

Managing Migration in the Eastern Mediterranean: Challenges and Opportunities

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Contextualizing Migration in the Mediterranean

Migration is not a new phenomenon; individuals and communities as a whole have engaged in migration movements for centuries and for various reasons. The emergence of the modern nation-state system has not brought such movements to a halt, but rather has resulted in increasingly politicizing migration movements by clearly distinguishing between internal and external migration. As such, different instruments are employed to respond to these phenomena. Even though migration has a long history, its priority on the political agendas of states has greatly fluctuated. In the last few years, trans-Mediterranean migration has been at the top of the political agendas of the EU and its Member States due to various tragic incidents, such as the tragedy of Lampedusa in 2013, as well as the Syrian civil war which has produced a significant number of refugees. Such incidents have further enhanced the political visibility of trans-Mediterranean migration despite the fact that none of the events that have taken place can be considered as new phenomena. Despite the increasingly politicized discourse of Euro-Mediterranean migration, migratory flows from South and Eastern Mediterranean countries to the EU represent a small portion of overall migration to the EU.

According to UNHCR's latest figures, the total number of forcibly displaced individuals currently stands at 59.5 million, the highest level since the early 1990s. The Syrian refugee crisis is the largest

refugee flow in the Middle East. In the Eastern Mediterranean, Syria is the main source of refugee flows. A total number of 4,834,880 Syrians are registered as refugees. This figure includes 2.1 million in Egypt, Iraq, Jordan and Lebanon who are registered by UNHCR as well as 2.7 million in Turkey who are registered by the Government. The numbers have been growing at a frightening rate.

Identifying the Challenges

In the Eastern Mediterranean, there are various challenges to the management of migration flows at the three stages of the migration process; in the country of first asylum, on the way to Europe, and once the refugees and asylum seekers reach the European Union.

Countries across the Middle East and North Africa region are insufficiently prepared to provide protection for refugees and asylum seekers; the most vulnerable of all migrants. Asylum policies and laws are either inadequate and ineffective or non-existent. As a result, transit and host countries, the direct neighbours to the country of origin, are not equipped to deal with large flows and are unable to provide refugees with basic and necessary services. In many countries who host refugees, UNHCR, as the primary guardian of the refugee regime, tries to step in to provide the basic protection services, including registering asylum seekers and conducting refugee status determination procedures. However, the organization does not receive the sufficient funds required to cater to the needs of those who fall under its mandate. As such, many refugees and asylum seekers in Eastern Mediterranean countries suffer from a lack of rights, services, protection, and livelihood necessities.

For these reasons, refugees are compelled to undertake a second journey to reach developed countries that are better equipped to provide protection and services. Due to the close proximity of Europe, refugees are now fleeing countries in the Eastern Mediterranean toward the EU. The increasing numbers of smuggling and trafficking activities along the borders constitute a second challenge. Refugees resort to criminal networks to help facilitate their travel. Such networks use life-threatening methods that often result in deaths at sea.

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What the increasing prominence of securitization measures and policies bring to light is their contradiction with fundamental human rights and refugee obligations. The development of securitization policies runs parallel to that of the EU's human rights frameworks, whose aim – at least the proclaimed one – is to ensure protection for migrants fleeing insecurity and respect for their human rights. However, the discourses designate migrants as a security threat, and the security-driven measures they endorse to control migration prevent migrants and asylum seekers from reaching the EU.

EU policies are preventing migrants and asylum seekers from reaching Europe and are also resulting in extreme forms of human rights violations committed against those who manage to cross. In the case of Syrian and Afghan refugees crossing into Europe through Turkey, they experience violence and push-backs at the EU border. At the EU's southeastern borders, where Bulgaria and Greece border Turkey, a tragedy has been unfolding since 2014. Refugees and migrants are being unlawfully pushed back to Turkey. Push-backs at the EU's southeastern border deny people the right to seek asylum and can arguably be considered a breach of the principle of *non-refoulement*.

They are carried out informally and thus the individuals being sent back have no chance to appeal the decision. They are often accompanied by violence and sometimes take place in ways that put people's lives at risk.

Insufficient Response to the Crisis: Securitization and Containment

A Security-Driven Approach

Over the last few decades, European countries and the European Union, as a supranational entity, have continuously engaged in the construction of migration as a process that threatens the security, identity, and well-being of European states. As a result, national and regional policies have aimed to reduce this perceived risk. A major critique of the securitization approach of the EU is that it has proven ineffective in responding to emergencies. On the one hand, it has failed to effectively manage migration and refugee flows in times of emergencies, and on the other hand, it has also showcased quite clearly the disagreement among Member States, despite the fact that the main objective of the securitization approach is to harmonize EU Member States by creating a common threat. On 23 April 2015, the European Council stressed that the Union would mobilize all efforts to prevent further loss of life at sea, tackle the root causes of the human emergency in the Mediterranean – in cooperation with the countries of origin and transit – and fight human smugglers and traffickers. On 18 May 2015, the Council approved the Crisis Management Concept for a military CSDP operation to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean (Council Decision 2015/778 dated 18 May 2015). As a result, and as part of the European Union's Comprehensive Approach, on 22 June 2015, the EU launched a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED). The aim of this military operation is to undertake systematic efforts to identify, capture and dispose of vessels as well as enable assets used or suspected of being used by migrant smugglers or traffickers. Despite this operation, Syrian refugees continue to cross over to Europe in search of better opportunities.

A Policy of Containment: Refugees in the South

One of the main policies of the EU is to contain refugees in the South; particularly in their neighbouring countries, so as to prevent them from seeking asylum in Europe. Such a policy is the primary motivation for the implementation of programmes such as the Regional Protection Programmes (RPPs) and Regional Development and Protection Programmes (RDPPs). The RPPs and RDPPs are tools of cooperation with third countries that enable these to establish or strengthen their asylum systems in order to provide better protection for refugees. RPPs were initially developed in 2005, but were further enhanced in 2012 as a way to respond to the Syrian refugee crisis. The aim was to integrate the existing concepts with a strong development strategy. As a result, two new activities were added to the seven mentioned above: a) research into the impact of the presence of a refugee population on the host community; and b) practical measures aimed at job-creation, education and improved infrastructure. The first programme of this sort was launched in Lebanon, Jordan and Iraq in 2014. The effectiveness of RDPPs requires a long-term approach in which funding is sustained and partnerships are built on the voluntary commitment of partner countries to provide durable solutions for refugees in their countries.

The presence of refugees, which is essentially a political issue for all countries in the world, is not only a political issue in the region but also a factor that contributes to the disintegration of the State, as it is composed in many countries in this part of the world. In Lebanon, which is a highly sectarian society, the influx of Syrian refugees of Sunni majority, threatens the composition of the State. Likewise in Jordan, Palestinian refugees from Syria have constituted a major challenge due to the high number of Palestinians as compared to Transjordanians in the country. In Egypt, Syrian refugees were used as a political tool during the 2013 protests, which had various devastating implications on their livelihoods and protection. All these factors make local integration extremely difficult. As a result, in cases when refugees cannot repatriate to their countries of origin and are not resettled, they will always seek to move to Europe. It is therefore

difficult to assert that the EU's measures to strengthen the capacity of these states will drastically influence the desire of refugees to move on to Europe unless these states are committed to offering durable solutions for refugees.

Conclusion and Recommendations

The current humanitarian crisis in the Eastern Mediterranean has exposed the ineffectiveness of the EU's policies in protecting refugees and asylum seekers. The increasingly restrictive policies of the EU have led to concerns about the prevalence of preventing influxes over the principles of protection and solidarity. The EU, through its securitization policies, has strengthened its framework to limit the influx of migrants, and, as a result, the protection space of refugees has shrunk. As such, the steering away from militarized and security-oriented approaches cannot but take place.

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Even though the EU policy framework complies with international human rights standards, its implementation remains insufficient. The EU needs to establish proper human rights monitoring mechanisms along its borders and incorporate such mechanisms as a precondition for its cooperation with third countries. EU Member States must stop the promotion of refugee encampment and detention and focus on implementing these monitoring mechanisms in transit situations. All states must address their weaknesses in refugee protection by abiding by the principle of *non-refoulement*, as it is enshrined in international refugee law, and grant refugees fundamental legal rights and protection. Human rights standards must be enforced through the technical and logistical support provided by the

EU to neighbouring countries as part of their project to build the capacity of transit countries along the Mediterranean.

The EU's commitment to human rights standards must, therefore, translate into concrete action at all levels of international cooperation

EU states need to respect their current commitments on resettlement and improve the legal channels through which refugees can have access to the EU. This would help prevent deaths at sea and address protracted refugee situations. Through effective resettlement plans, the EU will alleviate the strain on transit host countries, better protect refugees, and improve the management of refugee flows in the region. Assistance, through RPPs or other projects, needs to be instituted, along with a credible political dialogue aimed at protecting refugees and asylum seekers. Such dialogue can only be effective if it is based on genuine bilateralism rather than a platform where EU interests dominate, as it is clear that EU migration policy does not take the interests of its Mediterranean partners into account. Visa facilitation and family reunification schemes, and a system that better distributes the burden across EU states are essential components.

The challenges of the implementation of human rights standards become even more acute when examining the external dimension of the EU's migration management. The EU and its Member States have a duty to abide by these standards but should also actively promote the implementation of these standards in third countries, particularly those with poor human rights records. The EU's commitment to human rights standards must, therefore, translate into concrete action at all levels of international cooperation.

Bibliography

- GUILD, Elspeth, and P. E. MINDERHOUD. "The first decade of EU migration and asylum law." 1st ed. Vol. 24. Boston; Leiden; Martinus Nijhoff Publishers, 2012.
- IPPOLITO, Francesca and Seline TREVISANUT. (ed). *Migration in the Mediterranean: Mechanisms of International Cooperation*. Cambridge, England: Cambridge University Press, 2016.
- O'NIONS, Helen. (ed). *Asylum - A right denied: A critical analysis of European asylum policy*. Burlington, Vermont; Surrey, England: Ashgate, 2014.
- PINYOL-JIMENEZ, Gemma. "The Migration-Security Nexus in Short: Instruments and Actions in the European Union." *Amsterdam Law Forum* 4 (1): 2015.
- SLINGENBERG, Lieneke. "Asylum – A right denied: A critical analysis of European asylum policy." *International Journal of Refugee Law* 27 (3): 522-5 (2015).