

Event Report

**EU-Asia Migration Challenges:
Countering People-Smuggling**

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The history of humanity is the history of the movement of peoples. From the outset, considering the demographic imbalances between Europe and Asia – Europe’s aging population and Asia’s surplus of young people, migration could be seen as a positive phenomenon as long as it is well managed and the rights of migrants are respected. However, this thinking is complicated by several factors, including the current high unemployment rates in Europe, and many of these migrants coming from war zones.

To understand migration and the issue of migrant smuggling, it is important to distinguish between pull and push factors, and also between smuggling and trafficking. The EU needs to strengthen cooperation with international partners, organizations, and actors, including NATO, in countering the human smuggling industry, by finding better synergies and deepening complementarities. The European Agenda on Migration adopted in May 2015 is a multi-faceted and comprehensive approach in this direction.

Global and EU migration trends

Considering migration and asylum refugee trends in recent years, Syria currently is the largest refugee producing country with 4.2 million refugees by mid-2015. Despite the general impression that most of people come to Europe, Turkey and Pakistan are the main refugee hosting countries in the world with 1.8 and 1.5 million refugees respectively, followed by 1.2 million in Lebanon, and 980,000 in Iran. The EU as a whole has received around 1.2 million asylum claims in 2015, a number comparable with Lebanon – a country on its own. Most asylum seekers are young with 30 percent being children under the age of 18 that raises specific protection needs, and 50 percent aged 18-35. According to statistics from Frontex, after Syria holding the first place as the top nationality for migrants, the second place is held by non-specified migrants, which account for around a half million border crossings in 2015 – a huge rise in this category compared to previous years. This is partly due to the fact that border forces have been so overwhelmed that nationalities have been difficult to ascertain, but also because migrant smugglers often advise migrants to attempt to swap nationalities and declare a false one when they get to the first meeting with authorities of any member state, and many migrants travel irregularly without any travel documents in the first place.

Irregular migration

Any movement that takes place outside the regulatory norms of the sending, transit, and receiving countries can be termed irregular migration. A case could be that a person crosses an international border without a valid travel document, while another can be that a person is already legally in a country, perhaps as a student or a tourist or an asylum seeker and he/she stays beyond the validity of their resident permit or visa.

There are various drivers of irregular migration including push and pull factors, which must be distinguished. Push factors include conflict and instability, poor governance and poverty; most irregular migrants from Africa are not asylum seekers fleeing a conflict but leaving due to poverty and lack of economic opportunities in the hope of finding a better life. Migrants leave not only due to certain factors pushing them, but also due to pull factors, which include a vision of a better life, and the prospect of finding jobs. Despite being irregular migrants, they do, through their network of contacts and other sources, end up finding a job in agriculture, construction, household work, etc. since a certain demand exists. People are connected to the Internet and exposed to much more information today, making them more intended to migrate.

Migrant smuggling

Smuggling of migrants is a highly profitable and attractive business that generates millions in profits, and most smugglers remain unpunished. Smugglers also constantly change their routes, rendering it difficult to address them.

In terms of recent trends of migrant smuggling, there is a growing marketing of smuggling through enhanced connectivity via social media and smartphones. Through these channels, information about prices, departure points, logistics of travel, boat departures, and so on is made available. All-inclusive packages for a journey to Europe including a life jacket, space in the boat, etc. are marketed. Destinations are approx. EUR 2,000 per person from Libya to Italy, and range between EUR 4,000 to 6,000 from Turkey to Europe.

It is important to distinguish between migrant smuggling and trafficking. While smuggling is helping a person to go from one country to another illegally and is voluntary, trafficking takes place within the same country and it involves moving someone from one place to another with the intent to exploit that person. Trafficking entails an element of exploitation, perhaps coercion into forced labor or prostitution; while smuggling does not. Trafficking is a crime against an individual, whereas smuggling is a crime against the state. However, there is a narrow line between both as smuggling often results into trafficking because often people cannot pay the smuggler immediately, resulting in them being exploited and forced into situations of labour etc. to pay back the debt.

Migrant smuggling routes

Through air routes, document fraud is used to smuggle migrants. With increasing sophistication in document fraud, smugglers create documents that are very difficult to detect at the border given the limited time that inspectors have. The sea route is the most prominent route and also most widely featured in the media. Many migrants do not make the journey, and as IMF data espouses, in 2015 more than 5,000 migrants died or went missing. The countries of first arrival are mostly Greece and Italy from where migrants try to continue their journey to other destination countries. These trends continue in the first quarter of 2016 when the arrivals reached 175,000. A number of migrants and refugees, more than 50,000, were stranded in Greece because of the closure of the Balkan routes.

According to Europol, in 2015 more than 1 million migrants reached the EU, out of which more than 90 percent used facilitation services and networks, including provision of transportation, accommodation and fraudulent documents. Europol estimates the criminal assets from migrant smuggling to be around EUR 3-6 billion.

Responses to migrant smuggling

It is important to first work on the push factors, for as long as there are ongoing conflicts, people will always be incentivized to flee. The same goes for people from poor countries in Africa – lack of good governance and economic opportunities in the countries of origin ensures the flow of migrants and migrant smuggling.

Information campaigns are being conducted on the risks of smuggling to make migrants aware and open their eyes on how long the journey is and how grave the risks of undertaking it are, and maybe help to change their minds.

Saving lives is a human imperative but it is also necessary to create alternate channels for migration. Now the only possibility to enter Europe is basically to ask for asylum, where some will be granted asylum status because they come from conflict war zones and are fleeing persecution. The fact that there is no other opportunity for legal and economic migration renders smuggling the only way for people to enter irregularly.

More comprehensive policies are needed to deal with this issue, including opening more channels for migration, easier processes for family reunification, resulting in people not being forced to rely on smugglers. Restrictive policies will not necessarily stop smuggling, and might just change the smuggling modus operandi by pushing up the fees and pushing smugglers to change their routes, causing migrants to pay more and risk more. Opening legal avenues for migration is paramount to address the question of migrant smuggling.

The EU's approach

In May 2015, the European Agenda on Migration – a far reaching and multidisciplinary approach – was announced, which is the main framework with which the EU is attempting to address migrant smuggling at the EU level. The aim is to turn migrant smuggling from a “low risk, high profit” business in to a “high risk, low profit” undertaking. Certain immediate actions that were highlighted were:

- Saving lives at sea – expansion of Frontex Joint Operations Triton and Poseidon
- Targeting criminal smuggling networks – CSDP mission, Joint Operational Team (JOT) MARE expansion
- Promoting relocation and resettlement – 20,000 places envisaged
- Working in partnership with third countries – Valletta summit amongst others
- Help frontline member states – hotspots approach, EUR 60 million of EU emergency funding made available to these

The EU Action Plan against migrant smuggling was adopted on 27 May 2015, which is part of the first implementing package of the European Agenda on Migration. Its four pillars are as follows:

1. Enhanced police and judicial cooperation

Aim: Enhance the investigation and prosecution of migrant smugglers.

Latest steps: Evaluating existing EU legal framework, setting up single points of contact in member states, better cooperation of EU Agencies to harmonize work on smuggling. E.g. Frontex operational cooperation with Europol.

2. Improving, gathering and sharing of information
3. Enhanced prevention of smuggling and assistance to vulnerable migrants especially minor and unaccompanied ones.

Aim: Raise awareness of the risks of smuggling and developing a counter narrative in the media to what smugglers claim.

Latest steps: Possible review of Directive 2004/81 that is there to provide temporary residence permits to victims of trafficking and subjects of migrant smuggling to cooperate with the authorities over ten years since it was adopted, establishing partnerships with business operators, information and prevention campaigns in third countries, more effective return of migrants denied asylum, stronger action against the employment of irregular migrants.
4. Stronger engagement with third countries
 - Finding synergies between actors in the EU and international actors, develop national and regional strategies to help set up integrated joint responses to prevent migrant smuggling.
 - International cooperation necessary by virtue of the crime that is international itself.
 - Assist countries that have not implemented the UN protocol on smuggling in drafting and implementing the legislative framework for this.
 - Setting up coordination platforms in third countries to streamline ongoing actions so as to avoid overlap and maximize the efforts of the EU and other international organizations.

Indonesia

Indonesia is a victim of the crimes of people smuggling, trafficking, and other transnational crimes, and is ready to enhance cooperation in combating these transnational crimes. 6.2 million Indonesians live as migrant workers abroad in the Middle East, Far East, and South East Asia, out of which at least 1 million have fallen to trafficking persons. The UNHCR has documented the threat of people smuggling that Indonesia faces, where Indonesia is used, especially by some countries in South East Asia, as a transit point to reach Australia. These issues unless handled ineffectively can create tensions between countries. The process of combating this involves no less than 43 countries, and should encompass an approach comprising of origin of conflict, and countries of transit and destination. In this regard, the Bali process exists since 14 years and is a useful forum, particularly in bringing the issue alive in Indonesia's region.

On 8 April 2016, Indonesia welcomed a visit by Federica Mogherini, which launched the first ministerial EU-Indonesia dialogue, and led to a joint statement being issued after the meeting that included a reference on enhancing cooperation to combat people smuggling. These challenges are increasing worldwide, and countries should address the situations within their respective regions. In addition, these issues must be viewed through a holistic perspective.

Indonesia welcomes the enhancement of EU-NATO cooperation to address the changing threats against Europe, and the enhancement of the external border of Europe. But in tackling this issue, the root causes must be tackled, aside from addressing portions of the challenge namely promoting Europe's maritime security.

Attempts should be made to bring peace and security to Europe's neighboring areas, and to promote development cooperation. Europe has given opportunities in terms of opening markets for countries in Africa. Indonesia attaches an importance to crude palm oil, 40 percent of which is owned by smallholder farmers and is quite effective in reducing poverty. For European markets, CPO should be sustainable, and CPO plantations exist in Africa. Therefore, smearing and putting the CPO in a bad light is against the spirit of competition, and furthermore, denies opportunities for Africans to alleviate poverty, which would in turn lessen pressures on other countries including Europe and not encourage them to be migrants and refugees. Action oriented efforts should be deployed through early detection, protection, and prosecution.

Indonesia plays an important role in engaging the debate of the Muslim world in order to create a peaceful Islam. Islamophobia and the real fears of terrorism have aggravated the challenges of refugees and migrants in Europe. This is a pan-European problem that requires pan-European action, and the EU should not sacrifice its ideals in addressing these challenges. Europe is a "champion" of human rights, democracy, justice, and compassion. Islamophobia on the other hand is about fear, hostility, bias, discrimination, and marginalization. Islamophobia in Europe feeds into the agenda of Isis and enhances their attempts for further radicalization. The message of Indonesia, with the world's largest Muslim population and a stable and democratic society, is that the ulema (Islamic scholars) have to work towards a tolerant Islam and challenge extremist ideologies.

Chinese migration in the EU

The Chinese diaspora is one of the oldest and largest in the world, although the share of Chinese migrants in Europe is relatively smaller. There has been a wave of new migrants that left China since the 1970s and also after 2000. Most of these migrants are concentrated in the traditional migrant countries including the UK and France, but increasingly many new migrants came to Southern Europe including Spain, Italy and Portugal. These Chinese migrants have a high level of mobility, and many have left these Southern countries since the 2008 economic crisis.

Migration means economic improvement for most Asian migrants, not only for the individual but also for the group. The aim of the Chinese migrant is to preserve the face of the family, clan, lineage, village, and the Chinese state. The Chinese in the diaspora make sacrifices (eating bitterness *chi ku*) in order to be successful, and tend to be self-reliant while making use of their web of relations (*guanxiwang*).

The stereotypical Chinese migrant has traditionally been over-represented in catering and manufacturing particularly within textiles. However, they have been diversifying into other avenues although this has gone largely unseen in the mainstream media. Increasing FDI has seen an increase in Chinese expats, and China's economic transformation has seen an increasing number of Chinese students at universities across Europe and many migrants as white-collar workers. Additionally, there is a sizeable second and third generation that is breaking out of the ethnic economy and branching into other areas, thereby entering and integrating with the regular labor market.

Concerning the issues of smuggling and trafficking, these were rampant in China in the 1990s and 2000s as a result of restructuring, through which many SMEs were dismantled and left behind large numbers of workers without jobs. Evidence from the late 2000s suggests that human smuggling from China has declined, partly because of new ways of legal entry into Europe like family reunification, and improvement of the local Chinese economy and increasing job opportunities.

Chinese migrants and companies contribute to local economies in Europe, and have participated in the globalization of the production chain. For instance, Chinese manufacturers are buying Italian companies. These migrants are embracing a hyphenated Chinese-European identity among second and third generations. There has been a transformation of Chinese migrants from peasants to entrepreneurs (embourgeoisement) and highly qualified experts and professionals, who no longer come exclusively from rural areas but from metropolitan areas too.

Threats to Chinese migrants include China bashing, and enduring stereotypes including anti-Chinese riots. The Chinese are absent in the migration and integration debate, except in the discussion on illegal smuggling. There is also a lack of literature about Chinese migrants in Europe, since they do not fit well with the European frame of migration that focuses on asylum seekers or humanitarian issues.

The role of NATO

NATO is a security organization that can help out when issues of security and stability arise, but it must be clear that NATO cannot solve the problem itself, which is a complex issue and should be part of a wide international solution. NATO member states make decisions by consensus, and this raises many risks, which they are aware of yet tasks are not given to the alliance to deal with. This is due to disagreements on the question of what the role of the alliance should be.

With respect to migration, the discussion has just started. Defense ministers on the request of Germany, Greece and Turkey decided on February 11 that NATO should take action; the Aegean mission subsequently started on March 7. Years ago, the task of NATO was not to deal with the fight against terrorism, but to

fight a visible target. After 9/11, the question changed from whether NATO should fight terrorism to what NATO can do in the fight against terrorism and what value can be added. NATO is a relatively more efficient and responsive actor among the international organizations.

Migration is a complex issue and needs to be evaluated in its complexity. NATO is adding value to the migration debate, and had already started thinking of the emerging security challenges before the Syrian conflict, including global warming and migration as a consequence of it. However, NATO did not receive any tasks from nations to deal with these issues. Mass migration will occur on an even larger scale, and Europe needs a more complex strategy to deal with it in a legal way. NATO does not have a policy concerning this, but rather deals with it not as a security threat, but as a humanitarian crisis fueled by human trafficking and criminal networks, thus rendering it a security issue. Conflicts beyond NATO borders can directly affect allied security including extremism, terrorism, and transnational illegal activities like trafficking. NATO missions recognize the issues but are late with reacting with tasks. Differences must be made between the root causes since in addition to aiding the EU, Greece and Turkey, NATO is helping countries to stabilize themselves and tackle the security challenges that fuel migration. For instance in Afghanistan where NATO is giving financial help to augment Afghan security services, and where NATO troops are training and advising these. Additionally, NATO is involved in defense capability building initiatives in Jordan, Iraq, Tunisia and several other countries who have applied for such help, including advice on how to organize and build their security institutions; and also has an increased presence in the East Mediterranean. NATO is committed to helping Turkey by reinforcing Turkish air defense, sharing maritime information and intelligence, and in avoiding the overflow of the conflict through Turkish territory – an allied country that NATO is obliged to protect.

Whilst traffickers and criminal networks continue to find alternative methods, the discussion on the issue of migration and trafficking must be continuous. NATO can do more but nations must agree by consensus and be flexible. Moreover, it is important to remember that NATO is also a political organization, and the current situation has enabled closer and better cooperation with the EU. The EU and NATO can complement one another and implement roles together where the other cannot reach, for instance, NATO can go into the Mediterranean whereas the EU cannot. Therefore, NATO provides an additional platform for discussions on these issues and avenues for action.