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Could a moratorium agreement with third-states be the solution?

As the conclusions of the European Council Meeting on 23 March 2023 recalled, with reference to several previous such statements, “migration is a European challenge that requires a European response”. This, however, projects on the theoretical level not only a threat perception, but also - as the question phrased it - a dilemma of Europe’s self-perception as a responsible and united entity, as a normative and a humanitarian power, as well as a global actor who takes the initiative and expects others to accept its initiatives.

The dilemma is further aggravated by the fact that in the course of a relatively short period, the EU was exposed to two very different waves of irregular mass migration: from the south since 2015 mostly by people from/through the Middle East and North Africa, and from the (direct) eastern neighbourhood since 2022 due to Russia’s war in the Ukraine. The difference in the way the EU received the Ukrainians, both in numbers (about six million so far as compared to the three million from the south) and in “administrative” ways (they were let in) was very much noted, especially at the level of the public in the EU’s southern neighbourhood. As compared to the European argumentation on the adequate use of the EU directive on temporary protection to handle Ukrainian refugees, the very “popular” explanation/accusation in the south was that this all happened “because the Ukrainians are white, blond, and Christian”.

Consequently, the EU should better communicate its position regarding migration.

The “comprehensive new bargain” mentioned in the question has its own problems: practically since the 1975 Helsinki Final Act (of the Commission on Security and Cooperation in Europe), but in a much more pronounced way since 1995 when the Barcelona Process was launched, the EU did have a comprehensive approach (the three baskets/pillars structure) of both the Euro-Mediterranean Partnership and the European Neighbourhood Policy (with its two reviews) only to be complemented with a fourth pillar (promoting regional projects fostering human development and promoting sustainable development) in the Union for the Mediterranean. Upon the realisation that European security, including especially the challenge/threat of migration, does not start in the direct neighbourhood, the 2016 Global Strategy expanded the territorial space of these undertakings. Besides, it has been complemented by other sub-regional EU strategies, e.g. the EU’s Strategy for Security and Development in the Sahel. Since in the background of all these partnerships, strategies and initiatives, migration has always been an acknowledged or tacit element, this implies that the EU already has several comprehensive “tools”, which could be used.

Yet, where the EU has a visible weakness is what is called in the conclusions “the increased external action”, especially the EU’s capability to return illegal migrants to their home countries. Since EU-third-country agreements on the return of illegal migrants are in a preliminary phase, without a strong deterrent (some kind of stick-and-carrot policy), the EU cannot ensure the cooperation of the countries that should take back irregular migrants. Especially, as many third states either do not want to or are not able to receive back their illegal migrant citizens, because the numbers have gone up too high, sometimes in the tens of thousands. To meet the interests of both the EU and third-party partners, one possible solution could be a moratorium agreement, i.e. those migrants from the given state, who are already in the EU, may stay, but those who come illegally after this point will be returned and the country of origin will (obliges itself to) accept them. Otherwise, all cooperation will come to a stop. And this must be made clear to the partner states and should be maintained.

In return, the EU would help the third country with starting serious projects, develop and provide jobs, help with education - aims clearly fitting the EU’s humanitarian and security considerations, as well as the EU partnership programs and regional strategies.

Projecting a strong(er) position on the EU’s side - on the level of the public - should be complemented with a well-designed campaign in third countries, presenting the opportunities of legal migration and the conditions of the acceptance in the EU, such as visa and registration (no benefits, jobs, etc., without), numbers and skills (as against the widely noted general term that the EU needs labour force).

Yet, the EU should also accept that to ensure effective returns a swift action is necessary, because the longer the migrants are away, the less probability that they can be returned. Additionally, the EU should learn from past experience and, however difficult that may be, try to avoid situations when people are returned without a proper consideration to their real background (e.g. when Afghan refugees born and having always lived in Iran were returned to Afghanistan).