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European Approaches to Illegal Migration in the Mediterranean: An Overall Assessment

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RÉSUMÉ

La migration irrégulière de la Méditerranée a fait l'objet d'une attention considérable dans l'agenda politique de l'UE et de ses États membres au cours de la dernière décennie. La gestion des frontières en Méditerranée demeure cependant une politique fragmentée qui présente des défis internes et externes. Dans cet article Tsakonias et Xenakis tentent d'explorer la mosaïque de la migration illégale / irrégulière en Méditerranée en identifiant les schémas traditionnels, les nouvelles tendances et les routes qui ont émergé au cours des sept dernières années surtout depuis le début du printemps arabe. L'article fournit également une évaluation globale des approches européennes pour lutter contre l'immigration illégale en Méditerranée en abordant de manière critique le développement de la politique européenne de l'immigration ainsi que les mesures et les instruments que l'UE a institutionnalisés de même que les politiques extérieures qu'elle a adoptées pour la gestion des relations régionales et l'atténuation des «facteurs d'incitation».

ABSTRACT

Irregular migration from the Mediterranean has received extensive attention on the policy agenda of the EU and its member states over the last decade. Border management in the Mediterranean remains however a fragmented policy that presents internal and external challenges. An attempt is made in this article to explore the mosaic of illegal/irregular migration in the Mediterranean by identifying both traditional patterns and the new trends and routes that emerged in the last seven years and especially since the beginning of the Arab Spring. The paper also provides an overall assessment of European approaches to tackle illegal migration in the Mediterranean by critically discussing the development of European immigration policy along with the relevant measures and instruments that the EU has institutionalized and the external policies it adopted for managing regional relations and for mitigating 'the push factors'.

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1. Introduction

The Mediterranean has always occupied a decisive role in the attainment of European peace and security, not least due to its crucial geostrategic position, representing simultaneously the crossroad and natural bridge between three continents: Europe, Asia and Africa. The traditional role of the Mediterranean as an economic and cultural crossroad has assumed even greater significance since the 1990s and its geopolitical situation has taken on even more importance in the strategic calculus of the European Union (EU). Since then, the Mediterranean has witnessed the breakout and prosecution of diverse conflicts (both within and between nations), and the appearance of shaky socio-political dynamics. At the same time, the Mediterranean has seen a sharp rise in migration movements, both from the Balkans and from North Africa to Europe. The immense economic gap and high demographic disparities between the two shores of the Mediterranean, a series of environmental causes in North and sub-Saharan Africa, and political depression and instability on the countries of origin prompt illegal migration. Today, “migration ranks as one of the most important factors in the global change”¹ and “the Mediterranean and the Middle-East are, perhaps the most representative areas in the world concerning migratory flows”².

Migratory flows in the Mediterranean area are not specific, featuring a relatively geographical proximity, colonial bonds especially for Iberian countries and France, and flows connected to the globalization of international migrations.³ On the one hand the countries of the southern Mediterranean shore form a major region of emigration. On the other hand, southern Europe is all-too familiar with migration from North African countries such as Morocco, Algeria, and Tunisia. Since the early 1990s, millions of North Africans have attempted to cross the Mediterranean to reach Greece, Spain, and Italy. The dramatic images of African migrants massively scaling the tall border fences separating the Spanish enclaves of Ceuta and Melilla in the autumn of 2005, their daily attempts to cross the Mediterranean by small fishing boats from the Tunisian and Libyan coasts, the arrival of large numbers of African boat migrants on the shores of the Canary Islands in the summer of 2006 and, more recently, the massive exodus during the Arab uprisings have reinforced the perception of mounting migration pressure on Europe’s southern borders. Indeed, millions of sub-Saharan Africans are commonly

believed to be waiting in North Africa to cross to Europe, as well as, a large number of Middle Eastern and Asian migrants in the neighboring countries to Syria, which fuels the fear of a threatening invasion.⁴

Alarmed by these images, the EU and its member states have increasingly put migration issues high on the policy agenda. Even more after the events of September 11th, the tackling of increased migration flows from the Mediterranean South and the closely linked problem of human trafficking became the dominating challenge of better control in Europe's borders, as have concerns of related crime such as smuggling of drugs, weapons and, in a wider sense, even terrorism.⁵ In the last twenty years, illegal/irregular migration has been perceived and approached as a threat, and thus migration and border policing have become securitized, as it is illustrated by the common image of "Fortress Europe".⁶ This has also been reflected in the process of institutionalization and the partial supranationalization of the immigration policy domain at the EU level. The Treaties of Amsterdam, Nice and more recently of Lisbon made consecutive amendments to this policy which is also governed by the Stockholm Programme, for the period 2010-2014.

In recent years, irregular migration from the Mediterranean has received extensive attention on the policy agenda of the EU and its member states. Both have exerted pressure on North African countries to clamp down on irregular migration through increasing border controls, toughening migration law to re-admitting irregular migrants and deporting them from their own national territories. Although reinforced border control and cooperation via the readmission agreements have already proved their effectiveness in some Member States, however, there is still need for improving the effectiveness of readmission agreements at the EU level,⁷ as it is for the European Agency for the Management of Operational Cooperation at the External Borders of the EU, known as FRONTEX (a contraction of the French *frontières extérieures*). The latter, since its establishment in 2005 has become a powerful actor with a key role in enforcing EU immigration policy, by organizing European member states' resources for operations along EU's external borders, as well as, by coordinating increasing numbers of joint operations, both maritime and land-based, that have dramatically reduced the number of illegal migrants from the central and western Mediterranean routes. More recently, supplemented by the Rapid Border Intervention Teams (RABIT) Regulation, the EU's agency

launched its first such mission at the Greek-Turkish land borders to support Greece's authorities in the massive arrival of illegal migrants.

Nonetheless, as Wolff has rightly argued, border management in the Mediterranean is a fragmented policy that presents internal and external challenges: at an internal level, border management remains a sensitive issue where the principles of burden sharing and solidarity between EU member states are difficult to operationalize, while at an external level, effective border management is dependent on cooperation with EU's neighbours.⁸ On the other hand and at the same time it is fair to say that migration policies at the Euro-Mediterranean Partnership followed by the Union for the Mediterranean have not been sufficiently effective in reducing migratory flows. Despite the launch of European Neighborhood Policy since 2004, there is little doubt however that due to social tensions caused by labour market pressures⁹ and the widening North-South economic inequality as well as the depressing non-democratic regimes in the Southern Mediterranean countries, migratory flows to Europe will continue. Therefore the trend towards a process of institutionalization of border management in the Mediterranean, suggests that European border control interests will continue to take priority, placing the EU and its member states in the rather 'awkward' position of maintaining a dual, if not contradictory, agenda: on the one hand promoting an open rhetoric on regional development and cooperation issues, while on the other hand implementing a Eurocentric cross-border security agenda based on the need to control illegal migrant flows. Hence, the development of a broad, forward-looking and comprehensive European migration policy is not only a key objective for the EU but also a key dimension in the Europe's response to the Arab Spring and the current transformations in the Mediterranean political landscape.

In the light of the above considerations, this paper examines the mosaic of illegal/irregular migration in the Mediterranean by identifying, firstly, both traditional patterns and the new trends and routes that emerged in the last seven years, and especially since the beginning of the Arab Spring. More important, an overall assessment of European approaches to tackle illegal migration in the Mediterranean is provided by critically discussing the development of European immigration policy along with the relevant measures and instruments that the EU has institutionalized and the external

policies it adopted to manage regional relations and mitigate the 'push' factors, either through foreign development and aid policies or bilateral agreements related to border control.

2. Regional Routes and New Trends for Illegal Border Crossing

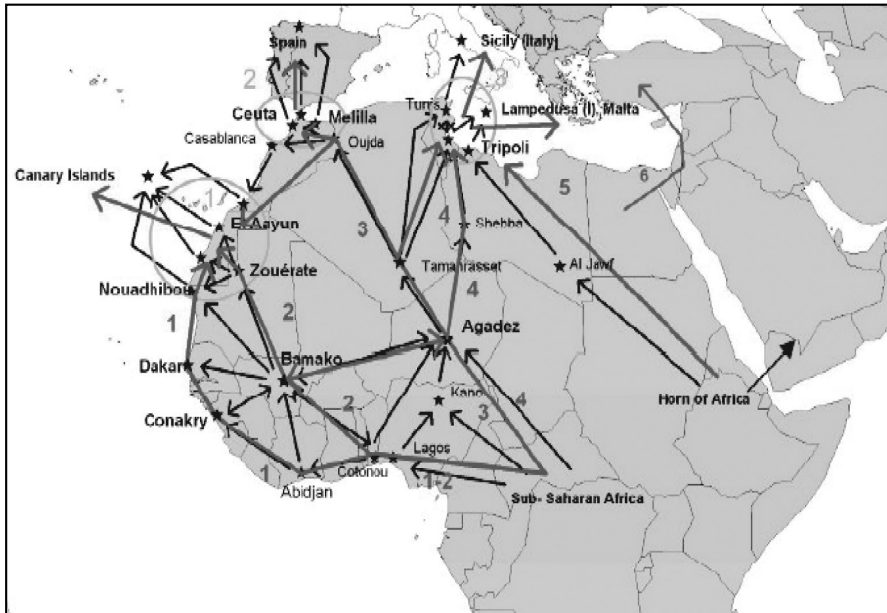
In geographical terms, the Mediterranean encompasses North Africa (Maghreb), the South-western part of Asia (Mashreq), and Southern Europe. The Mediterranean waters link up the Black Sea by the Turkish straits and the Red Sea by the Suez Canal, while the Gibraltar passage offers them access to the Atlantic. Particular types of climate, as well as a complex geology determine its coastal landscape characteristics, 'resulting', in Siegfried's words, 'in aggressive contrasts - sea, mountain, desert'.¹⁰ The Mediterranean coastline itself defines a virtually enclosed body of water, a sort of 'liquid continent'. Simple geography means that there is a link between Europe and the Mediterranean; the former being contiguous with the Middle East at its Asian end, whilst only 16 kilometers away from its African end. Yet, the Mediterranean Sea appears to form a dividing line, an imaginary equator between a prosperous European North and a troubled Arab South. While EU members along the northern rim are increasingly prosperous as they find themselves locked in a dual process of economic and political integration, most countries located at the southern rim seem to be moving in the opposite direction.

This is evident as Europe's Mediterranean zone, consisting of Greece, Italy, Portugal and Spain, has experienced a drastic change, given that the member states of this group - once providers of emigrants for what is known as the central zone (Belgium, Denmark, Germany, France, Luxembourg, Holland and Austria) - have undoubtedly changed into *de facto* countries of immigration coming largely from North Africa, Balkans and Turkey. Indeed, every year thousands coming from the Atlantic coasts of Mauritania, Western Sahara, and Southern Morocco are trying to reach the Spanish Canary Islands, from the northern shores of Morocco to the Spanish mainland and the Spanish enclaves of Melilla and Ceuta, from Libyan and Tunisian shores to Malta or the Italian islands of Sicily and Lampedusa, or from Turkey to the Greek islands in the Aegean Sea and the northwestern area of Greek-Turkish Borders through Evros river.

The Mediterranean is a major area of emigration, and at the same time it receives significant flows of illegal immigration, whether destined for the region itself or as transit to the central European zone. Large numbers of sub-Saharan Africans but also Asians travelling through North Africa and more recently through Turkey on their way to Europe. It is estimated that 48% arrive from the Maghreb (Morocco 33%, Algeria 10%, Tunisia 4,8%) and 45% from Turkey. According to Aragall, data provided by the countries of origin show that the EU is the single largest destination of first generation emigrants from these countries ranging between 10 and 15 million, representing some 4,8% of their aggregated population which amounted to 260 million in 2005, and hosts 50% of all such emigrants worldwide. Sub-Saharan migrants failing or not venturing to enter Europe often prefer to settle in North Africa or move to the oil-rich Gulf States as a 'second best option' than to return to their substantially poorer or unsafe origin countries.¹¹

Within this migration process and because of the existence of major geographical obstacles and natural barriers for unlawful crossing (the Sahara desert, the Atlantic Ocean, the Evros River and the Mediterranean), as well as the increasingly restrictive EU members' border controls, transport is vital as migrants have to use a great variety of means to reach their destination including airplanes, trains, buses, trucks, cars, different kinds of sea vessels and ships.¹² Using a variety of maritime means, migrants depart from the seaports of Dakar (Senegal), Conakry (Guinea), Abidjan (Cote d'Ivoire), Accra (Ghana), Lagos (Nigeria) in sub-Saharan Africa, Port Sudan (Sudan) and Suez (Egypt) on the Red Sea, Port Said and Alexandria (Egypt), Beirut and Tripoli (Lebanon), Antalya and Istanbul (Turkey) in the Eastern Mediterranean, Zilten, Tripoli and Zuwarah (Libya), Sfax, Port El Kantaoui and La Goulette (Tunisia) in the central Mediterranean Region and Tangier (Morocco) in the Western Mediterranean Region. On the other hand, by land, there are only two main reachable destinations, the Spanish enclaves of Ceuta and Melilla, on Moroccan territory. Besides the cities of Ceuta and Melilla, the only other land migration route is via Egypt and the Eastern Mediterranean countries to Turkey and from there to Greece. The latter has become a popular route not only for Africans, but also for Middle Eastern and Asian migrants.¹³ The following map (Map 1) illustrates the complex geographical context in which migrants move within the broader Mediterranean area.¹⁴

MAP 1



Available data on the evolution of international migration over the last twenty years in the Mediterranean region highlight that the Spanish case has been the most dramatic one given its growth from 2000 onwards, whereas France has been experiencing a very discreet evolution - given that its migratory model has been much more dilated in the time - although until 2004 it was leading the table regarding the number of international migrants as a percentage of the population. As Ureta has illustrated, the annual change of the migrant stock in Southern European countries (Tables 1, 2 and 3)¹⁵ indicates that Spain, has experienced a very sharp growth between 2000 and 2005, whereas in Italy, Malta and Greece this growth has been more limited, with the French case being almost negligible.

TABLE 1

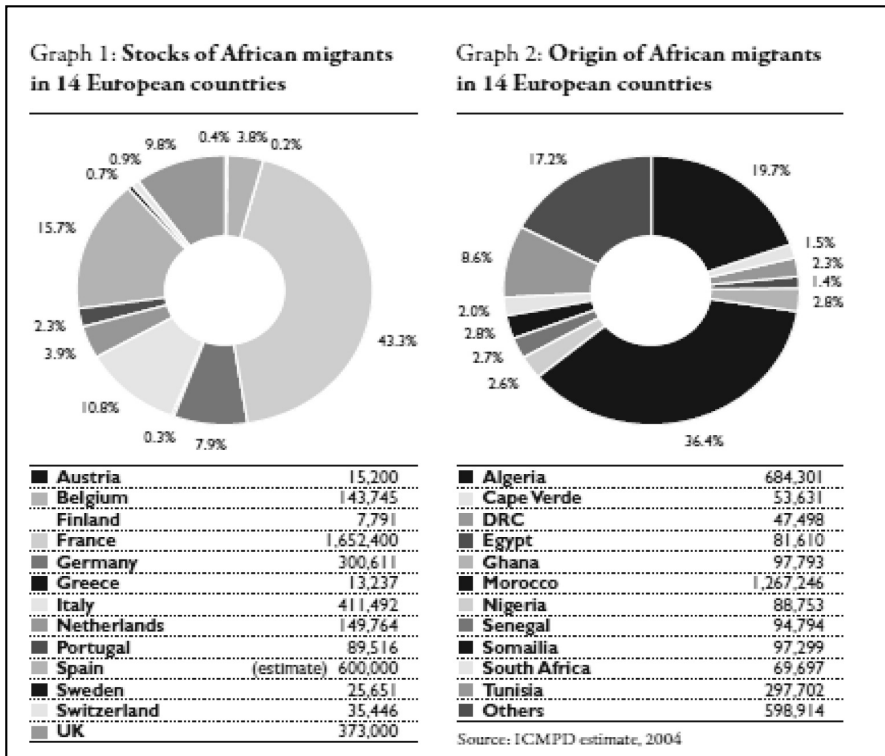


TABLE 2: International Migrants as a percentage of the population

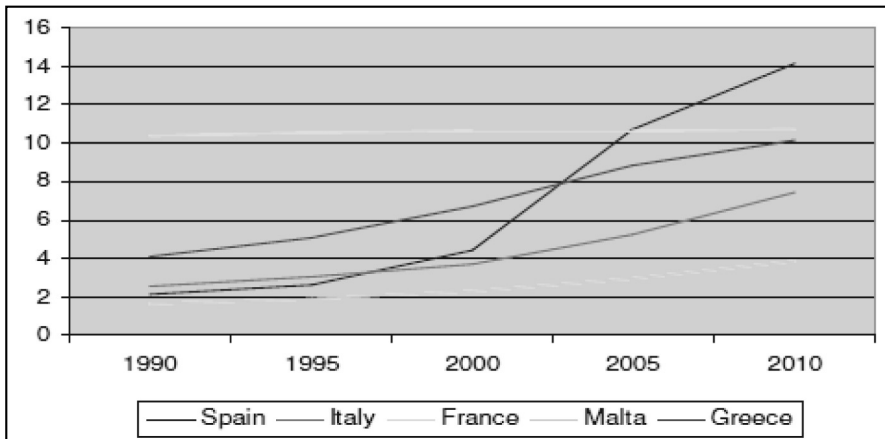
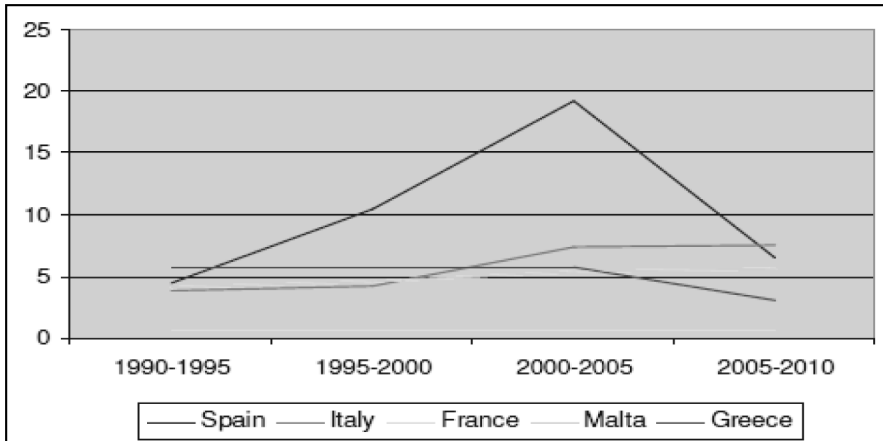


TABLE 3: Annual Rate of change in the Migrant Stock

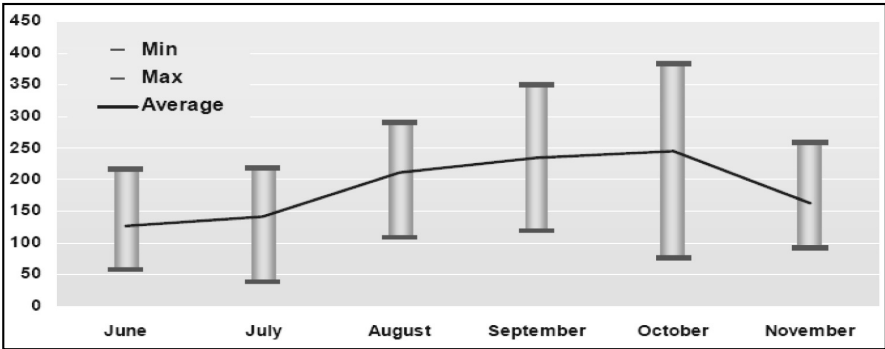
The last seven years have seen important geographical shifts of illegal border-crossing pressure points and changes in both the composition and the size of detected irregular flows at Mediterranean land or sea borders of the EU. In 2006, the Canary Islands were under the greatest migratory pressure, with as many as 31,700 migrants crossing this border illegally. Flow to the Canaries decreased by 60% in 2007 as a consequence of various measures undertaken by the Spanish authorities, including two bilateral Agreements with Mauretania and Senegal and additional patrolling activities in the framework of FRONTEX's Joint Operation HERA.

At the same time, the number of detections increased in the Central Mediterranean route, affecting mainly Italy registering 20,500 illegal migrants. The year 2008 saw a steadily decreasing migratory trend in the Canary Islands (9,200), however, migratory pressure at the Italian maritime borders reached a new peak with 37,000 migrants departing from Libya. This flow however stopped on May 15, 2009, when Italy signed a bilateral agreement with Libya. In 2008, Greece also noted a significant migratory pressure, mainly at its land border with Albania (38,600, mostly Albanians) and at its land and sea borders with Turkey (46,200, from the Middle East). The year 2009 saw an overall decrease of one third in illegal border crossings. The decreasing trend in the Canary Islands was most notable with only 2,200 detections in the entire year. Similarly, Italy saw a decrease in detections (9,600), while Greece continued

to record high numbers of migrants illegally crossing along both its sea (28,800) and land (8,800) borders with Turkey, as well as with its land border with Albania (37,800).¹⁶ In contrast to the increase in the Eastern Mediterranean route, illegal migration through the Western and Central Mediterranean routes was decreased as it was evident in the significantly reduced number of the overall detections of West Africans, who in the past were the most commonly detected irregular migrants on those routes.¹⁷

Based on FRONTEX’s data, around 95,000 detections of illegal border crossing took place across the EU’s external borders in Greece in 2010. Among the Greek border sections, most detections took place along the land border between Turkey and Greece near the Greek city of Orestiada (47,700), representing in 2010 about 45 % of all detections at the EU level.¹⁸ The increase in detections of illegal border crossings at the Greek-Turkish land border (as it is shown in Table 4),¹⁹ reached its peak in October 2010, with about 350 detections a day recorded. The increased number of illegal border crossings detected around Orestiada corresponds to a shift in detections for illegal border crossing from the maritime to the land border with Turkey, as near Orestiada, migrants can easily cross the Evros River that delineates the border using a bridge on the Turkish side of the border.

TABLE 4: Detections per day at the Greek-Turkish borders in 2010



Indeed, by 2010 Greece became the main entry point for illegal/irregular migration into the EU, and Turkey the main transit country for irregular migrants coming from North Africa, Central and Southeastern Asia.²⁰ The most

commonly detected nationalities were citizens of Asian countries (Afghanistan and Iraq), but there was also an increasing number of detections of irregular migrants coming from the Maghreb, taking advantage of low fares and Turkish visa liberalization. Unfortunately, Greek authorities can't return illegal immigrants to Turkey because the latter refuses to sign readmission agreement, demanding that Turks should be eligible to travel visa-free into the Schengen area. The large flow of illegal immigrants from Turkey is aggravated by problems such as the lack of reception centers, lack of readmission agreements with some countries of origin, the proximity of Istanbul to the border, the low prices of airline flights, the low visa regime to Turkey and the large number of trafficking networks operating in the Greek-Turkish borders.

Between January and October 2010, figures combining operational data and reports by the Greek authorities totaled 44,000 detections for illegal border crossing, compared to 34,000 detections for the same period in the previous year. Hence, after receiving a request on October 24 from the Greek Minister of Citizen Protection for deployment of Rapid Border Intervention Teams (RABITs)²¹, FRONTEX finalised arrangements for human and technical resources to be deployed to the Greek-Turkish land border in the region of Orestida and neighbouring areas. In total, 175 border-control specialists (first and second-line border guards, as well as dog handlers, screeners, de-briefers and interpreters) have been made available by Member States and Schengen-Associated Countries (Norway) participating in the first ever RABIT deployment.²² Present since 2 November 2010, FRONTEX supported the Greek government's efforts to manage the influx of migrants mainly with patrolling the border and collecting information about the people-smuggling networks facilitating the arrival of the migrants. The swift deployment of the RABIT stabilized the situation and brought down the number of arrivals compared to the peaks in 2010. Although this operation was provisionally planned for two months' duration since its initiation, it actually lasted four months (ended on 2 March 2011). During this period over 11,800 migrants were detected and the number of illegal entries dropped over 70%.²³ Currently FRONTEX continues to support Greece in the Evros region (along Greece's common borders with Bulgaria and Turkey) with the Joint Operation Poseidon Land.²⁴

2011 was a record year in terms of the number of arrivals in Europe from the Mediterranean region, with more than 58,000 people arriving (the

previous high was in 2008 when 54,000 people entered Europe). From 2009 border control measures sharply reduced arrivals in Europe, yet there was again a sharp increase in early 2011, as the regimes in Tunisia and Libya collapsed. In February, after the ousting of Tunisian President Ben-Ali, large flows of migrants arrived in Italy, mainly in Lampedusa and the Pelagic Islands. Since the outbreak of the popular uprisings in the region - known as 'the Arab Spring' - European media have been obsessed with the fear of massive waves of North Africans invading Europe. Despite the conflicting responses from European leaders at the time of the Arab uprisings,²⁵ more recent assessments have revealed that the Arab uprisings have not fundamentally altered the long-term regional migration patterns and trends, although they might have accelerated them. For instance, although the falling away of policing has encouraged more Tunisians and Egyptians to cross the Mediterranean on fisher boats, these are anything but a new phenomenon.²⁶ Although only four EU countries provide annual statistics of immigrant stocks by country of nationality until 1 January 2012 (Germany, Italy, Spain and the United Kingdom), in all of them, flows of migrants from Morocco, Algeria, Tunisia, Egypt, Lebanon and Syria have been increasing in 2011.²⁷ However, while the uprisings in Tunisia and Egypt have remained relatively peaceful, the violent conflicts in Libya, and more recently in Syria, have generated large flows of refugees, most of whom had, nevertheless, gone to neighbouring countries such as Tunisia, Algeria and Egypt in the case of Libyans and Turkey, Lebanon, Jordan and even Libya for Syrians. Indeed, only 25,000 out of more than one million who fled Libya, reached Europe; and only a few hundreds out of 100,000 who fled Syria will find their way to Europe.²⁸

From an operational perspective, the impact of the Arab Spring on illegal migration in the Mediterranean was outlined by Gil Arias Fernandez, Deputy Director of the European border control agency FRONTEX, in November 2011 in Athens with the publication of figures that highlighted an influx of Maghreb migrants trying to enter the EU. More specifically, between January and September 2011 the number of illegal immigrants increased by 50% compared to the same period of the previous year: 112,844 immigrants were registered by national authorities compared to 76,697 the year before.²⁹ After this period, however, the arrival of illegal migrants dropped significantly, because the Tunisian authorities have improved border control and signed a

readmission agreement with Italy while FRONTEX launched for two months the Joint Operation EPN Hermes Extension 2011. The situation was also improved regarding illegal immigrants coming from Libya when the National Transitional Government took over the control of Tripoli and other cities.

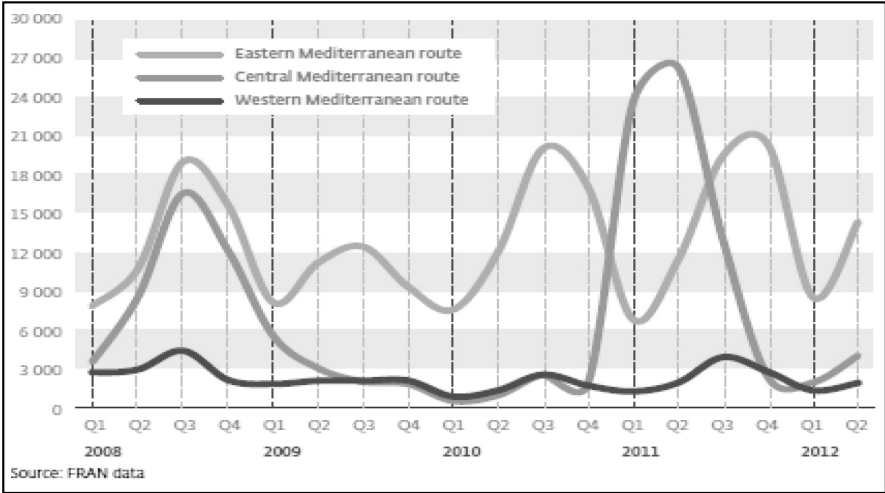
According to most recent data provided by FRONTEX³⁰, in the first quarter of 2012 detections of illegal border-crossing were reduced by nearly half compared to the same quarter in 2011 due to the simultaneous effects of the winding down of the Arab Spring and fewer Albanian circular migrants entering Greece. However, due to increased detections of migrants from Bangladesh and particularly Syria and in contrast to the EU decrease in detections of illegal border-crossings, in the undisputed long-term hotspot for irregular migration, namely the Greek land border with Turkey (where two-thirds of all detections at the EU-level were reported), there was a 29% increase compared to 2011.³¹ It is not a coincidence that for the first four months of 2012, the most significant development in terms of irregular migration to the EU was the increased detections of migrants from Syria where the security situation has progressively deteriorated after March 2012.

Interestingly, the detections in the Greek-Turkish land border seemed to also have a direct impact on detections in the Ionian Sea. It was thus estimated that in 2011, more than 15% of migrants reported at the Greek-Turkish land border were detected soon after in Apulia and Calabria. At the EU level, the second most affected border section after the Greek-Turkish border was the Greek-Albanian border, an undoubtedly significant location for illegal border-crossings, albeit of mostly Albanian circular migrants. Therefore, "Poseidon Sea", the FRONTEX operation which used to cover the sea border between Greece and Turkey, was extended in 2012 to also cover the west coast of Greece, where migrants trying to reach Italy by boats. More recently Greek officials have made new requests to FRONTEX for assistance to respond to increasing migratory pressures on the islands of the Eastern Aegean. The Greek islands of Lesbos, Samos, Patmos, Leros and Symi in particular, have reportedly seen an increase in the number of persons entering from nearby Turkish territory.³²

According to data provided by FRONTEX and illustrated in Table 5, the Eastern and Central Mediterranean routes reported the most detections of illegal border-crossing in the second quarter of 2012, and were characterized with seasonal increases consistent with previous years, aside the Central

Mediterranean region, during 2011. More specifically, there were 14.125 detections of illegal border-crossing on the Eastern Mediterranean route (an increase of 27 % compared to the same period in 2011, rendering this region the undisputed hotspot for illegal entries to the EU during the current reporting period). Elsewhere, detections in the Central Mediterranean showed a seasonal increase but were much reduced (-86%) compared to the dramatic peak during the same period in 2011. Indeed, in the second quarter of 2012 detections in this region resembled the pre-‘Arab Spring’ levels reported during the summer of 2010. Detections in the western Mediterranean were almost equally comparable to the same period of 2011, whereas detections increased to a large degree, although from lower bases, on the Eastern Borders route (+103%), Western Balkans route (+50%) and Western African route (+29%).

Table 5: Detections of Illegal Border Crossing by Main Irregular Migration Routes



3. Assessing EU Approaches to Illegal Migration

In 2009, the number of irregularly staying third country nationals apprehended in the EU-27 was about 570,000 (7% less than in 2008) with member states managing to return about the half of third country nationals,

i.e. 253,000 (4.7% more than in 2008) to their home countries. When asked (Eurobarometer 2009), which political issue the EU should focus on, people in Europe view migration as the largest concern after the economy and unemployment.

Unsurprisingly, EU member-states have made different historical experiences with the questions of migration. According to their geographical position, i.e. whether they are surrounded only by other EU member states or have either land or sea-borders with external countries, they have followed different approaches to handle irregular migration flows. Nevertheless, today with most EU states facing a multiplicity of challenges to their mechanisms of societal integration and political legitimacy, illegal migration is being presented as a danger to public order, cultural identity, and domestic labor market stability of the EU states and it has therefore been securitized.

a. Regulating and Institutionalizing Migration

Debate on European migration policies started during the 1950s and 1960s when in most western European countries migrants were considered primarily as an extra workforce. Countries like France, Germany and the Netherlands used a permissive or even promotional migration policy motivated by the need for additional labor. In the 1970s migration became increasingly a subject of public concern with a shift from permissive immigration policies to more restrictive policies in these countries. But it was only in the 1980s when the Europeanization of migration policy took off, as policy co-ordination and development were institutionalized.³³ Migration regulation became important first in intergovernmental fora, such as Trevi, the Ad Hoc Group on Immigration and the Schengen Group.³⁴ Despite that these fora were established outside the formal framework of European integration, however, they pre-structured the development of migration policy within the EU. In the framework of the intergovernmental and bureaucratic fora, transnational and intergovernmental policy networks developed, which were interested in a cooperative regulation of migration, and contributed considerably to a gradual incorporation of migration policy into the constitutional structure of the EU.³⁵

Specifically, following the momentum developed after the Single European Act in 1986, the Treaty of Maastricht introduced in 1992 a Third Pillar on Justice and Home Affairs in which migration was an explicit subject of

intergovernmental regulation. By the end of the 1980s, despite the establishment of other freedoms of movement of goods, capital and services, the establishment of free movement of persons was still pending due to the reluctance of Member States in eliminating the barriers without harmonized rules on the crossing of the EU's external borders, such as common visa requirements and asylum policies.³⁶

Moving migration from the Third to the First Pillar of the new EU's architecture became one of the key issues in the Intergovernmental Conference reviewing the Maastricht Treaty and later in 1996, with the Treaty of Amsterdam, where the sections of the Third Pillar relating to immigration, asylum and refugees were communitarized, yet not supranationalized.³⁷ Despite all efforts however, it soon became evident that third pillar cooperation was not producing any serious results and European governments felt obligated to incorporate the Schengen Agreement³⁸ into EU *aquis* in order to prepare for the Eastern enlargement.³⁹

In order to tackle some of these problems, the Tampere European Council in 1999 called for a Common Asylum and Immigration Policy, based on four important elements: (a) partnership with the countries of origin, (b) fair treatment of third country nationals, (c) comprehensive approach for the management of migration, and (d) a common asylum policy that would fully respect the terms of the Geneva Convention and the Member States' obligations under international treaties.⁴⁰ However, in a couple of years it became obvious that "rhetoric did not result in policy shift and Tampere failed to make substantive institutional changes".⁴¹ The same applies to the Open Method of Coordination which was introduced in the Common Immigration and Asylum Policy since 2002. Based on guidelines and indicators, benchmarking and sharing of best practices, this soft-law mechanism did not prove effective.⁴²

It took the EU ten years after Amsterdam to set in the Lisbon Treaty the aim to develop common immigration and asylum policies "aimed at ensuring at all stages, the efficient management of migration flows, fair treatment of third country nationals residing legally in Member States, and enhanced measures to combat illegal immigration and trafficking in human beings"⁴³. As the whole of the EU institutional architecture has been reconstructed, a fundamental change brought by the Lisbon Treaty is that it removed the

existing split in the Justice and Home Affairs domain between asylum, immigration, border controls and judicial cooperation in civil matters that were falling under Title IV TEC (first pillar) and, on the judicial cooperation in criminal matters and police cooperation falling under Title VI TEU (third pillar). No doubt, Title IV of Part III of the Lisbon Treaty that abolishes the Third Pillar altogether and brings all co-operation on police matters and on civil and criminal law, together with “Visas, Asylum and Immigration”, into a shared competence, now entitled “The Area of Freedom, Justice and Home Affairs” has several major implications for police and judicial cooperation in criminal matters as co-decision, qualified majority voting and the European Court of Justice’s jurisdiction will be extended to this area.⁴⁴

Equally important is that for the first time, it is stated that the EU competences in this field are shared with the Member States notably concerning the quantity of migrants entering a Member State. As Fitchew put it “[v]irtually, the only major policy decision left in the hands of Member States is that of deciding how many nationals from non-EU countries they are prepared to admit directly from third countries. In short, the Lisbon Treaty gives the EU almost as much power over asylum and immigration issues as the CAP gives it over agricultural policy”.⁴⁵ The Union’s competence regarding migration issues is an autonomous competence which differs, in terms of its objectives, from the competence relating to border checks and the competence regarding asylum. Of course, the management of migration flows, which is an objective of the Union in relation to immigration, is dependent upon the policy on border checks.⁴⁶

b. Externalizing and Securitizing Migration

Since the mid-1990s, European governments have responded to persistent irregular immigration flows from the South by upgrading the EU’s Mediterranean Policy and setting up the Euro-Mediterranean Partnership with the assorted Barcelona Process to create a rather ambiguous regional regime,⁴⁷ as well as, by intensifying border controls. The latter has involved the deployment of semi-military and military forces and hardware in the prevention of migration by sea.⁴⁸ What is important here is that the EU countries have attempted to externalize border controls towards the Mediterranean countries by transforming them into a “buffer zone” to reduce migratory pressures.⁴⁹

They have done so by cultivating a cooperative/ responsible culture in the multilateral framework of the Barcelona Process and by pressing certain North African governments to clamp down on irregular migration and to re-admit irregular sub-Saharan migrants from Europe and expelling them from their own national territories.⁵⁰ Facing the increase in trans-Mediterranean migration from sub-Sahara Africa, Italy and Spain, in particular, concluded agreements with southern European countries, in exchange for developmental aid and financial and technical support for (joint) border controls with Morocco and Libya, and since 2003 they collaborate in joint naval patrols and readmission of migrants in exchange for aid.

The events of 9/11 changed the global security agenda, catapulting terrorism to the top of the agenda and controlling the free movement of people became a national security priority. The responses to 9/11 issued by the key EU institutions made clear links between terrorism, security, migration and borders, and as such they amount to securitizing moves. Considering that both, international migration and terrorism imply a logical border crossing, the link between them appeared almost automatically, not least because the global “securitization” of migration is able to stimulate emotive judgements and behaviours and therefore is very profitable politically.⁵¹ It was however before the events of September 11th that irregular movements became security-relevant due to the spread of criminal organizations that manage illegal migratory networks.⁵² However, in the post-September 11th era, the implications of these networks led European governments to dramatically rethink their border controls, and upgrade their migration policies from the technical domain to the one of national security.⁵³ In fact, the institutionalization of Justice and Home Affairs within the EU brought together a broad range of internal threats, including migration, under the same policy umbrella, also encompassing terrorism, crime and drugs.

Further integration in the EU’s external policy was advanced significantly in the European Council of Seville in 2002, where the use of external EU instruments in external relations was called upon in combating illegal migration. Those countries involved in the MEDA program were mentioned specifically. The Seville Council meeting has also introduced 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.

In the same line, the EU's Strategy for the External Dimension of Justice, Freedom and Security issued in 2005 contributed to the further development of the EU's internal area of freedom, security and justice by fostering the rule of law, democracy, respect for human rights, international obligations and good governance in non-EU countries.⁵⁴

In the European Security Strategy issued in 2003, EU seemed to start accepting the linkages between environment and migration flows by referring to competition for natural resources – notably water - which will be aggravated by global warming over the next decades and it is thus likely to create further turbulence and migratory movements in various regions. The EU has also highlighted the importance of the linkages between environment and migration flows in the paper entitled “Climate Change and International Security”, where climate change is considered as one of the most important drivers that together with political instability in North Africa, the Sahel and the Middle East will increase migratory pressure at the EU's Mediterranean borders.⁵⁵ In addition, with Europe being a prime target for organized crime, the European Security Strategy pinpointed that the internal threat of organized crime and the cross-border trafficking of illegal migrants, drugs and weapons can have links with terrorism.

The Hague Programme, adopted at the European Council in November 2004, set out a five-year master plan to promote closer co-operation in justice and home affairs. With four priorities relating to migration issues (defining a balanced approach to migration, developing integrated management of the EU's external borders, setting up a common asylum procedure and maximizing the positive impact of immigration), the EU attempted to strengthen the area of freedom, security and justice. The Hague Programme gave priority to the security aspects of migration and measures that reinforce restriction and control in the fight against terrorism. Within the immigration and asylum policies, the security aspect is central and takes the form of border checks and the “fight against illegal migration”.⁵⁶

The Hague Program thus marked a partial shift from dealing with migration through the external relations framework towards an externalization of migration, focusing on European interests in border management. Adding to this, on October 3, 2005 FRONTEX, the European Agency for the Management of Operational Cooperation at the External

Borders of the Member States of the EU became operational. One year later FRONTEX's activities were complemented by the adoption of the so-called "Schengen Borders Code", namely the EU law governing the movement of persons across the borders, and how the internal border is managed. This has been accompanied by the adoption of the External Borders Fund in 2007, which has been politically presented as a key component of the principle of solidarity on border controls in an enlarged EU, to finance border-crossing control infrastructure, equipment and projects as well as the exchange and training of staff.⁵⁷

During the "anniversary" 2005 Barcelona Summit the progress made since 1995 in terms of political, economic and financial cooperation pillars was reviewed. At the time, all the association agreements with Algeria, Morocco, Tunisia, Israel, Jordan, Egypt, and Lebanon were operational and the ones with Syria and Palestine were in the final stages, while Cyprus and Malta had already joined the EU. It is true that the emphasis placed on political and economic reforms rather than on social, cultural and intercultural communication reforms has not produced a regional regime on migration.

Moreover, after more than ten years of effort, the economic gap between the EU and its Mediterranean neighbors appeared to be one of the most marked, it has widened, and it was causing virtually uncontrollable migratory movements. There is little doubt that although the importance of migration in the Mediterranean cooperation increased, the dominant approach has been maintained. Interestingly, the 2005 Report on Mediterranean Migration, financed by the European Commission, had only focused on the traditional aspects of migration, addressing issues pertaining to both emigration and immigration, while environmentally induced migration was not contemplated.

Despite the overall failure of the Barcelona project, at the 10th Anniversary Summit in Barcelona in November 2005, an action plan encompassing points on Migration, Social Integration, Justice and Security through a comprehensive and integrated approach of six objectives⁵⁸ and a code of conduct on counter-terrorism were adopted.⁵⁹ Apart from holding a Ministerial Meeting on migration, EU decided to develop mechanisms for practical cooperation and sharing experiences on managing migration flows; promote schemes for safer, easier, less expensive channels for the efficient transfer of migrants' remittances; develop ways to assist capacity building for

those national institutions in partner countries; promote legal migration opportunities and integration of migrants; enhance cooperation to fight illegal migration, such as the negotiation of different kinds of readmission agreements, the fight against human trafficking and related networks as well as other forms of illegal migration, and capacity building in border management and migration; develop contacts, training and technical assistance for judicial and legal professionals, building on the EuroMed Justice Programme and the EuroMed Police Programme, encouraging networks in the EuroMed region and drawing on the expertise of Europol.

One year after the Barcelona Summit, the Foreign Ministers of the Euro-Mediterranean Partnership decided in Tampere in November 2006 to “strengthen the management of migratory flows in a comprehensive and balanced manner”, as well as to intensify cooperation on all aspects of migration between all parties concerned, including the fight against trafficking in human beings and negotiations of different kinds of readmission agreements.⁶⁰ The Ministers also decided for the first-ever Euro-Mediterranean Ministerial Meeting on migration to take place in Albufeira, Portugal, on 18-19 November 2007. Interestingly, although this first Euro-Med meeting on migration can hardly be considered as a breakthrough, the participants managed to work out conclusions and agreed to take a number of “appropriate and concrete measures” as a matter of priority for cooperation concerning both legal and illegal migration.

More important, in the Agreed Ministerial Conclusions three principal areas for further actions were established: facilitating legal migration, promoting development in sending countries to curb migration flows, and combating illegal migration. Euro-Med partners had also decided to promote legal migration through determining categories of workers required in EU countries and taking into account the needs of the labour markets of sending countries to prevent brain drain. Moreover, different forms of mobility, such as circular and temporary migration, would be promoted, as well as, professional and linguistic training courses. It was also decided that sustainable development measures for southern Mediterranean countries will include facilitation of the transfer of migrants’ remittances and micro credit opportunities through promotion of transfers by the use of the formal banking systems. Regarding cross-border control, partners decided to adopt measures

to upgrade security standards in southern partners' national travel documents such as introduction of biometry and new technologies at security services and training courses for transit countries on methods for identification of false documents, enhancing capacity building related to departure flows, and search and rescue operation at sea.

At national level, the EU concluded Association Agreements with each and every Southern Mediterranean country (excepting Libya and Syria), which were subsequently complemented by European Neighbourhood Policy Action Plans. This European policy has been progressively established after the EU's enlargement and the European Neighbourhood and Partnership Instrument entered into force in January 2007 to fund EU regional and bilateral cooperation programs at the EU's borders.⁶¹ Since its inception in 2004, the new EU policy has promoted a variety of important initiatives, particularly on the trade and economic domains, which have allowed the EU and its neighbours to develop stronger relationships in virtually all policy fields, including migration. Especially, in its 2007 communication for 'A Strong European Neighbourhood Policy' the European Commission noted that "the promotion of mobility will go hand in hand with the commitment of our partners to increase security and justice and fight illegal migration, with efforts to strengthen our neighbours' capacity to deal with migratory flows to their countries, and with the security of documents".⁶² Therefore, the Commission urged the EU Council and the European Parliament to adopt "its 2006 'package' on legislative proposals aiming at revising the European Visa policy, ensuring a high level of security within the common area and simplifying the procedures for visa applicants". It must be stressed that this issue is one of the priority areas of the ENP Regional Indicative Programme 2007-2013, which identifies a number of concrete projects and programs.

More intensive policies devoted to controlling migration flows were issued since 2007. Without doubt, the 'blue card' started to mark a new era in managing migratory flows. The EU Blue Card scheme puts in place an attractive package of measures such as equal treatment with national workers, favorable conditions for family reunification and intra-EU mobility to attract highly-qualified persons to the EU. Given that European countries attract mainly non-skilled migrants, a new policy was thus launched to overturn this trend.⁶³ This initiative was however contested within the EU since it could

worsen situations of “brain drain” in the less developed countries of the southern Mediterranean rim.⁶⁴ Indeed, while the measure may prove positive, it could also penalize migrants since the blue card aims at reinforcing the idea of circular migration, which means different things to different EU countries: in some of them, the idea to give circular migration rights to highly-skilled migrants dominates, whereas for others the concept of circular migration fits best for seasonal migrants who return regularly to do jobs in the agriculture, construction and tourist industries.⁶⁵

In June 2008 the European Council endorsed the ‘Global Approach to Migration’⁶⁶, intending to bring together all migration-relevant policies in a more coherent way, including: development policy, measures to encourage legal migration and to fight illegal immigration, managing demand for skilled labour in a framework of dialogue, cooperation and partnership with migrant exporting countries. The “mobility partnership” with third countries, is not a readmission agreement, but a broader set of measures ranging from development aid, to temporary entry visa facilitation, circular migration, fight against illegal migration, including readmission.⁶⁷ Four months later the European Council adopted the “European Pact on Immigration and Asylum”, based on five pillars, three of which concern immigration: organize legal immigration to take account of the priorities, needs and reception capacities determined by each EU member, and to encourage integration; control illegal immigration in particular by ensuring that illegal immigrants return to their countries of origin or to a transit country; create a comprehensive partnership with the countries of origin and transit to encourage synergy between migration and development.⁶⁸

The European Pact on Immigration and Asylum was actually the banner issue of Sarkozy’s election campaign in 2007. Given the importance of the migratory challenge within the EU, leading the initiative was viewed by the French leader as France’s chance to regain its dominant position in the region. In July 2008, a refurbished Barcelona Process emerged as the Union for the Mediterranean (UfM). This occurred when the economic downturn started to be recognized by major EU governments. As soon as economic perspectives started to darken, migration issues gathered momentum in the European public discourse and the response was clear during the 2009 European Parliamentary elections.

The European Council of December 2009 adopted the 'Stockholm Programme - an open and secure Europe serving and protecting citizens'.⁶⁹ Continuing on from the Tampere and Hague Programmes, the Stockholm Programme is the five-year strategic work programme for the Area of Freedom, Security and Justice for the period 2010-2014, implementing the new provisions provided by the Lisbon Treaty. The Programme defines the EU priorities in the area of migration, notably: the development of the Global Approach to Migration, based on a true partnership with countries of origin and transit outside the EU; a concerted policy between member states in keeping with national labour-market requirements; a more vigorous integration policy aimed at granting third country nationals who reside legally in the EU rights and obligations comparable to those of EU citizens; effective policies to combat illegal immigration, an effective and sustainable return policy, and conclusion of readmission agreements. On 20 April 2010 the Commission adopted the 'Action Plan Implementing the Stockholm Programme, which has been only partially endorsed by the Council, which asks the Commission 'to take only those initiatives that are in full conformity with the Stockholm Programme'.⁷⁰

The Stockholm Programme called upon the Council and the Commission to "define a comprehensive Union internal security strategy"⁷¹. On the other hand, the Internal Security Strategy, adopted by the Council of the EU in February 2010, should be considered as the first step in this direction.⁷² It sets out the common threats and challenges to the EU's internal security as well as principles and guidelines on how to respond to these challenges. It also called upon the Commission to draft a communication proposing actions for implementing the strategy. The Commission followed up with its Communication on "EU's Internal Security Strategy in Action"⁷³, identified the five most urgent common threats to EU's internal security: serious and organised crime, cybercrime, terrorism, border security and disaster management as well as specific objectives and concrete actions to be undertaken for the period 2011-2014.

It is worth-noting that both documents place an emphasis on a holistic approach to internal security, both on practical action and cooperation. From an operational point of view, EU States are implementing three of the Internal Security Strategy objectives with a new mechanism, the so-called 'Harmony

Policy Cycle on Organised crime 2011-13' focusing on tackling serious, organised crime and cybercrime, as well as on strengthening border management. The EU is treating migration management and the fight against crime as twin objectives of the integrated border management strategy. The instruments improving security in relation to the movement of goods are also complementary, and are constantly being developed to tackle the increasingly sophisticated criminal organisations. In line with this, it was decided to exploit the full potential of EUROSUR, to enhance the contribution of FRONTEX at external borders, to develop common risk management for movement of goods across external borders and to improve interagency cooperation at national level.

More recently, the Arab Spring raised fears of an exodus of irregular migrants and unwanted migration and these fears swiftly resulted in European governments placing their efforts on strengthening border control and on pressuring readmission agreements. The first reaction of the EU was to regard the revolutions in the Mediterranean as a unique political opportunity to expand its Mediterranean focus from development to the promotion of democracy. This was evident as in less than two months after Ben Ali fled Tunisia, the European Commission, in its communication entitled "A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean Countries" linked its financial support to democratic reforms.⁷⁴ In accordance with the traditional EU incentive-based approach introduced with the Neighborhood Policy, those willing to go further and faster with reforms will be able to count on greater funding from the EU to support democratic transitions.⁷⁵ However, although new emphasis and great effort was dedicated to democracy-building, the EU did not invent any new responses to short-term migratory movements or long-term migration. Indeed, as Fargues and Fandrich have aptly observed "[r]ather, EU policies on migration after the Arab Spring reaffirmed old positions regarding Mediterranean migration"⁷⁶. As an incentive, enhanced mobility has been offered to those who reform, which in the end leads to less migration and more secure migration. So far, the EU's response has been to increase slots available for university scholarships and exchanges in Erasmus Mundus programme with extra 30 million Euros funding for the 2011-2012 academic year. At the time of writing, four Mobility Partnerships have also been envisaged with Tunisia, Morocco, Jordan and Egypt.

During the past two years, the EU has faced critical situations at its borders, where it was confronted with high inflows of irregular migrants. This has been a major test for the EU's ability to react efficiently to crises, while the Member States most directly concerned by migratory movements, such as Greece, have required assistance in a spirit of solidarity. The 2011 report on the implementation of the Internal Security Strategy, highlighted the establishment of EUROSUR, but also stressed that further work is needed to improve interagency cooperation at national level. Furthermore, the achievements of FRONTEX are now broadly recognized. It is also worth noting that the EU's Agency for the Management of Operational Cooperation at the External Borders manages a pool of border guards available for the Rapid Border Intervention Teams (RABITs) which are sent to Member States facing urgent and exceptional pressures at their borders. It also coordinates joint operations which can be deployed to assist EU States in managing migratory flows at their external borders.

NOTES

1. S. Castles and M.J. Miller, *The Age of Migration*, 3rd ed., Palgrave MacMillan, Basingstoke and New York, 2003, p. 4.
2. A. Içduygu, «The Politics of Irregular Migratory Flows in the Mediterranean Basin: Economy, Mobility and Illegality», *Mediterranean Politics*, Vol.12 No. 2, 2007, p. 141.
3. IEMed *Foreigners From the MEDA-10 Countries Resident in the EU (2000-2007)*, Map A.17: Institut Europeu de la Mediterrània, Barcelona, 2009, p. 315.
4. Although there has been an incontestable increase in regular and irregular West African migration to Europe over the past decade, available empirical evidence dispels most of these assumptions. See in H. de Haas, "The Myth of invasion: Irregular Migration from West Africa to the Mediterranean and Europe", IMI Research report, International Migration Institute, James Martin 21st Century School, Oxford University, Oct. 2007.
5. See for example among others P. Muus, "International Migration and the European Union: Trends and Consequences", *European Journal on Criminal Policy and Research*, Vol. 9 No.1, 2001, pp. 31-49; and J. Salt, "Trafficking and Human Smuggling: a European Perspective", *International Migration*, Vol. 38, No. 3, Special Issue, 2000, pp. 31-56.

6. P. Bendel, "Immigration Policy in the European Union: Still Building up the Walls for Fortress Europe?», *Migration Letters*, Vol. 2 No. 1, 2005, pp. 20-31.
7. Commission's Communication on the Evaluation of EU Readmission Agreements (COM(2011)76), Brussels, 2011.
8. S. Wolff, "Border Management in the Mediterranean: Internal, External and Ethical Challenges", *Cambridge Review of International Affairs*, Vol. 21 No. 2, 2008, pp. 253-278.
9. I. Martin, "Labour Market Performance and Migration Flows in Arab Mediterranean Countries: A Regional Perspective, *European Economy*" *Occasional Papers*, No. 60, Final Report and Thematic Background Papers, Vol. 1, European Commission D.G. for Economic and Financial Affairs, April 2010.
10. A. Siegfried, *The Mediterranean*, Jonathan Cape, London 1984, p. 29.
11. Migrants from the Maghreb and Turkey are predominantly destined for Europe, while those from Eastern Arab Mediterranean countries instead tend to travel to the Arab oil countries and other regions of the world. X. Aragall, "Migration in the Mediterranean: The Situation of Migrants in the Mediterranean", Institut Europeu de la Mediterrània, Barcelona, 2010.
12. It is also very common that migrants need the services of international smuggling networks to guide them in their travel, provide fake passports, organize small boats on the coasts, and if necessary, provide help to evade detection by customs officers with their people working in the sending, transit and destination countries. D. van Moppes and J. Schapendonk, "Migration as Booming Bussines", *Working Papers Migration and Development Series*, Report No. 17, Radboud University, Nijmegen, 2007.
13. Moppes, *op.cit.*, p. 8-9.
14. D. van Moppes, "The African Migration Movement: Routes to Europe", *Working Papers Migration and Development Series*, Report No. 5, Research Group Migration and Development, Radboud University, The Hague, 2006, appendix 6.. See also IEMed, *Mediterranean Migration Routes*, MA.19, Institut Europeu de la Mediterrània, Barcelona, 2006, p. 239.
15. I. Ureta, *Reassessing the Migration Mobility Nexus in the Mediterranean: International Coordination and National Management Policies*, NATO Parliamentary Assembly, Mediterranean and Middle East Special Group, Rome, 27 June 2010.
16. *FRONTEX Press Pack*, May 2011, pp. 9-11.
17. According to various estimates, before the Arab Spring between 65,000 and 120,000 sub-Saharan Africans entered the Maghreb (Mauritania, Morocco, Tunisia, Algeria, and Libya) yearly, of which 70-80 % to migrate through Libya and 20-30 % through

- Algeria and Morocco. A. Cangiano, S. Strozza, “Foreign Immigration in Southern European Receiving Countries: New Evidences from National Data Sources”, in C. Bonifazi, M. Okólski, J. Schoorl and P. Simon (eds.), *International Migration in Europe: New Trends and New Methods of Analysis*, IMISCOE Research, University of Amsterdam Press, Amsterdam, 2008, pp. 173; and H. de Haas, “The myth of invasion: Irregular migration from West Africa to the Maghreb and the European Union”, *International Migration Institute Research Report*, commissioned by the International Organization for Migration, Geneva, 2007.
18. *FRONTEX Press Pack*, May 2011.
 19. *FRONTEX Press Kit, Situation in Greece*, 29 Nov. 2010.
 20. Irregular migrants entering Greece illegally are increasingly reported transiting to other EU Member States via the Balkans or by air to other European capitals using forged documents. In Germany during 2010, the number of asylum applications of Afghan nationals was doubled compared to 2009. Most of these applicants are believed to have entered the EU illegally from Turkey to Greece. Germany and Sweden suspended the application of the so called Dublin procedure, which would allow the return of the applicants to Greece.
 21. The basic idea of a Rapid Border Intervention Team was to create a mechanism that could allow a rapid deployment of border guards on European level in case of urgent and exceptional migratory pressure. Officers deployed in RABITs operations come from a pool of national experts (border guards, police officers, immigration officers) made available to FRONTEX by the national authorities in EU member states and Schengen Associated Countries. There are currently over 600 experts in the Rapid Pool, a database of border guards created and maintained by FRONTEX.
 22. In addition to the border guards, Frontex sent material support including one helicopter provided by Romania; four buses provided by Austria, Hungary, and Romania; five minibuses provided by Romania, Austria, and Hungary; 19 four-wheel-drive patrol cars provided by Romania, Austria, Slovakia and Germany; nine vans with thermo-visual equipment provided by Austria, Bulgaria, Germany, and Hungary; and three office units (portable buildings) provided by Denmark. FRONTEX, “FRONTEX to Deploy 175 Specialist Border-Control Personnel to Greece”, *Press Release*, 29 Oct. 2010.
 23. *FRONTEX Press Pack*, May 2011, p. 30.
 24. Joint Operation Poseidon was launched in 2006 as a sea-based operation on the Greek-Turkish maritime borders. Following a change in migratory trends, however, Poseidon was amended to provide also a permanent land-based component covering the Greek and Bulgarian land borders with Turkey.
 25. The European attitude of double standards has been evident as European leaders were proclaiming their support for more democracy with humanitarian aid to assist

refugees and asylum, but at the same time, they were trying to implement measures “to prevent large numbers of irregular migrants, often exploited by unscrupulous criminal networks, from arriving in the EU.” European Commission, *Communication on migration* (COM(2011) 248 final).

26. M. Pugh, “Mediterranean Boat People: A Case for Co-operation?”, *Mediterranean Politics*, Vol. 6 No.1, 2001, pp. 1-20.
27. The annual increase in total migrant stocks from these was 90,839 in 2011 as compared with 67,214 in 2010 and 111,738 in 2009. Moreover, 72% of the increase in 2011 is due to migrant flows from Morocco alone, a country where street demonstrations remained of limited magnitude and resulted in a smooth political shift. In relative terms, it is the Egyptian emigration that has increased the most between 2007 and 2011: by 19% in Germany, 22% in the UK, 45% in Spain and 58% in Italy. But it has evenly increased with no particular surge in 2011. P. Fargues and C. Fandrich, “Migration after the Arab Spring”, *MPC Research Report 2012/09*, Migration Policy Center, European University Institute, Florence, 2012, p. 3.
28. In Libya, sub-Saharan migrants still fear retaliations because they are associated to “Black mercenaries” Khaddafi had reportedly employed, and Tuareg and Tebu populations in the south are equally vulnerable and some of them have moved in Saharan towns like Tamanrasset in Algeria. See further on this M. O. Attir, “Illegal Immigration in Libya after the Arab Spring”, Middle East Institute, 18 September 2012. On the other hand, in Syria the Internal Displacement Monitoring Centre estimates that there are some 589,000 internally displaced persons, of whom at least 156,000 have been displaced over the last year, especially from Ma’arat al-Numaan, Homs and Jisr el-Soghour. At the same time, the Office of the United Nations High Commissioner for Refugees estimates that there are over 88,000 registered Syrian refugees, in Lebanon, Jordan, Turkey and Iraq. See further in K. Koser, “Migration, Displacement and the Arab Spring: Prospects for the Next Year”, *Opinion*, Brookings Institute, 2 July 2012.
29. FRONTEX figures show that March 2011 was the peak point when 20,000 people tried to cross EU borders, 17,000 of whom came from the Maghreb countries.
30. FRONTEX Risk Analysis Unit, FRAN Quarterly Report, Issue 2, April-June 2012.
31. Consistent with other nationalities entering via Greece, Syrians were also increasingly detected in the Western Balkans especially at the Croatia-Serbia border while they were also ranked second among applicants for international protection, mostly in Sweden and Germany.
32. Assistance will include the deployment of four aerial vehicles, four patrol boats, three mobile surveillance units and eight expert officers. To Vima, “Ενίσχυση των δυνάμεων του Φρόντεξ στο Αιγαίο” [Strengthening of FRONTEX deployments in the Aegean], 3 Sept. 2012, <http://www.tovima.gr/society/article/?aid=473212>.

33. J. Huysmans, “The European Union and the Securitization of Migration”, *Journal of Common Market Studies*, Vol. 38 No.5, 2000, p. 755.
34. The establishment of the Schengen Group by France, Germany and Benelux countries in 1985 was an early attempt to reinforce frontiers, regulations and restrictions against immigration and led to two conventions on asylum; the Dublin Convention on Asylum in 1990 to prevent the multiple asylum applications and the External Frontiers Convention in 1991 for the mutual recognition of visas for non-EU nationals. S. Hix, *The Political System of the European Union*, New York: Palgrave/Macmillan, New York, 2005, p. 353.
35. Huysmans, *op.cit.*, p. 755.
36. G. Lahav, *Immigration and Politics in the New Europe*, Cambridge University Press, Cambridge 2004.
37. The Amsterdam Treaty brought the Title IV on “Visas, Asylum, Immigration and Other Policies Related to the Free Movement of Persons” to the first pillar. This predicted greater role for the common institutions. However, the Amsterdam Treaty did not foresee automatic transition from unanimity to qualified majority voting in the decision – making of these issues. See among others in D. Kostakopoulou, “The ‘Protective Union’: Change and Continuity in Migration Law and Policing in post-Amsterdam Europe”, *Journal of Common Market Studies*, Vol. 38, No. 3, 2000, pp. 497-517; A. Caviedes, “The Open Method of Co-ordination in Immigration Policy: A Tool for Prying Open Fortress Europe?», *Journal of European Public Policy*, Vol. 11 No. 2, 2004, pp. 289–310; and E. Ucarer, “From the Sidelines to Center Stage: Sidekick No More? The European Commission in Justice and Home Affairs”, *European Integration Online Papers*, Vol. 5 No. 5, 2001.
38. In 1995 five EU member states – Germany, France, Belgium, the Netherlands and Luxembourg – signed the so-called Schengen Agreement. The agreement aims at abolishing inspections of people at internal borders and in return it obliged the participating states to improve security along their state borders.
39. D. Herz, “European Immigration and Asylum Policy: Scope and Limits of Intergovernmental Cooperation”, Research Paper presented at the 8th EUSA Conference, 27-29 March 2003, p. 6.
40. Tampere European Council Presidency Conclusions, 1999, p. 37.
41. Lahav, *op.cit.*, p. 47.
42. The Open Method of Coordination is a process of policymaking which does not lead to binding EU legislative measures nor require Member States to change their law. The Method aims to spread best practices and achieve greater convergence but there are no official sanctions for laggards. Its effectiveness relies on a form of peer pressure and naming and shaming and although it appears to be an appropriate mechanism for effecting co-ordination leading to a common European immigration regime, the

- member states have not embraced the format to avoid the further introduction of new ideas and actors into the process. See further in A. Caviedes, “The open method of co-ordination in immigration policy: a tool for prying open Fortress Europe?», *Journal of European Public Policy*, Vol. 11 No. 2, 2004, pp. 289-310.
43. K. Hailbronner, “Implications of the Lisbon Treaty on EU Immigration Law”, Research Paper presented at the Fourth Workshop of the Transatlantic Exchange for Academics in Migration Studies, San Diego, on March 29-30, 2010, p. 4 [<http://migration.ucdavis.edu/rs/files/2010/hailbronner-implications-of-the-eu-lisbon-treaty.pdf>].
 44. See more analytically in S. Carrera and F. Geyer, “The Reform Treaty and Justice and Home Affairs: Implications for the Common Area of Freedom, Security and Justice”, CEPS Policy Briefs, No. 141, CEPS, Brussels, 2007.
 45. The Lisbon Treaty significantly widens the EU’s competences for asylum and immigration questions. First, the Treaty sets the EU the specific aim of developing “common policies” for both asylum and immigration (legal as well as illegal) and accordingly empowers it to legislate for “uniform standards” (as opposed to the “minimum standards” provided for in the Amsterdam Treaty) and for “the gradual introduction of an integrated management system for external borders.” Second, the Treaty widens the EU’s power to legislate to define all the rights of third country immigrants legally resident in one Member State, including their rights to move to and reside in other Member States. G. Fitchew, “The Lisbon European Reform Treaty Impact on Asylum and Immigration Policy”, *Briefing Papers*, No 4.10, Migration Watch UK, March 2008.
 46. See more analytically in E. Neframi, “Division of competences between the European Union and its Member States concerning immigration”, Note, Policy Department C: Citizens’ Rights and Constitutional Affairs, DG for Internal Policies Civil Liberties, Justice and Home Affairs, PE 453.178, European Parliament, Brussels, 2011, p. 6.
 47. D. K. Xenakis and D. N. Chrysochoou, *The Emerging Euro-Mediterranean System*, Manchester University Press, Manchester and New York, 2001.
 48. Indeed, when groups of immigrants started to push their way into Ceuta and Melilla, fences were erected by 2000. Between 2000-2010, Spain has attempted to seal off its borders. Besides erecting fences at Ceuta and Melilla, the government installed an early warning radar system (SIVE or Integrated System of External Vigilance) at the Strait of Gibraltar, a system that has recently been extended to the Canary Islands. J. Carling, “The Merits and Limitations of Spain’s High-Tech Border Control”, *Migration Information Sources*, Migration Policy Institute, 2007.
 49. A. Betts and J. Milner, “The Externalisation of EU Asylum Policy: The Position of African States”, *Working Papers*, No. 36, Center on Migration, Policy and Society, University of Oxford, 2006.

50. Readmission agreements include reciprocal cooperation commitments between the EU and its third-country partners on the return of illegally staying persons to their country of origin or transit. To date, negotiations have been concluded and the agreements have entered into force with Hong Kong (March 2004), Macao (June 2004), Sri Lanka (May 2005), Albania (May 2006), Russia (June 2007), Bosnia and Herzegovina, F.Y.R.O.M., Montenegro, Serbia and Moldova (January 2008), Pakistan (Sept. 2008) and Georgia (April 2010). Negotiations are still underway with Algeria, China, Morocco and Turkey.
51. See among others in T. Faist, “Extension du domaine de la lutte”. *International Migration and Security before and after September 11, 2001*”, *International Migration Review*, Vol. 36 No. 1, 2002, pp. 7-14; and F. Adamson, “Crossing Borders. International Migration and National Security”, *International Security*, Vol. 31 No. 1, 2006, pp. 165-199.
52. The relationship between irregular migration and smuggling of migrants has been discussed in the literature, with most authors acknowledging the crucial role of smuggling of migrants in facilitating irregular migration, as they may provide a wide range of services, from physical transportation and illegal crossing of a border to the procurement of false documents. According to Salt and Stein, smuggling of migrants is an established branch of a well-organized “international gangster syndicate”. J. Salt and J. Stein, “Migration as a business: the case of trafficking”, *International Migration*, Vol. 35, No. 4, 1997, p. 472. Smuggling of illegal migrants is a crime defined in international law as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State of which the person is not a national or a permanent resident”, according to article 3 (1) of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime. United Nations, *Treaty Series*, Vol. 2241, No. 39574. See more analytically in UNODC, *Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications*, United Nations Office on Drugs and Crime, New York, 2011.
53. I. Ureta, ‘Migration, Development and Policy Coherence in the Mediterranean’ in I. Ureta and D. Lutterbeck (eds.) *Migration, Development and Diplomacy: Perspectives from the Southern Mediterranean, The Red Sea Press, New Jersey, USA, 2010*, pp. 169-190.
54. Council of the European Union, “A Strategy for the External Dimension of JHA: Global Freedom, Security and Justice and to forward it to the GAERC Council”, 14366/3/05 REV 3, Brussels 30 Nov. 2005.
55. By implication, the paper recommended the EU Council to consider environmentally triggered additional migratory stress in the future development of a comprehensive European migration policy, in liaison with all relevant international bodies. Paper

from the *High Representative and the European Commission to the European Council*, “Climate Change and International Security”, S113/08, 14 March 2008.

56. The main elements of these policy measures are: a) Harmonisation of asylum applications between the member states (including f.e. harmonized visa regulations, repatriation policies and measures relating to border management); b) Information systems: Linkage of SIS II (Schengen Information System), VIS (Visa Information System) and EURODAC (identification of asylum seeker’s fingerprints) and FADO (Image archiving system) in order to combat illegal immigration; c) Discussions on the exterritorialisation of asylum procedures in the countries themselves; and d) Establishment of FRONTEX and the management of restrictive border control in EU member states.
57. Regarding the European Refugee Fund, External Borders Fund, the European Return Fund and the European Integration Fund see further in *European Commission’s Proposal in the Communication on a Framework programme on Solidarity and the Management of Migration Flows for the Period 2007-2013*, SEC(2005) 435, COM/2005/0123 final, 6 April 2005.
58. a) Promote legal migration opportunities (facilitation of the legal movement of individuals, recognising that these constitute an opportunity for economic growth; - fair treatment and integration policies for legal migrants. - facilitation of the flow of remittance transfers and address “brain drain”); b) Reduce significantly the level of illegal migration (trafficking in human beings and loss of life through hazardous sea and border crossings); c) Pursue the modernisation and efficiency of the administration of justice and facilitate access to justice by citizens; d) Reinforce judicial cooperation (including on cross border issues); e) Facilitate solutions to problems arising from mixed marriage disputes and child custody cases and encourage cooperation in accordance with the principle of the UN Convention of 1989 on the Rights of the Child and national legislation; and f) Promote the ratification and further implementation of the relevant UN conventions on combating organised crime and drugs, and improve cooperation by law enforcement agencies.
59. Council of the European Union, “Euro-Mediterranean Code of Conduct on Countering Terrorism”, 15075/05, (Presse 328), Brussels, 28 November 2005.
60. Council of the European Union, “Tampere Conclusions”, 8th Euro-Mediterranean Conference of Ministers of Foreign Affairs (Tampere, 27-28 November 2006), 15921/1/06 REV 1 (Presse 344), Brussels, 30 November 2006.
61. Currently the EU has sixteen immediate neighbours: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Syria, Tunisia and Ukraine.
62. European Commission, “A Strong European Neighbourhood Policy”, Communication from the Commission COM(2007) 774 final, 5 Dec. 2007.

63. E. Guild, “EU Policy on Labour Migration: A First Look at the Commission’s Blue Card Initiative”, *CEPS Policy Briefs*, No. 145, CEPS, Brussels, 2007.
64. J. Ouchou, “African Brain Drain and Gain, Diaspora and Remittances: More Rhetoric than Action” in A. Zoomers, A. Adepoju, T. Van Naerssen, (eds.), *International Migration and National Development: An introduction to Policies in Sub-Saharan Africa. Viewpoints and Policy Initiatives in the Countries of Origin*, Afrika-Studiecentrum Series, Vol. 10, 2008, pp. 49-70.
65. See further in S. Vertovec, “Circular Migration: The Way Forward in Global Policy?», *Working Papers*, No. 4, International Migration Institute, Oxford 2007; and D. Rannveig Agunias and K. Newland, “*Circular Migration and Development: Trends, Policy Routes and Ways Forward*”, Policy Brief, Migration Policy Institute, Washington, DC, April 2007.
66. The European Council had agreed in December 2005 on a new “Global Approach to Migration” and that “the migration and development agenda will be intensified by increasing coherence between the EU’s various policies, including their financial instruments, with a view to addressing the root causes of migration”. Presidency Conclusions of the Brussels European Council, “A Comprehensive European Migration Policy”, Brussels 14/15 December 2006.
67. Under those agreements, third countries must readmit own nationals and third-country nationals who crossed their territory in transit to an EU country, carry out specific information campaigns to discourage illegal migrants, strengthen border controls and take stronger measures to tackle forged documents.
68. Presidency Conclusion 14368/08, based on Commission’s Communication on “A Common Immigration Policy for Europe: Principles, Actions and Tools”, COM(2008) 359 final.
69. The Stockholm Programme—An Open and Secure Europe Serving and Protecting the Citizens, OJ C 115, 11 May 2010.
70. Conclusions of 3018th Justice and Home Affairs Council Meeting, Luxembourg, 3 June 2010.
71. European Commission, “The EU Internal Security Strategy in Action: Five Steps Towards a More Secure Europe”, Communication from the Commission to the European Parliament and the Council, COM(2010) 673 final, Brussels, 22 Nov. 2010.
72. Council Document, “Internal Security Strategy for the European Union: Towards a European Security Model”, 5842/2/10 REV 2 JAI 90, 23 Feb. 2010.
73. European Commission, “The EU Internal Security Strategy in Action: Five Steps Towards a More Secure Europe”, Communication from the Commission to the European Parliament and the Council, COM(2010) 673 final, Brussels, 22 Nov. 2010.

74. European Commission, “A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean”, (COM(2011) 200 final, Brussels 2011).
75. One of the strongest proposals, the EU-Tunisia Task Force, was meant to provide 4 billion Euros to support democratic transition between 2011 and 2013 (EU-Jordan and EU-Egypt Task Force will be created in 2012). The Support for Partnership Reform and Inclusive Growth (SPRING) programme (created in September 2011) also foresees 350 million Euros to support democratic transformation and sustainable growth. In Morocco, assistance for development and democratic reforms was increased by 20% to 580.5 million Euros. Furthermore, the EU budget for the Neighbourhood (South and East) is proposed to be massively increased by 40% to 18.1 billion Euros. European States also played an important political role at the UN in post-crisis Libya and Syria, and they continue to play a role. Fargues and Fandrich, *op.cit.*, p. 5.
76. *Ibid.*