



ICMPD

International Centre for
Migration Policy Development

Vienna Migration Conference 2016

European Migration and Refugee Policies – The Way Ahead
International Refugee Protection and European Responses
European Migration Policy and International Cooperation

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Introduction

Michael Spindelegger

European migration policy is going through challenging times. Around 1.3 million persons applied for asylum in the EU in 2015; which was the highest number since more than 60 years; in 2016 it was still about 1.1 million asylum applicants. Sadly, the death toll had even risen compared to previous years. According to the UNHCR, more than 5,000 migrants had lost their lives while trying to cross the Mediterranean Sea by the end of the year. Refugee and migration potentials remain exceptionally high. More than 65 million people around the world have fled from war, conflict and violence. This figure is more than two times higher than it was twenty years ago. And even if we manage to resolve the current crisis and the violent conflicts causing it, immense challenges will remain. Today, 2 billion persons live in the main regions of origin of migration – Africa, the Arab World and South Asia. By 2050 it will be 3.6 billion of mainly young people in search of jobs, income and perspectives for their lives. We have to find solutions for the current refugee crisis, which is by no means over. But we also have to find solutions for the challenges resulting from demographic change and the uneven distribution of wealth and prospects on our globe.

Many of the instruments that have formed the International and the European migration regime have come under immense pressure. Many of them have lost the capacity to provide for adequate responses; many of them have lost their political basis. From the beginning, the Dublin System had put an uneven burden on the Member States situated at the external borders of the Schengen area; it finally collapsed under the mass influx of 2015. The Temporary Protection Directive had been designed for such a mass influx; but was not triggered by the Council when this situation emerged. A functioning control of the external borders of the Union remains a big challenge. At the same time, the EU and its Member States never managed to develop functioning and transparent policies on labour migration, which can be considered one of the reasons why migrants choose the irregular path or make use of the asylum systems. Last but not least, there is no satisfying answer and no political agreement how to ensure international protection for those who need it. Simply put, we need to think of a new International and European migration policy architecture, because the old one is not working anymore.

Thus, we are not talking about a European crisis per se but about an international crisis, which poses very specific challenges for Europe and asks for very specific answers from Europe. On 19 September 2016, the United Nations General Assembly

adopted the New York Declaration for Refugees and Migrants. The Declaration aims at the development of a new and global framework for the protection of refugees and for managing migration. It reflects a thinking where the protection of refugees and displaced persons is no longer understood as an affair of countries close to conflicts or situated along migratory routes but where the global community has to respond, act and support as a whole and regardless of where a crisis situation emerges.

We can call it a great achievement that all UN Members have worked together on strong commitments towards refugees and migrants and that they acknowledge their shared responsibility to manage related movements. Maybe the biggest achievement of the Declaration lies in the fact that the UN Member States have agreed on concrete steps towards its practical implementation. By 2018 they want to agree on a "global compact on refugees" and a "global compact for safe, orderly and regular migration". The New York Declaration has lifted the issues of protection and migration firmly to the international level; and as Europeans we should be glad about this. But it remains to be seen whether the Declaration will develop into a meaningful instrument for coherent and joint action; and it will be years from now before it will have tangible and operational results.

Despite all the challenges we have to keep in mind that Europe has a legal, moral and historical obligation to help people in need of protection. And we also have to keep in mind that the picture of migration would never be complete without acknowledging the important contributions migrants make to their host countries and their home countries. Solutions to the challenges can only be found when all states linked by migration work together on the basis of joint responsibility and mutual respect. The global levels of displacement dash all hopes that states who do not engage in solutions in the beginning, will not have to do so at a later stage. People will move on in search of safe places and humane conditions if they do not find them in their first refuge. And modern communication technology and means of transportation will help them to reach destinations quite distant from immediate conflict zones. This is a lesson that we all had to learn during last year's "long summer of migration".

The Vienna Migration Conference is an event where we want to discuss the most burning issues in the field of migration. We want to do this together with political decision makers; government experts; and representatives from the academic world, the media and the civil society. We want to do this from the European perspective but also from the perspective of our many partners from outside Europe. We want to identify those areas where progress has been made. But we also want to see where gaps persist and questions are open. Our work should not stop there. The discussions at the Vienna Migration Conference should set the priorities for further developing the ideas and proposals put forward at the conference, together with our Member States and all our friends and partners.



We need a new migration architecture because the old one is not working anymore. We do not have to start a new but we have to write a new chapter on partnership within the EU and with our non-European partners.

Michael Spindelegger
Director General ICMPD

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Migration Policy



We have to regain control over our external borders again. We and not the smugglers have to decide who is allowed to come to Europe.

Sebastian Kurz
Federal Minister for Europe,
Integration and Foreign Affairs, Austria

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The 2016 Vienna Migration Conference was devoted to two key questions of today's international and European migration policy. The first one is the question of "International Refugee Protection and the European Responses"; the second refers to the issue of "European Migration Policy and International Cooperation". At the conference we wanted to discuss the policy developments of the last eighteen months, analyse their main features and see whether they represented a breakthrough towards new thinking in European migration policy and towards durable solutions in the European and international context.

Most of today's challenges are global, and most of today's opportunities are global as well. The prior require global responses based on joint responsibility; the latter will only be harnessed when the vision of "safe, orderly and regular migration" laid down in the New York Declaration becomes a real option. In order to make this vision a reality we will need a fundamental reorientation of many of the existing policies and instruments to steer migration at the European and the global level. I hope that the 2016 Vienna Migration Conference has made a valuable contribution to this process. This report summarises the discussions, findings and conclusions presented at the conference as well as a number of recommendations for the way towards a new foreign migration policy in Europe.

Last but not least, I want to take the opportunity to thank the Austrian Federal Ministry for Europe, Integration and Foreign Affairs, the Austrian Federal Ministry of Science, Research and Economy and the Austrian Ministry of the Interior for their great support and for welcoming us in their marvellous premises. I want to thank all our presenters, panellists and discussants for sharing their expertise and insights with us. And last but not least, I want to thank all of my ICMPD colleagues who helped to organise the 2016 Vienna Migration Conference.

International Refugee Protection and European Responses

The arrival of around 1.25 million people applying for asylum in EU Member States in 2015 shook the very core of the Common European Asylum System (CEAS). Within a few months, the initial “welcoming culture” witnessed in some EU countries gave way to a feverish search for ways to contain the largely chaotic and uncontrolled entry of non-EU citizens to EU territory. The majority of the refugees and migrants originated from the conflict ridden countries of South Asia, the Middle East and Africa, and had travelled through Greece and the Western Balkans to Hungary and onwards to Austria, Germany and other countries in Western Europe.

The European Commission responded with an avalanche of legislative proposals and resolutions intended to provide a common European response. For the Member States, these proposals either went too far, developed too slowly, were not far-reaching enough or went in the wrong direction. In a situation of increasing disagreement over the “common” asylum policy and political pressure to find solutions, some Member

States went their own ways, introducing internal border controls within the Schengen zone, erecting fences and other physical barriers at the borders, or amending national asylum laws in order to make their own asylum system as unattractive as possible.

“Intra- EU solidarity” – one of the core principles of the CEAS – was at best paid lip service to during the crisis and bilateral or multilateral solutions were overtly rejected. In this context, the CEAS was questioned and criticised for not offering appropriate instruments to deal with the increased influx of asylum applicants.

The EU’s legal instrument intended to handle a mass influx of displaced people (the 2002 Temporary Protection Directive) was not activated, while the system for determining the Member State responsible for examining an application for international protection (the Dublin system) proved not to be up to the task of dealing with higher numbers of people arriving and was de facto temporarily suspended.

The resulting situation was labelled by the media and policy-makers as a “European refugee crisis”. The CEAS was deemed dysfunctional and new ideas on how to solve the so-called crisis surfaced and circulated. Increasing recognition of the failures of the CEAS also led to broader criticism of the international refugee law instrument, the 1951 Refugee Convention. Some described the Convention as outdated and inadequate in the face of current challenges. Today’s so-called “refugee crisis” or “protection crisis” in Europe, however, is not merely the result of the exigencies of 2015, but rather dates back to the very foundation of the international refugee protection framework. While the Geneva Refugee Convention set the basis for the CEAS, the latter missed the opportunity to provide European answers

to questions that were not resolved globally in 1951. The EU has not availed of the opportunity to reach a common European understanding on questions such as solidarity, responsibility sharing, effective access to protection and the scope of protection – all questions that were controversial and could not be resolved in 1951. New ideas and proposals are thus likely to fail or not even be discussed, as long as no joint EU, or indeed international, understanding is reached on these fundamental questions. As a set of rules valid throughout the EU, the CEAS has adapted international refugee law to European circumstances, with the Geneva Refugee Convention providing the basic structure upon which EU asylum policies are built. In general, the CEAS reproduced the main features of the Geneva Refugee Convention, developed some of them further and contributed to a high regional standard of protection. Nevertheless, the CEAS has to date not provided fully satisfying answers to some of the key issues inherent in the international protection regime, namely:

- ➔ A joint response among states on how to facilitate access to protection in a more orderly manner;
- ➔ A common understanding of what solidarity and responsibility sharing should mean and how it should be implemented in practical terms;
- ➔ A coherent approach towards the concept of international protection, combining refugee and subsidiary protection status as one single protection status.



In 2015, we were in a situation where countries were shifting the problem from one border to the other; and success was basically measured by the number of migrants that would leave a country to another country. We are beyond that, and this is the result of improved cooperation within the EU Member States and the bilateral contribution of a number of Member States.

Nikola Poposki

Deputy Prime Minister and Minister of Foreign Affairs,
the former Yugoslav Republic of Macedonia

The emergence of a new foreign migration policy in Europe

Throughout the whole of 2015 there was little political appetite among EU Member States to accept solutions based on mandatory quotas or large-scale relocation and resettlement. All attempts to promote such positions were met with firm resistance. Finally, states along the Western Balkan route took matters into their own hands, put an end to unhindered transits and imposed measures to deter refugees and migrants from entering their territories. These measures had a reverse knock-on effect on the “2015 migration pattern” as the obstacles towards the desired destinations effectively multiplied and arrival figures went down on this route. Thus, it became clear that – at least in the short run - solutions would have to be found outside all proposals based on European solidarity, either by reaching agreements with partners outside the EU or by reverting to a renationalisation of European migration policy, most vividly expressed by the erection of barb wire fences at external and internal Schengen borders. 2016 saw indeed a number of notable developments at the European and global level that could be seen as the nucleus of a new foreign migration policy in Europe.

On 18 March 2016, European governments and Turkey signed the “EU-Turkey Statement” in an attempt to end irregular migration from Turkey to the EU, to introduce legal channels for the resettlement of refugees to the European Union and to ensure protection and temporary integration of migrants in Turkey. Shortly afterwards, the European Commission announced its Communication on the New Migration Partner-

ship Framework with third countries. The new framework should establish comprehensive migration partnerships – or “compacts” – with external partners. In doing so, it wants to use the full range of policies in the areas of neighbourhood policy, trade, mobility, energy, or security. Other important milestones had been agreed before, namely the Valletta Declaration, Action Plan and Emergency Trust Fund from November 2015, all which are intended to improve practical cooperation on migration with African countries. The New York Declaration as outcome document of the UN Summit for Refugees and Migrants from September 2016 added a global dimension to the debate on an international response to one of the biggest challenges of our time. The achievement of two compacts, i.e. frameworks for action, one on refugees and one for safe, orderly and regular migration by 2018 would be living proof of the UN Members’ ability to turn words into action and to overcome the implementation gap.

The above initiatives are also important milestones on the path to a new foreign migration policy in Europe. Notwithstanding this, many more steps will have to be taken in order to reach functioning and durable solutions, as the described initiatives and instruments will not be sufficient for regaining complete control over irregular migration flows into Europe. They do not solve the principle issues of protection, relocation and resettlement for the majority of refugees who had to flee their country because of war and persecution. They do not answer the question on how the current convention-based protection regime can be upheld in view of the size of current migration flows and the huge potentials for flight and irregular migration to Europe. They do not constitute a global response to a global challenge based on solidarity and burden-sharing among the whole

international community. Last but not least, they leave open the issue of possible agreements with prevailing and emerging points of departure for refugees and migrants headed to the EU.

The future of the EU – Turkey Statement is anything but set and the Valletta Action Plan, the Partnership Framework and the New York Declaration are in early or initial stages of implementation. Despite the novelty of the outlined instruments, they have already attained concrete achievements by managing to overcome the last year’s political deadlock and breaking free from the entrenched structures and processes of EU migration policy. Most importantly, they marked a move away from a purely technocratic understanding of migration management towards high politics and real policy making buttressed by political leadership. Mistakes will be made and setbacks will occur along the way, but the new thinking that was expressed in the Valletta, the EU – Turkey Statement, the Partnership Framework and the New York Declaration will give more leverage to Europe’s migration policies and instruments in the future.



It is important to start acknowledging that the migration issue is the most important, most pressing topic of the 21st century not just for Europe but on a global scale.

Johannes Hahn

Commissioner, European Neighbourhood Policy
& Enlargement Negotiations, European Commission

Gabriela Abado | Deputy Director General
International Centre for Migration Policy Development (ICMPD)

Alema Alema | Deputy Minister
Ministry of Refugees and Repatriation of Afghanistan

Mihail Beregoi | State Secretary, Ministry of Internal Affairs of Moldova

Nils Coleman | Deputy Head of Unit for Asylum Reception and Return
of the Migration Policy Department Ministry of Security and Justice, The Netherlands

Paul Collier | Professor, Blavatnik School of Government, University of Oxford

Igor Crnadak | Minister of Foreign Affairs, Bosnia and Herzegovina

Gibril Faal OBE | Interim Director of the Africa-Europe Diaspora Development
Platform (ADEPT) & Director of GK Partners

Leonello Gabrici | Head of Division for Migration and Human Security
European External Action Service (EEAS)

Maria Grazia Giammarinaro | UN Special Rapporteur on trafficking in persons,
especially women and children, Office of the High Commissioner for Human Rights

Lukas Gehrke | Director, Policy, Research and Strategy
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Ralph Genetzke | Head of Mission, Brussels
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Grigol Giorgadze | First Deputy Minister at the Ministry of Internally Displaced
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Johannes Hahn | Commissioner, European Neighbourhood Policy &
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Edward Hobart | Migration Envoy, Europe Directorate
Foreign and Commonwealth Office, United Kingdom

Gunther Krichbaum | Member of Parliament and Head of the Committee
on the Affairs of the European Union, Germany

Sebastian Kurz | Federal Minister for Europe
Integration and Foreign Affairs, Austria

Michael Lindenbauer | Regional Representative for Western Europe
United Nations High Commissioner for Refugees (UNHCR)

Jana Ljubičić | State Secretary at the Ministry of Interior of the Republic of Serbia

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Wolfgang Sobotka | Federal Minister of the Interior, Austria

Michael Spindelegger | Director General
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Laura Thompson | Deputy Director General
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Arno Tomowski | Commissioner for Refugee and Migration Issues
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Tomáš Urubek | Head of Unit for International and European Affairs
Ministry of the Interior, Czech Republic

George W. Vella | Minister for Foreign Affairs, Malta

Catherine Woollard | Secretary General
European Council on Refugees and Exiles (ECRE)

Lamberto Zannier | Secretary General
Organization for Security and Co-operation in Europe (OSCE)

European Migration and Refugee Policies – The Way Ahead

Day One

The Conference's first panel wanted to discuss the progress, the gaps and the visions for better policy solutions with high-level decision-makers and representatives from International Organisations and research. Under the heading "European Migration and Refugee Policies – The Way Ahead" it tried to take stock what had happened in the past and which ideas were out there to make a better future.

In particular, the panel tried to answer what progress was made in 2016 regarding more sustainable solutions in addressing the crisis; how Europeans can act united and in true solidarity; what new objectives and instruments the EU and the Member States regard necessary for a new European foreign migration policy; what plans the upcoming Maltese EU Presidency has with regard to the refugee crisis and the EU's migration policy; and what impact the New York Declaration will have in the short and long term. Finally, the panel wanted to ask whether the developments of 2016 really respond to the challenges at hand or whether an entirely new thinking will be needed.

In his opening address, **Minister Sebastian Kurz** recalled the events of the refugee crisis as well as its main root causes: conflict, poverty, and the lack of economic perspectives; but also drew attention to the fact that the "policy of waving through" displayed by ill-prepared and overburdened European states was an additional driver for the mass movement of 2015. Nevertheless, the EU and its Member States seem to have learned from past mistakes and engage much more strongly in tackling irregular migration flows, addressing the root causes and developing safe pathways to protection. This, however, will only work if the Member States of the EU regain and maintain control over their external borders. Minister Kurz underlined that the closing of the Western Balkan route was a tough decision but necessary to put an end to unlimited and unhindered movements of refugees and migrants to European destinations of their own choice. The situation on the Central Mediterranean route, however, remains unresolved and the numbers of arrivals are as high as in previous years. More needs to be done, Minister Kurz concluded, but also that the functioning cooperation along the Western Balkans route sends a positive and encouraging signal that policies can change in the right direction and states can act together in making a difference.

The events and developments along the Western Balkans route were also taken up by **Deputy Prime Minister Nikola Poposki** who outlined the particular challenges for a country which had to deal with an immensely challenging situation it had not produced in the first place. How could, how should the country deal with as it was not an aspired destination for refugees and migrants but merely a point of transit? Should it simply wave through refugees and migrants to their desired destinations? Or should it engage in finding a solution together with its neighbours and European partners? The former Yugoslav Republic of Macedonia opted for the latter, a decision in tough circumstances as Mr. Poposki recalled. Still, he believes, that that the consequences of not deciding in that direction would have been the collapse of Schengen as it was only a question of



This is a question of solidarity. It is not a question of just throwing money at the problem. With money you don't solve the problem. These people want opportunities, they want job opportunities, they want a future. We have to talk to each other to try to convince each other that this is a burden which has to be shared.

George W. Vella
Minister for Foreign Affairs, Malta

time before states would have taken their unilateral actions. For the future it will be necessary to look further down the road, to anticipate better what might happen and to intervene a lot earlier than in the context of the crisis of 2015.

What has the European Union done to be better prepared and to act earlier? Quite a lot as **Commissioner Johannes Hahn** informed the audience in his statement. There is the facility for refugees in Turkey with up to 3 billion Euro until 2017, which has reached cruising speed in the autumn of 2016. Before that the Syrian Trust Fund had been set up with 1 billion Euros by the end of 2016, for countries hosting refugees in the region but also supporting countries along the main migratory routes. But there is also the EU support for UNRA in assisting Palestinian refugees, one of the “forgotten” protracted refugee situations that saw a certain trend on movements towards Europe for the first time since many years. But there are many other unresolved refugee situations as well. There are about 22 million refugees or internally displaced persons within and around Europe, in Ukraine, Syria, Palestine or Libya. Although the situation has calmed on the Western Balkans route, the urgency is still there and Europe needs to work on it. The second major issue Europe needs to address the issues of demographic growth and economic inequality especially in African countries that are main drivers of migration other than flight migration. Here, the comprehensive and unanimous support of EU Member States enabled the setting set up the necessary funds to work with countries in Africa to address this issue. The European Union and its Member States might have managed to take on the issue of refugees in a more or less effective and successful way but the real challenge will lie in dealing with the migration pressures of the future. To this end, it will be necessary to address the issue in new types of international agreements and global strategies.

Commissioner Hahn’s conclusion that migration will be one of the most pressing topics of the 21st century will also be reflected in the priorities of the Maltese EU Presidency during the first half of 2017. Migration will be one of the three main points on the agenda and **Minister George Vella** stressed how important a joint European approach will be in this regard. He expressed his conviction that migration is an issue that cannot be dealt with by any single country; however wealthy or capable it might be in terms of people and resources. Consequently, Malta will continue to promote the very good initiatives the European Union has taken in 2016; most notably the partnership frameworks and the successful compacts that have been launched and yielded results in a very short period of time. Also the Valletta Summit from November 2015 was a big success in the sense that it brought all the important players together and did not only end up with a final declaration but agreed an Action Plan and a Trust Fund. Progress and unity are key features in this respect; migration is a challenge which affects the whole of the European Union. Migrants are not leaving their homes to come to a particular European country, they are coming to find a future in the European Union which they see on television screens and whose prosperity and way of life is beamed to them



We need to be very firm in implementing security policies that will make then policies of controlled open doors more credible. That is one of the challenges we have, the combination of security with the notion of the solidarity.

Lamberto Zannier

Secretary General, Organization for Security and Co-operation in Europe (OSCE)



If we do not start talking about migration in real terms about pull – push factors, needs and realities, demographics and labour markets, then we will continue doing ad-hoc emergency responses to a global phenomenon that is a reality, that is not new, that has been there everywhere every time in history, but that has become more complex to manage.

Laura Thompson

Deputy Director General, International Organization for Migration (IOM)



We need to improve our asylum systems, better promote integration, work on our preparedness and bring new actors in. We need a Europe that looks beyond Europe. I think the message is understood, we just have to move a lot quicker. The next crisis is around the corner and we will only be able to respond to that in a better way if all are on board and we get to the comprehensive solutions which are at the core of the New York Declaration.

Michael Lindenbauer

Regional Representative for Western Europe UNHCR

as a form of paradise compared to the bleak situation of many countries from which they come from. Europe will have to find ways to promote prosperity, growth and jobs in the countries of origin because this will be the only way to give the young generations a perspective for staying home. In this context, Minister Vella pointed out that as important it is to distinguish between refugees and migrants, it is equally important to understand that bad and worsening living conditions can be equally forceful drivers as war, violence and persecution. All of this is aggravated by the fact that most migrants from Africa pass through Libya, a country which currently has a government with no full sovereignty over its territory and which is not in a position to secure the borders or control the flows of people through the country. Migration flows do not emerge because of the situation in Libya. But the situation in Libya makes it easier for people to move and easier for smugglers to make fortunes out of the misery of these people. Eventually it might come to an agreement for a more stable government and the EU has to do everything to support this process. Stability and security in Libya are an inevitable precondition for Europe to regain control over its own migration situation.

The link between migration and security was also touched upon by **OSCE Secretary General Lamberto Zannier**. The OSCE deals with migration from the perspective of a regional security organisation with a broad concept of security that encompasses the issue of migration as well, without wanting to securitize it. A main lesson learned from 2015 was that states and the European Union have to have functioning borders, properly trained experts, and uniform policies. All international actors have to be very firm in combatting migrant smugglers, traffickers and the organised crime group standing behind these operations. All actors have to invest a lot more in the area than they are doing now. Another lesson learned is that conflict is the driver within migration that can mobilise large numbers of people in very short periods of time. Conflict in Europe and beyond is the result of increasing geopolitical divisions; and it is as intractable outside Europe as it is in Europe. The international community needs to act on it, it needs to build coalitions, and it needs to involve all actors to resolve conflicts or address them before they materialise. The UN framework will be key to achieve this aim, to build coalitions, to align policies and strategies and to also overcome existing divisions and differences.

Although conflict, demography, economic disparities, development and transition were identified as the main root causes for the current migration situation, one must not forget that migration is not only driven by push- but also by pull factors. There is high demand for young, motivated and cheap labour force on Europe's formal and informal labour markets and this basic fact needs to be taken into account when looking for better ways to manage migration. The first thing which needs to be done in preventing irregular migration, **Deputy Director General Laura Thompson** pointed out, is to identify the push factors that make people leave a specific country or region and to enter into an actual real dialogue with them in addressing the reasons why people are leav-

ing. But the pull factors have to be addressed as well. There are many jobs in Europe for people that are lower skilled, for people that take the jobs that are not covered by European population, that find opportunities on the informal labour markets in Europe. Consequently, if the pull factors are not addressed, there will never be a comprehensive policy on migration even if a lot of effort is put on addressing the push factors. Europe and the rest of the world have to move away from dealing with migration issues in a manner that is only crisis oriented and is related to short-term pressures. This will regularly result in addressing the consequences and not the causes of migration. In order to curb irregular migration and migrant smuggling, European states have to open channels for regular migration as well; channels that respond to the realities of the European economies and provide opportunities for migrants to move to Europe in a safe and regular way.

Michael Lindenbauer, Regional Representative UNHCR took up Deputy Director General Thompson's point not to mix up refugees and migrants. Flight and migration are caused by different reasons, embedded in different contexts and patterns, and require different responses and policies. In this regard, the New York Declaration from September 2016 has to be seen as an important step forward. It has the potential to change how the international community approaches refugee issues and migration issues, if the development of two global compacts, one on refugees and one on migration, can be completed by 2018 as envisaged by the Declaration. The number of refugees and displaced persons is the highest since the Second World War. And New York builds on the premise that this can only be dealt with in a spirit of solidarity. It underlines the importance of the human rights framework under international law and the central role of the 1951 Geneva Convention in dealing with refugees. The challenge will be to translate the New York Declaration and the global compacts into meaningful action and to make a real difference for the states that are struggling with a large influx of refugees and find themselves overburdened.

Four things need to be done in this regard. The first aspect is asylum systems building in Europe and beyond to overcome existing gaps and imbalances in access to protection. The second aspect is integration. This does not only refer to vocational and language training, as important as those measures are to get people in the labour market process, but also to a different discourse on refugees but also on migration. The third point is the issue of preparedness, the development of emergency response systems, and the establishment of quick deployment schemes. The fourth point is outreach, the involvement of new actors, of development actors, financial institutions and the private sector. All of that has not been missing in the past but now it needs to be scaled up to a level that will really make a difference on the ground.

The developments of 2015 and 2016 led to a deep rift between European governments and their populations as governments did not display their ability to control borders



The focus has to be: preventing crises before they become chaotic; addressing the crises head on; and trying to figure out how to build opportunity in Africa in order to over time be able to reduce the pressure for emigration. These are the things we are ought to be talking about. Everything else is at the margins.

Demetrios Papademetriou

Distinguished Senior Fellow and President Emeritus MPI



The emphasis needs to be put on aspects of migration and development and ways and means to assist countries of origin in this regard. By adopting the global compacts on refugees and for safe, orderly and regular migration by 2018, I believe that we will be able to deliver the goal of really leaving no one behind.

Igor Crnadak

Minister of Foreign Affairs, Bosnia and Herzegovina



and steer entry of non-citizens. This rift went deeper than the question whether European populations support the idea of providing protection to millions of refugees but shook the basic confidence that their leaders were in control of the situation, knew in which direction to go, and were on top of things. Any future migration policy in Europe will depend on European governments regaining the trust and confidence of their voters. **Professor Demetrios Papademetriou, President of the Migration Policy Institute MPI**, one of the most profound experts on global and European migration policies and one of the busiest analysts and advisors on migration issues to governments, institutions, academia, media and the public, is also a critic of the way European states and institutions have handled the refugee crisis but also how they handled their responsibilities in the decades before. Professor Papademetriou took the question of public perception and acceptance as starting point of his observations on the refugee crisis as well as on the available options to address protection and migration issues better than it was done in the past. In his view, protection and migration systems in all advanced industrial societies are being stretched beyond their limits. There are principle questions which will have to be addressed or all of these countries run the risk of having to pay a heavy political price. Conversely, only governments that are strong and have the trust of their public will be able to protect refugees. In order to regain this trust, European governments will have to become serious about borders again. They will have to tighten standards on who is really a refugee. They will have to do the difficult act of removing people much more often and with much more success than they currently do. European states will have to become better at integration, which is not just the other side of migration, but the terrain on which success or failure of migration policies will be judged. Finally, European governments will have to be much clearer with regard to sending countries and have to become serious about meaning what they are saying. In all of this, there is still too much emphasis on the symptoms and not enough attention about the much more difficult thing but the thing that can make much more of a difference, which is addressing the issues that lead to the creation of massive numbers of migrants and refugees. In order to make progress Europe will have to do the difficult thing. For that it will have to develop a true foreign policy which can really intervene and which really can address the root causes, which produce this amazing numbers of displaced people and refugees. This foreign policy is a necessity if Europe really wants to start paying attention to crises, before these crises become chaotic and before they start to generate hundreds of thousands and millions of people. Equally important will be to address the principle migration challenge that Europe will face in the future, which is migration from Africa. Demographics is teaching us how many millions of people from Africa, which has an enormous youth bulge, will need to be given jobs and opportunities before they have to decide to move to Europe. Professor Papademetriou concluded by stating that there are not that many easy answers yet in addressing this issue, which requires Europe and its partners to start thinking much harder than they might be thinking.



Irregular migration and human smuggling must not be seen separated from the problem of human trafficking and the exploitation of migrants in its various manifestations.

Jana Ljubičić

State Secretary at the Ministry of Interior of the Republic of Serbia



It is our experience that return and re-integration is not a quick and certain process. Short term measures will not work. We need long term investment in job creation. Help us to create a future that is secure and prosperous for all our people.

Alema Alema

Deputy Minister, Ministry of Refugees and Repatriation of Afghanistan



Indeed, the last year showed basically the treatment of the symptoms and not of the cause. I would ask the question: Which works better? The reduction of supply or the reduction of demand? In the end reducing the demand for migration will work better than trying to reduce the supply for migration.

Mihail Beregoi

State Secretary at the Ministry of Internal Affairs of Moldova

CONCLUSIONS

- European governments had to regain control over their borders and the entry of refugees and migrants; they have managed to do this by enhanced cooperation between European states and at European Union level. Notwithstanding this, the Central Mediterranean route and Libya as the major point of embarkation to Europe remain unresolved issues;
- Protection and migration will remain high on the European agenda also in the future. As one of the global challenges of the 21st century, migration will require more and more targeted action. The EU and the Member States have done a lot already in terms of financial support and in terms new policy instruments. But these achievements are only the first steps of a long journey to more sustainable solutions;
- The New York Declaration and the compacts on refugees and safe, orderly and regular migration open up entirely new opportunities builds on the premise of a spirit of solidarity on the global level. The crucial point, however, will be to translate the New York Declaration and the global compacts into meaningful action;
- In the area of protection, asylum systems have to be stepped up in Europe and beyond; integration has to go beyond training and courses and create a truly inclusive environment; the level of preparedness has to be increased before the next crisis and additional actors have to be involved in new policy approaches, ranging from development actors to financial institutions and the private sector;
- In the area of migration, the demand for foreign labour on Europe's formal and informal labour markets must be taken into account more thoroughly. A promising strategy on managed migration has to address push and pull factors on equal terms; and has to devise legal channels for migration as well;
- European governments will have to regain the trust and confidence of the European voters. Thus, they will have to become better at controlling the external borders, at distinguishing between persons in need of protection and those not in need of protection, at integrating those in need of protection; at returning those not in need of protection, at devising a true European foreign policy and at developing comprehensive, constructive and unambiguous partnerships with countries of origin;
- The biggest challenge ahead will be to create opportunities for the millions and millions of young people in African and Asian countries and regions of origin in order to make migration a matter of choice rather than of necessity.



We also have to find innovative ways in supporting each other. I am convinced that the migration compacts that the European Commission is currently implementing are a great possibility for a new cooperation mechanism between different countries linked by migration flows.

Wolfgang Sobotka

Federal Minister of Interior, Austria

Opening and key note

Day Two

The second conference day was opened by **Minister Wolfgang Sobotka** who underlined that despite of the easing of the situation that was observed in the second half of 2016 the great challenges in the area of migration remain. What applies to Europe, applies to other regions in the world as well, and Minister Sobotka expressed his conviction that migration is a challenge which can be addressed only in a joint effort. No country can handle a migration crisis on its own and Europe had to painfully experience this in 2015 and 2016. This implies the need for solidarity and burden sharing, but beyond this, it will be of utmost importance to find joint, holistic and sustainable approaches to address the challenges the world is currently facing and will be facing in the future. This requires both new strategies to deal with the current crisis and future developments in the best possible way, but it also requires policies, structures and mechanisms for better migration in the long run. It is obvious that the current protection and migration management systems are no longer suitable to deal with the challenges of a globalised world. There is clearly a need for a global protection mechanism for refugees. Thus, it will be crucial to ensure protection as close as possible to the regions of origin. This would save lives, curb the business of migrant smugglers and via resettlement enhance the access of the most vulnerable persons to protection. In doing so, states have to find innovative ways in supporting each other. The migration compacts that the European Commission is currently implementing, for instance, are a great opportunity to devise new cooperation mechanisms between countries linked by migration flows. There will be increasing need to work together closely to ensure the development of comprehensive forward-thinking policies which are suited to successfully handle the current and any future challenges in the field of migration.

In his keynote, **Sir Paul Collier, University of Oxford** called into question whether the current refugee system could have dealt with the refugee crisis in a more successful way than it did. In his view, the failure of European states to deal with the situation was not so much the result of political blunders but the inevitable result of a refugee system which cannot work and which is so dysfunctional that it cannot even be reformed. Its basis, the 1951 Geneva Refugee Convention, never worked as a global convention but always was a European convention which had emanated from the beginnings of the Cold War. It has become largely irrelevant for the modern situation. Most of the largest refugee-hosting countries are no signatories to the Geneva Convention. Two different flights drive the current flows of migration and refuge, which are not really covered by it. There is the flight from fear and there is the flight from



What we need is new partnership between NGOs that know the local context, organisations like the World Bank, IFC, CDC, FMO and the private companies. Decisions have to move out of court rooms into board rooms. The centre of refugee policy has to be bringing jobs to refugees, not refugees to Europe.

Paul Collier

Professor, Blavatnik School of Government, University of Oxford

hopelessness. Most of today's refugees are not fleeing individual persecution but the collapse into disorder of societies or the lack of a credible hope of a decent future. Both types of flight, however, refer to groups that are huge: 65 million people who have left their homes because of fear and probably something over a billion people who would like to leave their countries because of hopelessness.

The first duty of all states, not just in Europe but globally, is to rescue from fear. It is not just a duty to individuals, it is a duty to whole groups fleeing their home because of fear. But what is it that refugees really want? It is restoration of formality until they can return. It is preservation of their communities, preservation of autonomy, preservations with prospects of going home. Overwhelmingly, refugees go to poor countries, that is because today's main haven countries are proximate to conflict and are poor countries. According to Sir Collier, the worst failure of Europe towards refugees was that Europe did not do enough to help these haven countries and left them to pay for the refugee crisis themselves. Solidarity can also mean that everybody does what everybody's comparative advantage is. The regional havens have the comparative advantage that they are the easiest place for refugees to reach. European states have the advantage that they have the means to make it as easy as possible for haven governments to keep their borders open by paying for it. Maybe one of the biggest failures of the existing refugee system was that it never emphasised providing work for refugees. Refugees want to preserve autonomy, to earn a living and to have a job. The phenomenon of globalisation, which is one of the reasons why refugees and migrants can find their way to destinations far away from their origins, makes it also comparatively easy to bring jobs to people. And this is exactly what needs to be done. Jordan, for instance, started a policy where refugees together with a certain share of the domestic population are permitted to take up work in certain defined zones which should also attract private investment. Meanwhile, the World Bank approved a 300 million USD credit to support this initiative as a mechanism for putting public money into bringing private firms into the industrial zones in Jordan where refugees are permitted to take up employment. And that will be the first refugee loan that the World Bank has given in sixty years. The flight from hopelessness, however, refers to a much bigger group of people. The 65 million displaced are a manageable group if the right measures are put in place. But allowing a billion people who would like to live in countries of their choice to migrate will not be manageable at all. The only viable solution is to bring better economic prospects to the African and Asian countries of origin; not allowing their people to leave but helping their people to catch up. What needs to be tackled is the massive global inequality and this is best done by bringing education and jobs. The German government is intending to launch its "Marshall Plan for Africa" in 2017 that aims exactly at this. It intends to encourage private investment into Africa and to generate jobs on a massive scale. It will, however, take many years until such initiatives have managed to really impact inequality; until then Europe will have to effectively control migration.

International Refugee Protection and European Responses

The Conference's second panel gathered experts from EU Member States, the European Commission, UNHCR, the UN and the European Council on Refugees and Exiles to discuss state of play, existing gaps and proposals for more viable solutions in the area of international refugee protection. In particular, the panel asked about panelists' take on the issue of intra- and extra-EU solidarity; which responsibilities could and should be shared; whether resettlement is the best way for providing pathways to protection or other passages must be considered as well; where and how the New York Declaration could impact the European and global debate; and what perceptions civil society actors have on the issues of responsibility sharing and solidarity inside and outside the EU.

Tomas Urubek, Head of Unit for International and European Affairs, Czech Ministry of the Interior, started his intervention with the principle remark that the European asylum system is in a critical situation and most probably would not survive another 2015 in its current form. In order to save it from collapse, EU Member States have to immediately implement the measures to preserve it for those really in need of protection. The solutions how to do this are available. Already at the beginning of the millennium and in the framework of the Budapest Process, states and other actors had developed principles and solutions in areas such as "accelerated procedures for manifestly unfounded asylum claims", "safe countries of origin and its application", "building institutions and capacities related to the asylum system", "detention of rejected asylum seekers", "asylum appeals system", "the relation between non-refoulement principle and state security" or "return of rejected asylum seekers". These topics are also the ones European Member States are currently dealing with in connection with the functioning of the hot spots. This instrument is a key aspect in finding a solution for the challenges at hand, for providing protection for those who need it and for regaining control over migration flows. That is the reason why the Czech Republic decided to heavily support the functioning of the hot spots by sending Czech experts. But the intra-EU system is only one side of the coin. Equally important is the support for the countries and regions hosting large numbers of refugees. What happened in 2015 was also a consequence of lacking support to the regions of origin, of first host countries. The Czech Republic started a project together with the Jordanian authorities and UNHCR which aims at providing refugees with better livelihoods and perspective, in line with the Jordan government priorities, and with the financial support of the Czech government. The electrification of Zaatari refugee camp or the renovation of the Azraq refugee camp were primarily done by Syrian refugees. This contributed to the prevention of secondary movements, it helped the Jordanian government, and it helped the refugees themselves. But this support must be broadened and must be increased.

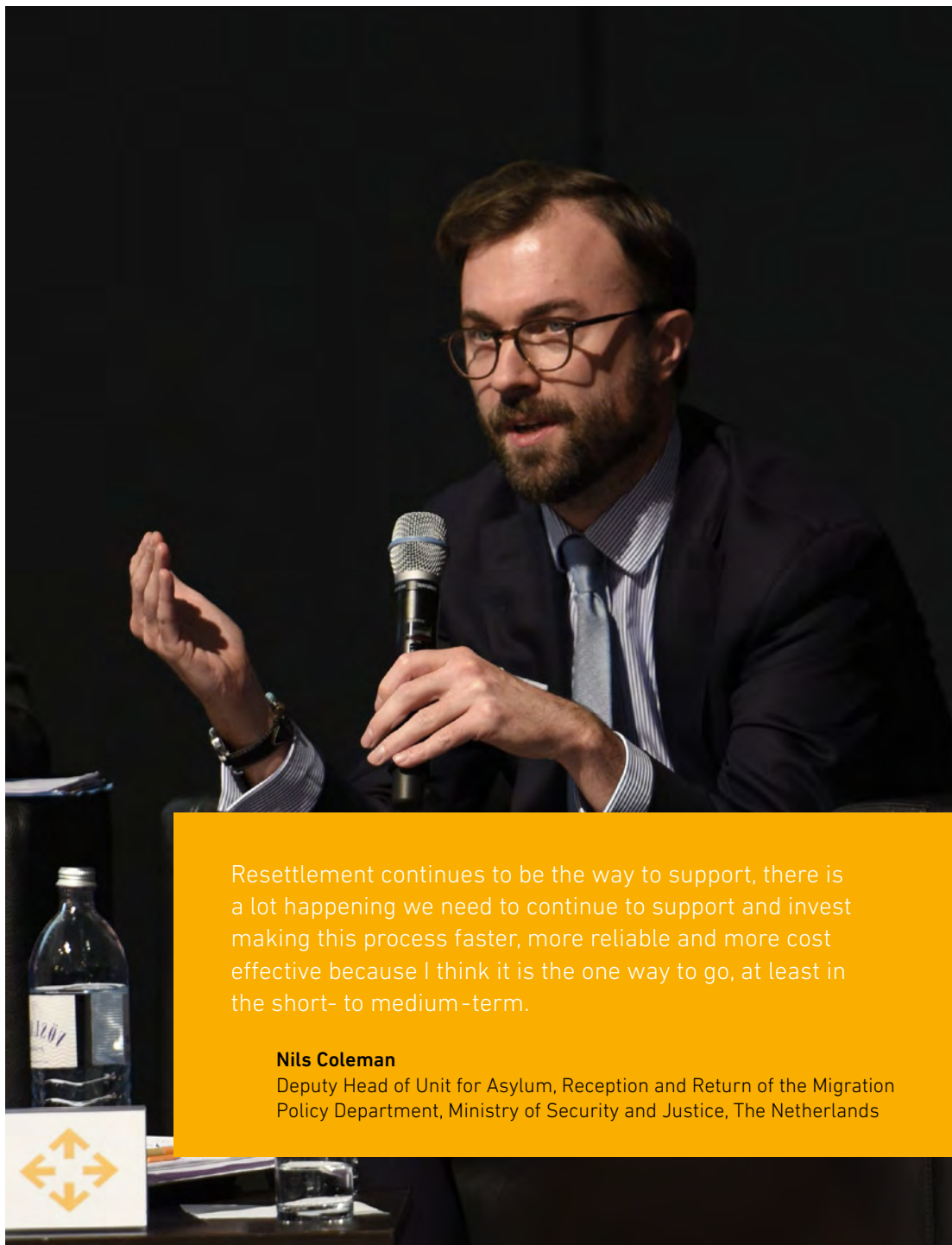
The migration crisis taught Europe some valuable lessons and illustrated painfully the gaps and inadequacies in the system. **Nils Coleman from the Migration Policy**



The European asylum system as we know it would not survive the repetition of the 2015 development. If we want to sustain the asylum system on the principles Europe was building it, if we want to keep it on the principles of openness and generosity, we have to immediately implement the measures which will preserve it for those in need of protection and the safeguard measures that protect it from its collapse.

Tomáš Urubek

Head of Unit for International and European Affairs,
Ministry of the Interior, Czech Republic



Resettlement continues to be the way to support, there is a lot happening we need to continue to support and invest making this process faster, more reliable and more cost effective because I think it is the one way to go, at least in the short- to medium-term.

Nils Coleman

Deputy Head of Unit for Asylum, Reception and Return of the Migration Policy Department, Ministry of Security and Justice, The Netherlands



We cannot look at potential progress on resettlement in isolation. We have to look at the potentials of resettlement that are linked to our efforts to control our borders and to control irregular migration. We need to continue in parallel to improve the control of irregular migration and in parallel also improve access to protection for persons from third countries through our resettlement efforts.

Henrik Nielsen

Head of Unit Asylum, Directorate General
for Migration and Home Affairs, European Commission

Department of the Dutch Ministry of Security and Justice analysed the efforts on the way to make the system more robust and focused on the issue of solidarity in its internal and external dimension. Such analysis has to start with the important observation that within the Council there are still differing views on what could actually help and would be needed and that the political basis for moving forward strongly are still subject to some limitations. More protection has been given in the EU than in many decades before, however, the distribution of recognised refugees is highly uneven among its Member States. Consequently, solidarity has to be part of the solution. There are what might be called four forms of solidarity: legal solidarity as harmonisation of laws, practices and policies; financial solidarity largely through EU funding; operational solidarity through the provision of experts or material; and physical or personal solidarity, i.e. relocation of asylum seekers. Whereas there is not too much controversy on the first three types of solidarity, this is different in relation to relocation where there is no such consensus within the EU. The lack of consensus closely relates to the discussion about so called "flexible solidarity", "structured solidarity" or "viable solidarity". Solidarity should be more of a voluntary nature; there should be different forms of expressions of solidarity to choose from, also instead of relocating refugees. In all of this, Mr. Coleman concluded, there is the danger of simply confirming the status quo but the discussion in its very early stages and it is too soon to tell what the outcome will be. On the external side there are the traditional forms of solidarity like development cooperation, foreign direct investment or capacity building. The resettlement of refugees is perhaps the most concrete expression of solidarity with regions and countries which are under pressure and are hosting large refugee communities. There have been good developments on resettlement, forms of faster resettlement and more EU Member States than ever before using this practice. Thus, there are some good arguments to support resettlement, and also some to be more cautious when it comes to its alternatives. "Asylum from abroad", "humanitarian visa" or "private sponsorship" all touch upon serious sovereignty and jurisdiction issues including the need for appeal procedures and involving the courts. Partly they would have pull effects on particular countries; partly they would require prior security or health checks before admission; partly they would still require prior checks for the need of protection. For the time being, resettlement seems to be the best way of supporting regions and countries hosting large refugee communities. Thus, the process should be made faster and more reliable, and it should lead to higher numbers of beneficiaries.

The events of 2015 and 2016 led many commentators to speak about the failure and inadequacies of the European Union's asylum and migration system. In this context, **Henrik Nielsen, Head of the Asylum Unit in DG Migration and Home Affairs**, recalled that the European system for addressing migration and asylum issues is a fairly young one. Schengen and the Dublin Convention are about twenty years old, the Common European Asylum System just a bit more than ten years old. It is true



The EU is built on compromises and we can only hope that in this process of finding compromises, workable compromises, we don't further lose the confidence of the wider public. If we are not able to display a sense of confidence that we know what we are doing, that we know we go in the right direction, that we are on top of things, we will lose this confidence.

Lukas Gehrke

Director, Policy, Research and Strategy, ICMPD

that the system was not developed in a way that it could have handled a crisis whose magnitude was never experienced before. But this should not obscure the fact that many achievements were made in the last twenty years and many incremental steps were taken to further improve it. Some might be disappointed with the rate of implementation of relocation, for example, but then again, relocations up to 7,000 people as of November*, would have been unthinkable some years ago. The process of approximation which started a bit more than ten years ago has almost reached the stage of harmonisation of the asylum legislation in Europe, however, work remains to be done. That is why the European Commission proposed to move to the next level with

* The total number of relocations stood at app. 12,000 by the end of January 2017 and app. 14,000 persons had been resettled under the EU's emergency relocation and resettlement schemes, Ninth report on relocation and resettlement. Report from the Commission to the European Parliament, the European Council and the Council, COM(2017) 74final

regulations on the procedures and qualifications. From the Commission's point of view, 2015 also taught the lesson that solidarity must be part of the future Dublin system although it is clear that consensus on solidarity will remain a key challenge. The Commission also believes that there is a need to make more progress on resettlement. There definitely was progress at EU level, for the next step, which is needed, the Commission proposed the resettlement framework to make the instrument a central part of the EU asylum policy in the future. In parallel, the EU needs to improve the control of irregular migration and the control of the external borders.

The issue of solidarity was taken up by **Sophie Magennis, Head of the Policy and Legal Support Unit at the UNHCR Bureau for Europe**, who pointed out that the vast majority of refugees and asylum seekers are not in the EU, they are hosted in other countries, and that this needs to be factored in into any thinking on a reform of the European system. What is needed is a holistic approach that focuses on pathways to protection; and that looks at a good well-managed EU protection system, good well-managed protection systems outside of the EU and all the way back to addressing the root causes of flight and forced migration. One of the main challenges in this regard will be making sure that there are good countries of first asylum, good safe countries and that the processes guaranteeing access to protection in those countries are built up and supported. In terms of a well-managed EU asylum system, a starting point has to be a common registration system for all asylum seekers arriving in the EU using the same type of data base and allowing for information-sharing. Another priority is protection-centred border management, followed by simplified asylum procedures, which can quickly determine people who are in need of protection and those who are not in need of protection. The prior should be afforded that protection and there should be a distribution mechanism if a country is under serious pressure. For the latter and where there are no other compelling humanitarian reasons why they should stay, there needs to be a system of voluntary return and return to countries of origin. These are key issues to restore trust and integrity in the European asylum systems. It also needs better contingency planning and better preparedness for crises, which can provide the kind of development-based assistance that people need

and will require much more partnership between development organisations and contingency planners than there is now. Finally, the EU has to engage much more beyond its borders and on the issues of pathways, resettlement, family reunification and humanitarian admission. There has to be a credible response to having pathways, a message which says if people follow the rules where they are, they may have access to resettlement, they may be reunified with their family. Thus, Europe has to provide safe and legal pathways, not just to assist migration management. It has to effectively respond to the protection crisis that is there globally at the moment.

With regard to the global dimension of protection and migration policies, **Maria Grazia Giammarinaro, UN Special Rapporteur on trafficking in persons** stressed that the political value of the New York Declaration must not be overlooked. The importance of the New York Declaration is the fact that UN Member States agreed about reaffirming that a positive approach to migration is possible and is needed, which is particularly important vis-à-vis public opinion and decision-makers in Europe and outside Europe. What the anti-trafficking discourse can bring to this discussion is knowledge on how to address the issue of trafficking and exploitation of people fleeing conflict. Within trafficked persons and persons under the risk of trafficking there are both categories, people fleeing fear and people fleeing hopelessness, which is extreme poverty, complete lack of opportunities for a sustainable life. For people fleeing conflict there is a specific and particularly serious vulnerability and the anti-trafficking path for protection should be activated and fully used also for the protection of people fleeing conflict and arriving at the European shores in large numbers. Concerning people fleeing conflicts the anti-trafficking protection path has to be activated in hot spots, in detention centres, and reception centres for asylum seekers. So far this is not the case. For the future, there must be procedures in place in all places where mixed migration flows of people arrive to identify whether the situation of trafficking already is borne or whether there is a risk of trafficking. The coming months should also be used for a creative effort to put in place different paths of protection that should conquer to create safe and protective environments for vulnerable migrants, among them victims of trafficking and people at risk of trafficking and vulnerable migrants in general terms.

Catherine Woollard, Secretary General of the European Council on Refugees and Exiles, concluded the panel by focusing on three main points: how to jointly work on the political context, how to get serious about the root causes, and how to limit Europe's obsession with legal reform. It is obvious that Europe does not lack of proposals for the way ahead; it is the political feasibility and the practicalities that are problematic. What is needed is to work together to create a political environment which is conducive to these proposals being accepted. That involves getting out of the crisis mode, that involves realism, and that involves support for all those who engage in the massive popular support for refugee protection, be it NGOs, the institutions,



I think it is a core value of all Europeans coming from our own history and knowledge of the world that we do not want to be part of anything which turns a person, a child or a woman to a place where they could be killed or tortured or harmed. Our real challenge now is to ensure that we adhere to these principles in a way that is well managed and that builds up again the confidence of European Union citizens, Member States and others that asylum systems can be managed.

Sophie Magennis

Head of the Policy and Legal Support Unit, Bureau for Europe,
United Nations High Commissioner for Refugees (UNHCR)



The New York Declaration, the importance of the New York Declaration, is the fact that UN Member States agreed about reaffirming that a positive approach to migration is possible and a positive approach to migration is needed.

Maria Grazia Giammarinaro

UN Special Rapporteur on trafficking in persons, especially women and children, Office of the High Commissioner for Human Rights

people within governments, regional governments or cities, new actors stepping up, movements led by refugees and migrants themselves. Supporting these groups is also a vital part of the political solution. In terms of conducive political environment Europe has to look to global solutions as well. The compacts process should be used for that, for instance the proposed crisis response mechanism, which would allow for proper management of spontaneous arrivals and could be very useful to maintain the trust of the public in government action. As a second point, Europe has to get serious about tackling the root causes of poverty, conflict and bad governance. There is twenty years of solid evidence on what works in development assistance and in conflict prevention and on what does not work. In terms of prevention, for instance, the key problem is a lack of investment in prevention and massive over-investment in response. This balance should be changed and Europe should assess its role in generating conflict and poverty, should start to tackle issues like complicity in corruption and bad government, arms trade, military intervention, acid stripping, all the factors that limit development and lead people to leave either forcibly or through choice. Some of the proposals currently on the table do contain the risks of development aid being diverted to short term migration control. This approach might prove counterproductive in the end, as the support of partner governments is key both when it comes to cooperation on migration and cooperation on development. Finally, Europe should limit its obsession with legal reform. It is not the time to open up the Convention and maybe the time to focus on the implementation of the existing CEAS in areas where this implementation is lacking. Of course all measures to improve solidarity within the new proposals should be seen as extremely important and fully supported.

CONCLUSIONS

- ➔ It has become obvious that the Common European Asylum System had not been developed in a way that it could have handled a crisis whose magnitude was never experienced before. This, however, should not obscure the fact that many achievements towards a functioning system have been made and that many incremental steps are on the way to further improve it;
- ➔ At the same time there are serious concerns whether the European asylum system would survive another 2015. In order to keep it on principles of openness, generosity and solidarity, the EU and its Member States must implement measures to preserve it for those really in need of protection;
- ➔ When it comes to intra-EU solidarity, there is wide consensus regarding legal solidarity, financial solidarity and operational solidarity. There is no real consensus on the issue of physical or personal solidarity, i.e. relocation of asylum seekers;



I think there is consensus to tackle the root causes of flight and irregular migration: poverty, conflict, bad governance. The good news is that we have twenty years of solid evidence on what works in development assistance and in conflict prevention, and on what doesn't work, and on where alternatives could be.

Catherine Woollard

Secretary General, European Council on Refugees and Exiles (ECRE)

- The discussion on concepts like “flexible solidarity”, “structured solidarity” or “viable solidarity”, solidarity that is more of a voluntary nature; with different forms of expressions of solidarity to choose from, also instead of relocating refugees etc. has not come to final conclusions yet. Thus, it runs the danger of confirming the status quo rather than paving the way for new viable solutions.
- Notwithstanding this, there are strong arguments to make solidarity part of the future Dublin system although it is clear that achieving consensus on solidarity will remain a key challenge;
- The resettlement of refugees is a concrete expression of solidarity with regions and countries hosting large refugee communities. There have been good developments on resettlement but the process should be made faster and more reliable, and it should lead to higher numbers of beneficiaries;
- Other than solidarity, there are numerous areas where the European system can be improved, such as developing a common registration system for all asylum seekers arriving in the EU, protection-centred border management, simplified asylum procedures, better contingency planning, preparedness for crises, development-based assistance, more partnership between development organisations and contingency and reinforced EU engagement beyond its borders on the issues of pathways, resettlement, family reunification and humanitarian admission.
- Last but not least, Europe has to get serious about tackling the root causes of poverty, conflict and bad governance. In terms of prevention the balance should shift from the current massive over-investment in response to more investment in prevention of crises.

European Migration Policy and International Cooperation

The Conference's third panel dealt with the question whether a new foreign migration policy in Europe is needed to better address the migration challenges of today and tomorrow. This fundamental question was discussed by panellists from EU Member States parliaments and ministries, the European External Action Service, the African Union, the German GIZ, the Africa-Europe Diaspora Development Platform and the ICMPD. In particular, the panel tried to answer what lessons have been learned and still have to be learned with regard to cooperation and partnership on migration; what concrete experience has been made with migration policies that focus on cooperation between EU and non-EU partners; whether the EU will need a reinforced and truly common foreign policy to achieve the migration objectives of its Member States; what roles the various stakeholders, the diaspora and migration dialogues and regional consultative processes can play; and most importantly, how the gap between political promises and action on the ground can be overcome.

In absolute numbers, Germany was and is the European country affected the most by the large-scale arrivals of asylum seekers during the last two years. Already before 2015, Germany had invested a lot in building up cooperation on migration with non-EU partners. **Gunther Krichbaum, Member of the German Parliament and Head of the Committee on the Affairs of the European Union** started his presentation with the observation that so far something like a "European migration policy" hardly exists. Migration as one of the biggest challenges since the end of the Second World War can only be managed if this challenge is understood as a common task. Notwithstanding this, solidarity is at very short supply in Europe and the reluctance of European states to agree on an intra-EU relocation mechanism bears testimony to this. But Europe needs fair mechanisms and fair burden sharing in combination with a better protection of its external borders and functioning integration of refugees and migrants. As regards the cooperation with the world outside Europe it is absolutely crucial not to get caught up only with the challenges and problems but to see also the huge potentials and opportunities of enhanced partnership. Africa, for instance, Europe's closest neighbour, must not be handled as a problem but as a big opportunity. It is the duty of European governments to convince European companies to invest more in African states. Cooperation in a partnership spirit can create prosperity and employment which in turn creates perspectives for people to stay. At the same time it also enhances the prospects of European companies on African markets as a result of this partnership, markets which should not be left to Chinese, Russian or Turkish companies alone. In this way economic cooperation, initially rooted in migration related goals, has great potential to evolve into something much bigger, benefitting all partners and reducing global inequality at the same time.

The important remark that solidarity must not end at Europe's doorstep but must extend to solidarity with African neighbours and Asian neighbours as well, was taken up by **Edward Hobart, Migration Envoy at the Foreign and Commonwealth Office**



The issue of refugees seeking protection is not just a humanitarian urgency but a challenge for our principle values of human dignity, freedom, democracy, equality and the rule of law.

Grigol Giorgadze

First Deputy Minister at the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees, Georgia



It is important not to handle Africa as a problem. Africa should be handled as a chance. It is our closest neighbour, we are obliged to do more, take more responsibility in a fair partnership. It is our responsibility to convince European companies to invest more in African states. If we create employment, then we also create perspectives for the people to stay.

Gunther Krichbaum

Member of Parliament and Head of the Committee on the Affairs of the European Union, Germany



The key thing is to integrate the whole relationship with a region, with a country and not regard it as a migration relationship or a trade relationship or a development relationship; these things are interlinked and they support each other. If you don't do the one thing right then it might counter the other.

Edward Hobart

Migration Envoy, Europe Directorate,
Foreign and Commonwealth Office, United Kingdom

of the United Kingdom. In his statement he reminded European countries of their responsibilities, duties and – most importantly – past commitments to humanitarian assistance and development assistance. When it comes to the question of a new foreign migration policy it is important to integrate the whole relationship with a country or a region in one coherent policy and not regard it as a migration relationship or a trade relationship or a development relationship. All areas of relationship are inter-linked and can support each other; a then robust and resilient relationship provides a sound basis for having the more difficult conversations as well. This also answers the question to which extent development cooperation can or should support migration policy objectives. First, development cooperation is essential to build and maintain the kind of partnership needed to have these more difficult conversations on migration. Second, a review of development programming and its impact on migration objectives in the United Kingdom revealed that a broad number of development objectives, such as job creation; skills development; development of justice systems; or addressing climate change; fragile states and humanitarian crises directly support migration objectives as well. It is important to stress that development programmes do support migration objectives already, they do not need reorientation but can of course be enriched by new concepts and ideas.

In order to pave the way for such new concepts and ideas, Europe needs to become more credible in terms of developing real partnerships with non-European countries. **Leonello Gabrici from the European External Action Service** is convinced that in order to do so, Europe needs a common EU solution because no single Member State can do it alone; and this requires a reinforced European foreign policy as well. An honest account of the more than fifteen years since the Tampere Council of 1999 which should have kick-started a number of EU's justice and home affairs policies reveals that a lot of time was lost without creating a functioning common policy on asylum and migration issues. But time was not only lost on the inside of the EU, it was lost on the external side as well. What needs to be done today was already known and acknowledged in 1999 but Europe has done very little in terms of foreign policy at the European level for the last fifteen years, in a rather shy way and always in kind of an inter-governmental manner. The crisis of 2015 revived the notion of the need to invest in the needs of third countries and to engage in dialogue with third countries. High Representative Mogherini and the EEAS were tasked to have high level dialogues with third countries and to go fast on the matter. What started with a focus on return is currently worked on to transform into a dialogue where migration is embedded in a 360 degree relation with countries. The aim is still to get short term help and collaboration on managing returns, but more importantly, also to offer a real political commitment to jointly create prosperity for their countries. This will only work if the external partners see this aim as a credible commitment taken by the whole EU; and it will only work if Member States support the EU initiative without cannibalising it for their own domestic interests.



We need to start having a foreign policy where the Blue Flag and twelve stars is not used or cannibalised but works as an umbrella under which Member States can develop special privileged relationships they have with third countries. And that is exactly what we are doing now with the framework partnership.

Leonello Gabric

Head of Division for Migration and Human Security,
European External Action Service (EEAS)

Olawale Maiyegun, Director of the Social Affairs Department of the African Union Commission also sees many opportunities lost in the past but also some progress in the framework of the Africa – EU Partnership. When talking about partnership, a few things have to be put in proper perspective. The reasons why people move are the same as hundreds of years ago: conflicts, poverty, escape from political or economic persecution. Most of these migrations, however, take place on the African continent itself, and this trend is increasing as data on intra-African remittances reveal. Migration will continue and the question is how to manage it properly. There is room for optimism, as the basis for real partnership between Africa and the EU has been laid, but the EU focus on return and on conditionality might prove counterproductive. What needs to be done is to create prosperity in Africa; only then irregular migration to Europe will stop. For creating prosperity in Africa the model should be followed how the United States helped Europe through the Marshall Plan after 1945. It is not about money. It is about creating larger markets in Africa. It is about giving preferential access to markets. It is about ending European protectionism. Thus, Europe should not try to force African partners to hinder mobility within Africa. In order to create prosperity, Europe should support the establishment of a clear regime of free movement on the African continent. Europe should encourage the creation of a continental free trade area in Africa. Europe should support policies that ensure the portability of skills on the African continent. Europe should help addressing the youth bulge in Africa. African educational systems will have to undergo reform to better meet economic and labour market requirements but until then European companies should be encouraged to create opportunities in Africa. There is a broad number of concrete deliveries both sides can work on in a spirit of true partnership and that would promote the most important aim such partnership has to have, which is creating prosperity in Africa.

Arno Tomowski, Commissioner for Refugee and Migration Issues at the German GIZ also expressed some scepticism towards strict aid-migration conditionality that might prove counterproductive in the end. The GIZ take on development cooperation has always been one of partnership and partnership orientation but also one of endurance and patience. The aim has to be to create prosperity in African but also in Asian countries; and this will not happen overnight. It will be a long-term process, it will not be done in two or three years, it will not be done with two, three or four Trust Funds; it will be a long term process which requires lots of money. Development cooperation has learned that change and adaptation require a lot of time. It is important to see that policies move in the right direction and give them the time they need to fully develop. In doing so, it will be vital to bring together the communities of migration, development cooperation and humanitarian aid. Maybe the biggest opportunity lies in the fact that the distress of 2015 raised the necessary attention for these issues among the public and decision makers that this attention led to a new sense of realism what is needed and what can work, and that people and states have to act in solidarity on this globe.

Dialogue is an inevitable precondition for partnership and solidarity. In this context, **Ralph Genetzke, Head of ICMPD's Brussels Mission**, shared his views and experiences on the role and purpose of the regional consultative processes on migration. First and foremost, they are the expression of the wish for a partnership approach, where partners can meet, sit and discuss on equal footing and in an informal manner. The aim is to develop the kind of 360 degree partnership where migration is one topic among others; the precondition is the readiness to understand what is ongoing in another country or region; and the key is to reach a common understanding of what is needed and where progress can be made. Second, migration dialogues provide some sort of fall-back mechanism as they provide a framework where states can meet whatever happens, in which any topic can be taken further, even when formal negotiations stall, and where informal channels can be activated when no other options are available. Third, migration dialogues change and develop, in a way the gain more credibility by for the first time having robust financial backing. Nobody would have imagined two, three years ago that instruments like the Trust Funds or other financial means would be on the table. The situation has changed very much in terms of the instruments available; there are instruments now for the long term, for the mid-term and also for the short-term. That might be the biggest change, that the instruments are there, and for the first time the means are there as well.

What should the new instruments and financial means be used for and in which way should they be used? According to **Gibril Faal, Director of the Africa-Europe Diaspora Development Platform**, a main priority has to be the aim to overcome the disjoint between policy and practice. During all those years there was a constant emphasis on devising, discussing and agreeing new and better policies. Maybe there should be more emphasis on practice than there is on policy because Good Practices tend to be far ahead of policy. There should be less obsession with policy coherence, be it in Europe or any African country, not because it would not be a good thing but because that despite all ingenuity it seems to be against the nature of states and humans. There should be more acceptance for policy plurality. It makes no sense to endlessly discuss with a view to the lowest common denominator. Moreover, almost every good thing one can think of as human beings has been agreed it already, all the way from the 1951 Refugee Convention to the 2016 New York Declaration. All of the big things have been already thought of and agreed in the past. The message for now and for the future, and the basis for the practical implementation of all the good policies should be one of a "hyperactivity of the devoted". Those who are willing should be allowed to become hyperactive in doing the good things and that might be perhaps far more convincing and articulate than discussing a declaration for years that in the end states would be happy to neglect or even put scorn on. In the process of putting the good things in practice the diaspora can and will play an important role. The diaspora does not disconnect from the country of origin; and that connection involves a lot of investment which helps create the very wealth and prosperity that were identified by



We have a large youth bulge in Africa. How to we handle those millions that have graduated into unemployment? So, in the spirit of what Germany is trying to do, how can we have more European companies in a spirit of partnership, creating the kind of jobs or apprenticeships to train the young people in Africa itself? This is a concrete delivery we can work on.

Olawale I. Maiyegun

Director, Social Affairs Department, African Union Commission



We know that there are really lengthy discussions within Europe. So what do we expect from our African partners? That they are much faster than we are? That they make decisions much faster than we do? We have learned in development cooperation that change requires a lot of time. We need patience, policies moving in the right direction and bringing together the communities of migration, development cooperation and humanitarian aid.

Arno Tomowski

Commissioner for Refugee and Migration Issues,
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)



We expect very quick results from our partners when in Europe we have lost some fifteen years to come to where we are now. With regard to the global and European compacts we need to find ways of action and avoid discussions which would not lead to action, and we have to be careful that this does not bring us to the smallest denominator.

Martijn Pluim

Director, Migration Dialogues and Cooperation, ICMPD



When we say partnership, it is not different from anywhere else, any other policy area, or private relationship; partnership is not happening over-night, you have to build it. You have to build it on trust, you have to build it on facts, you have to show the willingness that you want to understand what is ongoing in the countries you are dealing with, and I think that is an essential precondition when you want to move on towards agreement.

Ralph Genetzke
Head of Brussels Mission, ICMPD

all panellists as the most important means to address the so called root causes of dysfunctional migration.

CONCLUSIONS

- All panellists agreed that cooperation on creating prosperity, wealth and jobs in Africa has to be the number one priority in any attempt to address the issue of dysfunctional migration. In order to work this cooperation has to unfold in a spirit of true partnership, but it should be seen as big opportunity as well that can evolve into something benefitting all partners and reducing global inequality;
- Already now, development related objectives support migration related objectives. Thus, it is important it is important to overcome the fragmentation between various policy areas and to integrate the whole relationship with a country or a region in a 360 degree partnership;
- It is doubtful whether any European state on its own has sufficient resources to engage in partnerships that can create prosperity and jobs in other parts of the world. In order to succeed, Europe will need a common EU solution and a reinforced European foreign policy;
- When it comes to Africa – EU partnership there is a broad number of concrete deliveries both sides can work on; such as promotion of free trade and mobility on the African continent, skills portability, bringing in European companies for job creation or lowering the costs of remittances. But it will be vital to put an end to European protectionism as well in terms of mutual market access;
- There is scepticism towards strict aid-migration conditionality. Partnership has to be the priority; it is about dialogue and needs to be built on trust, mutual understanding, respect and also some patience;
- Finally, there needs to be more emphasis on overcoming the disjoint between policy and practice. There are plenty of good policies and good ideas; and those who are willing should intensify their cooperation to put more of these policies and ideas into practice.



I am more interested in practice than policy because Good Practices tend to be far ahead of policy. Let us have the chance of very many possible good things to be allowed to play themselves out and hopefully within that there is room for more practical things that would dictate what happens on the ground.

Gibril Faal, OBE

Interim Director of the Africa-Europe Diaspora
Development Platform (ADEPT) & Director of GK Partners

Conclusion

Vienna Migration Conference 2016

The purpose of the 2016 Vienna Migration Conference was to discuss the most burning issues in the field of migration in Europe and beyond. It should take stock of what has happened in the area of migration and migration policy from a European perspective but also from the perspective of the non-European partners. It should identify the areas where progress has been made. And it should honestly conclude where gaps persist and questions remain open. Now, what is the essence, what is the gist and what are the main messages to take away from two productive and lively days of discussions and exchange? Conflict, demography, economic disparities, development and transition were identified as main root causes for today's international migration. There was wide agreement that Europe and the global community need to address these root causes a lot better than in the past, if migration is to be made a matter of choice rather than of necessity, and if confidence should be restored that migration can be managed in a truly beneficial way.

But how can we contribute to that aim? In synopsis, the Conference concluded that progress needs to be made in three main areas, namely protection, prosperity and partnership. Refugees and displacement must not be mixed up with other types of migration. Notwithstanding this, sustainable solutions in the area of protection will be a precondition for moving on in other areas of migration as well. The discussions at the conference made obvious that EU Member States still struggle with finding a common understanding of solidarity and responsibility sharing. But they continue to work on it. The conference showed a clear commitment to the 1951 Refugee Convention; to resettlement and to the continuation of the discussion on relocation within Europe. Nobody believed that migration challenges can be solved at the domestic level alone and all agreed that the New York Declaration, the global compacts and the new EU partnership framework are the way ahead for Europe and its non-European partners in this respect. Nobody challenged the need to significantly step up the support for the main refugee hosting countries and – and this “and” is the important one – to work on creating perspectives for refugees in those countries. The aim has to be to bring jobs to the refugees rather than to bring refugees to the jobs.

The second priority is the creation of prosperity. All participants agreed that safe, orderly and regular migration will only be possible if people are not forced to migrate but have migration as a choice among many in securing their livelihoods and fulfilling their ambitions. In order to achieve this, the international community has to



A lot of progress has been made during the last eighteen months. In order to really move on, however, it will take a lot more progress in three main areas: access to protection, creation of prosperity and development of true partnership on migration.

Gabriela Abado
Deputy Director General ICMPD

work much harder on creating prosperity in the main regions of origin of international migration flows. To this end policies need to be developed which combine development cooperation, trade, vocational training, mobility, energy, security, environmental protection, good governance, as well as institution and capacity building. New actors must come in, financial means must enhance, and new initiatives must be put in place which trigger private investments and tap into private sector know-how. And things are happening: In September 2016, the European Commission, for instance, proposed the establishment of a new External Investment Plan to promote sustainable growth and job creation in Africa. The Plan should focus on fragile states, follow a coherent approach, and go beyond classical development assistance by using guarantees to overcome private investment bottlenecks. In January 2017, Germany announced its “Marshall Plan for Africa” which should concentrate on fair trade, increased private investment, economic development, entrepreneurship, job creation and employment. It is notable that the Plan also and explicitly aims to enhance the prospects of German companies on African markets as a result of this partnership, markets which should not be left to companies from other world regions alone. It would be a remarkable achievement to see economic cooperation that was rooted in migration related goals, evolve to something so much bigger, benefitting all partners and reducing global inequality at the same time.

The third priority is partnership. All participants stressed that today’s migration challenges cannot be solved individually but must be jointly addressed by the global community as a whole; and such an approach will only work when it is based on a spirit of true partnership. Partnership is not something to preach, something to lay down in a paper, something to ask for when it is suitable – partnership is something that needs to be practiced and something that needs to be built. Partnership on migration should be seen as a shared commitment, where all partners have rights and obligations, and where all partners are affected equally by the benefits and disadvantages arising from the partnership. Some of the instruments and initiatives that have emerged in Europe over the last eighteen months reflect this notion of partnership a lot more and a lot better than past attempts. There seems to be a new seriousness and soberness in Europe when it comes to the necessity of investing in long-term partnership rather than cutting short-term deals. But that is not the only partnership European governments have to build up or renew. European governments also have to renew the partnerships with their own voters. They have to regain trust and confidence in their ability to manage protection and migration in a functioning way. 2017 will see a number of important elections in Europe, which will not only decide about the future of Europe’s policy on international protection and migration; but also about the future of the European Union as a whole. One can only hope that the European voters took note of the serious efforts made by the European governments, that they acknowledge the progress made; and that they have the patience it will take before the reinforced international efforts will come to their real effect.

In view of the above, partnership will be one of the overriding themes of ICMPD's work in 2017; partnership on migration of course, but also partnership within Europe, between Europe and its neighbours, with the global community and last but not least, with the European voters. We aim at supporting all our partners in establishing these partnerships in the framework of our migration dialogues, in the research and policy work we do, in capacity building initiatives and in their work on the global and the European compacts. Thus, we want to further develop the ideas and proposals put forward at the Vienna Migration Conference, together with our Member States and all our friends and partners, and discuss the hopefully positive developments at the Vienna Migration Conference 2017.

AGENDA VIENNA MIGRATION CONFERENCE 2016

Thursday, 10 November 2016

Ministry for Europe, Integration and Foreign Affairs

Welcoming and Opening

- ➔ **H.E. Sebastian Kurz** | Federal Minister for Europe
Integration and Foreign Affairs, Austria
- ➔ **H.E. Michael Spindelegger** | Director General
International Centre for Migration Policy Development (ICMPD)

High-level Political Panel: European Migration and Refugee Policies – The Way Ahead

Moderation: H.E. Michael Spindelegger, Director General

International Centre for Migration Policy Development (ICMPD)

- ➔ **H.E. Nikola Poposki** | Deputy Prime Minister and Minister of Foreign Affairs,
the former Yugoslav Republic of Macedonia
- ➔ **H.E. Johannes Hahn** | Commissioner, European Neighbourhood Policy &
Enlargement Negotiations, European Commission
- ➔ **H.E. George W. Vella** | Minister of Foreign Affairs, Malta
- ➔ **H.E. Lamberto Zannier** | Secretary General, Organization for Security and
Co-operation in Europe (OSCE)
- ➔ **H.E. Laura Thompson** | Deputy Director General, International Organization
for Migration (IOM)
- ➔ **Mr Michael Lindenbauer** | Regional Representative for Western Europe,
United Nations High Commissioner for Refugees (UNHCR)
- ➔ **Mr Demetrios Papademetriou** | Distinguished Senior Fellow and
President Emeritus, Migration Policy Institute (MPI)

Friday, 11 November 2016

Hofburg Palace, Rooftop Foyer

Opening and Key Notes

- ➔ **Gabriela Abado** | Deputy Director General
International Centre for Migration Policy Development (ICMPD)
- ➔ **H.E. Wolfgang Sobotka** | Federal Minister of Interior, Austria
- ➔ **Prof. Paul Collier** | Blavatnik School of Government
University of Oxford (Keynote speech)

Panel Debate: International Refugee Protection and European Responses

Moderation: Mr Lukas Gehrke, Director, Southern Dimension

International Centre for Migration Policy Development (ICMPD)

- ➔ **Mr Tomáš Urubek** | Head of Unit for International and European Affairs
Ministry of the Interior, Czech Republic

- **Mr Nils Coleman** | Deputy Head of Unit for Asylum, Reception and Return of the Migration Policy Department, Ministry of Security and Justice, The Netherlands
- **Mr Henrik Nielsen** | Head of Unit C.3 - Asylum Directorate General for Migration and Home Affairs, European Commission
- **Ms Sophie Magennis** | Head of the Policy and Legal Support Unit Bureau for Europe, United Nations High Commissioner for Refugees (UNHCR)
- **Ms Maria Grazia Giammarinaro** | UN Special Rapporteur on trafficking in persons, especially women and children, Office of the High Commissioner for Human Rights
- **Ms Catherine Woollard** | Secretary General European Council on Refugees and Exiles (ECRE)

Panel debate: European Migration Policy and International Cooperation

Moderation: Mr Martijn Pluim, Director, Eastern Dimension

International Centre for Migration Policy Development (ICMPD)

- **Mr Gunther Krichbaum** | Member of Parliament and Head of the Committee on the Affairs of the European Union, Germany
- **Mr Edward Hobart** | Migration Envoy, Europe Directorate Foreign and Commonwealth Office, United Kingdom
- **Mr Leonello Gabrici** | Head of Division for Migration and Human Security European External Action Service (EEAS)
- **H.E. Olawale I. Maiyegun** | Director, Social Affairs Department African Union Commission
- **Mr Arno Tomowski** | Commissioner for Refugee and Migration Issues Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
- **Mr Ralph Genetzke** | Head of Mission, Brussels International Centre for Migration Policy Development (ICMPD)
- **Mr Gibril Faal** | OBE, Interim Director of the Africa-Europe Diaspora Development Platform (ADEPT) & Director of GK Partners

Conclusions and Conference Closure

- **Gabriela Abado**, Deputy Director General, ICMPD

FACTS & FIGURES

- **2 VENUES**
- **OVER 300 PARTICIPANTS**
- **32 SPEAKERS**
- **AROUND 700 COFFEES**

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