ICMPD
International Centre for
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VIENNA MIGRATION CONFERENCE 2018

From Crisis Management to Future Governance

Background Paper
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Introduction

The "Vienna Migration Conference" is ICMPD's annual flagship event for discussing 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 VMC discusses these issues from a European perspective but also from the perspective of our many partners from outside Europe. It wants to identify areas where progress has been made but also tries to see where gaps persist and questions are still open.

Assuming that 2015 has marked the starting point for a new chapter in the history of global migration governance and knowing that this chapter is far from being finished, the 2018 VMC wants to take stock of achievements, shortfalls, trends and tendencies in a process that will continue to occupy the international community for many years to come. Last years' VMC discussed "migration partnerships" as frameworks for safe, orderly and regular migration. Based on the conviction that the current challenges linked to migration and protection can be best addressed when the whole international community works together in a spirit of genuine partnership, the VMC identified a number of overarching priorities to make migration partnerships work in practice. These partnership priorities referred to:

- the enhancement of crisis responsiveness;
- the strengthening of the regional dimension of cooperation on migration and displacement;
- the creation of perspectives for the young and educated in countries of origin;
- the development of more intelligent policies on return;
- the fostering of refugee autonomy;
- the promotion of pathways to protection;
- and the promotion of pathways to legal migration.

The 2017 VMC concluded that significant progress had been made in these areas since the beginning of crisis in 2015. This progress found its expression in the number of initiatives, the intensity of cooperation, the instruments available and the more of common thinking that could be observed between countries linked by migration. However, when discussing the partnership priorities listed above, the 2017 VMC made obvious that the international community in general and the European Union in particular find it difficult to make progress in two priority areas: the promotion of pathways to protection and the promotion of pathways to legal migration. However, these priorities need to be met first and foremost when global migration governance is to be put on a new basis.

Global conflicts will persist and force people to flee. At present, only three per cent of refugees have access to the so called durable solutions return, local integration and resettlement. If their access to protection is not enhanced, this will continue to feed irregular migration and the business of migrant smugglers. At the same time, socio-economic inequalities and diverging demographic trends in the world regions will increase both the demand and supply for labour migration. In absence of functioning governance on legal and labour migration, irregular migration and illicit employment will persist, migrant smugglers will take the economical wins and governments will have to bear the political losses.

Future migration governance will have to take policies on protection and legal migration to an entirely new level in terms of delivery on the ground, State cooperation *and* public acceptance. Migration governance must become much better at finding the approval of the political audiences and in communicating more persuasive messages to these audiences in a more successful way. There is much to suggest that the so called refugee crisis more than anything else caused a severe and lasting crisis in confidence, driven by a sense of unease towards an unpredictable migration situation and a sense of distrust in the political leaders to regain control of it.

1. The nature of the crisis

At present, there are 258 million international migrants on a global scale and nearly 20 million refugees amongst them (UNHCR 2018a). While total number of international migrants and their share among the world population has grown over the last 25 years, the total number of refugees has remained stable and their relative share among the world population has even decreased. Politically speaking, however, the topic of refugee protection has become centre stage again. This is particularly the case in Europe and closely related to the inability of the European Union as a block to agree on how to organise refugee protection.

For decades, governments had tried to steer clear from migration and protection issues as much as possible. They were aware of the challenges, and were challenged by political opponents in terms of their capacity to deliver on them. But since governments could hardly expect to score political points with their voters in a policy area largely considered "toxic", they opted for a strategy of political damage control and did not invest as much as would have been necessary in the search for functioning solutions.

The so called refugee crisis in 2015 made obvious that European governments had underestimated the symbolic power and political explosiveness of the issue. Thus, it is largely irrelevant whether the

situation really deserves the label "crisis" in terms of the quantitative dimension of displacement and irregular migration. In view of the fact that the number of globally displaced persons represents only 1% of the world population, it can be argued that the term crisis should not derive from the impossibility to solve the issue but from the inability to act on it. From the perspective of political systems, however, the crisis is more than real, even if it is a crisis of confidence rather than a situation that is out of the reach of successful interventions.

What happened in 2015 and 2016 has led to a deep rift between European governments and populations as governments displayed their inability to control borders and steer the entry of non-citizens. It went much deeper than the question whether European populations support the idea of providing protection to millions of refugees but shook the basic confidence that governments are able to manage emergency situations, maintain control in case of crisis and can respond to current and future challenges.

The resulting political pressures triggered responses that for the first time in decades involved the highest levels of government, defined the core for a future global agenda on migration and protection and started to shape this agenda from a perspective of partnership between all countries involved. At the same time a state of tension arose between internationalist approaches and policies towards a re-nationalisation of migration and protection policies, particularly but not exclusively in the European context. To date, the aftermath of this crisis of confidence continues to put in question the legitimacy of government action, the functioning of international cooperation and the existence of supranational institutions and frameworks.

1.1 From crisis management to future governance

Notwithstanding the above, there has been a lot of progress since 2015 and also since the last Vienna Migration Conference in October 2017. There has been progress in the debate but progress as well in terms of policies, measures and approaches in international cooperation. New concepts have emerged, some have been tested successfully, some are in their early stages, some are subject to a lively and sometimes heated debate.

Nobody should have expected that the development of better global governance of migration and protection would be a quick and undisputed process. It is a principle dilemma of political systems that they need time to achieve progress. This is felt even more strongly in a policy area which does not allow for simple clear-cut answers and where an impatient public is not willing to wait on solutions for too long.

"Governance" has become a buzzword, both in terms of describing modern politics and in terms of political systems' and decision-makers' ambition to put government action on a new and more inclusive basis. The term has different meanings in different contexts. It marks a transition from purely hierarchical to more network based forms for decision-making and a diffusion of boundaries between private and public actors. At the international level, it implies the increasing inclusion of non-state actors in networks of states and international organisations producing the range of norms, rules, principles, decision-making procedures that exist above the level of the nation-state. In the public debate, however, "governance" has a less sophisticated meaning. Here, it is simply understood as a "new", "modern" and "better way of governing". Regularly, it has an intrinsically positive connotation, and is associated with a way of governing that is consensual, participatory, transparent, fair and rules-of-law-based.

The 2018 VMC wants to discuss future migration governance against this background. It wants to address the institutional developments at national, European and global levels, the developments in "governing", i.e. new policies and initiatives, but also the developments related to gaining confidence and support of citizens and voters.

1.2 Some main questions

The main purpose of the VMC 2018 is to discuss the progress that has been made in terms of the overall debate on new migration governance but also in terms of concrete policies, measures and attempts to better cooperate at the international level. Thus, the theme of the conference "From Crisis Management to Future Migration Governance" should not express the expectation of a linear process leading from a gloomy present to a bright new future. It should emphasise the need of addressing and integrating a number of aspects in one and the same process that have to complement and reinforce each another: crisis resilience, long-term vision, deepening of international cooperation, strengthened institutions and renewed trust from a critical public.

In view of this, the road from crisis management to future migration governance will continue to be complex and demanding. A solid foundation has been laid and the last years have shown that positive developments are possible that would have deemed impossible a few years ago. This holds true for the degree of political investment at the highest levels, the intensity and variety of new forms of cooperation and last but not least the funding available to support all related activities. But even a favourable account will have to admit that this process is in its early stages and all partners will have to do their best to keep it safe from the risk of derailment.

Against this background, the 2018 VMC aims at discussing and answering some main questions. When we speak about crisis management and future migration governance – have we achieved progress and if yes, in which areas? Where have we failed to achieve progress and why? Have the many initiatives and concepts that have emerged at national, regional and global levels started to give an impression of how concise and comprehensive new migration governance could look like? Can we overcome the differences that have surfaced in the process? Will these differences prove to be stepping stones for future progress or turn out as insurmountable obstacles? Is the rift between a national and an international stance on the issues of migration and protection closing or widening? How can we find the approval of political audiences for new attempts in global migration governance, and how can we communicate more persuasive messages to gain their support? And finally – what concrete steps should be done next, both with a view to the short-term and the long-term migration policy objectives?

2. The global migration situation

Migration is a highly complex phenomenon influenced by a broad variety of factors, causes and motivations at the individual and social level. But when one wants to identify the main drivers, one has to look at the impacts of war, civil war and conflict; economic and wage disparities; socio-economic development and transition; and the demographic imbalances between the world regions. 2018 has seen an increase in the total number of international migrants, refugees and internally displaced. In its latest revision, the United Nations Population Division has estimated a total of 258 million migrants, this is 14 million or 5.7% more than one year ago (UNDESA 2018). However, migrants represent only 3.5 percent of the world population, which is remarkably little in view of the impact of the drivers mentioned above. The majority of migrants move in a voluntary and regular manner. But a large minority cannot or does not move in such a way. Currently, conflict-induced migration has to be the biggest concern. In its latest estimates, UNHCR speaks about more than 71.5 million refugees, displaced or internally displaced (UNHCR 2018a). In this regard it is important to stress that it is especially the category of internally displaced which has grown dramatically in recent years. The number of refugees - that is persons who had to flee from war or persecution to another country – is almost the same as 25 years ago. But the number of persons who had to flee but stayed in their own country has increased by eight times over the same period, from 5 to almost 40 million persons.

In terms of new arrivals, the European Union saw a reverse trend in 2018 compared to previous years. In the first eight months of the year, the number of irregular border crossings into the EU via the top four migratory routes fell by 40% to about 86,500. The number of irregular arrivals had

already halved between 2016 and 2017 from a total of 511,000 to a total of 205,000. The significant reduction of arrivals was accompanied by a shift in routes. In 2018, the Western Mediterranean migratory route accounted for more than half of all detections of illegal border crossings into the EU. Crossings on the Central Mediterranean Route decreased by 80% in comparison to the first eight months of 2017, however, the number of detections went up on the Eastern Mediterranean route to around 34,000, rising by 58% in comparison to the first eight months of 2017 (Frontex 2018).

Notwithstanding the decrease of crossings via the Central Mediterranean Route, the situation in Libya remained particularly difficult. The International Organization for Migration counted a total of app. 670,000 migrants in Libya with 41 different nationalities in its latest Migrant Report on Libya (IOM 2018a: 3). Moreover, IOM recorded app. 19,900 new arrivals in Italy out of Libya for the first eight months of 2018 but also 13,273 returns to Libyan shore by the Libyan coast guard. Thus, the death toll is even higher than in previous years. At the time of writing, 1,130 deaths at sea had been recorded for 2018, implying that six out of 100 migrants had lost their lives while attempting to cross the Mediterranean, a share three times higher than in 2017. Between January and July 2018, IOM returned app. 11,000 migrants from Libya through its Voluntary Humanitarian Return Programme (IOM 2018b). Since September 2017, 897 persons have been resettled, thus far, States have committed to another 3,886 resettlement places directly out of Libya, for evacuees from Libya or refugees registered in Niger. However, there are still nearly 59,000 refugees and asylum seekers registered with UNHCR in the country, alongside app. 193,000 Internally Displaced Persons and app. 373,000 IDP returnees (UNHCR 2018b).

Not least because of the significant reduction of crossings via the Central Mediterranean Route, the number of asylum applications submitted in EU Member States decreased further in 2018. Between 2016 and 2017 they had already decreased by 43.5%, from a total of about 1.26 million to a total of about 713,000 applications. The first half of 2018 saw a further reduction, albeit less significant than in the previous year. In the first half of 2018, EU Member States authorities registered a total of 296,000 asylum applications. This was about 17% less than the app. 358,000 applications registered in the first six months of 2017. What did not change in 2017/2018 was the uneven distribution of asylum seekers among the EU Member States. In 2017, 76.6 % of all asylum applications had been submitted in only five EU Member States; in the first six months of 2018 it were 75.8% (Eurostat 2018a). With a total of app. 79,000 or 26.7 % of all submissions in the EU, Germany recorded the most applications in the first half of 2018, followed by France (app. 56,000 applications or 18.9 %), Italy (app. 34,000 applications or 11.4 %), Greece (app. 30,000 applications or 10.2 %) and Spain (app. 26,000 applications or 8.6 %). Thus, the list of main destinations and the uneven distribution of

applications are strong indicators for a high degree of secondary movements of asylum seekers after arrival in the EU.

Table1: EU border apprehensions and asylum applications 2008 - June 2018
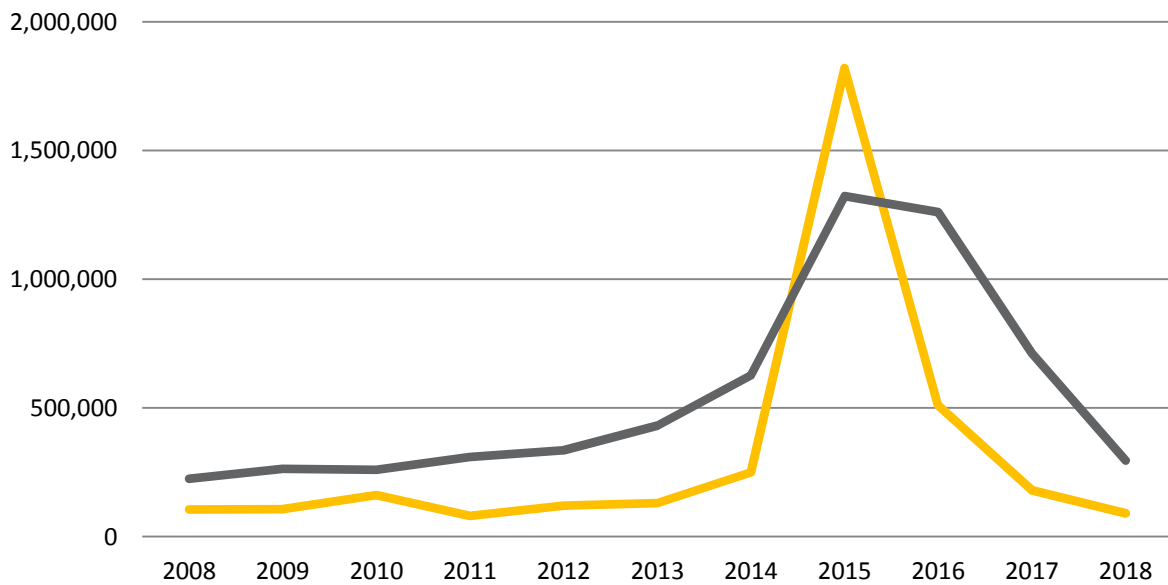
Source: Eurostat 2018a

The quoted figures imply two things. On the one hand, they signal that policies do have an impact and that the various measure the EU and its Member States applied since 2015 with regard to internal and external cooperation and control have impacted the numbers of irregular arrivals and asylum applications in the EU. On the other, they make obvious that migration pressures persist and that fundamental issues that caused the crisis in 2015 have not been resolved yet.

3. Reforming refugee protection

3.1 European Union developments

In view of the above, the EU and its Member States continued their work on making the European migration and protection system more resilient. The crisis had made obvious that the existing legislative, institutional and procedural framework was not sufficient to adequately deal with large and spontaneous inflows of asylum seekers to the territory of the EU. This insight triggered an intense discussion on the reform of the Common European Asylum System - CEAS towards a "New

Policy on Migration". The debate has brought more clarity in terms of the common ground EU Member States might be able to shape future European migration governance, but also in terms of the areas where perceptions differ and consensus on joint positions remains unlikely in the near future. The reform made good progress in a number of areas, such as the strengthening of mandate and institutional capacities of Frontex and EASO, the recast of the Eurodac Regulation, the Asylum Procedures Directive, the Qualification Directive and the Reception Conditions Directive. By contrast, the question of solidarity and burden sharing remained unanswered also in 2018, on the contrary, an agreement on an EU-wide mechanism for the relocation of asylum seekers seems farther away than ever before.

In April 2016, the Commission had presented a communication entitled "Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe". (EU 2016) The Communication defined five priorities for CEAS reform. It should establish a fair and sustainable system for determining the Member State responsible for asylum seekers, reinforce the Eurodac system, achieve greater convergences in the EU asylum system, prevent secondary movements within the EU, and agree a new mandate for the EU's asylum agency. The key question was - and still is – whether EU Member States would be willing to agree on a permanent and mandatory relocation system of asylum seekers. Already in September 2015, the Commission had presented a proposal for a Regulation on establishing a "crisis relocation mechanism as a permanent framework", which provided the basis for the proposals listed in above-mentioned Communication. The Communication put forward two options for a relocation mechanism as part of the reform of the CEAS: either to streamline the Dublin system and supplement it with a corrective fairness mechanism, triggered in case of a "mass influx", or to replace it with a new system based on a distribution key reflecting "the relative size, wealth and absorption capacities of the Member States." Already in 2016, however, analysts doubted that the EU 28 would be able to agree on a mandatory relocation scheme (Wagner 2016) and the developments since the last VMC in autumn 2017 confirmed this assumption.

2018 did not manage to break the stalemate around the reform of the Dublin Regulation and the agreement on a relocation scheme (Wagner/Baumgartner 2018). The Visegrad group continued to oppose mandatory quotas; Southern Member States continued to request quotas that were sufficiently large to bring meaningful relief to their systems (ECRE 2018); Member States who see an allocation system not only as a means to reduce the pressure on their systems but also as an instrument to curb secondary movements of asylum seekers in the EU and to dis-incentivise irregular migration to the EU continued to meet severe political resistance. The Bulgarian Presidency achieved

good progress on the reform of the CEAS[1] but did not manage to convince the other EU Member States to reach consensus on the Dublin Regulation despite of offering a number of compromise solutions on additional "criteria in response to challenging circumstances and severe crisis", which would have softened the obligations of the mandatory relocation mechanism. The Council Conclusions from June 2018 confirmed that consensus on the Dublin Regulation will have to be found in the future and mentioned relocation only in the context of a newly emerged concept of "controlled centres". These controlled centres should be located on EU territory, operate on a voluntary basis, host asylum seekers transferred to these centres, process their claims, return them in case of rejection, and apply the principle of solidarity to those whose claim would be approved. All of this should happen without prejudice to the Dublin reform (EU 2018).

The June European Council also invited Council and Commission to explore the concept of "regional disembarkation platforms", in close cooperation with third countries, as well as United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). The concept is based on a joint proposal by UNHCR and IOM[2] and considered complimentary to the controlled centres concept. The main intention is to prevent further deaths at sea but also to "break" what is considered the business model of migrant smugglers and the main incentive for irregular migration towards the Mediterranean, namely the disembarkation of persons rescued-at-sea on EU soil. Instead, disembarkation should take place at „safe locations" outside the EU; followed by rapid and secure processing, refugee status determination, and the provision of durable solutions for those in need of international protection including resettlement. The EU's "non-paper on regional disembarkation arrangements" following the June Summit made obvious how difficult it will be to establish regional disembarkation arrangements that process asylum claims outside the EU and safeguard access to protection at the same time. It also gives an idea how many challenges at the political, institutional and operational level it will have to solve in order to become functional. Moreover, the concept was met with little enthusiasm by potential partners outside the EU. Migration and refugee issues are emotionally charged not only in Europe but in all parts the world and most governments do not see themselves in a position to signal towards their citizens that they

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[1] Proposal for a regulation to reform the Dublin system; Proposal for a regulation to amend Eurodac; Proposal for a regulation to establish an EU Asylum Agency which is to replace the European Asylum Support Office (EASO); A proposal for a new regulation to replace the Asylum Procedures Directive; A proposal for a new regulation to replace the Qualification Directive; Proposed targeted modifications of the Reception Conditions Directive; EU Resettlement Framework.
[2] Proposal for a regional cooperative agreement arrangement ensuring predictable disembarkation and subsequent processing of persons rescued-at-sea

would be ready to host non-defined number of refugees and irregular migrants on behalf of the EU and its Member States.

Notwithstanding this, the discussion on controlled centres, disembarkation arrangements and off-shore processing of asylum claims gave additional impetus to deepening cooperation with non-European partners on migration and protection. European Council and the Austrian EU Presidency started a dialogue on migration issues with Egypt and plan to organise a migration summit with the League of Arab States in the beginning of 2019. Austria will organise a High-Level Forum Africa-Europe on "Taking cooperation to the digital age" in December 2018, which emphasises partnership approach and economic cooperation as principles for relations with Africa. This is yet another concrete manifestation of the "economic" strand of the EU's emerging new foreign migration policy that started in Valletta in 2015 and has gained impressive momentum since then. The Joint Valletta Action Plan, the EU Emergency Trust Fund for Africa (EUTF), the New Partnership Framework, the new External Investment Plan and most recently the Africa-Europe Alliance for Sustainable Investment and Jobs all focus on economic partnership, trade and investment (EEAS 2018). One can conclude that in a very short period of time, ideas on economic cooperation that had their roots rooted in migration related goals evolved to something much bigger, benefitting all partners and having the potential to reduce global inequality at the same time. The trilateral cooperation among the European Union, the African Union and the United Nations to address the migrant situation in Libya is another example for intensified cooperation on what could be considered the most difficult issue for migration governance, at least from the European-African perspective. Last but not least, thinking continues on a fundamental overhaul of the global protection system. In October, Austrian and Danish ministries of the interior tabled their "Vision for a Better Protection System in a Globalized World" containing seven principles that should guarantee access to protection, protect the most vulnerable and prevent further deaths, while at the same time break the business model of traffickers and smugglers and guarantee the effective management of the EUs external borders. Thus, the issue of regaining the trust of EU citizens in their governments to deal with the challenges of irregular migration is an overriding objective (Vision Protection System 2018).

One can conclude that the EU has made very good progress since 2015 in key areas of the European migration and protection policy. This progress is quite impressive when it comes to the degree and quality of cooperation with non-EU partners, most notably in terms of its economic dimension, internal and external border management and control, institutional reform and return policies. The reform of the Common European Asylum System was less successful and the issue of intra-European solidarity and responsibility sharing did not really advance. Political tensions between EU Member

States persist as much as vulnerabilities of the system do. The question whether the system as a whole is more resilient today than it was before the crisis is difficult to answer.

3.2 Global Compact process

The negotiations of the "compact on global compact for safe, orderly and regular migration" and the "global compact on refugees" were the main development at the global level in 2018. The compacts resemble the two main themes of this year's VMC and mirror one of its main assumptions, namely that protection and legal migration issues are fundamental for better migration governance and that these issues need to be jointly addressed by the international community in a spirit of cooperation and partnership.

On 13 July 2018 UN Member States finalised the text for the global compact on migration - GCM to be adopted by the Intergovernmental Conference in Marrakech on 10 – 11 December. The Marrakech Conference will mark the end of an intense two-year process that "sprang from the multiple global migration crisis of 2015 and 2016" (Newland 2018). In September 2016, Heads of State and Government from 193 Member States of the United Nations had 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. The UN considered it a "watershed moment" for strengthening governance of international migration and a "unique opportunity" for creating better response mechanisms.

The next step in implementing the New York Declaration was and is the global compact process. The NYD set out to develop the two "compacts", i.e. frameworks for action, until the end of 2018. The UNGA resolution 71/280 adopted on 6 April 2017 set out the modalities for the intergovernmental negotiations of the migration compact (United Nations 2017: 2). The global compact on refugees would comprise two complementary parts. First, the "comprehensive refugee response framework" (CRRF), which was already part of the New York Declaration and aims at easing the pressure on host countries, enhancing refugee self-reliance, expanding access to third-country solutions, and supporting conditions in countries of origin for return in safety and dignity. The second part would be a programme of action that defines concrete actions to underpin the CRRF, to ensure its implementation as well as more equitable responsibility for implementing it. The formal talks on the refugee compact largely followed this blueprint. They concluded in July 2018 and the compact is expected to be endorsed by members of the UN General Assembly in December 2018. The refugee compact is legally not binding and shall be operationalised in full respect of national policies and

priorities through voluntary contributions, determined by each State and relevant stakeholder, taking into account respective realities, capacities (GCR 2018: 2). It has four main objectives, namely to ease pressures on host countries, enhance refugee self-reliance, expand access to third country solutions, and support conditions in countries of origin for return in safety and dignity (GCR 2018: 3).

The second part of the refugee compact is the already adopted comprehensive refugee response framework (CRRF). In line with the CRFF, a programme of action shall ensure the application of comprehensive responses in support of refugees and countries particularly affected by a large refugee movement, or a protracted refugee situation, through effective arrangements for burden- and responsibility-sharing. Thus, the compact introduces a number of new structural frameworks that should support its implementation. These include a Global Refugee Forum every four years, bi-annual high-level officials' meetings, an annual update by the United Nations High Commissioner, situation specific "Support Platforms", and a three-year strategy (2019 – 2021) to increase the pool of resettlement places, including countries not already participating in global resettlement efforts. The latter will be an objective difficult to achieve. Global resettlement quotas had steadily increased until 2016 but sharply dropped afterwards. Between 2016 and 2017 the number of submissions for resettlement more than halved from app. 163,000 submissions in 2016 to app. 75,000 submissions in 2017. This trend is in sharp contrast to the estimated need of 1.9 million resettlement places for 2019 and it will take serious efforts of the whole international community to even moderately increase the access of refugees to this durable solution (UNHCR 2018c: 9).

Since the New York Declaration had already affirmed the status of the 1951 Convention and its 1967 Protocol as the basis of the international refugee regime, it was clear from the start that neither the refugee nor the migration compact aimed at developing new and binding legal instruments for the global governance of refugees and migration. After New York, many commentators noted with regret that the compact process would not lead to new internationally binding norms; others reacted with relief that there would be no such commitments. The two-year compact process confirmed the latter view as despite of the emphasis on the non-binding nature of the compact, the issues of state sovereignty in steering migration and the hesitance to join a consensus that would albeit not legally but politically affect this sovereignty were at the centre of the debate. Ultimately they caused a number of countries from the global north to reconsider or even withdraw their participation. The US had withdrawn from the compact process already in December 2017, Hungary announced in July 2018 that it will not endorse the final compact and the Australian government announced that it would not endorse the migration compact in its current form, would consider its position on the final draft and would respond to it later in the year. Other States – mainly countries of destination – might follow suit before the Marrakech Conference.

Those supportive of the GCM lauded the final text as realistic and pragmatic, neither encouraging nor condemning migration, respectful of state sovereignty but carrying the potential for multilateralism. Thus, the final draft reflects priorities the EU and its Member States had stressed since New York, namely setting forth specific priorities and actions, linking them to a follow-up mechanism and emphasising the overarching message that the GCM is not legally binding (Guild/Weatherhead 2018). The final draft of the GCM is in any case a truly comprehensive document comprising a total of 23 objectives, which reflect all areas of migration governance that have been debated over the last decades[3] but are underpinned by the commitment to concrete actions in all those areas.

The draft GCM is a compromise document, its scope and wording reflect the different positions UN members have on migration issues and the interests they attempted to advocate for during the negotiations. The most contended issues were non-refoulement, climate change induced migration and child detention. The deletion of non-refoulement was welcomed by some countries but regretted by others, climate change references were important to those countries affected the most by global warming but met with hesitation by others, eliminating child detention was supported by a broad number of states while an equally broad number of states preferred having it retained as a measure of last resort. The African Group opted for removing the reference to the document's non-binding nature to avoid sending a negative signal on compliance and pleaded for treating illegal entry as an administrative rather than criminal offence. Destination countries of the global north regretted that there was not more of consideration of the impact of migration on host communities and governments in the document and not enough emphasis on the negative impact of irregular migration. Others criticised the draft GCM for promoting too many guarantees for migrants but not enough for states. Notwithstanding this, the European Union can consider itself quite successful when it comes to a number of the bloc's key priorities reflected in the final draft of the GCM. The

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[3] The 23 objectives of the GCM are related to data collection, addressing the drivers of migration, providing information to migrants, ensuring proof of legal identity and documentation, enhancing availability and flexibility of pathways for regular migration, facilitating fair and ethical recruitment and ensuring decent work, addressing the vulnerabilities in migration, saving lives, strengthening the response to smuggling of migrants, preventing, combating and eradicating trafficking in persons, managing borders, improving migration procedures, using migration detention as a means of last resort, enhancing consular protection, providing access to basic services for migrants, empowering migrants and societies to realise full inclusion and social cohesion, eliminating all forms of discrimination, investing in skills development and facilitating skills recognition, foster the development impact of migration and diasporas, reducing the costs for remittances, cooperating in facilitating safe and dignified return, readmission and reintegration, furthering the portability of social rights, and strengthening international partnerships for safe, orderly and regular migration.

text's emphasis on states' responsibility to readmit their nationals, the clear distinction between regular migrants, irregular migrants and refugees, and the removal of the explicit reference to regularization since the Zero Draft support such conclusion.

The global compact process was and is an expression of the huge differences between the UN Member States on migration and protection. The final documents did not manage to fully overcome these differences, however, they are the expression of the willingness of all sides to work together more closely despite of these differences. Thus, the compact process was and is an important step in the development of new and global migration governance but also for further clarifying where interests differ and where common ground is hard to find. For those supporting the compacts, 2018 will only mark an initial step on a long journey to better global migration governance. Their implementation will be a matter of good will, of building momentum and of forging partnerships that stand the test of delivery.

4. Skilled migration

Partnerships on skills, legal and labour migration are the second main topic the 2018 VMC wants to discuss. Whereas the "protection crisis" has constant media coverage, the effects of dysfunctional legal migration systems are more hidden. In the long run, however, they erode the legitimacy of the system just as much. The global economic and demographic imbalances produce labour force demand and supply and create opportunities whether they are legal or not. Against the background of ageing populations in Europe, many existing and evolving vacancies in sectors like agriculture, construction, catering, cleaning or domestic work are difficult to fill by the resident labour force. Additional skills might be needed on European labour markets to make them prepared for future competition in a globalised world. Thus far, however, there is only limited public support for an opening of more legal channels for migration to Europe. There are worries regarding the labour market position of the resident populations, there are doubts that legal migration policies can actually function, and there are concerns regarding the demographic and economic imbalances between Europe and its neighbours and the impact these imbalances might have on the magnitude of migration flows.

4.1 The demographic challenge

The coming decades will exacerbate existing demographic imbalances between Europe and its neighbours. The population of Africa and parts of Asia will continue to grow, and some of this growth will be rapid, while the European population is likely to stagnate at its present level and thus become

progressively older. In Europe, population aging is leading to a shrinking share of the working-age population, leading many commentators to see a "demographic need" for immigration. In Africa, on the other hand, the combination of still-widespread poverty with rapid population growth is leading to a massive increase in the workforce and probably to a further increase in unemployment. The relationship between demography and development will definitely influence migration. The question is to which extent; and in which way migration policy should respond to possible scenarios.

Demography has not only become a new buzzword in the political debate on migration, it has also become "the new scare" in terms of what to expect from the future. Recently, the thoughts of the American author Stephen Smith on African demography and migration have gained a lot of attention. Smith expects massive emigration from Africa to Europe. Based on the assumption that Europe will consist of 450 million aging residents in 2050, while Africa will be inhabited by 2.5 billion mostly young people, and extrapolating the example of Mexican migration to the U.S, he estimates that the number of Africans living in Europe will reach a staggering 150 to 200 million by 2050. However, Smith is no demographer and also not a migration researcher. Experts from these two fields do not necessarily share his views. In response to Smith's theses, the French demographer François Héran draws completely different conclusions. Based on a thorough analysis of migration data, he did not find any indication that migration would follow the principle of communicating tubes from populous high-birth-rate countries to low-birth-rate countries. Thus far, emigration from Africa would be exceptionally low, mainly unfold within Africa itself and have no correlation with high or low birth rates. The African-European case would also not resemble the Mexican-American situation, neither in terms of sharing a land border nor in terms of the degree of economic integration. Héran also predicts a growth of the share of Africans among the European population until 2050 but thinks that this increase will be a moderate one from the current 1% share to a share of 3 – 4% (Héran 2018).

4.1.1 African migration – basics and numbers

The images the media regularly produce suggest that African migration is huge. Up until now, however, the opposite is the case. When looking at persons who have left their home country from a regional perspective, one finds that 8.4% of Europeans, 5.9% of Latin Americans but only 2.9 % of Africans and 2.4% of Asians live outside their home country. In total, there are roughly 36 million African emigrants. About 53 % (or 19 million) of them have migrated to another African country; 26% (or 9.4 million) to Europe, and another 21% (or 7.5 million) to Asia, North America or Australia (United Nations 2017b). Thus, it is important to stress that these figures refer to the whole of Africa, including North African countries. This situation, however, is likely to change in the future. It is a widespread belief that people migrate because of poverty. In reality, they migrate because of

development, which provides them with the education, skills and financial means to go to a place where the situation is better than at home. This is exactly the setting that will influence African migration in the decades to come. Many African countries show strong economic development and this trend will continue. Still, the average GDP per capita in Europe is about 10 times higher than the African average, these economic disparities will continue for some time, and most likely result in increased African migration to Europe. Thus, it needs to be stressed that migration is a highly complex phenomenon influenced by a myriad of factors and that the relation between demography, development and migration is anything but straightforward, it is "an indirect and probabilistic one rather than a direct and deterministic one." (de Haas 2008: 17)

There are, however, different scenarios combining expected trends on demography, development and migration. The "low-development" scenario speaks about 2.5 billion Africans for the year 2050, a doubling of the current population, and a doubling of the annual African emigration rate from 1.4 million to 2.8 million. The "high-development" scenario estimates a lower African population of 1.8 billion for the year 2050, but a tripling of the annual African emigration rate from 1.4 million to 3.5 million. The latter scenario assumes that higher economic development implies lower birth rates, lower population growth, better education and more financial resources resulting in more people with the means to migrate (JRS 2018: 27). In view of these scenarios, one can expect a growth in African migration as a result of significant economic development. Most of these migration will take place within Africa and utilise the new opportunities on the continent. But an increasing number of Africans will also try to move to Europe which does not have to expect a mass exodus but can expect higher numbers than in the past.

4.1.2. Is there a demographic need for immigration in Europe?

The Eurostat baseline scenario predicts a 4% population growth in the current EU from a total of app. 508 million in 2015 to a total of app. 529 million in 2050 (Eurostat 2018b). However, population trends will be very uneven among the EU MS. Half of them will have growing populations, the other half will witness partly dramatic population decline. Western and northern Member States populations are expected to grow between 2% and 67%, eastern and southern Member States population will decrease by between 1% and 33%. The divergent trends are caused by differing fertility rates, immigration levels and intra-EU migration (Lutz et al 2018: 9). At the same time, European Union populations will become older. The median age will increase by almost 5 years, implying that in 2050 50 % of the population will be 46.7 years and older compared to the 42.4 years of 2015. Southern and eastern EU MS will have the comparatively oldest populations; Ireland, France and Sweden the comparatively youngest populations.

As a consequence the age dependency ratio, i.e. the ratio of those not in the labour force (ages 0 – 14 and 65 plus) to those typically in the labour force, will increase from the current 52.7 % to 76.4%. In some eastern and southern Member States the age dependency ratio will go up to between 80.0% and 95.0%. If previous demographic and migration trends continue, the labour force dependency ratio, i.e. the ratio of the economically inactive population to the economically active population, will increase from today's 1.06 to 1.33 in 2050. This implies that while in 2015 there were about 106 inactive persons for every 100 employed persons, this value would increase by app. 25% to 133 inactive persons for every 100 employed persons in 2050 (Lutz et al 2018: 48). Again, this development will be uneven between EU Member States with some of them suffering more significantly from demographically induced shifts in the labour force dependency ratio.

Table 2: EU Labour Force Dependency Ratio 2015 (in %)
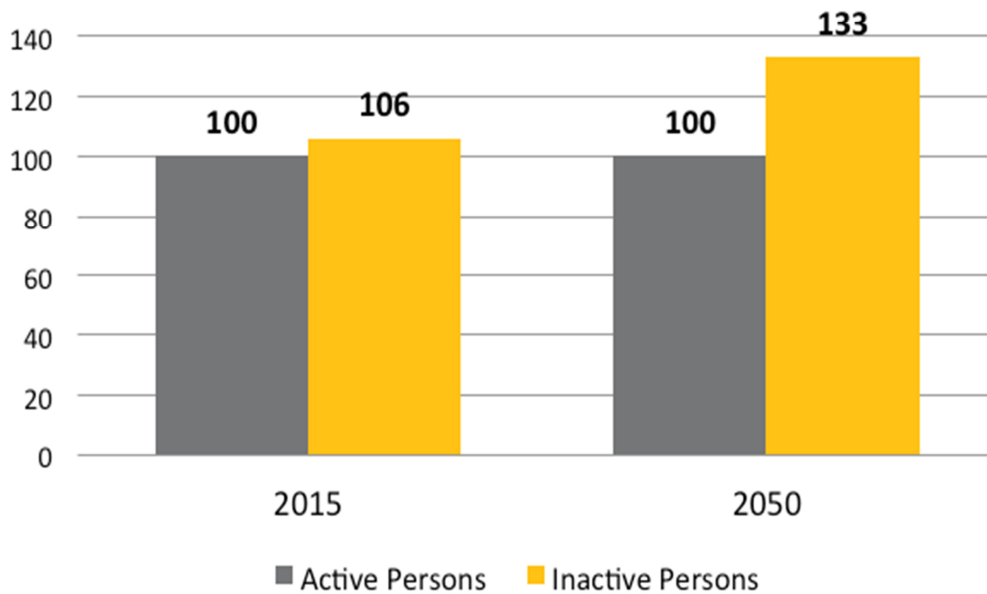
Source: Lutz et al 2018

Above projections suggest that demographic aging will indeed cause challenges for Europe's economy and its fiscal and welfare systems. Now the question is whether immigration is the best way to respond to them. Lutz et al conclude that "although political discourse often refers to migration as a tool to alleviate consequences of demographic ageing, demographers agree that immigration, though affecting population size, has only little impact on the population age structure, which is in large part determined by past demographic behaviours in terms of fertility and mortality" (Lutz et al 2018, 49). Immigration affects both the active and the inactive population and has little

effects on age dependency ratio or labour force dependency ratio. It might slightly "better" them but not in a way that would offset the effects of demographic aging.

Such an offset can and will occur if EU MS manage to improve labour force participation rates. In a scenario where rates of women reach those of men, the increase in the labour force dependency ratio would be halved, should EU-wide female participation rates reach the ones Sweden has already now, this would nullify the negative future economic consequences of demographic ageing. Then, the ratio between non-workers and workers would stabilise without a substantial increase of the overall population. At best, immigration can serve as part of a policy mix that comprises higher participation rates, longer working life, economic growth; higher productivity, technological innovation and family-friendly labour policies that result higher birth rates.

Table 3: Population 0 - 24 years in Europe and Africa (in thousands)
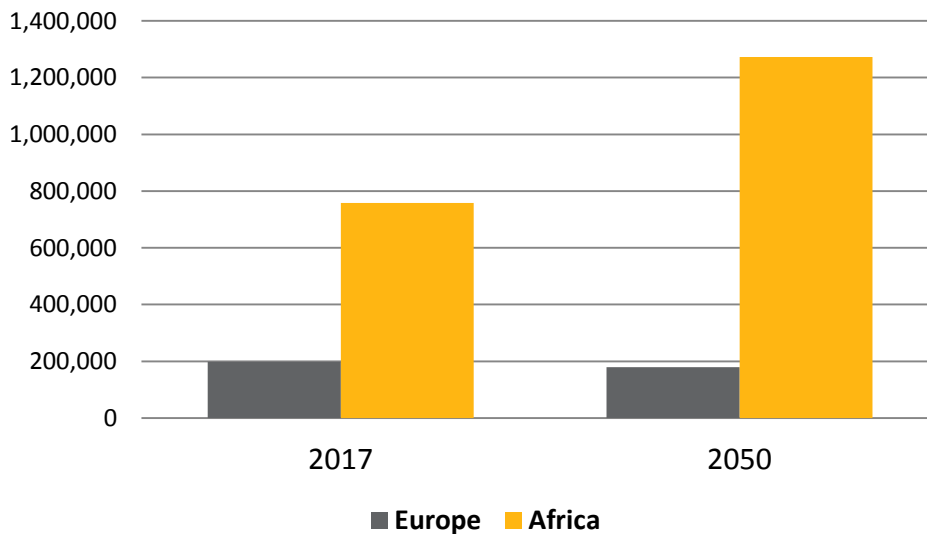
Source: UNDESA 2017

Immigration will not solve the problems of demographic ageing in Europe. Rather, it is an instrument that can address the growing skills and labour force shortages in specific sectors of the European labour markets. Neither can it be an outlet for the demographic challenges in Africa and the need to create a sufficient number of jobs for its rapidly growing young populations. Still, both sides can benefit a lot from functioning labour migration. This calls for a more nuanced approach that lets go of all "doomsday" and "silver bullet" scenarios and soberly addresses the challenges and opportunities at hand. The existing skills mismatch between the European and the African partners

might be seen as the biggest challenge, forging a partnership on overcoming might be the biggest opportunity for the benefit of both sides.

4.2. Skills partnerships – a means to make ends meet

Labour migration is high on the agenda of the European migration debate. It is discussed as a means to tackle irregular migration by way of opening channels for legal migration; as discussed above, in the expectation of an increasing need to alleviate the expected impacts of demographic ageing in Europe; but also with regard to safeguarding migrants' rights, enhancing the development impact of migrant remittances and avoiding brain drain, brain loss and brain waste.

Most scholars agree that in general immigration has positive economic effects and results – albeit modest – increases in GDP of the receiving country (Martin 2012: 2). Notwithstanding this, widespread concerns that immigration may impact negatively the labour market opportunities of the native or resident working population are a main reason for the sceptical stance of the public towards immigration and the reluctance of policy makers to advocate further openings in this area (Dustmann/Frattini 2010: 11). The relevant literature, however, suggests that immigrants affect labour market opportunities of natives and residents only when they are perfect substitutes in terms of language, education and experience. In practice this is normally not the case; immigrants are no competition for the better part of the domestic labour force but bring specific skills and human capital that does not yet exist in the country in question (Ruhose 2015: 179). Their presence adds to the dynamism on labour markets, and thus creates new economic niches, sectors and occupations. As a consequence, the native or resident population tends to gradually move out of certain tasks but rather towards more complex tasks and not towards more unemployment. This assumption is confirmed by a number of quantitative studies that had analysed the possible link between immigration and unemployment rates in European countries. Their respective findings do not suggest significant impacts of immigration on unemployment (Kerr/Kerr 2013: 14).

Functioning labour migration policies, however, elude any simplistic approaches. A sheer opening of European labour markets without underlying steering policies and qualification mechanisms is neither likely nor desirable. Each country needs the right kind of immigration with the right kind of skills, qualifications and characteristics.

Europe has the most specialised and formalised labour markets. Many of the segments where immigration will be needed the most require high degrees of formal and practical qualification. Normally, these qualifications can only be obtained if applicants have undergone educational and

vocational training on those labour markets themselves. Consequently, most non-Europeans do not meet these requirements. If they want to take up work in Europe they have to belong to the small segment of high skilled, apply for low qualified work under a seasonal scheme or work in informal niches of the labour market.

However, labour Migration restrictions alone do not necessarily curb the access of immigrants to work. In all highly developed economies informal labour markets exist which help to fill the bottom positions of the job hierarchy and shortages in sectors with labour-intensive, low-skilled and low-paid jobs (Jennissen 2001: 3). Undeniably, there is a connection between migration and the informal economy and immigrants are overrepresented in unregulated activities. On informal labour markets, job opportunities are mainly concentrated in sectors like domestic help (maids, nursery, cleaning, and renovation); construction, trade, the catering industry, tourism, harvesting and other types of seasonal work (Lederer/Nickel 2000). Cut off from access to legal labour market and limited to specific economic sectors of the informal labour market, many migrants are ready to engage in such occupations despite the risk of fines or losing their residence status. In times of existing and growing labour force demands, labour market restrictions for migrants have their inherent flaws. They might not succeed in limiting immigration but rather push migrants towards illegal employment and foster the emergence or enhancement of informal labour markets.

This could be shrugged off as natural development of highly advanced economies which are regularly characterised by a certain degree of informality and tax evasion. From the point of view of the sustainability of public finances and welfare systems it should not be. Current and future immigrations will impact the fiscal situation for many years to come and it is not a given that their effects will be automatically positive. This will largely depend on the kind of labour market participation of current and future cohorts but also on the types of jobs they will hold and the wages they will earn. The actual contribution of any person to the state budget and the welfare system depends on their respective qualification. Up until now, immigrants contribute on average more to the European systems than they receive. This surplus is generated despite of the on average lower qualification, lower employment rates and lower average incomes of immigrants. Two determinants are responsible for that: On the one hand, the unfavourable fiscal position of immigrants is outweighed by their younger age structure. In comparison to the native population fewer immigrants are in age cohorts which require higher public and welfare spending. On the other hand, immigration reacts to existing labour market demands and consequently results in employment, tax payments and welfare contributions (Bonin 2014: 51). In view of ageing populations, however, the average contributions to tax and welfare systems will have to be higher. In order to ensure that future immigration contributes positively to fiscal and welfare sustainability it will have to meet a basic

requirement: Future immigrants will have to be better qualified than previous cohorts and they will have to overwhelmingly engage in formal employment. From a fiscal perspective, immigration policy has to ensure three things: It has to emphasise high skilled and medium skilled immigration, it has to promote integration and labour market participation and it has to tackle informal foreign employment better than in the past (Bonin 2014: 58).

In order to make regular and qualified labour migration to Europe more of a viable option than it is now, significant investment will have to be made in bringing together educational and vocational training standards and to make third country migrants formally and practically fit for European labour markets. Such an approach would not only benefit European labour markets by addressing longer-term skills and manpower needs but also the partner countries by enhancing the skills levels on their own labour markets and by benefitting from higher remittances of their citizens who are no longer forced to migrate illegally and work informally below qualification and for low wages.

In the recent debate, the label "Global Skills Partnerships"[4] has emerged for such comprehensive approaches based on extensive cooperation between countries of origin and destination on the transfer of skills and qualifications in line with both sides' formal and practical requirements. Thus, they have been agreed as a priority for cooperation in the final draft of the Global Compact for Safe, Orderly and Regular Migration. Skills enhancement and skills matching are the linchpin for enhanced labour migration between Europe and other world regions. The key is the development and implementation policies on enhancing skills of prospective labour migrants on the basis of joint and mutually vocational training standards while they are still in their home countries. This skills enhancement is a pre-condition for labour matching and subsequent openings for labour migration. At the same time, it would create a genuine triple-win situation. European vocational training standards are the highest in the world and graduates would most likely find significantly enhanced opportunity in Europe, other countries or their home countries. In case of migration, they would benefit not only from the opportunity to follow legal channels but also from higher income levels that would raise remittances sent back home as well. Countries of origin would not only benefit from higher remittances, but from enhanced legitimacy as more of their citizens would see their rights

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[4] Objective 18 of the Final Draft of the Global Comact for Safe, Orderly and Regular Migration (11 July 2018) proposes to „bild global skills partnerships amongst countries that strengthen training capacities of national authorities and relevant stakeholders, including the private sector and trade unions, and foster skills development of workers in countries of origin and migrants in countries of destination with a view to preparing trainees for employability in the labour markets of all participating countries.

protected while abroad but most importantly from the enhanced skills base provided by those graduates who decide to stay home. Skills partnerships are a convincing concept. Their development and implementation, however, will require a whole new degree of cooperation between State and non-State actors and fundamentally new approaches in public-private partnership.

4.3. Migration control – the "other thing" or integral part of migration partnerships?

The previous section stated that there seems to be no clear indication that migration follows the principle of communicating tubes from populous high-birth-rate countries to low-birth-rate countries. The same refers to the relation between regular and irregular migration. Legal migration channels are often suggested as a tool to reduce irregular migration, but there is no evidence that legal openings would reduce irregular arrivals to the same extent. Remarkably, the question of a possible trade-off between irregular and regular migration is largely under-researched in terms of its quantitative dimensions. Clemens and Gough analysed one of the few studies that analysed the long-term implications of legal migration policies on irregular migration in the context of migration between Mexico and the United States, and asked whether Europe can draw some lessons from this experience. The analysis of seven decades of labour migration from Mexico to the US against the background of the more generous or more restrictive policies that were applied during this period, allows for some basic conclusions. The US-Mexico experience seems to confirm that legal channels for migration indeed can reduce irregular migration but only when they are "combined with robust enforcement efforts". New regular channels need to "alter the incentives to avoid irregularity", otherwise the "might simply add to overall migration." Conversely, under strong demographic and economic pressures, "immigration enforcement measures have had limited effect" when they were not combined with "substantial and flexible lawful pathways" (Clemens/Gough 2018: 5). From a general policy perspective, the example suggests that the best – or maybe the only – way to reduce irregular migration is a combination of strict migration control *AND* openings for labour migration supported by close political cooperation between sending and receiving countries. Policies that try to do only one thing – control or opening – run high risk of failing.

5. Conclusions

The 2017 VMC concluded that many aspects of the so called migration crisis where economic in their nature and required first and foremost economic responses. This conclusion is still valid but the last year has confirmed that the crisis is also political and requires political responses.

The EU and its Member States have achieved significant progress since 2015 in terms of reforming the existing migration management systems and of creating new policy instruments. This progress is also reflected in the decreasing number of arrivals in Europe in 2017 and 2018. However, there are unresolved issues. From the European perspective these issues are amongst others the overall situation in Libya, the continuation of mixed flows of refugees and other migrants stuck in Libya or trying to reach Europe from the country, and the humanitarian tragedy of thousands of migrants losing their lives while trying to cross the Mediterranean. However, despite the achievements in many internal and external aspects of protection and migration governance, this progress is not yet felt by its citizens and voters. The situation in Europe can be described as one of a political backlash with voters punishing political systems which, as they see it, have failed on migration. As a matter of fact migration is not the only reason for the decreasing confidence of European voters in their political leaders but all opinion polls confirm that it is considered to be the most important issue. Political systems have to deal with a severe and lasting crisis in confidence, and have to do a lot to overcome it.

The perceptions on how to overcome this crisis and to regain the trust of citizens and voters differ. The impasse on the Dublin reform, the different views on the migration compact process, and the divergent visions on the reform of the global protection systems are indicators for that. But this should not divert from the tremendous progress that has been made in European and global migration governance since 2015. Today we discuss the direction and quality of policies and cooperation frameworks that did not exist at all before 2015 or were at best discussed among government experts and academic circles.

Notwithstanding this, the new approaches in global and European migration governance have not yet given satisfactory answers in two key areas of the migration challenge, namely how to create pathways to international protection and how to manage legal and labour migration in a functioning way. There are strong arguments that the migration partnership approach is the best way to achieve this goal. Thus, it has to emphasise the partnership dimension that goes beyond the cooperation between States, non-State actors and international institutions; it has to rebuild the partnership with citizens, voters and the public debate.

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