An evolving EU engaging a changing Mediterranean region

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Migration in the Central Mediterranean

by Roderick Pace

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Migration in the Central Mediterranean

In the last decade irregular immigration has emerged as a "security" challenge (in the language of International Relations, a non-military "threat") in the Mediterranean region particularly in the central, sub-region.[1] The designation of this issue as a "security challenge" or "threat" is itself controversial and will be discussed further down. This paper focuses on the situation in the central Mediterranean involving mainly four countries namely Italy, Libya, Malta and Tunisia all of which have long standing historical links and bilateral relations and participate in the so called "5+5" Dialogue in the Western Mediterranean. Two of these Central Mediterranean countries (Italy, Malta) are also EU member states and Tunisia has a long-standing relationship with the EU [Association Agreement, Barcelona Process (EMP), Neighbourhood Policy (ENP), Union for the Mediterranean (UfM)] while Libya so far has no formal relations at all with the EU.

This paper analyses some of the aspects of migration in the central Mediterranean focusing on the link between the domestic and international politics of the issue in Italy and Malta and contrasting the different approaches taken. For example, although Italy and Malta both resort to self-help and both try to involve the EU in helping them tackle the problem, they do this in a markedly different way: Italy uses the EU as a supplement to its independent and bilateral efforts while Malta looks to the EU as the major solution to the problem. Lacking the power and influence to deal with the issue, Malta tends to see the problem as primarily a multilateral issue or one that can only be tackled in concert with stronger powers in the region preferably within an EU context. On the other hand, Italy had been keen in involving the EU but decided to go it alone when this option turned out to be a dead end. In this paper I also try to show the extent (or limitations) to which multilateral initiatives such as the "5+5" and Euro-Mediterranean co-operation really play a decisive role in incentivizing or facilitating inter-state cooperation or joint solutions. This paper also refers to the EU acquis, the notion of solidarity (norms) and the extent to which it is implemented as well as a number of connected issues.

The subjects of this paper, the Mediterranean Boat People, have been referred to by various names in the literature, all of which may be more or less deficient in actually defining them all. They have been referred to as "illegal" or "irregular" immigrants, "refugees" in search of international protection, "migrants at sea" and "boat people". The use of "boat people" dispenses with the need of having to define the various categories of migrants involved and is thus preferred in this paper.

Immigration in the EU Treaties

Article 3 of the Treaty on European Union (TEU) tries to strike a balance between internal free movement and the protection of the external frontiers to control irregular influxes of persons: "The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the

[1] Mainwaring Cetta, "In the Face of Revolution: the Libyan Civil War and Migration Politics in Southern Europe", in Calleya Stephen and Wohlfeld Monika (eds.), *Change and Opportunities in the Emerging Mediterranean*, Mediterranean Academy of Diplomatic Studies, Malta, 2012, p.434.

prevention and combating of crime." Article 67 of the Treaty on the Functioning of the European Union (TFEU) states that the EU "shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals. For the purpose of this Title, stateless persons shall be treated as third-country nationals." Irregular immigration features in Article 79 where it is stated that: "The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings." The same article sanctions EU action adopted by the ordinary legislative procedure against "illegal immigration and unauthorised residence, including removal and repatriation of persons residing without authorization". The EU is also authorized to conclude repatriation agreements with third countries and to adopt measures to help the integration of third country nationals in the member states. In the latter case, where the EU fails to act, the member states may take the initiative. Article 80 TFEU states that "The policies of the Union set out in this Chapter and their implementation shall be governed by the **principle of solidarity and fair sharing of responsibility**, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle." Legal immigration remains mostly in the hands of national governments.

The Central Mediterranean in Focus

Most of the "irregular immigrants" presently in the EU have arrived through airports carrying legitimate travel documentation and then overstayed. As for the rest, figures provided by FRONTEX show that there are three major migratory routes in the Mediterranean: the Eastern, central and western routes and their importance in terms of migratory inflows into the EU are shown in Table 1. Last year the central Mediterranean route emerged as the most important of these, largely because of the upheavals in North Africa. A detailed breakdown of the source countries of these irregular immigrants is provided in Table 1.

Two main phases of the problem in the Central Mediterranean are discernible:

(a) In the period before the Arab Spring and the Libyan uprising, from around 2000 when the problem began to become more manifest, Tripoli was at first reluctant to co-operate with Europe on resolving the issue largely because Libya itself is a transit country for migrants arriving there from sub-Saharan Africa and because of collusion between the regime of Colonel Gaddafi and organized smugglers.[2] Libya may also have wanted to use irregular migration to gain leverage in its dealings with the EU and Italy. This phase came to an end after 2008 following the signing of the Treaty of Friendship and Co-operation between Italy and Libya, according to which Libya began to co-operate more in controlling outflows and in taking back irregular immigrants caught by Italian and

[2] Human Rights Watch in its 2009 Report "Pushed Back, Pushed Around Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers" describes the intimate relationship between migrant traffickers and Libyan officials during colonel Gadaffi's times which could not have occurred without Tripoli actually acquiescing to it. The Report is accessible at www.hrw.org/sites/default/files/reports/italy0909web_0.pdf (accessed 05.06.2012).

Libyan naval units operating separately or jointly. This practice raised a plethora of justified human rights concerns.

(b) The period after the Tunisian and Libyan uprisings which toppled the regimes in Tunis and Tripoli and which was characterized by huge military convulsions in Libya, led to a great exodus of migrants from Libya to bordering countries and later a huge outflow of boat people from Tunisia headed for Italy, particularly the small island of Lampedusa. The majority of these were Tunisian citizens, in search of a better life in Europe and, probably, trying to escape the political upheavals at home as well as, though less so, sub-Saharan Africans fleeing from economic hardships, authoritarianism (Eritreans) and state failure (Somalis).

Some of the repercussions of these events affected the delicate balance of international relations in the sub-region and a few of these need to be underlined. The truism that the EU still lacks a foreign policy was brought into sharp relief by the internal bickering and infighting on how the North African crises, and particularly that in Libya, should be handled. This of course led to national foreign policies (actions) filling the gap. The EU was not flexible enough to act promptly and in real time. In addition, sub-regional bilateral and multilateral relations (e.g. 5+5) were shaken and short-circuited. This was replicated in the case of migration: the absence of an EU policy, the failure of regional initiatives such as the "5 + 5" all played their part. Then, as national policies, or should we say national interest took over, the respect for human rights and the rule of law, one of the EU's biggest foreign policy fantasies, were tossed into the sea. On the last point, and without being overtly emotional, one observation will suffice for the moment: in 2012, the world commemorated the centenary of the sinking of the Titanic with an estimated loss of 1,514 of its passengers. That is roughly how many migrants are believed to have drowned at sea in the Mediterranean in 2011 alone, tragically unwept by many.[3]

Malta – Threat Perceptions and the Limitations of Self-Help

In the Spring 2011 edition of the *Standard Eurobarometer* EU citizens were asked "what do you think are the most important issues facing (y)our country?" The Maltese put Inflation first with 42%, Migration second with 31% (down from 48% in the autumn 2008) with energy in third place with 16%. Migration had been toppled from first place as an issue of concern. What explains this slight change in public attitudes between 2008 and 2011 is straightforward: in 2008 the number of boat people arriving in Malta peaked but then the impact of the Italo-Libyan Friendship and Co-operation Treaty drastically reduced the flow from Libya in the whole of the central Mediterranean region with a positive ricochet effect on Malta. Although in 2011 we witnessed a mass exodus of migrants from Tunisia, Malta was relatively less affected by it. In addition, the onslaught of the financial crisis and the euro zone turbulence shifted public attention in most countries to it and marginalized all other issues.

However, immigration still remains high in the Maltese citizens' "threat perceptions" and it only requires a few boat landings on Malta's shores for it to begin rising again. The Maltese public perceives the problem as a security challenge and Maltese political elites have been responsible for creating this perception.

[3] UNHCR "Mediterranean takes record as most deadly stretch of water for refugees and migrants in 2011", Briefing Notes, 31 January 2012, at http://www.unhcr.org/4f27e01f9.html (accessed 30.10.2012)

Table 1					
Routes	**2009**	**2010**	**2011**	**Share of total**	**% change on previous year**
Central Mediterranean Route	**11 043**	**4 450**	**64 261**	*46*	*1 344*
Tunisia	1 624	652	27 982		*4 192*
Nigeria	1 655	1	6 078		*607 700*
Not Specified	1	0	5 436		*n.a.*
Central Africa	0	0	3 703		*n.a.*
Eastern Mediterranean Route	**39 975**	**55 688**	**57 025**	*40*	*2.4*
Land	**11 127**	**40 513**	**55 558**		*1.2*
Afghanistan	639	21 389	19 308		*-9.7*
Pakistan	1 224	3 558	13 130		*269*
Bangladesh	292	1 496	3 541		*137*
Sea	**28 848**	**6 175**	**1 467**		***-76***
Afghanistan	11 758	1 373	310		*-77*
Pakistan	257	148	179		*21*
Morocco	87	107	149		*39*
Western Mediterranean Route	**6 642**	**5 003**	**8 448**	*6*	*69*
Sea	**5 003**	**3 436**	**5 103**		*49*
Algeria	3 190	1 242	1 037		*-17*
Morocco	254	300	775		*158*
Cote d'Ivoire	85	122	466		*282*
Land	**1 639**	**1 567**	**3 345**		*113*
Not Specified	503	1 108	2 610		*136*
Algeria	464	459	735		*60*
Morocco	672	0	0		*n.a.*
Circular route from Albania to Greece	**40 250**	**35 297**	**5 269**	*3.7*	*-85*
Albania	38 017	32 451	5 022		*-85*
Serbia	48	39	46		*18*
Pakistan	21	68	44		*-35*
Western Balkan Route	**3 089**	**2 371**	**4 646**	*3.3*	*96*
Afghanistan	700	469	981		*109*
Serbia	1 683	687	833		*21*
Pakistan	10	39	606		*1 454*
Eastern Borders Route	**1 335**	**1 043**	**990**	*0.7*	*-5.1*
Moldova	396	393	250		*-36*
Georgia	173	144	209		*45*
Somalia	64	48	120		*150*
Western African Route	**2 244**	**196**	**340**	*0.2*	*73*
Morocco	179	179	321		*79*
Senegal	186	2	4		*100*
Guinea	304	0	4		*n.a.*
Other	**21**	3	1		*-67*
Total	**104 599**	**104 051**	**140 980**		***35***
Source: FRONTEX					

However, whether it is indeed a security threat needs to be assessed carefully. A UNHCR survey on Maltese public attitudes carried out in 2012 found that **"just over 50%** of the respondents indicate that they think there are **too many migrants and refugees arriving in their locality… A majority of 54% did not consider migration to be a threat** to their way of life in the local community though there were significant regional differences on this point."[4] The survey also found that young respondents generally expressed less concern. The survey confirms that there is strong public concern and some of its other data not quoted here also shows the extent of public misperceptions on immigration.

Several factors explain this perception influences Malta's domestic politics and foreign policy. First there is the cultural dimension: Malta was simply unprepared for this sudden influx of immigrants. Then there are the usual reactions that occur when a large number of people start arriving by boat on a country's shores, which can easily conjure images – which are in turn manipulated – of an invasion and extrapolated further into a threat to national identity.

For a small vulnerable country with a miniscule land area (316 km^2), a high population density and no resources, the art of survival practiced over millennia has shaped several underlying, shared and inherited perceptions, which lead to a reflex action of rejection/reaction/resistance (3Rs) when the population is faced with a real or potential threat. From the initial phases of the problem populist fear was fanned by a combination of rightist groups using the "new media" such as the internet. Fear of irregular immigrants echoed in the press and often among religious pundits referring to the "Islamization" of Malta,[5] commentators linking the phenomenon with terrorist penetration,[6] a government which did not know how to handle the problem and an opposition which knew how to profit from the issue. Catholic Organizations which tried to provide humanitarian aid to the migrants were harassed by 'unknown groups' and the Jesuit Refugee Service (JRS) suffered two arson attacks in 2006. Notwithstanding, JRS remains in the forefront of the humanitarian effort.[7]

Malta has concurrently pursued three policy initiatives: self help, bilateral and multilateral cooperation and solidarity within the EU. On the domestic front it isolated irregular immigrants from the rest of the population by keeping them in 'open centres'.

[4] UNHCR, "What do you think? A report on public perception about refugees and migrants in Malta – 2012" at www.unhcr.org.mt/media/com_form2content/documents/c8/a456/f40/what%20do%20you%20think_PPR%202012%20UNHCR%20.pdf (accessed 35.10.2012).

[5] See for example the prominence that migration to Malta is given in such blogs as "Islamization Watch" at http://islamizationwatch.blogspot.com/. At the height of the divorce referendum in Malta, *The Times of Malta* of Saturday 21 May 2011 under the heading "Approving divorce may open the door to radical Islam" quoted Stephen Schwartz, a U.S. Muslim author and researcher on the Islamic world as saying that the acceptance of divorce in Malta would facilitate the introduction of Islamic Law. http://www.timesofmalta.com/articles/view/20110521/local/approving-divorce-may-open-the-door-to-radical-islam.366485 (accessed 23.05.2011). The writer has frequently met people who express fear of "Islamization" through migration.

[6] For example when reporting on Malta, United States Department of State, *Country Reports on Terrorism 2008 - Malta*, 30 April 2009, refers to this fear. See the report at http://www.state.gov/documents/organization/122599.pdf p.84.

[7] Massimo Farrugia, "Jesuits see links between suspected arson attacks", *The Times of* Malta, Tuesday, March 14, 2006, at www.timesofmalta.com/articles/view/20060314/local/jesuits-see-links-between-suspected-arson-attacks.60328 (accessed 09.06.2012).

EU Solidarity

Malta's immigration challenge more or less began to intensify around the time that it joined the EU. However, there is no direct causal link between the two events and as Derek Lutterbeck has argued the increase in irregular immigration in Malta occurred at the same time when the whole of the Mediterranean region witnessed a surge in such immigration.[8] However, this is unlikely because most irregular immigrants, not wishing to end up marooned on the "off shore" EU state of Malta, target continental Europe as their ultimate destination. Leaving aside this argument, Malta tried to use its position in the EU to buttress EU policies/actions to enable it to cope with this phenomenon.

The Maltese authorities' main argument is that given Malta's population density (1,381 per km^2 in 2010 as compared to 116 per km^2 for the EU 27) which is the highest in the EU, many of the irregular immigrants granted international protection needed to be relocated to other countries to lessen their impact on Maltese society. As Lutterbeck also observes, unlike other Mediterranean islands, Malta has no hinterland where to locate the immigrants and the Dublin Convention does not allow them to move on to the rest of the EU.[9] For this reason Maltese representatives in the EU institutions constantly insisted on (1) the need for an EU-wide Asylum Policy based on "burden" or "responsibility" sharing; (2) the reform of the so called "Dublin 2" Regulation which amongst other things permits member states to return asylum seekers to the country where they first entered the EU; (3) the strengthening of the EU Border Agency, FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) and (4) the adoption of a holistic longer-term approach to the problem based on the strengthening of EU development policy in the source countries of Sub-Saharan Africa.

As shall become more evident further on, because of its smallness and lack of power, Malta is constrained to look for a multilateral or "European Solution" to the migratory challenges it faces. Italy had done the same thing however, when such a solution was not forthcoming, it concluded its own bilateral arrangement with Libya. The latter option was not possible in Malta's case since it does not command the level of resources that Italy was able to deploy in the Italo-Libyan co-operation agreement.

The first proposal for "burden sharing" was launched by Malta in 2005 when the Minister of Foreign Affairs presented the EU ambassadors in Valletta with a 17 point paper in which he proposed the resettlement of some irregular immigrants in the EU.[10] But it was only four years later that the EU Council began to adopt measures to implement this proposal and which eventually led to the establishment of the pilot project for intra-EU reallocation of migrants from Malta (EUREMA) which permitted member states to voluntarily resettle refugees from Malta.

In another development, in 2011 the legal standing of the Dublin 2 regulation was thrown in doubt by a judgement of the European Court of Human Rights (ECrHR) and another judgement in two joined cases by the European Court of Justice (ECJ). On the 21 December

[8] Lutterbeck Derek, "Small Frontier Island: Malta and the Challenge of Irregular Immigration", Mediterranean Quarterly, 20:1, Winter 2009, p.122.

[9] Ibid. pp.121-123.

[10] The "17 points" were published in a Department of Information (Malta) Press Release, No 1038, 10 July 2005.

2011 (Joined Cases C-411/10 and C-493/10) the ECJ decided that "An asylum seeker may not be transferred to a Member State where he risks being subjected to inhuman treatment. EU law does not permit a conclusive presumption that Member States observe the fundamental rights conferred on asylum seekers." The ECJ judgement followed on another by the ECrHR sitting as a Grand Chamber which was delivered on 21 January 2011 in the case of M.S.S. v. Belgium and Greece, concerning the Belgian authorities' transfer of an asylum seeker to Greece on the basis of Council Regulation No. 343/2003 (*Dublin 2*). The ECrHR found that Belgium and Greece had violated Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy) read in conjunction with Article 3 of the Convention.[11] In brief, the decisions mean that when EU member states employ "Dublin 2" to return immigrants to countries that are already experiencing enormous challenges due to the exceptional number of migrants arriving at their borders, and where doubts exist that asylum procedures are flawed and the conditions for reception of asylum seekers are inadequate, it cannot be presumed that their rights will be protected. Hence, returning migrants in such conditions to other EU member states is considered to be in breach of human rights.

As of the 26 October 2012, the Council and Parliament had reached agreement on an amended Dublin Regulation. Negotiations were still taking place on what has been vaguely described as "comitology-related" issues. One of the new provisions introduced by this amended Regulation is a mechanism for early warning, preparedness and crisis management by which the practical functioning of national asylum systems are evaluated in order to provide timely help to member states in need and prevent asylum crises from getting out of hand. The amendments are intended to provide for measures to prevent asylum crises from developing, rather than addressing the consequences of such crises when they occur.[12] As such it falls short of expectations of those countries like Malta which wished to see more radical changes to Dublin 2 and the introduction of a "burden sharing" mechanism comprising compulsory relocation of persons given protection.

The Dublin Regulation is only one of several EU legal measures which collectively make up the Common European Asylum System (CEAS) which is meant to be completely in place by the end of 2012. The CEAS also includes the Directive on Reception Conditions for Asylum-seekers, a directive on qualification for an applicant to acquire refugee status or to have subsidiary protection and a Directive on Asylum procedures.

The establishment of a system for "early warning preparedness and management of asylum seekers" which is a Dublin 2 amendment received the Council's blessings in March 2012.[13] This system does not fully meet the demands of a number of countries such as Malta. In the meantime the European Asylum Support Office (EASO) has indicated in its

[11] *Reflets*, European Court of Justice, Brief information on legal developments of Community Interest, Library, Documentation and Research Directorate No. 1/2011.

[12] Background Note on the Justice and Home Affairs Council, Luxembourg 25-26 October 2012, published in Brussels on the 24 October, at www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/133162.pdf#page=3 (accessed 02.11.2012)

[13] 3151st JUSTICE and HOME AFFAIRS Council meeting, "Council conclusions on a Common Framework for genuine and practical solidarity towards Member States facing particular pressures on their asylum systems, including through mixed migration flows", Brussels, 8 March 2012.

2013 Action Plan the objectives of the early warning mechanism without showing how this is to be done in practice: "EASO's early warning and Preparedness System can indicate the need for special support to EU Member States for their asylum systems. This can lead to special support (tailor-made solutions, capacity building and relocation) to Member States in a situation where potential particular pressure could emerge. Supporting on a number of areas and further improving the quality of the asylum process in the context of the Common European Asylum System."[14] With respect to "relocation" the Action Plan says that the EASO "will support any further development of relocation activities among Member States in 2013 building upon experiences from the evaluation of EUREMA and other bi-lateral relocation activities from Malta carried out by the European Commission together with participating Member States and EASO during 2012"(ibid.).

EUREMA

Malta's approach in the EU is two pronged, comprising concurrent and complimentary action (or synchronized effort) within the Council and the European Parliament. In 2010, the EU launched the Relocation from Malta (EUREMA) project which was renewed in 2011 following a European Commission Communication which highlighted *inter alia* that "Some Member States, such as Italy, Malta, Greece and Cyprus are more directly exposed to massive arrivals of irregular migrants and, to a limited extent, of persons in need of international protection (and that therefore) this is not a national problem alone, but needs also to be addressed at the EU level and requires true solidarity amongst Member States"[15].

In 2011, the EU also established the European Asylum Support Office (EASO) in Malta with the role of assisting in the development of the Common European Asylum System. The setting up of the agency is just a first step in possibly tackling asylum issues more coherently at EU level. The EU now needs an effective common asylum policy and to improve its immigration policy which would be the next logical step in the trend that we have seen developing in the EU asylum policy namely from migration being a matter of national competence to one which is increasingly becoming more dominated by inter-state cooperation and supranationalism.

Many countries have responded positively to Malta's predicament and accepted to relocate immigrants in their countries. Data provided by the United Nations High Commissioner for Refugees (UNHCR) shows that between 2005 and October 2012, 1,740 refugees have been relocated in foreign countries, 1056 of them in the USA, the rest in Europe (including the EU) and elsewhere. The USA resettlement programme thus served Malta's interests much better than the EU's.

Human Rights Concerns

A lull in arrivals between 2008 and 2010 was due, as has already been indicated, to the successful repulsion of boat people by joint Italian-Libyan naval patrols under the 2008 Italy-Libya Treaty of Friendship. This also meant Italy's externalization of its border

[14] European Asylum Support Agency, "EASO Work Programme 2013", page 22 at www.easo.europa.eu/documents/20120926%20WP2013%20for%20submission%20EP%20EC%20Council%20FINAL.pdf (accessed 30.10.2012).

[15] Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - Communication on migration, Brussels, 4.5.2011 COM (2011) 248 final.

control to Libya. Human Rights organizations and the Council of Europe criticized this "throw back" policy and similar practices in the Central Mediterranean, mainly because the irregular immigrants involved were not given the opportunity to apply for international protection before they were forced back. The European Court for Human Rights (ECrHR) has found state practice to have contravened the European Human Rights Convention (ECHR). For example, on the 23 February 2012, the ECrHR found that Italy had contravened Article 3 of the European Convention on Human Rights as well as several other national and European laws by returning a group of mainly Somali and Eritrean migrants to Libya thus exposing them to torture and inhuman treatment both in Libya and in their own countries when it was abundantly evident that Libya was not observing international law in the treatment of migrants. The Court declared that by "transferring the applicants to Libya, the Italian authorities, in full knowledge of the facts, exposed them to treatment proscribed by the Convention".[16]

There is no excuse for the abuse of human rights or for the disrespect being shown to the age-old international principle of *non-refoulement*. At the same time it seems evident that if progress is registered on an EU common asylum policy and a common mobility policy in the Mediterranean region, this may relieve some of the pressure on the southern EU member states.

[16] European Court of Human Rights (ECrHR) (2012), Case of Hirsi Jamaa and Others v. Italy, *(Application no. 27765/09)*, Judgment, Strasbourg, 23 February, point 137.

Italy Self-Help - The Benghazi Accord

Italo-Libyan joint handling of irregular immigration is related to the Treaty on Friendship, Partnership and Cooperation between Italy and Libya concluded in Benghazi in 2008. Natalino Ronziti highlights the importance of Article 19 of the Treaty which refers to previous agreements reached by the two sides in 2000 and 2007.[17] Indeed the title of Article 19 is almost identical to the 2000 Treaty title.[18] Reflecting the "securitization" of the discourse on migration, the 2000 and 2008 Treaties controversially conflate irregular migration with terrorism and illegal smuggling. Furthermore, as Mainwaring observes the 2008 Benghazi Treaty did not include a formal readmission clause.[19] But the Italian authorities, particularly the Berlusconi Government, were quick to seek and find a justification for their "throw back" policy of forced repatriation by reference to past Italo-Libyan accords and international conventions. This claim raises some perplexities as to which parts of the agreements and international conventions this "justification" is based on.

The background to these agreements in brief is the following. On the 13 December 2000 the two sides signed a co-operation agreement in

[17] Ronzitti Natalino, "The Treaty on Friendship, Partnership and Co-operation between Italy and Libya: New Prospects for Cooperation in the Mediterranean?" *Documenti IAI*, paper presented at the Mediterranean Strategy Conference on "Is regional Co-operation in the Maghreb Possible? Implications for the Region and External Actors" in co-operation with the German Marshall Fund of the United States, Genoa, 11-12 May 2009.

[18] "Accordo tra il governo della Repubblica Italiana e la Grande Giamahiria Araba Libica Popolare Socialista per la collaborazione nella lotta al terrorismo, alla criminalita organizzata, al traffico illegale di stupefacenti e di sostanze psicotrope ed all'immigrazione clandestine", *Supplemento ordinario alla Gazzetta Ufficiale*, Serie generale, n. 111, 15.5.2003.

[19] Mainwaring, p.440.

Rome on fighting terrorism, organized crime, drug trafficking and irregular immigration further obliging the signatories to exchange information on all these issues including irregular migration. According to article 1D (3) they were to provide "Reciproca assistenza e cooperazione nella lotta contro l'immigrazione illegale"[20] Two protocols on irregular immigration signed in Tripoli on the 29 December 2007 refer to the 2000 Treaty but as Ronzitti observes they were never implemented.[21] One of the protocols stipulated that Italy would lend Libya six naval vessels which would be operated by mixed Italian and Libyan crews to patrol the points of departure and routes used by boats involved in the transport of irregular immigrants, in Libyan as well as international waters. These naval operations were obliged to respect "convenzioni internazionali vigenti, secondo le modalita operative che saranno definite delle competenti autorita dei due paesi."[22] Italy also agreed to provide Libya with three additional naval vessels over a period of three years from the signing of the protocol. The agreement stipulated that Italy would seek EU funding to cover the cost of the naval vessels and also to finance a surveillance system for Libya's land and sea borders in order to control irregular immigration. Similarly, Italy promised to help start development projects in Libya and the countries of origin of irregular immigration with EU funds while Libya was to reach agreements with these same countries to reduce irregular migration and to accept the repatriation of migrants.[23] The second protocol signed on the same day was a technical one detailing the practical, logistical and operative aspects of the cooperation agreement.[24] Both Libya and Italy are signatories to the 2000 UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime which in Article 8 details how repatriation of victims of illegal trafficking can occur – but which can hardly be interpreted as permitting involuntary repatriation. Indeed the Protocol states that:

> "…such return shall be with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary."[25]

The Benghazi Treaty was instrumental in controlling the flow of irregular immigrants from Libya and Malta benefitted from it indirectly. During the Libyan civil war which lasted between February and October 2011, the Treaty was suspended but subsequently reactivated after a meeting in Rome in December between the Italian Premier

[20] Accordo cited in footnote 18 supra go to p.59. The quote in Italian means "reciprocal assistance and co-operation in the fight against illegal immigration".

[21] Ronzitti, p.3.

[22] Protocollo tra la Republica Italiana e la Gran Giamahiria Araba Libica Popolare Socialista per fronteggianre il-Fenomeno dell' immigrazione clandestina, Tripoli, 27 December 2007, signed by Interior Minister Giuliano Amato and the Secretary General of the Popular Committee of External Relations and International Co-operation of Libya Mr Abdurrahman Mohamed Shalgam. The quote in Italian means "international conventions in force according to the operative modalities established by the competent authorities of the two countries."

[23] Ibid.

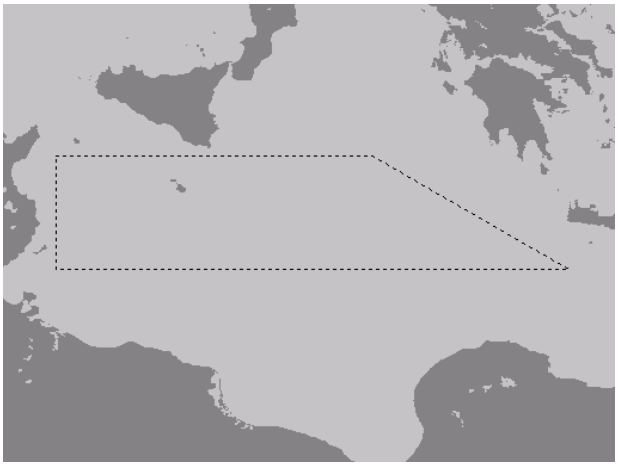
[24] Protocollo Aggiuntivo Tecnico-Operativo al protocollo di coperazione tra la repubblica Italiana e la Gran Giamahiria Araba Libica Popolare Socialista per fronteggianre il-Fenomeno dell' immigrazione clandestina, Tripoli 29 December 2007, signed Antonio Manganelli, Prefetto Della Polizia – Direttore Generale Della Pubblica Sicurezza and Faraj Nasib Elqabaili, Sotto Segretario del Comitato Popolare Generale Della Pubblica Sicurezza.

[25] United Nations Convention against Transnational Organized Crime and the Protocols Thereto, at https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf (accessed 05.11.2012)

Mario Monti and the leader of the Libyan National Transitional Council Mustafa Abdul Jalil.

Malta Suspends Participation in FRONTEX

In 2010, Malta suspended its participation in the FRONTEX missions on the grounds that the rules of engagement specified that migrants rescued at sea had to be taken to the country hosting the mission. Malta has never accepted this principle since it is responsible under the International Maritime Organization (IMO) for a huge Search and Rescue Area (SAR) which at 250,000 km^2 is the size of the United Kingdom. This area stretching from Tunisia to Crete is a colonial legacy. Pressure has been Building up on Malta, particularly from Italy, to relinquish part of it but this is resisted strongly in Valletta which sees control of the SAR as a matter of sovereignty.



Source: Search and Rescue Training Centre, Malta at www.sarmalta.gov.mt/sar_in_Malta.htm.

In the last decade disputes have frequently erupted between Malta and Italy, at times even spilling over into the media, on who should take responsibility for migrants rescued at sea in Malta's SAR. Malta has always insisted that they should be landed at the nearest port. On occasions Italy responded by declaring the port of Lampedusa "unsafe" thus stopping rescued migrants from being landed there. Standoffs led to inaction when migrants in danger were denied help as the diplomats haggled over responsibility for them. A March 2012 Council of Europe Report showed how Libya, Italy, Malta and NATO failed to help a boat in distress as a result of which 63 migrants on board lost their lives.[26] Several similar incidents have been recorded in the last decade which are too numerous to enumerate here.[27]

Malta's Efforts in the European Parliament

Malta has little avenues to press on its diplomatic objectives and what may seem as less efficacious tools to use by some member states have more importance to small states. In addition, in small states some initiatives may depend on the policy initiative and political acumen of a single individual as opposed to what happens in larger states where a whole bureaucratic setup involving several individuals is the norm.

[26] Council of Europe (2012), "Lives Lost at Sea: Who is Responsible?" – Report, Committee on Migration, Refugees and Displaced Persons, Rapporteur Tineke Strik, 29 March.

[27] These events are important because Italy and Malta, apart from both being EU member states, have a long standing political and economic relationship going back to the mid-sixties soon after Malta gained independence from Britain. An Italian military mission has been stationed in Malta since 1973 and its headquarters is situated next door to that of the Armed Forces of Malta (AFM). Italy supplies Malta with military equipment and trains the AFM personnel in search and rescue missions. The 1980 Italo-Maltese Treaty of Neutrality is the only one which provides Malta with guarantees of external aid, not excluding the use of military force if required, in the event of a serious violation of Malta's neutrality. Relations between the two countries remain strong notwithstanding that at times they pass through a patch of turbulence and in fact since 2009 the two countries have instituted a regular structured dialogue at ministerial level.

The growing strength of the European Parliament in the EU legislative process, particularly since the Lisbon Treaty went into effect, has not passed unnoticed by Malta as a potential route to influencing 'favourable' changes in EU policies of primary importance in the handling of migration. Indeed, the European Parliament has become a complimentary means to Malta's activity in Council to lobby for EU aid and to ensure that sufficient financial resources are allocated in the EU budget to tackle the problem of the boat people. FRONTEX's performance is also closely scrutinized by the EP and the Maltese MEPs are conscious of potential influence they can exercise on the agency through the Parliament. Indeed, one of Malta's six MEP's rose to a position of leadership and expertise on migration and asylum issues which was the main external challenges confronting Malta when it joined the EU in 2004. Beginning with the 2004-2009 legislature Dr Simon Busuttil MEP as member of the EP Budgetary Committee and the Budgetary Control Committee, successfully lobbied for the increase in EU funding to FRONTEX and kept up the pressure to ensure that the agency committed substantial resources to deal with the migration challenge in the Mediterranean. In 2004 the European Commission sent a technical mission to Libya to report on immigration[28] and in December 2005, Dr Busuttil was elected Chairman of an *ad hoc* European Parliament Delegation to Libya to investigate the situation on illegal immigration. In 2008 he was appointed EP Rapporteur on a Common Immigration Policy and the report was adopted in April 2009. Dr Busuttil proposed the establishment of a burden-sharing mechanism and secured the allocation of the first €5 million in the EU budget to start its operation (2008), he drafted the EPP-ED electoral program on immigration (2008), became the EPP-ED spokesperson on FRONTEX from which position he worked to increase the FRONTEX budget so as to better support and extend maritime missions in the Mediterranean which were initially for two months in 2007, six months in 2008 and finally up to 12 months in 2009. In 2006 he prepared an EP opinion on the European External Borders Fund from which Malta was allocated €112m to help it cope with irregular immigration. Apart from this he was a member of various Parliamentary Delegations on immigration including those which visited Tripoli, Dakar, Washington, Amsterdam and Warsaw.

At the start of the second legislature (2009-2014) Dr Busuttil also became the EPP-ED spokesperson on the European Asylum Support Office (EASO) which eventually was established in Malta. A year later he was appointed EP rapporteur on the review of the mandate of FRONTEX. The main issue from Malta's point of view is that as a small state with limited human resources it often finds itself in a situation in which a successful policy pursued in a particular domain often rests on a single individual and this may often lead to a lack of continuity. Hence it remains to be seen whether in the future this stance in the European Parliament becomes a course which is regularly pursued by Malta or not.

Multilateral Relations – The Main Mediterranean Initiatives

Turning to multilateral initiatives there are three types that need to be assessed: (a) the "5+5" dialogue, (b) other EU policies such as the Barcelona Process and the Neighbourhood

[28] European Commission, Report, "TECHNICAL MISSION TO LIBYAON ILLEGAL IMMIGRATION 27 NOV – 6 DEC 2004" at www.statewatch.org/news/2005/may/eu-report-libya-ill-imm.pdf (06.06.2012).

Policy and (c) inter-parliamentary co-operation/diplomacy. In its foreign policy objectives, Malta declares that it wants a "holistic approach" to the immigration problem that would include not only measures at EU level, aid and cooperation with the North African transit countries, the resettlement of immigrants in their own countries but also concrete action to improve the situation in the countries which are the source of origin of migration.[29] This policy is roughly also in line with the policy objective of most of the EU member states.

(a) The "5 + 5"

From 2001 the problem of migration began to gain attention in the "5+5" Dialogue[30] in the Western Mediterranean and in January of that year at the foreign ministers' meeting in Lisbon it was agreed that regional cooperation on migration should be stepped up and a regular dialogue held. The first ministerial conference on migration was organized in Tunis in 2002 and a year later at the Rabat Conference ministers agreed on more specific action including "the joint management of the movement of people, strengthening of human exchanges and the fight against migrant trafficking by combating networks of smugglers, and illegal immigration in general… the rights and obligations of migrants and their integration in host societies and joint approaches to development, involving the exchange of information about multilateral actions to combat poverty and local development measures in regions with a high migration potential, especially in cooperation with migrant associations."[31] Further progress was made in Algiers in 2004 when it was decided to give more attention to the need of strengthening the development of the countries of sub-Saharan Africa from where most of the migrants originated.

A joint Maltese-Libyan paper on migration was presented at the foreign ministers' meeting held in Malta in June 2005 and a month later Malta asked the EU "to support proposals made in the Maltese-Libyan Joint Paper on Immigration endorsed by the 5+5 Ministerial Meeting held in Malta on the 29 and 30 June 2005, and in particular for the High Level Meeting on Illegal Immigration scheduled to be held in Tripoli towards the beginning of 2006 and in Malta later in the year with the participation of countries of destination, countries of transit, and countries of origin.[32] Then, at the last meeting of the foreign ministers of the 5+5 which took place in Villa Madama in Rome on 20 February 2012, the Italian foreign Minister Giulio Terzi di Sant'Agata stressed the need for concrete co-operation between the northern and southern shore Mediterranean countries to tackle the migration problem.[33]

In the Malta Declaration adopted at the end of the Second Summit of the Heads of State and Government of the Member States of the

[29] Point 7, Strategic Objectives of Malta's Foreign Policy, Ministry of Foreign Affairs, www.mfa.gov.mt/Default.aspx?MDIS=565 (10.06.2012).

[30] The "5+5" consists of Algeria, Libya, Mauritania, Morocco and Tunisia together with France, Italy, Malta, Portugal and Spain.

[31] International Organization for Migration (UN), "Migration Dynamics and Dialogue in the Western Mediterranean", Chapter 4, *World Migration 2005 Costs and Benefits of International Migration*, Geneva, 2006, p.81.

[32] Ibid., DOI Press Release (Malta) No 1038 of 10 July 2005.

[33] Speech by Minister Terzi at the 9th Conference of Foreign Ministers of the Western Mediterranean Dialogue (5+5), Rome 20 February 2012, at www.esteri.it/MAE/EN/Sala_Stampa/ArchivioNotizie/Interventi/2012/02/20120220_InterventoTerzi.htm?LANG=EN (accessed 10.06.2012).

Western Mediterranean Forum 5+5 Dialogue which was held in Valletta between the 5-6 October 2012, a lengthy reference to the issue of migration was included which emphasized the respect of human rights and strengthening of consultations between the ministers and the EU and the facilitation of: the integration of legally established migrants in host countries, the reintegration of migrants in the countries of origin and the transfer of migrant remittances. The heads of state and government called for stronger measures to combat illegal immigration, the removal of obstacles to the integration of legal migrants by combating racism and xenophobia, the adoption of a new global and balanced approach to mobility, which would include circular mobility, joint management of migratory flows and co-development. Support was also reiterated for more dialogue on migration, mobility and security between the Mediterranean countries and the European Union with a view to agreeing on mutually satisfactory arrangements. In this regard, the declaration welcomed the start of the dialogue on mobility partnerships between the European Union and certain Mediterranean countries.[34] The main challenge is whether the countries of the 5+5 and the EU have the political energy reserves to pursue this ambitious agenda or whether substantial parts of it are left to wither away from neglect. At the Malta meeting a migration task force was set up but only time will tell whether this proves to be effective.

The other problem with the "5+5" dialogue is that, lacking robust institutional structures, concrete action depends entirely on the goodwill of the participating states and the resources that they are willing to commit to it. Periodically the Dialogue encounters difficulties as happened in 2011 when the summit scheduled to be held in Malta had to be postponed because of the situation in Libya and as happened again in the case of the November 2011 ministerial meeting which eventually convened in Rome in February 2012. However, this dialogue is important for it permits the countries involved the possibility of discussing migration on a regular basis and then to try and follow up matters through bilateral diplomacy or in other Mediterranean processes such as the Euro-Mediterranean Partnership / UfM and the southern dimension of the European Neighbourhood Policy (ENP) and in the EU.

(b) EU Mediterranean Policies

The 1995 Barcelona Declaration made a lengthy reference to migration

> "(The Mediterranean Partners) acknowledge the importance of the role played by migration in their relationships. They agree to strengthen their cooperation to reduce migratory pressures, among other things through vocational training programmes and programmes of assistance for job creation. They undertake to guarantee protection of all the rights recognized under existing legislation of migrants legally resident in their respective territories;
>
> In the area of illegal immigration they decide to establish closer cooperation. In this context, the partners, aware of their responsibility for readmission, agree to adopt the relevant provisions and measures, by means of bilateral

[34] Malta Declaration concluding the Second Summit of the Heads of State and Government of the Member States of the Western Mediterranean Forum 5+5 Dialogue, Valletta, 5-6 October, 2012 at www.statewatch.org/news/2012/oct/malta-declaration.pdf (accessed 30.10.2012)

> agreements or arrangements, in order to readmit their nationals who are in an illegal situation."[35]

It is not the aim here to comprehensively trace the handling of migration in the Barcelona Process since 1995, but in an appraisal of its achievements and failures made by Haizam Amirah Fernández and Richard Youngs on its tenth anniversary, it was observed that:

> One problem facing the EU is the persistence of a deeply-rooted security approach to migration. Such a security-oriented approach is exemplified by the decision to place issues related to illegal immigration under the third basket of the Barcelona Process, along with other 'transnational risks' such as terrorism, organised crime and drug trafficking, instead of in the political and security section.[36]

In its first reaction to the Arab Spring the Commission has indicated immigration as one of the areas in which it wishes to work for improvements with its Mediterranean Partners. The Commission has proposed the conclusion of mobility partnerships which would strengthen legal migration while measures to combat irregular migration are strengthened.[37] This was also taken up by the 5+5 2012 Malta meeting.

(c) Parliamentary Diplomacy

Mediterranean migration is an issue that has also gained the attention of several inter-parliamentary initiatives what is often referred to as *Parliamentary Diplomacy.* The Council of Europe has a Committee on Migration, Refugees and Population which frequently turns its lenses on migratory challenges in the Mediterranean region.[38]

The Parliamentary Assembly of the Mediterranean (PAM) whose Secretariat is in Malta was established in 2006 at an inaugural conference in Jordan. Migration came to prominence at the Malta meeting held the following year when a resolution was unanimously adopted both by the Second Committee on Economic, Social and Environmental Co-operation where it was proposed, as well as the plenary, where it was endorsed.[39] PAM established a Special Task Force on Migration which submitted a report and a resolution at the Monaco Meeting (2008). The following year in Istanbul the Task Force presented a report and resolution on "forced Mediterranean migration" while in 2010 in Morocco the focus turned to

[35] Barcelona Declaration, 1995, third basket, section entitled "Partnership in social, cultural and Human affairs: Developing human resources, promoting understanding between cultures and exchanges between civil societies.''

[36] Haizam Amirah Fernández & Richard Youngs "The Barcelona Process: An Assessment of a Decade of the Euro-Mediterranean Partnership", Real Istituto Elcano, Madrid, Mediterranean and Arab World - ARI Nº 137/2005, 30/11/2005, p.8.

[37] The European Commission and the High Representative for Foreign Affairs and Security Policy, Joint Communication to the European Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, "A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean", COM(2011) 200 final, Brussels 08.03.2011.

[38] See for example the *Text adopted by the Standing Committee* acting on behalf of the Assembly on 17 March 2006 (see Doc. 10763, report of the Committee on Migration, Refugees and Population, Rapporteur: Mr Danieli) and document 12895 of 05 April 2012 "Lives lost in the Mediterranean Sea: Who is responsible? Rapporteur: Ms Tineke STRIK, referred to in this paper supra.

[39] "Managing Migratory Flows and Co-Development in the Mediterranean Region in a Mutually Beneficial Manner", Resolution of the Second Committee on Economic, Social and Environment Cooperation, Parliamentary Assembly of the Mediterranean, Malta, C-II/PAM/Final-DR, 28 March 2007.

Palestinian women refugees. Finally, at the 2011 Sixth Plenary meeting in Italy a report and resolution were presented by Tasos Mitsopoulos of Cyprus on the "Revolutions and Migrations - Impact of the Arab Spring on the movement of people in the region" which highlighted the plight of the migrants at sea. All the resolutions were unanimously adopted by the Plenary.[40]

The Euro-Mediterranean Parliamentary Assembly (EMPA) formerly the Euro-Mediterranean Parliamentary Forum which has become the Parliamentary Assembly of the Union for the Mediterranean (PA-UfM), is another regional parliamentary forum where immigration is discussed. The topic first came up in Bari in June 2002 at the fourth Euro-Mediterranean Parliamentary Forum and reference to it was again made in the final declaration of the March 2004 Vouliagmeni (Athens) plenary of the EMPA. In 2006, the EMPA adopted a recommendation tabled on behalf of the Committee on Improving Quality of Life, Exchanges between Civil Societies and Culture chaired by Mr Mario Greco, which included a lengthy and elaborate seventeen point statement on immigration.[41] This recommendation covered nearly all the elements of the migration issue such as the need to help the development of the countries of origin including a co-development strategy, the need to increase economic aid to the southern Mediterranean rim countries, the need to fight people trafficking, respect for human rights in the treatment of migrants, the adoption of a burden sharing system within the EU and the setting up of a common asylum and immigration policy. Four years later the 2008 Athens Plenary discussed proposals on how to improve the management of legal immigration, particularly "to ensure full portability of pension rights, also in countries of origin."[42]

The EU's parliamentary diplomacy in the Mediterranean region – the EMPA and UfM-PA – has been rather weakened with the launching of the UfM which saw a shift towards more inter-governmentalism and a deliberate attempt to weaken its role as the parliamentary dimension of the UfM. The gradual strengthening of democracy in North Africa may open new possibilities for parliamentary diplomacy.

There is no doubt that migration and all issues related to it, have drawn the attention of the regional parliamentary fora. The question that is often asked is whether this led to any concrete action given that such parliamentary recommendations or declarations have no legal force. The main advantage gained from such fora derive from the fact that those who work on these reports are parliamentarians who normally have strong links with civil society in their countries (constituencies) and therefore are able to inject in these international parliamentary "dialogues" the challenges being

[40] Third Standing Committee on Dialogue among Civilisations and Human Rights - Special Task Force on Migration: Rapporteur: Mrs. Vasso Papandreou (Greece) 19 September 2008, Malta presented at the Monaco Plenary; Rapporteur : M. Mahmoud Muhaidat (Jordan) Resolution unanimously adopted during the IVth Plenary Session on 24 October 2009 in Istanbul on "Forced Migration"; Rapporteur: Mahmoud Muhaidat (Jordan) "Palestinian Women Refugees :The situation in the Gaza Strip, the West Bank, Lebanon, Syria and Jordan", Rabat, 30 October 2010; Rapporteur: Tasos Mitsopoulos (Cyprus) "Revolutions and Migrations - Impact of the Arab Spring on the movement of people in the region" Palermo,29 October 2011. http://pam.int/default.asp?m=documents (accessed 11.06.2012).

[41] Euro-Mediterranean Parliamentary Assembly, Recommendation, adopted on the basis of the draft tabled on behalf of the Committee on Improving Quality of Life, Exchanges between Civil Societies and Culture by Mr Mario GRECO, Chairman, Brussels, and 27 March 2006.

[42] Final Declaration, Fourth Plenary Session, Greek Parliament, Athens 28 March 2008.

faced on the ground. These parliamentary fora strengthen mutual understanding and when the declarations that are adopted by them become a point of reference in policy debates or are used in the policy lobbying, i.e. they enter the policy-making nexus at national or EU level, and they help in the evolution of policy and political action. The role of parliamentary co-operation in general in the Mediterranean region is more likely to deepen if democracy and democratically elected parliaments are consolidated further in the southern shore countries particularly after the Arab spring. This counts as well for their role in tackling the immigration issue.

Conclusion

Southern European states have often been criticised for exaggerating the effects of irregular immigration with the aim of securing EU aid. Without entering into the merits of this argument it is important to stress that migration is linked to public perceptions and often to populism as happened in Greece and elsewhere. As the economic situation in the southern European countries worsens this danger must not be overestimated. There is also a case for not overly "securitizing" the issue without neglecting that it nonetheless poses a security threat if not in deed at least in public perceptions (though this is not the same for all countries). There is the issue of internal displacements in the southern Mediterranean states following the Arab Spring and the ongoing civil war in Syria, an issue that was not broached in this paper. This is a real problem requiring real solutions. Hence, the situation with Italy and Malta which is assessed in this paper provides only part of the whole picture of the broader situation in the rest of the Mediterranean.

The solution of the problem requires a number of measures, some of which are designed to meet short-term pressures while others will have a longer term effect. They comprise measures in the EU and neighbouring transit states in the Central Mediterranean as well as development aid to the countries of origin, measures to encourage voluntary resettlement and policies to improve regular migration to the EU. It is also evident that the need for an effective EU Asylum policy which seems to be close to conclusion by the end of 2012 is also urgent in tackling irregular immigration.

The phenomenon of the Mediterranean boat people also raises a number of normative and ethical considerations such as the issue of solidarity from whichever angle one looks at it. It is a question of solidarity towards the immigrants themselves many of whom are victims of abuse in their own countries and in the long and arduous trek of their escape to freedom. It is an issue of internal EU-solidarity which has been visibly lacking – in fact the lack of solidarity has accentuated the securitization of the issue as some member states were left to fend for themselves as best as they could or knew. Furthermore, one must not overlook the impact that un regulated migration is having on the domestic politics of southern European countries as reflected in the increase in racism and xenophobia.

The EU calculus must not be based on expectation that the Mediterranean states whether the southern or northern rim ones, are willing to act as its sentinels or gate keepers. The EU therefore needs to move quickly on (i) a common asylum policy and the reform of Dublin 2; (ii) a Mobility framework for common regular migration, seasonal labour movements, tourist and student visas that will lift the excessive pressure on the southern states and (iii) a working burden or responsibility sharing scheme to ensure that the burden is spread out more evenly in the EU and (iv) more economic and trade concessions

to the Mediterranean southern states to help their economies and their job-creation potential take off and (v) longer term treatment of the root-cause of migratory flows namely the lack of development and state failure in Africa and Afghanistan. These are challenging issues for an EU which is economically gasping for breath.

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