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MIGRATORY PRESSURES ON THE EU'S EXTERNAL BORDERS AND POLICY IMPLICATIONS. DEVELOPMENTS FROM THE SOUTH OF ITALY

Abstract: The migratory pressure at the EU's external borders is a major challenge for the policy makers' community. As further evidence, the EU Action on Migratory Pressures approved by the European Council in 2012 identified in the "Enhancement of border management at the external borders," a strategic priority for the next five years. Moving from the analysis of the political, institutional and geopolitical factors that have led the EU to design its migration policy in function of a vision marked by securitisation, this study examines the European strategy on migration and asylum by analysing criticalities and prospects that have emerged in the last decade of the integrated border management of the Italian southern external borders.

Keywords: Irregular Migration, EU's External Borders, EU's Migration Policy.

1. Introduction

Migratory pressures on the EU's external borders have posed a significant challenge to European policy-makers. As a further proof of this, the "EU Action on Migratory Pressures" (COE, 2012) approved by the European Council in April 2012 has once again indicated the "enhancement of the border management at the ex-

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ternal borders" as a key strategic priority. This approach is not surprising. As the geopolitical context has transformed, so have the geographies of migration, and a general shift of attention from east-west to south-north routes has raised to the fore new challenges and new policy questions to address (De Haas, 2008; Collyer 2007). It is in this context that mixed migratory flows, namely the flows of asylum-seekers, labour migrants or forced migrants, have been associated with various threats, including criminality, terrorism and social conflict (Lohrmann, 2000). This trend has often been referred to as "the securitisation of migration", that is the extreme presentation of migration as a security threat (Bigo, 2002). Therefore, in this specific context of the securitisation of the asylum and migration policy, the EU Member States decided to establish FRONTEX, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU. Moving from this overview, this research aims to examine the EU's growing securitisation of the immigration control, assessing, in particular, the policy implications and geopolitical impacts of the FRONTEX policing along the Italian southern external borders. Has this kind of border enforcement effectively stopped irregular migrants from entering the EU? If so, under what conditions? Examining this issue from the perspective of the Italian Southern external borders, this paper will try to understand what is happening to border controls on the movement of people in the EU and why the results, as demonstrated by the cyclic migrants' shipwrecks off the coast of Sicily, are so deadly and ineffective.

The article is structured as follows. It opens with a presentation of the state of the art of the *externalization* of EU *migration* and border *policies* that has been taking place since the 2000s. Then, it presents an analysis of what is actually happening at the EU's external borders, analyzing the recent developments from the Italian Southern External Border. It then moves on to assess the effectiveness of the EU's border control strategy deployed at this border, from the perspective of available information and statistical data which the EU's border agency FRONTEX and the Italian Interior Ministry make available.

Through the analysis of the theoretical background concerning the externalization of migration policies and data collected among a range of institutions such as the European Commission and the

Italian Ministry of Interior, this article will finally offer some policy conclusions with respect to FRONTEX and the securitisation of asylum and migration in the EU, examining how this is transforming the conventional principles of European border controls and humanitarian protection.

2. The EU's external policy on irregular migration. Theoretical background and political implications

This section presents a brief historical outline of the EU's legal and political developments that have created the interrelationship between the common policy on external borders and the policy on irregular migration. It analyses the policy scenario of the EU's actions by examining the key steps taken in these two fields. As this study will argue, the strategy that the EU seems to be following aims at reinforcing the security framework at the common EU external borders through the development of the Integrated Border Management Strategy (IBM)[1] and the enhancement of the Global approach to Migration and Mobility (GAMM).

Since the early 2000s, these two programs have constituted the overarching framework of the EU's external migration and asylum policy and defined how the EU conducts its policy dialogue and operational cooperation with third countries in the area of migration and mobility, stressing the importance of fostering the well-managed mobility of third-country nationals across the external EU borders. One of the central ideas behind this strategy is the enhancement of security at the EU's external borders through an increased use of coercive and policing measures, as well as the deployment of FRONTEX.

To verify if and how the IBM model and the on-going EU external policy on irregular immigration are legitimising the practice and promotion of the "paradigm of control and surveillance" (Carrera, 2007), this section addresses how this nexus has been elaborated and justified at the EU level and identifies the main political implications and vulnerabilities related to the nature, extent and impact of this strategy. In greater detail, moving from the analysis of the securitisation of migration in the EU's political discourse

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[1] Council of European Union, Justice and Home Affairs 2006, "Press release 15801/06", *2768th Council Meeting.*

and the production of specific securitised policy responses, this section will address the following research questions:

1. when, to what extent and how has the EU securitized migration?

2. what have been the implications for the EU in terms of policy-making?

2.1. The migration/security nexus. The theoretical background

Many factors have determined the realist turn of the EU's policy on irregular immigration. The common view of an inexorable global de-bordering supported by the enthusiastic conception of globalisation, in vogue during the 1990s, has been progressively belied by the re-bordering tendencies that have arisen both at the global and EU levels, when the conjunction of economic, social and political factors has contributed to linking migration with the topic of security. Supporting the idea, as Dauvergne (2008) argues, is that "the problem of illegal migration is a global one, and the fact that those who seek to migrate outside the law have access to a geographically broader range of options than in earlier eras, contribute[s] to the construction of an identity category of people named by the new noun "illegal". At the EU level, not without ambiguity, the creation of the common space with economic and social cohesion has been strengthened by acts and policies designed to demarcate borders and protect the common European space (Geddes, 2001; Harvey, 2000; Zielonka, 2006).

The central act that develops this approach is the Commission Communication, *Towards Integrated Management of the External Borders of the Member States of The European Union*, adopted in 2002. It launched the IBM strategy, which aims at an "integrated and global response" to the challenges arising from irregular migration through the common external borders, that is "the Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders".

This characterization of borders aims to secure and police the limits of the common Schengen territory (Carrera, 2007). In this way, despite the fact that the early aim of the European Project was to incorporate as many states and people as possible, rather

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than to create a restrictive union, the EU is increasingly working to strengthen the principle of territoriality and its securitisation, as one of the key approaches for facing the challenges posed by immigration (Carrera, 2007; Vitale, 2011).

Contradictorily, while the European governments have promoted and enhanced intra-European mobility, the EU's external borders have been reinforced to avoid migration pressure outside regulated channels (Cagiano de Azevedo, Ambrosetti, 2011; Ibryamova, 2004). Similarly, Bialasiewicz (2005) suggests, that the EU's relationship with its neighbourhoods are increasingly characterized by a hard territoriality where security issues and sovereignty are emphasized, and where borders are increasingly policed.

It is in this context that migratory flows have been associated with various troubles (Lohrmann, 2000; Weiner, 1992), prompting decision makers to consider immigration into a security threat to address as any other transnational organised crime, such as terrorism or human trafficking, enabling the development of a global enforcement consensus.

During the 2000s, this "siege syndrome" has contributed to influencing the development of both the EU and domestic policies on asylum and migration (Hyde-Price, 2008; Leonard, 2010). Indeed, the idea that migration issues have been securitized in the EU – at both the national and EU levels – has become omnipresent in the academic literature on the subject (Bigo, 2000; Fauser, 2006; Huysmans, 2000). Nevertheless, the bulk of scholars have rather, implicitly or explicitly, drawn upon the Copenhagen School's securitisation theory and spoken of the "securitization of asylum and migration in the European Union": that is, their social construction as a security issue (Leonard, 2007).

The "migration-security" nexus (Faist, 2004; Miller, 2001; Tirman, 2004) had been first presented as a theoretical concept, by Ole Waever in 1995, who emphasized the role of the European security agenda in taking into account societal insecurity issues like migration (Huysmans, 2006; Weaver, 1998). For Waever, there are no security issues in themselves, but only issues constructed as such by "securitizing actors", through securitising speech acts, namely the public discourse. In other words, by labelling an issue a "security issue", the securitising actor "moves a particular development into a specific area, and thereby claims

a special right to use whatever means are necessary to block it" (Waever, 1995, p. 55).

The "securitisation of migration", intended as the extreme politicisation of migration as a security threat to manage with restrictive, security-focused and externally oriented policy measures, provides a meaningful example of the securitisation process that consists in "constructing" security threats through "speech acts" (Buzan, 1991) and transformed by the EU's political leaders via "policy acts" (Geddes, 2008).

Otherwise, Bigo (2002) and Huysman (2006) argue that the popularity of securitisation is not an expression of traditional responses to a rise in insecurity but rather the result of the creation of a continuum of threats and general apprehension in which many different actors share their fears in the process of constructing risk in society.

Diverse institutions are involved in this process. They not only respond to threats, but also actively determine them. It is well recognized, for instance, that the "securitized" terminology that characterizes EU migration policy documents have contributed negatively in depicting persons as "illegal", contributing to the negative discourses on migration, and further reinforcing negative stereotypes of irregular migrants as criminals. While the EU Commission has recently started to use the term "irregular" migrants, the bulk of the Council conclusions and its legislative acts continue to use the expressions "illegal migration" and "illegal migrants"[2].

Focusing the analysis on the relation among borders, migration and security Leonard suggests to reflect also on the non-discursive practices of the actors dealing with immigration: "such an approach would require including in the analysis the non-discursive practices of the actors dealing with immigration, rather than focusing exclusively on their discourse on immigration.

For example, with regards to illegal migration and border controls, an analysis would not be limited to discourses on illegal migration and borders, but would examine how the policy on illegal

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[2] Even the latest EU roadmap on migration, the Stockholm programme goes in the same direction emphasizing that the European Union "must continue to facilitate legal access to the territory of its Member States while in parallel taking measures to counteract illegal immigration and cross-border crime and maintaining a high level of security".

migration and border controls are implemented in practice. Who is carrying out border controls (e.g. the police or military forces)? What type of equipment do they use to control the borders (e.g. rescue or navy vessels for operations at sea, weapons with live ammunition or rubber bullets, technological devices at the border site, etc.)? This could reveal interesting differences between official discourses on illegal migration and border controls and the way they are being dealt with in practice" (Leonard, 2007, p. 15). "This point is highly relevant for the present research because this analysis considers the 'securitisation framework' and the related analysis of discursive and non-discursive practices of the securitising actors as a helpful tool to understand how the securitisation of migration issues becomes socially constructed and recognised as a security threat" (Buzan et al., 1998).

As the below analysed EU acts will demonstrate, this study argues that securitised "speech acts" have conditioned the EU's migration "policy acts" and their implementation in practice. In other words, when the EU lists migration among security issues to be tackled urgently, the EU is also initiating a process of institutional framing of a policy issue. Indeed, over the years, migration policy has been increasingly institutionalised at the EU level. Consequently, this research will explore the nexus between the common policy on external borders and the policy on irregular migration using an instrument of policy analysis in order to comprehend how the framing of irregular migration as a security issue influences EU policy-making.

2.2. The migration/security nexus. The political implications

The institutional structure of the EU, with its multifaceted and overlapping layers of competence and governance, has posed significant challenges to the effective and coherent coordination and implementation of irregular immigration policies. Since the mid-1980s, irregular migration has been a key topic of policy and public debates (Hofmann et al., 2004; Kammel, 2006). At the EU level, non-institutionalised forms of cooperation anticipated the formal communitarisation of migration and asylum policy introduced by the Schengen Agreement in 1985 and, later, Convention (1990), when Western European governments launched for the first time

a range of initiatives to try to restrict or control migration and refugee flows into their countries (Kraler et al., 2006).

Under these acts, rules were adopted to establish a common control-regime of immigration into the Schengen space, including higher standards regarding control and surveillance of the EU's external borders, the harmonisation of national visa policies and initiatives aimed at harmonising national laws regarding human smuggling.

Starting as a relatively neglected policy area confined only to the Schengen framework, irregular immigration has gradually became a focal point of the European Union's policymaking ever since the harmonisation of migration policies in the wake of the Amsterdam Treaty (Kraler, Hofmann, 2006). It was only with the entered into force of this Treaty in 1999, that "policy on irregular migration became more structural, and gradually took a grim tone: policy on irregular migration became "the fight against illegal migration" (Broeder, 2009).

Through the assumption that the abolishment of internal borders demanded better legislative action regarding the management of external borders and the admittance of third-country nationals to the EU, the Treaty of Amsterdam established the "Area of Freedom, Security and Justice", a common space "without internal frontiers in which the free movement of persons is ensured in conjunction with appropriate measures with respect to border control, asylum, immigration and combating of crime".

Since 1999, the EU has laid out its agenda for developing immigration policies in the form of five-year programmes that focus more broadly on the area of "Justice, Security, and Freedom", commonly known as "Justice and Home Affairs policy", detailing political priorities, proposals and deadlines and making it a roadmap rather than a strict policy document.

The first of these programs was signed in Tampere in 1999, when the European Council set out the elements for a common EU immigration and asylum policy, establishing the extension of the legal rights of third-country nationals to a set "as near as possible to those enjoyed by EU citizens" (European Council, 1999), access to long-term residence, and the first phase of the Common European Asylum System. This policy platform passed on to a following stage in 2004, with The Hague Programme, which covered the second five-year period, until 2009. In addition to developing

a policy plan for economic migration and a range of mechanisms for exchanging information on integration policy, the programme underlined the importance of well-managed irregular migratory flows, enhancing the cooperation with third countries (branded the "Global Approach to Migration" in 2005) and developing the IBM system with the creation of the EU's external border agency, FRONTEX.

Aiming at strengthening the areas of freedom, security and justice over the next five years, the plan plainly endorsed the security shift in EU migration policy, insisting, in particular, on the integration of migration issues with other priorities in the security field, such as the fight against international terrorism, integrated management of the EU's external borders and tackling organised crime, including human trafficking. In that context the Justice and Home Affairs Council defined the IBM's operative framework as:

1. border control (checks and surveillance) as defined in the Schengen Borders Code, including relevant risk analysis and crime intelligence;

2. detection and investigation of cross border crime in coordination with all competent law enforcement authorities;

3. the four-tier access control model (measures in third countries, cooperation with neighbouring countries, border control, control measures within the area of free movement, including return);

4. inter-agency cooperation for border management (border guards, customs, police, national security and other relevant authorities) and international cooperation;

5. coordination and coherence of the activities of Member States and Institutions and other bodies of the Community and the Union (COE, 2006).

In December 2009, EU's member states agreed to the third plan in the series, the Stockholm Program, "An Open and Secure European Serving and Protecting the Citizen" (2009 to 2014). An ambitious road map encompassing the areas of citizens' rights, law and justice issues, internal security (including counterterrorism, law enforcement, and disaster management), external border management and visa policy, migration and asylum (including integration) and, as a new addition, the external dimensions of freedom, security, and justice.

This Programme places emphasis on the use of all available instruments of the Global Approach to Migration – migration profiles, migration missions, cooperation platforms on migration and development and mobility partnerships – (EU Commission, 2011, p. 28), openly calling for the strengthening of the external dimension to Freedom Security and Justice area.

Mobility Partnerships include the third country's commitment to negotiate a visa facilitation agreement, in parallel with targeted readmission agreements. It may include labour and circular migration schemes, flanked by a package of capacity-building measures in the areas of asylum, migration and development (e.g. facilitating low-cost remittances and measures for countering brain drain). This "inventory of flanking measures" (Broeders, 2009) paved the way to an idea of Schengen inextricably linked to securitisation considered that GAM also covered working arrangements with FRONTEX, cooperation in joint surveillance operations in the Mediterranean sea and capacity building on other aspects of integrated border management.

Encouraging the idea that all of the above issues needed to be dealt with as elements of foreign policy, the Lisbon Treaty which went into force in December 2009, called for a new High Representative for Foreign Affairs and Security Policy and the creation of an External Action Service, the foreign and diplomatic corps for the European Union. The Lisbon Treaty, while recognizing the different legal systems and traditions of the Member States (Article 67(1), TFEU), required the Union to develop "a common immigration policy aimed at ensuring, at all stages, the efficient management of immigration flows" (Article 79(1), TFEU).

However, the on-going political divergences over migration across the EU prove that, although Member States have committed themselves to promoting inter-governmental cooperation under the Lisbon Treaty migration policy-making continues to be a long-lasting and contentious process, and Member States are still far from agreed about what type of migration model is best for the EU. Since Member States have been cautious to develop common EU frameworks on immigration policies internally, the external dimension has been seized upon by EU home affairs as an opportunity to develop and drive specific EU actions involving all stages of migration with respect to the root causes of migration, entry and admission policies and integration and return policies.

The enhancement of the "external dimension" as a new and distinct policy domain of the EU area of Justice and Home Affairs (JHA) has several implications. As correctly observed: "the Commission's DG Home Affairs (formerly part of the DG Justice, Freedom and Security) has used 'going abroad' as a strategy to increasingly acquire authority and expand its responsibilities, supported by the decision-making structures of the Council. Moreover, the predominance of Home Affairs officials effectively playing the part of diplomats within the external dimension has had a profound effect on the policy priorities and actions implemented under the Global Approach, enabling the logics of security, policing and mobility as 'migration control' (in particular readmission agreements and border controls) to prevail over collaboration on legal channels for human mobility, such as labour immigration, and the promotion of migrants' rights" (Carrera et al., 2012, p. 2).

3. Securing the EU's external borders. Current tendencies

As described above, during the last two decades, the EU migration policy for non-EU-nationals has constantly been shaped by the security-oriented preferences of Justice and Home Affairs executives who have shifted the EU's policy focus beyond the external borders of Europe, making the EU's migration policy not only external, but also further externalised (Collyer, 2007; De Haas, 2008). The externalisation of immigration policy constitutes the core of the "spatial reconstruction" affecting EU migration policy: after migration policies have been externalised and the borders of the EU have been (re)drawn as an area of freedom, security and justice (Papadopoulos, 2011), third-country nationals have been described as people needing to be controlled to preserve the internal and external security of the EU. Papadopoulos identifies three strategies for achieving this so-called externalization: "Firstly there is the strategy of 'remote control', involving the transfer of border controls to third countries and/or border countries. Secondly 'remote protection' comes, placing increased emphasis on the extra-territorial dimension of refugee protection. Thirdly, there is the emphasis on building capacity in certain source countries and countries of transit. This is mostly a matter of transference of

knowhow in technologies, equipment and institutions of surveillance" (Papadopoulos, AG 2011).

This process has also changed the meaning of the EU's external borders, which have been subjected to a growing EU transnational policing (Boswell, 2003; de Haas, 2008; Walker, 2003). As Marin observes: "policing semantically refers to police, the main actor performing policing tasks, a concept which has traditionally – since modern history – evoked the state. The transnational dimension of policing, at EU level, is shifting it toward operational cooperation across police actors' networks, as well as information exchange, enhanced by technologies available nowadays; the latest practices of policing as carried out in transnational networks have been conceptualized as policing at a distance, remote controls, and also externalization of policing" (2011, p. 469).

Analogously, securitised purposes have characterised the 2004 launch of FRONTEX. According to the FRONTEX Regulations, the Agency's main tasks are to:

1. coordinate operational cooperation between Member States in the management of external borders of the EU;

2. assist them in circumstances requiring increased technical and operational assistance at external borders;

3. provide them the necessary support in organizing joint return operations.

In addition to this central operational dimension, other main tasks include:

1. assisting Member States with the training of national border guards, including the establishment of common training standards;

2. carry out risk analyses;

3. follow up on the development of relevant research for the control and surveillance of external borders.

Manifestly, the key principle motivating these sets of activities is that "border management" of the common Schengen regime external border must be "integrated" and must cover all border-related threats that the EU is supposed to be facing. The way in which this definition sees the achievement of these two goals as possible is through the strengthening of a common "area of policing" that uses coercive border control and surveillance as the main tools (Carrera, 2007).

Therefore, this kind of management of the EU's external bor-

ders relies on the development of a series of operational tools that are rooted in the management of risk and threat, on the intergovernmental exchange of information and on the use of surveillance technology.

Just considering the Southern Mediterranean maritime borders as one of the fundamental targets being addressed by this strategy, in November 2006, the European Commission published a communication calling for the reinforced management of the EU's Southern maritime borders and for the expansion of FRONTEX's competencies.

These conclusions, combined the prioritisation of borders with the actions of the "Global Approach to Migration", which aimed to guarantee a multidimensional response covering all the dimensions relevant to migration, with particular attention paid to irregular mobility by third-country nationals coming from Africa. The result has been a policy framework based on two distinct but strictly interrelated and corresponding approaches: on the one hand, the integrated approach to the management of common territorial borders, and on the hand the global policy covering migration.

Also in line with this approach, the JHA Council meeting of December 2006 improved this framework, fixing the three structural elements of the IBM programme: "1) Common corpus of legislation; 2) Operational cooperation between Member States, including cooperation as coordinated by FRONTEX; and 3) the principle of solidarity" (European Council, 2006).

This document makes no reference to humanitarian protection (Jeandesboz, 2008). This absence puts into evidence the main contradictions between freedom of movement within the EU and the *refoulement* of those needing to enter. This point has been the subject of wide ranging debate among scholars. If on one side, specialists like Neal deny the securitised essence of FRONTEX, highlighting the growing harmonisation of the border practices of Member States toward a better Common Integrated Risk Model (Neal, 2009). Carrera (2007), on the other side, argues that FRONTEX is overly politicised and that "compliance with the principle of legality may be open to debate" (Carrera, 2007, p. 27).

Indeed, critical points are not lacking. FRONTEX reinforcement of security at common EU external territorial borders (Carrera, 2007) has implied a significant extension of states' power at the expense of immigrants' rights. The externalisation of border con-

trol not only has massively affected the lives of migrants, but it has also subverted the geopolitical role of the countries bordering the European external borders, turning them into the gate-keeper states of "Fortress Europe".

This "gated Community of Fear" (Van Houtum Pijper, 2007) made it impossible for migrants, refugees or asylum-seekers to reach Europe lawfully. Many Ngos studies have found that, in these ways, refugees attempting to enter the EU to seek safety and protection are forced into arduous journeys, meeting with alarming human rights violations.

On similar bases, Frank Duvell argues that "[i]mmigration regimes are not only unjust, they also create as many problems as they claim to solve" (Duvell, 2003, p. 203). This reflection suggests a focus of attention on the EU's external border management policies because it represents a test to assess the EU's concrete adherence to its founding values of respect for human rights, freedom, democracy, equality and the rule of law.

Can borders still serve as gates for the mobility of "unwanted" people across the world, and, if so, at which cost? To answer this question, this paper focuses attention on the case study of the Southern Italian external borders, trying to comprehend what is happening to border controls on the movement of persons in the EU and why the results, as demonstrated by the cyclic migrants' shipwrecks, are so deadly and ineffective.

4. The Central Mediterranean route

Currently, the south Mediterranean region is one of the most unstable political areas in the world. The season of institutional transition, known as the "Arab Spring", began in 2010, has radically changed the institutional landscape of the area, triggering non-linear and on-going regime-change processes. Four years since the outbreak of the Arab uprising, the countries of the Middle East are moving in different directions, with some making strides toward genuine democratic transitions, while other governments perpetuate timeworn policies that allow them to avoid addressing the very real social, political and economic challenges they face (Muasher, 2013).

The significant reduction of the state's control on the socio-

economic settings of most of these countries has acutely affected regional and international migratory flows' dynamics. Taking into account this background, the growing relevance of the Central Mediterranean Route, that is the itinerary referred to irregular migration coming from Northern Africa towards Italy and Malta across the Mediterranean Sea, is not surprising. Since the second half of the 2000s, this route has become an important and progressively well-established way for irregular migrants *attempting* to enter the *EU*. Italy is the frontline country for sea arrivals of mixed migration flows.

4.1. *The arrival of mixed migratory flows in Italian southern coastal areas, 2008-2013*

In 2008, the Council of Europe reported nearly 37,000 people arrived on Italian shores, mostly near Lampedusa and Malta. Most migrants were sub-Saharan nationals, mainly from Nigeria, Somalia and Eritrea who had departed from Libya. Until 2008, Libya, with its relatively rich economy, offered good job opportunities for migrant workers from other African countries who used it either as a destination country, or as a transit country where they could get some funds to pay smugglers for the last stage of their trip.

This traffic stopped almost completely after the Italian government co-signed a bilateral agreement with Libya in 2009[3]. In 2009 and 2010, strengthened border control measures and increased co-operation with the other southern Mediterranean countries designed to prevent departures and to return irregular migrants to their states of origin led to a significant decrease of arrivals to Italy, and numbers went down to less than 9,600 and 4,400, respectively (Italian Interior Ministry Data).

In 2011, the arrivals in the context of the Arab turmoil totally reversed this state of affairs. The Libyan revolution, initiated on 17 February, led to the suspension of the bilateral agreement with Italy. In mid-February, the Libyan population started a dramatic process of social and political change that ultimately led to the removal of the Libyan leader, Muammar Gaddafi. Within weeks, the situation deteriorated into a violent conflict between pro-gov-

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[3] For additional information see, http://www.iai.it/pdf/DocIAI/IAI0909.pdf.

ernment forces and anti-government militias. This conflict badly affected a large number of refugees, migrant workers and other migrants living in Libya. Left unprotected and with nowhere to turn for assistance, hundreds of thousands of these people were forced to flee Libya.

Many left by land, but a large number were trapped and could only escape by sea (COE, 2013).

By 23 March 2011, the UNHCR (2011) estimated that a total of 351,673 persons had fled Libya, escaping to Tunisia (178,262), Egypt (147,293), Niger (11,949) and Algeria (9168). Among the 58,000 migrants who reached Europe after crossing the Mediterranean in 2011, 56,000 landed in Italy and half of these were Tunisian. While the departures from Tunisia were generally "voluntary", exits from Libya were determined by war, and the vast majority were refugees from Somalia, Eritrea or Ethiopia. According to UNHCR estimates, more than 1,500 people drowned or went missing while attempting to cross the Mediterranean to reach Europe in 2011 (UNHCR, 2011).

Even the statistics provided by the Italian Ministry of Interior[4] confirm the relevance of the 2011 mixed migratory flows with a total of 62,692 persons landing on Italian shores. Among them, there were about 32,800 persons of different nationalities who mainly fled the conflict in Libya and who subsequently requested international protection, and another 29,900 irregular migrants, most of whom came from Tunisia and Egypt. More than 57,700 third-country nationals arrived on the island of Lampedusa. In the aftermath of the arrivals in 2011, a number of emergency-measures were undertaken by the EU to cope with these large-scale arrivals. Operational assistance was provided via the EU's border agency FRONTEX, which stepped up maritime operations and surveillance in response to the arrivals. The FRONTEX Joint operation "Hermes" took place from 20 February 2011 to 31 March 2012 on request of the Italian government, to implement border activities to control irregular migration flows from Tunisia towards the south of Italy.

In contrast, according to the Italian Interior Ministry, throughout 2012, detections in the Central Mediterranean Region went down steadily, to reach an annual total of 13,267 people arriving

[4] http://www.interno.gov.it/mininterno/export/sites/default/it/temi/immigrazione/index.html> [Accessed on March 28, 2013].

in Italy by boat. Among them, more than 5,400 were women and 8,300 were minors, some 5,200 of were unaccompanied. Most of the landings took place in Lampedusa (14,700) and along the coast around Syracuse, in Sicily (14,300). Looking at this decrease, FRONTEX (2013) noted that, while the bulk of migrants departed from Libya, about a quarter had left from Tunisia and a minority departed from Egypt.

The number of Tunisians detected on the Central Mediterranean Route dropped significantly after September 2012, when an agreement was reached between Italy and Tunisia to repatriate up to 100 Tunisians per week. This also coincided poor sea conditions and the capsizing of a boat soon after its departure, bringing about a reported loss of as many as 50 victims. All of these factors contributed to deter many Tunisians from crossing the Mediterranean Sea illegally. As concerns Egypt, the first detections in 2012 for illegal border-crossing in the Central Mediterranean area occurred in April. Alexandria was mentioned as the main point of departure. As in the Tunisian case, most migrants were promptly readmitted to Egypt.

Rightly, Perrin argues "changes did not come from the fall of Gaddafi, the war in Libya or the expectation of a future Libyan democracy. They are result from fundamental legal and institutional steps in Europe. On 23 February 2012, the ECHR[5] condemned Italy for having pushed migrants back to Libya on 6 May 2009"[6]. This act represented the first institutional slap to the Italian Migrant *Push-Back Policy*[7]. The second occurred on 6 March 2012,

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[5] Judgment of the Grand Chamber of the European Court of Human Rights on the case of *Hirsi Jamaa and Others v. Italy* (Application No. 27765/09), 2012, available at <www.unhcr.org/refworld/pdfid/4f4507942.pdf> [Accessed on March 28, 2013].

[6] See http://www.migrationpolicycentre.eu/is-it-time-for-italy-to-resume-cooperation-with-libya-in-the-field-of-migration/.

[7] A group of 200 people who set off from the Libyan coasts was found at sea by Italian forces and accompanied back to Libya. Thanks to the CIR (Consiglio Italiano per i Rifugiati) 24 persons out of the 200 were taken in charge and decided to refer to the ECHR to report how they had been unable to file a request for asylum before being brought to Libya, where most of them were detained. In its judgment, the Court found that Italy had violated Article 3 of the Convention for the Protection of Human Rights, since there was a real risk that the applicants would be subjected to inhuman treatment and torture in Libya and that the applicants had been exposed to the risk of arbitrary repatriation. The Court argued that Italy had also violated Article 4 of Protocol n°4, which prohibits the

when the European Ombudsman opened an inquiry concerning FRONTEX's implementation of its fundamental rights obligations[8] during its border surveillance missions. Italy's failure to comply with the protection of fundamental rights is also the core of the report "Lives lost in the Mediterranean Sea: Who is responsible?" (COE, 2012), which was adopted by the Parliamentary Assembly of the Council of Europe on 24 April 2012 to answer this question. It points to the failure of NATO, Italy, Spain, Malta and other countries in meeting their obligations to respond to migrants' distress calls at sea in March 2011.

Tab. 1. Migrants detected on the Italian coasts, 2008-2013.

2008	2009	2010	2011	2012	2013
37000	9600	4400	62962	13267	42925
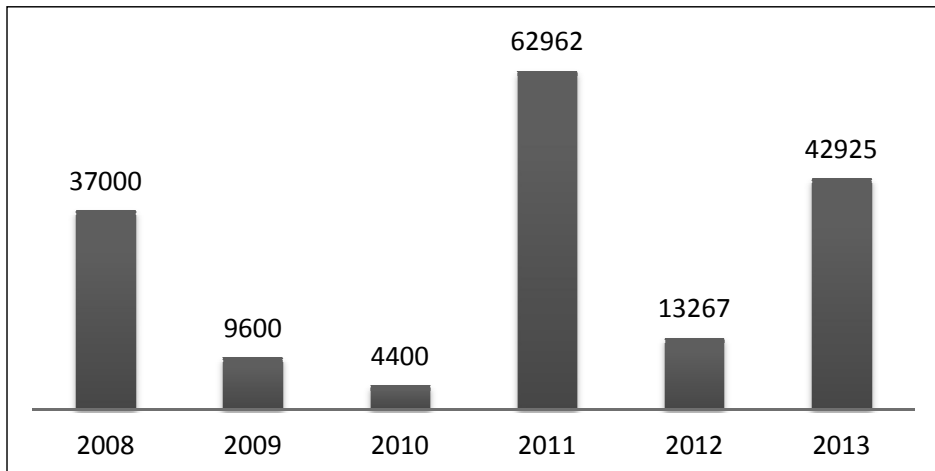
Source: elaboration on data from FRONTEX and the Italian Ministry of Interior.

The above-described elements confirm that the institutional transitions in the North Africa region have resulted in a movement of the population (see Tab. 1) that has both subverted the regional dynamics of migration on the southern shore and opened

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collective expulsion of aliens, since the Italian authorities failed to carry out any form of examination of each applicant's individual situation. The Court also held that there had been a violation of Article 13, as the applicants were unable to lodge their complaint with a competent authority.

[8] See http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/11316/html.bookmark.

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new gates for uncontrolled migratory flows. While, as described above, Italy has managed the phenomenon in a securitised way, since 2012, after the above described international acts, it has begun to debate at the institutional level the future of the external dimension of its migration policy. This process of reconsideration coincided with the new peak of arrivals along the southern costs happening in 2013. Throughout that year, detections increased significantly. According to the Italian Deputy Interior Minister Bubbico[9], Italy was subject to an "incessant and massive influx of migrants". He said that a total of 42,925 migrants reached Italy by sea that year, an increase of 325% over 2012. Some 37,886 migrants landed in Sicily, including 14,753 on the Sicilian island of Lampedusa. He added that a total of 2,925 vessels of various shapes and sizes landed on Italian shores, carrying about 43,000 people, including nearly 4,000 children.

Most migrants had set off from Libya, followed by Egypt and Turkey. However, the main country of origin – based on migrants' declarations – was Syria, which accounted for 11,307 migrants, compared to 582 in 2012. Eritrea was the next highest point of origin, with 9,834 migrants, official figures showed – an increase of more than 400% over the previous year. Somalia, with 9,263 migrants, and Egypt, with 2,618 migrants were the other most common countries of origin.

Tab. 2. Main countries of origin, based on migrants' declarations, 2013.

	Syria	Eritrea	Somalia	Egypt
■ Serie1	11307	9834	9263	2618
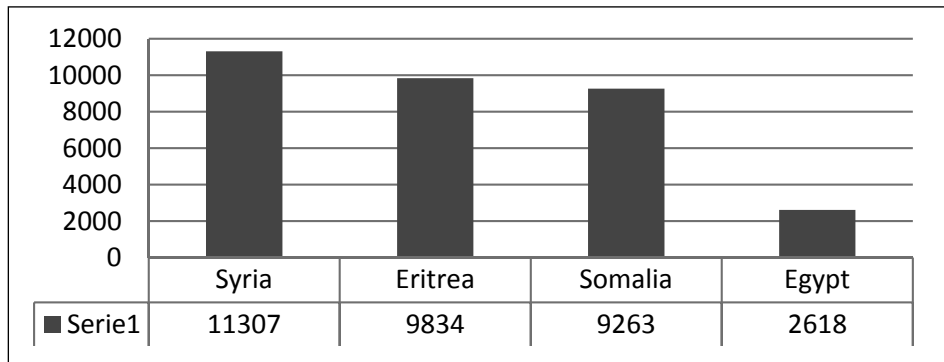
Source: elaboration on data from the Italian Ministry of Interior.

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[9] Speech of the deputy ministry Bubbico at the migration commission of the parliament of the European Council.

An analysis of the main nationalities that have crossed the Central Mediterranean Route between 2010 and 2013 indicates that the main push factors that have determined the increasing of the Mediterranean mobility are mainly related to the need to obtain humanitarian protection. As FRONTEX's data on illegal border-crossing on the Central Mediterranean Route shows, (see Table 3 and 4) the reduction in the number of Tunisians who stopped trying to enter illegally by sea in Italy reported in 2012 (2.244 detections) has been followed by a significant increase in the interception of irregular migrants from Somalia (10.379 detections) and Eritrea (1.889). In 2011, the number of Tunisians who landed on the Italian coasts was 27,693, equivalent to nearly 45 per cent of the total of all arrivals and corresponding to an increase of over 4000 per cent over the previous two years (FRONTEX, 2013).

FRONTEX observed that most detected Somalis were young males (aged 18-24) who were migrating to escape the civil war and threat of the terrorist group Al Shabaab. Similarly, many Eritrean nationals had left their homes to avoid military service (FRONTEX, 2013). This trend was substantially confirmed in 2013, when the relevant detections along the Strait of Sicily resulted in mixed migratory flows from the Horn of Africa and, in particular, from Somalia and Eritrea. Some 90 per cent of those migrants had left from the Libyan coast and landed in Sicily. Even Oropeza, Director of IOM's Coordinating Office for the Mediterranean, stressed the humanitarian dimension of this kind of flow. According to him, in 2013: "migration towards Italy's southern shores tells us that there has been an increase in the number of people escaping from war and oppressive regimes. Most of the migrants came from Syria (11,300), Eritrea (9,800) and Somalia (3,200). All of them were effectively forced to leave their countries and they have the right to receive protection under the Italian law"[10].

Oropeza's point throws light on the founding argument of this study: regime change processes produce increasingly complex and often large-scale migration flows and mobility patterns, which typically expose affected populations to significant vulnerabilities and generate serious and longer-term migration management challenges.

At the same time, the political chaos in Libya since Gaddafi's

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[10] See https://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2014/pbn-listing/migrants-risking-lives-in-medite.html.

Tab. 3. Detection of illegal border-crossings on the central Mediterranean route by main migrants' nationality, 2010-2012.

	2010	2011	2012
■ Somalia	82	1400	3394
■ Tunisia	650	27964	2244
■ Eritrea	55	641	1889
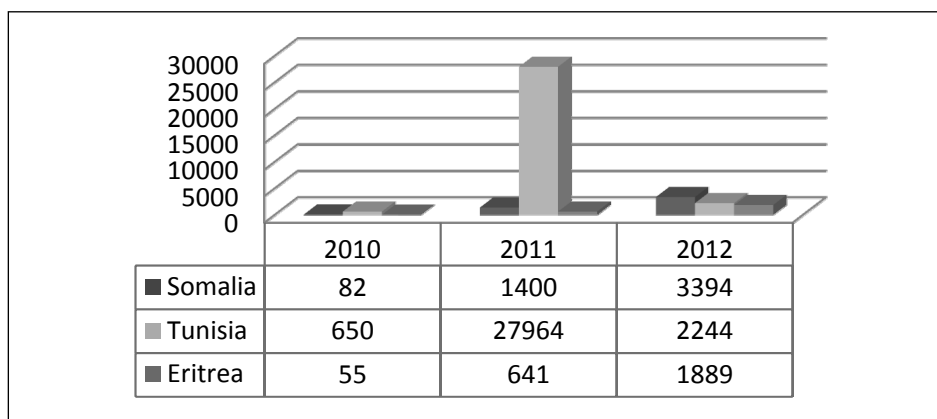
Source: elaboration on FRONTEX's data.

Tab. 4. Comparison of migratory flows from Syria and Eritrea, 2012-2013.

	Siria	Eritrea
■ 2012	582	2458
■ 2013	11307	9834
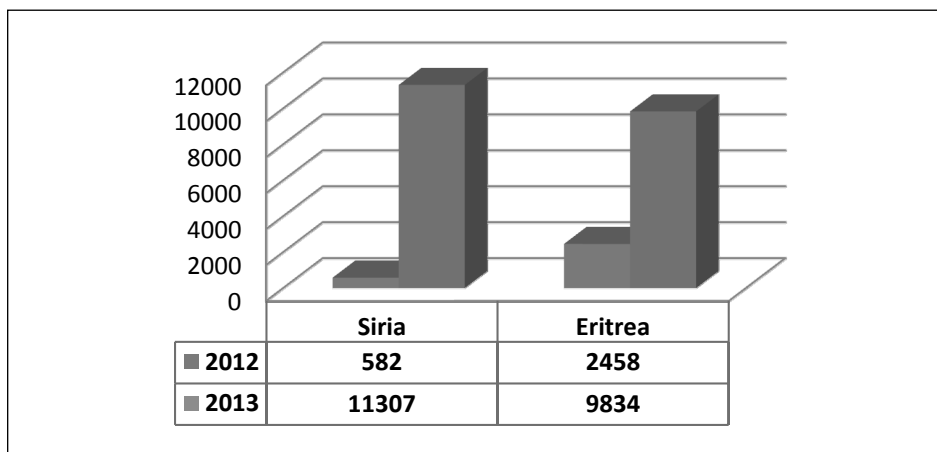
Source: elaboration on Italian Interior Ministry data.

toppling has been reported by several high-level Italian officials as the key reason why boats are sailing from Libya. Currently, the country is the key hub along the route, where migrants from the Horn of Africa and Western African routes gather before embarking on their journey towards the EU. Most Eritreans and Somalis

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detected in the Central Mediterranean region reported, in particular, to have departed from coastal areas near Tripoli, Zawiya and Benghazi. The regime change phase opened by Gaddafi's overthrow has almost totally affected the country's institutional capacity to deal with irregular migration. Given its fractured emerging institutional framework, with four regions declared military zones, non-consolidated and difficult to govern, Libya is of the greatest concern in this respect. While in May 2013 the Council endorsed the opening of negotiations with Libya for an agreement on the status of the EU-integrated border management assistance mission in Libya (EUBAM Libya), today, the institutional state of affairs makes any improvements impossible.

5. The EU at a critical juncture. Migration policy after 2013

These developments present some criticalities concerning the challenging priorities of the EU's political position in relation to migration flows from southern Mediterranean area.

Consistent with the above-described security shift that has characterized the evolution of the EU practices and policies, even the policy acts launched to address the "migratory pressures" following the Arab turmoil present numerous elements pointing to the dominance of security aspects and EU domestic interests over human rights considerations. The "EU Action on migratory pressure - A strategic response", adopted by the Justice and Home Affairs Council in April 2012, explicitly refers, for instance, to the "political commitment of Member States in the fight against illegal immigration". Regrettably, this act focuses on lessening "migratory pressures", rather than examining the causes of irregular migration. No mention is made about the migration push factors, which include under-development, institutional transitions and weak rule of law in the countries of origin and transit.

Again, as Monar observes, the incoming flow of migrants from the Southern Mediterranean have especially "led to serious tensions within the Schengen group, exposing the vulnerability of the Schengen open internal border system to asymmetric pressures in the absence of effective solidarity mechanisms" (2012). It is in that context that, after the October 2013 sea tragedy in Lampedusa, southern EU states, including Italy and Malta, re-launched

appeals for more support and resources, prompting the EU Commissioner for Home Affairs Cecilia Malmström to call on EU countries to offer "additional and urgent contributions". As well, stigmatized by Carrera and Guild: "while Malmström stressed the need for rescue and assistance of boats, the deployment of border guards for this purpose follows a very specific agenda – ensuring that 'rescue and assistance' means that people are returned to North African states from which they departed rather than be allowed to enter and seek refuge in the EU" (2013, p. 2).

This need has strongly affected the European Council Conclusions of 24 and 25 October 2013, which emphasized the importance of addressing the "root causes of migration flows by enhancing cooperation with the countries of origin and transit, including through appropriate EU development support and effective return policy"[11]. In this perspective, the Council's Conclusions do not add anything new, but merely confirm external migration policies as an extension of external policing activities. Bigo (2005) described this as the "normalization of policing migration", which denotes the "extension of police and policing into the migration controls that has been accompanied by a criminalisation of migration, beforehand considered an administrative discipline" (Marin, 2011, p. 486).

With the exception of the establishment of Task Force for the Mediterranean (TFM), last October's Conclusions did not approve any targeted EU policy action led by the Directorate General for Home Affairs of the European Commission. This inaction, demonstrates, as argued by Carrera and Guild (2013), that the EU institutions are looking at the states in North Africa and asking why they do not act as "substitute border guards" for the EU and prevent people from leaving their shores. In the same vein, the Commission has recommended cooperating with North African countries for border monitoring, with joint border patrols to target asylum seekers and refugees.

Significantly, but not surprisingly, even at the national institutional level these tendencies have been reproduced and addressed in a "securitised" way. The Italian government framed the mi-

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[11] "Comunicazione della Commissione al Parlamento Europeo on the work of the Task Force Mediterranean", 2013, available at <http://ec.europa.eu/dgs/home-affairs/what-isnew/news/news/docs/20131204_communication_on_the_work_of_the_task_force_mediterranean_en.pdf> [Accessed on March 28, 2013].

grants' arrivals of 2011 and 2013 as an emergency, emphasising the importance of protecting domestic external borders and saving lives at sea, as well as reducing illegal immigration and combating human trafficking. Although former Italian policies have not been officially revoked, since 2012 the Italian Government has stopped pushback operations at sea with to respect the European Court of Human Rights' judgment in the *Hirsi and Others* case. After this verdict was handed down, Italy began to redefine its own approach to the incoming flows of migrants by declaring to give more centrality to the humanitarian aspects.

The military and humanitarian Operation *Mare Nostrum*, launched on 18 October 18 2013, after the tragedy off Lampedusa where 300 migrants died, offers a good example of this new approach. *Mare Nostrum* was deployed along the Italian southern external borders with the participation of naval units and aircraft from the Italian Navy, the Army, Air Force, Carabinieri, Customs Service, Coast Guard police officers onboard the Units and other national agencies[12] to boost surveillance and rescue systems on the high seas and increasing security for human lives[13]. While Italy's maritime efforts to address the humanitarian and security challenges stemming from North Africa has showed undoubtedly positive effects in terms of rescued lives[14], it is still unclear how this military-led operation could ascertain who is entitled to asylum and international protection and what role is to be played by the African third countries. At the time we write, the detectable novelty of this operation is marked by the effective and intergovernmental burden-sharing that began immediately after the Lampedusa tragedy.

6. Conclusions

This study has discussed why the EU has largely focused its attention on stopping irregular migration through the strengthen-

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[12] See http://www.poliziadistato.it/articolo/view/31708/ and http://www.marina.difesa.it/EN/operations/Pagine/MareNostrum.aspx.

[13] See https://www.ansa.it/ansamed/en/news/nations/jordan/2013/10/14/Immigration-Italy-launches-Mare-Nostrum-rescue-operation_9460639.html.

[14] Of the 42, 9225 migrants who came ashore in 2013, 37,258 were rescued at sea, 6,127 of whom through 45 operations carried out by Operation Mare Nostrum.

ing of external border controls, arguing that the EU is securitising its external migration policy through speech acts and practices. To prove this political trend, Waever's *securitisation theory* has been applied to the analysis of the EU's external border policy to demonstrate how an overarching securitised public discourse, reiterated by EU and Italy policy acts and practices of control, has labelled irregular migration as a threat to the EU security, and legitimised the enhancement of control. This approach has emphasized policing, defence and counter-crime measures over a human rights-based approach, predominantly focusing on the "securitised" aspects, such as cooperation agreements on "illegal" immigration, external border controls through logistical and surveillance technologies and capacity-building in third countries designed to stop irregular flows.

As above demonstrated, the cooperation with North African countries in migration control and external policing has usually been described as "effective" at the EU level. Although this might be true in a strictly diplomatic sense, the analysed case study demonstrates that efforts to prevent migrants from entering Europe have not stopped most of them from doing so. In addition, they have had a series of unintended, often counterproductive, effects.

First, as the growing flows of people smuggled from the Horn of Africa along the Central Mediterranean Route demonstrate, a related effect of border policing is to stimulate the rise of new smuggling routes, mainly traversed by refugees and asylum-seekers who haves no other choice but to flee conflict and war, putting their lives at risk on dangerous boats. As the decreasing of migrant flows in 2009 and 2010 demonstrate, the bilateral agreements between Italy and North African countries were successful in reducing irregular migration directly into Italy, yet these same policies also fuelled the opening of new routes, making the market for the smuggling of people more lucrative and risky[15].

Secondly, as the Italian case study has shown, however harsh the border management policies might be, due to its geographical situation, Italy, as a Mediterranean frontline country, should always be ready to face south-north sea arrivals. However, regrettably, the incoming flows resulting from the Arab Spring have

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[15] This is demonstrated by the increase of the number of minors and pregnant women attempting to cross, populations who are generally more difficult to expel.

shed light on EU and Italian structural weaknesses, notably in humanitarian terms. Although the emergency approach allowed the Italian authorities to take *ad hoc* measures in response to the migratory pressures, the emergency approach has also prevented the elaboration of an integrated strategy with effective mechanisms to manage and receive increased arrivals of mixed migratory flows, safeguarding the human rights of migrants.

Finally, reflecting on why border controls on the movement of persons are so ineffective and deadly, this study has identified some structural weaknesses inside the EU's action on borders and migration that have a number of implications for the future of EU policy-making.

Concluding, as the Italian case study has demonstrated, skirmish among member states, insufficiencies in the burden-sharing and overlapping of competences within the EU and among the Member States have blocked the establishment of a coherent and effective common external migration policy. To effectively deal with incoming migration flows, the EU needs to establish a harmonized approach and a homogeneous policy of legal immigration and labour mobility based on common entry and exit requirements, quotas and required documents, reducing unnecessary visa requirements.

Additionally, the externalisation of migration policies has not only reproduces the EU's migration agreements in third countries but also legitimated undemocratic regimes in North Africa and the Middle East by promoting the short-term goal of preventing irregular migration and counteracting security threats towards the EU. This results in a shift of focus from cooperation on legal migration to securing and policing external borders. This is particularly risky considering that the responsibility for migration control is outsourced to extra-EU countries unable to ensure the recourse to human rights mechanisms to migrants that need them. While "push-backs" have been condemned by the European Court of Human Rights in the *Hirsi* case, the continuous call for the enhancement of the external surveillance shown in recent EU political developments confirms that European Union action continues to be strongly security-oriented and displays little consideration for the protection of human rights.

On these bases, the EU and the EU Member States need to acknowledge and address better the "push factors" determin-

ing mixed migratory flows. In addition, an in depth knowledge is needed concerning the complex profile of EU migration pull factors. Consequently, it is just as important that the EU improve how it addresses the demand for a seasonal, low-skilled, easily exploitable workforce and prioritises the development of effective programmes for working visas in low-skilled sectors, such as domestic and seasonal agricultural work.

Last but not least, the EU's limits in facing migration flows coming from the Central Mediterranean Route have stressed the need to enforce solidarity and burden-sharing in relation to borders, asylum and migration, in accordance with Article 80 of the Treaty on the Functioning of the European Union. The arrivals of refugees and asylum-seekers following the Arab Spring have been a failed test of EU solidarity. As argued by the Council of Europe (2013), "the new test case is Syria, but indications that Europe will do better with the refugee situation engendered by this crisis, are not, for the moment, promising" (COE, 2013). It is difficult to disagree with this, as the Council's Conclusions released after the Lampedusa boat disaster of October 2013 postponed the EU's policy action on asylum and migration issues until June 2014, to allow it to define "strategic guidelines for further legislative and operational planning in the area of freedom, security and justice" (European Council, 2013). Here we go again.

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Riassunto: Le pressioni migratorie alle frontiere esterne dell'UE rappresentano una sfida importante per i decision-makers. Ad ulteriore riprova, la "EU Action on Migratory Pressures" approvata dal Consiglio Europeo nel 2012 ha individuato nel "rafforzamento della gestione delle frontiere esterne", una priorità strategica per i prossimi cinque anni. Partendo dall'analisi dei fattori politici, istituzionali e geopolitici che hanno portato l'UE a progettare la propria politica migratoria in funzione di una visione marcata dalla securitizzazione, questo studio esamina la strategia europea in materia di migrazione e asilo, analizzando criticità e prospettive emerse nell'ultimo decennio di gestione integrata delle frontiere esterne del sud Italia.

Résumé: Les pressions migratoires aux frontières extérieures de l'UE représentent un gros défi pour les décideurs de politiques. Comme preuve supplémentaire, l'action de l'UE face à la pression migratoire, approuvé par le Conseil européen en 2012 a considéré le «renforcement de la gestion des frontières extérieure» une priorité stratégique pendant les cinq prochaines années. A partir d'une analyse dei facteurs politiques, institutionnels et géopolitiques qui ont conduit l'UE à concevoir sa politique de migration en fonction de la titrisation, cette étude examine la stratégie européenne sur la migration et l'asile, en analisant les problèmes et les perspectives résultant de la dernière décennie de la gestion intégrée des frontières extérieures de l'Italie méridionale.