



**Security framings and governance
patterns: irregular migration in
Mediterranean relations**

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Security framings and governance patterns: irregular migration in Mediterranean relations

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Forum on the Problems of Peace and War

Introduction

In recent years, facing irregular migration has become a priority for the European Union, representing both a test to her integration level and internal consistency as well as to her external actorness. This work delves on how the matter has moulded relations between the EU, member states and North African countries (Egypt, Libya, Morocco, Tunisia, Algeria, and Mauritania). The choice to insert Mauritania in this study is telling, in that the state has become a main transit country for migrants en route to Europe.

Relations with countries on the Southern shore of the Mediterranean sea have always been considered paramount, triggering processes of political dialogue on many issues of common interests. Nevertheless, it was only with the Treaty of Amsterdam defining an area of freedom, justice and security that undocumented migration acquired a new priority calling for a deepened cooperation with both origin and transit countries. The external dimension to migration and asylum was thus conceived to assure that concerns related to irregular migration could be faced, exploiting established frameworks of cooperation and envisaging more unilateral but focused approaches on irregular flows, centered around readmission, return and capacity-building provisions. While this paper testifies to a substantial modification of North African countries' legislation and 'capacities' vis-à-vis irregular migration, this is not to say that these have been passive actors. The undertaking of specific measures has followed negotiations on other tables of interest; this is the reason why most of what exists in terms of coordination has been a product of bilateral relations, better suited to provide profitable incentives. Also, the measures adopted have often served internal aims. Finally, European diffusion capability has found great obstacles in human rights and protection matters, impeding both the fulfilment of European objectives and

posing 'normative' challenges to the EU.

First, the work introduces policy developments between the EU and South Mediterranean countries. This will be done by both considering bilateral and multilateral patterns. Second, it testifies to the multiple security discourses on migration and asylum as endorsed by European actors encouraging and motivating increased cooperation with third countries. A critical assessment of the security-oriented approach applied to migration is provided in section three. The fourth section concludes by reporting the main findings of the case-study and providing useful recommendation for the future.

Sharing responsibilities on irregular immigration: the role of transit countries

Through the years, addressing irregular migration has increasingly been presented as a main objective for the European Union. Sometimes, contingent events have speeded up debates on the necessity to share responsibilities with third countries or impinged on the tones of the discourses delivered, but it is wrong to affirm that these facts ignited processes of cooperation with third actors on the matter from scratch. In fact, at the European level, frameworks of cooperation existed, which encompassed migration issues, while Mediterranean Member States and Southern partners have been establishing migration related arrangements for a long time. What marked a real watershed in the history of relations was the framing of the European space of freedom, security, and justice and the interpretation this space progressively acquired for the Union. This modified scenario added to increasing flows from North African countries, underlining the necessity to deepen relations with these latter.

At the European level, two patterns have developed in opposite ways in relations with third countries. The Barcelona Process, a broad political dialogue on many issues of common concern with North African countries, has only recently developed a specific chapter on migration. Instead, a more unilateral pattern especially dealing with irregular migration has developed at the end of the '90s and has only recently resulted in a more comprehensive package of measures foreseeing irregular migration as a complex and multi-faceted issue. These two processes have mainly relied on the European Neighbourhood Policy (ENP), the most important device chosen to set relations with Southern Mediterranean countries.

Launched in 1995, the Barcelona Process set the basis of the Euro-Mediterranean Partnership intended to determine both bilateral and multilateral relations to establish a Mediterranean region of peace, security and shared prosperity. Here, matters related to migration were embodied within the 'Social, Cultural and Human Partnership'. In particular, 'Association Agreements' form the legal basis for relations between the EU and Mediterranean Partners (EU-Egypt 2004; EU-Morocco 2000; EU-Tunisia 1998; EU-Algeria 2005; Libya has only an observer status in the Euro-Mediterranean partnership, while Mauritania has acceded only in 2007). The financial and operational instrument of the Partnership was MEDA until 1999 and MEDA II from 2000 to 2006. Devoted in particular to the political dialogue, this partnership has provided poor concrete initiatives on migration, while bilateral relations constituted the bulk of relations on the matter. With the Amsterdam Treaty (1999), though, and the creation of a space of freedom, security and justice, the European Union started to find it paramount to envisioning ways to concretely and jointly deal with irregular migration from the South to 'protect' this area. In fact, it was wondered whether destination countries' traditional national immigration strategies dealing with aliens (border controls, visa system, quotas..) could be effective alone in dealing with irregular flows. Instead, it was argued, EU's agreements with states of origin and transit in the field of prevention and effective repatriation were necessary. Yet in 1998, it was proposed that EU's bilateral agreements with third countries should encompass migration as a specific issue, with incentives provided by the Union made dependent on readmission, on the mitigation of push factors and on border control tasks (Council of the European Union 1998). This was conceived to be the function of the 'third circle' around the Union, characterised by the CIS, Turkey and North African countries.

The European Council held in Tampere in 1999 insisted on the necessity to work with origin and transit countries to promote voluntary return and strengthen their capacity to deal with trafficking in human beings (Council of the European Union 1999). Immediate steps were recommended to conclude readmission agreements between the Community and countries from where irregular immigration was most likely to arise. Again, it was stated that migration related issues were to be inserted in every political dialogue for preventive purposes. The concept was further developed in Sevilla, where the Council 'urges that any future cooperation, association or equivalent agreement which the European Union or the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration' (Council of the European Union 2002, 10). Readmission agreements were to be

as comprehensive as to foresee the readmission of the country's own national and those proven to have transited through the country territory. A budget line (B7.667) was envisioned to support the implementation of the Action Plans drafted by the High Level Working Group on migration and asylum (among which one with Morocco -11426/99 JAI 75) for specific origin and transit countries. Third countries were thus called to strengthen their capacities in order to 'fulfil their roles in the international endeavours to deal with the many-faceted problems caused by illegal immigration' (Draft Council 2002, 3). Capacity building and readmission provisions were thus particularly underlined in EU documents regarding irregular immigration. Intensified cooperation was to be reached with Morocco and Tunisia, among others. Also, it was advised, initiating negotiations with Libya was paramount, given that no framework of cooperation existed with the country due to the sanctions and the arm embargo (Draft Council 2002, 4).

Irregular migration was looked at as a complex and intricate phenomenon, requiring careful investigation. For example, the exploitation of the asylum procedure to get access to Europe was a mounting concern. A general debate regarding International Protection and shared responsibilities for admitting and protecting refugees was already raised at the beginning of the new century, coordinated by the United Nations High Commissioner for Refugees (UNHCR) and named 'Convention Plus'. Within the debate, an important role was played by the United Kingdom, the Netherlands and Denmark interested in 2003 by a huge inflow of asylum seekers escaping from the Iraqi conflict. In particular, on that which is known as the Blair proposal, an alarm was launched about the vast number of asylum requests not meeting specific criteria for refugee status. The proposal to tackle this problem was the creation of Transit Processing Centers (House of Lords 2003-2004). Thus, it was stated, 'one possibility might be to establish protected zones in third countries, to which those arriving in EU Member States, and claiming asylum could be transferred to have their claims processed. These 'transit processing centres' might be on transit routes into the EU' (House of Lords 2003-2004). The idea was dropped later on, although it was stressed that 'active support for a revamped approach to international protection depends on much heavier involvement of third countries of first reception and transit...' (Commission of the European Communities 2003, 13).

While transit processing centers do not exist in Southern Mediterranean countries, the idea of processing asylum requests on the border of Europe has waxed and waned. After the massive inflows of irregular immigrants on Italian shores during the summer of 2004, German Minister for

the Interior, Schily, proposed to process the claims of intercepted people in international waters in structures in North Africa with the aim of 'saving lives' (see next section) (Vitorino 2004). Together with Italian Minister Pisanu, Schily discussed 'European immigration portals', aimed at examining asylum requests, identification tasks and processing demands for regular immigration in Europe (Ministero dell'Interno 2004). If to return people to transit countries for the sake of asylum processing was deeply criticized both from European Institutions and other International Organizations, capacity building on asylum matters in North African countries was considered as a fundamental step to be undertaken to share international protection responsibilities. In fact, it was stated, countries of emigration were gradually transforming into transit and probably into first asylum states. In this sense, 'the EU has a responsibility of assisting these countries with that transforming process' (Vitorino 2004).

Efforts at assisting third countries on capacity-building on irregular migration and asylum became referred to as the 'external dimension of asylum and migration'. Accordingly, the European Neighbourhood Policy (ENP) and a new multi-annual programme 'strengthening freedom, security and justice in the European Union' have been devoted to that purpose. Developed in 2004, the ENP became the primary bilateral instruments between the EU and her Mediterranean partners, working on the basis of Action Plans (built upon precedent Association Agreements –EU-Morocco and EU-Tunisia 2008), while the Euro-Mediterranean Partnership became the regional and multilateral framework for relations with the same. From 2007, funds were provided through the European Neighbourhood Partnership Instrument (ENPI), which, on the matter of our concern was devoted to supporting reforms and strengthening capacity in the area of justice and home affairs, including as specific matters asylum, migration and readmission, the fight against and prevention of organised crime, trafficking in human beings and terrorism (Regulation 2006). Thus, it was stated, 'strengthening cooperation with countries neighbouring the EU is crucial, and must take into account their double role as countries of origin and transit. For those countries that have already negotiated an Action Plan, the European Neighbourhood Policy provides both sides with a structured framework for dialogue' (Commission of the European Communities 2005).

The terrorist attacks in Europe together with increased arrivals of irregulars at her shores in Summer 2004, exerted a certain influence on the tones of the new multi-annual programme setting priorities on migration and asylum. Referring to transit countries both in the Mediterranean and in Eastern Europe, the Council underlined the need to support these latter's efforts (Council of the

European Union 2004). A study was also recommended to be conducted in consultation with the UNHCR on 'the merits, appropriateness and feasibility of joint processing of asylum applications outside EU territory, in complementarity with the Common European Asylum System and in compliance with the relevant international standard' (Council of the European Union 2004, 209). The ENP was to be the strategic framework to strengthening dialogue and cooperation on asylum and immigration. More to that, another financial instrument was created in 2003: AENEAS was intended to provide third countries with financial and technical assistance on issues regarding migration and asylum.

Among others, project funded by AENEAS between 2004 and 2006 and regarding capacity-building on migration and asylum in North Africa were (AENEAS Programme):

- Institution and capacity-building in asylum in North Africa (Morocco, Libya, Tunisia and Algeria –for the Maghreb). Coordinated by the UNHCR;
- Across Sahara II- Regional Cooperation and capacity building on border and migration management (Libya and Algeria and Niger), Ministry for the Interior, Italy;
- Renforcement des capacités nationales d'asile et de gestion des flux migratoires' (Mauritania);
- Programme for the Enhancement of Transit and Irregular Migration Management in Libya (TRIM) (Libya), International Organisation for Migration (IOM) –Enhancement of reception conditions for stranded irregular migrants in Libya; assisted voluntary Return programmes; information campaigns in origin and transit countries; dialogue with relevant origin, transit and destination countries.
- Programme de renforcement et de soutien au Dialogue et a la gestion des migrations irrégulières et de transit au Maghreb en provenance de l'Afrique de l'Ouest, IOM;
- Strengthening protection and durable solutions for asylum seekers and refugees in Egypt (Egypt), UNHCR;
- Project Seahorse (Morocco, Mauritanie), Guardia Civil (Spain) and Ministry for the Interior, - establish and develop Maghreb-Sub Saharan African relations and dialogue on migration questions.

With multiple measures on migration and asylum, the necessity arose to deliver a strategy to organize them (Commission of the European Communities 2005b). While the 'external dimension'

to migration and asylum was widely cited in previous documents, the Commission explained clearly that the key aim of an external strategy was to address foremost challenges to the area of freedom, security and justice. Thus, guidelines were provided to 'improve third countries' capacity for migration management and refugee protection in accordance with international law; support their operational border management capacity; enhance document security; prevent illegal immigration; encourage synergies between migration and development; provide refugees with better access to durable solutions; ensure the return of illegal migrants' (Commission of the European Communities 2005, 6). A coherent strategy on the external dimension of migration and asylum had to encourage improved relations with third countries; attention was particularly devoted to the Mediterranean region because the loss of lives occurred out of the attempts to reach Europe. At the Euro-Mediterranean Barcelona Summit in 2005 a fourth pillar was added to the yet established frameworks for cooperation: 'migration, social integration, justice and security', relating different topics (EUROMED 2005). Providing assistance on migration management and concluding readmission agreements with Morocco and Algeria while intensifying a dialogue with Libya on irregular immigration in its northern and southern frontier were key steps in addressing irregular immigration (Commission of the European Communities 2005). To intensify a EU-Mediterranean dialogue on the matter, the 5+5 Dialogue on Migration in the Western Mediterranean could be used. An intergovernmental framework, this path was established in 2002 and facilitated by the IOM. Aimed at discussing migration related matters, this forum encompasses Algeria, France, Italy, Libya, Malta, Mauritania, Morocco, Portugal, Spain, and Tunisia.

The 'Global Approach to Migration' envisaged in 2005, was aimed at figuring out a comprehensive overview on migration issues, with a special focus on the Mediterranean. A more far-sighted approach to the issue of irregular flows, its causes and potential consequences, it emphasized that 'action must be taken to reduce illegal immigration flows and the loss of lives, ensure safe return of illegal migrants...while fully respecting human rights and the individual's right to seek asylum' (Council of the European Union 2005, 3). The Council emphasised the importance of member states complementary initiatives on this account and welcomed the proposal to increase financial instruments on plans for third countries.

Following AENEAS, the 'Thematic programme for the cooperation with third countries in the areas of migration and asylum' was established to bring assistance to third countries, although it did not finance programmes directly devoted to tackle the root causes of migration (Commission of the

European Union 2006). Priority was attached to regions of emigration and transit, for which some of the projects financed in 2007-2008 were (Thematic Programme):

- Improvement of protection and international migrants' life conditions (repatriated or in transit) and those made vulnerable due to migration in North Africa (Morocco, Algeria, Tunisia, Libya), Red Cross;
- A comprehensive approach to the effective management of mixed migration flows in Libya (Libya), UNHCR, - to strengthen the reception management capacities to deal with mixed migration movements; to strengthen the legal and procedural capacities in the fields of asylum and migration to address mixed migration movements; and to implement and strengthen capacities to undertake voluntary returns;
- Regional Assisted Voluntary Return and Reintegration Programme for Stranded Migrants in Libya and Morocco, LI-MO (Libya, Morocco and countries of origin –particularly Mali and Niger), IOM;
- Sahara-MED: Prevention and management of irregular migration flows from the Sahara Desert to the Mediterranean Sea (Libya), Italian Ministry for the Interior. Project financed by the European Commission (10 million euros and Italy 600000 euros). Enhancement of border management capabilities through the provision of technical equipment and the training of local capacity in cooperation with the IOM (IOM 2010).

The relevance of the Mediterranean as a space characterized by increasing flows and the renovated attention to partnership with third countries brought about by the Global Approach to Migration culminated in two important meetings, the EU-Africa Ministerial Conference held in Rabat, and the one held in Tripoli in 2006. Prevalently leaned towards Western Mediterranean routes, the Rabat Conference was significant in that it covered a range of issues related to migration and development. On the other hand, the Conference held in Tripoli, broadly participated, aimed at covering a larger set of migratory routes throughout Africa. In the view of the willingness to deepen political relations, the Euro-Mediterranean Partnership was re-launched in 2008 as the Union for the Mediterranean (Joint Declaration 2008). The attempt was to emphasize the multilateral character of the partnership, all the more necessary given the centrality of the region to all members. The same year, the European Pact on Immigration and Asylum took a tough stance on irregular migration, insisting on return matters and on readmission agreements at the EU or at bilateral level, 'so that each Member State has the legal instrument to ensure that illegal immigrants

are expelled' (Council of the European Union 2008, 7). As for return operations, a discussion was started to strengthen the role of FRONTEX, the European Agency for the control of external borders; aside from providing the necessary support to joint return operations, FRONTEX was also considered to carry out projects to identify real needs for capacity building on border management (Commission of the European Communities 2008). On that account, negotiation of agreements on technical cooperation with border guards was mandated, among others, with Egypt, Libya, Morocco and Mauritania. Given the fact that the Libyan route was at that point in time the most important transit route to the Union, the conclusion of an EC readmission agreement was strongly recommended, although national provisions yet undertaken by Member States were considered as a main substitute (Council of the European Union 2009).

European contribution to North African countries' migration policies

The previous section has shown the emergence of the EU external dimension of migration and asylum with a focus on Southern Mediterranean countries. Employing bilateral and multilateral processes, the European Union has underlined the necessity to help engage these states to better manage irregular migration essentially through assistance on capacity building. Adding to that, the EU has insisted on the importance of readmission and return as measures to provide credibility to the area of freedom, security and justice. The Union has repeatedly encouraged member states' initiatives with third countries because due to historical linkages and yet established frameworks, they seemed well equipped to complement European provisions.

Two phenomena better than others testify to the impact of EU's and member states' influence on Southern Mediterranean countries policies: the intensification of measures addressing irregular migration and the increasing role of detention structures hosting irregular persons. Indeed, the amplification of control measures on the borders of the Union (through visa, patrolling operations), together with readmission operations and the closure of specific routes, have somehow created the problem of how to deal with people forced in these countries. This fact, together with the willingness of third countries to show their political resolution and to gain more leverage on other negotiating tables, have contributed to toughen legislation on irregular immigration.

What follows is a brief outlook on Algeria, Tunisia, Morocco, Egypt, Libya and Mauritania, to have a sense of how migration policy in these countries has changed in the last years. Not pretending to be

exhaustive, this outlook tries to bridge studies on EU and North African states migration policies, which most of the times are discussed separately within the literature.

Algeria

Algeria is an emigration and increasingly a transit and destination country for people arriving from Africa and Asia, who reach the territory through Mali, Niger and Libya (Labdelaoui 2008). Algeria has been a major transit point to Morocco and Libya, while only recently, and in particular after 2006, it has become a direct point of access to Europe (Bensaâd 2008), main destination countries being Spain and Italy. With the latter, Algeria has signed in 2009 a Memorandum of Understanding on illegal immigration and trafficking, which according to the Italian Minister for the Interior Roberto Maroni has almost eliminated landings in Sardinia through the interception of irregular immigrants in international waters (Comitato Parlamentare 2010).

The Association Agreement with the EU dates back to 2005, and envisages cooperation on irregular migration, while an Action Plan has not yet been agreed upon. A sustained increase of irregular flows in Algeria has been observed from 2000, in correspondence to Libya's adoption of restrictive policies on migration (Kerdoun 2009). Experiencing itself irregular immigration in its territory, Algeria is in favour of restrictive measures. In fact, it has strengthened measures on the borders, repatriated and imprisoned irregular migrants. To address the matter, the country is in favour of taking initiatives at the regional level (Messhael 2006). In 2005, after the Ceuta and Melilla facts, hundreds of persons have been conducted to the frontier by Algerian authorities after their evacuation from an informal camps created at Maghnia, on the border with Morocco (Rodier 2006: 4). In 2008, Algeria approved a law on the conditions of entry, stay and movement of foreigners; tougher sanctions were established for irregular movements and their facilitators. Among others, the law has been motivated by the development of transnational organised crime and international terrorism networks (Kerdoun 2009). Aside from expulsion, the law envisages the creation of centres to collect foreign irregulars waiting repatriation, and, as in France, it foresees a maximum detention renewable of 30 days (Temiali 2008). It is relevant to note that Algeria was for a long time opposed to the idea of creating centres on its territory (Kerdoun 2009). A particular attention is devoted also to irregular emigration. Readmission agreements have been concluded with France, Italy, Spain and the United Kingdom. To improve management capabilities, Algerian authorities have met European experts (Labdelaoui 2008 25). Nevertheless, Algeria seems not to totally endorse the

security-oriented approach framed by Europe. At the Tripoli Ministerial Conference of 2006, Minister Messhael emphasized that there exists a strong contradiction between good, services and capital circulation and person circulation between Africa and the EU. This restrictive policy, he maintains, has paved the way for a hermetic closure of certain frontiers and, on the other hand, for a space of prosperity surrounded by tragedies at sea and increasing irregular flows (Messhael 2006). Algeria has ratified the Geneva Convention of 1951 on refugee status and its protocol of 1967. Also, it has ratified the regional Treaty of the Organisation for the African Union in 1969 on refugees in Africa and accepted the opening of a UNHCR office in Algeria.

Libya

In the last decade, the country has assumed a great relevance in the strategy against irregular immigration. At the end of the '90s, the route that brought immigrants to Europe through Tunisia was almost closed, thanks to bilateral cooperation with Italy. Thus, the North African country became the main springboard for irregular immigrants heading for Europe. Until 2004, no direct relations existed with the EU, due to sanctions and the weapons embargo. A paramount role in advancing dialogue has been played by Italy that started cooperation with the country in the late '90s (see Ceccorulli 2011).

Libya is not new to policies and measures addressed against irregular migration; yet in 2000, Libya expelled many irregular migrants following a period of riots and social disorder in the country. Nevertheless, it is inevitable to observe a new wave of restrictive provisions related to intensified cooperation with Italy and, to a lesser extent, with the EU. Precisely in 2004, Libya passed a law strongly toughening measures on irregular immigration and trafficking (Libya Detention Profile 2009). The same year, two new departments were created: one for coastal security and the other for terrestrial frontiers (Ministero dell'Interno 2004). Libya has recently created the anti-infiltration and illegal immigration department within the Ministry for the Interior (ENPI Libya 2009).

In 2007, in relation to new agreements with Italy and the EU on irregular migration, to a new boost of irregular flows and to intensified controls of Moroccan routes, Libya reported the intention to expel all foreign immigrants in an irregular position within its territory and to reinsert the visa for all African citizens (then relieved for the Maghreb ones). Visa obligations exist also for the exit of foreigners (Ordonnance du Comité Populaire Général n° 125/1373, 2005). In 2010 Libya adopted

law n°19 related to the fight against irregular migration. The main provisions regarded increased punishments for traffickers in human beings and illegal immigrants and the possibility to legalize foreigners' position within a period of two months, after which they would be considered as illegal immigrants and thus subject to penalties. Thus, in the summer of 2010 all the detention camps existing in Libya have been emptied, although some of them re-started to host irregular migrants at the end of 2010. The decision seems to have been taken by the Colonel after huge protests from the international community and some European states regarding human rights and in particular the conditions of Eritrean immigrants in the Braq center.

Detention of irregular immigrants in Libya is a widely debated topic, to the point that we actually have more information on these structures than on those of other countries. Within the project 'a Comprehensive approach to the effective management of mixed migration flows' started in 2009 under the Thematic Programme, the Italian Council for Refugees, together with the UNHCR and the International Organisation for Peace, Care and Relief (IOPCR), a Libyan Intergovernmental Organization, have been monitoring and improving life conditions in Libyan detention centers. According to these organizations, there exist almost 18/19 centers in Libya,¹ although those known for sure are 15, all of which have been visited but those in Gath, Gatrún and Kufra in the South of the country. Thus, the 12 centers visited are: Zawarah, Surman, Zawia, Twisha, Garabulli, Zlitan, Misrata, Ajdabia, al-Bayda, Ganfuda, Braq and Sebha for a total of 4421 persons registered in June 2010 mainly from Chad, Sudan, Eritrea, Nigeria, Egypt, Somalia.² The Misrata center, hosting mainly Eritrean and Somali immigrants, was carefully monitored by the UNHCR. The UN organization has an office in Tripoli that has never been formally recognised by the Libyan government. The office was closed for a period of time in Summer 2010 with the project coordinated by the organization suspended. In 2011 it was reopened albeit with some limitations.

The centers, managed by the General People's Committee for Public Security, have been mainly located to cover three borders: the Tunisian border, the Egyptian and the Southern one with migrants coming from three main routes: Sudan, Niger and Algeria. Italy has contributed to the creation of three centers (Ministero dell'Interno 2004). Two of the centers have turned in a training school and a sanitary structure, while the third has still to be built.

¹ Numbers year vary according to organizations or to direct testimonies collected in centers (see for example Del Grande, 2007; Global Detention Project 2009; Jesuit Refugee Service 2009; Human Rights Watch 2009).

² Thanks to Barsella.

Most of the immigrants pushed back by Italy, as well as people found in the desert, have been put in centers before being repatriated or released.³ Technical assistance in stepping up Libya's Southern and Mediterranean borders has been especially provided by Italy (Ceccorulli 2011), while the EU has mainly focussed on strengthening protection and asylum capacities (see financed projects above and ENPI Libya 2011-2013; Press Release 2010). The European Council has recently laid down two proposals regarding Libya. First, to establish an ad hoc protection programme in the country for persons intercepted at sea and returned, with the support of the IOM and the UNHCR, responsible for identifying those in need of protection (Council of the European Union 2009). Second, to allow the examination of asylum applications in Embassies in Libya (Council of the European Union 2009). Both proposals contributed to the debate on the externalisation of asylum procedures, all the more regrettable given the fact that Libya has not signed the Geneva Convention and does not recognize the existence of refugees on its territory.

Indeed, the situation occurring in Libya these months is having a huge impact on migration related matters, underlining once more the relevance of the issue and its linkage with foreign policy.

Morocco

While Morocco has been for a long time an emigration country, since the '90s it has also become a transit and immigration country, hosting prevalently Sub-Saharan and Middle Eastern irregular migrants and asylum seekers (CARIM –Migration Profile 2009 Morocco). Relations between Morocco and the EU have been longstanding, built upon bilateral and multilateral patterns. Moreover, the country has signed readmission agreements with Germany, France, Portugal, Malta, Italy, and Spain, although not all of them have been completely actuated. After the terrorist attacks that struck Casablanca in May 2003, Morocco passed a law on the struggle against terrorism, and six months later a new provision regarding 'the entry and stay of foreign nationals into Morocco, emigration and irregular immigration' (law n°2, 2003). To put it simply, the law established sanctions for all irregular entries into and exits from the territory. In particular, law 50 established fines and detention for all migrants leaving irregularly at all Moroccan borders (Elmadmad 2004). Being the only contact point with the EU (through the Ceuta and Melilla enclaves), Morocco has deeply resented of the restrictive measures endorsed by the EU and by European states. In 2002, the SIVE, a high tech border surveillance system, has been installed by Spain to control the Gibraltar

³ Anonymous interview

Strait to detect irregular migration and drug trafficking. This has inevitably diverted attempts at reaching Europe towards the enclaves of Ceuta and Melilla, settled on the Moroccan territory. Migrants hoping to cross these 'fortified' places protected by barbed wire, gather in the forests nearby, transformed in open and informal camps, the most important of which are Bel Younes (close to Ceuta) and Gourougou (close to Melilla) (CIMADE 2004). The detention center in Oujda (close to Algeria) is destined to migrants ready for expulsion.⁴ The tragic facts that happened in Ceuta and Melilla in September 2005, had as main by-product the deviation of flows far South through Mauritania to reach the Canary Islands, and triggered European cooperation with the country.

Many repatriation operations have been conducted since 2003 (Belguendouz 2005: 21). It has often been observed that official visits by Spain authorities in Morocco have been accompanied by arrests and expulsion practices operated through incursions in open camps, especially at the beginning of 2005 (Belguendouz 2005). In the EU-Morocco Action Plan of 2005, a particular attention was devoted to matters regarding irregular migration, asylum, and the control of frontiers. The MEDA programme (up to 40 million euros) on the management of frontiers for the period 2004-2006 was also accelerated (Action Plan UE/Morocco 2005). On asylum, adoption of main international protection standards and principles was encouraged and supported by the EU through thematic programs. More than in one occasion, the European Union expressed her intention to negotiate a readmission agreement with the country, which as of today does not see the light.

Morocco is signatory to the 1951 Convention and the 1969 Convention, while an agreement with the UNHCR has been signed in 2007, allowing the organization to operate according to its mandate.

Mauritania

Mauritania is not a North African country, but, similarly to other countries here presented, it is a transit route towards Europe (Ceccorulli and Fanta 2010). Thus, in the last years, it has assumed a relevant role in the European strategy against irregular migration. The EU has requested the country both to contribute to stem departures from its territory as well as to introduce basic standards on protection. Intensified control on the European shores and on the Maghreb countries' borders, have deeply affected Mauritania's standing towards irregular migration, which originates

⁴ Other informal places exist in Morocco (Messnana, Tarfaya, Laayoune) but these are the places visited by the CIMADE in its mission to Morocco in 2004.

mainly in Mali and Senegal. These pressures, as well as mounting flows out of wars and poverty within the African Continent, have encouraged a revision of migration policies. Thus, 'the authorities have acknowledged the necessity to intervene in the short, medium and long term, because it is urgent to limit the flow towards Spain' (Document de stratégie pays Mauritanie).

Relations with the EU are mainly entertained through the APC-EU Cotonou Agreement (African, Caribbean and Pacific countries), signed in 2000, while Mauritania is also part of the Union for the Mediterranean and the 5+5 dialogue. In May 2006, a bilateral dialogue was opened with Mauritania and Senegal on issues regarding migration (article 13 of the Cotonou Agreement), foreseeing, among others, readmission obligations at specific requests advanced by a Party to the agreement and encompassing the readmission of foreign nationals. A programme to support Mauritania in reducing undocumented flows towards the European Union was financed in 2006 under the budget line 'Rapid Reaction Mechanism' (RRM) for up to 2,45 million euros and envisaged the improvement of detection and detention capacities; upgrading of administrative retention conditions, assistance to voluntary return, legislation revision and institutional assistance (Document de stratégie pays Mauritanie). From 2006, Mauritania has cooperated with Spain and FRONTEX for the readmission of both foreign nationals transited on its territory and of foreign nationals detained in camps to be later repatriated (CARIM- Migration Profile Mauritania 2010). Figures clearly show that starting from the same date, a skyrocketing number of expulsions have been executed by Mauritania, while progressively declining is the number of people trying to reach European shores (CARIM, Migration Profile Mauritania 2010).

After a long time when migration was essentially dealt with informally, due also to the fact that Mauritania pertained to the free circulation space of the ECOWAS⁵, last years have seen a strong commitment on the management of irregular immigration. In particular, Mauritania has reached bilateral agreements with Spain regarding surveillance and monitoring operations on the country's coasts (included joint patrolling) (2006), while both countries signed a readmission agreement regarding national and foreign nationals (2003). Spain has conferred a great importance to Mauritania for irregular immigration, stressing the strategic position the country holds at the crossroad of the Maghreb, Western Africa, and the Sahel region (Gobierno de España 2008). Starting from 2006, FRONTEX has coordinated operations HERA I and HERA II to tackle irregular flows

⁵ Mauritania has maintained free circulation through bilateral agreements notwithstanding its withdrawal from the organization in 1999.

along Western African coasts. In 2007, a Memorandum of Understanding on coordination and collaboration in combating clandestine migration by sea and for saving lives at sea was signed with the Iberian country together with an agreement to regulate and order migratory flows for work purposes (African Plan: 108). Also, progress in the field of migration and defence through training courses on the Spanish c-212 aircraft -to be handed over to Mauritania's authorities- was encouraged (African Plan 2008: 108). An attempt to better tackle terrorism is part of the Mauritania strategy envisaging cooperation with the EU and member states on irregular flows. Borders with Mali and Senegal have been equipped with many police and gendarmerie checkpoints (Global Detention Project 2010).

Mauritania hosts a detention centre at Nouadhibou, 'Guantanamo', governed by the National Security Service, opened in 2006 in cooperation with the Spanish Agency for International Development Cooperation (AECID). Detention services are provided by Spanish and Mauritanian non-governmental organizations (Global Detention Project 2010).

Refugees and asylum provisions are regulated by a 2005 Decree defining the application of the International Convention on the territory of the Islamic Republic of Mauritania (Republique Islamique de Mauritanie 2005), while Mauritania has been hosting a UNHCR and an IOM office since 2005. The 1951 and 1967 Conventions have been ratified.

Egypt

For a long time, Egypt has been an emigration country. Today, the North African state is also a destination and transit country for many refugees and asylum seekers coming from the horn of Africa, Palestine, Iraq and Sudan, plagued by environmental and, most importantly, by political factors. In particular, the huge number of refugees born out of the Darfur conflict has been difficult to deal with, especially in 2005, because of the impossibility to envisage resettlement or voluntary repatriation programmes (Coslovi, s.d.). Thus, from that moment on Egypt has intensified relations with the EU, opening a dialogue on migration⁶, a necessity rendered even more impellent by the progressive closure of the Libyan route to Europe and by an increased amount of irregular migrants (CARIM- Migration Profile Egypt 2010). In 2005, Egypt has strengthened measures regarding

⁶ Egypt and the EU share a long standing history of cooperation dating back to the '70s, strengthened by an Association Agreement containing a readmission clause (never negotiated) entered into force in 2004 and an Action Plan enforced in 2007.

foreign nationals' irregular entry, stay and exit from the territory, even though irregular emigration of nationals is not sanctioned. On the contrary, the country has not accepted to start a dialogue on border management with the EU (Commission Staff Working Document 2010). The EU/Egypt Action Plan emphasized the need for an intensified cooperation on migration-related issues, including effective joint management of regular and irregular flows, readmission, facilitation of the legal movement of individuals, equal treatment, social integration of legal migrants and asylum (EU/Egypt Action Plan 2007). AENEAS and Community programs were proposed to provide technical and financial assistance in particular for asylum, while a comprehensive dialogue on migration linking the security dimension with the economic, political, social, and cultural ones was encouraged (EU/Egypt Action Plan 2007). Cooperation, thus, was mainly based on capacity building and the development of human resources, technological capabilities, and organisational capacity (Egypt Country Strategy Paper 2007). In 2007, a readmission agreement was signed between Italy and Egypt, adding to other bilateral agreements arranged by the two countries on the matter. Egypt has signed all the most important conventions on human rights, and the UNHCR has taken on the case of refugees within the territory almost entirely.

Tunisia

Since the '90s, migratory flows from Western and Sub-Saharan Africa towards Tunisia have known a remarkable increase, overburdened in the last years by flows from the Maghreb, rendering the country an important springboard towards Italy and Spain. With Italy, the country signed a readmission agreement in 1998. On that occasion, Italy offered 500 million to finance centers in Tunisia for the readmission of third nationals who entered illegally in Italy and transited through Tunisia (Cuttitta and Vassallo Paleologo 2006: 17). The Tunisian government, finding the proposal as an interference in internal affairs, did not accept the offer. Cooperation with Italy has intensified from that time on, including also joint naval patrols across the Strait of Messina (Commission Staff Working Paper 2004). Because of the riots that exploded in the first months of 2011 and the resulting weakening of controls at the frontier, which caused the outflow of some 30000 irregular migrants toward Italy, this latter country and Tunisia have to sit at the table to reach a new agreement on the management of irregular migration. The political situation of Tunisia being still in flux, the next months will testify to the effectiveness of the new agreement signed.

In 2004 Tunisia adopted a new legislation for the control of irregular immigration (with a particular

focus on sanctions against assistance to irregular migration) (Zekri 2009); this occurred only a few months after the promulgation of the above cited Moroccan law (CARIM-Migration Profile Tunisia 2010). Since the very beginning of formal relations (1998 Association Agreement), Tunisia and the EU have started a dialogue on migration, and in particular on irregular emigration. In 2005, the Action Plan between the EU and Tunisia has insisted on assistance and capacity building on migration and asylum, while discussions about a possible readmission agreement have been opened (EU/Tunisia Action Plan). Regarding this latter point, Tunisia aims to insert the matter within broader negotiations on issues treated in the Association Agreement, with a special emphasis on social and economic development. The EU has expressed a positive opinion on Tunisia's efforts at controlling its frontiers against irregular migrations thanks also to bilateral agreements signed with European countries (Programme Indicatif National 2011-2013). In 2008, Tunisia and France signed an agreement on the management of migration encompassing a readmission clause 'in conformity to the principle of shared responsibilities on the fight against illegal immigration' (Accord Cadre 2008, 6) and on technical and organisational assistance on legal and illegal immigration. Thus, it is stated, 'thanks to a restrictive legislation, to an intensified control of its frontiers as well as to bilateral agreements with Italy and France, illegal immigration from Tunisia has considerably declined' (Document de Stratégie 2007-2013, 23). In these first months of 2011, Tunisia is hosting hundreds of thousands of migrants who flew out of Libya at its border.

Tunisia holds many detention structures in its territory, although most of them are kept secret by the authorities. Those frequently referred to are at El Ouardia and at Ben Gardane (Cuttitta and Vassallo Paleologo 2006: 17). Tunisia has signed the Geneva Convention, and a UNHCR office is operating within the country.

The impact of security discourses on policy framings: an analysis

Part of the work to understand third countries engagement in European migration strategy consists of investigating the security oriented connotation applied to the matter. The importance of security framings has been extensively explained in Christou et al. (2010). According to the literature, a paramount role in defining a challenge, such as a security one, is played by discourses, speeches and practices. The Copenhagen school has emphasized how discourses underlining 'existential threats' securitize an issue allowing or legitimizing the undertaking of emergency measures that diverge from normal practices (see for example Buzan 1983). The Paris school maintains that it is especially

‘normal policing’ or everyday speech that informs what security is (Huysmans 2006). Thus, this section will first illustrate how migration and asylum have been discussed in security terms. Second, the section will underline some arrangements that have led to an interpretation of the issue as a security one and some practices that have intensified this understanding.

Reading the documents explaining the necessity to cooperate with third countries on matters regarding irregular migration and asylum, three main security logics may be found:

Security discourses	Referent	Timing
<p>Illegal migration disrupts the social life of destination countries</p> <p>Illegal migration should be kept under control to preserve the European space of freedom, security and justice</p> <p>Illegal migration can be related to organized crime and terrorism</p>	<p>Destination and transit countries’ society</p> <p>European society/citizen</p> <p>European and transit countries security (capability of the state to protect from physical threats)</p>	<p>Treaty of Amsterdam</p> <p>Emphasized by the terrorist attacks in the US, in Europe and in third countries</p>
<p>Asylum seekers may engage in illegal immigration</p> <p>False asylum seeker applications endanger European asylum credibility</p>	European societies and European asylum system	Beginning of 2000 onwards (picks in 2003, 2004)
Migrants and asylum seekers may lose their lives in trying to reach European shores	Migrants and asylum seekers	Echoed by the tragedies at sea and borders (2004, 2005 onwards)

This table groups main security logics as applied to irregular migration and asylum. The second column highlights the referents of the security challenge, while the third attempts to identify the moment in time when a specific discourse has been particularly used. In so doing, it is possible to evaluate the influence of ‘tipping events’ (terrorist attacks, loss of lives at sea) that have either ignited a specific discourse or accelerated concrete policies production.

According to the security logics presented here, irregular migration is essentially seen as a challenge originating from abroad. In this sense, the external dimension of justice and home affairs ‘contributes to the establishment of the internal area of freedom, security and justice and, at the same time supports the political objectives of the European Union’s external relation, including sharing and promoting the values of freedom, security and justice in third countries’ (Commission of the European Communities 2005b, 4). The terrorist attacks in the United States added to the

sense of vulnerability and underlined the urgency to cooperate with third actors; ‘the European Council considers it necessary to carry out a systematic assessment of relations with third countries which do not cooperate in combating illegal immigration’ (Council of the European Union 2002, 11). As far as Morocco, Tunisia and Libya were concerned, it was argued, ‘further cooperation is not only desirable, but essential’ (Draft Council 2002, 4). It was emphasized that ‘the security of the European Union and its Member States has acquired a new urgency, especially in the light of the terrorist attacks in the United States on 11 September 2001 and in Madrid on 11 March 2004. The citizens of Europe rightly expect the European Union, while guaranteeing respect for fundamental freedoms and rights, to take a more effective, joint approach to cross-border problems such as illegal migration, trafficking in and smuggling of human beings, terrorism and organized crime, as well as prevention thereof’ (Council of the European Union 2004, 12). The linkage between migration and other challenges as cross-border phenomena was strengthened. ‘Freedom, justice control at the external borders, internal security and the prevention of terrorism should henceforth be considered indivisible within the Union as a whole (Council of the European Union 2004, 13). Seemingly, ‘Threats to mutual security, whether from the trans-border dimension of environmental and nuclear hazards, communicable diseases, illegal immigration, trafficking, organized crime or terrorist networks, will require joint approaches in order to be addressed comprehensively’ (Commission of the European Communities 2003b, 6). Other statements read as ‘The increase in illegal migration flows has been accompanied and encouraged by well organized and increasingly powerful criminal smuggling and trafficking networks operating in Libya’ (ENPI Libya, 42). The relevance of third states as transit point for irregular migration to Europe was emphasized, ‘Mauritania, as other countries of the Saharan-sahélian area, is confronted with security risks related to the transit of terrorist groups, in direct or indirect connection with Al Qaida, to drug traffics or smuggling towards Europe as well as to illegal migration transportation’ (Document de Stratégie Pays Mauritanie, 16). Thus, it was argued, ‘Mauritania’s strategic importance, its proximity to the coasts of Spain and its regional political relevance make it a country of high interest for this country. Added to this complex scenario is concern about the increasing terrorist activity in Mauritania of Al Qaeda in the Islamic Maghreb (AQIM)’ (Gobierno de España 2008, African Plan: 107-108).

The impact that questions related to irregular migration could have exerted on destination societies was underlined; ‘The European Council notes the increasing importance of migration issues for the EU and its Member States and the fact that recent developments have led to mounting public

concern in some Member States' (Council of the European Union 2006, 2). It was affirmed that 'poorly managed immigration may disrupt the social cohesion of the countries of destination' (Council of the European Union 2008, 3). 'Managing immigration effectively means addressing also different issues linked to the security of our society and of immigrants themselves. This requires fighting illegal immigration and criminal activities related to it, striking the right balance between individual integrity and collective security concerns' (Commission of the European Communities 2008b, 3). A certain social unease was reported to be felt also in North African countries; 'in recent years, Libyan society has become less and less receptive to and tolerant of illegal migration, as its impact is being felt more strongly on such issues as security, health and social cohesion' (ENPI Libya, 42). In the same vein, talking about the increased number of immigrants transiting through Morocco, it was noticed that 'these sub-Saharan in transit produce negative effects on the Moroccan social environment and insecure the local population' (Partenariat Euro-Mediterranée, Maroc, 11).

The second security logic has assumed a particular relevance at the beginning of the 21st century. Asylum, in the same vein as irregular migration, has increasingly put high pressures on European states' management capabilities. This was determined by the fact that asylum seekers were increasing the numbers of irregular migration due to the fact that asylum seeking was becoming a shortcut to enter the Union. The argument went as follows, 'Abuse of asylum procedures is on the rise, as are hybrid migratory flows, often maintained by trafficking practices involving both people with legitimate need for international protection and migrants using asylum procedures to gain access to the Member States to improve their economic situation' (Commission of the European Communities 2003c, 3). In addition, 'asylum and international protection system can come under serious threat if it is used for other purposes or repeatedly misused, notably by networks of smugglers in human beings' (Commission of the European Communities 2003a, 4). Supporting a plan for transit processing centers, the Blair's approach emphasized that 'between half and three quarters of those claiming asylum in Europe do not meet the criteria of full refugees...we want to develop a system in which the vast majority of migrants who come to Europe do so through legal channels...rather than arriving illegally, frequently with the involvement of criminal gangs, and then claiming asylum, irrelevant of whether they are genuinely in need of protection' (United Kingdom Government 2003). Thus the credibility and integrity of the asylum system implied 'to effectively remove from the territory of the Member States, persons who have been found not to be in need of protection' (Commission of the European Communities 2003a, 20). Observing a huge increase in

asylum requests around 2002, the French government emphasized that ‘this considerable increase was to be explained by the exploitation of asylum procedures as a tool to obtain a temporary regularization of the irregular situations of many foreign nationals’ (Assemblée Nationale 2003, 7). The issue, then, became a broadly used discourse; ‘still a large number of economic migrants use the asylum procedure to try entering or staying in the territory of the Member States. The mixed character of migratory flows contributes to put the national asylum system under pressure and the credibility of the asylum procedure under strain’ (Strategy paper for the Thematic Programme).

The third security logic has gained weight especially in relation to mounting tragedies occurring at sea, in attempts at crossing the Mediterranean. In this sense it was explained, ‘the European Council...wishes to express its utmost concern about the human tragedies that take place in the Mediterranean as a result of attempt to enter the EU illegally. It calls upon all states to intensify their cooperation in preventing further loss of lives’ (Council of the European Union 2004, 21). It was added, ‘Recent events in Ceuta and Melilla, and the situation in Lampedusa and Malta, as well as in some Greek Islands, are clear indications that urgent action is required. However, with increased migration comes the challenge of combating illegal immigration and human trafficking, including to avert the human tragedy that is a frequent consequence’ (Commission of the European Communities 2005b, 3). In 2009 it was further underlined that ‘European leaders expressed great concern at the dramatic situation in the Mediterranean....Recent events in Cyprus, Greece, Italy and Malta underline the urgency of strengthening efforts to prevent and combating illegal immigration in an efficient manner at the EU’s Southern maritime borders and thus prevent future human tragedies’ (Council of the European Union 2009b, 37). Other arguments read as ‘Illegal immigration brings a whole host of problems, from the desperate conditions in which some seek to enter the EU-suffocating in trucks, drowning at sea, or perishing in the desert; to the alienation and lack of recognition they are forced to live with once they are here’ (Press Release 2006). With reference to Morocco, ‘every year, thousands of Moroccans (as well as foreign nationals) risk their lives by crossing the Gibraltar Strait with poor ships to find a job, most of the time in an irregular position within the EU. Now, let aside the physical risk, they are exploited by different mafias on both shores of the Mediterranean’ (Partenariat Euro-Mediterraine, 44). Italian Undersecretary for the Interior, Alfredo Mantovano, goes a step further in this argument, proposing to profit from good relations between Italy and Libya ‘to start a European initiative to establish within the Libyan territory some Commissions to examine asylum demands towards Europe. In this way, ‘it will be possible to definitively stop the perilous crossings through the sea, undertaking there control and

humanitarian assistance' (Ministero dell'Interno 2010).

Together with security discourses, a specific understanding of irregular flows and the way to handle them has promoted a security interpretation to the matter. In particular, it was the framing of an area of freedom, security and justice that suggested concerns to pay attention to; among them irregular flows could be a destabilizing factor for the European internal project. This made sense, for example, to the relation established between irregular migration and other cross-border threats, such as terrorism. This framing process added to a general vision, which sees Europe as relatively stable and secure in comparison to outer regions 'innately insecure' (Collier 2006: 256). In the same vein, it was the joint treatment of migration and asylum as framed by the Treaty of Amsterdam that permitted to assimilate diverse phenomena. More to that, the creation of words such as 'mixed flows' has emphasized the security connotation applied to false asylum seekers. Thus, according to Valluy, technocratic circles much more than political discourses have influenced the pattern of security governance and have contributed to create concern feelings, as it was the high percentage of refused demands (due to restrictive policies), which has produced the image of the false asylum seeker (Valluy 2005). The creation and the use of categories such as origin, transit and destination countries was fundamental for security governance as it established responsibilities to each category of country, somehow 'transferring' security concerns. Indeed, the term 'transit' has been primarily intended as irregular immigration towards Europe (Düvell 2008) 'Our neighbors were formerly our major sources of migration, but are now more frequently transit or even destination countries. The fact that we face the same challenges now gives us a unique opportunity to understand each others' perspective and cooperate more efficiently, accepting our shared responsibilities for the issue' (Press Release 2006); 'countries, formerly of migration, now gradually transform into countries of transit and in due time into countries of first asylum. The EU has a responsibility of assisting these countries with that transforming process' (Vitorino 2004).

As observed in this work, detention structures have been created or devoted to the containment of irregular flows in North African countries. While some of these structures have emerged out of an impending need, confinement has historically been a tool to managing the flows of people or to exclude or separate part of them from the rest of the population (Clochard et al. 2004; Bietlot 2005). Thus, 'the camp, presented at the beginning as a temporary expedient has turned into a quasi permanent institution. Public powers have regularly created these closed spaces as a necessity: the state, granting wellness and public order invokes its obligation to isolate the new comers to better

monitor them and to examine their administrative situation' (Clochard et al. 2004, 17). Separation of the undesirables is so entrenched as a way of regulation that even informal structures or zones of attendance are to be considered as camps, for the reason that people have no choice but to gather there (Intrand and Arnaud-Perrouy 2005, 2). In this way camps add to the security dimension applied to irregular migration, 'if nothing for the criminal connotation associated to imprisonment' (Bietlot 2005, 15). Adding to that, the use of patrolling and surveillance tools such as FRONTEX and the SIVE has underlined the need to 'keep under control' a specific category of persons.

Implications of a governance in 'security' terms

The prevalent security connotation applied to irregular flows has put on the forefront a series of criticisms. Also, authors have interpreted EU and Member States efforts at capacity-building in and assistance to third countries as 'externalization' practices. Condemnation has been expressed on human rights abuses and detention conditions in camps in North African countries. Indeed, these governance practices are part of a same understanding: interpretation of irregular migration and asylum as security matters has encouraged the creation of an external dimension that strongly relies on assistance to third countries for control purposes. The problem arises in that the undertaking of tougher provisions has not been accompanied by upgraded protection measures and basic rights assurance, something that should trigger a re-consideration of the Union's modes of cooperation with third countries.

Authors point out the 'criminalisation' applied to undocumented migration (Intrand and Perrouy 2005; Morice and Rodier 2005; Clochard et al. 2004). The criminalization of irregular migration is all the more worrying according to the European Parliament given the assimilation between irregular migrants and asylum seekers. This is so because 'the concept of illegal immigration is itself inextricably linked to that of trafficking and organized crime. As a result, the political and humanitarian dimension of asylum is increasingly being obscured by what are essentially security aspects' (European Parliament 2004: 42). In addition, the externalization of control is said to create spaces where immigrants are trapped, overburdening and transforming the role of third countries (Intrand and Perrouy 2005; Belguendouz 2005; Rodier 2006; Cuttitta and Vassallo Paleologo 2006). Some go further to sustain that European Member States' aim at externalizing migration controls has also extended to asylum matters, as proposals for transit processing centers testify (Milner 2006: 5; Noll 2003; Amnesty International 2003; Directorate General for Internal Policies

2010; Rodier 2006; Andrijasevic 2010). These externalization processes together with strengthened measures on the border and readmission and repatriation measures have declined significantly the number of asylum requests in Europe from 2001 to 2006 (Coordination Française pour le droit d'asile 2008; Schiavone (in Cuttitta 2006: 171). Other authors notice that speaking of 'externalization processes' in the case of asylum does not depict a correct understanding of what is happening, given the fact that reliable measures to process asylum seekers do not exist in some third countries (Andrijasevic 2006).

Requests advanced by member states and by the EU on responsibility sharing have contributed to the undertaking of restrictive measures in third countries and to the use of structures to manage migrants repatriated from or prevented to heading for Europe (Le Cour Grandmaison, Lhuillier and Valluy 2007; Sciurba 2009). The lack of basic protection standards in North African countries is hugely reported in the literature. Life conditions are defined as deplorable in the Moroccan camps at Bel Younech and Gourougou in Morocco and at Maghnia in Algeria (Intrand and Perrouy 2005; CIMADE 2004). Medecins Sans Frontiers (2010) argues that migrants are currently expelled to a no-man land called 'Kandahar' on the border between Morocco and Mauritania. Scant is also the number of persons granted refugee status in Morocco as of 2008 (Elmadmad 2008), while the country has not yet adopted national refugee legislation and asylum procedures which meet international standards (UNHCR Global Appeal 2010: 5). The EU has invited Morocco to improve its legislation on asylum and to develop cooperation with the UNHCR to allow the processing of asylum requests within its territory (Neuvieme session du conseil d'association UE-Maroc 2010).

Conditions of detention camps in Libya have been widely described (Technical Mission to Libya 2004: 6; Libya Strategy Paper; Human Rights Watch 2009; Fortress Europe). Some of the detention structures have been built by improvisation and thus lack conditions for appropriate and safe stay. Libya has not only refused to ratify the Geneva Convention on refugees but excludes the same existence of refugees in the country, considering migrants as motivated by mainly economic reasons (Amnesty International 2010- Libya of tomorrow).

The ratification of main international Convention on human rights and refugees as well as the presence of UNHCR offices in third countries does not seem to assure that main protection standards are followed. Amnesty International and the Spanish Commission for Refugee Aid (CEAR) describe the conditions of the 'Guantanamo' center in Mauritania as poor, where no legal control is

allowed by the judicial authorities (Amnesty International 2008; Spanish Commission for Refugee Aid). While new laws and procedures on migrants and asylum seekers were planned to be undertaken, the coup d'état of 2008 has postponed these initiatives thus far (Spanish Commission for Refugee Aid). Notwithstanding some progress, the huge number of refugees present in Egypt do not find life easy (Coslovi s.d.), and the possibility to get refugee status in the country is difficult (Di Bartolomeo, Fakhoury and Perrin 2010). As underlined in the Progress Report for Egypt, 'there continue to be reports of violations of rights of migrants, refugees and asylum seekers' (Commission Staff Working Document 2010: 6). Referring to Tunisia, the Strategy Document for the country emphasizes that legislation regarding refugee status determination is absent, while the UNHCR only manages few applications (Document de Stratégie 2007-2013- Tunisie; Boubakri (in Cuttitta) 2006; UNHCR Global Appeal 2010). This assessed, though, it is necessary to point out that the EU, different from member states, has attempted to introduce a dialogue on basic human rights protection in third countries. Financial assistance on the matter has often passed unnoticed, conferred to International Organizations in charge of improving protection standards and capabilities in third countries. A similar program to the one undertaken in Libya and regarding the improvement of detention conditions and irregular migration management is foreseen to start in Algeria.

Indeed, turmoil in North African countries and the removal of old regimes open a new chapter in relations with member states and the EU. This will inevitably have an impact on the handling of irregular migration; thus observing how the situation evolves in terms of democratic change and rights promotion is a paramount task for the Union.

Conclusion

The main contention of this work is that framed in security matter, both in speech and practices, the handling of irregular migration from North Africa has been interpreted as a centerpiece for the EU's area of security, justice and freedom protection; thus, third countries have been called to undertake a major effort to share responsibilities on flows control. These states have progressively strengthened national legislation on irregular migration. Arguably, this process meets their willingness to show political resolve, to improve their term of trade in other matter negotiations and to manage a phenomenon increasingly interesting to them. Indeed, the EU has operationally and financially helped these countries to upgrade their capabilities on migration and asylum handling. Nevertheless, while the undertaking of restrictive measures is widely observable, the EU

is not able to promote the adoption of protection measures. Ultimately, this has a twofold implication: asylum systems lacking, these countries are not able to significantly share burdens on irregular migration; also, EU's cooperation with these countries on the matter marks a dark shadow on her attempt at being a human rights promoter.

The first section has shown how the securitization of irregular migration, especially brought about by the creation of the area of freedom security and justice, has coincided with a strengthening of existing patterns of cooperation with North African countries and the creation of more focused ways of coordination on irregular migration and related matters. Through the ENP, The Euro-Mediterranean Partnership, the Global Approach to Migration etc, the EU has set her priorities and given harms to the external dimension of migration and asylum, upgrading the Mediterranean as a strategic concern. The second section has gone beyond governance patterns to examine securitization/insecuritization processes. Thus, it has been shown that multiple and intermingling security logics were applied to irregular migration and asylum, emphasizing the need for strengthened relations with North Africa countries. Indeed, the security-oriented imprinting applied to irregular migration has not passed unnoticed, raising criticisms among scholars, policy-makers and practitioners.

After having said that, this work recommends that:

- A careful attention is paid to the balance between reducing flows of irregular migration towards Europe and the potential outcomes this aim can bring about in terms of governance processes;
- An effort is made to get a whole picture of North Africa countries situation and challenges related to irregular migration, regional conflicts, poverty, terrorism and propose more farsighted, coherent and comprehensive approaches;
- Careful monitoring is devoted to member states' practices dealing with third countries and ensures that provisions undertaken are not outrageous of human rights;
- Politicization of 'loss of lives at sea' is kept, avoiding, though, to use the issue as a justification for more restrictive policies;
- Promotion of programs aimed at improving third states standards on human rights and improving condition in detention centers is maintained. International Organizations do not contest these efforts, which are paramount, but want to make sure that they are not seen as a shortcut to externalize asylum procedure in Europe.

- Turmoil in North African countries encourage a far-sighted approach on the causes of migration and the new possible ways that open up for the handling of irregular flows and asylum through democratization processes.

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