



MIGRATION IN EUROPE

Bridging the Solidarity Gap

Pierre Vimont



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Contents

About the Author	v
Summary	1
Introduction	3
An Unprecedented and Complex Migration Situation	4
A Response Inspired by Urgency	9
Toward a More Comprehensive Migration Policy	13
The Challenges the EU Must Address to Promote Flexible Solidarity	15
Time to Be Ambitious	23
Notes	25
Carnegie Europe	28

About the Author

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Summary

Painfully and hesitatingly, the EU has managed to stem its migration crisis, regaining control of its borders and ensuring a dramatic drop in the flow of migrants. Yet, the migration issue is not going away, and the political debate around it persists. Europeans need to work together in a field where in the past they have been eager to act on their own; and they must define an integrated policy based on a genuine sense of solidarity.

Urgent Responses and Lingering Political Gaps

- The migration situation of 2015 was unique for Europe. For the first time, the EU had to find a collective response to this crisis because of its scale and intensity and the involvement of many countries along the route followed by the migrants.
- Europe's response was essentially shaped by a sense of urgency. It was a short-term fix that allowed the EU to regain control of its external borders and end hasty unilateral moves by some member states. An agreement with Turkey set up practical arrangements that contributed to calming the situation on the ground and updating processes for asylum applications and returns.
- Deep-seated political divisions in the union on the migration issue remain. In particular, not all member states are ready to accept a fair share of the migration burden, undermining the principle of unity and risking fragmentation and free riding.

A Long-Term Policy of Flexible Solidarity

- A solid and realistic EU migration policy based on a common understanding of the type of migration the union needs would prove that Europe can efficiently tackle issues that matter to the average citizen.
- EU member states need to engage in a process of flexible solidarity that can shape the elements of a comprehensive migration policy: asylum regime, border controls, resettlement schemes, legal migration, and societal integration.
- EU members will have to address some of the contentious issues they have so far avoided: whether burden sharing should be compulsory or voluntary, whether migration should be permanent or temporary, whether to

implement financial solidarity, and whether to allow limits on the free movement of workers.

- The EU must adopt a different narrative with third countries. The tailor-made agreement with Turkey cannot be the exclusive template for all future external agreements. An approach focused too much on returns and readmissions risks being unable to convince Europe's partners to initiate true collaboration for lack of mutual trust.

Introduction

Migration is a defining issue for the European Union (EU) and will remain so for a long time to come. Since 2015, it has taken up much of European leaders' time and figured preeminently on the agendas of all of their meetings. It has created deep divisions between them and shown the limits of their collective efforts. It has also imposed itself on domestic politics all around Europe, with populist movements taking advantage of the fears and tensions stirred up by this phenomenon.

The European Union did not anticipate the current migration crisis, which reached a head in mid-2015. The union misunderstood the first symptoms of what became a high-intensity crisis and was not prepared to manage it, having been eager in the past to avoid any collective response to the migration challenge. Furthermore, the solutions the EU has found so far have been inspired by a sense of urgency to get the situation back under control, essentially on the migration route through the Western Balkans, which had become the main pathway for refugees and migrants from the Middle East to Europe.

The European Council, which brings together EU heads of state and government, managed in February and March 2016 to cobble together a comprehensive package. In it, political leaders agreed to close the Western Balkan route, enhance the EU's external border controls, and strike a deal with Turkey, which was and remains the main country of transit for migrants moving out of the Middle East. As a result, Europe regained control of the situation, as the flow of migrants dropped dramatically. Enhanced by this success, Europe has been led to believe it has found the recipe for dealing with any future migration crisis.

Yet, one may wonder if this feeling of satisfaction is misleading. The main questions related to migration remain: the political turmoil in the Middle East that led to Europe's massive inflow of migrants in 2015 is still there; meanwhile, other sources of migration of a more economic nature, in particular Africa, have not disappeared but are generating a steady flow. As for the divisions between European nations, they have been reinforced by growing domestic political tensions and the concerns of local populations that feel threatened in their daily lives by the impact of migration on security and societal cohesion. Rather than confront this lack of consensus in what would undoubtedly be problematic discussions, European leaders have nipped in the bud any

significant decision on the real challenges European migration policy is facing and have favored a short-term approach.

For all these reasons, EU migration policy is still very much unfinished business. But to impose a more ambitious and collective response, Europe has to solve two contradictions: convince member states to act together in an area where, in the past, they have been eager to protect their national powers; and look for more Europe when the political mood of the day is growing skepticism toward anything Brussels-made.

EU migration policy is still very much unfinished business.

To overcome these contradictions, Europe needs to act more collectively, which means that it needs solidarity. But such solidarity has to be flexible. Flexibility offers a way to reconcile more integrated policies with member states' apprehensions, genuine concerns, and specific technical problems. It remains the most efficient manner of keeping alive a common sense of destiny among member states while pushing back the perils of fragmentation. Flexible solidarity represents the most realistic way to bring together the many threads of a European migration policy that is deeply needed.

An Unprecedented and Complex Migration Situation

To understand the situation the EU is facing today, it is essential to clarify the reality Europeans had to manage during most of 2015. The sudden upsurge of migration on the EU agenda took the European institutions by surprise. It could have been different. Close monitoring of the Syrian crisis from 2011 on revealed that the number of refugees and internally displaced persons (IDPs) stemming from the Syrian conflict at the start of 2015 amounted to nearly half of the Syrian population (approximately 4 million refugees and almost 8 million IDPs).¹ This was a clear omen of the storm to come.

But three factors managed to confuse the situation: the sequencing of events, which hid for some time the true political nature of the crisis; the highly complex nature of this migration upsurge, linked to the porous reality of the Syrian crisis; and the added pressure of populist voices in Europe. All these elements coalesced to make this crisis a very difficult challenge for Europe to handle. More fundamentally, the fact that the EU needed for the first time in its history to act as a unit because of the magnitude of this migration wave could only complicate the picture.

The Initial Concern: Traditional Migration

For the first months of 2015, the kind of migration pressure the EU had to confront was rather traditional. Coming essentially from African countries,

it compared—in essence, if not in scale—with past waves of migration from West Africa to Spain from 2000 onward; as in the past, the motivations behind these pressures were essentially linked to economic difficulties, and the main channel for this migration was the Mediterranean, following the central route toward the Italian islands of Lampedusa and Sicily and the Italian mainland. Of concern at the time was not so much the numbers involved as the growing rate of capsizing boats and rafts, which induced high casualties, a trend that seemed to indicate increasingly ruthless practices in the smuggling industry. In other words, Europe was looking south when it should have been looking east anticipating the migration of a different nature to come from Syria.

Such a sequencing of events made Europe start out on the wrong footing, as it gave the impression of a repeat of past experiences with Africa. Therefore, past solutions were applied again, relying on the member state most directly involved to take care of the situation. In the present case, it fell to Italy to act as the state on the front line. Collective support remained scarce; only by the end of summer 2015 did the EU agree to share some of the burden and launch the maritime mission EU Naval Force Mediterranean (EUNAVFOR MED), also known as Operation Sophia, which provided rescue and surveillance on this sea route.

In contrast to this very cautious approach, and as one of the rare acts in this crisis with a long-term perspective, EU heads of state and government invited the union's African partners to discuss systemic problems related to migration. Here again, the sequencing undermined this well-intentioned initiative, as this high-level gathering took place in Valletta only in November 2015, when the second migration wave of Middle Eastern origin was at its height and catching the main attention of all observers.

The Syria Factor and Political Migration

What made the situation in 2015 evolve differently from previous cases was the scale of the new wave that appeared during the spring, added to the political motivation of migrants who were mainly escaping the civil conflicts in the Middle East and Afghanistan. Composed mostly of refugees moving out of Syria and Iraq under the pressure of the endless fighting in these two countries, this inflow of migrants introduced a new reality: numbers never seen on such a scale in recent years, with 800,000 people stepping onto European territory in less than eight months, or 6,000 per day by the end of 2015;² a new route through Turkey, Greece, and the Western Balkan countries toward EU nations, starting with Hungary, Austria, and Germany and then spreading to many more countries; and a determination on the part of those migrants rarely observed in the past.

Europeans were caught off balance by the motivations behind this new wave of migration, which developed in various ways and showed a rare ability to anticipate and adapt to circumstances as they evolved. It started with many of

the refugees in camps in countries neighboring Syria experiencing shortcomings in humanitarian assistance due to a decrease in international financial contributions. Refugees also lost patience trying to find jobs for themselves or school places for their children. Some feared that often-announced plans to set up so-called safe zones on Syrian territory would lead to them being sent back to their home countries in rather precarious conditions of safety. And a very large number of refugees—in particular, internally displaced persons—had simply nowhere to go as they had lost their homes and wanted to flee a seemingly endless war that had been aggravated by Russia’s decision to upgrade its military intervention in Syria in September 2015.

Contrary to the migration inflow observed in the Central Mediterranean and inspired essentially by economic factors, this new migrant flight was of a political nature. It was motivated by a fierce determination on the part of migrants to escape ever-increasing violence and save their lives. It was furthermore based on the legal justification for international protection embodied in the United Nations (UN) 1951 Refugee Convention—the right for any individual to be protected from personal persecution or simply from the dangers of war. It therefore imposed on EU member states a legal obligation to welcome and protect refugees and migrants who fulfilled the criteria for such international protection.

Such a situation is not unprecedented for the European Union. As recently as the 1990s, conflicts in Bosnia and Herzegovina and Kosovo drove significant waves of refugees to Western Europe, which lived up to its responsibilities.

What was different this time revolves around several factors: the rare intensity of the migrant inflow in a very short time span, which spawned a highly volatile political atmosphere in most member states; the involvement of a large number of Central and Eastern EU member states, which transformed the issue into a collective problem; the regional nature of this migration route, which progressively involved several third countries in the Western Balkans and made them bedfellows in the collective decision-shaping process; and the specificity of this refugee inflow, which brought in an intake of mostly Muslim origin.

Migration has accelerated the transformation of Europe’s political scene.

Populist Voices and Internal EU Migration

An additional element of novelty and complication in this migration phenomenon was the way in which it triggered highly emotional popular reactions, leading to political repercussions that have significantly modified the political environment in Europe. Migration has accelerated the transformation of Europe’s political scene, with new (and sometimes old) populist parties benefiting from sudden popularity and parties in government experiencing a brutal fall in support. Migration also has stirred a change in the political agenda by bringing issues of integration and security to the forefront of public discussion.

The rapid rise of these two topics—namely, security against terrorist threats and the protection of national identities and societal coherence—did not come as a surprise. Migration, when it unfolds on a large scale, can generate uneasy relations between local populations and refugees. Incidents of harassment in Germany and Sweden involving local young women and young migrants from Muslim communities during 2016 New Year celebrations were immediately exploited by movements opposed to migration. At the same time, terrorist attacks in France and Belgium in late 2015 and early 2016 brought evidence that radical Islamist groups had used migrant channels to infiltrate Europe with their militants. All these developments unleashed a narrative equating migration with terrorist threats, distorted competition for jobs, and overall attacks on the values of Western societies.

Adding further confusion, these populist groups introduced into the migration debate the additional theme of the free movement of EU citizens inside the union. This intrusion of the migration of EU citizens should not come as a total surprise, as this inflow increasingly represents the largest number of nonlocally born residents in the various member states. For instance, the most recent figures for 2015 from the United Kingdom (UK) Office for National Statistics show that Polish-born citizens in the UK have become the largest community of foreign-born residents.³ Identical trends are emerging in other European countries, and this is the natural consequence of the progressive application in the EU of the free circulation of people, especially workers.

Yet the legal foundation of such inflows is totally different from other migration intakes, with no link to the UN Refugee Convention or the broader concept of international protection. This subject should have been left out of the migration controversy as it related essentially to the logic of the EU single market. But such have been the emotional repercussions of Middle Eastern migration that this internal dimension has impacted on the whole political debate in many member states.

From completely different horizons, these disjointed sources of anxiety have added up to a very antagonistic debate all over the union. Moreover, these influences have set up a highly volatile political background against which every government has to calculate its position and room for maneuver. Today in Europe, populists are leading the game and shaping the migration debate.

A Need for a Collective Response

The crisis that began in 2015 also challenged the EU's traditional approaches to issues of migration.

In the past, EU member states' dissimilar histories, social realities, and economic rules prevented any fertile ground for a common migration or asylum policy. Europe moved with great caution in these fields; progress in home affairs was slow and guarded from the 1992 Maastricht Treaty to the 2007 Lisbon Treaty, with member states transferring their powers to the EU level in

a very prudent manner. EU members did not share the same historical background or perspectives when dealing with immigration, and some of them had only recently experienced massive outflows of their citizens.

Previous tensions in Europe on the migration front were therefore dealt with mostly by individual member states pursuing very different national interests. When Spain faced a significant migration inflow from West Africa from 2000 onward, it had to find solutions of its own, based on direct bilateral negotiations with the African countries involved, be they countries of origin or of transit. Some financial resources did come from the EU budget, but the thrust of these measures was conceived and made in Madrid in what was essentially a national plan. Italy did likewise when confronted during the same period with massive migration from Central and East Africa through Libya. Here again, the Italian government tailored its own plans and solutions—some of which

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for itself could no longer apply.**

stirred up criticism from other member states for having relied too heavily on the cooperation of then Libyan strongman leader Muammar Qaddafi—but none of these measures had the involvement of the EU institutions.

In 2015, however, the policy of every nation for itself could no longer apply. The scale and intensity of the migration pressure rapidly demonstrated the limits of any exclusively national approach. Under dire pressure, member states started to hesitate between three possible options: strictly applying European rules—with the risk of being inundated by refugee requests, as reality plainly illustrated that the principle underlying the EU asylum system (whereby the first member state a refugee enters must process that person's asylum application) cannot survive amid a massive inflow; closing their borders, which implied leaving the burden to the frontline countries; or letting migrants travel across their territories without any proper control (what could be called the wave-through approach).

In reality, the unilateral decision in fall 2015 by a growing number of Central European governments to close their national borders led to a progressive breakdown of solidarity in the EU's passport-free Schengen zone and on the Dublin Regulation for determining asylum applications. This decision progressively put most of the pressure on Greece as migrants arriving on that country's shores were stalled and unable to move farther on. Unilateralism led to a situation in which the final responsibility for tackling the whole migration flow was pushed down the road and transferred to the first EU country that migrants entered, namely Greece, which consequently could not handle the magnitude of the numbers. It then became obvious that individual national action could not be the solution. This migration crisis called for some form of collective action. In plain words, the EU needed to restore solidarity.

A Response Inspired by Urgency

Europeans did manage in the end to agree on a common track. This solution brought a comprehensive dimension to the settlement by establishing a package of measures that tried to find answers to most of the different challenges. In spite of many twists and turns on the way to a solution, the EU made choices that clearly fixed a direction. Yet the EU's primary concern was putting out immediate fires, not long-term policymaking. Urgency, not strategy, was the motivation. This has left a large gap with regard to the necessary solidarity among EU members.

A Clear Priority After a Long and Winding Road

The EU gave priority to the situation on the ground for obvious reasons. The sheer pressure of the high numbers of refugees and migrants overburdened the various countries involved and made it nearly impossible to implement the processes linked to the Schengen and Dublin rules on visas and asylum. The European decisions were about stopping the chaos from spreading too far, regaining control of the migration flow with decisions that would stick at last, and giving a sense of orderly management to the different processes embodied in European regulations, from identifying, fingerprinting, and registering migrants when they arrived on European soil to examining asylum requests.

After a near-complete breakdown of the Schengen zone and the Dublin Regulation, the EU started in November 2015 to get its act together. The EU progressively resurfaced with a solution that allowed the union to regain control of its external borders. In broad terms, a decision was made to close the Western Balkan route and, in the future, allow into Europe only refugees and migrants coming through legal channels initiated in Turkey. This implied a commitment by all member states not to wave through refugees and migrants; an equally strong engagement to apply strict external border controls; substantial support for Greece; and an agreement with Turkey that Ankara would no longer let irregular migrants cross its border into Europe and would take back those migrants who had been refused entry into the EU.

Detailed decisions presented in the European Council conclusions of February 18, March 7, and March 18, 2016, focused on three main strands.

First, the EU gave clear support, including financial resources and expertise, to the frontline states, in particular Greece, to help deliver humanitarian assistance to the refugees and facilitate the different stages of the administrative processes required by the EU for border control and asylum requests. This action consisted of first setting up reception centers (also called hot spots) for the purpose of rapidly examining newly arrived migrants and selecting between those whose asylum requests could be processed and those who could not go further, and then establishing transit centers for those identified as possible candidates for asylum or other types of international protection.

Second, in line with the commitment made by all member states to revert to the Schengen rules and impose strict external border controls, additional resources were allocated to the relevant agencies, namely the EU external border agency (Frontex) and the European Asylum Support Office (EASO). At the same time, the EU rapidly established a new body of EU border and coast guard forces through relevant legislation before the summer.

Third, the EU reached a full-fledged agreement with Turkey that provided both sides with a clear understanding of their mutual obligations and rights with regard to the inflows of refugees and migrants moving into Europe out of Turkey. Provisions were adopted both on the current migrants, with the return to Turkey of irregular migrants already landed in Greece, and on future inflows, with the possible resettlement in Europe of regular migrants on the condition that their asylum applications be processed through procedures located in Turkey and accepted. The Turkish authorities engaged to fight against smuggling and trafficking channels. Europe also obtained significant improvements to Syrian refugees' daily lives in Turkey, with access to the labor market and education for refugee children in local schools. Meanwhile, EU leaders agreed to substantial compensation for Turkey's efforts by allocating a €6 billion (\$6.6 billion) financial package for 2016 and 2017, accelerated visa liberalization for Turkish citizens traveling to Schengen countries, and the relaunch of Turkey's stalled EU accession negotiations.⁴ Last but not least from the Turkish point of view, the EU formally reinvigorated its strategic partnership with Ankara with the commitment to convene a yearly summit between the leaders of the two sides.

These decisions had a significant impact, as the most recent figures of migrant arrivals in Greece show: according to European Commission officials, from a peak of 6,000 per day by the end of 2015, the numbers of new migrants were down to less than 50 in June 2016.⁵ Today, EU political leaders can legitimately state that they have effectively closed off the Western Balkan migration route. More specifically, the range of these decisions has crippled the whole rationale of this migration route and undermined the smuggling and trafficking business: with any future migration managed exclusively through legal resettlement processes triggered in Turkey, the Western Balkan pathway now leads only to a dead end in Greece for irregular migrants; for them, it has lost most of its attraction.

A Direction Still Fraught With Fragility

Yet, the scheme adopted by the European Council suffers from two inherent fragilities: its intrinsic flaws and the unpredictable nature of the EU's partnership with Turkey. These will probably not undermine its effectiveness but could introduce hiccups as the process unfolds. In addition, and contrary to the assumption that the agreement reached in the European Council with Turkey could be recognized as a model for future agreements with other partners, it

is difficult to claim that this could be the case: the EU-Turkey scheme is tailor made for politically motivated migration; it is directly related to the specific crisis in the Middle East; and it is suited to the very particular nature of EU's relationship with Turkey. Moreover, the arrangements fall far short of setting up strong and lasting solidarity among EU members. On the contrary, divisions appear more acute than ever.

With regard to the inherent weaknesses, the implementation in Greece (and, to some extent, in Italy) of the overall administrative process stemming from the European Council decisions requires time and resources on a scale that is still missing. Streamlining and speeding up asylum procedures, including the appeal process for rejected applicants, call for improved ad hoc structures with sufficient human resources to avoid backlogs. Likewise, issuing return decisions after asylum claims are rejected and implementing these decisions effectively and speedily require the necessary resources to avoid renewed asylum applications or other abuses of rights. As for reception or transit centers, their development must be monitored with care to ensure conformity with basic human rights and health standards. On all these matters, EU institutions and member states have promised their concrete support, but they are still far from having delivered all that was announced. Meanwhile, refugee centers are filling up in increasingly bad conditions; more centers are required but are slow to erect; and migrants stuck in Greece, sensing a decrease in the initial dynamism that launched this whole process, are itching to take to the road again.

As for the process established to speed up asylum applications, it risks overriding respect for asylum seekers' rights and could undermine the seriousness that must inspire the decisions made in this field. Some member-state authorities, relevant UN agencies, and international organizations have already drawn the attention of EU institutions to the need to monitor closely the implementation of such measures.

As an additional weakness, the agreement reached with Turkey on the issues of return, readmission, and resettlement relies on the assumption that both sides can deliver their part of a deal that introduces an exchange scheme: as irregular migrants are brought back to Turkey, a similar number of refugees currently stranded in Turkey will be allowed to come to Europe if and when their applications for asylum are granted. So far, this process is moving at a very slow pace: according to EU officials, as of June 2016 around 780 migrants have been readmitted to Turkey and a little more than 400 have been allowed into Europe.⁶ As the agreement was based on a first quota of 72,000 migrants, it is clear that the finishing post still looks very distant.⁷

But it is not only these weaknesses of the European Council agreement that can cause concern. Political developments in Turkey, not to mention the fallout from the July 15–16 attempted military coup, may have consequences for the EU-Turkey agreement that are still difficult to predict. The provisions on asylum procedures stipulate that returns to Turkey of those not admitted into

Europe may be carried out on the assumption that Turkey is considered a safe third country. With the ongoing volatile developments in the country since the failed coup, will such an assumption stand up before European courts if an asylum decision based on such premises is legally contested?

On the granting of a visa liberalization scheme to Turkish citizens, the hesitations in the EU Council of Ministers and the European Parliament before summer 2015 can only be enhanced by the current repression in Turkey. The most recent efforts to fulfill the last criteria for visa liberalization risk being undermined by current measures of imprisoning military personnel, judges, public administration officials, and media representatives—not to mention the possibility raised by Turkish President Recep Tayyip Erdoğan of Turkey reimposing the death penalty. Eleventh-hour dialogue efforts and some creativity on both sides in crafting the necessary compromises may strike a deal. But such provisions are a testament to the still-fragile mutual trust between Brussels and Ankara. Many if not most member states are far from convinced that the overall political situation in Turkey should allow for any concession to the regime in Ankara. The repression following the aborted military putsch in July runs the risk of reinforcing these misgivings.

A Lingerin Political Gap: The Solidarity Dimension

Above and beyond these shortcomings lies a more intricate challenge, as the agreement reached on Western Balkan migration has not dispelled the deep divisions among member states over fundamental issues related to migration. Solidarity among the member states is still lacking.

In fact, this notion of solidarity has been contested since the start of the crisis for deep-seated reasons. The distribution of powers between the EU institutions and member states has always encouraged national governments to consider home affairs in general and migration issues in particular as parts of their sovereign domains. Strong political sensitivities are also involved as migration relates to the national identity of each member state and to the place for immigrants in local societies. Even common EU rules on asylum and border controls have been implemented amid a constant preoccupation with protecting national interests: sharing intelligence for the purpose of fighting terrorism, for instance, has been—and still is—slow to spread among the union's members. The harmonization of social security benefits for asylum seekers also remains an uneasy and hazardous process.

The relocation scheme proposed in June 2015 by the European Commission epitomizes the deep divides that appeared between the union's members during this whole crisis. This scheme, tailored to distribute refugees in a fair manner among European countries, was challenged from the start by a large number of member states for being an unbalanced and biased proposal. The opposition became even harsher when the commission decided to change the legal nature of its proposal from voluntary to mandatory. As of this writing, the council's decision

to endorse this relocation scheme, which was finally adopted in September 2015 by a narrow majority, is being contested before the European Court of Justice by some of the Visegrád countries of the Czech Republic, Hungary, Poland, and Slovakia. Meanwhile, Hungary's government has decided to put to the population the question of whether the country should accept immigrants on its territory, in a referendum to take place in fall 2016.

Rightly concerned about first regaining control of the situation on the ground, European leaders have so far opted for a low-profile approach on the issue of solidarity. The burden-sharing issue that lies behind efforts to promote either relocation (distribution of refugees who have already arrived in Europe through illegal routes but who have been granted asylum) or resettlement (distribution of successful asylum candidates still located outside Europe) has not been resolved among member states in spite of the formal vote on the relocation scheme. This scheme is being implemented at a very slow pace and with strong reservations even from those member states that have not contested its legitimacy. As for the relations between the Visegrád group and other union members, they appear laborious and hesitant, with the added risk of spillover into other important issues.

In the absence of much progress for the moment, like-minded member states are discussing relocation and resettlement schemes in the framework of the EU-Turkey agreement as part of a short-term solution. Once again, this illustrates the priority given to immediate concerns at the expense of any strategic approach. The same goes for the more comprehensive resettlement scheme, the Voluntary Humanitarian Admission Scheme, that the European Commission has proposed and is currently being discussed by the council. Interestingly enough, this proposal has been shaped as a noncompulsory program precisely to prevent as much controversy as possible. The orientation is clear: short-term concord is what must prevail for the time being; solidarity will come later, if ever.

European leaders have so far opted for a low-profile approach on the issue of solidarity.

Toward a More Comprehensive Migration Policy

It is evident that cleavages remain on the acceptance of burden sharing and the way in which this principle could be implemented. With regard to refugees who could be welcomed through resettlement as well as migrant workers who could benefit from legal migration schemes, the EU still faces strong opposition from some of its members to any kind of integrated action on these issues. Even the simple notion of Europeans tackling these problems together is called into question by these same member states. Most recently, by the end of August, leaders from the Czech Republic, Hungary, and Poland had reaffirmed their

strong opposition to hosting refugees, in particular migrants of Muslim origin, and repeated their criticisms of past EU action in this field.

The deliberate attempt by Europeans to avoid a full discussion of any of these cleavages may be well founded: a difficult and uncertain debate on the most divisive aspects of a possible EU migration policy entails a political price. Were Europeans to engage in such a discussion, fundamental differences would immediately emerge over the issue of integrating migrants into their respective countries. Throughout history, each EU member has shaped its own society, which embodies diverse forms of multicultural coexistence that cannot be modified without the risk of social tensions and popular discontent. Faced with such perspectives, governments may prefer to allow these deep evolutions to take shape in an unforced way over time through quiet persuasion rather than foster a public debate about the definition of immigration quotas.

But it can be argued that the EU should confront these issues and forge a more comprehensive and long-term policy, for several reasons.

First, migration pressure is here to stay. Political refugees from Syria, Iraq, and Afghanistan will continue to enter Europe, albeit on a less intensive scale, through the safe and legal pathway provided by future resettlement schemes. More broadly, economic migrant inflows, notably from Africa, will inevitably rise in the future: Europe is growing older while Africa is getting younger; a natural process of transfers and substitutions will slowly emerge to satisfy labor market needs in European countries. Current demographic research leaves little doubt on this point: trends in Africa point to a doubling of the total population of the continent from more than 1 billion today to 2.5 billion by 2050; European countries in 1900 represented about 25 percent of the world's population, while today, the 28 EU member states amount to only about 7 percent of the global population.⁸ A complete reversal of the prevailing demographic trend of the twentieth century is taking place, from the colonial period when Europeans emigrated to all parts of the world to the contemporary period in which Europe is the natural destination of migrants from Africa, Asia, and the Arab world. The migration issue will therefore not go away easily.

The absence of any common action from EU members on migration can only induce more dysfunction, as a unified approach remains the best way to offer efficient responses. The absence of consensus cannot bode well for the capacity of Europeans to enhance their future actions. In particular, can member states make any real progress if they do not share a common understanding on admitting migrants who are recognized as deserving protection? The same can be asked of the number of migrants who benefit from resettlement schemes and the way they should be distributed among member states—all the more so as those same migrants, once admitted as residents into the EU, can progressively take advantage of the EU's regime of free movement and relocate to another member state. As for legal migration, can the union's members act in unison if they do not have at least a common view of how to handle and

coordinate this type of migration, based on shared demographic assumptions and clear forecasts of how national labor markets are going to develop?

The absence of consensus also creates uncertainty. This uncertainty feeds concern among populations and opens the door to the further progress of populism. In the absence of clear leadership, populist movements will continue to take over the political agenda with a hodgepodge of fears, exaggerations, and simplistic solutions. Moreover, political antagonism around migration will not disappear anytime soon. The migration issue features a rare combination of some of the most deeply felt concerns of EU citizens, including threats to national identity and societal cohesion, terrorism, unemployment, and Europe's inability to create prosperity again. Under the surface of daily political skirmishes lies a profound unease among European countries whose populations do not have strong trust in the EU's capacity to deliver adequate solutions. This perception of a hesitant and uncertain Europe can only impact negatively on efforts to build more integration.

Moreover, the deep shockwave felt all around Europe after the UK's June 23 referendum decision to leave the EU has stirred up a lot of speculation about the urgency of building new foundations for the union and the need to engage in profound institutional reforms. The time may not be propitious for such fundamental change as the prevailing mood in European opinion seems directed much more at finding concrete ways of responding to citizens' immediate preoccupations than at rushing toward any institutional overhaul. A more sober approach focusing on migration could, at least for the time being, be a more suitable way to put the EU in harmony with the genuine concerns of the European population. In other words, migration could be a relevant area in which European governance meets the people's wishes and offers a salutary rebound.

The migration issue features a rare combination of some of the most deeply felt concerns of EU citizens.

The Challenges the EU Must Address to Promote Flexible Solidarity

It would be naive to dismiss the work achieved by the EU in early 2016 after months of painful debates. Even with its weaknesses, this result deserves to be recognized as a crucial step in the right direction. At least Europe has been provided with a response to the immediate crisis.

Yet, what the EU urgently needs now is more of a long-term plan based on a combination of genuine solidarity and creative flexibility. Solidarity is needed if only to protect the cohesion of Europe against free riders staying out of any common migration policy and gradually eroding the fabric of the whole union. Flexibility is necessary as any decision on migration must take into consideration the specific problems of every member state and, more substantially, put

up with the need for a progressive rollout of any integration approach in such a sensitive area.

The foundations for a comprehensive policy are already there. In April 2015, the European Commission proposed a European agenda for migration, to which the member states reacted with excessive caution as the first signs of the crisis were slowly advancing. Yet, this agenda represents a fair basis for action as it encompasses proposals on all the main ingredients of any EU migration policy, namely border controls, asylum regime, legal migration, irregular migration (including returns and readmissions), and integration. Furthermore, the commission maintained a steady course by releasing in a timely way the different proposals embodied in this road map.

The framework for a sustainable migration policy is therefore already sketched out, paving the way for the adoption and implementation of these proposals. In this context, three priorities could be proposed as a way of promoting an approach based on flexible solidarity:

- set some clear objectives and commitments on the acceptable level of political and economic migration for the union;
- determine the relevant instruments to put these commitments into action, above and beyond what has already been proposed; and
- devise a well-designed partnership with third countries of origin or transit whose cooperation is indispensable for any efficient migration policy.

Objectives and Commitments

Engaging member states in a thorough discussion on principles and figures related to migration may very quickly end in disaster. The near breakdown of communication that followed the relocation decision in September 2015, which is still resented today by many member states, sends a clear message about the need to handle this overall challenge with care and a step-by-step approach. One way of driving the debate forward could be to focus on some of the most contentious items—not with the intention of increasing Europe’s grip on these matters at any cost but with the purpose of shaping a migration policy that could, through a flexible approach, be more attuned to the concerns of the member states and, in particular, of public opinion.

Among these items, four could stand out: the voluntary or mandatory nature of relocation and resettlement schemes; the permanent or temporary nature of migration; an emergency brake on internal migration; and financial solidarity.

Voluntary vs. Mandatory Relocation and Resettlement Schemes

The question of whether any relocation agreement between member states should be voluntary or mandatory is a central point of contention. The opposition from the Visegrád countries in September 2015 to the relocation program

(Poland at the time voted for the scheme but has since shown strong reservations) was largely induced by the European Commission's decision to opt for a compulsory scheme. Moreover, the overall lukewarm attitude of most other member states toward fulfilling their obligations under the same scheme vividly illustrates the little appetite these countries have for any form of migration enforcement. The same is true for any hope of progress on a resettlement scheme, as observed with the EU-Turkey deal.

The EU should therefore recognize reality and agree that at least for the time being, any arrangement will have to be based on a voluntary scheme if member states are to agree to it at all. Doors could be kept open for further decisions on this topic while informal discussions with some of the union's most reluctant members continue and eventually deliver some degree of flexibility.

Permanent vs. Temporary Migration

Acceptance by some EU members of precise numbers of migrants may be conditional on the presence of those migrants being temporary (at least for some categories). This is an avenue worth pursuing due to the sensitive political context. Here again, flexibility could be key in shaping acceptable migration schemes for some of the less forthcoming EU members: by mixing different types of migrants (political and economic) and taking into account the individual situations of candidates for asylum or legal migration, the EU could propose more innovative schemes to try to overcome some of the member states' reservations.

Furthermore, this conditionality could be welcomed by those countries of origin that are confronted with the threat of a steady outflow of some of their best individuals (the phenomenon of brain drain). Emphasis on temporary migration could help alleviate some of the negative impacts these countries face in terms of losing human resources for future reconstruction when civilian conflicts are over and of depriving local economies of indispensable workers.

An Emergency Brake on Internal Migration

Today, any idea of an option to suspend the EU's regime of free movement of people would be rejected by most, if not all, European countries. Any possibility of removing this principle, even temporarily, would be perceived as an erosion of the freedom of circulation. Yet, the debate following Britain's vote to leave the EU has brought this question back into the limelight. The issue may not go away easily if the UK government makes the case for concessions from the EU on this issue while discussing the mutual opening of their respective economic markets.

With several member states today adopting different positions on this issue, the possibility of some flexibility should not be disregarded. France, for instance, is increasing pressure on the European Commission to introduce into current legislation restrictions on the inflow of EU posted workers—employees

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sent to work in another EU member state on a temporary basis. Even some Central and Eastern European member states, traditionally opposed to any limitation in this field, appear inclined to adopt a more open position on the assumption that the need to stimulate their gross domestic product (GDP) growth may require a reverse flow of their currently expatriated nationals.

In the field of EU-internal migration, a proposal to introduce some safeguard scheme based on a suspension clause or an emergency brake, relying on concrete thresholds agreed to by member states and an appropriate monitoring mechanism, could at least open the debate.

Financial Solidarity

Financial solidarity remains one of the most controversial topics on migration. It stems from the assertion that if some EU members refuse to share the burden, they must agree to pay a compensation fee. Member states have preferred so far to leave this question aside on the assumption that any arrangement of this kind would not fit with the image and values the union wishes to promote to the outside world. Yet the commission itself, in its communication on a new European asylum regime, has put forward the suggestion of a solidarity contribution of €250,000 (\$275,000) per asylum applicant for those member states that refuse to take part in the relocation scheme proposed in that communication.⁹ The idea of such a contribution has so far received a rather poor reception from member states. Yet, staunch opposition by some of them to admitting any reasonable number of migrants creates an unfair sharing of the migration burden among the union's members; this situation of free riders may soon become untenable.

In this context, a concrete demonstration of financial solidarity should remain one option, be it a contribution along the lines proposed by the commission or some indirect support through a specific EU budget allocation to those member states that agree to host a significant number of refugees or migrants. Direct bilateral arrangements between member states could also be considered as a flexible way of contributing to the overall efforts.

Reinforcing the EU's Migration Toolbox

Strong European engagement for a comprehensive migration policy will also require the EU to adopt the whole toolbox presented by the European Commission in its 2015 agenda to update the many migration instruments. Particular elements include:

- a reinforced asylum agency to build on the present EASO with new efforts to harmonize social allowances and benefits allocated to refugees;
- enhanced border controls with an improved visa regime for the Schengen zone and new border and coast guard forces;

- a global regime for resettlement based on the current work under the EU-Turkey agreement, with the goal of promoting resettlement as the proper channel for safe, fair, and regular migration; and
- a progressive approach on legal migration based on the lessons learned from the various regulations regarding different categories of visas for workers, including the 2009 Blue Card process applied to qualified workers.

Work on these proposals should proceed taking into consideration the necessary flexibility that could pave the way to compromises and solutions. In this context, a set of guiding principles could be helpful to keep in mind.

First of all, the EU should safeguard the core tenets of migration policy. With regard to the final goal of setting up a new asylum agency, such an agency should be awarded full independence and should abide by all international principles in line with the 1951 Refugee Convention. On the way to such an objective, the work toward greater convergence among member states on asylum application processes and toward an improvement of operational standards should stick to the principles and norms of the asylum doctrine.

The EU should also support the instruments that embody the best added value. From that point of view, resettlement schemes remain the best tool as they guarantee a safe pathway for migrants, an orderly administrative process for member states, and the most efficient disincentive for smugglers. These schemes should be encouraged, first on a voluntary basis for EU members and, if initial results are positive, on a more enforced basis.

The union should promote simplification as much as possible. In this context, member states should engage in a review of the current visa liberalization process with the purpose of harmonizing agreement procedures that today come under different channels and criteria according to the region to which the EU partner in question belongs.

A more unified visa process—with a clear division between short-term and long-term visas and the possible implementation of a European equivalent of the U.S. Electronic System for Travel Authorization—could enhance transparency and facilitate a better understanding of EU visa policy while providing third-country partners with a more reliable yardstick for cooperation.

When necessary, the EU should adopt a low-profile approach. In areas like legal migration or societal integration, European countries are far from convinced that such fields should be covered by EU policies. Hence the need to promote a fallback position from which gradual steps may bring more progress than any audacious move. On labor migration, pooling economic forecasts and labor offers could be encouraged, if only to engender a better understanding of the situation member states face with regard to their labor markets. Pilot projects among consenting member states in some sectoral markets could also test the feasibility and efficiency of an EU approach. As for national identity

or societal integration, peer reviews and pilot projects could also be options in areas like education or professional training for migrants.

Finding Consensus With International Partners

The EU has been active on the external dimension of the migration question. In November 2015, it convened the Valletta conference to reach out to its African partners; in March 2016, it brokered a deal with Turkey that epitomizes in European eyes the principles and rules of the union's external action in the migration field. And in June 2016, the European Commission and the European External Action Service (EEAS) released a communication on establishing a new framework of partnerships with third countries.¹⁰ The purpose of such agreements, in the communication's own words, is to deliver "a coherent and tailored engagement where the Union and its Member States act in a coordinated manner putting together instruments, tools and leverage to reach comprehensive partnerships . . . with third countries."

Yet, the approach favored thus far has a number of weaknesses, not least some fundamental disagreements between the EU and its partner states. A more consensual strategy is needed.

The Turkey Model?

In simple terms, the orientation of the June 2016 communication takes its inspiration from the Turkish template. It proposes implementing the same approach combining a set of incentives—a financial package amounting to €62 billion (\$68 billion) up to 2020, a more focused development policy on the migration issue, and special trust funds tailored for different partners—and disincentives linked to conditions that relate to the need for European partners to deliver "specific and measurable increases in the number and rate of returns and readmissions."¹¹ As expressed in no ambiguous terms in the conclusions of the European Council meeting on June 28, "cooperation on readmission and return will be a key test of the partnership between the EU and [its] partners."¹²

The yardstick for such future migration compacts is clearly stated: it will rely on fast and operational returns of irregular migrants, if need be on the basis of temporary agreements and with the assistance of member states' bilateral experiences with less cooperative partners. Conditionality remains the keyword, and this foreign policy document is perceived as having been shaped largely by concerns in the field of home affairs.

Disagreements About the Approach

The difficulty with this type of approach lies in its built-in contradiction: if a genuine spirit of cooperation must inspire the two sides' mutual engagement in such partnerships, how can such commitments ever stick if one of the parties—the EU—intends to impose its conception based on an inward-looking

policy of pushing back the waves of migrants? Many well-founded reasons will no doubt be given to justify this approach, starting with the very poor rates of returns registered by the union and its member states in their relations with third-country partners.¹³ Yet, the structural flaw of such cooperation is all too clear as it is based on the single vision of one of the two sides.

There is also a fundamental difference of narratives on migration between Europe and Africa. Europeans perceive immigration essentially as a threat to their jobs, to their national integrity, and, more and more today, to their security. Africans see migration as a natural component of their societal tradition, a significant source of their economic prosperity through the financial remittances sent back home, and, in recent years, an alternative to the double threat they face at home of unemployment and political radicalization, which lead to insecurity and destabilization. If no effort is made by either side to find a way to connect these two narratives, the risk is that they will run in parallel without any meeting of minds.

Sharing Responsibility

Confronted with this antagonistic European mind-set, both the EU and its partners should try to find some common ground and frame their future partnerships around a more consensual concept of shared responsibility, rather than stressing the conditionality imperative. From this point of view, the EU global strategy released on June 28, 2016, by the EU high representative for foreign affairs and security policy takes a more even-handed approach toward the migration partnership—in line with ongoing work in the United Nations—when the strategy emphasizes the importance of working “with our international partners to ensure shared global responsibilities and solidarity.”¹⁴ The template for such partnerships should not be Turkey but rather Spain and the approach Madrid promoted in the 2000s with a policy of close cooperation based on permanent dialogue, positive incentives, and a genuine effort to conciliate the interests of both sides.

Here again, a set of guiding principles could be proposed to encourage flexible solidarity and a common sense of shared responsibility with the EU’s partners.

First, the EU should take stock of the lessons learned in all different fields. Development assistance in the area of migration has gathered valuable experience that should be exploited. Circular migration, which allows migrants to benefit from long-term visas to go back and forth between their countries of origin and their temporary countries of residence, represents an interesting option for European countries that favor a more open attitude to migration. Triangular cooperation, in which migrants are trained in third African countries with financial support from European funds before moving back to their nations of origin, also deserves to be promoted. Such cooperation can help

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enhance direct South-South partnership between African countries, which bears potential fruit for the economic future of the continent. As for irregular migration, given the very little success in terms of return agreements, the

EU could also look attentively at what some of its member states have managed to do on a bilateral basis.

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if it wishes to retain credibility.**

However, the EU needs to avoid overestimating the capacity of development assistance to solve the root causes of the economic shortcomings of partner countries.

Africa's economic problems are deep rooted, long standing, and linked to many causes: energy and water supplies, the lack of a business-friendly environment, uneven transportation networks and communication systems, corruption, fragile rule of law, weak governance, unstable democracy, and many other challenges. These will not be solved easily, as the track record of EU development deliveries illustrates, and the EU's available resources will anyway not be abundant enough to finance all the actions needed to profoundly change the situation.

In plain words, Europe should not promise too much if it wishes to retain credibility. But a more low-profile attitude, based on improving current development programs in the field, could help bridge the credibility gap.

The EU should also make accurate assessments of the new African reality. Economic growth is improving on the African continent, but it has not generated enough jobs for the young people who are moving into the labor market in increasing numbers. Security is another source of concern for most African governments as they face a rising threat from radical jihadist groups. These are the current African challenges that Europe must show a sincere readiness to assist and get involved in solving. The EU tends all too often to impose dated processes tailor made for European interests and concerns; in the future it may have to adapt its concepts and methods to the new realities on the ground.

Similarly, the EU needs solid assessments of the new realities of migration. Firmer cooperation between the EU and its partners at the UN should promote actions that can incorporate some of the current migration trends.¹⁵ Most notably, the new phenomenon of highly mobile migrants who are not looking to settle down on a permanent basis should be considered attentively by all stakeholders as a possible driver of innovative collaboration among nations.

These guidelines are but a few illustrations of the ways the EU could apply the approach of flexible solidarity. They all underline the need to reinforce the collaborative dimension of the external action that Europeans must drive forward with their international partners in the migration field.

Time to Be Ambitious

At this crucial juncture of EU history, when doubt and pessimism are eroding the hope of a possible future for Europe, migration is one of the fields in which more assertive and positive action is required. The EU needs to infuse more ambition into its migration policy if only to underline the political nature of this challenge, which is too easily downgraded to a simple series of technical measures.

The answer to the populist wave, which has to a large extent taken the issue of migration hostage, must not be defensive or hesitant. On the contrary, the response to populism must be one of the pillars for the rejuvenation of an EU more focused on its concrete priorities and more in tune with the concerns of its citizens. For that purpose, a deep sense of solidarity mitigated by a degree of flexibility guarantees a realistic and down-to-earth approach that may well be what European citizens today are eagerly calling for.

Migration is not a fatality; it can be controlled and open the door to benefits for all. For this to happen, Europeans need to change their current thinking and consider migration as an opportunity. They must agree to discuss the issue among themselves, promote dialogue with their external partners, leave aside the temptations of intolerance and isolation, and rekindle hope at a time when they see only reasons for fear and despair. No one underestimates the magnitude of the challenge; the issues involved go right to the heart of the nation's fabric in each EU state, and political tempers flare up to a degree that allows little room for rational and positive debates. Yet, a shift of mind-set remains indispensable if Europe wants to tackle the migration issue properly and efficiently. Moreover, a reasonable and realistic solution to the migration challenge may well be a first step on the path toward Europe's rebound. If only from that point of view, it is worth trying.

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Notes

- 1 For the number of refugees, see United Nations High Commissioner for Refugees, “Syria Regional Refugee Response,” last updated August 16, 2016, <http://data.unhcr.org/syrianrefugees/regional.php>; for the number of internally displaced persons, see United Nations Office for the Coordination of Humanitarian Affairs, “Middle East, North Africa, Afghanistan and Pakistan: Humanitarian Snapshot,” December 28, 2014, https://docs.unocha.org/sites/dms/ROMENA/Hum_Snapshot_en_Nov_Dec_2014_Final.pdf.
- 2 Figures given during interviews with European Commission officials at the end of June 2016.
- 3 Office for National Statistics, “Population of the UK by Country of Birth and Nationality: 2015,” August 25, 2016, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/ukpopulationbycountryofbirthandnationality/august2016#poland-is-the-most-common-non-uk-country-of-birth-and-polish-is-the-most-common-non-british-nationality>.
- 4 “EU-Turkey Agreement: Questions and Answers,” press release, European Commission, March 19, 2016, http://europa.eu/rapid/press-release_MEMO-16-963_en.htm.
- 5 For the 2015 figure, see “Implementing the EU-Turkey Statement – Questions and Answers,” press release, European Commission, June 15, 2016, http://europa.eu/rapid/press-release_MEMO-16-1664_en.htm. The 2016 figure was given during interviews with European Commission officials at the end of June 2016.
- 6 Figures given during interviews with European Commission officials at the end of June 2016.
- 7 “EU and Turkey Agree European Response to Refugee Crisis,” European Commission, March 19, 2016, http://ec.europa.eu/news/2016/03/20160319_en.htm.
- 8 Population Reference Bureau, “2016 World Population Data Sheet,” August 2016, <http://www.prb.org/pdf16/prb-wpds2016-web-2016.pdf>; Eurostat, “The EU in the World - Population,” March 2015, http://ec.europa.eu/eurostat/statistics-explained/index.php/The_EU_in_the_world_-_population.
- 9 European Commission, “Communication From the Commission to the European Parliament and the Council Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe,” April 6, 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards_a_reform_of_the_common_european_asylum_system_and_enhancing_legal_avenues_to_europe_-_20160406_en.pdf.
- 10 European Commission, “Communication From the Commission to the European Parliament, the European Council, the Council and the European Investment Bank on Establishing a New Partnership Framework With Third Countries Under the European Agenda on Migration,” June 7, 2016, <http://ec.europa.eu/dgs/home-affairs/what-we-do/>

policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_external_aspects_eam_towards_new_migration_ompact_en.pdf.

- 11 Ibid.
- 12 “European Council Conclusions, June 28, 2016,” press release, European Council, June 28, 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/06/28-euco-conclusions/>.
- 13 In 2015, effective returns of third-country nationals varied as follows: Nigeria, 34 percent of return decisions implemented; Egypt, 33 percent; Senegal, 22 percent; Ivory Coast, 13 percent; Eritrea, 8 percent; Sudan, 7 percent; Guinea, 6 percent. See European Council, “European Council 28–29 June 2016 in Brussels,” June 26, 2016.
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- 15 Roderick Parkes, “People on the Move: The New Global (Dis)order,” Chaillot Paper no. 138, European Union Institute for Security Studies, June 2016, http://www.iss.europa.eu/uploads/media/Chaillot_Paper_138.pdf.

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