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**THE EVOLUTION OF THE APPROACH TO
INTERNATIONAL MIGRATION IN EUROPE:
OBJECTIVES ACHIEVED AND
CONTEMPORARY CHALLENGES**

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ABSTRACT

La migrazione è un fenomeno che ha plasmato la storia umana portando con sé nuove idee, nuove energie e nuove connessioni, ma la migrazione ha portato con sé anche numerose sfide. Nelle società in cui i migranti si sono stabiliti, non sempre sono riusciti ad integrarsi con successo e con l'insorgere della pesante recessione economica i problemi che orbitano intorno al tema della migrazione sono aumentati. Esistono diversi fattori che spingono degli individui a lasciare la propria casa e a raggiungere una nuova destinazione, infatti il numero di migranti è aumentato in termini assoluti ma questo aumento non è avvenuto in modo rapido e costante, al contrario, questo fenomeno si è sviluppato a singhiozzo. Ogni migrante e ogni nazione, sia di origine che di destinazione del flusso, sperimentano la migrazione in modo differente. In termini di partenze e arrivi si possono riscontrare grandi variazioni tra stati, regioni e persino tra città e paesi. La migrazione è al contempo un fenomeno globale e un fenomeno locale. I dati dimostrano che la necessità di migrare altrove è sempre stata insita nella natura umana e questo continuerà ad esserlo anche in futuro. Nei prossimi decenni, sempre più persone provenienti sia da paesi in via di sviluppo che da paesi sviluppati, prenderanno in considerazione la possibilità di migrare altrove, permanentemente o temporaneamente, alla ricerca di nuove opportunità di vita. I miglioramenti delle infrastrutture hanno reso più facile viaggiare, mentre l'avvento di Internet e la sua successiva espansione hanno reso possibile la diffusione di informazioni alle quali prima non si poteva avere accesso. Il tema della migrazione internazionale è una delle principali preoccupazioni dell'Organizzazione per la Cooperazione e lo Sviluppo Economico (OCSE). Questa organizzazione internazionale altro non è che un forum in cui trentasei paesi si incontrano per cooperare e affrontare le sfide economiche, sociali e ambientali derivanti dalla globalizzazione. L'organizzazione fornisce un ambiente in cui i governi hanno la possibilità di parlare delle loro esperienze politiche, di cercare risposte a problemi comuni e di lavorare insieme per coordinare le politiche nazionali ed internazionali. Per l'OCSE la migrazione internazionale è considerata una priorità, infatti i trentasei paesi membri dell'organizzazione accolgono più immigrati di qualsiasi altra zona economica del mondo. Il lavoro dell'OCSE in materia di migrazione copre diverse aree di interesse fornendo dati, su base annuale, riguardo la circolazione dei migranti all'interno dei paesi

dell'organizzazione stessa. L'OCSE svolge una funzione importante studiando l'impatto della migrazione sulla crescita economica, analizzando il ruolo della migrazione nei paesi in via di sviluppo, esaminando le conseguenze della fuga dei cervelli e delle rimesse, nonché monitorando le prestazioni dei migranti legate all'istruzione e all'occupazione. Oggi la situazione della migrazione è, come sempre lo è stata, estremamente complessa, per questo è necessario fare delle precisazioni: in primo luogo, va sottolineato che dagli anni '80 ad oggi il tasso di migrazione è in aumento, seppur in maniera né costante né coerente. Ciò dimostra che la migrazione è un fenomeno che sta coinvolgendo un numero crescente di persone in tutto il mondo. A conferma di ciò, le Nazioni Unite hanno calcolato che circa 190 milioni di individui attualmente vivono al di fuori del loro paese d'origine. In secondo luogo, la caratterizzazione della migrazione come semplice elemento di spostamento di persone dai paesi in via di sviluppo a quelli sviluppati è a dir poco riduttiva. Una realtà molto chiara ma a cui viene prestata poca attenzione, è l'esistenza di significativi flussi migratori che hanno origine e destinazione tra paesi sviluppati, denominati "Nord del mondo", e anche tra paesi in via di sviluppo, definiti "Sud del mondo". Complessivamente, circa un terzo dei migranti si sposta da Nord a Nord, un altro terzo da Sud a Nord e l'ultimo terzo da Sud a Sud. In terzo luogo, il processo sociale ed economico della globalizzazione ha accelerato l'aumento della migrazione su scala globale soprattutto negli ultimi decenni. Sebbene questa abbia favorito il superamento dei confini nazionali, la libertà di movimento degli individui non sta necessariamente progredendo allo stesso ritmo. Il ruolo della migrazione è visto sempre più spesso come parte integrante della globalizzazione, tant'è che sul piano nazionale, il i migranti hanno un forte impatto sulla crescita economica.

Per comprendere al meglio quali sono i fattori che determinano le decisioni di alcuni individui di trasferirsi in un'altra nazione o di rimanere nel proprio paese, è possibile far riferimento agli studi condotti da alcuni sociologi ed economisti, i quali riassumono questa possibilità di scelta in termini di "push" e "pull". La spinta (push) mette in relazione la situazione individuale nella quale si trova il soggetto nel paese in cui vive e la situazione economica dell'eventuale paese ospitante. L'attrazione (pull) invece è rappresentata dall'obiettivo che l'individuo ha stabilito di raggiungere nel paese di arrivo. Va sottolineato che i fattori di "push and pull" cambiano costantemente e questo aiuta a capire perché i tassi di migrazioni fluttuano così tanto.

Negli ultimi vent'anni l'approccio delle organizzazioni internazionali nei confronti della questione migratoria è cambiato molto. Il loro aumento sia in termini di quantità che in termini di aumento delle competenze che queste possiedono, ha messo in discussione la sovranità statale dei vari paesi nella gestione della politica in materia di migrazione. Di conseguenza, le organizzazioni internazionali sono diventate attori cruciali per attuare politiche migratorie coerenti ed efficienti. Vi sono alcune incertezze riguardo al ruolo e alle funzioni, ma anche al contesto politico, in cui le organizzazioni internazionali possono operare.

Dal punto di vista regionale, l'Unione Europea si trova in prima linea nella formulazione di una politica migratoria comune a tutti i suoi paesi membri cercando al contempo di attuare una crescente cooperazione con i paesi vicini. Un ulteriore elemento che ha contribuito a livello regionale ad implementare il dialogo in materia migratoria è stato il Processo di Budapest che dal 1991 ha servito da forum informale per il dialogo intergovernativo sulla tematica della migrazione, coinvolgendo oltre cinquanta stati e numerose organizzazioni internazionali. L'obiettivo ultimo di questo dialogo è l'implementazione di sistemi migratori sostenibili nel rispetto dei paesi sia di origine che di destinazione. La Conferenza del Cairo sulla popolazione e lo sviluppo del 1994 è stata un'altra pietra miliare nella politica internazionale. Questo forum, organizzato dal Fondo delle Nazioni Unite per la popolazione (UNFPA), è stato un vero successo. Seguirono altri forum simili, tra cui: il primo UN High-Level Dialogue on Migration and Development (UNHLD) che si è tenuto nel 2006, seguito poi da un secondo dialogo nel tenutosi nel 2013; il Forum globale sulla migrazione e lo sviluppo (GFMD) organizzato annualmente dal 2007. Il forte impatto delle attività delle organizzazioni internazionali ha contribuito, nel corso degli anni, alla crescita sostanziale di alcune importanti organizzazioni come l'International Organization for Migration (IOM) e l'istituzione di nuove agenzie come il Centro internazionale per lo sviluppo delle politiche migratorie (ICMPD), fondato nel 1993, ma anche la creazione di nuovi modelli di cooperazione come il Global Migration Group (GMG), istituito nel 2006.

Un aspetto di fondamentale importanza inerente alla tematica migratoria è proprio il ruolo della cooperazione internazionale nella gestione dei richiedenti asilo e dei rifugiati. Nel 1950 le Nazioni Unite fondarono l'Alto Commissario per i rifugiati (UNHCR) e nel 1951

adottarono la Convenzione di Ginevra. Tutto ciò ha significato una frammentazione della gestione delle politiche migratorie a livello istituzionale.

Il periodo del secondo dopoguerra ha visto susseguirsi una serie di importanti cambiamenti nell'approccio delle organizzazioni internazionali alle politiche migratorie, infatti è possibile identificare due dinamiche, che pur essendo diverse l'una dall'altra sono state allo stesso tempo strettamente collegate: da un lato, la fine del conflitto tra Oriente e Occidente in Europa ha fatto emergere la speranza di un maggiore consenso e collaborazione a livello internazionale; d'altra, la ricerca di una maggiore cooperazione transnazionale ha sviluppato negli stati il timore di vedersi erodere la sovranità nazionale a favore di un mondo inteso sempre più come "villaggio globale". Con il crollo del muro di Berlino, nel 1989, anche molti stati comunisti sono crollati e questo importantissimo evento, insieme alla deregolamentazione del mercato, ha portato allo sviluppo di nuovi metodi di governance su scala globale. Oggi, la migrazione internazionale potrebbe letteralmente essere definita una questione globale, non perché viviamo in quella che viene chiamata "l'era della migrazione", ma piuttosto perché i governi finalmente riconoscono che questa questione è degna di ricevere la giusta attenzione a livello mondiale.

L'eccessivo ottimismo nei confronti del lavoro delle organizzazioni internazionali, a spese di una sana critica, ha significato il diffondersi della convinzione che queste organizzazioni non facciano altro che promuovere la cooperazione internazionale e risolvere i problemi. Tuttavia, è altrettanto vero che, poiché le organizzazioni internazionali sono prodotti di stati sovrani, queste dovrebbero essere criticate tanto quanto i governi quando si tratta di politiche migratorie inefficaci. Un modo efficace per cercare di comprendere le reali intenzioni che stanno alla base del comportamento di un'organizzazione internazionale è quello di indagare direttamente sul campo l'attuazione dei suoi progetti. Tutto ciò mostra una forte disconnessione tra narrazioni e pratiche delle organizzazioni internazionali. Da un lato, ciò che la narrativa ci presenta è una situazione in cui la migrazione è un fenomeno secondo cui gli individui si spostano da un punto ad un altro a beneficio dell'intera comunità internazionale; le pratiche, invece, rivelano che i progetti e le politiche che vengono attuate per gestire determinate situazioni, non sembrano avere il potenziale necessario per mettere in pratica quanto auspicato dalle narrazioni. Nel complesso questa situazione può essere interpretata in due modi: la prima,

come un indicatore che le organizzazioni internazionali non sono effettivamente in grado di mettere in pratica ciò che sostengono di voler fare, dimostrando così la loro impotenza; la seconda interpretazione è che la funzione delle organizzazioni internazionali potrebbe essere proprio quella di rivisitare approcci ormai obsoleti. Questa dicotomia tra narrazioni e pratiche, se usata correttamente, può portare allo sviluppo di nuovi canali di comunicazione che potrebbero rivelarsi molto più efficaci.

La convenzione di attuazione dell'accordo di Schengen (CISA), nota come Convenzione di Schengen, è uno dei documenti giuridici più importanti nel campo della cooperazione internazionale. L'accordo originale fu firmato in Lussemburgo, il 19 giugno 1990, nella città di Schengen, dai capi di stato e di governo di cinque paesi europei, i quali hanno concordato una graduale riduzione dei controlli alle frontiere con l'obiettivo a lungo termine di abolirli completamente. L'entrata in vigore dell'accordo fu graduale, ma per i cinque stati membri ebbe luogo il 26 marzo 1995. Sebbene la Convenzione di Schengen sia ancora spesso citata, è utile ricordare che è cambiata in modo significativo nel corso degli anni e molti dei suoi articoli hanno subito modifiche o sono stati abrogati. La Convenzione è stata successivamente seguita dal Regolamento Dublino II nel 2003. "Polizia" e "Sicurezza" sono due settori in cui la politica dell'Unione Europea limita le interferenze della Convenzione di Schengen. La Convenzione si applica solo agli aspetti necessari al raggiungimento di obiettivi specifici nella cooperazione nel suo settore d'interesse. La Convenzione di Schengen è stato pensato come uno strumento inteso alla realizzazione di un obiettivo definito, vale a dire l'abolizione delle frontiere interne. Secondo uno studio coordinato dalla Commissione europea nel 2015, la libera circolazione di persone, beni e servizi all'interno dello spazio Schengen è stata la più grande conquista dell'Unione Europea. Un'Europa senza frontiere interne porta significativi vantaggi economici ai paesi membri, aumenta la cooperazione internazionale, facilita la circolazione dei lavoratori e accelera le relazioni commerciali. La libera circolazione rappresenta il principale vantaggio dell'adesione alla Convenzione ma, secondo quanto stabilito da quest'ultima, le autorità nazionali sono autorizzate a reintrodurre, in casi eccezionali, delle limitazioni temporanee alle frontiere interne in caso di gravi minacce alla sicurezza che possono rappresentare un rischio per lo spazio Schengen.

Sfortunatamente però la politica europea in materia di asilo non si è rivelata sempre efficace e i leader dei paesi membri dell'Unione non sembrano essere in grado di trovare soluzioni utili nel prevenire la crisi umanitaria internazionale attualmente in atto. Il futuro dell'accordo di Schengen, che è stato ed è un simbolo europeo di solidarietà e armonia tra le nazioni, risulta incerto.

Oggi è consuetudine affermare che il problema della migrazione internazionale sia la nuova sfida globale a cui far fronte e che questa necessiti di soluzioni adeguate. A differenza di quanto largamente sostenuto e condiviso, la migrazione internazionale è una questione gestita principalmente a livello nazionale. A conferma di ciò infatti, è possibile constatare che non esiste nessun trattato globale sulla migrazione internazionale, mentre a livello istituzionale, non esiste un'agenzia o un organismo delle Nazioni Unite che abbia un mandato specifico riguardo il tema della migrazione. Esiste l'Alto Commissariato delle Nazioni Unite per i rifugiati e i richiedenti asilo (UNHCR) ma non esiste un forum multilaterale in cui diverse realtà possano incontrarsi al fine di stabilire risoluzioni vincolanti in materia di migrazione internazionale. Sin dalla sua iniziale concezione tenutasi a Tampere nel 1999, la politica migratoria dell'Unione europea ha presentato una dimensione sia esterna che interna. La dimensione interna si riferisce alle politiche che sono sviluppate tra gli stati membri dell'Unione Europea, inclusa l'armonizzazione dei sistemi di asilo, l'abolizione dei controlli alle frontiere interne e il regime comune dei visti; mentre la dimensione esterna si riferisce alle relazioni migratorie dell'Unione Europea con i paesi terzi, principalmente i paesi limitrofi.

Nel 2005 è stato annunciato un quadro strategico, chiamato Global Approach to Migration (GAM) per la dimensione esterna, che inizialmente aveva lo scopo di gestire i numerosi processi politici che l'Unione Europea aveva applicato per relazionarsi con i paesi terzi, ma lo scopo era anche quello di concentrarsi sulle principali regioni di invio e di transito della migrazione. All'inizio l'attenzione era focalizzata laddove l'immigrazione clandestina era maggiore, il che significa tra il Mediterraneo meridionale e l'Africa sub-sahariana; successivamente l'area geografica di competenza del GAM si è ampliata insieme all'ampliamento di nuovi tipi di competenze. Nel 2012 l'approccio globale in materia di migrazione (GAM) è diventato l'approccio globale in materia di migrazione e mobilità (GAMM), che si basava su quattro pilastri fondamentali, vale a dire: migrazione legale e mobilità; prevenzione della migrazione irregolare; impatto sullo

sviluppo della migrazione internazionale e protezione internazionale e asilo. L'obiettivo finale, molto ambizioso, del GAMM era quello di garantire che l'Unione Europea fosse in grado di coordinare le relazioni internazionali in materia di migrazione tra tutti i suoi paesi membri. Nonostante questo sforzo, l'azione esterna risulta essere al contempo limitata ed eterogenea. L'azione del GAMM si basa su strumenti particolari chiamati Mobility Partnerships (MPs), che altro non sono che accordi informali approvati sia dall'Unione Europea che dai paesi terzi. Sebbene i partenariati per la mobilità non siano vincolanti e sebbene consistano principalmente in una rielaborazione delle iniziative esistenti insieme alla promessa di avviare negoziati specifici, l'Unione Europea è stata in grado di concludere partenariati per la mobilità con pochi paesi. Lo sviluppo del progetto "Building Migration Partnerships" (BMP), finanziato dall'Unione Europea e successivamente discusso e analizzato durante la prima Conferenza ministeriale, ha dato il via al processo di Praga, che si è concluso con la firma della Dichiarazione comune del 28 aprile, 2009. La dichiarazione adottata comprende i sei settori considerati i più importanti nel contesto di questo tipo di cooperazione, quali: prevenzione e lotta alla migrazione irregolare; integrazione dei migranti; migrazione, mobilità e sviluppo; asilo e gruppi vulnerabili; riammissione, rimpatrio volontario e reinserimento duraturo e migrazione regolare con particolare attenzione alla migrazione di posti di lavoro. Il processo di Praga è il risultato di un dialogo incentrato sulla migrazione e su uno specifico processo politico che ha l'obiettivo di promuovere lo sviluppo di partenariati migratori tra i paesi membri dell'Unione europea, l'area Schengen, il partenariato orientale, quello dei Balcani occidentali, quello della Russia, della Turchia e dell'Asia centrale. In generale, è possibile affermare che l'approccio globale in materia di migrazione e mobilità (GAMM) riflette queste sei macro aree di cooperazione previste dal processo di Praga. Tre obiettivi specifici sono stati riconosciuti per la realizzazione del processo di Praga: il primo mira a garantire un dialogo politico costante tra gli esperti coinvolti, in modo tale da poter avere un flusso continuo di scambi di informazioni tra i paesi partecipanti al processo di Praga; il secondo obiettivo specifico è quello di essere in grado di stabilire, mantenere e migliorare l'Osservatorio delle migrazioni presso l'ICMPD; il terzo obiettivo specifico, mira a stabilire, mantenere e migliorare la Training Academy presso l'ICMPD.

Il Mobility Partnership Facility (MPF) è un progetto avviato il 1 ° gennaio 2016, nato da un'iniziativa dell'Unione Europea, attuato dal Centro internazionale per lo sviluppo delle

politiche migratorie (ICMPD) e finanziato da tre diversi fondi per un totale di 5,5 milioni di euro, per la durata di trentacinque mesi. Questo progetto mira a contribuire al successo dell'approccio globale in materia di migrazione e mobilità (GAMM), cercando nel contempo di rafforzare la cooperazione tra l'Unione Europea e i paesi che hanno aderito al partenariato per la mobilità o all'agenda comune per la migrazione e la mobilità (CAMM). Il Mobility Partnership Facility (MPF) è finanziato da tre diversi istituti: il primo è il Fondo Asilo, migrazione e integrazione (AMIF), il secondo è il Fondo sicurezza interna per la cooperazione di polizia (ISF-Police), mentre il terzo è il Fondo sicurezza interna per frontiere e visti (borders and visas ISF). In conclusione, è opportuno sottolineare che le azioni proposte dal Mobility Partnership Facility (MPF) si basano principalmente sulle priorità degli Stati membri dell'Unione Europea, che in accordo con i paesi partner, formulano delle proposte. A seguito di questa formulazione iniziale, se la proposta si ritiene essere adeguata, l'ICMPD firmerà per la concessione di finanziamenti utili alla realizzazione del progetto. Successivamente, i paesi membri dell'Unione Europea in collaborazione con i paesi partner attueranno ciò che è stato stabilito. In tutto ciò, l'ICMPD monitorerà, sia a distanza che sul campo, le attività svolte dagli Stati. Nel caso in cui si presenti una particolare necessità che non può essere affrontata direttamente dagli Stati membri dell'Unione Europea, questa necessità verrà reindirizzata all'ICMPD, il quale dovrà attuare azioni specifiche per risolvere la questione.

L'area del Mediterraneo è uno dei punti chiave per il transito delle rotte migratorie internazionali, in particolare dall'Africa all'Europa. L'aumento esponenziale del numero di arrivi dei migranti sul suolo europeo ha fatto sì che i sistemi di sorveglianza, in questa "terra di mezzo", siano diventati ancora più necessari. Tali restrizioni si applicano principalmente dagli anni '90, ma nonostante tutto i migranti continuano a rischiare la vita per raggiungere le coste dell'Unione Europea. La messa in atto di particolari procedure di controllo e restrizione hanno portato alla creazione di un paradosso: più restrizioni vengono applicate all'ingresso dei migranti, più questi si trovano in balia dei trafficanti. Analizzando nel dettaglio la cosiddetta politica "fortress Europe", si nota che i due veri beneficiari di questo approccio all'immigrazione sono: prima di tutto, i trafficanti e tutti i gruppi criminali che "grazie" al costante aumento di i flussi migratori vedono crescere le loro attività; mentre gli altri principali beneficiari sono le grandi aziende che forniscono servizi di sicurezza. Invece i due grandi perdenti di questa situazione sono, da un punto

di vista materiale, i cittadini europei che, pagando le tasse, hanno finanziato un sistema di polizia che non funziona come dovrebbe; mentre, da un punto di vista sostanziale e decisamente più importante, il fallimento del rispetto dei diritti umani.

Con l'obiettivo di porre fine alle tragedie umane che si compiono continuamente in mare, nel maggio 2015 la Commissione europea ha presentato "l'agenda europea sulla migrazione". Attraverso l'istituzione di questo programma, l'Unione Europea intende affrontare le numerose sfide che si presentano nella gestione della migrazione internazionale, in particolare della migrazione illegale, nonché nel controllo delle frontiere. Uno dei punti chiave dell'agenda è coinvolgere principalmente l'Europa in obiettivi a medio-lungo termine, non solo a breve termine. Ciononostante, anche con l'istituzione dell'agenda sulla migrazione, l'Unione Europea continua ad affrontare la questione della migrazione internazionale da un punto di vista della sicurezza anziché porre al centro il rispetto dei diritti umani. La prima parte dell'agenda europea sulla migrazione riguarda: salvare vite in mare; colpire le reti dei traffici criminali; rispondere adeguatamente all'arrivo di elevate quantità di migranti nell'Unione Europea; sviluppare un approccio comune per garantire protezione agli sfollati; collaborare con i paesi terzi per affrontare la migrazione a monte; utilizzare gli strumenti dell'Unione Europea per aiutare gli Stati membri che si trovano in prima linea.

L'agenda europea per la migrazione ha istituito quattro pilastri, vale a dire quattro diversi livelli di azione per attuare una politica migratoria che sia il più possibile equa, compatta ed efficace. Questi quattro pilastri prevedono: la riduzione degli incentivi alla migrazione irregolare; la gestione delle frontiere; il dovere dell'Europa di proteggere; ed una nuova politica sulla migrazione legale.

Oltre alle minacce in materia di migrazione, l'Unione Europea deve affrontare anche le minacce in materia di sicurezza. Attualmente le minacce alla sicurezza a cui è soggetta l'Unione provengono dai paesi vicini e queste sono principalmente dovute al terrorismo, alla violenza e alla radicalizzazione dei gruppi criminali. Queste situazioni di minaccia e instabilità hanno le caratteristiche di essere internazionali, eterogenee e intersettoriali, quindi hanno bisogno di un riscontro immediato e concreto da parte dell'Europa. Allo scopo di affrontare questa situazione specifica, la Commissione europea ha creato l'agenda europea sulla sicurezza. L'azione dell'agenda si basa principalmente sulla condivisione delle responsabilità, sulla fiducia reciproca e sull'efficace cooperazione tra

tutti gli Stati membri dell'Unione, in coordinamento con le autorità nazionali. Nel dettaglio, l'agenda focalizza la sua attenzione sul perfezionamento dello scambio di informazioni, nonché sui progetti di finanziamento, ricerca e innovazione. Tutte queste azioni specifiche mirano a combattere il terrorismo e la criminalità organizzata, incluso il crimine informatico. L'agenda europea sulla sicurezza basa la sua attività su cinque principi chiave che servono a massimizzare le iniziative esistenti o ad attuarne di nuove, questi principi sono: garantire il pieno rispetto dei diritti fondamentali; assicurare maggiore trasparenza, responsabilità e controllo democratico; assicurare una migliore applicazione e attuazione degli attuali strumenti giuridici dell'Unione Europea; fornire un approccio tra agenzie il più possibile unito e fornire un approccio intersettoriale; riunire tutte le dimensioni interne ed esterne della sicurezza. In termini di sicurezza, l'Unione Europea deve saper garantire ai suoi cittadini la libertà di muoversi all'interno dei propri confini senza restrizioni e senza che gli individui si preoccupino della loro sicurezza. Ovviamente, esistono già strumenti giuridici volti a rafforzare la sicurezza dell'area europea. Il Trattato di Lisbona ha contribuito notevolmente alla realizzazione di questo obiettivo, cercando nel contempo di attuare il rispetto dei diritti fondamentali e il controllo dell'applicazione delle politiche democratiche. Il ruolo della Commissione europea è verificare la corretta applicazione delle norme di sicurezza. Qualsiasi nuova iniziativa adottata per attuare la libera circolazione delle persone e delle informazioni deve essere in linea con i diritti fondamentali. Questa competenza spetta a tutte le istituzioni europee e principalmente agli Stati membri dell'Unione. Concludendo, l'agenda europea sulla sicurezza oltre a fissare azioni fondamentali per ottenere e mantenere la sicurezza all'interno dei confini europei, garantisce anche che i suoi criteri siano adottati in modo condiviso e uniforme. Ovviamente, il raggiungimento degli obiettivi che l'Unione Europea si prefigge con questa agenda è raggiungibile solo se tutti gli attori internazionali, vale a dire le istituzioni dell'Unione Europea, gli stati membri e le agenzie dell'Unione, coinvolti si impegnano sia politicamente che economicamente a mettere in atto tali strategie. Pertanto, l'approccio all'agenda europea sulla sicurezza deve essere globale, dato che la questione della sicurezza non è un concetto limitato a una specifica area geografica, ma un diritto di tutti.

INTRODUCTION

In this paper I chose to deal with a highly topical and complex issue, that of international migration. The decision to examine this topic, mainly from the point of view of the European Union, is due to a set of reasons.

First of all, from the fact that nowadays it is difficult not to hear about migration. Therefore, my intent was to deepen the matter in such a way to have a thorough knowledge of the topic, while developing an overall view as much objective as possible. Secondly, from the fact that the issue of migration, although widely addressed and discussed, in reality is not often analyzed from the right perspectives, instead leaving space, almost exclusively, to the political point of view.

Finally, I chose to analyze this subject, because living in Italy, a member state of the European Union and, at the same time, one of the main countries that is in the front line to face and manage migratory flows, I felt the need to understand what Europe has done so far and, above all, what it could do better in the future to improve the situation.

In the first phase of my analysis, inherent in the issue of international migration, I decided to start from a global perspective. Initially I analyzed the development of what in the past were the stimulating factors of the birth of specific migratory flows, then moving on to the analysis of more recent phenomena that originated at the end of the Second World War. Finally, at the end of this brief historical excursus I analyzed "if" and "to what extent" globalization contributed to the expansion of the migratory phenomenon. After the Second World War, numerous and important international organizations were born which contributed to the management of migratory flows. At the end of this first phase, I decided to talk about the Schengen Convention. This Convention was very important, because it marked a turning point with regard to the mobility of people and goods within the borders of the European Union.

In the second phase of my analysis I decided to go into more detail about the matter. Therefore, I decided to analyze the global approach adopted by the European Union in managing international migration. This approach, called Global Approach to Migration and Mobility (GAMM), was the first real attempt with which Europe sought to project its migration policy outside its territorial borders with the intention of including in the management of the migration also non-members countries of the European Union.

Then I went on to analyze the Prague Process, the latter being the result of a long, complex and very important dialogue between different international actors, European and non-European, which focused on establishing specific partnerships aimed at cooperation concerning migration. At the end of this second phase of analysis, I decided to deepen the role and skills of a specific project born from the European initiative called Mobility Partnership Facility (MPF).

Finally, in the third phase of my study, I chose to understand even more in detail the point of view of the European Union with respect to the issue of migration and in particular I focused on what is meant by the concept of "migration" and what is meant by the concept of "security". Subsequently, I examined both the European Agenda on Migration and the European Agenda on Security proposed by the European Commission to understand in particular what Europe has achieved in these areas so far and what can still be improved. The sources on which I based myself for the elaboration of my essay have been taken from specialized magazines in the field of geopolitics, but much of my work is based on authorized sources found online, in particular on official websites of international institutions such as the European Commission and on the websites of international organizations.

While dealing with the theme of international migration, from an European perspective, I find several difficulties: first of all, the vastness of the topic, in fact being a highly debated matter, the related bibliography was very wide, but not wanting to address the issue from a purely historical point of view I had to narrow my research field; secondly, I encountered numerous difficulties in exposing a particular project, namely the Mobility Partnership Facility (MPF), since there is no dedicated bibliography or specific study in this regard and being this project really recent (2016); finally, it was difficult not to be influenced from the point of view of the various authors on which I decided to base my sources, since, directly or indirectly, they exposed their perspective on the topic, giving different importance to different issues such as: politics, economics, security, human rights, etc... This was difficult because from the beginning my intent was to outline a situation as detailed and objective as possible.

CHAPTER I

INTERNATIONAL MIGRATION FLOWS: HOW THEY HAVE DEVELOPED THROUGHOUT HISTORY

I.I Globalization as the cause of international migration?

Migration is a phenomenon which has shaped human history bringing new ideas, new energies and new connections that are reflected in our daily lives, but migration brought also challenges¹. In many societies, not all migrants have managed to integrate successfully and with the additional economic downturn, problems related to migration grew. The issue of international migration is one of the main concerns of the Organisation for Economic Cooperation and Development (OECD)². The OECD is a forum in which thirty-six countries cooperate to address the economic, social and environmental challenges of globalisation. The organisation provides a setting where governments have the possibility to talk about their policy experiences, try to seek answers to common problems and work together to coordinate domestic and international policies. The OECD member countries are: Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The European Commission³ also takes part in the work of the OECD. The OECD members pay great attention to migration issues, this is because migration brings both challenges and benefits but the purpose is to minimise the former and maximise the latter by adopting an effective policy. The OECD plays a specific role in this context. The organisation's main concerns and responsibilities around the international migration topic are: tracking migration movements and describing the size and characteristics of immigrant populations,

¹ C. Brian KEELEY, *International migration: The human face of globalisation. Int. Migration & Integration*, 2012, pp.1-38.

² The *Organisation for Economic Cooperation and Development* was created in 1948 as an international organisation (IO) with the main goal to shape policies in order to foster prosperity, equality, opportunity and well-being for all humans.

³ The *European Commission* has representative offices in the 27 capitals of the Member States, flanked by regional offices in the larger countries. These offices are a decentralized reference point close to European citizens.

examining the development of the education of the young immigrants in the hosting countries, investigating the integration of immigrants in the workforce and seeking to ensure that migration benefits both developed and developing countries. The OECD's work is integrated with the OECD Insights⁴ which goal is to examine the international migration issue with the aim to generate informed debate on key issues which our societies have to deal with. The need for rational dialogue on the international migration matter comes from the distortions that surround the topic which are influenced mainly by the persistence of irregular immigration. Without a constructive dialogue, our societies will not be able to build comprehensive policies in order to bring out the best of the international migration.

There are several factors that push immigrants to leave their homes and to reach a new destination. The number of migrants has generally been rising in absolute terms, this did not occur in a rapid and consistent way, on the contrary, the trend line moved in fits and starts. Each migrant and each country experiences migration differently. In terms of arrivals and departures there can be big variations within countries, between regions and even between towns and villages. Migration is at the same time a global and a very local phenomenon. Data reveal that migration has always been part of the human history and it will be like this in the future too. In the next decades, more and more people coming from both developing and developed countries are going to consider migrating, either permanently or temporarily, to seek out new opportunities. Improvements in means of transport around the world have made it easier to travel, while the advent of internet and its expansion has made possible the spread of information especially concerning job prospects and life in other countries. According to Ban Ki-moon⁵ we have entered an age

⁴ *OECD Insights* are studies commissioned by the OECD's Public Affairs and Communications Directorate. They draw on the Organisation's research and expertise to introduce and explain some of today's most pressing social and economic issues to non-specialist readers.

⁵ A South Korean politician and diplomat who served as the eighth Secretary-General of the United Nations from January 2007 to December 2016.

of mobility: “When people will cross borders in ever greater numbers in pursuit of opportunity and a better life. They have the potential to chip away at the vast inequalities that characterise our time, and accelerate progress throughout the developing world”.⁶ The so called developed countries are already placing immigrant workforce in areas like information technology, healthcare, catering and agriculture, in order to make up local shortfalls.

Since the mid-1990s the percentage of migrants which perform low-skill jobs has been rising, especially in many OECD countries. This growth has been fuelled by two main factors: first of all, the fact that more and more local people are spending longer in education becoming more highly qualified, which translates into an increasingly unwilling attitude to accept an unskilled job; secondly, the growth has also been implemented by the fact that the average age of population in OECD countries is rising due to the fall of birth rates and the increase of life expectancies. Consequently, in future, there will be fewer workers able to support the costs of new born and pensioners in almost every developed country. The demand for migrants of a country depends in part on the domestic economy and in part on the willingness of people to leave their homelands to try to find other chances in a different country.

Since 2008, when the financial crisis⁷ hit worldwide, immigration started to slow down in some OECD nations. This situation opened different scenarios but the only thing that is possible to state is that even if flows of migrants slow down, they won't stop. Migration will continue to be an important point in the governments' agendas. The heads of state will continue to face the challenge of designing policies to ensure benefits both for migrants and the host countries. Migration will always be a problematic topic because it touches many aspects of modern life such as: economics, demographics, politics, national security, social issues, national identity, culture, language and even religion. Opinion surveys show substantial hostility to migration in many countries especially in those where irregular migration is a real problem.

⁶ KEELEY, *International migration*, p.12.

⁷ The *Great Recession*, as it is called, was a period of general decline, recession, observed in national economies globally that occurred between 2007-2009. The scale and timing of the recession varied from country to country. The International Monetary Fund (IMF) concluded that it was the most severe economic and financial meltdown since the Great Depression.

Another important aspect about migration is the integration of immigrants into societies. Since the creation of OECD, international migration is seen as a priority. The thirty-six member countries of the organisation welcome more immigrants than any other economic zone in the world. The OECD's work concerning migration covers different areas of interest providing data on an annual basis about the movement of migrants inside the countries of the organization. The OECD studies the impact of migration on economic growth, it analyses the role of migration in developing countries, including the aspect of the "brain drain"⁸ and remittances⁹, the intergovernmental organisation examines also the performance of migrants linked to education and employment.

The human being began to travel around the earth even before borders were set and politics invented. Migration is one of the great constants of human history, some of these journeys were cyclical due to natural disasters or wars. After analysing data, archaeologists have placed the beginning of human odyssey in eastern Africa around 50000 or 60000 years ago. Quickly scrolling forward in time, we can notice that in Europe, between 300-700 A.D., there was a period known as "the migration of the nations". During this time frame, tribes like the Huns, Goths, Franks and Angles migrated into new homelands, creating the foundations of today's European nation states. At the beginning of the 1400 Europe was at the centre of another great period of migration which lasted for more than 300 years. The most powerful European countries discovered important trade routes that acted also as channels for human movements. After the abolishment of slavery in Europe and Americas¹⁰, a steady flow of labourers emerged to work in overseas plantations. At the end of their job contracts many workers returned back home, but many others stayed in their host countries.

⁸ *Human capital flight* refers to the emigration or immigration of individuals who have received advanced training at home. The net benefits of human capital flight for the receiving country are sometimes referred to as a "brain gain" whereas the net costs for the sending country are sometimes referred to as a "brain drain".

⁹ A *remittance* is a transfer of money by a foreign worker to an individual in their home country. Money is sent home by migrants competes with international aid as one of the largest financial inflows to developing countries. Workers' remittances are a significant part of international capital flows, especially with regards to labour-exporting countries.

¹⁰ Slavery in the United States of America lasted for more than a century, from 1776 to 1865, which ended following the civil war. In Europe slavery was abolished from the beginning of 1880, the year in which the region began to use European immigrants instead of slaves.

At the beginning of the 19th century another great period for migration started when a multitude of Europeans decided to seek new opportunities overseas. Over the time, million Europeans have emigrated permanently abroad. Migration is a different experience for each migrant and for each migrant group. Some groups integrate slowly than the others, in part because some choose exclusion, in part because some are excluded. Today, integration is still one of the hottest issues concerning migration. Governments ask themselves if societies should foster a spirit of multiculturalism in which migrants are encouraged to maintain their own cultures and traditions, or if newcomers should have to mingle in the new realities.

The scale of transatlantic migration in the 19th and early 20th centuries was huge but it was not the only one. People were moving also in other parts of the world. In the 1850s, around 50000 people per year arrived in Australia, many drawn by the hunt for gold. Between 1860 and 1915, around 3 millions of Chinese established themselves in Southeast Asia. In the 19th and early 20th centuries there were extensive movements even within Europe's boundaries. Britain saw an important influx of Irish migrants after the potato famines¹¹ that hit in the 1840s. Later, France experienced a flow of Poles and Italians when the country's developing industries struggled to find workers.¹²

Looking back at the 19th and early 20th centuries we can observe that migrants moved around the world with very few restrictions. Once emigrants arrived in a new place they normally needed no green cards¹³ or visas¹⁴ to start their lives in another country. The Asian population represented an exception because starting in the 1850s, Australian colonies laws began to be more restrictive in order to keep out Chinese, Indians, Japanese and other Asians. When federal Australia was established in 1901, the government instituted a "White Australia policy"¹⁵, and a parliamentarian of the time declared that his countrymen were "determined that Australia shall be kept free from alien invasion and

¹¹ The *Irish Great Famine* was a famine that struck Ireland between 1845 and 1849, causing the death of about a million people and the emigration of a further million abroad. The causes triggering the famine were manifold but the prevalent one was above all the appearance of a virus that hit the potato plantations destroying about a third of the season's crop and the entire crop of 1846.

¹² KEELEY, *International migration*, p.21.

¹³ The *green card* is a permit allowing a foreign national to live and work permanently in the United States.

¹⁴ *Visa* is an endorsement on a passport indicating that the holder is allowed to enter, leave, or stay for a specified period of time in a country.

¹⁵ *White Australia policy*, formally "Immigration Restriction Act" of 1901, in Australian history, fundamental legislation of the new Commonwealth of Australia that effectively stopped all non-European immigration into the country and that contributed to the development of a racially isolated white society.

contamination”¹⁶. In the 1880s, Canada and the United States followed the Australian example by closing the borders to Asian migrants. In 1920s, the United States blocked the free entry policy for Europeans and Latin Americans; in the 1930s, Canada began restricting immigration from Southern and Eastern Europe, favouring English-speaking immigrants. These restrictions were caused by a series of factors including xenophobia, the global warfare and economic recession, all together brought to sharp restriction of voluntary migration across the world in the 1920s and 1930s.

The migration phenomenon re-emerged in the mid-1940s with the end of the Second World War. As a matter of fact, one of the major developments in migration happened during the post-war years when the figure of the “guest worker”¹⁷ emerged. After the rebuilt of Western Europe, thanks to the Marshall Plan¹⁸, some of the major European countries started to recruit workers from the less economically developed countries. At the time, no country was more related to the concept of guest worker than the former Federal Republic of Germany¹⁹. Initially, German politicians thought that they could hire young workers, especially men, from other countries who would work in Germany for short periods of time with no expectation of obtaining rights as citizens or being allowed to bring their families there. This government miscalculation was well explained by the Swiss writer Max Frisch²⁰ who said: “We wanted workers, we got people”.²¹ Germany found itself in a situation in which the government could do nothing but soften its laws on family reunification, thing that happened in the 1960s. Also Europe followed the German example and started to recruit workers from its overseas territories after the Second World War. Permanent migration began again in some of the most important European countries. Countries like Canada, Australia and United States encouraged mass immigration searching for new workers and, as a result, in the decades after the World War II they saw substantial numbers of new arrivals. The early 1970s was another turning

¹⁶ KEELEY, *International migration*, p.25.

¹⁷ A *guest worker* is a person with temporary permission to work in another country.

¹⁸ The *Marshall Plan*, officially called the "European Recovery Program", was announced by US Secretary of State George Marshall on June 5, 1947. This was one of the US political and economic plans for the reconstruction of Europe after the Second World War. This plan consisted of an allocation of over \$ 12.7 billion.

¹⁹ "*German Federal Republic*" was one of the terms used in 1949 by the communist German Democratic Republic to refer to the Federal Republic of Germany (inverting the word order of the official name).

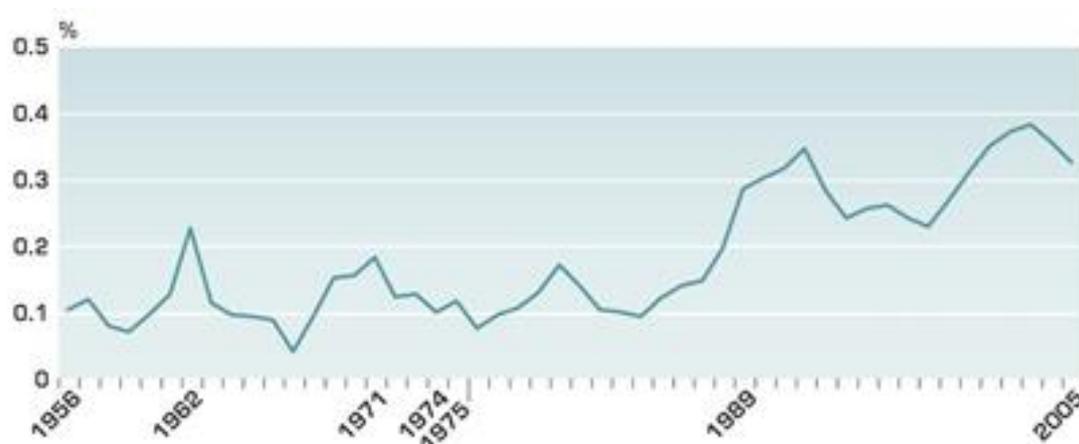
²⁰ *Max Rudolf Frisch* was a Swiss playwright and novelist who lived between 1911 and 1991. Frisch's works focused on problems of identity, individuality, responsibility, morality, and political commitment.

²¹ KEELEY, *International migration*, p.27.

point for the history of international migration. The oil crisis of 1973²² caused a world-wide economic turndown and this put an end to the mass recruitment of guest workers in Europe. During this period of time immigration stalled but did not end. The world did not have to wait long before seeing a new re-birth of international migration.

In the decades following 1980, in particular between 1985 and 1995, the flow of migrants, on a global scale, grew by 62% and was more than double in the developed countries.

This chart shows the net migration as a percentage of total population in OECD countries, 1956-2005.²³



- **1962:** End of “Algerian War”²⁴ sees return of many French citizens.
- **1971:** The peak of “guest worker period” in Europe.
- **1974-75:** Revolution in Portugal²⁵, the fall of the Greek junta and the death of Spain’s Franco see return of many emigrates.
- **1975:** End of Vietnam War followed by the exodus of “boat people”²⁶.
- **1989:** Fall of Berlin Wall leads to increased movements from East to West in Europe.

²² The *oil crisis* began in October 1973 when the members of the Organization of Arab Petroleum Exporting Countries (OPEC) proclaimed an oil embargo.

²³ KEELEY, *International migration*, p.28.

²⁴ The *Algerian War*, also known as the “Algerian War of Independence” or the “Algerian Revolution”, was fought between France and the Algerian National Liberation Front from 1954 to 1962, which led to Algeria winning its independence from France. An important decolonization war which took place mainly on the territory of Algeria, with repercussions in metropolitan France.

²⁵ The *Carnation Revolution* was initially a 25 April 1974 military coup in Lisbon which overthrew the authoritarian Estado Novo regime. The revolution led to the fall of the Estado Novo, terminated the Portuguese Colonial War, and started a revolutionary process that would result in a democratic Portugal.

²⁶ Refugees who flee their countries for political or economic reasons aboard boats, including makeshift ones.

We can observe in the chart that between late 1980s and early 1990s there is an increase in the number of migrants. This behaviour reflects, among other things, the United States decision to include irregular immigrants in its collecting data. Throughout the 1980s and during the 1990s the driving force of immigration was not economics anymore. Factors like family reunification, providing shelter to refugees²⁷ and asylum seekers²⁸ became more prominent. In 1970s, in the United States, migration rose significantly due to a change in the law that made it easier for immigrants already on American soil to bring there their family members. This led to a shift in where migrants came from. Before, the flow of migrants from Europe was the most relevant in terms of numbers; at this point the Americas, especially Mexico and the Latin America in general, as well as Asia, became far more important. In the 1990s, the United States started to be even more flexible by providing jobs to migrants based on the skills they could bring to the American economy. Later this approach was also followed in Canada and Australia. The expanding European Union area allowed EU citizens to move even more easily, especially within the member countries. A more significant flow of migrants began after the collapse of the Berlin Wall in 1989. Eastern Europeans were tempted to go West and this trend increased in the early years of this century when Europe included in the Union countries like Lithuania, Poland and Hungary.

Today the situation of migration is, as it always has been, highly complex. There are three main characteristics of migration flow which affected the early 21st century²⁹. Firstly, since 1980s migration is rising but the rate of increase is neither steady nor consistent. The clear evidence is that migration is affecting a huge number of people around the globe. The United Nations estimates that around 190 million people live outside their home country. Secondly, the characterisation of migration as a simple story of movement

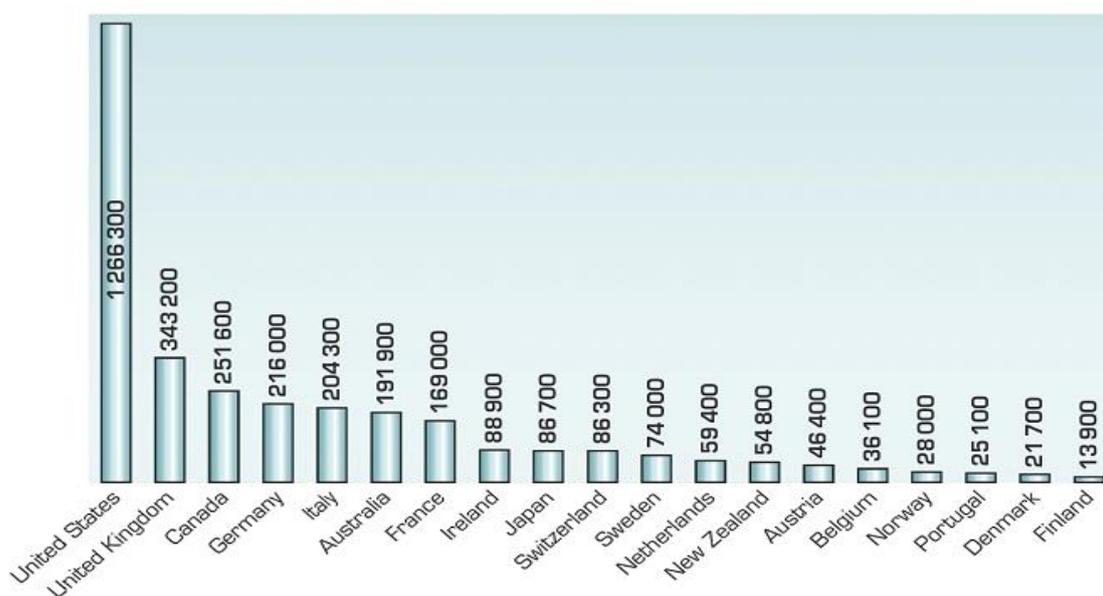
²⁷ *Refugees* are defined by the United Nations as people living outside their own countries who are unable or unwilling to return home because of a “well-founded fear of persecution”.

²⁸ The definition of “*asylum-seeker*” vary, but an asylum seeker is mainly distinguished from a refugee by the fact that the first one makes his claim for protection as refugees when he arrives in the receiving country, and not in his own country or in an intermediate country.

²⁹ KEELEY, *International migration*, p.29.

of people from developing to developed countries is reductive. A very clear phenomenon, but to which less attention is paid, is the existence of an important migratory flow even between developed countries, usually called the “North of the world”, and also between developing countries, called the “South of the world”. Overall, about one-third of the world’s migrants travel from North to North, another third travel from South to North and the final third travel from South to South. Thirdly, the social and economic process, called globalisation, has favoured international migration worldwide in recent decades. With globalisation not only goods and services are being traded more freely across borders but there are also more and more people looking to live and work overseas. Even though globalisation favoured the opening of borders, the freedom of movement is not necessarily increasing. The role of migration is seen more and more as a component of globalisation and, at a national level, the role of migrants is seen as a force driving the internal economic growth.

The graphic below shows the number of stock migration³⁰ in some OECD countries in 2006, without taking into account irregular immigration.³¹



³⁰ Migration data makes a key distinction between “flows” and “stocks” of migrants.

Flows: the number of migrants who have arrived in a country over a fixed period of time, such as the previous twelve months. “Net flows” refers to the number of people arriving into a country (immigrants) minus the number who are leaving (emigrants). A negative flow means more people are leaving than arriving, and a positive means more people are arriving.

Stocks: the existing population of immigrants in a country.

³¹ KEELEY, *International migration*, p.32.

What we can observe from the chart is that, in absolute terms, in 2006, the United States has been the country with the greatest number of migrants, counting more than 1.2 million immigrants. These numbers are huge, considering that the five biggest receiving countries, immediately after United States (United Kingdom, Canada, Germany, Italy and Australia) did not reach such sum, not even by combining with each other.

For many people throughout history migration has been an answer to economic necessity. But this is also true for many others billions of people who, however, decide to not migrate. To better understand the forces that drive people to move to another nation or to remain in their own country we can refer to studies made by sociologists and economists who sum up this situation in terms of “push” and “pull”³². The push represents the personal situation of the individual in the country he is living in and the economic strength of the host country. The pull is represented by the goal established by the individual in the country of arrival, such as the aspiration of finding a better job. Push and pull factors are constantly changing and this helps to understand why migration numbers fluctuate so much. What is worth emphasizing here is that the choice of a person to leave his home and migrate elsewhere is never an easy one. An individual’s decision to migrate or not is always linked to a vast range of factors. Some specialists argue that the “push-pull theory” concerning the phenomenon of migration places too much importance on the aspect of the individual’s choice while ignoring some other determining contexts such as the social, economic, cultural and political that may affect these choices much more than the purely individual one.

To try to take into account all the forces that shape migrants’ decisions, some sociologists formulated the “migration systems theory”. This theory views, on one hand, migration as an interaction between events and circumstances, and, on the other hand, the individual situation of the migrant. Events and circumstances are defined as “macro-structures” that

³² KEELEY, *International migration*, pp.36-38.

concern the economic and political state of nations and the world, globalisation, laws and practices to control and manage migratory flows. The individual situation is defined by “micro-structures” such as the migrant’s personal social networks of friends and family, possible community links to the country of destination, the availability of information to migrants and many others aspects. The theory also identifies a third level defined as “meso-structure” which takes into account intermediaries during the migration process. This third level includes organisations that recruit migrants as well as agents and people smugglers.

Sometimes migration’s role is positive when it produces a flood of remittances back to the home country; but migration can also have a negative impact, especially when it steals away the brightest local minds or force breadwinners to leave their own families. Generally speaking, migrants move towards wealthier nations, even though sometimes these countries are only a little wealthier than their home countries. This does not mean that migrants only go from poor countries to rich ones, as it is explained above, but at the same time, this also means that economic factors, such as the prospects of finding better jobs or a higher standard of living are important for migrants all over the world. Focusing on the economic aspect, moving to another country may produce economic benefits like raising the incomes of migrants but this decision can also have a heavy impact on the communities of origin, especially if migrants escape from developing countries. Moving from a poor country to a richer one may be positive because remittances can help to reduce poverty and, for example, it allows families to invest in their children’s education. But this decision can also be negative when there is a loss of highly skilled workers which holds back developing countries from reaching their full potential. The impact of the phenomenon of migration is both a positive and a negative factor for the economic sphere of developing countries. This impact can be perceived in three different ways: in the

changes of the labour force, in the changes of productivity and in the supply of remittances³³. Firstly, the change in the labour force may occur depending on how many people decide to emigrate and, in particular, it depends on who migrants are. When a substantial number of people decide to emigrate from a developing country, the nation may suffer a shortage of workers in certain categories. The occurrence of this phenomenon is called “brain drain” and when it hits an already poor country it further deprives the nation of its skilled people, becoming an even poorer country. When this occurs in fields such as education and healthcare it is particularly critical. Secondly, productivity measures the value of goods and services produced by workers; as a result, according to the general rule, highly skilled workers have higher levels of productivity. From an economic point of view, a developing country which loses skilled workers may suffer a heavy drop in productivity and this in turn will impact the economy by changing it. Thirdly, ever since it was possible to do it, emigrants supply their remittances back home. This action helps, at the same time, immigrants’ families, their communities of origin and even their national economies. What is important to emphasize here is that great part of remittances are sent through “unofficial” channels. Consequently, it is impossible to calculate, on a global scale, the real amount of remittances which are sent back home even if some data estimates that this amount may be three times bigger than the amount of foreign aids sent to developing countries. Migration can lead to important economic benefits in a developing country but these benefits sometime take a while before materializing, as a matter of fact, remittances do not usually flow immediately to the migrant’s home countries. The individual who chooses to migrate abroad has to establish themselves in the host nation before they can start sending money back home. As a general rule, international migration has always followed a pattern: working-age individuals leave their countries while the younger and older population stay at home. On

³³ KEELEY, *International migration*, p.114.

the one hand, the part of population left behind may benefit from emigrant remittances, especially if those remittances are invested in the education and healthcare sectors, which are the most important ones. On the other hand, the departure of both skilled and less skilled workers may affect the economy of a developing country as a whole. The different aspects emerged by focusing on why low-skilled workers who leave can help the economies of their home countries. First of all, low-skilled workers' remittances tend to be more proportionate than the high skilled ones. Second, low-skilled workers usually come from poor countries and this translates into the fact that their remittances go to families in great need. Third, depending on the rates of unemployment of the departure country, the egress of not high-skilled workers could create a twofold situation: it may increase the wage levels of the worker population remained at home or it may produce new job opportunities for them. The combination of these two aspects could bring positive results. With the "migratory return"³⁴, a phenomenon which witnesses individuals migrated abroad coming back to their home countries, it is possible to have other types of benefits leading from the fact that returnees come back with new skills and knowledge. Part of migrants can decide to return permanently to the places of origin while another part can decide to travel repeatedly between the home country and the country that hosts them. This latter phenomenon is known as "circular migration"³⁵. This type of migration can bring with it some benefits because once people bring back home new skills learned abroad they can employ them both in the medical and economic fields. Unfortunately, practice shows that migrants who are able to come back home are usually those who emigrated from wealthier nations while migrants coming from poor or developing countries have more complications in returning home. Another aspect which paradoxically can be seen as a negative one is that returnees may bring with them new skills which in reality are not useful in a developing country, so in this case the benefit cannot be applied.

³⁴ KEELEY, *International migration*, p.117.

³⁵ KEELEY, *International migration*, p.118.

What is clear so far is that one of the few certain things that will continue to exist in the future is that migration phenomenon will not stop. However, what is less clear is how this process must be managed internationally. Governments must cope with both the emigration and immigration flows affecting their country and in doing so they must be able to apply suitable policies. As Angel Gurría³⁶ said: “To be prepared for the future, governments need to act now to put proper policies in place to help satisfy labour needs partly through migration and to enable the integration of migrants. Every OECD country should make this a priority. It is socially, politically, ethically, and morally correct, but it is also an act of sheer economic rationality.”³⁷

I.II The role of International Organizations (IOs) in the field of international migration.

In the last twenty years, the way in which international organisations (IOs) address the international migration issue has changed a lot. Assuming that state sovereignty is still a central aspect concerning the management of the politics around the topic of migration, international organisations are increasing their impact regarding this matter, especially in relation with the cross-border movements of people and their management. As a result, international organisations have become crucial actors to implement migration policies. There are some uncertainties concerning the role and functions, but also the political context, in which international organisations can operate. An evident aspect is that international organisations have improved international cooperation giving also greater attention to human rights. At the same time, it seems that international organisations reinforce some existing imbalances, this is because they primarily tend to look toward

³⁶ *José Ángel Gurría Treviño*, also known as Ángel Gurría, is a Mexican economist and diplomat. Since 1st June 2006, he has been the Secretary-General of the Organisation for Economic Co-operation and Development (OECD).

³⁷ Angel Gurría, OECD Secretary-General, speech in Paris, February 2008.

their interests and then to those of the most developed countries around the world.

An interesting aspect which has characterized the last decades is the phenomenon of regionalisation and internationalisation of policies related to migration issues.³⁸ On a regional perspective Europe is deeply involved in the formulation of a European Union migration policy together with an increasing cooperation with neighbourhood countries. Another important aspect hold at regional level is the Budapest Process (BP)³⁹. Since 1991 the Budapest Process has served as an informal forum for intergovernmental dialogue on migration, involving over fifty states and some international organizations. The goal of this dialogue is the implementation of sustainable migration systems in the respective countries. The Budapest Process encourages the states of European and Asian region to exchange information and examples of good practices on the following topics: legal and illegal migration, asylum, visas, border protection, trafficking in human beings and migrant smuggling, readmission and return. Since 2009, the countries of the Silk Road have also participated in the Budapest Process, namely: Afghanistan, Pakistan, Iran, Iraq, China and Bangladesh. The Budapest Process has been chaired since 2006 by Turkey and the International Centre for Migration Policy Development (ICMPD)⁴⁰ ensures the management of secretarial activities. The 1994 Cairo Conference on Population and Development (ICPD)⁴¹ was another milestone in international politics. This forum, which was organised by the United Nations Population Fund (UNFPA)⁴², was a real success. Other similar forums followed this one, such as, the first United

³⁸ Martin GEIGER & Antoine PÉCOUD, *International Organisations and the Politics of Migration, Journal of Ethnic and Migration Studies*, p.865.

³⁹ The *Budapest Process* is an interregional dialogue on migration stretching from Europe to the Silk Routes region also covering Europe's Eastern neighbours, the Western Balkans and Central Asia. The participating states meet annually or bi-annually for Senior Officials' Meetings to discuss developments, to determine the main policy directions and to support the Process. States are also invited to participate in regional Working Groups which gather expert officials from national administrations to examine, discuss and share information and best practices on matters dealing with concrete migration challenges.

⁴⁰ The *International Centre for Migration Policy Development (ICMPD)* is an international organisation with 17 member states and more than 250 staff members. The organization is active in more than 90 countries worldwide, it takes a regional approach in its work to create efficient cooperation and partnerships along migration routes.

⁴¹ The *Cairo Conference on Population and Development (ICPD)* gave a new vision about the relationships between population, development and individual well-being. At the ICPD in Cairo, 179 countries adopted a forward-looking, 20-year Programme of Action (extended in 2010) that continues to serve as a comprehensive guide to people-centred development progress.

⁴² The *United Nations Population Fund (UNFPA)* is the United Nations sexual and reproductive health agency. Its mission is to deliver a world where every pregnancy is wanted, every childbirth is safe and every young person's potential is fulfilled.

Nations High-Level Dialogue on International Migration and Development (HLD)⁴³ which was held in 2006, followed by a second dialogue in 2013; and the Global Forum on Migration and Development (GFMD)⁴⁴, organised yearly since 2007.

The interest of international organisations on migration issues has favoured cooperation and dialogue, both at regional and international level, and their work contributed to help the efforts made by states to establish effective migration policies. The growing impact of the role of international organizations over the years has contributed to the substantial growth of some organizations such as the International Organization for Migration (IOM)⁴⁵; the foundation of new agencies such as the International Centre for the Development of Migration Policies (ICMPD), founded in 1993, but also the creation of new cooperation models such as the Global Migration Group (GMG)⁴⁶, established in 2006. In 1919 the International Labour Organization (ILO)⁴⁷ was founded, and for the first time in history it mentioned in its charter the protection of workers' interests when employed in countries other than their own. On the level of international law, this led to the establishment of new rights concerning the hiring and treatment of foreign workers. The period after the First World War was characterized worldwide by profound economic and social crises, a situation which was not favourable in promoting the rights of migrant workers. The second half of the 20th century saw a development in the field of human rights which, adding to a growing need for foreign labour by the United States, has

⁴³ The *United Nations High-Level Dialogue on International Migration and Development* (HLD) was established in 2003 when the United Nations General Assembly decided to devote a high-level dialogue to international migration and development during its sixty-first session in 2006. The purpose of the HLD is to discuss the multidimensional aspects of international migration and development and identify appropriate ways to maximize its development benefits and minimize its negative impacts.

⁴⁴ Since its inception, the *Global Forum on Migration and Development* (GFMD) has operated involving governments and policy makers from a varied background. The GFMD has also established formal links with other processes such as the GFMD Civil Society, the GFMD Business Mechanism and the Mayors Mechanism. These institutional links have allowed the inclusion of the voices and expertise of diverse stakeholders, including migrants and diaspora representatives.

⁴⁵ The *International Organization for Migration* (IOM) was established in 1951 and it is the leading inter-governmental organization in the field of migration working closely with governmental, intergovernmental and non-governmental partners. With 173 member states and a further 8 states holding observer status, IOM is dedicated to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people.

⁴⁶ The *Global Migration Group* (GMG) was an inter-agency group bringing together heads of agencies to promote the wider application of all relevant international and regional instruments and norms relating to migration, and to encourage the adoption of more coherent, comprehensive and better coordinated approaches to the issue of international migration.

⁴⁷ The *International Labour Organization* brings together governments, employers and workers of 187 member States to set labour standards, develop policies and devise programmes promoting decent work for all women and men.

favoured the rekindling of interest in norms relating to the rights of migrants. Even if international cooperation was considered as a fundamental priority on the issue of international migration by the majority of countries and international bodies, it would still have to face the obstacle of states' concern in maintaining sovereign control over the mobility of people within their territory. Despite this, the concept of national sovereignty does not take into consideration the fact that migration dynamics naturally develop on an international basis making them in turn susceptible to international cooperation. The current situation not only shows that the state monopolization of legitimate means of movement is the result of a long process but it also shows that to date the process proves to be still ongoing and sometimes incomplete given that states must confront non-state actors such as international and multinational organizations. Today's situation also shows the constant dualism between sovereignty and cooperation regarding the issue of migration policy.

Another aspect concerning international cooperation is that of asylum seekers and refugees. In 1921 the High Commissioner for Refugees was founded for the first time by the United Nations and culminated in 1950 with the creation of the United Nations High Commissioner for Refugees (UNHCR)⁴⁸ and the subsequent adoption, in 1951, of the Geneva Convention⁴⁹. All this meant that there was a fragmentation on the institutional level existing even today. The situation became even more complicated when a new international organization was founded in 1951, outside the competence of the United Nations, which was initially called the Interim Governmental Committee for the movement of migrants from Europe (PICMME)⁵⁰. This organization focused on Europe, in particular on transport and logistics concerning migrants. The PICMME was what

⁴⁸ The *United Nations High Commissioner for Refugees* (UNHCR) is a global organisation dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people.

⁴⁹ The *Convention Relating to the Status of Refugees*, also known as the *Refugee Convention* or the *Geneva Convention*, is a United Nations multilateral treaty that defines who a refugee is, and sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum. The Convention also sets out which people do not qualify as refugees, such as war criminals. The Convention also provides for some visa-free travel for holders of refugee travel documents issued under the convention.

⁵⁰ The *Provisional Intergovernmental Committee for the Movement of Migrants from Europe* (PICMME) was born in 1951 out of the chaos and displacement of Western Europe following the Second World War.

today is the IOM. The International Organization for Migration became a permanent organization only in 1989. This implementation gave rise to three different macro categories in the field of international organizations: the rights of migrant workers, promoted by the ILO and then by the Office of the United Nations High Commissioner for Human Rights (OHCHR)⁵¹, refugees and asylum, supported through UNHCR, logistical and similar services useful to governments, supported first by PICMME and then by IOM. Since the ILO was the oldest and most experienced organization with regard to the issue of migration, it was absolutely favourable to a global approach regarding the rights of migrants. The ILO's vision was in line with what was the European context in the second post-war period which saw the presence of a large number of displaced people and what made their management difficult was to be able to have a clear distinction between migrants and refugees. Despite this, some strong governments such as America and England were reluctant to attribute all that power to a single organization. The post-Cold War period saw a number of important changes in the relationship between international organizations and migration policies. It is possible to identify two dynamics, which are different from each other but which are, at the same time, closely linked: on one hand, the end of the conflict between East and West in Europe made the hope of greater consensus and collaboration emerge internationally; on the other hand, the search for greater transnational cooperation has led to the fear of taking away national sovereignty in favour of a world increasingly understood as a "global village"⁵². With the collapse of the Berlin Wall many communist states also collapsed, this together with the important deregulation of the market which created a context in which the sovereignty of the states, especially that of the most powerful states, was seen as a threat and therefore this led to the development of new governance methods on a global scale.

⁵¹ The *Office of the High Commissioner for Human Rights* (OHCHR) is the leading UN entity on human rights. The General Assembly entrusted both the High Commissioner and her Office with a unique mandate to promote and protect all human rights for all people. The United Nations human rights programme aims to ensure that the protection and enjoyment of human rights is a reality in the lives of all people.

⁵² GEIGER & PÉCOUD, *International Organisations and the Politics of Migration*, p.868.

All this led, in 1995, to the creation of the Commission for Global Governance⁵³. All concerns were somewhat eased when it was finally clear to both politicians and statesmen that international migration could serve as a serious social destabilizer worldwide. In Europe, for example, the strong migration between East and West, together with the numerous refugee flows from the Balkans, have shown how massive migratory flows can endanger the security of states.

The emergence of new migratory flows due to human trafficking, the influence of climate change or more simply irregular migration have pushed many individuals to migrate elsewhere. These situations merged with the growing concern about the phenomenon of migration, but more specifically with the concern of the states to be able to control it. At this point the debates taking place in international forums on migration began to show a dual nature. One hand, interest in inter-state cooperation has led to the search for new methods of trying to control and limit migration. New international organizations such as the International Centre for Migration Policy Development have been designed to allow states to exchange information with each other and thus join forces to try to cope with new migration challenges. We can therefore say that the internationalization of migration policies was seen as a means of preserving national control over human mobility. On the other hand, international debates have also been characterized by a strong desire to develop genuinely global migration policies with the intention of going beyond the needs of the individual state and consequently making the control of migration management truly cooperative and global. After the Cairo conference the issue of migration has become the core topic of the Global Commission on International Migration (GCIM)⁵⁴ while other important forums of global reach have been established such as the United Nations and the United Nations Global Forum on Migration and Development.

⁵³ The *Commission on Global Governance* was an organization that produced a controversial report in 1995. The report was attacked by pro-sovereignty groups for calling for United Nations reforms that would increase its power. The Commission made a standard definition of global governance stating that: "Governance is the sum of many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest".

⁵⁴ The *Global Commission on International Migration* (GCIM) is the first-ever global panel addressing international migration which was officially launched by the United Nations Secretary-General and a number of governments on 9 December 2003 in Geneva. It was composed of 19 members, drawn from all regions and bringing together a wide range of migration perspectives and expertise.

Today, international migration could literally be called a global issue, not because we live in what is called the "era of migration", but rather because governments finally recognize this issue worthy of receiving attention on an international scale. This explains why the UNHCR, for example, has grown at an exponential rate greater, paradoxically, than the number of refugees in the world. Its growth was due, above all, to a growing political consensus among the states that felt the pressing need, from an ethical and moral point of view, to improve the situation of migrants. In addition to what has been said so far, the migration crisis has underlined the limitations of governments to act unilaterally on the issue, while it has renewed the need to cooperate in order to achieve common objectives between states. Acting in this way the conclusion of bilateral and multilateral agreements has increased both regionally and worldwide. International organizations have become fundamental allies of sovereign states in controlling and managing migration on a global scale, even if this collaboration has sometimes lead to the readjustment of some visions and methods. According to some scholars, the changes that occur within international organizations are both internal and external. As a matter of fact, international organizations should be able to collect external motivation by developing them in turn within the organization and then being able to respond to the new challenges that are being proposed around the world. According to some researches, international organizations should be classed as actors capable of behaving in an autonomous way, expanding into various ramifications, often not foreseen; therefore, absolutely different conception of a static entity subject to rules and which in turn is capable of emanating from it. Both the IOM and the UNHCR were born as organizations that had to be applied on a European scale but, thanks to the correspondence of their sphere of action and competence, they have become bodies with worldwide influence. The most obvious

example is that of the IOM, an organization not only destined to be regional, European, but even temporary. The IOM has managed to become a permanent organization able to resist over time knowing how to reinvent its role and functions.

Excessive optimism towards the work of international organizations, at the expense of a healthier criticism, has meant that it spread the general belief that these organizations do nothing but promote international cooperation and solve problems. As for the issue of migration, this widespread optimism has generated a paradox⁵⁵. Some states are often criticized for not being able to apply effective migration policies, or even bankruptcy, while international organizations are rarely criticized for making the same mistakes. However, it is equally true that since international organizations are products of sovereign states they should be criticized as much as governments when it comes to ineffective migration policies. Some scholars have highlighted how not enough academic research has been done on the IOM, despite the fact that it has become an important international player in the governance of migration on a global scale. This is an aspect worth pointing out, because most of the migration researchers usually use data and sources from the IOM. There is also a lack of in-depth research for agencies such as the ILO, the United Nations Development Program (UNDP)⁵⁶, the World Bank (WB)⁵⁷ and regional entities such as the Inter-Governmental Consultations on migration, asylum and refugees (IGC)⁵⁸, the ICMPD and the RCPs. It is difficult to discuss the effective role of international organizations, this not only due to the excessive optimism that surrounds them but also because of their ambiguous nature. The paradox regarding the existence of international organizations lies in the fact that, on one hand, these should act as a linkage between the various international players in an increasingly interconnected and globalized world; on the other hand, however, these agencies are often viewed with skepticism regarding their ability to overcome the challenges that they face.

⁵⁵ GEIGER & PÉCOUD, *International Organisations and the Politics of Migration*, p.871.

⁵⁶ The *United Nations Development Program* (UNDP) is present in more than 170 countries and territories and it works to eradicate poverty while protecting the planet. UNDP helps countries develop strong policies, skills, partnerships and institutions so they can sustain their progress.

⁵⁷ The *World Bank* (WB) is a unique global partnership: five institutions working for sustainable solutions that reduce poverty and build shared prosperity in developing countries.

⁵⁸ The IGC is the *Inter-Governmental Consultations on migration, asylum and refugees*. It is an interregional forum on migration, established in 1985, which covers regions such as: Europe, Asia, Americas. The IGC is an informal, non-decision-making forum for inter-governmental information exchange and policy debate on all issues of relevance to the management of international migratory flows and it is considered as the first inter-state consultation mechanism on migration.

Concerning the issue of migration, the role of international organizations is further questioned because, with the exception of the IOM, these would not be the main agents in the management of this problem but rather the sovereign states would be. Furthermore, the fact that international organizations and states are so closely interdependent supports the argument that governments are reluctant to confer too much influence on international organizations. For this reason, the field of international migration policy is highly fragmented weakening, in turn, the effectiveness of the intervention of international organizations. It should be noted that some agencies are objectively more influential than others according to the specific head of application and the geographical area in which they operate. Entities such as the IOM and the UNHCR are likely to exert more influence in the field of international migration than institutions such as the World Bank and the UNDP which apparently appear to be the most influential but which are not yet sufficiently present as they are relatively new actors on the international scene⁵⁹. In the opinion of some analysts, the power of international organizations can be understood as a form of global governance. Their work would result in "controlling" the conduct of states in applying policies favourable to the cause, but without exercising coercive power. In conclusion, the task of these organizations would be to monitor and evaluate the compliance of the rules issued by states. Governments, in turn, should not perceive the rules issued by international organizations as something imposed on them by more powerful actors who are above the hierarchical scale; on the contrary, states should "self-discipline", trying to collaborate with each other by putting into practice the rules introduced by organizations as promoters of indisputable universal values. The role of international organizations should not be limited only to regulating the conduct of states but should also be able to influence individuals and their attitudes towards the issue of migration. Some researchers wonder if international organizations act taking into account

⁵⁹ GEIGER & PÉCOUD, *International Organisations and the Politics of Migration*, p.874.

the general interest of the international community or if they act for personal interest, for the interest of some states or if they act in order to favour the interests of certain social groups. From a realistic perspective, it is legitimate to argue that some states, considered the most powerful in the world, undoubtedly exercise the greatest influence on relevant issues on a global scale. It follows that international organizations are therefore strongly influenced to act compatibly with the interests of these states. This profound interdependence is what hides the relations of power between governments allowing international institutions to act for them in a neutral way. However, the "too much" interdependence creates problems, such as the effective control of national borders, which is a current topic nowadays. At this point the IOM's ability to persuade weaker states comes into play but without violating their sovereignty.

By looking at the IOM's role in the Regional Consultative Processes on Migration (RCPs)⁶⁰ we can notice that these are designed to allow governments of a specific region to discuss migration. This situation is partly due to the fact that the majority of RCPs see the IOM as a sort of body that acts as a secretariat for them. This situation translates into the fact that this agency is seen as a key player in the decision and management of the activities on the agenda of the RCPs. This not only enables the IOM to get involved in the implementation of the initiatives agreed within RCPs, but it also shows the way in which an international organisation can vehicle the concerns of its most important member states, even when working "for the benefit" of non-Western countries. Moreover, it shows how an international organisation can export both concerns and practical solutions from one part of the world to the other.

An effective way to try to reveal the real intentions behind the behaviour of an international organization is to investigate directly the implementation of its projects on the field. What we deduct is that most of the practices of international organizations lie

⁶⁰ The *Regional Consultative Processes on Migration* (RCPs) are important mechanisms that foster inter-State cooperation and partnership on migration issues by bringing states together for informal, non-binding dialogue at the regional level.

somewhere within their political agendas. For example, so-called “counter-trafficking”, “readmission” and “voluntary return” initiatives lie between security and humanitarian concerns, while attempts to foster migration to try to conciliate the need for foreign labour with development efforts. The correct treatment of asylum seekers shows a justified mix of concern between humanitarian and border control issues. For this reason, often we can find initiatives on border management and security on the agendas of many countries. What results is that the activities of international organizations never have completely "pure" political objectives because, as already explained above, organizations with a global sphere of action aim to satisfy the interests of different partners. This leads to a very confused moral and political situation. Therefore, the approach of international organizations, especially the most influential worldwide, must be seen as a pragmatic approach capable of finding the right balance between the different imperatives that are imposed.

Investigating the activities of international organizations is not only a way of controlling them but also a method of assessing their influence. There are evidences which show that the so called "capacity-building"⁶¹ activities of organizations have a considerable impact especially in developing countries. Considering the fact that these countries are seen as politically weak and with little experience, they are often subject to external interventions that seek to modify their migration policy through international organizations. Formally, this way of acting is seen as a developer of local interests, while obviously it hides hidden programs that aim for something else.

What has been said so far demonstrates a strong disconnection between narratives and practices of international organizations. On one hand, what narratives present to us is a world in which the migratory phenomenon is something well defined in which people move consistently for the benefit of the whole community; the practices, on the other

⁶¹ GEIGER & PÉCOUD, *International Organisations and the Politics of Migration*, p.879.

hand, reveal that they are projects that do not seem to have the potential to implement what is desired by the narratives. Overall, this situation can be interpreted in two ways: the first as an indication that international organizations are not actually able to put into practice what they claim to want to do, thus demonstrating their powerlessness; the second interpretation is that the function of organizations could be precisely to revisit approaches considered obsolete for issues already known. This dichotomy between narratives and practices, if used correctly, can lead to the development of new communication channels which could be much more effective.

To conclude this general analysis of the function of international organizations in the migration field, it is useful to underline that these agencies often collaborate with researchers and experts in the sector to try to formulate new ideas and approaches to the issues they face. International organizations also contribute to the production and publication of academic works and journals by often funding research. Collaboration between researchers and organizations is crucial in the collection and processing of data and information. This strong collaboration is also due to the fact that international organizations are much more predisposed to deal with migration issues in a new way, while governments demonstrate to have a much more traditional approach. This context proves to be really attractive, and consequently productive, in the eyes of researchers, thus strengthening the link between organizations and specialists. In a Weberian⁶² perspective, international organizations benefit from collaboration with academics and specialists because the work of the latter is considered "neutral", "objective" and "scientific", therefore not attackable, thus giving authority and transparency to the work of the organizations. In return, researchers benefit from the rapid spread of research done through international organizations. However, it should not be forgotten that these organizations remain political institutions, which are often closed and which may not

⁶² *Max Weber* was a German sociologist, philosopher, jurist, and political economist. He is one of the most important theorists on the development of modern Western society. His ideas profoundly influenced social theory and social research.

allow the development of research projects within them.

In 2006, a careful analysis was made on the role of the World Bank as a "disseminator of knowledge". What resulted was a strong contradiction between completely independent and disinterested research and the presence of power games within the organization. These power games included an agenda in which the wealthier Western states had the goal of influencing developing ones; furthermore, the World Bank set out to maintain a neutral behaviour on issues deemed relevant. Although international organizations, however influential, do not have hegemonic power, they nevertheless have the possibility of exercising a strong influence in their range of action. If used incorrectly, such influence could imply the defence of untruthful or unclear concepts or worse still the omission of wrong practices. Some researchers argue that international organizations influence research in the "nexus of migration and development" field, especially in developing countries. On the other hand, little is known about the internal impact of migration in some countries. Therefore, we can say that while political language presents politics as a data-based science, often complaining about the lack of data, it chooses which data to base itself on. To try to avoid the occurrence of this practice as much as possible, the scientific research field, which is the data producer, should try to obtain greater academic independence and clearly distinguish between the elaboration of academic and institutional ideas. This thought could be considered legitimate but maybe excessively simplistic. The great majority of researchers and academics are aware of the contribution that the complexity of their work brings in cooperation with international organizations, in fact some argue that they should be considered as political actors in the formulation of their research as they are often influenced by personal beliefs or external factors. The figure of the researcher could be placed on the same level as that of the political entrepreneur, as the studies that the researchers conduct often are modelled on the basis

of fundamental values and political objectives. If used correctly, this approach to cooperation with international organizations should remain critical and unaffected, although this rarely happens.

The dilemma⁶³ that researchers have to face is that, on one hand, contemporary migration policy is very lacking, both in terms of control and management; moreover, some international agencies feed certain situations and problems rather than trying to solve them. On the other hand, very few researchers attempt to address these concerns directly critically and rather prefer to use their energies by making superficial criticisms of states' actions on migration. This attitude makes it easier to find allies, such as international organizations, regarding international migration policy. This is a very delicate issue on which a wide debate could be opened. It is a topic that implies a series of factors including research funding, the ambitions of the researchers themselves, the reputation of the organizations and their scholars and finally the political context. Scholars and exponents in the field of international migration remind us that social sciences are intrinsically connected to history and politics but despite this they have the task of elaborating a critical self-reflection in this regard.

In recent decades, migration has become a global problem. This development is due to the fact that the role of international organizations has made it easier to approach this issue and consequently they managed to ensure that more initiatives were taken in this political field. From a certain point of view this could be seen as a positive value given that international agencies worldwide are traditionally associated with globally recognized positive values such as: justice, respect for human rights, development and interstate cooperation, only to mention a few. But as we have seen so far, the intervention of international organizations in the field of migration policy gives rise to a series of problems linked to various aspects. Hence the need to appreciate but, above all, objectively criticize the role and work of international organizations.

⁶³ GEIGER & PÉCOUD, *International Organisations and the Politics of Migration*, p.881.

I.III The Schengen Convention as turning point in international migration.

The Convention Implementing the Schengen Agreement (CISA), known as the Schengen Convention, is one of the most renowned legal document in the field of international cooperation and, undoubtedly, a remarkable example of cooperation between European states and a critical component of the Single Market⁶⁴. The original agreement was signed in Luxembourg on June 19, 1990, in the town of Schengen, by the heads of states and governments of five European countries: Belgium, France, Luxembourg, Germany and Netherlands. They agreed on gradual reduction of their border checks with the long-term objective of fully abolishing them. The agreement entered into force was gradual but for the five member states it took place on March 26, 1995. Italy joined the agreement on November 27, 1990 and entered into force on October 26, 1997. In 1997, following the Amsterdam Treaty⁶⁵, cooperation in the Schengen area⁶⁶ was brought into the context of the European Union; while the entire "Schengen acquis"⁶⁷ was published in 2000.

Although the Schengen Convention is still often cited, it is useful to remember that it has changed significantly over the years and many of its articles have undergone changes or have been repealed. In the first phase of cooperation in the Schengen area the European Union developed subjects such as justice and home affairs but as the degree of cooperation progressed, it was soon necessary to modify the Schengen convention. The Dublin Convention⁶⁸ of June 15, 1990 intervened with regard to the provisions relating to the determination of the state responsible for examining asylum applications. In this regard, the Bonn Protocol of April 26, 1994 established that as soon as the Dublin

⁶⁴ Lucian BLAGA, "The Challenges of the Schengen Area", in: Expert Journal of Economics, Vol. 4, Issue 3, 2016, pp.96-104.

⁶⁵ The *Treaty of Amsterdam*, officially the Treaty of Amsterdam amending the Treaty on European Union, was signed on 2 October 1997, and entered into force on 1 May 1999; it made substantial changes to the Treaty of Maastricht, which had been signed in 1992. Under the Treaty of Amsterdam, member states agreed to transfer certain powers from national governments to the European Parliament across diverse areas, including legislation on immigration.

⁶⁶ The *Schengen Area* is an area comprising twenty-six European states that have officially abolished all passport and all other types of border control at their mutual borders. The area mostly functions as a single jurisdiction for international travel purposes, with a common visa policy.

⁶⁷ The *Schengen acquis* is a set of rules and legislation, integrated into European Union law, which regulates the abolition of border controls at the internal borders within the Schengen Area, as well as the strengthening of border controls at the external borders.

⁶⁸ The *Dublin Convention* is a European Union law that determines which EU member state is responsible for the examination of an application for asylum, submitted by people seeking international protection under the Geneva Convention and the EU Qualification Directive, within the European Union.

Convention had been accepted by all the states belonging to the Schengen area, the provisions of Schengen Convention in the field of asylum would have ceased to be applied.

The Treaty of Maastricht⁶⁹ created a system in Europe based on three main pillars: the first pillar included the grouping of European Union policies of the time; the second pillar concerned community security and foreign policy; while the third pillar dealt with home affairs. When the Schengen acquis was integrated into European Union law, the changes made to the third pillar consequently made parts of the Schengen Convention inapplicable. When the Schengen acquis was integrated into the European Union law, it was also necessary to attribute to each provision of the acquis a legal basis comparable to the pillar system of the Maastricht Treaty. Once these new elements were established, however, it remained to establish a legal basis for other elements in the European Union legal framework. At the time of its integration into the European Union, the Schengen area comprised ten countries, while the five Nordic countries⁷⁰ were in the process of integration. Of these five Nordic countries, three, namely: Finland, Sweden and Denmark, were European Union Member States, while Norway and Iceland were non-member states. The integration of the Nordic countries into the cooperation area of Schengen has led to changes binding on all associated countries. Legally, the European Community provided the use of more precise and effective legal instruments in the area of police cooperation and cooperation in criminal matters than the Schengen Convention.

The evolution of the Schengen Convention⁷¹ since the integration of cooperation under Schengen within the European Union has been subject to two different forces: the development of the Schengen acquis and the disappearance of the elements that were not considered essential.

⁶⁹ The *Treaty on European Union* was signed in Maastricht on 7 February 1992 and entered into force on 1 November 1993. With the entry into force of the Treaty on European Union, the expression EEC has been replaced by the expression European Community (EC). The legislative and supervisory powers of the EP have been strengthened with the introduction of the co-decision procedure and the extension of the cooperation procedure.

⁷⁰ The five Nordic countries were: Denmark, Norway, Sweden, Finland and Iceland.

⁷¹ Gerrit HUYBREGHTS, *The Schengen Convention and the Schengen acquis: 25 years of evolution*, 2015, p.383.

The Convention is divided into different Titles:

- Title I contains some definitions;
- Title II deals with the abolition of checks at the internal borders and the movement of people. In Title II there are seven chapters:
 - Chapter 1 “Crossing internal borders”,
 - Chapter 2 “Crossing external borders”,
 - Chapter 3 “Visas”,
 - Chapter 4 “Conditions governing the movement of aliens”,
 - Chapter 5 “Residence permits and alerts for the purposes of refusing entry”,
 - Chapter 6 “Accompanying measures”,
 - Chapter 7 “Responsibility for processing applications for asylum”.

Chapters 1 and 2 were repealed by the Schengen Borders Code⁷². Chapter 3 is about the Visa Policy of the European Union⁷³ which is subdivided in a Schengen part and a non-Schengen part. The non-Schengen part concerns external visa policy. Chapter 3 is subdivided in two sections: “short-stay visas” and “long-stay visas”. Section one has been replaced by the Visa Code that has been in force since April 5, 2010. The Visa Code is an instrument that integrates existing legislation, including parts of the Schengen Convention, the Common Consular Instructions and several texts from before and after the integration of Schengen into the European Union. Most of the articles of Chapter 4 and 5 have been changed or deleted on the introduction of several separate instruments that are still part of the Schengen acquis. Chapter 6 consists of two articles, the first article in particular looks at the responsibility of carriers for aliens refused entry. Chapter 7 is on the responsibility for processing applications for asylum. The provisions of this chapter had been replaced by the Dublin Convention of 1990. This Convention was later followed by the Dublin II Regulation in 2003⁷⁴.

⁷² The *Schengen Borders Code* is intended to improve the legislative part of the integrated border management European Union policy by setting out the rules on the border control of persons crossing EU external borders and on the temporary reintroduction of border control at internal borders.

⁷³ The *Visa Policy of the Schengen Area* is set by the European Union and applies to the Schengen Area and to other EU member states except Ireland. The visa policy allows nationals of certain countries to enter the Schengen Area via air, land or sea without a visa for stays of up to 90 days within a 180-day period. Nationals of certain other countries are required to have a visa either upon arrival or in transit.

⁷⁴ The objective of the *Dublin II Regulation* is to identify as quickly as possible the Member State responsible for examining an asylum application, and to prevent abuse of asylum procedures.

The close relationship between the asylum policy and the Schengen acquis was emphasised in the collaboration with Switzerland. On June 5, 2005, Switzerland agreed in a referendum to a combination of Schengen/Dublin cooperation. The Eurodac fingerprint database⁷⁵ has been established in order to facilitate the application of the Dublin Convention. The position of Denmark required the signature of a protocol after Switzerland and Liechtenstein joined the Dublin and Eurodac cooperation.

A third title (Title III) of the Schengen Convention deals with police and security and it includes chapters relating to police cooperation and judicial cooperation. In Title III there are seven chapters:

- Chapter 1 “Police cooperation”,
- Chapter 2 “Mutual assistance in criminal matters”,
- Chapter 3 “Application of the *ne bis in idem* principle”⁷⁶,
- Chapter 4 “Extradition”,
- Chapter 5 “Transfer of the enforcement of criminal judgments”,
- Chapter 6 “Narcotic drugs”,
- Chapter 7 “Firearms and ammunition”.

“Police” and “Security” are two areas in which the European Union policy limits the Schengen interference. The Schengen cooperation is only applied to those aspects that are needed to achieve the specific goals of cooperation under its area. The Schengen Convention was an integrated instrument, meant to make a clearly defined goal possible: the abolition of internal borders. Currently, citizens of twenty-six countries⁷⁷ can cross the borders to live, work or travel in the Schengen area, without border checks. Over 400 million European citizens can travel at any time and in any place in the Schengen area, just as they would travel in their own country⁷⁸. Changes to the Schengen Convention have come from a variety of sources: the evolution of Justice and Home Affairs policies

⁷⁵ The *European Dactyloscopy* (Eurodac) is the European Union fingerprint database for identifying asylum seekers and irregular border-crossers. Asylum applicants and irregular border-crossers over the age of 14 have their fingerprints taken as a matter of European Union law.

⁷⁶ In general, the objective of the *ne bis in idem* principle is to ensure that no one is prosecuted for the same acts in several Member States on account of the fact that he exercises his right to freedom of movement.

⁷⁷ Austria, Belgium, Switzerland, Czech Republic, Germany, Denmark, Estonia, Greece, Spain, Finland, France, Hungary, Iceland, Italy, Liechtenstein, Lithuania, Luxembourg, Latvia, Malta, the Netherlands, Norway, Poland, Portugal, Sweden, Slovenia, Slovakia.

⁷⁸ BLAGA, “*The Challenges of the Schengen Area*”, p.96.

of the European Union, court cases, the Lisbon Treaty and changes related to the integration of new countries. Certain policies were taken out of the Schengen acquis, while others remained Schengen-related, but were subject to their own evolution, which could include integration, consolidation or complete renewal. This has resulted in a diminution of the number of articles of Schengen Convention that are still applicable. Certain elements of European Union legislation were considered useful in the framework of the relation with the associated countries, leading to a kind of “pseudo-Schengen acquis”. Three areas remained firmly with the Schengen acquis while at the same time important evolutions took place: visa policy, border policy and the Schengen Information System (SIS)⁷⁹. The following areas have been taken out of cooperation under Schengen: weapons, drugs, asylum, transfer of the enforcement of criminal judgments, transport and movement of goods and extradition. In the case of the asylum policy the associated countries later joined the European Union policy in question. Extradition remained at first in cooperation under Schengen, but was later taken out of it. The areas of data protection, legal assistance and police cooperation have in common that there is a Schengen part and a non-Schengen part to them. Legal proposals regarding data protection are subject to numerous changes. The legislation in relation to legal assistance in criminal matters could be called chaotic. Police cooperation has different instruments at its disposal and has been complemented with non-Schengen legislation with which the non-European Union countries were associated. In the future, further articles will likely be repealed or replaced. Under the influence of the different multiannual programmes for Justice and Home Affairs, the Schengen acquis will continue to be adapted. The Schengen Convention will probably completely disappear in the future, but will have left its tracks in the Justice and Home Affairs legislation.

⁷⁹ The *Schengen Information System* (SIS) is a governmental database maintained by the European Commission. The SIS is used by 31 European countries to find information about individuals and entities for the purposes of national security, border control and law enforcement since 2001. A second technical version of this system, SIS II, went live on 9 April 2013.

According to a study coordinated by the European Commission, in 2015, the free movement of people, goods and services was considered as the greatest achievement of the European Union. A Europe without internal borders brings significant economic benefits to member countries, increases international cooperation, facilitates movement of labour and speeds up commercial relationships. A big advantage lies with cross border commuters⁸⁰, who are working in an European Union country, but live in another and return home daily, or once a week. In the absence of controls, they save time and have more employment opportunities. The number of frontier workers is estimated around 1.7 million⁸¹ and it is mainly concerned with the developed European countries, like France, Germany, Belgium and others. Free movement also means a huge expansion for the online trading firms because transport of goods and services is faster and cheaper, which in turn benefits the final consumer.

To ensure citizens safety in the Schengen area, it is necessary to strengthen the external border security. In this respect, all controls are carried out according to a set of common rules regarding visa, migration and asylum. With visa a foreigner can visit any of the twenty-six states and this in turn will encourage tourism in member countries. Regarding asylum policy, the Schengen countries relate to the provisions of the Dublin Regulation, according to which, the country where the asylum seeker enters is responsible to identify the individual and to record his request. In order to ensure protection of the citizens from the Schengen area, to fight against terrorism, organized crime, human trafficking and illegal migration, the local and the border police of each country is in a close collaboration through the Schengen Information System (SIS).

Even though the Schengen Agreement has been incorporated into the body of rules governing the European Union, the Schengen area does not perfectly match with the European Union. Non-EU states like Norway, Iceland, Liechtenstein and Switzerland are

⁸⁰ A *commuter worker*, also known as a cross-border commuter or alien commuter is a worker who is resident in a different country to that in which they work, and crosses a national border as part of their regular commute.

⁸¹ BLAGA, “*The Challenges of the Schengen Area*”, p.96.

Schengen members, but recent accession countries in the European Union like: Bulgaria, Romania, Croatia and Cyprus are not yet part of the agreement. To join the Schengen area, states must demonstrate that they are able to secure external border control and to cooperate effectively with other member states in order to maintain a high level of internal security. Due to the present crisis concerning migration, it is hard to believe that the Schengen area will expand in the future. In addition, there are countries that have chosen not to implement the Schengen agreement in their territory and this is the case of the Republic of Ireland and the United Kingdom of Great Britain. The two countries want to have the power to control their own borders, being concerned of the internal security. However, the United Kingdom operates the Schengen Information System (SIS) within the context of law enforcement cooperation and Ireland takes the necessary steps to achieve this goal.

As previously mentioned, nowadays Europe is struggling with the biggest migrant crisis since the end of the Second World War. In 2015 more than 1 million migrants have requested protection in Europe⁸², and their number is growing every day. The category of migrants included the refugees of war coming from countries such as Syria, Afghanistan and Iraq but there are also economic migrants, in search of a better life, who come from the Balkans and North Africa. According to the 1952 Refugee Convention⁸³, which was signed by over 140 countries, including the European Union members, countries are not allowed to deport a refugee in territories where his/her life or freedom would be threatened, this according to the “principle of non-refoulement”⁸⁴. When the fundamental rights of citizens are violated and when the countries of origin no longer provide protection, the international community must intervene. Besides refugees from Iraq, Afghanistan, Syria, where the population is threatened by ISIS⁸⁵ and civil war, there were

⁸² BLAGA, “*The Challenges of the Schengen Area*”, p.97.

⁸³ The 1951 *Refugee Convention*, ratified by 145 State parties, it defines the term ‘refugee’ and outlines the rights of the displaced, as well as the legal obligations of States to protect them. The core principle is non-refoulement. This is now considered a rule of customary international law. UNHCR serves as the guardian of the 1951 Convention and its 1967 Protocol. According to the legislation, States are expected to cooperate with UNHCR in ensuring that the rights of refugees are respected and protected.

⁸⁴ The *Non-refoulement* is a fundamental principle of international law that forbids a country receiving asylum seekers from returning them to a country in which they would be in likely danger of persecution based on race, religion, nationality, membership of a particular social group or political opinion. Non-refoulement refers to the generic repatriation of people, including refugees into war zones and other disaster locales. It is a principle of customary international law, as it applies even to states that are not parties to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol.

⁸⁵ The *Islamic State (ISIS)* is the name given to a Salafi jihadist organization active in Syria and Iraq, where until 2017 it controlled a large territory militarily. Its leader, Abu Bakr al-Baghdadi in 2014 proclaimed the

also many others poor citizens from countries like Albania, Bosnia-Herzegovina, Kosovo, Macedonia, Serbia, Montenegro and Turkey, who sought asylum in the European Union but only few requests have been accepted. According to international regulations and the laws of the European Union, these countries are considered safe, meaning that they are characterized by a democratic system, minority rights are protected, no armed conflicts and the human rights are respected. The European Union countries have sought to carry out a careful selection on those who truly need protection and those who have no real reason to get asylum. According to the information provided by the United Nations Refugee Agency (UNHCR), in 2015 over 1 million migrants came to Europe by sea, almost five times more than the previous year. Most of them, which represent the 80%, arrived in Greece, 15% arrived in Italy and the rest 5% arrived in Spain and Malta⁸⁶. The Dublin Regulation stipulates that refugees will ask for help in the first member country they reach, so Greece, Italy, Spain and Malta had the duty to register every migrant, take their fingerprints and check them in the national and international database, in order to prevent the wave of criminals. After following this procedure, authorities would decide if each asylum seeker will get the “refugee status” or if he/she will have to return to the country of origin. Due to the lack of personnel, adequate technology and registration centres, the authorities in countries like Greece and Italy were overwhelmed by the large number of migrants. Although migrants had to seek asylum in countries where they arrived, those countries became only transit countries. Often the final destination of migrants are the developed countries in the north-west of Europe, where they hoped to benefit from the social aid programs or to find jobs. The leading country of this trend was Germany which, through the "Willkommens Politik"⁸⁷ of Chancellor Angela Merkel⁸⁸, accepted around 800,000 refugees in 2015, sparking a wave of migration in Europe which

birth of a caliphate in the territories fallen under his control in an area between north-eastern Syria and western Iraq. Although this group claims to be based on the Sunni Islamic religion, many leaders of the Islamic world have advocated the illegitimacy of the proclamation and the contrast between the group's ideology and religious doctrine.

⁸⁶ BLAGA, *“The Challenges of the Schengen Area”*, p.98.

⁸⁷ BLAGA, *“The Challenges of the Schengen Area”*, p.98.

⁸⁸ Angela Dorothea Merkel is a German politician who has been Federal Chancellor of Germany since 22 November 2005.

could not be controlled. The German Chancellor reasoned her decision on humanitarian grounds and tried to convince her European counterparts to follow her lead but as a result a huge number of migrants, who were not in possession of a Schengen visa, crossed Austria and Hungary illegally in order to arrive in Germany. As a consequence, the Dublin Regulation started to lose its legitimacy. Not registering the entry of citizens belonging to countries outside the Schengen area means considerably increasing the wave of migrants, and consequently increasing the risk of terrorists infiltrating in the Schengen area. An example above all is represented by the terroristic attack made in France in November 2015⁸⁹ which was implemented by two jihadists who infiltrated through the refugees who came from Greece.

Freedom of movement represents the benefit of joining the Schengen area but, according to Schengen rules, national authorities are allowed to reintroduce, only in exceptional cases and temporary, internal border controls in case of serious threats to security representing a risk to the Schengen area. A first warning about the vulnerability of the Schengen system occurred in April 2011 when France reintroduced border controls with Italy after about 48,000 migrants arrived from Tunisia in the Italian island of Lampedusa, due to political turmoil. Even though the situation was resolved, a sense of concern remained in the Schengen area. Starting from September 2015, when a great influx of people, more than 800,000, coming from North Africa and the Balkans arrived, many countries introduced internal border control. At the end of the same year, overwhelmed by the number and the speed at which the migrants came, Germany reintroduced border controls with Austria and German Chancellor Angela Merkel intimated other European countries to register migrants and analyse their asylum claims. As response, Austria, France, Sweden, Denmark, Belgium and Norway have chosen to strengthen their own security at borders too. Border control can be extended to a maximum of two years if the

⁸⁹ The November 2015 Paris attacks were a series of co-ordinated terrorist attacks that took place on 13 November 2015 in Paris, France and the city's northern suburb, Saint-Denis. The Islamic State of Iraq and the Levant (ISIL) claimed responsibility for the attacks.

functioning of the Schengen area is in danger due to control deficiencies at external borders and is in presence of a serious threat to public order and security of a state. However, the European Union is constantly seeking solutions designed to restore the proper functioning of the Schengen system. Since the beginning of 2015 more than 1 million refugees have come into Greece from Turkey. Considering the weak link in terms of external border security, Greece is under huge pressure from the Schengen members to reinforce control⁹⁰. Many European Union diplomats suggest removing Greece from the Schengen area but the President of the European Council rejected the hypothesis because it is not legally possible to exclude the member countries from the Schengen area. Nevertheless, the European Commission proposed the solution to support Italy and Greece to effectively record all the refugees and ensure safe return to the ones whose request for asylum was not approved. Thus, the two countries received financial support and technical assistance from some European institutions and member states agencies. Due to the heavy impact of the refugee crisis on Greece, the United Nations Refugee Agency (UNHCR) and the European Commission decided to launch a program aimed to provide 20,000 additional reception places for asylum seekers in Greece. Despite this, according to the progress report of February 2016, none of the two countries, Italy and Greece, met the commitments taken in October 2015 regarding the number of registration centres established. However, progress is made concerning the collection of fingerprints which later are included in the Eurodac database. The goal is to collect as much fingerprints as possible to ensure the safety of citizens in the Schengen area. Italy and Greece will be supported by European Union agencies such as: The European Asylum Support Office (EASO)⁹¹, European Union Border Agency (Frontex)⁹², European Union

⁹⁰ BLAGA, “*The Challenges of the Schengen Area*”, p.99.

⁹¹ The European Union is working towards a Common European Asylum System. EASO supports its implementation by applying a bottom-up approach. The aim is to ensure that individual asylum cases are dealt with in a coherent way by all Member States.

⁹² The *European Union Border Agency*, also known as Frontex, is an agency of the European Union headquartered in Warsaw, Poland, tasked with border control of the European Schengen Area, in coordination with the border and coast guards of Schengen Area member states. Frontex was established in 2004 as the European Agency for the Management of Operational Cooperation at the External Borders and is primarily responsible for coordinating border control efforts. In response to the European migrant crisis of 2015–2016, the European Commission proposed on 15 December 2015 to extend Frontex's mandate and to transform it into a fully-fledged European Border and Coast Guard Agency.

Judicial Cooperation Agency (Eurojust)⁹³ and European Union Police Cooperation Agency (Europol)⁹⁴, to identify, register and fingerprint incoming migrants.

To protect borders but also to prevent accidents in the Mediterranean Sea European Union has intensified its two maritime operations coordinated by Frontex: Poseidon⁹⁵ and Triton⁹⁶. Operation Poseidon acting in the eastern Mediterranean Sea while Operation Triton acting in the central of the Mediterranean Sea to Malta. Despite the increasing attention concerning the security at external borders, the wave of migrants did not stop. Experts on the field have realized that solving Schengen area's problems will not stop the flow of migrants in Europe. To try to prevent the unnecessary death of thousands of migrants coming to Europe, the European Union seeks to discourage migrations by negotiating with the neighbourhood countries, where there are no conflicts, the reception of migrants. After monitoring the intricate Greek situation, the European Union decided that it was necessary to decrease the number of arrivals of migrants in Greece. To accomplish this purpose, the European Union signed, in October 2015, a joint action plan with Turkey in order to cooperate and assume mutual commitments and joint responsibilities. Turkey currently hosts more than 2.5 million immigrants⁹⁷, especially Syrians fleeing the war, and to help Turkey in its humanitarian aid, Europe allocated 3 billion € for health service, food and education. Turkey will also receive financial and technical support to prevent illegal migration and manage more efficiently the process of

⁹³ Eurojust is an agency of the European Union dealing with judicial cooperation in criminal matters among agencies of the member states. It is seated in The Hague, Netherlands. Established in 2002, it was created to improve handling of serious cross-border and organized crime by stimulating investigative and prosecutorial coordination. Eurojust is composed of a college formed of 27 national members—experienced judges, prosecutors, or police officers of equivalent competence from each EU member state.

⁹⁴ The *European Union Agency for Law Enforcement Cooperation*, better known under the name Europol, formerly the European Police Office and Europol Drugs Unit, is the law enforcement agency of the European Union (EU) formed in 1998 to handle criminal intelligence and combat serious international organised crime and terrorism through cooperation between competent authorities of EU member states.

⁹⁵ *Operation Poseidon* supports Greece with border surveillance, saving lives at sea, registration and identification capacities, as well as combatting cross-border crime. The operational area covers the Greek sea borders with Turkey and the Greek islands. Frontex supports Greece with guest officers, who perform border surveillance, assist in the identification and registration of incoming migrants, as well as debriefing and screening. Operation Poseidon Sea is increasingly becoming a multipurpose operation covering a number of aspects of cross border crime including smuggling of illegal substances, weapons, detection of forged documents and many others. It also covers several coast guard functions such as search and rescue, detection of illegal fishing and maritime pollution.

⁹⁶ *Operation Triton* was a border security operation conducted by Frontex. The operation, under Italian control, began on 1 November 2014 and ended on 1 February 2018 when it was replaced by Operation Themis. It involved voluntary contributions from 15 other European nations (both EU member states and non-members).

⁹⁷ BLAGA, “*The Challenges of the Schengen Area*”, p.99.

returning migrants. However, the Turkish government received the funds promised by the European Union only in March 2016. Nevertheless, more than 2,000 people still arrived in Greece every day. To face this unprecedented situation, the European Union and Turkey decided for a new project designed to resolve the migrant crisis. According to the plan, Turkey would agree to take back all migrants considered not in need of international protection which crossed into Greece from Turkey, in exchange, for every Syrian readmitted by Turkey from Greece, the European Union would resettle another Syrian from Turkey to the European Union Member States. Because Turkey has become a key partner in solving the refugee crisis, the European Union wants to reward it.

Another massive influx of migrants coming to Europe arrived from Africa. The European Union invested funds in the countries of origin of immigrants in order to alleviate poverty and, as a result, trying to mitigate the exodus of people who want to migrate to obtain a better life. In November 2015, the European Union allocated a budget of 1.8 billion € for the project “Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa ” (EUTF for Africa)⁹⁸. This fund is available for a large number of African countries, especially the poorest and the most affected by migration. These countries are those situated in the Horn of Africa and North of Africa and Sahel region and Lake Chad. The partnership that the European Union created with the African countries intends to invest in health, education, create jobs, support the enforcement of laws in order to prevent conflicts and establish project aimed to improve the management of migration.

Another important aspect to take into account is the heavy refugee crisis in Syria. Concerning this topic the European Union decided to establish a “Trust Fund”⁹⁹ with a

⁹⁸ The *European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (EUTF for Africa)* was created to address the root causes of instability, forced displacement and irregular migration and to contribute to better migration management. Programmes under the EU Trust Fund for Africa are implemented in twenty-six partner countries across three regions of Africa: the Sahel and Lake Chad, the Horn of Africa and North Africa. These countries face growing challenges ranging from demographic pressure, extreme poverty, weak social and economic infrastructure, internal tensions and institutional weaknesses to insufficient resilience to food crises and environmental stress. Activities focus on four strategic objectives: greater economic and employment opportunities, strengthening resilience of communities, improved migration management and improved governance and conflict prevention.

⁹⁹ The EU Regional Trust Fund in Response to the Syrian Crisis pools an increasing share of the EU's aid to the region into one single and flexible instrument. The Fund primarily addresses educational, economic and social needs of Syrian refugees while also supporting overstretched local communities and their administrations. The Trust Fund is a key instrument for the delivery of the EU's pledges made at the London conference on Syria in 2016 and the Brussels conferences on the Future of Syria and the Region in April

budget of 390 million € with the aim of help the Syrian refugees but also the host communities in Turkey, Jordan, Lebanon and Iraq¹⁰⁰. With the fund refugees would benefit from health care services, protection and strictly necessary goods, while, in the host countries, the European Union would initiate professional development and education programs to develop a more rapid reintegration of the refugees.

The main goal of the European Union is to resolve the causes of forced displacement and irregular migration but also to prevent human trafficking, illegal migration and help the return and the reintegration of migrants in their home countries or in a safer one and by trying to obtain these results, European Union gave life to numerous projects and funds. The downside was that the results of the measures cited above could only be seen in time, while Europe necessitates an immediate solution. The asylum system of the member countries is overloaded and reception areas hardly cope with the endless wave of migrants. Due to the circumstances, the European Council decided, according to the Treaty on the Functioning of the European Union (TFEU)¹⁰¹, to temporary relocate asylum seekers who are in a clear need of international protection. According to this, in September 2015, after a decision taken by the European Home Affairs Ministers, 160,000 refugees coming from Italy, Greece and other countries affected by the refugees' crisis were relocated¹⁰². The European Union budget of 780 million € was allocated to this plan, respectively 6,000 € for each person relocated. The distribution of money was calculated according to some objective, measurable criteria which reflected the country's ability to absorb and integrate refugees. These criteria are: the Gross Domestic Product (GDP)¹⁰³, the population size, unemployment rate and absorption of refugees from previous years. The decision to assign a determined quota was not approved by all member countries but they found themselves involved on principles of solidarity and shared responsibility; all

2017 and 2018 and March 2019. It also underpins the special EU Compacts agreed with Jordan and Lebanon outlining joint efforts to improve the living conditions of both Syrian refugees and vulnerable host communities.

¹⁰⁰ BLAGA, "*The Challenges of the Schengen Area*", p.100.

¹⁰¹ The *Treaty on the Functioning of the European Union (TFEU)* is one of two treaties forming the constitutional basis of the European Union (EU), the other being the *Treaty on European Union (TEU)*; also referred to as the *Treaty of Maastricht*).

¹⁰² BLAGA, "*The Challenges of the Schengen Area*", p.100.

¹⁰³ *Gross domestic product (GDP)* is a monetary measure of the market value of all the final goods and services produced in a specific time period. GDP (nominal) per capita does not, however, reflect differences in the cost of living and the inflation rates of the countries; therefore, using a basis of GDP per capita at Purchasing Power Parity (PPP) is arguably more useful when comparing living standards between nations, while nominal GDP is more useful comparing national economies on the international market.

countries except for United Kingdom, Denmark and Ireland, which have not signed the Treaty on the Functioning of the European Union. Having a population of 500 million, the European Union received in 2015 about 1 million refugees.

The problem of having so many countries being involved is that they are not able to agree on how to solve the refugee crisis. The European Union sustains that solidarity lost its importance, as each country is pursuing its own interest. In fact, an increasing number of member states have reintroduced border controls, making the European Union look like a closed area, contrary to the liberal principles on which it was created but a normal functioning of the Schengen area is required. At this point, order and security in Europe were under threat, many European politicians proposed to suspend the Schengen Convention for two years but the suspension of the agreement would have been a clear signal that the entire process of economic integration that Europe had fought for, was falling. While the mobility of European citizens would have been hampered, the economic cost of this decision was estimated between 5 and 18 billion € annually. The European Commission included in this sum the costs of cross-border workers and the costs to transport goods. The European Commission study also takes into account the money that governments will have spent on personnel and equipment meant to assure borders' control. Another study, made by the investment bank Morgan Stanley¹⁰⁴, has concluded that the collapse of the Schengen system will have caused an enormous loss to Europe's economies, a loss of about 28 billion €. It was assumed also that financial flows, labour mobility and foreign investment would have been affected too. With the re-establishment of border control, the visa policy will cease to exist and in turn this will definitely have a negative impact on tourism in the Schengen area.

European officials are concerned against the vulnerability of the Schengen system. The former President of the European Commission, Jean-Claude Juncker¹⁰⁵, and the former

¹⁰⁴ The *Morgan Stanley investment bank* advises, originates, trades, manages and distributes capital for governments, institutions and individuals.

¹⁰⁵ *Jean-Claude Juncker* is a Luxembourg politician, who served as President of the European Commission from 2014 to 2019 and as the 23rd Prime Minister of Luxembourg from 1995 to 2013. He was also the Minister for Finances from 1989 to 2009.

President of the Eurogroup¹⁰⁶, Jeroen Dijsselbloem¹⁰⁷, both have warned that the Eurozone¹⁰⁸ itself would have been in danger if the Schengen space would have collapsed. Any suspension of the Schengen area would have endangered the European Union project as a whole. Freedom of movement reduces distances in Europe, increases international cooperation, trade and contributes to a peaceful resolution of disputes. Unfortunately, the EU asylum policy has proved ineffective, and the leaders of the member countries seem to be unable to find effective solutions against the international humanitarian crisis. The future of the Schengen agreement, that has been a European symbol of solidarity and harmony among nations for thirty-one years, is still uncertain.

¹⁰⁶ The *Eurogroup* is the recognised collective term for informal meetings of the finance ministers of the eurozone, those member states of the European Union (EU) which have adopted the euro as their official currency. The group has 19 members. It exercises political control over the currency and related aspects of the EU's monetary union.

¹⁰⁷ *Jeroen René Victor Anton Dijsselbloem* is a Dutch politician and economist who served as President of the Eurogroup from 21 January 2013 to 12 January 2018.

¹⁰⁸ The *eurozone*, officially called the euro area, is a monetary union of 19 of the 27 European Union (EU) member states which have adopted the euro (€) as their common currency and sole legal tender. The monetary authority of the eurozone is the Eurosystem. The other eight members of the European Union continue to use their own national currencies, although most of them are obliged to adopt the euro in the future.

CHAPTER II

THE INTERNATIONAL APPROACH TO MIGRATION THROUGH THE IMPLEMENTATION OF SPECIFIC PROJECTS

II.I The Global Approach to Migration and Mobility (GAMM).

Nowadays it is common practice to claim that the issue of international migration is the new global challenge which needs adequate solutions¹⁰⁹. Despite what is widespread believed, international migration is mainly managed at national level. To confirm this, there is no global treaty on international migration and, at institutional level, there is no United Nations agency or body that has a migration mandate. It exists the United Nations High Commissioner for Refugees and Asylum Seekers (UNHCR) but there is no multilateral forum in which different realities can meet in order to find binding resolutions on the matter of international migration.

It is known that states in general, but above all the wealthier states of destination in the North, are reluctant to create institutions capable of limiting their ability to intervene in the regulation of immigration. In this regard, the idea of the European Union to try to develop a common agenda on migration policy was, at the same time, exceptional and ambitious. Since its official conception, at the European Council meeting held in Tampere in 1999¹¹⁰, the migration policy of the European Union presented both an external and internal dimension. The internal dimension refers to policies that are developed between the member states of the European Union, including the harmonization of asylum systems, the abolition of controls at internal borders and the common visa regime; while the external dimension refers to the European Union migration relations with third countries, mainly neighbouring countries.

¹⁰⁹ James HAMPSHIRE, *Speaking with one voice? The European Union's global approach to migration and mobility and the limits of international migration cooperation*, in: *Journal of Ethnic and Migration Studies*, 2016, p.571.

¹¹⁰ The European Council dedicated a special meeting in Tampere, Finland, in October 1999, to the establishment of an Area of Freedom, Security and Justice. During this meeting political guidelines, including in the field of immigration, police and justice cooperation and fight against crime, were elaborated. The conclusions of this European Council constitute the Tampere programme.

A strategic framework, called the Global Approach to Migration (GAM)¹¹¹ for the external dimension, was announced in 2005. The Global Approach was initially intended to manage the numerous political processes that the European Union applied to relate to third countries but the purpose was also to focus on the major sending and transit regions. At the beginning, attention was focused where illegal immigration was higher which means between the Southern Mediterranean and sub-Saharan Africa; subsequently the geographical area of competence of the GAM expanded together with the expansion of new types of skills.

In 2012 the Global Approach to Migration (GAM) became the Global Approach to Migration and Mobility (GAMM), which was based on four fundamental pillars, namely: legal migration and mobility; prevention of irregular migration; impact on the development of international migration and international protection and asylum. The ultimate, very ambitious, goal of the GAMM is to ensure that the European Union is able to coordinate the international migration relations of all its member countries in a unified manner. Despite this, external action is simultaneously limited and heterogeneous. The GAMM's action is based on particular tools called Mobility Partnerships (MPs)¹¹², which are nothing more than informal agreements approved by both the European Union and third countries. Although Mobility Partnerships are not binding and although they consist mainly of a reworking of existing initiatives, together with the promise to start specific negotiations, the European Union has been able to conclude Mobility Partnerships with few countries, even if participation by member states varies considerably. The effectiveness of relations on migration outside the European Union and the limited success of Mobility Partnerships are linked not only to the asymmetries of power and interests between the European Union and third countries, but they are also caused by

¹¹¹ The *Global Approach to Migration (GAM)* is about the external dimension of the EU's migration policy that brings together migration, external relations and development policy to address migration in an integrated, comprehensive and balanced way in partnership with non-EU countries. It comprises the whole migration agenda, including legal and irregular migration, combating trafficking in human beings and smuggling of migrants, strengthening protection for refugees, enhancing migrant rights and harnessing the positive links that exist between migration and development. It is underscored by the fundamental principles of partnership, solidarity and shared responsibility and uses the concept of "migratory routes" to develop and implement policy.

¹¹² *Mobility Partnerships (MPs)* have been promoted as a flagship tool of the European Union's Global Approach to Migration (GAM). All the political evaluations to date show that MPs are an effective tool to enhance international cooperation as well as introduce more coherence in the internal governance of migration in the sending country. According to participating governments and the European Commission, the MPs have been critical to get state officials together around one table and force them to think about their migration policies and to cooperate, also on the issues of legal migration and mobility.

political and institutional asymmetries existing within the European Union itself. Through the GAMM, relations between the European Union and non-member countries are characterized by asymmetries that can be found in interstate negotiations between North and South. As a result, European states are interested in policies aimed at curbing illegal immigration in their territories, while third countries are interested in obtaining wider mobility opportunities for their citizens. Clearly, these asymmetries make reaching an agreement difficult. Added to these tensions there is the fact that political agendas of the European Council¹¹³ and the European Commission¹¹⁴ often conflict with each other (as the former prefers a more restrictive approach to the external dimension, while the latter opts for a more liberal approach) and with the different migratory interests of the member states of the European Union. This complex situation undermines the success of the negotiations that the European Union tries to develop to overcome the gap between the North and South of the world. While Commission's officials negotiate with third countries, the Council has to agree on the negotiating mandate and, given that individual member states decide whether to participate in partnerships, they have the power to define the negotiation conditions and the number of participants. Having ascertained this, the Commission is bound by the decisions of the member states to offer incentives or not during the negotiations.

This evident conflict within Europe itself inevitably shapes the negotiating position of the European Union. The result is a limitation of the attractiveness towards partnerships with third countries and consequently this explains the limited scope of the GAMM, which is characterized by a far from uniform agenda, in which the control objective prevails

¹¹³ The *Council of the European Union* is an essential EU decision-maker. It negotiates and adopts legislative acts in most cases together with the European Parliament through the ordinary legislative procedure, also known as "co-decision". Co-decision is used for policy areas where the EU has exclusive or shared competence with the member states. The Council defines and implements EU foreign and security policy on the basis of guidelines set by the European Council. This also includes the EU's development and humanitarian aid, defence and trade. Together with the High Representative of the Union for Foreign Affairs and Security Policy, the Council ensures the unity, consistency and effectiveness of the EU's external action. The Council provides the mandate to the Commission to negotiate on behalf of the EU agreements between the EU and non-EU countries and international organizations. At the end of negotiations, the Council decides on the signature and conclusion of the agreement, based on a proposal from the Commission. The Council also adopts the final decision to conclude the agreement, once the Parliament has given its consent (required in areas subject to co-decision) and it has been ratified by all EU member states.

¹¹⁴ *The European Commission (EC)* is the executive branch of the European Union, responsible for proposing legislation, implementing decisions, upholding the EU treaties and managing the day-to-day business of the EU.

immigration. This situation also suggests the fact that, despite the enormous negotiating power, the European Union's multi-level governance system significantly limits its capacity for international cooperation on migration. The ability to regulate migration flows is considered a key feature of the sovereignty of a state. It follows that any agreement which, directly or indirectly, limits a state's ability to decide which migrants can enter its territory has an impact on its sovereignty.

Since the birth of the modern state¹¹⁵, states have always been jealous custodians of their sovereignty¹¹⁶, for this reason they are very reluctant to accept agreements that could affect the limitation of their ability to regulate migratory flows. Despite this, states are aware of the limitations that unilateral migration management may have, as consequence they opened themselves up to bilateral, and to a lesser extent, multilateral cooperation. States could therefore be willing to exchange their loss of sovereignty for achieving equally important political goals, thus regaining their sovereignty in other respects, such as the ability to govern. For this reason, the European states have decided to move certain sections of migration policy to a "higher" level, that is to say on a European level. In a complex and heterogeneous network of processes, the various national bodies, including Non-governmental organizations (NGOs)¹¹⁷ and state security agencies, have decided to make use of European institutional bodies to favour their interests. When a state decides to renounce to part of its sovereignty in order to cooperate at interstate level, its renunciation does not exclusively concern migration issues. Due to the increasing politicization of immigration, especially in the countries of destination, this topic becomes very sensitive for governments. This happens because, unlike financial flows or economic regulation, migratory flows are something tangible that very often affect public opinion. European governments in particular are under pressure to claim their sovereign migration powers.

¹¹⁵ The modern state is a new form of internal and international political organization that has characterized the system of relations in Europe since the 16th century.

¹¹⁶ In constitutional law and international law, *sovereignty* connotes the supreme power within the state and in international relations the independence of a state entity / subject.

¹¹⁷ Organizations which are independent of government involvement are known as non-governmental organizations or *NGOs or non-government organizations*. NGOs are a subgroup of organizations founded by citizens, which include clubs and associations which provide services to its members and others. They are usually non-profit organizations. Many NGOs are active in humanitarianism or the social sciences.

As we noted earlier, sharing national competences with those of other interstate actors could actually improve the ability to regulate immigration. This openness is heavily criticized by some political opponents, especially from the European right wing¹¹⁸, who argue that such decision is nothing more than a loss of sovereign powers. Assuming, however, that states prove to be in favour of engaging with other countries, this does not translate into the automatic start of the cooperation, the latter only starts after certain conditions have been met. The simplest situation that can be created occurs when two or more states, through collective action, achieve a common political goal. This happens, above all, when states in question have been the destination of migratory flows and even more if they have contiguous borders; in this situation, the governments of the respective countries are very likely to decide to cooperate for shared purposes. This explains the numerous cases of international cooperation between the Northern states of the world and supranational institutions such as the European Union. The most striking example is the European one, in fact member states of the European Union have created the Schengen free movement area by sharing the goal of the coordination of border controls, also by implementing a common visa policy. Governments can always open new forums of dialogue to renegotiate agreements when they think that the other contracting parties are not respecting the commitments they have assumed.

Talking about cooperation between immigration recipients in the North of the world is one thing, but talking about cooperation between North and South countries is something different because, in this case, it is more difficult to identify common interests in the field of migration. European states are particularly motivated to collaborate with the countries of origin of migratory flows in order to request greater border control. Therefore, European countries are in favour of negotiating treaties that facilitate circulation, but these

¹¹⁸ In political science, the terms radical right and populist right have been used to refer to the range of European far-right parties that have grown in support since the late 1970s. Populist right wing groups have shared a number of causes, which typically include opposition to globalisation, criticism of immigration and multiculturalism, and opposition to the European Union.

often limit themselves to being simple visits for short stays for tourism, business or family purposes¹¹⁹. European governments, but more generally the governments of the North of the world, are disinterested in entering into agreements which have the aim of facilitating immigration for large-scale work reasons, especially if it concerns the welcoming of low-skilled workers. The only case in which governments decide to conclude bilateral labour agreements is for the creation of temporary labour migration programs but these, precisely because of their nature, facilitate the entry only for a targeted and limited period of time, to specific areas of work. Comparing what has just been said with the main objectives of the Southern states of the world, the situation changes drastically. Very often the Southern states have few resources to be able to prevent their citizens from not emigrating if they are not in possess of the necessary documentation. In some case it also happens that states have an active interest in allowing emigration, both regular and irregular, especially if it brings benefits from an economic (by sending remittances to the country of origin) and/or social point of view (made safe to escape from the lack of resources or from political conflicts). Developing countries rarely give priority to control their citizens who decide to migrate undocumented. If they did it, this would benefit states of destination and not those of departure. The governments of the Southern countries, on the other hand, have more interest in seeking greater welcoming opportunities for their citizens, this translates into the exploitation of the development of migration since, once settled elsewhere, the citizens of the countries of departure would favour the entry of money in the country of origin in the form of remittances.

This rapid analysis of the difference of approach between the Northern and Southern states of the world is nothing more than a generalization that undoubtedly includes exceptions. What these examples highlight is the presence of strong asymmetries of interest that characterize the migratory flows between North and South. These asymmetries suggest that there is a need for strong links, in fact, the success of cooperation for a political issue can be linked to the cooperation of other issues. By simplifying and schematizing this type of relationship it is possible to say that: in a

¹¹⁹ James HAMPSHIRE, *Speaking with one voice? The European Union's global approach to migration and mobility and the limits of international migration cooperation*, p.574.

bilateral cooperation between two states there can be State A which allows to cooperate with State B on a specific agreed concern which is the preference of State B; in exchange for this collaboration, State A demands the satisfaction of its preference on a different matter. This is the basis for any negotiation, especially bilateral ones. Obviously this type of bargaining can be wide or narrow, based on the type and extent of the problems involved. Bargaining on problematic issues between states requires the ability of negotiators to mobilize the support of key political actors on these issues. Although bilateral negotiations are considered simpler to manage than the multilateral ones, some difficulties may be encountered during the process. This is due to the fact that on national level there may be political programs with different interests than those that are negotiated at international scale and this is even more evident in the complex international relations managed by the European Union.

Analysing the situation of the European Union in the context of migration policies, it is possible to notice that the relationship between European and non-European countries is similar, in certain respects, to the international relations between states in the North and South of the world. The European Union is an intergovernmental organization among the main destinations choose around the world by migratory flows. For this reason, the European Union is committed to establishing cooperation partnerships with low-middle income countries¹²⁰ in the South and East of the world. Among the issues negotiated with these countries, Europe has requested strong cooperation for the prevention of irregular migration through greater border control and readmission policies for irregular immigrants; third countries, on the other hand, had the objective of negotiating greater opportunities for their citizens to join the European Union. These asymmetries need to find a connection in order to achieve the objectives set by both contracting parties, but this task is particularly complicated for the negotiators of the European Union, who must take into consideration the different political dynamics within the European Union itself. The European Union, as a union of several states, is characterized by a complex decision-making procedure among its members. In 1999, for the first time in the history of the

¹²⁰ The World Bank defines lower-middle-income economies as those with a Gross National Income (GNI) per capita, calculated using the World Bank Atlas method, of more than \$1045 but less than \$4,125.

European Union, issues such as immigration and asylum became one of the fundamental pillars of the organization, making each state's individual sovereignty a common sovereignty. Despite this, the issue of migration remains a theme that Europe shares with national governments, which manage to maintain control over certain aspects of migration that the European Union would not be able to control. From a regional point of view, the governance of the European Union is based on three dimensions¹²¹ which shape its relations with third states in the field of migration policy: the first one concerns with the European Council and the European Commission that have a different view of what the content of the migration policy of the European Union should be; the second one is about relations between national governments and the European institutions, and the crucial variation between the member states' national interests and their pre-existing migration relations with non-EU countries; the third one concerns with the institutional differences within the European Commission itself. First of all, it is necessary to clarify that the position of the Council and the Commission show some differences in the approach that the migration policy of the European Union should have and these differences have their roots since the 1990s. The Council's position on the matter is based on what is set out in the agendas of the home affairs ministries, which in turn are influenced by national migration policy. As the opposition to immigration is getting stronger, internal policies of the European Union member states, already skeptical, have tightened. This meant that, in turn, the Council was forced to tighten the international migration agenda, focusing mainly on the fight against irregular migration, through a better border management, and focusing on the fight against smuggling and trafficking of human beings, as well as to resort to stricter measures regarding the repatriation of irregular immigrants and asylum seekers.

To put this type of approach into practice, the Council's High Level Working Group on Immigration (HLWG)¹²² was established in December 1998. In response to the formation

¹²¹ James HAMPSHIRE, *Speaking with one voice? The European Union's global approach to migration and mobility and the limits of international migration cooperation*, p.575.

¹²² The *High Level Group* on Asylum and Migration is the central forum for strategic discussions and initiatives within the Global Approach to Migration and Mobility (GAMM) framework. The group prepares the ground for concrete actions of implementation, including the identification of countries and of priorities. It consults with relevant working parties when appropriate. In particular, it deals with: the external dimension of the EU's asylum and migration policies; dialogue, cooperation and partnership with countries of origin and transit countries; legal migration, illegal migration, asylum applicants and development.

of the HLWG, a "preventive" approach to the external dimension was developed by the Commission, which supports policies aimed at solving the root causes of migration. These policies include: aid for trade, development, foreign policy instruments and direct protection of refugees in the regions of origin. Due to this conflict between the Council and Commission's agendas, the possibility of engaging with the latter's third countries is limited. In fact, before committing and making decisions, the Commission must take into consideration what the Council and national governments will decide and since it is precisely the Council which has the decisional power regarding the policies for admitting migrants, this affects the negotiating power of the Commission with non-member countries. This situation leads to a second dynamic which influences the external relations of migration of the European Union, clearly distinguishing the multilateral relations from the bilateral ones: the diversity of the migratory interests of the member states.

As noted above, the heterogeneity and sometimes the gap of interests between the member states of the European Union make it difficult to delineate a common European position during negotiations with third countries. However, it is fair to say that among the member states of the European Union it is possible to find also some common points such as that concerning irregular immigration, only to name one. The reason why different European governments have different views on the approach to migration policy is because each country has a different migration history. England, for example, has ties to Commonwealth countries¹²³, Spain and Portugal have ties to Latin American countries while France has ties to North Africa. These historical relationships have been institutionalized by the conclusion of multilateral or bilateral agreements which often allow the realization of cultural or linguistic exceptions in immigration policies.

An important factor influencing a country's migration relationships is its geographical position. In fact, the European countries bordering the Mediterranean have greater

¹²³ The *Commonwealth of Nations or Commonwealth* is an intergovernmental organization of 52 independent states, all united by past membership of the British Empire, of which the Commonwealth is a kind of development on a voluntary basis.

interests in developing relations with the countries of the Mediterranean area, while the Eastern European countries have greater interests in having relations with neighbouring countries. These dynamics are reflected in different migrant communities which live in the member states of the European Union and which in turn affect contemporary migration patterns, especially on family migration, influencing also foreign policy, tourism models and commercial relations. Furthermore, each member country of the European Union has its own structure of the labour market which consequently influences the type of migration policy it wants to pursue. As a result, member states will have different priorities than those of the European Union as a whole. A member state of the Union can demonstrate its support for a Europe agreement depending on whether this agreement respects its already existing migration relations.

Another dynamic affecting the relations of the European Union with third countries is the difference between the various institutions within the Union. The European Union's Directorate for Migration Policy is the Directorate-General for Home Affairs (DGHA)¹²⁴ which conducts negotiations on migration with countries outside the Union. The DGHA in turn works with other Directorates-General (DG), in particular with the European External Action Service (EEAS)¹²⁵ and the Directorate-General for Development and Cooperation (DG DEVCO)¹²⁶. The need to find cooperation within the European Commission has deteriorated the main purpose of finding cooperation based on root causes. According to officials of the Commission's Directorate-General for International Cooperation and Development, the migration policy of the European Union could compromise negotiations with non-member countries or even allocate aid to relatively richer countries rather than to more vulnerable countries. What derives from these dynamics is that often the relations of the European Union with non-member countries

¹²⁴ The *Directorate-General for Migration and Home Affairs* is a Directorate-General of the European Commission. The role of the body is to ensure the EU's security, to build a common EU migration and asylum policy, and to promote dialogue and cooperation with non-EU countries.

¹²⁵ The *European External Action Service (EEAS)* is the diplomatic service and combined foreign and defense ministry of the European Union. The EEAS is led by the High Representative for Foreign Affairs and Security Policy (HR), who is also President of the Foreign Affairs Council and Vice-President of the European Commission, and carries out the EU's Common Foreign and Security Policy (CFSP), including the Common Security and Defense Policy (CSDP). The EEAS does not propose or implement policy in its own name, but prepares acts to be adopted by the High Representative, the European Commission or the Council.

¹²⁶ The *Directorate-General for International Cooperation and Development (DG DEVCO)* is one of the departments of the European Commission. It operates under the authority of the European Commissioner for International Partnerships.

prove to be much more complex than the interstate negotiations between the North and South of the world. The international relations of the European Union are developed on at least three levels: the first level is constituted by the internal politics of the member states of the Union; the second level is formed by the decision-making process resulting from the European Commission and the member states within the Council; the third level concerns negotiations between the European Union and non-member states¹²⁷. During a negotiation carried out on two levels, negotiator must take into account both the internal and international negotiating position. But given that any international agreement must obtain internal approval, it follows that the internal negotiation position will have more influence than the international one. The international negotiations of the European Union include negotiations between the Union and non-member countries, this “three-level game” is modelled on various preferences which obviously require approval both at European and national level. This complex network of negotiations makes the negotiations really complex, given that the negotiators of the European Union must be able to simultaneously maintain the support of the member states and that of the actors at the European level by trying to assist heterogeneous interests. This complex situation introduces further constraints on the freedom and ability of the European Union to know how to overcome the asymmetries with non-member countries with which it decides to negotiate. What was concluded in the presidency of Tampere in 1999, subsequently in that of Laeken in 2001¹²⁸ and finally in that of Seville in 2002¹²⁹, has demonstrated the need to integrate the objectives of the European Union in the field of migration and asylum towards third countries.

At the beginning of the 2000s, the Commission and the Council encountered many difficulties in defining the international agenda on migration policy. Although the two institutions mainly agreed to fight irregular immigration in Europe, the Commission and

¹²⁷ James HAMPSHIRE, *Speaking with one voice? The European Union's global approach to migration and mobility and the limits of international migration cooperation*, p.577.

¹²⁸ The Convention on the Future of the European Union, also known as the European Convention, was a body established by the European Council in December 2001 as a result of the *Laeken Declaration*.

¹²⁹ *Presidency Conclusions Seville European Council 21 and 22 June 2002*. The European Council met in Seville on 21 and 22 June 2002. The meeting was preceded by an exposé given by the President of the European Parliament, Mr. Pat Cox, followed by an exchange of views concerning the main items on the agenda. The European Council welcomed the considerable momentum that had been given to the dialogue between the Parliament, the Council and the Commission in the new partnership referred to by the conclusions of the Barcelona European Council and gave a favorable reception to the setting up of the High Level Technical Group for Interinstitutional Cooperation.

the Council had two different approaches in doing so. The Commission based its action on an approach aimed at helping the national development of the countries of origin and thus giving more national assistance; instead, the Council's action promoted a concentrated approach on increasing border controls and return policies. In the end, the Council's approach prevailed and therefore the fight against irregular migration flows and better border management. In this regard, the Board adopted the Global Approach to Migration (GAM) in 2005 to better outline the external strategy to be adopted. The purpose of the GAM was to act as a forum for dialogue and cooperation with third countries in the European Union. The establishment of the GAM took place on a British initiative, as the English President believed that the European initiatives adopted up to that time were not sufficiently integrated and coordinated with each other. The main objectives of the GAM drawn up by the Council are: to limit irregular migration flows as much as possible, thereby reducing the number of human life losses; to ensure a safe repatriation of irregular migrants; to strengthen safe and lasting practices for refugees and to develop better migration management as a whole by increasing the benefits for all those involved in ensuring legal migration flows, while respecting human rights. The GAM is based on three pillars: the organization of legal migration and facilitated mobility; the prevention and reduction of irregular migration; the strengthening of the synergies between migration and development. Although, on the theoretical level, these three objectives have equal importance, on a concrete level, the fight against illegal immigration, supported by objectives such as labour mobility and development, has guided the international agenda of the European Union. The main issue to be addressed was security, which therefore gave absolute priority to return policies and border controls. Having ascertained this, the initial geographical focus was concentrated in the Mediterranean and North Africa area, considered the main illegal entry route into Europe.

In 2006 the geographical focus expanded to the South-Eastern area on the border of the European Union. In 2011 the Commission relaunched the GAM transforming it into GAMM.

On May 29, 2012, the European Council adopted conclusions on GAMM by adding first of all the word "mobility" in the title, highlighting the fact that the European Union intends to provide entry visas for short-term stays and also for the temporary migration. The Council conclusions led to the introduction of a fourth pillar to the three already existing, namely that on international protection. Finally, an approach focusing more on migrants was supported. This transition from GAM to GAMM demonstrates the attempt of the European Union to give greater thrust to the potential of cooperation. In fact, many tools implemented with the GAMM already existed before, such as the intergovernmental forums, but these have been reworked by better coordinating the strategy that governs them.

As already explained in previous pages, the GAMM uses above all the tool of Mobility Partnerships (MPs), which consist of flexible and non-binding agreements that are undertaken between member states of the European Union and third states, in order to offer more mobility opportunities to non-member countries in exchange for their active cooperation in limiting illegal migration. To date, there are only few regularly concluded partnerships and what is surprising is the fact that most of them have been concluded with countries that represent a small part, in numerical terms, of the immigrant population present in Europe. This small number of partnerships concluded demonstrates the large gap between political rhetoric and political practice, especially in the field of international migration. This gap derives from the strong asymmetries of interest between the European Union and third countries but also within the European Union itself. The first thing that can be noted is that negotiations of the European Union are limited precisely by the

contrasting approach between the Commission and the Council. As we have already seen, the Commission prefers to opt for a "preventive" approach towards non-member countries, therefore an approach based on root causes; while the Council bases its action mainly on the concept of "law and order" which therefore aims to control immigration rather than prevent it¹³⁰. Given that, the Commission needs the Council's approval to start negotiating the establishment of a partnership, the latter imposes a number of restrictive constraints based on its preferences. Obviously, the Commission is aware that the Council shows its preferences and this discontent on the part of the Commission is often expressed by its officials during unofficial conversations, where officials complain that they have to be limited by their external action due to of the constraints imposed.

From the point of view of third countries, the Commission's position appears much more attractive, but the governments of these countries are not able to have such an impact to make the Commission's reasons prevail over those of the Council. These limitations translate into a serious problem on the practical side, especially when negotiators have to be able to guarantee sufficient benefits to third countries in exchange for paying the migration control costs, in order to conclude the agreement. These agreements are theoretically reciprocal, but in reality they reflect the interests of the European Union. Indeed, the success of a negotiation between the Union and third countries depends above all on the levers that the European Commission is able to put in place, that is to say, on the incentives it is able to guarantee to governments part of the agreement. The same can be said for MPs, but in this case the levers exercised by the Commission are not sufficient. The incentives to which third countries aspire the most are to obtain opportunities for their citizens to migrate to Europe and this decision is not the responsibility of the Commission but of the individual member countries of the European Union. In fact, as we have explained above, the Commission starts negotiations with non-member countries

¹³⁰ James HAMPSHIRE, *Speaking with one voice? The European Union's global approach to migration and mobility and the limits of international migration cooperation*, p.580.

but it is then up to each member state to choose whether or not to participate in the partnership in question. If the member state decides to do so, it also decides which incentives to offer within the negotiation package. At this stage, the gap between the interests of national governments belonging to member states and the interests of third countries becomes even more evident.

The approaches taken by the member states of the European Union are strongly influenced by various aspects including: geography, the history of migration and the type of political relations they have with the third country in question. Usually, a European state decides to participate in an MP when it knows that in turn third countries from which a considerable number of people emigrate to Europe participate and with whom they have international relations of some kind. This attitude is not surprising, on the contrary, it shows even more clearly that national interests guide European policy in the field of international migration.

The fact that the member countries of the Union are particularly selective in deciding whether or not to be part of an MP should not necessarily be seen as an obstacle to international cooperation. This is only true if, in return, third countries included in the agreement decide to cooperate sufficiently. The content of each MP varies from case to case but in general it is possible to affirm that each MP contains commitments formulated by the European Union in bringing improvements to the legal mobility framework, seeking to improve the management capacity of the partner country in the issue, offering the possibility of training and cooperation in the field of migration and development. Instead, third partner countries undertake to improve the fight against illegal migration as much as possible and to improve border management, often in collaboration with Frontex. Each MP contains a list of commitments between the European states and the third country involved, but these commitments are often based on already existing initiatives. Few MPs are able to truly offer new possibilities of legal migration or financing

commitments. With the evaluation of the GAMM's work, the Commission complained about the "flexibility" of the MPs, that is the possibility for each member state to decide whether to participate and what to offer during the negotiation.

This aspect is both an advantage, in some respects, but also a weakness. The weakness lies in the fact that this type of approach by the European Union does not guarantee a balanced offer towards non-member countries. Often, member states have not fully respected the legislative and financial commitments they have made to third states in order to encourage better cooperation on irregular immigration. Despite this lack on the part of the member countries of the Union, some partnerships have also been concluded and this is because rather than having no agreement at all, third countries are "happy" to receive at least promises which can turn into concrete possibilities in the future.

Therefore, the non-binding nature of the MPs lies precisely in the fact that these act as a "light" discussion forum for issues that will later be dealt with in the appropriate venues in a "harder" manner with the conclusion of binding agreements. The situation that arises is a sort of vicious circle in which, in the context of the partnership, the third country collaborates with the European country only if it sees that the European country in question is committed to respecting its commitments; at the same time, the state, or states, members of the European Union decide to respect their commitments towards third countries only if they see that the latter are collaborating sufficiently. The most probable situation that arises is that the views of the European countries have a greater influence on the development of the partnership. This explains why so far no third country has ever withdrawn from the conclusion of an MP.

In the case of irregular immigration, MPs are required to immediately start cooperation with third countries and to bear their costs, while they are not constrained to immediately provide the agreed benefits of the agreement to non-member states. Before negotiating an agreement, European Union negotiators must commit themselves to taking credible and

real obligations that can lead to more formal agreements. In this regard, the agreements concerning the granting of visas and readmission prove to be the longest and most complex to negotiate, moreover, their result remains uncertain.

Despite complex negotiations, several partnerships were concluded and then translated into more formal agreements. Of the countries that signed an MP¹³¹, three (Armenia, Azerbaijan and Georgia) continued to sign visa facilitation agreements.

On the other hand, it should be stressed that none of the African countries that participated in the MPs has yet obtained the promised visa facilitation. The proven reluctance of the member countries of the European Union has meant that in order to encourage the conclusion of the MPs, European negotiators offered third countries incentives that are no longer based on migration. This additional method of cooperation requires collaboration between DG Home Affairs and other European institutions. In fact, the GAMM argues that migration must be a highly integrated topic in the European Union's foreign policy agenda. Unfortunately, to date there is not much evidence to support the concrete implementation of these commitments by the EEAS and EuropeAid¹³². As stated by the Council during a meeting in June 2014, the GAMM is not yet fully integrated into the European Union's foreign or development policy agenda.

The history of international relations so far teaches us that there is a strong reluctance on the part of some DGs to accept migration objectives that are not in line with their priorities or that could even endanger their relations with third countries. This widespread attitude suggests the difficulty of integration between the various political agendas of the various

¹³¹ *Ukraine*: the EU-Ukraine Visa Facilitation Agreement and Readmission Agreement which entered into force in June 2007.

Moldova: the EU and Republic of Moldova signed a Mobility Partnership in June 2008 and the EU-Moldova Visa Facilitation Agreement and Readmission Agreement entered into force in October 2007.

Georgia: the EU and Georgia signed a Mobility Partnership in 2009 and the EU-Georgia Visa Facilitation Agreement and Readmission Agreement entered into force in March 2011.

Armenia: the EU and the Republic of Armenia signed a Mobility Partnership in 2011. The Visa Facilitation Agreement was signed in December 2012 and the Readmission Agreement in April 2013. Both agreements entered into force in January 2014.

Azerbaijan: the EU and the Republic of Azerbaijan signed the Visa facilitation Agreement in November 2013 and the Readmission Agreement in February 2014. Both agreements entered into force in September 2014. The Mobility Partnership between the two countries was signed in December 2013.

Belarus: in 2014, the EU and the Republic of Belarus started to negotiate visa facilitation and readmission agreements. The Mobility Partnership between the two countries was signed in October 2016.

¹³² *EuropeAid Co-operation Office* is a directorate-general of the European Commission. Founded on 1 January 2001, EuropeAid's mission is to make effective the instruments intended for external aid by the European Commission, which are financed by the EC budget and the European Regional Development Fund. EuropeAid reports to the European Commissioner for International Cooperation, Humanitarian Aid and Crisis Response.

international actors. The rhetoric demonstrated by the international actors involved is that of saying that they are predisposed to commit themselves to pruning the objectives of the GAMM in the end, but concretely the real attempts to subordinate diplomatic relations to cooperation on migration are few. Therefore, although the differences in priorities between the institutions at European level are perhaps not as broad or complex as the differences between the migratory interests of the member states, they represent a further internal obstacle to the thematic link in the negotiations on external migration.

As already noted, the ambitions of the GAMM are high given that the goal is to try to coordinate the international relations of the member states of the European Union, which overall host a quarter of immigrants from all over the world. The greatest difficulty facing the European Union is that of cooperating with third countries in respect of which there are asymmetries of interests which are difficult to satisfy in order to conclude an agreement. The most commonly used means to try to overcome these gaps is that of the bilateral agreement, but this means also being severely limited by the various divergences of interest, both internal and external, and by the complex bureaucratic machine that does not help the process. One might believe that the influence exerted by a single large regional bloc, such as the European one, is able to encourage cooperation with third countries, but unfortunately the European Union often struggles to find the necessary cooperation internally even before finding it in its external relations. This does not say that it is impossible to reach agreements between the European Union and non-member states but it only demonstrates how complex their achievement can be; in fact, each state carefully decides to which MP take part according to its national interest.

II.II The Prague Process.

The development of the project, "Building Migration Partnerships" (BMP)¹³³, funded by the European Union and subsequently discussed and analysed during the first Ministerial Conference, gave rise to the Prague Process, which ended with the sign of the Joint Declaration on April 28, 2009¹³⁴. The declaration adopted includes the six areas considered the most important in the context of this type of cooperation, such as: prevention and fight against irregular migration; integration of migrants; migration, mobility and development; asylum and vulnerable groups; readmission, voluntary repatriation and lasting reintegration and regular migration with a focus on job migration¹³⁵. Thus, the Prague Process is the result of a dialogue focused on migration and on a specific political process that has the aim of promoting the development of migratory partnerships between the member countries of the European Union, the Schengen area, the partnership of the East, that of the Western Balkans, that of Russia, Turkey and Central Asia¹³⁶.

In general, it is possible to say that the Global Approach to Migration and Mobility (GAMM) reflects these six macro areas of cooperation foreseen by the Prague Process. Therefore, within the overall framework of European policy, the above objectives act as guidelines according to which to manage international migration and asylum applications. However, with respect to the prerogatives of the GAMM, the Prague Process is mainly directed towards cooperation with the East. The importance of the role played by the Prague Process was also confirmed by the European Commission in its communication

¹³³ The *Building Migration Partnerships (BMP)* project was a platform for applying the Global Approach to Migration to the Eastern and South-Eastern Regions neighbouring the European Union funded by the European Commission and led by the Ministry of the Interior of the Czech Republic together with ministries of interiors of Hungary, Poland, Romania and Slovakia was implemented from May 2009 to June 2011.

¹³⁴ On 28 April 2009, the *1st Prague Process Ministerial Conference* "Building Migration Partnerships", hosted by the Czech European Union Presidency in Prague, adopted a Joint Declaration on the principles and elements for promoting migration partnerships between the participating states from the European Union, Schengen Area, South Eastern and Eastern Europe, Central Asia and Turkey. The text of the Joint Declaration, which set the principles for the Prague Process, was prepared by all BMP participating states, with active participation of EU bodies (European Commission, Frontex, Europol, European Training Foundation) and international organisations (ICMPD, IOM, MARRI and UNHCR).

¹³⁵ Available in: <https://www.pragueprocess.eu/en/about>

¹³⁶ The fifty states participants of the Prague Process are: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kosovo*, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, North Macedonia, Malta, Montenegro, the Netherlands, Norway, Poland, Portugal, Moldova, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, the United Kingdom and Uzbekistan.

of 18 November 2001 and also by that of the Council of the European Union of 29 May 2012. During the Senior Officials Meeting (SOM)¹³⁷, held in Prague in 2015, SOM members positively assessed the Prague Process action plan foreseen for the 2012-2014 period. The members of the SOM drafted a report in which they concluded that the Prague Process made a positive contribution to the Eastern region in the context of international cooperation on migration. The same was confirmed by the states that participated in the project, which stated that the six areas of cooperation established proved to be in line with their internal migration policies and, at the same time, complementary with other already existing international forums and partnerships. Therefore, it is concluded that the Prague Process has managed to give a strong stimulus regarding the management of international migration.

The provisions of the Bratislava Ministerial Declaration¹³⁸ have been made possible, on the practical side, thanks to funding from DG HOME of the European Commission¹³⁹, which has therefore supported the implementation of the action plan through the mobility partnership instrument: "Prague Process: Dialogue, Analysis and Training in Action" (DATA PP). Thus, on January 1st 2018, the DATA PP was launched, thanks to the allocation of a fund of 1.9 million euros, which will contribute to the realization of the project during the period 2018-2020. As already mentioned, the main purpose of the DATA PP is to improve cooperation in the field of international migration and asylum request between countries of the European Union, those belonging to the Schengen Area, the Eastern Partnership, the Western Balkans, Central Asia, Russia and Turkey through what is supported in the Prague Process of 2012-2016 and in the Bratislava Declaration of 20 September 2016. In line with what was stated in the Bratislava Declaration, three specific objectives¹⁴⁰ have been recognized for the realization of the Prague Process: the

¹³⁷ The Member States of the Union for the Mediterranean meet on a regular basis at the level of Senior Officials from the Ministries of Foreign Affairs of the 43 countries. The *Senior Officials Meetings (SOM)* oversee and coordinate the work of the UfM. They approve the budget and the work programme of the Secretariat. They also discuss the project proposals submitted by the Secretariat for approval and endorsement. UfM Senior Officials take decisions by consensus.

¹³⁸ The *Bratislava Ministerial Declaration* has been adopted at the third Prague Process Ministerial Conference, held by the Slovak Presidency on 20 of September in Bratislava. This Joint Declaration represents the key programme document of the Prague Process, which outlines the commitment of the states-participants of the Process to continue joint cooperation on migration. The Ministerial Declaration gave a mandate to the Process for the years 2017-2021.

¹³⁹ The *Commission's Directorate-General for Migration and Home Affairs* is responsible for EU policy on migration and home affairs.

¹⁴⁰ Available in: <https://www.pragueprocess.eu/en/about/projects/pp-data>

first specific objective aims to guarantee a constant political dialogue between the experts involved so as to be able to avoid a flow of exchanges of information between countries participating in the Prague Process; the second specific objective is to be able to establish, maintain and improve the Migration Observatory at the ICMPD; the third specific objective, on the other hand, aims to succeed in establishing, maintaining and improving the Training Academy at the ICMPD.

The states that took part in the third ministerial conference of 2016 subsequently established the Observatory on Migration inherent in the Prague Process. This new institute aims to improve, as much as possible, the sharing of information between the parties involved. The Observatory on Migration has very specific objectives, including: to create a network of experts in the sector capable of carrying out periodic ad hoc analyses regarding the development of migration policy, both at regional and national level and to keep the attention of officials high of the States Parties to the Prague Process on the main migration issues. The Observatory on Migration produces objective analyses based on data collected throughout the area involved in the Prague Process and in line with the six objectives set by the Prague Process action plan. The results collected will subsequently be published in English and Russian. The novelty brought by the Observatory is to employ academic researchers together with other experts who may have direct access to national data. The Observatory on Migration also prepares a platform in which the pre-established Migration Profiles¹⁴¹ are published so as to be shared between the parties. Experts will initially have to write short reports on the policies implemented. The results produced by these research are not only intended to inform policy makers, specialists in the sector and the scientific community in general, but above all have the aim of outlining concrete guidelines and of giving rise to useful policy recommendations for the future. The topics covered by the Migration Observatory must be agreed and shared with the national authorities and states involved in the Prague Process.

¹⁴¹ A *Migration Profile* is both a report and a capacity-building tool, which is country-owned and prepared in consultation with a broad range of stakeholders. It can be used to enhance policy coherence, evidence-based policymaking and the mainstreaming of migration into development plans. Migration profiles offer an internationally compatible framework for monitoring migratory processes against the background of existing regulatory systems, policy frameworks and international cooperation initiatives.

The Training Academy is an institution whose goal is to offer tailor-made, high-quality training courses, focused on the six areas of competence set by the Prague Process. The Training Academy mainly deals with: creating a network of state and non-state professionals who will become trainers in the future; improve the service provided by state representatives of the Prague Process by refining their skills; create a stable research base in order to improve future development activities; finally, to act as a laboratory for the creation and development of new projects for the purposes of the Prague Process and the Mobility Partnership Facility¹⁴². As with the Observatory on Migration, the results obtained by the Training Academy will also be published in English and Russian.

The role played by both the Migration Observatory and the Training Academy will act as laboratories for the new cooperation projects that will be drawn up in the future within the Prague Process and the Mobility Partnership Facility. The groups to which the DATA PP is addressed are mainly two: the first one, made up of Senior Officials, professionals and experts from the ministries and migration services of the countries that have a part in the Prague Process; the second one, formed by the representatives of the international organizations, non-governmental organizations and universities in specific selected areas. Obviously, the results achieved by the project will benefit migration services, asylum services, as well as police services and border guards in general. Furthermore, these results will be submitted respectively to the decisive body of the Prague Process, namely, the Senior Officials Meetings (SOM) of the Prague Process, and to the Ministerial Conference scheduled for the year 2021.

Currently, the Prague Process is managed by the SOM which are organized at least once a year and which have the purpose of preparing the dialogue table for the Ministerial Conferences. The purpose of the SOM is also to monitor progresses, evaluate the result of the actions taken and draw up recommendations, sometimes decisions, regarding political orientations that will be taken in the future. Ministerial Conferences are

¹⁴² Available in: <https://www.pragueprocess.eu/en/training-academy>

organized with the aim of examining what has been achieved so far but also to make decisions about future strategies to be adopted for the Prague Process. Initially the Ministerial Conferences were managed by a leadership held first by the Czech Republic between 2009 and 2010, and then by Poland between 2011 and 2017. At the end of Poland's mandate, also in 2017, the High Officials met to create the so-called "Strategic Group" (SG) of the Prague Process. This group is made up of a small number of states, which are currently: Hungary, Poland, the Czech Republic and Lithuania; the presidency belongs to the Council of the European Union; while the European Commission and the Secretariat act as support institutions for the Prague Process. The ICMPD, on the other hand, continues to play its role as Secretariat of the Prague Process and in charge of putting into practice the decisions taken by the Strategic Group. Among the various tasks of the Strategic Group the most important are: preparing the necessary documents that will be submitted to the SOM in order to decide on the relevant issues that will be treated in the future and outline the strategic orientation of the Prague Process year by year; actively promote the Prague Process as an intergovernmental dialogue forum; to promote the fact that taking part in the Prague Process does not imply that states are subject to binding decisions; attract funding capable of supporting the concrete realization of future projects within the framework of the Prague Process. The Strategic Group meets twice a year to organize the meeting of the Senior Officials. Therefore, SOM deals with the control and collection of data from all the fifty countries that are part of the Prague Process. At the same time, the Prague Process is concerned with cooperating as much as possible with existing partnerships, including: Council of Heads of Migration Services of the Commonwealth of Independent States¹⁴³, the Joint Committee for Combating Illegal Migration of the CIS Countries, the Eurasian Economic Union¹⁴⁴, the Collective Security

¹⁴³ The *Commonwealth of Independent States (CIS)* is a regional intergovernmental organization of nine, originally ten, members, plus two founding non-member, post-Soviet republics in Eurasia. It was formed following the dissolution of the Soviet Union in 1991. The CIS encourages cooperation in economic, political and military affairs and has certain powers relating to the coordination of trade, finance, law-making, and security. It has also promoted cooperation on cross-border crime prevention.

¹⁴⁴ The *Eurasian Economic Union* is an international organization for regional economic integration. It has international legal personality and is established by the Treaty on the Eurasian Economic Union. The EAEU provides for free movement of goods, services, capital and labor, pursues coordinated, harmonized and single policy in the sectors determined by the Treaty and international agreements within the Union. The Member-States of the Eurasian Economic Union are the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic and the Russian Federation.

Treaty Organization¹⁴⁵, the Council of Chiefs of Border Guards of Commonwealth Services of Independent States, UNHCR, the IOM and the Migration, Asylum, Refugees Regional Initiative (MARRI)¹⁴⁶. In order to strengthen the development of the project, dialogue and exchange of information are fundamental. The profiles elaborated so far, serving to monitor the situation of the migratory flows of the states that took part in the Prague Process, are being expanded.

In addition to the six areas of expertise established for the Prague Process, seven other pilot projects have been outlined which represent a further challenge for the Process. These seven Pilot Projects are implemented in both legal and illegal migration areas, but are also used in the areas of migration and development, international protection and asylum. Thanks to the development and completion of the first four Pilot Projects in the context of the Prague Process, between 2012 and 2014, it was possible, in December 2013, to develop three other Projects between 2014 and 2015. The first four pilot projects were managed by different countries in different areas:

- Romania, Poland and Slovakia have dealt with the first Pilot Project concerning irregular migration;
- Hungary worked on the second Pilot Project focused on legal migration;
- the third Pilot Project was taken over by the Czech Republic on the issue of migration and development;
- finally, the fourth Pilot Project was jointly managed by Germany and Sweden which dealt with the issues of international protection and asylum.

¹⁴⁵ The *Collective Security Treaty Organization (CSTO)* is an intergovernmental military alliance that was signed on 15 May 1992. In 1992, six post-Soviet states belonging to the Commonwealth of Independent States (Russia, Armenia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan) signed the Collective Security Treaty. Three other post-Soviet states (Azerbaijan, Belarus, and Georgia) signed the next year and the treaty took effect in 1994. Five years later, six of the nine agreed to renew the treaty for five more years, and in 2002 those six agreed to create the Collective Security Treaty Organization as a military alliance.

¹⁴⁶ *MARRI* is an initiative forming part of the South-East European Cooperation Process, which aims to enhance regional cooperation in the field of migration by promoting a comprehensive, integrated, and coherent approach to the issues of migration, asylum, border management, visa policies and consular cooperation, refugee return and settlement in order to meet international and European standards.

The three additional Pilot Projects were launched after testing the operation of the previous model consisting of the first four Pilot Projects. Therefore:

- the fifth Pilot Project was led by Romania and Poland on illegal migration;
- Hungary and the Czech Republic worked on the sixth Pilot Project on legal migration;
- the last Pilot Project, the seventh, was taken over by Germany and Sweden in order to manage international protection and asylum.

All these Pilot Projects are coordinated through team work carried out by the Eastern Partnership for Migration and Asylum¹⁴⁷.

II.III The Mobility Partnership (MP).

What is evident so far is the fact that partnerships are a very useful tool to foster the development of international cooperation because they are able to integrate European Union member countries with third countries, all through partnership agreements which, in some cases, result binding while in others not. It is correct to argue that, in the context of the foreign policy of the European Union, partnerships prove to be important tools through which implementing a global approach on the regulation of migration policies because they link the member states of the European Union, on the one side, and the institutions of the European Union and non-member states, on the other side.

As previously analysed, in the paragraph relating to the Schengen Convention, the migration policy of the European Union developed outwards following the decision to abolish the internal borders that existed between European states. This decision, which proved to be historically significant, brought with it new challenges, first of all that of strengthening the external borders of the European Union and consequently the creation of an ad hoc policy for their management. With these choices, the European Union wanted, and still wants, to project principles such as freedom, security and justice outside its borders, all through the path of legality with the adoption of measures aimed at fighting illegal immigration. With the implementation of the Tampere Program, the European Council had already supported the need to create a global approach towards migration in

¹⁴⁷ Available in: <https://www.pragueprocess.eu/en/about/projects/prague-process-targeted-initiative>

order to address important issues such as the protection of human rights and the promotion of development policies, both in the countries of origin of migration than in transit. To make this happen, the turning point was to start collaborations with third countries in the European Union, thus in 2005 the "Partnership Approach" began to materialize.

The Partnership Approach is based on the concept that it is possible to manage international migration through the development of cooperation between countries that are most involved and then producing benefits for the countries of origin of the migratory flows, for the destination countries and also for the migrants themselves. The issue of international migration has always been a difficult and delicate topic to deal with, especially when states perceived the risk of possible limitations on their national sovereignty. These concerns explain why the approach to partnership has developed very gradually, first within the European Union and then outside¹⁴⁸.

Although the Lisbon Treaty¹⁴⁹, which entered into force on December 1st, 2009, has expanded the powers of the European Parliament, the European Union's external competences in the field of international migration have remained limited and subject to specific agreements. Despite this, an important change has taken place, namely the decision of the European Union to make different political choices regarding international migration, therefore focusing on partnership and dialogue with countries. The decisive turning point occurred in 2011, when the European Commission adopted the Global Approach to Migration and Mobility (GAMM). This approach policy on international migration includes the concept of "mobility" in a broader sense, mobility which was not thought in the previous Global Approach to Migration (GAM). Therefore, with the term "Mobility Partnership" the Commission wanted to include all the "mobility packages"

¹⁴⁸ Teresa RUSSO, *Some brief reflections concerning the mobility partnership in the EU external migration policy*, in: Paix ed Sécurité Internationales, Issue 4, 2016, p.97.

¹⁴⁹ The *Lisbon Treaty*, which entered into force on 1 December 2009, increases the powers of the European Parliament and provides for several changes to adapt the European institutions to the enlargement of the EU. The Reform Treaty, signed in Lisbon on 13 December 2007, is made up of the Treaty of the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). In the first articles of the Treaty of the European Union, the values and objectives of the Union are defined. It highlights the matters which fall within the competence of the Member States and the matters in which decisions are taken directly by the European institutions, in particular by the European Parliament and the Council, also increases the democratic responsibility of the Union, strengthening the Charter of Fundamental Rights and consolidating the rule of law. With the new Treaty, significant changes are made regarding what was the previous European organization. Among the other changes brought by the Lisbon Treaty: Common foreign and security policy, Defence policy, Area of freedom, security and justice, The European Council, The High Representative of the Union for Foreign Affairs and Security Policy, Election of the President of the Commission, Efficiency of the Commission, Justice Court.

that act as a general context designed to manage the migratory flows arriving from non-EU countries, as well as to manage the various offers that come from member countries and European institutions.

The Mobility Partnership (MP) has been designed in order to achieve specific objectives including: guaranteeing the organization, and consequently the implementation, of reciprocal commitments in matters concerning migration, mobility and asylum, all based on specific needs of the labour market of the European states; facilitate entry into the territory of the European Union for third-country nationals; to facilitate circular and temporary migration so that the member states of the European Union are able to meet their work needs while at the same time exploiting the positive impact of migration for their development; take into account the needs of the countries of origin of migratory flows trying to limit the brain drain¹⁵⁰. In short, the Mobility Partnership aims to be able to take into account the needs of all the actors involved, namely: member countries of the European Union, partner countries and migrants themselves. A further objective is to ensure that third countries are increasingly transformed into responsible partners capable of cooperating with Europe, sharing common interests, realizing mutual benefits and sharing responsibilities. For all these reasons listed so far, the Mobility Partnership has been included by the European Commission among the useful tools to improve migration policy.

Being a very ambitious and complex project, it presents itself as a dense network of political interconnections that try to assist a wide range of different but common interests among its participants. The success of these partnerships depends, above all, on the internal laws of the states that are part of them, because are precisely the latter that constrains the entry of third-country nationals into European territory. Despite this, these choices must take into account the shared responsibility between the partner countries. Consequently, the Mobility Partnership proves to be an exceptional tool characterized by a strong flexibility, capable of proposing approaches other than traditional ones and above all without binding force. All this makes it easier to achieve the objectives set in terms of migration policy outside the borders of the European Union.

¹⁵⁰ RUSSO, *Some brief reflections concerning the mobility partnership in the EU external migration policy*, p.100.

The Mobility Partnership is defined by the Commission as a particular political framework established by a “joint political declaration between the European Union and interested member states, on the one hand, and the partner country on the other, based on mutual commitments, but formally non-binding”¹⁵¹. Therefore, it follows that its legal-political nature is highly complex due to the involvement of the competences of the European institutions and those of the member states. The results of the decisions taken in the framework of the Mobility Partnership assume the form of declarations of political intentions which are subsequently signed by the presidency of the European Union, as well as by the member states and partner countries that took part in the project. The fact that the decisions taken are non-binding recommendations allows to adapt the actions to be taken according to the needs of the moment.

Within this forum, partner countries, in addition to cooperating with each other, may also decide to enter into bilateral agreements relating to specific subjects. The definitions given to the Mobility Partnership are numerous and almost all of them have brought out as peculiar characteristics of the partnership, such as: the fact that it is of a non-binding nature; the fact that are member states of the European Union which freely decide whether to be part of it or not; the fact that its main purpose is to combine the different needs of all actors taking part in the project. The partnership acts as a regulatory framework for the purpose of an organized management of migration flows between the countries of the Union and those of the collaborating partner countries. In this context, the various political, economic and security contexts present in the different states must also be taken into consideration.

Given all these elements of cooperation mentioned so far, one would expect that tensions regarding the issue of migration policy outside the European Union will be reduced to a minimum. Unfortunately, facts show that the heterogeneity of the existing interests have a significant influence on the success of the partnerships and this explains why, to date,

¹⁵¹ RUSSO, *Some brief reflections concerning the mobility partnership in the EU external migration policy*, pp.101-102.

only few partnerships have been concluded.

The issue of migration brings with it many challenges. In fact, the management of migratory flows is not the same everywhere, there are areas known to be "hotter" than others, such as the Mediterranean and Africa. The Mediterranean area is sadly known because of the thousands deaths that occur continuously in the sea during the attempt to reach the coasts of Italy, Greece or Spain by African migrants. The Mediterranean area and North Africa, above all, are strongly interconnected with each other not only due to their geographical proximity but also due to the political dialogue that has been established between the third African countries and the European countries. These areas are also included in other political projects such as: the Union for the Mediterranean¹⁵² and the Euro-Mediterranean Partnership (EUROMED)¹⁵³ which are included in the broader project of the European Neighbourhood Policy (ENP)¹⁵⁴.

The partnership project developed between the European Union and all African states in the field of mobility, migration and work is aimed at providing answers, on a global scale, in terms of migration, with a view to favouring the interests of all partner countries. The focal point of this partnership is to be able to facilitate mobility, thus allowing for the free movement of people both in Africa and within the European area; to be able to better manage migration flows, trying to limit illegal migrations as much as possible and, above all, trying to understand what are the inputs that push people to migrate elsewhere; to ensure equitable and respectful human rights treatment for all migrants; to find real solutions to the fight against irregular migration and trafficking in human beings; to work and cooperate in order to guarantee development in the areas of origin of the migratory flows. Some examples of partnerships at regional level are the Khartoum Process¹⁵⁵,

¹⁵² The *Union for the Mediterranean* is an intergovernmental institution bringing together the European Union Member States and 15 countries from the Southern and Eastern shores of the Mediterranean to promote dialogue and cooperation.

¹⁵³ A Union of the European Union Member States and 16 Southern Mediterranean countries built on cooperation agreements that aims to promote economic integration and democratic reform across the EU's neighbours to the south in North Africa and the Middle East.

¹⁵⁴ Through its *European Neighbourhood Policy (ENP)* the European Union works with its Southern and Eastern Neighbours to foster stabilisation, security and prosperity, in line with the Global Strategy for the European Union's Foreign and Security Policy.

¹⁵⁵ The *Khartoum Process* is a platform for political cooperation amongst the countries along the migration route between the Horn of Africa and Europe. The inter-continental consultation framework aims at: establishing a continuous dialogue for enhanced cooperation on migration and mobility; identifying and implementing concrete projects to address trafficking in human beings and the smuggling of migrants; giving a new impetus to the regional collaboration between countries of origin, transit and destination regarding the migration route between the Horn of Africa and Europe.

which began in 2014 to start a dialogue on the issue of migration and mobility, as well as the Rabat Process¹⁵⁶, based on political dialogues undertaken with the countries that are on the migration route with the West. Although the Mobility Partnership has been started with many countries in the African area, this project has only materialized with some countries including: Morocco, Jordan, Cape Verde and Tunisia. Instead, with countries such as Nigeria and Ethiopia, CAMM, the Common Agenda for Migration and Mobility, has been implemented as a tool for cooperation.

It is possible to conclude that an ambitious project such as the Mobility Partnership is in contrast with different realities which are two sides of the same coin. On one hand, the success of the European Union migration policy is highly dependent on the external dimension, that is to say on the relations it has with the non-member countries which are the starting point or transit point for migratory flows. On the other hand, this project is still in a phase of experimentation in which obstacles created by the member states of the European Union themselves are often encountered. Often, it is not possible to find points of agreement in the organization and management of specific issues. These obstacles obviously limit the possibility of launching projects by the Commission, which is "forced" to promote individual projects by cooperating bilaterally with certain countries on specific issues.

Another important aspect is given by the fact that the member states of the European Union are free to decide whether to take part in a partnership or not and if they decide to join it is only because the project in question is in line with their internal policy. The number of member states participating is very variable, France is the only nation that takes part in all partnerships.

Finally, but not less influential, is the different approach that the Council and the Commission have regarding the organization and management of partnerships. The Council has shown itself more inclined to tackle the issue of migration in the context of

¹⁵⁶ The *Euro-African Dialogue on Migration and Development (Rabat Process)* is a regional migration dialogue. Since 2006, the dialogue has offered a framework for consultation, bringing together countries of origin, transit and destination of the migration routes linking Central, West and Northern Africa with Europe. Over 60 stakeholders, including the European Commission (EC) and the Economic Community of West African States (ECOWAS), are involved. The result is an open dialogue between national administrations about technical and political questions related to migration and development.

foreign policy, while the Commission has shown itself more inclined to offer incentives to third countries in exchange for greater cooperation on migration.

For all the reasons mentioned so far, the need to transform Mobility Partnerships into real international agreements has often been raised. If this solution would be seriously take into consideration, it would lead to improvements. As is well known, for the entry into force of an international agreement, in most cases, the ratification is required and, in general practice, the period of time before reaching the quantity of necessary ratifications can be very long. If this occurs, it slows down a process which in itself already takes a long time to be effective.

The results obtained so far by the partnerships can be analysed from a quantitative and a qualitative point of view. Quantitatively speaking, there has been a proliferation of these agreements which have not helped to clearly define the "new" political objectives, sometimes overlapping with the existing ones. Qualitatively speaking, although the ultimate goal of the partnerships is to improve the quality of international relations of the European Union in the field of migration, this has not always been possible due to the prevailing needs of European states towards those of third states part in the agreement.

In conclusion it is possible to argue that the apparent decrease in migratory pressure is actually due to the change in migration routes rather than an effective success of the Mobility Partnership¹⁵⁷.

II.IV The Mobility Partnership Facility (MPF).

The Mobility Partnership Facility (MPF) is a project started in January 1st, 2016, born from an initiative of the European Union, implemented by the International Center for Migration Policy Development (ICMPD) and financed by three different funds for a total amount of 5.5 million euros, for the duration of thirty-five months. This project aims to contribute to the success of the Global Approach to Migration and Mobility (GAMM), while seeking to strengthen cooperation between the European Union and the countries that have joined the Mobility Partnership (MP) or the Common Agenda for Migration and Mobility (CAMM). The countries that have so far taken part in the partnerships are:

¹⁵⁷ RUSSO, *Some brief reflections concerning the mobility partnership in the EU external migration policy*, pp.107-109.

Azerbaijan, Armenia, Cape Verde, Georgia, Belarus, Jordan, Moldova, Morocco and Tunisia. While countries that took part in the CAMM are: Nigeria, Ethiopia and India.

As previously mentioned, the Mobility Partnership Facility (MPF) is financially supported by three different institutes: the first is the Asylum, Migration and Integration Fund (AMIF), the second is Internal Security Fund for Police Cooperation (ISF-Police), while the third is Internal Security Fund for Borders and Visa (ISF-Borders and Visa)¹⁵⁸.

The Asylum, Migration and Integration Fund (AMIF) is a fund created for a seven-year period, from 2014 to 2020. With a total budget of 3.137 billion euros, it has the objective of promoting an efficient management of migration flows and at the same time promoting a common approach model in the field of migration and asylum for the whole European Union. To do this, the Asylum, Migration and Integration Fund (AMIF) has four particular objectives: the first objective, that of asylum, aims to strengthen the European Union's asylum system, also seeking to implement an homogeneous application of Union laws; the second objective, relating to legal migration and the integration of immigrants, opts to support migratory flows within the framework of legality towards the European Union by trying to adopt behaviours in line with the needs coming from the labour market and therefore by encouraging a process integration between citizens of third countries and those of the member states of the Union; the third objective, the one concerning return, aims to strengthen return strategies to help fight illegal migration; the fourth and final objective of the Asylum, Migration and Integration Fund (AMIF) looks towards the theme of solidarity, making sure that the European states least affected by the phenomenon of migration show solidarity with those most affected.

The Asylum, Migration and Integration Fund (AMIF) also assigns funds aimed at supporting activities to develop the European Migration Network (EMN)¹⁵⁹. In addition

¹⁵⁸ Available in: https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration/mobility-partnership-facility_en

¹⁵⁹ The *European Migration Network (EMN)* plays a fundamental role as regards the information of politicians and public opinion, since it provides essential data on asylum and migration issues. Therefore, this information proves to be crucial for the European Union which must continually face the challenges it is called upon to respond to in the field of migration and asylum policy. The European Migration Network (EMN) contributes to the decision-making process based on concrete evidence and factual data, disseminating the information in its possession through publications and using its website.

to what has been since here, special financial aids have been adopted for the member states of the European Union, integrated within the AMIF, in order to strengthen the Union's resettlement program. The 88% of the budget foreseen for AMIF is used for the shared management of the European states which, thanks to these funds, help the development of their national programs for the foreseen period, which is from 2014 to 2020. The implementation of these programs is monitored by the competent authorities of the member states of the European Union. The remaining 12% of the budget is used to deal with emergencies that may arise in carrying out the various tasks. In detail, the Asylum, Migration and Integration Fund (AMIF) deals with countless initiatives including: improving the provision of reception and accommodation services for migrants who require asylum protection; creating information campaigns in countries outside the European Union to encourage legal migration; providing education services for migrants arriving from non-European countries; providing assistance to those considered most vulnerable such as women and children; exchanging information and cooperating with the member countries of the European Union. The participants in the Asylum, Migration and Integration Fund (AMIF), which are consequently the beneficiaries of the fund, are all member states of the European Union with the exception of Denmark¹⁶⁰.

As for the Asylum, Migration and Integration Fund (AMIF), the Internal Security Fund for Police Cooperation (ISF-Police) is also a fund aimed at covering the period of time from 2014 to 2020, for a total budget of about 3,8 billion euros. Specifically, the ISF-Police is responsible for promoting the implementation of strategies aimed at improving internal security, cooperation in the field of law enforcement¹⁶¹, as well as the administration of borders outside the European Union.

The Internal Security Fund for Police Cooperation (ISF-Police) is in turn divided into two instruments: the ISF Borders and Visa and the ISF Police. The general purpose of the ISF

¹⁶⁰ Available in: <https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund>

¹⁶¹ To try to prevent, and if necessary fight, very serious illegal or terrorist activities within the European Union, it is essential to develop strong cooperation between the competent authorities of the States party to the Union. Europe, as far as possible, tries to facilitate the connection between European countries in order to obtain a faster and more structured police action. It should be remembered that neither the European Commission nor EUROPE have the right to act independently, therefore, this remains a competence attributed to the individual member states of the European Union.

Police is to be able to achieve the highest possible level of security within the European Union. The ISF-Police will deal with: the fight against international organized crime, including terrorism, and the consolidation of collaboration between the competent and national authorities belonging to the member states of the European Union, with the intervention of the EUROPOL¹⁶². The second goal of the ISF-Police, immediately after that of security, is that of risk and crisis management. This means strengthening the ability of the States parties of the Union and the European Union itself to better manage the risks, and consequently the crises, which can in some way be linked to security. Therefore, the member states of the Union, in case of need, must be able to protect both people and public services deemed most at risk from possible terrorist attacks. The beneficiaries of the funds are all the countries belonging to the European Union, except the United Kingdom and Denmark. The implementation of the ISP-Police fund activity is divided into two levels: the national one and the European Union one. At national level, each EU member country implements the fund's directives through the implementation of annual programs which are defined annually. While at the European level, the European Commission is in charge of managing the financing deriving from the fund and it does so by asking the countries of the European Union to send proposals and contracts. Once received, the Commission approves the programs which it deems most appropriate and implements them for a period of one year, thus defining annually the objectives to be achieved. The various agencies of the European Union, together with the Commission, work together to provide more law enforcement assistance within the Union and in doing so they: suggest a multi-year strategic program common to the whole European Union; a perfect exchange of information through the use of databases such as the VIS, Visa Information System, or as the aforementioned SIS, Schengen Information System (also

¹⁶² *EUROPOL* has been operational since 1999, but it became an agency of the European Union only in 2010. *EUROPOL* offers its assistance in the defense and fight against terrorism and serious crime in general and offers it to all bodies police station in the European Union. The support provided by *EUROPOL* to national services translates into the simplification of exchanges of sensitive data relating to the analysis and evaluation of criminals and possible threats. The big difference between *EUROPOL* and the national police force is that the former has no autonomous power, neither on the investigative nor on the coercive level.

exchanging sensitive data with the member states parties of the European Union); they encourage operational collaboration through a specific European Union program useful in the fight against terrorism and organized crime; and finally, they support the various activities of the States parties to the Union by providing them with the necessary training, funding and giving them the opportunity to expand areas such as research and innovation¹⁶³.

The third and final fund that financially supports the Mobility Partnership Facility (MPF) is the Internal Security Fund (ISF), also set up like the other funds for a seven-year period of time, from 2014 to 2020, and for a total sum of 3.8 billion euros. The establishment of the ISF took place in order to promote the implementation of internal security strategies, as well as, to cooperate in order to better apply the law while managing the external borders of the European Union. The Internal Security Fund is divided into two main instruments: ISF Borders and Visa and ISF Police. It is possible to affirm that the primary purpose of the instrument inherent to ISF Borders and Visa is precisely to be able to ensure the highest possible level of security in the European Union. In practice, the fund has two specific objectives: Visas and borders.

As regards Visas, it was decided to provide a common policy which seeks to facilitate travel in general, in a completely legal way, within the Schengen area. All this, in order to simplify the entry into Europe of third-country citizens while fighting irregular migration flows. The second objective of the Internal Security Fund for Borders and Visa, that relating to external borders, has set itself the ultimate goal of being able to achieve a homogeneous level and a high control threshold. To be able to do this, it is necessary to intervene first from the inside, that is to say by harmonizing the internal borders of the European Union and sharing all the information that exists have between the member

¹⁶³ Available in: <https://ec.europa.eu/home-affairs/financing/fundings/security-and-safeguarding-liberties/internal-security-fund-police>

countries of the Union and Frontex.

These behaviours are all aimed at blocking the illegal migratory flow by ensuring instead of safe, monitored and legal crossings for the benefit of the host countries but, above all, of the migrants themselves. The funds earmarked for the development of the Internal Security Fund (ISF) project are divided between all member states of the European Union (with the exception of the United Kingdom and Ireland) and in particular, among the state authorities, non-governmental organizations (NGOs), public local bodies, public and private law companies, humanitarian organizations and research institutes¹⁶⁴.

In conclusion, it is possible to explain how the Mobility Partnership Facility (MPF) works. First of all, it should be stressed that the actions that are proposed are based on the priorities put forward by the member states of the European Union in agreement with the partner countries. Following this initial proposal, a call for proposals is made within a set deadline. If what is proposed by European states is deemed to be receiving funding from the ICMPD, then the ICMPD will sign for the granting of such funding. Subsequently, the member countries of the European Union together with the collaboration of the partner countries will implement what is theoretically budgeted with their proposals. In all this, the ICMPD will monitor, both remotely and locally, the activities carried out by the states. In the event that a particular need arises that cannot be directly addressed by the member states of the European Union, this need will be redirected to the ICMPD, which will have to implement specific, exceptionally exceptional, action to resolve the question.

¹⁶⁴ Available in: <https://ec.europa.eu/home-affairs/financing/fundings/security-and-safeguarding-liberties/internal-security-fund-borders>

CHAPTER III

MIGRATION AND SECURITY: TWO INDEPENDENT BUT STRONGLY INTERCONNECTED CONCEPTS.

III.I Migration and security.

Although it is well known that the need to migrate elsewhere is inherent in human beings and although this practice is widespread, especially from the 19th century onwards, currently there is no theory that can be defined as unitary with regard to this phenomenon. This is due to the fact that international migration presents itself as something very complex. But despite its complexity, migratory phenomena have been widely studied under various aspects and points of view in order to be able to discover the triggering factors.

The main international migratory flows, which occurred to date, have been divided according to their importance: the first one was the migratory flow that saw people from all over the world migrate to Canada and the United States in the period between 1945, end of the Second World War, and 1975. During this period, individuals migrated mainly due to work needs and originated mainly from areas such as Eastern Europe and South America. The second most important migratory flow was, and still is, the one that sees people coming from North Africa and Eastern Europe migrating to Western Europe, mainly due to armed conflicts and situations that do not allow a peaceful life. The third international migratory flow, which is worth mentioning, is that towards the oil states of the Middle East¹⁶⁵ which lasted until 1991, the year in which the Gulf War¹⁶⁶ broke out. During this period, individuals from both Western Europe and Asia migrated to these countries due to the great demand of workforce that permeated the oil sector in those years. The fourth and final migratory flow of significant importance is the one that saw the industrialized developing countries of the Far East and Japan as countries of

¹⁶⁵ Saudi Arabia, Iraq, Iran, United Arab Emirates and Kuwait.

¹⁶⁶ The *Gulf War*, 2 August 1990-28 February 1991, was a war waged by coalition forces from thirty-five nations led by the United States against Iraq in response to Iraq's invasion and annexation of Kuwait arising from oil pricing and production disputes.

destination. Immigrants came from areas of the world such as North America and the Asian region in general for work reasons¹⁶⁷.

From the '90s onwards it is possible to notice a considerable increase in migratory flows, in terms of the quantity of people moving, which mainly involved the European continent. The main causes of migration have been economic, cultural and security. Today the phenomenon of migration should be understood as the result of globalization, that is to say as a result of the interaction between individual choices and choices dictated by the social context. It has been demonstrated that, today, the main inputs that push an individual to migrate elsewhere are reasons concerning: work, study-training, political (refugee condition), security, economy, fiscal, or family-personal affairs¹⁶⁸.

From the point of view of international security, migration is a particularly interesting phenomenon to analyse, especially as regards with its external aspect. The relationship between security and migration can be analysed from two different perspectives: from an internal point of view, migration can be caused by a lack of security present in the country where a person lives. Individuals who live in precarious conditions are often subject to violations of fundamental human rights, civil wars, ethnic, religious conflicts and much more. However, from an external point of view, migration itself can be considered as a source of instability and insecurity on an international level, causing considerable threats if not adequately controlled.

The complexity due to the strong interconnection between the phenomenon of migration and that of security affects various dimensions, including the social one. The social dimension is considered the most at risk from a security point of view since large and continuous movements of people from one country to another can affect social stability, as well as the cultural identity of the country of destination. However, the relationship between migration and security is seen as a political issue. In fact, both the international

¹⁶⁷ Ina Raluca TOMESCU, *International migration. Security implications*, in: *Research and Science Today*, Issue 2(6), p.64.

¹⁶⁸ TOMESCU, *International migration. Security implications*, p.64.

security agencies and the political representatives themselves consider international migration flows as real factors of danger and instability. Therefore, it is up to the political sphere to take care of the relative safety and monitoring of people's movements. Migration can have different implications in different contexts, in fact it can affect new forms of mobility, the distribution of the population, the development of the globalization of exchanges of both people and capital, it can influence creating political or economic crises, it can have an environmental impact, etc...

Nowadays, the issue of security in the context of international migration, and all the dynamics connected to it, has become one of the major concerns of states, especially in Europe. Until recently this did not happen, on the contrary, many politicians and heads of state of Western countries have not paid the right attention to the role that the state, intended as the primary actor of the international community, could have played in the matter of migration. The awareness of giving to international migration, and its security, the importance it deserved has gradually developed. This awareness arose from the recognition that large population movements, on large-scale, across state borders, could influence not only positively but also negatively the cohesion of societies and this consequently give rise to political and social conflicts within the countries of destination or transit of migrants. In order to counteract any threats to the security of the international community, the North Atlantic Treaty Organization (NATO)¹⁶⁹ and the Organization on Security and Cooperation in Europe (OSCE)¹⁷⁰ have been developed. These organizations have been dealing with asylum security since 1992, as well as the refugees themselves and the theme of migration in its entirety. As regards with the economy and labour, it has been found that the application of restrictive market measures in addition to severe measures against immigration do nothing but attract immigration, especially illegal.

¹⁶⁹ The *North Atlantic Treaty Organization (NATO)*, also called the North Atlantic Alliance, is an intergovernmental military alliance between thirty North American and European countries. The organization constitutes a system of collective defence whereby its independent member states agree to mutual defence in response to an attack by any external party.

¹⁷⁰ With 57 participating States in North America, Europe and Asia, the *Organization for Security and Cooperation in Europe (OSCE)* is the world's largest regional security organization. It works for stability, peace and democracy for more than a billion people, through political dialogue about shared values and through practical work that aims to make a lasting difference. The organization uses a comprehensive approach to security that encompasses the politico-military, economic and environmental, and human dimensions. With its Institutions, expert units and network of field operations, the OSCE addresses issues that have an impact on common security, including arms control, terrorism, good governance, energy security, human trafficking, democratization, media freedom and national minorities.

Illegal immigration, in turns, promotes the development of illegal travel practices and criminal activities that endanger the lives of migrants and threaten the internal security of various countries, including the European Union.

Given that the phenomenon of migration is to be considered a source of uncertainty and at the same time of security both for the countries of destination of the migratory flows and for the countries of origin of the latter, the issue of international migration today occupies a priority position for many countries in the world also for many international organizations.

Until the 1980s and 1990s, European states never paid much attention to the issue of migration, precisely because migration, initially developed only for work reasons, never influenced negatively the political agenda of the different countries involved. Therefore, it can be argued that in the period preceding the conclusion of the Schengen agreement, migratory flows, especially towards the European Union, were driven mainly by work needs and by the change in the labor sector in the countries of origin. With the conclusion of the Schengen agreement it became clear that the free movement of people within the European area was an issue that could not be overshadowed. As a consequence, the greatest concern became borders control, the handling of asylum requests, the issuance of visas and the fight against illegal immigration. The abolition of internal borders between the member states of the European Union meant that any person could move freely within the Schengen area. But the abolition of borders meant that political decisions regarding migration in a given state could have repercussions on the internal policies of other member states at the same time. Furthermore, the opening of borders has led to the abolition of border controls and a consequent decrease in the control of migratory flows. It follows that, to date, migration is one of the most complex issues ever to face precisely

given its dense intersection of economic, political, social implications.

Over time, migration has become a real problem to manage, especially in Europe where large flows of migrants try to enter almost daily. Due to the often negative developments, migration is associated with the concept of illegality, therefore it is necessary to ask whether migration is a phenomenon to be considered as a “simple” threat to the European Union or a challenge that can be faced with the right choices. It is possible to make an analysis of the migration problem starting from 1993, the year in which the Dublin Convention was ratified, when the issue of migration began to develop at European level¹⁷¹. In the context of the analysis of the issue of migration, in terms of security, the theory formulated by the Copenhagen school of international relations¹⁷² called "securitization" stands out. This theory is very useful as it proves particularly explanatory in terms of safety¹⁷³. The strong interconnection between migration and security has been the subject of various researches in the economic, social and political fields, consequently encouraging a great academic research inherent in the topic.

In the last twenty years the issue of security has been widely studied, especially after the end of the Cold War¹⁷⁴, a period characterized by a strong, non-military threats, to the world equilibrium. For the entire period prior to and concomitant to the Cold War, the only conception of security was that intended as protection from military threats from other states. Subsequently, the concept of security changed, referring no longer to the only ability to protect against military threats, but also to threats that can insure within a state, thereby threatening the safety of people. According to the definition given by Edward Kolodziej¹⁷⁵: “Security is a special form of politics; all security issues are

¹⁷¹ Denys GRYTSENKO, *Migration and Security in Europe*, 2011, Halmstad Univeristy, pp.7-9.

¹⁷² The *Copenhagen School of security studies* is a school of academic thought with its origins in international relations theorist Barry Buzan's book “People, States and Fear: The National Security Problem in International Relations”. The Copenhagen School places particular emphasis on the non-military aspects of security, representing a shift away from traditional security studies. Theorists associated with the school include Barry Buzan, Ole Wæver and Jaap de Wilde.

¹⁷³ GRYTSENKO, *Migration and Security in Europe*, p.10.

¹⁷⁴ The *Cold War* was a period of geopolitical tension between the Soviet Union and the United States and their respective allies, the Eastern Bloc and the Western Bloc, after World War II. The period is generally considered to span the 1947 Truman Doctrine to the 1991 dissolution of the Soviet Union. The term "cold" is used because there was no large-scale fighting directly between the two superpowers, but they each supported major regional conflicts known as proxy wars. The conflict was based around the ideological and geopolitical struggle for global influence by the two powers, following their temporary alliance and victory against Nazi Germany in 1945.

¹⁷⁵ *Edward Kolodziej* was a Polish historian and archivist, full professor at the UMCS Institute of History in Lublin and the Directorate General of State Archives in Warsaw, author of over 200 scientific publications.

political issues”¹⁷⁶. According to the theory formulated by Barry Buzan Gordon¹⁷⁷, security can be divided into sectors, each of which explains and uses the term security in a different way. The sectors identified by Buzan are five: military, economic, social, environmental and political. Some scholars believe that securing security is the special type of policy application that stands above all others. It is not surprising that, in order to protect national or international security, the use of the use of force has been legitimized in some cases.

The securitization theory of the Copenhagen school was formulated at the end of the '90s by three scholars in particular: Barry Buzan, Ole Weaver¹⁷⁸ and Jaap de Wilde¹⁷⁹, who explained this theory as the displacement of the migratory question first from an area considered non-political to an area considered political and only after it moved to the security level. These various passages show how the issue of international migration was initially underestimated by the various national governments, which only in recent years have become aware of the role it plays in society by giving it the right interest and by making it part of national political agendas and public debate. According to the theory, the main purpose is not to identify the real objective "threats" of danger in order to protect the population; rather, the aim for the political class should be to understand, in a shared way, the processes behind the creation of possible security threats and deal with them before they occur.

Therefore, before reaching the securitization process, a politicization process is necessary, that is, the awareness by the political system which, subsequently, makes adequate government decisions by allocating funds where necessary. The securitization phase starts to shape when politicians ascertain the presence of real threats against

¹⁷⁶ GRYTSENKO, *Migration and Security in Europe*, p.11.

¹⁷⁷ Barry Gordon Buzan is Emeritus Professor of International Relations at the London School of Economics and honorary professor at the University of Copenhagen and Jilin University. Buzan sketched the Regional Security Complex Theory and is therefore together with Ole Wæver a central figure of the Copenhagen School.

¹⁷⁸ Ole Wæver is a professor of International Relations at the Department of Political Science, University of Copenhagen. He has published and broadcast extensively in the field of international relations, and is one of the main architects of the so-called Copenhagen School in International Relations.

¹⁷⁹ Jacobus Hubertus "Jaap" de Wilde is a Professor of International Relations and Security Studies at the University of Groningen since 2007. He headed the department of International Relations between 2008 and 2012. From 2001 to 2007 he was professor in European Security Studies at the Department of Political Sciences, VU University Amsterdam, and from 1995–2007 he was senior research fellow in European Studies and IR Theory at the Centre for European Studies (CES), University of Twente. From 1993–1995 he worked at the Copenhagen Peace Research Institute (COPRI).

something or someone and consequently claim the right to implement extraordinary measures to protect against that specific threat. To summarize the securitization theory, it is sufficient to say that this is a process of transformation from a problem considered "normal" to a problem that becomes a threat to security¹⁸⁰.

With the Dublin Convention of 1990, Europe for the first time takes into consideration the issue of the growing migratory flows with an official act. From 1998 to 2002 around 20 million people per year applied for political asylum in Europe. This huge flow of people should have led to the formation of a common asylum system between all the member countries of the European Union. However, things have developed differently and today it is possible to notice how the asylum system varies greatly from country to country. First of all, it is important to underline the fact that the Dublin Convention was approved in 1990 but its official entry into force took place only seven years later, in 1997. Furthermore, the Convention mainly establishes that refugees, once they reach the territory of the European Union, must apply for asylum in the state in which they arrive for the first time and that, in turn, the state in question must assist the refugees who apply. The Dublin Convention provides some European policies concerning the asylum request with the aim to reduce migratory flows at the origin, the Convention also provides a system capable of identifying which country is responsible for the examination of the request made by the applicant.

With the implementation of the Schengen Agreement, Europe has mainly dealt with extending the concept of integration in its territory, consequently placing little attention on the issue of security of migration. With the elimination of borders and, consequently, the abolition of due controls, people began to move freely within the Schengen area but, at the same time, illegal migration flows increased considerably. Despite this, the Schengen Convention remains one of the most important factors of the European integration process. In 1985 the European Commission published an important document

¹⁸⁰ GRYTSENKO, *Migration and Security in Europe*, pp.12-14.

called "Guidelines for a Community Policy on Migration". With the outlining of this document, migration policy entered the political agenda of the European Union to all intents and purposes, demonstrating that migration was no longer a matter for the individual state but had become a European level issue¹⁸¹.

Currently all European countries are involved in migratory flows of sorts, making the European population increase considerably compared to any other part of the world. This growing trend has forced European governments to review, and if necessary implement, cooperation on international migration. In doing so, the member states of the Union have shown that they achieve better results when they work closely with the migrants' country of origin, as it results in more effective border control and problem management.

Despite this, the implementation of border controls has not given the expected results, in fact the issue is mainly divided into two fundamental aspects: on the one hand, what to do in practice to implement greater control; on the other, how to support this control. What the European Commission suggests is precisely to increase as much as possible the close cooperation between European countries, countries of transit and origin of migratory flows with the creation of specific agreements able to meet the needs of the case. As has been stressed several times, migration brings both advantages and disadvantages, but without adequate management of the matter the benefits will never be visible in a consistent way.

One factor which contributed to highlight the need for security in the migration field was the concept of crime. In fact, by increasingly associating the issues related to migration with organized crime and with the fact that migrants are seen as a problem to be solved, the process of making this phenomenon safe has been accelerated. Paradoxically, this concept of migration, understood as a threat to be defeated, has led to improvements in its management. This shows that having a greater awareness of the socio-economic sphere, the institutions are able to manage apparently intricate and unsolvable situations.

¹⁸¹ GRYTSENKO, *Migration and Security in Europe*, pp.18-20.

The problem of migratory security can be analyzed from different points of view and tackled with different strategies, but the core of the problem is to try to smooth out as much as possible the differentiation between oneself and the other, between inside and outside, between citizens who are members of the European Union and non-EU citizens. The movement of large flows of people must be managed, controlled and made safe but this because we are dealing with human beings, not political or economic pawns.

Once all the factors and situations presented so far have been analyzed, it is possible to say that the European Union sees the management of illegal migration and the dismantling of the organized crime that manages it as its main problem. As long as the matter of international migration continues to be presented by some institutions, politicians and public opinion as an issue to secure, migration will continue to be understood as something negative while at the same time increasing xenophobic thoughts¹⁸².

If to date the relationship between migration and development is considered in positive terms, the same cannot be said for the relationship between migration and security. In the context of the management of migration flows, the issue of security is often used as a mode of governance, implemented by the rich countries of the North of the world to control and manage those of the South of the world. Therefore, the relationship between migration, development and security is often contradictory¹⁸³.

The development of a growing concern about security in the context of international migration stems from various factors including the fact that migration is perceived as a threat to sovereignty, autonomy and state borders by rich countries in the North of the world. In fact, in response to their concern, the Northern states react to the migratory phenomenon by intensifying border controls as much as possible. Despite this, the theme of safety, from the point of view of human life, is at the center of the thought for which the human being is to be considered as the ultimate goal of development and not just a

¹⁸² GRYTSENKO, *Migration and Security in Europe*, pp.22-27.

¹⁸³ Adrian A. SMITH, *Migration, development and security within racialized global capitalism: refusing the balance game*, in: *Third World Quarterly: Third World Approaches to International Law (TWAIL)*, Vol.37, 2016, pp.2119-2120.

simple means by which to reach greater economic growth. On one hand, some politicians have proven to be more sensitive to the relationship between migration and individual security, especially if they are citizens of third countries. On the other hand, other politicians prefer to put the state at the center of the matter by adopting restrictive controls on migration, thus also limiting cross-border mobility. Therefore, it should not be misunderstood that the primary objective of human security is not to remedy the need for state security but rather to extend the application of security policies aimed primarily at controlling and regulating non-citizens, i.e. migrants. Usually, human security advocates are also those who defend and promote respect for international human rights. The issue of human security is therefore to be conceived as an additional element, as a way to fill the multiple gaps of international law, especially in the field of human rights. Despite numerous efforts to try to expand and strengthen security policies, international migration is subject to criticism. Leaving to the state the competence to manage security especially in specific areas such as that of international migration, also means that the state is consequently entitled to apply restrictions on human freedoms.

As has been discussed several times before, international migration, from certain points of view, has also brought with it forms of economic development. This connection has attracted a lot of attention towards the migratory issue, making it incorporated into numerous political agendas. It is no coincidence that within the United Nations Organization it is possible to find a wide range of agencies, groups, commissions and institutional bodies that aim to follow the migration agenda from a development perspective by addressing issues such as: the exploitation of benefits of remittances, the expansion of the skills of migrants in the labor market and the management of migratory flows, just to name a few¹⁸⁴.

¹⁸⁴ SMITH, *Migration, development and security within racialized global capitalism: refusing the balance game*, p.2124.

In contrast to what has just been said, although the issue of international migration has been the subject of a considerable interest, it has remained absent from the global development agenda. In fact, by analyzing the eight objectives of the Millennium Development Goals (MDGs)¹⁸⁵ it is possible to note how migration is not mentioned¹⁸⁶. A correct and effective governance of migration on a global scale would mean transforming migratory flows from disordered to orderly. Despite the positive proposals and the numerous requests made, a single regime capable of managing and regulating migration is still lacking at international level, as a World Migration Organization within the UN system continues to lack. Modern nation states are autonomous and independent institutions, if considered individually, but as they are included in a global context in which other modern nation states exist and in which the globalization developed, a strong interdependence between these institutions has developed as well. The fact that states are on the same level with all others in the context of international law means that they must manage migration not only nationally, but above all by cooperating globally. The principles of sovereignty and territorial integrity are exercised by individual states as protection of national borders and of the respective citizens who live in the territory, therefore the state tries to maintain order and internal security by protecting itself from any aggressions and threats that may come from external. Therefore, the sovereign nation state tries to control and regulate the cross-border movement of individuals to ensure national security and social cohesion.

The discourses on migration, security and development give rise to a series of debates about which policies to adopt, but by acquiring a greater awareness of the various interconnections between these issues it is possible to achieve optimal management of migration flows¹⁸⁷.

¹⁸⁵ The *United Nations Millennium Development Goals (MDGs)* are eight goals that all 191 UN member states have agreed to try to achieve by the year 2015. The Declaration, signed in September 2000 commits world leaders to combat poverty, hunger, disease, illiteracy, environmental degradation, and discrimination against women. The Eight Millennium Development Goals are: to eradicate extreme poverty and hunger; to achieve universal primary education; to promote gender equality and empower women; to reduce child mortality; to improve maternal health; to combat HIV/AIDS, malaria, and other diseases; to ensure environmental sustainability; and to develop a global partnership for development.

¹⁸⁶ SMITH, *Migration, development and security within racialized global capitalism: refusing the balance game*, p.2124.

¹⁸⁷ SMITH, *Migration, development and security within racialized global capitalism: refusing the balance game*, pp.2130-2131.

III.II The European Agenda on Migration.

The Mediterranean area is one of the key points for the transit of international migration routes, especially from Africa to Europe. The exponential increase in the number of migrants' arrivals on European soil has meant that surveillance systems, in this sort of "middle ground", have become more severe. These restrictions are mainly applied since the 1990s, but in spite of everything migrants continue to risk their lives in order to reach the coasts of the European Union.

The application of these restrictions in bringing migrants into Europe led to the creation of a paradox, that is, the more restrictions are applied on the entry of migrants and asylum seekers, the more they find themselves at the mercy of smugglers. Analyzing in detail this so-called "fortress Europe" policy¹⁸⁸, it is possible to note that the two real beneficiaries of this approach to immigration are: first of all, the smugglers and all the criminal groups that "thanks" to the constant increase in migratory flows see their activities growing; then the other main beneficiaries are the big companies that provide security services. While the two big losers of this situation are, from a material point of view, the European citizens who, by paying taxes, have financed a police system that will never work as it should; and, from a substantial and most important point of view, the failure of human rights.

The European Union is seen as the emblem of respect of human rights, as well as respect for democracy and minority rights. The failure of an effective management of migration flows, especially those coming from North Africa, has disappointed the expectations of many migrants. However, focusing, for example, on the situation of Tunisia, which is one of the main countries of origin of migratory flows, it has been calculated that over 10% of the Tunisian population lives and works mainly in Southern Europe. According to what was revealed by a Tunisian study in the economic and social field, only in 2011 about forty-thousand Tunisians crossed the Channel to land in Italy in search of fortune¹⁸⁹.

¹⁸⁸ Messaoud ROMDHANI, *High fences do not make good neighbours*, in: *International Journal on Human Rights*, Vol.13, N.23, 2016, p.44.

¹⁸⁹ ROMDHANI, *High fences do not make good neighbours*, p.44.

During the same year, around two-thousand migrants died in the Mediterranean Sea, and this occurred at the time when NATO was waging a war in Libya, as a result, the Mediterranean was heavily patrolled. This once again demonstrates the heavy disparity between rhetoric and practice perpetrated by the European Union. The 2011 war in Libya¹⁹⁰ forced thousands of Libyans to migrate to Tunisia, but Tunisia was not prepared to welcome such a large flow of people, thus the sanitation conditions in which migrants were received, as well as the poor supply of food and water meant that one of the main refugee camps was closed. It should be stressed that for many Libyan migrants Tunisia was not the ultimate country of destination to settle in, it was instead a transit point to then reach Italy. As a consequence of this desperate situation, on October 3, 2013, 366 migrants died in the Mediterranean Sea due to a shipwreck¹⁹¹. That day was one of the most tragic day in the history of the Mediterranean area. Since then, the need to combat the criminal networks of smugglers, who do not care about the desperation and the lives of people, has become even stronger¹⁹².

Among the various efforts made to try to cope with the continuous and consistent flow of migrants who illegally arrive in Europe from Tunisia, in 2014 the Mobility Partnership between Tunisia and the European Union was established¹⁹³. The objective of this partnership is to facilitate the movement of individuals between Tunisia and the Union by developing a common administration of the activities and procedures relating to the issue. However, analyzing the situation it appears that the partnership has been strongly

¹⁹⁰ The First Libyan Civil War was an armed conflict in 2011 in Libya fought between forces loyal to Colonel Muammar Gaddafi and foreign supported groups seeking to oust his government. On 15 February 2011, protests escalated into a rebellion that spread across the country, with the forces opposing Gaddafi establishing an interim governing body, the National Transitional Council. A UN resolution authorised member states to establish and enforce a no-fly zone over Libya, and to use "all necessary measures" to prevent attacks on civilians, which turned into a bombing campaign by the forces of NATO against military installations and civilian infrastructure of Libya.

¹⁹¹ The Lampedusa tragedy was the sinking of a Libyan boat used for the transport of migrants which took place on 3 October 2013 a few miles from the port of Lampedusa. The shipwreck has caused 366 confirmed deaths and about 20 presumed missing, numbers that make it one of the most serious maritime catastrophes in the Mediterranean since the beginning of the 21st century. 155 survivors were rescued, including 41 minors.

¹⁹² ROMDHANI, *High fences do not make good neighbours*, p.45.

¹⁹³ Tunisia and the European Union on 3rd March, 2014 formally established a Mobility Partnership. A joint declaration was signed by Cecilia Malmström, EU Commissioner for Home Affairs, Mr Tahar Cherif, Tunisian Ambassador to Belgium and the European Union, and the Ministers of the ten EU Member States involved in the Partnership: Belgium, Denmark, Germany, Spain, France, Italy, Poland, Portugal, Sweden and the United Kingdom. Through this Partnership, the European Union and Tunisia will not only develop their bilateral relations in the fields of migration, mobility and security, but will cooperate together to better meet the challenges faced in the Mediterranean.

criticized by some Tunisian institutions for various reasons: first of all, the negotiation, which took place behind closed doors, then for the lack of transparency of its activities and finally for the fact that this partnership was conceived as a facilitation for the movement of Tunisians to Europe but which turned out to be a mere return and readmission policy. Furthermore, it should be stressed that visas that the European Union issues to Tunisian citizens are limited only to those who are qualified professionals, this consequently excludes thousands of young unemployed people who would like to reach Europe in search of a possibility. The only possibility that remains for these young people is to cross the Mediterranean Sea making illegal and extremely dangerous journeys¹⁹⁴. Unfortunately, this Mobility Partnership was a failure, given that it was unable to reduce the flow of illegal migrants and, as confirmation of what has just been said, 2015 was the year in which were registered more arrivals in Europe than ever (more than one million people) and a lot of deaths (almost four thousand people)¹⁹⁵. With the aim of ending these human tragedies, in May 2015 the European Commission presented the “European agenda on migration”. Through the establishment of this agenda, the European Union aims to face the numerous challenges that arise in the management of international migration, especially illegal migration, as well as border control. One of the key points of the agenda is to primarily engage Europe in medium-long term goals and not just to short term ones¹⁹⁶. Despite this, even with the establishment of the migration agenda, the European Union continues to approach the issue of international migration from a security point of view instead of putting human rights at the center. Therefore, it is possible to note that despite the various policies introduced to counteract the illegal activities of smugglers, more and more people are often forced to fall into the hands of these individuals in order to have a chance of a better life. From this it follows

¹⁹⁴ ROMDHANI, *High fences do not make good neighbours*, p.45.

¹⁹⁵ According to the International Organization for Migration (IOM), one million migrant arrivals to Europe were exceeded in 2015. For the organization, this figure is four times higher than in 2014. Italy is in second place after Greece for the number of refugees arrived in 2015. In Greece, a decidedly higher number of refugees has arrived, 821.008. In Italy there were 150,317. Bulgaria (29,959), Spain (3,845), Cyprus (269) and Malta (106) follow.

¹⁹⁶ Available in: https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration_en

that the most effective method of limiting these illegal practices is to allow migrants to travel safely, economically and flexibly. Whatever the type of partnership established between a non-European country and the European Union, in the field of migration, this partnership must give priority first of all to respect for human rights, respect for the fundamental rights of migrants and asylum seekers¹⁹⁷.

Analysing in detail the content of the European agenda on migration, it is immediately evident that this project aims to engage in a long-term approach in the construction of a migration policy that is as global and coherent as possible. As first approach, the European Commission has drawn up a list of fundamental points to pursue. From the beginning, the European Parliament and the European Council, as well as the member states of the European Union, have shown themselves predisposed to cooperate with the Commission for the realization of this project, but despite all, the support given was not enough to prevent the application of emergency migratory measures. It is undisputed that in order to try to limit the criminal activities of human smugglers as much as possible, a global migration policy must be implemented, but it should also be stressed that the most effective method to resolve this situation is to trace the origins of the factors that cause such a displacement of individuals. The European Union must continue to be a safe place for migrants, a place far from wars, poverty and persecution, but fortunately, although not directly involved in these tragic situations, Europe cannot fail to deal with it. On the European side, being able to balance all international commitments, objectives and values at the same time while ensuring social security and economic development is a very delicate act. It should be reiterated that effective cooperation, implemented in a solid and respectable way, is the key to achieving a coherent and clear common policy. As much as some insist in believing it, no single state is capable of dealing with such a large and

¹⁹⁷ ROMDHANI, *High fences do not make good neighbours*, p.46.

complex issue as that of international migration on its own. All the actors of international society, within the limits of their competences and possibilities, must engage in this great common project¹⁹⁸.

The first part of the European agenda on migration deals with:

- saving lives at the sea,
- targeting criminal smuggling networks,
- responding to high-volumes of arrivals within the European Union, i.e. relocation,
- a common approach to granting protection to displaced persons in need of protection, i.e. resettlement,
- working in partnership with third countries to tackle migration upstream,
- using the European Union's tools to help frontline member States.

From the point of view of “saving life at the sea”, the approach decided was to try to re-establish the intervention at sea that was given in the context of the former Italian operation "Mare Nostrum"¹⁹⁹, trying to intensify the rescue operations of migrants, combining the activities of the Poseidon operations and Triton of Frontex.

With regard to targeting criminal smuggling networks, the High Representative of the European Union for Foreign Affairs and Security Policy²⁰⁰ has advanced various approaches to resolve this serious issue. The result was the decision to recognize, arrest and demolish all the ships used by smugglers for the illegal transport of people. In

¹⁹⁸ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions a European agenda on migration*, 2015, p.2.

¹⁹⁹ Operation “Mare Nostrum” was a year-long naval and air operation commenced by the Italian government on October 18, 2013, to tackle the increased immigration to Europe during the second half of 2013 and migratory ship wreckages off Lampedusa. During the operation at least 150,000 migrants, mainly from Africa and the Middle East, arrived safely to Europe. The operation ended on 31 October 2014 and was superseded by Frontex's Operation Triton.

²⁰⁰ The *High Representative of the Union for Foreign Affairs and Security Policy* (HR/VP) is the chief coordinator and representative of the Common Foreign and Security Policy (CFSP) within the European Union (EU).

addition, Europol implemented its joint maritime information operation (JOT MARE)²⁰¹ ensuring that the only smuggling access point was systematically controlled²⁰².

Regarding the phenomenon of large volumes of arrivals within the European Union, the issue is very delicate and complex. Given the strong influx of migrants into Europe, the asylum systems of the states that are part of the Union are under unprecedented pressure. This means that migrant reception facilities are already working at full capacity and therefore are no longer able to welcome new people. To resolve this emergency situation, a temporary distribution regime has been devised for immigrants who need international protection. This system ensures that the number of migrants is redistributed in a balanced way among the member states of the European Union in order to alleviate the strong pressure to those countries bordering the Mediterranean and thus guaranteeing a shared participation of the emergency. Finally, the European state that first receives the arrival of migrants is considered responsible for the examination of the asylum application by migrants. The system of redistribution of the number of migrants takes place following precise parameters of the host state, including: GDP, the size of the territory, the quantity of population, the unemployment rate. This relocation system has become mandatory and automatic.

The fourth point that this first part of the European agenda on migration wants to address is to establish a common approach to guarantee protection for IDPs²⁰³. In fact, in addition to relocating those already present on European territory, the Union must provide its help to those who apply for international protection. This assistance must not only be given by the European Union but also by the United Nations High Commissioner for Refugees (UNHCR), which has the task of recognizing when individuals are no longer in a safe condition in their countries of origin. In fact, UNHCR has planned around twenty-

²⁰¹ The *Joint Operational Team (JOT) Mare*, hosted at Europol headquarters in The Hague, will tackle the organised criminal groups who are facilitating the journeys of migrants by ship across the Mediterranean Sea to the EU. JOT Mare will combine Europol's unique intelligence resources and Member States' capabilities to carry out coordinated and intelligence-driven actions against the facilitators. As well as ensuring an intensified exchange of intelligence with Frontex and close cooperation with Interpol, national experts seconded to JOT Mare will facilitate the necessary cooperation between Europol and the services of the participating EU Member States.

²⁰² European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions a European agenda on migration*, pp.3-4.

²⁰³ IDPs are *Internally Displaced Persons*, that is, civilians forced to flee wars or persecutions, but unlike refugees, they have not crossed a recognized international border.

thousand resettlement places for the European Union, by 2020. Unfortunately, given that not all European Union member countries are contributing as they should to this end, the European Union has allocated a fund of 50 million euros to support the relocation scheme for refugees and asylum seekers. In addition to what has already been decided, the European Commission has suggested member states to exploit the potential of the Asylum Migration and Integration Fund to plan the addition of new places for the resettlement of migrants²⁰⁴.

A further problem that the European Union must manage is that of collaborating with third countries to cope with migration at its origins. To this end, the European Commission together with the European External Action Service (EEAS) have set up a system of cooperation with partner countries to implement practices capable of blocking illegal travel. The first step that the Union must take to implement this plan is to strengthen the support given to the countries of origin mainly involved in emigration. These countries are largely those found in North Africa and the Horn of Africa. In this context, particular attention is paid to the situations in Libya and Syria where the United Nations has allocated 3.6 billion euros in humanitarian aid to try to assist these populations tormented by war and economic and political crises. These are just some examples of international crises that have inevitably had a strong effect on the migratory phenomenon towards Europe.

The last point that the European Commission wants to address for this first part of the European agenda on migration is to use all the tools that the European Union has at its disposition to help the Member States that are at the forefront. The Commission has prepared an approach called "Hotspot" which involves cooperation between three different entities, the European Asylum Support Office (EASO), Europol and Frontex, in collaboration with the European states that are in the front line. All these subjects have the objective of identifying, registering and taking the fingerprints of incoming migrants.

²⁰⁴ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions a European agenda on migration*, pp.4-5.

After completing this first preliminary procedure, asylum seekers are followed by an EASO support team that takes care of the requests and directs the migrants where established. In addition, the European Commission has allocated 60 million euros to finance emergencies that may arise, such as the provision of health care.

The migration crisis in the Mediterranean area has not only highlighted the emergency situations to which attention must be paid immediately, but has also revealed the structural limits of the European Union's migration policy. Therefore, the European Union must not rest on what has already been done and achieved so far, but it must continue to work harder, especially outside its borders, to implement collaboration with partner countries and support implementation of a legal and safe migration capable of encouraging growth and economic development both in the countries of origin of the migratory flows and in those of destination. The European Agenda for Migration has set up four pillars, that is to say, four different levels of action to implement a migration policy which is as fair, compact and effective as possible²⁰⁵. These four pillars are:

- Reducing the incentives for irregular migration,
- Border management (saving lives and securing external borders),
- Europe's duty to protect (a strong common asylum policy),
- A new policy on legal migration.

The reasons that push individuals to migrate illegally in search of a better life are many, however, the expectations of these people are almost always disregarded since falling into the hands of criminal groups they face dangerous journeys, risking their lives. In addition to this, those who manage to get to the European coasts often find themselves faced with the situation in which their asylum requests are not accepted, therefore they are forced to go back. Instead, the situation of illegal immigrants who manage to settle in Europe, they often live a life devoid of certainties and stability.

²⁰⁵ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions a European agenda on migration*, pp.5-7.

Often the problems that drive individuals to abandon their places of origin are the same problems that the European Union has been trying to solve for years. For this reason, migration should be placed at the centre of the Union's entire foreign policy action, because from the primary phenomenon of migration there are a multitude of small and big issues which are spilling over the whole international community. Just think of how wars, racial discrimination, persecution of minorities, poverty and climate change are primary sources of migration development. In this context, being able to prevent the threats described above means allowing people to continue living in their countries of origin.

The decision to thwart the trafficking of criminal organizations manages to prevent the exploitation of human lives and at the same time acts as a disincentive to illegal migration. In this context, cooperation between the European Union and third countries is vital since, contrary to popular belief, smugglers who are usually arrested on rubber boats in the Mediterranean are almost always the last link in the chain. Therefore, by collaborating between member and non-member countries, it is possible to trace the criminal organization upstream.

Among other reasons, irregular migrants are encouraged to leave for Europe also because they are aware of the fact that the European return system is not working in an excellent way. Just think that, in 2013, less than 40% of the necessary returns were carried out, which represents a very low percentage²⁰⁶. To cope with this situation, it is important for Europe to be able to impose an international obligation on third countries, with which it collaborates, to take back its citizens. In the same way, however, the member countries of the European Union must properly apply their return policy. The European Commission, for its part, must act quickly on the return directive, always respecting human rights. Despite the fact that Europe has set up common regulations in the field of return, this is not enough to have adequate coverage between countries. Frontex, for example, has skills that are limited to the simple coordination of repatriation activities,

²⁰⁶ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions a European agenda on migration*, p.9.

but it is not allowed to undertake its own. This greatly helps the European states in their operations but it is not enough and, in this regard, the operational effectiveness of Frontex must be expanded.

The measures described so far would be applied not only in times of emergency but would be maintained as a long-term approach. It is important that the European Union is able to act in preventing crises, not only in response to one of them when they are already underway. In this regard, the role of the coast guards becomes of fundamental importance both for saving lives and for the control and protection of maritime borders. The Eurosur model²⁰⁷ has given positive results and for this reason it should be implemented to its full potential. The Internal Security Fund (ISF) of the European Union has provided, for the period from 2014 to 2020, a financial aid of more than 2.7 billion euros for the policy aimed at helping the member states of the Union to solidly maintain the external borders. But although there are efficient policies in border control, there are currently no precise rules on border management. The current situation shows a set of different rules which must be made as uniform, clear and coherent as possible. The European Union has three large-scale IT systems²⁰⁸ which are respectively: Eurodac system dealing with asylum administration, the Visa Information System (VIS)²⁰⁹ which deals with visa applications and finally the Schengen information system which deals with the sharing of information on people and objects. If these three systems were used to their full potential and in total harmony, a general advantage would be obtained for the European and international community, as well as a strengthening of the same especially in the prevention of illegal migration.

The presence of a weak and uncoordinated asylum system among the countries of the European Union has its consequences directly on asylum seekers, who in 2014 alone were

²⁰⁷ *The European Border Surveillance system (EUROSUR)* is a multipurpose system for cooperation between the EU Member States and Frontex in order to improve situational awareness and increase reaction capability at external borders. The aim is to prevent cross-border crime and irregular migration and contribute to protecting migrants' lives.

²⁰⁸ The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) supports the implementation of the European Union's justice and home affairs policies and provides technological support to countries of the European Union to make Europe safer.

²⁰⁹ *The Visa Information System (VIS)* is a system for exchanging data relating to entry visas in the Schengen Area between the States that are part of it. The establishment of the VIS is one of the main initiatives in the context of European Union policies aimed at creating an area of freedom, security and justice without internal borders. To allow the VIS to function, the consular offices and the external border crossing points of the Schengen states are connected to the system's central database. The VIS includes the personal and biometric data of all the people applying for a visa.

more than 600 thousand²¹⁰. This serious deficiency is perceived negatively not only by migrants themselves but also by European public opinion.

The primary objective is to be able to assure effective application of the common European asylum system, while promoting mutual trust between states. The European Commission collaborates with the member states as well as with the European Asylum Support Office (EASO) in order to improve the reception laws and implement compliance with human rights, especially as regards the most vulnerable groups, primarily children. In addition to these measures, there are other important ones that can be applied such as the formation of a new and specific network of authorities in charge of welcoming migrants.

Despite the improvements made to the "Dublin system"²¹¹, this does not work as it should. To confirm this, just think that in 2014 the 72% of the asylum applications that were made were handled only by five member states of the European Union. Each member state manages the implementation of the Dublin system rules by allocating a specific amount of resources for the improvement of the asylum system, above all in order to support the strong pressures to the states that are in the front line, but unfortunately this system is not applied as it should by states. The task of the European states is also to fully adopt all the laws relating to the collection of fingerprinting of immigrants arriving at the borders. It should be emphasized that when the Dublin system was conceived and designed, Europe was experiencing a very different situation from what it is experiencing today. In fact, at the time the migratory flows were different in terms of quantity but were also driven by different motivations. Therefore, to date, a review of some parameters of the Dublin system is required.

Europe is known to be a very important and powerful economy worldwide and for this reason it is constantly competing with other economies to try to attract skilled workers in key sectors such as: health, science, engineering and technology. In this regard, the

²¹⁰ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions a European agenda on migration*, p.12.

²¹¹ The *Dublin regulation* establishes the criteria and mechanisms for determining which EU Member State is responsible for examining an asylum application. The rules aim to ensure quick access to asylum procedure and the examination of an application in substance by a single, clearly determined, Member State, an objective which remains valid. The Dublin system, however, was not designed to ensure a sustainable sharing of responsibilities for asylum applicants across the EU, a shortcoming that has been highlighted by the current crisis.

European Union made a new proposal in 2015 to expand the possibility of mobility for workers. This decision is fundamental, because the fact that the European population is aging, is affecting also the labour market. In fact, by removing the total amount of working age population present in Europe from the total sum, it is expected that this will decrease by approximately 17.5 million²¹². It follows that supporting a type of legal and safe migration leads to positive economic growth for Europe.

Obviously, it is up to each country to determine the volume of admissions of citizens from countries that are not members of the European Union, but Europe has developed specific projects such as "Horizon 2020"²¹³ and "Erasmus Plus"²¹⁴ to try to recall the highest possible number of talented young people. These programs are aimed at students and researchers searching for a greater chance of mobility in the workplace. At the same time, however, the European Commission will have to review the effectiveness of the "blue cards"²¹⁵, given that they are not issued as they should despite being a further attraction of talent in Europe. In light of what has been said so far, the European Commission plays the role of supporter for European states in widening dialogue situations that can fill the gaps in specific sectors such as the labour market and the regularization and integration of migrants. With the aim of collecting and giving as much information as possible, the European Union has already created web portals such as the EU portal on migration and the European job mobility portal (EURES)²¹⁶, which act as facilitators for the communication between workers from third countries already present on European soil.

²¹² European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions a European agenda on migration*, p.14.

²¹³ *Horizon 2020* is a funding program created by the European Commission to support and promote research in the European research area (ERA). It is the eighth of the framework programs for research and technological development, financial research, technological development and innovation (Framework Programs for Research and Technological Development), with an emphasis on innovation, accelerating economic growth and providing end user solutions that are often government agencies.

²¹⁴ *Erasmus Plus* is the European Union's program for Education, Training, Youth and Sport 2014-2020. The program, approved with EU Regulation N 1288/2013 of the European Parliament and of the Council, combines and integrates all the funding mechanisms implemented by the European Union until 2013.

²¹⁵ The *European Union Blue Card* is Europe's answer to the United States Green Card. The European Union Blue Card is a work and residence permit for non-EU/EEA nationals. The European Blue Card provides comprehensive socio-economic rights and a path towards permanent residence and European Union citizenship.

²¹⁶ Launched in 1994, *EURES* is a European cooperation network for employment services, designed to facilitate the free movement of workers. The network has always worked hard to allow European citizens to enjoy the same opportunities, despite language barriers, cultural differences, bureaucratic challenges, different labour laws as well as the lack of recognition of school certificates between the various regions of Europe.

What is really missing is a portal that recognizes and gathers the professional skills of migrants, especially those that they have acquired in their countries of origin.

The migration policy of the European Union can only be successful if supported by effective integration policies. Although the latter are mainly decided by individual member states, the European Union acts as support for national governments in building dialogue and mutual trust between states. The function of some funds such as the Asylum and Migration and Integration Fund (AMIF), the European Social Fund (ESF)²¹⁷ and the European Regional Development Fund (ERDF)²¹⁸ are funds which finance activities aimed at improving professional skills, facilitating access to the labour market and the launch of awareness campaigns aimed at both host countries and migrants themselves.

To create a common, legal and controlled migration policy, the European Union should support countries of origin by promoting decent work, youth employment and appropriate wage policies. In the attempt to follow up on the proposals just described, the European Union has funded, with 24 million euros²¹⁹, an initiative whose goal is to support free movement in the Economic Community of West African States²²⁰. A development perspective that would give rise to numerous opportunities is that to implement regional programs that promote south-south mobility. In order for the countries of origin of migratory flows to benefit from the migratory phenomenon, it is necessary to facilitate the transfer of remittances, making them safer, cheaper and faster. To this end, the

²¹⁷ The *ESF* is Europe's main tool for promoting employment and social inclusion, helping people get a job (or a better job), integrating disadvantaged people into society and ensuring fairer life opportunities for all. It does this by investing in Europe's people and their skills, employed and jobless, young and old.

²¹⁸ The *ERDF* was set up in 1975 and provides financial support for the development and structural adjustment of regional economies, economic change, enhanced competitiveness as well as territorial cooperation throughout the EU. Along with the European Social Fund (ESF), the Cohesion Fund, the European Agricultural Fund for Regional Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF), the ERDF is one of the five Structural and Investment Funds (ESIF) of the EU.

²¹⁹ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions a European agenda on migration*, p.16.

²²⁰ The *Economic Community of West African States (ECOWAS)* is made up of fifteen member countries that are located in the Western African region. These countries have both cultural and geopolitical ties and shared common economic interest.

proposal made by the European Commission on the consolidation of the "EU Payment Services Directive II"²²¹ has been successfully adopted²²².

III.III The European Agenda on Security.

As has been analyzed so far, the European Union faces different challenges concerning migration and but also in concerning the filed of security. Currently the security threats to which the European Union is subjected come from neighboring countries and the threats are mainly due to terrorism, violence and radicalization of criminal groups. These situations of threat and instability have the characteristics of being international, heterogeneous and cross-sectorial, therefore they need the most immediate and concrete feedback from Europe. With the aim of addressing this specific situation, the European Commission has created the European Agenda on Security. The action of the agenda is mainly based on the sharing of responsibilities, mutual trust and effective cooperation between all member States of the Union in coordination with national authorities. In detail, the agenda focuses its attention on perfecting the exchange of information, as well as, funding and research and innovation projects. All these specific actions are aimed at fighting terrorism and organized crime including cybercrime²²³. The European agenda on security bases its activity on five key principles that serve to maximize existing initiatives or to implement new ones, these principles are: guaranteeing full respect for fundamental rights; ensure greater transparency, accountability and democratic control; ensure better application and implementation of existing European Union legal instruments; provide a

²²¹ The *Revised Payment Services Directive* (PSD2) which replaced the Payment Services Directive (PSD) is an EU Directive, administered by the European Commission (Directorate General Internal Market) to regulate payment services and payment service providers throughout the European Union (EU) and European Economic Area (EEA). The PSD directive's purpose was to increase pan-European competition and participation in the payments industry also from non-banks, and to provide for a level playing field by harmonizing consumer protection and the rights and obligations for payment providers and users. The key objectives of the PSD2 directive are creating a more integrated European payments market, making payments safer and more secure and protecting consumers.

²²² European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions a European agenda on migration*, p.17.

²²³ A computer crime is a criminal phenomenon that is characterized in the abuse of information technology both hardware and software, for the commission of one or more crimes. The casuistry and typology is quite wide; some crimes in particular are aimed at commercial exploitation of the internet, other crimes undermine the national security information systems of a state.

more united inter-agency approach and a cross-sectorial approach; bring together all the internal and external dimensions of security²²⁴.

In terms of security, the European Union must guarantee its citizens the freedom to move within its borders without restrictions and without worrying about the security of its person²²⁵.

Obviously, legal instruments aimed at strengthening the security of the European area already exist. The Lisbon Treaty has contributed greatly to the realization of this objective, while trying to implement respect for fundamental rights and control of the application of democratic policies. The role of the European Commission is to verify the correct application of the safety rules. Any new initiative that is adopted to implement the free movement of people and information must be in line with fundamental rights. This competence rests with all European institutions and primarily with the Member States of the Union. European bodies such as the European Data Protection Supervisor (EDPS)²²⁶ and the European Union Agency for Fundamental Rights (FRA)²²⁷ provide support to the control activity carried out by the Commission. Strongly interconnected cooperation between the various agencies is needed to manage the internal security of the European Union. This need is due to the fact that the threats are numerous and heterogeneous therefore a single agency would not be sufficiently competent to manage them all. These agencies are highly specialized and they support not only European Union institutions but

²²⁴ Available in: https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-security_en

²²⁵ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions: The European Agenda on Security*, 2015, p.2.

²²⁶ The *European Data Protection Supervisor (EDPS)* is the European Union's (EU) independent data protection authority. Its general mission is to: monitor and ensure the protection of personal data and privacy when European Union institutions and bodies process the personal information of individuals; advise European Union institutions and bodies on all matters relating to the processing of personal data. In particular, the EDPS is consulted by the European Commission on proposals for legislation, international agreements, as well as implementing and delegated acts with impact on data protection and privacy; monitor new technology that may affect the protection of personal information; intervene before the Court of Justice of the European Union to provide expert advice on interpreting data protection law; cooperate with national supervisory authorities and other supervisory bodies to improve consistency in protecting personal information.

²²⁷ The *European Union Agency for Fundamental Rights (FRA)* is composed by a staff of legal experts, political and social scientists, statisticians, and communication specialists. They together to instil a fundamental rights culture across the European Union. The FRA share its insights and raises rights awareness at the European Union, national and local level. To help safeguard the rights, values and freedoms enshrined in the EU's Charter of Fundamental Rights, the agency: collect and analyse law and data; provide independent, evidence-based advice on rights; identify trends by collecting and analysing comparable data; help better law making and implementation; support rights-compliant policy responses; strengthen cooperation and ties between fundamental rights actors.

also individual member states. The specific activities of these specialized agencies contribute to the achievement of objectives in sectors such as: finance, education, transport, customs, energy, technology, safety and health. The European agenda on security is based on a wide range of strategies which are strongly intertwined with those of the European agenda on migration. To deal with the issue of security, it is necessary to analyse the situation inside the European Union, as well as, the external one, since these are interconnected. The implementation of security policies also depends on the degree of dialogue existing between third countries, European partners, and the European Union itself. The existence of a dense network of cooperation and dialogue serves as a tool to combat international terrorism, organized group crime and migrant smuggling. Dialogue implies the creation of equal policies and action plans for both European countries and external partners. The European Union has established Mutual Legal Assistance (MLA)²²⁸ agreements with Japan and the United States in order to cooperate internationally in the judicial field, but Europe should further implement the international relations it already has with entities such as: the United Nations, Interpol, the Council of Europe²²⁹ and international organizations in general. Increased cooperation also means encouraging the implementation of better practices and activities to achieve common goals²³⁰.

From a practical point of view, this would mean working closely with all the international actors involved, putting both old and new tools into practice, maximizing the exchange of information. At national level, the competent personalities can take advantage of the Schengen Information System (SIS) to obtain useful information on possible international criminals and wanted persons in Europe and beyond. With the aim of strengthening the

²²⁸ *Mutual legal assistance (MLA)* in criminal matters is a process by which States seek for and provide assistance to other States in servicing of judicial document and gathering evidence for use in criminal cases.

²²⁹ The *Council of Europe (CoE)* is an international organization whose purpose is to promote democracy, human rights, European cultural identity and the search for solutions to social problems in Europe. The Council of Europe was founded on May 5, 1949 with the London Treaty and today has 47 member states. Its institutional headquarters are in Strasbourg, France, in the Palace of Europe. The main instrument of action is to prepare and facilitate the conclusion of international agreements or conventions between the Member States and, often, also between third States. Council of Europe initiatives are not binding and must be ratified by the Member States. The main organs of the Council of Europe are: Committee of Ministers of the Council of Europe, the Secretary General of the Council of Europe, the Parliamentary Assembly of the Council of Europe and the Congress of Local and Regional Authorities. On 17 October 1989, he was recognized as an observer for the United Nations General Assembly.

²³⁰ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions: The European Agenda on Security*, pp.2-5.

external borders of the European Union, the Schengen Information System should be committed to its full potential together with the Interpol Stolen and Lost Travel Documents (SLTD)²³¹ database. When a member state of the European Union carries out border control activities, at that moment the state in question is not only carrying out an important activity for itself and its citizens but takes on the great responsibility of monitoring part of the Union European by carrying out a fundamental service for a community as a whole. For this it is necessary to draw up a series of indicators common to all member states in order to help national authorities to implement specific and uniform controls on individuals who want to enter Europe. The European Commission has already drawn up a number of risk characteristics to identify foreign terrorists but is working on expanding the indicators. To maintain security, complementary control activities are needed to verify the identity of people, these additional activities deal with the control of the movement of goods, including the trafficking of arms, drugs or the illegal transfer of currency. In order to monitor situations such as those just described, the Anti-Fraud Information System (AFIS)²³² was created which is nothing more than a platform in which essential customs information is exchanged. Another tool that the European Union uses for information exchange is the Prüm framework²³³. This tool could give surprising results if only it were employed to its maximum potential, given that it provides an automated comparison of DNA profiles, fingerprints, as well as vehicle registration data²³⁴. This very important research and control system is not fully exploited, because only a small part of the member states of the European Union make use of it. The

²³¹ The *Interpol Stolen and Lost Travel Documents (SLTD)* database contains around 84 million records; these can be lost, stolen and revoked travel documents, such as passports, identity cards, visas and United Nations laissez-passer, and also stolen blank travel documents.

²³² The *Anti-Fraud Information System (AFIS)* is a collection of applications facilitating the exchange of anti-fraud information between the EUROPEAN ANTI-FRAUD OFFICE (OLAF) and competent administrations in the framework of the Mutual Assistance Regulation. Applications include the AFIS Mailing (structured & unstructured communications), the Customs Information System (CIS), the FIDE System, the Mutual Information System with the Russian Federation (MIS), the virtual-OCU supporting Joint Surveillance Operations and the WCO-CigInfo system for the exchange of data relating to cigarette seizures between the Member States and the World Customs Organisation (via OLAF).

²³³ In 2012, the Commission adopted a Communication to the Council and the European Parliament on the European Information Exchange Model (EIXM). EIXM took stock of the EU information exchanges landscape and recommended concrete steps on how to increase the efficiency and improve the application of existing cooperation instruments. The main legal instruments covered by EIXM are the so-called Prüm Council Decision and the so-called Swedish Initiative.

²³⁴ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions: The European Agenda on Security*, pp.5-6.

European Commission has also sought to expand the use of the Prüm system to countries that have not yet adopted it and in doing so has made economic and technical aid available. European states should mainly refer to the information provided to Europol, in particular, Europol's Secure Information Exchange Network Application (SIENA)²³⁵ ensures that European states can exchange data not only securely but also in quickly, both with non-EU countries and with Europol itself. Monitoring the movement of criminals is fundamental to blocking the expansion of terrorist networks and beyond. In 2016, the European Commission adopted an European Union Passenger Name Record (PNR)²³⁶ system for airline passengers that is fully compatible with the Charter of Fundamental Rights while providing a strong and effective tool at European Union level. The information that this monitoring system provided was essential in the fight against human trafficking, terrorism, the exploitation of minors and other very serious illegal activities. Within the European Union program cycle, the Standing Committee on Operational Cooperation on Internal Security (COSI)²³⁷ plays a fundamental role. This committee uses an approach based on intelligence operations that aim to limit as much as possible any security threats in the medium to long term. The European Commission has compiled a list of guidelines that aim to identify and assess the risks that may arise in the management of disasters and the consequent list in which the capacities of European states to cope with these emergency situations are assessed. The European Commission then extended the application of this method to different sectors to calculate the cascade effects that these bring to international security. Unfortunately, disasters are increasing and in response to this situation the European Commission and all member states of the

²³⁵ The *Secure Information Exchange Network Application (SIENA)* is a state-of-the-art platform that meets the communication needs of EU law enforcement. The platform enables the swift and user-friendly exchange of operational and strategic crime-related information among: Europol's liaison officers, analysts and experts, member states and third parties with which Europol has cooperation agreements.

²³⁶ Reservation Code (PNR) data is personal information provided by passengers that is collected and stored by air carriers. They include information such as the passenger's name, travel date, itinerary, assigned seat, baggage, contact details and payment methods. The PNR directive regulates the transfer of such data to the law enforcement authorities of the Member States and their processing for the purpose of prevention, detection, investigation and prosecution of terrorist offenses and serious crime.

²³⁷ Article 71 of the Treaty on the Functioning of the European Union (TFEU) establishes a *Standing Committee on Internal Security (COSI)* within the Council. COSI is composed of members of the competent national ministries who are assisted by the permanent representatives to the European Union of the EU countries in Brussels and by the secretariat of the Council. COSI's objective is to facilitate, promote and strengthen the coordination of operational cooperation of EU countries in the field of internal security. In this capacity, it acts in a number of different areas, including police and customs co-operation, the protection of external borders and judicial cooperation in criminal matters. It must submit a regular report on its activities to the Council, which then informs the European Parliament and the national parliaments.

European Union must cooperate to follow up on the Sendai Framework for Disaster Risk Reduction 2015-2030²³⁸. The European Union must invest energies and resources in the consolidation of activities aimed at the administration of emergency situations²³⁹.

Obviously, in addition to focusing on information exchange and cooperation activities, the European Union is responsible for implementing internal security with the training and financing of activities aimed at innovation in the field of security. The correct and updated training of the authorities in charge of managing risk situations on the ground is fundamental. For this purpose, the European police college CEPOL²⁴⁰ was set up, which prepares courses to implement the skills of police officers with the broader purpose of shaping a common culture of applying homogeneous laws. The Internal Security Fund of the European Union was created to examine the most demanding challenges up to the year 2020. The resources of the fund should be used mainly to update the Schengen information system and expand the implementation of the Prüm framework. The Horizon 2020²⁴¹ project is another tool created to finance European Union activities in the field of innovation and research. Horizon 2020 can be a very useful tool to direct the European Union's efforts towards specific objectives such as the identification of particular threats

²³⁸ The *Sendai Framework for Disaster Risk Reduction 2015-2030* outlines seven clear targets and four priorities for action to prevent new and reduce existing disaster risks: understanding disaster risk; strengthening disaster risk governance to manage disaster risk; investing in disaster reduction for resilience and; enhancing disaster preparedness for effective response, and to "Build Back Better" in recovery, rehabilitation and reconstruction. It aims to achieve the substantial reduction of disaster risk and losses in lives, livelihoods and health and in the economic, physical, social, cultural and environmental assets of persons, businesses, communities and countries over the next 15 years. The Framework was adopted at the Third UN World Conference on Disaster Risk Reduction in Sendai, Japan, on March 18, 2015.

²³⁹ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions: The European Agenda on Security*, pp.8-10.

²⁴⁰ CEPOL is an agency of the European Union dedicated to develop, implement and coordinate training for law enforcement officials. Since 1 July 2016, CEPOL's official name is "The European Union Agency for Law Enforcement Training". CEPOL brings together a network of training institutes for law enforcement officials in European Union Member States and supports them in providing frontline training on security priorities, law enforcement cooperation and information exchange. CEPOL also works with European Union bodies, international organisations, and third countries to ensure that the most serious security threats are tackled with a collective response.

²⁴¹ *Horizon 2020* is a framework programme funding research, technological development, and innovation. The framework programme is implemented by the European Commission, the executive body of the European Union, either by various internal directorate general (DGs). The framework programme's objective is to complete the European Research Area (ERA) by coordinating national research policies and pooling research funding in some areas to avoid duplication. Horizon 2020 itself is seen as a policy instrument to implement other high-level policy initiatives of the European Union, such as Europe 2020 and Innovation Union. The programme runs from 2014–2020 and provides an estimated 80 billion euros of funding.

to security, thus preventing disastrous consequences in the societies of the member countries of the Union²⁴².

In conclusion, it can be argued that the European agenda on security should focus mainly on addressing three main issues: terrorist attacks in Europe, organized transnational crime and cybercrime.

The terrorist attacks, especially the most recent ones involving the cities of Paris, Brussels and Copenhagen, have put a lot of pressure on the European Union and have highlighted the need to deal concretely and immediately with issues such as international terrorism.

Organized trans-national crime is evolving more and more as new security mechanisms and detection of criminal groups progress, therefore it is necessary for Europe to continue investing large sums of money to constantly finance the development of strategic tools aimed at fighting movements criminals.

Finally, cybercrime over the years has proven to be an ever-changing danger that threatens both the security of individuals and the world economy.

Obviously, terrorism, organized crime and cybercrime are highly interconnected international threats. Therefore, Europe must face up to these problems by implementing an ad hoc action plan and at the same time making all European and non-European bodies and institutions that deal with international security collaborate²⁴³.

The European Counter Terrorism Centre (ECTC)²⁴⁴, set up internally within Europol, aims to amplify the aid given by the European Union to member states through the exchange of sensitive information in a context of maximum security. The centre would include: Europol's Focal Point Travellers on foreign terrorist fighters and related terrorist networks²⁴⁵; the European Union-United States Terrorist Financing Tracking Programme

²⁴² European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions: The European Agenda on Security*, pp.10-12.

²⁴³ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions: The European Agenda on Security*, pp.12-13.

²⁴⁴ Europe is currently facing a vicious, new form of international terrorism. To ensure an effective response to these new challenges, in January 2016 Europol created the *European Counter Terrorism Centre (ECTC)*, an operations centre and hub of expertise that reflects the growing need for the EU to strengthen its response to terror. The ECTC focuses on: providing operational support upon a request from a European Union member state for investigations; tackling foreign fighters; sharing intelligence and expertise on terrorism financing; online terrorist propaganda and extremism; illegal arms trafficking and international cooperation among counter terrorism authorities.

²⁴⁵ *Focal Point (FP) Travellers* is a specialist team of analysts and experts that coordinates EU Member States' investigations into, and data analysis on, foreign terrorist fighters. In response to the concerted

(TFTP)²⁴⁶; FIU.NET, a decentralised computer network supporting Financial Intelligence Units²⁴⁷; and the Europol's existing capabilities on firearms and explosive devices²⁴⁸.

The planning cycle of the European Union for serious and organized crime has given excellent results, providing a much more detailed and coordinated strategic direction for the implementation of joint operations on the ground. One of the main objectives of the policy cycle is to block organized criminal networks by strengthening transnational controls. Among the main problems that European Union is currently facing there is that of blocking the activity of criminal groups who exploit the desperation of migrants who want to reach Europe, making profit on them. Obviously, the more the European Union manages to stop this abomination, the more tragedies in the Mediterranean Sea will be reduced. Once again, preventive action at the expense of illegal migration can do a lot, but this can be obtained only with a deep degree of cooperation and information between European states and third countries. By implementing strategies to increase cooperation, the European Union contributed to the fight against human trafficking both nationally and internationally. National law enforcement agencies play a fundamental role in this struggle given that, although organized on an international level, organized crime often operates locally, therefore it requires immediate and effective contrasting actions. To increase the effectiveness of these actions, the European Union has adopted a tool which at the administrative level excludes the infiltration of organized crime in the economic and public sectors.

efforts of EU Member States, with the assistance of Europol the amount of data on foreign terrorist fighters within FP Travellers has increased substantially since early 2015.

²⁴⁶ The *Terrorist Finance Tracking Program (TFTP)* is a United States government program to access financial transactions on the international SWIFT network that was revealed in June 2006. It was part of the Bush administration's War on Terrorism. After the covert action was disclosed, the so-called SWIFT Agreement was negotiated between the United States and the European Union.

²⁴⁷ The core function of an *FIU* is the receipt, analysis and transmitting of reports of suspicions identified and filed by the private sector. The FIUs therefore function as an intermediary between the private entities, subject to AML/CFT obligations, and law enforcement agencies. The added value of the FIU is the analysis it undertakes of all the information received, as well as the broad range of other financial information it has at its disposal and which it can use to better assess the information on suspicions provided.

²⁴⁸ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions: The European Agenda on Security*, pp.13-16.

By concluding the analysis of the European agenda on security, it is possible to note that this, in addition to fixing fundamental actions for obtaining and maintaining security within European borders, also ensures that its criteria are adopted in a shared and uniform. Obviously, the achievement of the objectives that the European Union sets itself with this agenda are achievable only if all the international actors (European Union institutions, member states and Union agencies) involved commit themselves both politically and economically to putting the decisive strategies. Therefore, the approach to the European security agenda must be global, given that the issue of security is not a concept limited to a specific geographical area but a legal right. Europe must also be able to deal with potentially critical situations before they occur and therefore anticipate possible security threats²⁴⁹.

²⁴⁹ European Commission, *Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions: The European Agenda on Security*, pp.20-21.

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