

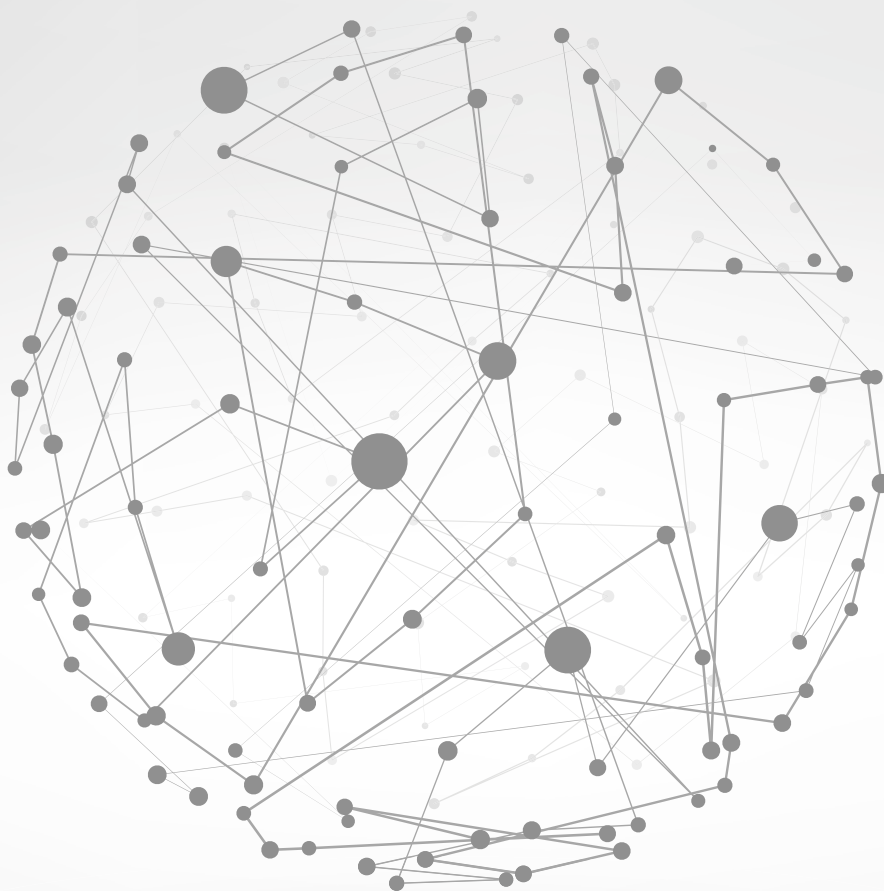
MIGRATION STRATEGY GROUP

ON INTERNATIONAL COOPERATION
AND DEVELOPMENT

MORE COHERENCE! EXTERNAL DIMENSIONS OF A COMPREHENSIVE MIGRATION AND REFUGEE POLICY – INSIGHTS FROM GERMANY

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ABOUT THE MIGRATION STRATEGY GROUP ON INTERNATIONAL COOPERATION AND DEVELOPMENT

The Migration Strategy Group on International Cooperation and Development (MSG) is an initiative of the Bertelsmann Stiftung, the German Marshall Fund of the United States (GMF) and the Robert Bosch Stiftung, in cooperation with the German Institute for International and Security Affairs (SWP). It follows the format of the Migration Strategy Group (2013-2015), which focused on global competitiveness and was coordinated jointly by GMF and the Robert Bosch Stiftung.

Over the course of five working-group meetings between July 2016 through May 2017, the MSG focused on the coherency of German migration and refugee policy, and explored its interplay with other policy fields such as foreign, security, labor market, and development policy. In addition to representatives from civil society and political institutions, the MSG includes German and European business leaders and scholars, as well as representatives of international organizations. In order to promote openness in discussions, meetings were held under the Chatham House rule. The release of the MSG's results will coincide with the German and Moroccan co-presidency of the Global Forum on Migration and Development (GFMD) in 2017 and 2018.

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We would like to thank all MSG participants and speakers for their time and willingness to engage in open debate. This publication draws on various aspects of discussions and statements made in the course of MSG meetings. The views expressed here reflect those of its authors alone and not those of the participants or the authors' home institutions.

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I. INTRODUCTION: COHERENCE IN MIGRATION POLICY – WHAT DOES THIS MEAN?

In politics, we often hear calls for more coherence. Accordingly, policy fields should be seen in the context of their interlinkages and interactions, and political measures should be better aligned in order to prevent negative impacts and unnecessary expenditures. Yet it is often unclear what coherent policy means in practice, or what governance processes would achieve it. This applies to German migration and refugee policy as well. The year 2015 was particularly challenging for Germany: record numbers of asylum seekers meant that numerous domestic and foreign policy decisions, in some cases with significant medium- and long-term effects, had to be made on the run. Moreover, there was often insufficient time to develop strategies to coordinate the various policy fields and levels. For the past two years, Germany has found itself in refugee- and migration-policy crisis mode, which has primarily concentrated on short-term solutions.

What is certain, however, is that forced displacement and migration will persist. We therefore need long-term policy approaches if we are to ensure the protection of refugees while, at the same time, managing skilled migration as well as facilitating immigrants'

integration. Germany, too, must combine these very different challenges, and consider the reforms necessary to accomplish these tasks.

In addition to the domestic policy dimensions, coordinating external aspects of migration and refugee policy plays a key role. This external dimension is the focus of the publication. In Switzerland, this dimension is captured by the term of *Migrationsaußenpolitik*, or "foreign policy on migration." According to the Swiss, this includes mitigation of the causes of forced displacement and access to protection, and applies both to the management of migration and forced displacement as well as the design of policies supporting return to and reintegration in countries of origin. Fundamentally, coping with these tasks requires that migration policy, foreign policy, security policy and development policy be better coordinated than has thus far been the case. All political levels – national, European and international – are affected by this. In addition to partnership agreements with third countries, coherent policy in this sense includes border management and return policies that respect human rights and take into account developmental implications.

WHAT DOES COHERENCE MEAN FOR POLICY?

The concept of policy coherence is not new. It has long been used in the context of development cooperation since the effectiveness of development-policy measures is influenced by other policy fields (e.g. trade policy), and development goals can only be achieved through interaction with other policy areas. Coherence can refer to various levels, but applies particularly to coordination between different policy fields and actors (states, international organizations,

civil society, the private sector). Coherence thus represents **an ongoing process** in which interests must be identified, and goals and priorities formulated. The various interests can be balanced only once it becomes clear what an individual country like Germany is prioritizing vis-à-vis its partners, how these goals relate to one another and what consequences incoherent action would have. Appropriate institutional frameworks are necessary to coordinate this process.

WHY IS COHERENCE NECESSARY?

The demand for coherent migration policy is a response to the consequences of incoherent thinking and action. Take for example the recent refugee movements to Europe in 2015-2016. This was in part a consequence of the curtailment

understood the consequences of these funding cuts for camps with already poor living conditions and lack of viable prospects for camp inhabitants, they might have grasped that they would prompt secondary migration flows.

»What development, security, economic and labor-market policies must be considered in order to establish coherent migration policies?«

of UN World Food Program's resources for refugee camps in Lebanon and Jordan, as well as elsewhere. If donor countries had together

Given the growing instability in Europe's neighboring countries, especially in North Africa and the Middle East, there is an urgent need for more effective and better aligned policy approaches: How can the various aspects of migration and refugee policy be better linked together? What development, security, economic and labor-market policies must be considered in order to establish coherent migration policies?

WHAT ARE THE RISKS OF A LACK OF COHERENCE?

The consequences of a lack of coherence in migration and refugee policy are enormous. A government's genuine or even supposed incapacity to control and manage migration leads to a loss of confidence in politics. This loss of confidence in turn makes the development of long-term and sustainable strategies in the field of migration-policy, such as the creation of new legal migration pathways, more difficult. In this way, the dilemma is perpetuated. In addition, arrangements with partner countries aimed at quick, short-term impact, for instance to reduce migration and increase returns, can undermine longer-term goals. This applies particularly to disregard for development policy: If potential negative consequences for partner countries

are not considered, trust – which is essential for sustainable cooperation – will be lost. The same is true for the erosion of the normative foundations of international refugee protection. Indeed, if the receiving countries violate the principles of international law, they undermine the foundations of the international refugee regime, harming not only those in need of protection but also themselves. The MSG discussed the coherence of German migration and refugee policy with regard to three core foreign-policy levels and fields of action: at the global level, in EU policy with regard to migration partnerships, and concerning border security and return policies. This report draws upon these discussions.

II. GLOBAL MIGRATION GOVERNANCE – IMPLICATIONS FOR GERMANY

For many states, forced displacement and migration present challenges that they can no longer cope with on their own. They are thus dependent on bilateral, regional and international cooperation. However, the framework conditions for such cooperation leave much to be desired. While the international community has long sought to build effective and coherent structures in other policy fields such as climate, trade and financial policy, cooperation in the areas of refugee and migration policy remains weak. In migration policy, a patchwork of regional and bilateral agreements and coordination mechanisms exists alongside a refugee regime that is firmly anchored in international law and institutions. Overall,

mixed movements of refugees and migrants are increasing, and many governments are neither ready nor able to fulfill their responsibilities to protect refugees while, at the same time, pursuing a migration policy that is both effective and in accord with their individual interests. Since the increased refugee flows in 2015 and 2016, Germany in particular has faced the challenge of further developing and strengthening international cooperation. Discussions within the context of the UN show that Germany, from the point of view of some states and non-government organizations, has become a point of reference in terms of migration and refugee policy.

SHORTCOMINGS

International cooperation in migration and refugee policy, despite growing pressure to act, remains quite weak. Irrespective of a robust institutional framework and solid footing in international law, the legitimacy and effectiveness of the international refugee regime is increasingly called into question by individual state actors. Many governments are looking for opportunities to protect refugees outside their own state territories, but have not as yet been able to locate solutions that convincingly fulfill human rights and security policy needs. This problem is compounded by the fact that current refugee flows often derive more from the failure of governments to ensure fundamental human rights than individual state persecution per se – which means that protection in accordance with international law is not ensured. However, there are efforts to deepen international cooperation and create a global migration regime.

Nonetheless, international cooperation in the field of migration is characterized by the following

fundamental shortcomings and incoherencies:

- › The current migration regime is highly fragmented, consisting of numerous parallel and overlapping institutions and consultative forums. On the one hand, holding parallel memberships and mandates enables individual states to handle individual migration-related challenges in a flexible manner. On the other hand, though, it complicates the development of comprehensive solutions and long-term strategies at the regional and global level.
- › International cooperation in the field of migration is characterized by an imbalance in power between origin and destination countries. In the past, informal regional consultation processes that lacked public transparency often enabled industrialized countries to pursue migration-related interests in a one-sided manner. This may produce short-term results, but is often unsustainable.
- › There is a lack of normative standards for labor migration, return migration, and family reunification. Such standards could help

- harness the positive development potential of migration and minimize the development risks of involuntary migration in particular.
- › The effectiveness of international cooperation

with regard to migration is limited because migration dynamics tend to be influenced by a variety of other policy fields, including trade, agriculture and fisheries policy, among others.

CURRENT DEVELOPMENTS

The value of international policy cooperation with clear norms, responsibilities and institutions is obvious. Any future global migration governance should ensure that the rights of migrants and refugees are respected; establish minimum standards for refugee and migration policy; enable a fair balancing of interests between origin, transit and destination countries; and in this way strengthen the overall coherence of international cooperation. In fact, an increase in international processes and forums in this area is evident. Currently, a number of important choices for the institutional design of refugee and migration policy lie ahead. In this regard, the **Sustainable Development Goals (SDGs)** adopted by the UN in 2015 provide a critical framework. The goals for sustainable development are committed to the principle of “leaving no one behind,” and are therefore relevant for migration and forced displacement. In addition, they contain clear migration-related sub-goals. Implementation of the goals requires not just the adoption of meaningful indicators and a functioning monitoring system, but above all national action plans.

Furthermore, at the UN special summit on large movements of refugees and migrants in September 2016, the international community of states agreed on the **New York Declaration**, which also opened new prospects for strengthening cooperation with regard to refugee and migration policy. For example, the International Organization for Migration (IOM) was incorporated into the circle of UN organizations, and states committed themselves to negotiate two new global agreements by the end of 2018.

The **Global Refugee Compact** is being developed under the auspices of UNHCR, and aims at establishing a system of responsibility-sharing for refugee protection. To this end, a so-called **Comprehensive Refugee Response Framework** is being proposed, which could be deployed by UNHCR as needed and would commit participating

state to take part as members of a multi-actor partnership in the management of both acute and protracted refugee crises. The **New York Declaration** also calls on the international community to link short-term emergency aid in refugee crises to long-term, development-oriented approaches, and emphasizes the entrepreneurial potential of refugees.

The **Global Compact on Safe, Regular and Orderly Migration (GCM)** is intended to cover the entire spectrum of migration-related issues, and is being developed through thematic consultations with civil society and private sector actors.

Both agreements are slated for adoption by the end of 2018. The 2016 UN summit thus represented the starting point of a two-year negotiation process that offers new actors the opportunity to help shape the architecture of global migration governance.

Against this background, the **Global Forum on Migration and Development (GFMD)** has since its founding been the most important intergovernmental discussion forum on the issue of migration and development. It was launched in 2007 as an initiative of former UN Special Envoy for Migration Peter Sutherland, and offers state representatives the opportunity to exchange information on good practices, capacity-building experiences, and bi- or multinational cooperation opportunities. The annual GFMD meeting has since 2008 been supplemented by a civil society meeting, and increasingly also serves as a forum for exchange between governments, civil society and the private sector. Germany and Morocco have jointly assumed the GFMD chair for the years 2017 and 2018, and now face the challenge of rendering the forum's findings usable for the planned Global Migration Compact.

Finally, the **Sutherland Report** on the future of international cooperation on migration, published in February 2017, contains an action agenda

that entails practical approaches to improved cooperation. Among other points, it proposes model labor migration agreements and multi-actor approaches to cross border training initiatives.

These developments offer opportunities to increase the coherence of international migration and refugee policy. For example, with its overall theme of “large movements of refugees and migrants” the **New York Declaration** focuses on the common challenges posed by forced displacement and migration. The coordination necessary during the run-up to the declaration has already strengthened migration-related policy exchanges between the EU member states. The same can be expected from the negotiations over drafting the two global agreements. Moreover, the insight that new actors must be involved runs as a common thread through all these new initiatives. This testifies to

the increased attention being paid to the important role played by civil society and private sector actors in all areas relevant to migration and refugee policy – whether this be rescues at sea, social integration or job placement. Finally, the “big advances” envisioned within the *New York Declaration* and Sutherland Report aim to combine human rights, development- and security-oriented perspectives better than has previously been the case – a core requirement of any argument for a more coherent migration policy.

At the same time, questions about the effectiveness of these initiatives remain. The planned agreements are unlikely to take the form of legally binding treaties, but will instead remain non-binding declarations of intent by the participating states. Even though it is to be hoped that they will have considerable normative traction, the

international legal framework will in all likelihood continue to show serious shortcomings. For example, no important destination country has yet ratified the UN Migrant Workers Convention, which makes the instrument effectively meaningless. In addition, the reluctance of the current U.S. administration to enter into multilateral agreements or provide funding for the management of cross-border problems represents a major hurdle to the strengthening of global cooperation in forced displacement and migration.

WHO DOES WHAT? THE INSTITUTIONAL ARCHITECTURE OF GLOBAL MIGRATION GOVERNANCE

Apart from contributing to the development of new norms, the current changes to global refugee and migration policy will also have an impact on the architecture of international institutions. The IOM's entry into the United Nations reorganizes the relationships and task-sharing arrangements among the various organizations charged with managing migration and forced displacement. While UNHCR, which bears responsibility for drafting the Global Refugee Compact, will remain the key player in international refugee policy, it is yet to be determined who will take the lead with regard to the Global Compact on Safe, Regular and Orderly Migration. According to the New York Declaration, both the IOM and the UN Secretariat have a role in drafting the agreement. This shared responsibility raises the question which organizational structure would be best suited to implement and evaluate the migration-related SDGs as well as the two global compacts that are currently being drafted. This task could either be filled by the IOM, or it could be assigned to a newly created UN Migration Secretariat (comparable to the UN Climate Secretariat). Beyond these two options, the Sutherland Report suggests providing the GFMD with a permanent secretariat and using it as a monitoring body.

POTENTIAL COURSES OF ACTION FOR GERMAN POLICYMAKERS

Internationally, Germany is increasingly perceived as a major actor in migration and refugee policy, not least because it has recently admitted many refugees. Through active participation in the shaping of *global migration governance*, Germany can solidify this role, and at the same time use this impetus to create a coherent German foreign policy on migration.

Germany has great interest in making international cooperation in the areas of forced displacement and migration both more binding and more effective. With the SDG process and the planned compacts on forced displacement and migration, new reference points are emerging for long-term planning and improved coordination at the regional and international levels. Traditional dividing lines

between origin, transit and destination countries are weakening, and new actors are being included in the planning and negotiation processes.

The following options are available for Germany with regard to **global migration governance**:

- › **Establish comprehensive coordination between the departments dealing with refugees and migration.** Interactions between the Federal Foreign Ministry (AA), the Federal Ministry for Economic Cooperation and Development (BMZ), the Federal Ministry for Labor and Social Affairs (BMAS), and the Federal Ministry of the Interior (BMI) should be strengthened in the context of the international processes and extended to other departments (as is already the case in the context of the German-Moroccan GFMD chair). Given that this inter-departmental coordination is likely to expose conflicts of interest, efforts should be made to define and formulate common goals. This process could be led by the chancellor's office.
- › **Strengthen the involvement of civil society and private sector actors in the international processes.** There is often conflict between state representatives' interests in preserving a certain flexibility of action for themselves in internal and international planning processes and bringing in the added value of expertise of civil society and private sector actors. In order to meet both interests, more institutional consultation with non-governmental actors is needed, including a further strengthening of their role within the GFMD process.

- › **Demonstrate commitment to normatively sound and action-oriented institutional structures.** The IOM is the largest and most important international organization in the area of migration. Despite its key importance, it still lacks a normative mandate. Furthermore, due to its project-based funding structure it is de facto a service provider for wealthy states, which are typically destination countries. Effective global migration governance, however, must take the interests of all involved countries and all affected people equally into account, and thus demands greater institutional independence from the interests of individual donor countries. This must be reflected in the organization's leadership bodies and staffing structure if – particularly among the countries of the global south – it is to fill the role of a global lead agency in the area of migration.
- › **Strengthen the international legal framework for labor migration.** Germany should join the migration-related conventions of the ILO and the United Nations, apply the ILO Multilateral Framework on Labor Migration more consistently, and promote this at the European level as well.

III. PARTNERSHIPS FOR MIGRATION AND MOBILITY

As for the external dimension of migration and refugee policy, an important aspect of coherence is the operational cooperation between origin, transit and destination countries. Without such cooperation, neither effective refugee protection nor the management of labor migration nor the sustainable reduction of irregular migration are possible. Many developed countries as well as EU countries fully recognize the need for cooperation with partner countries, making use of bilateral and multilateral forms of cooperation. Since 2005, the EU has sought to achieve more policy coherence through its Global Approach to Migration and Mobility (GAMM). In this regard, the external dimension of EU policy involves four tasks: the reduction of irregular migration, harnessing

the positive effects of legal migration, linking migration and development policy, and ensuring the effective protection of refugees. To implement these objectives, various instruments have been developed over the years, including EU mobility partnerships.

These partnerships, however, have thus far failed to fulfill expectations because they have primarily been oriented toward combating irregular migration, and have not moved beyond individual pilot projects to promote legal migration. This weakness – in what is for many partner countries the most important aspect of cooperation – has reduced the effectiveness of the partnerships overall. However, the search for suitable forms of cooperation continues.

For example, EU migration partnerships – with objectives similar to those of previous formats – have recently been established with Nigeria, Niger, Mali, Senegal and Ethiopia.

»Without such cooperation, neither effective refugee protection nor the management of labor migration nor the sustainable reduction of irregular migration are possible.«

POLITICAL FRAMEWORK

Common, coherent migration and refugee policy has always been a weak point in the EU; bilateral agreements between member states and third states have been the rule. From the point of view of EU member states, these have in some cases been quite successful. For example, Spain has used its historically close relations with Morocco to negotiate a bilateral migration agreement, while other migration agreements exist between Spain and several West African states. Before Libya's collapse in 2011, Italy concluded similar agreements with the Qaddafi regime. Such bilateral agreements can help the participating states, while doing nothing to alter the structural

weaknesses of the EU's common policy. However, as a counterpart to an open internal market with free movement of people, the external dimension of a coordinated migration and refugee policy is indispensable.

In June 2015, member states responded to this situation with a new conceptual framework for cooperation with third countries. The **European Migration Agenda** is intended to increase the effectiveness and coherence of European migration policy through EU countries' closer cooperation with one another as well as with origin and transit countries. This focuses on four

key areas: the reduction of irregular migration, the strengthening of border management and the EU external border, the improvement of the common asylum policy, and the creation of legal migration opportunities.

Complementing this migration agenda, member states have made further efforts to strengthen the external dimension of their common migration policy. For example, the West Balkans summit in October 2015 was intended to promote cooperation with the southeastern European

countries and their neighbors; the Valletta Summit in November 2015 aimed to foster cooperation with African states; and the EU-Turkey Statement of March 2016 had the goal of involving Turkey in the reduction of immigration to Greece. To encourage this cooperation, member states have introduced a number of new financing instruments, including the EU Regional Trust Fund in Response to the Syrian Crisis, the EU Trust Fund for Africa, and the EU Facility for Refugees in Turkey.

MIGRATION PARTNERSHIPS AS AN INSTRUMENT

All these concepts and instruments are designed for long-term effect. However, given the continuing strong increase in migration flows, some individual member states – particularly Italy – do not want to wait to see whether the processes bear fruit, and since early 2016 have pressed for measures with immediate impact. In June 2016, the EU Commission put forward the Migration Partnership Framework. Its goal is to negotiate migration pacts with a limited number of origin and transit countries. The partnership framework explicitly stipulates that the EU should establish both positive and negative incentives. In particular, states that cooperate in the areas of readmission and return will be rewarded. The EU Commission had previously concluded similar agreements with Jordan and Lebanon in the context of the European Neighborhood Policy. The new migration pacts will initially be negotiated with Niger, Nigeria, Senegal, Mali and Ethiopia. However, it remains

a matter of disagreement between the EU states themselves as to whether countries unwilling to cooperate should be sanctioned and if so, how.

The EU Commission has formulated the goals of the Partnership Framework with unusual clarity, deviating somewhat from the broader objectives of the European Migration Agenda and the Valletta agreements. Here, EU interests include a reduction in the number of people killed making the Mediterranean crossing, an increase in the volume of returns, and reduction of dangerous irregular migration more generally. All conceivable policy instruments will be employed, including trade policy, development cooperation and humanitarian aid. In contrast, the creation of legal immigration opportunities is proposed only in general terms; refugee protection and the rights of migrants, important issues at the Valletta summit, are mentioned only in passing.

IMPLEMENTATION TO DATE

The Commission has published three interim reports on the implementation of the Migration Partnership Framework, which can be summarized as follows:

Several EU missions to Mali have taken place under the auspices of the Migration Partnership Framework. A contact point for migration-related issues was established in order to promote operational cooperation on migration issues. The focus has been on efforts to accelerate procedures

for identifying and returning rejected asylum seekers and others obligated to depart from the EU. With Nigeria, the EU began negotiations on a readmission agreement in October 2016, and contact points for readmission and for combating human-trafficking were established. Niger has been provided with support in developing an action plan, creating an agency, developing information campaigns aimed at preventing irregular migration, and establishing a local coordination program. In addition, support has

been provided for an IOM information center in Agadez and for the local work of UNHCR. The EU is also negotiating with Senegal on the fight against human smuggling, and a number of member states seek to establish bilateral return agreements. With Ethiopia, the EU signed a Common Agenda for Migration and Mobility, and established a contact point for cooperation on returns.

In its implementation reports, the EU Commission points out that the Migration Partnership Framework is intended to be expanded, explicitly mentioning Algeria, Morocco, Egypt, Tunisia, Libya, Afghanistan, Pakistan, Bangladesh and Iran. Expansion of this kind remains controversial

between the member states as well as in the European institutions. Some member states support the enlargement, but the EU Commission underscores that an expansion would only be meaningful if the member states made adequate policy and economic resources available. This in turn has been rejected by other EU countries. For their part, the African countries have criticized the lack of consultation and what in their view is the insufficient involvement of their institutions in projects aimed at combating the root causes of forced displacement. There is also dissatisfaction with the distribution of financial resources from the European Trust Fund. In addition, African states have criticized the EU for failing to abide by its funding commitments.

ASSESSMENT AND PERSPECTIVES

In a departure from the Valletta principles, which expressly sought coherence in migration and development policy, the migration partnerships concluded to date are focused on the reduction of migration and on return policies and processes. Legal migration, refugee protection, and the protection of human rights play no role, and development cooperation is seen as an instrument of conditionalization.

Given the experiences with former mobility partnerships, which also foregrounded the reduction of migration and the promotion of returns, it is questionable whether the migration partnerships can strengthen the coherence of EU policy, or make a more effective and sustained contribution to migration problems with this reduced set of objectives. In the EU's Southern neighborhood, Germany has been engaged in the EU mobility partnerships with Morocco and Tunisia. As part of this framework, the German government committed itself to establishing an asylum system based on international standards in Morocco, mainly through technical cooperation. In Tunisia, the focus was on pilot projects for skilled migration. Cooperation within the context of mobility partnerships undoubtedly improved cooperation between participants, i.e. between the respective EU member states, the EU Commission and the partner states. But it also revealed fundamental weaknesses of this cooperation instrument. These include insufficient strategic

selection of partner countries and unclear objectives. Both contributed to the fact that the great potential of mobility partnerships has so far been elusive. The same is true for the newer instrument of "migration partnerships," which pose problems regarding coherence because of their strong emphasis on reducing migration and promoting returns. It is questionable whether either instrument can produce lasting impact.

Questions of financing thus far remain vague. It is not clear whether the funds envisioned for purposes of securing borders represent additional money or are simply reclassified development funds. Moreover, the information provided by the EU Commission appears dubious if it holds out the prospect of €62 billion in investments for the African partners as incentive for cooperation, but ultimately intends to make only €4 billion of its own resources available. Under the EU Commission's plans, EU resources are supposed to be supplemented by equivalent contributions from member states. The resources provided jointly by the EU and the member states are then expected to trigger private investment.

Two further aspects will be decisive for the success of partnerships. Even presuming that partnerships promote cooperation between EU member states, and in this way strengthen the coherence of EU migration and refugee policy, it is questionable whether member states have the same or at least

similar interests with regard to cooperation with African states. Given the highly different bilateral relationships, it is likely that some EU states do not necessarily need the Union to assert their migration-related interests with the countries of origin and transit. It is also doubtful whether a European refugee and immigration policy can be effective and sustainable if it shifts refugee

protection one-sidedly to African countries, while failing to open prospects for legal migration. Both aspects make it clear that effective refugee protection and a sustainable migration policy fundamentally depend on a spirit of partnership as well as a coherent determination of policy goals and related policy processes.

POTENTIAL COURSES OF ACTION FOR GERMAN POLICYMAKERS

Several recommendations for the future German and European approach to migration partnerships can be derived from the experience accumulated to date, particularly from previous EU mobility partnerships:

A RELATIONSHIP OF PARTNERS: BINATIONAL VOCATIONAL-TRAINING PARTNERSHIP – THE IDEA OF GLOBAL SKILL PARTNERSHIPS

One building block of coherent migration policy could be so-called global skills partnerships. They would both meet destination countries' interest in skilled workers and origin countries' interest in better training systems. A mechanism proposed by the Center for Global Development for binational vocational training partnerships (global skill partnerships) envisions the development of skills development programs focusing on labor market shortages in both countries created through targeted destination country investment in the origin countries' training infrastructures. The idea requires that all public and private actors involved in such enterprises agree in advance on the fundamental framework conditions and the costs to be shared. This would result in a two-track training system with a *home track* for domestic skills needs and an *abroad track* for deployment overseas. The *abroad track* is comparatively more cost-intensive as it would include language courses, integration-preparation courses, and so on, in addition to the general vocational training. However, training in the country of origin would still be significantly cheaper than in the destination country. This efficiency gain makes it possible within the context of the partnership agreement to partially finance the training of skilled workers for the country of origin. Thus, training partnerships offer a cost-efficient alternative for development of skilled workers for both destination and origin countries. At the same time, they promote the development of vocational training systems in origin countries, and contribute to the transfer of know-how in both directions. In addition, these partnerships open new legal labor migration opportunities for skilled workers whose profile perfectly matches German labor market needs and who are willing to migrate. This idea has been discussed for several years but in its pure form only exists on paper so far. It is thus now time to test its potential with concrete pilot projects.

- › **Increase transparency and clarity.** To make such partnerships enticing, it is important to establish partnerships with clear, convincing external impact. In this regard, clarity and transparency at all levels and in all areas of partnership planning, implementation and evaluation are helpful to avoid unrealistic expectations.
- › **Communicate clear expectations.** At the beginning of negotiations with interested partner countries, "wish lists" should be drawn up that make participants' expectations clear. To the degree possible, these should include proposals for projects and programs. Previous partnerships were often unsatisfactory in this respect. In the negotiation processes and implementation of the partnerships, collaboration should take place fairly and on equal footing; the EU countries must take the interests of partner states – particularly with regard to legal migration – into account.
- › **Mutual interest and cooperation must be sustained.** Without a strong commitment by interested EU states such partnerships cannot be successful. The same applies to participation by the partner countries. Thus, the EU Commission should provide member states with information regarding the expected requirements associated with the new partnerships. When selecting possible new partner countries, the EU Commission should assess whether the governments concerned have sufficient interest in the cooperation, and are both ready and able to genuinely support implementation of the envisioned projects. EU delegations can help with such a review, if they are provided with adequate resources.
- › **Ensure sufficient funding.** Adequate and independent financing of partnerships out of national and EU resources must be secured. EU

financing instruments in particular should be considered with regard to the composition and configuration of such funding.

- › **Establish a thorough and ongoing process for evaluating the partnerships.** National decisions regarding participation in further mobility partnerships can only be made on the basis of sufficient information regarding the strengths and weaknesses of existing partnerships. Moreover, conclusions for the design of existing and future partnerships can be drawn from such evaluations. The assessment should be carried out by an independent evaluation body.

- › **Improve coordination processes.** Within EU member states there is often conflict between ministries over competencies and responsibilities that hinder the formulation of coherent national positions and thus intergovernmental coordination at the EU level. Sufficient time must be secured within the process of negotiating new mobility partnerships for this internal coordination to take place. It is also important to establish a clear lead ministry that can represent the national position externally.

IV. BORDER SECURITY AND RETURN – NECESSARY ELEMENTS OF EFFECTIVE MIGRATION MANAGEMENT

Border security and migrant return processes are often considered the “dark side” of migration policy. Civil society associations and human rights organizations, in particular, often take a critical view of restrictive measures in this area. And yet, effective, sustainable and legitimate border security in conjunction with a parallel return policy is essential for maintaining both the protection system of the Geneva Refugee Convention and freedom of movement within the Schengen area. However, views vary widely as to which measures are acceptable. The deportation of rejected Afghan asylum applicants back to their home country- which is frequently a place of attacks and hence considered unsafe by many- is a case in point. While Germany’s federal government strives to showcase assertiveness with deportations to Afghanistan, much of the parliamentary opposition and civil society in general consider such returns unjustifiable from a human rights perspective.

The same applies to border security: the federal government supports the safeguarding of Europe’s external borders via the expansion of the European border agency Frontex. Civil society organizations, however, interpret these efforts as an attempt to wall-off refugees and

being indicative of false priorities. They criticize measures such as the provision of border guards, technical equipment and charter flights for returning migrants, not least by pointing to high costs. To be sure, the costs and benefits of restrictive measures are difficult to quantify. Decisions to pursue such restrictive measures rest in no small part on their symbolic power in the German public. By taking such measures, the government signals that it is addressing domestic concerns; in turn, this strengthens public trust in the government’s ability to protect its citizens while effectively managing migration.

Both state and non-state actors are called upon to implement border security and migrant return processes that are in accordance with human rights principles and harmonized with development objectives. In the past several years, Germany has made diplomatic efforts to secure the EU’s borders, invested more heavily in border security, set up programs designed to encourage voluntary return and increased the volume of returns among those individuals legally obliged to leave. Despite these measures, a lack of coherence is still evident.

COHERENCE PROBLEMS IN MANAGING BORDER SECURITY AND RETURN PROCESSES

External border control

At the moment, the security of the EU’s external borders has significant weaknesses. In January 2017, the EU Commission reacted to this state of affairs by agreeing to the request for an extension of controls at the internal borders of some member states, including Germany, Austria, Sweden, Norway and Denmark. As a member state without an external EU border, Germany had

profited until 2015 from the Dublin Regulation, which deemed that the country responsible for the processing of an asylum application is the country in which the asylum-seeker first enters EU territory. It was only after the considerable increase in asylum applications in Germany in 2015 and 2016 that this system was called into question in Germany as well. Given that the negotiations on a potential refugee distribution

key at the EU level had failed, the already prominent issue of border security was brought to the fore even more forcefully – even though the number of newly arrived asylum seekers in Germany declined significantly in the course of 2016.

A number of measures were implemented to safeguard the EU's external border. In May 2015, funds designated for Frontex operations known as Triton and Poseidon were tripled. For EU border states, an additional €60 million were made available. In October 2016, the EU extended Frontex's mandate and increased its personnel numbers, thereby creating a new European Border and Coast Guard Agency. According to the EU Commission, since January 2017 some 1,500 border guards have been on standby as part of Frontex's *rapid reaction pool*. In March 2016, not least at the urging of Germany, the controversial EU-Turkey agreement was negotiated and included an agreement with Turkey on border controls.

These measures mark important steps in achieving greater coherence in EU border security. However, coordination difficulties persist with regard to the sovereignty of EU member states in the context of joint Frontex missions and the handling of third countries. In many third countries, the technical capacities essential to effective EU border management such as the production of biometric passes or digitized border security solutions are either not present or rudimentary. The lack of overriding strategies and effective agreements, as well as the unwieldy diversity of those projects financed and carried out by different actors, present Frontex with additional challenges. As a result, Frontex is now working on a coherent European approach vis-a-vis third countries that will take the form of an operational and technical strategy for *integrated border management*. This strategy will be anchored in the political objectives of the European Commission and will be drawn up jointly with EU member states and the European Parliament. This process will nevertheless require political consensus among the member states and, ideally, will consider the contents of the Global Migration Compact, which is scheduled for presentation by 2018.

In many cases, short-term interests in the reduction of irregular migration stand in the way of long-term and sustainable approaches to

border security. This is reflected in the willingness of EU member states to negotiate agreements with third countries that do not meet EU human rights standards. One current example is the controversial demand for an agreement between the EU and Libya. Another example is Spain's handling of transit countries and countries of origin which is considered coherent and fair: Spain grants fishing rights in Spanish waters and seasonal legal work opportunities, among other things, in return for border controls in Mauritania and Senegal. At the same time, Spain also tolerates the methods used by these third countries to hold migrants back, which are often questionable in terms of human rights. Experts also argue that in this case only the migration route has changed, but not the actual number of migrants trying to migrate to Europe. Against this backdrop, one of the greatest challenges facing the EU is the development of border security that meets both humanitarian and human rights standards and also reduces irregular migration.

Return and Reintegration

According to IOM, more than 60 percent of migrants returning from Germany are "voluntary returnees," in most cases rejected asylum applicants. The remaining 40 percent are deported. Both voluntary and involuntary returns are largely coordinated at the level of national governments. But there are efforts to coordinate such processes at the EU level as well, with the IOM functioning as an international actor supporting governments in the implementation of so-called *assisted voluntary returns*. Frontex, too, supports member states in the operative implementation of deportations, for example, through coordinating collective flights from EU member states to countries of origin.

One of the fundamental challenges involved in devising return policy is the question of how to balance the different interests of destination countries and countries of origin. Returns cannot be carried out against the will of the country of origin and also require that country's cooperation with regard to such things as landing rights and the identification of migrants. This means that partnership is necessary. But the priorities set by each country in such a partnership often differ. For destination countries, the main goal is rapid return, which often makes the adoption of a readmission agreement the most important

negotiating objective. Countries of origin, for their part, are primarily interested in negotiating legal pathways for their citizens to the labor markets of the destination country and in intensifying cooperation, for example in trade policy.

In order to ensure coherent return policy, it is essential that reintegration measures take effect over the long term and, in the best case scenario, contribute to the development of the country of origin and the local community that takes the migrant. Until now, assistance for returns was often limited to organizing and carrying out the actual returns. If this continues, this may lead the same individuals to set out again on a similar journey at a later date and in a similarly unregulated form. Moreover, reintegration is difficult when people are returning to countries with high unemployment levels. There is thus

for Asylum Seekers in Germany/ Government Assisted Repatriation Program) has traditionally been limited to one-off payment without any subsequent reintegration measures. The same is true for the new *StarthilfePlus* program coordinated by the IOM and initiated in February 2017 by the German Federal Ministry of the Interior (BMI). The *Perspektive Heimat* program set up almost at the same time through the Federal Ministry for Economic Cooperation and Development (BMZ), in contrast, also provides for longer-term education and employment support for returnees and thus constitutes a fundamental change in Germany's return policy.

A coherent return policy should also seek to open legal migration pathways for returning migrants. One possibility would be to allow rejected asylum applicants who voluntarily return to their

home country to emigrate to the destination country as skilled workers if they have the appropriate qualifications. The federal government has valuable experience in this area through its Information Point for Migration, Work and Careers (DIMAK) in Kosovo. This center was established in the summer of 2015 in response to the large number of asylum seekers from the western Balkans and operates under the auspices of Germany's development agency GIZ. It is a place where

mostly young Kosovars can gain information on job prospects in their own country and on legal migration opportunities to Germany. In March 2017, Germany opened a similar advisory center in Tunis as part of a comprehensive package of border and return agreements between Germany and Tunisia.

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a need for assistance that goes beyond one-off payments and instead involves creating viable prospects for returnees by providing training opportunities or assistance in starting a business. In Germany, assistance for returnees within the joint federal-state program REAG/GARP (Reintegration and Emigration Program

POTENTIAL COURSES OF ACTION FOR GERMAN POLICYMAKERS

The German government is currently trying to foster a more coherent return policy. Domestically, this is illustrated by setting up the Center for the Support of Returnees, a cooperative effort by the federal government and its 16 federal *Länder* created in March 2017. As the following

recommendations illustrate, there is still need for further action with regard to providing assistance for returnees and ensuring border security:

› **Create a more objective approach to the debate.** As elsewhere, the discussion in Germany surrounding border management and return

is often emotionally charged and characterized by seemingly irreconcilable positions. One core task is to take a sober look at the advantages and disadvantages of restrictive measures in particular, weigh them against one another and allocate the use of resources accordingly.

- › **Conduct negotiations on an equal footing.** In both EU and bilateral negotiations, the interests of the countries of origin should be taken into account systematically and processes should be developed in partnership.
- › **Allow for parallel negotiations on returns and legal migration.** Instead of focusing on legal migration pathways, education initiatives and other core interests of countries of origin only after return agreements have been concluded, as was done in the past, both aspects should be negotiated simultaneously.
- › **Learn from past experience.** The federal government should carefully review its previous experiences in the field of return and reintegration policy and evaluate future initiatives regularly and systematically.

- › **Link return and reintegration processes more closely to development cooperation approaches.** The developmental effects of voluntary return are much more positive than those of forced return. Irrespective of an individual's willingness, reintegration programs can make an important contribution to supporting individual returnees and local communities. In the interest of a coherent overall approach, Germany should continue to focus on supporting voluntary return and place the emphasis on the linkage between reintegration and development in all of its return programs.

V. CONCLUSION AND OUTLOOK

The high level of immigration to Germany in 2015 and 2016 clearly exposed problems of coherence in German and European migration and refugee policy. At the European level, genuine responsibility-sharing is still lacking, as are comprehensive, holistic and long-term approaches to cooperation with third countries. In the German political sphere, the fragmented responsibilities of the federal government, federal states and municipalities led to an administrative and political crisis during the arrival of the high numbers of asylum seekers and the immense challenges that came along with this seemingly sudden increase. Domestic and foreign policy developments gave the population the impression that the political establishment was incapable of coping with these challenges. As for external policy, the federal government has achieved its goal of reducing the number of people coming to Germany, in part through the agreement with Turkey. This enabled it to restore the impression of orderly administrative procedures. The closure of the Balkan route also led to a reduction in the number of asylum seekers in Germany. With regard to domestic policy, the coordination problems of state institutions and the administrative levels were in part offset by civil society involvement, but the overall impression of insufficient coordination, problem-solving capacity and administrative adaptability remained.

Faced with these increasing internal and external problems, the federal government responded

with organizational reforms. Two adjustments were particularly important in this regard: First, in October 2015, it assigned the head of the federal chancellery to be the refugee coordinator, tasked with the overall coordination of refugee policy. The existing State Secretaries' Committee, a steering committee consisting of the state secretaries of the ministries dealing with migration and integration and coordinated by the German Ministry of the Interior, has retained responsibility for operational coordination, but must now report to the refugee coordinator in the chancellery until the end of 2018. Second, the federal government sought to improve its handling of practical issues related to asylum policy through an integrated refugee management system, and to this end strengthened cooperation between the Federal Office for Migration and Refugees (BAMF) and the Federal Employment Agency (BA). The BAMF's personnel and financial resources were also significantly increased. These reforms have undoubtedly improved domestic policy coordination. However, questions remain as to whether these emergency-born structures can be effective over the long term, whether they are sufficiently accompanied by reforms at other administrative levels, and whether they adequately address the foreign policy issues and problems in the areas of forced displacement and migration. Given the growing pressure to act, further reforms are desirable – both in terms of institutional structure and in terms of substance.

OPPORTUNITIES FOR GERMAN POLICY ACTION: INSTITUTIONAL REFORMS

Effective policy requires processes and formats in which issues of coherence are discussed and goals and priorities at the national, European and global levels are defined. In this regard, various options are available, each of which should be discussed in terms of their specific advantages and disadvantages:

- › Continuation and enhancement of the existing State Secretaries' Committee to the level of a Standing Committee for Refugees and Migration,

with the goal of creating a political coordination body that involves all relevant ministries.

- › Establishment of a program that rotates staff working on migration and refugee policy between ministries, with the objective of enabling regular shifts of perspective and ongoing information exchange.
- › Convocation of an "immigration commission" with representatives of all societal and politically relevant groups with the objective of elaborating

the broadest possible societal understanding of how forced displacement and migration will be handled in the future given the changed global migration situation. It would thus continue the work of the 2001 independent federal commission on immigration reform headed by Rita Süßmuth, former president of the German parliament (Süßmuth Commission) and the 2004 Council of Experts for Immigration and Integration of the German Government (*Zuwanderungsrat*).

further development of the existing Expert Council of German Foundations on Integration and Migration (SVR). The SVR is a non-partisan advisory council which provides research based and actionable policy advice.

- › Establishment of a Ministry for Refugees, Migration and Integration that would coordinate the various thematic areas and systematically consider the external aspects of German refugee and migration policy. This option is particularly controversial, but is often raised in conversations about more coherence, and is thus included here for the purpose of discussion.

»The overarching goal of an effective, sustainable and legitimate migration and refugee policy also demands comprehensive interconnection with international processes such as the Global Forum on Migration and Development (GFMD) and the preparation of the migration and refugee compacts, as well as involvement of civil society and private-sector representatives in consultation processes.«

Beyond the question of specific institutional design, a political coordination body should be constituted in Germany in such a way that it is able to holistically consider the internal and external dimensions of migration policy, and give the two elements equal weight. The overarching goal of an effective, sustainable and legitimate migration and refugee policy also demands comprehensive interconnection with international processes such as the Global Forum on Migration and Development (GFMD) and the preparation of the migration

- › Establishment of an independent expert council to support the federal government's migration and refugee policy through the provision of scholarly expertise, potentially through the

and refugee compacts, as well as involvement of civil society and private-sector representatives in consultation processes.

OPPORTUNITIES FOR GERMAN POLICY ACTION: THEMATIC FOCUS AREAS

In addition to the question of processes and formats, the substantive focal points of the external dimensions of German migration and refugee policy could be made more coherent through the following measures:

- › **Pursue refugee and migration policy objectives at the same time.** Political processes must reflect the reality of mixed migration flows. A coherent and far-sighted policy requires interconnections between elements of refugee and migration policy. In

parallel with short-term goals in areas such as asylum procedures, accommodation and border security, long-term strategies for dealing with demographic change in Germany and for strengthening the global skilled-worker base must be pursued.

- › **Negotiate as equal partners.** The coordination of migration partnerships with third countries should be negotiated on an equal footing, whether these are bilateral or in the context of EU agreements. This means that the

negotiations should not be focused one-sidedly on the reduction of migration flows, but should include the opening of legal immigration routes and aspects like trade policy.

- › **Strengthen voluntary return and reintegration in home countries.** Reintegration measures should be oriented toward development-oriented policy goals. The criterion for successful return should not be the return itself, but successful reintegration of the returnee.
- › **Improve the available data.** The coordination of policy fields relevant to forced displacement and migration requires a reliable corpus of data that is available to all involved parties. In order to facilitate data collection and analysis, as well as for the purpose of knowledge management more generally, support should be provided for research on migration and refugee policy within Germany as well as for international research exchanges.

- › **Improve communication.** In order to strengthen public trust in asylum- and migration-related policy decisions, more transparency and accountability are needed. This requires conscious and careful public outreach and communication of objectives, strategies and potential interactions with other policy areas.

The development of a coherent migration and refugee policy will hardly be made easier by the increase in mixed migration and the growing reservations in many destination countries about further immigration. However, it is clear that a lack of political coherence harms all of those involved: the origin, transit and receiving countries, as well as the refugees and migrants themselves. Germany must face these challenges, and seek to systematically build a more coherent and sustainable refugee and migration policy in the years to come.

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For more information: www.faire-migration.de

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- › Migration, Integration, and Inclusion
- › Social Cohesion in Germany and Europe
- › Sustainable Living Spaces

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