

## an effective way forward for EU migration management?

from the perspective of

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> Takes two to tango: Seeking partners along the Eastern Mediterranean route

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Yet another 'migration crisis' in the **Central Mediterranean:** 

Seeking European answers to a **European challenge outside Europe** 



November 2023 Perspectives #2/2023 ELIAMEP | Perspectives #2/2023

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Yet another 'migration crisis' in the Central Mediterranean: Seeking European answers to a European challenge outside Europe

Introductory assessment by

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Introductory assessment by Maria Gavouneli

#### The question

On 6 November 2023 the Prime Minister of Italy Giorgia Meloni stood with a big smile next to Edi Rama, the Albanian PM, to announce a new protocol between the two countries outsourcing the processing of asylum applicants across the Adriatic but still beyond the boundaries of the European Union. As reported, the arrangement will apply to people rescued at sea by the Italian authorities, who would then be disembarked on Albanian territory, at Shëngjin, around 75 km northwest of Tirana. Two closed reception centres are scheduled to be built there at Italian expense and managed exclusively by Italian civil servants. They will remain under Italian jurisdiction (thus creating an area of extraterritorial application of EU law) while external security will be provided by Albanian personnel. The centres are supposed to host up to 3000 at a time and over 36.000 persons annually, asylum applications processed in no more than 28 days at a time – rejected applicants will then be deported by the Albanian authorities. Pregnant women, children and other vulnerable people will be excluded from the scope of application of the agreement, which will become effective from 2024 onwards, after having been ratified by the Albanian Parliament.

Albania "behaves as if it's one" of the EU member States, suggested Meloni — the small problem being that it is not as yet. And therein lies the trouble... It was only last month when Ursula von der Leyen, the President of the European Commission, wrote to EU leaders declaring that "The external aspects of migration are essential for the successful implementation of our policy", and presenting 15 action points to boost the external dimension, such as reinforced search-and-rescue cooperation with the Maghreb countries, a pilot scheme for accelerating the registration of applicants and the mutual recognition of return decisions. A number of countries along the Eastern and Central Mediterranean migration routes: Tunisia Egypt, Turkey, Jordan, Lebanon, Senegal and Mauritania are singled out in for further exchanges — albeit with so far unidentified or, as in the case of Tunisia, negative results. At the same time and in the absence of any discernible success on the EU level, several member States have made noises in the same direction. The outsourcing to Rwanda attempted by the United Kingdom, an ex-EU member, was put on hold by the European Court of Human Rights but it seems that Denmark, Austria and now Italy are drawn to similar solutions.

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Are partnerships with third countries an effective way forward for EU migration management?

In this number of *Perspectives*, we would like to explore the attraction of such partnerships with third countries, even in the face of apparent abject failure. We have invited two experts in the field, Angeliki Dimitriadi of ELIAMEP and Asli Selin Okyay of the Istituto Affari Internazionali, to review the effectiveness of the current policy initiatives as compared to our collective experience so far in the Eastern and the Central Mediterranean routes, respectively. Contrary to our avowed intention in this series to welcome different points of view, both our invitees seem to share the same queries and doubts and ultimately arrive at the same conclusions – which inevitably leads to the next question: are there any alternatives? To be continued...

# Perspectives

#### From the perspective of Angeliki Dimitriadi

## Takes two to tango: Seeking partners along the Eastern Mediterranean route

In the face of increased arrivals across the Central and Eastern Mediterranean since early 2023, political pressure exercised by Italy and the reinvigorated conflict in the Middle East, the Spanish Presidency circulated a discussion paper, ahead of the Justice and Home Affairs Council meeting on 19 October 2023, proposing a shift in the external dimension of migration from "a reactive to a preventive model". The document does not appear to propose anything original that goes beyond existing measures. Rather, it calls on member States to double down on current policies and practices, including arrangements and agreements with third countries. The prioritization of the external dimension is strongly supported by member States along the Eastern Mediterranean route--particularly Greece and Cyprus. As the main recipients of mixed migratory movements, both countries have taken the position that irregular mixed migration should be prevented, and this can only be done in partnership with countries of transit and/or origin.

Are such partnerships an effective way forward for EU migration management? The experience from the Eastern Mediterranean has shown that, in their current format, their effectiveness is patchy at best. It is a practical and essential approach that often falls short in terms of implementation.

Responsibility for this can be attributed to the countries of origin and transit and their positions in the regional migratory movements, the foreign policy 'weight' of the main EU destination countries in the Eastern Mediterranean but also on the EU foreign policy on migration. The latter continues to be oriented towards a preventative model and has, since 2016, sought flexible informal arrangements that serve a performative role, but whose implementation and impact fluctuates depending on circumstances.

#### Who moves along the Eastern Mediterranean route?

The Eastern Mediterranean route refers to the passage from Türkiye to Greece, Cyprus¹ and to a lesser extent Bulgaria, with the latter being a relatively recent addition as a country of destination and transit. Prior to 2014, the main countries of origin along the route were Afghanistan, Palestine, Iraq, Pakistan and Bangladesh². In 2015–2018, Syrians constituted the largest nationality in irregular entries across both land and sea borders, followed by Afghans and Iraqis. Restrictions imposed due to the pandemic reduced cross border mobility, but irregular migration has been gradually returning to pre-2015 levels since 2022. According to FRONTEX, around 42,800 irregular border crossings were detected on the Eastern Mediterranean route in 2022. The majority were made by Syrians, Afghans and Nigerians. One noticeable shift in the period since 2020 has been a diversification of nationalities. Data from 2023 (until 31 July) show that the most common countries of origin for migrants arriving in Greece by sea from Türkiye were Afghanistan, Somalia and Syria, but also Palestine³, Eritrea, the Democratic Republic of the Congo, Sudan and Yemen.

Most of these nationalities receive international protection in significant percentages in Greece and in most EU member States. In 2022, most of the migrants awarded international protection in Greece originated from Eritrea, Palestine, Yemen, Sudan, Afghanistan, Ethiopia, Türkiye, Iraq, Syria and Iran. The overwhelming number entered from Türkiye. This gives a clear indication of the fundamental issue with the route: namely, that many of the countries of origin are deemed either entirely or partially unsafe for individuals or specific groups and categories of people on the move (e.g., Hazaras from Afghanistan). To these, we should also add those migrants from Pakistan and Bangladesh, who receive subsidiary protection at a reduced rate, while many are also rejected by the asylum process but nonetheless remain in the territory – often undocumented.

Unlike the Central Mediterranean, where colonial histories and trade ties have allowed for the growth and maintenance of relationships with multiple countries along the route including countries of origin, the Eastern route offers limited possibilities, with Türkiye being the main partner when it comes to migration management.

<sup>&</sup>lt;sup>1</sup> In 2019, Cyprus was the country with the highest number of asylum seekers in relation to its population, with most of the former coming from Syria, India, Bangladesh and Pakistan. Asylum seekers now <u>make up over 5% of the population</u> and are mainly nationals of Syria, Nigeria and the Democratic Republic of Congo.

<sup>&</sup>lt;sup>2</sup> In the case of Greece, Albanians remained highly prevalent in apprehension figures. For the percentages of the different nationalities, see Frontex, *Risk Analysis 2016*; Frontex, *Annual Risk Analysis 2015*.

<sup>&</sup>lt;sup>3</sup> This is prior to the eruption of the war between Israel and Hamas in October 2023.

The particularities of the route render it distinct from the Central Mediterranean. Unlike the Central Mediterranean, where colonial histories and trade ties have allowed for the growth and maintenance of relationships with multiple countries along the route including countries of origin, the Eastern route offers limited possibilities, with Türkiye being the main partner when it comes to migration management.

#### Tracing the external dimension on the Eastern Mediterranean route

To date, the external dimension of migration has been based largely on diplomacy and the utilization of soft power tools, ranging from legal migration options to humanitarian aid, development assistance and—potentially, at EU level—visa facilitation. The initiatives taken include a combination of regional processes, mobility partnerships and readmission agreements.

To date, the external dimension of migration has been based largely on diplomacy and the utilization of soft power tools, ranging from legal migration options to humanitarian aid, development assistance and—potentially, at EU level—visa facilitation. The initiatives taken include a combination of regional processes, mobility partnerships and readmission agreements (EURA). This renders countries like Greece and Cyprus (along with most other EU member states) reliant on the EU as a collective body to push for and negotiate EU-wide arrangements and agreements, while the individual countries can in some cases offer complementary bilateral arrangements to specific countries of interest.

Thus, third countries can receive assistance ranging from training to development, humanitarian aid, and—potentially--legal migration options such as student visa schemes, labour schemes, Talent Partnerships, and visa facilitation—though only after a lengthy process, in the case of the latter. Partnerships remain centred on achieving, first, a reduction in the number of irregular arrivals and secondly returns. This is to say that their aim is mainly preventative. Conditionality is attached; thus, the third country must do what is required to secure the EU's cooperation on financial assistance, training, and mobility opportunities. In contrast, almost all of the incentives are optional for the member States; this means that, apart from the immediately interested party (e.g., Italy in the case of Tunisia), the other member States can opt in or out of most of the arrangements.

Significant effort has gone into developing <u>partnerships along the southern and western</u> <u>Mediterranean</u> route, largely due to its proximity with the external borders of Spain and Italy. It is through the foreign policy in the Central Mediterranean also that migration from countries

like Eritrea, Nigeria or even Syria is addressed. On the Eastern flank, the focus has been on Türkiye (and recently also Iraq), along with Pakistan, Bangladesh and Afghanistan for both formal agreements and informal arrangements<sup>4</sup>.

Since 2016, the European Commission has negotiated six legally non-binding arrangements for returns. Of those, the arrangements with Afghanistan and Bangladesh are relevant to the Eastern route. To this we should add the EU-Turkey Statement of 2016, which was meant to complement the existing EURA from 2014. Only two are public—the arrangements with Afghanistan and with Türkiye—, which highlights one of the biggest issues with informal arrangements: the lack of accountability.

#### Lessons from Afghanistan and Türkiye

Despite the different countries of origin along the route, there are some common themes that emerge from the various arrangements sought by the EU; these are clear in the arrangements with Türkiye and Afghanistan, the only two deals whose texts have been made public. A common thread in both is the focus first on returns and second on capacity-building to reduce departures.

#### Fragile deals

In 2015, Afghans constituted the second largest group of migrants and asylum seekers in the EU and one of the main groups of unreturnable migrant populations. The Joint Way Forward with Afghanistan (JWF)<sup>5</sup> set as a target around 80,000 annual returns to the country in exchange for capacity-building projects and more aid. Despite the deteriorating situation in Afghanistan, the EU concluded its Joint Declaration on Migration Cooperation (JDMC) with the country just months before the Taliban's return to power. Made with a highly unstable political partner, the arrangement focused on preventing irregular migration, countering migrant smuggling and trafficking in human beings, and facilitating the return process for Afghan nationals who would not qualify for international protection. However, no returns have taken place since the Taliban take-over in August 2021, and none are unlikely to do so in the near future. Even before, however, the return rate was low. In the period 2014-2018, approximately 30,000 return decisions were issued annually for Afghans, with roughly 3,924 annual returns taking place across the EU. Between 13 September 2016 and 30 March 2020, 1,844 Afghan nationals were forcibly returned from EU Member States by charters organised by the European Border and Coast Guard Agency (Frontex). Individual member states— Greece among them—have also undertaken returns and bilateral arrangements. According to

<sup>&</sup>lt;sup>4</sup> When referring to legally binding deals, the term 'agreement' is utilised. When referring to informal deals, the term 'arrangement' is used, <u>per European Court of Auditors</u>

<sup>&</sup>lt;sup>5</sup> No EURA has been signed with Afghanistan, though bilateral agreements are in place with Member States and the Government of Afghanistan. The JWF does not supersede any bilateral agreements in place between Afghanistan and EU member States, allowing Afghanistan to engage both with the EU as a whole and with individual member States.

<u>EUROSTAT figures</u>, Greece has zero assisted forced returns in 2021–2023 (1<sup>st</sup> quarter), with the total number across EU27 for the 1<sup>st</sup> quarter of 2023 standing at 410 persons, with over 50% of those coming from Croatia. This shows the serious problems encountered when attempting to move forward with arrangements—even informal ones—with countries that are politically unstable, and economically entirely reliant on international assistance.

The EU-Turkey<sup>6</sup> Statement of March 2016 was also a reaction to the 'crisis' of 2015, when some 885,000 people arrived in Greece, intended to curb arrivals. The EU-Turkey Statement was an informal arrangement that set the stage for the management of refugees and irregular migrants between Türkiye, Greece, and the EU. The EU had signed a formal EURA with Türkiye in 2014 (with provisional application of the third-country-national clause post-2016), and Greece had a bilateral readmission arrangement in place since 2002. Neither was deemed sufficient to facilitate returns at the required level. Neither was considered effective in deterring large-scale movement to Greece. The Statement is an example of an informal arrangement that seeks to complement existing legally-binding agreements while also serving a preventative role. Designed along the traditional conditionality format of 'more for more', it sought to leverage visa liberalisation and financial assistance in exchange for border controls and refugee hosting. The deal has been often called a success in terms of reducing the numbers of arrivals in Greece, and it did reduce the numbers for a while. However, attributing reduction over time to the Statement is problematic; it fails to acknowledge the broader context, namely the closure of the Western Balkan route, which was the main transit point for people on the move; or the role conditions in Greece played as a barrier to mobility, and particularly the prospect of remaining for months—if not years—in the hotspots awaiting an asylum application decision.

Beyond the partial reduction in arrivals, the deal aimed at returns, and on this the data paint a gloomy picture. Only 2,140 people have been returned from Greece to Türkiye under the deal. This is partly because, in the early period (until 2018), Greek courts found that in many cases Türkiye was not a safe country to send people back to. In addition, Türkiye was reluctant and eventually unwilling (post-2019) to accept returnees, despite Greece's repeated requests for returns. In parallel, Türkiye remains unwilling to implement the EURA as regards the third-country-nationals clause "until it is exempted from the Schengen short-stay visa obligation. In addition, Türkiye does not implement the agreement towards Cyprus concerning the prevention of irregular departures." The issue of returns suggests different perceptions and priorities between the EU (and Greece) and Türkiye that will continue to impact existing arrangements as well as any future deals.

<sup>6</sup> Since the official name of the deal is "EU-Turkey Statement", it has been retained. When the reference is to the country, the official designation Türkiye is now used.

The deal served a political and transactional purpose for Türkiye, while producing an imbalanced partnership with the EU and negatively impacting both migrants and the EU's normative role in the region. In fact, Türkiye's unilateral suspension of the bilateral agreement with Greece and refusal to accept returnees since 2020 was compounded by its "instrumentalisation" of migration at the land border in Evros in February 2020.

In Türkiye, as the Syrian refugee population remains large and the economic situation continues to deteriorate amidst political instability, the temporary usefulness of the deal is reduced. The deal served a political and transactional purpose for Türkiye, while producing an imbalanced partnership with the EU and negatively impacting both migrants and the EU's normative role in the region. In fact, Türkiye's unilateral suspension of the bilateral agreement with Greece and refusal to accept returnees since 2020 was compounded by its "instrumentalisation" of migration at the land border in Evros in February 2020. Aware of the importance of migration for the EU, it could and still does leverage its position to request additional gains in other areas of cooperation.

#### Absence of burden-sharing

The majority of countries of transit and origin along the Eastern Mediterranean route are themselves hosting countries for refugees. Türkiye currently hosts 3.4 million Syrians, while Iran remains the largest host country for Afghans of different statuses (registered, undocumented), with the UNHCR registering 3.4 million refugees being hosted in the country at the end of 2022. Pakistan currently hosts 1,333,749 Afghans and has announced recently it will begin large scale deportations to Afghanistan for those without documents. All this, on top of the 960,000 Rohingya refugees displaced in Bangladesh and broader irregular forced movements of different groups in the region. In other words, at least three of the countries on which the EU and member States had focused for returns—Afghanistan, Pakistan and Bangladesh—and would like to or have established formal and/or informal partnerships are already shouldering a disproportionally high share of the responsibility when it comes to hosting refugees.

And yet burden-sharing mechanisms are almost never envisioned in the partnerships. In the EU-Turkey Statement, a rare exception in this, the commitment for 40,000 places for Syrians resettled to the EU was a positive but limited step. Capacity-building measures and financial assistance do not compensate for the reduction in global resettlement figures or for Europe's

hesitancy, when it comes to establishing an obligatory European resettlement programme for all member States. Using visa policy as either a carrot or a stick does not produce sufficient legal mobility to compensate for the restrictive measures most of the deals require.

#### Short-term gains or long-term prospects?

If the main aim of partnerships with third countries is preventative, through either ensuring returns and/or establishing border controls, then they are bound to underperform. Border controls can partially reduce numbers but cannot reduce irregular migration as such; they have proven consistently ineffective as a deterrent to migrant journeys. Returns, too, have proven problematic for multiple reasons.

If the main aim of partnerships with third countries is preventative, through either ensuring returns and/or establishing border controls, then they are bound to underperform. Border controls can partially reduce numbers but cannot reduce irregular migration as such; they have proven consistently <u>ineffective as a deterrent</u> to migrant journeys. Returns, too, have proven problematic for multiple reasons including the shortcomings of the internal dimension, third countries increasingly realising that dependencies are bidirectional and can be leveraged, the fact that many countries are not safe—for everyone, at least—, but also because transit countries often shoulder an unequal burden. Even where they work as planned, they still fall short of their envisaged aims.

Bangladesh, a country that signed a EURA in 2016 and has been pressured into collaborating on returns, is a case in point. In 2022, a non-paper on a Strategic Approach to the Readmission Agreements and Arrangements issued by the Commission services notes in relation to Bangladesh that:

"It is challenging to measure the efficiency of readmission agreements and arrangements through quantitative indicators only [...] As a way of illustrating this complexity, we can take the example of Bangladesh—with a return rate of 9% in 2019 and 5% in 2020, and an issuance rate of 49% and 31% respectively. In 2020, 9,370 persons were ordered to leave, and only 691 readmission requests were submitted by Member States. This indicates that, even with a 100% issuance rate indicating perfect cooperation, the return rate would still be relatively low".

What the current arrangements fail to account for is whether collaborating with the EU is in the best interest of the countries concerned in the long run. For most, the income received

from remittances far outweighs any financial support received from the EU. This is where legal migration partnerships could come into play and complement informal arrangements, and this is where the emphasis needs to be on the Eastern route.

Greece's agreement with Bangladesh functions as one such example: designed exclusively for labour migration, it complements a broader EU cooperation while also offering tangible mobility options for Bangladeshi workers. The arrangement with Egypt and preliminary discussions with Pakistan are similar in this respect. More such agreements are needed and larger in scale in terms of quota included.

#### How to render partnerships effective?

There is no doubt that partnerships are needed, and informal arrangements allow for flexibility, which is preferred by third countries. Nonetheless, it is this informality that also renders them fragile and potentially unsustainable. The lens through which these deals are seen from the EU perspective remains problematic. There remains a disproportionate focus on prevention through returns and boosting border controls, with less attention paid to the need for a more equitable sharing of the "burdens". Factoring in the complexity of countries of origin and transit along the Eastern Mediterranean route, it is important for countries like Greece and Cyprus to push for more equitable arrangements between the EU and third countries, which could ensure a more sustainable implementation of deals.

It is important to move beyond a 'problem-solving' approach, which only looks to reductions in numbers. Migration partnerships can achieve much more in terms of strengthening local institutions, facilitating resilience, and creating corridors of cooperation that move beyond the logic of deterrence. In this, legal mobility—the biggest carrot in the toolbox—remains the least exploited, also in the case of the Eastern route.

Burden-sharing mechanisms should be integrated particularly with countries that are already hosting refugees and forced migrants. As Greece restarts cooperation with Türkiye on migration, this is worth remembering. Any discussion relating to the implementation of the Statement needs to set realistic expectations vis-à-vis returns and the effectiveness of border controls as well as accounting for fluctuations in implementation stemming from Türkiye's foreign policy responses to Greece and the EU as well as the broader geopolitical situation. In other words, the deal cannot guarantee that arrivals will remain low continuously, so Greece and the EU should aim for a long-lasting cooperation, but be prepared for a transactional and

temporary one. This means adjusting responses on the EU side, too. A more inclusive approach is needed which factors in the long-term, as well as the short-term, impacts of partnerships.

It is important to move beyond a 'problem-solving' approach, which only looks to reductions in numbers. Migration partnerships can achieve much more in terms of strengthening local institutions, facilitating resilience, and creating corridors of cooperation that move beyond the logic of deterrence. In this, legal mobility—the biggest carrot in the toolbox—remains the least exploited, also in the case of the Eastern route. Whether they relate to complementary bilateral arrangements for labour migration, EU-wide resettlement for those in need of international protection, student visas etc, the numbers need to increase, and more member States need to participate.

Countries like Greece, a crucial part of the route, are taking the lead in developing legal migration pathways, even if it is for fewer numbers. By strengthening positive cooperation, they can also acquire a stronger voice in the shaping of partnerships, which is currently dominated by a more traditional externalisation model that has historically yielded fewer and less sustainable results. More needs to be done at the country level to develop comprehensive legal pathways for labour migration and people in need of international protection (in which the labour dimension could also be integral). This is an area where support is needed also by the European Commission and member States.

Since the beginning, the external dimension has been strongly dominated and shaped by internal concerns and priorities, that are often grounded in misconceptions around migration and unrealistic expectations. Nowhere is this more evident than on the focus on returns. The language of EU migration management with third countries promotes a 'winwin' approach but the reality is far different. The external dimension is seen as a solution to the 'migration problem', suggesting a simplification of a complex issue, and a negative (rather than positive) approach in place. Partnerships are instruments of foreign policy which means they are made up of compromises, imperfect solutions, promotion of norms and well-chosen value frames, and often allowing foreign policy priorities to also shape domestic agendas. Going forward, and particularly as regards the Eastern Mediterranean, a different, more complex approach is needed; one that begins with a mental shift at EU level, a willingness from member States to adapt and change domestic policies where needed (e.g., labour demands and supply), as well as developing and/or utilising bilateral, regional and international actors and instruments in establishing and maintaining cooperation with third countries.

### From the perspective of Asli Selin Okyay

#### Yet another 'migration crisis' in the Central Mediterranean: Seeking European answers to a European challenge outside Europe

After some years in which irregular migration took a backseat in policy and public debates in the European Union (EU), the surge in migrant arrivals is in the headlines once more. While irregular crossings are on the rise in <u>Greece</u> and <u>Spain</u>, too, it is Italy, which has received <u>over 140,000 irregular arrivals</u> in the first ten months of 2023 (in line with a trend that was already visible in mid-2022), that is seen as the epicentre of what is increasingly being labelled Europe's new 'migration crisis'.

The last time Europe found itself in 'crisis mode' at the Central Mediterranean was in the mid-2010s, when similar episodes of relatively large-scale irregular arrivals took place, peaking in 2016 with over 180,000 arrivals in Italy. The main difference this time is that Tunisia has replaced Libya as the origin of the vast majority of sea departures. As a result, Tunisia has become a crucial partner, with Italy and the EU frantically seeking to intensify cooperation on migration with the North African State.

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The differences pretty much end there. In every other respect, the current situation reveals striking similarities to earlier episodes of 'crisis'. The cameras are back at the disembarkation points, and all eyes are on arrivals by boat once again. European officials are once more stressing that "irregular migration is a European challenge" that "needs a European answer",

as European Commission President <u>Von der Leyen</u> did on her recent visit to Lampedusa together with Italian Prime Minister Meloni. Yet, once again, that answer seems to lie somewhere outside the EU, as fingers point primarily at responses in the 'external dimension'.

Member States and EU institutions agree that reducing spontaneous arrivals remains a key goal of European migration governance. They also concur that this is best done through minimising departures and onward movement by strengthening cooperation with countries along the migratory corridors connecting Asia and Africa to Europe. A wide range of policy actors repeat this mantra and point to comprehensive and mutually beneficial partnerships with countries of origin and transit as the way forward.

The signing of the memorandum of understanding (MoU) on a <u>"comprehensive partnership package"</u> between the Commission and Tunisia on 16 July 2023 is the most recent example of Europe's pursuit of this approach. The deal came after the channelling of significant political capital on the European side (and by Italy in particular), with numerous high-level visits to Tunis by a combination of member State and EU actors. Despite <u>criticism from within the EU</u>, the deal was celebrated by its main promoters, namely Italy, the Netherlands and the Commission, with the latter portraying it as a novel approach that could serve as a <u>model for future deals</u> in which cooperation on various dimensions of migration (e.g., from border control to legal migration) is embedded within a wider framework of strategic partnership spanning issue areas of interest to both sides, from energy to agriculture and trade.

This continued—and arguably increased—emphasis on external migration cooperation, manifested most recently by the high priority given to striking a deal with Tunisia, should also be seen in the context of developments (or lack thereof) vis-à-vis the internal aspects of EU migration and asylum governance. Despite a reform process being ongoing since the Commission launched the New Pact on Migration and Asylum in 2020, the internal dimension does not really present a radically different picture, either. In the absence of any significant progress on the responsibility-solidarity conundrum, countries of first entry continue to principally seek 'solutions' beyond their (and the EU's) borders. In fact, frontline States may be encouraged to push still harder for 'deals' with third countries to prevent departures, given that they will potentially have to shoulder a greater degree of responsibility following the introduction of mandatory border procedures, despite having failed to secure stronger assurances and predictable responsibility-sharing mechanisms on the solidarity front.

Zooming in on the Italian context, <u>Meloni</u> openly refers to "work[ing] on the external dimension and stop[ping] the illegal departures of immigrants" as "the only way to seriously address the problem". The Italian PM's emphasis on the external dimension and on 'stopping' departures as (almost the only) way forward certainly relates to political messaging concerns both domestically (i.e., underlining her hardliner stance on migration), and in the context of intra-EU politics (i.e., showing that she is a reliable partner that helps advance plausible

European solutions). However, her focus should also be viewed against the abovementioned policy conundrum, which has long marked intra-EU aspects of migration and asylum governance and largely conditioned the position of frontline States on migration.

Is there anything new about all this? Italian and EU external engagement in the Central Mediterranean context

While the current Italian Government presents its approach—and focus on the external dimension—as <u>completely novel</u>, it is in fact more of a continuation than a rupture. The two core pillars of Italian migration policy over the past two decades, and particularly since the mid-2010s, have been: 1) demanding greater solidarity internally; and 2) engaging countries south of the Mediterranean to reduce the number of unauthorised migrant landings on its shores through surveillance, control and development cooperation aimed at tackling the root causes. A similar claim to novelty in approach is also made at the EU level, most recently in reference to the 'strategic partnership' with Tunisia. However, as argued <u>elsewhere</u>, the "promises and dynamics around this 'new' strategic partnership are all but new" when compared to repeated European attempts at migration cooperation.

Italy's attention has traditionally been focused on countries in North Africa. Bilateral <u>engagement with Algeria, Tunisia, Libya and Egypt</u> in the 2000s was mainly focused on strengthening border-control capacities. As a transit country for Sub-Saharan African migrants, too, since the late 1990s, Libya has been a particularly important migration partner for Italy—and, by extension, for the EU. Bilateral cooperation between Italy and Libya has also constituted the <u>cornerstone of EU-Libya relations on migration</u>.

In fact, the 2008 Friendship Agreement between Libya and Italy largely put in place the core logics and mechanisms that continue to govern the 'external dimension' to this day. First, it paved the way for quid pro quo deals, whereby the European side seeks to reduce migrant arrivals by externalising border control in exchange for providing its partners with a set of political and economic benefits. Second, and largely as an outcome of this sort of transactional logic and Europe's vulnerability to irregular migration, it also turned into a first example of third countries exploiting migration control as geopolitical leverage over Europe (or, to apply the current terminology, of migration being 'instrumentalised' or 'weaponised'); one need only recall the EU lifting its sanctions on Libya in 2004.8 Third, what Italy sought through the 2008 deal (reducing irregular migration from Libya) and how its success was measured (the

<sup>&</sup>lt;sup>7</sup> Luca Barana, "L'Italia e le migrazioni", *in* Nelli Feroci, Ferdinando and Leo Goretti (eds). *L'Italia dal governo Draghi al governo Meloni Rapporto sulla politica estera italiana*, Edizione 2022, Istituto Affari Internazionali, 30 January 2023, https://www.iai.it/it/pubblicazioni/litalia-dal-governo-draghi-al-governo-meloni

<sup>&</sup>lt;sup>8</sup> Kelly M. Grenhill, *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy*, Ithaca, NY: Cornell University Press, 2010.

number of boat arrivals) was also emblematic of the key goals and success metrics that still define the European approach to migration cooperation.

The post-2011 (and post-Gaddafi) context has changed the migration partnership landscape for both Italy and the EU. The political turmoil and conflicts following the Arab uprisings contributed to growing migratory movement across the Central Mediterranean—few remember today the <u>arrival of 25,000 Tunisian migrants</u> in Italy in the spring of 2011. Further, lacking counterparts in most of the North African 'buffer' countries due to the post-2011 institutional breakdown in the region (particularly in Libya), and in the face of growing migration from Sub-Saharan Africa in the 2014-2016 period, European migration engagement has expanded further south in search of new partners along the route.

Against this background, Italy has channelled significant political and financial investment into the Sahel, building migration cooperation almost from scratch and paying particular attention to partnering with Niger, both bilaterally and within the framework of EU programmes, with a focus on mobility control, countering migrant smuggling and developmental support<sup>9</sup>. At the EU level, closer engagement in such an expanded partnership landscape has been sought *inter alia* through the <u>Valletta Action Plan</u>, the setting up of the <u>European Trust Fund for Africa</u> (EUTF), and the launch of the EU Migration Partnership Framework with a specific focus on countries in Western Africa and the Horn of Africa.

When it comes to cooperation with Libya, faced with a context of fragmented authority in the post-2016 period, Italy led a largely informal and bilaterally curated strategy vis-à-vis Libya, juggling relations with a diverse range of state and non-state actors. The signing of the 2017 MoU between Italy and the Libyan Government of National Accord, which, on paper, had a dual focus on migration control and development support, but in practice largely concentrated on the former (and particularly on enhancing the border-control capacity of the Libyan Coast Guard), constituted the centrepiece of this strategy. While not directly party to it, the EU has supported and complemented the implementation of the MoU through political endorsement, as well as providing funding support thorough EUTF.

As a sign of continuity in Italy's external action on migration, the MoU was automatically renewed for the second time, for another three years, by the current government in February 2023. Despite repeated criticism from both <u>international civil society</u> and the <u>UN</u> due to the appalling human rights conditions migrants face in Libya, the MoU continues to serve as the basis for cooperation between two countries that remain largely focused on surveillance and

<sup>9</sup> The military coup in Niger on 26 July 2023 is already generating implications for European cooperation with Niger (on migration and beyond), while the entire range of its effects remain to be seen. The EU froze budgetary support and military cooperation with Niger immediately after the coup - which is likely to lead to a freezing of migration-linked initiatives in the wider security realm, while Italy, mainly with migration policy concerns in mind, seems to have been tilting towards what can be called a wait-and-see approach, trying to nudge Europe to remain open to seeking a diplomatic solution.

border control, as well as on the interception and returning to Libya of migrants by Libyan authorities.

Fifty shades of assessing success: Are migration deals effective tools for EU migration governance?

On paper, Europe seeks and promotes comprehensive and multidimensional migration partnerships. Cooperation promises to span the entire spectrum of migration-governance issues (i.e., irregular migration, protection, legal migration, acting upon the migration-development nexus) and to pay fairly balanced attention to these different aspects while catering to the key priorities of both sides. This has been underlined repeatedly in past decades in various strategy documents at both the EU (e.g., from the 2005 <u>Global Approach to Migration</u> to the 2022 <u>EU Action Plan for the Central Mediterranean</u>) and the national level (e.g., Italy's 2016 non-paper <u>Migration Compact</u>). It has also featured strongly in most partnership frameworks, including the recent MoU, and the <u>2014 Mobility Partnership</u> with Tunisia.

Europe has also increasingly resorted to the use of <u>conditionality and issue-linking</u>, both within the migration policy toolbox (e.g., linking visa policy to irregular migration control) and by embedding migration into broader EU foreign policy, using non-migration policy areas (e.g., trade, development, investment) as leverage to obtain migration cooperation from partners. Consequently, with the exception of arrangements that employ "<u>small formats</u>" in which cooperation is limited to a particular issue within the migration field, partnerships increasingly include several goals which bring different policy dimensions together. As a result, in theory at least, multiple dimensions must be taken into account when assessing the extent to which deals are actually doing what they promise.

On paper, Europe seeks and promotes comprehensive and multidimensional migration partnerships. [...] In practice, however, the success of a deal tends to be measured in a rather straightforward way, by focusing on a single dimension. Bluntly put, despite the risk of oversimplification, an immediate reduction in irregular arrivals is sufficient for a deal to be considered successful, and a partner country cooperative and effective.

In practice, however, the success of a deal tends to be measured in a rather straightforward way, by focusing on a single dimension. Bluntly put, despite the risk of oversimplification, an immediate reduction in irregular arrivals is sufficient for a deal to be considered successful, and a partner country cooperative and effective. Thus, both the migration cooperation between Gaddafi and Berlusconi and the 2016 EU-Turkey Statement were regarded as success stories in EU policy circles, the latter almost exclusively because of the drop in arrivals to Greece, irrespective of the deal's unfulfilled promises in both the <u>migration field</u> and <u>non-migration policy areas</u>, let alone the <u>wider normative and foreign policy implications</u> the cooperation arrangement generated.

Leaving aside the problematic nature of using such a narrow definition to measure success and judging by this single benchmark, would it be possible say that migration deals have been effective in reducing spontaneous arrivals in the Central Mediterranean? Attempting to establish causation would require an entirely different level of analytical complexity, as the timing, direction and intensity of migratory movements are informed by an intricate web of factors. But can we at least observe some correlation between migration cooperation arrangements and a short-term reduction in numbers?

The short answer is: it depends. The slightly longer answer is that results have been mixed at best, and expecting migration deals to keep numbers down in a sustained fashion—especially as they are being rolled out currently, with a disproportionate focus on control and with limited complementary action internally—would be rather unrealistic. And both answers should be followed up with another question: reduction of arrivals at what cost?

For example, the 2008 cooperation agreement with Libya (under Gaddafi) seems to have delivered on its promise of reducing arrivals in Italy, albeit for a limited period; here, the decisive factors were the political will of the foreign partner—which fluctuates and is challenging and often costly to sustain, particularly in transactional arrangements—, plus the institutional capacity required to deliver on migration control. Similarly, the post-2016 engagement with a mixture of Libyan state and non-state actors, accompanied by control-oriented measures in the Sahel, appear to have played a role, among other factors, in the reduction in the number of irregular crossings across the Central Mediterranean from 2017 on, while simultaneously generating significant risks and negative consequences vis-à-vis the prospects of state-building and peace in Libya, for migrants and refugees, and for EU normative standards. Moreover, as both the post-2020 rise in numbers and the more recent shift in trajectories in the Central Mediterranean have shown, it has proved impossible to either sustain such a reduction or prevent route diversion.

In terms of the impact which European engagement in the Sahel has had on northbound migration flows, available data demonstrate ambivalent results: <u>research suggests</u> that, even if there has been a reduction in both inbound and outbound transit movement through the

Sahel and in landings to Europe, there was no similar drop in arrivals from the Sahel to Libya and Algeria (see <a href="here">here</a> for further details). Nevertheless, despite these inconclusive results and their negative implications for the stability, livelihoods, and the human security of migrants, and State-society relations, European interventions in the Sahel, and particularly <a href="cooperation">cooperation</a> with Niger, has been deemed a "replicable success story".

Rethinking effectiveness in the light of contradictions in the EU's external action on and beyond migration

Beyond numbers, but still related to the question of whether migration deals, as currently structured and implemented, are an effective and viable way for the EU and Member States to manage migration, it is worth making a couple of additional points:

The first relates to the question of unfulfilled promises. As mentioned above, partnerships are often framed multi-dimensionally within the migration domain and sometimes also extend to commitments which pertain to non-migration portfolios. Still, migration and border control almost always come to the fore at the expense of these other dimensions, or promised pillars of cooperation, when it comes to implementation and delivery at the EU end. This not only raises the question of whether the deals actually work as originally designed (i.e., effectiveness judged against the stated objectives), but it also leads to frustration with the EU and create credibility and trust issues. Lower-than-expected delivery by Europe on the promise of expanding legal migration pathways stands as a classic example. A more recent example is provided by <u>Tunisia's expression of discontent</u> with the MoU, which seems to relate not only to the EU's delay in disbursing the (newly-promised) funds, but also to what Tunis views as the narrow implementation focus on migration control, despite the comprehensive and multi-portfolio nature of the cooperation agreed upon in July. On the other hand, a low degree of delivery or non-delivery on the originally agreed commitments also cuts the other way, as demonstrated by the low level of cooperation by countries such as Nigeria and Ethiopia in the field of return. Perhaps the key lesson for Europe is: it is better to make a more modest but realistic set of promises than to promise actions you will be unable to deliver.

The second point relates to the inconsistencies and contradictions between separate actions both within the migration field and across the policy areas which the EU is increasingly attempting to intertwine with the external dimension of migration. A case in point here is interventions within the migration domain, where Europe channels resources into solving a problem which its own actions aggravate. A clear example is supporting Libyan authorities so as to increase their capacity to intercept and return migrants to Libya (such returns are estimated to number in excess of 100,000 between 2017 and the end of 2022), while simultaneously being the main promoter and sponsor of the "Emergency Transit Mechanism" to evacuate asylum seekers from Libyan detention centres to Niger and Rwanda with a view to resettlement in a third country. The ways in which European trade policies contribute to

the 'root causes' of migration in Tunisia (e.g., poor livelihoods, lack of job prospects, regional inequality) which the EU aims to address through its strategic partnership with Tunisia are another glaring example of cross-portfolio policy contradictions. These contradictions raise important questions about the definitions of policy success and effectiveness, and call for the EU and Member States to reflect on what could be called the dilemma of 'giving with one hand and taking away with the other'.

#### Concluding remarks

Only two months after the signing of the long-expected 'strategic partnership' with Tunisia, a certain degree of disappointment with its failure to reduce irregular arrival figures is already evident in European policy and public debates. Some, such as MEP Jeroen Lenaers of the European People's Party, have openly <u>denounced lagging results</u> as "arrivals continue to increase" after the conclusion of the deal. Not as directly critical as the MEP, but reflecting similar expectations of migration deals, <u>media accounts</u> reported that "two months after" its signing "the deal is nowhere near to solving the migration problem", then informing the readers that "more than 90,000 migrants arrived in Italy from Tunisia" in the first nine months of 2023.

These narratives are telling in the light they shed on what a migration deal is supposed to achieve from a European perspective. They are indicative of the prevention-oriented, largely Eurocentric and short-term-focused approach to migration cooperation. They also illustrate how cross-Mediterranean migration is predominantly seen: as a problem that *should* and *can* be solved. The 'migration problem' is reduced to rising arrivals at the EU's external borders, and the 'solution' is equated with lowering those figures, which should mainly be achieved by partners effectively preventing northbound movement. The fact that disappointment is building up after just two months shows that the deals are expected to deliver immediately, even in the case of a country like Tunisia which finds itself in the midst of a deepening economic crisis and growing political turmoil.

Looking forward, a reality check regarding expectations on what external migration cooperation can realistically achieve is needed, as is taking a more cautious approach to the tendency to 'over-rationalise' and 'mechanise' migration governance that is inherent in such expectations. When assessing the success and value added of 'migration deals', it would be useful to take into account criteria beyond their capacity to reduce irregular crossings in the short term.

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Are partnerships with third countries an effective way forward for EU migration management?

All this calls for a rethinking of the success, failure, 'problem-solving' capacity, and viability of external migration cooperation arrangements. Looking forward, a reality check regarding expectations on what external migration cooperation can realistically achieve is needed, as is taking a more cautious approach to the tendency to 'over-rationalise' and 'mechanise' migration governance that is inherent in such expectations. When assessing the success and value added of 'migration deals', it would be useful to take into account criteria beyond their capacity to reduce irregular crossings in the short term. Inconsistencies and contradictions in EU migration policy and the way it interacts with the wider scope of initiatives in the external action toolbox also need to form part of future reflections, as thinking about effectiveness also requires us to think about policy objectives, externalities and coherence.

Ultimately, migration governance is about managing interdependencies, which means that interstate cooperation is both inevitable and necessary. However, the European approach to the 'external dimension' as a panacea for the 'migration problem'—which itself needs to be questioned—oversimplifies complexity, feeds into the pursuit of narrowly defined and at times unrealistic objectives, and relies on a difficult-to-sustain distribution of labour in which external cooperation replaces rather than complements internal measures. Looking forward, EU policy actors and observers both need to reflect more deeply on how to better align their words and deeds when it comes to a comprehensive, multidimensional and balanced approach to migration in both its internal and external dimensions, and its interplay with the wider scope of foreign policy.