The EU Pact on Migration and Asylum in light of the United Nations Global Compact on Refugees

International Experiences on Containment and Mobility and their Impacts on Trust and Rights

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7. Internal Solidarity, External Migration Management: The EU Pact and Migration Policy Towards Jordan

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7.1 Introduction

What will the EU’s New Pact on Migration and Asylum offer asylum seekers and refugees living outside of the Union? The answer, it would seem, is ‘very little.’ The Pact discusses the need for dialogue, cooperation and mutual partnerships with relevant third countries. Yet it focuses on solidarity among EU Member States, which comes at the expense of meaningful solidarity with asylum seekers and refugees inside, outside, and at the borders of the EU (see European Commission, 2020).

This Chapter argues that, at a time of unprecedented health and economic crises, a new EU Pact should represent an opportunity to break from the restrictive and destructive agendas that have long framed European migration policy. Drawing on the situation in Jordan – one of the EU’s key migration partner countries – the Chapter examines how efforts to support refugees’ livelihoods where they currently live have been a key element of the EU’s externalisation agenda. It explores the successes and failures of these policies, and then the consequences of the Covid-19 pandemic for livelihoods policies and programmes. It argues that the events of 2020, which have threatened many refugees’ (already deeply precarious) livelihoods, demonstrate that – now more than ever – a new approach is needed.
7.2 A Pact framed by ‘crisis’

The Pact is full of worrying signs from the perspective of asylum seekers’ and refugees’ rights. It discusses (see European Commission, 2020: 4, 14, 10) the need for a “swift return procedure” and “reinforced external borders”, and it plans to “build on the hotspot approach”, which has led to “fundamental rights challenges” where it has been implemented (Danish Refugee Council, 2017:4). On all of these counts (and many more) the EU ignores the very migration research it funds (Kalir and Cantat, 2020).

Beyond any individual policy, however, what is striking about the Pact is the worldview it propagates. It is framed by discussions of crises (past, present and future). The EU appears to see migration ‘crises’, or migratory ‘pressure’ that could lead to another ‘crisis’, around every corner. In particular, the so-called migration crisis of 2015-2016 looms large over the new policy arrangements. It clearly and explicitly shapes the background thinking to the Pact, which aims to reinforce Fortress Europe against similar numbers of people arriving ‘irregularly’ in the future.

In assessing the new Pact, which aims to place migration even more centrally in EU external relations, it is important to consider the range of ways that the EU responded to this ‘crisis.’ A key piece in the jigsaw through which the EU has attempted to stop asylum seekers and refugees from reaching its borders is providing incentives for people to stay where they are. The ‘solidarity’ that the Pact demands for EU members is just one side of the coin; internal solidarity shares space on the same coin with Europe’s external migration management (see Bisong, 2019).

7.3 Livelihoods and the externalization agenda

In the wake of the ‘migration crisis,’ the EU and other partners decided that focusing on jobs and livelihoods was one way to reduce the number of asylum seekers and refugees attempting to enter the Union. If people can work where they are, they reasoned, they’ll have fewer reasons to come to Europe. This is still central to the EU’s thinking. As the Pact states, “economic opportunity, particularly for young people, is often the best way to reduce the pressure for irregular migration” (European Commission, 2020: 18)

Leaving aside the accuracy - or otherwise (see Crawley, 2017) - of the logic underpinning this idea, asylum seekers and refugees should of
course have the right to work where they live. They should have opportunities to access *decent* work, which means work that offers (among other things) a fair income, security and safety in the workplace, and equality of opportunity (see International Labour Organization, n.d.).

In the period during the ‘migration crisis,’ Jordan was at the centre of these policy proposals. In February 2016, at the end of the London Donors Conference for Syria and the Region, co-hosted by Germany, Kuwait, Norway, the United Kingdom and the United Nations, a document entitled ‘The Jordan Compact’ was released (Government of Jordan, 2016). In it, the Government of Jordan declared that in the coming years it would potentially allow as many as 200,000 Syrians to obtain work permits in Jordan. It claimed to represent a “new paradigm” for refugee responses, by bringing together development and humanitarian approaches.

The EU’s role in this Compact was central. It has been one of the main donors supporting the implementation of the Compact, and it agreed to renegotiate its ‘Rules of Origin’ arrangements with Jordan, in an attempt to make it easier for Jordanian companies to export to the EU (Lenner and Turner, 2019). All of the annual follow-up conferences on ‘Supporting the Future of Syria and the Region’ have been held in Brussels, with the 2018, 2019, and 2020 events co-chaired by the EU and the UN.

The success of the compact has been a subject of debate among observers. As I have explored elsewhere together with Katharina Lenner (Lenner and Turner, 2018), the Compact encountered numerous challenges because it failed to take into account the views of key stakeholders - most glaringly, those of Syrians themselves. This resulted in a focus on work in sectors where very few Syrians wanted to work.

Because the release of donor funds was tied to the number of work permits that were being issued, the underlying goal of *decent* work for Syrians appeared to fade into the background. Having a work permit does not necessarily equate to having a job, let alone a decent job, but work permits appeared to become a goal in themselves. As the Jordan International NGO Forum and Jonaf argued (2020: 2), work permits “have done little to strengthen decent work protections”.

Nevertheless, it is important to acknowledge what has been achieved through the Jordan Compact, and the many schemes, reforms, and projects that have spun off from it in the past five years. Indeed, the
Jordan Compact is notable for the extent to which it has actually been implemented, in contrast to the EU’s deals in other contexts, for example Lebanon (Fakhoury, 2019). From January 2016 to August 2020, slightly over 200,000 work permits were issued to Syrians in Jordan (UNHCR, 2020a). Syrian unemployment has dropped radically, although to a greater degree among men than among women (Tiltnes et al., 2019).

It is important to note, however, that these cumulative work permit figures do not tell us how many Syrians hold a currently valid work permit (most permits are valid for one year), or how many permits have been given to the same people in different time periods. The figure for how many permits are valid at any one time is harder to come by than the cumulative total, but, for example, was quoted as around 45,000 in mid-2019 (Gordon, 2019).

Furthermore, while many Syrians were already working without permits in Jordan, many report that having a permit makes them feel more secure in their legal status in Jordan, and less under threat of deportation to Syria (International Labour Organization, 2017), which has been a widespread practice (Human Rights Watch, 2017). Even with this more secure legal status, however, “access to decent, well-paid employment that gives a feeling of job security is still a distant hope” for most Syrians in Jordan (Tiltnes et al., 2019:135).

In an interesting recent research paper, Peter Seeberg (2020) explores, through interviews with Jordanian officials, how EU-Jordanian relations are seen by actors within the Jordanian government. A running theme of the analysis is that, while the EU is the largest donor to Jordan concerning Syrian refugees and its largest trading partner, the money donated (by the EU and overall) falls very far short of the funds required. In 2020, for example, according to the Ministry of Planning and International Cooperation, the Jordan Response Plan received $781 million in funding, representing only 34.7 percent of the amount required (Jordan Times, 2021). The EU does not sufficiently recognise or take into account, Jordanian officials argue, the Jordanian context or the range of challenges that the country is facing. The EU’s negotiating demands, therefore, are often inflexible, and its approach can be counterproductive (Seeberg, 2020).

Meanwhile, even after it was further revised in 2018 to attempt to make it more accessible to Jordanian businesses, the much-hailed renegotiated ‘Rules of Origin’ deal between the EU and Jordan appears to
have achieved relatively little (Al Nawas, 2019). This is especially the case in terms of the number of jobs created and the number of firms exporting under the deal.

Its positive effects notwithstanding, it is clear that the Compact has not brought about the ‘paradigm shift’ its supporters envisaged. While many of those involved in promoting the Jordan Compact hoped that it would be the first of many such compacts to provide jobs for refugees living in the ‘Global South,’ this has not proved to be the case. To date, arguably the only substantively similar ‘jobs compact’ that has been signed is in Ethiopia. Implementation of this agreement has been slow - much slower than in Jordan – and wages at the factories where refugees were expected to work fell well below refugees’ expectations (Gordon, 2019).

7.4 Refugee livelihoods and Covid-19 in Jordan

While new EU arrangements on migration and asylum have long been discussed, we cannot ignore the fact that the Pact is coming at a time of a pandemic that has devastated so many lives and livelihoods across the world. These recent developments make the EU’s approach to migration even more regrettable, and its strategies to achieve its restrictive goals even less realistic.

The situation for refugee livelihoods in Jordan, for example, has considerably worsened since the beginning of the pandemic. Enacting one of the world’s strictest lockdowns in March 2020, Jordan initially managed to keep the numbers of Covid-19 very low. A large proportion of the cases that were recorded in Jordan were at its border crossings, or in quarantine facilities (Ministry of Health, 2021). Yet from August 2020 onwards, case numbers in Jordan increased significantly. In early September 2020, the first known cases of Covid-19 were recorded in Syrian refugee camps in Jordan, and by the end of January 2021, there had been over 1,200 cases in Za'tari Refugee Camp, which has a population of approximately 80,000 (UNHCR, 2021).

Jordan’s policies, while initially successful in keeping the number of cases very low, came at a cost. Not only to the Jordanian government, whose 2021 budget was described by Finance Minister Mohamad Al-Ississ as “the most difficult for Jordan ever” (Omari, 2021). Not only to the Jordanian economy overall, which contracted by approximately 3% in
2020, representing the first year of negative growth in 30 years (Al-Khalidi, 2021). But the consequences of this economic decline, in Jordan as across the world, have fallen most heavily on the shoulders of the most marginalized sectors of the population, including asylum seekers and refugees, and the impacts have also been highly gendered (UN Women, 2020).

As Reva Dhingra (2020) has detailed, most refugees in Jordan do not primarily rely on international assistance for their income. They gain their principal income from working in sectors that could not switch to remote working, such as agriculture, construction and retail. Syrians living in camps faced rising prices in the shops when the lockdown commenced in March, and the government has subjected the camp to “stringent movement controls” (UNHCR, 2020b:2). Much of the work offered by international organizations (through schemes such as ‘incentive-based volunteering’) was also suspended, as many programmes were temporarily shut down due to the lockdown.

According to UNICEF, the number of Syrian and Jordanian households with a monthly income of less than 100 Jordanian dinars (around $140) had doubled by August, compared to prior to the pandemic (UNICEF, 2020). The rate of unemployment in Jordan reached 23.9% (21.2% among men and 33.6% among women) in the third quarter of 2020, up almost five percentage points compared to the year before (Jordan Times, 2020). The goal of refugee ‘self-reliance’, which is set to continue to be central to the EU’s external refugee policies, has long been critiqued (Easton-Calabria and Omata, 2018). But Covid-19 should prompt a thorough re-evaluation of this goal’s plausibility, and indeed its desirability (see Herson, 2012).

Beyond these consequences, the Covid-19 pandemic has placed a huge burden on already overstretched humanitarian and governmental budgets. Even before the pandemic, the funding for the Syria response fell well short of what was needed (Ministry of Planning and International Cooperation, 2020: 1). Compounding these problems, a report from the Durable Solutions Platform expressed the fear that “if donors redirect their funding away from livelihoods” to focus on Covid-19, there may be “further reductions in livelihoods interventions and funding in the medium-term” (Durable Solutions Platform, 2020).
7.5 Conclusion

In this context, will the European Union be willing to contemplate increasing its financial contributions to (even close to) the necessary levels? Will refugees living in the EU’s so-called migration partner countries ever be high enough on its priority list to generate the kind of support that is necessary?

The signs are not encouraging. The EU’s attempts to rejuvenate solidarity among its Member States through the new Pact are simultaneously an entrenchment of the demonstrable lack of solidarity it has shown with asylum seekers and refugees within, on, and outside its borders. In the context of twin health and economic crises across the globe, a new approach must be adopted. For once, solidarity with asylum seekers and refugees must be the priority.
References


European Integration Research, Vienna.


