

The Southern Mediterranean Countries: Target and Motor of EU External Migration Policies

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A look back at three decades EU external migration policy towards the Southern Mediterranean countries highlights that developments in the region have very much shaped EU policy.

The Southern Mediterranean neighbours are usually seen as a targets of EU migration policies. This is because of their geographical situation on the major transit routes, and because many migrants and asylum seekers originate from these countries. Partly due to the now three decades of EU external migration policy, the Maghreb and Mashreq countries have seen a rapid transformation from being countries of origin and transit for migrants to being destination countries themselves. To designate these countries only as targets would however be short-sighted. A look back onto the evolution of now three decades EU external migration policy towards the Southern Mediterranean countries highlights that developments in the region have very much shaped EU policy.

The responses that migration experts from these countries give to the EMM5-EuroMeSCO survey attest very well this changed reality, and the extent to which these experts perceive the migration policy challenges in their country in response to both EU priorities and their own needs. This short contribution reflects on the results of the survey in the light of the influence that cooperation with the Southern Mediterranean countries has had on the evolving EU external migration policies and the various instruments that have been put into place to structure the cooperation (summarized in the table below). In doing so, the article distinguishes three main phases in the EU's external migration policies: the period from the early 1990s until the launch of the Global Approach to Migration in 2005, then the phase up to the revamped Global Approach to Migration and Mobility in 2011, and finally the latest period including the crisis of the Common European Asylum System and the adoption of the New Pact on Migration and Asylum in 2020.

The initial impetus: migration control and readmission

The external dimension of EU migration policies was officially embraced with the Tampere European Council in 1999. However, EU-Mediterranean relations addressed migration policy well before. A look at the association agreements concluded with the southern neighbours from 1992 onwards (starting with Lebanon) shows that the EU systematically included provisions on migration control cooperation in these overarching agreements already well before the development of an external competence on the matter. Thus, the 1992 Agreement with Lebanon already provided for the launch of a dialogue on migration, including irregular migration, and cooperation on readmission. The Agreements concluded with Tunisia (1995) and Morocco (1996) also included a dialogue covering migration control but excluded cooperation on readmission and irregular migration. In contrast, they contain a clause on cooperation on migration and development and on the return of migrants. The 1997 agreement with Jordan and the 2002 agreement with Algeria finally are the most comprehensive and include all of these provisions (see Table 1 below and Lavenex, Lutz and Hoffmeyer-Zlotnik 2021).

TABLE 1: Overview of EU External Migration Policy Instrument towards the Southern Mediterranean Countries

		Algeria	Egypt	Israel	Jordan	Lebanon	Libya	Morocco	Palestine	Syria	Tunisia
Provisions in Association and Trade Agreements	Year of Agreement	2002	2001	1995	1997	1992	N/A	1996	1997	1977	1995
	Dialogue on migration										
	Cooperation on readmission										
	Cooperation on return of migrants										
	Cooperation on irregular migration										
	Cooperation on migration and development										
	Regulatory dialogue on migration										
Readmission Agreement (Year of conclusion)				2016							
Visa Facilitation Agreement											
Mobility Partnership (Year of conclusion)				2014				2013			2014
Migration Compacts (Year of conclusion)				2016	2016						
EU Regional Trust Fund in Response to the Syrian Crisis (Madad Fund)											
EU Emergency Trust Fund for Africa in ENP countries (EUTF)											
European Civil protection and humanitarian aid											

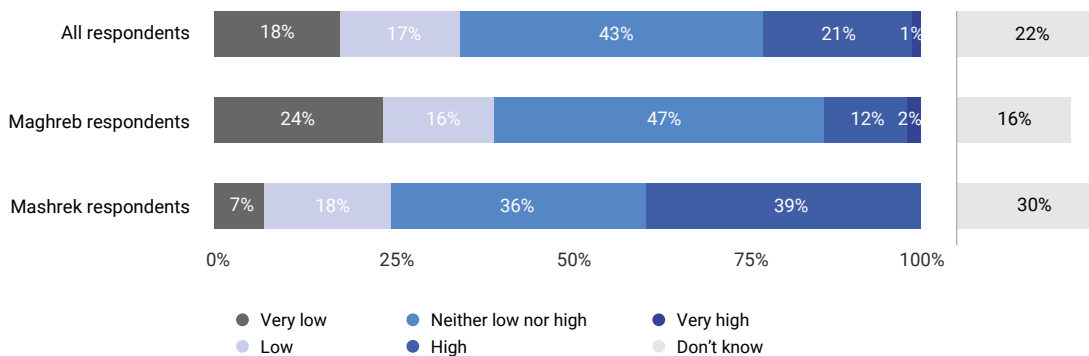
The main point of contention over the conclusion of readmission agreements is the EU's enduring insistence on an obligation to take back also non-nationals of the signatory parties staying irregularly in the other party. Not only has such an obligation no basis in international law, it is also uniquely in the interest of the EU and would have potentially very costly implications for the Southern Mediterranean countries.

The granting of an EU exclusive competence for the negotiation of readmission agreements in 1999 reinforced the focus on migration control and readmission (Coleman 1999). In 2000, the EU received the mandate to negotiate a readmission agreement with Morocco, and later also with other countries. The only Mediterranean country which has so far signed a readmission agreement with the EU however is Jordan (see Table 1). The main point of contention over the conclusion of readmission agreements is the EU's enduring insistence on an obligation to take back also non-nationals of the signatory parties staying irregularly in the other party. Not only has such an obligation no basis in international law, it is also uniquely in the interest of the EU and would have potentially very costly implications for the Southern Mediterranean countries (Carrera et al. 2013).

Against this background the results of the EMM5-EuroMeSCO survey provide interesting insights into the contested issue of readmission. Given the absence of a formal EU readmission agreement with all but one country it is not surprising that most experts indicate having no opinion regarding their "assessment of current cooperation on return and readmission with EU countries" (Q15), even if bilateral readmission agreements with individual EU countries exist.

GRAPH 1

Q.15 What is your assessment of current cooperation on return and readmission with EU countries?



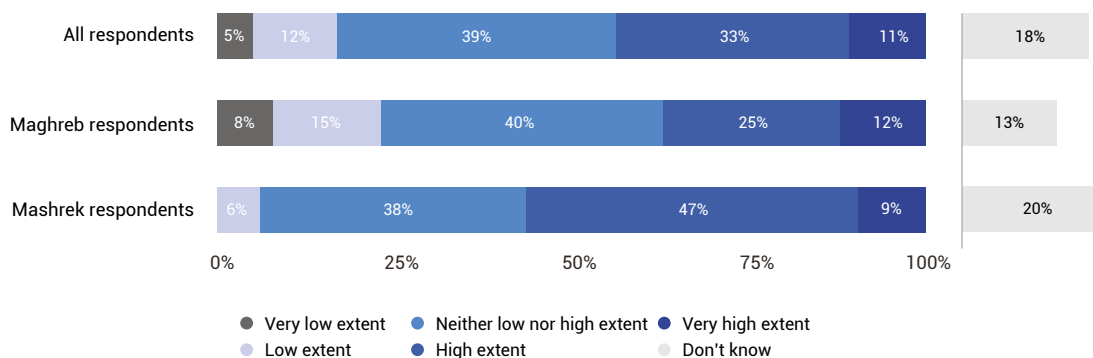
Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

Yet the responses show that Maghreb respondents are clearly more critical of this cooperation (24% having a very low and 16% a low opinion) than Mashreq respondents (only 7% indicating a very low and 18% a low opinion). Conversely, 39% of Mashreq respondents have a positive opinion compared to 14% of Maghreb respondents. A similar pattern can be observed in the answers to the question whether respondents consider "the full implementation of existing bilateral agreements on readmission and the negotiations of new ones" as an avenue to "improve cooperation on return and

reintegration" (Q18), which 56% of Mashrek respondents answer positively versus 37% of Maghreb respondents.

GRAPH 2

Q.18 To what extent do you consider that the following avenues could contribute to improve cooperation on return and reintegration? A. The full implementation of existing bilateral agreements on readmission and the negotiations of new ones



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

This difference is possibly linked to the fact that the only existing formal EU readmission agreement in the region so far is that with Jordan, a Mashrek country. Another possible explanation which also affects other questions in the survey is the profile of respondents: the majority of Mashrek respondents are public officials who are more likely to utter responses that are perceived as politically desirable than the civil society and academic experts who form the majority of Maghreb respondents.

The turn towards partnership

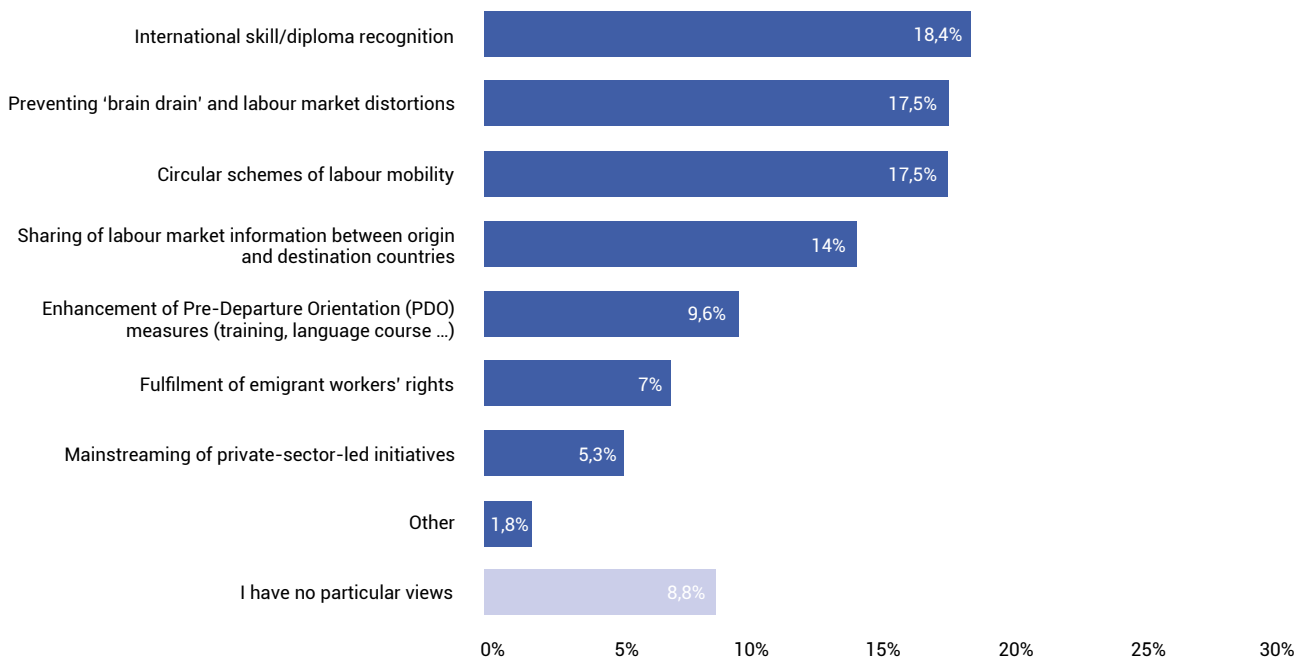
Difficulties with the negotiation of readmission agreements, enduring migration pressure in particular via the western Mediterranean route, and the launch of the European Neighbourhood Policy in 2005 inspired a reconsideration of the one-sided focus on irregular migration and readmission and today the – enduring – EU interest in readmission co-exists with other priorities in external migration cooperation. The tipping point to a policy reform was the escalation at the borders towards the Spanish exclaves of Ceuta and Melilla in 2005. Media and NGO reports of Spanish and Moroccan authorities brutally deterring irregular migrants from climbing over the fences and later deporting them as well as other migrants and refugees to the Moroccan desert acted as an external shock and provoked a re-thinking of the repressive focus of prevailing external migration policies (Lavenex and Nellen-Stucky 2011). The reorientation came with the adoption of the “Global Approach to Migration”

(GAM, see COM(2007) 247) which stipulated a three-pronged approach including the fight against irregular migration, development cooperation and the promotion of legal migration as part of a comprehensive external migration policy.

The results of the EMM5-EuroMeSCO survey underscore partner countries' strong interest in the legal migration and development cooperation aspects of the GAM. When asked "in which domains should cooperation with the EU be improved in priority" (Q20) the majority of respondents call for legal pathways to economic migration including "circular schemes of labour mobility", "international skill/diploma recognition" while "preventing 'brain drain' and labour market distortions" (each receiving 18% of votes).

GRAPH 3

Q.20 In which domains should cooperation with the EU be improved in priority?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

Theoretically, these priorities should have materialized under the EU's "global approach" – in particular also after its reform in 2011 which launched "Global Approach to Migration and Mobility" (GAMM, see COM (2011)743). This reform expanded the conclusion of so-called Mobility Partnerships that had previously been offered to a few Eastern European countries and Cape Verde to the Southern Mediterranean neighbours. As process-oriented fora for bilateral discussions

and cooperation between the EU, interested EU member states and selected ENP countries, the Mobility Partnerships were thought as promising vehicles for realizing the various objectives of the GAMM. To date, three Southern Mediterranean Countries have concluded Mobility Partnerships: Morocco (2013), Jordan and Tunisia (2014). Notwithstanding the interest in economic migration highlighted in the survey projects realized under the Mobility Partnerships fall short of introducing new legal pathways. On the contrary, they concentrate on measures receiving less support in the EMM5-EuroMeSCO survey, such as pre-departure training or labour market information sharing (see Q20) (Reslow 2018).

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The challenge of refugee protection

Apart from widening the scope for Mobility Partnerships to the Mediterranean countries, the GAMM adopted in 2011 also reflected new priorities in the region. This concerns first and foremost the addition of refugee policy as a fourth element of the global approach next to cooperation on irregular migration, legal migration and development. If the GAM was a response to the shortcomings exemplified through the tragic events in Ceuta and Melilla in 2005, its reformulation into the GAMM was a reaction to the massive displacements engendered by the Arab uprisings and subsequent wave of destabilization in the region.

The latest reforms of the EU's external migration policy, the 2016 New Partnership Framework and the 2020 New Pact on Migration and Asylum reflect these changed realities (Lavenex 2018, Carrera et al. 2019). Once more, these reforms responded to developments in the Southern Mediterranean, and in particular the refugee movements engendered by the war in Syria. While giving stronger priority to refugee protection in the region, these reforms moved away from the more process-oriented partnership approach of the GAMM. Marked by the failure of the Common European Asylum System and the deep divisions over the question of refugees within the Union, the new policies give a clear priority to the externalization of refugee protection and migration control. Calling for the mobilization of "the full range of policies and EU external relations instruments " implementing "a mix of positive and negative incentives" using "all leverages and tools" (European Commission 2016: 6), these latest reforms also introduce a strong language of conditionality.

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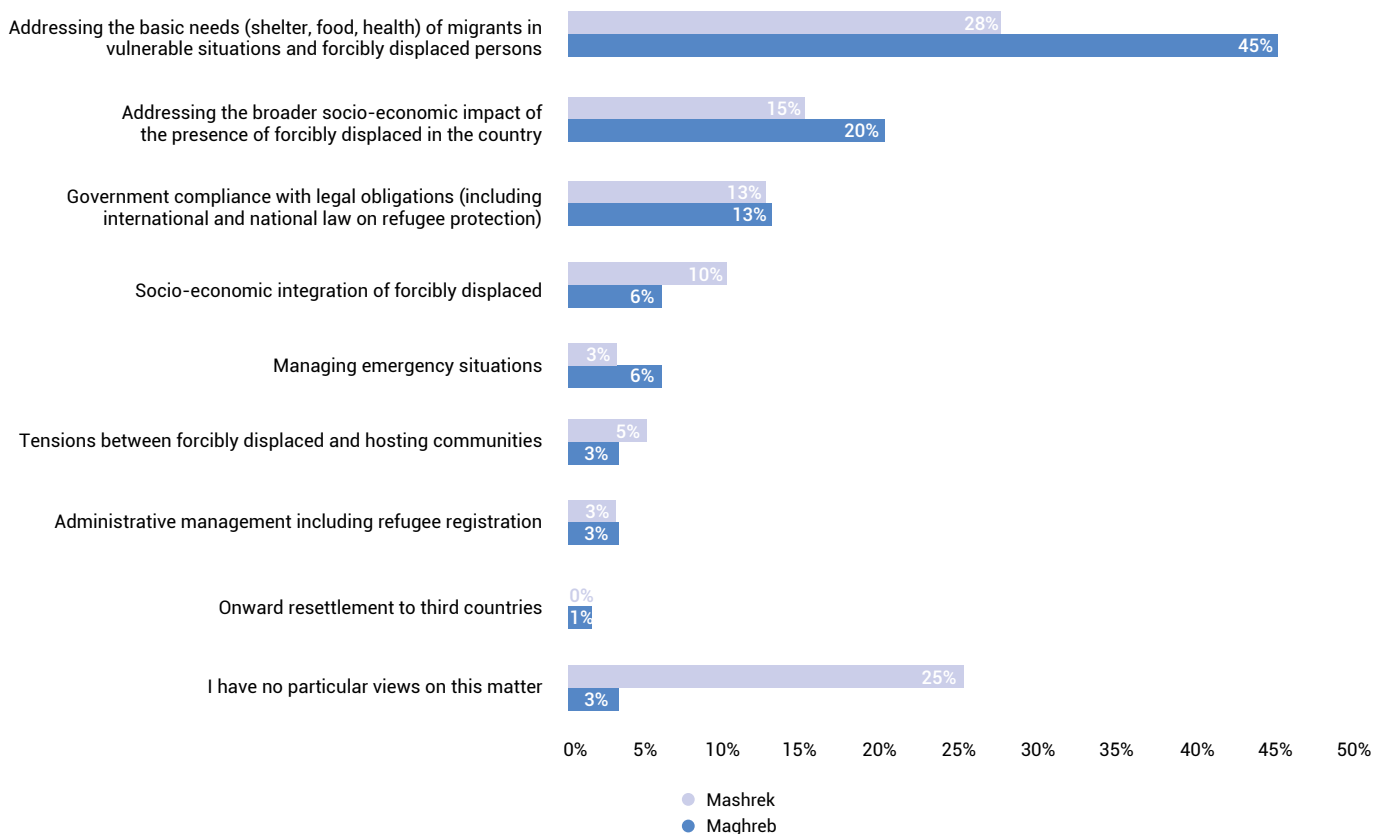
An early example for this new cross-cutting approach are the "compacts" that were offered to Jordan and Lebanon in 2016 in which the EU offers trade facilitation (mainly a relaxation of rules of origin for exports) in exchange for these countries' investment in the hosting of refugees including their integration into local labor markets. These compacts were flanked by ambitious funding instruments such as the EU Regional Trust Fund in Response to the Syrian Crisis (Madad Fund) for Jordan and Lebanon.

For the Maghreb and other African countries the EU Emergency Trust Fund for Africa (EUTF) was launched, and European Civil protection and humanitarian aid was stepped up (see table 1 and Lavenex and Fakhoury 2021).

The EMM5-EuroMeSCO survey highlights how serious the challenge of refugee policy has become in the Southern Mediterranean countries, and in particular in the Mashreq countries of Jordan and Lebanon. When asked about the main challenge their country is encountering while dealing with migrants in vulnerable situations and forcibly displaced (Q3), 45% of Mashreq respondents indicate “addressing the basic needs (shelter, food, health)”, compared to 28% Maghreb respondents.

GRAPH 4

Q.3 What is the main challenge that your country encounters while dealing with migrants in vulnerable situations and forcibly displaced persons?



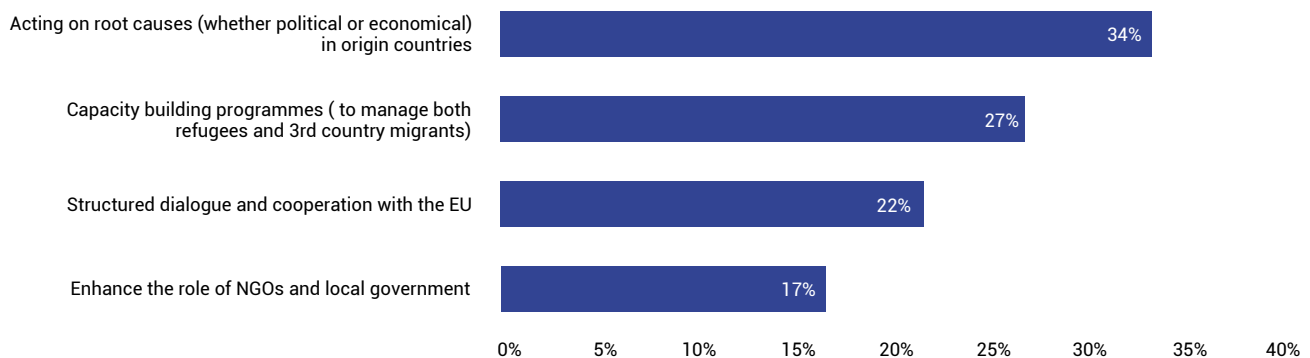
Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

This is the first priority for all experts surveyed, followed by the need to address the broader socio-economic impact the presence of these persons have on their country. Unlike the EU's emphasis on access to local labour markets, the longer-term socio-economic integration of these persons is not perceived as a priority (only 10% resp. 6% of respondents). This reflects the fact that most Southern Mediterranean countries perceive the hosting of refugees as a temporary and primarily humanitarian issue and not as a long-term commitment (Fakhoury 2021). Meanwhile, the responses to the question "What do you expect from the EU to do or to do differently in order to help your country deal with forced displacement and assist those in need?" (Q7) underscore how much migration experts in the Southern Mediterranean countries share the concerns of a destination country.

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GRAPH 5

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Source: Compiled by the IEMed based on the results of the EMM5-EuroMeScO Euromed Survey

The need for acting on the political and economic root causes in countries of origin is the first priority mentioned by over a third of respondents (34%). This concern is all the more important as most respondents indicate that they expect the causes of forced migration to intensify further in the future - both in their own country and elsewhere (Q8 and Q9).

The need for balance

Whether they like it or not, the Southern Mediterranean countries are today part and parcel of the EU's expanding regime of migration control. In the thirty years of the EU's evolving external migration policy, they have shifted from being primarily countries

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of emigration to being countries of transit and now being countries of destination themselves. Throughout this process, the Maghreb and Mashreq countries have not only been targets of EU action – developments in these countries have had an impact on all major reforms of the EU’s external migration policy (see also Okyay et al. 2020). As the responses to the EMM5-EuroMeSCO survey show, migration experts from these countries share many of the concerns we know from EU member states. With its invigorated focus on curbing unsolicited immigration and externalising refugee protection, the EU is not without influence on these developments. Questions on what the EU could or should do in these countries to help them face their new immigration reality can therefore not be separated from the question of what the EU could or should do internally to contribute to a more humane and sustainable migration policy.

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