ICMPD Working Paper 11

The emergence of a new foreign migration policy in Europe - Vienna Migration Conference

Martin Hofmann

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The International Centre for Migration Policy Development (ICMPD), established in 1993 by Austria and Switzerland, is an international organisation that works in migration-related fields. Although ICMPD has a European basis, it carries out its activities throughout the world, including in Europe, Africa, Central Asia and the Middle East. Through its six Competence Centres, ICMPD provides its 15 Member States and numerous partners with in-depth knowledge and expertise in dealing with the phenomena of migration. It does so through using a holistic 3-pillar approach: research, migration dialogues and capacity building.

The Author

Martin Hofmann is Senior Policy Advisor to the Director General of ICMPD and leads ICMPD´s programme on legal migration and integration. He has coordinated and worked in a broad number of EU and national funded projects in the area of migration and mobility, migration policy (making) and integration. His work has focused on comparative studies and publications in the areas of immigration, irregular migration, human smuggling, integration, asylum and migration policy development in the national and European context. Martin Hofmann holds a university degree in Political Science. He is a member of the Network of Excellence International Migration, Integration and Social Cohesion (IMISCOE); and has been lecturer at the Danube University Krems; and at Vienna University.

Acknowledgments

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Abstract

The purpose of the Vienna Migration Conference (VMC) is to take stock of the developments in the area of migration and migration policy in the previous year and to discuss the most burning issues in the field of migration together with political decision makers; government experts; and representatives from the academic world, the media and the civil society. The 2016 VMC was devoted to the issues "International Refugee Protection and the European Responses" and "European Migration Policy and International Cooperation". The Valletta Action Plan, the EU – Turkey Statement, the new EU Partnership Framework and the New York Declaration are all important milestones on the path to a new foreign migration policy in Europe and on a global scale. They aim at finding a common international response to one of the biggest challenges of our time. The purpose of this Working Paper is to provide an overview of how these instruments developed, analyse their main features and discuss whether they really represent a breakthrough towards a new thinking on European and international migration policy and durable solutions in the European and international context.

Contents

1. Introduction

On 18 March 2016, European governments and Turkey signed the so-called "EU-Turkey Statement" in an attempt to end irregular migration from Turkey to the EU and introduce legal channels for the resettlement of refugees to the European Union as well as a wide array of measures for ensuring protection and temporary integration of migrants in Turkey. Shortly afterwards, on 7 June 2016, the European Commission announced its Communication on the "New Migration Partnership Framework with third countries". The Communication explicitly refers to the "EU-Turkey Statement" from 18 March and its achievements in interlocking migration management on both sides of the Aegean Sea and establishing an "unprecedented degree of cooperation between the EU and an external partner". The EU-Turkey Statement is perceived as being proof that international cooperation in the area of migration can succeed when implemented the right way. 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. For the first time, migration objectives should override goals in the other areas of external cooperation. Some praise these developments as major breakthroughs; others condemn them as dysfunctional and doomed to fail. Although it is not decided which direction they will take in the end they can be perceived as important milestones on the path to a new European foreign migration policy already now. 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 "United Nations General Assembly Addressing Large Movements of 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 purpose of this Working Paper is to provide an overview of the development of these instruments, to analyse their main features and to discuss whether they really represent a breakthrough towards new thinking in European migration policy and towards durable solution in the European and international context.

2. The EU-Turkey Statement: A turning point for European migration policy making?

The EU – Turkey Statement from March 2016 represents the most far-reaching step in the cooperation between the EU and Turkey to address the migration crisis created by the Syrian conflict. Already in October 2015 the EU and Turkey had agreed on an action plan to step up their cooperation on the support of Syrians under temporary protection and a joint approach to manage migration. In November

2015 they had activated a related Joint Action Plan (JAP). The March 2016 Statement included a number of additional action points to the JAP: the return of all irregular migrants crossing from Turkey into Greece to Turkey, the processing of all other migrants´ applications by Greek authorities; the resettlement of Syrian refugees from Turkey to the EU in a 1:1 ratio to Syrians returned to Turkey from Greece; resettlement of up to 72,000 persons in the EU followed by a review of this resettlement mechanism after reaching this benchmark; Turkey´s commitment to prevent the emergence of new smuggling routes from Turkey; the activation of a Voluntary Humanitarian Admission Scheme in case of an ending or reduction of irregular crossings from Turkey into the EU; the acceleration of the visa liberalisation roadmap and the lifting of visa requirements for Turkish citizens; the disbursement of a total of 6 billion Euros for the benefit of persons under temporary protection in Turkey; joint work between Turkey and the EU to improve humanitarian conditions inside Syria; and the creation of "safe areas" at the Syria-Turkish border.

The March Statement had its effects on the numbers of refugees and migrants trying to reach the main European destinations of 2015. Arrivals in Greece did indeed decrease albeit some analysts claim that the observed developments were not directly linked to the Statement but were rather continuations of declining trends that had already started in October 2015. Notwithstanding this, the decline in irregular migration from Turkey to the EU continued throughout the following months. Also in the weeks after the coup attempt, the Greek government reported that Turkey still honoured the agreement and that there were no signs that it would start to falter. Thus, it can be concluded that during its first months of implementation, the Statement seemed to accomplish what European leaders desired the most – a reduction of migration pressures. So, can it be called "mission accomplished"? It is definitely too soon to make a judgment about the functioning of the Statement, its repercussions on the European migration system and the right to international protection or the question whether it has really opened the door for new and more promising ways of policy-making in the area of migration. Turkey´s crackdown on suspected supporters of the failed coup has raised doubts among European policy-makers whether a lifting of visa requirements for Turkish citizens will be possible in the near future. That, in turn, would touch upon the fundamental expectations of Turkey towards the Statement and also impact Turkey´s readiness to fulfil its obligations. Notwithstanding this, the Statement represents a change in paradigm, away from a technocratic understanding of migration management towards a comeback of high politics, leadership and policy-making. Even if it should fail, it shows that it is possible to think beyond established structures, worn-out paths and limitations set by institutional fragmentation and red tape. In its Communication on a new Partnership Framework from June 2016, the European Commission praised the Statement for establishing "new ways to bring order into migration flows and save lives" and for bringing about "an unprecedented degree of cooperation" with a non-EU partner on migration. Subsequent developments made obvious that the jubilation was a little premature. The Statement still holds, however, despite these events and increasing tensions between Turkey and the EU. It has

definitely managed to overcome last year´s political deadlock and initiated a process of actual policy-making, dialogue and negotiations. If this process continues and stretches to other parts of the world as desired by the Commission´s Communication on the Partnership Framework, the Statement might become a real turning point in the history of European migration policy.

3. Criticism towards the Statement

Notwithstanding the above, critics were quick to condemn the Statement and doubted its feasibility, legality and durability. They correctly stated that Greece´s asylum system would be overburdened to fulfil is crucial role in the agreement and that the so-called hotspots whose functioning is a pre-requisite for the fulfilment of the EU´s commitments would not work.[1] They questioned whether Turkey can be considered a safe third country under the "principle of non-refoulement" as Turkey does not provide full refugee status to Syrian nationals but only temporary protection.[2] Obviously Turkey´s declaration of a state of emergency in the aftermath of the July coup has raised concerns regarding its safe-haven status even further. Critics assessed the resettlement commitment, which due to its voluntary basis is anyways struggling with uncertainty, as insufficient in view of the more than 2.7 million Syrian refugees in Turkey.[3] A fact, that would be aggravated by the slow progress in the EU´s relocation scheme agreed in autumn 2015, which despite of the commitment to relocate 160,000 persons (and the allocation of 106,000 persons to concrete beneficiary Member States under the relocation mechanism) by September 2016 had managed to actually do so in only about 5,700 cases. In terms of resettlement the Statement speaks only about Syrian refugees and does not address the situation of other nationalities. Critics also predicted that even a functioning agreement would only shift flows from the Western Balkan to other and a lot more dangerous migration routes. They saw the prevention of the emergence of new routes defined as an objective but not underpinned by proposals for concrete measures. All of that would come at the price of violating European principles and international law, while putting the EU at the mercy of Turkey´s own national interests and priorities. Finally, it was claimed that the observed reduction of movements along the Balkans route was by no means the sole result of the entering into force of the EU – Turkey Statement. Rather, the decrease in numbers would have to be attributed to the more rigorous enforcement of the closure of the Turkish-Syrian border, the crackdown on migrant smuggling networks in Turkey, and the gradual implementation of closings of borders along the whole route which turned any aspiration to reach the favoured destinations in Europe into an almost hopeless endeavour.

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[1] Especially with regard to identification, registration and fingerprinting of arriving migrants; determination of protection needs among mixed migration flows and support the relocation and return process

[2] *Non-refoulement* is a core principle of international refugee law. As a part of customary international law, it is binding on all States even if they are not parties to the 1951 Convention and 1967 Protocol. Article 33(1) of the 1951 Geneva Convention provides that *'No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion '*

[3] http://data.unhcr.org/syrianrefugees/regional.php

In short, much of this criticism *was* and *still is* justified, and even the strongest advocates of the Statement cannot deny its various and serious flaws. It is often stated that the failings of the European asylum system could be overcome in a system truly based on European solidarity. But was this ever a realistic option? It is safe to say that neither the EU-Turkey Statement as such nor its scope and concrete actions were initial options for European policy-makers regardless of whether they followed more open or more restrictive positions in the refugee crisis. However, during the build-up to the Statement a number of truths became apparent. The existing European migration regime based on the Dublin and Schengen systems and the 1951 Convention collapsed under a magnitude of flows it was never designed to withstand and was simply circumvented by refugees and migrants. At the same time there was no political appetite at the European level for solutions based on mandatory quotas and large-scale relocation and resettlement. Germany´s attempts to promote such positions were met with heavy resistance, turning the country into a lone front-runner without any followers among the rest of the EU Member States. Finally, states along the Western Balkan route started to take 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 overall figures went down. While some countries tried to find ways to keep their measures within the letter of the law, others abandoned the post-WW-II consensus on refugee protection and their national obligations all at once. 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.

4. Dealing with the "refugee crisis" – the return of European migration policy making

It has been frequently stated that the events of the Arab spring and the swift fall of the authoritarian regimes in the region were not expected by the majority of European policy makers and caught the European Union by surprise. Thus, any hopes of a peaceful democratic transition in the Arab world as it had been in Eastern European some twenty years before were quickly dashed as events unfolded on the ground. For many years, the European Union´s policy towards its neighbourhood was based on the belief that the success story of the "European model" would spread out to these countries and induce a gradual, linear and almost automatic transition towards democracy and rule of law. The developments in the aftermath of the Arab spring have made obvious that this forecast was way too optimistic.

As a direct result of state failure and continued conflicts in Syria, Libya, Afghanistan and Iraq - as well as in many Sub Saharan African states - more people than ever before saw no other alternative than leaving their home countries. What surprised the European Union and its Member States even more than the events of the Arab Spring were the sheer numbers of refugees and migrants who tried to reach Europe in its aftermath. To be fair, analysts had expected significant increases, but the magnitude of flows exceeded by far even the most accurate and "pessimistic" scenarios. Unfortunately, the existing European Union migration architecture did not offer that many instruments to respond to this challenge. Over the last two decades, a sophisticated set of laws, regulations, directives, policies, programmes and measures at EU and individual Member States levels emerged that were characterised by high complexity, fragmentation and partial mirroring of national competences at EU level. Important aspects like labour migration were only marginally addressed, international protection was granted on a survival-of-the-fittest basis, functioning cooperation with non-EU countries of transit and origin remained at rudimentary levels. Notwithstanding these well-known flaws, the system more or less worked. It achieved its underlying objectives, which – driven by domestic policy debates – aimed at keeping asylum figures low, irregular migration at bay and national control over the admission of labour migrants untouched.

The events of 2015 made clear that this system was designed for a situation that did not exist anymore. The aftermath of the Arab spring turned the comparatively moderate flows of the previous decade into mass migrations that knocked down the pillars of the European migration architecture one by one. When European leaders finally tried to act, they opened a toolbox which lacked the appropriate to deal with this situation. Consequently, two competing concepts emerged that dominated the European debate in autumn 2015. The "idealistic" concept, led by Germany and a few other main destination countries embraced the humanitarian obligation towards the refugees that had managed to reach EU territory called on European solidarity and burden sharing in order to manage the huge and sudden inflow. A second concept denied sufficient capacities and political willingness to host and integrate large numbers of refugees. Based on hard realpolitik calculations it rejected EU-wide quota and abandoned domestic obligations on international protection altogether. In reality, the European leaders´ positions were less detrimental than the public debate might suggest. Both camps had to swiftly produce an answer to a situation they had not seen coming and that had spiralled out of their control. However, the publicly displayed antagonisms had brought intra-EU dialogue and policy-making to a deadlock. It became more and more unlikely that progress would be achieved within the EU; European leaders had to turn to the outside to overcome the political standstill.

The above-mentioned tool box contained a rigid set of policy options that provided only minimum flexibility and room to manoeuvre in negotiations with non-EU countries. Due to the legal and institutional fragmentation of EU competence in migration – and the fact that important aspects of migration remained in the competence of Member States – there was hardly any flexibility. Control of irregular migration could not be discussed together with protection issues or labour migration, either because of a

lack of political support on the EU side or simply because the EU representatives did not have the mandate to make any offers in areas outside their concrete sphere and level of competence. Non-EU countries often had to accept standardised packages which prioritised the control-centred interests of the EU and did not take into account the priorities of non-EU partners or be left without a deal. As such agreements – especially in the area of return and readmission – were considered a precondition for further approximation to the EU; many non-EU partners accepted them albeit with little enthusiasm. In this respect, the EU –Turkey Statement opened new chapters. First of all, it reintroduced the "art of politics" in the external dimension of EU migration policy. It used the traditional means of foreign policy - diplomacy, meeting, debating and negotiating – in the attempt to solve a major international problem. It acknowledged that both sides have their own priorities, common interests but also legitimate disagreements and that part of the deal is trying to find the best possible resolutions to these disagreements. Second, the Statement broke free from the entrenched structures and processes of EU migration policy when the existing tools turned out to be largely non-effective in view of a situation they were never designed for. It combined issues of protection with questions of mobility, introduced an entirely new approach with the 1:1 ratio of resettled and return refugees/migrants with financial commitments that finally entered the levels of appropriate financial support. Equally important, the Statement represented one of the few successful attempts to reach an agreement with a major non-European country of transit that was based on real negotiations at the highest political levels. Migration had become part of "high politics" again, also when dealing with countries outside the EU. This step was long overdue as merely technocratic approaches towards migration could not deliver anymore. Looking towards the future it will require real leadership at the highest political levels for viable and mutually accepted solutions to emerge.

5. Will the Statement hold?

First and foremost, the Statement was an expression of political realism. The deal was one of the most realistic options when taking a sober look at the EU member states lack of political will to address the crisis differently, the particularly difficult situation of Turkey regarding its own refugee and geopolitical situation, and the fact that both sides needed quick wins in front of their own electorate. The flaws of the Statement are manifold and it did not manage to address the question of international protection in a satisfying way. But it has high symbolic value in the sense that it gave a new impetus to policy making and confirmed that states can negotiate and agree joint approaches across all borders and dividing lines. Thus, it also counters those voices inside the European Union who set no hopes on functioning cooperation. Notwithstanding this, from the beginning there were concerns that Europe had gone too far, given too much and put herself at Turkey´s mercy. The unexpected coup attempt and the crackdown on its supporters in its aftermath exacerbated these concerns. The Statement, however, is still alive and all sides are sticking to their respective obligations. If this holds true in the future will depend on Turkey´s

domestic actions as much as on overall EU – Turkey relations. On both sides increasingly harsh statements are being exchanged with attempts to calm the situation and to move beyond the recent war of words. But even if the Statement´s partners return to a more constructive approach, important obstacles remain. There are priorities deemed non-negotiable by either side, which at the same time are "red lines" for the other. The coup attempt and the state of emergency in Turkey have made agreements on those points even more difficult.

In order to get a positive decision on visa liberalisation, Turkey has to meet a number of technical conditions, including improving the protection of minority rights, introducing anti-corruption measures and issuing biometric passports that meet EU standards. Based on the Commission´s assessment from May 2016 that Turkey had made impressive progress on meeting the benchmarks of its visa liberalisation roadmap, both sides had envisaged that such a positive decision could be taken by July. This expectation proved to be too optimistic from the onset. Although Turkey complied with most of the 72 benchmarks for visa liberalisation with the EU, seven benchmarks remained open. The main obstacles are data protection and anti-terrorist laws (and law enforcement). Both sides see these criteria as absolutely critical but have fundamentally different views on them. Already before the coup attempt, Turkey perceived these requirements as a direct threat to its national security objectives and saw itself not in a position to accept them. The European Parliament, which will have to decide on the visa exemption under the co-decision procedure, frequently stated that it would not accept any "shady" deals and continue its work only after all the benchmarks have been fulfilled. Both the EU and Turkey admitted that the initial July deadline could not be met but that a decision on visa liberalisation should be taken as soon as possible. The postponement of the decision to autumn bought some time to find a compromise or at least compromise formulation, which stays within each other´s red lines, allows both sides to save face and to maintain the agreement. The coup attempt from 15 July put this approach very much in question. In its reaction the Turkish government saw the need to take an even harder stand on exactly those issues that had made visa liberalisation not possible from the EU´s perspective. At the same time it is unlikely that Turkey will not soften its anti-terrorist in the current situation but will insist on visa liberalisation still. Notwithstanding this, neither side called off the agreement yet. On side of the European Union prominent voices call for further negotiations and constructive approaches and EU institutions confirmed their intention to push on with the visa liberalisation plan in autumn. Turkey declared the suffering of EU-Turkey relations as unfortunate but expressed its conviction that they can be mended again. The September progress report on the EU – Turkey Statement, however, confirmed progress in the implementation of the Statement but also that the delivery of the outstanding benchmarks for visa liberalisation remained open.

In view of its difficult starting position and the events of the last two months it is quite surprising that the Statement has not faltered yet. A reason for that might lie in the fact that the Statement is not a deal on migration alone. As it is embedded in a larger framework of European and global relations, as well as of

political, economic and security interests of the highest order, its failure would have immediate negative impact also on these areas. The deal is vital for Europe, for which it is one of the few options to address the migration crisis. But it is vital for Turkey as well. One must not forget that Turkey continues to be the largest refugee-hosting country in the world and has to shoulder immense financial and political burdens in terms of accommodation, integration and cohesion. Turkey has a strong interest in EU cooperation and support in the future and will have to make concessions to uphold it. Visa liberalisation carries strong political significance for Turkey and one can at least hope that this importance will enhance the readiness for compromise on side of the Turkish government. Yet, one thing is certain: like in the past, the emerging new migration policy of the EU finds itself caught up in a dilemma between values and interests and confronted with the question whether it should insist on its own fundamental principles or cooperate more closely with external partners on migration even when they do not adhere to these principles.

6. Persisting short and long-term potentials for flight and irregular migration to Europe

Despite its uncertain future due to the issue of visa liberalisation for Turkey, the Statement quickly started to show effects in terms of one of its main objectives from the EU´s perspective, the reduction of flows into Greece and via the Western Balkans route. As expected, shifts in migrant smuggling routes have been observed and all indicators point towards the EU – Turkey Statement being an important but not sufficient step to address the overall problem. Contrary to the Western Balkans route last year´s trends were not broken across the Central Mediterranean. By mid-October 2016, Italy had recorded app. 145,000 arrivals by sea, indicating no real change in trends compared to the previous year. What had changed, though, is the composition of nationalities of the sea arrivals. App. 80 % of all arrivals referred to migrants originating from Sub-Saharan countries, whereas arrivals from Syrian, Afghan and Iraqi nationals have decreased. Sadly, the death toll has even risen in 2016. According to IOM figures, more than 3,800 migrants had lost their lives while trying to cross the Mediterranean Sea by the end of October.

Refugee and migration potentials remain exceptionally high. More than 4.8 million refugees from Syria are estimated to be staying in Turkey, Lebanon, Jordan, Iraq and Egypt. Turkey hosts 2.7 million refugees from Syria, more than any other country worldwide. In addition, 13.5 million people inside Syria are believed to be in urgent need of humanitarian assistance. In Iraq 3.9 million people are believed to be internally displaced. Turkish authorities estimate that there is up to 1 million Afghan nationals residing in Iran who want to transit via Turkey to Europe. Similar potentials can be assumed for Pakistan and ,of course, Afghanistan itself. In June 2016, UNHCR estimated a total of 65.3 million "populations of

concern" on a global scale, out of which 15.5 million persons resided in the Middle East and North Africa, 5 million in Eastern and the Horn of Africa, 6 million in Central Africa and 6 million in Central and South-West Asia. Today´s main countries of origin of migration to Europe will see significant population growth as well. Today 32 million people live in Afghanistan; in 2050 it will be 56 million. In Iraq the population will grow from 37 million people to 84 million; in Syria from 19 million to 35 million; and in Nigeria from 174 million to almost 400 million. This implies that the potential for short-term flight and irregular migration to Europe remains extraordinarily high, even when the equally high potentials for economic migration are not taken into account. It is equally important to look at the long-term implications and the long-term challenges of migration too. Even if the current crisis and the violent conflicts causing it were to be resolved, immense challenges will remain. Today, app. 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 persons. Although many of these countries are making good progress in terms of economic development, they have not succeeded in developing economic and social systems robust enough to provide perspectives to their younger generations. Emigration pressures will continue to exist or even grow; and global solutions to the challenges resulting from demographic change and the uneven distribution of wealth and prospects will have to be found.

7. Valletta Declaration, Action Plan and Trust Fund

The EU - Turkey Statement was by no means the first initiative to improve relations migration third countries in terms of migration; it was also not the first attempt to give a new quality to this cooperation. Already on 12 November 2015, heads of government from EU MS had met their counterparts from 38 African countries; EU and UN representatives as well as other International Organisations in the framework of the "Valletta Summit". As the Summit had built on the existing cooperation developed in the framework of the Rabat Process, the Khartoum Process and the 2014 Africa-EU Summit, it followed already established priorities. Thus, the adopted Valletta Declaration and Action Plan focus on five priority areas: addressing the root causes of irregular migration and forced displacement; enhancing cooperation on legal migration and mobility; reinforcing the protection of migrants and asylum seekers; preventing and fighting irregular migration, migrant smuggling and trafficking in human beings; working more closely to improve cooperation on return, readmission and reintegration.

Like in previous cooperation, the European side emphasised the issues of migration control and return, while the African states reiterated their requests for enhanced mobility and legal migration opportunities for their citizens. Consequently, the outcome documents of Valletta were an expression of the need to find consensus among partners with fundamentally different priorities and can hardly be described as game changers. Notwithstanding this, the results of Valletta can be assessed as ground-breaking in other regards. The new Action Plan emphasised concrete deliverables and actual implementation over

fine-sounding words that never materialise in practice. Thus, it defined sixteen priority actions to be launched by the end of 2016, defined previous and running projects that should function as model initiatives and Good Practices, stipulated that monitoring and implementation should take place in the framework of the Rabat and Khartoum Processes and that the Africa-EU partnership should be assessed by senior officials in 2017 for the first time.

The agreement on the establishment of an "EU Emergency Trust Fund" was maybe the real innovation coming out of Valletta. The Trust Fund is intended to promote stability and address the root causes of irregular migration and displacement in Africa was launched in support of the implementation of the Valletta Action Plan. As a novel mechanism under the EU´s Financial regulation in the field of development cooperation, the Trust Fund shall pool resources from different donors to develop a common, comprehensive and flexible response to an emergency situation. It is made up of 1.8 billion Euros from European Union financing instruments as well as contributions from EU Member States and other donors. However, so far the bulk of financial resources stems from already existing EU funds, while Member States contributions are rather modest. The Fund covers a whole range of topical areas that all affect the migration situation and where improvements – individually and collectively – would definitely have a positive impact: employment opportunities, food and nutrition security, health, education, social protection migration management, good governance, conflict prevention, rule of law etc. Thus, two fundamental questions have to be answered: First, how to increase the financial "firepower" of the Fund in a way that its actions can be really felt; second, how to intelligently link the various topical areas so that a positive effect can be seen and attributed to the workings of the fund. It is safe to say that only a satisfying answer to both questions will create real incentives for the African partners to engage in wide-reaching and durable cooperation on migration issues in line with European priorities.

8. Establishing a new EU Partnership Framework with third countries

In view of the above and inspired by the EU – Turkey Statement, the EU set out new plans to more successfully address the short- and long-term migration challenges Europe is and will be faced with. The European Commission´s Communication on the "New Migration Partnership Framework with third countries" starts with the acknowledgement that the current "migration toolkit" is not sufficient to achieve Europe´s migration goals and that it will take the full range of EU policies and external instruments to make progress. It explicitly refers to the success of the EU-Turkey Statement and defines as its main aim is to develop and agree comprehensive migration partnerships (compacts) with third countries to better manage migration in full respect of the EU´s humanitarian and human rights obligations. The compacts

should follow short-term and long-term objectives and be tailored the concrete needs and circumstances of each partner country.

In this regard the Communication contains a number of notable proposals. First of all, the compacts are intended to combine different elements within EU and Member State competence, namely development aid, neighbourhood policy, trade, mobility, energy, security or digital policy to achieve migration-related objectives. If put into practice, this approach implies two things: EU policy would for the first time prioritise migration objectives over most other goals of its external instruments. In doing so, it would significantly increase the tools available for achieving these objectives. Stating a lack of understanding among external partners that migration issues are now on top of the EU´s external relations priorities, the Communication also proposes to integrate a mix of positive and negative incentives into the EU's development and trade policies. For the first time, migration objectives should override goals in the other areas of external cooperation. Such a carrot and stick approach should reward those countries willing to cooperate effectively with the EU on migration management and include consequences for those who show more reluctance. Thus, the Commission proposes to start the establishment of the Partnership Framework with a limited number of priority countries.[4] This should ensure that the new approach works in practice and the cooperation with the listed countries yields quick results. The work on first tailor-made approaches started in June for Niger, Nigeria, Senegal, Mali and Ethiopia, identifying state-of-play, key challenges and next steps. The swift translation into concrete progress is an indicator for the strong commitment on side of the Commission and the Member States. Thus, it is intended to extend the Partnership framework to other countries after December 2016.

As a crucial element, the Communication stresses the need to tackle the root causes of irregular migration and forced displacement also from a long-term perspective. This should be achieved not only by linking trade and development policy to migration objectives but also by ensuring "appropriate financing support". The first Progress Report on the Partnership Framework from October re-emphasises the "need to mobilise adequate resources". Consequently, the Communication calls for initiatives to trigger additional and private investments. In the ideal case, this would bring the total amount of investment to EUR 62 billion. In September 2016, the European Commission further specified its ideas on how to make that happen. It proposed the establishment of a new "European External Investment Plan (EIP)" intended to promote sustainable growth and job creation in Africa and the EU neighbourhood. The EIP is new in the sense that it wants to focus on fragile states which are important countries of origin of irregular migration, bring together all related initiatives in a coherent approach, and go beyond classical development assistance by using EU and EU MS guarantees to overcome private investment bottlenecks.

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[4] Ethiopia, Eritrea, Mali, Niger, Nigeria, Senegal, Somalia, Sudan, Ghana, Ivory Coast, Algeria, Morocco, Tunisia, Afghanistan, Bangladesh and Pakistan.

The EIP concept builds on the leverage effects these guarantees will have on the capital invested and the positive political effects enhanced and comprehensive development support should have on countries of origin´s readiness to increase cooperation on migration. In this regard, the Communication and the proposed EIP have a very good point. In the end, cooperation on migration will only work when it gains the continued support from countries of origin and is based on resilient relations on a general inter-state level. Cooperation on migration can only form part of broader functioning dialogue and inter-governmental cooperation. The positive effects of this cooperation have to be really felt among countries of origin. Investments, trade policies and development cooperation should be seen as means to achieving good and resilient relations and not as a means to achieving short-term wins. Letting investments work over time will most probably result in enhancing the levels of cooperation on migration as well. In any case, the new Partnership Framework is realistic when it strives for significantly more "firepower" for its implementation. Up until recently, the external migration policy of the EU suffered from a lack of convincing incentives for third countries to cooperate more closely and the lack of funding to create them. It remains to be seen whether the targeted EUR 62 billion is a sum big enough to create such incentives.

9. Addressing Large Movements of Refugees and Migrants at the Global Level: The New York Declaration

It is a basic fact that the global challenges of displacement and mobility can only be addressed by global solutions backed by the entire global community. The quantitative dimension and the complexity of the issue imply that no single country or small group of states can stem the obligation to protect, to assist and to integrate people in need of protection on their own. They also dash any 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. European states had to learn this lesson during last year´s "long summer of migration", the question is now whether the other Member States of the UN are ready to take this message in and are willing to contribute their share to global responsibility.

On 19 September 2016, Heads of State and Government from 193 Member States of the United Nations adopted the "New York Declaration" in the context of the "United Nations Summit for Refugees and Migrants". It was for the first time that the UN General Assembly had called for a summit to discuss the issues of flight, displacement and migration at such high level, underlying the importance which is meanwhile given to the migration topic. In its own words the UN considered the summit a "watershed moment" to strengthen governance of international migration and a "unique opportunity" for creating a better system for responding to the challenges at hand. As concrete outcome of the Summit the New

York Declaration seeks "to address the urgent questions posed to the international community by the growing global phenomenon of large movements of refugees and migrants". The Declaration does not contain any concrete commitments and is not legally binding, which was strongly criticised by advocacy groups and NGOs. In their view - and many EU Member States would agree with that – the immediate crisis of today requires immediate responses and binding commitments by the whole international community, and in this sense, the Declaration falls short of what is really needed. Doubtlessly, striving for consensus among such a big and heterogeneous group of states had implied the erasing of stronger provisions included in earlier drafts of the declaration. The goal of a binding commitment for the resettlement of 10 percent of the refugee population each year had to be dropped and the wording had to be changed in areas that would have guaranteed additional rights to refugees and migrants.

Thus, and although the "New York Declaration" did not fulfil all expectations, it is still an important step in the development of a new and global framework for the protection of refugees and for managing migration in a better and safer way. It is so because it reflects a change in 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. It reflects new thinking also when it acknowledges that global responses must take into account the varying capacities and resources states have at their disposal. Last but not least, the Declaration emphasises an understanding of "safe, orderly and regular migration" as an asset not only for individual migrants and their families but for the states, economies and societies that gain significant benefits from these movements. Such an understanding blurs the artificial distinctions between countries of origin, transit and destination, and gives new impetus to the facilitation and management of people´s mobility as a common task based on shared values and interests. Maybe the biggest achievement lies in the fact that the UN Member States will continue to engage in very concrete steps towards its practical implementation. The achievement of two "compacts", i.e. frameworks for action, one "on refugees" and one "on global compact 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 "Leaders´ Summit" hosted by President Obama on the margins of the UNGA showed only meagre outcomes. It had attempted to achieve significant commitments to increase funding for refugee protection, enhance resettlement schemes and promote access of refugees to education and legal work. Thus, the actual achievements must be regarded as rather modest. An additional 4.5 billion USD had been raised in 2016, which is not little but by no means sufficient to make a considerable impact. The agreement on a total of 360,000 resettlement places pales in comparison to the more than 65 million displaced persons. Similar can be said about the commitments for ensuring access of 1 million refugee children to education and of 1 million refugees to legal work.

From a European perspective and despite of their positive potentials, the outcomes of the two summits will not be sufficient to make an immediate impact. The envisaged next steps and timeline of the Declaration imply that a couple of years will pass before a better global response to the refugee crisis will become a reality. The commitments of the "Leaders´ Summit" are simply too little in terms of funding and resettlement places to ease Europe´s burden and the burden of the other main refugee hosting countries.

10. Conclusion

The Valletta Action Plan, the EU – Turkey Statement, the new EU Partnership Framework and the New York Declaration are all important milestones on the path to a new foreign migration policy in Europe. It remains to be seen, however, how long and rocky the journey will be in the end. It is obvious that the described initiatives contributed to overcoming last year´s political deadlock and initiated a process of actual policy-making, dialogue and negotiations between the EU and important external partners. At the same time, it is clear that many more steps will have to be made in order to reach functioning and durable solutions. The described initiatives and instruments will not be sufficient for regaining complete control over irregular migration flows into Europe. They will not solve the principle issues of protection, relocation and resettlement for the majority of Syrian refugees and other nationals 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 Libya and Egypt, the prevailing and emerging points of departure for refugees and migrants headed to the EU.

Notwithstanding this, the new instruments and initiatives give new impetus to EU cooperation with external partners on migration. The EC´s Communication on establishing a new Partnership Framework with third countries, largely inspired by the EU-Turkey Statement and building upon the achievements of the Valletta Summit, aims at establishing comprehensive migration partnerships with external partners by employing the full range of EU and MS policies in the areas of neighbourhood policy, trade, mobility, energy, security or digital policy. This strategy takes on a a carrot and stick approach, offering positive incentives to those countries willing to cooperate closely with the EU, while threatening with negative consequences those who are not willing to do so. Thus, EU policy would for the first time prioritise migration objectives over most other external policy objectives. To achieve its ambitious goals, the new Partnership Framework is intended to have a total funding of up to 62 billion EUR by combining EU, MS and private investment. Providing considerable funding to tackling the root causes of migration is seen as a main pillar of the Partnership Framework. Ultimately, it will be about developing credible concepts

on how Europe could better support the creation of real perspectives and opportunities for the millions of young people in the main countries and regions of international migration.

At the writing of this paper, the future of the EU – Turkey Statement is anything but set and the Valletta Action Plan, the new 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 some 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 in a time when existing tools turned out to be largely non-effective. Most importantly, these new developments mark 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 new Partnership Framework and the New York Declaration will hopefully give more leverage to Europe´s migration policies and instruments in the future.