

“ENSURING AN EFFECTIVE MONITORING OF OUR EXTERNAL BORDERS”

António Vitorino | *President of the Jacques Delors Institute*

0ur President, António Vitorino, takes a stand on the main issues of the European Council of the 15-16 October 2015 by answering questions about the asylum seekers crisis and migration, the EMU reform, and the referendum on the United Kingdom’s membership of the EU.

1. The European Council is scheduled to “debate every possible aspect of migration”. What are the priority issues involved, in your view?

The “migration strategy” proposed by the European Commission in May 2015 seems to me to be an excellent starting point for the heads of state and governments’ debate, because it considers migrations from a global standpoint and evinces the determination to achieve a better shareout among member states in terms both of solidarity and of responsibility. Migrations are an ongoing rather than a momentary challenge facing the Europeans and they require the expression of a strong political will at the Community level; this, among other reasons, because no member state is capable of addressing the challenge single-handed.

In the short term, of course, the priority is to devise an effective way of handling the crisis triggered by the massive influx of asylum-seekers. This demands that a precondition be met, namely that effective monitoring of our common external borders be ensured, both to demonstrate that the situation is under control and to better regulate the influx of refugees. This precondition must be met in order to allow asylum-seekers to be properly taken in and registered before - for 160,000 of them - being “relocated” or reassigned to other member states on the basis of the very welcome solidarity mechanisms recently adopted by the EU. It also needs to be met in order to avoid the temptation to return to national border monitoring, which is perfectly possible on a temporary and exceptional basis, but any extension of it would be extremely costly in both financial and economic terms.

In the medium and longer term, putting in place a new EU migration strategy should prompt us to adopt several of the more structural measures proposed by the Commission, namely: the creation of a European border guard corps, which would be a response not only to the crisis in solidarity but also to the crisis in confidence

that has taken hold among the member states - it would be both fairer and more effective to implement common monitoring of our common borders; the application of common principles in the sphere of asylum and a reform of the so-called “Dublin” system, quite apart from the present emergency sparked by the crises; strategic partnerships with both source and transit countries in order to better regulate migrant flows, whether we are talking about asylum-seekers or about other kinds of migrants; and lastly, the creation of legal immigration routes, given that immigration must also be seen as an opportunity in a Europe in which demographic decline is already beginning to have an impact on our economic dynamism and on the funding of our welfare systems.

2. The European Council’s debate is likely to focus on the exercise of the right of asylum and on the reception of refugees. What are your recommendations in that connection?

First and foremost, the European Council needs to ensure the effective implementation of decisions already made. I am referring in particular to the reassignment of the excess number of asylum-seekers in Greece and in Italy, and thus their transfer, in decent conditions, towards other member states; I am also referring to the construction of reception and orientation centres (or “hot spots”) in those two countries, with the direct involvement of the European Asylum Support Office EASO and of the Frontex agency, in such a way as to ensure that the handling of the influx of asylum-seekers is at once effective and humane. Where asylum policy in the strictest sense of the term is concerned, we need first and foremost to fully implement the “common principles” adopted since the start of the millennium in order to achieve greater harmony in acceptance rates among the EU’s member states. Asylum-related decisions can stay decentralised where legitimacy issues are concerned, but they have to start being made on the basis of an approach

showing greater harmonisation, in order to ensure a better balance among the European countries.

Revising the “Dublin regulations” would certainly be more ambitious, because it presupposes thrashing out solutions combining the “country of first entry criterion” in connection with the examination of applications for asylum, with compensation mechanisms inspired by the reassignment system proposed by the Commission; and any solutions adopted would be implemented also outside of emergency situations.

Aside from these solidarity mechanisms, moving further forward also presupposes committing to the establishment of a European border guard corps, particularly at sea, functioning on the basis of a full association between national authorities and Community and European experts. In that way we can not only promote European best practices (for instance, holding interviews with asylum-seekers) but we can also reduce the “moral hazard” risks that exist on our borders. If Europeans are more active on those borders, it will no longer be possible to suspect one or the other country of failing to correctly monitor external borders which are no longer theirs alone but ours too.

A final aspect of Europe’s migrant strategy deserves special attention, namely migrants who do not have a right to asylum and who must be clearly distinguished from refugees, whom we do have to take in. Making that distinction demands first and foremost that we improve the way we organise procedures for the readmission of people whose applications for asylum have been rejected, also through the involvement of the Frontex agency and with the aim of significantly increasing the rate of return to the country of origin. It also demands that we agree on a European list of “safe countries”, whether they are countries of origin or countries of transit. I am referring in particular to the Balkan countries currently negotiating for EU membership but whose nationals cannot be considered *a priori* to be potential refugees. Seeing their countries being added to the list of “safe countries” naturally will not stop them from applying for asylum, but their applications will be examined far more rapidly. This will mean that much more time and resources freed up for examining applications lodged by nationals from countries ravaged by war such as Syria or Iraq.

3. The European Council is also going to discuss talks with neighbouring and African countries on tackling the crisis. What can we expect to come of this discussion?

The special European summit in September clearly identified Turkey, the Balkan countries and the African countries as key partners in handling the current crisis. But at this juncture the question facing the EU is this: What are the tools that Europe can use to turn those countries into motivated and reliable partners?

The case of the Balkan countries is the simplest, in theory. Given that they are engaged in membership negotiations with the EU, these countries have to be able to meet the EU’s cooperation requirements, not only in order to fall into line with the Community *acquis* but also to play their role to the full in the context of migrant flow monitoring and of assistance in dismantling human trafficking networks. I believe that we should take a very firm stance with them in that regard.

The case of Turkey is more complex because the lever of future EU membership no longer seems to work. Over one and a half million Syrians have chosen to seek shelter in Turkey and we must do everything in our power to allow them to stay there, by increasing the funding earmarked for the reception centres in the country as planned, including via the UNHCR. In fact, it was a genuine mistake not to have paid greater attention to the squeeze on that funding and its impact on the will of the refugees in Turkey to leave the country. To win Turkey’s cooperation in managing migrant flows between the Middle East and the EU, it seems to me that we have to offer the country a few visible offsets such as a relaxation of visa terms for its own nationals, or progress with the customs union binding it to the EU.

And lastly, the EU will have an opportunity to dialogue with the African countries at the highest level at a summit scheduled to be held in Valletta in November. That summit’s great merit is that it will be addressing all aspects of the broader migrant challenge facing the EU, because Africa is at once a continent of refugees (for instance, from Eritrea) and of economic migrants; and it is a continent where we have to negotiate both with source countries and with transit countries (I am referring in particular to Libya). There too, if the EU evinces the determination to propose clear offsets, it will have the means to forge a fully-fledged strategic partnership comprising financial aid, legal immigration routes, access to its markets, diplomatic and military support, and so forth.

4. The EU's leaders are going to conduct an assessment of the debate on the reform of the Economic and Monetary Union. What do you consider to be the key issues involved?

The "Five Presidents' Report" submitted in June offers interesting prospects for the reform of the EMU, and those prospects must serve as the basis for the European Council's work.

It seems to me that the crucial thing at this stage is primarily that the heads of state and government get to grips with this debate, without yielding to the temptation to move on to something else now that the risk of a "Grexit" has fortunately been averted. Just because the emergency now seems less pressing, that does not mean that there is no longer any need to bolster the EMU's architecture.

In terms of method, I would say that they should first address the issue of the sharing of sovereignty required for establishing a genuine "economic pillar" of the EMU: What economic and social policies need to be coordinated at the European level, and on the basis of what modalities (federalisation, monitoring, financial incentives and so forth...)? It is on that basis that they will then be able to determine the financial and budgetary mechanisms which need to be adopted in order to bolster the EMU's solidity (a European treasury, a euro area budget and so on). And lastly, it is also on that basis that they will be able to identify the political and institutional consequences to be drawn in in order to strengthen both the legitimacy and the effectiveness of the EMU's governance - complementing the adjustments imposed by the Troika's experience...

5. The European Council is also likely to address the referendum on the United Kingdom's membership of the EU. Can we expect it to clarify its intentions in that regard?

I would say that it falls first and foremost to the British authorities to clarify their intentions and their demands with regard to the few key issues that they have identified in connection with sovereignty, competitiveness and citizenship. I hope that a compromise can be thrashed out on that basis - a compromise allowing the "yes" vote to win the day in the upcoming referendum, because the United Kingdom has its natural place within the EU.

I think that in connection with such symbolic issues as the prospect of an "ever closer union", an arrangement could most likely be reached to the effect that this historic goal need only concern those countries with an interest in pursuing it, thus not the United Kingdom, which has already kept out of the euro and Schengen areas as it is.

Where competitiveness issues are concerned, I believe that the European response should entail first and foremost the adoption of concrete initiatives such as those already planned in connection with a deepening of the single market, particularly in the digital and energy spheres, but also in connection with trade (after all, the TAFTA negotiations were launched for the United Kingdom's benefit too). Aside from that, I do not think that being a member of the EU is a real hurdle standing in the way of national competitiveness - as we can see, for instance, from Germany's economic performance.

Where issues relating to the EMU are concerned, I can understand that the British authorities should wish to safeguard the correct functioning of the single market while also, more prosaically, ensuring the protection of the City's interests. The aim in this connection must be to ensure that it is possible to proceed further with the deepening of the EMU yet without that process proving detrimental to the United Kingdom. The converse of that is that the United Kingdom, in its turn, must not be in a position to obstruct the further deepening of the EMU.

Where the free movement of people is concerned, I believe that arrangements are possible, provided that they are in line with the principle of non-discrimination among European citizens. I note that the British authorities appear determined, for instance, to make their welfare system less universal, in effect less "Beveridgean", and more insurance-based, thus more "Bismarckian". This seems to me to be a move perfectly capable of allowing them both to address the specific problems with which they might meet on account of to their country's great attractiveness, and to reduce the demands that they are making of the EU to a more reasonable number, in such a way as to ensure that negotiations can lead to an agreement in connection with those demands too.

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