BEYOND THE MIGRATION AND ASYLUM CRISIS:
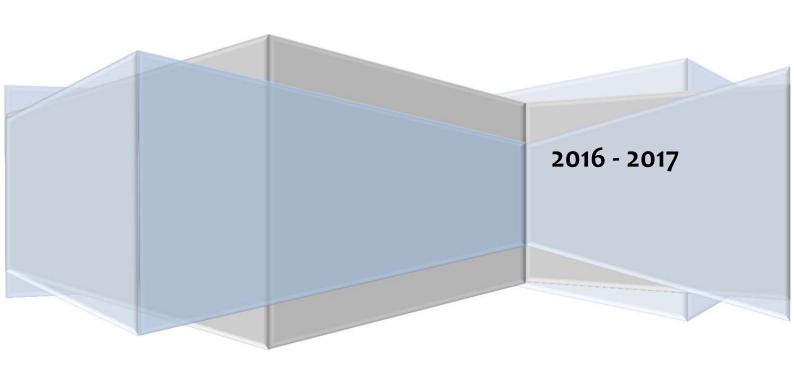# Why, what now, what next

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Beyond the European Migration and Asylum Crisis
Why, what now, what next?

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Executive summary

While for years now Syria's neighboring countries (Jordan, Lebanon and Turkey) have been hosting the vast majority of the war-torn country's refugees (currently more than 4.4 million), a mixed inflow of 1.3 million migrants and refugees that began only in 2015 has been enough to plunge the European Union into a deep political crisis. A crisis that is often defined as "existential" due to a widespread perception of its potentially fatal impact on the EU as we have known it so far.

This crisis is not accidental nor transient. It is instead deeply rooted in a supranational system of migration governance which, however incomplete and structurally unbalanced, has proven overall to be effective for more than two decades (roughly from 1990-2015). In **Section 1**, this paper provides a broad reconstruction of the deep regulatory and political roots of the current situation. In particular it shows how the system of governance hinged upon the closely interlinked and complementary Schengen and Dublin Conventions, both signed in June 1990, was conditional upon a specific geopolitical and economic context. But in the last few years, that enabling international environment has radically and irreversibly been altered by the combined effect of the euro crisis and the post-2011 wave of instability in the Middle East and North Africa.

The EU's response to the European Migration and Asylum Crisis (EMAC) has been complex and, in some respects, innovative. It consists, as described in **Section 2**, of a wide array of measures, articulated over four geopolitical layers: i) internally, the key policy has consisted in the repeated, but still largely ineffective attempts at a more balanced internal distribution of asylum seekers. Externally, besides a ii) significant upgrade in the cooperation for the management of mixed flows at common external borders, a crucial role was more recently taken by iii) reinforced cooperation with key receiving and transit countries in the EU's neighbourhood (primarily Turkey). At an even more external level, the European institutions are envisaging iv) a strengthening of external tools aimed at reducing forced migrations by tackling their "root causes".

With the notable, but controversial and precarious exception of the EU-Turkey deal, however, this complex strategy has delivered scarce results and in any case it certainly has not done enough to address the structural causes of the crisis. In **Section 3**, the paper identifies three main strategic limitations at the heart of the European policy response:

a) As far as attempts at better intra-EU "burden sharing" are concerned, it is argued that a *de facto* approach based on a top-down imposition of solidarity to reluctant member states is intrinsically undermined and potentially thwarted by the risk it generates of boosting the consensus to xenophobic and anti-EU movements.

b) With regard to the step-up of cooperation (that has been decisive thus far) with countries of first arrival and/or of transit, the paper warns against replicating past errors (for instance in the relations with pre-2011 Libya). Although some trade-offs at this level are unavoidable and a certain

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amount of smart Realpolitik is certainly needed, relying too heavily on the "externalisation" of migration management and protection functions to neighbouring countries has potentially very dangerous side effects, amongst which a systematic over-exposure to "political blackmailing" and a dramatic loss of international moral and political credibility. The latter, in particular, is a serious risk when cooperation with transit states is reduced to merely repressive outsourcing, not accompanied by the capacity to guarantee sufficient minimum standards in the protection of migrants' fundamental rights.

c) As for the most external geopolitical layer of the EU's response, namely the cooperation with sending countries and the common engagement against the "root causes" of forced migration, the paper highlights a persistently huge gap between such a terribly ambitious goal and the EU's current institutional and political reality. Besides pointing to some fundamental conceptual and political ambiguities (for instance, the accepted margins of legal mobility as a necessary ingredient of sustainable economic and human development), the paper argues that seriously addressing the primary causes of conflict- and poverty-driven migrations from the Middle East and Africa inevitably requires a radical metamorphosis of the EU, from an essentially introverted to a much more outward-projected political construction.

The paper ends by arguing that surmounting the three structural hurdles mentioned above is not just an extremely complex and long-lasting *technical* endeavour. The core of the challenge is deeply and intrinsically *political*, as it requires generating ample and steady consensus around some deep societal and cultural changes.

Internally, consensus needs to be developed on the *acceptability* and even, in a long-term perspective, the *desirability* of demographic injections through regulated immigration (of both humanitarian and economic nature), especially in countries weakened by shrinking working age populations, which is the case in much of Europe

But a shift in internal attitudes towards migration, however necessary, is not enough. There are few doubts that future migratory pressure from the Middle East and Africa cannot be entirely absorbed by Europe. Fully open borders are not an option. But indiscriminately closed borders are not an option either if the EU wants to hold true to its most fundamental principles and values. Consensus thus needs to also be built around the necessity to reduce migratory pressure by investing much more substantially in the stability and prosperity of the EU's wider neighbourhood.

All of this calls for a long-term public investment strategy of unprecedented scale, articulated over three distinct geopolitical levels and simultaneously aimed at: a) supporting the social and economic inclusion of both newcomers and receiving communities in the EU with a view to reward the propensity to integrate within both groups; b) supporting the development of inclusive and transparent reception and integration systems for asylum seekers and forced migrants in countries of first arrival in the EU's neighbourhood; c) promoting sustainable and job-intensive development in the vast potential emigration basin stretching from the Middle East to the Horn of Africa and the Sahel.

The latter goal is widely proclaimed, but it should be pursued without ambiguity and in the awareness that development can hardly take place without robust doses of mobility (not just of

goods and capital, but also of people). Development cooperation and foreign direct investment cannot be reduced to mere tools of migration control without ultimately reinforcing push factors of forced outflows.

How can such a demanding and costly strategy be implemented in a political environment polluted by an inflation of deceptively simple and quick "solutions" to hugely complex issues? Given the necessarily processual nature of the response, timing and balancing among its different components is absolutely essential. Given the diversity of the conditions, interests and perspectives of the relevant players and stakeholders, every single move should be designed (and thus made politically sustainable) by carefully considering who gains and who suffers from it, without ever losing sight of long-term perspectives and scenarios. While short-termism is a clear risk in the EU's response to the EMAC, neglecting the short term and focusing too rigidly on long-term goals would be an equally dangerous error.

Only time will tell if this is feasible within the EU's current institutional structure (or if, for instance, more internal differentiation will be needed). In the meantime there is no responsible alternative to trying.

1. Putting the European migration and asylum crisis[2] in context

1.1 Schengen-Dublin (1985-1990): The regulatory roots of the current crisis

The roots of the EMAC, as it started being defined in 2015, run deep into a past in which Europe was still split by the Iron Curtain and the European Union as such still did not exist.

The second half of the 1980s was a period of profound (although at the time not very salient, in political terms) transformations in the governance of what were traditionally labelled as "home affairs". In 1985, in the small village of Schengen, Luxembourg, five of the six original members of the European Community (Belgium, France, Germany, Luxembourg and the Netherlands; only Italy was not included) signed a treaty that can retrospectively be considered as the foundation stone of the European migration regime.

As with other key steps in the European integration process, the original rationale was essentially economic: getting rid of lengthy and systematic controls on goods and persons at internal borders was expected to give a boost (as, in fact, it did) to international trade within the common area. But in order to compensate for such internal liberalization, some security-driven complementary measures were adopted, aimed at harmonizing the standards of border controls towards the outside.

This simple but highly innovative design (free movement inside + common external borders) was perfected with the Schengen Convention of June 19, 1990. This was a much more complex text than the original treaty, covering a wide range of issues stretching from police and judicial cooperation to the sharing of security data, and - crucially for the purposes of this paper - to the responsibility for processing asylum claims. The latter was also the specific object of another, closely connected

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[2] Terminological note: Unless stated otherwise, the expression "European Migration and Asylum Crisis" (EMAC) is used to refer to the political crisis in the EU (along multiple cleavages: among member states, between them and EU institutions, as well as among EU institutions themselves) triggered in 2015 by an unprecedented rise in "mixed inflows" (i.e. those unplanned and irregular collective migratory movements in which individuals formally entitled to international protection share the same entry channels with others who fall into the legal category of "irregular economic migration"). Therefore, the phrase "European Migration and Asylum Crisis" does not refer *directly* to the growth in unplanned arrivals and asylum applications, but only to its political impact.

A second terminological caveat is needed: given the extremely controversial nature of the terminology used to label different categories of migrants, unless stated differently, the term "migrant" is used in a broad and neutral way, without implying any *a priori* judgement on the deservingness of any kind of legal protection. This is in line with the policy on this crucial point announced for instance by the BBC which "…*uses the term migrant to refer to all people on the move who have yet to complete the legal process of claiming asylum. This group includes people fleeing war-torn countries such as Syria, who are likely to be granted refugee status, as well as people who are seeking jobs and better lives, who governments are likely to rule are economic migrants*" (http://www.bbc.com/news/world-europe-36038217). It should be added, however, that the dominant legal and political discourse is still based on a fundamental conceptual and terminological dualism, which juxtaposes "spontaneous" economic migrants, whom states can legitimately refuse to admit, and "forced" migrants seeking protection, or refugees, towards whom states have an internationally recognised obligation of non-refoulement and protection.

international treaty which had been signed in Dublin, only four days before (June 15, 1990), by a slightly larger circle of European states.

The Dublin Convention and the asylum-related provisions of the Schengen Convention originated as a cooperative and – as will be further described – essentially defensive response to the growing number of asylum-seekers in Europe and to the phenomenon of "asylum-shopping" (i.e. repeated asylum claims filed in different states with the aim to increase the probability of a positive outcome).

Both texts share a core principle implying a structural asymmetry that, after having long been neglected, has recently become a source of major political tension among European states. Namely, according to what is now frequently referred to as the "Dublin principle", when a non-EU migrant claims asylum after having irregularly crossed the common external border of the signatory states, there is only one state that is legally responsible for processing such claim, that being the first state of entry. In the case of recent inflows from North Africa and the Middle East, this rule amounts to concentrating the primary (legal, operational and financial) responsibility to protect on a handful of peripheral member states, primarily Greece and Italy.

1.2 Expansion and crisis of the Schengen-Dublin regime

Before analysing the recent (and, so far, largely unsuccessful) European attempts at rebalancing the fundamental asymmetry of the Dublin principle, it is worth stressing that the international regulatory regime hinged upon the Schengen and Dublin Conventions has long been relatively effective and uncontested. Politically, the system was long viewed as a major success, measured amongst other things by its quick expansion even beyond the EU's boundaries: a first wave of Schengen expansion reached southern Europe (Italy signed in November 1990, Spain and Portugal in June 1991, Greece in November 1992); Austria joined in April 1995, followed by Scandinavian countries (Denmark, Finland and Sweden all signed at the end of 1996; Iceland and Norway became associates at the same time). The next stages of expansion coincided, more than a decade later, with the two waves of EU Eastern enlargement (2004 and 2007). In 2008, agreements on Switzerland's and Liechtenstein's participation in the Schengen area were concluded.

In all these cases, sometime (from a few months to several years) always passed between the signature and the actual full implementation of all treaty provisions (in particular those concerning the suppression of border controls). The transition from formal to full-fledged membership of the club is regulated by specific technical criteria, but still requires a unanimous decision by pre-existing members. This leaves a margin of discretionary appreciation which explains why some countries (Bulgaria, Cyprus and Romania), in spite of being formal members for years now, still do not enjoy full implementation.

Schengen's success started being questioned in 2011, when the early (and limited) migratory side effects of the Arab Spring triggered the first tensions among member states. The French government's decision in April 2011 to temporarily reintroduce border controls with Italy (and even to briefly suspend cross-border train circulation) in order to stop a few thousand youth fleeing the chaotic Tunisian transition was an early warning about the hidden frailty of the "borderless zone".

But the warning was largely ignored and it took a much bigger surge in unplanned migration to bring the issue to the top of the European agenda. The trigger this time was the almost

simultaneous escalation of two civil wars in Europe's neighbourhood: in Syria since 2012 and in Libya since 2014. The combination of these two conflicts produced both a major growth in forced migration and the collapse of "externalised" migration controls that European states had long delegated to the authorities in Tripoli. The result was a rapid increase in both crossing attempts and migrant deaths, first in the Sicily Channel (between Tunisia/western Libya and southern Italy) and, since late 2014, between Turkey and the Greek islands in the Aegean.

The impact of this sudden growth in arrivals of forced migrants and asylum seekers has been extremely uneven in terms of affected EU member states: while Italy and Greece have been by far the main countries of entry (and therefore responsible for processing asylum claims and granting protection, to the extent that the Dublin rules are actually applied), Germany, followed by Sweden and Austria have increasingly stood out as the preferred destinations. As for the countries along the so-called "Balkan route" (Macedonia, Serbia, Croatia and Hungary), they have been crossed by massive transit flows, but with negligible rates of permanence.

Such unbalanced distribution of arrivals, transits and especially asylum applications has been the real detonator of the EMAC in political terms. Consequently, as we will see in greater detail below, one of the main drivers of the policy response at the European level has been a series of (until now highly ineffective) attempts at redistributing protection responsibilities in a more balanced way among member states.

A redistribution of this sort would represent a (more or less extensive) derogation of the Dublin principle illustrated above, in the name of the *de facto* conflicting (but until now largely ineffective) "solidarity principle" according to which:

"The policies of the Union set out in this Chapter [*among which are asylum policies*] and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States" (Article 80 of the Treaty on the Functioning of the European Union - TFEU).

1.3 "Burden sharing": The negative framing of migration and the political roots of the current crisis

In EU policy jargon and in the expert literature, the issue of the distribution of protection responsibilities among member states is usually dubbed as "burden sharing".

The term started being used in this sense at the beginning of the 1990s, in the context of another perceived "refugee crisis". The number of asylum seekers had started growing in Europe already during the 1980s, but the peak (for that era) was reached in 1992, when the war in the former Yugoslavia produced a large outflow, mainly from Bosnia-Herzegovina. In that case too, Germany was by far the preferred destination, receiving 438,191 applications out of 674,056 for all of the EU15 (Source: Eurostat).

It was in that context that the concept of burden sharing (*Lastenverteilung* in German) started to be used. This is evidently very far from being a neutral term. It very strongly bears the idea that refugees are, and cannot be anything but a liability, rather than a resource, for both the state and the community of destination.

The widespread use of this derogatory expression is worth stressing as it reveals a deeper cultural and political trend that needs to be brought into focus in order to understand the political roots of the EMAC. It is the broad tendency by which international migration has gradually come to be

predominantly perceived by European public opinion as a problematic, if not threatening phenomenon and to be presented as such in public discourse in most member states.

This predominantly negative framing of migration in the EU – an overall distinctive feature, especially in comparison with other rich democracies (typically, at least until recently, those created by European emigrants, at the expense of pre-existing natives: Australia, Canada, USA) - is the outcome of a long and complex historical process that cannot be reconstructed here. It will be useful, however, to recall a few decisive developments.

International labour migration was a crucial factor in Europe's post-World War II reconstruction and in the subsequent long period of sustained and inclusive growth. For three decades, industrial development was made possible by massive worker mobility, both intra-continental (mainly from the South and the East of the European continent towards its western core) and inter-continental (mainly from former African and Asian colonies, plus a few other sending countries, such as Turkey).

European migration policies and attitudes towards international migration changed abruptly in the first half of the 1970s. Like in the current crisis, geopolitical tensions in the Middle East played a crucial role in that time period. Between 1973 and 1974, under the pressure of the economic downturn triggered by an oil embargo implemented by Arab producers in the context of the Yom Kippur Arab-Israeli war, all main European immigration countries adopted a ban on new low-skilled labour immigration from outside what was then the European Economic Community.

The stop to international recruitment did not produce, however, a general halt in immigration. On the contrary, growing restrictions to labour migration boosted other types of inflows (family migration, asylum seekers, visa overstayers, etc.). This produced a gradual but radical shift in public attitudes, with the growing perception that international migration was less and less under the control of political authorities, either because it was driven by entitlements or because it was undocumented and unauthorized.

In this context, immigration became an increasingly politicized issue and anti-immigrant movements, soon organized into parties, started to emerge in several European political systems. These new forms of political mobilization were usually based on various combinations of three main types of anti-immigration arguments: a) economic ones (e.g. alleged detrimental competition with natives in the labour market and/or in the access to the welfare system); b) social and cultural arguments (e.g. alleged negative impact on social cohesion and cultural values; c) security arguments (e.g. alleged increase in petty and/or organized crime and, already back in the 1970s and 1980s, risks of terrorism).

Security arguments, in particular, became more prominent in the 1990s, when the collapse of the Socialist bloc led to a (temporary) mitigation in the perception of "traditional" hard security threats and a more acute sense that "new security threats" (such as transnational organized crime, terrorism, "illegal immigration") were looming. Even though these different phenomena had little in common, besides stemming from non-state transnational actors, they were often lumped together in political discourse and policy responses.

This was notably the case with the "third pillar" of the European Union created by the 1992 Maastricht Treaty. This was a new institutional environment for cooperation in the field of "justice and home affairs" (JHA) covering topics as diverse as police and judicial cooperation against transnational crime and terrorism, international fraud, drug addiction, external borders, migration (both legal and unauthorized) and asylum policy.

Such undifferentiated framing and institutional bundling contributed to a growing "securitization" of migration in both conceptual and normative terms. The actual frames, narratives and dominant imageries underpinning the securitization process have been changing significantly depending on contingencies (e.g. recession periods, waves of "moral panic", etc.) and on local/national specificities. But, the spiral of securitization has generally gained ground throughout Europe, although in different forms and with varying intensity, thereby generating easy-to-use and powerful arguments for populist politicians and weakening mainstream political forces.

1.4 Competing narratives: The role of demographic and economic arguments

Domestic political arenas have been the primary and decisive environment for the development of security-based political discourse on immigration in Europe. However, as illustrated by the predominantly security-oriented treatment of migration issues in the context of the Schengen and Maastricht Treaties, European cooperation has also been an important driver in the securitization of the issue.

It is important to stress, though, that the European institutions have also played a significant, albeit altogether less effective, role in balancing such a negative trend by promoting more positive perceptions of and approaches to migration. This became apparent in the final years of the last century when, with centre-left majorities in power in almost all member state capitals, the European Union was entrusted by member states with the task to promote a more positive view of legal migration and to develop common policies in this area, as well as to promote liberal policy-making in the field of immigrant integration and non-discrimination. The legal and institutional foundations for such a new and more comprehensive approach to migration were laid by the Amsterdam Treaty (signed on October 2, 1997).

A further important step was taken two years later, when the European Council – in its first *ad hoc* meeting ever specifically devoted to internal security and migration issues, held under the Finnish presidency in Tampere – adopted a very ambitious blueprint for the development of a common migration and asylum policy. Reading a few lines from that historical programmatic declaration is enough to measure the appalling discrepancy between its unprecedented level of ambition and its implementation means:

"The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. To that end, the Union as well as Member States are invited to contribute, within their respective competence under the Treaties, to a greater coherence of internal and external policies of the Union. Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development" (Tampere European Council, October 15-16, 1999, Presidency Conclusions, Point 11).

In the same years, a more positive official framing of migration at international and European levels was enhanced by the growing awareness of the rapidly expanding demographic gaps of developed counties. A specific but remarkable intellectual impulse to this paradigm shift came in

2001 from the publication of a provocative report from the United Nations' Population Division entitled "Replacement Migration. Is It a Solution to Declining and Ageing Populations?"

Starting from the early 2000s, the United Nations added its voice in rebalancing security-centred migration narratives with more positive social and economic assessments. In 2003, then Secretary General Kofi Annan established a Global Commission on International Migration (GCIM) that paved the way for the High-Level Dialogue on International Migration and Development of September 2006 and for the subsequent launch of the Global Forum on Migration and Development (GFMD).

While economic scholarship was, after a long period of neglect, rediscovering migration as a topic, the World Bank (WB) too contributed to the new cultural climate by releasing, as from the mid-2000s, a series of studies strongly advocating the developmental potential of migrant remittances. Rhetoric about international migration as a "win-win-win strategy" for both states of origin and destination, and for migrants themselves, was spreading, while new and appealing policy concepts such as "brain circulation" were gradually overtaking the older notion of "brain drain".

But positive economic accounts of international migration have remained essentially top-down and technocratic, without really succeeding in reaching and shaping public opinion at a wider and deeper level. Advocating the medium- and long-term benefits of migration has become even more difficult since the outburst of the economic crisis in 2007-2008. Even though migrant workers and families have generally suffered disproportionally from the crisis in comparison to natives, previous perceptions of their economic usefulness have eroded.

While the struggle between competing narratives of migration seems to become ever harsher, the EU and national authorities are called to increasingly difficult exercises of rhetorical and political mediation, as illustrated by this telling passage of the European Agenda on Migration adopted in May 2015:

"Europe needs to build up its own skills base and equip people for inclusion in today's labour market. […] but even with a determined effort over the medium and long term we are unlikely to be able to fully match the needs. The EU is also facing a series of long-term economic and demographic challenges. Its population is ageing, while its economy is increasingly dependent on highly-skilled jobs. Furthermore, without migration the EU's working age population will decline by 17.5 million in the next decade. Migration will increasingly be an important way to enhance the sustainability of our welfare system and to ensure sustainable growth of the EU economy. This is why, even if the case for legal migration will always be difficult at a time of high unemployment and social change, it is important to have in place a clear and rigorous common system, which reflects the EU interest, including by maintaining Europe as an attractive destination for migrants" (COM(2015) 240 final, May 13, 2015, p. 14).

2. Key drivers of the policy responses to the EMAC

2.1 The constant tension between national and European policy responses

There is no evident and fundamental disagreement amongst European experts and decision-makers about the causes of the EU's political crisis over mixed migration, as summarised in the previous section. Most EU leaders would probably even agree, at least in private, on the sensitive statement that an excessively negative and undifferentiated framing of migration has contributed to Europe's current political vulnerability and lack of cohesion. But, if some consensus exists at the level of diagnoses, it certainly does not persist at the level of responses, where disagreement is still deep and entrenched, affecting decision-making methods as well as substantive responses.

The awareness that the old migration regime hinged upon the joint operation of the Schengen and Dublin "twin conventions" is not viable any more is unchallenged since at least October 7, 2015, when it was solemnly proclaimed in a joint speech by Angela Merkel and François Hollande before the European Parliament that "[t]he Dublin process, in its current form, is obsolete." But, in the same period, Europe's strategic disarray was made evident by the EU heads of state and government declaring that "we have all to uphold, apply and implement our existing rules, *including the Dublin regulation* and the Schengen *acquis*" (Informal European Council of September 23, 2015, Presidency conclusions, emphasis added).

In this situation of strategic confusion, European decision-making procedures have found themselves under heavy and growing pressure, threatened as they were by frequent unilateral accelerations, wavering compliance with common rules and binding decisions - more or less blatant free-rider behaviours.

The first unilateral suspension of common rules was actually a powerful and positive move. It consisted in a spectacular act of solidarity undertaken by the German government on August 21, 2015, when the German Federal Office for Migration and Refugees (German acronym: BAMF) announced its decision to discontinue the application of the Dublin regulation for Syrian asylum seekers, and thus to suspend their expulsions towards EU countries of entry.

It should be added, though, that the implementation of the Dublin readmission rules was already incomplete, uneven and highly problematic. In fact, in previous years, both the national courts of some key destination member states and European courts (both the EU's Court of Justice and the European Court of Human Rights adopted landmark decisions in 2011) had ruled that asylum seekers could not be expulsed back to key member states of first entry (most notably Greece, but - on a case-by-case basis - also Italy, Hungary, Bulgaria and Malta) because their reception systems were deemed utterly inadequate. Besides, even when the Dublin rules were formally applicable, their practical implementation was often hampered by bureaucratic difficulties and an alleged lack of collaboration by first-entry states. In particular, Italy and Greece had long attracted criticism from Germany and other destination states for their poor levels of compliance with the norms on biometrical identification (i.e. fingerprinting) and registration of asylum seekers in the EU-wide Eurodac database, which is a necessary precondition for subsequent readmission in all cases of unauthorised intra-EU secondary migration.

Berlin's radical U-turn on the Dublin rules triggered a sudden and steep rise in asylum applications. This in turn caused harsh political backlashes (especially some regional governments, i.a. Bavaria, the *Land* at the border with Austria where the refugee inflow had been particularly

massive) that induced the federal authorities to adopt emergency counter measures. Thus, on September 13, 2015, Germany temporarily suspended Schengen provisions by reintroducing systematic controls at its borders with Austria. In the following weeks, this unexpected German move unleashed a chain reaction, pushing seven other member states (Belgium, Denmark, Hungary, Austria, Slovenia, Sweden and Norway) to adopt and repeatedly prolong similar decisions by invoking urgent reasons of "public policy or internal security" (as foreseen by Article 25 of the Schengen Borders Code).

While it is clear (and seldom explicitly disputed) that the ongoing EMAC is caused by intrinsically transnational developments and cannot be addressed in any fundamental way but through coordinated measures, the last few years have been marked by constant tension and competition between arduous attempts at supranational responses and unilateral initiatives. As we have briefly described, in a few important circumstances, unilateral moves by individual member states were of a proactive and positive nature (besides the already mentioned German policy shift of the summer of 2015, as well as the launch of Operation Mare Nostrum by Italy in October 2013: see Section 2.3 for more details). In most cases, however, unilateral short-term responses to the EMAC were of a repressive nature and essentially consisted in refusals to comply with solidarity and protection obligations, in the reinforcement (or reintroduction) of border controls and/or in restrictions to the entitlements of asylum seekers and refugees. Measures of this kind frequently had the effect (whether intended or unintended) of reorienting migration flows and other forms of "beggar-thy-neighbour" policy.

2.2 Implementing the solidarity principle through physical redistribution of asylum seekers and refugees: Relocation and resettlement

Refugees' choice to leave their country of origin is, by definition, not a voluntary one. As for the destination of their flight, it depends on the complex and dynamic interplay of various constraints (geographical, economic, political) and of individual (or collective) preferences. These preferences (and the migratory strategies they give origin to) are generally shaped by different types of "pull factors" associated with possible countries/localities of destination: existence of family or ethnic connections that may facilitate access and insertion; perception of economic opportunities and more generally of life conditions at destination, including cultural affinity, availability of welfare benefits etc. Due to the complex and evolving interactions of these macro-, meso- and micro-level factors, the distribution of asylum seekers is necessarily uneven and it may not correspond to political preferences of destination regions or states. Such a gap may in turn give rise to claims of inter-regional and international redistribution, or other forms of compensation.

As previously mentioned, (see Section 1.3) the expression "burden sharing" started being used in the asylum debate at the beginning of the 1990s, when some of the main European destination states, led by Germany, raised the issue of a fairer distribution of protection costs and responsibilities among EU members. There are many ways, however, to operate such rebalancing: one, perhaps the simplest within a supranational entity like the EU, is just to transfer financial resources from less to more affected countries: this is in fact what the EU has long been doing, although on a limited scale, by means of *ad hoc* funds (from 2000 to 2013, the European Refugee Fund – ERF; since 2014, the Asylum, Migration and Integration Fund – AMIF).

Another way to pursue a better sharing of the protection "burden" is through normative and policy interventions aimed at correcting the set of incentives and deterrents that shape the

refugees' migratory strategies. The EU has long been engaged in this sort of incentive-based rebalancing through its directives aimed at harmonising the national asylum systems of its member states, thereby reducing the deep disparities in the quality of protection that were (and still are largely) perceived as one of the main causes of international imbalances in refugee distribution.

Finally, there is a third possible approach to asylum burden sharing that consists in the physical redistribution of asylum seekers or refugees among countries. This form of burden sharing can take the form of direct *resettlement* from countries of first arrival upon flight (usually close to the origin country) or of subsequent *relocation* from a first country of asylum. Compared with financial compensation and policy harmonisation, physical redistribution is perhaps the most problematic, both for legal and social reasons (redistribution plans are often hard to reconcile with refugees' preferences and thus can seldom be entirely voluntary) and for political ones. In fact, in a context of predominantly negative framing of migration and of consequently high political sensitivity (see Section 1.3), prospective states of secondary destination are generally reluctant to accept refugee resettlement and relocation.

This is the reason compulsory physical redistribution has traditionally been deemed unviable in the EU context and even considered as a sort of political taboo. This already became evident during the negotiations of the pioneering (but never implemented) 2001 directive on temporary protection (2001/55/EC) which, while stating that "Member States shall receive persons who are eligible for temporary protection in a spirit of Community solidarity," specified that "[t]hey shall indicate – in figures or in general terms – their capacity to receive such persons" (Article 25).

The EU's traditional adversity towards coercive relocation has receded under the dramatic pressure generated by recent developments. The proposal to adopt a "temporary distribution scheme for persons in clear need of international protection," conceived as a "precursor of a lasting solution […] a permanent system for sharing the responsibility for large numbers of refugees and asylum seekers among Member States" was first advanced in May 2015 by the Commission in its European Agenda on Migration (COM(2015) 240 final). On that basis, after negotiations of unprecedented toughness, the Council adopted two coordinated decisions (binding, as such, for all member states except Denmark, the UK and Ireland, which had long ago opted out of "communitarisation" in this policy area) establishing a temporary and exceptional relocation mechanism for 160,000 asylum seekers from Greece and Italy to other EU countries. In breach of a consolidated decision-making practice in this field, the decision was not taken by consensus but by a qualified majority vote (QMV), with a vast majority of member states outvoting four eastern European countries (the Czech Republic, Slovakia, Hungary and Romania). A strong political opposition to mandatory quotas was reiterated in the following months, especially in the framework of the so-called Višegrad group (also known as V4, an informal grouping of Central and Eastern European countries), where Poland, following a political majority shift and a government change, also came to harshly express critical views.

Opposition did not limit itself to political criticism, but also took legal forms, with both Slovakia and Hungary filing actions for annulment to the EU Court of Justice (pending cases C-643/15 and C-647/15). The Hungarian government even attempted to secure plebiscitarian domestic support for its battle against the relocation scheme by calling a consultative referendum. The initiative stirred hot controversies, both for constitutional reasons and for the blatantly biased nature of the question: "Do you want the European Union to be entitled to prescribe the mandatory settlement of non-Hungarian citizens in Hungary without the consent of parliament?" Due to a low turnout (around 44%), the popular consultation finally held on October 2, 2016 yielded no valid result. The

fact that the overwhelming majority of voters (98%) were against EU relocation decisions, however, represented a strong political signal.

It is not surprising that the EU's relocation scheme, born in such a poisoned and fractious climate, is encountering huge difficulties in taking off. The sheer refusal to cooperate by openly opposed countries, accompanied by more indirect but equally damaging obstructionist tactics by others, make for a very disappointing outcome: according to the Commission's "Sixth report on relocation and resettlement" (COM(2016) 636 final), in spite of a mild acceleration in the latest period, as of September 27, 2016 only 5,651 Syrian, Eritrean and Iraqi asylum seekers had been relocated, most of which (4,455) from Greece and only 1,196 from Italy. Numbers are even more ludicrously low when it comes to especially vulnerable – but often also particularly challenging in terms of integration – categories, such as unaccompanied minors (only 75 relocated in the EU as a whole since the launch of the scheme).

The extreme reluctance of European states to express solidarity through material openness to forced migrants is confirmed by the disappointing results of the resettlement scheme adopted by the Justice and Home Affairs Council in July 2015: in spite of 22,504 admission pledges made by 20 member states, only 10,695 people have been resettled so far, mainly from Turkey, Jordan and Lebanon.

In spite of these evident and deep implementation difficulties, the EU is still giving high priority to "physical burden sharing" as a key ingredient of its comprehensive response to the EMAC. In fact, in its May 4, 2016 reform package, besides the upgrade of the European Asylum Support Office (EASO) into a proper European Union Agency for Asylum, the Commission also proposed a permanent reform of the Dublin III regulation. The new proposal is based on a corrective allocation mechanism (labelled "the fairness mechanism") that would automatically establish when a country is facing a disproportionate number of asylum applications with regard to its size and wealth. Beyond that threshold, all further applicants in that country would be relocated across the EU. States of secondary destination that are unwilling to accept relocated asylum seekers would be allowed to opt out, but only in exchange for a solidarity contribution of €250,000 for each refused applicant.

The insistence of the Commission on the relocation approach, however, is losing steam. A significant signal came from the informal EU summit held under the Slovak presidency on September 16, 2016 in Bratislava. On that occasion, the four countries of Višegrad group proposed a new approach labelled "flexible solidarity" whereby countries unwilling to admit asylum seekers could instead contribute to common migration policy efforts financially, and/or with equipment and manpower. Taking distance from the Commission's proposals, some key German politicians, including the European Parliament Chairman, SPD's Martin Schulz, expressed favour for this new and more flexible approach.

2.3 Reinforcing joint activities at common external borders, from Triton to NATO

The EU's policy response to the EMAC has been complex and multi-layered. The previous section has focused on what can be defined as the "internal dimension" of this articulated policy response, which has essentially been aimed at enhancing solidarity among member states and at reinforcing the Common European Asylum System. But the EU's response strategy also has an "external dimension", which has been gaining political salience and practical importance especially since the

beginning of 2016, in parallel with the growing awareness of the political difficulties in the promotion of a more systematic and effective internal burden-sharing.

The external dimension of the EU's political response to the EMAC has been articulated along three main geopolitical levels that will be analysed in this section, as well as in the following two.. These three levels correspond respectively to i) the management of common external borders and (in case of maritime borders) common activities in international waters off common borders; ii) relations and different forms of cooperation with non-EU *transit countries* (see Section 2.4); iii) relations and different forms of cooperation with non-EU *sending countries* (see Section 2.5).[3]

As briefly mentioned in Section 1, the key principles in terms of the respective roles and responsibilities of member states for the control and surveillance of common external borders were set in the Schengen agreement of 1985 and, in a more detailed way, in the Implementing Convention of 1990. Article 6 of that seminal text stated amongst other things that:

"1. Cross-border movement at external borders shall be subject to checks by the competent authorities. Checks shall be carried out for the Contracting Parties' territories, in accordance with uniform principles, within the scope of national powers and national law and taking account of the interests of all Contracting Parties.
[…]
4. The Contracting Parties undertake to deploy enough suitably qualified officers to carry out checks and surveillance along external borders.
5. An equal degree of control shall be exercised at external borders."

As already stressed, this regulatory approach was intrinsically unbalanced. Peripheral states, in particular, were invested with a full-fledged and potentially very demanding responsibility to control movements across land and sea borders ("air borders" – i.e. international airports - being less directly influenced by geography, their management costs are determined by different logics) in the common interest and according to common standards, but relying exclusively on their own means and resources.

On the occasion of the two waves of EU enlargement to the East (2004 and 2007), the "Schengen *acquis"* (i.e. the vast body of norms and standards generated in the field of borders, migration, asylum etc. since the signature of the Schengen Convention) was imposed integrally on the new member states. The responsibility for the management of the (by then much-extended) eastern land border of the EU thus shifted from Austria and Germany to a belt of former socialist countries with limited previous experience in the fields of migration control (except for the very different meaning that this notion had in socialist times).

It is only since the early 2000s that some measures have been taken to mitigate Schengen's structural unbalances. First came some tools of financial compensation for the disproportionate border control costs borne by peripheral states (i.e. temporary funding for prospective member states during the pre-accession phase, plus the more general External Borders Fund endowed with

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[3] It is worth specifying here that, in today's increasingly complex geography of international migration, in purely demographic and sociological terms, no country is exclusively a source, a transit corridor or a final destination. In an age of intense, although uneven and volatile, globalisation, of reduced travel costs, and of booming circulation of information, most countries are *simultaneously generating, channelling and receiving migration flows*. Therefore, the terms "origin/transit/destination country" are used according to the conventional meaning that these terms are usually given in the EU policy jargon, i.e. with reference to the prevalent "migratory function" of a given country from the point of view of current EU political perceptions and priorities.

1.82 billion euros for the period of 2007–2013). But a symbolically much more ambitious step was taken in October 2004 with the establishment by Council Regulation (EC)2007/2004 of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, better known by its less awkward name Frontex.

Besides information management, risk analysis and research, Frontex has the competence to launch and coordinate joint operations to address critical border situations. But these operations are carried out using national staff and equipment and are therefore constantly subject to member states' political will and practical availability. The lack of autonomous operational capacity confines Frontex to a merely auxiliary role, far below the level of real challenges. This gap has appeared ever more evidently since late 2013 when Libya's relapse into a situation of chaos caused a surge in attempts of irregular crossing of the Sicily Channel. The conditions imposed by smugglers became even more dangerous and inhumane, with an ensuing rise in accidents and deaths.

A major shipwreck off the Sicilian island of Lampedusa on October 3, 2013 (366 victims, at least 20 migrants missing) pushed the Italian government to react by launching a large-scale search-and-rescue operation called "Mare Nostrum". Meant by Italy as a unilateral assumption of responsibility aimed at gaining credibility and leverage to obtain more European solidarity, Mare Nostrum was a technical success but a political failure, at least in the short term. Domestic and international criticism alleging *de facto* magnet effects led to its discontinuation at the end of 2014.

Mare Nostrum was replaced with a smaller and operationally less ambitious multinational Frontex-led operation called Triton. Triton's shortcomings caused a sudden increase in migrant deaths that pushed EU authorities to a gradual and discreet upgrade of the operation itself and to the May 2015 launch of a distinct joint military anti-smuggling operation named Eunavfor-Med (later re-baptised "Sophia", from the name of a migrant baby born on one of its vessels).

In May 2016, the EU Council agreed to extend Sophia's mandate by one year and to entrust it with two additional tasks: i) "capacity building and training of, and information sharing with, the Libyan Coastguard and Navy" and ii) "contributing to […] implementation of the UN arms embargo on the High Seas off the coast of Libya on the basis of a new UN Security Council Resolution" (No. 2292, adopted on June 14, 2016).

The latest step in this process of multilateralisation of migration management in the Central Mediterranean was the launch on July 9, 2016 of NATO's "Operation Sea Guardian". Building on the precedent set in February 2016 with the start of NATO anti-smuggling activities in the Aegean Sea, Sea Guardian began with a relatively broad scope, including "the provision of a range of capabilities including Intelligence, Surveillance and Reconnaissance, and logistics support […] contribution to capacity building of the Libyan coastguard and navy" (NATO Press Release (2016) 100).

With persistently high levels of political instability and insecurity in Libya, even these policy developments - that critics have decried as a "militarisation" of a humanitarian crisis – have so far proven insufficient in curtailing irregular crossings and deaths along the Central Mediterranean route. While at the end of September 2016, arrivals in Italy were counted at around the same number as in the same period of 2015 (slightly above 132,000), the death toll grew significantly to 3,502 victims (of which 3,054 in the Central Mediterranean) up from 2,926 in the corresponding period of 2015.

This ongoing tragedy and the pressing political need to regain control over a critical stretch of the EU's external border lie behind one of the most significant policy decisions made since the

outburst of the EMAC, namely the establishment of a European Border and Coast Guard (EBCG). Ideas of an upgrade of Frontex had been floating around for years, but 2015 marked a clear acceleration: after Commission President Jean-Claude Juncker had singled out the establishment of an EBCG as one of the key political priorities of his mandate, on December 15, 2015 the EU's executive body put forward a legislative proposal. Considering the usual pace of decision-making in the EU, it was remarkable that in just a few months, and after some changes introduced by the Parliament, such a complex and controversial proposal obtained final approval by the Council on 14 September 2016 and could begin its activities on 6 October 2016.

The newly agreed EBCG is an umbrella organisation bringing together a reinforced Frontex - renamed European Border and Coast Guard Agency (EBCGA) – and the member states' border guard authorities. Besides strengthened regulatory and operational roles, the Agency will be entrusted with a new supervisory role, based on a procedure called "vulnerability assessment", which will also allow it to intervene when a member state is unable or unwilling to meet its border control responsibilities.

Following a harsh debate on the possibility to impose a supranational supervision to laggard member states, a compromise solution prevailed (as drafted in Article 19 of the Regulation): if a member state's inactivity is jeopardising the functioning of the Schengen border check-free area, on a proposal by the Commission, the Council may decide to intervene. If, however, the concerned member state still refuses, other EU countries may temporarily reintroduce border checks (which, as a possible final outcome, however, is not very different from what is already happening).

Although innovative, the EBCG "is overall not a revolutionary leap forwards, as" – in the words of an important study commissioned by the European Parliament – "it preserves the fundamental premise that the Agency neither has its own border guards nor powers of command and control over national border guards" (*The proposal for a European Border and Coast Guard: evolution or revolution in external border management?*, March 2016). It will take time to understand if what on paper appears a quasi-federalist move will make a substantial difference in the actual functioning of the European integrated border management system.

2.4 Externalising control and protection: The Western Balkans and Turkey

In liberal countries committed to international and constitutional legal principles about asylum and international protection, international borders can never be managed as indiscriminate barriers. International borders of liberal countries can only operate as *filters*, legitimately leaving out unwanted migrants but being bound to letting in legitimate protection claimants and anybody whose "life or freedom would [*in case of expulsion or rejection*] be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion" (Article 33(1), 1951 Geneva relating to the Status of Refugees).

This is the simple but fundamental reason European states – even long before the outburst of the EMAC – had developed an *external migration management strategy*, based on cooperation with a wide array of *sending countries* and, most crucially, with *transit countries* situated in the EU's geographical neighbourhood.

In the pre-EMAC years, especially in relations with non-EU Mediterranean countries, the "external dimension" of European migration policies mainly consisted of the "externalisation" of controls and was primarily aimed at limiting direct arrivals to the EU's external borders. As briefly recalled

in Section 1.2, until 2011, this "externalisation" strategy was effective overall and had a crucial role in allowing the European migration and asylum regime to survive relatively unquestioned, in spite of its (now evident) internal structural weaknesses. The Arab upheavals and the wave of conflict and instability that followed compelled the EU and its member states to radically rethink this approach.

While along the so-called "Central Mediterranean route" the lack of a stable political counterpart in Libya has been forcing Europeans to rely upon border controls and maritime activities (as mentioned in Section 2.3), diplomatic tools have been essential in dealing with the interconnected "Eastern Mediterranean" and "Western Balkans" routes.[4] Given the geographical conformation of the region, in order to reach the most popular destinations in central and northern Europe, migrants typically have to cross the EU's external borders twice: from Turkey into Greece (or Bulgaria), then out of the EU to Macedonia or Serbia, and from there into the EU again (Croatia or Hungary). For this reason, the EU's strategy to tackle the EMAC in the region has focused in parallel on the Western Balkans and on Turkey as key hubs.

Since the early 1990s, when Albania represented the top priority in the European struggle against migrant smuggling, the Western Balkans have long been an important corridor for irregular migration into the EU. This led to a wealth of policy initiatives, both bilateral (now in the context of pre-accession negotiations) and regional (such as, for instance, the Migration, Asylum and Refugees Regional Initiative created in 2003 under the former Stability Pact for South-Eastern Europe).

But all of these policy development and capacity-building measures proved dramatically insufficient when a combination of factors (reduced exit controls by Turkey; poor border management by Greece; a "magnet effect" generated by the German opening of the summer 2015) brought transit along the Balkans route to hundreds of thousands within a few weeks.

The immediate response by the affected countries was hectic and uncoordinated, with a mix of laxity and harsh repression aimed at getting rid of the unplanned and unwelcome presence as quickly as possible. In a region in which the political tensions of the past are not entirely placated, this brought about a very dangerous chain reaction made of militarised border closures and repeated retaliations, with a massive and heavy impact on the fundamental rights of migrants. Well aware of the risks of an escalation, the EU took responsibility. The alarmed words of Commissioner Johannes Hahn in a speech given on September 17, 2015 are revealing about the climate of those days:

"Let's be crystal-clear: the Western Balkans are an enclave in the EU. To get there, a refugee has to walk through at least one Member State. We can't blame them for lax border controls if our own Member States don't do their job. […] we have no interest in adding instability. […] All must shoulder their fair share – and these countries are willing – but the Western Balkans must not become a parking lot or 'no man's land' for stranded refugees. That would be a grave geostrategic mistake!"

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[4] "Routes" are understood here, in conformity with the meaning given to the term by Frontex, as geographical trajectories typically used by migrants and smugglers for irregular access to the territory of the EU. Besides airports, Frontex (http://frontex.europa.eu/trends-and-routes/migratory-routes-map/) identifies eight main sea and land migratory routes: a) Western African route; b) Western Mediterranean route; c) Central Mediterranean route; d) Apulia and Calabria route; e) Circular route from Albania to Greece; f) Western Balkans route; g) Eastern Mediterranean route; h) Eastern Borders route.

The decisive step was a so-called "mini-summit" held on October 20, 2015 in Brussels, when eight member states (Austria, Bulgaria, Croatia, Germany, Greece, Hungary, Romania and Slovenia) and three candidates (Albania, the Former Yugoslav Republic of Macedonia and Serbia) reached an agreement on a 17-point plan of action. In exchange for financial support provided by international and regional financial institutions (such as the European Investment Bank, the European Bank for Reconstruction and Development and the Development Bank of the Council of Europe), the Balkan countries involved agreed that "[a] policy of waving through refugees without informing a neighbouring country is not acceptable" and committed to increase their total reception capacity by at least 50,000 places, if necessary by also involving the EU Civil Protection Mechanism. This proved effective and allowed European Council President Donald Tusk to tweet triumphantly on March 9, 2016: "Irregular flows of migrants along Western Balkans route have come to an end. Not a question of unilateral actions but common EU28 decision."

Given the transnational interdependencies of migration dynamics, however, this important move inevitably had repercussions which needed to be tackled. In response to the closure of the Balkans route, Italian and Albanian migration authorities intensified their long-lasting cooperation in anticipation of a potential re-emergence of the Adriatic smuggling route, which has however not materialised so far. Large numbers of migrants and refugees bottled up in Greece, in often terrible conditions, called for an extraordinary humanitarian effort. Above all, the sealing of the Macedonian border would have simply been a very precarious, and possibly even counter-productive, remedy, had the inflow from Turkey to Greece continued unabated. This is why, as of late 2015, European authorities and member states, with Germany firmly in the driving seat, had set an agreement with Turkey as their top priority.

Months of harsh and wide-ranging negotiations followed. These were made even more complex by the tense political situation in Turkey, where President Recep Tayyip Erdoğan took advantage of his temporary position of relative strength towards the EU to further tighten restrictions on political opposition and independent media. The negotiations delivered in two stages, first with a Joint Action Plan activated on November 29, 2015 and then with the definitive EU-Turkey *statement* of March 18, 2016, which was not officially defined an "agreement" and not published in the EU's Official Journal in order to circumvent the necessity of full parliamentary scrutiny.

Entirely aimed at preventing any further unchecked arrivals in Greece, this historical and highly controversial deal pursues its strategic goal through a series of mutual engagements which, on paper, appear of an almost geometrical clarity:

"1) All new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey; 2) For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU; 3) Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU; 4) Once irregular crossings between Turkey and the EU are ending or have been substantially reduced, a Voluntary Humanitarian Admission Scheme will be activated; 5) The fulfilment of the visa liberalisation roadmap will be accelerated with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016 [*later postponed*]. Turkey will take all the necessary steps to fulfil the remaining requirements; 6) The EU will, in close cooperation with Turkey, further speed up the disbursement of the initially allocated €3 billion under the Facility for Refugees in Turkey. Once these resources are about to be used in full, the EU will mobilise additional funding for the Facility up to an additional €3 billion to the end of 2018; 7) The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union. 8) The accession process will be re-energised, with Chapter 33 to be opened during the Dutch Presidency of the Council of the European Union and

preparatory work on the opening of other chapters to continue at an accelerated pace; 9) The EU and Turkey will work to improve humanitarian conditions inside Syria" (European Commission, 19 March 2016, MEMO/16/963).

In particular, the core mechanism by which "for every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU" appears – in the words of analyst Elizabeth Collett – "beguiling and, from a distance, charmingly simple." In practice, implementation difficulties are huge as shown by the fact that, three months since the beginning of the implementation, there had been only 578 returns from the Greek islands to Turkey and just 1,614 Syrian refugees were resettled from Turkey to the EU (European Commission, Third Report on the progress made in the implementation of the EU-Turkey Statement, COM(2016) 634 final).

In broader migration control terms, however, the agreement with Turkey is yielding the intended results: as the European Council noted with satisfaction in its Conclusions of 28 June 2016, "crossings from Turkey to the Greek islands have sharply decreased and have now almost come to a halt." It remains to be seen if and how the attempted coup of July 15, 2016 in Turkey, and its dramatic aftermath, will affect the living conditions of Syrians in Turkey and the implementation of the deal with the EU in the longer term.

2.5 "Tackling root causes": The evolving EU Migration & Development agenda

The third geopolitical layer of the external dimension of European migration policies, besides external borders and relations with transit countries (analysed in the two previous sections), consists of the wider circle of relations with source countries.[5]

In the context of the ongoing EMAC, a crucial problem is represented by the EU's lack of direct political and military leverage to address the two conflict situations which are the immediate causes of the current extraordinary flows. In Libya, the EU as such is virtually absent (except for the prospective role of the expanded Sophia Operation in training the Libyan Coast Guard: see Section 2.3) and evident rifts exist among some key member states in dealing with local political actors. Also in Syria, the only important role that the EU is playing is indirect and it consists in the sizeable assistance provided (mainly through the "EU Regional Trust Fund in response to the Syrian crisis", also known as the "Madad Fund", created in December 2014) to Jordan and Lebanon, along with Turkey, as the main receiving countries of Syrian refugees.

The EU is striving to compensate for the lack of direct influence in Libya and Syria by enhancing the external projection of its migration policies and by orienting ever more explicitly its foreign policy (and, even more generally, its external action) towards migration policy goals. Before illustrating how this is done, however, it is worth providing a rapid overview of the previous EU policy developments in this field.

The idea that the EU should develop a comprehensive migration policy based on cooperative relations with sending states, aimed at tackling the "root causes" of forced and irregular migration, and at harnessing the potential of legal migration for development, is not a new one. Since it made its appearance in official rhetoric at the end of the 1990s (see Section 1.4), it gave origin to a series of policy initiatives of growing scope and complexity.

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[5] See, however, footnote 2 on the conventional nature of the distinction between "sending", "transit" and "receiving countries" of migration.

In an early phase, the EU adopted a *sectoral and unilateral approach*, essentially consisting in putting pressure on key third countries of origin to secure their cooperation in EU-defined migration control policies, without envisaging direct counterparts or compensations. It soon turned out that that method had fundamental limitations, as clearly shown, for instance, by the European Commission's meagre results in the negotiation of effective readmission agreements for the expulsion of irregular migrants.

The awareness of this structural ineffectiveness prompted a gradual shift towards a *more comprehensive (both thematically and geographically)* and *more cooperative approach*, which found an ambitious expression in the Global Approach to Migration (GAM) launched in 2005. Conceived as the overarching framework of the EU external migration and asylum policies, the GAM gave rise to a number of regional initiatives, mainly focusing on the EU's southern neighbourhood and Africa. Worth recalling here are the "Intergovernmental Euro-African Dialogue on Migration and Development" launched in Rabat in July 2006 (known as the "Rabat process"), the EU-Africa ministerial conference held in Tripoli in November 2007, and the more recent "EU-Horn of Africa Migration Route Initiative" (better known as the "Khartoum process") active since November 2014.

Given their high levels of proclaimed ambition, all of these initiatives, however, suffered from a structural lack of funding and of political prioritization. Besides, from a more technical point of view, these endeavours were hampered by insufficient coordination with other policy areas, within the broad domain of the EU's external action (e.g. trade, development aid, etc.). This deprived Europe's external migration strategies of credible and tangible *quid pro quo* to be offered to sending countries in exchange for their cooperation against smugglers and irregular migration. This was (and still is) a major political hurdle, as emigration restrictions are largely (and understandably) perceived by countries of origin as going against their citizens' interests and therefore as highly unpopular.

A first important step towards tackling this fundamental political obstacle was taken in 2011, with the decision to expand the GAM as to include legal mobility of non-migratory nature (i.e., in European Union law, limited to periods of less than three months). Visa policy was rightly identified as "an influential instrument for a forward-looking policy on mobility" (European Commission, Communication on "The Global Approach to Migration and Mobility", COM/2011/0743) and a final "M" for "mobility" was added to the acronym GAMM. As evident also today in the negotiations with Turkey, promising liberalisation on short-term circulation may indeed be an effective tool in securing restrictions on other forms of mobility.

Like other aspects of migration policies, the EU's approach to relations with sending countries has also been deeply affected by the EMAC. A first high-profile diplomatic response came in November 2015, when more than 40 European and African heads of state and government met in Malta, driven by the awareness of "the high degree of interdependence between Africa and Europe [*and of the*] common challenges that have an impact on migration: promoting democracy, human rights, eradicating poverty, supporting socio-economic development, including rural development, mitigating and adapting to the effects of climate change" (Valletta Summit, November 11-12, 2015, Political Declaration). Under such a resounding heading, this huge summit produced an Action Plan covering an incredibly wide range of topics and countries, backed by a new *ad hoc* financial tool (the 1.8 billion euro "EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa").

The disappointment of many African governments in the gap between Valletta's alleged goals and its actual means threatened to produce a political deadlock This negative prospect induced the EU to substantially rethink its approach in the following months. The first outcome so far of this review has been a new blueprint issued by the European Commission on June 7, 2016: the Communication "on establishing a new Partnership Framework with third countries under the European Agenda on Migration" (COM(2016) 385). Four distinctive and innovative features of this new programmatic stance – which was endorsed by the European Council on June 28, 2016 - are worth highlighting:

a) The *mainstreaming of migration policy goals in other fields of the EU's external action*, which was already inscribed in official documents for years, received a further, radical boost, well-illustrated by the following passage:

"Even though considered potentially effective, and building on their positive impact on migration, neighbourhood, development and trade are not the only policies that are relevant to support the compacts. *No policy areas should be exempted from this approach*. All EU policies including education, research, climate change, energy, environment, agriculture, should in principle be part of a package, bringing maximum leverage to the discussion" (COM(2016) 385, p. 9, emphasis added). Besides, it is stressed that the new approach will be implemented through a "mix of positive and negative incentives" (ibidem, p. 6).

b) *Selection and hierarchization of geopolitical priorities*. Compared to previous exercises – including the Valletta Plan – which had a continental or even global scope, the new Partnership Framework is based on tailored partnerships (called "compacts") with specific third countries. In the initial phase, two of the priority countries are in the Middle East (Jordan and Lebanon) and five are in Sub-Saharan Africa (Niger, Nigeria, Senegal, Mali and Ethiopia). Unable to intervene directly in conflict-ridden source and transit countries (i.e. Syria and Libya; see Section 2.4), the EU chooses to focus on a limited number of key origin and transit countries in the region.

c) The Partnership Framework proposes to fundamentally reconsider "the scale and nature of traditional development co-operation models [*by giving a*] much greater role [...] to private investors looking for new investment opportunities in emerging markets. Instead of letting irregular migrants risk their lives trying to reach European labour markets, European private and public resources should be mobilised for investment in third countries of origin" (ibidem, p. 11, emphasis added). The idea in itself (*promoting development to prevent migration*) is certainly not new (and both technically and politically very controversial). What is new, however, is the means by which Brussels is now proposing to pursue such a strategic goal. As envisaged in the Commission's ambitious September 14, 2016 Communication (COM/2016/0581 final) – containing among other things the proposal of an External Investment Plan to be implemented through a new European Fund for Sustainable Development (EFSD) for Africa and the Middle East - European institutions and member states would only provide a small part of the immense resources needed to address the determinants of forced migration. The bulk of such financial effort should consist of private investments, attracted and channeled through guarantee mechanisms. This radical innovation in the EU's approach to Migration & Development policies - and to development cooperation more generally - is based on two fundamental (and debatable) assumptions:

The first concerns the extent of the financial leverage that could be generated: the Commission assumes that a contribution of 3.35 billion euros from the EU budget, matched by member states, could mobilise up to 88 billion euros. The hypothesis of a such a powerful multiplier is based on

the positive precedent of the European Fund for Strategic Investment (EFSI) which, however, operates in a totally different context.

In the second place, EFSD's role as a key component of EU migration policy is based on the hypothesis that private capital would spontaneously flow precisely into the countries and regions where the migratory pressure towards the EU is stronger. Especially in the case of forced migration flows from very fragile countries, this appears to be a far-fetched assumption to say the least.

In the third place, it certainly cannot be guaranteed that, even in the context of adequate private capital flows to the right countries, investment would flow exactly to the ideal sectors – i.e. those with the highest impact in terms of employment generation but possibly with a limited short-term return on investment.

d) Finally, the new Partnership Framework aims at giving a strong thrust to the multilateral governance of migration, through a stronger involvement of the UN system and of the EU's partner countries within the G7 and the G20. In the words of the European Commission, the basic argument in support of this attempt at multilateralising the EMAC is ethical before it is political:

"While the EU has a duty to contribute its share in helping displaced persons in clear need of international protection, the resettlement of refugees, in particular of persons displaced by the Syrian conflict, is a joint responsibility of the international community. The EU's international partners need to assume their share of responsibility. The EU should use the political leverage at its disposal to garner stronger support from its partners in forging a more equitable system of resettlement. The EU should support the establishment of a UN-supported global resettlement scheme to enable their rapid and efficient resettlement to safe countries. All countries should be invited to participate in such a scheme in line with the principles of responsibility sharing and solidarity" (ibidem, pp. 12-13).

This component of the EU's broader strategy received encouraging feedback from two major international events recently held in New York City: the UN Summit for Refugees and Migrants (September 19, 2016; https://refugeesmigrants.un.org/) and the Leaders' Summit on Refugees (September 20, 2016, http://www.state.gov/p/io/c71574.htm) organised by US President Barack Obama. The two summits had obviously different characteristics and intended goals. From a European perspective, however, both brought some important results.

The UN summit was important especially for its impact on global agenda setting and on the framing of migration issues in the international arena. By focusing broadly on "large movements of refugees and migrants," it paved the way for a more comprehensive and effective international governance of two legally distinct phenomena which, however, are often practically mingled along the same migration routes.

As for the Leaders' Summit, besides roughly doubling refugee resettlement pledges, participating countries created new tools meant to support low- and medium-income countries in their efforts (which are currently much more substantial than those of high-income countries) in hosting forced migrants and resettled refugees. This refers respectively to the World Bank's Global Crisis Response Platform and to the Emerging Resettlement Countries Joint Support Mechanism, which will be jointly managed by IOM and UNHCR. But mention should also be made of "Education Cannot Wait", the world's first fund for education in emergencies and protracted crises, and of the CEO roundtable with large US businesses that committed more than 650 million US dollars in assistance for refugee education, employment and other forms of support.

3. Structural limitations in the EU's response and possible strategic adjustments

3.1 Three structural limitations of an essentially political nature

The EMAC has greatly reinforced pre-existing dis-integration trends within the EU, most dramatically by fuelling the previously neglected public sentiment that led to the largely unexpected vote on Brexit. Although it has radically altered the *politics* of the EU, the EMAC has not fundamentally changed its *policies*.

As shown in the previous sections, the policy response to the crisis has certainly been robust, multi-dimensional and wide-ranging. However, some of its most essential and innovative components, although formally agreed upon, still largely exist only on paper (as is the case with relocation) or are being very precariously implemented (as with the EU-Turkey deal).

There is still significant disproportion between the great amount of political, diplomatic and communication activity undertaken and ongoing, and the tangible (not just planned, promised or expected) policy outcomes. To some extent, in an initial phase at least, such a gap between symbolical and practical responses, between declared intentions and actual solutions, is physiological. If persistently large, however, it could become seriously counterproductive, as it would confirm and even reinforce an already strong and widespread public mistrust in the actual capacity (and even will) of the EU institutions to effectively manage mixed flows and to stem what electorates predominantly perceive as out-of-control and unwelcome migration.

The causes of such a gap and of the global insufficiency of the EU's policy response to the EMAC thus far are *not of a merely contingent and technical nature*. Rather they consist in *structural limitations of an essentially political nature* which call for demanding strategic adjustments. Three such structural limitations appear crucial:

a) The top-down imposition of "burden sharing" (in the form of refugee reception) to reluctant states/communities is not just proving to be a very difficult and so far largely unsuccessful endeavour, but also a strategically questionable one, as it risks to backfire by boosting the consensus to xenophobic and anti-EU movements.

Without relinquishing the overarching legal principle and the practical goal of greater solidarity, it is thus essential to find creative ways to avoid the politically fatal equation of "EU = refugee dispatcher" and to stimulate larger grassroots support and wider acceptance of refugee reception. As will be suggested in the next section, this requires substantial and carefully targeted investment.

b) Relying too heavily on the externalisation of migration management and protection functions to neighbouring countries of first arrival and (potential) transit is an attractive but intrinsically problematic approach with potentially heavy side effects.

Amongst the most evident shortcomings of such approach are the following: a) it generates dependence and risks of political blackmailing from third countries, which are offered an extremely powerful, easy-to-use and potentially inexhaustible tool of diplomatic pressure; b) in the case of transit states that are not stable liberal democracies (as is typically the case today in the EU's near abroad), it is very hard to accompany the outsourcing of control and protection functions with rigorous scrutiny on the respect for the fundamental rights of both refugees and ordinary migrants. A *de facto* repressive and illiberal externalisation would risk undermining the

EU's political and moral international credibility and to reinforce, rather than mitigating, the "root causes" of flight and the demand for smuggling services.

It is therefore essential to find innovative approaches to cooperation with transit countries, based on constant and critical engagement, which is capable of maintaining control over the actual outcomes. This too requires strong, cohesive and constant political will, supported by substantial investments.

c) Tackling the "root causes" of forced migration from a very vast region (covering as a minimum the Middle East and most of the African continent) towards Europe is a hugely demanding long-term goal that implies political and demo-economic stabilization (i.e. matching the pace of economic and demographic growth) and requires a radical rethinking of the EU's strategic *raison d'être* and its structural metamorphosis, from an essentially introverted to a much more outward-projected union.

Such historical reconversion cannot be proclaimed so easily, but needs to be patiently constructed over time through massive investments of political determination, creativity and material resources.

3.2 A large-scale investment strategy is needed to support radical policy change

Surmounting the three structural hurdles described above is an extremely complex and necessarily long-lasting *technical* endeavour. The core of the challenge, however, is not technical but *deeply and intrinsically political*. In fact, in all three cases, overcoming the structural limitations of the EU's response to the EMAC requires an outstanding capacity to generate ample and steady consensus around some deep societal and cultural changes.

Internally, consensus needs to be developed about the *acceptability* and even, in a long-term perspective, the *desirability* of demographic injections through regulated immigration (of both humanitarian and economic nature), especially in countries weakened by shrinking working age populations as is the case in much of Europe particularly in the eastern part of the continent.

Given the generally undisputed awareness that future migratory pressure from the Middle East and Africa cannot be entirely absorbed by Europe (fully open borders are not an option), and that isolating Europe from that pressure would pervert its fundamental values (indiscriminately closed borders are not an option either), consensus also needs to be built around the necessity to reduce migratory pressure by investing much more substantially in the stability and prosperity of the EU's wider neighbourhood.

Building consensus on the need for more regulated immigration and on the simultaneous and interdependent need to engage in order to mitigate exogenous migratory pressures is primarily a cultural and educational mission. This is an imperative long-term priority that exceeds the scope of this paper and on which it is not possible to dwell here. But overcoming the acute phase of the EMAC is an urgent task that cannot wait for the inevitably lengthy times required by cultural change and public education. In the short to medium term, other tools also need to be activated.

In the first place, political communication can be greatly improved, and indeed growing attention is being devoted to the importance of narratives, in this and in other policy areas. But rhetoric alone, however skilful and sophisticated, is of limited effect or even counterproductive, if it is not hinged upon tangible foundations. Massive material incentives are thus also needed to reverse

dominant perceptions and to make a convincing case that only through more internal solidarity and more international engagement can Europe rise again from nationalistic fragmentation and isolationist decline.

Overcoming the structural hurdles that thus far have limited the effectiveness of the EU's response to the EMAC therefore requires a *long-term public investment strategy of unprecedented scale*, articulated over three distinct geopolitical levels :

a) The first strand of action should be aimed at supporting the inclusion of both newcomers and receiving communities in the EU with a view to reward the propensity to integrate within both groups. In particular, rewarding local communities for their openness to accept and include beneficiaries of international protection (for instance, through targeted infrastructural investments, fiscal benefits and/or special welfare or cultural initiatives) could operate as a game-changer in the debate about relocation. Such a positive, incentive-based (rather than moralistic and coercive) approach, could even help demographically shrinking communities - which in many cases do not have substantial historical experience with foreign immigration - to overcome their understandable reluctance to accept unplanned arrivals and return to a path of demographic (and economic) growth.

The strategic importance of reaching out directly and positively to local receiving communities and their leaders has also been stressed in a recent and thought-provoking contribution by financial tycoon and philanthropist George Soros:

"It will be crucial for the EU to fundamentally rethink the implementation of its stillborn resettlement and relocation programs […] The union cannot coerce either member states or refugees to participate in these programs. They must be voluntary […] These programs should be deeply anchored in communities. Mayors across Europe have shown a remarkable willingness to receive refugees but have been thwarted by national governments. Public-private sponsorship programs — wherein small groups of individuals, community organizations, and companies support newcomers, financially and otherwise, as they negotiate schools, job markets, and communities — could benefit from the untapped goodwill of citizens throughout Europe" (G. Soros, *This Is Europe's Last Chance to Fix Its Refugee Policy*, 19 July 2016, www.foreignpolicy.com).

b) A second strand of the long-term investment strategy needed to tackle the EMAC in a more decisive and durable way should aim at supporting the development of inclusive and transparent reception and integration systems in countries of first arrival in the EU's neighbourhood. Being aware of the intrinsic limitations of the "outsourcing approach" (see Section 3.1) and of the necessity to keep it limited to emergency situations and limited periods, the experience so far (not just with the EU-Turkey deal) makes it clear that both very substantial resources and a strong and cohesive leadership are needed to strike a convincing balance between policy effectiveness, social sustainability and respect for fundamental rights.

In this field too, targeted efforts should be made to channel resources directly to beneficiaries as well as to local communities and NGOs in the target countries of first arrival, as a potentially effective way to enhance the social acceptance of refugees and to avoid the appropriation of funds by undemocratic central governments and ruling elites.

From this point of view, a recent development in the implementation of the Facility for Refugees in Turkey created by the March 2016 deal (see Section 2.4) is worth highlighting as promising. This refers to the "Emergency Social Safety Net", presented as "the EU's largest-ever humanitarian programme" (European Commission, *Third Report on the Progress made in the implementation of the EU-Turkey Statement*, COM(2016) 634 final), under which 348 million euros are *directly* transferred

to the final beneficiaries via electronic cards aimed at covering the basic needs of up to one million Syrian refugees.

c) The last (but far from least) strand of a long-term out-of-EMAC investment strategy should be geared to the broad goal of promoting sustainable and job-intensive development in a vast potential emigration basin stretching from the Middle East to the Guinea Gulf, encompassing the Horn of Africa and the Sahel strip. At this level, the need for a long-term investment plan is explicitly acknowledged by the European institutions. In Section 2.5, the steps already taken are briefly illustrated, with the 1.8 billion euro "EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa" created by the November 2015 Valletta Summit, and with the "External Investment Plan" proposed by the Commission in September 2016.

Although promising, these first moves are problematic. Besides some serious doubts on whether the announced financial target is realistic (up to 88 billion euros, most of which ideally coming from private investors: see Section 2.5), the burgeoning debate on the future External Investment Plan is loaded with fundamental ambiguities about its real strategic priority: is it development (that in the long run should then reduce migratory pressure) or is it an immediate reduction of migratory pressure through more systematic, cooperative and pre-emptive migration controls? While it is generally acknowledged that development can hardly take place without robust doses of mobility (not just of goods and capitals, but also of people), the European Commission's seminal document maintains an ambivalent conceptual stance, as shown by this very explicitly formulated conditionality:

"Positive and negative incentives should be integrated in the EU's development policy, rewarding those countries that fulfil their international obligation to readmit their own nationals, and those that cooperate in managing the flows of irregular migrants from third countries [...]. Equally, there must be consequences for those who do not cooperate on readmission and return" (Communication "on establishing a new Partnership Framework with third countries under the European Agenda on Migration" (COM(2016) 385, p. 9).

The priority given to migration control goals in the implementation of the new Partnership Framework is even more pronounced in the approach taken by the European Council in its Conclusions of June 28, 2016:

"Building on the Commission communication, the EU will put into place and swiftly implement this Framework based on effective incentives and adequate conditionality, starting with a limited number of priority countries of origin and transit, with the following objectives:
- to pursue specific and measurable results in terms of fast and operational returns of irregular migrants, including by applying temporary arrangements, pending the conclusion of full-fledged readmission agreements;
- to create and apply the necessary leverage, by using all relevant EU policies, instruments and tools, including development and trade;
- to also mobilise elements falling within Member States' competence and to seek synergies with Member States in relations with the specific countries.
Cooperation on readmission and return will be a key test of the partnership between the EU and these partners" (European Council, SN 58/16, point 2, emphasis added).

A multi-dimensional and long-term investment strategy like the one sketched above would clearly be extremely costly and could not take off without a major convergence of political will, interests and power at the international level. Such awareness has only begun to come to the forefront, for instance in occasional references made by some European leaders (amongst others, the German *Finanzminister* Wolfgang Schäuble and the European Commission's First Vicepresident Frans Timmermans at the January 2016 World Economic Forum in Davos) to the need for an equivalent of the historical Marshall Plan. As noted by an already cited and acute observer, however:

"After World War II, the United States invested 1.4% of its GDP to help rebuild Europe — every year for four years. An investment on the scale of the original Marshall Plan would require around 270 billion euros a year for the next four years, a number we are very far from" (G. Soros, op. cit.).

Understandably, although occasionally tempted by vague references to the Marshall Plan as an easy rhetorical *coup de théatre*, European leaders are reluctant to dwell on the details, especially in the context of a continent that is torn apart by ideological divergences on how to boost and finance growth. Such divisions became apparent in April 2015 when the Italian government presented a "non-paper" entitled "Migration Compact - Contribution to an EU strategy for external action on migration." The Italian contribution contained, among other things, the provocative proposal to launch:

''EU-Africa bonds to facilitate the access of African countries to capital markets (with a medium-to-long-term perspective in order to ensure capital availability for growth and sustainable prosperity schemes), as well as other innovative financing initiatives (facilitating remittances and their re-investment and blending mechanisms, etc.), in synergy with the European Investment Bank and other European and international financial organizations."

Unsurprisingly, several semi-official voices immediately rose from Berlin, rebuking what went straight against a deep conviction of the current German leadership. This does not prevent, however, that strong voices keep being raised in favour of an approach based on common debt as the only one with a potentially decisive impact:

"The very existence of the European Union is at stake. It is the height of irresponsibility and a dereliction of duty to allow the EU to disintegrate without utilizing all its financial resources. Throughout history, governments have issued bonds in response to national emergencies. When should the EU use its largely untapped borrowing capacity if not at a moment when it is in mortal danger? Doing so would have the additional advantage of providing a much needed economic stimulus. With interest rates at historic lows, now is a particularly favorable moment to take on such debt" (G. Soros, op. cit.).

Besides supranational bonds, other creative fundraising ideas have also been floating around recently in association with plans of migration policy-driven upgrades of Europe's engagement in its neighbourhood and in Africa. This has been the case, for instance, of the coordinated, Europe-wide tax on fossil fuels hinted at in January 2016 by Wolfgang Schäuble. Not even this *ballon d'essai*, however, has evolved into a structured policy proposal thus far.

In the meantime, however, the policymaking process has been focusing on a different approach (see Section 2.5), embodied in the June 2016 Commission communication on a "new Partnership Framework with third countries" and more recently in the External Investment Plan proposed on

September 14, 2016. As already stressed, this new "blending approach" is based on optimistic hypotheses about the capacity of public core funding to mobilise much larger (at least tenfold) private capital. This approach is explicitly inspired by the recent precedent of the EFSI, better known as the "Juncker Fund", which was set up in 2015 to boost investment within the EU. But, if even in the case of the EFSI, virtuous leverage dynamics are finding difficulty in taking off even in some of the weakest and least attractive (at least for short/medium term-oriented financial capital) EU member states, it is far from obvious how the same approach could work for some of the poorest and most fragile countries in the world, like Mali or Niger.

In any case, if there is any plausibility in the prospect of such a vast and durable wave of public-private cooperation for the development of Africa, it is certainly not associated with a merely defensive and security-centred approach to migration management. Rather, it requires a positive long-term vision of the Euro-African space, as a growingly integrated space of circulation, exchange and production. Therefore, if the EU is serious about promoting a long-term alliance with European and global investors to help build a sustainable African future, it should embrace more clearly, consistently and courageously a positive and confident view of mobility, migration and diversity as vectors of development, rather than threatening anomalies.

The search for viable strategies to finance the long-term policy response to EMAC is just starting and it will, in any case, be a long and complex process. However daunting it appears, one should never forget that inaction - accompanied as it would be by further retrenchment into national borders and unilateral practices – would also bear enormous costs. Human and political costs, first, but also economic ones. In the case of a suspension of the Schengen Agreement, for instance, according to a recent study commissioned by the German Bertelsmann Foundation, "by 2025, the cumulative economic performance of the EU overall would be between nearly €500 billion and approximately €1.4 trillion lower than in the case of open EU internal borders" (Global Economic Dynamics, *Departure from the Schengen Agreement*, 2016). And this doesn't even consider some specific economic dimensions, such as the impact on the tourism industry or on commuters in border areas.

3.4 Concluding thoughts: how to bridge the short and long term

It is in the essence of populism to sell simple, rapid and definitive solutions to thorny and divisive issues. The deeper the crisis, the more appealing an easy path out of it appears, and the more difficult it becomes to counter propaganda and to build consensus about gradual, costly and demanding response strategies.

However – and here lies a fundamental and dramatic paradox embedded in the current European crisis - few, if any, among decision-makers and experts would seriously and in good faith maintain that a quick, cheap and decisive solution to the EMAC does indeed exist. Massive, unplanned, largely forced migration flows as the "new normal" has already become a worn-out expression, which keeps popping out in think-tank reports and high-level meetings. There are indeed few doubts that the out-of-EMAC strategy cannot be but extremely complex, protracted and costly, and that it will necessarily imply heavy trade-offs, sacrifices and compromises.

Given the necessarily processual nature of the response, timing and balancing its different components is (and will long keep being) absolutely essential. As put in a recent analysis by the European Council on Foreign Relations:

"A major challenge for the proposed [*and indeed any*] European refugee crisis response is sequencing. There is no point trying to implement the different parts of the package on their own – the measures are interdependent. However, different parts of the package are more significant to some member states than to others – for example, states currently under intense pressure from refugee arrivals [...] may be unlikely to accept any deal without a commitment from others in Europe to key components of the package and increased resources to support their response to domestic challenges" (S. Dennison and J. Janning, *Bear Any Burden: how EU governments can manage the refugee crisis*, April 2016, p. 12, www.ecfr.eu).

Given the diversity of conditions, interests and perspectives of the relevant players and stakeholders, every single move or combination of moves should be designed (and thus made politically sustainable) by carefully considering who gains and who suffers from it, without ever losing sight of the long-term perspective and scenarios. While short-termism is a clear risk in the EU's response to the EMAC, neglecting the short term and focusing too rigidly on long-term goals would be an equally dangerous error.

Preserving overall (technical and political) coherence between the different components and stages of the European responses to the EMAC is therefore essential. In particular, it is crucial to bridge the short term with the long term as harmonically and continuously as possible, as the only recipe for a really responsible and sustainable pragmatism. But in a European Union with 27 (more or less) active members (plus one inert one), where the "populist threat" *de facto* reintroduces strong elements of inter-governmentalism (even mainstream governments of the smaller states are heard arguing: "If I don't stick to my electorate's immediate claims, I will lose to the really bad ones. And this will also be your problem"), rising from the narrow short-term horizon to invest in the future is more arduous than ever.

However limited the political and economic weight of its four members, the obstructionist tactics deployed by the Višegrad Group have so far proven effective. On the contrary, building alternative coalitions that could unblock the impasse (e.g. a revived "Club Med") is proving extremely difficult, due among other things to the unprecedented political weakness of some key member states' governments (most evidently France and Spain).

All of this leaves a key question that needs to be raised, although it exceeds the scope of this paper and will thus not be dealt with at length: *Can the EMAC be solved or at least decisively mitigated within the current EU institutional structure? Or is more internal institutional differentiation needed?*

A few voices have spoken out in favour of a revival of the process of institutional reform, with a view to open the way for a more homogeneous inner core, willing and able to make the necessarily huge investments needed to build a credible and appealing common future (as suggested in Section 3.2). Until now, however, the extreme prudence shown by some key players (primarily by the current German leadership) has prevented any serious progress at this level and it presently appears certain that the institutional *status quo* will not be openly questioned until (at least) after the French and German elections in 2017. Only in the medium term, thus, will it gradually become clearer if the EU can survive this existential crisis by remaining basically as it is now, or if it will need to undergo a much deeper renewal.