

The European Commission's Mission to Reform EU Migration Policy: Will Member States Play Ball?

by Asli Selin Okyay and Luca Barana

Europe's institutional landscape and political context have evolved considerably over the past year, with implications spanning numerous policy domains, including migration. The formation of the new European Commission, its commitment to deliver a New Pact on Migration and Asylum and the negotiations for the next Multi-Annual Financial Framework (MFF) have set the stage for much needed reforms in the migration field, a policy area still largely driven by the emergency mindset inherited from the 2015–16 "crisis".

Such ambitious reform objectives have recently been reiterated by Ursula von der Leyen in her first State of the Union speech,¹ during which she invited member states to step up their cooperation on migration, at the same

time promising a more incisive role for her Commission in spearheading new policy proposals.

A few days earlier, the tragic events on the Greek island of Lesbos once again highlighted the urgency to find an alternative to the "crisis mode" in which EU's migration policies have operated in recent years.

The envisioned New Pact on Migration and Asylum,² due to be published on 23 September 2020 and again highlighted in von der Leyen's speech, aims to promote a more comprehensive and joined-up approach to migration and asylum across the EU's internal and external dimensions. While it is clear that this ambition requires enhanced and effective synergies across different components of the EU's foreign policy

¹ Ursula von der Leyen, *State of the Union Address [...] at the European Parliament Plenary*, 16 September 2020, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_1655.

² European Commission, *Commission Work Programme 2020. A Union That Strives for More* (COM/2020/37), 29 January 2020, p. 8, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0037>.

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agenda (e.g., development, security and peace, migration, trade, investment and international finance), how this cross-dimensional ambition will be implemented remains to be seen.

The Commission President has promised to reinforce the EU's external borders, reform the Common European Asylum System (CEAS), restore free movement within the Schengen area and consolidate migration within the EU's foreign policy agenda alongside other cooperation areas.³ As for the latter, a stronger emphasis was placed on ensuring that partnerships with countries of origin and transit are better geared to respond to the needs and priorities of both sides.

Since the beginning of its tenure, the new Commission has encourage synergies when it comes to the interplay between development cooperation and migration, as explicitly recalled in the political guidelines for the newly instituted Commissioner for International Partnerships.⁴ The question nonetheless remains as to whether comprehensive partnerships would mainly focus on migration-related goals, or if migration could be effectively built into a multi-dimensional cooperation agenda in a

more balanced manner.

The beginning of the year saw some progress on these ambitious plans, with certain initiatives included in the Commission's declared intent for a comprehensive and renewed Strategy with Africa.⁵ At the same time, rapidly shifting dynamics on several fronts in the EU's neighbourhood (e.g., Libya, Syria, Turkey) made it clear that migration and other foreign policy issues are inextricably linked. This suggests that consolidating migration in the EU's foreign policy is easier said than done, and that the "migration dimension of external action" needs as much attention as the "external dimension of migration policy".

Renewed efforts to make progress on a political solution in Libya, for instance, seem to have produced rather limited results, with the ongoing crisis representing a major foreign policy and security challenge for the EU but also impacting its migration policy. EU action to enforce the UN arms embargo on Libya ended up being limited to the replacement of Operation Sophia with Operation Irini, which also pursues the objectives of training the Libyan Coast Guard and the fight against migrant smuggling and human trafficking.⁶

³ Ursula von der Leyen, *A Union That Strives for More. My Agenda for Europe. Political Guidelines for the Next European Commission 2019-2024*, 16 July 2019, p. 15-16, https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf.

⁴ Ursula von der Leyen, *Mission Letter to Jutta Urpilainen*, 1 December 2019, p. 4-5, https://ec.europa.eu/commission/commissioners/sites/comm-cwt2019/files/commissioner_mission_letters/mission-letter-urpilainen-2019-2024_en.pdf.

⁵ European Commission, *Towards a Comprehensive Strategy with Africa* (JOIN/2020/4), 9 March 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020JC0004>.

⁶ Federico Alagna, "From Sophia to Irini: EU Mediterranean Policies and the Urgency of 'Doing Something'", in *IAI Commentaries*, No. 20|32 (May 2020), <https://www.iai.it/en/node/11594>.

This has – once again – raised the question of whether and to what extent the prioritisation of short-term migration goals actually limits or reinforces the EU's leverage in the Libyan scenario and its capacity to tilt the process towards a political solution.

While the Idlib escalation in early 2020 served as a reminder that Syria is a foreign policy challenge *per se*, the increasing number of internally displaced persons (IDPs) at the Syrian–Turkish border also caused deep concern in Europe. The standoff at the Greek–Turkish border and rising EU–Turkey tensions at the end of February demonstrated that Europe's mixed migration governance regime continues to be exposed to exogenous shocks.

It also underscored how this exposure encourages third countries to capitalise on migration pressure to seek concessions from the EU. Tensions with Turkey translated into chaotic scenes at the border, leading to human costs for migrants and refugees and further reputational costs for the EU.

Overall, the events acted as a reminder of the wider implications of the EU's overreliance on external actors, while revealing the limitations of a cooperation agenda primarily oriented towards migration control.

These developments took a backseat when the COVID-19 pandemic radically altered the world as we knew it, requiring an unparalleled recovery plan at home.⁷ However, the global nature of

the pandemic also makes the need for international cooperation clear.

Indeed the risks of not sufficiently addressing the health-related, social and economic consequences of the pandemic in fragile contexts surrounding Europe could be very high, calling for a comprehensive external risk mitigation and recovery strategy. The Global EU Response to COVID-19, with its emphasis on international solidarity and multilateral solutions, its comprehensive geographic scope and its focus on the most vulnerable,⁸ was a first step in such a direction, despite the fact that it largely relies on a repurposing of existing financial resources.

The new scenario has repercussions in the migration sphere, too. Border closures and lockdowns have already had ramifications for access to protection as well as labour mobility and remittances – with adverse effects carrying over to development and economic growth. Beyond deepening humanitarian and social protection needs, such trends may also lead to further migration and displacement, including in the EU's immediate and wider neighbourhood.

The EU's next migration agenda therefore not only needs to be adapted to the social, economic and political reality of the pandemic, but also to its

⁷ Nicoletta Pirozzi, "The European Council and

Europe's Magic Lantern", in *IAI Commentaries*, No. 20|54 (July 2020), <https://www.iai.it/en/node/11929>.

⁸ European Commission, *Communication on the Global EU Response to COVID-19* (JOIN/2020/11), 8 April 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020JC0011>.

long-term implications for human mobility and its governance. At the same time, the EU's external recovery response needs to be inclusive to migrants, refugees and IDPs, while accounting for the impact of the pandemic on protection needs, as well as migration and displacement dynamics – and their governance.

The need to adapt to the multi-dimensional and intertwined effects of the global pandemic could represent an opportunity to consolidate comprehensive and balanced partnerships with third countries.

Even if the recent agreement on the MFF could dent the EU's geopolitical ambitions by directing resources towards internal recovery, more balanced relations with external partners across sectors of common interest should remain the lodestar for the EU's foreign policy. This rings especially true when the long-term implications of the pandemic and the growing pressure on the multilateral system require the EU to play an assertive role.

When announcing the New Pact, the Commission promised "a fresh start" on migration, seeking to deliver "a more resilient, humane and effective migration and asylum system".⁹

It is clear that cooperation with third countries will remain a focal point of the Pact. One of the issues constraining

the EU in this domain, however, revolves around the admission-related aspects of migration governance. Limited resettlement and humanitarian admission schemes on the side of the EU continue to feed the perception by refugee-hosting countries that cooperation is not based on a fair sharing of responsibilities. Member state reluctance to enhance legal migration and mobility channels simply demonstrates the gap between EU rhetoric and action, reinforcing such perceptions.

Skill partnerships, educational visas, family reunification, resettlement, integration and cohesion, as well as maximising the developmental benefits of remittances should all be part of the toolbox alongside effective and humane border management.

A similar change in the EU's approach could also be facilitated by the post-pandemic context, which has highlighted both the contribution of foreign labour in European countries and the true developmental value of migration for contexts of origin.

Internal political constraints continue to challenge efforts to reform the migration policy agenda so as to go beyond the securitised approach. This, for example, is demonstrated by the political debate in Italy, especially after the recent surge in irregular arrivals since May.¹⁰ It therefore

⁹ European Commission, *New Pact on Migration and Asylum – Roadmap*, feedback period closed on 27 August 2020, <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12544>.

¹⁰ "Immigrazione, dall'Italia alla Tunisia 11 milioni per rafforzare il controllo delle frontiere", in *La Repubblica*, 18 August 2020, https://www.repubblica.it/cronaca/2020/08/17/news/immigrazione_lamorgese_e_di_maiore_in_tunisia_con_loro_anche_lue-264809620.



seems unrealistic to expect progress across all these dimensions, given the continuation of deep political sensitivities on migration issues in many member states and the need for unanimous agreement among these for actual reforms to take place.

Yet, the COVID-19 crisis is also underscoring the need for multilateral solutions, providing an opportunity to reframe migration also as a socioeconomic phenomenon.

The European Commission, across its various directorates and institutions that are in charge of different dimensions of the migration-foreign policy nexus, should use this opportunity to make migration part of a comprehensive partnership framework. The aim should also be that of striking a better balance in the internal dimension of migration and asylum policy, without which the EU's commitment to improve relations with its partners would remain largely void.

After almost a year on the job, a period marred by surging crises across Europe's periphery and shaken by the pandemic, the Commission is now attempting to bridge the solidarity gap among member states. It is also seeking to address the complex interplay between Europe's external migration policy and the broader relationships with partners in the neighbourhood and beyond.

The ball will now return to the member states and the European Council, as it is them who will need to compromise on the basis of the Commission's proposals, working together to craft a

new EU migration policy. When seen in this light, and while some upstream progress has indeed been made, the toughest part of the job has yet to begin.

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