

## PROCEEDINGS OF THE SPRING MEETING

held on Wednesday 25 May 2016  
at the Campus The Hague of Leiden University

### MIGRATION, REFUGEES AND INTERNATIONAL LAW

The Chairman, prof.dr. Willem J.M. van Genugten, opens the Annual Spring Meeting of the Royal Netherlands Society of International Law at 7:05 P.M. and welcomes the approximately 40 persons present. The meeting is also intended to commemorate the late KNVIR Treasurer Dr. Peter J. van Krieken, who passed away last year and was a specialist in the field of refugees and migrant law. He was a member of the Board from 2008-2015. An In Memoriam can be found on the website of the KNVIR. The Chair subsequently introduces the three speakers: Mr. **Bram van Ojik** (Special Envoy for Migration, Ministry of Foreign Affairs), Mr. **Flip Schüller** (lawyer at Prakken d'Oliveira, Amsterdam), and Dr. **Hans van Loon** (former Secretary-General of the Hague Conference on Private International Law).

#### Presentations

The first speaker is Mr. Bram van Ojik. At the outset of his presentation, he emphasizes that he is not an international law expert, but intends to outline the key building blocks of the Dutch migration policy and begins by referring to a letter by the Government to the House of Representatives (*Tweede Kamer*) of 8 September 2015, which outlined the Government's general approach to migration. Mr. Van Ojik observes that it is a challenge to phrase a response to the major migration crisis. We tend to forget that it is a recent crisis, that only happened one year ago. Previously, migration numbers were very modest, but migration issues have always been hotly debated, such as the debate on 'Bed, Bath and Bread', the illegality of migration, and the issue of amnesty for certain categories of migrants. It should thus be noted that there is not necessarily a direct correlation between the fierceness of the debate and the number of migrants.

The EU policy with respect to migration strongly emphasized burden sharing. As for the Dutch policy, several key elements could be identified. Firstly, a strong emphasis on investing to address the root causes of migration – investing in peace and stability, political freedom and economic perspectives, including climate change. Secondly, reception in the region, with a strong emphasis on supporting third countries outside Europe, who are already receiving huge numbers of refugees (e.g. Turkey, Lebanon, Jordan, Kenya, Egypt, Sudan). Thirdly, curtailing irregular migration, thus seeking to avoid dangerous forms of migration through human traffickers and guiding migrants to come to Europe in a regulated way. The latter two elements (the emphasis on third countries and the fight against irregular migration) are also reflected in the EU-Turkey deal. The rationale behind it is to curtail irregular migration crossing from Turkey to Greece and organizing a resettlement policy in which people are invited to come to Europe in an organized way.

Mr. Van Ojik then turns to the implementation of the migration policy, stressing that the Netherlands is still a significant and generous donor when it comes to supporting reception structures in third countries. The money is geared towards humanitarian aid and direct support of refugees. In addition, the Netherlands was able to accept a large number of asylum seekers

(approximately 60,000 persons were applying for asylum) under relatively decent circumstances. It is positive that the Netherlands has been working on modalities to replace irregular migration by regular, organized resettlement types of migration. Although the numbers are still very modest compared to the numbers at stake, the Netherlands has proved that it is ready to implement the policies that have been advocated in theory. Judicial safeguards are also working (example of a Greek judge who determined that a refugee who is seeking asylum cannot be sent back to Turkey) and the facilities in Italy and Greece are slowly improving. Needless to say, several risks remain. The first and biggest risk is that refugees will be trapped in war-torn countries such as Syria due to the closing of borders. Such policies – which are not only present in European countries, but also in Turkey at the moment – are contrary to international law, in particular the Refugee Treaty.<sup>1</sup> The second risk concerns human rights violations. The position of people on the move is very vulnerable and as a result, there is a significant risk of child labour (e.g. reported in Turkey), forced labour, sexual exploitation etcetera. While there have been reports on child labour in Turkey, there is a lack of information on the position of people trapped in countries such as Libya and Lebanon.

The second speaker is Mr. Flip Schüller. In March, Mr. Schüller was in Lesbos, where camps are closed today. These camps used to be open prior to the EU-Turkey deal. Even at that time, however, the CPT (Committee on the Prevention of Torture, Council of Europe) already found that the camps were not fit. Minors were held in detention, pregnant women were sleeping on concrete floors, there was no legal representation, and observers of the CCBE (Council of Bars and Law Societies of Europe) were not allowed to enter. The people who reached the camps prior to the EU-Turkey deal had not been registered. They were mixed up with people who arrived after the deal. The camp was made for 2,400 people, and was filling up rapidly as boats kept coming in. Within days, the camp population rose to 3,800 people. When asked about Plan B for Lesbos, the authorities answered that there was no Plan B, because the Greek asylum system had already collapsed by 2011. The (lack of) knowledge of the law is not the problem, but the system simply does not work, as it is very bureaucratic and chronically underfunded. It is not in conformity with the common European asylum system and the EU Charter of Fundamental Rights.<sup>2</sup> The problem is that the Greek authorities would like to expand civil service handling asylum claims, but they are not allowed to under the EU deal. About 12,000 to 15,000 people are eligible for family reunification procedures, but Greece only has two civil servants to process with these claims. If the EU, in all its glory, wants to maintain human rights standards, it should put money in there and make the Greek system work without being obstructive. In Ankara, Turkish lawyers were not given access to asylum seekers. There is credible evidence that Turkey violates the principle of *non-refoulement*,<sup>3</sup> for instance by sending refugees back to Afghanistan and Syria. This is confirmed by Amnesty International, Human Rights Watch, and Turkish lawyers. The question whether Turkey is a

---

<sup>1</sup> UN Convention Relating to the Status of Refugees, Geneva, 28 July 1951, UN Treaty Series, vol. 189, p. 137.

<sup>2</sup> Charter of Fundamental Rights of the European Union of 7 December 2000, Official Journal 2000/C 364/01.

<sup>3</sup> The principle of *non-refoulement* means that a refugee should not be returned to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. It is laid down in Article 33(1) Refugee Convention, *supra* n. 1.

safe country is a question that can unequivocally be answered in the negative, both in terms of law and of practice. Judgments on appeal have also decided that Turkey is unsafe.

Now that everything in Turkey is so uncertain, Europe should begin by clearing up its own mess, if it is seeking to advance or adhere to human rights standards. Europe should help the people rather than helping to advance human traffickers. It could decrease the demand for traffickers, for instance by issuing humanitarian visas, but there is an apparent lack of political will. In addition, relocation programs are currently not being used. The EU could take over some of the burden to show that the migrant crisis is not a Greek or Turkish problem, but a problem of the EU. Because we have a good structure in the north of Europe, we can take the pressure off Greece and Turkey. Finally, there is a role to play for businesses. Well-educated refugees are waiting in camps, while there may be a vacancy in Finland, for instance. Why not allow the dentist to go forward on the basis of an expedited procedure, which means that he is no longer a burden on the State and can take care of his own affairs?

The third speaker is Dr. Hans van Loon, former Secretary-General of the Hague Conference on Private International Law. He opens his presentation with an important remark by Angela Merkel in one of her speeches: “Es kommen keine Menschenmassen, sondern es kommen einzelne Menschen zu uns”. No crowds are coming to us, but individual people. There is a large influx of people, but each one is a human being who has to be respected. Let us not construe policies, let alone politics, based on abstract numbers only. Instead, let us think and act on the basis of real situations of concrete persons and families, and of existing principles and laws. Private international law can help in this respect, as its focus is on the legal situations and relationships of individual persons and families in cross-border situations. Moreover, a private international law perspective may assist us in seeing the full picture of migrants’ rights and obligations, both under administrative law and civil law. Finally, a private international law perspective may suggest complementary and new ways of dealing with certain aspects of migration, in particular economic migration.

Migration is looked at with scepticism and distrust, a threat to social cohesion and national identity. We forget that following World War II, our governments even coordinated migration. Migration is an affair that is not limited to the European continent; it exists in Africa, Asia Pacific and Latin America as well. People have not heeded the report of the Global Commission on International Migration, that migration should not be forced and out of choice, and that there is a lack of coherence of policies at the national level and a lack of cooperation at an international level. The result of the negative view of migration today blurs the distinction between economic migration and forced migration. This distinction is not always easy to make, but it is fundamental, because the cardinal principle of international refugee law under the Geneva Convention is the notion of *non-refoulement* (Art. 33). The European Convention on Human Rights<sup>4</sup> and the EU Charter of Fundamental Rights provide for similar safeguards. These are fundamental obligations under international law, which are at the basis of the Common European Asylum System. When we question these fundamental norms, we question the very basis of our legal, moral and political foundation.

---

<sup>4</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 4 November 1950, European Treaty Series (ETS) No. 005, as amended.

In contrast to the situation for refugees, there is no specific global system for economic migrants. The UN Convention on the Protection of the Rights of Migrant Workers<sup>5</sup> is relevant, but not widely ratified. On the one hand, none of the EU Member States, nor Canada, the US or Australia are parties. On the other hand, the States that have ratified the Convention are almost all States of origin of migrants. As a result, a worldwide problem is not being dealt with in a multilateral fashion, but rather unilaterally.

With respect to the role of private international law in relation to forced migration, reference can be made to the Refugee Convention, which contains relevant provisions in Chapter II (e.g. Art. 12 concerning the 'personal status' of a refugee under civil law). In addition, the European Group for Private International Law adopted the Declaration on the Legal Status of Applicants for International Protection from Third Countries to the European Union in September 2015.<sup>6</sup> This Declaration is addressed to the institutions of the EU and the Member States and seeks to clarify, inter alia, the (civil) status of forced migrants. Firstly, the Declaration stresses the importance of registration of birth, marriage and death upon arrival in the EU. A related problem in this respect is the lack of consistent and standardized registration. Secondly, the Declaration reminds governments and the EU of the court's obligation to take protective measures for the child under civil law. An example in this respect is the arrangement of foster care or adoption of the child – be it a refugee or a child that is internationally displaced due to disturbances in the child's country. The 1996 Hague Child Protection Convention<sup>7</sup> stipulates that the mere presence of the child is a sufficient ground for jurisdiction. A similar rule can be found in the Brussels IIa Regulation on divorce and parental responsibility.<sup>8</sup> Thirdly, the Declaration also insists on better coordination and mutual recognition of decisions concerning the administrative (rather than civil) status of migrants. In this respect, the quality of procedures, including interviews and the role of interpreters, is important as well.

With the various directives under the European Asylum System, the situation has improved. However, the UK for instance has not opted in to the recasts, and statistics show that cuts in legal aid have led to a rise in refusals of international protection status. Brian Donald (Europol) estimated that at least 10,000 unaccompanied children have disappeared after arriving in Europe, fearing that many have been trafficked. Dr. Van Loon suggests that a link should be established between the administrative registration of the child and the private international law system (Brussels IIa Regulation and 1996 Convention), so as to make it possible to track the child upon arrival in Europe.

---

<sup>5</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, UN General Assembly resolution 45/158 of 18 December 1990, UN Treaty Series Vol. 2220, p. 3.

<sup>6</sup> The text of the Declaration may be found at: <http://conflictoflaws.net/2015/declaration-on-the-legal-status-of-applicants-for-international-protection-from-third-countries-to-the-european-union/>.

<sup>7</sup> Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, The Hague, 19 October 1996. The text of the Convention may be found at: <https://www.hcch.net/en/instruments/conventions/full-text/?cid=70>.

<sup>8</sup> Regulation (EC) No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility of 27 November 2003, OJ L338 of 23 December 2003, pp. 1-29.

It is important to stress that voluntary rather than forced migration makes up about 90% of migration worldwide. Yet, the paradox is that we have improved international cooperation and governance for trade, services and finance, but international migration is not covered by a global regime for cooperation and governance. Generally, unilateral measures are taken, most of which are aimed at restricting immigration. Here, a second paradox arises: the more migration is regulated and restricted, the more it tends to become permanent and the less circular migration takes place. The reason is that if migration comes with high costs and risks, migrants find it hard to return home and remain for longer periods or even permanently in the destination countries.

Is there a role to play for private international law in governing migration? Dr. Van Loon believes there is, and refers to the global Conventions of the Hague Conference on Private International Law that have established relevant cooperation structures between government authorities. So-called Central Authorities may have important tasks, for instance with respect to issues covered by the Hague Conventions on international family law: child abduction, adoption, and child support. Under these Conventions, Central Authorities have a coordinating role at the national level, and cooperate with their counterparts on the international level. The idea of a multilateral framework may help to promote temporary migration, thereby discouraging and curbing illegal migration. Such a framework could also set up a system on the licensing and regulation of intermediaries, i.e. making sure that there are bona fide agencies with a good reputation. It could also serve to facilitate remittances. Formal channels in that respect are not always available, which may lead to shady practices, money laundering, etcetera. Moreover, costs are high. A global framework for remittances could also help to reduce costs and even provide counselling on the effective use of remittances. Finally, the importance of a machinery to monitor the operation of the framework (inter alia through periodic meetings) should be emphasized.

## **Questions, Answers and Debate**

### **Mr. Bram van Ojik**

*Responding to the presentation of Mr. Flip Schüller*

I tried to give what I considered to be a balanced view on what I see as a difficult political struggle. Compromises often do not please anyone, but it is through compromises that our political system is working. When you look at the EU-Turkey deal, the unpleasant aspects of a compromise become visible. The situation at the Turkish-Syrian border is problematic, as the issue of non-*refoulement* is not completely absent. It is one of the main concerns we are facing and we are trying to put it on the agenda in the talks with the Turkish government. We hope that the deal gives us at least some leverage on the discussions. We should share the concern about the situation at the border diplomatically and not take the moral high ground against Turkey.

### **Mr. Flip Schüller**

If Turkey is safe, it is fine to send people back. But the prohibition of *refoulement* as enshrined in Art. 33 ECHR is absolute, so there cannot be any diplomatic answers to that issue. We should allow Turkey breathing space, since it lacks major legal safeguards. We have a responsibility towards these individuals within the EU legal order. If we do not address this

issue, the meaning of the rule of law will be diminished. This issue does not merely concern *refoulement* to Syria by Turkey, but it is also about sending people from Greece to Turkey.

**Prof.dr. Willem J.M. van Genugten**

In his PhD thesis, Dr. Peter van Krieken even contended that non-*refoulement* is a *ius cogens* standard.

**Mr. Bram van Ojik**

The value of this standard is not disputed, but that is not to say that this principle is not violated in practice. We may discuss the extent to which it is violated, but there is a broad recognition that this principle should be upheld. My point is that it is not a result of the EU-Turkey deal. The deal may even now give us the leverage to address the problem.

**Mr. Flip Schüller**

Why do we send people from Greece to Turkey if we agree that non-*refoulement* is a norm of *jus cogens*? Turkey does not live up to its international obligations. We need Turkey to be safe before we send people back.

**Mr. Bram van Ojik**

In an ideal political world we would first assist Turkey in becoming a safe country, and then start sending people back. However, the political compromise is to assist Turkey to become a safe country, and simultaneously starting to send people back (which is not yet happening right now, as the numbers are currently negligible). We do not deliver on organized resettlement, which we agreed to be the best. But at the same time, it is not fair to paint a picture in which huge numbers of people are categorically sent back from Greece to Turkey. That is why it is important that judicial safeguards in Greece are still working with that case. The case has not been overruled yet.

**Prof.dr. Johan G. Lammers**

The problem with refugees with which the European Union is now confronted is due to the unexpected great numbers of refugees which have recently come to Europe. That the problem of the influx is not reasonably solved in the European Union is also due to the fact that a number of European member states, especially in Eastern and Central Europe are not prepared to accept their share in the relocation of the refugees over the various member states as was decided in a legally binding decision of the EU with regard to 160,000 refugees. Noteworthy in this respect is Article 80 of the Treaty on the Functioning of the European Union,<sup>9</sup> which notes that in asylum matters there should be a fair redistribution of refugees, in numbers and financially, amongst the Member States. The fact that many refugees wish to determine for themselves to which European country they want to go is not very helpful either.

I agree with Bram van Ojik that at the moment there is no question of a wholesale expulsion of refugees from Greece to Turkey. The applications for asylum will be considered on an individual basis. Only in case an application is considered and rejected or when a refugee

---

<sup>9</sup> Treaty on the Functioning of the European Union of 13 December 2007, 2012/C 326/47.

refuses to make an application for asylum, expulsion becomes a possibility. Whether at present Turkey may be considered a safe country to which refugees may be sent back is doubtful. It should further be kept in mind that a distinction should be made between refugees who are in Europe now and refugees who are in Turkey. Unlike European Union Member States, Turkey is only bound by the Geneva Convention on Refugees in respect of persons who have become refugees as a result of “events occurring in Europe” (Article 1B1(a)). Technically, for Turkey, this means that the principle of non-*refoulement* does not apply to refugees from Syria or other non-European countries. Moreover, in any case, many of the refugees from Syria will not be covered by the definition of refugee under the Geneva Convention. That most of them are entitled to protection in European Member States is a consequence of the fact that the EU Directive of 13 December 2011<sup>10</sup> recognizes, in addition to refugees as defined in the Geneva Refugees Convention, also “persons eligible for subsidiary protection” (Article 2(f)) as entitled to international protection.

**Dr. Juan M. Amaya-Castro**  
**Vrije Universiteit, Amsterdam**

Is there any thinking about long-term legal solutions, or will we continue to go from crisis to crisis?

**Mr. Flip Schüller**

My experience as a practitioner is that the law as such is not a problem. The relevant laws are there, but if no country is willing to use the visa codes, the solution is not adequate. Within Europe, relocation is possible from a legal perspective. Hotspots, however, are distrusted as they are like a lottery. No clear and transparent criteria are applied, so migrants do not know to which country they will be sent. It is because the law does not operate well that people prefer to pay smugglers rather than trusting a hotspot ticket issued by the Greek government.

**Mr. Bram van Ojik**

The law itself is not the problem. Both the relocation within Europe and the resettlement outside Turkey are part of the political compromise, but the compromise is not being implemented. A more interesting question is how to solve this stalemate. It is about the willingness to implement. In 2015, Dublin was not working. The result was that more than a million refugees asked for asylum in Germany.

**Mr. Flip Schüller**

Dublin simply does not work. When Hungary was invaded in 1956, the massive migration was dealt with. Today, one wonders why it is so difficult to reunite the child on Lesbos with its parents in Germany.

---

<sup>10</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted

**Dr. Hans van Loon**

*addressed to Mr. Flip Schüller*

What is your view on the EU-Turkey deal?

**Mr. Flip Schüller**

It is problematic in legal terms, because it is not a legal act. When I speak with the refugees, they say the numbers of migrants have not dropped because of the EU-Turkey deal, but because the Turkish guards are stopping them. It is a leverage issue by Erdogan.

**Prof.dr. Nico J. Schrijver**

**Leiden University**

What is the legal status of the EU-Turkey deal? It obviously is not yet a treaty, but rather a framework agreement, signed by the Council and the Turkish government (but not signed by the Member States). Secondly, I am not sure whether, in practical terms, it matters whether Turkey has signed the Refugee Convention or not. Turkey demonstrates in its State practice that it feels bound by the principle of *non-refoulement* and other dimensions of international refugee law, whether as a norm of customary international law or otherwise. This may not be a perfect situation, but it is fair to acknowledge this – also considering the fact that they have received three million refugees from Syria. We should have some understanding for the Turkish position, if we are trying to find a solution for these people.

**Mr. Flip Schüller**

There are many Syrians who have no desire to go to the EU. They generally prefer to stay in Turkey and be closer to home. Article 38 of the Procedures Directive,<sup>11</sup> which sets out the criteria and considerations in order for a country to be deemed a safe third country, stipulates that such third country should be a signatory to the Refugee Convention. If Turkey really feels so morally bound by these obligations, why did it not sign the Refugee Convention? It has ambitions to become part of the EU and it knows that part of the obligations is to sign on to the Refugee Convention, yet they have not done so.

**Prof.dr. Nico J. Schrijver**

I agree that that would be the optimal situation. But this procedural guideline is European Union law, while we are talking of a non-EU country. It is not fair to use a European yardstick to judge a non-European country.

**Mr. Bram van Ojik**

There are serious concerns about *non-refoulement* and people being trapped within Syria, but despite these concerns we have to be careful not to take the moral high ground with respect to Turkey.

---

<sup>11</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

**N.N.**

**Tunisian Ph.D. student in Paris**

In Tunisia, after the Libyan revolution, we faced a lot of refugees from many African countries, not merely from Libya. At that time, we had no laws dealing with refugees, and so a memorandum was signed between UNHCR and the government. The UNHCR dealt with the situation on a case-by-case basis, but many refugees refused to be relocated in Tunisia, because they wanted to go to Europe. Europe does not accept them for many reasons, so now, these people do not want to stay in Tunisia, but Tunisia cannot send them back because of the civil war in Libya. These people are in a legal vacuum in Tunisia. If the Tunisian government closes the borders with Libya, there will be a humanitarian catastrophe. The UNHCR is giving certain permits, but these are not recognized by the Tunisian authorities.

**Mr. Flip Schüller**

What you focused on is very interesting as a matter of international law. How to deal with people who do not wish to be recognized as a refugee in country A, because they only want to ask for asylum in country B? How to treat those people as a matter of law? Can you only have the rights of a refugee if you ask for them, or are they incumbent upon you as a matter of law?

**Ms. Kerstin Bartsch, LL.M.**

**Permanent Bureau of the Hague Conference on Private International Law**

Should the financial resources that States spend on the complex issue of migration be allocated differently? A lot is spent on border control and shutting down borders, but maybe we should look at the individual and the potential of remittances to give more individual, targeted support.

**Dr. Hans van Loon**

It was clear from the beginning that the resources needed to implement the EU-Turkey deal were insufficient. The European institutions take quite justifiable positions, but do not allocate resources to solve the problem.

**Mr. Bram van Ojik**

It is true that the resources could be used in a more appropriate way than they are used now. But we have to be careful: the importance of remittances for African countries is big, and it is private money.

**Ms. Kerstin Bartsch, LL.M.**

That is not what I mean. The beauty of remittances is that it goes into the furthest points in the world. But countries look at the remittances and try to tax them or charge huge fees. I do not mean that the Dutch government should take the remittance and put it into a humanitarian project.

**Mr. Bram van Ojik**

It is difficult to direct the remittances to a public issue. Our competence lies with public money - the problem is not that the money is going to border management. We do not have

internal borders anymore. Niger – nobody asked for more money. The EU has committed 600 million Euro budget support. The main question for the new government is how to spend it responsibly. The money is there, but it is complicated to know how to spend it. It is not true for humanitarian efforts, which are currently underfunded. The structure of development money in countries – it is a question of spending it for the benefit of people. In Tunisia, young people do not have a perspective on employment or education: either I find employment in Europe or go to Syria to fight with ISIS. The problem is much more complicated.

**Ms. Maja Rejger LL.M.**

Data are important. I was in Greece, Serbia, Bosnia, seeing refugees fifteen years ago and again now. Today, all refugees have a mobile phone and free Wi-Fi. They use this, for instance, to look for buses to the Hungarian border, for identifying the routes and for tracing other groups. Unfortunately, there are no special pages for refugees on LinkedIn or Facebook. According to the governments that would constitute a breach of privacy, but one could control the information provided on these sites. A website for refugees would be very helpful for them and it not expensive. In addition, if we would have a database, we could actually send people back. Most people do want to go back as soon as the situation in their home country allows them to.

**Ms. Vesala Mrden Korać  
Ambassador of Croatia**

In Croatia, we have had two types of migrants. The first group came from Bosnia in the 1990s. Croatia received 0.5 million migrants and we did not have enough place, so we put them in hotels and they received humanitarian aid. But after the war in Bosnia had ended, people did not go home. As we provided them with shelter, but did not offer them enough work, they developed dependent behaviour. So after ten years, we had problems getting them to leave the hotels again, while the tourism sector suffered from this situation. We learned that just waiting is very distractive for people. We should give them the chance to organize themselves. The second group of migrants we had in Croatia concerned the incredible mass of refugees that entered the country on 16 September of last year. We noticed that they had a very strong drive to go further, to Germany and Sweden. We organized a field hospital at the border, but even with a sick child they refused to stay for an extra night, because they wanted to go with the 'wave'. These people all have high expectations as regards Europe (i.e. easy to live, easy to make money, easy to send money from) and they expect to realise these expectations in a short period of time. Relocation is important in that respect.

**Mr. Bram van Ojik**

We hardly discussed Dr. Van Loon's presentation. When we start the debate on the long-term perspectives of migration policies, we need a debate on circular migration, seasonal migration, and economic migration. Such a debate will also be to the benefit of the receiving society.

**Mr. Flip Schüller**

The challenge will be to start changing the matrix, in the sense that the antagonism towards migration should be converted to opportunities for people and countries. We should look at the bigger picture and look at how other countries face this too.

## **Dr. Hans van Loon**

If we are talking about the root causes of migration, we should consider that it is part of our globalizing society. The argument that migrants kick other out of their jobs is empirically wrong. The economic argument in favour of migration is much stronger than the argument against it. The problem, however, is the fear of the people. It is time to think more positively about migration. If the level of developing countries rises, migration increases because people have more money to leave for other places. Start with temporary migration and see whether this applies to other forms of migration as well. This would also make clear what constitutes forced migration and what constitutes economic migration.

At this point the Chairman closes the discussion. He thanks the speakers for their contribution and invites everyone present to conclude the meeting informally with a glass of wine.

## **Abbreviations**

|       |                                                               |
|-------|---------------------------------------------------------------|
| ECHR  | European Convention on Human Rights ( <i>see n. 1 supra</i> ) |
| EU    | European Union                                                |
| UN    | United Nations                                                |
| UNHCR | United Nations High Commissioner for Refugees                 |