Building Fortress Europe

The Hypocrisy of Europe's Migration Policies Which Give Lip Service to Human Rights but Actually Push Back Those Seeking Access to New Lives

By Parastou Hassouri

The so-called "refugee crisis" of 2015, which the United Nations High Commissioner for Refugees (UNHCR) has called the biggest displacement in Europe since the Second World War, has tested the commitment of the European Union to the very principles of the international legal framework meant to protect refugees. This legal framework, enshrined in the 1951 Convention Relating to the Status of Refugees, was promulgated in the aftermath of the world war, to address the displacement in Europe.

Although the events leading to today's refugee crisis began prior to 2015, it was in that year that the image of three-year-old Aylan Kurdi, who drowned as his family was trying to reach Europe, circulated across global media. It was in 2015 that a boat bound for Italy capsized off the coast of Libya, resulting in the drowning of more than 800 persons—one of deadliest of such shipwrecks. And it was in 2015 that Germany almost unilaterally suspended the Dublin Convention—the rules regulating refugees and migrants coming into the European Union (EU) "irregularly"—resulting in record arrivals of asylum seekers to Europe.

In 2015 alone, a record 1.3 million asylum applications were lodged in the EU. To put this in perspective, in that same year, more than five times as many asylum seekers reached the EU by sea than in the previous year. The staggering number of arrivals, the fast pace at which it was happening, and the fact that there seemed to be no end to the political crises causing these arrivals led to a pushback by the end of the same year. As the political tide shifted and as countries like Germany and Sweden, which had admitted the lion's share of asylum seekers, started pushing back, many of the transit countries en route also closed their doors for fear of being stuck

◁ A Turkish military watchtower is seen through the barbed wire of a fence along the Greek–Turkish borderline near Orestiada, Greece. Feb. 6, 2012. *Vassilis Ververidis/ Reuters/Motion Team*

with the refugees. EU member states, which have grappled for decades with the issue of migration, and specifically the question of how to ascribe responsibility for asylum seekers among various states, were once again mired in political stalemate as they sought a way to respond to the unfolding crisis.

What has come in response to this crisis have been a series of measures that can generally be described as "border externalization." The externalization of migration describes actions that states take extraterritorially to prevent migrants, including asylum seekers, from entering their territory or legal jurisdiction. As such, they become legally inadmissible and relieve the states of the legal obligation to consider their protection claims. Externalization measures can include unilateral, bilateral, or multilateral state actions, as well as the enlistment of private actors. They can be direct actions or indirect ones, whereby support or assistance is provided to third countries.

> The externalization of migration describes actions that states take extraterritorially to prevent migrants, including asylum seekers, from entering their territory or legal jurisdiction.

As migration policy has become an increasingly politicized issue, externalization policies are often framed as a humanitarian endeavor—meant to protect migrants from perilous journeys. Or, externalization policies have been sold to the public as a security imperative, a necessary evil to combat exploitative traffickers and smuggling rings or to prevent entry of would-be criminals onto European soil. Some measures are presented in the guise of development assistance to the host countries. That is to say that development funds become incentives for cooperating (or penalties for failing to cooperate) with deportation or repatriation procedures. In the end, externalization policies are strategies of migration containment and control.

In examining these various measures, two overarching questions arise: what is their moral cost, and are they, in fact, effective in achieving their purported goals? Border externalization policies, which aim to prevent refugees and migrants from reaching Europe's shores, undermine the principle of non-refoulement—which forbids states from pushing back refugees to territories where their lives and freedoms may be at

risk. In addition, externalization policies result in other human rights abuses. However, beyond their moral cost, which is significant, it can be argued that externalization policies are not effective. Though their immediate result is often a reduction in numbers that reach Europe, the reduction is temporary, since migration routes shift to circumvent the newly placed obstacles. Given that the social, political, economic, and environmental factors that push migration will continue to be a reality for the foreseeable future, an alternative to externalization is required—one that takes into account demographics, economics, and human rights, and creates more legal channels for migration.

Legal Framework and Obligations

Before looking more closely at border externalization, it is worthwhile to lay out the legal landscape—the rights that refugees and migrants enjoy which are undermined by externalization policies.

All human beings theoretically enjoy the right to freedom of movement. Article 13 of the Universal Declaration of Human Rights (UDHR) of 1948 and Article 12 of the International Covenant on Civil and Political Rights of 1976 both stipulate that individuals should enjoy the right of free movement within the borders of their own countries, the right to leave any country, including their own, and the right to return to it. Though both instruments grant all persons the right to leave their country, they are both silent with regards to the right to enter another country. Indeed, in today's world, it is assumed that a fundamental attribute of state sovereignty is the right to control one's borders and the entry and exit of non-citizens (and even one's own citizens).

In short, freedom of movement exists in theory only. In practice, the ability of any individual to leave his or her country at will and enter another is circumscribed by the passport they hold (and of course having the economic means to travel). In fact, today's visa regimes are in place precisely so that governments can filter out or place restrictions on undesired passports.

Article 14(1) of the UDHR states that "everyone has the right to seek and enjoy in other countries asylum from persecution." However, once again practically speaking, this right exists in a more theoretical sense than an actual one. The visa regimes in most countries delineate who can enter their country, for how long, and for what purpose. And, generally speaking, "seeking asylum" is not a purpose for which one can seek permission to enter a country.

However, states are bound by the principle of non-refoulement, which forbids them from sending or pushing back refugees to territories where their life or freedom would be threatened. The principle of non-refoulement, crystallized in Article 33 of the 1951 Convention Relating to the Status of Refugees, is the cornerstone of the international legal framework that governs refugee protection to this day.

As stated, the 1951 Convention was drafted in the aftermath of two world wars which devastated Europe and led to large-scale displacement. The convention has been ratified by some 148 state parties. However, the principle of non-refoulement has been elevated to the status of customary international law, meaning that all states are bound by it, regardless of whether or not they are signatories to the convention.

There have been many debates about the parameters of the non-refoulement principle: at what point is a state "bound" by this principle? Who is protected? Yet for our purposes it is enough to consider the following key points: (1) a state's obligation to abide by the principle of non-refoulement begins as soon as the person seeking asylum is subject to the state's jurisdiction; (2) the prohibition on refoulement applies in any circumstance where the state and its organs, or any agent authorized to act on behalf of the state, are involved; and (3) the non-refoulement principle applies to both asylum seekers and refugees.

European member states have conducted interdictions in international and even territorial waters of foreign states for decades.

From a legal standpoint, the term "refugee" is reserved for those who have gone through some sort of formal determination procedure, and have been found to fulfill the legal definition of a refugee (whether as defined under the 1951 Convention, or other applicable legal instruments). Until the formal declaration is made, the term used for persons seeking refugee status is "asylum seeker." However, as the non-refoulement principle protects both, states may not deport or push back those seeking asylum until their status has been clarified. And as stated above, the non-refoulement principle is triggered not only when the asylum seeker is physically on the territory of the state, but as soon as he or she is subject to the state's jurisdiction (at the border, in transit zones, in territorial waters).

It is for this reason that classifications such as migrant versus refugee are significant. To be a refugee under the 1951 Convention, a person has to show that they are at risk of persecution based on one of five grounds: race, religion, nationality, political opinion, or membership of a particular group. Persons fleeing conflicts may or not be refugees under the 1951 Convention, but often receive complementary forms of protection. Economic migrants are excluded from the refugee definition and are not seen as needing international protection.

Externalization policies are used as a way of circumventing the non-refoulement principle. If those seeking asylum never reach the point where the obligation would be triggered, then it cannot said to be violated. They are also justified in part on grounds that "irregular" entries to Europe include many economic migrants, who are not protected by the non-refoulement principle.

Two things must be considered in confronting these arguments. First, the distinction between economic migrants and refugees is not always so clear cut. Often, there is a link between economic impoverishment and political repression and corruption. Wars often lead to the disruption of livelihoods and it is during times of scarcity and economic pressures that some people are compelled to leave their home countries. Furthermore, some of those trying to reach Europe, who may have left their countries for economic reasons, find themselves caught up in trafficking rings, which could qualify them for refugee status. All this is to say that things are not always black and white. Second, migrants also have rights. Externalization policies themselves render migrants vulnerable to a host of potential rights violations, especially as many of the countries with whom deals are made not only lack domestic legal frameworks for asylum, but also criminalize migration.

Externalization Policies and Key Countries in the MENA Region

Externalization policies generally refer to the measures taken by states to prevent migrants from reaching their territories or areas within their legal jurisdiction. In the context of the EU, externalization is nothing new. As previously mentioned, as the EU has moved toward open internal borders, it has wrestled with the issue of how to manage its external borders, and specifically, how to assign responsibility for asylum seekers within member states. The Dublin Regime—starting with the Dublin Convention first signed in 1990 and currently with the Dublin III Regulation which came into force in 2013—stipulates that the member state through which an asylum seeker first entered the EU will be the one responsible for adjudicating the claim. Given that visa restrictions mean most of the persons seeking asylum enter the EU irregularly, the Dublin Regime places the burden on southern European countries. In turn, these countries took steps to contain the problem. For example, by entering into multilateral agreements with Morocco, Mauritania, and Senegal, which has included significant financial and technical support to surveil the coastline, boat arrivals to the Canary Islands dropped from 31,600 in 2006 to 2,250 in 2009, and even to as few as 170 in 2012.

Similarly, the EU, and Italy in particular, concluded many treaties with Libya, after the sanctions and arms embargo were lifted, in an effort to curb irregular migration. In 2008, Italian Prime Minister Silvio Berlusconi and Libyan leader Colonel Muammar Qaddafi signed a Treaty of Friendship, whereby Italy pledged $5 billion (over a twenty-year

period), part of which funded deportation flights from Italy to Libya, the construction of detention facilities for migrants in Libya, and technical support for coastal surveillance.

Many of these same measures continue to be implemented today, but with added urgency as the numbers of those seeking European shores have increased. Some of the principal measures used to enhance and facilitate border externalization include the following:

Safe countries of origin

EU Asylum Directives permit member states to designate a country of origin as "safe," provided certain criteria are met, and which then allows the state to conduct accelerated asylum procedures. One problem is that there isn't total agreement among member states about which countries may be considered "safe." Furthermore, human rights organizations have criticized the idea of such designations in principle, because asylum claims should be assessed on an individual basis—even a country that is generally safe may not be so for particular individuals.

Readmission agreements

Readmission agreements refer to formal accords or informal memoranda of understanding (which may be concluded bilaterally or multilaterally among several countries) in which a government pledges to accept deportees from another country. Readmission agreements are used to place pressure on migrant transit countries to control migration flows to Europe since the country that has signed a readmission agreement becomes responsible for migrants or failed asylum seekers who are returned there. Thus, it is assumed that countries with readmission agreements will be more likely to prevent migrants and refugees from entering their territories en route to Europe (in effect, pushing Europe's borders even further). Readmission agreements are generally accompanied by aid and technical assistance programs to build up the migration control capacity of the country in question. As stated above, for example, in July 2003, Spain and Mauritania concluded a readmission agreement which obliged Mauritania to readmit not only Mauritanians, but also other nationals who reached the Canary Islands off the Mauritanian Coast. This is just one example; the EU as a unit and its individual member states have concluded hundreds of such bilateral agreements over the years. The most famous of such recent agreements is the one concluded between the EU and Turkey, to be discussed below.

Patrolling operations and interdictions at sea

European member states have conducted interdictions in international and even territorial waters of foreign states for decades. For instance, for a period of five months in 2006, EU vessels patrolled waters off the West African coast, intercepting thousands

of migrants on the high seas and the Spanish territorial sea and territorial waters of Senegal, Mauritania, and Cape Verde. These operations have intensified over the years, and especially in 2015, in response to the increasing number of arrivals. For instance, the mandate of the European Border and Coast Guard Agency (known as FRONTEX) was expanded and its budget almost doubled to deal with the onset of the Syrian refugee crisis. In 2015, three major operations were deployed in the Mediterranean Sea: the European Union Naval Force Mediterranean (EUNAVFOR MED—later labeled "Operation Sophia"), a joint EU military operation with the mission to identify, capture, and dispose of vessels used by smugglers and traffickers, the FRONTEX Operation Triton, which focused on patrolling waters off Italy and Malta, and NATO's Standing Maritime Group 2, which was deployed in the Aegean Sea.

In addition to these measures, the November 2015 Valletta Summit on Migration, which took place between the EU and thirty-five African nations, led to the creation of the EU Emergency Trust Fund for Africa and a Partnership Framework on Migration (launched in June 2016). The initiative resulting from the Valletta Summit provided the impetus to allocate millions of euros for an array of migration management projects. This includes funding for the training of police and border officials, the development of extensive biometric systems, the donation of equipment including helicopters and patrol ships, and other surveillance and monitoring equipment, and the funding of detention facilities and transit centers.

What has been particularly concerning to human rights advocates about these latest intensified externalization processes is the fact that negotiations and agreements are being made with third countries known to be authoritarian and with poor human rights records, with aid and support going specifically to those government organs most responsible for repression and human rights abuse.

In order to implement the aforementioned externalization measures, the EU has engaged with a host of countries, focusing particularly on Africa since the Valletta Summit. Three examples from the MENA region will be discussed at more length.

Turkey: The Joint Action Plan
Due to its proximity to ongoing violence in neighboring Syria and Iraq, Turkey has been deeply affected by increased refugee flows. To date, it is estimated that more than 3.5 million refugees are registered in Turkey, more than any other country in the region. In addition to being a major host country, its geographic position has also made it a transit country for refugees wishing to reach Europe. In 2015 alone, over 850,000 refugees entered the EU via Greece from Turkey, more than through any other migration route. It should come as no surprise that the EU focused on Turkey as a partner in preventing irregular border crossings.

This partnership took shape with the Joint Action Plan announced at the October 2015 meeting of the European Council, which provides Turkey with incentives (mainly in the form of funding and visa liberalization for Turkish citizens) in return for Turkey's cooperation on preventing refugees from reaching Europe. The deal involved the following: the EU pledged 6 billion, some of which was meant to go toward improving living standards for refugees in Turkey; a promise to resettle refugees from Turkey (a "swap" of sorts that would involve the resettlement of one Syrian from Turkey to Europe, for every Syrian being returned to Turkey from the Greek Islands); and visa liberalization for Turkish citizens. In return, Turkey was to commit to cracking down on smuggling networks (in cooperation with the EU, member states, and FRONTEX), and to agree to accelerated return procedures for irregular migrants in line with established bilateral readmission provisions.

In the aftermath of the deal, arrivals did indeed drop significantly. For example, arrivals by sea to Greece dropped from 850,000 in 2015 to just under 30,000 in 2017. In a way, this "success" has led to the deal becoming a blueprint for subsequent ones. However, this "success" has come at a cost. There are many reports of increasing violence toward refugees in Turkey, some describing refugees being prevented from entering Turkey and violently expelled while others highlight the detention and mistreatment of refugees who are intercepted by Turkish authorities as they attempt to cross into Greece.

As such, the Joint Action Plan has also been criticized by the UNHCR, the Council of Europe's Commissioner for Human Rights, and a number of human rights organizations. The criticisms center on two particular issues. The first is the question of whether Turkey can truly be considered "safe" as a country of return, and the second touched on the possibility of mass expulsions due to accelerated procedures that will be implemented in accordance with previous bilateral agreements.

As mentioned above, the principle of non-refoulement prohibits the return of refugees to territories where they are at risk of persecution, or where their lives or freedoms are threatened. The prohibition on refoulement also protects a person from return to any state that would not effectively protect him or her from onward transfer (called indirect, chain, or secondary refoulement). So, one concern is that Turkey would send returning failed asylum seekers to countries where they could be at risk—not entirely invalid given reports of Turkey pushing Syrians back to Syria.

Furthermore, it has been pointed out that following the attempted coup by the Turkish military in July 2016 and the imposition of martial law, there has been increasing violation of fundamental freedoms in Turkey, so much so that it should not be considered a "safe" country any longer for returning or sent back refugees. Finally, it should be noted that the number of refugees meant to be resettled from Turkey to

the EU was limited by the Joint Action Plan to around seventy-two thousand, which represents a miniscule fraction of the 3.5 million total refugees in Turkey.

Subsequent to the enactment of this deal, in order to prevent onward migration from mainland Greece to other parts of Europe, Greece also enacted a containment policy, restricting those who arrive to the islands where they land until their cases are adjudicated. The refugees and asylum seekers on Greek islands are mainly confined to camps where living conditions are quite poor.

> Time and again, it has been shown that closing down migration routes does not stop people from fleeing, but rather leads to the shifting of migration routes to even more dangerous ones.

Despite pledges from the EU that they would increase support to handle the caseload, the adjudication of cases in Greece has been slow. In addition, in September 2015, EU member states agreed to a two-year plan to relocate some 160 thousand refugees to other EU countries (in light of Greece's own financial crisis and limited ability to absorb large numbers of refugees). However, as of September 2017, only 20,666 asylum seekers from Greece and 9,078 from Italy had been relocated to destinations within the EU. In addition, some of the main relocation countries, such as Germany, have announced that they can no longer accept refugees.

Libya: Collusion with Militias
As previously stated, attempts to curb irregular migration from Libya predate the current refugee crisis. Qaddafi used the issue of migration as a bargaining chip in his dealings with the EU and secured billions of dollars in assistance in return for migration control.

In the years since the uprising and fall of Qaddafi's regime in 2014, Libya's government institutions weakened and fractured to the point that today, three separate governments compete for power, divided along geographical lines and with limited control over the country. The collapse of state security left a gap that has been filled by armed groups and militias.

In addition, the high numbers of refugees fleeing conflicts, lawlessness, and insecurity within Libya itself—and the closure of other routes for reaching Europe—have

led to greater numbers seeking to reach Europe via Libya and increased crossings. These factors have allowed armed groups, criminal gangs, and militias to find a highly lucrative business in the smuggling and trafficking of persons, operating with total impunity.

The increased crossings have also meant increased deaths at sea (since the smugglers use unseaworthy, overcrowded boats with no safety features), which for a time led to some rescue efforts, in particular Mare Nostrum, launched by Italy in 2013 to lead search and rescue operations. However, as the tens of thousands of people who disembarked in Italy continued their journey to other parts of Europe, European leaders started to criticize Mare Nostrum, seeing it as a pull factor that allowed refugees and migrants to enter Europe informally.

Externalization policies are directly impacting the rights of refugees. This contradicts the EU's obligations under its own European Convention on Human Rights.

The Italian government ended Mare Nostrum at the end of 2014, and the following year—rather predictably—deaths at sea rose again, with two major shipwrecks in the space of one week in April 2015 claiming over 1,200 lives. In response to this incident, the EU expanded the resources and operational area of FRONTEX and deployed military vessels in the Mediterranean Sea (an operation again called EUNAVFOR MED). NGOs also set up private rescue operations. Once again, EU member states intensified actions aimed at reducing the number of people arriving in Europe.

The Partnership Framework on Migration, launched by the European Commission in June 2016 as a follow-up initiative to the Valletta Summit, and which includes Libya, has meant increased support, financially, technically, and logistically, to the Libyan Coast Guard, which is known to be partly made of militia members. There are documented cases of the Libyan Coast Guard shooting at and attacking boats carrying refugees, as well as NGO-operated rescue boats.

In February 2017, the Italian government and the Libyan Government of National Accord concluded a bilateral memorandum of understanding—which was integrated

into the Malta Declaration and adopted by members of the European Council—to adopt a three-pronged strategy to reduce the number of refugees and migrants crossing the central Mediterranean Sea.

First, they have committed to providing technical support to Libyan authorities for the management of "reception" (that is detention) facilities where refugees and migrants are held and routinely exposed to serious human rights violations; second, they have provided the Libyan Coast Guard with increased training and equipment in order to enable the Libyan guardsmen to intercept growing numbers of people at sea and take them to Libya; and third, they have struck deals with Libyan local authorities, including the leaders of non-state entities, to stop the smuggling of people.

Again, although the implementation of these strategies has led to a decrease in crossings, it has come at a cost. It has led to migrants seeking even deadlier routes for crossing. It has also left those in Libya trapped in horrific conditions. Amnesty International, for example, has reported extensively on the use of torture in Libyan detention facilities, used as a means of extracting ransoms from relatives of migrants. And in November of 2017, CNN footage depicting what appeared to be a slave market in Libya sparked international outrage.

Unfortunately, however, the outrage has not translated into meaningful measures to address the abuse of migrants and refugees in Libya, ultimately showing that the EU's primary concern is more with its own externalization plans than the plight of the refugees and migrants.

Egypt: Intermittent Progress

Egypt, which for years has been hosting forcibly displaced persons from some African countries, especially Sudan and Somalia, as well as other countries of the Middle East, mainly Iraq and Syria, is also an important transit point in the Mediterranean region. In addition, as a developing country Egypt itself is a source country for labor migration to Europe. In fact, in September 2016, when an Italy-bound boat capsized off the port of Rosetta, the overwhelming majority of the survivors were found to be Egyptians. Consequently, Egypt is also an important target country for the EU's externalization policies, with Germany taking a leading role in these efforts. In July 2016, Egypt and Germany signed an agreement on security cooperation, with Germany committing to train Egyptian police and provide equipment.

The agreement between the two countries is broad in scope, and has been presented as necessary to combat crime and terrorism, but border security is an integral part of it. Human smuggling is among the list of crimes prioritized for attention. Support was also provided in the form of information exchange, training, and provision of equipment, like document verification readers and technical support to incorporate

biometric features into travel documents. As a result of the enhanced capacity for monitoring and surveillance of irregular migration, there has been a reduction in boat departures from the Egyptian coast across the central Mediterranean Sea.

Germany is not the only country focusing on Egypt. Italy, which is a main destination country for migrant and refugee boats leaving Egypt, signed a readmission agreement with Egypt in 2008, under which Italy could send back unauthorized persons to Egypt without asylum screenings. In December of 2009, Italy and Egypt signed a memorandum of understanding to control irregular migration.

Also, in 2016, the EU Trust Fund granted 11.5 million euros to fund a project to strengthen migration management in Egypt, and support the newly created National Coordinating Committee on Preventing and Combating Illegal Migration. An additional 60 million euros were provided in 2017 to increase capacity building.

Although Egypt is a signatory to the 1951 Convention, there is no domestic legal framework that grants refugees rights. Many refugees in Egypt complain about the difficulties of securing employment, of abuse by security agents, and in the case of African refugees, racism and discrimination. In 2013, in the aftermath of the removal of then-president Mohamed Morsi from power, Egyptian media circulated rumors alleging that Syrians in Egypt were supporting the Muslim Brotherhood which in turn reportedly led to cases of violence against Syrian refugees. Egypt criminalizes illegal entry and exit, such that those seeking to leave via boats. When apprehended, they often face criminal charges and long periods of detention in overcrowded prisons and police stations. There is a real and legitimate concern that increased externalization measures in Egypt will exacerbate the situation.

Consequences of Border Externalization
Border externalization policies have far-reaching consequences. As already discussed, one of the most significant effects of externalization policies is the violation of the non-refoulement principle, which is the cornerstone of international refugee law. However, border externalization has other significant and negative outcomes.

More dangerous migration routes
As Europe's borders are extended beyond its immediate shores, and as those seeking to reach Europe are confronted by more border security and border control measures, they are pushed to explore other routes. Time and again, it has been shown that closing down migration routes does not stop people from fleeing, but rather leads to the shifting of migration routes to even more dangerous ones. So, even though numbers of those reaching Europe's shores in 2017 were lower than in 2015, the ratio of deaths to arrivals was five times as high.

Furthermore, the smugglers helping migrants cross borders seek higher prices for their work and expose migrants to greater dangers. The abuse and exploitation of migrant women and girls in particular have been highlighted by many international advocacy groups and NGOs. As crossing becomes more difficult, forcibly displaced persons are also compelled to spend longer periods of time stranded in transit countries, often in difficult circumstances, where they are subject to exploitation and abuse.

Fueling human rights abuse outside Europe
Increased border externalization also translates into more human rights violations—however because much of it is happening outside Europe, it becomes easier to turn a blind eye to it. As mentioned above, smuggling networks become even more ruthless and abusive the more dangerous routes become. Many forcibly displaced persons recount experiences of serious abuse while in transit, including sexual and gender-based violence, detention, and exploitation while in custody.

Additionally, the implementation of these externalization policies has required European powers to engage with some authoritarian forces known for human rights abuse. Specifically, much of the training and equipment provided to security sectors can also be used for other forms of repression. Of course, European support for border externalization perpetuates cycles of abuse and repression that cause people to flee in the first place.

Undermining development and diversion of development priorities
Externalization policies and the one-sided focus on measures meant to stop migration show a disregard for the consequences this may have for the target countries, many of which are characterized by fragile internal economic and political realities.

As migration management becomes the primary funding priority for Europe, money from development projects is diverted toward security-focused ones. As stated earlier, some migration management measures are presented in the guise of development aid—the language used is to eradicate "root causes" of migration. However, a significant amount of the funding goes toward the security infrastructure to prevent migration, rather than development projects. It is estimated that 80 percent of the budget for the EU Emergency Trust Fund for Africa (an outcome of the Valletta Summit) comes from the European Development Fund and other development and humanitarian aid funds.

Generally speaking, it is not the poorest people in a country that are able to migrate, since migration requires money. There is also concern that migration management takes away the focus of aid from those who are most in need of it. The target countries also end up prioritizing security expenditures at the expense of health, education, and

other development initiatives. Thus, there is a real concern that the excessive focus on preventing departures and tightening borders ignores the conditions that are driving people to migrate in the first place.

Continuation of neocolonialism

The rhetoric at summits like the one held in Valletta in 2015 may be one of cooperation between the EU and other—in this case, African—countries. Yet, it is very clear that this is an unequal relationship, one in which Europe is imposing its priorities and its interests on the African continent.

As the countries of the African Union aim to move toward more internal free movement within Africa, externalization measures require them to crack down on movement within their countries in order to prevent onward migration toward Europe. The externalization policies also ignore the critical importance of remittances that migrants send back home and on which many of the African economies depend. Although many so-called "source countries" repeatedly emphasize the need for more legal migration routes, European countries seem uninterested in creating those pathways. By ignoring the priorities and needs of these countries, EU member states perpetuate the unequal relationships that are a continuation of the nineteenth-century colonial era.

A Radical Rethinking

One of the primary problems with the EU's external approach toward the issue of irregular migration is that it addresses symptoms instead of causes—the focus on reducing numbers and shifting the burden elsewhere demonstrates a lack of a long-term vision on the issue of migration and on permanent strategies of cooperation that would benefit all sides.

It should be noted that in the context of the current crisis, especially in the Eastern Mediterranean where the bulk of those forcibly displaced are Syrians, the majority fled to and continue to live in neighboring countries, with Turkey (3.5 million), Lebanon (1 million), and Jordan (650,000) hosting the largest numbers. Externalization policies then are directly impacting the rights of refugees. This contradicts the EU's obligations under international law and its own European Convention on Human Rights.

It is also important to note that no immediate solution is foreseen for the Syrian crisis. In fact, globally, there has been an increased tendency toward protracted refugee crises (defined as situations where refugee populations of more than 25,000 remain in exile for longer than five years). What this means is that many refugees are simply unable to go home. Many remain in host countries where they are unable to benefit from all the social, economic, and political rights to which they are entitled. Legal

channels for movement to third countries, namely resettlement (conducted primarily via the UNHCR) are available to a very limited number of refugees. The combination of these factors can only mean one thing: they will seek to move irregularly.

The terms "refugee" and "migrant" need to be used interchangeably because both terms apply to the circumstances that push humans to take the risk of perilous journeys across desert and sea to nodes in the Global North where wealth congregates. The current international legal framework that protects refugees ignores economic migrants. However, there will continue to be economic migrants and migrants who are displaced due to development and climate change. This is the reality of our times.

What is required is a radical rethinking of the issue—one that takes into account Europe's demographic challenges, its labor needs, the rights of refugees and migrants, and creates more open channels for legal migration. Until we rethink all that creates migration policy, we will continue to maintain a morally untenable status quo.