

# SECURITIZATION OF MIGRATION AND HUMAN RIGHTS: FRICTIONS AT THE SOUTHERN EU BORDERS AND BEYOND

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The migratory question in Europe is increasingly viewed from a security-based approach. After analyzing the genesis of this process of securitization of the migration issue, this paper will examine how this securitization of the migration issue shapes the political debate as well as the political answer to immigration. The increasingly strong link between security and migration produces relevant consequences on the Euro-African border: a progressive militarization of the external border as well as a displacement of the latter towards the African continent. At the southern borders of the EU, the external dimension of European immigration policies focuses on the delegation of migration control towards transit spaces in the African continent, creating a number of “buffer-zones” in the continent and displacing the Euro-African border farther south. Using an approach inspired by “migration system analysis,” this paper carries out an analysis of the interactions between migration flows and the external dimension of European immigration policies in the African transit area in order to understand the threats to an effective application of human rights and of the right of asylum. The Euro-African collaboration in migration control, developed during the last decade through different initiatives, underlines the structurally ephemeral character of the short-term securitarian approach of immigration policies. Regardless of the incapability of such policies to stop the departures from the African continent, this reactive process of inter-regional migratory governance building generates significant “side-effects” vis-à-vis human security of migrants and asylum seekers as well as the respect of their rights.

## 1. The genesis of the securitization of the migration issue in Europe: from the Trevi group to the Schengen space and to national political arenas

The migratory question in Europe is increasingly approached by a securitarian point of view. In Europe, immigration is growingly viewed as a security matter as well underlined by Didier Bigo (2005 and 2000) and Jeff Huysmans (2006), among other authors. Actually, security seems to be the only lens through which it is possible to focus on immigration phenomena.

In the general discourse, the rise of securitization is linked with September 11's facts.<sup>1</sup> Nevertheless, if we want to trace the genesis of this process regarding migration, we have to start before, looking at some informal intergovernmental *fora* and meetings, as the "Trevi group," dedicated to trans-border issues like criminality and terrorism (Bunyan 1993). In those intergovernmental more or less informal gatherings, from the end of the '70s and during the '80s Interior and Justice national officers started considering immigration phenomena as a security risk, as they used to do with transnational criminality and terrorism, among other threats.

Those informal meetings were the breeding ground for the complex body of legal regulations of the Schengen convention of 1990 that was afterward incorporated into the EU *acquis* through the Amsterdam treaty of 1999. In the framework of the Schengen space, the link between migration and security is clearly formalized: here, migration is treated for the first time as a security matter, similarly to terrorism and crime (Brochmann 1999: 310).

The Schengen agreement also produces a new common "external border" separating the territories of the signatory countries from the outside and the "insiders" from the "outsiders." The control of this common border *vis-à-vis* informal migration flows was initially the exclusive competence of the member states of the Schengen space. In the last two decades, we can observe a progressive Europeanization of this matter (Guiraudon 2001, Lavenex 2006), testified by different changes: the shift of immigration policy in the first pillar of the EU after the Amsterdam treaty, the common visa policy,<sup>2</sup> the exponential growth

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<sup>1</sup> Concerning the effects of S11 on the securitization process, see Didier Bigo and Anastassia Tsoukala (2008) as well as Thomas Faist (2002).

<sup>2</sup> The common lists of third countries' citizens needing, or not, a visa to enter into the EU territory are set out in Regulation No 539/2001 and the following amendments; available online at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2001R0539:20110111:EN:PDF>.

of the activities of the Frontex agency,<sup>3</sup> the establishment of European funds dedicated to external borders control,<sup>4</sup> and finally the growing inter-connection of national control systems and databases on migration and asylum, planned by the new “Eurosur” system.<sup>5</sup>

This orientation towards the securitization of migration flows was reinforced after September 11 equally in terms of external and internal control of foreigners. As underlined by Thomas Feist (2002: 7–8) “dramatizing a publicly convenient link between international migration and security governments all over Western Europe and North America has strengthened not only borders and external controls but also internal controls of non-citizens.”

## **2. How securitization of the migration issue shapes the political debate and the political answer to immigration**

On the one hand, this link between security and migration is reflected in the political discourses about those issues as well as in the specific measures adopted to manage immigration, particularly in the growing external dimension of European immigration policies (Boswell 2003, Gabrielli 2007, Guiraudon 2008 and 2001).

On the other hand, the migration-security nexus appears at the level of the state practices at the border as well. The management of an EU external border in the Mediterranean is orientated towards a growing militarization of the devices installed and also of the officers in charge of the control tasks (Lutterbeck 2006). This securitization of the mechanisms applied to border control runs side by side with the discursive and rhetoric construction of the “security risk” represented by the informal flows of migrants. Both processes retroact reciprocally to sustain the securitization dynamic: the rhetoric level

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<sup>3</sup> Namely, the *European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*, established by the Council Regulation n° 2007/2004 of the 26<sup>th</sup> of October 2004.

<sup>4</sup> The “External Borders Fund” enjoyed an allocation of 1,820 million over the period 2007–13; from 2014, the funding of member states’ border control activities are included in the general Asylum, Migration and Integration Fund (2014–2020).

<sup>5</sup> “Eurosur,” the European Border Surveillance System, is a project of an information-exchange system supposedly enabling the real-time sharing of border-related data between EU member states. The project was outlined by the EU Commission communication of 13 February 2008 “Examining the creation of a European border surveillance system (EUROSUR),” COM(2008) 68 final, and finally approved by Regulation n° 1052/2013 of the European Parliament and of the Council of 22 October 2013.

justifies the implementation of more security equipment at the border, and the material deployment of control technologies at the border sustains the legitimacy of securitarian discourses on immigration.

Without taking into account the complex process of “problematization” of immigration and the genesis in the political discourses of rhetorical expressions like “migratory invasion,” “migration flood,” etc., it is important to underline that two principal narratives justify today the repressive and securitarian character of immigration policies:

- On one hand, utilitarian discourses underline the risk represented by “illegal” flows of migrants for the security of the states, and sometimes for welfare systems and “national society and identity.”
- On the other hand, “humanitarian” discourses reclaim the idea of protecting migrants from criminal organization trafficking and smuggling at the border as well from risk linked with the border-crossing process (Cuttitta 2012).

However, the instrumentality of this rhetorical link between migration, security, and repressive immigration policies seems simply to demonstrate, considering different evidences, the following:

- The growth of informal, or irregular flows can be considered as a principal result of restrictive European immigration policies and of the lack of formal channels of entry for foreign workers after the suspension of formal recruitment, in 1973–74, in the main European immigrant destinations.
- The growth of trafficking and smuggling activities as well as the multiplication of the revenues produced by those actions can be equally considered as a product of the reinforcement of borders control in Europe in conjunction with the externalization of migration control, as underlined by different authors (Boutrouche 2003, Savona 1996, Castells 2000).
- The growth of risks for migrants and the dramatic increase of fatality at the borders of Europe are strictly linked with the reinforcement of the control at national borders and with the externalization of control towards transit spaces outside Europe, as clearly underlined in their cartographic work by Olivier Clochard and Philippe Rekacewicz (2010; and also Rekacewicz 2013).

Despite these considerations, the process of securitization seems to continue its relentless path and appears increasingly as the only possible approach towards immigration at the Southern European border. This trend is explained by

the fact that a political self-reinforcing dynamic is shielding the existing link between migration and security. Where applied, the security measures oriented to control migration determine a growth of trafficking and smuggling activities as well as an increase in the profit of those activities. This happens in the same manner at the borders and in the transit spaces of the African continent, where the external dimension of European immigration policies is creating a buffer zone towards migrants (Gabrielli 2011b). This fact gives to the partisans of securitization, and particularly to the “professionals of security” who play a central role, the possibility to present the application of more security-oriented measures as the only political choice (Bigo 2005, Huysmans 2006). The same rhetoric is also used when migrants perish while they are crossing the borders.

Even if this tendency to securitize the migration issue starts at the European level, as we have previously seen, national officers prove their capabilities to adapt the discourse and practices to the national scene, searching for various political benefits, such as electoral legitimacy or gaining power and influence inside state institutions. This tendency emerged clearly in the case of Spain where, after the political elections of 2000, immigration became for the first time a main issue in the political campaign, pushing José-Maria Aznar’s Popular Party towards an absolute majority (Gabrielli 2011a: 157–ff). However, similar dynamics of national re-appropriation of security-oriented narratives in order to approach immigration can also be found in Italy and Greece in different recent periods.

### **3. Security and migration at the border and beyond: militarizing and displacing the Euro-African border**

A first phase of the securitization of immigration management in Southern European countries focuses directly towards the reinforcement of control infrastructure at national borders. The relations between securitization and borders also serves a symbolical function: the border, or a specific part of it, often becomes a theatrical spot where European governments develop their representation of state control over immigration phenomena, as clearly underlined in the case of the Italian island of Lampedusa by Paolo Cuttitta (2012). A very similar dynamic also appears in the Spanish case, specifically when in 2006 a number of pirogues transporting sub-Saharan migrants arrived at the Canary Islands (Gabrielli 2011a), as well as in the Greek case, where the land border of the Evros river separating Greece and Turkey has been blocked off (Kasimis 2012).

Concerning the control of the south-western EU border, two main axes can be underlined. Firstly, we can highlight the process of the *Berlinization* of the two Spanish enclaves in the African continent, Ceuta and Melilla, similarly to what happened along the border between Mexico and the US (Nagengast 1998). At the land border separating the two enclaves within the Moroccan territory, various phases of significant reinforcement of physical and electronic barriers have taken place in order to close those spaces from the arrival of migrants from the surrounding Moroccan territory. A similar tendency of *Berlinization* can be underlined in the case of the Greek-Turkish terrestrial border at the Evros region, where the Greek government built a long wall of contention of migrants (Amnesty International 2014). Secondly, in control tasks a war-like technology is growingly applied that produces “militarization” of the border concerning the control tools used there,<sup>6</sup> as well as the status of the officers controlling the border (Lutterbeck 2006). As clearly underlined by Nagengast (1998) in the US-Mexican case, this strategy seems to be appropriate for a “low intensity conflict” using violence as a dissuasion instrument towards, in this case, informal immigration.

A second phase of the securitization of immigration management in Southern Europe is characterized by the externalization of migration control mechanisms outside the national territory, increasingly blurring the distinction between *internal* and *external security threats* (Bigo 2000). At the southern borders of the EU, the external dimension of European immigration policies focuses on the delegation of migration control towards transit spaces in the African continent, creating a number of *buffer zones* in the continent and displacing the Euro-African border farther south.<sup>7</sup>

Considering that the southern neighborhoods may not be persuaded to apply strong control of migratory flows by the conditionality of the access to EU, as was the case for Eastern European countries, distinct tools and forms of conditionality are used by European governments to enforce the externalization towards the African continent:

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<sup>6</sup> One of the clearest example of this dynamic is the Spanish SIVE (Integrated system of electronic surveillance), an “electronic wall” initially installed between the cities of Huelva and Almeria, in the Mediterranean coast of Spain, thanks to an important financial contribution of the EU (MIGRATION NEWS, 2000, vol.11, n° 3, September, <http://migration.ucdavis.edu>). In a second stage, this system was installed all along the Mediterranean Spanish coast, as well at the enclaves of Ceuta and Melilla and in the Canary Islands.

<sup>7</sup> Concerning the case of Spain’s externalization of migration control towards Morocco and West African countries, see Gabrielli (2007, 2008, and 2011), as well as El Qadim (2007, and 2010); concerning the case of migration control’s externalization from Italy towards Libya, see Bialasiewicz (2012).

- Specific support instruments by the EU, as for example the AENEAS program,<sup>8</sup> created in 2003 and working between 2004 and 2006, were oriented towards financial and technical support to reinforce third countries' capabilities to control their borders and the transit of migrants, supposedly directed to the EU.
- Police assistance and capacity building project strengthening third countries' capabilities in border control activities.
- Readmission agreements, at bilateral (between an EU member state and a third country) or multilateral level (between the EU and a third country).
- More extended agreements of cooperation in migration matters at formal or informal levels (Cassarino 2007). Looking at the national level, the clearest example of this trend is that of Spain, whose agreements with sub-Saharan countries include seasonal migration quotas, development aid, investment engagements, readmission agreements, and cooperation in migration flows control (Gabrielli 2010 and 2008). Similar cases are those of France, including the issue of development aid in its migratory cooperation agreements with sub-Saharan countries, and Italy, including different issues in its bilateral agreements on migration control cooperation with Tunisia and Libya (Bialasiewicz, 2012: 852–ff). At the EU level, it is the case of the new Global Approach to Migration and Mobility (GAMM)<sup>9</sup> presented by the EU Commission in November 2011 and of different mechanisms created for improving cooperation in migration control of the Mediterranean neighboring countries.

At the same time, the delegation of migration flows control towards African third countries also pushes an externalization of the expulsions and repatriation between transit and origin countries.

It is interesting to underline that these strategies to delegate or externalize the control of migration flows started during the '90s in the East European countries candidates to EU accession. The externalization and the creation of buffer zones were, in this case, just temporary, in the sense that, once those countries entered the EU, the control stops being "external" (Lavenex 2006, Lavenex and Uçarer 2004). However, the measures and the framework of the

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<sup>8</sup> This program was legally based on the EU cooperation and development policy and was coordinated jointly by two DG of the Commission: Home Affairs and External Relations.

<sup>9</sup> See the EU Commission Communication "The Global Approach to Migration and Mobility," COM (2011) 743 final of 18 November 2011, accessible online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0743:FIN:EN:PDF>.

delegation were very similar to those applied a decade after towards the African neighbors. Regardless of the incapability of such externalization policies to stop the departures from the African continent, this reactive process of inter-regional migratory governance's building generates significant "side effects."

#### **4. Security versus human rights at the Southern European border**

The external dimension of European migration policies towards the African continent is producing a progressive displacement southward of the Euro-African border vis-à-vis the "transit migrants." This "moving border" transforms the transit countries that collaborate with Europe in buffer zones, filtering migrants potentially heading for the EU territory. Meanwhile, to understand the results of the external dimension of European policies it is necessary to apply an approach inspired by a "migration system analysis" (Mabogunje 1970, Kritz and Zlotnik 1992). Carrying out an analysis of the interactions between those externalized policies and migration flows in African transit spaces, it is possible to be aware of the threats posed to an effective application of human rights and, particularly, of the right of asylum (Gabrielli 2011b).

Firstly, it is necessary to consider that the externalities generated by this inter-regional migratory governance of migration flows between Africa and Europe enlarge the border-crossing market and at the same time push the migratory flows toward a greater informality in African spaces. In other words, this policy produces more vulnerable individuals, considering both the risks they are exposed to in transit countries as well as the full respect of their rights (Spijkerboer 2007).

Secondly, it has to be underlined that the increased external borders control, as well as the externalized mechanisms of migration control, combined with the difficulties to distinguish between economic migrants and asylum seekers, produces a *de facto* restriction of the right of asylum, since it has become increasingly difficult to access to European territory and to apply for this right (Amnesty International 2014). It has to be reminded that in the transit spaces in North Africa, the asylum systems are non-existent or, in the best option, with very few effectives.

Thirdly, maybe a less evident result of this delegation to third countries of immigration control is the shift of migratory paths and patterns in transit spaces towards more dangerous routes, with a parallel increase of risk for migrants' life, as well and the enlargement of the border-crossing market. If the "easier" and then principal routes are under growing control, the flows use

“new” routes, longer and more dangerous and thus less controlled. This is also related to the process of optimization of natural obstacles, a concept developed by Alonso Meneses (2002) in the case of the US-Mexican border. The fact of reinforcing the control in more transited zones pushes the informal migration flows to other roads where the control pressure is lower, but where geographical and climatic conditions supposedly play as obstacles and dissuasion elements. Far from reducing the flows, the main result of this political choice is the growing of violence in the migration process. The growing number of deaths in the Mediterranean, in the Atlantic Ocean and in the desert testifies the magnitude of these risks and compels one to take into consideration the issue of human security at the design stage of immigration policies. An exceptional threat, whether it is real, perceived or manufactured, leads to exceptional answers that, in some cases, can be analyzed as a *state of exception*. This concept, theorized by the philosopher Giorgio Agamben (2005), enlightens the blurred area where the state will not apply the existing legal principles and rules to its own action. Then, the *state of exception* constitutes a key feature in order to consider and analyze state practices in the field of immigration control, and their effective respect of human rights at the Southern European border.

A final question is related to the similarities and dissimilarities between Central and Eastern Europe, on one hand, and Southern Europe, on the other hand. Is there something to glean from the case of Southern Europe? It is certain that in the case of Central and Eastern European countries there are several differences and specificities: the geographical position, the historical relations with neighboring countries, the size and origin of migration dynamics, the labor market necessities of foreign workers, etc. Nevertheless, I suggest that a joint analysis of immigration policy in the South of Europe, in the cases of Spain, Italy, and Greece, can be useful not only to reflect on the evolution of the external dimension of the European policies towards third countries' immigration, but also on the external role of the EU in the world. Another relevant aspect to be considered is that the management of the physical border constitutes a key symbolic element in order to strengthen the frontier between the “insiders” and the “outsiders” and to increasingly represent the latter as a threat. The political obsession to control the border vis-à-vis the African migrants will then help some European governments to justify, or to hide, state practices that do not seem fully compatible with human and fundamental rights, settled not only in international treaties, but also in national constitutions and in different sentences of the European Court of Justice.

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