respond to the urgent security challenges on the ground. The mission is to achieve its objectives mainly through the transfer of expertise, not funds. In practice, the work is carried out by advising, training and mentoring Libyan authorities on how to strengthen border services in accordance with international standards and best practices, and by advising Libyan authorities on developing a national integrated border management (IBM) strategy.

3.4 Mobility partnerships

Southern Mediterranean countries (Morocco, Algeria, Tunisia, Libya and Egypt) constitute both countries of origin and countries of transit for migrants attempting to enter the EU. Migration issues are a central part of the EU's relations with this region, while the wider political framework for the EU's relations with the region is the European Neighbourhood Policy (ENP).

Mobility partnerships have been leading tools of the EU's GAMM since its adoption in 2008.

Mobility partnerships have been promoted as flagship tools of the GAMM since it was adopted in 2008. Mobility partnerships established with neighbourhood countries offer concrete frameworks for dialogue and cooperation on migration issues, and for reinforcing capabilities and encouraging coherence in the internal governance of migration. The overall aims of these partnerships are to facilitate and organise legal migration (for citizens of the partner countries) and to strengthen measures addressing irregular migration (for the citizens of the partner countries and transiting migrants) while respecting human rights. The partnerships include provisions for financial and technical assistance in areas related to managing legal migration.

Mobility partnerships are selective and concluded with third countries once certain conditions are met.

Mobility partnerships are selective and are concluded with third countries only once certain conditions – such as cooperation on illegal migration and the existence of 'effective mechanisms for readmission' – are met. The EU's attempt to link partnerships with cooperation on readmission reflects how central this issue has become to immigration policy and how mobility and irregular migratory flows are combined, or confused[9]. From the outset, the EU has also linked mobility partnerships to efforts to facilitate 'circular

[8] For more details, see the policy paper of Jesús Diéz Alcalde ' EUBAM Libya: seguridad fronteriza para la estabilización nacional y regional ' (12 June 2013)

[9] See the study by Jean-Pierre Cassarino: Readmission Policy of the European Union (2010) for more details

migration' (temporary and repetitive), which helps EU Member States address their labour needs. From the EU perspective, these flows of temporary labour and highly-skilled migrants 'complement' the other elements of mobility partnerships.

They are linked to effective mechanisms for readmission.

Following the outbreak of the Arab uprisings, the EU declared its intention to strengthen its external migration policy and launched, in November 2011, negotiations on 'mutually beneficial' mobility partnerships with EU's most advanced partners. Two years later, negotiations have been concluded with Morocco and Tunisia and are on-going with Jordan.

The EU has concluded partnerships with Morocco and Tunisia.

Mobility partnerships establish a set of political objectives and initiatives designed to ensure that the movement of persons is managed as effectively as possible. The measures foreseen in the partnerships include negotiations for agreements to facilitate visas for certain groups of people – particularly students, researchers and business professionals. In addition, partnerships work to improve the information available to qualified citizens of the partner countries about employment, education and training opportunities available in the EU, and to simplify the mutual recognition of professional and university qualifications.

Some critics regard mobility partnerships as EU-centred and security-oriented.

Some observers have pointed out that mobility partnerships are EU-centred and have argued that 'the contours of the EU's external dimensions of migration policy continue to be primarily insecurity, (im)mobility and conditionality driven'[10]. EU Home Affairs policy-makers (EU interior ministers and European Commission's DG HOME) have taken the lead in formulating these instruments, whereas the EU's External Action Service (EEAS) and EU foreign affairs ministers have been side-lined. Broader social, economic and environmental policy challenges have not been major concerns in this mainly security-centred approach, which risks diverting attention from the goal of supporting economic and political reform.

Morocco has the most advanced domestic immigration policy among the southern Mediterranean countries.

Cooperation with the North African countries' migration authorities could be improved, and intra-regional coordination between them encouraged. Morocco has proven the front-runner in the region, as it has the most advanced domestic policies on irregular migrants among the southern Mediterranean countries. The Moroccan National Council of Human Rights has adopted recommendations on a new migration and asylum policy, and on 1 January 2014, offices for the regularisation of migrants were opened throughout the country.

3.5 The EU approach to the 'migration-development nexus'

The links between human mobility and development have been present in the academic literature for a long time, but have been much slower to filter into the policy debate. When they have, they have often done it in a limited

[10] See Policy Paper 74, Sergio Carrera, Joanna Parkin and Leonhard den Hertog: EU Migration Policy after the Arab Spring: the Pitfalls of Home Affairs Diplomacy, 26 February 2013

The link between migration and development (the 'nexus') is now recognised in policy documents, including key EU documents.

manner, looking at development policies as a way to aiming prevent migration. The international community's first serious look at this issue only dates to 2006, when a High Level Dialogue on International Migration and Development (HLD) was organised under the auspices of the UN Secretary General. This forum opened the discussion on the issue and led to a second HLD in October 2013, which, contrary to expectations, produced only an unambitious outcome with no proposals for concrete action.

At the EU level the 'migration-development nexus' is recognised in key documents, such as the European Pact on Migration and Asylum (2008) and the GAMM, as well as in more specific policy documents, such as the European Neighbourhood Instrument, the Cotonou Agreement signed with African, Caribbean and Pacific (ACP) countries, and the Joint Africa-EU Strategy, which includes a thematic partnership on migration, mobility and employment.

Migration has a positive impact on countries of origin through remittances and the improved skills of those who return home.

From a development perspective, migration is often considered an 'enabler', with a positive impact on countries of origin. Remittances from migrants have been estimated to represent USD 414 billion in 2013 – over three times the total volume of Official Development Assistance (ODA) provided by OECD-Development Assistance Committee (CAD) members (estimated at USD 126 billion the same year). Other positive impacts of migration include the skills gained by returning migrants and the growing involvement of diasporas in the development of their home countries, notably through investments and capacity-building. That said, the scientific literature has also identified negative effects of migration, notably the loss of skilled professionals ('brain-drain'), other social costs and an increased dependency on foreign labour markets and economies.

EU development cooperation increasingly addresses migration, including through dedicated instruments.

Harnessing the potential contribution of human mobility to development and addressing the challenges this process presents are the objectives of dedicated financial cooperation instruments with third countries. One example is the 'Global Public Goods and Challenges' thematic programme of the new Development Cooperation Instrument (DCI) for 2014-2020. This thematic programme includes 'Migration and asylum' as an area of work, earmarked with a financial envelope of EUR 357 million (7 % of the thematic programme and 1.82 % of the total DCI). Actions funded under this chapter of the DCI – currently being programmed by the European Commission and the EEAS, and subject to a strategic dialogue with the EP – will adopt a rights-based approach and aim to achieve the following:

- strengthen political dialogue with third countries and their capacities at all levels,
- promote migration governance and management of migratory flows, notably in relation to South-South migration, and
- maximise the development impact of people's increased regional and global mobility.

EU cooperation on migration and development has resulted in different initiatives and concrete cooperation projects, such as

Concrete projects and initiatives on migration and development have been developed with varying degrees of success.

- the ACP Observatory on Migration, which aims to produce data and research on South-South migration,
- Migration and Mobility Resource Centres, intended to showcase the EU's approach to African migration, and
- Migration Information and Management Centres, such as the pilot centre established in Mali in 2008 to help the country addresses the concerns of migrants. Unfortunately, the impact and effectiveness of this centre has been limited because it has focussed on irregular migration and has little meaningful information or access to legal migration options.

In general, development policy responses to migration have usually failed to capture the full potential and nuances of the migration-development nexus. In some cases development policies have been used to guarantee that third countries will cooperate in the fight against irregular migration and will conclude readmission agreements.

The EU should advocate a more comprehensive and ambitious approach to migration that stresses the positive impact of human mobility.

More broadly, it could be argued that development policies related to migration are often built on the assumption that promoting development will eliminate the causes of migration and leads migration to cease[11]. However, whilst it is clear that preventing conflict and human rights violations results in a considerably smaller number of forced migrants, it is not certain that a general improvement in a developing country's socioeconomic and political context reduces the number of economic migrants. (In fact the empirical evidence partly refutes this.) Development policy should not be seen as a means of reducing the number of migrants.

Instead, political discussions and approaches to migration and development should recognise the interlinked nature of human mobility and development. Building on recent academic and political debates, the EP should move the EU towards a more comprehensive and ambitious approach to migration and development – one that recognises that these are distinct policies. In to the on-going global debates about the post-2015 development framework, migration is duly recognised as a phenomenon related to good governance, climate change and socioeconomic development.

3.6 International protection

Even more than socio-economic and development factors, conflicts, violence, persecution and instability are considered prime impetuses for migration. These causes override any potential difficulties alon

[11] Benjamin Schraven, Niels Keijzer Anna Knoll, 'Post 2015: making migration work for sustainable development', DIE/GDI Briefing Paper 21/2013

migration routes and any potential 'pull' factors in destination countries – which ultimately influence *where* but not *whether* migrants flee.

Forced migration is at its highest level globally since the early 1990s.

The situation is no different today: millions are leaving conflict zones around the world. At the end of 2012, the number of forced migrants across the globe stood at 45.2 million, the highest level since the early 1990s according to UNHCR. The war in Syria is currently the single most important factor contributing to forced migration flows across the Middle Eastern region, with the number of Syrian refugees growing at a frightening rate: while some 600 000 refugees were registered in early 2013, the tally had grown to more than 2.5 million by February 2014. Only a small fraction have applied for asylum in the EU: 22 424 Syrians applied for international protection in EU Member States in 2012, and 30 246 in the first nine months of 2013, according to Frontex. Besides Syria, other sources of insecurity – notably in Iraq and Yemen – have contributed to Middle Eastern migratory flows.

In the Eastern Mediterranean Syria is the main source of migration flows.

The North African region has also been affected by these and other conflicts. These countries are both destination and transit countries for forced and economic migrants from the Middle East and Sub-Saharan Africa (refugees and asylum seekers arriving primarily from Sudan, South Sudan, Eritrea and Somalia). In addition to growing Syrian refugee populations, many Malian refugees remain in neighbouring countries. Ensuring protection remains a concern in the Maghreb countries, themselves affected by the lingering instability and insecurity in the Sahel region.

North African countries are affected by instability in Sub-Saharan Africa, especially the Sahel region, and in the Middle East.

Among migrants, refugees and asylum seekers are the most vulnerable. To respond to their weakness, states must abide by the principle of non-refoulement – enshrined in international law and preventing victims of prosecution from being returned to dangerous situations – and grant refugees in their territory a range of legal rights and protection. Yet, the largely ineffective or non-existent migration and asylum policy frameworks across the Middle East and North Africa have meant that transit and host countries are insufficiently equipped to cope with the flows and cater to the specific needs of these populations. Under such circumstances, international organisations, primarily the UNHCR, are stepping in to provide basic protection services, including determining refugee status that is essential for further protection.

Countries across the Middle East and North Africa are insufficiently prepared to secure protection for the most vulnerable migrants.

As far as EU policies are concerned, the current humanitarian crisis in the Eastern Mediterranean has starkly exposed the ineffectiveness of the Union's own policies protecting refugees and asylum seekers. Common EU policies about border control, deterrence and return have led to concerns about preventing influxes to prevail over the principles of protection and solidarity. The rise of restrictive asylum policies has made the routes of legal entry to EU territory scarcer and more difficult, leading migrants to seek alternative – illegal – entry routes and points. The EU's emphasis on containment of irregular migration has had a detrimental collateral effect: when policies and practices do not differentiate between, on the one hand, refugees and asylum seekers who flee persecution and, on the other, other

The EU has strengthened its frameworks to limit the influx of migrants and, as a result, the protection space for forced migrants has shrunk.

irregular and undocumented migrants and when policies criminalise all without differentiation, refugees and asylum seekers become victims of restrictionism. Protection space and their rights enshrined in the 1951 Geneva Convention are effectively restricted.

The external dimension of asylum policy is one of the main pillars of the EU's GAMM.

Yet, the external dimension of asylum policy is one of the main pillars of the EU's Global Approach to Migration and Mobility (GAMM), and it is today more urgent than ever to deliver on the EU's commitment to international protection. Regional Protection Programmes (RPPs) – first set out in Communication COM(2005) 388 – have an important role to play in this respect. Since 2005, four RPPs have been developed, including one in the Horn of Africa and one in North Africa (Libya, Tunisia and Egypt). A new Regional Development and Protection Programme (RDPP) is also being prepared in response to the Syria crisis. All these programmes aim to strengthen capacities in destination countries and improve protection for refugees and hosting societies through a variety of measures, including better access to registration, local integration, migration management and improving the local infrastructure. As experience has underscored, the future effectiveness of RPPs will require a long-term approach, with sustained funding and a much stronger partnership, including a voluntary commitment on the part of the Member States to provide durable solutions for the refugees in their countries. The Mediterranean Task Force has in fact pointed out that EU states could do more to respect their current commitments on resettlement and to improve legal ways to access Europe; this, in turn, would help prevent and address protracted refugee situations to alleviate strain on the transit host countries. RPPs will need to be instituted in parallel with credible political dialogue and strengthened efforts to protect refugees and asylum seekers, including through visa facilitation and family reunification schemes, and by better distributing the burdens among EU states.

Regional Protection Programmes (RPPs) have been devised to improve capacities in destination countries and improve protection for refugees and hosting societies.

3.7 Human rights concerns

The EU policy framework complies with international human rights standards, but implementation remains insufficient.

In its communication of December 2013 on the work of the Mediterranean Task Force, the Commission underlined that all the actions proposed by the Task Force 'will have to be fully compliant with international human rights standards'. The communication makes special reference to the EU Charter of Fundamental Rights (the ECHR), the 1951 UN Refugee Convention, the principle of non-refoulement, the EU *acquis* and private data protection rules.

The EU and its Member States are already bound by these standards. Their effective *implementation*, however, has been found to be largely insufficient. In a report of April 2013[12], the UN Special Representative on the Rights of the Migrants assessed the policy framework for the management

[12] UN Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, François Crépeau. Regional study: management of the external borders of the European Union and its impact on the human rights of migrants, 24 April 2013, A/HRC/23/46

of the EU's borders as generally 'rights friendly', but criticised the EU and its Member States for not fully enforcing their own rules. Rather, the UN Special Representative emphasised, the EU's security concerns have too often prevailed over human rights principles.

The challenge of implementation becomes all the more acute when it comes to the *external* dimension of the EU's migration management. The EU and its Member States have a duty to abide by human rights standards, but they should also promote these standards externally, particularly in countries known for their poor human rights records (many of which have shown little enthusiasm for cooperating with the EU on migration issues in the first place). The EU's commitment to human rights standards must translate into concrete action at all levels of international cooperation in the field of migration.

The EU needs to establish proper human rights monitoring mechanisms in its cooperation with third countries.

Firstly, human rights standards must be enforced in the context of the EU's logistical and technical support to border-control capacity-building in transit countries. The EU has been criticised for promoting the detention of irregular migrants – including by funding detention centres – without establishing sufficient human rights monitoring mechanisms. The UN Special Rapporteur recalled that detention should be an exceptional measure, not the rule. Migrants are often exposed to poor living conditions, mistreatment, limited (or non-existent) legal recourse, and indiscriminate deprivation of liberty. The Task Force acknowledged this problem, and pledged to engage particularly with Libya, the main transit country in the central Mediterranean, on the matter. The Task Force also committed to raising human rights issues systematically in the EU's political dialogues. This commitment, however, requires proper benchmarks and scrutiny. In addition, the EU needs to monitor its assistance effectively.

The implementation of readmission agreements must be scrutinised.

Secondly, much concern has been expressed regarding EU readmission agreements negotiated with third countries, which do not uphold a satisfactory level of human rights protection. The European Parliament has been deeply involved in debates about these agreements, which require the EP's consent. The EP will surely continue to push for the inclusion of clear human rights commitments, for more transparency in the agreements' implementation (including by requesting observer status in joint readmission committees), and for the effective application of suspension clauses when warranted by human rights concerns.

Thirdly, the EU contribution to the protection of refugees should match the depth of the human rights challenge. The EU provides support to regional protection programmes in countries receiving large numbers of refugees (*see Section 3.6*). The Commission is currently working on a programme to help countries (including Lebanon, Jordan and Iraq) build the necessary infrastructure – not only physical, but also legal and administrative – for Syrian refugees. There again, mechanisms should be established to ensure that EU support is properly used, in particular in countries known for their poor human rights records.

The EU has been called to step up its support of the protection of refugees.

Effectively monitoring readmission agreements and the EU's border management support to third countries, as well as strengthening refugee

protection programmes, will prove essential for the EU to make good on its human rights commitment.

4 EU outlook and policy options for the European Parliament

The coming months present an important opportunity for the EP to engage politically with the topic of migration in the Mediterranean.

The Lampedusa tragedy last October and more recent incidents off the Greek and Spanish coasts have again placed migration at the top of the political agenda. The coming months – which will include the European elections and the June 2014 Council – present an important opportunity for the EP to engage politically with the topic of migration in the Mediterranean. As outlined above, numerous EU external policies and instruments deal with migration in the region; they include security, development, the neighbourhood policy and international protection.

All should incorporate respect for human rights as a central concern and pursue the overall goals of prevention, protection and solidarity. The EP has tools at hand to contribute effectively to those objectives. The EP should use its co-decision powers to ensure the inclusion of human rights provisions in all migration-related legislation, and its power of consent to guarantee that international agreements contain effective human rights guarantees. The EP's budgetary powers also allow the institution to link assistance to third countries to proper human rights monitoring mechanisms.

The EP has the tools to maintain respect for human rights as a central pillar in EU migration policies and to pursue the overall goals of prevention, protection and solidarity.

Most pressingly, the EP should advocate the implementation of the actions recommended by the Mediterranean Task Force set up by the Commission. The EP should also use the opportunities generated by inter-parliamentary relations (such as the 27th ACP-EU Joint Parliamentary Assembly in March and the EU-Africa summit in April) to engage in a dialogue about migration with third countries. This dialogue should foster cooperation in the management of regular migration and in the fight against irregular migration and trafficking networks, with special emphasis on the need to prevent migrants from embarking on dangerous journeys to the EU.

The dialogue should also seek to frame Mediterranean migration within a wider perspective, possibly in the following ways:

- Steer away from excessively militarised and security-centred approaches. The EP should ensure that strict human rights standards are respected in the fight against organised crime and smugglers' networks, and that a clear distinction is drawn between criminal networks and their victims. The EU should prevent the criminalisation of migrants and of humanitarian organisations supporting migrants.

- Highlight the importance of good governance, and of good migration governance more specifically. By reinforcing th Regional Development and Protection Programmes, for ex the Union can develop a comprehensive and long-term framework to develop and enhance the capacities of migration management

and national asylum systems in Mediterranean countries.

The EU should frame Mediterranean migration within a wider perspective, steering away from excessively security-centred approaches and highlighting the importance of good migration governance.

- Demand full respect for humanitarian law, refugee protection and human rights (including the rights of non-nationals) in crisis situations, and stress that humanitarian access must be guaranteed to provide life-saving supplies.
- Recognise the importance and challenges that South-South and intra-African migration represent for countries in the southern Mediterranean, rather than focussing solely on the (much smaller) flows towards the EU.
- Encourage further research on the migration-development nexus and explore the positive impact of human mobility on socioeconomic development.
- Encourage EU Member States to facilitate and speed up their procedures to grant asylum and EU protected status, whilst better differentiating between refugees and irregular migrants. The EP should respect the competence of the Member States in this regard, but could also encourage Member States – in cooperation with the UNHCR – to increase their quotas for resettling refugees not adequately protected in third countries. The EP should support the Mediterranean Task Force's proposed feasibility study on the joint processing of protection claims outside the EU, and the Commission's proposal to move towards a common approach for humanitarian permits and visas.

Reshaping EU's external action in relation to migration in the Mediterranean would increase the EU's credibility and reflect a more nuanced and positive understanding of migration.

All these actions would contribute to reshaping the EU's external action related to migration, notably in the Mediterranean. They would also enhance the EU's credibility vis-à-vis those third countries that accept significant number of migrants and refugees, and that most directly bear the consequences of their neighbours' conflicts. (This is the case today for Lebanon and Turkey, as a result of the Syrian civil war). A modified EU approach could also project a more nuanced and positive view of migration – a change that might, in turn, influence the way migration is perceived more broadly within the EU.