

# Arab Revolts and Migration: Behind the Mediterranean Wall, the Unity of Europe

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Since December 2010, a rebellious wind has been spreading through a growing number of countries marked by a deficit in democracy and significant economic and social difficulties. Starting in Tunisia, the popular wave of protest against autocratic, corrupt regimes has particularly affected Northern Africa, where changes have taken a radical turn. After the fall of the Tunisian President on 14 January 2011, followed by that of his Egyptian counterpart on 11 February, the “Day of Anger” in Libya on 17 February constituted the point of departure of an insurrectional situation accompanied a month later by the armed intervention of an international coalition authorised by the Security Council on the instigation of France and the United Kingdom. The magnitude and force of the revolts profoundly surprised European leaders who, accustomed to strong, stable regimes along their borders, showed their concern before rising to the occasion and applauding the people’s struggle for dignity.<sup>1</sup>

The main concern regarded the possible migratory consequences of such instability. Since the year 2000 or so, the European Union (EU) Member States have considerably increased the responsibility and participation of North African countries in controlling European borders. Considered countries of migrant origin and/or transit, South Mediterranean Countries (SMCs) have progressively committed to contribute

preventively to stopping possible unauthorised departures of their citizens or third country nationals to the EU. Tunisia and Libya had both modified their legislation in 2004 to accentuate sanctions against aid to irregular migration and had entered agreements with European countries such as Italy to control maritime borders and readmit nationals and foreign nationals departing from their coasts.<sup>2</sup>

Relaxation of Tunisian border control due to the revolt provided an opportunity for hundreds of Tunisians to leave the country using this provisional breach. After the arrival of some 5,000 Tunisians to the Island of Lampedusa, Italy declared a state of “humanitarian emergency” on 12 February 2011, emphasising the serious, exceptional nature of the situation. Five days after the onset of violence in Libya, Rome expressed the fear of a sudden inflow of 200,000 to 300,000 migrants, whereas Brussels estimated it at 500,000 to 700,000 people. Though these figures correspond globally to the number of individuals fleeing Libya, an infinitesimal minority was moving towards Europe, whereas Tunisia, already destabilised, had to deal with the arrival of 10,000 people per day at its borders, receiving some 200,000 people in a single month, just as Egypt a bit later (source: United Nations High Commissioner for Refugees, UNHCR).

The fusion of North African political events under the single term of “Arab revolts” has engendered confusion regarding the collective migrations they engendered, grouped under the terms of “illegal migration flows” to Europe and considered to constitute a “threat to internal security.”<sup>3</sup> Moreover, because

<sup>1</sup> In its declaration on 11 March 2011, the European Council declared that it “salutes the courage demonstrated by the people of the region” and mentioned “democratic uprisings [...] creating a new hope and opportunity.” EUCO 7/11.

<sup>2</sup> The Tunisian-Italian Agreement of 1998, however, excludes the readmission to Tunisia of third country nationals from Arab Maghreb Union Member States.

<sup>3</sup> Priorities of the Polish EU Presidency concerning migration from North Africa.

forced departures from Libya followed the voluntary arrivals from Tunisia, the European reaction towards the Tunisian arrivals oriented or even supplanted management of the Libyan arrivals and resulted in strengthening the walls in the Mediterranean rather than any hypothetical Euro-Mediterranean policy.

### **The Tunisian Revolt and Migration: Limits and Externalisation**

#### *The Effects of the Containment of the Population*

In contrast to those leaving Libya, primarily foreign nationals, migrants leaving Tunisia over the course of the “Jasmine Revolution” are Tunisian nationals generally falling within the category of “economic migrants.” These departures are not the product of destabilisation in Tunisia, except insofar as said destabilisation has provided an opportunity to realise pre-existing ambitions. They remind us that, although data indicates a significant decrease of departures from the Mediterranean coast over the past few years, the closing of borders contains rather than reduces migratory pressure. On 5 April 2011, the European Parliament rightly considered that “whereas in the past migratory flows have changed their routes according to where most pressure was applied, but have never ceased, [...] migration cannot be stopped” (Resolution 2010/2269(INI), provisional version, *Migration flows arising from instability: scope and role of EU foreign policy*).

These departures confirm that the policy of containment fosters the development of criminality related to the organisation of irregular migration and increases migratory movement focussing on opportune places at specific points in time. These peak collective arrivals in Europe most certainly conceal the real temporal dimension of migrations, which are dreams built up over the long term, with profound motivations, and as such cannot be solely ascribed to sudden political events, albeit democratic ones. The constancy of the migratory aim explains its adaptability to policies of obstruction leading to incessant change of migratory routes and a sophistication of criminality in response to more sophisticated mobility controls.

Fuelling prejudices and justifying emergency measures, the geographic and temporal concentration of a Tunisian migration flow that is altogether quite modest has served the security and xenophobe discourse, which uses it as an opportunity to raise the spectre of

“uncontrolled immigration” (Guéant, 17 March 2011), or even “the human tsunami” (Berlusconi, 4 April 2011). It is noteworthy that no European State has seen fit to relativise the importance of these arrivals – except in order to get rid of them – or to foresee their decline in the medium term and voluntary return to a Tunisia offering new perspectives in the long term.

#### *Urgent: A Migratory Policy*

On 12 February 2011, in the face of the powerlessness of North African authorities to close their borders, the de facto suspension of readmission and a Tunisia rejecting from then on the presence of Italian police forces in its seas, Italy found itself without an interlocutor in the South and declared a state of “humanitarian emergency.” The declaration of its incapacity to handle the collective arrival of migrants bound for all of Europe served to raise awareness among its Northern partners. The evident disorganisation in taking charge of the migrants on Lampedusa indeed offered the spectacle of the invasion of an island by a number of foreigners greater than the local population and much greater than the capacity of the detention centre reopened for the occasion.

### **Breaking out in a period when Europe is marked by heightened nationalism and a strong political manipulation of xenophobia, the Arab revolts are nurturing European prejudices rather than reducing them**

The European governments were quick to remind Italy that 20 to 30,000 migrants, though having arrived collectively, by no means constituted an unmanageable burden for a single State justifying a possible redistribution of these newcomers throughout the EU. Determined to force them to get involved, in particular France, which through its Minister of Home Affairs requested it to “keep the migrants itself,” Italy delivered 26,000 temporary residence permits to Tunisians having arrived between 1 January and 5 April 2011, the date on which a repatriation agreement was finally signed with the interim Tunisian government. Based on a provision of the Italian immigration law allowing the adoption of “extraordinary reception

measures in case of exceptional events” (Article 20), these permits for temporary residence valid within the Schengen Area were issued to Tunisians who, for the most part, wished to migrate to France. The latter then resorted to the protective measure allowing re-establishment of inner EU borders in case of a threat to public order or domestic security and proceeded to impede foreigners bearing such a permit from entering its territory.

Beyond apparent divisions, EU Member States corroborate the fact that they share a single vision on migratory policy. Collectively determined not to participate in serving as host country to people leaving the South Mediterranean Countries, the European countries take advantage of the massification effect of the upheavals to rally around the goal of securing borders, the chinks thus revealed in the outer EU borders justifying a return to control of inner borders within the Schengen Area. Out of step with the most immediate as well as more long-term migratory challenges, the French Minister of Home Affairs, followed by his British counterpart, declared in mid-April the wish to likewise reduce legal migration to national territory. Breaking out in a period when Europe is marked by heightened nationalism and a strong political manipulation of xenophobia, the Arab revolts are nurturing European prejudices rather than reducing them. On 20 February 2011, i.e. three days after the onset of insurrection in Libya, the EU decided to launch Operation Hermes 2011, expanding in space and time the pre-existing FRONTEX mission in order to “strengthen Europe’s border control response capability in the Central Mediterranean.”

### **Libyan Revolt and Migration: Strengthening Externalisation**

*From the Angle of “Mixed Flows”*

The generalisation of violence in Libya as a result of the spread of revolt, the disproportionate repression against it and armed international intervention has led to the departure of hundreds of thousands of people. With a job market hungry for labour, Libya had attracted a great deal of immigration since the onset of its oil extracting activities forty years ago. As of 2002, however, it has been considered by the EU as a priority because it constitutes an area of transit for “mixed flows” seeking to reach Europe. By regularly claiming to be invaded by over two million “Afri-

cans” ready to cross the Mediterranean, the Libyan regime knew how to make use of European fears and magnify the image of a visible migrant invasion. With the outbreak of war, the vast majority of people fleeing Libya has taken the land route into Tunisia or Egypt in the hope of returning to their countries. The collective departures reveal the extreme diversity of the migrant population in Libya, as well as the complexity and great heterogeneity of the “Africans” present. Whether they are Africans from West Africa having found a labour market cruelly lacking in their region, or the million or so Sahelian Africans from neighbouring Chad and Sudan, the majority had been living in Libya for years. Many of them have had to face the incapacity of their government to repatriate them, a situation aggravated by the fact that they are unregistered or simply by the impossibility of returning to their countries. Thousands of Somalians, Ethiopians and Eritreans have also been living in Libya for decades. Although they had all the characteristics of refugees, they had been living there as “economic migrants,” having found de facto asylum and work in a country that does not recognise the existence of refugees on its territory.

The Libyan situation recalls the tenuous dividing line between refugees and voluntary migrants. Thousands of migrants are still currently in Libya, trapped by the war and the inability of their countries of origin to protect them. If they are not in hiding or drafted to serve in the pro-Gaddafi troops, some of them flee via the nearest maritime border. The UNHCR emphasises the incongruity of seeing hundreds of thousands of people find protection in Tunisia and Egypt, whereas the minority taking to the sea find themselves in great danger (cf. Appeal of 8 April 2011). At its extraordinary meeting of 11 March 2011, the European Council declared its “highest praise” and “support” to the “solidarity shown by the Tunisian people with the people fleeing from Libya.” The Council, however, on 11 and 12 April 2011, when the Foreign Affairs Ministers were to provide a collective response to the “management of migration coming from the southern neighbourhood region,” confirmed two priorities on the European agenda: reinforcing control of the external borders and externalising the responsibility of support for voluntary and involuntary migrants.

#### *Asylum Elsewhere*

After war broke out in Libya, a terrible discrepancy appeared between the reality of the movement of

peoples in the Maghreb-Sahel area and the alarmist and disproportionate positions in Europe. A similar discrepancy emerged between the announcement of a forthcoming wave of migrants and the absence of collective measures to prepare for it. On 25 February 2011, Cecilia Malmström, the EU Commissioner for Home Affairs, considered it premature to organise measures of solidarity, since “no migrants from Libya have arrived yet” (*Le Monde*, 26 February 2011). Two months later, the European Commission had yet to launch a single initiative based on stipulations established in EC law on asylum, in particular Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons, though recommended by the UNHCR and the European Parliament. It is indeed difficult to imagine an influx of refugees from North Africa, since the Mediterranean wall proves to be so impassable. On 15 March 2011, a boat approaching the coast of Sicily with some 1,800 people on board was returned to the coast of war-torn Libya by the Italian authorities, who accused Malta of likewise having refused the boat access to its ports (source: PANA, 15 March 2011). What Italy was doing was simply reiterating the practice of turning back immigrants begun in 2003, when it was already deploring the inadequacy of measures to compensate for its responsibility as an outpost of the European Union and the unfairness of the Dublin Criteria, redefined in 2003. At that time, Italy had an understanding with the Libyan regime whereby they jointly organised the return of people reaching Lampedusa from the Libyan coast. The European Commission then invoked the absence of its competence to sanction possible violations of EC law. In 2009, Italy complained of FRONTEX’ insufficient contribution to the management of “mixed flows” departing from the Libyan coast and made an agreement with Tripoli to turn back boats intercepted in the seas between the two countries.

The Arab revolts allow Rome to be heard. The Council of 11-12 April 2011 agreed on the aim of stepping up FRONTEX competences as well as amending its legal framework, as recommended by the Commission on 10 March 2011 (COM(2011)118), thus coming closer to Italian demands for a European Agency that would be more involved in managing migrants and their repatriation (Maroni, 15 February 2011). On 15 April 2011, the French Foreign Affairs Minister declared that a strengthened FRONTEX would have the mission of assisting people on the

seas, with the aim of repatriating them immediately to their point of departure and not transporting them to European territory.

The European Parliament, however, stated on 5 April that “ In addressing the current humanitarian crisis in northern Africa, [Parliament] notes that FRONTEX cannot be the main tool in dealing with the resulting migration flows originating in the region,” and it urged “the Council to put in place a burden-sharing action plan to help resettle refugees from the region, based on the solidarity clause set out in Article 80 of the TFEU, and to provide support for displaced persons in accordance with the provisions laid down in Council Directive 2001/55/EC of 20 July 2001.” Never yet implemented, the temporary protection measure, established at a time when the EU was showing support towards its Eastern neighbourhood, seems to constitute the instrument suited to the current situation. Contingent to a Commission initiative, such a collective response is running up against the latter’s silence. Insofar as the solidarity clause on asylum, it is simply being ignored by a Council fostering the externalisation of protection. In a manner incongruous with events in Northern Africa, its conclusions claim to be based on a long-term perspective recommending increasing the capacity for hosting and managing migrants in South Mediterranean countries in the domain of international protection, namely by activating or developing regional protection programmes.

Despite the clearly pathetic spectacle of recent exchanges between EU Member States, the indecency of the proposals adopted reveal greater unity than it would seem. European countries share the same desire to keep the “burden” of migration on the other side of the Mediterranean. Without hesitating to maintain a policy of Maghreb regime cooperation in controlling European borders, anticipated by the maintenance of a power imbalance between the North and South shores, European countries confirm their unity on the external dimension of migrant management and reinforcement of external EU borders undertaken as of the Seville Council of 2002. Refusing to assume the short-term effects of the revolts in the “southern neighbourhood,” they seem to likewise ignore their potential long-term effects, whether they be the attraction effect that could be exercised by a more democratic Tunisia or Morocco, the consequences of the disappearance of the Libyan labour market, the possibility of changes in Maghreb policies on control of peoples and mobility, or the image Mediterranean peoples will retain of European “solidarity.”