EU-GRASP Policy Brief

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The EU and Migration

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Executive Summary

The 2010 Annual Report on Immigration and Asylum (European Commission 2011) has counted at 570000 the number of irregularly staying third country nationals apprehended in the EU in 2009, while 394000 persons were refused entry in 2010 (European Migration Network 2011). As for asylum, 257815 applications have been recorded in Member States in 2010, a decreasing number with respect to previous years (UNHCR 2011). The relevance that migration as an issue area is progressively assuming in the European Union's agenda has been recently further underlined by the events occurred in North Africa and the Middle East. The latest report delivered by the FRONTEX Risk Analysis Network (FRAN) has shown that the focus on irregular immigration at the EU's external border has been recently shifting from the East to the Central Mediterranean, with a remarkable increase in detection of illegal border crossing in the first quarter of 2011 with respect to previous figures (FRAN Quarterly 2011). The European response to the uprisings in the region has been quite fragmented and uncoordinated. The EU was called to demonstrate its external security actorness, showing resolve and playing its role as a 'model' supporting democratic transitions. Also, and with a view to the mounting flows of people trying their way to Europe, it was called to show internal coordination and solidarity in accordance to its commitment to a common migration and asylum policy. Alas, the European Union has fallen short of expectations.

The tepid resolution and the patchy answer to the crises in the immediate neighborhood invite reflections on two fronts: externally, the European Union has shown a general preference for stability in the near abroad; abating previous regimes would put in danger agreements on the control of illegal flows. Internally, Member States have buck-passed responsibilities on flow management and the rise of national barriers has been adopted

as first tool to handle the crisis. Both elements testify to a general interpretation of illegal flows towards the EU as a security challenge, an understanding that has largely characterized the Union's and Member States' policies on migration and asylum in the last decades and that has also informed relations with strategic partners on the matter (in particular the United States). Ultimately, though, this approach has backfired on the EU, the external and internal credibility thereof seems to be questioned. To have an impact on global politics the EU should live up to its aspirations, act coherently and comply with fundamental principles subsumed in its experience. Part to this process would imply to deviate from a prevalently security interpretation and governance of illegal immigration, which looks as short-sided and flawed a strategy to face the phenomenon.

Introduction

At least from the creation of an area of freedom, security and justice and EU partly overtaking of competences on migration and asylum (Amsterdam Treaty 1999), a security approach to irregular immigration (especially referred to undesired people heading for Europe) has developed at the European level. The broad usage of alarming tones referring to undesired migration in Member States' and European discourses and documents together with specific practices chosen to organize and deal with the matter have encouraged a security framing of the phenomenon. Illegal immigration has been dealt with by the EU and in particular by Member States adopting restrictive policies on the borders, reducing the opportunities for legal entries and relying bilaterally on origin and transit countries (notwithstanding their authoritarian nature) to reduce outflows. The main trust of this Brief is that such a security governance of migration has posed a series of challenges to EU's credibility internally and internationally due to both incoherence with its own values and principles and to the proved ineffectiveness of tailored policies to downplay the root causes of migration.

Background and the problem with the existing approach

Handling migration implies coordinating with actors from where third citizens depart or transit, taking into account the variegated set of reasons triggering and alimenting illegal movements, ranging from poverty to conflicts. At the same time, it should envisage the creation of opportunities for legal entry. Mainly relying on policies emphasizing restrictive measures and control priorities, that is, relying on purely security policies, can be only a part of a broader strategy aimed at downplaying the root causes of potential illegal flows.

As a matter of fact, a security understanding to migration has been apparent in many forms. While this security turn has contributed to politicize the matter it has also posed manifold challenges to the point that migration is one of the issue areas where the EU is tested today on its internal and external credibility in the international landscape. But how has the issue come to be interpreted and framed in security terms? The academic literature has emphasized how securitization (focusing on security discourses, acceptance by the audience and the breaking of normal rules through emergency measures, see Buzan et. al 1998) and insecuritization (focused on 'governmentality' as a tool to govern a population through normal policing, see Huysmans 2006)) processes and practices play a role in rendering an issue one of security. Theoretically and methodologically different, both approaches play a role into the analysis on 'security framings'. Member States and European official documents have largely described illegal immigration as a potential challenge to the EU and Member States. Emergency discourses have especially followed tipping moments emphasizing the need for urgent and immediate actions. For example, the terrorist attacks of 11 September and the following ones in

Europe in 2004 and 2005 have magnified the necessity to undertake restrictive measures against illegal immigration, alluding to a not-better explained connection between migration and terrorism. The terrorist events alimented fears against the potential abuse of asylum systems; thus, also asylum seekers became a category to carefully monitor. 'Saving the lives' of migrants was a peculiar security discourse introduced and amplified by tragedies occurring in attempts at reaching European coasts; the likely provisions associated to the discourse, though, leaned towards restrictive measures, suffice to recall Italy's readmission operations in the summer of 2004 justified under the 'saving the life' flag. Security tones have started to be broadly employed to describe the situation arisen especially from 2008 in Greece, interested by increasing illegal inflows following the closure of main Mediterranean transit routes to the EU.

Aside from security discourses, migration has been organized through normal policing and this has influenced its handling. For Justice and Home Affairs Ministers, in charge to watch for the free circulation of people within the European space, the 'external frontier' was conceived to be the ultimate separating wall between an external space of insecurity and an internal security one. Thus, a paramount role has been devoted to 'borders', their role, function and protection, and tools have been envisaged accordingly, such as FRONTEX, the agency for the coordination of operational cooperation of Member States in the field of border security. 'Secure borders' has become both a descriptive and

prescriptive concept encompassed in the European Internal Security Strategy (setting out challenges, principles and guidelines for EU internal security, European Commission 2010) and in the United States' Homeland protection program, as well as an issue for joint EU-US dialogue. Surveillance and patrolling systems (i. e. SIVE, monitoring Andalucian coastline) and military and security technology tools (patrol boats, helicopters and light airplanes, all-terrain vehicles and night vision equipment) have been used to control borders, while an increasing role has been devoted to defence industries in the production of equipments (i.e. the Italian FINMECCANICA through SELEX in Libya). Finally, a special attention has been devoted to the structures used to host illegal migrants both within and on the borders of the Union, which re-propose exclusion dynamics emphasizing insecurity feelings. And yet, even sidelining critical constructivism, to which the securitization and insecuritization approaches belong, a growing empirical literature has been focusing on the security impact of (massive) inflows (Fekete and Sivanandan 2009; Caldwell 2009), that proves how changed the concept of security has generally turned to be.

The prevalent security approach undertaken has uncovered shortcomings on many fronts. First of all, some of the practices to remove illegal migrants (in particular those undertaken collectively without proper identification procedures; i.e, Italy in 2004 and 2009) have been considered in breach of main conventions on basic human rights protection. Second, a byproduct of policies emphasizing

security understandings have highlighted exclusion dynamics. Analysts have pointed out the effects of a tight cooperation between transatlantic partners on information sharing regarding personal data, and on policies aimed at border control, prospecting the emergence of 'a new Northern axis "Fortress Europe-USA"' (Statewatch 2001). In particular, activities such as screening and profiling, as increasing requested by both transatlantic partners for people en route to these respective places, could lead to discrimination practices. Third, and of particular interest to this Policy Brief, relying on authoritarian regimes in North Africa for the control of illegal outflows has proven to endanger migrants' lives, for the reason that, notwithstanding having signed basic International Conventions on protection (1951 Geneva Convention on the Status of Refugees, 1969 African Organization Union Refugee Convention), and hosting UN Refugee agencies (UNHCR), these countries' records on protection are extremely poor. The situation looks all the more problematic if one considers that most of the immigrants pushed back by European countries are gathered in closed structures or open camps, the conditions thereof are at best debatable. Fourth, surveillance structures and systems established in the Mediterranean have proven to increase the number of persons drawing out of attempts to cross the Mediterranean, as people would search for more dangerous routes with less traceable but less safe boats. Finally, effectiveness problems loom large: restrictive policies undertaken seem not to have properly answered the challenge. The argument is that, given the

closure of specific routes through bilateral agreements with third states and yet unchanged figures of migrants on the move, flows are simply diverted. For example, in last years, and in concomitance to major controls of the Libyan corridor, an increased amount of illegal immigrants searching to reach Europe through Greece has been registered.

The bilateral one has been the privileged channel adopted by the EU and especially by Member States that, thanks to a series of persisting competences on (especially legal)migration and asylum, are better equipped to come to term with third countries on the matter. Persisting competences on migration and asylum, testifying to an incomplete integration process on the matter, inevitably impact on EU's capability to deal as a unique actor, as the uncoordinated internal approach and the go-it-alone strategy adopted towards the 'Arab spring' have underlined.

Policy Options and Policy recommendations

Recent events in North Africa and the Middle East have proven how short-term this kind of 'security' approach to the problem is. In particular, recent facts have underlined two elements the European Union has the opportunity to work on to better solve migration challenges: first, its integration process by envisaging a common migration and asylum policy. Second, a general de-securitization of the matter, allowing illegal migration to be discussed in a broader strategic debate on an EU external action both effective and

consistent with own principles. If one trusts the Union as a unique actor in the international landscape, committed to propose a new model of external relations it is to be hoped that both steps are undertaken.

In last months, Commissioner Malmström has put a great emphasis on the importance to foster a common asylum system as soon as possible and to strengthen European measures dealing with illegal inflows, such as, for example, FRONTEX. Also, a debate has been opened on how to improve the Schengen system, one of the main accomplishments of the European experience. Were these achievements to be reached, the Union would benefit of tools to face jointly and consistently migration or asylum crises; would deepen its position in the international landscape as a single actor and would be better able to negotiate with third actors. Nevertheless, it is unlikely that such a path will be undertaken if a security approach to the matter, in the way it has been framed, remains prioritarian, as Member States would consider the decision over whom to allow in or out as a national prerogative. Also, an external dimension to migration and asylum almost entirely calibrated on the need to control and contain illegal outflows through bilateral relations is not likely to water-down migratory pressures. This is the reason why a widespread de-securitization of the matter is all the more necessary. This does not mean to downgrade the importance of the issue but to underline its complex and multifaceted nature. Uprisings on the borders of the Union have opened up a debate on a new approach to be undertaken with third

countries, one that privileges an intra-regional dialogue based on democracy and shared prosperity promotion. Root causes of migration are given much more emphasis; thus, the need is recognized to undertake more long-term although probably less-impact policies and abandon the use of measures and tools that would reinforce the security interpretation to the matter. It is to be hoped that the Union pursues and promotes this path. This option would propose more effective strategies to deal with migratory flows, linking migration to democracy and development opportunities; would incentive regional integration processes in third areas; would prevent the use of illegal migration as a negotiation weapon in the hand of authoritarian origin and transit countries; would incentive a more comprehensive and fruitful dialogue between actors sharing similar concerns (EU-US); would calm-down national anxieties and discrimination dynamics in domestic settings; would provide the image of the EU as a single actor in the international landscape pursuing its aspirations to being a different actor.

A special focus is recommended to:

- De-securitizing different discourses through which illegal migration has been interpreted and managed;
- Developing far-sighted long-term strategies;
- Enhancing monitoring of human rights respect and rendering them a priority for migration and asylum policy;
- Improving regional and multilateral frameworks of coordination with origin and transit countries as well

as with other countries sharing similar challenges interpretation (in particular the US).

Conclusion

Over the issue of migration and related matters, the European Union tests its actorness, its role as a distinct actor in the global landscape as well as the nature and the effectiveness of its external action. Uprisings occurred in the first months of 2011 in North Africa and the repercussions these have had over EU internal and external cohesion and credibility as a security actor offer a unique opportunity to correct the ongoing approach towards illegal inflows. The security approach adopted in the last decades has proven to be shortsighted, both because it has not reasoned enough on how to deal with root causes of migration and also because it has further complicated coordination matters among Member States. Thus, this Brief suggests that a preferred course of action can be achieved by de-securitizing the matter and reflecting on a more long-term strategy on how to handle this variegated matter. Also, it recommends keep pursuing a common migration and asylum policy that would contribute to smooth the impact of migration crises and to deepen the European integration process.

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