

Chapter Nine

Europe's 'Rio Grande': (Im)mobility in the Mediterranean

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Mediterranean mobility

"Those who cross its surface are often hardly typical of the societies from which they come (if the word 'typical' has any meaning anyway). If they are not outsiders, in some sense decentered, when they are set out, they are likely to become so when they enter different societies across the water, whether as traders, slaves, or pilgrims. But their presence can have a transforming effect on these different societies, introducing something of the culture of one continent into the outer edges, at least, of another."
(David Abulafia [2011]¹ about the Mediterranean in historical perspective)

Mobility, including human mobility, change, permeability and diversity, defines the very essence of the Mediterranean. The Mediterranean has witnessed the circulation of ideas, people and goods across its shores throughout human history. The unity of the Mediterranean history thus "lies paradoxically, in its swirling changeability, in the diasporas of merchants and exiles [...]", as the historian David Abulafia² notes. Nowadays, the Mediterranean represents more than ever a space of mobility, a space in constant flux. Globalization and international migration since the 1950s has further strengthened its fluctuating nature. Capturing this essence of the Mediterranean, the renowned writer Amin Maalouf³ has been inclined to define the region's identity as "less tribal, less exclusive, less limited, less a prisoner of the selecting myths, more open to the others and to the realities to the future world."

Maalouf's description of the Mediterranean identity conveys an image of societies which have the potential not to be imprisoned by the idea of a single nation, religion or ethnicity, but enriched by and conscious of multiple allegiances and affiliations. Observing the current events that followed what has been commonly called the "Arab Spring," however, distort this image. In many places, divides and conflicting interests among people in the Mediterranean seemed to have deepened instead of alleviated. One of these dividing lines is centered on the movement of people across the Mediterranean to Europe. The Arab Spring has provoked not exclusively support for democracy, but also anxiety about the arrival of refugees and immigrants to the EU and its member states, in particular at its southern edges. Small islands in the Mediterranean, such as Italy's Lampedusa, have become symbols of both this anxiety and the hardships of those that reach out for a life in Europe by crossing the sea line that marks one of the greatest regional wealth differences in the world. At the height of the Arab Spring in 2011, the United Nations High Council for Refugees (UNHCR)⁴ called the Mediterranean the most deadly stretch of water for asylum seekers and migrants. Comparing the 2011 numbers of those who died in the Mediterranean while

¹ Abulafia, David (2011) "Mediterranean history as Global History. History and Theory 50",

² Ibid., p.228.

³ Maalouf, Amin (2010) "The Challenges of Interculturality in the Mediterranean", Quaderns de la Mediterrània 14, p.80.

⁴ UNHCR (2012) "Mediterranean takes record as most deadly stretch of water for refugees and migrants in 2011". UNHCR, press release, 31 January 2012.

trying to cross it with those who arrived alive in Italy and Malta, Philippe Fargues⁵ concluded that the probability of dying while travelling from Libya to Europe is as high as 6.5 percent. In 2013, 45,000 people chose the Mediterranean sea-route to come to Europe.⁶

In light of these developments, the aim of this chapter is to give an overview on contemporary human mobility across the Mediterranean, and to understand its dynamics. Questions that will be tackled are: How have patterns of immigration to (and within) Europe evolved over time? How has Europe dealt after and before the Arab Spring with refugees and immigrants landing on its Mediterranean shores?

In order to address these questions, the chapter is divided into two parts. It first offers an overview of the evolution of immigration patterns and major policy trends in the past decades up to today. It secondly explores the politics of the European Union and its Southern Mediterranean member states in response to the movement of people, focusing in particular on their cooperation on migration control as a major element of Europe's external relations in the Mediterranean Basin.

Migration trends in the Mediterranean since the 1950s

“Oh where are you going?/Eventually you must come back./How many ignorant people have regretted this before you and me?” (Ya Rayah, popular Algerian Chaabi song about the immigrant, 1970s)

The Mediterranean Basin is a sending, receiving as well as transit region of immigration. The development of post-war migration patterns in the region has evolved in several distinct phases⁸.

Immediate post-war immigration

The immediate post-Second World War period was characterized by large south-to-north flows within Europe from northern Mediterranean countries (Greece, Italy, Portugal and Spain). Western European countries, in particular Belgium, Britain, France, Germany and Switzerland, received significant numbers of labor immigrants from Europe's South.

Southern European immigrants at that time were often depicted in public discourse - in a similar way as North African immigrants at a later stage - as fundamentally culturally distinct compared with the native population in the West and the North of Europe, and hence were

⁵ Fargues, Philippe (2012) “Demography, Migration, and Revolt in the Southern Mediterranean”. In Merlini, Cesare and Roy, Olivier (eds.): “Arab Society in Revolt. The West's Mediterranean Challenge”. Brookings Institution Press. Washington D.C., p.40.

⁶ IOM (2014) “International Organization for Migration. Migrants risking lives in Mediterranean topped 45,000 in 2013”.

⁷ Original: Ya rayah win msafar trouh taaya wa twali. Chhal nadmou laabad el ghaflin qablak ou qabli Ya rayah win msafar trouh taaya wa twali. Chhal nadmou laabad el ghaflin qablak ou qabli.

⁸ Cf. De Haas, Hein (2011) “Mediterranean migration futures: Patterns, drivers and scenarios. Global Environmental Change 21S.

portrayed as facing problems adapting to their “host” countries, which reinforced discrimination and stigmatization of these groups.⁹

In addition to international migration, there were also large-scale internal migration movements within Europe’s Mediterranean countries¹⁰. Italy in particular exhibited a large number of internal migrants, who furthermore were to a great extent classified as irregular: A law from 1939 (abolished in 1961) sought to curb urbanization, but had the effect that many of the hundreds of thousands of people that moved from the rural south to the northern cities of Italy in the 1950s fell into the category of “illegality.”¹¹

While Southern European immigration fuelled post-war reconstruction in Europe initially to a significant degree, most migration in Southern Mediterranean countries was internal, and few migrated to Europe¹².

From the 1960s onwards: Southern Mediterranean guest workers

In the 1960s, labor immigration from the new North African nation states (Tunisia, Morocco Algeria) that had recently gained independence,¹³ as well from Turkey to Europe gradually started to increase. After the Northern Mediterranean source for human labor began to ebb, many European states signed bilateral labor agreements with Southern Mediterranean governments. Germany signed an agreement with Turkey in 1961, followed by Austria, Belgium, France and the Netherlands in 1964. France additionally signed agreements with Morocco in 1963 and with Tunisia in 1964.¹⁴

While guest worker regimes were essential to Western Europe’s postwar economic boom, they also significantly benefitted sending countries in reducing unemployment by exporting their surplus of labor power, as well as individual workers who could often earn significantly more abroad than they would in their home countries. These policies, however, also came with an ethical “disadvantage” as is underlined by the oft-quoted remark by the Swiss author Max Frisch that “we called workers, but got humans instead.” Guest workers were recruited on a temporarily basis, and their settlement and their social and political integration in the receiving European countries was neither stipulated nor desired. Political philosophers since Michael Walzer¹⁵ have hence identified guest worker regimes as deeply problematic in the framework of liberal democratic societies as a

⁹ Lindo describes that, for instance, Italians in the Netherlands have been portrayed as “warm-blooded, easily excitable idlers.” They were said to speak too loudly in public places, and to steal native, young women from Dutch men. As a result, in some places Mediterranean guest-workers were prevented from entering venues, such as dance clubs. Especially people from the south of the northern Mediterranean countries were perceived as adapting poorly to the ‘customs’ of their host countries. With the later arrival of large groups of Turks and Moroccans, the attention would slowly shift away from Southern Europeans. Lindo, Flip (2000) “The social advancement of Southern European labour migrants in the Netherlands” In: Vermeulen, Hans and Penninx, Rinus (eds.): Immigrant Integration. The Dutch Case. Het Spinhuis. Amsterdam, p.127 ff.

¹⁰ Geddes, Andrew (2003) “The politics of migration and immigration in Europe”. Sage: London, p.155.

¹¹ Ibid., p.155.

¹² de Haas (2011), op. cit., p.61.

¹³ Tunisia and Morocco gained independence in 1956, while Algeria did in 1962.

¹⁴ OECD (2004) “Migration for Employment. Bilateral agreements at a Crossroads”. Paris, p.222 ff.

¹⁵ Walzer, Michael (1983) “Spheres of justice. A defense of pluralism and equality”. Baic Books: New York.

point of justice. Guest workers constituted, as Walzer¹⁶ observed, a “disenfranchised class,” who were often exploited, in part because they were disenfranchised and lacked effective representation of their interests.

The 1973 oil crisis reshapes migration patterns

During the 1970s, many of the temporary “guests” actually turned into permanent settlers, which made the democratic dilemma of not granting them political representation more severe. Their settlement was an unintended result of restricted immigration control in the 1970s, which put an end to the previous circular migration. To put it more bluntly, this development was an early example of policy failure as regards immigration control in Europe. Policymakers have often viewed immigration as something that can be turned on and off like a tap, as Castles¹⁷ has framed it, but history has repeatedly proven this assumption as wrong.

Following the first Arab oil embargo in 1973 and the subsequent economic downturn in Europe, labor recruitment came to an official end. Western European governments closed their borders in order to stop immigration. However, this had the effect that those immigrants who were already in Europe decided to stay out of fear of not being allowed to reenter Europe. Instead of moving back and forth, they used their right of family reunification and brought their family members to stay with them. Hence, as Fargues¹⁸ put it, “Immigration was no longer driven by the economic logic of labor markets but the sociological stimulus of families and networks.” European governments, including France and Germany, introduced programs to make immigrants leave. However, European courts protected and enforced immigrant rights to family reunification and residence, often against the will of national governments.¹⁹

New reconfiguration in the 1980s and 1990s

Another turning point was the transformation of the former emigration nations in the Northern Mediterranean into immigrant nations. Greece, Portugal, and especially Italy and Spain became relevant receivers of immigration from the 1980s onwards. The steady growth of the Southern European economies made these countries, in combination with increasingly stricter admission rules in (post-1989) Western Europe, an attractive destination for Southern and Eastern Mediterranean immigrants. The response in Southern Europe to immigration, however, differed to a certain extent to the one in Western Europe. Southern European governments did not anticipate the arrival of large numbers of immigrants, and many immigrants went through phases of irregularity. For instance, neither Italy nor Spain provided a legal way of entering the country for work purposes until their first immigration laws of 1985 and 1986; and after legal regulations were eventually in place, they proved rather rigid and inappropriate for the real demand for foreign

¹⁶ Ibid., p.59.

¹⁷ Castles, Stephen (2002) “Migration and Community Formation under Conditions of Globalization” *International Migration Review* 36 (4), p.1145.

¹⁸ Fargues (2012) *op.cit.*, p.31.

¹⁹ Castles, Stephen (2006) “Back to the Future? Can Europe meet its Labour Needs through Temporary Migration?” *International Migration Institute*. University of Oxford. Working paper 01/2006, p.4.

labor.²⁰ The low annual migration quotas established by the governments resulted in combination with the relatively large informal economies of these states in an irregular status for many immigrant workers.²¹ In response, Italy and Spain repeatedly used “amnesties” to regulate immigration. Starting in 1986, Italy has implemented five regularization programs so far, which have legalized almost 1.5 million people,²² and in Spain 1.1 million immigrants have benefitted from five waves of regularizations.²³ Although in both countries they are not the major groups of unauthorized immigrants, laborers from Mediterranean North African states represent a large number of irregular migrants in both countries. Notwithstanding the political implications, studies have shown, though, that irregular immigrant labor has had a positive economic impact, at least in the short term, on Southern European countries.²⁴

The new millennium

During the 2000s, immigration from North African countries to Southern Europe continued. Additionally, immigration from Egypt to Europe started to become more significant.

It has to be noted, however, that in terms of immigration patterns until today there is a striking divide between the Mashrek²⁵ and the Maghreb²⁶ (for an overview see table 1). The majority of immigrants from the Mashrek still tend to go to the oil-exporting neighboring Arab countries, while Maghreb immigrants predominantly choose to come to the European Union.²⁷

At the same time, the Maghreb became itself increasingly a destination and transit country of immigration.²⁸ Partly as a result of Gaddafi’s pan-African orientation in the wake of the embargo imposed on Libya by the EU, the UN and the U.S., which stipulated open-door policies towards Sub-Saharan African countries,²⁹ immigrants from this region increasingly settled in North African countries, as well as joined North African immigrants in trying to get to Europe via the Mediterranean sea route.

The 2000s were eventually also a period of restriction of border controls in Southern Europe,³⁰ as well as an extension of Europe’s efforts to control immigration across the

²⁰ Barbulescu, Roxanna (2012) “The Politics of Immigrant Integration in Post-Enlargement Europe Migrants, Co-ethnics and European Citizens in Italy and Spain” EUI PhD thesis. Florence, p.58.

²¹ Ibid.

²² Clandestino (2009) “Final project report. Undocumented Migration: Counting the Uncountable: Data and Trends Across Europe”, p.69.

²³ Ibid., p.77.

²⁴ Triandafyllidou, Anna, Gropas, Ruby and Vogel, Dita (2007) “Introduction. In: European Immigration. A sourcebook” Aldershot: Ashgate, p.5.

²⁵ Egypt, Jordan, Lebanon, Palestine, Syria.

²⁶ Algeria, Morocco, Tunisia, Libya.

²⁷ Fargues, Philippe (2013a) “International Migration and the Nation State in Arab Countries” Middle East Law and Governance 5, p.13.

²⁸ de Haas (2011) op.cit. p.61.

²⁹ Cuttita, Paolo (2010) “Readmission in the Relations between Italy and North African Mediterranean Countries”. In Cassarino, Jean-Pierre (ed.) “Unbalanced Reciprocities: Cooperation on Readmission in the Euro-Mediterranean Area” Washington: Middle East Institute, p.45.

³⁰ The sealing of borders and restriction of entry in this region is indeed a relatively recent phenomenon, before the 1990s there were no visas for North Africans to come to the South of Europe.

Mediterranean (see section three). These measures, however, did not lead to a halt of immigration; instead it reshaped immigration routes, which now span almost the entire Mediterranean region³¹.

Immigration to Europe's South did not stop entirely during the recent economic recession, although Europe's Mediterranean countries were hit hard. But the recession definitely slowed immigration down, and also revived emigration trends from Southern European countries to Western Europe.

Table 1. Emigration & Immigration in EU from selected Mediterranean countries (2013 stocks)³²

Country	Emigration (to EU in brackets)	Immigration
Algeria	961,850 (877,398)	95,000
Libya	100,656 (66,344)	768,372
Morocco	3,371,979 (3,056,109)	77,798
Tunisia	466,595 (414,077)	35,192
Maghreb total	4,901,080 (4,413,928)	976,362
Egypt	4,464,963 (224,122)	184,070
Jordan	339,755 (33,066)	191,307
Lebanon	602,280 (148,717)	302,315
Syria	1,643,747 (131,108)	102,396
Mashrek total (excl. Palestine³³)	7,050,745 (537,013)	780,088
Turkey	3,765,100 (1,629,400)	1,278,671

Migration in the aftermath of the Arab Spring

"Siamo molto preoccupati per il rischio di una guerra civile e per i rischi di un'immigrazione verso l'Unione Europe di dimensioni epocali"³⁴
(Italian Interior Minister Franco Frattini, *Corriere della Serra*, 2/22/2011)

The revolts in the Arab world starting in 2011 triggered ideas of unprecedented migration movements to Europe. Italy's government, for instance, predicted an "epochal" migratory influx

³¹ Cf. de Haas (2011), op. cit., p.61.

³² EU Neighbourhood Migration Report 2013 (eds. by Fargues, Philippe), 6

³³ For Palestine no total emigration numbers exist, according to the EU Neighbourhood Migration Report 2013 the numbers for the EU are 14,627.

³⁴ "We are very worried about the risk of a civil war and the risk of immigration to the European Union of epic dimensions" (translation by the author).

of “biblical” proportions, with potentially hundreds of thousands of displaced persons ready to land on European shores.³⁵

In retrospect, this scenario did not become reality. The Arab Spring had much more implications for migration and mobility in the region itself than it had for Europe. The violent conflicts in Libya and Syria have indeed generated large flows of refugees. The overwhelming majority, however, were received by neighboring Arab countries. From the 1,128,985 persons that fled Libya during spring and summer 2011, only 27,465 (i.e., 2.4 percent) came to Italy or Malta, the two EU countries affected most by the revolts.³⁶ In the wake of the conflict in Syria, seven million people were displaced, of which 2.5 million have so far sought refuge abroad. The neighboring countries, with the exception of Israel,³⁷ who kept its borders closed, Lebanon (900,000), Turkey and Jordan (600,000 each), as well as Iraq (220,000), took the main bulk of those people. Moreover, Egypt also hosts 135,000 Syrian refugees. Europe was, by comparison, rather hesitant to provide protection.³⁸

Between March 2011 and December 2013, the European Union member states received 69,740 asylum claims from Syrian citizens and made 41,695 positive decisions.³⁹ This number corresponds to 2.9 percent of the overall Syrian refugee population. Two-thirds of these refugees were accepted by only two EU member states, Germany and Sweden. What is more, nearly half of those who sought asylum in Europe in 2013 were only able to reach the territory of a member state by irregular entry, putting their lives at risk at sea with traffickers, a share that more than tripled compared to 2011⁴⁰. According to Fargues⁴¹ this increase reflects the growing barriers that refugees face when coming to Europe, i.e. the recent sealing of land borders with Turkey by Greece⁴² and Bulgaria.⁴³ Those who chose the sea-route were mostly trying to reach another destination than Greece,⁴⁴ as the latter is known for granting asylum to a very limited extent. Receiving 1015 claims through December 2013, Greece only approved 25 cases.⁴⁵ The European state, which has suffered

³⁵ Campesi, Giuseppe (2011) “The Arab spring and the Crisis of the European border regime. Manufacturing emergency in the Lampedusa crisis” EUI Working Papers 2011/59. Robert Schuman Centre for Advanced Studies. Florence, p.5.

³⁶ Fargues, Philippe and Fandrich, Christine (2012) “Migration after the Arab spring” MPC Research Report 2012/09, p.17.

³⁷ Israel is officially at war with Syria.

³⁸ According to an Amnesty International report (December 2013), only 10 member states have offered resettlement or humanitarian admission to Syrian refugees in reaction to a resettlement plan by the UNHCR. Some of them, moreover, have offered only very few places (e.g. Spain: 30).

³⁹ Fargues, Philippe (2014) “Europe must take on its share of the Syrian refugee burden. But how?” Policy brief. Robert Schuman Centre for Advanced Studies, p.2.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² In July 2012, Greece with the assistance of FRONTEX, the European border protection agency, and the European Asylum Support Office put 1,800 border guards to the Greek-Turkey Evros border and placed 26 floating barriers along the river. More than 80 percent of Syrians crossing into Europe in the first quarter of 2012 did so through this border. Fandrich, Christine (2012) “Healing a Neighbourhood. Potential EU Responses to the Syrian Refugee Crisis” Migration Policy Center. Policy Brief July 2012. Florence, p.4.

⁴³ Fargues (2014), op. cit., p.2.

⁴⁴ Under the Dublin III adopted in 2013 (no. 604) (similarly to the Dublin I and Dublin II) regulation a refugee has to seek asylum in the first EU member state it enters. Finger prints are stored, and hence asylum can't apply in any other EU member state (plus Norway, Iceland, Switzerland).

⁴⁵ Fargues (2014) op.cit., p.3.

most in the economic recession and is facing a dramatic rise of the extreme right, has deported a large number of Syrians back, exposing them anew to the violence in their home country.

Apart from the aforementioned groups, a further group which was hit by displacement in the framework of the Arab uprisings is migrant workers, including many Sub-Saharan Africans. Most of them have not made it to Europe. They have either returned to their home countries or were forced to stay in the conflict region as a result of a lack of opportunity and resources to leave. This group is particularly vulnerable, since there is no clear institutional responsibility in the current international system either for protecting or assisting displaced migrant workers.⁴⁶

In terms of voluntary migration, surveys demonstrated that the events in the region did not significantly alter the aspirations of people to leave their countries.⁴⁷ Consequently, the Arab revolts have not produced a major change in former trends of migration to Europe thus far.⁴⁸

Irregular entry, however, has recently indeed peaked to some extent as suggested by the increased number of Syrian refugees, who had to rely on smugglers in order to apply for asylum in Europe.⁴⁹ As indicated before, heightened border controls, including the “outsourcing” of border controls across the Mediterranean (see section three), but also other European-wide policy measures, such as carrier sanctions,⁵⁰ whereby carriers are held liable for transporting people without valid migration documents, make it increasingly difficult to reach European territory. This partly explains why people are willing to put up with the high risks when crossing the Mediterranean Sea. It has to be noted at this point that although in public discourse they are often perceived as such, people who enter Europe by boat are not necessarily irregular migrants. The NGO Pro Asyl⁵¹ has, for instance, documented that of all boat people who landed on Italian shores in 2008, 75 percent applied for asylum, of which in 50 percent of cases asylum was granted. It can be assumed that these percentages are potentially even higher in the wake of the current uprisings in the region.

Moreover, as Fargues and Fandrich⁵² have argued, the political instability in the Arab countries has caused rather a rerouting of existing (irregular) migration flows than it stimulated new ones.⁵³ They note that while the numbers of entries of refugees and migrants by boats has peaked in Italy after the Libyan uprising in 2011, they were actually accompanied by a decrease in numbers in Malta and Spain. They thus remark that if all three countries are taken together, irregular entries occurred in larger numbers in 1999, 2006 and 2009 than in 2011.⁵⁴ The decision to take the sea route to Italy was a response to an opportunity (lack of control during the height of

⁴⁶ Koser, Khalid (2012) “Migration, Displacement and the Arab Spring. Lessons to Learn“ Brookings Opinion. March 22, 2012.

⁴⁷ Abtefatah, Dina (2011) “Impact of Arab revolts on Migration CARIM Analytic and Synthetic Notes 2011/68. Robert Schuman Centre for Advanced Studies. Florence, p.8.

⁴⁸ Fargues et al. (2012) op.cit., p.4.

⁴⁹ A legal precondition for applying for asylum is the actual arrival at the territory of that state.

⁵⁰ Carrier liabilities and consequent carrier sanctions shifted the burden of control checks from the state to transport companies. The Schengen Agreement integrated a procedure that made carriers responsible for transporting passengers who were not entitled to access into the Schengen Area.

⁵¹ Pro Asyl (2010) “Fatale Allianz. Zur Kooperation der Europäischen Union mit Lybien bei der Flucht- und Migrationsverhinderung“ Frankfurt am Main, p.11.

⁵² Fargues et al. (2012), op. cit., p.4.

⁵³ Ibid.

⁵⁴ Ibid.

the revolutions) more than a response to the upheavals itself.⁵⁵ At large, it is therefore accurate to say that the Arab Spring has not radically transformed migration patterns in the Mediterranean.⁵⁶

Europe's contemporary response to mobility in the Mediterranean

"What the EU is effectively doing is signing a cheque to house people as far away from its shore as possible."
(Nando Signa 2013⁵⁷)

The securitization of immigration and the extra-territorialisation of border control

In order to understand current policy trends, it has to be taken into account that immigration is today among the main concerns of European citizens. The Eurobarometer survey published in December 2013 indicates that 12 percent of the respondents consider immigration one of the two most important challenges facing their country. This mirrors to some extent the fact that while previously immigration has not been a matter of public political debate to a significant extent, from the 1990s onwards political parties in Europe have extensively used the issue of immigration to mobilize potential voters. The issue of immigration has shifted from an issue debated behind gilded doors, primarily under labor market considerations, to an issue publicly contested, perceived as a threat and discussed mainly under a security perspective. Thus, the issue of migration has become the subject of a securitization process,⁵⁸ which in result has led to an increasing militarization of Europe's borders.

At the same time European integration has started to shape the policy field of immigration. The EU and its member states have increasingly extra-territorialized border control, making the issue of immigration a core of the EU's external relations. Rijpma and Cremona,⁵⁹ who have coined the term extra-territorialisation, have described this process as

*"the way in which the EU and its Member States attempt not only to prevent non-Community nationals from leaving their countries of origin, but also to ensure that if they manage to do so, they remain as close to their country of origin as possible, or in any case outside EU territory. It furthermore covers measures that ensure that if individuals do manage to enter the EU, they will be repatriated or removed to 'safe third countries.'"*⁶⁰

The Mediterranean region has been the premier site of developing and putting these policies into practice. The Barcelona Process, which was launched in 1995 by the Ministers of Foreign Affairs of the then-15 EU members and 14 Mediterranean partners, establishing a framework of bilateral and regional relations already comprised the issue of immigration. The Barcelona Declaration,⁶¹ which formed the basis of the Euro-Mediterranean Partnership (EMP), declared that "the partners, aware of their responsibility for readmission, agree to adopt the relevant

⁵⁵ Ibid.

⁵⁶ De Haas, Hein and Signa, Nando (2012) "Migration and Revolution" *Forced Migration Review* 39. June 2012, p.4.

⁵⁷ Signa, Nando (2013) "The death of migrants in the Mediterranean is a truly European tragedy"

⁵⁸ Huysmans, Jef (2008) "The Politics of Insecurity: Fear, migration and asylum in the EU" London: Routledge.

⁵⁹ Rijpma, Jorrit J. and Cremona, Marise (2007) "The Extra-Territorialisation of EU Migration Policies and the Rule of Law" *EUI Working Papers Law* 2007/01.

⁶⁰ Ibid., p.12.

⁶¹ Barcelona declaration (1995), adopted at the Euro-Mediterranean Conference. 27-28/11/95, p.8.

provisions and measures, by means of bilateral agreements or arrangements, in order to readmit their nationals who are in an illegal situation". Italy, for instance, signed its first agreement on both readmission and police cooperation with Tunisia in 1998, in which the North African country committed to readmit not only their own nationals but also third-country nationals (except nationals from the Arab Maghreb Union) who transited from its national territory.⁶² Similar agreements with other countries followed.⁶³

In the years to come, the issue of immigration gained further relevance in the EU external relations. The European Council meeting in Seville in 2002 introduced for the first time a compulsory "re-admission of illegal immigrants" clause in any future cooperation, association or equivalent agreement of the EU or the EC with third countries. When making this decision the countries of the Mediterranean basin were mentioned specifically.⁶⁴ Consequently, migration control also became a major strategic priority within the European Neighborhood Policy,⁶⁵ which was from the mid-2000s onwards the major policy framework of the European Union's partnership with the Mediterranean.

As Guild⁶⁶ observed, the development of the European Neighborhood Policy (ENP) was initially inspired by an "expansive spirit of inclusion of the neighbours in the benefits of the internal market including free movement of persons"; eventually, the approach regarding the movement of persons has changed significantly, putting instead predominantly obligations on the neighbors to act as the buffer between the EU and other third countries as regards irregular migration. In order to reach this end, according to Guild⁶⁷ a "bundle of rights and possibilities which have already been accorded in other venues and by other means are being repackaged in the ENP and presented as 'carrots' to encourage the neighbours to buy into the repressive measures."

A relevant triggering factor for the further expansion of the cooperation with the Mediterranean as regards immigration matters in the framework of the ENP were the 2005 shootings and following deportations of migrants trying to enter Europe through the Spanish North African enclaves Ceuta and Mellila. Six years earlier, wired fences were erected in these places, which, as Sudo⁶⁸ put it, "represented for centuries a focus for economic and cultural exchange" in the Mediterranean.

The Ceuta and Mellila events and their global media attention led to a revision of Europe's concept of migration control, which resulted in the proclamation of the "Global Approach to

⁶² Cuttita, *op. cit.*, p.32.

⁶³ *Ibid.*, p.34.

⁶⁴ Aubarell, Gemma, Zapata-Barrero, Ricard and Augarell, Xavier (2009) "New Directions of National Immigration Policies: The Development of the External Dimension and its Relationship with the Euro-Mediterranean Process" Euromesco paper 79, Brussels, p.10.

⁶⁵ This prioritization of border control also manifests itself at Europe's Eastern borders. A 2009 report by the EU Court of Auditors revealed that 90 percent of all EU aid to the Neighbourhood partner countries of the Ukraine, Belarus and Moldova was spent on 'border management'. Bialasiewicz, Luiza (2012) "Off-shoring and out-sourcing the Borders of Europe. Libya and EU border-work in the Mediterranean" *Geopolitics* 17 (4), p.846.

⁶⁶ Guild, Elspeth (2005) "What is a Neighbour? Examining the EU Neighbourhood Policy from the Perspective of Movement of Persons" June 10 2005.

⁶⁷ *Ibid.*

⁶⁸ Sudo, Pietro (2006) "Ceuta and Melilla: Security, Human Rights and Frontier Control" *IEMED* 2006, p.213.

Migration” (GAM) by the EU in autumn 2005.⁶⁹ The GAM put an emphasis on legal migration, migrant rights and asylum, and the promotion of development in the sending countries.⁷⁰ However, as Cassarino⁷¹ argues, the new shift was rather rhetorical, and at large the EU policies towards its southern neighbors remained *de facto* stable. To put it differently, the priority tended to remain on migration control, readmission and return instead of facilitating legal migration. This approach has turned to some extent into a self-feeding dynamic, in which stricter controls caused an increase in irregular migration, which in turn generated the need for more controls.⁷²

‘Hierarchies of priorities’: Migration control before human rights

What is more, the prioritization of migration and border control has compromised the European Union’s commitment to human rights and democracy.⁷³ The EU and its member states have reinforced cooperation with southern Mediterranean countries on border control and the readmission of migrants, regardless of whether their governments respected basic human rights of those who were returned to these countries, let alone asylum-seekers rights.⁷⁴

One of the most problematic cases in that regard is the cooperation with Libya. Libyan authorities have been regularly reported in the past of having deported (readmitted) people directly back to their country of origin, regardless of their conditions or right to asylum.

There is also evidence that a significant number of migrants have been abandoned by officials at the southern border with Niger. Unable to reach Europe, but also unable to return home, many migrants were left at the mercy of local officials and smugglers and have been forced to work in extreme, exploitative conditions.⁷⁵ Those not deported were imprisoned in detention centers, where they had to cope with violence, forced labour, and sexual assaults by officials, as documented by the UNHCR and Amnesty International.⁷⁶ Sub-Saharan refugees who were kept in Libyan detention centres, such as Kufra, have also reported that they were sold by Libyan police forces to smugglers and were at a later point re-imprisoned and later again sold. Many migrants hence were sold as if they were a commodity and imprisoned several times.⁷⁷

Italy and Libya signed a readmission agreement in 2004, which in addition to other factors facilitated the lifting of the European Union’s embargo on the country in the same year.⁷⁸ One of the conditions of the EU for lifting the embargo, though, was Libya’s ratification of the 1951 Convention on the Status of Refugees. The country under Gaddafi’s leadership, however, never

⁶⁹ Cassarino, Jean-Pierre and Lavenex, Sandra (2012) “EU-Migration Governance in the Mediterranean Region: the Promise of (a Balanced) Partnership?” IEMED 2012, p.284.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Eylemer, Sedef and Şemşit, Sühâl (2007) “Migration-Security Nexus in the Euro-Mediterranean relations” Perception, Summer/Autumn 2007, p.61.

⁷³ Cf. Tocci, Nathalie and Cassarino, Jean-Pierre (2011) “Rethinking the EU’s Mediterranean Policies Post-1/11” Istituto Affari Internazionali Working Papers 11/06, March 2011.

⁷⁴ Ibid., p.8.

⁷⁵ Bialasiewicz op.cit., p.854.

⁷⁶ Ibid.

⁷⁷ For an excellent overview about these practices see the documentary “Like a man on earth” (2009), by Zalab.

⁷⁸ Cuttita, op. cit., p.46.

did ratify the Convention and continuously denied the existence of any refugees in the country.⁷⁹ Notwithstanding this fact, Italy financed three detention centers in Libya in the 2000s. In 2009 an Italian company⁸⁰ won the bid to construct an electronic security barrier to be erected at Libya's southern borders. The construction was estimated to cost 300 million Euros and was agreed to be equally financed by the EU and the Italian state.⁸¹

One year previously (2008), Italy and Libya also signed a Treaty of Friendship, Partnership and Cooperation, which allotted Gaddafi a sum of 5 billion USD as compensation for Italy's past colonization (1911-1943) of the country. Italian Prime Minister Silvio Berlusconi promoted the agreement, declaring that "we will get more gas and oil from Libya and less irregular migration."⁸²

This agreement, in addition to the earlier readmission agreement, led to numerous deportations of migrants from Italy to Libya. Moreover, from 2009 onwards, migrants intercepted in international waters by Italian coast guard vessels would be ferried to Libya directly before assessing their rights; repeated cases of boats being pushed back to Libya after having actually reached Italian shores became public.⁸³ In reaction, international organizations as well as the European Parliament have repeatedly urged Italy to halt mass deportations to Libya, and have emphasized the necessary compliance with the non-refoulement principle enshrined in the 1951 Geneva Convention.⁸⁴

In late 2010, an agreement of the European Commission, which included the close cooperation with Gaddafi's Libya on border control and the fight against irregular immigration, was under negotiation, but was never signed as the civil war started to spread in early 2011.⁸⁵

Side effects: facilitating repression

In addition to creating "off-shore" black holes where European norms, standards and regulations do not apply," as Bialasiewicz⁸⁶ has framed it, another consequence of the extra-territorialisation of border control was the reinforcement of the power of some authoritarian governments in the region to monitor and control their own population. The past government of Ben Ali in Tunisia is an illustrative example of this "side effect". As Cassarino⁸⁷ has poignantly put it, the EU-Tunisia cooperation on migration control has led to a criminalization of irregular migration, which "constituted one of the many ways to 'legally' conceal the root causes of social discontent in depressed areas and to tame, at the same time, the aspirations and behaviours of those

⁷⁹ Bialasiewicz, op. cit., p.858.

⁸⁰ Companies of other EU member states have also made significant profits from securitizing Libya's borders (see Bialasiewicz, op. cit.).

⁸¹ Ibid, p.859.

⁸² Pro Asyl, op. cit., p.9.

⁸³ Bialasiewicz, op. cit., p.853.

⁸⁴ "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group or political opinion." (Article 33)

⁸⁵ Bialasiewicz, op. cit., p.859.

⁸⁶ Ibid., p.861.

⁸⁷ Cassarino, Jean-Pierre (2014) "Channelled Policy Transfers. EU-Tunisia. Interactions on Migration Matters" European Journal of Migration and Law (16).

left behind.”⁸⁸ Especially the 2008 Tunisian protests give evidence that the management of emigration and cooperation with Europe was a way for the Tunisian government to repress discontent. That year, social mobilizations of the local population against the local authorities in three southwestern cities took place, which gained popularity in various other southern cities⁸⁹. Similar to the later uprisings that would provoke Ben Ali’s fall, claims for *horrya* (freedom), *aadl* (justice), and *karamat* (dignity) were spreading throughout the country.⁹⁰ The protests lasted for over six months, and led to the killing of several protestors, torture, and over 200 arrests.⁹¹ Many Tunisians had left the country in the aftermath of the protests. To strengthen its power, the Tunisian government agreed on a new bilateral agreement with Italy on the removal of irregular Tunisian migrants, which accelerated procedures of identification in close collaboration with Tunisian authorities⁹²; a measure that raised serious concerns within human rights advocates circles, in particular about the potential readmission of those who have been involved in the protests. When deciding upon the agreement, the political elites of the time were well aware that the “reinvigorated cooperation with Italy in the field of migration and border control would foster its regime legitimacy and reliability in European political circles while deflecting political attention from resilient human rights violations in Tunisia.”⁹³

*After the Arab Spring: wa horrya?*⁹⁴

Much has changed in the Mediterranean since the Tunisian street vendor Mohammed Bouazizi set himself on fire out of desperation in 2010. At the one end of the spectrum, there is Tunisia, which at the beginning of 2014 adopted a constitution that was internationally praised as outstandingly progressive and a model for the Arab world.⁹⁵ At the other end there is Syria, which is still in the midst of war, and has claimed the lives of over 140,000 people so far.⁹⁶

One thing, however, seemed to have remained relatively stable: Europe’s approach to border control. As the EU Home Affairs Commissioner Cecilia Malmström has underlined:

*“In 2011, the EU missed a historic opportunity to show North African countries and the world that it was committed to defending the fundamental values upon which it was built. Instead of helping these countries and giving protection to those in need, the EU was too concerned with security matters and simply closed its borders. It’s as if we said ‘It’s wonderful that you’ve started a revolution and want to embrace democracy, but we have an economic crisis to deal with so we can’t help.’”*⁹⁷

⁸⁸ Ibid., p.105.

⁸⁹ Ibid., p.109-110.

⁹⁰ Ibid.

⁹¹ Amnesty International (2009) “Behind Tunisia’s economic miracle, inequality, and criminalization of protest” London.

⁹² Cassarino (2014), op. cit., p.110.

⁹³ Ibid.

⁹⁴ Horrya means freedom, which was one of the guiding words of the slogans of the Arab Spring (Bread, jobs and freedom)

⁹⁵ It has still, though, provoked some criticism. See e.g. Guellali, Anna (2014) “The Problem with Tunisia’s New Constitution”.

⁹⁶ Solomon, Erika (2014) „Syria’s Death Toll Now Exceeds 140,000: Activist Group“, Reuters 2/15/2014.

⁹⁷ Malmström, Cecilia (2012) “Migration is an opportunity, not a threat” Global Hearing on refugees and Migration Hague 5 June 2012. European Commission - SPEECH/12/417, 05/06/2012.

After the outbreak of the revolutions, European Union member states were aiming to re-establish cooperation to curb immigration in the Mediterranean as quick as possible. In April 2011, Italy pressed the Tunisian interim government to sign an accelerated repatriation agreement,⁹⁸ which offered 200 million Euros in aid and credit in return for Tunisia's cooperation in preventing further departures and accepting returned migrants.⁹⁹ The agreement, though, is nonbinding, and the Tunisian authorities publicly emphasized that their priorities are elsewhere, having inherited the economic and social challenges of the past regime.¹⁰⁰

Two months later (June 2011), Italy obtained an agreement with the National Transitional Council of Libya for cooperation on irregular immigration, including the return of irregular migrants.¹⁰¹ As a result, 13,000 migrants were returned in 2011. As Carrera, den Hertog and Parkin, stress,¹⁰² it was not clear whether these repatriations took full account of the risks of returning individuals to post-revolutionary and post-conflict zones. The European Commission soon followed Italy's example. In a visit to Tunis in April 2011 President Barroso made clear that the EU's financial support to Tunisia of 400 million Euros had to be reciprocated by actions to counter irregular migration.¹⁰³

However, times have changed. The Tunisia of today is less willing to be Europe's policeman than the one of yesterday, and the new political elite in Tunisia is faced with an "unprecedented degree of accountability towards its citizens, which was unconceivable under Ben Ali's regime."¹⁰⁴

In November 2011 the EU's programmatic document, a Global Approach to Migration and Mobility (GAMM), was adopted. From 2011 onwards there was a reinforced emphasis on the concept of mobility as a direct result of the increased attention to the Union's extra-territorialized migration control policies in the wake of the Arab Spring. The European Commission officially promoted a vision of cooperation on migration with non-EU countries that should be "mutually beneficial", which finally resulted in the adoption of the GAMM.¹⁰⁵ Consequently, the Commission today defines its relations with the Southern Mediterranean countries on migration related issues as "facilitating mobility but discouraging irregular migration."¹⁰⁶ The GAMM is to be implemented via Migration, Mobility and Security Dialogues in which so-called Mobility Partnerships form the major policy instruments for cooperation¹⁰⁷. Although Mobility Partnerships have been portrayed as a shift away from the dominant focus on security and border control, and

⁹⁸ Cassarino (2014), op. cit., p.116.

⁹⁹ Carrera, Sergio, den Hertog, Leonhard and Parkin, Joanna (2012) "EU Migration Policy in the wake of the Arab Spring. What prospects for EU-Southern Mediterranean Relation?" MEDPRO Technical Report no. 15, August 2012, p.6.

¹⁰⁰ Cassarino (2014), op. cit., p.116.

¹⁰¹ Ibid.

¹⁰² Carrera et al, op. cit.

¹⁰³ Ibid.

¹⁰⁴ Cassarino, Jean-Pierre and Lavenex, Sandra (2012): EU-Migration Governance in the Mediterranean Region: the Promise of (a Balanced) Partnership? IEMED 2012, p.11.

¹⁰⁵ Carrera et al., op. cit., p.1.

¹⁰⁶ European Commission (2014) "Southern Mediterranean".

¹⁰⁷ Carrera et al., op. cit., p.1.

towards opening up new venues for mobility, this is actually not the case.¹⁰⁸ In the framework of Migration and Mobility Dialogues, readmission and reinforced border controls have remained the guiding principles of interaction. An analysis of previous mobility partnerships with neighbors at the eastern border moreover shows that they hardly open any new avenues for legal migration.¹⁰⁹ The concept of mobility in the EU jargon refers predominantly to temporary movement (short-term visitors, tourists, students, researchers, business people or visiting family members), in contrast to more permanent forms of migration.¹¹⁰

So far the EU has only reached a mobility partnership with one country in the Mediterranean: The European Commission and the governments of Belgium, France, Germany, Italy, the Netherlands, Portugal, Spain, Sweden and the UK signed a mobility partnership with Morocco in summer 2013. The Commission is negotiating a partnership with Tunisia and has lately started a Dialogue on Migration, Mobility and Security with Jordan¹¹¹. The EU has offered Egypt several times to start a Dialogue on Migration, Mobility and Security. Egyptian authorities, however, have declined the offer.

Conclusion

"I will never forget the sight of 280 coffins today. I will bear this with me for the rest of my life and I think they express something that we need to think about in the European Union, this isn't the European Union we want.[...]"
(EC Commissioner Cecilia Malmström 10/9/2013¹¹², in response to the death of refugees and migrants in Lampedusa)

On October 3, 2013, 366 migrants drowned when their boat sank less than a mile off the shore of the Italian island of Lampedusa. Immediately after the tragedy, then-Italian Prime Minister Enrico Letta announced that all those who died would receive Italian citizenship.¹¹³ They were put in coffins and buried on Italian land. At the same time, the public prosecutor accused 114 rescued adults of irregular migration, which is punishable by a fine of 5000 Euros and expulsion.¹¹⁴ Can irony get any more bitter than this, the renowned migration scholar Hein de Haas,¹¹⁵ hitting the nail on the head, asked?

The official answer of the EU to the 2013 events in Lampedusa was EUROSUR, a new border surveillance system operated by the EU's border protection agency FRONTEX. EUROSUR will cost the European Union 196 billion USD by 2020.¹¹⁶ It has been suggested that the surveillance system, in addition to control its borders more efficiently, will help Member States to track and identify vessels at sea, and therefore will save lives.¹¹⁷ However, the problem with the

¹⁰⁸ Ibid., p.11.

¹⁰⁹ Cassarino et al. (2012), op. cit., p.285.

¹¹⁰ Carrera et al., op. cit., p.13.

¹¹¹ European Commission (2014), op. cit.

¹¹² Malmström, Cecilia (2013) "280 coffins".

¹¹³ de Haas (2013), op. cit.

¹¹⁴ Ibid.

¹¹⁵ de Haas (2013), op. cit.

¹¹⁶ Taube, Friedel (2013) "Eurosor, surveillance or protection of refugees?"

¹¹⁷ See European Commission (2013) "Lampedusa follow up: concrete actions to prevent loss of life in the Mediterranean and better address migratory and asylum flows" IP/13/1199, 04/12/2013.

boat that sank in Lampedusa in October 2013 was not a lack of detection. The boat had been identified by the Italian Maritime Rescue Coordination Center, and several national authorities were aware that the boat was in trouble.¹¹⁸

The image of hundreds of coffins that circulated all over the world in the framework of the October 2013 event was one of the tragic highlights of the by now over two decades of “fighting a delusional migrant invasion.”¹¹⁹ But it is very likely that it will not be the last one.

Europe seems to remain locked into the wrong and misleading dilemma of irregular and regular migration,¹²⁰ which is embedded in a one-sided discourse of security.

I would like to end this chapter with a quotation by the European Commissioner Cecilia Malmström¹²¹ who has argued, that “Migration will always be a part of our past, present and future. It is up to us how we see and we deal with this reality.” One could not agree more.

¹¹⁸ Rooney, Celia (2013) „Exploiting a Tragedy: The Securitization of EU Borders in the Wake of Lampedusa“

¹¹⁹ de Haas (2013), op. cit.

¹²⁰ Cf. de Haas et. al., op. cit., p.4.

¹²¹ Malmström (2012), op. cit.