

## **Paper on Migration**

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## EU-GRASP

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# Table of Contents

Methodology/Research Method.....	4
Section 1. Security Issue: relevance of the case-studies for the assessment of migration as a security issue .....	5
Section 2. Presentation of selected case-studies .....	9
Section 3. Horizontal report. Security framing processes and security governance.....	19
3.1 Comparing discourses and practices: what do they tell us in terms of security?.....	19
3.2 Evaluation of a security understanding and governance of migration: a comparative analysis .....	28
Conclusion .....	38
Bibliography .....	42

# **Paper on migration:**

## **EU external cooperation on migration: a comparative analysis of security framings and security governance processes**

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### **Methodology/Research Method**

This report sums up and compares the findings of the researches undertaken for the sub-package 'Migration'. Four case-studies have been developed according to the handbook (Hassan 2010a) providing a methodological complement to the theoretical paper at the basis of the EU-GRASP project (Christou, Ceccorulli, Croft and Lucarelli 2010). Thus, adopting a 'thin constructivist' methodology a qualitative analysis of four case-studies has been undertaken. In all cases, the main aim has been to investigate EU 'external' approach to migration as a tool to handling what it perceives a security challenges, that is, the inflows of 'undesired' persons. In the same vein as in Working Paper 12 among EU-GRASP publications (De Jong et al. 2010) (im)migration is here used to refer to issues related to third country citizens movements.

The case-studies undertaken are:

- 1. Irregular migration as a strategic cooperation issue: assessing the Libyan case (Ceccorulli).**
- 2. Framing irregular migration in the Mediterranean: aims and outcomes (Ceccorulli).**
- 3. Irregular Immigration to the EU: "the South-East Gate" (Kyfonidis).**
- 4. The building-up of a transatlantic agenda on migration: relevant features of a security risk (Ceccorulli).**

All case-studies have been written on the basis of primary and secondary sources; also, interviews have been conducted with experts, scholars, EU and national practitioners although some of the interviewees have preferred not to be explicitly cited in the works.<sup>1</sup>

This report proceeds as follows: the first section is a broad introduction to the security issue and underlines the relevance of the case-studies undertaken for the understanding of undesired migration as a security matter. Section two goes deeper into case-studies analysis uncovering the ‘defining’ moments or the most important steps in the evolution of the same. Section three, which delves into the ‘horizontal analysis’, will cover different aims. Attention will be paid to the processes leading to the understanding of migration as a security issue. In this sense, it will compare security discourses, framing practices and emancipation moves as reported in each of the case-studies. This would allow assessing the weight of each of these processes in the determination of ‘key issues’ identified within the case-studies. In addition, governance processes will be looked at, trying to map the main criticisms arisen, the relevant frameworks of cooperation observed (bilateral and multilateral) and the main ‘issues’ pertaining to cooperation processes. Generalizations are hardly possible given the theoretical framework adopted by EU-GRASP. Nevertheless, it is possible to draw cross-case conclusions and recommendations looking at the processes of security framing and at the implications of the security governance unfolded.

## **Section 1. Security Issue: relevance of the case-studies for the assessment of migration as a security issue**

Analyzing the ways in which discursive fields have influenced the management of migration follows from the assessment of a security-oriented approach to the matter. This latter has developed especially as referred to unwanted flows of people heading for the Union. The way in which the European Union deals with what it conceives to be security matters deserves deep investigation not only because this informs about governance processes emerging but also because it allows to gauge the impact these processes exert on or their interaction with third countries policy understandings and developments. This renders migration central to EU’s external cooperation efforts.

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<sup>1</sup> Interviews were delivered with personnel in the Italian Ministry for the Interior, with Gino Barsella (CIR-Italy), with personnel at the European Commission for the case study on Libya, North African countries and EU-US relations, with the head of IOM Greece Mr. Esdras, with Civil Service Migration, Security, Asylum in Greece, with irregular migrants, and with Fakeloi and Mega TV Greece.

Indeed, migration is a multifaceted topic, approached in different ways according to different strands of the phenomenon. For example, while migration normally codifies the ever-existing movement of people, migration can be 'good' or 'bad' depending on whether it is wanted or not. What seems to have taken ground in the last years is a general uneasiness with the matter, the increasing perception of a threat on the border of the EU ready to challenge its security, broadly referred to society, to the integrity of the Union, and to its citizens. The depiction of the phenomenon as an horde, an invasion; the presentation of inflated statistics; the emphasized desperation motivating flows supporting and igniting a feeling of threat; the forced connection among transboundary challenges emerging from peculiar interpretation of borders; the use of military technology as governmentality tools, all these elements have built a securitized understanding to the topic. In addition, it cannot be denied that 'tipping' moments underlining the need for urgent measures and the expansion of cooperative efforts have a say on the security dimension to the issue. These framing processes are all the more important in that migration is and is expected to be high on the European agenda.

Indeed, the security interpretation applied to the matter determines specific patterns of governance feeding back in and adding to the 'security' dimension applied to the issue. Moreover, the security understanding to the matter explains the reasons behind patterns of cooperation envisaged with different actors. This is the reason why this report has chosen to focus on different multilateral relations set in motion by the Union and governing the matter. In fact, a series of cooperation patterns are explored which testify to symmetric or asymmetric relational powers; to multiple frameworks for dialogue or the lack thereof; to compatible or not compatible understandings over the interpretation and the governance of the matter; and to implications on own and third countries citizens. Ultimately, EU's external cooperation inform about the achievements and the backwards of EU actions, something that deserves a careful attention for the future.

Two of the case-studies considered have allowed a deep analysis of EU's strategy and policies towards countries from where undocumented flows transit or depart. Thus, it has been possible to notice that two different patterns of cooperation exist at the European level: the Barcelona Process and its future developments and a more unilateral pattern especially pointed at dealing with irregular migration and developed at the end of the '90s. In fact, it was only with the Treaty of Amsterdam defining an area of freedom, justice and security and the following Tampere Council in 1999 that undocumented migration acquired a new priority among other issues calling for a deepened cooperation with both origin and transit countries. The external dimension of migration

and asylum was thus conceived to assure that the concerns related to irregular migration towards the European space of freedom, security and justice could be faced, using yet established frameworks of cooperation and more focused approaches, pointed at readmission and return provisions and at assistance to capacity-building.

Against this background, a specific attention has been paid to the protagonist of last years controversies over irregular migration to Europe, Libya. Investigating how the EU has dealt and deals with what is considered a key transit country has permitted to assess how relations have been developed given the absence of traditional frameworks of relations through which to discuss migration and related matters. Second, it has highlighted the role that single countries play in both setting the European agenda and in framing bilateral paths of relations, the implications of which may well impinge on EU overall actorness and normativity. This is, of course, the paramount role that Italy, as main receiver of irregular flows, has played in establishing a dialogue with Libya on the matter.

Differently from Libya, other origin and transit countries in North Africa have established stable frameworks of relations with the EU through the Euro-Mediterranean Partnership, the European Neighborhood policies and further developments. The case-study undertaken has underlined the growing importance of these countries for EU strategy against unwanted migration. Thus, cooperation frameworks have been molded with an attempt at making them share responsibilities in tackling irregular migration. In these countries, this process has been translated into the adoption of restrictive measures on inflows and outflows. In particular, the case-study has pointed out two measures testifying to this 'adaptation' process: first, the progressive strengthening of legislative provisions regarding irregular migration (visa requirements, emigration, etc.) on the model of European countries. Second, the building or the effective utilisation of confinement structures (detention centers, open camps) as a result of progressive coordination with Europe on migration matters. Efforts at assisting third countries on capacity-building in irregular migration and asylum became paramount priorities on the EU agenda, and referred to as the 'external dimension of asylum and migration'. In turn, the work has offered a broad outlook on the impact of EU's or Member States external governance of migration: in fact, policies undertaken in North African countries end up affecting other countries. This is the sense of analysing Mauritania as an utmost actor in migration security governance.

The South-east gate for irregular flows cannot be overlooked in a research aiming at depicting EU security understanding of irregular flows as well as EU external cooperation attempts. The case-

study has put under the spotlight two important features impinging on irregular migration management: first, Greece poor performance in migration and asylum management which badly matches with soaring figures of undocumented flows. Thus, a management problem clearly exists which coupled with the ongoing economic crisis has created instability perceptions. As it will be seen, this reality poses challenges to the Union as an actor and as a human rights promoter. Second, Turkey enters the scene as the main transit point through which flows pass to reach Greece. Through the Accession Process slowly going on, migration management has therefore become one of the chapters for discussion.

The last case-study considered has largely differed from the others. An often overlooked issue, the transatlantic approach to migration has pointed out a cooperative approach elaborated through compatible security understandings, whereby challenges are conceived to be as mainly external, outside the border. In this sense, although cooperation with the US can be encompassed within EU external cooperation frameworks, it can also be maintained that this dimension is constitutive in that it frames a common agenda for actions likely to impact on own policy arrangements and on third countries. The main contribution this work has provided is the documentation of transatlantic security governance as another process through which the EU (or its Member States) has framed a specific understanding of migration and the impact coordination has exerted. While longstanding, a dialogue between the two Atlantic partners has mainly developed along security and mobility. Thus, 11 September as well as terrorist attacks within Europe have somehow impinged on migration and migration related matters. In fact, the engagement of migration was apparent: illegal migration could hinder potential terrorists. Also, through the loopholes of the migration systems in both sides of the Atlantic (included through asylum seekers or refugee protection provisions) terrorists could directly reach Western territories. Hence, these events supported the positions upgrading 'border security' as utmost for the 'protection' of citizens, society, values, networks and critical infrastructures. While the transatlantic agenda on migration is still in the making, its future developments will have important implications for EU's external cooperation attempts.

Hence, the report offers a multi-faceted and comprehensive overview of multilateral channels of security governance triggered in migration and related matters. All the case-studies have in common is an understanding of undesired flows as security challenges to be faced through cooperative arrangements. Similarities and differences in approach are identified and schematized, while tables and figures are provided to map the main features uncovered.



## Section 2. Presentation of selected case-studies

### Irregular migration as a strategic cooperation issue: assessing the Libyan case

Since the first meetings emphasizing the need to engage third states in the management of undesired flows, Libya was repeatedly quoted as an utmost transit country, one with whom to start a dialogue on readmission and capacity-building matters on migration and asylum (Tampere 1999; Seville 2002; JHA Council, 28-29 November 2002). The absence of formal relations with Libya, which was not part of the Euro-Mediterranean Partnership, and which was hit by an arm and economic embargo, rendered it particularly difficult to start a dialogue and effective cooperation on the matter. On the contrary, Italy had already started to establish relations with Libya in 1999 and in 2000; Italy and Libya signed an agreement for the cooperation in the fight against terrorism, organized criminality, illegal drug traffic and illegal immigration (Governo Italiano, 2000). In 2003 Colonel Kadhafi visited for the first time the European Commission.

A true watershed happened in 2004 for Italy and European Union relations with Libya. For the first time, Libya accepted a great amount of irregular migrants removed by Italy. The decision was triggered by the arrival from 29 September to 6 October of 1787 irregular migrants in the isle of Lampedusa. In addition, on 11 October 2004 the EU economic and arms embargo against Libya was lifted, thus permitting Italy to provide the country with military tools necessary to patrol flows and allowing Europe to start a dialogue on migration. It was broadly acknowledged that Italy played a great role in sanctions withdrawal. If a first exploratory mission by the Commission services had already taken place in 2003, a technical mission was conducted from 27 November to 6 December 2004 to assess the situation of irregular migration in Libya (Technical mission to Libya 2004).

Year 2005 earmarked important turning points: first, the starting of the Hague Programme (European Council, 4-5 November 2004), the new 5-year plan for the management of migration after the Tampere one. The Hague plan insisted on the necessity to improve relations with transit countries and assist them in building up measures able to contain the flows of irregular immigrants, especially in the Mediterranean. Second, the JHA Council of 3 June 2005, where an *ad hoc* cooperation between the EU and Libya got started. Another remarkable fact was the nominee of the Italian Franco Frattini as Commissioner Responsible for Justice, Freedom and Security and Vice-President of the European Commission. Mr Frattini was recalled many times in Libyan-Italian Memoranda for having prioritized the Libya question within the European context (Ministero dell'Interno 2006a). Libya was at center stage of the Global Approach to migration, a document

drafted after the events of Ceuta and Melilla where migrants were shot dead in their attempt at crossing the Spanish border and enlisting urgent priority actions to be taken to reduce irregular migration and the loss of life. Notwithstanding the absence of formal relations, technical and financial cooperation with Libya was provided under the AENEAS Program (the TRIM project - Transit and Irregular Migration Management in Libya; project 'Across Sahara').

A Conference with the African Union was planned for the 22<sup>nd</sup> and 23<sup>rd</sup> of November: upon proposal of Italy, the Conference was held in Sirte, Libya. With a view to the meeting, Minister Amato and Vice President Frattini expressed common position on the strategy to fight against illegal immigration and on collaboration with Libya (Ministero dell'Interno 2006b). As a follow up to many requests in that sense, a FRONTEX-led technical mission visited Libya in 2007, with a special attention paid to its Southern border. The report produced by the mission staff emphasized that Libya seemed to link cooperation with FRONTEX to EU commitment to provide equipment for its Southern border (FRONTEX, 28 May-5 June 2007, 9). The European Commission launched a Thematic Program, to keep on going cooperation with third countries on Migration and asylum. Project Sahara-MED on Libya, for up to 10 million euros, regarded the prevention and management of irregular migration flows from the Sahara Desert to the Mediterranean. Although the project was financed by the European Commission, it holds an Italian flag, due to Libya's request.

A Memorandum of Understanding was signed by Commissioner for Foreign Affairs Benita Ferrero-Waldner and the Libyan Deputy-Minister for Foreign Affairs Abdullati Ibrahim Al Obeidi in 2007. Through this Memorandum, the European Union formalized its financial commitment to an electronic surveillance system in the Southern border (Terrelibere, 19 September 2007). Meanwhile, a groundbreaking agreement was signed between Italy and Libya: a protocol for cooperation on illegal migration and on criminal organizations involved in trafficking and illegal migration exploitation foresaw, for the first time, the organization of joint maritime patrolling in front of Libyan coasts. More to that, on 30 August 2008, Italy and Libya signed a Treaty of Friendship, Partnership and Cooperation. Cooperation on irregular migration was underlined, proposing the promotion of a control system for the Libyan terrestrial frontiers to be conferred to Italian society in possession of required technological competences and to be half financed by the European Union in accordance with previous commitments (see above). As a counterpart, Libya engaged itself to patrol its maritime border and to get the joint patrolling agreed in 2007 started (Ministero dell'Interno 2008).

On its turn, the European Union tried to speed up formal relations with Libya, starting in November 2008 the negotiations on an EU-Libya Framework agreement and dealing, among others, on issues regarding migration, asylum, border management, visa and possibly the drafting of a readmission agreement. One of the controversial issues regarding EU-Libya relations lingered especially on the financial contribution to be committed by the EU for the patrolling of the Southern border. Thus, Libya's requests far exceeded the amount the EU was available to offer. The result has been a stalemate in relations.

While a formal bilateral cooperation between Libya and the EU is far to see the light, the meeting of 5 October 2010 between the Commission and Libya officials is remarkable in that it delves particularly on migration issues (50 million dollars allocated). The Memorandum of Understanding signed, among others, opens a chapter on protection to be discussed with Libya, although it represents a possibility and not a yet established cooperation sector (Press Release 5 October 2010a).

#### Framing irregular migration in the Mediterranean: aims and outcomes

Both European and Member States levels of cooperation exist with countries on the other side of the Mediterranean. 'Association Agreements' form the legal basis managing 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). 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, though and the creation of a space of freedom, security and justice the European Union started to find it paramount to envisioning ways to deal with irregular migration from the South. Yet in 1998, it was proposed that EU's bilateral agreements with third countries should encompass migration as a specific issue, where incentives provided by the Union would be made dependent on readmission, mitigation of push factors and border control efforts (European Council 1998), a position that was kept in following meetings. Capacity building in third countries and readmission provisions were particularly underlined in EU documents specifically regarding irregular immigration and asylum. Accordingly, the European Neighbourhood Policy (ENP-2004 working on the basis of Action Plans built upon precedent Association Agreements) and a new

multi-annual programme 'strengthening freedom, security and Justice in the European Union' underlined that purpose together with appropriate financial instruments (ENPI). Created in 2003, AENEAS was intended to provide third countries with financial and technical assistance on issues regarding migration and asylum. The terrorist attacks in Europe together with the increased flow of irregular migrants arriving at its shores in Summer 2004, did exert a certain influence on the tones of the new multi-annual programme setting priorities on migration and asylum. Referring to transit countries the Council underlined the need to assist them in improving their control capabilities and asylum systems (Presidency Conclusions 2004).

Invoked in 2005, a coherent strategy for the external dimension of migration and asylum was to be accompanied by paramount steps in relations with third countries. Attention was particularly put on the Mediterranean region both because of the mounting inflows of migrants trying to reach European coasts by sea and because of the increasing loss of lives related to these attempts. At the Euro-Mediterranean Barcelona Summit a fourth pillar was added to the yet established frameworks for cooperation: 'migration, social integration, justice and security' considering these issues strongly related (EUROMED 2005). Most important achievement of 2005, the 'Global Approach to Migration' was aimed at figuring out a comprehensive vision on migration issues, with a special focus on the Mediterranean. The Council emphasised the importance of Member states complementary initiatives on this account and welcomed the proposal to increase financial instruments on migration related matters with third countries. Following the AENEAS programme, the Thematic programme for the cooperation with third countries in the areas of migration and asylum was established to bring assistance to third countries in the multi-faceted issue of migration management (European Commission 2006).

The increased importance of the Mediterranean as a region for irregular migration and asylum, 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 in Tripoli in 2006. More to that, with an aim at deepening political relations with the region, the Euro-Mediterranean Partnership was re-launched in 2008 as the Union for the Mediterranean (Joint Declaration 2008).

As far as cooperation on irregular migration and asylum are concerned, two phenomena better than others testify to the impact of European and Member states influence on Southern Mediterranean countries: an intensification of measures regarding irregular migration and the increasing role of detention structures hosting irregular migrants. Indeed, the intensification of measures on the

borders of the Union (visa, patrolling operations..), together with readmission operations by Member states, and the closure of specific routes have somehow created the problem of how to deal with people remaining in these countries.

In Algeria, an increase in irregular flows has been observed from 2000, in correspondence to Libya's adoption of restrictive policies on irregular migration. 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 of the Moroccan frontier. In 2008, Algeria has approved a law on the conditions of entry, stay and movement of foreigner, where tougher conditions were established on illegal movements and their facilitators. Aside from expulsion measures, the law foresees the creation of centres where to collect foreign irregular migrants waiting for their repatriation, and, as in France, it foresees a maximum detention of 30 days renewable (Temiali 2008). A particular attention is devoted to illegal emigration, which is sanctioned.

Libya has shown an oscillating pattern towards irregular migration, but it is inevitable to observe a strengthening of legislative measures in relations to intensified cooperation with Italy and, to a lesser extent with the EU. At the end of the '90s, the route that brought immigrants to Europe through Tunisia was almost closed, thanks to a strong cooperation with Italy and a readmission agreement signed at that time. In 2000, Libya expelled many irregular migrants following a period of riots and social disorder in the country. Also, in concomitance with starting relations with the EU Libya passed a law in 2004 (n°2) strongly intensifying 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 also recently created the anti-infiltration and illegal immigration department within the Ministry of Interior (ENPI Libya 2009). The development of relations with Italy and Europe in 2007; a new surge of irregular flows transiting from Libya and intensified controls of Moroccan routes, led to two important decisions. First, a declaration expressing the intention to expel all foreign immigrants in an irregular position within the territory; and second, the reinsertion of visa for all African countries (then relieved for the Maghreb ones). Visa obligations exist also for the exit of foreigners (Grande Jamahiriya Arabe Libyenne Populaire Socialiste 2005). In 2010 Libya adopted law n°19 related to the fight against irregular migration. The main provision regarded the possibilities for foreigners to legalize their position or leave the country within a period of two months, after which they would be considered as illegal immigrants and thus subject to penalties.

Thus, in summer 2010, all the detention camps existing in Libya have been emptied. According to available information, there exist almost 18/19 centers in Libya, although those known for sure are 15.

Relations between Morocco and the EU have been longstanding, developed through a set of bilateral and multilateral patterns foreseeing cooperation on migration and asylum issues. 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). The law established sanctions for all illegal entries into and exits from the territory. Many repatriation operations have been conducted since 2003 (Belguendouz 2005). After the installation of the SIVE system in 2002 for the patrolling of the Gibraltar Strait, attempts at reaching Europe were mainly diverted towards the enclaves of Ceuta and Melilla, settled on 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. The tragic facts happened in Ceuta and Melilla on September 2005 pushed South migration routes towards Mauritania, where migrants could reach Europe through the Canary Islands.

Both intensified control on the European shores and in the Maghreb countries, have deeply affected Mauritania's standing towards irregular migration. These pressures as well as pressures coming from wars and poverty within the African Continent have pushed a revision of provisions regarding migration. 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 lately repatriated (CARIM- Migration Profile Mauritania 2010). Figures clearly shows that starting from 2006, a skyrocketing number of expulsions of irregular migrants have been executed from Mauritania. The country hosts also a detention centre at Nouadhibou, 'Guantanamo' opened in 2006 in cooperation with the Spanish Agency for International Development Cooperation (AECID). The importance that Egypt assumes for our case study is almost due to the presence in the country of many refugees and asylum seekers coming from the horn of Africa, Palestine, Iraq and Sudan. Egypt has intensified relations with the EU opening a dialogue on migration, a necessity rendered even more impellent by the progressive closure of the Libyan route to Europe (Coslovi, Marcs) and by a huge amount of migrants heading for Europe in the last years (CARIM- Migration Profile Egypt

2010). In 2005, Egypt has strongly strengthened measures regarding foreign nationals' provisions on irregular entry, stay and departure from the territory, even though irregular emigration of nationals is not sanctioned.

In 2004 Tunisia has adopted a new legislation regarding strengthened measures for the control of irregular migration (with a particular focus on sanctions against assistance towards illegal migration) (Zekri 2009); this came few months after the promulgation of the Moroccan law above cited (CARIM-Migration Profile Tunisia 2010). Tunisia holds many detention structures in its territory, although most of them are kept secret by the authorities. Those frequently referred to are that at El Ouardia and at Ben Gardane (Cuttitta and Vassallo Paleologo 2006: 17).

### Irregular Immigration to the EU: "the South-East Gate"

The attempts at closing the Libyan-Italian and other Mediterranean gates to irregular migration towards Europe has rendered all the more important to look at a particular front in EU external relations: the South-East gate. To render this particular transit point of utmost importance is not only a huge increase in undocumented flows entering Greece, but also the poor performance of the country in dealing with the matter. Moreover, the case assumes on a relevant importance in that the main route to Greece is the land border with Turkey, a candidate to EU accession. Hence, provisions regarding migration management are an important part to the Turkey accession process.

Greece shares borders also with prospective candidates in the Balkans including FYROM and Albania. As such, the study becomes relevant and timely in the light of increasing public concerns in Greece at a period of prolonged economic crisis and rising xenophobia. In fact, in the country, discourse on irregular migration is assuming more than ever on relevant tones, echoing and igniting public concerns.

Irregular migration to Greece is not a new phenomenon. During late '90s, Greece received its highest amount of irregular immigrants from Albania (Frontex Press Kit, 2011) following the Yugoslavian wars, but the problem was not upgraded to a 'European' one, because for Albanians Greece was a destination country and not a transit point. The critical situation and the lack of immigration policy forced Greece to legalize a large number of irregular immigrants. More to that, the 'earthquake diplomacy', which was developed by the current Prime Minister George Papandreou following the two earthquakes in Greece and Turkey in 1999, contributed to the building of better relations between the two states. In 2001, Foreign Minister Mr. Papandreou

signed a readmission agreement with its Turkish counterpart Ismail Cem, which came in force in 2002 which. Nevertheless it seems not to have worked properly, Turkey only accepting the readmission of its national citizens, a fact that has not impeded Greece's removal practices.

Coupled with a period of dense economic problems, the last years skyrocketing figures of irregular migrants in Greece create problems on many levels. First, irregular migrants are mainly transiting through Greece, hoping to reach other European countries; second, Greece is poorly performing on the management of irregular migration igniting many criticisms from different International Organizations. Recently, a 12,5 km fence has been planned on the Greek-Turkish border. In addition, conditions in detention centers in the country are extremely poor. As for asylum, the country does not have an efficient system, and the degree of refugee status recognition is reported to be very low: this has emphasized the tendency to heading towards other European countries and has created huge problems in abiding by the Dublin II regulation system. The UNCHR describes asylum in Greece as a "humanitarian disaster" (UNCHR Briefing, 21/09/2010). While the situation in Greece is worsening, increasing attention by the EU is paid to the phenomenon and increased efforts are undertaken in addressing the issue. On its side, Greece has tried to upgrade its concerns to the European level denouncing burden-sharing problems, supported by other border countries such as Cyprus, Malta and Italy. In that context, Greece and Cyprus underlined the importance of a readmission agreement with Turkey to be prioritized.

FRONTEX operations in Greece dates back to 2005, with operation Poseidon. In October 2010, the Greek Minister of Citizens' Protection, Mr. Papoutsis officially requested from the European Commission additional support for the country. The Commissioner for Internal Affairs, Cecilia Malmström, ordered the expansion of FRONTEX activities in Greece with the deployment of the Rapid Border Intervention Teams (RABIT) in the area of Evros (Ethnos newspaper, 26/10/2010). Another move the EU is eager to do is the improvement of relations with Turkey through its Accession Partnership. Indeed, migration is not easily discussed in accession negotiations, suffice to recall the 'fear' of potential mass migration of Turkish citizens into the EU. Nevertheless, after a period of tense relations, in the last years Turkey seems on the right tracks as far as requests on migration are concerned. It is of the last months the news that a readmission agreement between the EU and Turkey is almost completed. On its side, the Turkish Foreign Office recognizes that 'Turkey is on a major migration route with ever-increasing numbers of illegal immigrants from its economically and politically unstable East trying to cross its territory towards Europe' (MFA Turkey, 2010).



### The building-up of a transatlantic agenda on migration: relevant features of a security risk

Willing to promote coordinated actions to face what where jointly perceived as new and cross-border security challenges, the EU and the US defined the New Transatlantic Agenda of 1995 as the main Document guiding actions on matters of common interest (New Transatlantic Agenda 1995). Through the Joint EU/US Action Plan, cooperation on immigration and asylum as well as on legal and judicial cooperation was encouraged, being mass migration associated to a series of new challenges as international crime, terrorism, drug trafficking, the degradation of the environment, nuclear safety and disease (The New Transatlantic Agenda 1995).

In the wake of 9/11, when the EU requested how to effectively contributing to the international campaign against terrorism, President Bush listed a series of measures aimed at strengthening cooperation, among others on border controls and migration management (Statewatch 2001). On its side, the EU was comfortable with an approach aimed at strengthening own borders and with the tools envisioned to accomplish this aim, such as information-sharing systems, data collection, because these measures allowed to manage the increasing irregular flows coming from the Mediterranean as well as to manage the enlargement process towards the East (Ceccorulli 2010). The only problem regarded how to render this a matter of transatlantic coordination given operational and institutional differences.

Controversies arose around the topic of removals, extradition and data sharing. In particular, this latter topic rendered relations difficult in one of the main achievements of EU and US cooperation: the negotiations on Passenger Name Records transmission. In fact, given the broad scope of information sharing, implications seemed to arise also on migration issues (Mitsilegas 2003; Brouwer 2009).

Another hot issue in debates between the transatlantic partners regarded visa waiver reciprocity, a topic broadly discussed after the enlargement process in 2004. Memoranda of Understanding were signed in 2008 with countries from Eastern Europe with a view to a future access to the VWP, considering, among others, on the positive side contribution to the war against terrorism and on the negative side the rate of overstayers in the US (Congress 2007). Huge information sharing was part of the agreement.

Aside from these controversial issues, other fields of cooperation developed through increased meetings at more levels. From 2006, a dialogue started within traditional meetings to investigate potential fields of cooperation between FRONTEX and the US. Finally, a Working Agreement

between the US and FRONTEX was signed in 2009 enlisting areas of common interests and related to border security management and possible common tools to handle them (Council of the European Union 2010; FRONTEX 2009). From 2008, transatlantic cooperation on migration and border related measures broadened its scope for action. Measures in the area of security, justice and freedom that strengthened and underlined the need for joint actions were proposed.

The Future Group strengthened the rationale behind EU-US relations proposing the idea of a Euro-Atlantic area of cooperation in the field of freedom, security and justice by 2014 (The Future Group 2008: 10). In 2009, discussions started on the merits of a Declaration ‘renewing’ transatlantic relations in the justice and home affairs domain (Council of the European Union 2009a). Adopted in Washington in 2009, the Joint Statement on Enhancing Transatlantic Cooperation in the area of Justice, Freedom and Security, aimed at streamlining main operational purposes for the future: exchanging information on policies and initiatives; sharing experience and best practice; organizing joint initiatives; cooperating with the private sector; consulting each other on new policy developments likely to influence the partner; working out common positions to be maintained in global forums in issues of common interest; further developing coordination on mobility and security (border, readmission, travel document security provisions); and implementing the agreement of the Department of Homeland Security with FRONTEX (Council of the European Union 2009b: 2-3). More to that, though, the statement expressed the intention to find common solutions to problems related to refugees and to develop a common understanding on the global phenomenon of migration (Council of the European Union 2009b: 3). Indeed, the necessity to deal with third countries to face transnational challenges was a well-grounded part of EU package on migration management and it is possible to notice a certain influence by the EU in this sense. Thus, in the ‘EU-US dialogue on migration’ in the making, relevant issues were: creation or improvement of migration management capacities in third countries through especially a step up of their protection standards (see the case study on North African countries; Meyers, Koslowski and Ginsburg 2007); information sharing on refugees programs and the establishment of similar positions in multilateral negotiations (Council of the European Union 2010b: 9). The relation between migration and development was also introduced into the debate (Council of the European Union 2009b: 14). A broad debate has started in the US on the improvement of privacy policy (Tanaka, Bellanova, Ginsburg, De Hert 2010: 7), spurred by frequent contacts with the EU.

In an effort at rethinking its border policy, the EU seemed to copy paste some of the provisions already introduced in the US. Possible instruments to be considered were, among others, a system

for the recording of entry and exit to better track overstayers (along the lines of the US-Visit) and an Electronic System of Travel Authorisation (ESTA) (European Commission 2008). More to that, the EU is studying the possibility to adopt a EU PNR agreement, while some Member States have already signed an International Agreement for the exchange of personal data, called the Prüm Treaty. A more subtle but telling development, though, is the framing of the EU ‘internal security strategy’ which, to some extent, reminds the US attempt at integrating strategies and conceptual approaches within the Department of Homeland Security (Council of the European Union 2010a; Press Release 2010b).

### Section 3. Horizontal report. Security framing processes and security governance

#### 3.1 Comparing discourses and practices: what do they tell us in terms of security?

This section will further investigate into the matter by uncovering how the security field has been built and the unfolding implications.

First, the securitization of irregular migration will be unpacked. In the case-study regarding Libya, both European and Italian speeches have to be considered; being the forerunner of cooperative attempts and the main channel through which cooperation has been established, Italy molded the handling of relations as well as of speaks on irregular migration.

	Security discourse	Referent	Timing
EU's security discourses	- Illegal migration should be kept under control to preserve the European space of freedom, security and justice	European society/citizen	Treaty of Amsterdam
	- Illegal migration can be related to organized crime and terrorism	European and transit countries security (capability of the state)	Emphasized by the terrorist attacks in the US, in Europe and in third countries

	<ul style="list-style-type: none"> <li>- Saving the lives discourse</li> </ul>	to protect from physical threats) Migrants	Started mainly at the national level, especially in Italy's debates and then developed thoroughly at the European level after 2004
<b>Italy's security discourses</b>	<ul style="list-style-type: none"> <li>- increasing pressure of desperate persons;</li> <li>- connection among illegal migrants and other challenges</li> <li>- saving the lives discourse</li> </ul>	<p>Italian and European society</p> <p>Italian and European states and societies</p> <p>migrants</p>	<p>Emphasized in 2004 with increased inflows from Libya</p> <p>Emphasized in 2004 with increased inflows from Libya</p> <p>Emphasized in 2004 with increased inflows from Libya</p>
<b>Libya's security discourse</b>	<ul style="list-style-type: none"> <li>- illegal migration disrupts national society</li> <li>- illegal migration is a threat to European security. Black invasion towards Europe</li> </ul>	<p>Libyan society and territory</p> <p>European society</p>	<p>Starting from 2000</p> <p>Starting from 2008</p>

As seen, dealing with third actors on migration and asylum management has become a paramount concern for the European Union and Member States. In order to further develop on this point and to really grasp how the necessity of this cooperation has been gradually built we need to investigate how the matter has been related to security concerns. Here, it will be illustrated how migration and asylum have been presented in security terms and for whom (who is securitized or insecureitized).

Security discourses		Referent	
Timing			
Irregular migration	<ul style="list-style-type: none"> <li>- Illegal migration disrupts the social life of destination countries</li> <li>- Illegal migration should be kept under control to preserve the European space of freedom, security and justice</li> <li>- Illegal migration can be related to organized crime and terrorism</li> </ul>	Destination and transit countries' society  European society/citizen  European and transit countries security (capability of the state to protect from physical threats)	Treaty of Amsterdam   Emphasized by the terrorist attacks in the US, in Europe and in third countries
Asylum seekers	<ul style="list-style-type: none"> <li>- Asylum seekers engage in illegal immigration</li> <li>- false asylum seekers applications overburden European asylum credibility</li> </ul>	European societies and European asylum system	Beginning of 2000
Migrants	<ul style="list-style-type: none"> <li>- Migrants may loss their lives in trying to reach European shores</li> </ul>	Migrants and asylum seekers	Echoed by the tragedies at sea and borders

The case of the South-east gate testifies how the national discourse in Greece has particularly securitized irregular migration. While the EU has emphasized the need to face the situation, in recent times its tones have appeared to be more inclined to emphasize the 'humanitarian' problem concerning irregular migrants and asylum seekers (see below).

Security Discourse		Referent	Timing
<b>Greece's discourses</b>	<ul style="list-style-type: none"> <li>-irregular migrants stretch resources available to manage migration</li> <li>-irregular migrants poses national structures in a situation of crisis</li> <li>- immigrants disrupt the health system</li> </ul>	Greece's society, cultural homogeneity, citizens	Especially after 2008

	<ul style="list-style-type: none"> <li>- irregular migration put under stress the asylum system</li> <li>- irregular migration threaten the social homogeneity represented by Orthodox Christianity and ethic Hellenism</li> </ul>		
<b>EU' discourses</b>	<ul style="list-style-type: none"> <li>-irregular migration can be connected to trafficking, smuggling and terrorism</li> <li>- irregular migration put under stress the asylum system</li> <li>- the figures of recent years irregular migration towards Greece are 'alarming'</li> </ul>	EU states, societies and citizens	Especially after 2008

A tentative effort at individuating different although interplaying security discourses in the transatlantic debate is here provided. Reported here are the common discourses as related to migration.

	<b>Security discourse</b>	<b>Referent</b>	<b>Timing</b>
<b>Migration per se:</b>	Mass migration as a transnational challenge presents a threat to the quality of life	EU-US citizens and societies	New Transatlantic Agenda 1995
<b>Migration and terrorism:</b>	<ul style="list-style-type: none"> <li>- Exploitation of Western societies values (multiculturality, openness, tolerance)</li> <li>- Exploitation of legal channels (asylum seeking, refugees protection provisions, VWP and other vulnerabilities) and of illegal channels</li> </ul>	<p>EU-US society, values</p> <p>EU-US society, citizens, national security</p>	<p>Especially after 11 September 2001</p> <p>Especially after 11 September, Madrid and London attacks, 2001, 2004</p>
<b>Border</b>			

<b>security:</b>	Non-secure borders can create security challenges	National security and integrity	Emphasized after 11 September 2001
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Having seen the main speech acts characterizing each of the case-study some preliminary conclusions can be made for the broader analysis of security framing. In particular, it is to be noticed how security discourses have followed tipping moments emphasizing the need for urgent and immediate actions.

- Since the late'90s, and in particular since the Amsterdam Treaty, irregular migration has been generally depicted as a transnational challenge requiring extensive cooperation with third actors. Connections among transnational challenges were already spoken out in documents, and migration was mostly referred to in connection with organized crime;
- The terrorist attacks of 11 September, the following ones in Europe in 2004 and 2005 and the growing of the phenomenon in third countries have determined the undertaking of strong tones regarding migration invoking urgent measures, while association between terrorism and migration was at this point broadly referred to;
- Asylum seekers started to be spelled out as a potential security challenge at the beginning of 2000, when national and European leaders lamented the abuse of the protection system within European societies and further emphasized in both sides of the Atlantic after 9/11;
- Broadly diffused by Italian speaks, the 'saving the lives' discourse was strongly reported in concomitance with readmission operations in 2004 and further after tragedies at sea and at borders as starting from 2005 at Ceuta and Melilla at the European level;
- Following the closure of main Mediterranean transit routes to the EU, improved EU-Turkey cooperation on Accession process and a huge economic crisis, starting from 2008 speaks regarding irregular migration are especially framed in security terms within Greece;
- Securing borders as a fundamental protection measures started to be deeply referred to also in the EU (aside from the US) with a particular emphasis from 2008 on.

After having schematized the main discourses as spelled out by national governments as well as by European Institutions, now we jump to the 'governmentality' analysis, to see how practices have influenced the security understanding of migration. In fact, all case-studies have suggested that these framing exercises have not only impacted on the governance of the matter, but structured also security discourses. That is, organizing the management of an issue in a specific way defines which are the challenges likely to emerge as well as how to handle them.

Framing Instruments	Framing Processes			
	Case-study 1 study 4	Case-study 2	Case-study 3	Case-
<b>Management spaces</b>	Area of freedom, security and justice	Area of freedom, security and justice	Area of freedom, security and justice	Area of freedom, security and justice Homeland Security
<b>Management tools</b>	Borders Readmission practices Military and security technology  FRONTEX	Borders Readmission practices camps  FRONTEX	Borders Readmission practices  Detention structures FRONTEX	Borders Military and security technology Information sharing, biometric and data collection
<b>Wording</b>	Transit countries	Mixed flows Origin, transit, destination countries	Transit countries	Border security Foreigners
<b>Connections</b>	Migration-terrorism Migration-organized crime	Migration-terrorism Migration – organized crime	Migration-terrorism Migration-organized crime	Migration - terrorism

What this table suggests is that the EU acts according to specific understandings regarding irregular migration. What are here referred to as ‘framing processes’ explain these understandings and help inform about the security governance as seen in the previous section. ‘Framing instruments’ are instead the tools used to build framing processes. Hence, looking deeper at these framing practices as securitization modes deserves a careful assessment.

The starting point of an analysis considering irregular flows as a security challenge has to highlight how undocumented migration has been handled with regard to the framing of the area of freedom, security and justice. This framing process matches with a general vision which considers Europe as relatively stable and secure in comparison to outer regions ‘innately insecure’ (Collier 2006: 256). Thus, for example, with Collier (2006: 256), ‘migration, particularly across the Mediterranean, is ... seen as an incursion of an insecure space into a secure one’. Dealing with challenges presupposes an ‘external’ facet to migration, one which aims at building relations with countries from where



these flows depart or transit but also one which searches for common solutions with countries sharing the same security concern.

The idea behind this new facet of migration management has been studied and analyzed (Bigo 2006; Grabbe 2000; Trauner 2009; Lavenex 2002; Balzaq 2008). This literature has pointed out that the construction of the internal project aimed at free circulation of people has raised the problem of the 'external frontier' to be safeguarded from unwanted challenges. Many contributions from different disciplines have been written on the meaning of borders, their interpretation and most importantly, their functions (Kuus, 2005; Gatev 2008; Scott 2005; Germond 2010). A border regime, explain Berg and Ehin, 'is a system of control, regulating behavior at the borders: degree of openness and mode of governance; representational and discursive aspects of borders and border regime; types of functions (Berg and Ehin 2006, 54-55). Thus, go on the authors, borders can be seen either as barriers or as filters or points of passage.

As far as our cross- analysis is concerned, borders have been interpreted as management tools to assess who is allowed in and who is not and, on some occasions, as separating walls, as the planned build-up of the fence on the Greek-Turkey border suggests. This implies a securitized understanding of borders, and in turn an insecurity of people outside it. The case-study considering EU-US relations has shown how the notion of border has assumed an increasing relevance after the Cold War to face transnational challenges and protect 'internal spaces of security' and has turned in the last year as a building block of the European Internal Strategy to face external challenges. On both sides of the Atlantic, the idea matured that challenges could be faced through restrictive measures on the borders. Nevertheless, given the 'transnational' nature of the challenge cooperation was profitable between countries sharing the same concerns. The tools employed to secure borders foresaw the sharing of data and biometric information, which inevitably spurred dynamics of exclusion. Hence, with Faist, 'securitizing migration is an attempt at control' (Faist 2002: 11). As these were the better instruments to secure borders, they were apt at answering a series of transnational challenges related to human mobility (Ginsburg 2010: 2). Accordingly, the terrorist events only speeded up the undertaking of provisions aimed at profiling and screening.

While cooperation between Atlantic allies is a fundamental part to EU external facet of migration, broadly built upon the work of experts and agencies, the EU experiences a significantly different geographical environment from the American one. Thus, measures to manage the flows of undesired people has implied coming to terms with third countries, origin or transit to these flows.

The management of undesired flows has foreseen surveillance and patrolling systems the employment of military and of security technology tools to the control of borders. Thus, for example, some authors have spoken about a 'militarization of the sea', while an increasing major role is devoted to defence industries (De Haas 2008; Germond 2010; Lutterbeck, 2005, 2006; Spijkerboer 2007). Also, the European agency FRONTEX, contributing to the removal of third-countries nationals and to search and rescue operations, links even further the control of external borders (which the agency was created for) with readmission operations (Trauner and Kruse 2008; Lutterbeck 2008; Vassallo-Paleologo, 24 July 2010).

Framing migration and asylum as parts of a same area has implied handling two different phenomena together. Thus, it was stated, 'migration and the separate but related subject of asylum occupy a prominent place in the political agenda of the European Union and its Member States' (Pro Asyl 1999). Accordingly, the problem of how to handle undesired flows has impacted on asylum seeking understanding and governance. All case-studies have shown how asylum has increasingly been considered as a topic to careful look at, as a tool to circumvent normal migration controls. More to that, the creation of such words such as 'mixed flows' has contributed to the security dimension as applied to false asylum seekers. Thus, according to Valluy, technocratic circles much before than political discourses have influenced the pattern of security governance and contributed to create feelings of concern, as it is the high percentage of refused demands (due to restrictive policies) which has produced the image of the false asylum seeker (Valluy 2005).

As this latter case shows, the repeated use of a specific lexicon as applied to migration has a say on the framing of the issue. Throughout the case-studies it has been highlighted how migration has abundantly been lined up to other challenges. The International Organization for Migration states that 'international terrorism is, because of its cross-border dimensions, a migration issue. It touches on a range of matters directly affecting migration policy, including: border integrity (entry and/or residence with illicit intent), national security, integration, ethnic/multicultural affairs and citizenship (IOM 2003: 2). Scholars analyzing the topic provide us with a useful insight, underlining the securitization of 'mobility' more in general which accounts for the developments of words such as border security rather than border control (Baldaccini 2008) or as Homeland Security and internal security (European Council 2010a). Along the same line, words such as 'transit countries', became a catchword in all political discussions (Pastore 2008). As Düvell points out, many International Organizations such as the IOM, the ICMPD and the HLWG on asylum and migration inserted this new concept only during the '90s. The term has been prevalently intended as irregular

migration towards Europe (Düvell 2008). The author emphasizes how the use of the term contributes to create insecurities 'transit migration is associated with insecurity, with a temporary status of non-belonging that results in exclusion from conventional protection regimes' (Düvell 2006, 24). Thus, in governance terms, 'the transit migration discourse seemed to have coincided with European efforts to negotiate specific return deportation and readmission policies with all its non-EU neighbors' (Düvell 2006, 22). The creation and the use of categories such as origin, transit and destination countries was fundamental to determining security governance as it recalled the problems and the responsibilities pertaining to each category of country, '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' (Ferrero-Waldner 2006). This brings us to the core argumentation proposed by the case-study on Mediterranean countries, where the understanding applied to the management of irregular migration has been shown, '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 argued, all these framing processes have built or emphasized a security understanding of undesired flows. It is worth examining a specific management tool for undesired persons as testified by the case-study on North African countries and partly referred to in the one regarding the South-East gate, the emergence or the broad usage of confinement structures in third 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, to 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 invoke 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).

### 3.2 Evaluation of a security understanding and governance of migration: a comparative analysis

After having considered the processes framing irregular flows as a security matter, this sub-section attempts an evaluation of the security governance of migration. Before doing that, though, an evaluation of the security understanding of undesired flows is made. Indeed, the security understanding of the topic determines its security governance. Nevertheless, here we want to keep separated the analysis. The reason is twofold: first, evaluating security governance implies assessing how the EU has performed or is performing in its external cooperation, while evaluating the security understanding as applied to undesired flows implies considering the implications of approaching the matter in security terms instead of economic or humanitarian terms. Second, evaluating security understandings allows looking for some emancipation moves, which through security speaks can politicize areas otherwise overlooked.

Looking for strategies to face irregular migration is a paramount issue for the EU and the US. As seen above, security speeches have earmarked the need to take measures in this sense. What debates about migration seem increasingly to underline is the necessity to broaden the field of discussion to address the topic in an effective way, taking into account the complexities the phenomenon is characterized by. Thus, the importance of a cooperative approach which encompasses third countries and which discusses migration-related matters (development, civil conflicts, environmental problems, state failure) has to be noticed in official speeches. In fact, both partners have agreed on broadening the agenda for discussion taking into account the context and the reasons igniting flows.

The securitization of migration has ignited a strong debate regarding human rights the echoes thereof we find also on speaks by European Institutions. As noted above, the 'saving the lives' discourse securitizing migrants has been repeatedly reported and has also served to greatly upgrade in talks the Mediterranean as an utmost region of interest. Also, the European Parliament has been one of the most vocal actors in recalling human rights protection obligations as referred to the management of flows. Ultimately, as noticed in the case regarding Greece, the Commission has defined as a 'humanitarian concern' the situation of asylum seekers and irregular migrants in Greece while underlining as worrisome the condition of detention centers, strongly politicizing the issue.

That said, it cannot be denied that framing migration in security terms has spurred a lot of criticisms, especially because, notwithstanding the politicization of these issues, answers seem to be taken which prioritize restrictive measures. Most of the critical positions argue about the overlooking of a humanitarian interpretation to the matter. Even in the 'saving the lives' discourse abovementioned, where securitization served to raise a dramatic problem for irregular migrants, the rhetoric seemed to serve politically to justify measures aimed at undertaking tougher policies, delocalizing the management of the matter and coming to terms with actors exhibiting poor human rights protection records. With a view to influencing the 2005 Justice and Home Affairs Council discussing possible relations with Libya, Amnesty International maintained that 'a purely utilitarian approach to border management and repatriation issues risks overshadowing humanitarian concerns' (Amnesty International April 2005). Authors have also pointed out the 'criminalization' applied to irregular migration, notwithstanding the fact that the crime committed reduces to leaving a country without proper documents (Intrand and Perrouy 2005; Morice and Rodier 2005; Clochard, Gastaut and Schor 2004). The criminalization of irregular migration is all the more worrying according to the European Parliament given the confused 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).

We now turn to the evaluation of the security governance of migration. The evolution of the cases as presented in Section 1 has highlighted how the EU deals with irregular migration on many fronts. As already argued, a careful attention to the context somehow biases the attempt at comparing security governance processes. Nevertheless, this does not imply that we cannot find common features in all of them. Here we try to map three dimensions pertaining to security governance: first, we consider common criticisms and gaps emerging from the description of the cases and reported by many international or national actors. Second, we consider the multilateral nature of security governance schematizing the actors and the levels of cooperation envisaged. Third, we analyze multilateral security governance tracing the 'problems' of cooperation emerged.

#### Security governance:

- Scant attention to human rights implications of irregular migration management.
- Ineffectiveness of policies in terms of prefixed aims.

- Externalization processes.
- Discrimination practices.

**Human rights.** The removals undertaken by the Italian government in 2004, raised a great deal of criticism among International Organizations. This was not because Italy sent to a transit country irregular immigrants, but because it was maintained that these persons had been returned without a proper identification process, through collective removal, to a country which did not sign the Geneva Convention of 1951. Potential asylum seekers and refugees could have been denied of the possibility to request for asylum, in violation of the *non-refoulement* principle (UNHCR 2004). In the same vein, deportation practices enacted by Italy triggered a lively debate within the European Parliament and spurred a joint motion for a resolution to invite Italy, the European Commission and Libya to take measures against collective expulsion and the publication of any readmission agreement with the Africa country (European Parliament 2005a; European Parliament 2005b). The timing of the European Union lifting of the economic and arms embargo (late in 2004), has promoted positions which see sanctions lifting directly related to the repatriation of irregular migrants from a Member States of the Union (Cuttitta 2006; Pastore 2008). While inviting relations with Libya, the European Parliament warned against the absence of a specific procedure for asylum seekers at the European level (European Parliament, Press Office, 21 February 2006). With regard to the repeated removal practices undertaken in the Mediterranean in 2009, the UNHCR expressed its utmost concern (UNHCR 2009). The UNHCR office in Libya was closed in 2010, emphasizing the problem of EU relations with Libya, given that recognition of the UN Agency was said to be a fundamental step to develop cooperation with the country. The Parliamentary Assembly of the Council of Europe recommended to Member States and the EU to negotiate readmission agreements only with country that respect human rights and those that have a functioning asylum system (Parliamentary Assembly, 16 March 2010). Similarly concerning are the practices both undertaken by Greece to remove irregular migrants and to manage asylum and irregular migration within the territory.

Restrictive practices such as those undertaken in the Sicily Channel, can lead to a drastic reduction of asylum requests: thus, more than fighting against illegal immigration it can be that these practices put at risk the possibility to ask for asylum in Italy (UNHCR 2010). As seen in the case-study on EU-US cooperation, the importance that migration has assumed as a vehicle for terrorism has affected the treatment of persons likely to be or actually in need of protection (Statewatch 2001; IOM 2003: 26; Guild 2003). Authors point out that 'on both sides of the Atlantic,

policymakers have defined “terrorism” in such broad terms...that these bars pose a threat to the protection of refugees and bona fide asylum seekers’ (Schoenholtz and Hojaiban 2008: 1). Thus, for example, the number of refugees allowed in the United States fell visibly from 2001 to 2002 because of improved security standards (Martin 2004).

While not directly related to camps and centers in third states, for the reasons earmarked in Section 1 the EU cannot overlook what happens in North African countries. Amnesty International has stressed out that detention poses concerns on human rights and asylum seekers vulnerability (Amnesty International 2003). The lack of basic protection standards 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 Perrouty 2005; CIMADE 2004). As reported by Medecins Sans Frontiers (2010), migrants are currently expelled in 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 out of many more demands (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 are reported by the EU Technical Commission to Libya on illegal immigration as varying from ‘relatively acceptable to extremely poor’ (Technical Mission to Libya 2004: 6; Libya Strategy Paper; Human Rights Watch 2009; Fortress Europe). Some of them were reported as being built by improvisation. Libya has not only refused to ratify the Geneva Convention on refugees but excludes the same existence of refugees in the country and, more in general, in Africa, 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 seems not to assure that main protection standards are assured. Thus, also in the event of recognition of the refugee status by the UN Commission for Refugees, Algeria has not recognized refugees among the African migrants (Bensaâd 2008).

Amnesty International and the Spanish Commission for Refugee Aid (CEAR) describe as poor the conditions of the ‘Guantanamo’ center in Mauritania, where no legal control is allowed by the judicial authorities (Amnesty International 2008; Spanish Commission for Refugee Aid).

Notwithstanding some progress, the huge number of refugees present in Egypt does not find easy life (Coslovi), while difficult seems to be the possibility to get refugee status in the country (Country profile-Egypt 2010). Referring to Tunisia, the Strategy Document for the country emphasizes that legislation regarding the 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).

On the positive side of it, it can be said that the EU has paid a great attention to the improvement of protection measures in these countries, which, *per se*, is something supported by all authors. Thus, for example, it strongly emphasizes the need for inserting a 'protection' chapter on relations with Libya; also, it has financed a program for the improvement of detention conditions in the same country and in Algeria starting from January 2011. Financial and technical assistance has often passed unnoticed as delivered through International Organizations in charge of improving protection standards and capabilities in third countries.

**Effectiveness.** The first element to be noticed here is the intersecting net of aims the EU proposes to meet which appear sometimes to be in stark contrast one to each other. Priorities are not clearly spelled out, thus, it is not clear whether primary aim is to 'save lives' or to reduce the flow of irregular migrants heading for Europe. This makes one wonder how effectiveness has to be accounted for. The selection of the case-studies has allowed to underline one of the most important products of EU security governance on migration, that is, diversion effects. In the conclusion, the report will try to map these outcomes putting together all case-studies as this is indeed to be constantly recalled for the future. Thus, notwithstanding the proclaims affirming the closure of some routes one wonders whether in reality this does not represent a 'shift' of the problem. The argument is that given restrictive practices in a specific context, and given the unchanged figures of migrants on the move these latter are likely to pass through less patrolled routes (see Collyer, 2006: States of Insecurity, Consequences of Saharan Transit Migration). Thus, it has been possible to see an increased number of irregular migrants searching to reach Europe through Greece (FRAN Quarterly Update, 2010). Also, it has been shown how restrictive measures undertaken in each of the North African countries has diverted flows to the country nearby, and how the overall undertaking of tougher measures has pushed South migrants towards Mauritania.

If 'saving the lives' of migrants was the overtly spelled out concern of Member States and national leaders, many authors insist that surveillance structures in the Mediterranean are likely to produce opposite and tragic outcomes. Huge controls are likely to increase the number of people drawing



out of their attempt at crossing the Mediterranean, as they will search for more dangerous routes and will come with less traceable but less safe boats (Lutterbeck, February 2008; Vassallo Paleologo 12 Maggio 2008; La Repubblica 'Barcone con 150 immigrati raggiunge le coste di Latina', 4 Ottobre 2010). More to that, and with reference to the connection between migration and terrorism, some authors underline that while migration tools may be of some use to thwart terrorism, a deeper analysis should be made to define the borders of the two phenomena, 'while public discourse tends to equate blocking terrorists' ability to travel with immigration reforms, terrorism mobility comprises a set of problems distinct from, although clearly linked to, the phenomenon of global migration and the problem of controlling immigration to the United States' (Ginsburg 2006: 1). Along the same line, it is maintained that as European experiences teach, many terrorism acts are committed by own citizens; thus, migration is not at the root of terrorist problems and most part of migrations do not represent security challenges (Schoenholtz and Hojaiban 2008: 174). More bluntly, an author posits that 'the links between international migration and security threats are inconclusive. These two phenomena only superficially share the fact that border crossing are involved' (Faist 2002: 10).

EU's attempt at improving protection standards in third countries has to be matched with the reality of third countries still performing poor on the matter. In fact, the undertaking of tougher measures by these countries has not been accompanied by upgraded protection measures and basic rights assurance, something that the EU should take into account in its cooperation with them.

**Externalization.** There is another remark to be done with reference to what has just been said. While all actors agree to improve third countries protection standards most of them maintain that this has not to be translated into an 'externalisation' process. Some authors sustain that European Member States aim at externalizing refugee processing and protection through proposals for transit processing centers, strengthened protection capabilities and financial assistance on asylum matters (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 were said to 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). Against the strengthened emphasis on return policies, the European Parliament stressed the dangers connected to the

‘externalisation’ of the Union’s external border, especially as the issue of ‘non refoulement’ was concerned. A particular concern was expressed ‘at the development of repressive Community measures (readmission agreements, police checks, the directive on return, etc.), before a common policy for legal immigration was being defined (European Parliament 2006). 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 Perrouty 2005; Belguendouz 2005; Rodier 2006; Cuttitta and Vassallo Paleologo 2006).

**Discrimination.** Lots of analysts and scholars have pointed out that the way in which cooperation is framed between the Atlantic allies has an impact on third countries. Thus, for example, if they agree to create a ‘club’ eliminating the need for short-term visa among them, they also almost agree to set visa for other countries in the Middle East, in Africa and partly in Asia (Meyers, Koslowski and Ginsburg 2007: 20). Analysts have also pointed out the effects of a tight cooperation between the 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 can led to discrimination practices (for example through data contained in PNR information –see Hailbronner, Papakonstantinou and Kau 2008: 192) and sometimes, to mistakes when too reliance is posed on automated tracking processes (Hobbing and Koslowski 2009: 105). As a matter of fact, terrorist attacks in the US and in Madrid and London pointed especially the attention to immigration from Muslim countries (Meyers, Koslowski and Ginsburg 2007: 6).

#### Levels of cooperation and relevant actors

The table below provides a classification of the multilateral security governance as depicted in the case-studies.

#### **Levels of cooperation and main actors in security governance**

<b>ACTORS</b>	<b>BILATERAL</b>	<b>MULTILATERAL</b>	
<b>Libya</b>	Italy-Libya EU-Libya ( <i>ad hoc</i> )	Dialogue on Mediterranean Transit	Italy ICMPD

		<p>Migration (MTM)</p> <p>EU-AU Ministerial Conference on migration and development (interregional)</p> <p>5+5 dialogue</p>	<p>FRONTEX</p> <p>European Parliament</p> <p>IOM</p> <p>IOPCR</p> <p>CIR</p> <p>UNHCR</p>
<p><b>North African countries and Mauritania</b></p>	<p>Italy-Libya</p> <p>Italy-Tunisia</p> <p>Italy-Algeria</p> <p>Italy - Egypt</p> <p>Morocco-Spain</p> <p>Mauritania-Spain</p> <p>France-Algeria</p> <p>EU-Morocco Action Plan</p> <p>EU-Tunisia Action Plan</p>	<p>Barcelona Process, Euro-Mediterranean Partnership, Union for the Mediterranean (interregional)</p> <p>APC-EU Cotonou Agreement (interregional)</p> <p>5+5 dialogue</p> <p>EU-AU Ministerial Conference on migration and development Sirte (interregional)</p> <p>Euro-African Ministerial Conference on migration and development Rabat (interregional)</p>	<p>High Level Working Group on Asylum and Migration</p> <p>United Kingdom</p> <p>UNHCR</p> <p>FRONTEX</p> <p>IOPCR</p> <p>IOM</p> <p>AECID</p>

<b>South-Eastern gate</b>	Greece-Turkey EU-Turkey Accession Partnership	Greece, Malta, Italy, Cyprus dialogue	FRONTEX UNHCR IOM Amnesty International Greece
<b>EU-US</b>	US- Eastern European countriesNew Transatlantic Agenda EU-US Informal Justice and Home Affairs Senior Meeting  Annual EU/US meeting  Justice and Home Affairs Ministerial Meeting  EU-US Policy Dialogue on Border and Transport Security  EU-US High Level Contact Group on information sharing and privacy and personal data protection  EU-US Steering Committee	IGC  Budapest Process	FRONTEX  Experts and working- level meetings

Notwithstanding different labels applied to relations between a country and the EU, this report has chosen to define these patterns of cooperation as bilateral as done in Working Paper 3 (Hassan 2010b), although pointing out state-to-state relations.

#### Multilateral security governance: relevant dynamics of cooperation

All case-studies testify to the choice for multilateral frameworks of cooperation attempted by the EU with different actors. As far as security governance is concerned it is interesting to point out some features emerging from the case-studies and informing about the 'issues' in cooperation. This would both suggest the shortcomings and the spaces for improvement in relations with other actors.

First of all, **different understandings** over the matter have a say on the reach of cooperation: the concept of borders as separating walls and of the free movement of persons had a completely different meaning throughout Africa as seen for example in the case of Mauritania, which inevitably complicated the adaptation to EU requests. Similarly, notwithstanding UNHCR offices are spread out in different third countries, refugees and asylum seekers recognition is a problem, as political reasons are not acknowledged to be among push factors. A more compatible understanding over the matter is the one shared by the EU and the US, although this does not imply that coordination problems do not arise. It is also to consider that the EU and the US have hugely different geographical positions, something that has been reflected in their approach to the matter.

That said, the strengthening of relations has emphasized how **asymmetries in power** may influence the cooperative efforts. Especially related to the 'externalization' criticisms, some scholars maintain that North Africa countries are subdued to EU policies embodied in the agreements regulating their relations. Thus, for example, the Accession partnership for Turkey foresees the signing of a readmission agreement with the EU. As seen, the reality is more complex. These countries do have a certain leverage in the setting of relations: Libya has intermittently opened and closed the sink of flows more times to get what expected both from Italy and the EU. Also, third countries do not seem to have upgraded their protection standards to the extent called for by the EU. Inevitably, this poses a problem for the EU in that asylum seekers will search to find their ways to the EU to be granted protection; also, this would further underline the contradiction between EU policies and EU tenure as human rights promoter in external relations. The case on EU-US relations is another part to this argument. A lot of scholars have emphasized how the US has set the agenda of cooperation between partners, claiming for information and data sharing measures, upgraded technological systems for entry and exit, progressive shift to the concept of border security. Indeed, there is some truth in that. For example, it cannot be denied that the US has exploited a bilateral path of relations with eastern European countries. Nevertheless, this event has to be considered also taking into account EU institutional features which inevitably weight on that (see below). Also, as the case-study has shown there is much in the transatlantic debate brought up by EU experience

in the field. While technological devices and information sharing processes can pose some problem as far as EU-US relations are concerned, there is no doubt that these are considered as paramount tools to deal with challenges as framed by the EU and as the Internal Security Strategy just adopted shows.

Sticking with EU peculiar **institutional features and shared competences**, all case-studies have shown the double nature that characterizes relations with third countries, that is, the EU level and the Member state-level. In some circumstances, predating relations promoted and allowed a dialogue with countries with whom the EU had no relations (Libya) or with whom cooperation was set in too broad terms (North Africa countries) thanks to a series of incentives not available at the European level. It is to be noticed, though, that on some occasions these state-to-state relations have lacked a far-sighted approach to the matter, being based mainly on eliminating incoming flows. These has exerted a twofold effect: lack of consistency between EU actorness claims and normative tenure; and lack of effectiveness, as the diversion argument shows. Another dimension to that is the **'burden-sharing'** problem that some of the Member-states allude to with reference to the inflows of migrants. This was apparent in the discourses spelled out by countries on the borders of Europe and it assumed an utmost relevance in the effects of the Dublin II regulation on Greece. Burden-sharing is also an argument brought up by third countries required to improve their migration management capabilities. In the case of Libya and Turkey, for example, cooperation with the EU has been stacked not because of a refusal to comply with EU requests, but because of a repeated call for a more robust commitment by the EU in dealing with the matter.

## Conclusion

This report has attempted a cross-case analysis of the main findings as emerged from four case-studies on migration. Adopting a 'thin constructivist' methodology, these latter have tried to explore the security understanding as applied to irregular flows heading to Europe as well as the security governance processes unfolded.

Section one has introduced migration as a security issue, investigating the modalities and the timing of the construction of this security field. In addition, the case-studies analyzed have been briefly presented to stress their relevance for the construction process abovementioned. The case-study on Libya has provided with insights about how cooperation patterns have been molded to counter irregular migration towards Europe, and through Italy. The case-study on North Africa

countries has informed about the impact that irregular migration as a priority issue has exerted on relations with third countries on the Southern shore of the Mediterranean Sea. The South-eastern gate has informed about how irregular migration is increasingly perceived as a challenge affecting the stability of the state and of its functions, especially when this latter has structural weaknesses and when other factors contribute to producing a climate of insecurity. Also, it has motivated the rationale behind inserting migration as a paramount chapter to be broadly discussed in relations with Turkey, from where most of the flows to Greece transit. US-EU cooperation has emphasized that the need to cooperate on the matter has arisen from a joint acknowledgment that common transnational challenges could not be dealt with alone, which implied that migration, among others, was considered as such a risk. Indeed, the terrorist events in the US and the EU added to the security dimension attributed to mobility.

Section two has delved into the evolution of the case-studies. Here, only defining moments have been reported, while a thorough and documented analysis is available in the case-studies.

Section three has gone through the horizontal analysis of the case-studies. As already argued above, the aim of EU-GRASP is that of providing case-studies rich in information. In fact, a great attention is paid to the context as a determinant of their evolution. That said, cross-comparison are still possible as case-studies have been selected according to the security understanding subsumed in them and to their almost complete synchronization. The first part of this section has focused on security framing processes. Thus, discourses and practices have been schematized for all case-studies. What has been of interest here is that following specific events tougher tones have been noticed as far as irregular migration is concerned. Also, national security discourses have been an important component in setting the agenda of European discourses. On some cases, and in order to avoid to a Euro-centric overview, discourses of third actors have been introduced. No matter how important security discourses are in politicizing issues, this report supports the thesis that practices inform to a great extent insecuritization process, providing a great deal of explanation to the security governance undertaken. Indeed, all case-studies seem to have as their logic although not fixed starting point the creation of the area of freedom, security and justice. In this sense, ‘tipping moments’ such as the terrorist attacks on the US and the EU, or the death of many irregular migrants trying their way through Europe mainly speeded up provisions already envisaged according to a specific understanding about how to understand and to manage the flows of irregular migrants.

Indeed, it has to be recognized that the politicization of some issues has positively contributed to the migration management agenda: thus, for example, more attention seems to be paid to the immigrants and the risks they incur to when attempting to reach Europe or to the conditions they have to live with once entered. Also, an increasing attention seems to be conferred to a far-sighted overview over migration dynamics, taking into account related matters such as development, state failure, civil conflicts. Nevertheless, the opinion is rather shared that the security understanding of migration has overshadowed a humanitarian approach to the matter, negatively effecting security governance.

The report has then tried to find common criticisms emerged from the analysis of the different security governance processes: scant attention to human rights implications, which is understandable through the remark just made; ineffectiveness in terms of prefixed aims; externalization processes and discrimination dynamics. Thus, we can say that these are the likely effects of migration management as framed in security terms. A table has schematized bilateral and multilateral patterns of cooperation as observed in the case-studies, while attention has also been paid to relevant actors in the evolution of each of the case. Finally, some distinctive problems related to EU external cooperation have been emphasized, namely different understanding over the matter; asymmetries of power; EU institutional features and shared competences; and partly related to this burden-sharing problems.

The horizontal analysis provides us with insights about how the EU deals with irregular migration, why it does so and which are the difficulties or the shortcomings of its actions. Thus, recommendations deriving directly from this information are provided:

- ✓ Understand migration as a complex and multi-faceted issue, the security approach of which is just one of the possible framing processes.
- ✓ Consider the impact that relations with third countries may exert on neighbor partner, insisting on multilateral frameworks for discussion debating humanitarian and development issues.
- ✓ Carefully monitor the actions undertaken by Member States states when these may be contrary to EU position as human right promoter and to a more far-sighted approach to the matter, and voice disappointment loudly through its institutions according to the Lisbon Treaty.



- ✓ Consider the 'saving the lives discourse' as paramount to put at center stage the security of migrants and reflect on and reconsider the restrictive measures often adopted and ignited by this discourse.
- ✓ Balance the aim at reducing irregular flows with implications in terms of human rights protection arising from the policies undertaken to meet that aim.
- ✓ Keep promoting for the short term programs aimed at improving third states standards on human rights and improving conditions in detention centers. International Organizations do not contest these efforts, which are paramount, but want to make sure that they are not seen as the shortcut to externalize asylum procedure in Europe.
- ✓ Discuss thoroughly matters regarding asylum seekers, refugees and their protection, return matters, technical assistance to third countries with neighboring states, candidate states and strategic partners;
- ✓ Exchange positions, best practices and improve venues for cooperation at a regional and multilateral level with other actors while avoiding as much as possible the undertaking of measures that, through profiling and screening processes are likely to discriminate between the EU or the EU and the US and the Rest.

WC: 14124

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