



A world in movement

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INTRODUCTION

Human displacements or migrations have existed from time immemorial. It is not something new. What is new, is the enormous dimension that it has taken recent times, exceeding the foreseeable means and measures of the host countries for dealing with this situation.

However, because the causes that originate migration are multiple, it is necessary to study the phenomenon in an integral way, in the countries of origin and transit just as much as in the countries of reception. This will help to understand correctly the great variety of affected areas, ranging from politics, security and defense, to economic development, international cooperation and respect for human rights.

For this reason, I will structure the conference into four blocks:

In the first one, I will try to clarify certain basic aspects before beginning this study: among them, the first will be the legal distinction between the concept of *immigrant* and *refugee*. It is also necessary to enter into the legal consequences of the application of these terminologies for people and, although only in a superficial way, in the regulations applicable in the European Union, specifically in the Dublin Regulation.

I will then go on to describe the current state of migration in Europe, starting with a general description of the routes used by immigrants. Then, I will describe their itinerary from the

countries of origin to the countries of destination, and how the business model of the migrant traffic mafias is organized.

A third part will describe the reaction of the European Union to the current migratory crisis, entering slightly more in depth into those that are related to the maritime operations of the European Union, especially **SOPHIA**.

I will conclude with a proposal for possible solutions to the migratory problem, applicable from a comprehensive approach in the countries of origin, destination and transit.

1. THE REFUGEE STATUS. COMMON EUROPEAN ASYLUM SYSTEM.

Under the Geneva Convention regarding the Status of Refugees, a refugee is a person who: *"due to well-founded fears of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and cannot, or because of such fears, does not want to seek the protection of his own country; or, lacking nationality and being outside the country where he had his habitual residence as a consequence of such events, cannot or does not want to return to that country because of such fears."*

And although in a strict sense a migrant is any person who lives in a country other than the one in which he was born (that is the definition used by the UN), meaning that refugees are also immigrants, a person only becomes Refugee in legal terms when his application for asylum or protection is accepted. In the meantime, he is an immigrant seeking asylum. In the present wave, people are mixed between those who have right to receive asylum, according to the norms of the European States (concept equivalent to the one of refuge), and others that do not have that right.

The event of the arrival of Yugoslav refugees in the 1990s was at the root of the creation of a Common European Asylum System (CEAS), which aims to ensure that: "the granting of asylum is not a lottery," and that procedures should be unified, a common minimum should be established in terms of care for asylum-seekers. Also, that figures such as "asylum shopping" (simultaneous or successive applications for asylum in several Member States to increase the likelihood of receiving a positive response) be avoided, or the figure of "refugee in orbit" when asylum seekers are transferred from one Member State to another, without any agreement to examine their application. This work led to the approval of the so-called Dublin Regulation (1997, as amended in 2003) (in force EU Regulation No. 604/2013 or Dublin III).

2. MIGRATIONS. MIGRANT TRAFFIC NETWORKS

The main routes of access to Europe are principally the following:

- Western Mediterranean Route

- The Central Mediterranean Route.
- The Eastern Mediterranean Route.
- The Balkan Route.
- The Eastern European Route.
- The Black Sea Route.
- The West African Route.

However, the first four are the ones that accumulate 98% of the entries (data of 2016). This is why the actions of the European Union, as we will see later, have focused on counteracting the effects of migratory movements along these routes.

According to EUROPOL data, more than 90% of all migrants arriving in Europe have used the services of these networks at some point in their journey, which is undoubted proof of the benefit they are getting in this business. It is estimated that in 2015 only, these criminal organizations generated profits of between 5 and 6 billion euros from their criminal activities. These benefits strengthen the already robust, flexible and resilient criminal networks. The way in which these networks operate, as well as the vicissitudes and penalties that people departing from their country to Europe face, vary significantly depending on the country of origin and the route chosen; However, if we take the Central Mediterranean Route, we can observe these excessive currents:

That of the Sub-Saharan Migrants:

Migrants from sub-Saharan Africa now represent the majority of those leaving the Libyan coast on their way to Europe. In general it can be said that they pay a lower amount compared to the other groups, but in return, the conditions of their trip are much worse and insecure (shoddy boats and in many cases without lifejackets).

They usually begin their journey on their own, until they reach one of the cities of Mali or Niger from which caravans are organized to cross the desert and enter Libya.

This is just one of many testimonies of the harsh living conditions of these people during their stay in Libya.

That of the Maghreb Migrants:

Very different is the case of migrants coming from the Maghreb or the Near East (mainly Egypt, Iraq and Syria).

In general, most of them use legal means, such as planes, cars or railroad, to move from their country to Libya. Likewise, they are usually treated better than the sub-Saharan migrants, and in particular, they usually benefit from better accommodation and better conditions during the sea voyage to Italy, on safer wooden boats rather than rubber ones.

Normally, this trip includes grouping and lodging in safe houses or in camps (depending on the amount of the ticket paid), where they wait for the time to go out to sea. These grouping zones are near the localities where the shipment will take place, which for now are mainly

Sabratah and Zawiyah (they accumulate 75% of the outputs), as well as Zuwarah and Garabulli, other departure points for boats.

Thus, they take advantage of the windows of good weather to make their departures by boat. These usually occur first thing in the evening, avoiding detection by law enforcement agents during the night, and in such way that they arrive at the area where they await the rescue ships in the first hour of the morning.

For the trip, three types of boats are used:

- Inflatable boats, which are the main means used by the mafias, especially to transport the sub-Saharan migrants. They are cheap and much more dangerous.

- Wooden small boats (with a capacity of approximately 30 people), used by migrants who paid more for their trip.

- Large wooden boats, with a capacity exceeding 400 people, with a higher survival rate than inflatable boats, and which increases the chances of them being reused.

3. THE REACTION OF THE EUROPEAN UNION

We have seen that in 2015, the EU faced one of the most serious crises in its history, so serious that it has blown up the Common European Asylum System (CEAS). The massive influx of migrants has been produced by the countries of Southern and Eastern Europe, precisely those hardest hits by the economic crisis.

In this context, the Dublin agreement was systematically violated: most would-be asylum seekers on Italian or Greek soil wished to continue on their way to other European countries further north, while the countries of Southern and Eastern Europe for their part, had no interest in avoiding this continuation of the journey and prolong the stay in their territory.

At this point and in view of the humanitarian tragedy that was causing the flows of refugees from the Aegean Sea, the European Union decided to take action.

In this reaction from the E.U. one transit country, Turkey, has played a crucial role. As a country seeking entry into the E.U. and as a long-term socio-economic partner, Turkey was the ideal candidate for acting as guardian of the borders of Europe. Consequently, Turkey and the EU concluded an agreement to stop these flows to Europe. However, the agreement was immediately criticized by many sectors. A year later, an honest assessment is needed as the E.U. is considering designing new agreements with other transit countries.

On the other hand, just two days after the greatest loss of lives of immigrants and refugees in the Mediterranean Sea, the joint meeting of the Ministers of Foreign Affairs and the Interior, chaired by the High Representative and held in Luxembourg on 20th of April 2015, the European Union undertook to mobilize all efforts at its disposal to prevent further deaths at sea. To this end, a 10-point plan was adopted which established the immediate actions to be taken in response to the crisis in the Mediterranean. The Plan and the subsequent European

Migration Agenda, presented by the Commission in May 2015, cover the following main areas:

- Reinforce the European presence in the Central Mediterranean and the Aegean Sea,
- Combating traffickers in accordance with international law,
- Preventing illegal migration flows,
- Strengthen internal solidarity and responsibility,

As has already been said, in order to strengthen its capacity to save lives at sea, and as set out in the first point of its Action Plan and later established in the European Migration Agenda, the E.U. significantly improved its maritime presence by 2015. It tripled the resources and assets available for FRONTEX POSEIDON's "Joint Operations" (Aegean Sea and Greek coasts) and TRITON (Central Mediterranean and Italian coasts).

The development of the second point of the European Union's Action Plan for migration led to the EUNAVFOR MED Operation SOPHIA in order to interrupt the business of smuggling and human trafficking networks in the Southern Zone of the Central Mediterranean.

It is also important to underline what this mission is not: it is not a blockade of North Africa, nor an operation against Libya. All activities are carried out in accordance with international law and under the legality of United Nations Security Council Resolution 2240.

Finally, while contributing to the dismantling of the business model of human trafficking and smuggling networks in the Central Mediterranean, the mission is aimed at preventing further loss of human lives.

4. POSSIBLE SOLUTIONS AND CONCLUSIONS.

All these measures, although they may be effective in mitigating the migratory crisis in which we find ourselves, are nevertheless only effective as symptomatic treatment, since migration is only the symptom of a problem whose causes must be eliminated in the countries of origin.

These causes or drivers of migration (push factors), make emigration the only possible way out for those whose only wish is to live a dignified life. It forces them to abandon their social, cultural and natural environment, and take up the psychological suffering that this uprooting entails.

It is therefore imperative to act towards eliminating the causes of emigration in the countries of origin. The first step is to achieve a formal collaboration between the political authorities of the countries of origin and destination, through the corresponding bilateral or multilateral agreements that allow them to address the specific causes of emigration in each case. This will entail:

- Take the necessary measures to restore peace and create an environment of genuine security and stability.

- Progress in governance.

- Invest in cooperation and development through a comprehensive, person-centered and non-profit-oriented plan controlled to avoid diversion of aid funds.

On the other hand, certain actions will also be necessary in the host countries, including:

- Establish policies and standards of reception and assistance, to achieve social integration respecting their values, culture and traditions.

- Combat rejection, discrimination, exacerbation of nationalism and xenophobia. In summary and as has been pointed out on so many occasions by the Holy Father, that the way should be opened for a culture of encounter, and not of rejection.

- To underpin the values and principles of the host societies, making them understand that it is necessary to share resources with the most disadvantaged, even at the cost of our wealth or well-being.

In short, it is a complex phenomenon, which no country has the capacity to tackle on its own. Inter-state cooperation and international organizations are needed, which must tackle the problem with a comprehensive approach. Such migration will continue to be a problem, at least in the short and medium term, and the longer it takes to start implementing the necessary measures to manage it properly, the more dramas we will experience in many parts of the world, including close to where we are today, the Mediterranean.