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**MIGRATION &
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1st panel: International EU policy impacting migrations: a. Maritime / land borders concerning the management of the migrants arrivals - b. Relationships with third countries.

The European Union and the Migration Management: A Legal Analysis of the Cooperation with Other International Organizations / **Lorena Calvo Mariscal**, PhD Researcher, Assistant Lecturer of Public International Law, *University of Cadiz*.

Migratory Crisis at Canary Islands: Some European Solidarity Options / **Miguel Angel Acosta Sanchez**, Associate professor in International Public Law, *University of Cadiz*

How Local People Living at External EU Borders Perceive Migrants / **Sanja Stanić**, PhD, Full Professor, *Faculty of Humanities and Social Sciences, University of Split*, **Gorana Bandalović**, PhD, Associate Professor, *Faculty of Humanities and Social Sciences, University of Split*, **Zorana Šuljug Vučica**, PhD, Associate Professor, *Faculty of Humanities and Social Sciences, University of Split*

2nd panel: Migrants and human rights: Changes in the protection of migrants' rights in 21st century European Union

Migration crisis at the crossroads of security and humanitarian demands / **Vlaho Kovacevic**, Assistant Professor, *University of Split*

A Distress Call for the Protection of Human Rights of Migrants at Sea / **Patricia Vella De Fremeaux**, Associate Professor, *University of Malta*, **Felicity Attard**, Lecturer, *University of Malta*

"Everyone has the right to immigrate, but..." - Research of students' attitudes at the University of Split / **Marita Brčić Kuljiš**, PhD, Associate Professor, *Faculty of Humanities and Social Sciences, University of Split*, **Anita Lunić**, Teaching Assistant, *Faculty of Humanities and Social Sciences, University of Split*, **Toni Popović**, PhD candidate, *Faculty of Humanities and Social Sciences, University of Split*, **Renata Relja**, PhD, Full Professor, *Faculty of Humanities and Social Sciences, University of Split*

The impact of the SARS-CoV-2 pandemic on attitudes towards refugees and migrants in the European Union / **Anita Lunic**, Teaching Assistant, *Faculty of Humanities and Social Sciences, University of Split*

Museums and migrations. The social role of museums / **Dr Michalina Petelska**, Assistant Professor, *Institute of History, University of Gdansk*, **Dr Sandro Debono**, Associate Lecturer, *Department of Arts, Open Communities and Adult Education, Faculty of Education, University of Malta*

Statelessness in International Migrations Between Morocco and Spain: The Odd One Out? / **Michel Remi Njiki**, PhD in Social and Legal Sciences, *University of Cádiz*

3rd panel: EU Governance crisis in migration matters

Immigration, Borders and Human Rights - The Concepts Used for The "Externalization" / **Alejandro Del Valle**, Full Professor of Public International Law and International Relations, *University of Cadiz*

The concept of migration management in the context of the New Pact on Migration and Asylum of the European Union 2020 / **Marita Brčić Kuljiš** PhD, Associate Professor, *Faculty of Humanities and Social Sciences, University of Split*

The Influence of Illiberal States in EU Migration Decision Making / **Nilsa Rojas-Hutinel**, Lecturer in Public Law, *Université de Bretagne Occidentale*

1st panel: International EU policy impacting migrations: a. Maritime / land borders concerning the management of the migrants arrivals - b. Relationships with third countries.

The European Union and the Migration Management: A Legal Analysis of the Cooperation with Other International Organizations / **Lorena Calvo Mariscal**, PhD Researcher, Assistant Lecturer of Public International Law, *University of Cadiz*.

The so-called refugee crisis of 2015 has marked a turning point in EU immigration and asylum policy. Not only has it meant a complete overhaul of its political approach within the EU itself and its member states, but it has also had a particularly unavoidable impact on the strengthening of international cooperation mechanisms outside the European borders. Indeed, this international cooperation with third states, forged throughout the development of the external dimension of the EU's immigration and asylum policy since the Tampere European Council, was included in the 2015 European Agenda on Immigration as one of the preferred mechanisms for providing a comprehensive response to the mass arrival of people at European borders, and its strengthening has been expressly recognised for the future following the European Commission's Communication on the New Immigration and Asylum Pact of September 2020.

The majority of studies have focused on the analysis of new mechanisms for international cooperation with third states, especially on the African continent; and on the formulation of new paradigms related to the delocalisation/territorialisation, outside European territory, of the functions of the external borders of states, as well as the management of immigrant flows in general and refugee flows in particular.

On this occasion, our proposal consists of analysing the relations of cooperation between the EU and other subjects of international law with competence in the management and protection of migrants. Specifically, we will focus our research on the cooperation relations between the EU, the International Organisation for Migration (IOM) and the UNHCR, and the practical impact on the territories of African third countries of the modalities in which this cooperation is materialised.

In this way, one might ask whether cooperation between the EU and the IOM constitutes a new mechanism for externalising the EU's immigration policy with the aim of keeping immigration, which is supposed to be destined for Europe, as far away as possible from Europe's external borders.

Some examples that will be the subject of our legal analysis are the following:

- The 2015 European Agenda on Migration included, as an immediate action, the creation in Niger of a multi-purpose pilot centre "in partnership with IOM, UNHCR and the Nigerien authorities, which is to provide information, local protection and resettlement opportunities to persons in need".
- The increasingly unsustainable situation in Libya forced an emergency meeting in 2017 between representatives of the African Union, the EU and the United Nations, in which it was decided to establish a Joint Task Force to coordinate the efforts of the three organisations, with the collaboration of the Libyan Government of National Accord, on three main objectives: first, and most urgently, to

facilitate voluntary returns and seek durable solutions for refugees; second, to improve conditions for migrants and refugees in Libya; and finally, to combat human smuggling networks.

- The European Commission published on 24 July 2018 a document entitled non paper on regional disembarkation arrangements, to establish regional disembarkation arrangements in cooperation with third countries, UNHCR and IOM."

- The general framework for cooperation has operated in a way that is clearly contingent on financial programmes coming from the EU, as well as from some of its member states. On the one hand, IOM and its projects have seen their funding increased by European financial funds in specific and general programmes, as is the example of the Emergency Migration Financing Facility. On the other hand, IOM has been considered as one of the main implementing organizations for projects and programmes directly financed by European funds, mainly the EU Emergency Trust Fund, which serve to financially support IOM's actions to ensure the achievement of voluntary returns and reintegration in new destinations, to assist migrants, as well as to support the governments of the African programme countries in managing immigration and controlling their own borders, with the aim of preventing irregular migratory movements.

Not only the legal framework surrounding these actions, but also the existence of a mechanism for monitoring the protection of and respect for human rights, as well as the degree of EU involvement in IOM's actions abroad, will be decisive in determining the degree of responsibility, on the one hand, and coherence, on the other, of the EU in guaranteeing compliance with fundamental rights and European values themselves.



Migratory Crisis at Canary Islands: Some European Solidarity Options / Miguel Angel Acosta Sanchez,
Associate professor in International Public Law, *University of Cadiz*

In the second half of 2020 we have witnessed an exponential increase in African migration to the Canary Islands. In fact, arrivals by sea have increased by 1000% compared to the arrivals corresponding to the previous year, 2019. This has caused a very serious crisis in the Islands, given their inability to receive, attend to and accommodate the mass influx of immigrants. Faced with this situation, we must analyse the measures planned at European level, in the context of the concept of European solidarity, and which could be applicable to this case. This should also take into account the European Commission's New Pact on Migration and Asylum. Thus, firstly, it is necessary to determine the option of applying European legislation on temporary protection in the event of a mass influx of immigrants at the external borders (Council Directive 2001/55/EC), legislation which has never been applied. Secondly, we must look at the recourse to the European Union Civil Protection Mechanism (Decision No 1313/2013/EU), as a clear example of European solidarity, and in the face of the Spanish government's inability to deal with the migratory crisis in a unified manner. The analysis of these two mechanisms would lead us to rethink new guidelines in migration policy in order to humanise it, strengthening cooperation with the countries of origin and transit of immigration and promoting a genuine European solidarity in this area, with full respect for European values.

How Local People Living at External EU Borders Perceive Migrants / **Sanja Stanić**, PhD, Full Professor, *Faculty of Humanities and Social Sciences, University of Split*, **Gorana Bandalović**, PhD, Associate Professor, *Faculty of Humanities and Social Sciences, University of Split*, **Zorana Šuljug Vučica**, PhD, Associate Professor, *Faculty of Humanities and Social Sciences, University of Split*

Since 2015 migrant crisis there is continuous flow of migrants from the East European and Asian countries towards developed Western countries. Over the past years Republic of Croatia has been faced with increasing number of illegal border crossings and related incidents (accidents or even deaths of migrants) human trafficking (international networks) as well as incidents with local population living near the migration route (burglaries, thefts). According to *Frontex*, there were 2 450 irregular border crossings on Western Balkans route in January and February 2021. Illegal crossings, the so-called the Southern Balkan route intensified during 2020 to such an extent that a member of the Croatian Parliament proposed sending the army to the borders in order to protect the local population at the border area.

Research conducted in Croatia shows different results in the perception and acceptance of migrants. An earlier research showed that respondents see immigrants as socio-economic and a socio-cultural threat (Čačić-kumpes et al., 2012) while newer one showed mostly positive attitudes towards migrants and belief that there should be equal living conditions for all persons in Croatia (Medlobi, Čepo, 2018).

Croatian public has limited knowledge and rare direct contacts with migrants or asylum seekers. Therefore public opinion is largely shaped by media reports. Research show that media present migrants as victims, exposed to life misfortunes, bad fate and weather, but also as left at the mercy of the European policy of closed borders and coils of razor wire (Bagarić, Mandić, 2019). But recently Croatian media often report illegal border crossings. According to these reports migrants move through Croatian territory during day and night, in larger groups, often breaking into houses and cars. Local population who live on migrant routes feel threatened and insecure. To a lesser extent the local population helps migrants with food or clothing while most often they avoid migrants and live in fear of them.

We consider local community opinions and attitudes to be extremely important. Integration depends not only on the policy towards migrants and the willingness of migrants to participate in the process of acceptance, but also on the openness of the local population, their attitudes and prejudices towards immigrants (Čačić-Kumpes et al, 2012), in other words, integration does not take place at the national level but in the local community, settlement, municipality, city or county (Ajduković et al, 2019).

Our aim is to research the perception of migrants in the population living at external border of the EU, precisely, in the border settlements of the Split-Dalmatia County, at the border of the Republic of Croatia and Bosnia and Herzegovina. The survey method will be used on the sample (N?) of adult residents.

Our research focus will be on two questions: (1) how local population perceive migrants (tolerance and security) and (2) how their attitudes and opinions are shaped by their demographic and socioeconomic characteristics.

For the purpose of this research the questionnaire will be designed. We will be glad to give it away to be used in other communities and respondents with the aim of conducting further longitudinal and comparative studies.

2nd panel: Migrants and human rights: Changes in the protection of migrants' rights in 21st century European Union

Migration crisis at the crossroads of security and humanitarian demands / Vlaho Kovacevic, Assistant Professor, *University of Split*

An analysis of discussions and social research on migration processes, refugee crises, integration of immigrants and asylum seekers into "host" societies shows two key (in)comparable demands - *national security* and *humanitarianism*. The task of European policy thus comes down to simultaneous satisfying the fundamental civilizational values and human rights of migrants / asylum seekers along with satisfying the worldviews, culture, identity, and values of the local population. In addition to the two mentioned contexts, the third - economic and financial - is also important. The economic framework within which modern neoliberal capitalism has developed is increasingly difficult to reconcile with fundamental human rights and natural resources. This problem has long been recognized in the professional literature, which is most evident in the approaches and perspectives of biopolitics, warning of the unsustainability of the current way of working and living. Taking on different sociological and philosophical perspectives, this paper analyzes to what extent European (and national Croatian) migration policies are conditioned by the requirements of defending national security and/or establishing a society of solidarity and humanitarianism on the one hand, and the requirements of satisfying the interests of big capital on the other hand.

Keywords: migration, national security, humanitarianism, big capital interests



A Distress Call for the Protection of Human Rights of Migrants at Sea / **Patricia Vella De Fremeaux**, Associate Professor, *University of Malta*, **Felicity Attard**, Lecturer, *University of Malta*

The 1982 United Nations Convention on the Law of the Sea reflects the shipmaster's long-standing obligation to render assistance at sea. This provision was originally formulated in the early 1900s and designed to deal with seafarers in distress from shipwrecks or collisions. Today it forms the foundation of a body of law designed to protect the rights of distressed migrants at sea. The rules found in the Convention are supplemented by the 1974 International Convention for the Safety of Life at Sea and the 1979 International Convention on Maritime Search and Rescue, with special Amendments designed to deal with the safety of migrants. In recent years, the human rights considerations in rescue operations and the treatment of migrants in such situations have come to the forefront. This is largely due to the concern that the law of the sea levels of protection are not adequate. This trend has been led by the European Court of Human Rights and followed by other international human rights court and bodies. Significantly, the application of the European Convention of Human Rights at Sea has become a prominent consideration in rendering assistance and due protection at sea. This article will examine the legal basis to safeguard migrants offered by the law of the sea and human rights law, including the extension of jurisdiction to various maritime jurisdictional zones.

"Everyone has the right to immigrate, but...." - Research of students' attitudes at the University of Split/ **Marita Brčić Kuljiš**, PhD, Associate Professor, *Faculty of Humanities and Social Sciences, University of Split*, **Anita Lunić**, Teaching Assistant, *Faculty of Humanities and Social Sciences, University of Split*, **Toni Popović**, PhD candidate, *Faculty of Humanities and Social Sciences, University of Split*, **Renata Relja**, PhD, Full Professor, *Faculty of Humanities and Social Sciences, University of Split*

Speaking of freedom of movement as a fundamental human right, guaranteed by the *Universal Declaration of Human Rights* and the constitutions of democratic countries, we often ignore the fact that it is an 'unfinished' (apparent) right (Ghosh, 2015). Every person is free to leave the country of origin and migrate to another. However, no country has an obligation to permit immigration into its territory (except in the case of refugees, asylum seekers, family reunification, etc.). Therefore, freedom of movement is a problematic issue. It includes both the components of emigration and immigration. While the first is confirmed as a fundamental right, the second is not.

Following these assumptions, the unpublished part of the survey results on the attitudes of students at the University of Split is discussed. The right to immigration as a (fundamental) human right is in focus. Statistical significance with other, possibly related, attitudes of students is discussed as well. These were examined regarding the context of the recent European migrant crisis. The research questioned the desirable forms of assistance and integration, reasons for supporting integration processes, the estimation of an average sociodemographic profile of immigrants and refugees, and seeing them as security and other (cultural, political) threats.

The research was conducted in 2019 on a convenience sample. The issues thematically related to (1) attitudes about immigration, immigrants, and refugees, (2) estimation of the sociodemographic profile of these two groups, and (3) the intensity of social distance towards them are part of the book entitled *BORDERS - The attitudes of students at the University of Split on immigration, immigrants, and refugees* (2020). The monograph is co-signed by the group of authors, namely Brčić Kuljiš, M., Popovic, T., Relja, R., and Lunić, A.

The impact of the SARS-CoV-2 pandemic on attitudes towards refugees and migrants in the European Union / Anita Lunic, Teaching Assistant, Faculty of Humanities and Social Sciences, University of Split

Coronavirus SARS-CoV-2 pandemic has a significant impact on refugee and migrant governance, leading to both new narratives and new policies. The impact on the narrative was particularly strong at the beginning of the outbreak and was generally expressed in the form of statements on the interconnectedness between migration and virus outbreaks (or biosecurity and open borders; e.g. Salvini, Bakondi). I label it an ideological or discourse impact. The pandemic also strongly impacted the treatment of refugees and migrants. As the treatment concerns both national policies (e.g. delay of resettlement operations and reallocation of the most vulnerable) and local activities such as support for refugees and asylum centers (where overpopulation partly affected by movement restrictions led to increased vulnerability to an outbreak of the virus and inability to meet basic distancing and hygiene requirements), I label it material impacts.

In the first part, I focus on the narrative about the refugees and migrants' responsibility for the virus spread. In the second part, I focus on the spectrum of migration policy changes provoked by the pandemic. In the closing part, I discuss *The New Pact on Migration and Asylum*, a new proposal to reform EU migration management. The general question of the closing part is whether migration management which replaces *Dublin Regulation* is just a euphemism for repelling and deterring refugees (Marquardt, 2020) and whether this new framework offers useful tools to tackle issues concerning refugee and migrant-related policies, with special emphasis on those overstated and detected during the pandemic.

Museums and migrations. The social role of museums / **Dr Michalina Petelska**, Assistant Professor, *Institute of History, University of Gdansk*, **Dr Sandro Debono**, Associate Lecturer, *Department of Arts, Open Communities and Adult Education, Faculty of Education, University of Malta*

As a part of the activity of the consortium the European University of the Seas (SEA-EU) this semester we give together the lecture entitled *Heritage of Migrations - Museums and Society* (lecture in English, on the Zoom platform, for students of University of Malta). Dr Debono is a museologist, specializing in museum education and contemporary museology. Dr Petelska conducts research on migration museums as a place of inclusive education. Examples of such museums in Europe are Emigration Museum in Gdynia (Poland), Immigrantmuseet in Farum (Denmark), BallinStadt Auswanderermuseum in Hamburg (Germany). However, programmes for immigrants are organized in museums other than migration museums. This shows the importance of a museum (e.g. a city museum) in the life of the local community.

Our lecture presents a broad overview of museums today and how this has evolved from the stereotypical understanding of what a museum should be to relate more to critical, participatory, inclusive and radical museology. It also focus on inclusive education and explore how museums work with immigrants and emigrants in the context of local politics and global processes. The aim of this course is to raise students' awareness to the needs of various social groups, especially those at risk of social exclusion and the ways and means how museums can also meet these needs.

Statelessness in International Migrations Between Morocco and Spain: The Odd One Out? / Michel Remi Njiki, PhD in Social and Legal Sciences, *University of Cádiz*

The migration pressure existing between Morocco and Spain, as the one of the main routes of mass movements of migrants, namely the trans-Saharan corridor, is posing a great deal of problems to both countries. Indeed, these countries represent a bridge for intercontinental migrations which are chiefly labelled as “transit migrations”. Unfortunately, the response of the States affected tends to consist in a defensive, restrictive and unproductive attitude from a human rights point of view and from the perspective of the respect of international obligations regarding migrants. Such recklessness is manifest in the lack of appropriate and clear procedures to access international protection.

In the case of migrations between Morocco and Spain, the indifference of both States is even more pronounced. The existing mechanisms are far from being useful in such a mass migration context, in a buffer zone such as the Strait of Gibraltar’s.

Statistically stateless represent 3,9 million of peoples in the world in 2019, based on official data provided by States willing to provide updated figures. Such figures are equally considered underestimated, according to certain authors who believe that the most accurate figures are 10 million worldwide. In West Africa, one of the most important exporters of migrants to Europe, stateless persons represent alone one million people.

The key question of the paper lies on the issue of how to protect individuals who encounter themselves in transit migrations with the double disadvantage of not being able, on the one hand, to claim a refugee status because they lack elements to prove the persecution in the State of origin; and, on the other hand, they can not show evidence of any link with any State that would insure their protection. Such situation is aggravated by the fact that in migrations between Morocco and Spain, migrants are often tarred with the same brush, because they are all assimilated to economic migrants.

3rd panel: EU Governance crisis in migration matters

Immigration, Borders and Human Rights - The Concepts Used for The “Externalization” / **Alejandro Del Valle**, Full Professor of Public International Law and International Relations, *University of Cadiz*

The migratory flows and refugee crises in Europe have motivated a growing concern about the respect of European values and Human Rights in the actions of the EU and the Member States when facing migratory flows and controls of access to European territory in the external borders. The Border lines are problematic places for the application and protection of the human rights of foreigners, causing a situation of fragility of Human Rights at the external air, land and especially maritime borders of the EU.

We are facing a change in the very conception of the Border in this post-globalization era, where certain functions are relocated and systematically located outside the territory and border posts of the States. However, territorial and extraterritorial actions must be differentiated from those that occur in foreign action activities in or with third States for purposes of immigration policy and control of migratory flows.

The reality is that a new border area to the south and east of the Mediterranean has been configured for migratory flows, which requires a new policy and strategy for external borders. For this reason, the EU is in search of a new ‘model’ of External Border that provides other parameters of action and management of migratory flows and external controls.

The protection of human rights by European States beyond external borders has to be analysed to determine to what extent the control functions that are deployed outside the territory affect the human rights of immigrants. For this we differentiate between ‘Externalization’ situations, where those who act are third States; and ‘Extraterritorial’ action of migratory controls where agents from European States intervene. Both raise issues of human rights protection in migration controls outside the land or maritime territory of the EU Member States, in which we conceive as ‘Deterritorialized’ border control functions. And both should have different mechanisms for monitoring, control and supervision of respect for human rights in the functions of migration control.

Respect for the human rights of aliens in border controls and management of migratory flows, both within and outside the territories of the EU States, is a vital issue for the identity, values and survival of European integration.

The concept of migration management in the context of the New Pact on Migration and Asylum of the European Union 2020 / **Marita Brčić Kuljiš** PhD, Associate Professor, Faculty of Humanities and Social Sciences, *University of Split*

In September 2020, the European Commission presented the New Pact on Migration and Asylum, by which it wants to start, as stated on the first pages of the document, "to build a system that manages and normalizes migration for the long term and which is fully grounded in European values and international law". As we know, both European values and international law are rooted in the idea of human rights.

A key aspect of this lecture relates to the concept of migration management. Martin Geiger and Antoine Pécoud (2012) state that the concept of 'migration management' has been increasingly used since the 1990s to clarify and explain various initiatives related to international migration and human mobility, with the key assumption of accepting and recognition of migration as a normal process. The concept of 'migration management' advocates the orderliness and predictability of human movements, and seeks to ensure a balance of interests between the countries of origin, destination countries, and, of course, migrants (Ghosh, 2000).

In the context of the New Pact on Migration and Asylum of the European Union, in this lecture we will present:

- relation between migration management and border management;
- relation between migration management and human rights.

The Influence of Illiberal States in EU Migration Decision Making / Nilsa Rojas-Hutinel, Lecturer in Public Law, *Université de Bretagne Occidentale*

At the December 2020 European Council, Hungary and Poland, openly illiberal states, threatened to block the adoption of the Next Generation EU Pact if the mechanism conditioning the payments of European funding on respect for the rule of law was not withdrawn. In fact and in accordance with the ordinary legislative procedure, the regulation establishing the conditionality rule was subject to the rule of qualified majority voting so that the opposition expressed by these States was not able to prevent upon adoption. The Hungarian-Polish blocking capacity then fell on the multiannual financial framework and the recovery plan, which are themselves subject to the rule of unanimity. Although the negotiations finally made it possible to lift the blockage, reading the conclusions of the European Council heralds a weakening of the conditionality mechanism.

Through this illustration, we can observe some techniques used by illiberal states to obstruct or slow down European decision-making. However, a new storm is brewing as the New Pact on Migration and Asylum proposed by the Commission provides for the establishment of a compulsory solidarity mechanism (which is not based on the establishment of quotas but which will lead the European Commission to propose to member states to relocate asylum seekers on their territories, to "sponsor" the return to their countries of migrants who do not have the right to remain in European territory or to help build centers for 'reception'). Poland, Hungary, the Czech Republic and Slovakia have already rejected the idea of implementing compulsory relocation.

Today, it is necessary to question the techniques and arguments likely to be used by illiberal states to obstruct the solidarity of member states in matters of migration. Responding to an institutionalist logic, the research aims to analyze the different phases of the decision-making process to identify the degree of influence of these states. Solutions to respond to the difficulty raised may be sought.

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