



# Integrating EU defence and migration policies in the Mediterranean

RODERICK PARKES

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# Integrating EU defence and migration policies in the Mediterranean

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# Introduction

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»» Unparalleled in scale and loss of life, the challenge of cross-Mediterranean migration to the European Union (EU) has rightly received much attention in recent years. Around 165,000 individuals have already crossed to Europe in 2014 so far, twice the figure for 2013, and a testimony to the more than 20,000 people who are reported to have lost their lives trying over the past two decades. Yet this grave (and growing) humanitarian crisis has scarcely been tackled in policy terms, and the EU still lacks a clear approach to migration across its southern flank. Policy-makers have struggled even to conceptualise the challenge of cross-Mediterranean migration, let alone to identify the right mix of policy tools to cope with it.

That may now be changing. The EU's defence and security community is showing an interest in the migration dimension of the conflicts and unrest throughout the Middle East and North African (MENA) region, and could potentially help plug a gap in the bloc's policy architecture. But to deploy its civilian and military resources well and to avoid the pitfalls inherent in any attempt to 'defend' Europe from immigration, the EU should also forge a Mediterranean migration Alliance. This would co-opt its southern neighbours into dealing with the challenge in a more coordinated way, but it would also prevent the EU from using its civilian-military resources simply to push the burden onto MENA states.

Any attempt to deal with the migration challenge across the Mediterranean in an adequate way requires an appreciation of the broader policy and (recent) historical context. This paper therefore begins by identifying the 'vacuum' in the EU's current approach to migration, which is mainly driven by home affairs policy – the gap which the EU's Common Security and Defence Policy (CSDP) may help fill. The paper then seeks to conceptualise the current migration crisis in the southern Mediterranean, in ways that go beyond these traditional home affairs approaches. Having thus tried to identify both the 'internal' and 'external' space open for a CSDP response, it ends with some thoughts about how CSDP resources might best be deployed to help plug the gap.

# The challenge of cross-Mediterranean migration

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» The Italian government, during its current six-month presidency of the EU, has predictably laid emphasis on the problem of irregular immigration from the EU's southern neighbourhood. With record numbers of refugees and irregular immigrants from the Middle East and North Africa, as well as from sub-Saharan Africa and Asia, now making the sea-crossing from Libya to southern Italy, Rome has long pushed for a more solidary and coherent EU response. Moreover, its *Mare Nostrum* operation in the Central Mediterranean has been costing the country approximately €10 million per month as naval vessels patrol for stricken vessels and people smugglers. Italy believes it is taking the brunt of the EU's problems in this field. And, with the reputation of its ruling party still high across Europe following a successful showing in the European elections in May, and something of a southern front emerging on the migration issue in the incoming European Commission,<sup>1</sup> Italy is trying to cash in its chips. What is unusual, however, is the emphasis the Italian government is placing on the military and defence aspects of this refugee crisis.

Already last year, the Italian government proposed creating a joint European naval mission to combat people smuggling in the Mediterranean. This operation was to echo the EU's ongoing anti-piracy activities off the Horn of Africa (operation Atalanta) – indeed Rome's outspoken interior minister has talked of using EU resources to destroy smugglers' ships when these are on shore. In the event, Italy's ideas proved too divisive for other EU governments, and the focus remained on a joint border-building operation in Libya which has combined civilian and military elements in pursuit of the better management of Libya's borders. That operation has now been massively scaled down, made impossible by many of the problems predicted at its outset – the lack of stability in the region, the internal fragmentation of Libya and the Libyan government's attempts to reward the large numbers of registered 'freedom fighters' who helped topple Gaddafi by integrating them into the newly-created border service. As a result, the EU has temporarily moved the staff of this border assistance mission (EUBAM) to Tunisia.

What was once supposed to be a 110-person operation with an annual budget of €30 million is thus being wound up, and the Italians are again asking: what can the EU do next? Throughout November 2014, the Italian presidency intends to organise various EU meetings – at both official and ministerial level – trying to create a dialogue among EU interior, defence and foreign ministries. The focus will be on integrating defence and migration policies. And the political pressure is building. Rome has been signalling that it will draw down its search and rescue operations. It cites concerns about costs amidst a debate on whether the patrols principally

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1. The EU's new high representative for security and external affairs, the Italian Federica Mogherini, has made it clear that she will focus on her role as Vice-President of the Commission. There she will have some clout on the migration issue, since her *chef de cabinet* is the former director general for home affairs. She may also expect a close working relationship with the Greek former defence minister Avramopoulos, who will fill the newly-created post of commissioner for migration.

serve to ‘weather-proof’ migration flows (some argue that smugglers would put to sea even in difficult winter weather on the assumption that they will be rescued by the Italian navy should they run into trouble). That move has in turn put pressure onto the other EU member states, who have agreed to Triton, a joint operation to be coordinated by Frontex, the EU’s Warsaw-based agency for coordinating national border management, under Italian authority.

However the Triton mission is – to coin a phrase – just a drop in the ocean,<sup>2</sup> and the question remains: how to use other EU-28 resources, especially military ones. Given the extremely volatile conditions in large parts of Libya: should the EU try to resuscitate EUBAM, its border management operation in Libya, but this time building it backwards from the sea and into North Africa and linking up with the Libyan Coastguard which Frontex officials name as one of the few institutions in Libya still capable of functioning? Should the EU brave the instability in Libya and seek to establish military protection zones there and elsewhere in the MENA region, perhaps underpinning this with humanitarian corridors? Should the bloc build regional coordination centres in neighbouring countries, helping regional governments to pool their own military and civilian resources and plug into what remains of the Libyan border service? Should the EU establish remote support for Libyan authorities, with Brussels-based military and civilian experts virtually involved in Libyan border efforts? Should it set up mobile border checks, in-country and away from the physical borders themselves as well as from the most unstable areas, as it has done in Moldova around the disputed border of Transnistria?

And yet, there is an even more basic question here: not how, but *whether* to use CSDP resources at all. Even broaching these options for involving CSDP will likely meet with resistance from some quarters. It is not just that non-governmental organisations (NGOs) and other experts are nervous about the so-called ‘securitisation’ of the European response to irregular migration. It is the knowledge that efforts to coordinate EU policy fields and national resources in this way tend actually to lead to greater fragmentation and a blurring of accountability, allowing Europe to push the problem onto its neighbours. This is already apparent in the use of the Frontex joint operation to respond to the humanitarian crisis in the Mediterranean. Frontex is emphatically not a Search and Rescue (SAR) agency. It has neither the technical resources nor the competencies to perform such a role – indeed, under international law it is hard to see how anything other than a national agency could.<sup>3</sup> As one EU official succinctly told this author, Frontex’s job is rather to help member states improve the flow of paperwork at the border.<sup>4</sup> Frontex serves a simple purpose in situations like the crisis in the Mediterranean: its involvement suggests to voters and the international community a coherent and solidary EU solution, whilst in reality defusing any sense of collective responsibility and shifting the burden to the EU’s neighbours.<sup>5</sup>

2. Triton is a small operation comprising two ocean-going and two coast guard vessels, two motorboats, two planes and a helicopter pledged by participating member states including Finland, Spain, Portugal, Iceland, the Netherlands, Latvia, Malta and France. Debriefers and screeners will be deployed i.a. by Spain, France, Finland, Romania, Switzerland, Norway, Germany, the Netherlands, Sweden, Portugal, Austria and Poland. It will have a monthly budget of just €2.9 million and will likely operate only in a 30-mile area from the Italian coast. As Frontex’s acting director has made clear: the operation’s primary focus is border control, although saving the lives of those that cross its path is a priority. The precise relationship to *Mare Nostrum* remains unclear. The Italian interior minister has enthusiastically talked about Triton as a replacement of *Mare Nostrum* although given the difference of scope and size it cannot be anything of the sort.

3. For a useful overview of the legal situation: Patricia Mallia, ‘The challenges of irregular maritime migration An evolving EU engaging a changing Mediterranean region’, *Jean Monnet Occasional Paper No. 4/2013*, Msida, Malta: Institute for European Studies, 2013.

4. Frontex’s mandate is generally restricted to a hand-maiden role, designed to build a coherent network of national border services. That means a focus on common risk analysis, training and a curriculum, as well as the harmonious implementation of EU border rules. It does, however, also have a strong role in situational analysis in the Mediterranean. It supplies member states with data about vessels that may be carrying migrants, a predictive app guessing where the boats might go. If member states do not act upon this information, however, it is nevertheless Frontex which carries the blame.

5. See for example: Jorrit Rijpma, ‘Frontex: successful blame shifting of the member states?’, *Analysis of the Real Instituto Elcano 69/2010*, Madrid: Real Instituto Elcano, 2010.



All the same, and notwithstanding these pitfalls, it seems only logical that the EU should try to improve the coherence of its response and employ CSDP resources here. There is a clear link between the region's growing refugee crisis and the violent upheavals throughout the MENA region, which are a daily feature of security and defence officials' agenda. Moreover, as the struggling EUBAM efforts show, CSDP resources are already being used, albeit in a minor way, in immigration and borders policy – and have been for quite some time now. In light of border-related crises (and subsequent CSDP missions) in Rafah, Georgia and Kosovo, a 2006 paper was drafted setting out a concept for civilian-military cooperation in third countries. This was updated in 2013, but its main thrust remained the same: to use CSDP to promote the EU's concept of integrated border management (IBM) abroad. Through one of three types of border operation – 'supportive', 'monitoring' and 'executive' – European military and civilian personnel thus assist a country to coordinate its border services (immigration, customs, plant and animal control) both internally and with its neighbours and other international actors.<sup>6</sup>

IBM is of course highly relevant for a country such as Libya, which suffers internal fragmentation and a set of difficult relations with its neighbours. IBM also fits well with the EU's current understanding of itself as a security actor – the so-called comprehensive approach, in which the EU pulls together a range of civilian (i.e. police, judges, border guards, customs officials, and development projects) and military tools in an integrated manner.<sup>7</sup> But, as the demise of the EUBAM mission shows – indeed, as the very fact that CSDP activities still focus on building Libyan borders at a time when the fighting in Syria and Iraq has produced one of the worst refugee crises since the Second World War –, this concept falls woefully short of what is required to meet demand. The task for policy-makers, therefore, is again to map out the space – both within the EU's policy architecture and in the broader regional context – which CSDP resources and expertise might fill.

## Identifying the gaps in the EU's approach to migration

»» CSDP officials come relatively new to the field of EU policy on migration, borders and asylum. They will quickly find that they are entering a highly contested field, one that pits a wide range of national ministries and Commission Directorates General against each other, not to mention EU member states with very different geographical foci. This inevitably creates coordination problems and turf wars. But these problems have been deepened by the way EU integration in this field has proceeded. It is not just the fact that the EU and its Schengen passport-free travel area have considerably expanded their membership

6. Council of the European Union, 'Revised draft EU Concept on CSDP Support to Integrated Border Management', 16044/2/13, Brussels: Council of the European Union, 10 December 2103.

7. European External Action Service, 'The EU's comprehensive approach to external conflict and crises', Joint communication, JOIN(2013) 30 final, Brussels: EEAS, 11 December 2013.

over the past decades, bringing in new member states to the south and east with new priorities. It is also the fact that cooperation in this field was initially driven outside EU structures by interior ministries operating in low-key, closed structures.<sup>8</sup> Other national ministries have consequently had to fight to gain influence over decisions. The process has resembled a tug-of-war between different ministries and different blocs of states, with the result that the EU has developed a large blind spot in its migration policy. This has three dimensions.

**The need for a strategic approach:** The first of these dimensions is on the time continuum: the EU tends to be exceedingly short-termist in its migration-policy actions,<sup>9</sup> and its current response to migration from the Mediterranean is no exception. The difficulties of policy coordination in such a contentious field almost inevitably make the Union reactive and defensive, especially as decision-making has been gradually forced out of low-key trans-ministerial structures and the European Parliament has sought to impose a greater degree of supranational democratic accountability over the EU's actions. But this justifiable reactivity is deepened by the still heavy influence of interior ministries and of north-western European states on policy. Interior ministries have tended to view migration as a threat to be fended off rather than viewing it in terms of longer-term demographic and economic trends. Moreover, north-western members in particular feel cushioned from these threats by the existence of eastern and southern member states. They have often responded to crises such as that emerging in the MENA region rather late in the day and on the back foot.

Of course, this short-termist approach might seem justified in the current crisis where events are fast-moving and unpredictable. There is, however, both time and grounds for the EU to develop a strategic and forward-looking approach. The reasoning in the case of migration across the southern flank is brutal in its simplicity: the European Union is yet to feel the full force of the upheavals in Syria and Iraq – indeed, it is unlikely to for the next 12 to 24 months. There has certainly been a spike in the numbers of Syrians and Iraqis coming to the EU, with more than 120,000 Syrians applying for asylum in Europe since the Syrian conflict began in March 2011.<sup>10</sup> However, EU officials suggest that many of the current arrivals to the northern shore of the Mediterranean represent only a knock-on effect of the most recent fighting in Syria and Iraq. Many of those who are now arriving in Europe, they argue, were in fact displaced by earlier conflicts – not just the fighting in Iraq and Syria over the past decade, but political and economic trends stretching back as much as thirty years ago. It is they who have been the first to feel the renewed instability in the region.

Thus many of those coming to the EU had already left their country of origin – not just Iraqis and Syrians displaced earlier in what has been a decade of instability but a range of other nationalities: northern and sub-Saharan Africans who had moved in more peaceful times to former economic powerhouses such as Libya and Egypt, and have now suffered from the economic downturn in the region. They are Eritreans and Palestinians who had fled earlier upheavals in their home regions, and now see no sense in returning there as the situation worsens. They are migrants from Eastern Africa – from Somalia and Sudan

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8. Joerg Monar, 'The Dynamics of Justice and Home Affairs: Laboratories, Driving Factors and Costs', in: *Journal of Common Market Studies*, Vol. 39, Issue 4, pp. 747–764, 2001.

9. Randall Hansen, 'Migration to Europe since 1945: its history and its lessons', in: *The Political Quarterly*, Vol. 74, pp. 25–38, 2003.

10. UNHCR, 'UNHCR urges Europe to do more to help Syrian refugees', *Press release*, Geneva: UNHCR, 11 July 2014, available at: <http://www.unhcr.org/53bfcd969.html>

(Darfur) – who had actually been heading to safety and employment in the MENA region but were deflected towards the EU by new checks erected along the Saudi-Yemeni border or in the wake of a restrictive Israeli immigration policy. And they are part of the large numbers of migrants taking the slow ‘pay-as-you-go’ path to Europe, working at each stage to pay for smugglers’ services, who now cannot find work and find that smugglers are ready to pack ever greater numbers onto boats.<sup>11</sup>

Moreover, these individuals are coming to Europe primarily via the so-called Central Mediterranean corridor from Libya, the country which one official describes as the ‘Grand Central Station’ for people smuggling.<sup>12</sup> The prominence of the Libyan route reflects the fact that state failure offers an environment conducive to this kind of illicit activity, but also that smuggling networks need time to establish themselves once a state collapses or a state of conflict subsides. Libyan smugglers have needed time to co-opt into their activities the nomadic tribes in the north of the country, as well as the new border guards. They have also had to incorporate European actions such as the *Mare Nostrum* patrols into their tactics and their business models. Those conditions are not yet met in the eastern Mediterranean where the current fighting is focused. There, smugglers are still grappling with border fences erected between Bulgaria and Turkey, as well as a set of unpredictable policies from Ankara.<sup>13</sup> Thus, although there has certainly been an immediate spike in the number of Syrian nationals coming to the EU, something of a domino effect is also at work, the consequences of which may only be felt in two to three years. Given that approximately 10 million Syrians have been displaced since 2011 (6.5 internally, 3.1 registered outside the country)<sup>14</sup> the potential long-term effects are huge.

**The need for a balanced geographical approach:** The second vacuum lies on the space continuum. The EU has a relatively advanced approach to migration flows across its eastern and western borders, but it lacks a coherent approach to its southern border. This is surprising in some respects. The problems the EU faces at its southern maritime flank receive huge media and public attention, and yet it is the more low-key challenges of the east and the north-west that are most completely handled. Tellingly, for instance, Frontex has no real working arrangements with North African countries,<sup>15</sup> and the agency remains best-suited to handle the rather technical problems associated with air borders in the major airports in Western Europe which revolve around document security and checks. Moreover, the placing of its headquarters in Warsaw reflects the political weight given to border issues in the wake of the EU’s so-called big bang eastern enlargement from 2004-2007, even if fears of mass migration from the post-Soviet space have not (yet) come to pass.<sup>16</sup> This imbalance in the EU’s approach reflects the way the EU and its Schengen passport-free travel area have changed over the past twenty years. The enlargement of their membership and borders has in turn significantly altered their internal political balance.<sup>17</sup>

11. For a useful overview see: ‘Smuggled futures: the dangerous path of the migrant from Africa to Europe’, *Research Report*, Geneva: Global Initiative against Transnational Organized Crime, May 2014.

12. There are an estimated 600,000 people ready to make the journey from Libya. Figure cited in *Ibid*, p.4

13. ‘Bulgaria may extend Turkish border fence to bar Syrian, Iraqi refugees’, *Reuters*, 20 August 2014.

14. European Commission Office for Humanitarian Aid and Civil Protection (ECHO), ‘Syria crisis: facts and figures’, Brussels: ECHO, 6 October 2014, available at: [http://ec.europa.eu/echo/files/aid/countries/factsheets/syria\\_en.pdf](http://ec.europa.eu/echo/files/aid/countries/factsheets/syria_en.pdf)

15. Frontex, ‘Third countries’, available at: <http://frontex.europa.eu/partners/third-countries> [Accessed 1 October 2014].

16. Sarah Leonard, ‘EU border security and migration into the European Union: FRONTEX and securitisation through practices’, in: *European Security*, Vol. 19, Issue 2, pp.231-254, 2010.

17. Ruben Zaiotti, *Cultures of Border Control: Schengen and the Evolution of Europe’s Frontiers* (Chicago: University of Chicago Press, 2011).

Part of the reason for the EU's southern blind-spot thus lies with the specific geography of the Mediterranean maritime border which grew considerably in the 1980s with the accession of Greece and Spain and then in 2004 with smaller members Cyprus and Malta. Under UN rules, littoral states enjoy a significant degree of sovereignty only over the stretch of sea up to 12 miles from the coast, and at best diluted discretion over a contingency area 12 miles further. Beyond that point, boats sail under the sovereignty of the state whose flag they fly – if they fly a flag at all.<sup>18</sup> Compare this to air borders, where European governments have been able to co-opt airlines into acting as 'sheriff's deputies' checking migrants' documents before their arrival in the EU and where governments can place new arrivals in the legal limbo of 'international zones' – a kind of no-man's-land in which international laws do not properly apply.<sup>19</sup> Another key difference is in the quality of cooperation with the EU's southern neighbours. Across the shore on the other side of the Mediterranean Sea – itself a massive expanse to monitor – lays a row of North African states that have generally proved resistant to cooperation with the EU in this field.<sup>20</sup> Whereas the EU has managed to build a ring of 'migration buffer states' along its eastern flank, MENA states have resisted an equivalent role.<sup>21</sup>

But the problem also lies with European politics. Southerners missed their opportunity to shape the EU's border and immigration policy. In the 1990s, just as the EU's immigration regime was being founded, they found themselves transitioning from countries of emigration to immigration. They lacked knowledge to contribute to the debate and were ready to bow to a northern concept of migration control on the assumption that they would never really have to apply it.<sup>22</sup> That gamble did not pay off. Today, northerners make their support and sympathy for southerners conditional upon the Mediterranean member states fully realising their obligations under the EU *acquis* (EU laws and norms). Yet, this *acquis* unnecessarily increases the burden on southerners,<sup>23</sup> and its non-application in the

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18. See Mallia 2013, op. cit.

19. Martin Baldwin-Edwards, 'The Emerging European Immigration Regime: Some Reflections on Implications for Southern Europe', in: *Journal of Common Market Studies*, Vol. 35, Issue 4, pp. 497–519, 1997; and Virginie Guiraudon, 'European Integration and Migration Policy: Vertical Policy-making as Venue Shopping', in: *Journal of Common Market Studies*, Vol. 38, Issue 2, pp. 251–271, 2000.

20. Over the years, MENA states have certainly received huge amounts of financing and expertise on this matter from the EU. Moreover, many MENA states are keen to improve the control of their borders, particularly on their own southern flank. However, cooperation remains difficult. MENA governments have been reluctant to be seen to be cooperating with the EU on this issue, for fear of being labelled EU agents at the cost of 'their brothers' to the south. The lack of a long-term accession perspective for these states, coupled with a disinclination to see any real increase of immigration from these countries, also poses a serious problem. Not only does it reduce the EU's leverage and scope to present a model for MENA states to approximate, it also tends to lead to a short-term focus based more on stability than long-term transformation. This has invited a kind of power politics, with MENA countries ready to exploit differences between EU countries, making concessions individually to Madrid and Rome in order to break the EU's leverage. Finally, upheavals in the south have tended to wipe out years of accrued knowledge and border controls in a way that does not pertain to the east. Emanuela Paoletti, 'Power Relations and International Migration: The Case of Italy and Libya', in: *Political Studies*, Vol. 59, Issue 2, pp. 269–289, 2011. For further information: Roderick Parkes, 'When home affairs becomes foreign policy', *SWP Comments* 32, Berlin: SWP, 2010.

21. Especially since uncooperative eastern states like Belarus are more likely to prevent individuals leaving for Europe than they are to unleash a wave of migrants on the EU as Gaddafi's Libya continually threatened. See: Kelly Greenhill, *Weapons of Mass Migration: Forced Displacement, Coercion and Foreign Policy* (Ithaca, NY: Cornell University Press, 2011). As anecdotal illustration of the difference of approach to the eastern and southern borders: voices in Poland have long called for the EU unilaterally to lift its visa and border restrictions towards Belarus hoping that the exodus of citizens will dislodge the autocratic regime there. It is extremely hard to imagine any government pushing a similar idea towards southern neighbours, no matter how uncooperative.

22. Baldwin-Edwards 1997, op. cit. It must also be acknowledged that northerners are responding to an earlier lack of solidarity from southerners. In the 1990s, for instance, Germany bore the brunt of the EU's refugee problems. At that time, it pushed for a more collective response to matters such as the management of borders and the internal distribution of asylum-seekers. Southern states, which did not face the same problems, resisted. See also: Roderick Parkes, 'Costing free movement', *SWP Comments* 27, Berlin: SWP, 2010; and Steffen Angenendt and Roderick Parkes, 'A new impulse for European asylum policy? The potential of the European Asylum Support Office', *SWP Comments* 21, Berlin: SWP, 2010.

23. One example is the 2003 directive that restricted the possibilities for asylum-seekers to work and pay their own way whilst their applications are being assessed. In the 1990s, Germany and the UK had identified the practice of giving labour market access to asylum-seekers as a 'pull factor' for irregular immigration: it encouraged economic migrants to pose as refugees. Their successful efforts to create EU rules to prevent asylum-seekers gaining access to the labour market reversed longstanding policy and practice in both the Nordic and Mediterranean EU member states which had encouraged asylum-seekers to work and thus reduce the costs for their welfare. Ironically, perhaps, Germany is currently overturning its own domestic restrictions on the matter a decade after it succeeded in turning these into the European norm. Other examples include the EU rules attached to rescues at sea, which have grown stricter even as northern members have focused on finding loop holes in rules attached to the control of land and air borders.

south gives northerners a ready excuse to withhold their resources. Southerners have not helped their own cause. Divided amongst themselves and reluctant to call for support if this comes with too many conditions attached, southern states have tended to fall into unilateralism and occasional power politics *vis-à-vis* the north.

This stand-off is reaching a critical point. Officials warn that if the imbalance is not addressed, the EU's border and immigration regime will fall prey to a kind of internal geopolitics, tugged in three different directions. A mapping of the EU's major border crossing points (BCPs) does indeed suggest that the bloc can be split into three quite distinct zones: the North, which houses the EU's major airports (Heathrow, Charles de Gaulle, Frankfurt, Schiphol); the East, where the EU has its long and potentially problematic land border; and the South, which is host to a fragmented sea border (thanks to the existence of numerous islands).<sup>24</sup> Northerners, as we have seen, would like the EU to focus on issues of document security, with checks carried out at airports in third countries and by airlines themselves. Easterners, having been obliged to introduce border restrictions to Belarus, Ukraine and Moldova as part of their accession to the EU, now promote EU practices designed to safely open up the eastern borders. They wish for robust borders as a means to handle large volumes of traffic and facilitate travel. Southerners, meanwhile, find themselves boxed into a corner facing large and visible problems and falling short of common standards.

**The need for an expansive and pre-emptive approach:** The third vacuum lies at the intersection of the other two, strategy and geography – in the effort to meld time and space. After all, the time and space available to the EU when dealing with migration flows have altered dramatically in the last three decades. The end of the Cold War thawed old borders and heralded new modes of communication. This left the EU vulnerable to events that happened far afield, whilst also drastically shrinking the time available to deal with the attendant challenges. Nowhere is this truer than in the field of immigration and asylum, and the EU has therefore spent 25 years seeking to expand the time and space available to it to manage its borders. At the heart of this struggle is the desire to deal upstream and pre-emptively with immigration flows to Europe before they even get here, something which logically involves action in third countries (in the so-called sending and transit countries). This attempt at an expansive European approach can be charted in the long effort to coordinate the EU's internal (principally home, social and economic affairs) and its external policy apparatus (diplomacy, development and now CSDP).

It was interior ministries from northern European states that made the first move in the early 1990s, with their 'externalisation' approach. As noted, the end of the Cold War had increased global interdependence as well as the prominence of the global West, raising the prospect of permanent mass immigration to states like the Netherlands, Germany and Britain. But it had also increased the scope for European intervention abroad. Interior ministries from countries like Germany and the UK responded by expanding their border controls to third countries, particularly those with which they

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24. See for instance: Frontex, 'Annual risk analysis report 2014', Warsaw: Frontex, p.19.



enjoyed heavy air links. They used the EU's growing diplomatic influence to push third countries into managing migration on their behalf, focusing not least on countries in Africa, the Caribbean and Pacific with whom the bloc had close trade relations. By outsourcing border control functions to third countries, as well as to airlines, EU interior ministries had effectively created the idea of 'illegal emigration' – preventing prospective migrants leaving a country of origin if their EU destination state did not want to receive them.<sup>25</sup>

This approach did not go unchallenged for long and, in the late 1990s, foreign ministries from these same northern member states effected a kind of reverse takeover of Europe's migration policy. This was a time when the EU was trying to promote what came to be known as 'effective multilateralism' as the basis of its foreign policy, and any burden-shifting to poorer countries on immigration and asylum issues threatened to undermine the global rules-based order. With its externalisation approach to migration policy, the EU stood accused of picking and choosing the international rules it liked. The EU was, for instance, eroding the core principle of the global refugee regime (*non-refoulement*) by judging certain third states generally 'safe' for deportations of asylum-seekers. Foreign ministries thus used their role in the negotiation of the Amsterdam Treaty to correct this and create the basis for a more solidary EU approach. The heart of this was to be a common European immigration and asylum policy that pooled European resources and made sure EU governments were not simply passing the bill to other countries for their own failure to cooperate.<sup>26</sup> This marked a massive incursion into interior ministries' discretion, and obliged them to draw up genuinely common rules on border controls, the reception of asylum-seekers and, to a lesser degree, the integration of immigrants, as well as to underpin these new rules with shared funding.

But, meanwhile, interior ministries had opened a new front that became increasingly focused on the east, this time eyeing up the resources and influence enjoyed by the EU's development and neighbourhood policy communities. In the post-Cold War era, interior ministries had to cope with governance failures in third countries to the east and economic stagnation in the post-Soviet space, not to mention the rise of non-state actors (irregular immigrants, smugglers and counterfeiters) as a significant challenge to the European order. Their answer was the 'root causes' approach to immigration and asylum. The EU would use development-related support to address the economic and governance problems that spawned unwanted immigration to the EU.<sup>27</sup> Since the launch of the EU's neighbourhood policy in 2004, the approach has been developed most fully in some of the countries that belong to the eastern neighbourhood – Ukraine, Moldova, Georgia – where European spending has been channelled towards building border and asylum capacities, as well as providing job opportunities for prospective migrants at home.

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25. Sandra Lavenex, 'Shifting up and out: The foreign policy of European immigration control', in: *West European Politics*, Vol. 29, Issue 2, pp. 329-350, 2006; and Guiraudon 2000, op. cit. For further details see also: Roderick Parkes, *European Migration Policy from Amsterdam to Lisbon. The end of the responsibility decade?* (Baden Baden: Nomos, 2010).

26. Guiraudon 2000, op. cit.

27. For a critical analysis see Saskia Gent, 'The root causes or migration: criticising the approach and finding a way forward', *Sussex Migration Working Papers* 11, Brighton: University of Sussex, 2002.

But the EU's development and neighbourhood policy community has objected to the way that development resources are being diverted away from those countries that need most support and towards the middle-income countries that tend to produce migrants; to the way that financial support is being used as leverage over the eastern neighbours in return for increased migration control; and the way the EU's governance-building has tended to focus on repressive border control measures in countries whose democratic development is by no means secure.<sup>28</sup> They proposed instead the idea of 'mobility partnerships'. These partnerships are based on the idea that short-term migration is in the interest of the EU as well as that of the countries of origin and their citizens. The EU has now entered into agreements with third countries such as Moldova, Georgia, Armenia, Azerbaijan, Cape Verde and, in a recent flurry of activity, Egypt, Morocco, Tunisia and Jordan, opening up the labour markets of participating member states in a bid to boost the EU's economy and facilitate the flow of remittances and knowledge back to countries of origin.<sup>29</sup>

By the mid-2000s, however, interior ministries had begun to eye up a different set of resources in their effort to cope with transnational challenges and were beginning to focus specifically on the south. In the wake of the 2001 terrorist attacks in the United States, EU interior ministries began to talk of the nexus between migration and Islamist terrorism. Poor governance in the MENA region was seen to offer fertile ground for radicalisation and instability, and some saw immigrants and asylum-seekers as potential vectors of this cross-border menace – a misplaced suspicion that only increased following the bombings in Madrid in 2004 (amongst those convicted for their role in the bombings were some migrants) and in London in 2005.<sup>30</sup> The focus increasingly fell on the importance of border management in the EU's southern neighbourhood – most recently in Mali and across the Sahel region – where the EU has used civilian and military CSDP resources to try to boost governance structures, protect displaced persons and refugees, and to prevent undesirable elements reaching the EU.<sup>31</sup>

And yet, this attempted appropriation of the EU's external security resources for purposes of internal security displays many of the same weaknesses as the previous approaches championed by interior ministries – narrow, defensive and EU-centric. It also seems to belong to an earlier era of post-Cold War international relations – one of US unipolarity and non-state threats – that is increasingly being superseded. Now, with an ever-growing cross-Mediterranean migration challenge, the question arises how the policy-makers dealing with CSDP will – finally – respond and broaden out this narrow approach as their diplomatic and development policy colleagues have tried to do before them. How will the CSDP community conceive the problems along the EU's southern flank and try to plug the obvious gap in the bloc's policy architecture?

28. Christina Boswell, 'The external dimension of EU immigration and asylum policy', in: *International Affairs*, vol. 79, issue 3, pp. 619-638, 2003.

29. European Commission, 'EU and Tunisia establish their mobility partnership', *Press release*, Brussels: European Commission, 3 March 2014.

30. Thierry Balzacq and Sergio Carrera (eds) *Security versus Freedom? A Challenge for Europe's Future* (Aldershot: Ashgate, 2006); and Juliet Lodge, 'EU Homeland Security: citizens or suspects?', in: *Journal of European Integration*, Vol. 26, Issue 3, pp. 253-279, 2004.

31. For example, the EU peacekeeping mission in Chad in 2008-2009 protected over 400,000 displaced persons and refugees fleeing the Darfur conflict.

## Conceptualising the problems in the southern Mediterranean

»» The current migration situation in the southern Mediterranean is perhaps best understood by pointing to the gulf between the EU's longstanding aspirations in this field and the current state of affairs. On those occasions when it has made the effort to take a long-term view to the question of migration, the EU has articulated a relatively clear concept of its relations with its southern neighbourhood and the broader region. For a decade now, the EU has ascribed (on a rhetorical level at least) to the idea of creating a broad zone of regional mobility, with the EU's own free movement regime (the EU labour market and Schengen) at the centre, and increasing ease of travel for migrants and tourists to the south as well as to the eastern neighbourhood and Russia. Today, however, this putative single zone of mobility across the eastern and southern neighbourhoods has broken up into three increasingly incompatible zones of free movement.

The first and most developed zone remains the EU labour/Schengen regime, which now stretches into parts of the Western Balkans where EU visa requirements have been lifted, as well as into those sections of society in the eastern neighbourhood (principally officials and skilled workers from countries other than Belarus) which have benefited most from the easing of visa procedures.<sup>32</sup> The second is the emerging Eurasian Economic Union to the east, set up under Russian sponsorship with Kazakhstan and Belarus and designed in many ways to ape and compete with the EU's free movement regime. And a third is the *de facto* zone of 'free movement' to the south of the EU, where porous borders increasingly allow for unregulated travel. This southern zone cannot of course be considered a 'free movement regime' since it is increasingly lawless. Its emergence nevertheless reflects the interests of key powers.

Gone, in other words, is the EU's notion of mobility leading to a win-win situation for sending and receiving countries. Gone too is the aspiration of a progressively post-national regional migration regime in which states cooperate for the common good. This has been replaced by an increasingly nationalistic and zero-sum understanding of migration, in which states view mobility in terms of population gain or loss, as well as in relation to their own ideological and geopolitical positioning. If the EU's concept of 'rolling out' its free movement regime to its neighbours was thus a reaction to the end of the Cold War, the deepening of regional interdependence and criticism of the unsustainability of the pre-1989 'Fortress Europe', this new set of problems reflects a changed international system, one in which western power is being challenged by new and resurgent players.

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32. European Commission Directorate General for Home Affairs, 'Visa Policy', available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm) [Accessed 30 September 2014].



So how might the CSDP community understand this regional migration situation, and the migration challenge in the Mediterranean in particular? The clear answer is with an appreciation of how migration is being used in the neighbourhood's new power relations. Three notable trends:

**Population politics:** The EU's power in its neighbourhood has declined significantly since 2008, and its economic problems have also dented the growth prospects and stability of some of its neighbours. Other players have exploited the situation. To the east, Moscow is building a free movement component to its Eurasian Economic Union, its own lack of democracy shielding it from anti-migrant hostility of its voters. Meanwhile, in the south, Saudi Arabia and Iran have entered the region's long tradition of 'refugee geopolitics' and are exploiting the emergence of a large trapped population and the breakdown of borders.<sup>33</sup> In place of the ideal of mobility policy that placed migration in the common regional interest, what counts here is the control of large population flows for geopolitical and ideological gain. To the east, fears of population loss and brain drain have triggered this aggressive turn; in the south, the explosive growth of a youthful population with nowhere to go is giving rival powers scope for destabilisation. Migration policy is ending and the age of population politics has begun.

**Zero-sum politics:** This assertive power politics is beginning to undermine the international migration and refugee regime, already struggling to keep up with the post-Cold War order. Organisations such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM) emerged in the 1950s, in the battle between the US and the Soviet Union to assert ideological supremacy, but they have subsequently been underpinned by an enlightened and liberal approach from their western sponsor states.<sup>34</sup> There is a risk that they will again fall prey to power politics. Already, UNHCR is receiving record sums from regional players, not least Kuwait.<sup>35</sup> This is a sign of the way that political influence within such bodies is shifting from the West to different players and powers. That diversification may of course be positive for the international order. However, it may also herald a shift to a zero-sum style of cooperation, with new donors demanding 'bang for their buck' and the West losing faith in bodies it no longer controls.<sup>36</sup>

**Spoiler politics:** The way the EU now responds to these challenges has implications for a series of other regional and global problems. This pertains, for instance, to the question whether the EU chooses to remilitarise its external borders. In the south, the Italian navy is taking on border-management tasks and the EU is seeking to cooperate with the Libyan military on border management issues (a necessary step given that the Libyan

33. On the history of this refugee geopolitics: Barah Mikail, 'Refugees in the MENA region: what geopolitical consequences?', *Fride Policy Brief* no.162, Madrid: FRIDE, July 2013.

34. Gil Loescher, 'UNHCR, refugee protection and world politics', in: Loescher, et al. *Problems of protection: the UNHCR, refugees and human rights in the 21st Century* (London: Routledge, 2003); and Alexander Betts, 'Institutional Proliferation and the Global Refugee Regime', in: *Perspectives on Politics*, Vol. 7, issue 1, 2009, pp. 51-58.

35. UNHCR, 'Kuwait gives UNHCR US\$110 million for Syria operations', *UNHCR news*, Geneva: UNHCR, 18 April 2013, available at: <http://www.unhcr.org/5170143d6.html>

36. Hyndman, Jennifer and Alison Mountz, 'Another Brick in the Wall: Neo-refoulement and the externalization of asylum by Australia and Europe', *Government and Opposition*, Vol. 43, No. 2, pp. 249-269, 2008; Randall Hansen, 'Asylum policy in the West: past trends, future possibilities', *WIDER Discussion Papers* No. 2003/68, Helsinki: World Institute for Development Economics (UNU-WIDER), 2003; and Elspeth Guild, 'Immigration, Asylum, Borders and Terrorism: The Unexpected Victims of 11 September 2001', in: Bulent Gökay and R. B. J. Walker (eds), *11 September 2001: War, Terror and Judgement* (London: Frank Cass, 2003), pp.176-194.

military has partial competencies in this field, and given the security situation). In the West, military personnel may be drafted in to handle the control of the Ebola virus at airports. In the east, the growing concern about Russia's hybrid warfare at the Ukrainian border is creating pressure for military personal to undertake border management tasks so that soldiers are in place should hostile incursions occur.<sup>37</sup> For a normative actor like the EU, this apparent diversion from its own model leaves it vulnerable to spoiler politics from rivals such as Russia and China. The EU's heavy-handed efforts to control and restrict the movement of persons across its borders may be politically exploited in international debates about, say, access to maritime trading routes or in territorial disputes.<sup>38</sup>

The EU is not an innocent bystander in all this. It has provided fertile conditions for the emergence of these problems because it has fallen short of its own blueprint for creating and managing mobility. That blueprint was namely to create strong multilateral institutions, as it had done with its own internal free movement regime (where a European Parliament and European citizenship give migrant workers a political status, and the Council of Ministers provides space for inter-governmental discussion). Such institutions serve to blur identity issues at a popular level and they aim to create common interests between the states struggling with zero-sum problems such as rapid population gain or loss.<sup>39</sup> But this approach has been rolled out at best very unevenly in the neighbourhood. To the south, the EU has sponsored multilateral political institutions (the Union for the Mediterranean), but these are weak and migration issues are often expressly kept off the political agenda. To the east, multilateral structures within the Eastern Partnership are quite advanced, but they serve less the purposes of political discussion than policy transfer from the EU to its neighbours.

Thus, although the EU has made efforts to extend its free movement regime – not least through the visa relief and mobility partnership schemes – it has sorely lacked this overarching political structure. In the east, where the EU's Schengen area and emergent European labour market have had a destabilising effect on its neighbours, these multilateral political institutions might have allayed current tensions. States like Ukraine, Moldova and Russia lack the political leverage over the EU to address tensions over emigration and the treatment of their citizens in the Union. It is in this context that Russia has felt able to assert its rival free movement regime, copying an EU methodology that it perceives to be based on dominance rather than mutual political consent. In the south, multilateral political dialogue might have been used to open up migration channels earlier and more fully. Instead, there is a large 'trapped population' with no means of opening channels for movement.<sup>40</sup>



37. Stefano Guzzini (ed), *The Return of Geopolitics in Europe? Social Mechanisms and Foreign Policy Identity Crises* (Cambridge: Cambridge University Press, 2013).

38. For a useful overview: Timo Behr et al., 'The maritime dimension of CSDP: geostrategic maritime challenges and their implications for the European Union', Report prepared for the European Parliament, *EP/EXPO/B/SEDE/FWC/2009-01/Lot6/21*, Brussels: European Union, 2013.

39. Andrew Geddes, 'Integrating immigrants and minorities in a wider and deeper Europe', in: Wilfried Spohn and Anna Triandafyllidou, *Europeanisation, National Identities and Migration* (London: Routledge, 2003), pp.83-98.

40. On 'trapped populations': 'Foresight: migration and global environmental change', *Final Project Report*, London: The Government Office for Science, 2011.

# Integrating defence and migration policies

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» As the EU's CSDP community works out its response to the refugee crisis in the south, the discussion need not all be about issues of strategy and power politics. Interior and defence officials must also focus on matters of a day-to-day practical nature, working out technical issues of how best to coordinate their respective policy toolboxes. This is particularly true of meetings between the EU's internal security committee (COSI) and the political and security committee (PSC) – both of these bring together national officials from the 28 EU governments. The remits of these two committees – particularly COSI – are quite narrow. But there is much to be achieved in terms of better coordination between the EU's internal and external security bodies on just such a technical level: making sure that any navy or army personnel involved in the management of the EU's borders properly debrief migrants and pass on profiles to interior ministries; ensuring that information from the EU's delegations and from member-state liaison officers regarding external political trends feeds into the migration risk analysis of agencies like Frontex; improving coordination between European military and police on securing the chain of evidence against EU citizens fighting abroad for the Islamic State of Iraq and the Levant (ISIL), as well as between border guards and police in those member states where one is not subordinate to the other.

Nevertheless, at the planned ministerial and 'jumbo' meetings (i.e., meetings bringing different kinds of EU-28 ministries together), the bigger geopolitical issues must surely be at the forefront of discussions. After all, migration and displacement are not simple technical by-products of the upheavals in the MENA; they are an important factor of instability in the region and need to be addressed by political means. If the CSDP community takes a merely technical approach to this crisis, it will miss the broader geopolitical trends at play. Here, the CSDP community must follow in the footsteps of the EU's diplomatic and development policy communities and challenge the narrow and inward-looking response espoused by interior ministries. Ministers responsible for CSDP must develop a specific concept of the migration crisis, in which they are also ready to make demands on interior ministries' competencies and resources, as well as to coordinate their policy tools with the full array of other EU means, including in the diplomatic, development and trade spheres.

The natural starting point for the CSDP community will of course be to look at their own policy tools and to ask how these can be used to steer migration – capacity building at borders, helping manage refugee camps, providing humanitarian corridors. But that would be a false start, and could leave the CSDP community parroting interior ministries who will be asking the same question. If they are to break with the current reactive and above all EU-centric approach, their starting point should instead be to ask what form of international cooperation they would like to establish. This is what those ministers responsible for development, neighbourhood and EU diplomacy did in the past when putting forward their concepts. In developing the 'mobility' agenda, for instance, development and neighbourhood specialists began by identifying the

form of cooperation – a partnership between the EU and third countries in the mutual interest – they aspired to. Similarly, the EU’s diplomatic community asked how they could establish mutual burden-sharing on a global scale, rather than asking how their diplomatic toolbox might be exploited to control immigration.

Thus, to avoid the pitfalls of approaches based on either stand-offish co-existence or full-blown convergence, the CSDP community might usefully ask how to employ that classic format of international security cooperation – an Alliance – to deal with the current migration situation in the Mediterranean. This effort to build international cooperation in a field where the EU seems to be thinking in increasingly unilateral terms would achieve three things.

The first would be to help restore cooperative order in the region at a time of competing power politics. When the EU was given the lead on border management issues in Libya in the wake of the Paris Friends of Libya meeting in September 2011, there was already a broad alliance in place. Turkey, Jordan, Qatar, the United Arab Emirates, and the World Customs Organisation (WCO) were all involved in border management issues in Libya. So too were EU member states, notably Italy, the UK, the Netherlands, and Denmark. Yet the EU, despite preaching IBM and the need for a coordinated approach to borders, did relatively little to add to the coherence of the international response. As the EU again begins cooking up new initiatives in the region, it should leave the choice on which tools it finally deploys until it has properly worked out the scope for cooperation and complementarity.

The second goal would be to acknowledge and even exploit the diffusion of power within the region that is currently at the heart of much of the competition across the neighbourhood. It is clear that the EU’s response cannot focus solely on Libya just because this is the point of departure for most smuggling operations to Europe. This needs to be an alliance for the eastern Mediterranean too – one, indeed, in which Libya should be as far as possible an active subject rather than a passive object. The EU can use the alliance format in order to press wayward partners into line (Turkey, for instance, has refused to admit in public that it is cooperating with Frontex, has in the past been accused of pushing migrants into Greek waters, and may be tempted to hint at unleashing a wave of migration on the EU for leverage). But the EU needs an alliance above all to embrace greater regional differentiation. It cannot hope to define the full response of any alliance, and must be prepared to give the lead to others.<sup>41</sup> In this, it can rely on the fact that it is no longer the main pole of attraction in the region, and many migrants would prefer to travel to other regional powers or stay close to home.<sup>42</sup>

And the third goal, naturally, would be greater European solidarity, both between EU members and with third countries.<sup>43</sup> There can be no stable alliance between the EU and its southern neighbours if there is a suspicion that Europeans are simply engaged in burden-shifting and are showing no resilience. Moreover, it is hard to see how this solidarity can be based on anything other than European states providing greater

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41. See the overview of MENA states activities in the management of the Syria refugee crisis: UNHCR, ‘2014 Syria regional response plan’, available at: <http://www.unhcr.org/syriarrp6/> [Accessed 20 October 2014].

42. Neli Esipova et al., ‘The world’s potential migrants’, *Gallup report*, 2011.

43. For further ideas on this see: Hugo Brady, ‘Mare Europaeum? Tackling Mediterranean migration’, *EUISS Brief* 25, Paris: EUISS, September 2014.

channels for refugees to reach the bloc. So far, only Germany and Sweden (and non-EU member Norway) have shown any real appetite for this, the rest fearful of popular reactions at a time of economic difficulty. But the personal sponsorship programme that Germany has adopted suggests a way ahead. European societies tend to reject the idea of resettling asylum-seekers in the EU, since these will pose demands on the welfare system. A personal sponsorship system – whether from family members or a community – can allay this problem by giving responsibility to family members. An additional benefit is that the newcomers can keep any ‘start-up capital’ that they would otherwise have paid to smugglers and can use this to pay their way in the EU.

## Conclusion

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»» Across the EU, there will be sensitivity about deploying CSDP resources in response to the refugee crisis. But the debate in Brussels is not – or should not be – about ‘defending Europe’ from migration. The aim is rather to use CSDP expertise and its toolbox to help end the zero-sum regional politics that lie at the heart of this crisis. An international Alliance, with its characteristics of solidarity, discipline and differentiation, might be a useful starting point for re-establishing some semblance of order and mitigate the ongoing humanitarian emergency. There are precedents to draw upon. Old-hands in Europe’s refugee policy community recall the (marginally) more solidary response from EU governments to the Kosovo refugee crisis in 1999, and suggest that this may have drawn on similar notions of alliance. And even older hands in the security community remember how Europeans were encouraged to embrace a new sense of geography in support of a solidary Alliance as far back as the 1950s.<sup>44</sup> This is, after all, *Mare Nostrum* – for all those states surrounding and linked to the Mediterranean, it is ‘our sea’.

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<sup>44</sup> Christopher Hemmer and Peter Katzenstein, ‘Why is there no NATO in Asia? Collective identity, regionalism, and the origin of multilateralism’, in: *International Organisation*, Vol. 56, issue 3, p.578, 2002.



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