

THE MIGRATION-SECURITY NEXUS IN SHORT: INSTRUMENTS AND ACTIONS IN THE EUROPEAN UNION

*Gemma Pinyol-Jiménez**

Abstract

In early 2011, the so-called 'Arab spring' marked a new period of change, expectations and challenges in several North African countries. Despite the democratic processes started in those countries, Arab riots were mainly seen as another push factor for irregular migration to the European Union by important sectors of European media and public opinion. Furthermore, the crisis management of Tunisian migrants arriving in Italy had stressed the European system of free movement of people in the Schengen area in an unthinkable way only a few weeks before. The aim of this article is not to analyze the consequences of these events, neither in the Arab world nor in the Schengen performance. The main objective is to analyze the establishment of this migration-security nexus at the European level and to examine how the EU deals with the security issue in relation with migration. The first section of this article reviews the construction of the security-migration nexus in the European scenario, starting from the consequences of the 9/11 events. The second part analyses the EU measures to tackle security regarding migration issues, and how the national and regional dimension of security has been complemented by a further developed international dimension, which includes different and more enriched instruments than the traditional control-based ones. The European Union is moving towards the construction of a common legislative framework to deal with migration and some of the more recent steps increasingly demonstrate that managing migration should also incorporate a plural conception of security. Finally, the last section analyses to what extent security instruments have –paradoxically– become useless instruments for managing immigration and for granting security at the European borders.

Introducing Migration as a Security Issue

In 2011, several North African countries saw drastic, even dramatic, social demonstrations asking for democratic changes. The so-called 'Arab spring' opened a period of transition in several Southern Mediterranean countries. Despite the important consequences of this event, several European media began to pay more attention to the number of migrants arriving on Italian

* *Head of cabinet, Spanish Secretary of Immigration and Emigration since December 2011. Previously, head of the Migrations Programme at CIDOB Barcelona. BA in Political Sciences and MA in International Relations.*

shores than to, for example, those who met at Tahrir square. In August 2011, around 25,000 Tunisian migrants arrived at the Italian coasts, while some media and public opinion sectors defined it as an 'invasion'.¹

It was not the first time that migration became a concern to European governments. Back in 2001, after the 9/11 attacks, the process of securitization of immigration started. After that, in 2005-2006, the Cayucos² crisis also emphasised that migration flows could be understood as a risk to European security. Instruments, actions and policies have been developed on that basis, considering that the protection and control of borders is key to guaranteeing national and EU security.

It should be said that analysing the linkage between migration and security is a complex issue, because both concepts are inherently subjective³ and it is also an intricate issue to determine whether immigration to the European Union constitutes a security threat. The term 'security' includes a range of goals so wide that different policies and instruments can be interpreted as elements of security.⁴ During the Cold War period, the traditional vision of national security⁵ had been uncontested, and it was at the end of 1980s that the content of 'national security' expanded to incorporate new concepts not previously linked to traditional military threats, instruments or actions. In 1992, the Summit Declaration of the United Nations Security Council recognized that threats to international peace and security could come from non-military sources of instability and could affect the economic, social and environmental spheres.⁶

During the 1970s and 1980s, discussions on the need to establish a broad concept of security arose. With the end of the Cold War and the collapse of the

¹ P. Monzini, 'Recent arrivals of Migrants and Asylum-Seekers by Sea to Italy: Problems and Reactions', *Real Instituto Elcano* 2011-75, pp. 1-7.

² The crisis of the "Cayucos" started in 2005, when a new irregular migration route towards Spain started. The traditional Mediterranean route was done by pateras (small boats transporting up to 20 people) sailed from the northern Moroccan coast to the Spanish ones. Cayucos, a different type of vessel (up to 30m. in length, capable of transporting up to 180 individuals) arrived at the Canary Islands. It was a different route than the traditional Mediterranean ones (in the case of Spain, from the Moroccan shores to the Southern Spanish ones): the destination was the Canary Islands, and departure points were in sub Saharan Africa (mainly Senegal, Mali and Ivory Coast). The new sea route lasted from 7 to 10 days, resulting in security concerns and physical deterioration of the passengers.

³ N. Choucri, 'Migration and Security: Some Key Linkages', *Journal of International Affairs* 2002-1, pp. 98-122.

⁴ K.J. Franzblau, *U.S. Immigration and Foreign Policy*, U.S. Commission on Immigration Reform: 2007, pp. 1-39.

⁵ H.J. Morgenthau, 'Another Great Debate: The National Interest of the United States', *The American Political Science Review* 1952-4, pp. 961-988.

⁶ R. Rogers & E. Copeland, *Forced Migration: Policy-Issues in the Post Cold War World*, Medford: Tufts University 1993, p. 151.

Soviet Union a new, non-military based definition of security came into being. Furthermore, it became clear that national security, international security and also individual security were interdependent.⁷ The end of the Cold War brought new national security issues to the fore and discussions on the impact of identities and migration flows soon arose.

Those were the terms of debate until 9/11, when new questions about exceptional situations and responses, international obligations and fundamental freedom and rights were raised and discussed under the 'new' necessities of security. Furthermore, in the post Cold War context, the collapse of the USSR implied the dismantlement of the 'Eastern block'. 'The West' has been left without its traditional adversary, against whom it reasserts its sense of identity and security. After 9/11 it seems that extremist Islamists became the "Significant Others",⁸ and Muslim migrants became suspects of internal and external 'threat'.

The 9/11 events and their aftermath marked the tightening of border controls and the spreading of Islamophobic attitudes not only throughout the U.S., but also to European countries. The declaration of U.S. President G.W. Bush of a 'global war on terror' created a general climate of uneasiness and fear among EU citizens, mainly focused on the concept of 'new dichotomies', like the one counterposing Western and Muslim citizens.⁹ Moreover, the 9/11 events generated some policy changes constricting civil rights and liberties in the name of more security for all.¹⁰ In that sense, the securitization theory tries to deal with issues related to the liberty-security debate. This theoretical approach describes a process whereby urgent security issues' or 'threats' are identified or 'constructed' in order to mobilize opinion and constitute legitimacy and authority for dealing with that 'threat'.¹¹ International migration and international terrorism involve the crossing of state borders and the confronting of 'we' and 'they', of what is 'ours' and what is 'out there'. A link between both appears easily, although they are absolutely different

⁷ Y.A. Stivachtis, 'International Migration and the Politics of Identity and Security', *Journal of Humanities & Social Sciences* 2008-1, at: <http://www.scientificjournals.org/journals2008/articles/1387.pdf> (accessed 31 January 2012).

⁸ A. Triandafyllidou, 'Nuevos retos para Europa: migración, seguridad y derechos de ciudadanía', *Afers Internacionals* 2005-69, pp. 39-59.

⁹ Ibid. It should be noted that, as in the ex-Yugoslavia wars, dichotomies confronted asymmetrical elements: the Western-Muslims opposition links a geographical characteristic with a religious one, giving the wrong idea that, for example, Western citizens could not be Muslims.

¹⁰ One of the most notorious changes is that, since that moment, airline and other transport services staff have been required to check for passenger identity documents, despite that airline staff have no special training to do that, and border controls is a public competence.

¹¹ O. Wæver, 'Securitization and Desecuritization' in: R.D. Lipschutz (ed.), *On Security*. New York: Columbia University Press 1995, pp. 46-86.

phenomena. Thus, international migration ultimately becomes a security matter, mainly, but not only, for countries of destination.

Migration turns into a security matter for host countries in two ways. On the one hand, as an international security matter, it affects international border-crossing and border control policies. Regarding border-crossing offences, trafficking networks and irregular flows are threats to be controlled. On the other hand, as an internal security matter migrants are often seen as a threat to the availability of jobs, social services or public order. Indeed, migration is often represented as a challenge to the welfare state and a 'danger' to society.¹² Finally, it has to be noted that the link between international migration and security could be easily dramatised by public actors in order to increase the sense of 'threat' in host societies.

I. Migration as a Security Issue in the European Union

The issue of migration has been subject to a process of securitisation since the 2000s. It could be said that the EU has begun to perceive migration flows as a threat to the stability and welfare of its member states, especially after the 9/11 events.¹³ Hence, the migration-security nexus has strengthened in the EU, especially in the Euro-Mediterranean region. EU migration instruments have been developed to tackle the migration-security nexus, paying attention to national and regional security. However, oftentimes these instruments neglect the humanitarian facet of the policies. Readmission agreements and cooperation in fighting irregular migration have been further developed than other instruments, such as visa facilitation or the promotion of legal migration channels.

At the end of the 1980s, Southern European countries had a low regulated labour market and poorly protected borders, since they were traditionally countries of emigration. Migration trends into southern Europe changed in the late 1980s and during the 1990s, when southern European countries received an increasing amount of migrants for the first time in their history. The economic development of southern Europe and accession to the EU explain why Greece, Italy, Portugal and Spain have seen the number of migrants triple between 1981 and 1991.¹⁴ The European countries of traditional emigration have become receiving countries, especially for migrants from North Africa and Latin America. In the early 2000s, Southern European countries became a dynamic area that received a high number of immigrants, mainly due to employment opportunities both in the formal and informal labour market.

¹² D. Bigo & E. Guild (eds.), *Controlling Frontiers: free movement into and within Europe*, Hants/Burlington: Ashgate 2005.

¹³ T. Faist, 'Extension du domaine de la lutte: International Migration and Security before and after September 11, 2001', *International Migration Review* 2002-36, pp. 7-14.

¹⁴ R. King, G. Lazaridis & T. Charalambos, *Eldorado or Fortress? Migration in Southern Europe*, London: Macmillan 2000.

At the same time, during the 1990s, the Balkan wars increased the number of displaced people and asylum seekers arriving in EU countries, mainly Germany. The rising visibility¹⁵ of migrants and refugees started to draw more attention to the issue, especially in the media, and migration became a highly sensitive political issue on the European agenda. In fact, in the Tampere European Council, Member States passed on the first five-year agenda to start a process of harmonization in their immigration and asylum policies. In 1999 the European Council set a multi-annual programme on policies as sensitive as Justice and Home Affairs (JHA), and particularly in the field of immigration. The Tampere Agenda,¹⁶ together with the Treaty of Amsterdam, can be considered the basis of a common immigration policy, which includes relations with third countries as a fundamental element.¹⁷ Fighting against irregular flows is another key element on the Tampere Agenda. Although an important number of visitors arrive in Europe and become irregular migrants arrive in Europe on a regular basis (tourism or short term visas) and become irregular migrants because of visa-overstays, the Mediterranean Sea has also become a gateway for less numerous but more dramatic attempts to reach the European coast by boat. The sea route for irregular immigrants who generally travel under unsafe conditions in overloaded boats is a clandestine movement in nature, and emphasizes the perception of immigration –as a whole– as a security threat.

In 2005, the increased pressure of irregular migration flows on the Spanish borders, Lampedusa, Malta and the Eastern Greek islands, underlined the EU countries' concerns regarding the protection of EU external borders. One of the most significant events happened within the fences of the Spanish enclaves of Ceuta and Melilla in the autumn of 2005. Spanish and international attention were drawn to the two cities, when groups of organized people –mainly from Sub-Saharan countries– tried to overcome the fortified fences of these controversial Spanish enclaves in North Africa. These events became even more dramatic when Morocco started to deport some of these Sub-Saharan nationals to

¹⁵ In a Eurobarometer survey conducted in spring 2005, 14% of the respondents consider immigration one of the two most important issues facing their country, whereas 10% is concerned with terrorism. In autumn, immigration was considered one of the most important issues by 15% of respondents, and terrorism by 14%. Eurobarometer 64: 'Public Opinion in the European Union', *Eurostat*, December 2005.

¹⁶ Presidency Conclusions. Tampere European Council, 15 and 16 October 1999.

¹⁷ G. Pinyol, 'Spain's Immigration Policy as a new instrument of external action', in: E. Barbé (coord.), *Spain in Europe 2004-2008, Monograph of the Observatory of European Foreign Policy*, Barcelona: Institut Universitari d'Estudis Europeus 2008.

the Morocco-Algeria desert border and left them on their own. At the same time, because of the Spanish System of Border Surveillance (SIVE) and increased Moroccan cooperation with EU partners, a new route of irregular immigration was consolidated. The so-called Atlantic Route, first detected in 2004, begins in the harbour cities of Mauritania, Senegal, Guinea or Mali and is a long and dangerous trip with the Canary Islands as its destination. In 2005, around 5,000 irregular migrants reached the Canary coasts, while from January to December 2006 around 30,000 irregular immigrants did so.

As a result, the EU and its member states have been compelled to implement tough immigration policies, which resulted in what people call 'fortress Europe'.¹⁸ Nevertheless, 2005 could be considered as a turning-point because since then, the EU and its member states have developed instruments and actions to deal with migration, in a complementary and different way.

II. EU Instruments and Actions to Tackle Security and Migration Issues

Since 2001, migration has been treated as a threat to national security. Border control and admission policies have become key instruments to avoid 'unexpected' guests arriving at national territories, and to guarantee the security of national states. Instruments and actions developed should be understood regarding the external migration-security nexus.

At the same time, the securitisation of migration agendas has a clear impact on the external as well as the internal dimension of national security. In fact, as a result of the 9/11 events, fighting terrorism became a general argument used in the policy debate to justify tougher migration controls. Concerns were not only focused on suspected terrorists trying to enter a country, but also on those already in the country. As said before, in some countries the expansion of fear and distrust weakened social cohesion and foreign migrants, especially Muslim migrants, became suspects of internal 'threat'. This perceived threat to Western values and communities results in difficulties in integration and, consequently, in a crisis of multiculturalism.

Although this article aims to analyze instruments and actions developed regarding the external migration-security nexus, some ideas could be voiced concerning the internal or domestic linkage between migration and security.

¹⁸ D. Bigo & E. Guild (eds.), *Controlling Frontiers: free movement into and within Europe*, Hants/Burlington: Ashgate 2005.

II.1 The Domestic Dimension of the Migration-Security Nexus

Debates and measures concerning multiculturalism have developed in some European countries since the 1970s. During the 1990s, theoretical debates on multicultural citizenship and multicultural policy developments have become prominent in most European countries; these issues also gained prominence in the traditional immigration countries such the United States, Canada and Australia. Multiculturalism is defined in terms of public acceptance of immigrants and minority groups as communities which are distinguishable from the majority with regard to language, culture and social behaviour and which have their own associations and social infrastructure.¹⁹

In the European Union, the crisis of multiculturalism can be seen as the aftermath of the 9/11 events. Another event that may have influenced this crisis is the murder of the Dutch cineast Theo van Gogh in November 2004 by a Dutch Muslim. Both this and the terrorist attacks in Madrid in March 2004 hit the media across Europe and increased Islamophobia and xenophobic discourses all around Europe. In a short period of time, European media and public opinion were full of debates on the use of ostentatious religious symbols in public places; the 'headscarf debate' that occurred in different EU countries; the role of naturalised citizens; the limits of the 'host societies'; the failure of integration instruments and the rise of extreme right parties. For the first time the issue of a minimum cultural integration of immigrants, for instance considering language fluency, was raised in several traditional countries of immigration in Europe. Under these circumstances, migration is illustrated as a danger to public order, cultural identity, and domestic and labour market stability.²⁰

Strategies of securitisation and the enforcement of restrictive migration policies have led to a process of illegitimizing the presence of immigrants in Europe who are often viewed as 'competitors' to national citizens on the labour market and the use of social services. That explains, for example, the overemphasis on the use of 'illegal' to refer to irregular migrants, the discussion on the limits of host societies and the attention paid to identity conflicts.

There have been two main responses from EU institutions. On the one hand, in order to guarantee security, the EU has developed instruments and practices that redound to limitations of civil liberties of both its citizens and residents. On the other hand, in order to minimize or eliminate the impediments to integration of immigrants in the European societies, programmes have been developed over the last years and special attention has been paid to fighting xenophobic attitudes and racism.

¹⁹ A. Triandafyllidou, 'Nuevos retos para Europa: migración, seguridad y derechos de ciudadanía', *Afers Internacionals* 2005-69, pp. 39-59.

²⁰ S. Eylemer & S. Semsit, 'Migration-Security nexus in the Euro-Mediterranean relations', *Perceptions* 2007, pp. 49-70.

In the European Union, different directives have been developed to promote integration and equal treatment, and different Communications have brought to light the main concerns regarding social cohesion and integration.²¹ In the European Commission's Communication on The Hague Programme 10 priorities were stated for the next five years (2005-2009) in the Area of Freedom, Security and Justice (AFSJ).²² The fifth priority was entitled 'Integration: maximising the positive impact of migration in our society and economy', and emphasized the need to "prevent isolation and social exclusion of immigrant communities (...) A successful integration policy must contribute to understanding and dialogue between religious and cultures."²³ Preventing isolation is an important step to promoting integration and combating marginalisation.

The same idea was assumed in the Communication on 'A Common Immigration Policy for Europe: Principles, actions and tools'²⁴ and in the new agenda of 2010-2014 for the Area of Justice, Freedom and Security, the so-called Stockholm Programme.²⁵ Furthermore, in relation with the recently presented 'European Agenda for the Integration of Third-Country Nationals',²⁶ the European Commission stated that:

Managing integration is crucial for European economic development and social cohesion, and to realise the potential of migration. Achieving the Europe 2020 objectives of employment, education and social inclusion will depend on the capacity of the EU and its Member States to manage migrants' integration, ensuring fair treatment of third-country nationals and granting rights, opportunities and obligations comparable to those of EU citizens. Managing integration is also crucial to respect cultural differences and share a common vision of future European societies characterised by diversity and multiple identities.²⁷

²¹ Among others, the Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation; the Directive 2003/86/EC on family reunion; and the Directive 2003/109/EC concerning the status of third-country nationals.

²² Communication COM (2005) 184 final, *The Hague Programme: Ten priorities for the next five years. The European renewal in the field of Freedom, Security and Justice*.

²³ *Ibid.*, Point 2.3, priority 5.

²⁴ Communication COM (2008) 359 final, *A Common Immigration Policy for Europe: Principles, actions and tools*.

²⁵ European Council, 'The Stockholm Programme, An Open and Secure Europe serving and protecting Citizens', *Official Journal of the European Union* 2010-C 115-01, 4 May 2010.

²⁶ Communication COM (2011) 455 final, *European Agenda for the Integration of Third-Country Nationals*.

²⁷ Commission Working Paper, SEC (2011) 975 final, *EU initiatives supporting the integration of third-country nationals*.

This complex dialectic process, that facilitates the perception of immigrants as a threat on the one hand and tries to avoid their criminalization on the other, has been characteristic of the EU and Member States' actions in last years. With different intensities and different results, these developments have had a domestic dimension, as described above, and an external dimension. For the external dimension of this migration-security nexus, two main instruments have been developed in the EU scenario. The first one, crystallised in the creation of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX or Agency), mainly promotes inter-EU cooperation to protect external common borders. The second one, endorsing dialogue with third countries, aims to strengthen EU border control and migration management through cooperation with countries of origin and transit. It seems that, also in this dimension, the EU promotes confronting but complementary approaches: on the one hand, an approach to the management of common territorial borders based on traditional security elements and, on the other, a global approach on migration which includes a broadened conception of security.

II.2 Inter-EU Cooperation: the Creation of FRONTEX

The link between security, terrorism, migration and borders make the process of securitization of migration clear. In the EU scenario, different instruments and actions have been developed as outcomes of this process. After the 2005-2006 Cayucos crises, the EU started to develop a border management strategy in response to the challenges emerging from irregular immigration through the common external borders. At the end of that year, the European Commission presented a Communication regarding the management of the EU's southern maritime borders and the maximisation of the capacities of FRONTEX. The prioritisation of borders should be understood as a need to strengthen security at the EU external borders through the deployment of surveillance technology and coercive measures, and it has been a main concern on the FRONTEX agenda since the agency's inception.

In October 2001, several EU member states, including France, Germany, Italy and Spain discussed the feasibility of creating a 'European Border Police'. Although the idea was not approved in the Laeken Council, the Conclusions of the Presidency called for 'further work' towards common co-operative external border control mechanisms. In June 2002, the European Council presented its 'Plan for the management of the external borders of the EU', which tries to slow down the Commission impulse of 'communitorising' the process. The plan identifies the need to increase co-operation, co-ordination, convergence and consistency between border practitioners in EU Member States, but abandons the idea of a European Border Police. Nevertheless, and following the lack of tangible results, the idea of a mechanism for the common management of the external borders of the EU was brought back to life in the 2003 Thessaloniki Council. Although it was said that border control would remain the responsibility of Member States, FRONTEX, as a Community agency, represents

an important step towards a more coherent and global approach to external border management.²⁸

The Madrid bombings in March 2004 gave a new impulse to the security debates in the EU and, as a part of that, the entry into force of FRONTEX was hastened. In contrast with the 9/11 aftermath there was no direct mention relating the Madrid attacks with migration, but emphasis in measures related to passport control, biometric data and common databases of sharing information on travel documents and travellers also had an impact on the need for a better management of the European external borders.

FRONTEX competences were drawn following the principle of solidarity among Member States and the principle of national competences regarding border control. These were based on the idea of facilitating joint operations with national-based responsibilities. Council Regulation 2007/2004 emphasised that: “the responsibility for the control and surveillance of external border lies with the Member States” and defines the FRONTEX role as a facilitator in article 1.2: “the responsibility for the control and surveillance of external borders lies with the Member States, the Agency shall facilitate and render (...) by ensuring the coordination of the Member States’ actions in the implementation of those measures.”²⁹

This preservation of national sovereignty means that FRONTEX can only act (launch initiatives for joint operations or pilot projects) upon request of or in agreement with the Member States. Although solidarity is a key word regarding FRONTEX actions, Member States are not under any legal obligation to collaborate in any of the joint operations launched by the agency. Granting technical equipment for control and surveillance of the external borders is a unilateral decision.

In the end, the ‘emergency driven’ and by-product actions requested by those Member States with EU external borders were the main FRONTEX activities, for example in the case of the Cayucos crisis in 2006. After the events in Ceuta and Mellilla and the consolidation of the Atlantic route of irregular migrants towards the Canary Islands, the Spanish government increased control measures in both cities and extended its surveillance system around the Canary Islands. At the same time, on the basis of these events the Spanish government requested further collaboration with the EU and its Member States.³⁰ In that sense, FRONTEX was seen as a European solution to a

²⁸ A. Neal, ‘Securitization and Risk at the EU Border: The Origins of FRONTEX’. *JCMS* 2009-2, pp. 333-356.

²⁹ Council Regulation (EC) No 2007/2004, ‘Establishing a European Agency for the Management of Operational Co-operation at the External Borders’, *Official Journal of the EC L* 349.

³⁰ As it has been noted: “The clearest manifestation of the diplomatic strategy used by the Spanish authorities was the *tour d’Europe* of the Vice-President of the Spanish Government, María Teresa Fernández de la Vega, in August 2006. *Tour d’Europe*

European problem (external border control), and three joint operations called Hera I, Hera II and Hera III were developed. At the same time, a proposal for the creation of Rapid Border Intervention Teams and for amending Council Regulation 2007/2004 included the opportunity to deploy these teams to face exceptional migration-pressure situations as established in article 12.³¹

Nevertheless, tensions on national competences and FRONTEX initiatives regarding external border controls are far from resolved. FRONTEX operations and practices tried to combine state-driven requests with a more global analysis of risks and threats to EU borders,³² primarily focusing on the harmonization of technological instruments. So, instruments and actions developed in the FRONTEX framework have had a prompt impact on fighting threats –international crime; human trafficking; international terrorism, etc. at the EU external borders at specific moments and specific circumstances. But the difficulties faced by the agency in order to have its own voice in the EU security scenario, illustrate the complexity of defining security practices regarding border control, and, consequently, the complexity of facing the irregular migration phenomenon in a traditional security-base approach. Cooperation with third countries has become a key element to complement the border management in the EU scenario.

II.3 Promoting Dialogue and Cooperation with Third Countries: the Global Approach on Migration

Migration issues have increasingly been placed at the centre of various areas of cooperation between the EU and third countries. This results from the efforts of the EU to adopt a ‘cross-pillar approach’ to migration, with an emphasis on financial aid for third countries to foster development in order to reduce irregular migration.

There are several initiatives to be noted. One of them is the Euro-Mediterranean Partnership (EMP), initiated in November 1995 between 15 EU Member States and 12 Mediterranean countries.³³ The main aim of the EMP is turning the Mediterranean region into an area of dialogue, stability and

consisted out of a series of high level meetings in Brussels with the president of the European Commission and three other key commissioners and with the Finnish Presidency of that time”. S. Carrera, ‘The EU Border Management Strategy: FRONTEX and the Challenges of Irregular Immigration in the Canary Islands’, *CEPS Working Documents* 2007-261, p.12.

³¹ Article 12 states: “...deploy Rapid Border Intervention Teams to Member States requesting assistance when faced with situations of particular pressure, especially the arrivals at points of the external borders of large numbers of third country nationals trying to enter illegally in the European Union”. Proposal for a Regulation establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004.

³² Neal 2009, pp. 333-356.

³³ These twelve countries were Algeria, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia and the Palestinian Authority.

prosperity and as stated in the Barcelona Declaration, this requires sustainable and balanced economic and social development and measures to combat poverty. Due to EU interests, the EMP work programme regarding migration was mainly focused on readmission of irregular migrants and fighting irregular migration. According to some voices, this type of cooperation was, in fact, promoted only to reduce (irregular) migration to the European Union.³⁴ Another important instrument of EU migration policy in the Mediterranean has been the European Neighbourhood Policy (ENP), established in March 2003 with the Communication “Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours”. The main objective of this initiative was to promote “a ring of friends” throughout the EU’s neighbourhood. The neighbourhood policy is a key element of the EU security policy in the region, consequently migration issues have been discussed as part of the EU security strategy. Visa liberalization processes have been developed as part of a migration dialogue, which also includes, as usual, readmission agreements and cooperation against irregular migration and trafficking networks. The ENP involves an ‘ad hoc approach’ to cooperation on migration management, establishing different processes among the countries in their dialogue with the EU. Regarding political, social and economic achievements, along with developments in the institutional and legal framework, the EU differentiates its cooperation with ENP countries, a methodology that may have affected the efficiency and credibility of the European Neighbourhood Policy.³⁵ It seems that the ENP’s main objective is not the creation of ‘a ring of friends’ in the EU’s Eastern borders, but the consolidation of a ‘buffer zone’ between the EU and the neighbouring areas, in order to prevent irregular migration flows and consolidate the idea of a ‘fortress Europe’. Similar to the EMP, some critics have emphasised the ‘stick and carrots’ method used by the EU to influence third countries’ policies regarding migration management and border control. In that sense, Guild argues that “impression that a bundle of rights and possibilities which have already been accorded in other venues and by other means are being repackaged in the ENP and presented as ‘carrots’ to encourage the neighbours to buy into the repressive measures”.³⁶

During the 1990s, dialogue and cooperation with third countries regarding migration issues became key on the EU agenda. In the Conclusions of the Tampere Council, the European Union acknowledged the importance of managing migration inflows on an integrated manner by establishing relations with the countries of origin or transit and jointly carrying out cooperation projects and activities with them. As the Tampere’s Presidency Conclusions stated:

³⁴ S. Eylemer & S. Semsit, ‘Migration-Security nexus in the Euro-Mediterranean relations’, *Perceptions* 2007, pp. 49-70. Article has been cited before

³⁵ Ibid.

³⁶ E. Guild, ‘Cultural and Identity Security,’ in: E. Guild & J. van Selm (eds.), *International Migration and Security*, London: Routledge 2005, pp.101-112.

The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. (...) Partnership with third countries concerned will also be a key element for the success of such a policy, with a view to promoting co-development.³⁷

When the Tampere programme concluded, important differences could be noted between the objectives fixed in 1999 and the results obtained five years later. The requirement of unanimity, along with the distortion between the Commission's many proposals and the Council's few decisions, could be an explanation for this lack of coincidence between objectives and results. But the 9/11 events could also be part of this explanation, as they changed the priorities on JHA topics, focused since then on the security dimension.

During the European Council in Seville in 2002, the Spanish presidency focused on irregular migration, linking with the previous Tampere and Laeken Councils. The Presidency concerns were similar to the EU Commission ones, as Romano Prodi noted in a letter to the Spanish presidency.

I very much welcome your decision that in Seville we should address our citizens' understandable concerns about illegal immigration and human trafficking. Unless we are seen to be finding effective responses to these issues, it will be increasingly difficult to take forward the necessary debate on how to manage legal migration and the proper respect of our obligations under the Geneva Convention. (...) I thought it would be useful to suggest some concrete points that I would like to see addressed in Seville and which I am convinced should enable us to send out the sort of positive signals that people are looking for: - We should strengthen the control of the external borders by developing the concept of an integrated and comprehensive "border strategy" for the EU. (...).³⁸

During the Seville meeting, EU members didn't agree with the Spanish proposal to apply sanctions against countries which refuse to cooperate with the EU in fighting illegal immigration. The idea was anticipated during a previous EU foreign ministers meeting in Luxembourg, and it was widely accepted. Accordingly, countries that failed to limit irregular immigration could have their aid agreements with the EU countries

³⁷ Presidency Conclusions. Tampere European Council, 15 and 16 October 1999, Point 11.

³⁸ Letter from President Prodi, European Council meeting in Seville on illegal immigration, Seville, 21-22 June 2002.

revoked. For the first time, 'negative conditionality' was discussed as a possibility on migration issues. The proposal links migration management according to EU standards with development aid, stating that failure in the first would involve a drastic reduction in the second. In other words, this proposal means applying sanctions towards these third countries that don't manage migration flows according to the EU aims. Finally, the proposal wasn't approved as several countries considered it counter-productive since they understood development as a basic condition to persuade would-be migrants to stay in their countries of origin and not to emigrate.

After Seville, it was obvious that dialogue with third countries was essential in relation to immigration and security related issues. Because the EU asked these countries to re-admit their citizens, to improve their border controls and to fight against irregular migration, better cooperation and collaboration with these third countries seemed a necessity. The Seville meeting put at the top of the EU agenda immigration related topics such as expulsion and repatriation instruments, visas or readmission agreements, along with the objectives for setting common border controls.

The second multi-annual programme on the Area of Freedom, Security and Justice, known as The Hague Programme, provided a working agenda for the 2004-2009 period. The Hague Programme continues the roadmap set in Tampere, accentuating the security concerns. According to The Hague Programme, relations with countries of origin or transit of migrants should be intensified, mainly through readmission agreements and border control. These ideas were emphasised in the Conclusion of the Council of Justice and Home Affairs, held in Brussels in September 2007:

[...] underlines the need to promote close cooperation with third countries of origin and transit, including those third countries identified for the purpose of priority work, in order to: enhance their capacity to manage their own borders; help them to fulfil their responsibilities as regards search and rescue; fight organised crime involved in trafficking in human beings and smuggling of human beings; enhance their capacity to provide protection to those who need it; and provide an effective framework for returns including through readmission agreements.³⁹

The increasing pressure on the Mediterranean borders of the European Union in 2005-2006 revealed the need to strengthen the external dimension of the EU migration policies and instruments. Annexed to the Conclusions of the Brussels European Council held in December 2005, the European Union

³⁹ Press Release, 2818th Council Meeting of Justice and Home Affairs, Brussels, 18 September 2007, pp. 9-10.

includes the document "Global approach to migration: Priority actions focussing on Africa and the Mediterranean". With it, the EU confirms the need for a coherent external dimension for its immigration policy and recognises that both the Mediterranean and Africa have become priority regions within its policies. Due to security concerns, it could be said that the year 2005 represented the discovery by the European Union of sub-Saharan immigration and its impact on its Mediterranean member countries and their Mediterranean neighbours. In 2005, three documents acquired special relevance with regard to the external dimension of the European immigration policy before the European Council held at the end of the year. Firstly, in September 2005 the Commission adopted Communication 390 on 'Migration and development: some concrete orientations', with the purpose of linking EU immigration policy with the objectives of development policies.⁴⁰ The communication outlines the impact that economic and social promotion and civil rights protection could have on the decrease of immigration flows. Secondly, in October 2005 the Commission presented its Communication 491, "A Strategy on the External Dimension of the Area of Freedom, Security and Justice". Behind terrorism and organised crime, this communication qualifies illegal immigration as one of the principal external challenges that should be addressed by the external dimension of the AFSJ. "Illegal immigration is set to continue, confronting the EU with the need to elaborate a comprehensive approach. It must address not only issues such as admission and reception, but also the root causes of immigration and its impact on countries of origin and transit".⁴¹ It is, therefore, necessary to improve the capacities of other countries in migration management, especially with regard to border control, irregular immigration and the migration-development binomial.

Finally, after the EU Informal Summit at Hampton Court at the end of October, the Commission approved Communication 621 on "Priority actions for responding to the challenges of migration - First follow-up to Hampton Court". Therein, the positive contribution of immigration both in the European Union and in the countries of origin was underlined ("Migration, if well managed, can be a positive force for development in both Africa and Europe"),⁴² but it also pointed out the imperative of avoiding irregular immigration flows and the human tragedy which accompanies them. Three main elements are compiled in this communication. First of all, the Commission states the importance of the linkages between migration and development and how the promotion of economic growth, good governance and human rights could help decrease the push factors of migration. Secondly, the Commission is fostering further cooperation between Member States, through increasing operational and financial cooperation in the FRONTEX framework and through the creation of

⁴⁰ Communication COM (2005) 390 final, *Migration and Development: some concrete orientations*.

⁴¹ COM (2005) 491 final, *A Strategy on the External Dimension of the Area of Freedom, Security and Justice*, p.4.

⁴² COM (2005) 621 final, *Priority actions for responding to the challenges of migration: First follow-up to Hampton Court*, p. 5.

rapid reaction teams to provide assistance on border controls. The third element is the strengthening of dialogue and cooperation with countries of origin, in particular with sub-Saharan Africa ones, through improving their capacity for a better management of migration; addressing the root causes of migration such as poverty and insecurity; and fostering the linkages between migration and development.⁴³

In the AFSJ, relations with third countries have been traditionally linked to readmission agreements and technical cooperation in order to help them better control their borders. As has been said, in 2005 the link between migration and development acquired new relevance. But despite several initiatives⁴⁴ presented by the European Commission, in which dialogue and association with third countries were defined as key elements to be developed, the 2007-2010 term mainly lacked developments. In fact, visa policies, fighting trafficking networks or return policies were partially developed, but without paying attention to the integral framework and coherence included in the Global Approach and affecting their effectiveness. In 2009, the new agenda for the ASFJ was passed. The Stockholm Programme emphasises the importance of dialogue and cooperation with third countries, but lack of developments should be noticed, mainly because the agenda was approved during the international economic crisis. The global crisis has had a hard impact in different European countries, and it has also affected migration flows. For the first time in years, migration inflows towards the EU have decreased and debates have refocused onto the impacts of the crisis in immigrants' integration processes or the limits of multiculturalism. This apathy regarding the external dimension of migration policies drastically changed in early 2011, when the 'Arab Spring' events prompted new EU security concerns and rekindled interest for strengthening dialogue with third countries in order to guarantee EU border protection. In 2011, six years after the 2005 Global Approach, the Commission launched a revised Global Approach on Migration.

III. "A Global Approach to Migration" and Beyond

In December 2005, the Presidency Conclusions of the Brussels European Council affirmed the increasing importance of immigration for the European Union and its member states, and described migration as a key issue in the external relations of the EU, especially with the neighbouring countries. Annexed to these conclusions, the Council attached its "Global approach to migration: Priority actions focussing on Africa and the Mediterranean", in which a greater collaboration between Member States regarding AFSJ matters is expressed. Furthermore, the Council considers migration a priority in the political dialogue between the European Union, African countries and regional

⁴³ *Idem*, pp. 5-6.

⁴⁴ COM (2008) 359 final, *A Common Immigration Policy for Europe: Principles, actions and tools*; COM (2008) 611 final, *Strengthening the Global Approach to Migration: Increasing coordination, coherence and synergies*.

institutions, and points out that the Euro-African ministerial conference on migrations should be a first step in this direction.

Later, on 10 and 11 July 2006, the first Euro-African Ministerial Conference on Migration and Development took place in Rabat. Its conclusions tied African participation in managing immigration (and restricting irregular flows) with European development aid and technical assistance. The Action Plan (so-called Rabat Plan) agreed after the Conference has two parts: the first one is focused on repressive measures and it mainly includes European needs. Reinforcement of border controls, readmission agreements and return of undocumented African nationals are topics included in this part. The second part could be described as the African needs, and it includes heightening development assistance to African countries and a proposal to introduce temporary migrant-labour mechanisms for African migrants who wish to work in Europe. As French member of the European Parliament and Chairman of the EP Committee on Civil Liberties, Justice and Home Affairs Jean-Marie Cavada said, "For the first time countries of emigration, countries of transit and countries of destination came together to discuss the problem and examine possible measures in common".⁴⁵ In short, and as it is said in Communication 743,⁴⁶ since 2005 approximately 300 migration-related projects in non-EU countries have been funded under various thematic and geographical financial instruments of the European Commission, amounting € 800 million. The global approach has produced specific tools to deal with migration, for example the 'migration profiles' that have been developed in more than 70 countries; the migration missions that have been held in 17 non-EU countries; the cooperation platform in Ethiopia and the Mobility Partnerships agreed with Moldova, Cape Verde, Georgia and Armenia.

After the Arab turmoil in 2011, the Commission published in May two communications to strengthen dialogue and cooperation with neighbouring countries. The Communication on Migration⁴⁷ started linking the events in several Southern Mediterranean countries with the need for a strong and common EU policy on migration.

The events in the Southern Mediterranean bring hope for a better life for millions of people in our neighbourhood, as well as for greater respect of human rights, pluralism, the rule of law and social justice. (...) Political unrest and military conflicts have led to the loss of human lives and the displacement of hundreds of thousands of people, not only from the countries directly concerned by the changes, for instance Tunisia and Libya, but also from other countries. (...) These recent events of historic proportion in the Southern Mediterranean have confirmed the

⁴⁵ Article on Immigration: 'Illegal immigration: 'close partnership' needed', European Parliament, at: <http://www.europarl.europa.eu/sides/getDoc.do?type=IM-PRESS&reference=20060717STO09891&language=EN> (accessed 31 January 2012).

⁴⁶ COM (2011) 743 final, *The Global Approach to Migration and Mobility*, p. 10.

⁴⁷ COM (2011) 248 final, *Communication on Migration*.

need for a strong and common EU policy in the field of migration and asylum.⁴⁸

The second communication⁴⁹ presented in May 2011 focused in promoting a dialogue on migration, security and mobility with the southern Mediterranean countries. The European Commission expressed its solidarity with changes happened in the Southern Mediterranean countries, but also noted its concerns on their impact on migration flows towards the EU:

The EU stands ready to continue supporting all its Southern neighbours who are willing to commit to democracy, human rights, good governance and rule of law, and to enter into Partnerships with those countries to achieve concrete progress for the people. Those historic events have also induced **significant movements of people** (emphasis in original text).⁵⁰

The Commission remembered the displacement of around 800,000 people due to the eruption of conflict in Libya, or the 35,000 migrants from Tunisia and Libya that arrived in Malta and at the Italian island of Lampedusa. Again, the Commission linked the need for an in-deep EU migration policy with the neighbourhood situation.

The situation in the Mediterranean became a motor to reactivate concerns on the migration-security nexus, but also to reactivate EU initiatives to deal with it. The arrival of Tunisian people in Italy and the Italian government's decision to give them a document to move to other EU countries opened an unexpected debate on free movement within the Schengen area. Lack of confidence on national control of EU common borders tested solidarity among Member States and increased suspiciousness between them. Debates in the Justice and Home Affairs Councils were complex and national susceptibilities were highly sensitive in relation with border control. Therefore, in November 2011 the European Commission moved on and presented the communication on a renewed Global Approach on Migration and Mobility (GAAM).⁵¹ The new GAAM is focused on migration, but not solely. For instance, mobility becomes a key issue especially related to neighbour countries. The communication promotes further development of EU legal instruments like visa policies, readmission agreements and so on, claims for the continuation of political instruments such as regional dialogues on migration issues and considers the need for improvement of operational and support actions. To this end, the Commission emphasises the importance of linking EU migration and mobility policies to EU foreign policies, to impulse a better coordinated and enriched dialogue and cooperation with third countries. "The Global Approach must

⁴⁸ Idem, p.3.

⁴⁹ COM (2011) 292 final, *A dialogue for migration, mobility and security with the Southern Mediterranean countries*.

⁵⁰ Ibid.

⁵¹ COM (2011) 743 final, *The Global Approach to Migration and Mobility*.

become more strategic and more efficient, with stronger links and alignment between relevant EU policy areas and between the external and internal dimensions of those policies".⁵²

Upholding the main objectives and inputs of the 2005 Global Approach, the GAAM introduces four themes as their key pillars: (1) organising and facilitating legal migration and mobility; (2) preventing and reducing irregular migration and trafficking in human beings; (3) promoting international protection and enhancing the external dimension of asylum policy; and (4) maximising the development impact of migration and mobility. In reference to geographical priorities, the GAAM includes the EU Neighbourhood, notably the Southern Mediterranean and the Eastern Partnerships; the EU-Africa Strategic Partnership on Migration, Mobility and Employment and specific sub-regional processes such as the Rabat process (for Western Africa) or the Prague process (for Eastern countries). In sum, the new GAAM recalls the weakness of the 2005 approach and reinforces its strengths.

Strengthening the link between migration and development, promoting dialogue in migration management and facilitating technical cooperation in border controls, the GAAM tries to reach security along the EU external borders through complementary mechanisms, not only linked to military or police instruments.

Conclusions

The migration-security nexus has been consolidated particularly since 2001. As has been said, this theoretical approach describes a process whereby urgent 'security issues' or 'threats' are identified or 'constructed' in order to mobilize opinion and construct legitimacy and authority for the means of dealing with that 'threat'. International migration involves the crossing of state borders and the confronting of 'we' and 'they', and ultimately, international migration becomes a security matter. International migration turns into a 'risk' or a 'threat' as it affects international border-crossing. But it also becomes a matter of security from a domestic point of view, as migrants are often seen as 'rivals' in the labour market or in access to social services.

To respond to migration as a risk or a threat, countries of destination have developed different instruments and policies. The instruments that the EU has carried out to tackle that migration-security nexus initially focused on a military-based security approach. In that sense, readmission agreements and fighting against irregular migration have been instruments developed further than others such visa facilitation or the promotion of legal migration channels. Moreover, this securitised approach has increased the militarization of border controls and has turned irregular migration into the key target, rather than

⁵² *Idem*, p. 3.

promoting legal migration policies or a more global and coherent migration management system.

It could be affirmed that although the migration-security nexus is unquestionable, what the EU needs to regulate is a different approach that moves on from restrictive migration policies to more cooperative ones. In fact, the European Union is involved in the construction of a common European migration policy, and it should incorporate a plural conception of security and increasing cooperation and dialogue. Paradoxically, traditional security instruments (based on border controls) have become rather ineffective in managing immigration and in ensuring security at the European borders.

It should be noticed that securitisation of migration leads to a process of 'illegitimizing' the presence of immigrants and complicates their integration in European countries. Moreover, the endorsement of restrictive migration policies at the European borders has reduced irregular migration flows into these countries, but it also has had two unexpected side-effects. On the one hand, the 'specialization' of irregular migration benefits organised crime and smuggling and trafficking networks. Difficulties to reach the European coasts discourage individual attempts to do it, but give an advantage to criminal networks. In that sense, and regarding security matters, trafficking should be pointed out as the main threat for secure European borders. On the other hand, irregular attempts to reach Europe do not end with restrictive migration policies, but move to less controlled routes, usually longer and more dangerous ones. For instance, the implementation of the Spanish surveillance system in the Mediterranean reduced the irregular attempts of immigrants in the Strait of Gibraltar and other traditional Mediterranean areas, but could explain the establishment of the Atlantic route towards the Canary Islands. The amount of people involved and the dynamics of irregular arrivals also confirm the participation of smuggling criminal networks in that crisis. Similarly, in Italy, strengthening controls in the Straits of Otranto, which was the main point of entry for irregular flows, moved irregular routes to Sicily, a more dangerous zone.

The humanitarian costs of these routes and the ineffectiveness of restrictive measures in reducing deaths has progressively become a matter of consideration. Although irregular migration is clearly perceived as a threat, the need for a humanitarian dimension to migration policies also appears as a question of (human) security. Furthermore, the main channels for irregular migration to the EU are not maritime borders, but routes via international airports. It seems that, in order to be effective and secure, the EU needs to regulate migration taking into consideration other instruments. The 2006 crisis was an inflection point because, for the first time, the EU had the opportunity to manage migration and fight irregular migration considering a more cooperative approach. Since its inception in 1999, the EU could, for the first time, promote dialogue and cooperation with third countries in migration issues.

The migration-development nexus and the impact of 'root causes' policies have been progressively taken into consideration in the EU framework, as a useful complementary approach to the more restrictive one. Instruments should be developed not only in the last stage of the migratory process, which is the arrival at destination, but also at the beginning. Dialogue and cooperation with third countries become key elements in this approach and, likewise, they are key instruments in the Global Approach on Migration, which seeks to manage international migration as a positive challenge to international security. Furthermore, it aims to achieve a win-win-win situation for countries of destination, countries of transit and origin and migrants themselves. The 2011 'Arab Spring' events emphasise the need for in-deep dialogue and cooperation with countries of origin. Furthermore, strengthening democracies in neighbouring regions seems a viable option to increase security in the EU external borders.

Migration is acquiring major importance for international relations because it is a widespread phenomenon that affects both the country of origin and destination, and it has clear socio-economic impacts. Moreover, migration is getting more attention as an element to consider in bilateral relations and, in addition, because of security concerns. Nevertheless, citizens and policy makers are all too often unaware that if they want to secure their borders against unwanted population flows, this cannot be done simply by unilateral decisions to regulate entry.⁵³

Governmental reactions to migration security concerns attempt to avoid unwanted immigration. Governments may increase development aid for potential countries of origin, increase protection of the borders, or establish agreements with neighbouring countries to deal with irregular migration flows. It seems that host countries progressively delegate the role of protecting their borders to neighbour countries of origin or transit. Both the external dimension of immigration policies and the externalisation of the immigration management illustrate the relevance of migration into international relations, and its impact in regional areas, for example, the Euro-Mediterranean one.

Furthermore, management of migration should be articulated in a pragmatic way to propose responses and to avoid generating unrealistic expectations (such as total control or 'zero migration' ideas) that could increase intolerance in European societies. In sum, the phenomenon of immigration might be a key element to transform the EU and its member states relations with their neighbouring countries, and to embrace new challenges facing a globalised phenomenon. Migration policies should be developed considering migration not only as a threat to national security. Also, a broaden concept of security should be used in relation with migration, and it should be defined according not only to national security, but also international security (establishing

⁵³ M. Weiner & R. Münz, *Migrants, Refugees and Foreign Policy: U.S. and German policies towards countries of origin*, Providence/Oxford: Berghahn Books 1997, p.49.

regular and coordinate channels of migration; facilitating visa and readmission agreements, etc.) and individual security (fighting against trafficking and other forms of exploitation). The migration-security nexus should be considered in a broader concept of security, to manage international migration and to increase cooperation among source, transit and destination countries in order to promote security and good governance.