BORDERS, MIGRATIONS, ASYLUM AND REFUGE

Behind the Governance of Migration in the Euro-Mediterranean Area

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Beyond recurrent calls for “partnerships” and “cooperation” on migration management, countries of destination, of origin and of transit share a common denominator: introducing mechanisms aimed at strengthening their own centrality in the control of the mobility of their nationals and foreigners. With hindsight, this shared objective has been crucial to creating the conditions necessary for cooperation on the control of migration and borders in the Euro-Mediterranean area. It has acquired a strong meaningfulness, especially following the 2002 5+5 Dialogue, the 2003 dialogue on transit migration in the Mediterranean, the 2006 Euro-African Partnership on Migration and Development (or the Rabat Process), the 2008 Paris Process, the 2014 Khartoum Process and the 2015 Valletta Summit on migration and, more recently, the UN Global Compact on Migration adopted in Marrakech in 2018.

Over the last two decades, these intergovernmental and multilateral meetings, often premised on non-binding statements, would have never gained so much relevance in the construction of the migration management rhetoric had they not been conducive to the

gradual repositioning of states and their law-enforcement agencies well beyond the realm of migration management matters. Countries in the South of the Mediterranean are a case in point.

Migration management re-appropriated

Playing the efficiency card in border control, renewing or strengthening strategic alliances with major Western powers have been key factors explaining some South Mediterranean countries' proactive involvement in the abovementioned regional consultative processes. However, their proactivity does not necessarily mean that they have been passive borrowers of the rules and practices transferred from their Western "partners" – rather the opposite. For example, the managerial centrality of the state, which constitutes the cornerstone of the migration management rhetoric, enabled the regime of former President Ben Ali to reinforce existing forms of control exercised by the authorities and the ruling party over society in general and over Tunisian nationals living abroad. Indeed, the concepts of "management" and "control" were perfectly consistent with the desire of the former Tunisian leadership to discipline any form of dissent, both in Tunisia and abroad. The fight against "illegal" migration allowed the regime to conceal the real causes of emigration from Tunisia and to silence those excluded from the so-called Tunisian "economic miracle" hailed by international and European actors [1]. Tunisian migrants were generally described in the media as individuals attracted by the "dream of the European Eldorado". This paternalistic and infantilizing vision, which was repeatedly adopted in Europe, made it possible to divert public attention from the real motives of Tunisian migrants' departure, namely underemployment, poverty, social discontent and political violence.

In a similar vein, North African states' involvement in the reinforced control of migration and of their national borders – a key component of the governance of migration – has often been tantamount to their attempt to harness domestic territorial, societal and political challenges. To be sure, territoriality remains a key explanatory notion of past and current policy developments in North African countries. It not only refers to the space where legitimate power, policies and laws are applied by the state and its law-enforcement authorities. It also pertains to an area where state-society relationships can be reconfigured, altered, if not reinvigorated to overcome domestic social and political divisions. It could even be argued that claims for territorial integrity in North Africa have been used by the sovereign as an asset to embolden its own political and symbolic centrality in a context marked by the perceptible retrenchment of the state from the economy, especially when domestic political and social tensions loom large.

For example, in Morocco, domestic politics, territoriality, identity and regime stability have become closely intertwined to forge a nationalistic sense of unity among "previously hostile forces behind the monarchy" [2]. From the mid-2000s up to the early 2010s, Morocco's reinforced cooperation on border controls and deportation with Spain alienated the country from its traditional sub-Saharan African partners, especially Senegal, Mali, Niger, Cote-d'Ivoire. Subsequently, the collapse of the regime of Muammar Gaddafi and the declining

influence of Libya in sub-Saharan Africa opened a new window of opportunity. Morocco reactivated its “African strategy” [3] based on a form of soft power which incidentally turned out to be consonant with its desire to co-opt some sub-Saharan countries with a view to narrowing Algeria’s African playground and to buttressing the territorial claims of Morocco on Western Sahara.

In Algeria, while the reinforced militarization of Algeria’s borders with Morocco and Libya has been presented as an attempt to counter cross-border arms-trafficking and people-smuggling, it has invariably been conducive to the centrality of the military power in Algeria’s domestic political apparatus (the *Sulṭa*) and to opaque foreign alliances with strategic European countries, especially with France, Belgium and Italy against jihadist movements encroaching the whole North African region. Border control implies not only a logic of inclusion and exclusion. It also engineers a sense of allegiance to the ruling authority (be it a king or a head of government), especially when territorial integrity is presented as being threatened.

In Tunisia, the former regime of President Zin el-‘Abidin Ben ‘Ali was quick to understand that boasting the credentials of an efficient player in the field of border management would not only raise its international legitimacy in the West but also reinforce the power of the ruling party while concealing mounting social discontent and repression, at a domestic level. Bilateral arrangements on the deportation of irregular migrants have often resulted from an unsaid quid pro quo which goes well beyond the officially declared need for “enhanced bilateral cooperation on migration governance”. Exemplary is the Tunisian government’s acceptance to conclude on 28th January 2009 a bilateral arrangement on the swift removal of irregular Tunisian migrants. This arrangement was put forward by Italy in an attempt to stem the flow of hundreds of young Tunisian migrants who had crossed the straits of Sicily in late 2008. The January 2009 bilateral arrangement was somewhat unique compared with the previous agreements that Italy and Tunisia concluded in the past to deal with deportation. This arrangement provided for “simplified or accelerated procedures of identification”, in close collaboration with the Tunisian consular authorities established in Italy.

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Whereas the Italian authorities positively viewed and rewarded the proactive involvement of Tunisia in “tackling illegal migration”, the Tunisian authorities knew that reinvigorated cooperation with Italy in the field of migration and border control would buttress its regime legitimacy and credibility in European political circles, at a time when social protests against poverty, corruption and political violence were gaining momentum in the South of the country. However, cooperation with Italy had a double-edged effect. As mentioned

above, it reinforced the legitimacy of the regime in Europe in a context marked by rising social protests and violent repression.

Concomitantly, the media coverage from which the abovementioned 2009 bilateral arrangement benefitted was arguably a means of telling Tunisian nationals living abroad, especially those who were (or would be) vocal against the regime, that the former regime in Tunisia had the power to build and capitalise on strategic alliances with European powers with a view to protecting its survival and to quelling dissent, in Tunisia and abroad.

Another example lies in the recent memorandum of understanding (MoU), signed on 2nd February 2017 between Italy and the Libyan Government of National Accord (GNA) headed by Prime Minister Fayez Al-Sarraj. The MoU has been officially presented as an attempt to stem migration flows *en route* to the European Union and to reinforce the control of Libya's southern borders with technological material and financial support from Italy and the EU.

That being said, one is entitled to view the hasty signature of the MoU as resulting from the GNA's attempt to buttress its international legitimacy in the West at a time when Al-Sarraj's leadership was being increasingly challenged domestically. It could even be argued that the quest for international legitimacy and military support from the West has been the major driver that motivated the signature of the MoU despite local municipal officials' overt reticence, wary of its disruptive implications for the country's deepening civil war, its damaged economy and dysfunctional institutional context.

Reverse diffusion: When socializers become socializees

The above examples demonstrate that North African countries' proactive involvement in the reinforced cooperation on migration and border controls cannot be properly captured with exclusive reference to the perceptible securitization of migration policies and reinforced border controls. The latter are inseparable from a broader domain where regime survival is (re-)asserted, strategic alliances with European major powers are built or (re-)configured to address new challenges, territorial integrity is (re-)proclaimed to serve vital vested interests. In sum, under the tip of the iceberg lies an array of factors, often unrelated to migration matters, that account for the ways in which North African countries have selectively responded to European calls for reinforced cooperation on the governance of migration. Moreover, practices and rules transferred from their European "partners" have been readjusted locally [4] to respond to other domestic and regional challenges. Moreover, North African countries have managed to act not only as reliable or unfailing socializees to the eyes of their European neighbours, but also as socializers able to make the local readjustment of external policy transfers acceptable by their European counterparts. To be sure, in the Euro-Mediterranean context, there is no stable point from which to observe international systems and analyse socialization, for both socializees and socializers may play interchangeable roles.

Arguably, both the EU and its Member States have been aware of North African countries' ability to readjust rules and practices transferred from abroad. The former have realized

that they have had no option but to recalibrate their demands and framework of interaction with reference to the latter's contingencies and preferences in order to ensure a modicum of cooperation with North African countries on the containment of irregular migration flows, be it effective or not.

An emblematic example lies in the recent decision of the European Commission to conclude flexible arrangements (instead of standard agreements) on deportation or deportation-related matters with third countries, especially with those located in the Mediterranean and in Africa. In a letter addressed to the Chair of the Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) of the European Parliament, the European Commission explained that:

> "Most third countries do not want to engage in negotiations on [standard] readmission agreements mainly due to internal political considerations, as such agreements can be a source of public hostility. As a result, the ongoing negotiations with Morocco and Algeria are at a standstill and those that were launched in 2016 with Nigeria, Jordan and Tunisia have not progressed as needed. The EU must therefore remain flexible on the form a cooperation framework takes, and focus on the feasibility of achieving results, while respecting international and European law […]" [5].

It has to be said that the abovementioned decision of the European Commission to informalize its cooperation on deportation with third countries is not uncommon. For decades, various member states had already adopted the same *modus operandi*. Moreover, unprecedented patterns of interconnectedness among countries located in the Western Mediterranean have consolidated so dramatically that any unilateral form of conditionality or normatively motivated pressure (be it soft or coercive) exerted by EU countries on non-EU third countries must be carefully evaluated lest a whole cooperation be jeopardized. In other words, EU countries have learned that conditionalities cannot always be equated with pressures when it comes to cooperating with empowered 'partner' countries, which North African countries certainly are.

True, cooperation on migration controls, including the expulsion of irregular migrants, has become a priority in the EU-Mediterranean relations. The recent presentation in September 2020 by the European Commission of its New Pact on Migration and Asylum clearly epitomises this priority. However, it continues to remain peripheral to other strategic issue-areas including cooperation between intelligence agencies on the fight against international terrorism, energy security and the reinforced control of the EU external borders. Among many others, these are critical priorities on which North African have managed to capitalize to varying degrees.

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There is no question that North African countries’ responsiveness to the securitization of migration policies, including the adoption of legal provisions criminalizing irregular migration and border-crossing, has been shaped by their respective domestic and regional concerns. Far from adopting passively the guidelines and rules transferred from the West, they adaptively and selectively transposed them to buttress their own position domestically and internationally.

Domestically, the drive for securitization has contributed to reinforcing the centrality of the state and its law-enforcement agencies in the Maghreb, in a context marked by the retrenchment of the state from the economy, the crisis of the welfare state, rising public deficits, weakened social dialogue and, last but not least, the exposure of growing cohorts of citizens, especially the youth, to forms of vulnerabilities and labour uncertainties having severe implications for stability.

At an international level, a major implication stemming from the securitization of migration policies lies in the reinforcement of untransparent “transgovernmental networks” [6] involving North African executives from the Ministries of the Interior and Defence, on the one hand, and their African and European counterparts, on the other. Such informal networks have developed to address shared concerns including the fight against terrorism and the presence of jihadist groups threatening the energy security of various African and European countries in the Sahel region. For example, since the January 2013 terror attack at the gas facility located in the south of Algeria near the city of In Amenas, the Algerian government has bolstered its security apparatus and police controls over its territory. Whereas reinforced police controls have, among others, been conducive to the mass deportation of thousands of sub-Saharan immigrants from Algeria to Niger and conflict-ridden Mali, the growing militarization of migration routes in the Sahel region has been grafted onto major strategic interests that both European and African actors have strongly protected against disruptive factors: energy security, especially the supply of oil gas and uranium, represents a top priority.

There is no question that the perceptible militarization of the Sahel region has fed into the criminalization of migration policies. Just like the criminalization of the ‘unmanaged’ mobility of people (be they citizens or foreigners) has fed into the centrality of states and their law-enforcement agencies. Strategic alliances between state actors located in Europe and in Africa have been reactivated following the establishment of the G5 Sahel in December 2014, one year after the In Amenas attack.

Perhaps never before has the growing interconnectedness between the EU and its member states, on the one hand, and South Mediterranean countries, on the other, been embedded in systems of *reciprocal* conditionalities. Far from adhering to a Western script written for

them, some North African countries are now in a position to provide and exchange resources vital enough to reinforce their own centrality or betweenness in the relations between Europe and the African continent. Over the last few years, these systems have expanded, despite the asymmetric costs and benefits that characterise them, thanks to the conclusion of various security bilateral agreements and informal arrangements on the provision of technological and military equipment

Arguably, the expansion of these systems may not be compatible with the long-sought reform of South Mediterranean countries' security sector [7], let alone with the effective protection of human rights in line with international standards [8]. Their dynamics may even contribute to maintaining a status quo obscuring the paramount urgency in responding to the widening gap between North African political leaders and large segments of their own citizenry especially those severely affected by underdevelopment, unemployment, labour uncertainties, social inequalities, corruption, poverty and, last but not least, political violence.

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