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Have European Union Mobility Partnerships been obliterated in
Turbulent Mediterranean Waters?



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Abstract

After presenting the context behind the content analysis of the European Union's Mobility Partnerships with Jordan, Morocco and Tunisia this report articulates policy proposals to render the partnerships more relevant to the needs of those fleeing desolation for the hoped for nirvana of Europe. It discusses the strengths and some of the weaknesses of the three partnerships, setting EU's migration challenge within a broader context. To avert the continuous perversity of transforming the Mediterranean Sea into an edgeless cemetery, proposals relevant for European political masters are advanced.

1. Introduction: What is the problem?

"If I die on the way I would say that is my fate," says John, 34, from Cameroon. The first time he tried to reach Belgium in 2005 his journey was aborted in Algeria due to the sheer exhaustion from the experience. In 2012, he got to Niger and again returned to Cameroon. He is again determined to go through Nigeria, Niger, Mali and Morocco. From Morocco he hopes to pay for a boat that will take him to Europe.¹ Like many Africans fleeing structural inequities and poverty John is bent on making it to Europe to improve his life and the lives of his loved ones. Nothing will stop him. Yet when he gets to Morocco, he will realize that those at the Northern flank of the Mediterranean have adopted stringent measures to ensure that authorities in Rabat return him back to Cameroon. The hopelessness that drives John to dare into the unknown is aggravated by the determination of Europe to stop irregular migration from the South and the deafening silence on the part of leaders in the source countries of the South to deal with the structural problems that drive individuals into the hands of unscrupulous human traffickers.

In this report attention is directed at the determination of Europe to stop the flow of people like John and others from politically turbulent hotspots (including Iraq, Eritrea, Somalia and Syria) from coming to Europe. The goal of the treatise is to investigate whether the Mobility Partnerships (MPs) between the EU on the one hand, and Jordan, Morocco and Tunisia, on the other are simply dead on arrival in terms of attaining some of the lofty goals on cultural and political cooperation. Relying on interviews with key informants from Europe and sending countries, the analysis, arguments and suggestions also build on the extensive secondary literature and the litany of EU policy documents that have been generated over the last decade to address increased levels of migration.

At the time of writing, the world is gripped by pictures of dead, dying and fatigued migrants pulled from the Mediterranean. So far over 1700 persons have died in the

¹ See Cameroun: Diplômés et candidats à l'immigration, une génération sacrifiées qui rêve d'Europe, *Cameroon Online.org*, 6 May 2015.

turbulent waters in an attempt to cross over into the EU. Italy's *Mare Nostrum* which until November 2014 played an important search and rescue role was stopped because there was a strong feeling in some European capitals that it was encouraging migrants to make the daring journey.² It was partly funded by the EU and replaced last fall by Triton. Some are pushing for boats to be destroyed in a new operation but there are divisions as to the remit of such an operation. Certain actors in the EU are also talking of a pilot project whereby 5000 asylum seekers will be shared among EU countries with EU Commissioner for Migration Dimitris Avramopolous making clear this will be voluntary.³ The proposals of 27th May by the European Commission to resettle 40,000 Syrian and Eritrean refugees who arrive in Italy and Greece to other Member States, is a step in the right direction.⁴

What is making the current situation desperate has been the divisions between EU Member States on how to confront the problem. Germany, which takes the highest number of asylum seekers, backs the approach of sharing in a more systematic manner. While Luxembourg's Foreign Minister Jean Asselborn has proposed a return to *Mare Nostrum* style operations the United Kingdom's (UK) Foreign Secretary Philippe Hammond has been keen to target the people smuggling gangs. He also proposes that preventive actions are needed upstream.⁵ At the time of writing Britain has actually ordered the Royal Navy flagship *HMS Bulwark* to go to Malta and join the rescue mission there. It is the first country to do so. Prime Minister (PM) David Cameron (when fighting for re-election) also promised to send along three Merlin Helicopters with 100 miles range radars to spot boats from a far asserting that "Of course, saving lives means rescuing these poor people, but it also means smashing the gangs and stabilising the region."⁶ Ireland and Germany have also pledged assets and personnel. EU leaders are actually considering a military mission to check the boats and the EU's High Representative Federica Mogherini has been asked to develop a blueprint for such military action. Suggestions that the UN Security Council could sanction the direct destruction of the trafficking boats ferrying the migrants illegally to Europe has been dismissed outright by Russia⁷ making a prompt and more robust response harder.

What is troubling is that this has happened before, albeit not on a similar scale. The previous Lampedusa tragedy which caught media attention occurred on 3 October 2013 killing 360 migrants. Even the head of EU's border patrol agency Frontex recognised at

² Laurence Norman, EU pledges measures to scale up response to migration crisis, *The Wall Street Journal* (20 April 2015).

³ Norman, EU pledges measures.

⁴ COM(2015) 286 final

⁵ Norman, EU pledges measures.

⁶ Ian Traynor, European leaders pledge to send ships to the Mediterranean to pick up migrants, *The Guardian* (23 April 2015).

⁷ Andrew Rettman, Russia to oppose EU sinking of migrant smuggler boats, *EU Observer*, 6 May 2015.

the time that the actions of the agency contributed to making traffickers use more dangerous boats, thus endangering the lives of the migrants. In a move toward more securitisation of the borders or fortress Europe some countries have even turned to private companies to provide such security services.⁸ At that time, while the Council called for a European Surveillance Border System (EUROSUR), the Commission requested increased support for Frontex. For Rooney, Europe does not really care about all these proposals regarding migrant safety, but about EU border control and security.⁹ She criticizes the Dublin Regulation (under which MSs can send asylum seekers to the country where they first arrived) by highlighting that it does not sufficiently take into consideration the differences between state capacity and places migrants in detention pending decisions.¹⁰ It places too much of a burden on Southern European states and less on Northern ones. For instance following the Arab Spring of 2011, 50000 people flocked into Lampedusa, an island with a population of 2400. Dublin III entered into force in 2013. She writes that "The unequal responsibilities of northern and southern Member States under the Dublin System lie at the heart of tragedies such as Lampedusa."¹¹ This assessment remains tenable. Instead of engaging in a rethink, EU Member States used the Lampedusa tragedy of 2013 to increase securitisation: an approach which failed to realize that migrants will continue to come to Europe's shores and that such an approach will fail leading to more tragedies.¹² How prescient. The International Organisation for Migration (IOM) reports that so far, in 2015, 1776 people are missing or dead at sea compared to 56 last year at the same period.¹³ Frontex has a tight budget and its purpose is actually to monitor external borders, not to conduct search and rescue missions. For critics like Amnesty International and the IOM, the proposals of the EU so far to deal with the current tragedy in 2015 are: "woefully inadequate and a shameful response to the crisis in the Mediterranean that will fail to end the spiral of deaths at sea".¹⁴ Other current proposals to address the immediate challenge in the Mediterranean include the tripling of the budget for Triton to closely to 9 million euros per year.¹⁵ The EU has recently been at pains to resist claims that it is talking to Australians in view of adopting their Sovereign Borders model of stopping 'boat people' and shipping them off to islands in Papua New Guinea and Nauru.¹⁶

⁸ Celia Rooney, Exploiting a Tragedy: The Securitisation of EU Borders in the Wake of Lampedusa, *Border Criminologists. law* (Oxford) [13 November 2013 \(Accessed in April 2015\)](#).

⁹ Rooney, Exploiting a Tragedy.

¹⁰ The Dublin Regulation was challenged in 2011 by the European Court of Human Rights: see Valentina Pop, Human rights court deals blow to EU asylum system, *EU Observer*, 21 January 2011.

¹¹ Rooney, Exploiting a Tragedy.

¹² Rooney, Exploiting a Tragedy.

¹³ Traynor, European leaders pledge.

¹⁴ See Traynor, European leaders pledge.

¹⁵ Nikolaj Nielsen, EU Triton mission yet to receive extra cash and boats, *EU Observer*, 4 May 2015.

¹⁶ EurActiv, EU won't adopt Australian model of turning back immigrant boats, *EurActiv*, 5 May 2015.

The approaches of the EU institutions to the crisis have been markedly different in terms of variation in detail, with the Council being laconic and the European Parliament (EP) more detailed in its proposals. For the Council, the EU's response should be based on three pillars: dealing with traffickers; supporting Frontex's Triton and Poseidon operations in search and rescue; and fairer sharing of responsibilities in terms of resettlement and relocation (alluding to the Commission's pilot voluntary scheme).¹⁷ Some important policy suggestions have been made by the European Parliament (EP) to address this problem beyond revitalising a *Mare Nostrum* like operation. These are contained in an EP Resolution of 27 April 2015.¹⁸ The EP specifically calls on EU Member States (MSs) to fully comply with the principle of non-refoulement, which is enshrined in international law. On search and rescue it calls for the Member States to extend Triton operations beyond the 30 mile threshold in the high seas.¹⁹ It also demands a fair distribution of the migrants rescued, calling for a revision of the Dublin III Regulation and for the crafting of a fair quota for distribution that is a function of Gross Domestic Product (GDP), size, population and unemployment rates, number of refugees already present and to an extent personal choice.²⁰ The EP calls on the states to use the Dublin III Regulation criteria for distribution that already exist including unaccompanied children and family reunification. What is more, it also requests full transposition and implementation of the Common European Asylum System (CEAS).²¹ Paragraph 9 finally calls on MSs to push forth the application of the Temporary Protection Directive of 2001 or Art 78(3) of the Treaty on the Functioning of the European Union (TFEU) which allows for solidarity mechanisms to kick in, in the case of sudden mass inflow of displaced persons. Cooperation with origin and transit countries is encouraged as is engagement with the Office of the UN's High Commissioner for Refugees (UNHCR).²² A proposal is also made for an EU-Africa Summit to deal with the underlying structural factors driving migration, including poverty and conflict.²³ Furthermore, the EP backs the efforts of the EU Vice President and High Representative (VP/HR) to support UN efforts for a stable government in Libya.²⁴ Paragraph 15 highlights the human rights aspect of the response and also the need to foster and support democratic developments in the source countries. In the resolution, Members of the EP (MEPs) back the idea of joint processing

¹⁷ Outcome of the Council Meeting , 3385th Council meeting Foreign Affairs and Home Affairs Luxembourg, 8146/15, 20 April 2015.

¹⁸ European Parliament, *Resolution on the latest tragedies in the Mediterranean and EU migration and asylum policies* (2015/2660(RSP), B8-0384/2015, 27 April 2015.

¹⁹ EP Res (2015/2660(RSP), B8-0384/2015, para. 4.

²⁰ EP Res (2015/2660(RSP), B8-0384/2015, para. 6.

²¹ EP Res (2015/2660(RSP), B8-0384/2015, para. 7.

²² EP Res (2015/2660(RSP), B8-0384/2015, para. 12.

²³ EP Res (2015/2660(RSP), B8-0384/2015, para. 12.

²⁴ EP Res (2015/2660(RSP), B8-0384/2015, para. 14.

of asylum applications in frontline Member States.²⁵ Finally the EP stresses the need to work closely with international partners to address trafficking and acts of people smuggling.²⁶

This discussion on the recent developments in the Mediterranean serves to situate the broader considerations on the MPs agreed with countries that are directly concerned with these migrant movements. The second part delves into the broader context with important elements often missed in academia and policy circles on migration. The third part looks at how the EU has responded to the migration challenges on its southern borders focusing on the EU's MPs with Jordan, Morocco and Tunisia. This part considers the important developments surrounding the Arab Spring of 2011 and how these have projected the MPs to the forefront. In this respect a detailed content analysis is provided for the three main MPs of North Africa and the Middle East that have been concluded. The report then proceeds to discuss some of the positive aspects of the MPs in part four before addressing important pitfalls in the fifth part. Part six articulates a number of policy suggestions relevant for policy makers both in the Northern and Southern flanks of the Mediterranean.

2. What is the nature of the broader context?

Since 2011 North Africa and the wider Middle East have been undergoing important processes of transformation.²⁷ In Tunisia,²⁸ Egypt²⁹ and especially in Libya there have been significant changes in the direction of governments with the removal of powerful erstwhile helmsmen including Ben Ali, Hosni Mubarak and - above all - Gaddafi.³⁰ Given that these leaders did not allow for dissent and for the growth of a mature opposition to their rule, their removal from power has been followed by political, social and economic tailspins that are still affecting these countries. The rise of radical Islamists in the form of Al Qaeda and especially the Islamic State in Iraq and Syria (ISIS) has contributed to further sow the seeds of confusion especially in the tribally oriented Libya.

²⁵ EP Res (2015/2660(RSP), B8-0384/2015, para. 16.

²⁶ EP Res (2015/2660(RSP), B8-0384/2015, para. 17.

²⁷ See Shadi Hamid, *Temptations of Power: Islamists and Illiberal Democracy in the New Middle East* (Oxford, OUP: 2014).

²⁸ Jack A. Goldstone, "Understanding the Revolutions of 2011: Weakness and Resilience in Middle Eastern Autocracies," 90(3) *Foreign Affairs* (May/June 2011).

²⁹ See Michael Scott Doran, "The Heirs of Nasser: Who will Benefit from the Second Arab Revolution?" 90(3) *Foreign Affairs* (May/June 2011); Dina Shehata, "The Fall of the Pharaoh: How Mubarak's Reign Came to an End," 90(3) *Foreign Affairs* (2011).

³⁰ Anderson Lisa, "Demystifying the Arab Spring: Parsing the Differences between Tunisia, Egypt and Libya," 90(3) *Foreign Affairs* (May/June 2011).

Four elements about the broader context of the Arab Spring and the migrant disasters unfolding in the Mediterranean Sea are vital to note. First the political landscape in Europe has been shifting to the right over the past two decades and this is now even more acute. Economic hardship in Europe, especially in countries such as Greece, Italy and Spain, have hardened sentiments expressed towards immigrants. This has in turn metastasised into entrenched political formations with hardline positions on immigration. The rise in the popularity of parties such as Golden Dawn in Greece, the National Front in France, the Northern League in Italy, the PEGIDA movement with roots in Germany, amongst others are indicators of the European tilt towards political extremes: a tilt anchored not only on countering Islamic proclivities but one mainly targeted at curbing immigration to Europe. The rise of the far right parties in Europe epitomizes the real prospect that resentment towards immigrants, which was previously wrapped in political correctness, has now assumed the veneer of normalcy whereby even conventional parties of the Right, Centre and Left find it more palatable to swerve to the extremes so as to be in tune with the sentiments of their respective publics. This is a context that escapes leaders and people in Africa and other sending countries.

Second, the ousting of Gaddafi by North Atlantic Treaty Organisation (NATO) led forces alongside rebels without a credible follow-up plan has catapulted the country into the abysmal recesses of tribal imbroglios. Given this confusion the country has become a no-man's land where social entropy and economic stagnation have become the badges of a once promising African purse holder. Of greater concern for our present purposes is the fact that the collapse of authority in Libya has allowed not only the likes of Al Qaeda and ISIS to flock in but it has also allowed human traffickers to ply their trade taking the desperate to the hoped for nirvana in Europe. Under Gaddafi there was a common understanding between Tripoli and European countries that he could reign as he pleased on condition that he kept a tight control on the flow of migrants into Europe, given the proximity of Libya's shores to Italy's Lampedusa. What is even more critical about the removal of Gaddafi from power is that all the weapons which were released from his astute military found their way into the hands of brigands who in turn have wreaked havoc in countries which - hitherto - were relatively calm including Mali and Niger. Destabilisation in Libya has in no small measure led to hopelessness in many countries in the Sahel, pushing young people in these places to seek refuge and a better life in Europe.

Third, in the specific case of Africa, migration is 80 percent intraregional.³¹ The idea shared - especially in Europe - that Europeans are being forced to take in the largest

³¹ Commission of the EU (CEU), EuropeAid, *EU 2013 Report on Policy Coherence for Development*, SWD (2013) 456 final, Brussels 31.10.2013, at p. 125.

cohorts of the world's refugees is a fallacy. Beyond Sub-Saharan Africa the situation is even starker. In the countries where Western intervention has led to even greater chaos such as in Libya, Iraq and to a lesser extent Syria, the real burden of harboring refugees has actually fallen squarely on neighboring states including Algeria, Egypt and Tunisia (for Libya) and Jordan, Lebanon and Turkey (for Iraq and Syria). It is a bit amiss to then complain, as many on the Far Right in Europe do, that Europe cannot solve the world's problems. While Europe has received about 200,000 Syrian refugees for instance, Lebanon alone has embraced 2 million, Turkey over 1.8 million and Jordan over 1 million. So the endless whining in Europe about immigrants flooding the European fortress as pushed by the likes of Baudet needs to be contextualised.³² A corollary to this point is the fact that Europeans are also migrating to the South. The discourse that migration is only a linear trajectory from the South to the North, is nothing more than that. This is especially true in the context of the crisis when many Europeans have flocked to places such as Angola and Brazil in search of a better life for themselves and their families. As such, those in Europe who bandy the view that immigrants are inundating Europe ought to be enlightened that migration is a two way street.

Finally the untold story amidst the media sound bites of boats capsizing at sea with migrants is the fact that many African countries, and also many other countries of the South, are losing their best and brightest to Europe to the detriment of a hopeful future for many countries in the South. For many years European Member States have supported - and even backed - African elites and elites in the Middle East who have mismanaged their countries leaving an entire hopeless generation in their wake. As long as this situation is unchecked, and there is chaos in Europe's shores, it is again a fallacy to believe that European borders will be closed and that Europe can sequester itself in a self-contained paradise of *l'état Providence*.

3. Europe's Quick fix is?

Instead of focusing like a laser on the chaos in Libya (to which some of its Member States contributed) the EU has decided to pursue comprehensive MPs with some of Libya's neighbours like Tunisia. In a sense the EU reached for the closest tool to hand, and used the changes in North Africa as a way to engage with states undergoing change, or at least evolving, as was the case with Morocco. Early MPs were referred to as pilots and the EU signed them with strategically unimportant countries and focused on capacity building more than anything else. The new MPs following the Arab uprisings are now

³² See for instance Thierry Baudet, *The Significance of Borders* (Brill, 2012).

couched more in foreign policy thinking, so in that sense are more strategic due to their political nature which follows the following 3 criteria:

1. the overall relationship that the EU maintains with each partner country
2. the current level of capacity in the partner country to manage migration flows
3. the willingness of the latter to engage in a constructive and effective dialogue aimed at establishing the partnership

Points 1 and 3 are clearly political in nature, and are the reason why the good relations with Morocco and Jordan have been rewarded ahead of Egypt and Libya. With this it seems the “mobility” part of MPs is being forgotten, in order to develop “partnerships” with friendly countries. For countries such as Jordan it is just another extension of a flourishing relationship over recent years, and for Morocco it is another fruit in its long and deep relationship with the EU. Tunisia is the only example where we can see the development of the partnership as a response to political change in the country, and even here, as we shall see, the EU has provided too little too late in terms of mobility and legal migration for a highly qualified population with demographics favourably matching Europe’s ageing societies. Currently Tunisia is more interested in real capacity building due to its hosting of so many immigrants in the aftermath of the Arab uprisings (welcoming 345,000 from Libya alone) and the continuing conflicts and hardship in neighbouring sub-Saharan African countries.

Are these MPs fit for purpose? What are the main themes and trends that can be deduced from them? To respond to these questions the MPs for Jordan, Morocco and Tunisia are comparatively analyzed. The main themes considered include membership, emphasis on human rights with irregular migration including human trafficking and people smuggling, regular migration, readmission/ return, migration and development, border management, role of the country, root causes clauses, inclusivity, implementation and adherence to international law.

The main bilateral frameworks facilitating policy dialogue under the EU’s Global Approach to Migration and Mobility of 2005 and then 2011 are the Mobility Partnerships (MPs) and Common Agendas on Migration and Mobility (CAMMs).³³ MPs have been concluded with eight countries: Moldova (2008), Cape Verde (2008), Georgia (2009), Armenia (2011), Morocco (2013), Azerbaijan (2013), Tunisia (2014) and Jordan (2014). The MPs provide

³³ Commission of the EU (CEU), *Report on the implementation of the Global Approach to Migration and Mobility 2012-2013*, COM(2014) 96 final, Brussels, 21.2.2014, at p. 2.

an important framework for policy dialogue and operational cooperation on asylum and migration issues.³⁴

With Eastern partners such as Moldova, Georgia, Ukraine and Azerbaijan the EU has tied MPs to visa facilitation and the partnerships have been relatively positive in terms of EU coordination and have also been good for reform in the partner countries as these MPs are tied to judicial reforms.³⁵ An evaluation conducted by the IOM of the Moldovan MP in 2012 resulted in positive reviews of the projects under the MP.³⁶ On the Southern flank the EU is keen to ensure that tragedies such as those that occurred on 3 October 2013 in Lampedusa do not happen again.³⁷ As considered below, structured dialogues exist between the EU, Tunisia, Morocco and Jordan. Potential dialogue could be engaged with Algeria, Egypt and Libya when the conditions so permit.³⁸ But attention for now is on those MPs already concluded for the Maghreb and Mashreq.

In the EU Jordan MP³⁹ 12 EU Member States (MSs) are participating (Cyprus, Germany, Denmark, Greece, Spain, France, Italy, Hungary, Poland, Portugal, Romania and Sweden). Other MSs that wish to join may do so.⁴⁰ In contrast in the EU Morocco MP⁴¹ the participating 9 EU MSs are: Belgium, France, Germany, Italy, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom. For the EU (10) and Tunisia MP⁴² Germany, Belgium, Denmark, Spain, Italy, France, Poland, Portugal, UK and Sweden are participating. Five EU Member States are participating in all the MPs (France, Germany, Italy, Portugal, Spain and Sweden). There is a strong presence of European countries that are on the Northern flank of the Mediterranean.

The focus areas for the EU Jordanian MP include mobility and legal migration; promotion of border management, prevention and combating of irregular migration; migration and development; and international protection.⁴³ The goal of the EU Morocco MP are to manage short legal migration stays for labor in accordance with needs of signatories; strengthen cooperation on migration and development; combat illegal migration (promoting readmission and return policies); and complying with international law on

³⁴ CEU, COM(2014) 96 final, at p. 3.

³⁵ CEU, COM(2014) 96 final, at p. 4.

³⁶ CEU, COM(2014) 96 final, at pp. 4-5.

³⁷ CEU, COM(2014) 96 final, at p. 5.

³⁸ CEU, COM(2014) 96 final, at p. 6.

³⁹ Council of the European Union, Joint declaration establishing a Mobility Partnership between the Hashemite Kingdom of Jordan and the European Union and its participating Member States, 9 October 2014 (hereafter, EU Jordan MP).

⁴⁰ EU Jordan MP, Para. 34.

⁴¹ Council of the European Union, Joint declaration establishing a Mobility Partnership between the Kingdom of Morocco and the European Union and its Member States, ADD 1 REV 3, 6139/13, Brussels, 3.06.2013 (hereafter, EU Morocco MP), p. 1.

⁴² Déclaration conjointe pour le partenariat de mobilité entre la Tunisie, l'Union Européenne et ses états membres participants, Bruxelles, 3 Mars, 2014 (hereafter EU Tunisia MP).

⁴³ EU Jordan MP, pp. 4-9.

refugee protection.⁴⁴ The main focus areas include mobility, legal migration and integration; preventing and combating illegal migration, people smuggling and border management; migration and development; and international protection.⁴⁵ In Tunisia the overall goal of the MP is to better manage regular migration (including of short stay), fortification of cooperation in the area of migration and development, combating irregular migration including human trafficking, promotion of the use of effective return policies and readmission agreements, respecting the human rights of refugees as recognised under international law and ensuring that immigrants are respectfully integrated in the host countries.⁴⁶ The focus areas proper are regular migration and integration; the fight against irregular migration including human trafficking (HT), readmission, securing of identity documents and border control (all lumped together); migration and development; and asylum with international protection.

Respect for human rights and combating of irregular migration are held as sacrosanct in all the MPs. In the Jordan MP the preamble states that the partners will build on EU's 2005 and 2011 Global Approach to Migration and Mobility (GAMM) and that respect for fundamental human rights should underpin the approach of the partners.⁴⁷ In pursuing return policies they will respect the human rights (HR) and dignity of persons concerned.⁴⁸ They also include clauses on the modalities on how they will cooperate to address networks of human traffickers and people smuggling.⁴⁹ Jordan's role in fighting HT and people smuggling is recognised.⁵⁰ In the Moroccan MP, the preamble makes clear that respect for HR underlies the signatories' approaches to migration. Paragraph 14 of the Moroccan MP is to the effect that the EU will support Morocco's legislative, institutional and operational capacity to deal with the problem of human trafficking. Specifically, paragraph 17 is welcome as attention is placed here on helping the Moroccan authorities to better address concerns of victims of HT.⁵¹ In paragraph 19 it is stated that civil society will also be mobilised to help people explain the dangers and risks of illegal migration. Under the Tunisian MP, the signatories pledge that they will combat irregular migration in ways that are in line with the strictest standards of international law.⁵² They will foster the capacity of Tunisian authorities to ensure the fight against HT and also the fight against corruption and criminal gangs perpetrating such human trafficking.⁵³

⁴⁴ EU Morocco MP, p. 4.

⁴⁵ EU Morocco MP, pp. 5-9.

⁴⁶ EU Tunisia MP, p.2.

⁴⁷ EU Jordan MP, p. 1.

⁴⁸ EU Jordan MP, p. 3.

⁴⁹ EU Jordan MP, paras. 10-13.

⁵⁰ EU Jordan MP, p. 2.

⁵¹ EU Moroccan MP's paragraph 18 specifically places emphasis on the lot of unaccompanied minors.

⁵² EU Tunisia MP, p.2.

⁵³ EU Tunisia MP, para. 10.

Moreover, they will help Tunisians combat identity exchange and false identities of persons in Tunisia.⁵⁴ An important aspect (absent in the Jordanian MP) is that the capacity of Tunisian authorities will be strengthened to assist victims of HT.⁵⁵ They promise to strengthen Tunisian maritime capacities to combat criminal and trafficking gangs at sea and also back its participation in the Seahorse Network Project.⁵⁶ There will also be exchange of information and equipment to assist Tunisian authorities track down the criminals.⁵⁷

On regular migration in the Jordanian MP, the parties allude to ease of visas and use of waiver of administration fees, for more multiple-entry visas as a way to deal with the migration related problems.⁵⁸ The Union will inform Jordanians about options for legal migration to the EU.⁵⁹ In the Moroccan MP, The EU refers to simplifying procedures for legal stay, ease of visas and use of waiver of administration fees for some categories of people, for more multiple-entry visas as a way to deal with the migration related problems.⁶⁰ A clause is also included on explaining to Moroccans legal options to get into the EU.⁶¹ Paragraph 5 is on improving the links between employment services in Morocco and the EU. Cooperation in fostering mutual recognition of vocational and academic qualifications is also alluded to.⁶² In the case of Tunisia, the EU alludes to ease of visas and use of waiver of administration fees, for more multiple-entry visas as a way to deal with the migration related challenges.⁶³ They will inform Tunisians about options for legal migration to the EU and risks of irregular migration.⁶⁴ Temporary and circular migration will be encouraged and Tunisians with requisite skills will be linked to job agencies in the EU.⁶⁵ It appears to be all about how the labor needs of EU markets can be pacified and not what is really in the best interest of Tunisia. Furthermore it is stated that efforts will be made to recognize Tunisian certificates easily in the EU.⁶⁶ Tunisian students will be accorded trainings that will allow them fit to work in the EU.⁶⁷ It can be argued that this again is a missed opportunity for the EU to craft an arrangement that suits Tunisia. It is

⁵⁴ EU Tunisia MP, para. 11.

⁵⁵ EU Tunisia MP, para. 12. Paragraph 13 pays more attention to non-accompanied minors.

⁵⁶ EU Tunisia MP, para. 15.

⁵⁷ EU Tunisia MP, para. 16.

⁵⁸ EU Jordan MP, para. 2.

⁵⁹ EU Jordan MP, para. 4.

⁶⁰ EU Morocco MP, para. 2.

⁶¹ EU Morocco MP, para. 4.

⁶² EU Morocco MP, para. 6.

⁶³ EU Tunisia MP, para. 1.

⁶⁴ EU Tunisia MP, para. 2.

⁶⁵ EU Tunisia MP, para. 1.

⁶⁶ EU Tunisia MP, para. 4.

⁶⁷ EU Tunisia MP, para. 5.

arguable the MP is too EU-biased even as it deals with easing integration of Tunisians in host states in the EU.⁶⁸

Regarding readmission/return, it is made clear in the Jordan MP that promoting a return policy and combating irregular migration will be the goal.⁶⁹ What is more, there will be a readmission agreement including provisions relating to third country nationals, which are based on transparent criteria.⁷⁰ The signatories of the Jordan MP also add a clause about easing and facilitating social reintegration of migrants and their families back into Jordan including inclusion in job markets.⁷¹ In the Moroccan MP, the signatories will negotiate readmission agreements whose terms also cover third country nationals.⁷² They will ensure that operational efficiency needed in the implementation of such agreements is balanced with the importance of respecting fundamental human rights. The MP declaration also states that aspects of fundamental human rights should be at the heart of return policies for Moroccans wanting to return to Morocco and third country nationals wanting to leave Morocco.⁷³ Clauses are also incorporated about easing returning of those going back to Morocco voluntarily.⁷⁴ In the case of Tunisia, a readmission agreement will be concluded in parallel with visa facilitation accord.⁷⁵ This is like a threat in the form of an onerous *quid pro quo* for Tunisia. The declaration is explicit that voluntary return will be supported for Tunisians in the EU and for third nationals in Tunisia.⁷⁶ In certain cases those returning will be supported in terms of socio-economic reintegration. But no criteria are charted for the conditions under which such support may be considered.

In the sphere of the linkages between migration and development including remittances under the Jordanian MP the signatories recognize the contributions that migration can have on people-to-people contacts.⁷⁷ Exploiting potential for migration to foster development is a goal of the MP for Jordan.⁷⁸ They also declare that they will explore ways in which Jordanians abroad including those in EU can contribute to development of the country.⁷⁹ In the Morocco MP, the preamble states that monitoring migrant flows will not be enough to confront migration challenges and that development projects that work

⁶⁸ EU Tunisia MP, para. 7.

⁶⁹ EU Jordan MP, p. 2.

⁷⁰ EU Jordan MP, para. 9.

⁷¹ EU Jordan MP, para. 18.

⁷² EU Morocco MP, para. 13.

⁷³ EU Morocco MP, para. 20.

⁷⁴ EU Morocco MP, paras. 23-24.

⁷⁵ EU Tunisia MP, para. 9.

⁷⁶ EU Tunisia MP, para. 14.

⁷⁷ EU Jordan MP, p. 1.

⁷⁸ EU Jordan MP, p. 3.

⁷⁹ EU Jordan MP, paras. 16-17.

are key to address the root causes of migration. It is stated that EU should target development support especially to those Moroccan regions from which the largest amount of immigrants derive.⁸⁰ A pledge is made to work with Moroccans living abroad and especially in the EU to help support the development of Morocco.⁸¹ Under the declaration, steps will be taken to make the sending of remittances cheaper.⁸² For the Tunisian MP, paragraphs 17-20 are all about ensuring that Tunisians abroad and especially those in the EU or those returning can be able to contribute to the development of Tunisia. They promise to make the sending of remittances cheaper.⁸³ They equally evoke the importance for Tunisian authorities to be sensitive to issues of policy coherence ensuring migration serves development and also that gender issues are taken into account.⁸⁴

Respecting border management and control, the management of regular migration for short periods is stated as a goal under the Jordan MP.⁸⁵ Also considered a goal of the MP, is the strengthening of the capacity of Jordanian authorities to manage refugee inflows in line with international norms.⁸⁶ In the Moroccan MP, partners plan to exchange information for better border management and fighting of illicit networks promoting irregular migration.⁸⁷ For Tunisia, the signatories to the declaration promise they will foster the capacity of Tunisian authorities to ensure strict border controls and border management.⁸⁸

In terms of the recognised migration role of the country, the role of Jordan as a major hosting country of refugees in the region is recognised under the Jordanian MP.⁸⁹ Morocco for one is recognised in the preamble as a country of origin, transit and increasingly of destination. Throughout the declaration there is recognition that Tunisia is an important transit country. There is also a clear intention to fortify the border control capacities of Tunis to control flows into the EU.

The Jordan MP is clear that poverty and socio-economic imbalances are at root causes of migration and the importance of concerted action to tackle root causes is recognised.⁹⁰ For Morocco's MP, the preamble states that poverty and socio-economic imbalances are

⁸⁰ EU Morocco MP, para. 21.

⁸¹ EU Morocco MP, paras. 22.

⁸² EU Morocco MP, paras. 25.

⁸³ EU Tunisia MP, para. 20.

⁸⁴ EU Tunisia MP, para. 30.

⁸⁵ EU Jordan MP, p. 3.

⁸⁶ EU Jordan MP, p. 3.

⁸⁷ EU Morocco MP, para. 15.

⁸⁸ EU Tunisia MP, para. 10.

⁸⁹ EU Jordan MP, p. 2.

⁹⁰ EU Jordan MP, p. 2.

amongst the fundamental causes of migration. In Tunisia's MP, root causes clauses are not made explicit as with the other MPs.

In the realm of promoting inclusivity and combating xenophobia in the Jordan MP, the signatories promise to work to implement policies that promote cultural exchange geared at combating exclusion and xenophobia.⁹¹ For the MP with Morocco, the parties make a promise on promoting inter-cultural exchanges and ensuring that there is no xenophobia against Moroccans in their host EU countries and also that Moroccan associations be active in ensuring integration of Moroccans in their host countries.⁹² On inclusivity in the case of Tunisia, there is mention of steps being taken to ensure that Tunisians in the EU are not discriminated against and that efforts be made to forge integration in host EU states. This is in the last recital to the preamble or the chapeau to the operative sections of the text.

On implementation, paragraph 34 of the EU Jordan MP states that on the EU side implementation will be the remit of MSs and EU agencies such as Frontex, Europol, CEPOL, Eurojust, EASO and the ETF. While Jordan is also regarded as a key implementing actor,⁹³ the Working Party on Social Affairs will monitor the partnership.⁹⁴ In the Moroccan MP, on the EU side implementation will be ensured by MSs and EU agencies cited, and in the case of Jordan they will also be involved in the implementation of the partnership. Other MSs can participate later if they join, which they are free to do.⁹⁵ Morocco will also implement the declaration as a function of its means.⁹⁶ Meetings will be held twice a year as in the case of Tunisia. The Working Party on Social Affairs and Migration will also be involved in monitoring the partnership.⁹⁷ Implementation of the Tunisian MP is a bit different and peculiar. On the EU's side implementation is ensured by MSs and unnamed EU agencies. Any MS can join the MP later.⁹⁸ Paragraph 37 creates a Mixed Committee (*Comité mixte*) to decipher the projects and implementation horizons/ road map (*tableau de bord*) for different phases.

It is revealing that under the EU Jordan MP reference as such is not made to international law. The importance of the 1951 UN Geneva Convention on the rights of refugees is not mentioned. The picture is different in the case of Morocco's MP. Here, one of the goals of the MP is compliance with international law on refugee protection. Specifically, paragraph

⁹¹ EU Jordan MP, para. 14.

⁹² EU Morocco MP, para. 9.

⁹³ EU Jordan MP, para. 35.

⁹⁴ EU Jordan MP, para. 36.

⁹⁵ EU Morocco MP, para. 40.

⁹⁶ EU Morocco MP, para. 41.

⁹⁷ EU Morocco MP, para. 42.

⁹⁸ EU Tunisia MP, para 33.

18 of the EU Morocco MP is clear that in addressing issues related to unaccompanied minors, adherence will be made to the terms of the 1989 UN Convention on the Rights of the Child. The signatories to the declaration also state that in addressing issues of asylum seekers, they will adhere to the principles in the 1951 Geneva Convention and its 1967 protocol.⁹⁹ In the case of Tunisia, paragraph 25 is clear that Tunisians will fully respect the international law principle of non-refoulement. The importance of Geneva Convention of 1951 is also made explicit.

Key strictures can be directed at each of the MPs. For the Jordanian MP, the EU alludes to the ease of visas and use of waiver of administration fees, for more multiple-entry visas as a way to deal with the migration related problems. But this is not the issue, because the people who will dare to enter turbulent waters are not those who will apply for regular visas in any case. Second, there are no clear strategies to engage the youth specifically and one has the feeling the MP has to do more with intergovernmental ties even if in paragraph 37 the parties state that they will cooperate at the operational level “including by incorporating relevant partners and actors present in Jordan.” Third, another serious weakness is that paragraph 40 makes clear that the text or annexes do not generate legal rights or obligations under international law. This really goes into the heart of the matter. What then is supposed to be the effect of the text which itself is the culmination of protracted parlays between the signatories? Finally, one aspect that is conspicuously absent is the manner in which EU citizens who go to fight in Syria can be reintegrated into the EU and what role Jordan can play in their de-radicalisation as they return. The fact that this element is absent strengthens the perception that the EU looks at the MP only as a tool for Jordan to implement in curbing and controlling immigration to the EU. It appears blind to the strategic benefits it can itself derive from a more ambitious text.

For the Moroccan MP a number concerns are identifiable. To begin the EU also refers to visa facilitation and the waiving administration fees for more multiple-entry visas as a way to address migration related challenges. But just as in the case of Jordan and Tunisia the use of such measures is not the issue because individuals who go into dangerous Mediterranean waters are not those who will apply for regular visas. What is more, like with the MPs for Tunisia and Jordan, there are no explicit and deliberate strategies to engage the youth. Another weakness like in Jordan’s MP and Tunisia’s is that paragraph 46 makes clear that the text or annexes do not generate legal rights or obligations under international law. Moreover, there is a deafening silence in terms of the realities in the Sahel and in Sub-Saharan African (SSA) countries especially those in West Africa that

⁹⁹ EU Morocco MP, para. 28.

often use Morocco as the port of transit to move to the EU. Finally, like the MPs for Jordan and Tunisia, it is strange to find that there is no clear mention of the benefits to Europe of the immigrants who are in the EU contributing to the European economy, either through payment of taxes or as white and blue collar workers. The image painted is that of the South as a burden.

The following strictures can be directed at the EU Tunisia MP. First – and once again -, the signatories refer to the visa facilitation and the waiving of administration fees for more multiple-entry visas as a panacea. As in the case of Jordan it is immaterial because the cohorts of valiant adventurers keen to traverse the Mediterranean into Europe are not in the ranks of those who will normally line up to apply as skilled workers, tourists or for business visas. Second, like in the other MPs there are no clear strategies to engage the youth specifically. Third, like in Jordan’s MP and Morocco’s, paragraph 38 makes clear that the text or annexes do not generate legal rights or obligations under international law. For reasons already rehearsed, this is problematic. Finally, it is of concern that Libya is not referred to in the MP for Tunisia because it shares a border with Tunisia and is a critical country if the EU’s ambitions to secure its own borders is to be realised.

Table showing the specific themes for the EU's MPs with Jordan (2014), Morocco (2013) and Tunisia (2014)

	Jordan	Morocco	Tunisia
<i>Membership</i>	Cyprus, Germany, Denmark, Greece, Spain, France, Italy, Hungary, Poland, Portugal, Romania and Sweden	Belgium, France, Germany, Italy, the Netherlands, Portugal, Spain, Sweden, and UK	Germany, Belgium, Denmark, Spain, Italy, France, Poland, Portugal, UK and Sweden
<i>Focus areas</i>	Mobility and legal migration; promotion of border management, prevention and combating of irregular migration; migration and development; and international protection	Mobility legal migration and integration; preventing and combating illegal migration, people smuggling and border management; migration and development; and international protection	Regular migration and integration; fight against irregular migration, fight against human trafficking, readmission, securing of identity documents and border control; migration and development; and asylum with international protection
<i>Human rights and Human Trafficking</i>	Human rights (HR) to underpin approach/ combating of human trafficking (HT) and people smuggling prioritised	HR to underpin approach/ combating of human trafficking and people smuggling prioritised/ Explicit attention placed on victims of HT	HR to underpin approach/ combating of human trafficking and people smuggling prioritised/ Explicit attention placed on victims of HT/ Combating of falsification of identity/ Combating of corruption
<i>Regular migration</i>	Allusion made to ease of visas and use of waiver of administration fees and, for more multiple-entry visas	Allusion made to ease of visas and use of waiver of administration fees for some categories and, for more multiple-entry visas/ Linking employment offices of the signatories/ Cooperation in mutual recognition of qualifications	Allusion made to ease of visas and use of waiver of administration fees, for more multiple-entry visas/ Cooperation in mutual recognition of certificates/ Temporary and circular migration will be encouraged/ Easing integration of Tunisian skilled workers in the EU signatory states
<i>Readmission/ return</i>	Incorporation of return measures including reintegration into job markets in source countries/Inclusion of readmission agreements	Incorporation of return measures including reintegration into job markets in source countries/Return policies to be based on fundamental HR/ Inclusion of readmission agreements	Incorporation of return measures including reintegration into job markets in source countries/Support foreseen for socio-economic reintegration for voluntary returnees/Inclusion of readmission agreements to be concluded in parallel with a deal on visa facilitation/

<i>Migration and development/ remittances</i>	Migration recognised as potential tool for development/ Avenues to be sought to maximize potential contribution of nationals living abroad to support local development	Migration recognised as potential tool for development/ Avenues to be sought to maximize potential contribution of nationals living abroad to support local development/ Steps to be explored to make sending remittances cheaper	Migration recognised as potential tool for development/ Avenues to be sought to maximize potential contribution of nationals living abroad to support local development/ Importance of policy coherence including gender issues underscored/ Steps to be explored to make sending remittances cheaper
<i>Border management</i>	Cooperation to be enhanced on border management to better address irregular migration	Cooperation including information exchange to be enhanced on border management to better address irregular migration	Cooperation to be enhanced on border management to better address irregular migration
<i>Recognised migration role of the country</i>	Recognised as major refugee hosting nation	Recognised as source, transit and increasingly a destination country	Regarded a vital transit country
<i>Root causes clauses</i>	Poverty and socio-economic imbalances	Poverty and socio-economic imbalances	Not made explicit
<i>Inclusivity and combating xenophobia</i>	Policies to be promoted to foster cultural exchanges aimed at combating xenophobia	Policies to be promoted to foster cultural exchanges aimed at combating xenophobia/ Vital role in this respect foreseen for Moroccan associations in host states	Policies to be promoted to foster cultural exchanges aimed at combating xenophobia
<i>Implementation</i>	EU MSs, relevant EU agencies, Jordan, Working Party on Social Affairs	EU MSs, relevant EU agencies, Morocco as a function of its means, Working Party on Social Affairs	EU MSs, relevant unnamed EU agencies, Tunisia, and the Mixed Committee (<i>Comité mixte</i>) to decipher the projects and implementation horizons/ road map (<i>tableau de bord</i>) for different phases
<i>Allusion to international law (IL)</i>	Reference not made to key IL treaties such as UN Geneva Convention of 1951	References made to key IL treaties such as UN Geneva Convention of 1951, UN Convention on the Rights of the Child 1989	References made to key IL treaties such as UN Geneva Convention of 1951, and full adherence to the IL principle of non-refoulement

4. What is the good news?

The EU's MPs for the countries studied have some useful elements, but also have significant flaws. The limitations should not cloud the few positive aspects of the EU's approach of using MPs. The first is that compared to other regional entities the EU is making a visible effort. Through the MPs it recognizes that the Southern Mediterranean is undergoing a serious and challenging period in terms of socio-political reforms. The MPs are a visible way of responding institutionally to these developments. When compared to other regional organisations such as the African Union, the League of Arab States, the Organisation for Islamic Cooperation (OIC) or the even more moribund Arab Maghreb Union, it can be argued that when juxtaposed with other entities the EU has been more active through its MPs in engaging its Southern neighbors deal with the problems generated by massive inflows of immigrants into the EU.

Second one can also allude to the various funds and projects that have been put in place by the EU to ensure that its migration policies are more effective and more coherent with its development policy goals. Funds such as the Integration Fund, the Return Fund, the European Refugee Fund and the European Border Fund are a few examples of the financing tools to ensure a more constructive linkage between migration and development outcomes. Through the various MPs and other partnerships on circular migration, efforts are made to ensure that migration oriented initiatives are beneficial for some of the sending states. Coherence was at the very heart of the first EU Global Approach to Migration.¹⁰⁰

Finally the MPs could be regarded as part of a broader response strategy that demonstrates a semblance of attention to the problems generated by migration through the Mediterranean. In recent months the numbers of people arriving in the shores of Southern Europe from war torn countries have overwhelmed response capacities. With the rise of anti-immigrant sentiments it is useful to turn to the positive segments of the MPs to highlight some of the promises and pledges that the Union has made with respect to protecting the human rights, dignity and lives of migrants.

¹⁰⁰ Commission of the EU (CEU), *Strengthening the global approach to migration: Increasing coordination, coherence and synergies*, COM(2008) 611 final, Brussels, 8.10.2008, at pp. 3, 7 and 8. This is also reflected in the Communication on migration in 2011: Commission of the EU (CEU), *Communication on migration*, COM(2011) 248 final, Brussels, 4.5.2011, p.3.

5. What is the cause for concern?

That being said, there are also many problems with the approach of using the MPs as the EU has been doing for its Mediterranean partners and Jordan since 2011. First these declarations appear to be nice words lacking any teeth. Indeed all the MPs make clear that they are not binding under international law. Also the fact that not up to half of the EU MSs have signed up to any of the MPs treated is revealing of the lack of dedication and commitment by a large part of Union to the issues generated by migration across the Mediterranean. One may even question whether there is actually an "EU" policy as exposed in the MPs, which all reflect tactful use the words "signatories" as a blanket term to veil the absence of an EU wide backing for the partnership. This partly unmasks some of the underlying selfish Member State positions surrounding issues of migration.

Second the MPs betray the fact that there has not been serious strategic thinking on the demographic and social dynamic changes in the region. The role of malign networks in recruiting the massive numbers of youths drowned in state sponsored hopelessness is completely neglected. It is deeply disappointing that the MPs have instead been a missed opportunity which the EU and these countries could otherwise have used to directly speak to the needs and concerns of a fundamental demographic cohort (youths) whose frustrations span borders and are now being exploited and tapped into by deviant and perverse transnational (radical/ Islamic) criminal syndicates.

The third stricture of the MPs is that underneath the high sounding verbiage about cooperation, exchange, inclusivity and migration/development linkages is a highly securitised focus on border control/management and readmission/return. The MPs are all too security oriented. The general trend that can be deciphered is a commitment to ensure that potential immigrants, especially those from third states, are stopped in the Maghreb. This is unfortunate as the EU is basically turning these countries into servicing states that only have to pre-occupy themselves with buffering migration pressures which Europe would otherwise have to handle alone. To be fair, when one examines the pressures brought to bear on small islands such as Lampedusa by massive inflow of "allochtones" and "aliens" it can be understandable why the security approach is often preferred. In 2014 the European Parliament expressed a deep resolve to continue in this regard advising that EU MSs: "Should consider the possibility of swift processing in collaboration with third countries of transit and origin and of return for those who do not qualify for asylum and protection in the EU, ensuring that resources are best utilised for those who require protection; stresses the need to encourage voluntary return policies

..."¹⁰¹ But this approach is only a band aid. It has been used for many years and has largely failed to stem the numbers of migrants making the daring journeys to Europe.

The above is linked to the fourth problem: that of incoherence. The MPs treat migration as if it is a stand-alone policy realm. In fairness, references are made to migration and development and (timid ones) to the importance of policy coherence in the area of migration. But the MPs fail to elucidate how the EU's policies and actions of certain Member States in arms sales, unfair trade, and destructive fisheries policies have helped to obliterate the livelihoods of many in the South especially in West Africa who then find no alternatives but to migrate to Europe.

Finally, through the MPs the EU has failed to deeply and deliberately engage the partner countries at a deeper level on what really affects them individually. A closer reading of all the texts exposes a boilerplate approach of one size fits all. It appears that a standard template and matrix was used to then funnel respective themes for the countries without a deep and strategic engagement with the specific burdens and realities of each of the countries in their specific zonal/ regional contexts.

6. What to do?

Recent images of numbered coffins of young migrants being pulled from the Mediterranean are a reminder that policy omissions and excesses in Brussels and other European capitals have cardinal consequences on the lives of real people farther afield. The MPs for the three countries studied do not appropriately reflect the urgency of this problem that dates over decades. Suggestions for reforming the MPs are particularly appropriate especially as the EU engineers an Agenda for Migration. Some proposals to consider are the following.

First, fortress Europe will not work. The idea pushed from the Far Right and also the Far Left that Europe can maximize the gains of globalisation and shift the costs to the South is a fluke. The other extreme of free for all bonanzas where access to Europe is guaranteed all those desirous is also a mirage. Open but proportionately regulated borders are the way to go. Priority should be placed first on the citizens coming from countries in total collapse and especially on citizens from those countries whose political demise the EU had a hand in, including Libya and Iraq. Riparian islands off Italy and Spain should be used as processing zones for asylum applications in line with a recent

¹⁰¹ European Parliament resolution on the situation in the Mediterranean and the need for a holistic EU approach to migration (2014/2907(RSP)), 17 December 2014, at paragraph 9.

suggestion of Italy's PM Matteo Renzi of creating asylum processing centers in some African countries.¹⁰²

Second, the EU should share the burden duly within its borders. Again it is deeply unfair that within the EU the principle of non-refoulement can be used by some Northern European countries as a stick to whip Southern European and Mediterranean receiving states like Greece, Italy and Spain. The Dublin III rules and the 2001 Directive on partitioning the burden of landing asylum seekers should be fully updated and activated as suggested by the EP.

Third and beyond the EU direct support should be directed to countries such as Lebanon, Jordan, Turkey, Algeria, Tunisia and Egypt that have had to grapple with serious inflows of immigrants who in turn seek to move to the EU. In some countries in SSA the EU should specifically encourage leaders there to adopt nationality laws that will facilitate return. It is vital that countries bereft of rules allowing for dual or multiple nationalities be persuaded to see the investment and development benefits that returning migrants bring to their countries of origin. The EU should use its cooperation with the African Union on Migration, Mobility and Employment to encourage African leaders in this regard. There are many Africans living outside Africa keen to return, to share their acquired knowledge, to use their skills and to create opportunities and jobs for their countries but are constrained by the limiting nationality laws of some of the countries.

Fourth, the EU needs a coherent and credible strategy that is comprehensive but sensitive to specific country realities. As recognised by the EU Council itself, the Rabat Process could be used as a platform on which to build such a robust and long term strategy for the Southern Mediterranean countries.¹⁰³ The Khartoum Process or EU-Horn of Africa Migration Route Initiative is also relevant.¹⁰⁴ The strategy needs to improve, or fix policy incoherence weaknesses already identified. What is the strategic personality of the EU *par rapport* the Mediterranean and what is the strategic personality of these Mediterranean nations *vis-à-vis* the EU? These deeper questions will allow for a more in depth reflection on the broader yet sophisticated priorities for action.

Fifth, the EU is advised to deal head-on with governance challenges in Libya and Syria and also in SSA countries such as Eritrea and Somalia. Libya for one is a very problematic case mindful that between 500,000 and 1 million people are currently there

¹⁰² Frank La Rue, Migration: Europe's Wake up call, *EU Observer*, 29 April 2015.

¹⁰³ See Preban Aamann (European Council President spokesperson), Special meeting of the European Council, Statement, 23 April 2015, at para. 3(f).

¹⁰⁴ International Organisation for Migration (IOM), Khartoum Process meeting agrees concrete action is needed to save lives in the Mediterranean Sea, *IOM*, 1 May 2015.

with plans to transit to the EU as revealed by Frontex' director Fabrice Leggeri.¹⁰⁵ Without a fundamental change in the governance posture of these source countries the EU will have to deal with these problems in the form of immigrants. The inter-connected world in which we live entails that what happens in distant zones of insecurity matters locally. In fairness, reform of these countries cannot be the brief of the EU. It is the countries'. However the EU can facilitate the creation of conditions conducive for reform by backing change agents and resisting the urge to retain power in perpetuity by elite custodians of the state in these source countries. It is revealing that in recent efforts to address the crisis of migrants dying in the Mediterranean, PM Mark Rutte of the Netherlands was unequivocal stating that: "We also ask that Africa, the source of the problem, also collectively takes up its responsibility ... Last time I checked Libya was in Africa, not Europe."¹⁰⁶

Sixth, it is useful for the EU to confront people smuggling networks with benign networks of Mediterranean champions developed from the circles of hopeful youths: entrepreneurs, university students, activists, young politicians, among others. The EU is best placed to engineer such transnational networks in the Southern Mediterranean that will counter the narrative and discourses of desolation that has marked the lives of many young people exposed to the whims of the architects of malign networks.

Finally, all these worthy recommendations for concrete action in the external dimension must be underpinned by a coherent common EU migration policy.¹⁰⁷ Having such an extensive irregular migration and border management policy is worthless without a real common EU migration policy. Steps forward on harmonising conditions for entry and residence have been made, but they will not have an impact on the lives of those drowning in the Mediterranean, and the EU is still far away from a common policy in this field. How can the EU dialogue with partner countries properly when it is impossible to project its own unified internal policy?

¹⁰⁵ Economist, Refugees in the Mediterranean: The worst yet? *The Economist*, 19 April 2015.

¹⁰⁶ Lime Cook and Raf Casert, EU to send aid, boost patrols in Mediterranean following migrant tragedy, *The Star*, 23 April 2015.

¹⁰⁷ Anna Terron i Cusi, Commentary, European Council on Foreign Relations, 13th May 2015
http://www.ecfr.eu/article/commentary_migration_and_the_mediterranean3023

7. Conclusions

What do all the partnerships and policy talk mean? Until these nicely written words can have concrete effects on the lives of young people such as John, the Mediterranean will continue to gulp daring young human beings the sole crime of which is to seek a better life for themselves and their families. The MPs that were crafted after the Arab Spring could have served as an opportunity for the EU to engage its Southern Mediterranean partners in a holistic and constructive way. Instead a reading of the texts of the MPs reveals that these are once more hortatory declarations and best endeavor commitments with no teeth to make the ambitions therein (in themselves modest) fly. There are useful aspects in these texts which should be applauded, such as the entrenched commitment to use a human rights based approach to migration. Yet the MPs are all crafted as if the EU signatories and the respective countries were living in isolated mental islands delinked from the broader contexts of what drives the migration patterns the EU now has to grapple with.

At the nucleus of this report has been a simple query: what can be reformed pertaining to EU's MPs such as the ones for Jordan, Morocco and Tunisia that can speak to the kinds of challenges faced by the likes of John in their dangerous expeditions to flee despondency through the Mediterranean into Europe? The ineluctable conclusion is that these partnerships are almost futile in addressing the lot of migrants daring to traverse the Mediterranean in search for a better life in Europe. The partnerships mainly calcify the medieval perceptions in Europe of Africans and other source country citizens as beggars escaping from realities utterly disconnected from Europe. New ideas are needed to approach migration challenges in a more effective manner. Some of the ideas have been considered in the foregoing analysis.

