

Migratory flows from North Africa: challenges for the EU

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The movement towards democracy, which started in Tunisia and Egypt, is spreading to other countries of the region, from Libya to Yemen, from Bahrain to Algeria. It is accompanied by people returning to their home country or fleeing instable situations, particularly in the case of Libya. These movements are not limited to the region, but concern also EU Member States as the arrival of more than 5,000 Tunisians onto the shores of Lampedusa has shown. Such unprecedented flows and the fear of an even larger number of migrants outline three challenges the EU and its Member States have to cope with: the capacity to protect their borders, the capacity to respect the human rights of those fleeing persecution, and the capacity to exercise solidarity.

Member States have already proven their capacity to react when it comes to securing their borders. Now they will also have to demonstrate their ability to respect human rights when managing massive migration flows from the south. With regard to solidarity, their commitment remains for now mainly financial as the minimal Justice and Home Affairs (JHA) Council conclusions of 25 February seem to confirm. Hence additional actions might be adopted at the extraordinary meeting of the European Council on 11 March.

Protection of borders

The arrival of more than 5,000 people on Italian coasts triggered two initial reactions from Europe's leaders. The first concerns the visit of high-level officials to the region to discuss security issues: beginning with Italy's Minister of Interior Roberto Maroni's visit to Tunisia, followed by a visit from High Representative Catherine Ashton. The second reaction concerns the adoption of a set of measures at EU level in order to cope with this situation. In order to help Italy - and potentially other southern EU countries - manage the unexpected inflow of migrants, the EU has focussed primarily on border control. Two types of measures have so far been discussed by the Commission and the JHA Council. First, a joint Frontex operation called Hermes was launched on 20 February. This operation brings together Member States' naval and aerial resources and experts in order to patrol, detect and prevent illegal border crossings. Second, financial assistance is to be made available to Member States on the basis of the European Border Fund.

Respect of Human Rights

However, border control should not undermine the obligation of the EU and its Member States to respect human rights. Hence, Italy and others affected by the movement of people from North Africa should ensure that asylum seekers are entitled to access asylum procedures. This implies the capacity to determine which migrants are in need of international protection and which are not, and to avoid any 'push back'. By being able to manage mixed flows, the EU and its members will demonstrate their ability to strike the balance between the protection of the state and the protection of individuals.

With regard to asylum seekers, the EU has proposed to mobilise the European Refugee Fund in order to help Italy cover costs resulting from the examination of asylum applications. Such support may concern *inter alia* accommodation structures, material aid and health care as well as legal aid or language assistance and other costs related to the procedure. In addition, the Commissioner in charge of Home Affairs, Cecilia Malmström, hinted at the possibility of asking the recently created European Asylum Support Office (EASO) to send teams to assist national

authorities with regard to the examination of asylum requests. However, this announcement, made on 15 February before MEPs during the Strasbourg Plenary session, will be hard to achieve rapidly as the EASO will only be fully operational from June 2011.

Exercise of solidarity

Solidarity entails first of all the capacity of the EU and its members to support third countries facing difficult, not to say dramatic situations. This is particularly the case for Tunisia since the wave of democracy swept to Libya. As Libya's leader refuses to surrender, subsequent conflicts occur in large parts of the country. Hence, and according to UNHCR, thousands of people are fleeing to Tunisia. The latter has already received immediate financial support from the EU. As announced by Catherine Ashton in Tunis, the country will receive €17 million immediately and €258 million from now until 2013. But, the ongoing flow of migrants to Tunisia - more than 10,000 on some days - demands additional EU support. On 3 March, the Commission decided to increase EU support to €30 million in order to cope with the humanitarian needs.

Coping with immediate needs does not prevent also planning midterm actions. Commissioner Malmström indicated in February that EU assistance would target development efforts to support income and jobs in Tunisia. Such action should also include the possibility for Tunisians to come legally to the EU. In other words, Commissioner Malmström has put legal migration issues on the future agenda of relations between the EU and Tunisia. This was emphasised by José Manuel Barroso, President of the Commission, who recalled during a press conference early in March the need to encourage mobility in order to contribute to open societies. Hence, he envisaged the possibility of offering, under certain conditions, a mobility partnership and visa facilitation regime for countries of the region. This is an encouraging sign of openness for future relations.

Solidarity also implies the support of all EU countries with Member States that are situated geographically on the frontline. At present, Italy and other southern EU countries have indicated that they would be in favour of a redistribution of asylum seekers among all EU Member States. Few have so far voiced their support for such an idea. The EU has also decided to allocate an emergency fund of €25 million. But, should the number of migrants arriving onto EU shores grow drastically, more radical solutions might be necessary. Indeed, it might be appropriate to make use of the never-before-used EU Directive on temporary protection adopted in 2001. This directive provides immediate and temporary protection in the event of mass influx or imminent mass influx of displaced persons and where Member States asylum systems are at risk of dysfunction. Making use of this directive will prove Member States' solidarity and willingness to respect the human rights of persons seeking international protection.

Beyond these challenges, events in north Africa call for a rethinking of the EU's external policy in the field of migration, taking into account the scope and content of the policy, including legal migration schemes, and countries with which agreements are signed.

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