

# Europe contending with the challenges of the migratory crisis

*Conference organised under the high patronage of Mr Gérard LARCHER, initiated by Mr François-Noël BUFFET, Vice-Chairman of the Commission on Legislation*

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## Message from the President of the Senate

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In a short video, Gérard LARCHER sends the following greeting:

*“Presidents, Ministers, Parliamentarians, Ambassadors, Directors, Admiral, Ladies and Gentlemen,*

*I am very sorry not to be with you today at the Senate to take part in this colloquium on the subject of the challenges of the migratory crisis.*

*I would firstly like to salute my colleague François-Noël Buffet, Vice-President of the Commission on Legislation, who initiated this conference. He is one of the best experts on this subject within the assembly and he has my complete confidence to conduct the work, which will be undertaken in this conference today.*

*I would also like to give a warm welcome to Jean Bizet who is President of the Commission on European Affairs, as well as to Jacques Legendre and Gaëtan Gorce, who are co-rapporteurs on the report on Europe contending with the migratory challenge and who agreed to be ‘moderators’ of the two round tables this morning.*

*I would also like to thank all the speakers who, through their expertise and their operational experience, will be able to shed particular light, far removed from the frequently-heard clichés, into the realities of this migratory crisis that is sweeping through Europe.*

*As you are aware, since 2015 Europe has been contending with a migratory crisis the scale of which is unprecedented in recent history. Last year, over one million people arrived illegally in Europe, mainly in Greece and in Italy.*

*Today the migratory flows are not quite the same: there are undoubtedly fewer migrants who are fleeing the fighting in Syria and in Iraq than there are migrants trying to flee extreme poverty and misery, coming from sub-Saharan Africa or from the outer limits of Afghanistan.*

*Together with François-Noël Buffet, last March we went to Lampedusa where we witnessed the reality of this crisis, which is first and foremost a human tragedy and which the Italian authorities and the humanitarian organisations (FrontEx) are facing with professionalism and a great deal of courage. We are all thinking of the terrible death toll of the people who have lost their lives on boats in the Mediterranean: over 10,000 people have drowned in the past two years.*

*The European Union has made very bold decisions, trying to reconcile tackling the crisis humanely with requirements concerning safety and regulation of migratory flow and trying to preserve European solidarity, with somewhat varied results.*

*We have to gain a sharper awareness of the root causes of migratory flow and how they are developing. We have to look at the measures that are taken and try to understand their strengths and weaknesses and to pinpoint what can be improved. We need to suggest new directions to take so that the appropriate decisions are made.*

*Such is the ambition behind this conference.*

*Finally, I would like to underline the importance of listening to our fellow citizens and locally elected representatives. Nothing would be possible without dialogue and consultation.*

*Thank you and let me wish you excellent debate. I look forward to hearing the results of your proceedings. ”*

# Welcome note

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François-Noël BUFFET

*Vice-President of the Commission on Legislation*

“Presidents, Ministers, Parliamentarians, Ambassadors, Directors, Admiral, Ladies and Gentlemen, I am delighted to welcome you to this conference. I would like to thank the President of the Senate, Gérard Larcher, for having given us his patronage. I would also like to thank Jean Bizet who is President of the Commission on European Affairs, as well as Jacques Legendre and Gaëtan Gorce who are co-rapporteurs on the report on Europe contending with the migratory challenge and who agreed to be ‘moderators’ of the two round tables this morning. Finally, I would like to give particular thanks to the ambassadors, NGO representatives, officers and researchers who have agreed to speak at this morning’s conference, some have come from Germany, Italy and Poland.

Last year, 1.2 million people arrived in Europe, mainly in Greece and in Italy. The flow of migrants is not quite the same today. Some are fleeing fighting. Others are trying to flee extreme poverty and misery. During my visits to Calais, Lampedusa or Lesbos, I have been able to measure the extent of this crisis which is first and foremost a human tragedy.

Giovanni Salvi and Dr Pietro Bartolo will bear witness to what I have seen personally. In Lampedusa we were able to engage in extensive dialogue with representatives of charity organisations. I would like to say how impressed we were by the professionalism of the Italian authorities and of European organisations such as FrontEx.

This crisis questions our fundamental values and creates reactions of rejection in many European countries. You simply need to look at the electoral results of the past months in Austria, Germany and more recently those of the referendum in Hungary. We are not trying to moralise but to listen to our fellow citizens, who see in these migratory flows a crisis on top of the crisis they are experiencing already.

This crisis cannot be tackled with demagogy. We need to demonstrate that we can deal humanely with this exceptional crisis. For the time being, Europe has reacted in emergency circumstances, presenting often disparate solutions. It is time to adopt concrete actions. We need to continue to give FrontEx the means to act, notably by allowing it to access the Schengen information system. The European Commission’s proposal, which will make it possible to set up a European system of border guards and coast guards are recommendations that are obviously going in the right direction.

We need to react also at sea using operation Sophia to save migrant’s lives but also fight the human traffickers who use these migrants as merchandise. We also need to set up systematic controls of entry and exit from the Schengen area. We need to look for more harmonisation on a European level and develop a genuine common policy on asylum. Do we need to change the rules governing the right to asylum? This is also a question for debate.

Finally, we need to strengthen cooperation with the countries of origin and the countries of transit, this seems essential. Today, the European Union has only concluded 17 readmission agreements.

We are at a crossroads. Either the European governments show they are determined and have a real capacity to provide a solution to the migratory crisis or we risk facing a governmental crisis throughout Europe.

# Introduction

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Michèle TRIBALAT  
*Demographer*

Thank you for inviting me to open this conference, I will endeavour to do so by giving you a framework for your future discussions that will take place throughout the morning.

The massive irregular migration that Europe is experiencing is not all recorded in the statistics. Even when asylum applications are made in France, the French Ministry of the Interior only counts those who have obtained a resident's permit.

The number of first-time asylum seekers has exploded, particularly since the 2nd half of 2015 and although the number has subsided, we are well above the monthly flow recorded 4 years previously, with, from January 2012 to January 2016, nearly 100,000 requests for asylum every month. Most of the asylum seekers are men and this proportion is increasing in correlation with the increase of migratory flows. The peak of the autumn 2015 was accompanied by an even bigger increase in male migrants.

The two countries in the European Union which have received more than their demographic weight are Germany and Sweden. During the first seven months of 2016, asylum seekers in Germany represented 56% to 66% of requests for asylum in the European Union, approximately four times the demographic weight of Germany. In Sweden, the peak appears to have been translated more quickly into requests for asylum. It is Hungary that, in relative terms, has received the largest number of asylum requests in 2015, the equivalent of 1.8% of its population. Italy is mostly a transit country and receives relatively few requests. Until April 2014, France received a fraction more asylum requests than its weight in the European Union, which no longer applies after this date.

The explosion of the number of unaccompanied minors must also be highlighted, reaching 96,500 in 2015. Here again it is Germany and Sweden that were the main recipients of this flow of unaccompanied minors. An enormous proportion are young teenagers aged from 14 to 17 and mainly those aged from 16 to 17.

Sweden excessively illustrates the importance of the number of unaccompanied minors representing 20% of asylum requests in 2016. 92% of unaccompanied minors requesting asylum were male, impacting the evolution of Sweden's sex ratio.

Recent migration has taken place in countries that have already experienced large-scale migration. If we count the people born outside the European Union, we end up with a histogram that highlights the fact that over 11% of the Swedish population was born outside the European Union. This proportion is 8.6% for France and 7.6% for Germany.

The migratory crisis occurs when numerous countries have already experienced significant migratory flows and a large part of the population are of foreign origin and not always well-integrated.

# First round table: Europe's reaction to the migratory crisis

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## *Round table participants:*

- **Mr Klaus BOUILLON**, Interior Minister for Saarland, President of the German Interior Ministers' Conference
- **Mr Fabrice LEGGERI**, Executive Director, FrontEx
- **Mr Giovanni SALVI**, Public Prosecutor in Rome, former Prosecutor of Catania
- **Doctor Pietro BARTOLO**, Health Director for the island of Lampedusa (video)
- **His Excellency Mr Georges KAROLYI**, Hungarian Ambassador to France
- Rear Admiral **Gilles HUMEAU**, Deputy commander for the Mediterranean maritime zone
- **Mr Ralf GRUENERT**, representative of the High Commissioner for Refugees in Paris.

*The round table is moderated by Jean BIZET.*

## **Jean BIZET**

I am extremely pleased to moderate this first round table. The question being asked (Europe's reaction to the migratory crisis) is a very topical one and a daily concern for the Commission of European Affairs at the Senate.

The instruments that are available to the European Union today mainly relate to FrontEx and the director of this agency will elaborate on their current situation. Meanwhile, a new agency has been created, which will be given a budget of over 320 million euro by 2020 and a workforce of 1,500 people in times of acute crisis.

Moreover, the risk of division that is arising at the heart of the European Union should not be ignored. The Hungarian Ambassador, in particular, will be able to enlighten us on this aspect.

The European Union is custodian to universal values and the migratory crisis is disrupting a certain number of these values. We need to be extremely careful not to fall victim to populist and simplistic movements.

Finally, it should be observed that the Union for the Mediterranean Region, aimed at making commitments in the countries forming the southern border of the Mediterranean, has not delivered on all of its promises. Perhaps we would not be here if this structure had been able to fulfil these commitments in accordance with the mandate laid out at its inception.

Mr Bouillon, can you give us your initial thoughts on this subject, which is of great concern to our fellow citizens, in Germany as in France?

## **Klaus BOUILLON**

A year ago Germany suffered a shock: in four months, we took in more than 500,000 migrants. This has greatly disrupted our little Saarland, especially, and the political landscape of the country has changed. The extreme right has progressed by 15% or 16% and keeps gaining ground.

The German Republic got things under control in two or three months. All the reception centres in Länder are connected and digital fingerprinting of migrants is now systematic. Certainly, some practical issues remain, thus far around 400,000 people are not yet registered. In terms of registration, we are confident that the situation will be resolved in the space of three or four months. We naturally hope that all the Member States fulfil their

commitments and that a fair distribution mechanism emerges on a Union level, failing this Europe will fail to tackle the challenge of the migratory crisis. The discontent of the German population stems essentially from the acknowledgement that not all countries are playing their part in responding to this challenge, thus providing a breeding ground for the far right.

We have established that, in practice, a large number of migrants dispose of their passports. There is a particularly significant number of Syrian migrants in Saarland, to such an extent that this origin has come to account for almost all the migrants arriving in our territory, even if it is often difficult to determine their nationality. We have signed agreements with Morocco and Afghanistan but we need all the force of Europe to conclude readmission agreements and to rebuild villages struck by poverty, whose inhabitants come increasingly to Europe despite the walls we build to dissuade them. The European Union needs to therefore take control and the term union, which is, after all, the spirit of Europe, needs to find its concrete meaning.

### **Jean BIZET**

Thank you for this contribution. Without wanting to cause friction in the debate, I do point out that when we saw the Chancellor rapidly welcoming large numbers of citizens, we would have liked to see increased consultation between members of the Union in order to adopt a more collaborative policy.

I give the floor to the Hungarian Ambassador to France.

### **His Excellency Mr Georges KAROLYI**

The Hungarian referendum, which the President mentioned in his introduction, is the result of a process that began last year. It provides an excellent pretext for explaining Hungary's attitude faced with the problem, which concerns us today. Let us say straight away that the assertion that the referendum was declared invalid is only a half-truth. It was indeed invalid from a legal stand-point since the referendum did not attract 50% of the voters, 44% was the registered turnout. However, in this specific case, the concept of quorum is meaningless as the question raised was not normative but rather consultative. To conclude that the referendum was not valid and a failure of consultation, appears to me to be a little hasty.

On 22 September, 2015, the EU Council of Ministers for Justice and Home Affairs ruled on the measure for mandatory quotas. This system is frequently portrayed as the accomplishment of the principle of European solidarity. I would like to focus on this highly significant concept, which should not be taken lightly. I am extremely interested in a document emanating from the EU Council of Ministers for Justice and Home Affairs, dating from 2012, which defines what is meant by European solidarity with respect to migration. With regard to the prospective flow of migrants, one word that keeps coming back is 'voluntary'. The Commission is called upon to design procedures resulting in the possible distribution of migrants arriving in Europe on a voluntary basis.

This concept of voluntary participation was confirmed in June 2015 by the European Council of Heads of State and Government, which asked the Commission to draw up a refugee allocation system promoting distribution on a voluntary basis. During the three months of summer, through a curious transformation, the word 'voluntary' has been replaced by 'mandatory'. In September when asked to vote on the text proposed by the Commission, the Council of Ministers for Justice found that it did not comply with the Commission's mandate. The Luxembourg Presidency has nevertheless insisted on adopting the text and that in the absence of unanimity, it should be put to a vote. The text was subsequently adopted by a qualified majority.

We believe that this was not in accordance with the EU Commission's mandate and this is why we have raised this anomaly (with a view to the annulment of the decision) before the Court of Justice of the European Union.



The Hungarian referendum was instigated by this issue and Hungary's position is one of principle. I would like to dream for a second. Imagine what would have happened on 22 September, 2015 if the European Commission had put before the Council of Ministers a project consistent with its mandate, namely had we been called to vote on a text based on the principle of the distribution of migrants on a voluntary basis. We would very likely have adopted it and together agreed on a more consensual procedure, which would, moreover, have accounted for the opinion of the migrants themselves, who are often determined to go to a specific country and not another. We believe that each State should freely determine who to accept on its territory.

### **Jean BIZET**

Thank you, Mr Ambassador, for having given us this important interpretation and the key to understanding your country's position on this recent matter.

Let me welcome now Mr Giovanni Salvi who is the former Prosecutor of Catania and incumbent Procurator General of Rome.

### **Giovanni SALVI**

Italy is fully committed to rescuing migrants at sea and as part of this commitment it is our duty to pursue and prosecute human traffickers. We have obtained crucial results in convicting hundreds of traffickers, some of whom are high in the smuggling 'chain'. The tools we use to conduct our investigations have been perfected in our fight against the mafia and we have been very effective in convincing witnesses to testify in court. We have created working groups made up of operational actors and we use the testimony of migrants on the boats to compile files against the smugglers.

We have also worked on new migrant channels, which have gradually moved away from Libya in favour of bypassing the Lebanon, Egypt and eastern Sicily, covering longer distances and ultimately causing more and more drownings. Consequently, we have had to develop our operational procedure based on the United Nations convention against smuggling and human trafficking, in addition to the Palermo and London conventions on rescuing people at sea. We also have powers vested by other international conventions.

This was insufficient and we have had to define common criteria in order to link these international conventions with our judicial procedures on a national level. We were able to thus invoke the protocol of deliberate endangerment of people with a view to provoking their rescue by other services and thus enabling their transfer to land. This approach was approved by the Italian supreme court.

Our efforts have not been in vain but the work that is soon to begin in an effort to improve and better adapt the UN Palermo convention to these unfolding situations will be crucial. As shown by recent incidents such as the refusal to extradite three important members of criminal organisations directly responsible for the death of around 1,000 people. Egypt refused their extradition on the grounds that Egyptian legislation does not provide for extradition of Egyptian nationals for these crimes.

A major problem we have concerning operation EUNAVFOR Med involves the limitations of the fields of application pertaining to national jurisdictions. Why should Italians be authorised to judge crimes committed at sea? Each time we have rescued people at sea, a connection has been identified between the conduct of those people at sea and Italian jurisdiction, because the people who are being rescued have directly asked for our help. This connection provides us with a critical legal basis which grounds our jurisdiction. When this link is no longer there, notably when we go to borders with Libya to save migrants, we should be able to act in virtue of the national flag of the 'rescue' boat. We have a legal obligation to rescue these people but this is not an Italian problem, it is a European problem.

**Jean BIZET**

May I suggest that we now watch the video to witness the daily experiences of Dr Pietro Bartolo, the Health Director of Lampedusa.

*A film is projected for approximately ten minutes. Doctor Pietro Bartolo, Health Director on the island of Lampedusa, gives testimony through different personal experiences, of the human drama which is affecting the men, women and children boarding these boats in an effort to get to Europe from the African continent. He describes namely the severe burns resulting from the gasoline which swills on the bottom of the boats (where the women are always put) because of the need to constantly fill the boat's tank. When this petrol mixes with the sea water, soaking into people's clothes, it frequently provokes fatal injuries and leaves a lot of people disfigured or with wounds covering most of their body. These people are then transported to the hospital in Palermo where they are treated.*

**Jean BIZET**

Admiral Humeau, what is your analysis and perception of these topics?

**Rear-Admiral Gilles HUMEAU**

Migration has always existed in the Mediterranean. The new phenomenon resides, at least from a military perspective, in the explosion of the figures since 2014. Today two main routes are used, the eastern route via the Balkans and the central route leaving Libya mainly for Italy. This year we are observing the resurgence, to a lesser degree, of a route departing from Egypt and arriving in Sicily.

The physiognomy of the central migratory flow (from Libya towards Turkey) has changed very little. It differs from the flow arriving from the Balkans, if only in terms of the nationality of the people recorded by FrontEx. They are mainly people coming from sub-Saharan Africa, from Somalia to Senegal.

From a military standpoint, the current migratory explosion constitutes a new episode of intensified illicit trafficking in the Mediterranean. Traffickers adapt at an extraordinary pace. Human trafficking is very likely linked to other trafficking affecting the Mediterranean, namely drug trafficking, arms trafficking and perhaps trafficking of oil supplies. This trafficking represents a major security threat to the European Union.

The European Union reacted extremely quickly. In less than one month, in 2015, we had a naval force capable of taking action, this represents an extremely short time frame for these kind of resources. However, today operation Sophia is severely hindered by Libya's stagnant political situation and the persistent lack of progress on the ten-point European plan that had been adopted when operation Sophia was launched in May 2015.

The weakness of the European Union is mainly linked to the lack of international legal agreements, also within the European Union. From a practical standpoint, if a French ship collects migrants in the Mediterranean, we strive to position ourselves in accordance with the intervention of FrontEx, in the absence of a legal arsenal allowing us to intervene in a different framework.

In this respect the law today is a hindrance when it should be a help. We still have a lot of work to do in order to reconcile the resolute action of the European Union and its Member States towards the emergence of a more practical form of law.

On land, we need to involve the States of departing migrants and migrant boats heading for Europe. It is therefore a priority for us all to move forward on the European Union's ten-point plan, for which so far there has undoubtedly been too much focus on operation Sophia.

Without the legitimate consent of the departure countries, international naval and military operations are essentially limited to the high seas, where we rescue people in distress, and not migrants.



It is clearly necessary to revisit and adapt the Montego Bay convention, which dates from 1982, in order to recognise, on an international scale, the status of a migrant and the potential tools for action concerning them.

### **Jean BIZET**

Thank you very much Admiral “The law is a hindrance when it should be a help”. There is no question that we will remember this message. We must also adapt political times to times of human tragedy occurring on the shores of the Mediterranean.

I am now going to give the floor to the representative of the High Commissioner for Refugees in France.

### **Ralf GRUENERT**

I would like to underline that in 2015, the majority of migrants were actually refugees coming from countries like Afghanistan, Somalia or other war-torn countries. These refugees need our protection and it is Europe’s duty to protect them. Let us remember that the Geneva Convention was established in Europe in the 20th century.

Advances in communication and globalisation have brought many parts of the world significantly closer together (decreasing transport time) and reconciled aspirations, which tend towards uniformity. Within this landscape operates the trafficking industry, today worth around 7 billion euro, whereas the States appear to be increasingly vulnerable (particularly in Africa). Today’s question concerns the management of migratory flows and the answer is certainly not to be found in the uncoordinated response proffered by an inadequately prepared Europe last year.

Europe showed itself to be divided and incapable of proposing a coordinated action plan. Common references are beginning to emerge. We need to go further and share responsibilities on a regional, national and international level. Governments have a role to play in that regard.

The High Commission of Refugees has a double mandate to protect refugees and to support entities in finding solutions. We have recently underlined the importance of the Geneva Convention and have begun to implement the work of allocating responsibilities (applying the duty of solidarity) on the continent.

### **Jean BIZET**

Let us now hear what the executive director of FrontEx has to say. The agency has recently been redefined.

### **Fabrice LEGGERI**

FrontEx still exists but has become the European Border and Coast Guard Agency. 2015 was marked by an asylum crisis, stemming from weaknesses in the asylum system and certainly from a lack of coordination in asylum policies within the European Union, while the surrounding geopolitical context introduced challenges of massive flows of migrants. 2015 was also characterised by a security crisis. Terrorist attacks in France, Belgium, Denmark raised the issue of Europe’s security at external borders.

Europe reacted quickly and continues to do so. The budget was the first issue to be tackled. In April 2015 FrontEx’s operational budget was multiplied by three, which, to my knowledge was unheard of. The funds were indeed provided and we were able to immediately triple the size of our operations in the Mediterranean, in Italy but also in Greece.

We have for example deployed over 3,500 experts, representing a total of 127,000 days of work, primarily in Italy then in Greece.

On a proposal by the European Commission, the European Union also set up '*hot spots*', facilitating operational cooperation. Other EU agencies also set up in the field, namely the European Police Office (Europol).

If the response was a little slow, it is not so much that of the EU but that of the Member States. Greece saw the number of irregular border crossings multiply by eighteen in the space of two months at a time when the country itself was in the process of leaving the eurozone. The European Union was thus confronted with a major crisis and was able to respond.

Since the beginning of 2016 we have observed, on an EU scale, a 50% decrease in irregular border crossings compared to 2015, with 442,000 irregular entries at an annual rate. Flows originating in Turkey were reduced by 97%. This is due partly to the agreement drawn up between the European Union and Turkey but also partly to a change in biases of the Republic of Macedonia, which closed its border, after having left it open for a long time, encouraging passage towards Germany.

In the western Mediterranean, since the beginning of the year, Syrians constitute the greatest number of refugees, followed by Afghans then Iraqis and, to a lesser extent, Pakistanis. In the central Mediterranean, nearly all refugees are African (coming from Nigeria, Eritrea, Sudan, Senegal, Mali...) In total, 60% of the migrants who arrive in Italy are the result of an irregular immigration issue and not an asylum issue. As such, these people must be repatriated. FrontEx provides support to Member States in order to efficiently repatriate refugees who are not destined for asylum in Europe.

The agency has organised 156 return flights to the benefit of the Member States since the beginning of the year, representing the return of around 7,500 irregular migrants. While this figure may appear modest, it should be recalled that there were only 65 flights in 2014. Above all, it should be borne in mind that the majority of these operations are implemented on a national level. If we take into account all of the irregular migrants sent back, the number reaches several hundreds of thousands.

The transformation of FrontEx into the European Border and Coast Guard Agency represents an extension of its mandate (which now provides for the vulnerability study, through which the agency can collect information on the operational capacities of the Member States in order to identify the corrective measures to be taken) and an affirmation of the increase in resources (320 million euro in 2017 compared with 250 million euro in 2016). It is also a way of making the agency more operational with regard to other actors.

With respect to the agency's investigative powers, we need to highlight the deployment by FrontEx, since February 2016, of Project PeDRA, which consists in collecting personal data from migrants in *hot spots* and subsequently sharing this information with the police and legal authorities. The mandate officially gives the agency a security mission in the fight against organised crime and terrorism, which will reinforce our ability to collect and share personal data.

### **Jean BIZET**

I now propose a short exchange with the audience.

### **Marie MARTIN, Euro-Mediterranean Network for Human Rights (EuroMed Rights)**

I would like to know if the people in these *hot spots*, whose personal data is collected, are informed of how this data is to be used.

### **Fabrice LEGGERI**

Everything is done with the authorisation of the European equivalent of the *CNIL*, namely the European Data Protection Supervisor.

**His Excellency Mr Georges KAROLYI**

The FrontEx budget was tripled as soon as the problem arose. Simultaneously, the UN World Food Programme saw its budget divided by three, which was instrumental in the departure of migrants from Turkey. Is there hope that the World Food Programme will recover its former budget?

**Ralf GRUENERT**

I am ready to support the potential project to fund a 'sister' agency to the UNHCR provided that the majority of refugees come from countries with borders with those engaged in conflict (for example Lebanon). I also believe we need to increase the World Food Programme's budget.

**His Excellency Mr Georges KAROLYI**

What instruments does FrontEx have at its disposal against the abuse of asylum procedures?

**Fabrice LEGGERI**

The European Border and Coast Guard Agency cannot judge if a request for asylum is justified or not. The Border Guard has a duty to indicate the available protection procedures to the individual who claims to be at risk. In such cases, we report the need for protection expressed by the individual to the national authorities.

**Jean BIZET**

This round table has enabled important courses of action or progress to be identified to address the challenges of the migratory crisis. It would appear that, in certain respects, changes in legislation are to be recommended, as much on a community level as a national one, by perhaps even considering to revisit the Montego Bay convention. The Franco-German alliance has, now more than ever, a very important mission to carry out, because it must remain the driving force of the European Union, while paying particular attention to countries such as Italy and Greece. I therefore express my wish for an even closer Franco-German cooperation. Finally, we would benefit from revisiting the European defence structure. Thank you everyone.

## Second round table: what responses/prospects in response to the migratory challenge in Europe?

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*Round table participants:*

- **Mr Jean-Louis BORLOO**, former minister, initiator of the 'Energies for Africa' project.
- **His Excellency Mr Ramón de MIGUEL EGEA**, Spanish Ambassador to France, former Secretary of State in charge of Foreign Policy and European Affairs
- **His Excellency Mr Bassirou SENE**, Senegalese Ambassador to France
- **Mr Pascal BRICE**, Managing Director of OFPRA
- **Mr Frédéric de SAINT-SERNIN**, Chief Operating Officer of Acted, former minister
- **Mr Jean-Christophe DUMONT**, Head of the International Migration Division of the OECD
- **Mr Gérard-François DUMONT**, Rector, Professor of Geography at the Sorbonne Paris V, Editor of the magazine 'Population et avenir'

*The round table is moderated by Jacques LEGENDRE and Gaëtan GORCE*

### **Jacques LEGENDRE**

In our recent report, 'Europe rising to the challenge of migrants, truly take action', we underline that the migratory problem, which existed before the exceptional episode of 2015, is clearly going to be ahead of us for at least a generation, given the various factors sustaining these flows. It is a global phenomenon. This round table will provide an opportunity to discuss the latest trend in migratory movements and how these are set to change, also from an asylum point of view, the task being to better anticipate these movements and to prepare for them in order to avoid large-scale movements of displaced people as well as the risks and tragedies associated with irregular immigration.

### **Gaëtan GORCE**

The mission that we carried out allowed us to observe that, while the migratory phenomenon was global, it still represented more or less 3% of the world population. However, the problems related to welcoming and integrating these migrants are likely to increase. We need to think about policies, which will allow to better align the management of our borders and perhaps think about more structured and substantive policies towards the host countries.

### **Jacques LEGENDRE**

To begin I would like to give the floor to Jean-Christophe Dumont so that he can shed some light on the foreseeable evolution of world migration and towards Europe.

### **Jean-Christophe DUMONT**

Migratory phenomena affect, as you highlighted, 3% of the world population, approximately 240 million international migrants in the world, half of whom are in OECD countries (representing 12% to 13% of their population). In 2015, 4.8 million people settled permanently in the OECD countries.

In France, we estimate the number of migrants to be 260,000, excluding students, about 0.4% of the French population, that is around two times less than the average of the OECD countries.

France recorded 80,000 asylum requests in 2015, over ten times less than Sweden, in proportion to its population. Sweden spent 6 billion euro on welcoming and integrating refugees, approximately 1.35% of its GDP.

While 2015 has been perceived as a crisis situation, what is also obvious is the great diversity of cases throughout Europe: for a number of countries, among them France, there is no crisis. What is also striking is the great diversity of countries of origin, which has not facilitated developing a consensus within the European Union. No one country and, moreover, no one continent can resolve crises of this magnitude. However, Europe has the experience and the ability to confront this crisis. Europe is paralysed by the challenge and it is cause for concern.

When it is well managed in the medium and long term, immigration is positive, at least from an economic perspective. Work conducted by the OECD, notably, shows that immigrants pay more in taxes and social contributions than they receive in individual benefits. Over the last decade, immigration has contributed to an increase in the European workforce by over 70%. It also represents 25% of entries into declining professions rejected by the young population for which labour shortages are emerging.

Immigration is diverse in terms of skill profiles. Nearly one third of immigrants have graduated from higher education and 15% of refugees, in Sweden, have university degrees.

These arguments are not heard by the population at large. We have noticed increasing levels of defiance vis-à-vis refugees and migratory issues in many OECD countries. Immigration is always presented as a threat and a problem to solve, rather than an opportunity.

We need to reconsider the economic impact of immigration, notably on a local level, and identify the winners and losers in order to compensate, where appropriate, the latter. This work remains to be done if we want to bridge the growing gap in public opinion.

The integration issue is also perceived as an example of failure. There are as many different cases as individual ones but I believe it is important to highlight successes concerning integration. The employment rate of recent immigrants coming from third countries in France is only 35%. Refugees are also skilled. 56% of them, in Europe, have entered the job market. However, it takes on average twenty years to see their employment rate converge with that of the average population.

Our migration policy is built and defined on a national level. There is a lack of capacity at the local and global level. These issues cannot be resolved without international cooperation. We also need to build a different relationship with the countries of origin. But it is also coordination, at a local level, with the communities hosting the migrants that is lacking, as it is essential to successful integration. Finally, we need to better anticipate the flows. In this regard, the instruments we have today are barely suitable: we must go from managing crises to preventing them, which, furthermore, could constitute a European agenda.

### **Gaëtan GORCE**

I would now like to invite the Spanish Ambassador to take the floor in order to share his country's experience, which has been in the front line in receiving migratory flows during several recent waves of migration.

### **His Excellency Mr Ramón de MIGUEL EGEA**

Spain has always been a country of transit and immigration. No other country has known a wave of migration like the one Spain experienced between 1996 and 2006: the Spanish population grew, in this ten-year interval, by 6 million people, which represented 15% of the population. The integration of this wave of immigration was a success. Faced

with the overall situation in Europe, Spain, however, needed to take action to reduce the flow of migrants coming to Europe.

Our experience was developed using tools that proved to be effective. These tools encompass not only border security but also other tools, which vary in nature. We have strengthened the human and logistical resources of our diplomatic corps in order to gain a better understanding of local issues and to better anticipate migratory flows. Development cooperation was also initiated where it did not yet exist, through significant contributions to multilateral development organisations.

We also concluded agreements aiming to establish legal channels of economic immigration to Spain, particularly in sectors in strong demand for low-skilled or seasonal workers (for example for seasonal fruit and vegetable harvesting). Agreements were signed with local governments (for example in Senegal) in order to allow joint patrols, along their coasts, using Spanish resources.

The most effective measure was undoubtedly the systematic repatriation of migrants having arrived in this way, particularly in the Canaries, near the coast of Morocco, which, for years, generated a significant flow of irregular immigration. These acts of repatriation have had an important dissuasive effect. There again, the active collaboration of the countries of origin of these migrants proved to be essential for the effective implementation of these operations. Agreements were concluded, providing for, in particular, the dispatch of missions to the Canaries in order to check the identity of migrants, who often take the precaution of destroying their identity papers. If we identified over 80,000 irregular migrants arriving in the Canaries in 2006, this figure fell to 4,000 in 2015.

The European Union has adopted measures which correspond to the policies upheld by Spain, underlining a necessity for a genuine European migration policy, which tackles the effects but also the causes of irregular migration (notably armed conflicts and radical terrorism). Spain has been able to contribute to the European reflection on these issues and has found a global approach, which must be based on five elements: prevention at the source, operational cooperation with the countries of origin, tackling networks of organised crime, border control and an effective repatriation policy. The Spanish experience, which has been successful, proves that a global approach can succeed.

### **Jacques LEGENDRE**

I would now like to give the floor to Mr Borloo

### **Jean-Louis BORLOO**

Let us talk no more of immigration. It is not at all commensurate with the matter. It will either be war and fascism in Europe, or peace and growth. This will become apparent in the next six to twelve months.

Fourteen kilometres from our coast we have a brother continent (close in terms of geography, culture, language) which is experiencing the biggest crisis that humankind has ever known in terms of its speed, violence and magnitude.

This demographic shock can be partly explained by the improvements in life expectancy. The African continent is also characterised by a great weakness in terms of access to energy, which is a requirement for access to human rights (health, food, peace, etc.), to such a degree that we can identify it as a new human right. The issue is not technical but political.

Humankind is also experiencing another event unique in its history: the world is connected through an instant communication system. African youth naturally heads to places of illumination, music, employment, etc., giving rise to a nomadic phenomenon, which will affect firstly the Arabic peninsula then Europe.

These young people come across all sorts of criminals who are appearing everywhere. Meanwhile, we are focusing on the issue of immigration coming from Syria. This is a one-



off problem in proportion to world movements. What we are witnessing today is man's reorganisation of space. As shown by the nomadic phenomenon.

Europe was built on foundations of peace, for peace and through energy. It is time to build a growth plan between Europe and Africa. I particularly salute the Senegalese Ambassador, as Macky Sall was at the forefront of this movement. The African Union has adjudicated, as has the Pan African Parliament. The latter has requested to meet with the president of the European Parliament. For eight months he received no answer. Moreover, in the past four years no European head of government nor head of State has attended the African Union Summit. I do not know what has happened. Still, a movement may be revived and could take shape. The French government supports this movement. It now needs to be driven forward.

### **Jacques LEGENDRE**

Following this passionate appeal, I would now like to give the floor to the Senegalese Ambassador, His Excellency Bassirou Sene.

### **His Excellency Mr Bassirou SENE**

I am particularly pleased and proud to be here in this legendary place of French democracy to talk about a subject that has always shaken humanity. Freedom of movement is part of our DNA and is inherent to human nature.

Does the fact that people are coming to Europe necessarily signal a crisis? To take an example, today, in Eritrea, the State has disappeared. Weapons are being produced by well-known multinationals and they are pouring onto the continent. Each time a conflict kicks off, these multinationals enter the fray and provide the different groups and factions with all the weapons they desire, in exchange for gold or twenty years' worth of oil. Moreover, if we do not examine the reasons why individuals are leaving Africa for Europe, the debate will be distorted. Migration will still exist. It goes hand in hand with the world's affairs and it hardly makes sense to talk about a crisis.

In Senegal, president Macky Sall has maintained his focus on full employment, by targeting two key vehicles: SME's and agriculture, with the objective of rice self-sufficiency for 2017, the latter having so much penalised our trade balance to date that it was heavily in deficit. We have two rivers and an extremely efficient water network, enabling us to move away from rain-fed production and evolve towards an irrigated and modernised agriculture.

We heard earlier that the FrontEx budget had tripled. Instead of barricading ourselves like this, we need to invest on the ground and take action so that individuals can and want to stay at home, in their country, in their region. If I can live and feed my family, why would I risk my life by trying to cross the water to Lampedusa. We have 30,000 hours of sunshine per year, beautiful beaches, etc., and Senegal has a population of only 14 million inhabitants.

### **Gaëtan GORCE**

I give the floor to Frédéric de Saint-Sernin, who is notably involved with ACTED in Calais.

### **Frédéric de SAINT-SERNIN**

There is a connection between ACTED and Senegal since we work in this country. We have been working, moreover, in France, in Calais, for only two years. While we are the second biggest French humanitarian organisation, ACTED is barely known as we are financed by the big international agencies (the UN, the EU, State agencies). It is what makes us distinct. We got involved in Calais upon request of the French authorities because we have in-depth knowledge of the communities in the countries we work in

(among which Syria, Afghanistan, Eritrea, etc.). We were first asked to identify these populations.

When the French government announced the operation to dismantle the jungle in Calais, the number of people in this site was over 5,000. Today we are talking about 7,500 or 8,000 inhabitants. Only 35 Syrians remain in this zone. The Syrians who arrived a year ago have left and current migration is very different.

ACTED's intervention on the ground has made it possible, alongside the authorities, to sanitise, in both senses of the term, a no-rights zone but also a zone worthy of our Republic. We worked in three different ways:

- by sanitising the area with the installation of water points and latrine facilities, as well as carrying out cleaning operations in the camp, with weekly refuse collection, in collaboration with local reinsertion associations and with the local communities;
- by communicating in order to explain to the inhabitants what was to become of the jungle and the CAO (reception and guidance centres) where they were to be referred;
- by acting as an interface to relay information between the authorities, associations and volunteers passing through the Calais jungle, given the misunderstandings, indeed conflicting messages that were able to circulate initiated by these groups of actors.

I believe it is important to highlight that migration of an economic nature is natural. What was considered a suction effect by the German Chancellor was perfectly clear to these communities, who know how to keep abreast of information and identify economic opportunities (likewise with respect to rights).

Finally, let us bear in mind that there are many other places in the world that constitute ignored conflict zones - all presenting situations that will create destitution and tension. Turmoil will continue to produce migratory flows towards Europe and we must be in constant dialogue with the countries that are at the origin of these migrations because it would be unrealistic to stop them.

### **Gaëtan GORCE**

Thank you for reminding us, as did the Senegalese Ambassador before you, that the situation is by no means dictated by fate but by economic and political strategies. War did not emerge in the region by coincidence and the economic inequalities are not a coincidence either. We need to acquire broader political policies. One tool is political asylum. Is it still appropriate? Let us ask Pascal Brice.

### **Pascal BRICE**

The reality in which the officers of the OFPRA (The French Office for the Protection of Refugees and Stateless Persons) are immersed each day is diverse, the same can be said for the motives for migration. In this context, it is important for OFPRA, to guarantee the right to asylum in Europe and France.

We must constantly take precautions not to perpetuate the confusion that may emerge between what is a matter of migration policy and what is a matter of the right to asylum. Herein lies a fundamental prerequisite. Today, 36% of asylum seekers are protected in France, that is twice as many as three years ago.

We need to safeguard the integrity of the right to asylum, which, by its very nature, is constantly evolving. It is a matter of political and social consensus, also in our Republic. In order for it to remain, given the situation in France and in Europe, we must show goodwill and absolute rigour, so that everyone knows that OFPRA applies the law in this dual spirit of rigour and goodwill.

To sustain the right to asylum, this right must be applied in full, without hesitation, firstly by resettlement. This, to my mind, constitutes a precious means of protection. When an individual requests asylum on European territory, that individual must, if eligible, be protected and live in Europe. From this perspective, I am concerned to see the temptation to introduce constraints, including in certain European projects.

Similarly, I see that the European Commission intends to establish a European asylum agency, which would involve a transfer of competencies from the Member States to the Union. I have full confidence in the Member States to do their utmost to stand up to this. In listening to the director of FrontEx, at a time when this latter is taking on a new dimension, I am tempted to think that a European asylum agency could serve some purpose, on one condition: such a structure should be, at a minimum, as independent as OFPRA is in France vis-à-vis the authorities, as the right to asylum is not a political matter. It is a legal matter.

A third condition strikes me as necessary in order to sustain the right to asylum: ensuring that the reception of asylum seekers is carried out in an organised and controlled environment. There is nothing worse, from a social consensus point of view on the right to asylum, than the chaos and the images of disorder that nurture confusion, doubts and worry. The images of Calais, of men and women in a slum, on French soil, ensures broad agreement that they are intolerable. The establishment of *hot spots* is in line with better organisation and greater control. These organisation measures also include doubling the housing capacity in France of asylum seekers, which has taken place in the past three or four years.

It is also important to clarify that OFPRA has access to the necessary means to ensure that, on no account, an individual likely to present a security risk to our country may be granted asylum. We are implementing this provision.

Nearly 10,000 people in two years have been able to leave the slum of Calais because we have persuaded them of the right to asylum in France and they have been able to move on to the reception and guidance centres set up by the French Interior Minister. We are making every effort to ensure that all those who are still in this slum can be accommodated, over the coming weeks, in a decent and organised reception centre.

### **Jacques LEGENDRE**

In the Senate I preside over a fact-finding mission on the agreement signed between the EU and Turkey. Within this context I visited Turkey and Greece, which has led me to question the notion of 'safe third countries', which is at the heart of the agreement between the European Union and Turkey. What is your perception of this concept?

### **Pascal BRICE**

We have increased our involvement in the relocation of migrants arriving in Greece before March 20 (the effective date of the agreement drawn up with Turkey), who number 54,000, 16,000 of whom are eligible for the relocation programme. Around twenty or so OFPRA protection officers are over there to assist the Greeks in implementing this relocation programme in various European countries.

Each month, OFPRA teams also go to Ankara to gain knowledge from Syrian refugee situations with a view to their relocation from Turkey to France.

These are two major contributions on OFPRA's part for the implementation of this agreement.

### **Jacques LEGENDRE**

Let us finish by hearing Rector Gérard-François Dumont, for a summary of the discussions.

**Gérard-François DUMONT**

I will begin by underlining that the title of this colloquium is entirely justified: it is indeed a migratory crisis in terms of migration history, which questions the European Union from the point of view of its ability to deal with the matter. We have seen it in the election results of the last few weeks.

The vast majority of humanity, at any time in history, has shown a desire to live and work at home. Migration in fact only represents a small percentage in settlement history. A migratory crisis happens only in the absence of the regulation of migratory movements. To cite an example, the major migratory flows that took place between Europe and America in the 19th century were perfectly organised and regulated.

We can talk today of crisis as, whether one likes it or not, it is the Syrian conflict (which began in 2011) that is the source of this migratory crisis. 7 million people, that is, a third of the Syrian population, have had to leave the country. We must understand the nature of this migration before discussing the reaction of the Member States.

The migratory crisis that we are experiencing can be considered as classic in terms of past migratory crises, insofar as, each time armed conflict breaks out, it triggers a population exodus. When the first country of refuge does not offer satisfactory conditions, people travel further afield.

European countries, as well as the European Union, considered in 2011 that what was happening in Syria was what happened previously in Tunisia and in Egypt, namely, an uprising which sought to overthrow a spent authoritarian power to replace it with a new regime. This error led the European Union to not interfere when it should have acted to ensure that the exodus of the Syrian population was carried out in humane and safe conditions. It is the traffickers who have exploited this migratory crisis, earning billions of euros, their work having been more or less facilitated, at the same time, by States such as Turkey, qualified at one point as a 'migrant motorway' by the director of FrontEx. Let it also be noted that the Schengen area is a two-sided coin: the freedom of movement within this area implies controls at its borders. Yet since its inception, this control has never been sufficiently implemented.

Either the Schengen Code must be applied in order to maintain and sustain this mechanism, or we must define other guidelines that will make it possible to ensure this free movement, which is an underlying principle of the European Union.

The choice of *hot spot* locations has always astonished me: why place them in a country where the migrants, who have already financed traffickers, are arriving rather than in the countries of first refuge (Lebanon, Jordan, Turkey)?

Confronted with such a crisis, of a fundamentally new nature in terms of anything the European Union has known since the 1957 Treaty of Rome, fresh reflection is required. I would call it mental revolution.

# Conclusion

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François-Noël BUFFET

*Senator of the Rhône, Vice-President of the Commission on Legislation, rapporteur for the fact-finding mission for the monitor and control of the special procedure for the reception of refugees*

Thank you to everyone who has taken part in this meeting. The discussion has been accurate and dispassionate, which I feel is important, with no desire to play down, extrapolate nor conceal certain situations.

By definition, migratory movements are natural. Whoever wants to leave his or her country will do so, whatever the reasons and the circumstances.

Crises linked to economic climates interfere in this structural movement. The Syrian crisis assumes this character of temporary crisis. At least that is what we all wish. In Europe we have not known such significant migration movements for many years, above all characterised by the human tragedy they represent. How can you not be touched, notably, by the testimony of Pietro Bartolo, of Lampedusa, that we heard earlier?

Europe did not immediately rise to this historic challenge and was late in reacting. Personally, I sense that each one of us, among the Member States, has let the situation get away from us, which has led us to the one we now find ourselves in. Men and women are victims of human trafficking behaviour while they are entitled to the right to asylum. This is indisputable, even if its structure may be subject to rules. I would also like to salute the mobilisation of the voluntary sector, which was very fast.

It took until September 2015 to reinforce the financial and material resources of FrontEx, the result is very gratifying. The agreement concluded more recently between Turkey and Greece seems fragile, particularly in terms of its applicability.

Migratory flows have evolved, which means that we must revisit the rules that we want to apply as regards immigration. This political rhetoric must be made manifest and we must define the rules together. The law must constitute a means to reach a goal. If there are legal impediments, which did come to light during the debate, it is our task to work in order to adapt them. We must also have a political commitment, not to protect ourselves but to help others in the development of their territories and ensure that these crises remain cyclical.