

Border Management and Migration in the Mediterranean Region

Xavier Aragall

Euromed Policies and Regional Programmes
Department
European Institute of the Mediterranean (IEMed),
Barcelona

In recent years the Mediterranean area has seen migration management policies become an important geopolitical factor in the context of international relations in the region. Countries of origin and destination are in the process of developing their respective foreign policies taking into account issues relating to migratory flows.

Hence, it has become increasingly patent how northern and southern Mediterranean countries have expanded the external dimension of the migration agenda, taking steps toward externalization of migration policies to varying degrees. Southern European countries in particular have developed strategies to gain the commitment of countries of origin and transit in migration control and flow management.

In fact, during the first half of the decade, it was noted that there was tension between the foreign policy agenda and the domestic agenda insofar as immigration management and the need to decant this tension to the foreign affairs agenda was put forth, lending migration a specific centrality in the Euro-Mediterranean regional integration strategy (Aubarell and Aragall, 2005). In this regard, it can be observed how, despite the fact that traditional migration flows from South to North remain constant, certain southern Mediterranean countries have experienced sufficient economic development to attract immigration themselves, although they are still participating in the emigration process. Thus, economic growth has not equally benefited all segments of the labour market. There continues to be a high job insecurity rate and informal employment is on the rise; in short, emigration remains the first choice

for individuals seeking a stable job in the formal economy (Martin, 2009).

However, as a consequence of both wage differential and the informal labour market, immigration has become a structural feature of labour markets in the South and East Mediterranean Countries (Martín 2009). It is currently estimated that the number of immigrants in the South and East Mediterranean Countries (SEMCs) is at least 5.6 million, of which 3.6 million are irregular (Fargues, 2009). In addition, their geographic location has turned these countries into areas where migrants from outside the region gather, since transit to the north, across the Mediterranean, has become an increasingly difficult task. The number of migrants in transit is estimated at approximately 200,000 individuals (Fargues, 2009).

Given the context, for countries in the Euro-Mediterranean area, migration policies have become a central issue and a strategic priority, the participation of countries of origin playing a particularly important role, regional geopolitical strategies being established for cooperation between countries of origin and arrival. It is also true that there are converging and diverging approaches among the different members of the Euro-Mediterranean Partnership (EMP) and not all states act within the Euro-Mediterranean framework. At the same time and as a result of the above factors (migrant flows into southern Europe, the attraction of immigrants to countries of emigration, transit migration, etc.), countries of origin and host countries are in the process of developing their own foreign policies, incorporating migration as a relevant factor in their development policies.

However, as a general trend that can be observed in recent years, northern countries are introducing policies or participating in programs geared towards curbing migration. This is the case both on the level of harmonization with EU policies (such as border control issues, see Map A.17 on FRONTEX opera-

tions in the annexes, page 306) and insofar as adopting the main lines of action proposed by the European Commission (Global Approach to Migration). Also, acting on a bilateral level, northern Mediterranean countries have established agreements regarding migrant flow management (with an emphasis on readmission). (Aubarell, Aragall and Zapata-Barrero, 2009).

For countries in the Euro-Mediterranean area, migration policies have become a central issue and a strategic priority, the participation of countries of origin playing a particularly important role

But the security orientation of border control and surveillance has gradually taken the upper hand, in particular as of the point when border management becomes key factor for internal EU security and comes to be conceived as a solution to the instability of neighbouring or nearby countries. Border management is at the core of the external dimension of the Directorates-General for Justice and Home Affairs (JHA) and is included in most Action Plans of the European Neighbourhood Policy (Wolff, 2008).

For the Mediterranean region, this trend has had specific implications. In fact, one can speak of a process of institutionalization of border management in the Mediterranean (Wolff, 2008) characterized by three factors that raise doubts about EU security objectives in the geographic neighbourhood. First of all, border management remains a sensitive issue, to the point that solidarity and burden sharing goals cannot be attained among EU Member States in this area. Secondly, the external dimension of JHA increasingly requires the cooperation of third countries, as demonstrated in the case of Morocco. And finally, outsourcing of border management involves exporting technologies relating to control and security to authoritarian governments, an aspect that contradicts the EU foreign policy objective of protecting the fundamental values of democracy (Wolff, 2008).

In this regard, and with relation to the second factor indicated above, it is interesting to consider how Morocco exemplifies, to a certain extent, the characteristics of this regional particularity of border manage-

ment. Because of its location as an EU border country, it receives pressure from Europe to assume border control functions, whereas due its condition as a country of transit for migrants from Sub-Saharan Africa, the Moroccan government deploys a migration policy based on Law 02/03 which imitates/replicates European legislation in this sphere, specifically Spain's Law 4/2000. At the same time, its geographical location allows it to develop its advanced status with the EU, and, together with Spain and France, it heads Euro-African dialogue, in which the Moroccan agenda converges with the priorities of the northern Mediterranean countries.

Trends at the Euro-Mediterranean Level

The joint declaration of the Mediterranean Summit in Paris on 13 July 2008, the first step of the Barcelona Process: Union for the Mediterranean (UfM), endorsed the five year work agenda approved in 2005 as well as resolutions put forth by the Councils of Ministers, which would lead us to believe that the migration agenda has been given continuity and that therefore progress is being made in the willingness to deal with migration management through a multi-dimensional approach to security.

Another feature that can be observed is the dynamic nature of diplomatic practices (agreements and/or bilateral and multilateral processes) operating within the Euro-Mediterranean Region. The scenario resulting from this dynamism shows the importance of the external agenda, both on the thematic level and for its strategic value. At thematic level are issues such as circular migration related to labour mobility, border control, readmission, police cooperation, institutional capacity building in management and regulation of migrant flows and the migration-development binomial. With regard to strategic value, its impact can be observed both on a State level (bilateral management of migration flows) and in multilateral dialogue processes, whether at the level of the EMP, the EU or Euro-African Dialogue. (Aubarell, Aragall and Zapata-Barrero, 2009).

However, today we can say that migration policies at the EMP level have not been sufficiently effective in developing a common Euro-Mediterranean strategy (Wihtol de Wenden, 2009), above all if we compare State-level policies (in both North and South) or EU policies, through which, as discussed above, policies are being developed in different

STOCKHOLM PROGRAMME

The Stockholm Programme, approved in late 2009, will determine the European Union's agenda over the next five years in the area of Justice and Home Affairs (JHA). This area includes issues such as asylum, immigration, judicial cooperation, the fight against organised crime and the fight against terrorism, and its greatest challenge is finding the proper balance between citizens' rights and freedom of movement within the European Union and the continent's security needs. One of the main issues in this area is migration policy, which makes up a large, although by no means uncontroversial, part of the programme, where the main challenges are related to irregular immigrants and asylum seekers. This area (JHA) was created under the Maastricht Treaty (1993), which established the pillar system and under which foreign and security policy were dealt with in the second pillar, that is, at the intergovernmental level, requiring unanimity between the Member States. The changes in the pillar system began with the Amsterdam Treaty (1999), under which Member States decide on certain issues, including immigration and asylum policy, at the supranational level, such that unanimity was no longer necessary. Finally, the Lisbon Treaty (2009), ended the pillar system and placed the entire JHA area within a supranational logic, under which the prior requirement of unanimity was jettisoned in favour of decisions taken by a qualified majority.

Thus, aspects that until recently fell under the sovereignty of nation states, are now dealt with at the European level. Even Member States that were wary of the excessive transfer of jurisdiction over internal affairs to the Community level accept that cross-border crime within the EU requires cross-border cooperation.

The Stockholm Programme, whose predecessors were the Tampere Programme (1999-2004) and the Hague Programme (2004-2009), is

based, as a whole, on the idea of a global approach to migration, noting that, if migration is managed, it can yield benefits for both the sending and receiving countries. From this perspective, the EU seeks cooperation with both countries of origin and transit countries, promoting legal and even circular immigration, as well as the prevention of illegal immigration. Within this approach, one of the most controversial areas has been that of asylum, in which the need to find a balance between obligations under international law and the political sensibilities of each country has been discussed. A key issue lies in the requests by some southern European countries that are home to large numbers of asylum seekers for a way to distribute these people to other Member States, something that northern European countries are reluctant to accept.

The effort to resolve the tensions between freedom, security and justice, as well as between irregular immigrants and asylum seekers, will feature prominently on the political agenda over the next few years.

For more information:

Stockholm Programme

http://ec.europa.eu/justice_home/news/intro/doc/stockholm_program_en.pdf

The Hague Programme

http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities/

Tampere Programme

www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/00200-r1.en9.htm

areas such as foreign relations and border control programs.

Today we can say that migration policies at the EMP level have not been sufficiently effective in developing a common Euro-Mediterranean strategy

This trend is reflected in the results of the Euro-Mediterranean Survey (Euromed Survey Report 2010), in which 51% of respondents felt no progress has been made or a regression experienced in achieving the priorities established for migration issues on the 2005 work agenda. Specifically, the priorities in which least progress has been made are, firstly, combating the brain drain (83% of respondents feel no progress has been made, the negative evaluation rising to 95% in Maghreb countries). In the second place is the goal of significantly reducing the level of irregular immigra-

tion and human trafficking. Here, 71% of respondents made a negative or very negative evaluation of policies or programs in this field. In this case, countries in the South registered less negative evaluations (57% in the Maghreb and 60% in the Mashreq). It is interesting to note how, in the struggle against irregular immigration, the North has a more critical view (23% of respondents from the EU27 consider that there has been progress in this area, whereas in the South this view reached 42% in the Maghreb and Mashreq 40%, i.e. practically double the respondents). Finally, the third area where little progress is considered to have been made is in the promotion of opportunities for regular migration, with a 70% negative rating (75% in the Maghreb, 83% in the Mashreq and 64% in EU countries).

Thus we see that objectives such as reducing irregular immigration or fostering opportunities for legal emigration channels, which prominently involve border management, are evolving negatively, yet North and South Mediterranean countries value this differently. The trend seems to indicate that the northern Mediterranean countries wish to expand measures to reduce

regular migration in the region, while demands from the South are more tenuous.

Apart from this trend, other issues must be considered, such as prospective analysis, whose aim is to analyze key elements of possible future scenarios in the Mediterranean Region. According to the responses received, the paralysis of the Euro-Mediterranean process caused by the conflict between Israel and Palestine and water scarcity as a source of social conflict are likely or very likely to affect the region (60% of respondents). So will social tensions caused by labour market pressure in the South as well as the continuity of political regimes (50% of respondents with regard to both scenarios). As a result of the latter two factors, respondents consider irregular emigration to Europe will continue growing (50% consider it likely or very likely) as well as irregular migration, which will continue to increase (47% of respondents).

This scenario, coupled with the trend towards a process of institutionalization of border management in the Mediterranean, suggests that in the EU's wish to outsource the European migration policy, European border control interests will continue to take priority, placing us in the contradictory position of maintaining an open rhetoric on development and cooperation issues while implementing a Eurocentric perspective based on the prioritization of border management and the need to control illegal migrant flows.

Consequently, we should ask ourselves whether the Euro-Mediterranean Partnership and the Union for the Mediterranean would be in a position to serve as a framework lending regional coherence to migration management. For the time being, one note that could be considered positive is the fact that in the first step of the UfM, one of the initiatives considered key for the first stage is convergence with the EU civil protection mechanism in order to boost enhanced cooperation in relief and civil protection action. One specific dimension will be maritime security and the role

of the EMSA (European Maritime Safety Agency). This strategy opens the door to considering addressing safety in the field of migration as a multidimensional concept that includes human security, establishing civil protection as a regional added value.

References

- AUBARELL, G., ZAPATA-BARRERO, R., ARAGALL, X. "New Directions of National Immigration Policies: The Development of the External Dimension and its Relationship with the Euro-Mediterranean Process." *EuroMeSCo Papers*, No. 79, 2009.
- AUBARELL, G., ARAGALL, X "Immigration and the Euro-Mediterranean Area: Keys and Trends in the Establishment of Policies." *EuroMeSCo Papers*, No. 47, 2005.
- FARGUES, Ph. (ed.) *Mediterranean Migration, 2008-2009 Report*. Florence: Consortium for Applied Research on International Migration (CARIM), Robert Schuman Centre for Advanced Studies (RSCAS), European University Institute, 2009.
- EUROPEAN INSTITUTE OF THE MEDITERRANEAN (IEMed). *Euromed Survey of Experts and Actors. Assessment of the Euro-Mediterranean Partnership: Perceptions and Realities*. Barcelona: 2010.
- MARTÍN, I. *Labour Market Performance and Migration Flows in Arab Mediterranean Countries: A Regional Perspective*. Florence: RSCAS, European University Institute, 2009.
- WIHTOL DE WENDEN, C., "Human Mobility in the Mediterranean Basin: An Integral Element of the Euro-Mediterranean Partnership," in *Med.2009 Mediterranean Yearbook*. Barcelona: IEMed and Fundació CIDOB, 2009.
- WOLFF, S. "Border Management in the Mediterranean: Internal, External and Ethical Challenges." *Cambridge Review of International Affairs*, Volume 21, No. 2, 2008.