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General Assembly

Future EU foreign policy towards the MENA Region

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Introduction

What might initially seem like a fairly simple issue – the acceptance and integration of displaced peoples – has turned out to be one of the most divisive and difficult *problematiques* the European Union has ever had to deal with.

Many questions have been asked: How many of the arrivals are refugees? How many are 'merely' economic migrants? What difference does that make in their treatment? What is to be done with the millions who have already arrived? The list is endless, and it seems that the questions share only a lack of a definitive answer.

Nevertheless, the problem persists. It is up to the European Council to try and provide a solution at the supranational level, and the responsibility of the delegates to reach this solution. To better understand the issue, this paper begins with a historical overview of the crisis at its most intense point. What follows is an in-depth look at the European Council, its competences, instruments and actions taken so far. Finally, there is a list of Questions a Resolution Must Answer.
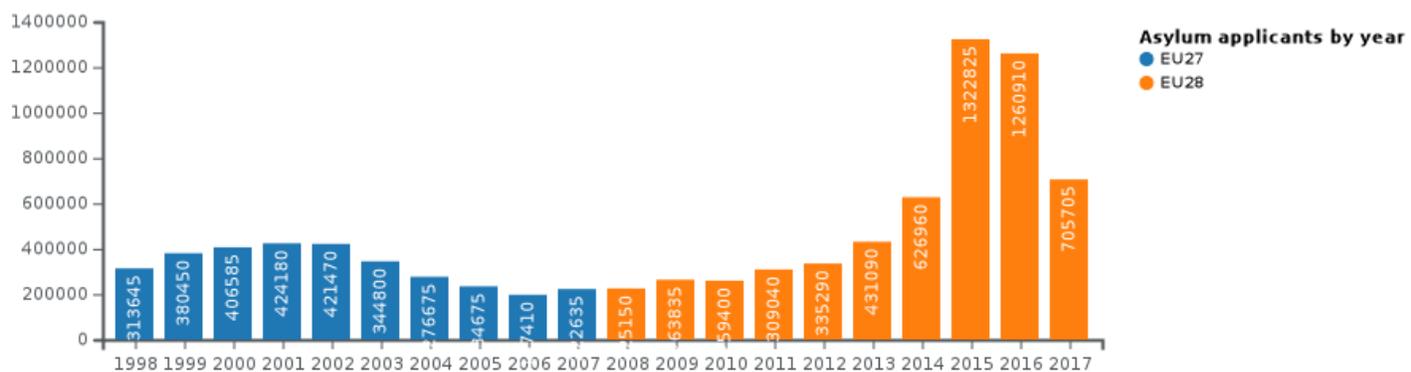
The Migrant Crisis

Image and data courtesy of EuroStat.[1]

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[1] (2019). Retrieved from http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyctz&lang=en

A Brief Summary

The crisis can be best understood as a several year-long period during which large amounts of people (be they refugees or immigrants) irregularly crossed borders to reach Europe. This coincided with a massive media blitz, led to the construction of multiple border walls in Schengen states such as Austria and Hungary, and created a schism between Germany and its Eastern European neighbors due to radically different views on how to solve the crisis.

It is an exemplar situation of an issue dividing EU member states, and possibly the union's greatest failure in terms of inability to take collective action: At the outset of the crisis, disagreement between Germany and the Visegrad Group[2] made the redistribution of migrants between member states impossible. Further debate is generally understood as the reason why the crisis lasted so long, having only "ended" with the signing of the EU-Turkey deal in March of 2016,[3] aided too by increased Italian measures in the Mediterranean Sea.[4]

While the numbers may have gone down, the underlying reasons for the arrival of migrants have not disappeared. Furthermore, the EU remains divided on attitudes to immigrants, and the main routes taken by those seeking refuge and prosperity can always shift, change and reopen despite the EU's measures. For all of these reasons, it is essential that we understand the crisis that took place in 2015 to be able to deal with such situations in the future.

Causes

When discussing the crisis, it is very important to note that no single overriding cause can be ascribed as the main source. Today, it is generally understood that a number of factors came together in 2015 to cause the massive inflows of people into Europe:

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[2] The Visegrad Group is a political and cultural alliance composed of Hungary, Poland, the Czech Republic and Slovakia. At the time of the vote on quotas, the group was also joined by Romania when voting against redistribution.
[3] ("What of the Refugees? The Closure of the Balkan Route, Two Years On", 2019)
[4] (www.dw.com), 2019)

- The Syrian Civil War, having begun after the suppression of Arab Spring protests in 2011, reached its most violent and intense periods in 2014-2015.[5] At these times, four sides were fighting for control over various territories, leading to massive instability and causing as many as 5.6 million people to flee the country.[6] The war continues today.

- The instability in Afghanistan is also an important factor. The country has shifted between peace and insecurity to varying degrees since 1979, but the issue had become especially pronounced since 2011 with the intensification of the Taliban Guerilla War, causing 2.5 million to flee the country.[7] Like the conflict in Syria, the Afghan insurgency is also still ongoing.

- A general increase in the number of economic migrants (especially out of Western and Northern Africa) was also reported to have begun in 2009.[8]

- The collapse of public order in Libya following the 2011 Civil War allowed the country to become a hotbed of human trafficking across the Mediterranean Sea, opening an important route to those wishing to reach Europe.[9]

- Finally, beginning in June of 2015, Macedonia began allowing refugees to pass through its sovereign territory on three day temporary asylum permits.[10] In effect, this opened a new way into Europe through what would later become known as the Balkan Route.

The list provided above is far from exhaustive: Migrants arriving from different countries tend to have local considerations in mind when deciding to leave. Furthermore, there is much discussion on whether Germany's overall receptive attitude to the inflows of people may have in fact contributed to the swelling of the numbers.[11]

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[5] ("Syria: The story of the conflict", 2019)
[6] ("Situation Syria Regional Refugee Response", 2019)
[7] ("Afghanistan: What you need to know about one of the world's longest refugee crises", 2019)
[8] ("Dynamics of African Economic Migration – Africa Center for Strategic Studies", 2019)
[9] ("Why Libya is springboard for migrant exodus", 2019)
[10] ("Macedonia Allows Migrants to Legitimately Transit Country", 2019)
[11] (WaPo, 2019)

Routes into Europe

It would be incorrect to say that all migrants seeking European asylum followed certain predetermined routes. Indeed, to examine all of the different avenues of reaching Europe extra-judicially would be quite a monumental task. Nevertheless, we can identify the two primary approaches that were taken during the crisis, and which may be used again in the future

The Balkan Route

Image Courtesy of OSW.[12]

Between early 2015 and March 2016, over 800,000 people traveled what is now known as the Balkan Route in order to reach Western Europe.[13] Surprisingly, the route is still used to a lesser extent today, with thousands crossing into Bosnia and Herzegovina monthly in a bid to reach the EU through Croatia.[14]

Going this way essentially amounts to crossing into Greece from Turkey (by sea or land), passing through Macedonia and Serbia before attempting to enter into Hungary. The latter, being a part of the Schengen area, is tantamount to entry into the EU as a whole.

At the height of the crisis in late September 2015, Hungary began the construction of a wall on its borders with Serbia and Croatia. This policy served to greatly diminish the number of migrants reaching the Schengen area through the Balkans, but created

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[12] ("Macedonia and the migrant crisis", 2019)
[13] (ŠELO ŠABIĆ, 2017)
[14] ("What of the Refugees? The Closure of the Balkan Route, Two Years On", 2019)

a new problem (for Serbia especially) due to the large numbers of people who were now stuck at the border.[15] The issue of migrants travelling through the Balkans would never be fully solved, but the EU-Turkey deal did serve to greatly reduce the number of people coming in.

The Mediterranean Route

Image courtesy of BBC.[16]

Between 2013 and 2018, 700,000 migrants have made their way into Italy by sea.[17] The most intense periods were in 2014, 2015 and 2016, totaling at 170,000, 153,000 and 181,000 respectively.[18] In all the years, the vast majority of arrivals were borne out of Libya through the work of people smugglers.

Generally speaking, migrant ships are considered incredibly unsafe. Due to the extremely high demand for any mode of transportation, migrants often leave Libya in old fishing trawlers, small skiffs and even inflatable boats. All of these reasons combined to turn the sea route into the deadliest refugee route in the world.[19] A difficult situation then arose: European and NGO ships took to patrolling just outside of Libya's territorial waters, seeking to rescue any sinking boats. But this may have had the unintended effect of promoting the route, as those rescued would usually be
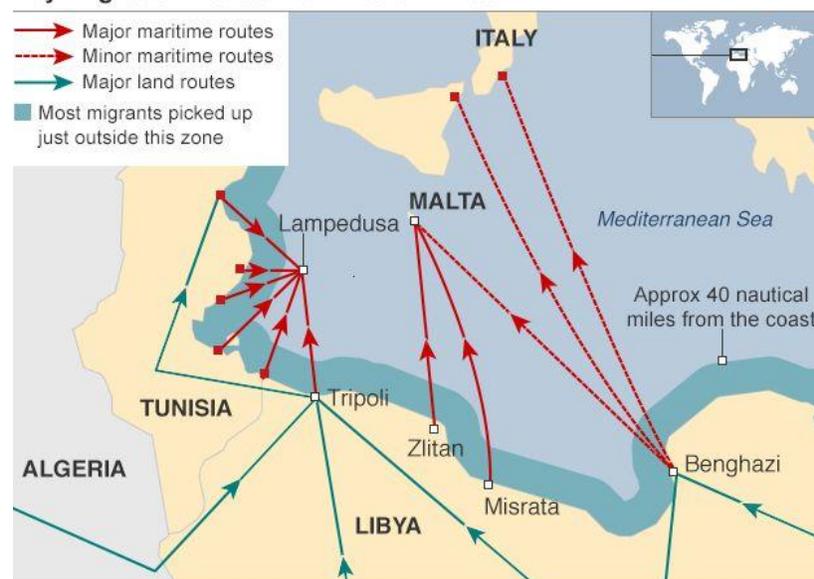
[15] ("Migrants stranded at Hungarian border", 2019)
[16] ("Why Libya is springboard for migrant exodus", 2019)
[17] ("What will Italy's new government mean for migrants?", 2019)
[18] Idem
[19] (Ball, 2019)

ferried to either Malta or Lampedusa, effectively achieving their goal of reaching Europe.[20]

The number of arrivals did not decrease until Italy began taking direct action in 2017: First, NGO ships were forced to adhere to strict guidelines to gain admittance to Italian ports.[21] Second, Italy began funding Libya's coast guard in exchange for assurances that the number of arrivals would be reduced.[22] This has all had the effect of greatly reducing the number of migrants taking to the sea, but even today thousands still attempt the journey yearly.

The European Council

In this chapter we aim to look closer at what characterizes the European Council as an institution, its history, competences, limitations and past actions on the issue at hand. It is important to note that the Council is one of the key institutions of the European Union, but not the legislative one. Therefore, having the issue described in the previous chapters, we have to answer an important question: how is the problem related to this institution and what can it do to deal with it.

It is important to remember that the migration crisis has affected all Europe. the issue concerns all Member States, as it poses a big threat to the unity and stability of the union as a whole. The heads of state are the stakeholders that have the ability to better understand the issue and its consequences in the national context. Furthermore, it is the Council that decides the policy of the EU and the strategic direction of the Union. It cannot initiate legislation, but it can advise the Commission in which direction to take action and therefore set the legislative and executive priorities of the union.

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[20] ("MSF suspends Mediterranean rescues as migrant dispute mounts", 2019)
[21] ("Italy's code of conduct for NGOs involved in migrant rescue: text", 2019)
[22] ("Migrants deaths in Mediterranean reach record percentage", 2019)

Description

The European Council officially gained the status of an EU institution after the Treaty of Lisbon in 2007, distinct from the Council of the European Union (Council of Ministers). The institution defines the EU's overall political direction and priorities. It is not one of the EU's legislating institutions, so does not negotiate or adopt EU laws. Instead it sets the EU's policy agenda, traditionally by adopting 'conclusions' during European Council meetings which identify issues of concern and actions to take.
The members of the European Council are the heads of state or government of the 28 EU member states, the European Council President and the President of the European Commission.

The European Council mostly takes its decisions by consensus. However, in certain specific cases outlined in the EU treaties, it decides by unanimity or by qualified majority voting. Its conclusions are used to identify specific issues of concern for the EU and outline particular actions to take or goals to reach. European Council conclusions can also set a deadline for reaching agreement on a particular item or for the presentation of legislative proposal. In this way, the European Council is able to influence and guide the EU's policy agenda.

Ahead of the European Council meeting, the President of the European Council drafts guidelines for the conclusions. These are then discussed at the General Affairs Council and later adopted at the European Council meeting. Conclusions are adopted by consensus between all EU member states.[23]

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[23] "European Council, 13-14 December 2018." *Acuerdos Internacionales Sobre Acción Por El Clima - Consilium*, Consejo De La UE, 5 Oct. 2017, www.consilium.europa.eu/en/european-council/

Competences:

- Decides on the EU's overall direction and political priorities – but does not pass laws.
- Deals with complex or sensitive issues that cannot be resolved at lower levels of intergovernmental cooperation
- Sets the EU's common foreign & security policy, taking into account EU strategic interests and defense implications
- Nominates and appoints candidates to certain high profile EU level roles, such as the ECB and the Commission

On each issue, the European Council can:

- ask the European Commission to make a proposal to address it.
- pass it on to the Council of the EU to deal with it

While the European Council has no formal legislative power, it is a strategic (and crisis-solving) body that provides the union with general political directions and priorities, and acts as a collective presidency. The European Commission remains the sole initiator of legislation, but the European Council is able to provide an impetus to guide legislative policy.[24] [25]

Past Actions

In April 2015, following the tragic events in the Mediterranean in April 2015, EU heads of state and government agreed to mobilize all efforts to prevent more people from dying at sea and to address the root causes of migration.

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24 Art. 13 et seq of the Treaty on European Union

25 Gilbert, Mark (2003). *Surpassing Realism – The Politics of European Integration since 1945 (page 219: Making Sense of Maastricht)*. Rowman & Littlefield. ISBN 9780742519145. Retrieved 23 August 2011.

One month later, the Council agreed to establish an EU military operation, EUNAVFOR Med, to break the business model of smugglers and traffickers of people in the Mediterranean.

In July, home affairs ministers agreed on the contribution by each member state to the relocation and resettlement of persons in clear need of international protection, reaching a total of 54 760 persons. They also adopted conclusions on the designation of certain third countries as safe countries of origin.

On the 11th of November 2015, The EU and Turkey adopted a joint action plan to deal with the refugee crisis created by the situation in Syria. The EU and its member states agreed to step up their political and financial engagement to stem the migration flow coming to the EU via Turkey. The EU is committed to provide an initial €3 billion of additional resources to help Turkey improve the situation of Syrian refugees currently in the country.

February 2017 - EU leaders agree to boost cooperation with Libya to stem the flow of migrants. Meeting at an informal summit, EU leaders adopted the Malta Declaration, which focuses on measures to stem the flow of migrants along the Central Mediterranean route and tackle the business model of people smugglers.

February 2018 - The Council has given the go-ahead to increased lending by the European Investment Bank to projects outside the EU that address migration issues. €3.7 billion are earmarked for projects in the public and private sectors to tackle the root causes of migration.

June 2018 - The Council transposed into EU law UN sanctions of 7 June targeting six human traffickers and smugglers operating in Libya. It was the first time that the UN imposed sanctions against human traffickers.

The Council agreed on concrete measures to step up the fight against migrant smuggling networks. The concrete actions draw on: enhanced inter-agency approach

both at EU and national level, making the best use of synergies between the operational tools available, maximizing the use of the external assets of the EU [26]

Conclusion

From what we have seen, we can surmise that the EU's actions have so far consisted of resolutions, verbal negotiations, deals signed with other parties and humanitarian aid. All of this is to say that the EU has yet to take concrete and direct action at the level of the council, and it continues to face the consequences of the crisis. Perhaps the EU, and especially the council, should take a new approach dealing with the root causes of the problem rather than its symptoms. Any such approach would have to be agreed upon by all seats of the council, taking stock of the views held by all of its member states.

Another view holds that the true cause of the crisis was simply the economic and political instability prevalent in migrants' home countries – something outside the direct purview of the European Council. Nevertheless, if improvement in the local conditions of these countries may quell the flow of refugees, perhaps it is an option as well.

Recall that, even if the council does not pass legislation, it sets the EU's common foreign & security policy and can ask the European Commission to make a proposal to address a problem. If the strategy and the foreign policy of the EU proves to be in need of change, then it is the council that decides how and when to push this change. As the problem is still there and is constantly threatening the stability and security of the Union, the EU might well be forced to reconsider its actions in the future. Shall it impose more sanctions? Shall it intervene militarily? Shall it stop the export of weapons from Member states to the affected regions? It is the delegates who should decide if and how to make that happen.

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[26] "Timeline - Response to Migratory Pressures." *Acuerdos Internacionales Sobre Acción Por El Clima - Consilium*, Consejo De La UE, 23 Oct. 2017, www.consilium.europa.eu/en/policies/migratory-pressures/history-migratory-pressures/

Questions a Resolution Must Answer (QARMAs)

1. What must the EU do to protect its southern frontier along the Mediterranean? Moreover, should the EU increase its involvement in Libya to ensure the closure of the Mediterranean route?

2. What actions should the EU take to ensure the closure and safety of the Balkan Route?

3. Should the EU take action on Syria and Afghanistan, the greatest source of arrivals during the crisis? If so, what?

4. Should the European Council be given more instruments to manage future crises?

5. What repercussions (if any) should the dissenting states of the original crisis suffer?

6. What else can the council do to ensure its unity when the next crisis arrives?

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