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CALL FOR PAPERS

WORKSHOP

Faculty of Law, University of Salamanca

19-20 October 2017

Jean Monnet Chair in EU External Action at USAL in cooperation with
CEPS

The External Dimensions of EU Migration Policies: Effectiveness, Fairness and Rule of Law Reconsidered

The Jean Monnet Chair in EU External Action of the University of Salamanca organises in cooperation with CEPS a Workshop on the external dimensions of migration policies in the EU, under the direction of Profs. Juan Santos Vara (University of Salamanca) and Sergio Carrera (CEPS/Sciences Po). Since the University of Salamanca will celebrate in 2018 its eighth centenary many international conferences and events focused on current international problems will take place in Salamanca. This workshop aims to bring together scholars, young researchers and practitioners for discussing the main issues and challenges inherent to the intersection between EU migration, borders and asylum policies and foreign affairs, i.e. the external dimensions of EU migration policies.

The structural weaknesses of EU asylum, migration and border management policies turned the arrival of migrants and refugees into a crisis. After having adopted several policy initiatives to tackle the refugee crisis since the presentation of the Agenda of Migration in May 2015, the EU is now focusing on the external dimensions of migration. The aim of the Workshop is to evaluate to what extent the emphasis put on developing the external dimensions of migration policies can contribute to ensure a fair, effective and rule of law-complying system.

There is a widespread agreement among Member States representatives and European institutions that the EU should intensify its partnership with third countries in the field of migration. A key challenge is the exact form, shapes and priorities that such a policy should pursue. The EU has expressed its willingness to further develop its external migration policy in order to avoid future crises. At the 2015 Valletta Summit, the EU and the African countries agreed to work together to manage migration and mobility between Africa and Europe and address the root causes of irregular migration and forced displacement.

The 2015 EU-Turkey Joint Action Plan and the 2016 EU-Turkey Statement were adopted in order to end irregular migration from Turkey to the EU. The EU-Turkey statement has been severely criticised by the press and in the literature due to its lack of respect for international and European rules on asylum. While the effectiveness of the deal in terms of stopping the arrival of refugees and migrants by creating a deterrent effect seems clear, the question remains open as regards the costs and consequences in terms of legitimacy of EU external action.

The Orders of the General Court of 28 February 2017 (Cases T-192/16, T-193/16 and T-257/16) has confirmed a key trend in several EU responses to the refugee crisis which consists of the increasing use of instruments falling completely outside the legal acts and decision-making procedures envisaged by EU Treaties. A key challenge inherent to the use by EU Heads of Government and State of non-EU legal acts outside the Treaties is its repercussions for democratic scrutiny by the European Parliament and judicial control by the Court of Justice in Luxembourg. They also pose important questions in relation to the principle of sincere and loyal cooperation laid down in Article 4 TEU.

In June 2016, the European Commission proposed a new Migration Partnership Framework (MPF) which was endorsed by the European Council in June 2016. The objective of the MPF is to develop 'win-win' relationships with the European Union's partners to tackle the shared challenges of migration and development. The new Partnership approach includes a mix of short and long-term actions. The EU is implementing this framework starting with a number of priority countries of origin and transit – Mali, Nigeria, Niger, Senegal, and Ethiopia. A key component in the MPF is the concept of "EU compacts".

The compacts aim to put together different instruments and tools to reach comprehensive partnerships with third countries to better manage migration in full respect of humanitarian and human rights obligations. A key priority driving the MPF continues being expulsion and readmission of irregular immigrants and an increasingly linkage between EU readmission agenda and other EU foreign affairs policies, including development aid. Uncertainties remain as to whether the EU Compacts and the MPF is

fully compatible with the sustainable development goal of facilitating safe, orderly and regular migration and the UN Global Compacts called for the New York Declaration on Refugees and Migrants of 13 September 2016 adopted at the UN Summit for Refugees and Migrants.

The joint Commission and High Representative Communication “Migration on the Central Mediterranean Route – Managing flows, saving lives” (25/01/2017) and the Malta Declaration (03/02/2017) by the members of the European Council confirmed the willingness of the EU to step up cooperation and assistance to Libyan authorities to tackle migration on the Central Mediterranean. The President of the Commission, Jean-Claude Juncker, addressed a letter to the March European Council reiterated that the EU has to work effectively with third countries on a joint agenda to address the causes of migration flows at their roots in order to “ensure a fair and effective system of asylum and migration management here in the EU” (02/03/2017). However, the Renewed Action Plan on Return presented by the Commission the same day puts a lot of emphasis on the expulsion of irregular migrants.

JHA agencies are also called to play an important role in the cooperation with third countries in the field of migration. The EBCG Regulation now provides for the possibility for the new Frontex to carry out operations on the territory of neighboring third countries subject to a prior agreement concluded by the EU and the third country concerned. The revamped Frontex is also called to play an important role on the return of irregular migrants.

Despite the declared commitment to respect fundamental rights, and in particular the principle of *non-refoulement*, the development of the external dimension of migration raises very complex issues as regards fundamental human rights standards laid down in the EU Charter of Fundamental Rights and the European Convention of Human Rights. The EU’s responsibility for human rights violations does not end at European borders. There is also a risk that some of the EU policy initiatives, and, in particular, the EMP promote a foreign policy that serves to curb migration, at the expense of the credibility and legitimacy of the EU in international relations. Apart from that, the EU has not been willing to open legal channels to come to Europe for those in need of international protection and regular migrants.

This Workshop aims to assess both the implications of the main legislative and policy instruments adopted by the EU institutions and actors for third country cooperation in migration, asylum and border policies. Furthermore, the implications for other EU policies, such as development, common commercial policy or CSDP, will also be taken into account. Therefore, the Workshop aims to provide a platform for discussing whether the external dimension of migration can contribute to ensure a fair, effective and rule of law-complying policies.

Paper proposals are expected to analyze the main issues and challenges linked to the legal, political and economic aspects of the EU external dimensions of migration policies, namely in **the following thematic areas:**

-The Migration Partnership Framework and the UN Global Compacts

- Readmission instruments of irregular migrants and the increasing use of safe country notions
- Legal migration
- The implementation of the EU-Turkey Statement
- Resettlement and off-shoring processing of asylum applications
- Humanitarian visas
- The nexus between migration and other EU policies (i.e. development or CSDP)
- The trafficking and smuggling of human beings

Language of Conference and Papers:

English.

Paper Proposals:

Paper proposals should be submitted to jeanmonnetchair@usal.es by **30 June 2017**.

The paper proposals (abstracts) should not exceed 500 words. Please include your name, email and affiliation along with your abstract.

Selection procedure: The selection of the papers will be communicated to the authors by **10 July 2017**.

Confirmed participants are expected to provide complete drafts of their papers no later than **30 September 2017**. The papers selected will be published in an edited collective volume by an international publisher.

Organization and coverage of costs:

The Jean Monnet Chair at USAL will cover travel expenses and local expenses for the selected participants. The accommodation will be arranged by the Organization.

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