EMN Norway Occasional Paper

Sustainable Migration in Europe

Alexander Betts and Paul Collier, University of Oxford 2018

Norwegian Ministry
of Justice and Public Security

UDI Utlendingsdirektoratet
Norwegian Directorate
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Introduction

European citizens now rate migration as one of *the* most politically important issues. This is despite the numbers of people crossing the Mediterranean declining: 60,000 between January and August 2018 compared to over 1 million in 2015 and 350,000 in 2016.[1] This is not a crisis of numbers but an issue of trust. While underlying public concerns may ultimately owe more to structural economic change or alienation from liberal politics than human mobility, the sense that migration is 'out of control' fuels polarisation and the rise of extremism in Europe.

Of those migrants arriving in Europe, some are refugees with no choice but to seek protection in Europe. Others are refugees who could have found protection in safe haven countries closer to home but saw greater opportunity in Europe. But many are economic migrants, leaving a lack of jobs and opportunity in poor countries for a better life. Europe's challenge is that it lacks an effective way to distinguish between these three groups and to share responsibility for those who are refugees. The asylum system is the only viable means for most African workers, for example, to reach Europe. And with a return rate of rejected asylum seekers reported to be less than 50% in some countries, arrivals often remain irrespective of procedural outcome.[2] The inconsistent execution of return decisions is politically exploited, and undermines public confidence. And this in turn has set in motion a backlash with devastating consequences for both European democracy and migrant welfare.

It is generally recognised that the Common European Asylum System (CEAS) Directives have proved inadequate in many respects. EU member states are supposed to adopt common standards for recognizing and assisting refugees. This has become a fiction: last year, France recognized 86 percent of asylum claims from Iraqis; the United Kingdom, only 19 percent.[3] The European Commission has therefore put forward proposals to update them with 'with new rules to ensure more effective, equitable, and harmonised implementation. However, political disagreements among Member States have prevented more equitable distribution mechanisms from being adopted. In June 2018, the European Council put forward the concepts of 'disembarkation platforms' outside the European Union and 'controlled centres' at locations within the European Union. Proposals for control and deportation long been regarded as controversial. It is, indeed, still questionable whether they will be implemented. In the absence of a unifying political consensus, a number of Member States are outlining their own unilateral or bilateral 'visions' for reform of the European protection system.

A common and unifying language through which to build political consensus is urgently needed. It must be unifying across countries and political parties. The basis must be guiding principles that can reconcile economic needs, human rights obligations, and maintain democratic backing. Only once there is a common language and framework, acceptable and appealing to parties of the centre-left and the centre-right across Europe, can consensus emerge within the Council, enabling the proposals of the Commission to regain political relevance.

Creating a sustainable migration policy framework will also contribute to meeting the EU's commitments under the new Global Compact for Safe, Orderly and Regular Migration. As the UN Secretary-General's Representative on Migration has argued, political leadership on migration

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[1] See UNHCR data: https://data2.unhcr.org/en/situations/mediterranean

[2] See data from the European Union or analysis from Pew Global: http://www.pewglobal.org/2017/09/20/a-million-asylum-seekers-await-word-on-whether-they-can-call-europe-home; https://ec.europa.eu/eurostat/statistics-explained/index.php/Statistics_on_enforcement_of_immigration_legislation

[3] See data from the MPI: https://www.migrationpolicy.org/programs/data-hub/charts/asylum-recognition-rates-euefta-country-2008-2017

requires that parliamentarians be able to reconcile the concerns of their citizens with principled yet practical collective action. She recently wrote: "the design of forward-looking migration policies in democratic countries requires a discourse intelligible both to political decision-makers and the broader segment of public opinion that cares about these issues".[4] It is this gap in discourse that we aim to address.

Our aim in this paper is not to offer technical solutions; it is to offer the basis for a common and unifying language, one that is ethically grounded and politically engaged. On 21 June 2018, we launched a Sustainable Migration Framework in Oslo, in collaboration with the European Migration Network of the European Commission, and the Norwegian Government.[5] Here we summarise the main implications of the Sustainable Migration Framework for EU asylum and immigration policy.

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[4] Arbour, L (2018), 'What Political Leadership on Migration Looks Like', *Refugees Deeply*, https://www.newsdeeply.com/refugees/community/2018/03/30/what-political-leadership-on-migration-looks-like
[5] Betts, A and Collier, P (2018),'Sustainable Migration: Reconciling Mobility and Democracy' (Oslo: EMN Norway), www.emnnorway.no

Sustainable Migration

To begin to reform, Europe's politicians and policymakers must reach agreement on their desired endpoint. We suggest that a new discourse of 'sustainable migration' can offer a unifying language for debate. A sustainable migration policy will need to satisfy three simple conditions: it must meet widely accepted ethical obligations, enjoy broad democratic support, and avoid decisions that people (whether migrants, receiving societies, or sending societies) will later come to regret. If a policy deviates from these criteria, it is liable to come unstuck. The most effective migration policies will be ones that can endure over time, rather than being reactive adaptations to yesterday's panic. These three criteria form the basis of our sustainable migration framework and are summarised in table 1.

Europe's migration and refugee policy since 2015 has been perceived by the public as the opposite of sustainable: chaotic, reactive, and ad hoc. Nowhere was this more apparent than in the shift in Germany's migration policy between September 2015, when Chancellor Angela Merkel unilaterally threw open Europe's doors to refugees, and March 2016, when she led the push for an EU deal with Turkey that attempted to slam the doors shut. Much of the support for Merkel's initial policy came from a widely shared sense that the rich countries of Europe have an ethical obligation to accept refugees and migrants from poor countries, regardless of how they entered Europe, whether they had a legitimate claim to asylum, or how European citizens felt about the matter.

In terms of *ethical obligations*, we have to distinguish between reciprocal obligations and non-reciprocal obligations.[6] A sustainable migration policy must therefore distinguish between Europe's reciprocal ethical obligations, which arise from transactional relationships of mutual gain, and its non-reciprocal ones—those that it has a duty to fulfill regardless of whether it gains anything in return. Non-reciprocal obligations stem from our common humanity, and are essential to ensuring the most fundamental conditions for human dignity. Rich countries have non-reciprocal obligations to help poor societies develop and to protect, assist, and find solutions to refugees fleeing from conflict and persecution, for example. They do not have non-reciprocal obligations to aspirational migrants (other than humane treatment and respect for human rights), for whom rights and duties are generally acquired through commitment to a mutually beneficial relationship. In practice, the line between 'refugees' and 'migrants' is blurring; mixed migration and new drivers of displacement are a reality. But here ethical clarity requires a clear distinction between those to whom we have non-reciprocal obligations and those to whom we have reciprocal obligations.

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[6] The distinction between reciprocal and non-reciprocal obligations derives from the ideas of Adam Smith. Smith, A. (1959), *The Theory of Moral Sentiments* (Strand and Edinburgh).

Ethical Criteria	Specific Conditions	Obligations Towards
1. Duties of Rescue	Development	Poor and fragile societies
	Protecting and empowering refugees	Individual refugees
2. Democratic Mandate	Compatible with citizen preferences	Citizens and values
3. No Regrets	Long-term interests of the receiving societies, sending societies, and migrants	Our future selves

Table 1: Three Conditions for Sustainable Migration Policies

'No regrets' is also an important principle. Too often, receiving or sending societies, and migrants themselves come to regret ill-considered choices. We need to ensure our policies are ones we will be glad we put in place five or ten years later. Regrets can arise because of political backlash in receiving states; because poor countries find themselves stripped of their human capital; and because migrants find themselves tempted into journeys based on false hopes. If a policy generates any of these regrets it has been imprudent. Operationalising this principle relies upon a clear-sighted and evidence-based understanding of long-term demographic and economic trends in sending and receiving countries, while integrating into policies a regard for their consequences for sending countries' long-term development trajectories.

Finally, *democratic backing* is key. Unless electorates back migration policies they will unravel. Recognising likely tipping points in public opinion can avert backlash, and ensure policies that meet our ethical obligations and our long-term interests can endure. A more considered and precautionary approach is essential. All European migration policies must have regard for the way in which they will be articulated by parliamentarians and received by electorates. In parallel to technical migration solutions, there must also be guidance and support for the language and narratives that politicians can use in order to ensure policies are compatible with citizen preferences over time.

The application of these principles, and the thresholds for backlash and unsustainability, will vary by context. In contemporary Europe, there is some divergence in the thresholds that shape tipping points and possible backlash. The increment to the stock of immigrants that a society can absorb – in terms of numbers and composition -- varies with economic, cultural, and political factors. Norway, for example, has a model in which the welfare state and integration are central to sustainability. The UK has a model in which sustainability relates more strongly to employment and local structural economic change. Nevertheless, for Europe as a whole, a sustainable migration framework will have a number of common elements.

Improving Opportunity for Refugees in Low and Middle-Income Countries

Europe's clearest non-reciprocal obligation is to help refugees who may be at imminent risk of harm. For some, asylum in Europe is the only way to ensure their safety. Yet most refugees are neither in Europe nor attempting to come to Europe. Eighty-five percent of the world's refugees find sanctuary in low- and middle-income countries. Currently there are nearly three million Syrian refugees in Turkey, more than one million in Lebanon, and over 650,000 in Jordan, compared to about one million in Europe as a whole. Refugees are not natural migrants: they are people who chose to stay home until they were forcibly displaced by crisis. What they need is not permanent migration per se but safety and normality until they can either go home or become accepted as productive citizens in their regional haven or elsewhere. If the EU can give refugees adequate assistance and development opportunities in safe havens it will be fulfilling its ethical obligations and leaving most with little need to move on to Europe.

Assistance and development opportunities, however, cannot come in the form of indefinite humanitarian aid, which acts as a drain on rich countries' resources and does little to put the refugees on a sustainable, self-sufficient footing. These opportunities must instead help refugees restore a sense of autonomy, community, and dignity within the non-European countries where most refugees reside. This means jobs in their host countries—a policy with the added benefit of offering host countries an economic incentive to keep their borders open. The best way for Europe to meet its obligations to the vast majority of the world's refugees is therefore to provide them with jobs in their host countries, from which both the refugees and the hosts can profit.

Examples abound of progressive policies for the economic inclusion of refugees in developing countries. In 2016, Jordan, supported by trade concessions from the EU and finance from the World Bank, gave refugees the right to work.[7] The approach led to the creation of the right to work for Syrian refugees and the allocation of around 100,000 work permits. Virtually since independence, Uganda has allowed refugees relative freedom of movement and the right to work. Evidence shows that its model leads to greater mobility, lower transaction costs for economic activity, more sustainable sources of employment, and higher incomes for refugees.[8] In 2016, Kenya opened its Kalobeyei settlement, which is the world's first designed, market-based settlement in which both refugees and host community members live side-by-side. Evidence suggests it already leads to higher incomes and better food security outcomes for refugees, as well as greater interaction between refugee and host communities.[9] That same year, Ethiopia committed to move from an encampment policy to one that will gradually give refugees the right to work and move, and it has been rewarded with increased international support, including from the World Bank. With international support, these countries are creating sustainable models that both protect refugees and simultaneously benefit host communities. Recent studies by the World Bank[10] and the International Finance

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[7] Betts, A and Collier, P (2015), 'Help Refugees Help Themselves: Give Syrians Access to Labor Markets', *Foreign Affairs*, https://www.foreignaffairs.com/articles/levant/2015-10-20/help-refugees-help-themselves

[8] Betts, A et al (forthcoming), 'Refugee Economies in Uganda: What Difference Does the Self-Reliance Model Make?', (RSC: Oxford).

[9] Betts, A et al (2018), 'Self-Reliance in Kalobeyei? Socio-Economic Outcomes for Refugees in North-West Kenya' (RSC: Oxford), https://www.refugee-economies.org/resources/self-reliance-in-kalobeyei

[10] World Bank (2017), 'Yes in My Backyard' (Washington DC: World Bank) https://openknowledge.worldbank.org/handle/10986/25855

Corporation,[11] for instance, provide evidence that host communities in Kenya have benefited from a market-based approach to refugee assistance.

When refugees get trapped in limbo for long periods, and are unable to go home or locally integrate, organized resettlement schemes should be available, enabling people to move onwards to third countries. But clear criteria, greater coordination across countries, and care to avoid raising false expectation are necessary. Furthermore, there are ways to make organized resettlement more sustainable. Canada, for instance, has had a successful private sponsorship of resettlement schemes since the 1970s, enabling communities with progressive values to take on the costs of integrating refugees who most need safe haven in Canada.[12] Surprisingly, these ideas have not been widely adopted in Europe, although the UK and Germany are exploring implementation.

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[11] IFC (2018), 'Kakuma as a Marketplace' (Washington DC: IFC), https://www.ifc.org/wps/wcm/connect/8fb8fab4-af24-4b09-bdff-2109d2c45974/20180427_Kakuma-as-a-Marketplace_v1.pdf?MOD=AJPERES
[12] Kumin, J (2015),'Welcoming Engagement: How Private Sponsorship Can Strengthen Refugee Resettlement in the European Union' (Washington DC: MPI). https://www.migrationpolicy.org/research/welcoming-engagement-how-private-sponsorship-can-strengthen-refugee-resettlement-european

Alternatives for Aspirational Migration

Europe's other main non-reciprocal obligation is to help poor countries to develop. This is an important part of a sustainable migration policy, since a significant proportion of the people coming to Europe are not refugees but may be regarded as 'aspirational migrants'. Those crossing the Mediterranean from Libya, for instance, are disproportionately young, educated men, often driven on by an idealized vision of Europe. The EU does not need to accept aspirational migrants as refugees—a status that should be reserved for those in genuine danger—but this does not mean that Europe has no obligation toward them at all.

Traditional forms of development assistance, such as simply giving aid to poor country governments, are inadequate to the task. Moreover, they cannot stop aspirational migration: modest increases in income actually increase a person's likelihood of emigrating, since s/he is better able to afford it. What is needed from Europe is more profound, and requires a nuanced understanding of the relationship between migration and development. Young Africans must come to believe that Africa itself will provide opportunity and promise, just as young Chinese now look confidently to their country's future. Every year 10-12 million young Africans enter the labour market, yet only 1-2 million new jobs are created. At the moment, emigration is the de facto solution to this jobs gap.

Africa needs jobs, but it also needs a transformed narrative, one that no longer identifies Europe as the default outlet for youthful aspirations. To help this transformation, Europe must support empowered production rather than entitled consumption among Africa's young people; specifically, creating opportunities for meaningful work and entrepreneurship on the continent. Doing so will also mean helping African governments create a sense among their citizens of shared belonging based on common purpose, which should in turn be linked to a credible economic strategy. For example, Rwanda has combined nation-building, good governance, and job creation for its young citizens.[13] Here, international financial institutions such as the European Investment Bank, the International Finance Corporation (the business arm of the World Bank) and the newly reconstituted Overseas Private Investment Corporation have a central role to play. The core competence of such organisations is bringing international firms to countries that desperately need job growth, yet they are barely known within Europe's interior ministries—a reflection of the regrettable lack of policy coherence across development and home affairs.

The so-called 'Migration Hump' is one of the most robust empirical relationships in social science: it shows that, in the short-run at least, increased development leads to increased demand to emigrate. However, the relationship needs to be disaggregated, and is likely to change depending on what type of 'migration' and what type of 'development' we focus on. Europe's migration and development policies need this type of more nuanced evidence base, and its politicians need a narrative that can explain the relationship between migration and development in terms that are persuasive, consistent, and accurate.

Generally, bringing jobs to people makes more sense than bringing people to jobs. Nevertheless, despite public concerns relating to automation and structural unemployment, many sectors in Europe need migrant workers, at least in the short-term. Circular migration policies, so successfully used for agricultural labour by the United States and Canada, for example, have been peculiarly

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[13] New York Times (2014), 'Rwanda Reaches for New Economic Model', https://www.nytimes.com/2014/03/24/world/africa/rwanda-reaches-for-new-economic-model.html

absent from the debate in Europe.[14] Even though there is an EU Directive on seasonal workers, few European countries have extensive circular migration policies. They should be a central means of providing sustainable pathways to mutually beneficial labour migration. For some European countries, the notion of circular migration is more acceptable to others: Nordic countries for instance tend to view immigration as permanent and requiring of integration; others such as Germany have historical experience of circular migration. But in a context of long-term uncertainties relating to automation, demography, and structural economic change, circular migration should play a more prominent role in the European policy agenda. Circular migration can be made compatible with Schengen. Indeed, migration rights for more than 3 months are not covered by Schengen. Beyond that, a two-tiered approach could be considered; circular migrants' access rights might be to particular countries rather than full Schengen rights. The Canadian experience shows that circular migrants tend to conform with the rules based on the expectation that present compliance leads to future opportunity.

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[14] Clemens, M and Postel, H (2017), 'Shared Harvest: Temporary Work Visas as US-Haiti Development Cooperation', https://www.cgdev.org/publication/shared-harvest

Asylum in Europe

Once the EU has met its responsibilities to refugees outside of Europe, the issue of asylum within Europe should become a manageable one. But it will still need to be addressed. If the EU is to have a rules-based system, this will mean maintaining a clear distinction between refugees and aspirational migrants. And because Europe is such a tempting destination for poor people, a sustainable European asylum policy will also need to distinguish between those refugees who can find safety closer to home and those who absolutely need to move to Europe. To be sustainable, EU Asylum Policy needs to address five main questions.

First, how should asylum decisions be made? EU policy for distinguishing between refugees and aspirational migrants must be consistent across time and space. Inconsistencies and unpredictability undermine public trust, incentivize migrants to gravitate to the countries with the least demanding asylum standards, and contribute to arbitrary and unjust outcomes for refugees. A core aim of CEAS has been the harmonization of asylum criteria, including reception conditions, procedural rules, a, misinterpreted as merely referring to common criteria for granting asylum in European courts, and responsibility-sharing. However, this misses an equally important aspect of geographic consistency, which is that the outcome of an asylum (or other migration visa) decision, and the entitlement to reside in Europe, should be identical regardless of whether someone has applied in their country of origin, a regional safe haven, a transit country, or within the EU, and currently this is not the case. Although harmonization beyond the EU's external borders could not easily be addressed through EU law, the gap in standards represents a key part of the incentive structure for irregular movement. The business of people-smuggling will continue to thrive as long as reaching European soil greatly increases one's chances of settlement in Europe.

Second, where should asylum decisions be made? Decision-making for asylum cases should still be available within the EU, and indeed the process should be simplified and sped up considerably. But it makes sense for the bulk of asylum and migration procedures to be undertaken outside of Europe, thereby reducing the need for people to embark on dangerous journeys. Europe's unrivalled network of consulates and embassies should be empowered to operate under European jurisdiction in both haven countries and migrants' countries of origin. These decisions should not, however, be concentrated in the countries currently being used for transit, such as Libya. Libya is not a haven country, and people should not be induced to go there. Creating processing centres there, as some EU states have proposed, risks both inhumane outcomes and attracting more people.

Third, how should responsibility be shared? Europe will also need to reform its system for distributing refugees within the EU. The Dublin Regulation is inequitable, and endures more because of institutional path-dependency than effectiveness. A sustainable system requires a clear separation between responsibility for assessing a claim—which can be done by whichever embassy or consulate an asylum seeker chooses to use (or within the first European territory in which a person arrives)—and responsibility for the settlement and integration of refugees whose claims have been accepted. Refugees should be distributed across EU member states based on mutually agreed-upon criteria.

European countries have different histories, demographics, and degrees of diversity, which could make agreement hard to reach. Yet a solution is not impossible, provided distribution criteria respect citizen preferences. For instance, a preference matching system could be used to link the preferred destinations of refugees to the states and communities willing to welcome them. This approach can contribute to sustainability because it respects both citizen and refugee preferences while leading to

a fair distribution of what should be small numbers of refugees. Yet once a match has been made, refugees without permanent residence/citizenship should stay in the country to which they have been assigned. The Schengen Agreement, which largely abolished Europe's internal borders, was intended to confer reciprocal rights of frictionless movement on European citizens, not on refugees or temporary migrants. Enforcement of this provision need not require border checks as long as there are effective controls on access to employment, benefits, and public services.

For migrants who are already living in Europe but who have yet to receive an asylum decision, claims should be assessed by the countries in which they are currently living—as long as there are common criteria for deciding claims, there is no need for the migrants to move between countries. This should be accompanied by EU financial assistance to frontline states such as Greece and Italy, where unprocessed asylum seekers disproportionately live.

Fourth, how should Europe deal with boats? The EU must also establish policies for those still attempting to cross the Mediterranean. It must absolutely commit to saving lives at sea. But in addition, it must agree on clear procedures for disembarkation after migrant ships have been intercepted or migrants have been rescued at sea. Disembarkation points should be close to Europe, but they should not themselves be a potential destination. Such destinations should be financially compensated for serving as disembarkation points. To cooperate, they will need assurances from the EU that claims will be decided quickly and that unsuccessful claimants will be returned. Initially, it may be necessary to back these assurances with a default procedure, such as transfer to an alternative safe haven country for cases in which no decision has been reached after a determined period.

Fifth, how can it make returns work? A considerable amount of work has been done on return policy and practice, but the rates of return remain relatively low. Thus, Europe needs to develop an effective and humane mechanism for returning unsuccessful asylum claimants, either to a regional haven country (for those who can receive effective protection there) or to their country of origin (for those determined to be aspirational migrants). Currently, the rate of return for failed asylum seekers is low, and it is far too easy for rejected asylum seekers to disappear into the informal economy. This system, in which official asylum decisions are de facto ignored, is unsustainable, illegitimate, and undermines the rule of law. To reform it, Europe will have to reduce disappearances. It should not do so through draconian detention policies, however. Instead, identity cards and biometric information, policed by employers and welfare agencies, can help identify illegal migrants. And countries in which it is currently easy to disappear, will need to raise their standards of transparency and enforcement.

But there may also be innovative alternatives. For difficult cases, in which third country agreements, diplomatic assurances, or nationality identification are unavailable, one possibility would be to identify a group of willing third countries prepared to participate in an alternative labour migration routes pool. For countries with a demand for labour migration, rejected asylum seekers might have the option to express a preference between participating alternative destination states, while those participating states could similarly rank preferences about the profile of prospective migrants.

All of our recommendations rely upon effective international cooperation. For Europe's politicians, reconciling democracy with globalisation requires bilateral, regional, and multilateral collaboration. But this in turn depends upon packaging political bargains that offer sustainable incentive structures for all relevant parties. For a Sustainable Migration Framework to be effective, a range of stakeholders' interests are implicated: third countries, EU Member States, the EU, migrants, citizens.

Political leadership for sustainable migration relies upon creating bargains that are mutual beneficial across all of these stakeholders. Among these stakeholders, one of the most challenging elements is to create bargains that work for third countries, whether to support refugee protection, readmission agreements, or alternative migration pathways, for example. The types of pay-offs requires by elites in third countries will inevitably vary according to factors such as regime type (e.g. democracy or authoritarian regime), relationship to migration (e.g. origin, transit, or destination), type of economy (e.g. agricultural, manufacturing, or service). But, irrespective, bargains will invariably require issue-linkages to policy fields such as development, trade, and in order to enhance the likelihood of cooperative outcomes. In other words, the prospects for collective action will be enhanced if migration is negotiated alongside other issue-areas, rather than in isolation. Fundamental to achieving principled but pragmatic bargains will be high quality political analysis and migration diplomacy.

Conclusion

Migration policy will shape Europe's future. The continent's leaders risk further losing the trust of their citizens, and that trust will not be restored by acrimonious disputes over illusory quick fixes. At the moment, three course of incoherence block this: first, *time*: policies are short-term and long-term time horizons are needed; second, *space*: external and internal policies should be based on a common underlying vision. Third, *governance*: joined-up policy-making is needed that ensures collaboration across policy fields, not least justice and home affairs policies with development policies. The EU's priority should be to reassure citizens by adopting a migration and refugee policy that gains sufficiently wide support, meets Europe's ethical obligations, and is sufficiently prudent that it will not leave a legacy of regrets. Sustainable migration can offer a common and unifying language through which politicians can reconnect with citizens. Moreover, it offers policies that are principled, yet sufficiently pragmatic to endure the migration challenges it will inevitably face in the future.