

POLICY PAPER

TOWARDS THE 2024 EUROPEAN ELECTIONS: CITIES AND CIVIL SOCIETY AS MEP KEY PARTNERS FOR A RADICAL REFORM OF EU MIGRATION POLICY

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Executive summary

The promotion of a deep change in EU migration and asylum policies requires a new centrality for those actors, such as city governments and civil society organisations, that, while currently not pivotal in migration governance, have the desire and the ability to play a crucial role in such change. In the ongoing (and problematic) discussion of the New Pact on Migration and Asylum, and in light of the upcoming 2024 European election, current and would-be members of the next European Parliament with a progressive agenda on migration may find a deeper knowledge of these actors, and a closer and more stable engagement with them, particularly fruitful. This is especially the case in terms of strengthening the role of the progressive members of the European assembly in this subject matter.

More specifically, current Members of the European Parliament and candidates at the 2024 European election who intend to deeply reform the existing EU approach to migration – in a way that is more inclined to ensure mobility, safety and human rights – should consider the opportunities offered by developing partnerships with city governments and civil society organisations that are already working together on the issue. This approach could enable them to strengthen their connection within and across territories, to stimulate inter-institutional and inter-party cooperation and to spur the engagement of civil society in the EU policy arena, in an attempt to have an impact on the safeguarding of human rights and freedom of movement in the EU.

Introduction

Migration has for some time been one of the most salient and divisive issues in EU public opinion and among policy-makers. Although temporary periods of cohesion and (almost) unanimous mourning can be observed when major tragedies occur, EU citizens and political elites have adopted extremely diverse – and highly politicised – stances on the phenomenon.

The more migration has become a salient issue, the more its governance has been harshly debated, which in turn has favoured the emergence of different points of view and their polarisation. Remarkable examples of this that have taken place over the past number of years are the proposed reform of the Dublin III Regulation, which was eventually blocked by deadlocks in the Council of the European Union (the Council) in 2019, or the border, asylum and migration management externalisation agreements that were concluded with third countries, such as the 2016 EU-Turkey Statement. More recently, we have seen a similar trend in the ongoing discussion surrounding the New Pact on Migration and Asylum (the Migration Pact).

Overall, however, these divisive and intense debates have not been paralleled by a similar variety in policy approaches and outcomes. Despite significant internal and cross-country divides, an attentive look at both EU and national migration policies over the last number of decades reveals an overall homogenous approach – and continuity over time – based on three main pillars: (a) restrictive migration policies; (b) the criminalisation of people on the move and of those who assist them; (c) the externalisation of border, asylum and migration management to third countries. That this continues to be the case is clearly confirmed by the latest evidence on the Migration Pact².

In this context, the wave of solidarity towards those fleeing Ukraine, which spread across the continent in the aftermath of the Russian invasion, was the exception, rather than the rule. Member state (MS) governments, civil society organisations and citizens competed with one another to appear as welcoming champions and to publicly and fully express their solidarity with those fleeing Ukraine. Remarkably, Council Directive 2001/55/EC (the Temporary Protection Directive) was also activated for the first time in EU history. Such unprecedented efforts can be explained in light of several distinctive aspects of the situation, such as the background political confrontation between the EU and Russia – which made the politics of welcoming an important soft power tool – and the characteristics of

² See, for example, the latest Council agreement on key asylum and migration laws: <https://www.consilium.europa.eu/en/press/press-releases/2023/06/08/migration-policy-council-reaches-agreement-on-key-asylum-and-migration-laws/>. An interesting comment can be found at <https://ecre.org/editorial-migration-pact-agreement-point-by-point>

the people on the move (white, women and children³). The difference between such mobilisation and the persistent restrictive approach displayed, among other places, at the EU Mediterranean borders – often times with tragic consequences, as in the recent devastating shipwreck off Pylos on 14 June 2023⁴ – is striking. Overall, the Ukrainian situation has openly demonstrated that a quick, non-bureaucratic response to large inflows of people on the move is possible – it is but a matter of political will.

The attitude shown and the role played over the years by the European Parliament (the Parliament) in this field has become complex; indeed it could even be termed contradictory and ambiguous. While traditionally orientated towards more open and human rights-orientated migration policy, the Parliament has progressively moved towards a more restrictive approach to migration, in line with the preferences of MS. This has especially been the case since the Lisbon Treaty entered into force in 2009⁵. This notwithstanding, several (mostly left-wing) Members of the European Parliament (MEPs) have continuously attempted to inform EU migration policy in a way that is more compliant to human rights and international law⁶. The ongoing process of policy reform, in the framework of the Migration Pact, is a key test for understanding the evolution of the restrictive shift within Parliament and the role that the house – heavily marginalised in migration and asylum policy⁷ – wishes and is able to play in this field in the years to come.

³ See <https://www.chathamhouse.org/2022/03/ukraine-exposes-europes-double-standards-refugees>

⁴ See <https://ecre.org/greece-one-month-on-from-pylos-shipwreck-government-deflects-media-investigate-and-frontex-contemplates/>

⁵ See, for example, the 2019 rejection of a resolution against the criminalisation of search and rescue at sea: <https://www.euractiv.com/section/justice-home-affairs/news/meps-rejected-boost-to-search-and-rescue-operations-in-mediterranean-by-two-votes/>. More broadly on the point, the following works are worth mentioning: Huber, K. (2015). The European Parliament as an actor in EU border policies: its role, relations with other EU institutions, and impact. *European Security*, 24(3), 420–437. <https://doi.org/10.1080/09662839.2015.1028188>; Maricut, A. (2016). With and without supranationalisation: The post-Lisbon roles of the European Council and the Council in justice and home affairs governance. *Journal of European Integration*, 38(5), 541–555. <https://doi.org/10.1080/07036337.2016.1178253>.

⁶ A remarkable example is the work of the Frontex Scrutiny Working Group, see <https://verfas-sungsblog.de/european-oversight-on-frontex/>

⁷ See Ripoll Servent, A. (2017). The European Parliament in justice and home affairs, in A. Ripoll Servent and F. Trauner (Eds.). *The Routledge handbook of Justice and Home Affairs Research*. Abingdon: Routledge, 385–395.

While the Parliament has become an ambiguous actor in this policy domain, others – though not tasked with any direct legislative responsibility – have consistently and strongly advocated for a more humane EU migration policy, and even for a radical change in the mobility regime. City governments and civil society organisations (CSOs) have been among those who have most strongly engaged in such advocacy, both separately and by establishing a productive dialogue and launching important joint initiatives.

As the campaign for the 2024 European Parliament election is about to start, this policy brief illustrates why city governments and civil society organisations can be important allies for current and would-be MEPs who wish to pursue a more open human mobility regime and a migration policy that complies with both human rights and international law.

The centrality of cities in the EU politics of migration

Traditionally, migration policy has been closely associated with aspects of sovereignty: the state is considered the only entity that can decide who can enter its own territory and how they may do so. Even within a system of multi-level governance such as the European Union, migration and asylum have consistently been among those policy fields that have remained most significantly in the hands of national governments. However, this does not extinguish the role played by other actors at the sub-national and supranational levels (see the case of the Parliament, addressed in the previous section), and cities represent a significant example of an actor that seeks to – and indeed does – strongly contribute to migration governance.

In other words, states (and, to a lesser extent, supranational and international bodies) are the ones that make migration and asylum policies. On the other hand, however, people on the move do not live in an abstract national or supranational space, but rather in physical places which constitute ‘the local’, such as cities. This means that while governments make migration policy, it is cities that develop reception and integration practices.

This situation explains, among other things, how and why cities have increasingly become a key actor in defining mobility regimes. Remarkably, their increased responsibilities have also led them to claim a more central role in the making of migration and asylum policy. Examples of a proactive engagement by cities in these policy domains have spread consistently across Europe over the last decade⁸.

At the same time, cities have also started to develop their own migration governance frameworks, promoting inclusive policies and distancing themselves from the repressive and restrictive approaches adopted by the EU and national governments. The research and dissemination project *Moving Cities*, which is part of the German civil society initiative United4Rescue – Gemeinsam Retten e.V., has provided an interesting analysis of dozens of cities across Europe, highlighting innovative and inclusive policies in the field of migration⁹. Such rich and diverse examples have led scholars Barbara Oomen, Moritz Baumgärtel, Sara Miellet, Elif Durmus and Tihomir Sabchev to classify and theorise

the strategies of divergence that local authorities employ when confronting the discretionary spaces offered by domestic migration law. [They] propose a distinction between strategies that are either within or outside the perceived boundaries of the law and those that adopt an explicit or an implicit approach to positioning, thus harnessing or downplaying the communicative potential of the law. Based thereon, [they] introduce a fourfold typology of strategies of divergences that include defiance, dodging, deviation, and dilution¹⁰.

It is not surprising that in such a dynamic context, with the increasingly relevant role acquired by municipalities in the migration regime, there has also been an emergence of horizontal collaboration among cities. This has led to the proliferation of city networks – both within and beyond the EU – with a focus on migration,

⁸ Alagna, F. (2023). Civil society and municipal activism around migration in the EU: A multi-scalar alliance-making. *Geopolitics*, 1–27. <http://doi.org/10.1080/14650045.2023.2230902>

⁹ See <https://moving-cities.eu/>

¹⁰ Oomen, B., M. Baumgärtel, S. Miellet, E. Durmus, and T. Sabchev (2021). Strategies of divergence: Local authorities, law, and discretionary spaces in migration governance. *Journal of Refugee Studies*, 34(4), 3608–3628, p. 3608. <https://doi.org/10.1093/jrs/feab062>

asylum and integration. A remarkable example of this, at the national level, is the French National Association of Welcoming Cities and Territories (ANVITA). At the transnational level, we can point to the Eurocities-based Solidarity Cities, Urbact's Arrival Cities, Intercultural Cities and the Global Mayoral Forum on Mobility, Migration and Development. Such networks vary significantly in terms of their institutionalisation, membership, goals, functioning and scope. However, as a whole they have enabled municipalities to work more coherently and more closely with each another, while also conducting more effective advocacy and lobbying activities at the national and EU levels¹¹.

In recent years, following the launch of the Palermo Charter Platform Process (PCPP), a very peculiar form of city network has developed. Said process, inspired by the 2015 Charter of Palermo on human mobility, represents an initial, embryonic form of networking between city governments and civil society, pursuing a radical change in EU migration policy. What is new about this network is not only the fact that it is based on collaboration with civil society – which will be discussed in more detail below – but, even more so, the increased politicisation and radicalism of its demands. Whereas city networks mostly tend to build policy alternatives within the existing framework, and mostly in the fields of reception, integration and welfare¹², the PCPP has for the first time challenged the very essence and foundation of the EU migration regime, demanding universal freedom of movement *tout court*.

This step constituted the necessary harbinger of a more stable, comprehensive and ambitious plan, in which collaboration between cities and civil society has become more structured and a full network was formed, comprising of both actors. This took place with the launch, in 2020, of From the Sea to the City (FSTC), a consortium of diverse civil society actors, working with several European municipalities, which is currently organised in the International Alliance of Safe Harbours (IASH).

¹¹ From the Sea to the City (2021). Ideas, Good Practices and Next Steps for a Welcoming Europe. https://fromseacity.eu/files/2021/03/FS2C_bozza-ESEC-WEB.pdf; International Alliance of Safe Harbours (2021). Declaration of Mayors. June. https://staedte-sicherer-haefen.de/wp-content/uploads/2021/06/IASH-Statement_International-Alliance-of-Safe-Harbours_ENG.pdf

¹² Lacroix, T. (2021). Migration-related city networks: A global overview. *Local Government Studies*. <https://doi.org/10.1080/03003930.2021.1938553>; Lacroix, T., and S. Spencer (2022). City networks and the multi-level governance of migration. *Global Networks*, 22(3), 349–362. <https://doi.org/10.1111/glob.12381>

FSTC/IASH constitutes a single, dual network, that is politically steered by civil society actors and cities working in tandem. Their objectives relate to the pursuit of a radical change in EU migration policies, including the creation of safe corridors and legal pathways to Europe; the safeguarding of people on the move's fundamental rights; an active role of CSOs/cities in the management of EU funds; and the strengthening of solidarity, which also includes the possibility of transnational municipal relocation¹³.

The strategic role of civil society as a mediator (and their alliances with cities)

The role of civil society as a strenuous advocate for radical change in EU migration policy should come as no surprise. While advocating for social and political change is something that is inherently associated with civil society and social movement actors, this is even more so the case in a contentious policy field such as migration. Over the last few years, civil society initiatives have pursued deep change in the governance of migration throughout Europe in different ways and using various tools¹⁴.

Political participation takes on a wide variety of forms, ranging from conventional engagement in advocacy activities to the most disruptive instances of activism¹⁵. In such a context, civil society organisations that are capable of finding ways of productive interaction with institutional actors can be of particular significance from the perspective of MEPs, as they will not only be more likely to engage in dialogue, but may also display some shared understanding and common language.

¹³ From the Sea to the City (2021). Ideas, Good Practices and Next Steps for a Welcoming Europe. https://fromseatothecity.eu/files/2021/03/FS2C_bozza-ESEC-WEB.pdf; International Alliance of Safe Harbours (2021). Declaration of Mayors. June. https://staedtesicherer-haefen.de/wp-content/uploads/2021/06/IASH-Statement_International-Alliance-of-Safe-Harbours_ENG.pdf

¹⁴ Alagna, F. (2021). "Breaking (Into) Fortress Europe: Are Bottom-Up Migration Policies Still Possible?". *Border Criminologies*, 2 November. <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2021/11/breaking-fortress>

¹⁵ One of the most remarkable examples is those Italian activists who physically destroyed a detention facility for people on the move in Bologna, see <https://www.peacelink.it/migranti/a/20110.html>

A wide array of actors match this description: from Brussels-based research organisations and think tanks – such as the European Council on Refugees and Exiles (ECRE) or the Platform for International Cooperation on Undocumented Migrants (PICUM) – to national and pan-European collectives that have established relationships with sub-national, national, supranational and international institutions – such as Emergency, Médecins Sans Frontières, and Seebrücke among others. Overall, a strongly reformative agenda on migration requires allies who, on the one hand, can be radical enough to bring forward deeply innovative policies and are also acknowledged and trusted by broader civil society sectors (and, clearly, by policy-makers). On the other hand, they also need to be willing and capable to politically engage at an institutional level, translating a plurality of inputs and stances into institutionally-meaningful approaches.

It is by adopting such a perspective that organisations who are engaged in two-way political relationships with cities – such as those involved in FSTC/IASH – can be of some strategic interest. This is mainly for three specific reasons.

Firstly, it is because they are, in most cases, fully established in local contexts and tend to connect their policy aspirations with a complete, first-hand knowledge of the situation on the ground, as well as the needs and opportunities it presents. This allows not only for an evidence-based contribution to policy change, but also for the wider involvement of local communities and initiatives. Overall, they can thus provide MEPs with important evidence and arguments relating to the wishes of considerable sections of European society for a more humane and solidarity-based approach to migration, and in doing so provide a *de facto* contradiction to the right/far-right argument that the majority of people in Europe want closed borders. Secondly, by interacting with organisations that already work closely with city governments in their attempts to drive change in migration policy, it is possible to build a tripartite alliance, which goes beyond civil society organisations, as far as to also include city governments. Civil society initiatives can thus become the entry point for building working relations with municipalities that are strongly determined to spur a change in the governance of migration – as we have seen above. Developing this even further, the possibility for MEPs to cooperate with

party-unaffiliated CSOs and with city governments of different political shades makes it possible for them to form alliances across party lines and factions, which in the long term can prove more effective in countering the restrictive policy approach in Parliament¹⁶.

Thirdly and most remarkably, the vast majority of the organisations that currently work on migration on a consistent basis with city governments have not already engaged with the European Parliament, even if they look at this institutional body with extreme interest¹⁷. Recent research shows that city-oriented migration activism has been able to secure the endorsement or collaboration of individual MEPs, but has not been able to implement wider, structural relationships with the Parliament as such or with a significant number of MEPs. This has also contributed to shaping an understanding of civil society agency at the EU level as resource-demanding and time-consuming, without necessarily resulting in any form of enhanced cooperation. In most cases, collaboration with MEPs has come about as a result of pre-existing personal knowledge¹⁸.

In summary, these complex characteristics, perspectives and preferences make city-oriented civil society organisations a very interesting potential partner for those who intend to commit to the promotion of a progressive turn in EU migration policy in both the current and future European Parliament.

An alliance for what? The needs, demands and strategies of cities and civil society actors

The previous sections of this brief have suggested that cities and civil society actors can be important allies for those MEPs with an agenda focused on a deep transformation of the EU migration regime, towards a more humane, permissive

¹⁶ See, for example, the cross-party and cross-factions coalition that supported the recent European Parliament resolution of 13 July 2023 on the need for EU action on search and rescue in the Mediterranean (2023/2787(RSP)): https://www.europarl.europa.eu/doceo/document/TA-9-2023-0293_EN.html

¹⁷ This aspect was particularly discussed by a number of activists interviewed in the context of recent research, see Alagna, F. (2023). Civil society and municipal activism around migration in the EU: A multi-scalar alliance-making. *Geopolitics*, 1–27. <http://doi.org/10.1080/14650045.2023.2230902>

¹⁸ *Ibid.*

and international law-compliant policy. The question that remains unanswered, however, is which specific campaigns, policy proposals or simple demands can form the basis of a common objective to be sought after by MEPs, cities and civil society. To answer this question, it would be useful to start off with an overview of the main current areas of interest and action of city governments and civil society organisations – and the connected initiatives in which they have been involved. The network From the Sea to the City/International Alliance of Safe Harbours is representative of the most active cities and organisations working for a radical change in the EU migration policy regime. This also makes this network particularly representative of the most remarkable issues at stake, and makes it useful to focus on it here briefly.

When FSTC was first founded in 2020, the initial five demands of the consortium related to: (a) the establishment of a network of cities and CSOs; (b) the protection of people on the move's lives during the Covid-19 crisis; (c) direct access to the management of EU funds; (d) the creation of corridors of solidarity towards Europe and forms of relocation from below; (e) the protection of fundamental rights¹⁹. On the other hand, when the IASH was established in 2021, it had four main demands: (a) the enforcement of asylum rights and a ban on camps at the external borders of the EU; (b) a system of direct municipal relocation; (c) direct EU funding to municipalities engaged in reception and integration; (d) a stop to the criminalisation of solidarity²⁰.

These two sets of demands unavoidably present numerous points of contact and overlap, due to the very intrinsic connection between FSTC and the IASH, which mean that they represent the two sides of the same coin. The differences that exist between the two lists are more connected to changes in the political situation during this time period than in the preference of the actors concerned.

Generally speaking, in reading the two lists together it can be observed that the main substantive concern of the proponents relates to the protection of the basic rights of

¹⁹ From the Sea to the City (2021). Ideas, Good Practices and Next Steps for a Welcoming Europe. https://fromseacity.eu/files/2021/03/FS2C_bozza-ESEC-WEB.pdf

²⁰ International Alliance of Safe Harbours (2021). Declaration of Mayors. June. https://staedte-sicherer-haefen.de/wp-content/uploads/2021/06/IASH-Statement_International-Alliance-of-Safe-Harbours_ENG.pdf

people on the move. From our perspective, however, the procedural (i.e. decision-making) demands are even more noteworthy, as they are particularly specific and innovative, while also presenting some potentially interesting policy avenues from a parliamentary perspective. These relate to the establishment of mechanisms of municipal relocation/relocation from below and the direct management of migration/reception/integration funds by municipalities.

These two aspects have consistently been further developed by the FSCT/IASH network in more recent years. This has particularly been the case with the discussion of a campaign proposal around the centrality of cities within solidarity and relocation mechanisms (incl. direct relocation and matching), as well as direct access to EU funds and negotiations. On this topic, the recent *Strategy paper on municipal relocation in Europe*, issued by FSTC on the occasion of the last IASH meeting, stresses the relevance of this approach in order to promote a more humane, sustainable and community-oriented reception of people on the move.

These two procedural elements, which ultimately incorporate cities fully into migration politics and give them more policy responsibility, enable an overall de-centring and democratisation of migration decision-making, creating the conditions for increased citizen participation and for enhanced institutional accountability – based on the proximity of municipal institutions to organised and non-organised civil society.

Interestingly, both the campaign proposal (more explicitly) and the strategy paper (in a more nuanced way) express the importance of engaging in this struggle with EU institutions and highlight, in particular, the role that the European Parliament can play.

What the (next) European Parliament can achieve with cities and civil society

This policy brief has explored the increasing relevance of two actors – cities and civil society – in the EU politics of migration and in the perspective of a deep change of the migration and asylum regime. Building on this, it has further considered how and why this becomes an important aspect when looking at the upcoming 2024

European elections, especially for those candidates – and future MEPs – with a progressive agenda on migration.

At the same time, while cities and civil society have repeatedly shown – and also explicitly stated – their availability to work with MEPs, they have also expressed increasing dissatisfaction with some of the stances adopted by the European Parliament, as well as the initial signs of some mistrust²¹. Although this makes the construction of an alliance between city governments, civil society organisations and MEPs increasingly difficult, it could also be argued that it represents an incentive to take advantage of this precious opportunity to send a clear message by marking a break with previous legislatures and other EU institutions.

Current MEPs and candidates at the next 2024 European elections who intend to deeply reform the existing EU approach to migration in a more open way should consider the opportunities offered by such tripartite alliance. In doing so, they may find it useful to approach those cities and CSOs that are already working together on migration-related issues and explore the possibility of becoming allies.

As was discussed throughout this brief, in doing so MEPs can improve their connection with different local contexts and, based on first-hand evidence, increase their knowledge of their needs as well as involving local communities and supporting counter-narratives of a European civil society that is allegedly hostile to migration. Work carried out by MEPs with diverse civil society initiatives and municipal governments can further encourage inter-institutional and cross-party cooperation, which would undoubtedly be beneficial for an actor, such as the Parliament, which strives to make its voice both heard and reflected in policy outputs. Lastly, they hold the potential to stimulate the Europeanisation of civil society initiatives engaged in migration issues, strengthening forms of cooperation at the transnational and supranational levels and generally enriching the political arena of the EU. This will create the conditions to put forward policy reforms that can have a meaningful impact on the safeguarding of human rights and freedom of

²¹ See again activist interviews in Alagna, F. (2023). Civil society and municipal activism around migration in the EU: A multi-scalar alliance-making. *Geopolitics*, 1–27. <http://doi.org/10.1080/14650045.2023.2230902>

movement, including but not limited to the priorities currently addressed by MEPs, on the one hand, and by cities and civil society, on the other, such as those which were discussed throughout the brief.

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