

Towards a new European Neighbourhood Policy

Consultation Paper

Comments by the International Centre for Migration Policy Development (ICMPD)

Introductory remarks

The review of the European Neighbour Policy (ENP) is undertaken in the context of what is widely perceived as a European migration crisis. The dramatic increase of refugees fleeing armed conflicts in the immediate neighbourhood of the EU, the unregulated, often deadly, migration across the Mediterranean Sea and increased migratory pressures on accession countries in South-East Europe have created heated and sometimes controversial debates on asylum and irregular migration and the related topic of responsibility sharing at both external borders and within the EU. This most recent crisis contributes to the perception that migration in Europe is ineffectively and dysfunctionally regulated and managed. In an attempt to address the various aspects of this migration crisis, the European Commission tabled the European Agenda on Migration focusing both on immediate action in response to the urgency of the Mediterranean region tragedy as well as within a more longer-term perspective: to reinforce the EU's efforts to make migration better.

It is important to note in this context however that perilous journeys of irregular migrants and refugees increase the toll of lives lost in other places too. The review of the Neighbourhood Policy needs to take these elements into account and translate them into Neighbourhood Migration and Mobility Policy objectives. It is imperative that the Neighbourhood Policy addresses the various aspects in a credible way by creating impact and change on the ground. However, it is clear that this is a long-term endeavour and thus such a policy should openly express this fact. A Neighbourhood Policy on migration will have to forge the link between home and foreign affairs. The misperception of a migration crisis can only be effectively counteracted if migration is more widely understood as a positive and productive force for the socio-economic and demographic advancement of societies of EU Member States and the countries in the neighbourhood.

This paper maintains that greater institutional and policy coherence are the key to new opportunities for a revised Neighbourhood Policy in the area of migration. It emphasises the need to more clearly distinguish between the processes of alignment and harmonisation of standards and the creation of effective regional collaboration frameworks aimed at enhancing migration management in the neighbourhood. Credibility and trust in the EU Neighbourhood Policy will safeguard its longer-term implementation and will reduce its vulnerability vis-a-vis external events and pressures. Consequently, effective monitoring of results and progress will support the enhanced communication efforts of the EU with a view to addressing the legitimate concerns of the wider public in the EU and the Neighbourhood.

Finally, the paper maintains that the EU should consider **a functioning European Migration and Mobility System (EMMS)** especially in support of a credible Neighbourhood policy. Credibility of this system hinges upon the extent to which the views, needs and priorities of neighbouring

countries are heard. The various instruments established by the Global Approach on Migration and Mobility such as the migration dialogues, Mobility Partnerships as well as the processes around visa liberalisation and readmission agreements offer effective means to identify needs and priorities of the partner countries.

More than solely focussing on the present, this cooperation needs to be built upon clearly formulated longer term objectives, defining what the EU expects as a result of improved cooperation in the area of migration and mobility. Only with clear, coherent and viable objectives for migration as a genuine neighbourhood policy – placed between Home and Foreign Affairs – will it be possible to meet the demands of modern migration management.

The New European Neighbourhood Policy

Institutional coherence

The review of the EU Neighbourhood policy coincides with the creation of a **new EC structure** – DG NEAR – which combines the enlargement and the neighbourhood agendas. From a migration policy perspective and taking into account the thematic lead role of DG Home and the coordination role in external relations of EEAS, this step should support enhanced **coherence** in policy making in a domain whose efficiency suffers from institutional and policy fragmentation. Consequently, DG NEAR will cover the Eastern and Southern Neighbourhood as well as the accession countries in South Eastern Europe and Turkey. At the same time, however, especially with regard to migration, coherence at institutional level, between DG NEAR, HOME, DEVCO and is essential. Moreover, and as envisaged, linking DG NEAR's work to the 'neighbours of the neighbours' is of crucial importance. In the East, especially the relations between the Russian Federation and the Eastern Partnership (EaP) countries play an essential and often sensitive role. The Southern partners are confronted with large numbers of migrants from southern neighbours, many of them on their way to Europe. The Neighbours of the Neighbours concept offers greater coherence in policy making and cooperation and could create gains in creating tangible impact.

Policy coherence

The EU will have to refine the concepts of migration and mobility which are suitable and supportive of **good neighbourly relations** as well as addressing issues of growing concern in its Member States. Such concepts need to be developed jointly with the countries in the Neighbourhood region. Migration and mobility need to be an integral part of a coherent and comprehensive Neighbourhood policy and thus need to be built upon clear objectives. At the same time the diversity of stakeholders should be taken into account in this process: greater coordination at national, regional and sub-regional levels is needed in order to strengthen coherence and efficiency. The EU should work with the partner countries to support the definition of their own migration policies, as a policy area of common interest, not solely structured in terms of relations to/with the EU (such as migration to EU, EU visa/readmission agreements). It is important to consider a shift from focusing on fulfilling 'Acquis-like' requirements towards focusing on the country specific needs.

Regional migration and mobility frameworks need to be enablers for and supporting a credible neighbourhood policy as a whole. Equally, the neighbourhood policy in the area of migration needs to be a solid building block in the overall migration architecture of the EU, linking Home and Foreign Affairs. One single, coherent policy framework for migration for all countries in the neighbourhood region will create new advantages and opportunities for the delivery on these objectives.

Flexibility

Given the diverse political situations of the countries in the neighbourhood in the East and South, a good degree of flexibility will be required to adjust to national and regional specificities and priorities,

whilst maintaining the overarching objectives of the ENP in the area of migration. As mentioned above, migration systems in the East are structurally very different from migration systems in the South. The EaP countries are confronted with a bi-polar system, with both the Russian Federation and the EU playing an important role. Both offer important regular (and irregular) labour opportunities, both already host large diaspora populations and both offer (partly conflicting) models for access to increased mobility for the citizens of the Eastern Neighbourhood. Combined with other factors, this leads to a situation in which some countries of the region are struggling to find a balance between the EU and Russia. Migration, and pressure on migrants from certain nationals, has become a means to put pressure on EaP states. With the Visa Liberalisation process, the EU has a strong concrete instrument offering the prospect of increased mobility, supported by a regular political dialogue. EaP summits take place every two years and also cover migration and mobility issues. Some countries already made significant achievements towards European integration. A revised ENP should consider what the EU can offer to a country in a situation, when the perception arises that all the possible benefits such as visa liberalisation have been achieved. Involvement of the most advanced and interested neighbourhood countries in relevant technical committees in a spirit of 'reaching beyond EU border' could be considered. This is also needed in order to keep the interest towards further reform processes alive among the political elite.

Further towards the South the situation is different and perhaps more complex. A formal political framework holistically covering migration issues with southern countries does not exist. While the Union for the Mediterranean (UfM) officially succeeded the Barcelona Process in 2008, the UfM did not entirely take over the four fundamental areas identified at the Euro-Mediterranean Summit of 2005. As a result, migration policy has not been part of the UfM agenda, with the exception of transnational mobility for students, academics and researchers; hence, dialogue takes place via various, partially informal migration dialogue processes. The security situation and political stability differ greatly between the southern partner states. Moreover, the Southern neighbourhood is often described as the least integrated region world-wide. The conflicts in Syria and Libya run so deep that achieving short-term or even mid-term resolutions will be extremely challenging. Due to these different but equally complex contexts within which the European Union can act through its Neighbourhood Policy, a long-term strategy must be shaped, clear objectives determined, a coherent approach adopted which leaves enough room to be applied flexibly.

Common objectives – common responsibilities

It will be crucial to engage in a collective and inclusive process of identifying common ground so as to develop consensus and a joint vision towards managing migration and mobility better and together promote rights and responsibilities, seize opportunities and meet challenges in the Neighbourhood context. Policies, instruments and programmes are not lacking on the EU side in order to cooperate and engage with neighbouring countries. Yet, a stronger conviction to address common objectives through joint responsibilities has to be created. Existing instruments such as Mobility Partnerships and existing programmes such as EUROMED migration have to be implemented to their full potential in this respect at political and operational level. Common objectives will help to reduce fragmentation in the delivery and cooperation and will help to increase impact on the ground and the process of defining such objectives will moreover ensure ownership by all partners, which is a key prerequisite for their effective implementation.

In this regard, common priorities between EU and its neighbours can be found in the respective conclusions from the Ministerial Declarations of the relevant migration dialogue between the EU and its Eastern and Southern neighbours. This include: the Prague Process (Poznan 2011), the Budapest Process (Istanbul 2013), the Rabat Process (Rome 2014) and the Khartoum Process (Rome 2014).

Monitoring, reporting and communication

The credibility of the neighbourhood policy is crucial, viewed from both within and outside the EU. It needs to be built upon effectiveness, a long-term perspective and continuity also beyond crises. The existing sense of crisis around migration has significantly impaired the trust of the wider public in the EU's ability to effectively frame and regulate migration, provide protection for those in need of it, prevent irregular migration, combat smuggling and trafficking in human beings, avoid the loss of lives at sea, demonstrate the benefits of legal and professional migration and value the relation between migration and development also for host countries. This situation has paved the way for more populist and radical positions in the political arena, making more nuanced policies difficult to achieve. Promoting broader acknowledgment of the fundamentally positive aspects, particularly beyond the sphere of migration specialists, is of key importance but should remain anchored in an overall, comprehensive and balanced approach.

In this regard, the future direction of the ENP therefore needs to create the basis for effective monitoring of progress, reporting and communication of results and achievements as key elements. A set of common objectives will provide the starting point for the creation of a monitoring and reporting system in place. Such system will enable effective and fact-based communication to stakeholders and the wider public in the EU and the countries of the neighbourhood. Reaching the migration related objectives is a long-term process which is easily side-tracked and overshadowed by external events and incidents. It is a key prerequisite to be able to monitor and report progress on a regular basis in order to safeguard long-term achievements against short-term threats.

Conclusion

The Neighbourhood Policy needs to address migration and mobility aspects in a credible way by creating impact and change on the ground. A Neighbourhood Policy on migration and mobility will have to forge the link between home and foreign affairs. Greater institutional and policy coherence are the key to new opportunities for a revised Neighbourhood Policy in the area of migration. It emphasises the need for the creation of effective regional collaboration frameworks aimed at enhancing migration management in the neighbourhood. Credibility and trust in the EU Neighbourhood Policy is essential to safeguard its longer-term implementation and reduce its vulnerability vis-a-vis external events and pressures. A European Migration and Mobility System (EMMS) needs to be designed taking the views, needs and priorities of neighbouring countries into account. The various instruments established by the Global Approach on Migration and Mobility such as the migration dialogues, Mobility Partnerships as well as the processes around visa liberalisation and readmission agreements offer effective means to identify needs and priorities of the partner countries. More than solely focussing on the present, the cooperation with the European neighbours needs to be built upon clearly formulated longer term objectives. It should define what the EU expects as a result of improved cooperation in the area of migration and mobility and build upon the expectations of the Eastern and Southern partners.