

SECURITY IN TRANSITION:
AN INTERDISCIPLINARY
INVESTIGATION INTO THE
SECURITY GAP



Why Europe's border security approach has failed – and how to replace it

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Abstract

Despite Europe's mass investments in border controls, people keep arriving along the continent's shores under desperate circumstances. European attempts to 'secure' the borders have quite clearly failed, yet more of the same response is again rolled out in response to the escalating 'refugee crisis'. Amid the deadlock, this paper argues that we need to grasp the mechanics of the European 'border security model' in order to open up for a shift. Through ethnographic examples, the paper shows how Europe's 'fight against irregular migration' has generated a vicious cycle in which every new migratory 'crisis' justifies further reinforcements, which in turn triggers more drama – and yet more demand for border security. This cycle may be broken once policymakers start replacing today's destructive incentives in the 'border security market' with more positive ones. The paper concludes with recommendations along these lines: in the short term it argues for a harm reduction approach, applying lessons from the failed 'war on drugs', while building towards a genuinely global strategy for mobility. Given the formidable political challenges, the paper insists on a full evaluation of the real costs of border security to build momentum around novel coalitions that can push for a change of course.

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Introduction

Europe's 'refugee' or 'migration crisis' has reached distressing new heights throughout 2015 and early 2016, from Greek coastlines to the Balkans, Germany and Sweden. Fences are yet again parsing up the map of Europe; the death count is swiftly rising in the Mediterranean; and the crisis is exposing deep political rifts at the heart of the Union. The need for new perspectives is larger than ever.

This paper will provide one such perspective by showing how and why the current approach to irregular migration by land and sea (henceforth 'clandestine migration'¹) has failed, while sketching some options for an alternative. Based on long-term ethnographic field research in West and North Africa, Spain and European policing headquarters over 2010-2014, as well as more recent research in Italy (June-July 2015), **the paper will focus on how migration has been treated as a security problem at the external borders** since the 1990s Schengen agreement, and how this treatment has generated a market in border controls with clear negative side effects or 'externalities', which have tended to retrench the security response even further.²

The paper will proceed as follows. First it gives a brief overview of the historical and statistical context in which clandestine migration first came to be seen and treated as a crisis at the external borders of the European Union. Next, it analyses in-depth the institutional and practical underpinnings of what I will call Europe's dominant 'border security model', showing why the quest to 'secure the borders' and 'fight illegal migration' is proving counterproductive. Finally, the paper offers step-by-step recommendations in light of these findings.

It is important to note that the paper does not embark on a full study of migration policy in all its aspects, and it does not discuss optimal migration levels or how many asylum seekers European states 'should' accept. These are large political questions in need of a well-informed democratic debate, which has sorely been lacking in the European public sphere of late. Rather than taking a position on these issues, however, the paper focuses on one crucial yet often overlooked aspect – what states can *practically achieve at the borders*. As will be seen, the treatment of migrant and refugee movements as a 'border problem' rather than as a complex socio-economic and political phenomenon in need of a range of long-term policy tools has given politicians a way of offering seeming 'quick fixes' for deep structural issues. In this vein, the paper argues that we need to rethink our migration politics from the 'ground up' – a large task indeed, yet one that our leaders cannot avoid as the man-made chaos at the borders is now threatening to tear the Union apart while leading to increasingly negative consequences on political, economic, social and human levels. The time has come to critically assess Europe's border security approach and propose alternatives to the vicious cycle it has generated. This paper takes initial steps in that direction.

1. Overview: Maritime migration in context

Historically speaking, we must first note how **Europe's 'migration crisis' is a very recent phenomenon** with its original roots in the gradual closure of legal pathways into the continent since the 1970s 'oil crisis'. Before this time, various forms of lower-skilled labour mobility options did exist, for instance via Germany's 'guestworker' programme or the migration pathways for workers from former colonies to Britain and France. These migration pathways – like the US *bracero* programme of the post-war period – had their faults, yet did not produce a migration 'crisis' of any sort. This was to change as legal routes closed from the 1970s onwards, in a pattern repeated across the western world. At this time, the United States saw political panics about 'illegal aliens' mount in parallel with tougher enforcement of the US-Mexico borderline. The political scientist Joseph Nevins, tracing this development in the US, has observed that 'the state did not simply respond to public concern with the supposed crisis of "illegal" immigration,' but that it rather 'helped to *create* the "illegal" through the construction of the boundary' and tougher enforcement. This dynamic – similar to crackdowns in other economic spheres, such as drugs or the historical case of US Prohibition – was soon to be repeated in the European case.³

In Europe, the tightened migration regimes of the 1970s did not immediately lead to the rise of clandestine land and sea migration, however. In fact, boat migration hardly existed in Europe until the 1990s – that is, the time when a border security model akin to the US one was starting to be put in place by member states with EU backing. The reason for this shift towards border security was the Schengen agreement on free movement among member states, *which came to entail the reinforcement of the external borders of the EU*. It should be noted that this was not a necessary *logical* step; rather, it was a decision taken largely for political and symbolic reasons to shore up the idea of a common 'European' identity and space – an idea which has however faltered in its other aspects, as neither common asylum and migration policies nor common controls at the external borders were put in place. This 'halfway house' between European integration and retained sovereign powers on migration and asylum was to have far-reaching repercussions, since the one aspect around which European governments came to unite in coming years was more border security.

In concrete terms, the advent of Schengen meant that northern European member states started putting pressure on southern counterparts to shore up their migration regimes. As Spain and Italy did so by introducing visa requirements for North Africans early in the 1990s, migrant boats started appearing along their shores; legal pathways were being replaced with irregular ones.

Since this time, new clandestine routes and more policing crackdowns have grown in parallel, while border security has come to dominate Council meetings over migration.

The feedback loop between border security and migration has in turn led to an increasingly frequent series of migratory ‘emergencies’, including at Italy’s Mediterranean island of Lampedusa in 2004; at Spain’s North African enclaves (and EU/Schengen territories) of Ceuta and Melilla in 2005; on the Canary Islands in 2006; at the Greek-Turkish land border in 2010; on Lampedusa again during the 2011 ‘Arab spring’; and more recently in the successive crises in the central Mediterranean and on Greek islands. Europe’s ‘migration crisis’, in short, is a recent and man-made phenomenon – a basic observation that crucially entails the possibility of the trend being reversed.

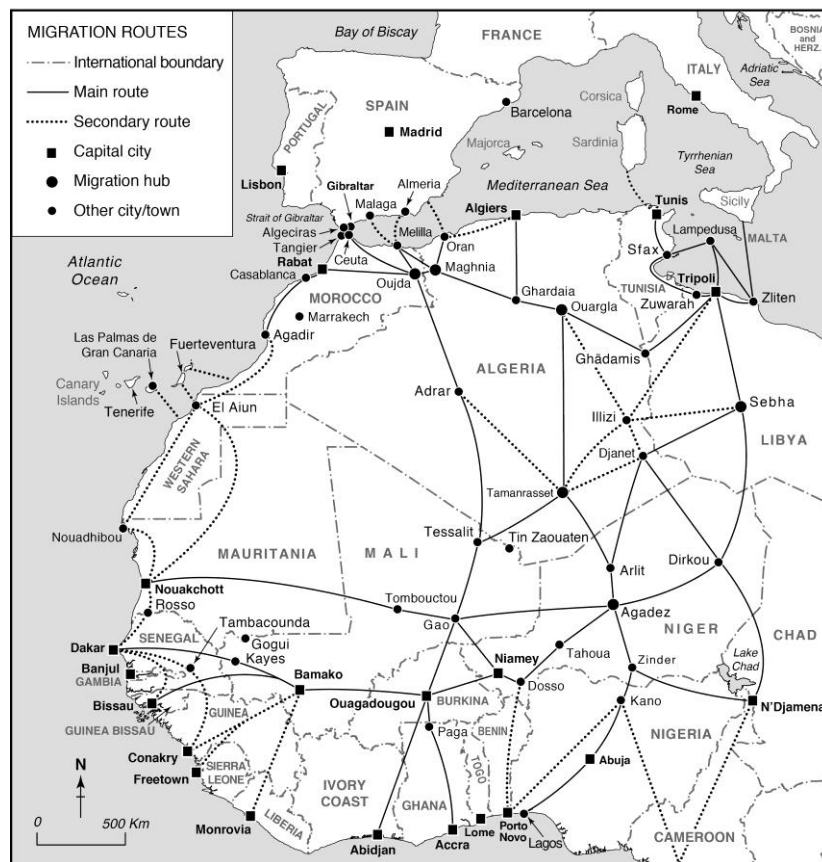


Figure 1. Irregular migration routes from West Africa towards southern Europe. Based on the MTM i-Map: imap-migration.org

In terms of numbers, however, we must note that **Europe’s ‘migration crisis’ has long been vastly inflated in the public debate.** In stark contrast with the often wild estimates and fear-inducing figures produced by some politicians and journalists, scholars have pointed out that migration by land and sea towards Europe has long been small relative to other means of irregular entry and residence. In the years following Spain’s ‘boat crisis’ of 2006, involving the arrival of more than 30,000 African migrants in the Canary Islands, a Spanish migration census showed that only about 1 per cent of immigrants in the country had entered by sea. Until recently, irregular arrivals by land and sea hovered around the 100,000 mark per year; by contrast,

overall immigration into EU member states stands at roughly 3.4m a year, including (besides return migrants and stateless people) 1.4m non-European and 1.2m intra-European migrants. Even among irregular migrants, the majority have long been visa over stayers arriving by air, as the EU border agency, Frontex, itself points out: in its 2011 risk analysis, it noted that student visa over stayers only in Sweden were almost equivalent to the number of maritime migrants in 2010.⁴ The relatively low numbers of maritime arrivals has however not prevented governments to announce ‘emergencies’ repeatedly, often for short-term domestic political reasons, a point that will be returned to later in this paper.⁵

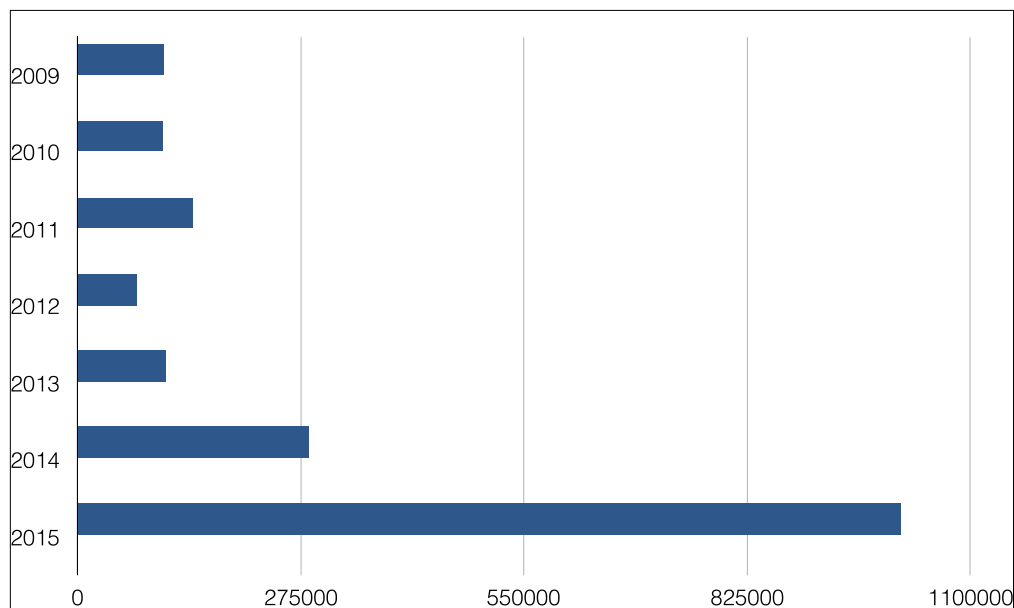


Figure 2. Irregular entries across the external land and sea borders. Source: Frontex (2009-2014) and UNHCR (2015). See endnote 6 regarding comparability of data.

Today we face a very different situation, as about 1m people have arrived across the Mediterranean in 2015 according to UNHCR figures, of which well over 80 per cent come from the world's top 10 refugee-producing countries (*figure 2*).⁶ Yet even as maritime arrivals have sharply risen following the Syria and Libya conflicts, as well as amid growing insecurity and economic turmoil in countries such as Afghanistan, these need to be seen in the context of today's record refugee figures. Almost 60m people are forcibly displaced in the world today (internally or externally), with the vast majority of refugees hosted by developing nations, a figure rising from 70 per cent in 2004 to 86 per cent today.⁷ Meanwhile, the political fear about uncontrolled African migration in particular, seen in political pronouncements in the build-up to the November 2015 Euro-African summit on Malta, still remains unfulfilled: in West Africa, intra-regional movement outstrips intercontinental migration by far, while so-called 'transit states' in North Africa have long been increasingly important *destinations* for sub-Saharan workers, among others such as the Gulf states and China.

The political impact of the 'boat people' approaching Europe's southern borders, in short, has for a long time greatly surpassed their actual numbers. Even the surge of refugees and so-called 'survival migrants'⁸ since 2014 would have been manageable for a Union of 500m inhabitants with all the most advanced resources at its disposal – if the political will to implement a common approach had been in place. The crisis, as UN leaders have put it, is foremost a crisis of politics, not of numbers.

The political crisis stems largely from the mismatch between common borders and full nation-state control over migration and asylum. As a substitute for a joined-up and systemic response to migration and asylum, European leaders have since the 1990s largely opted for the 'default' border security model.

One caveat is in order. In parallel with the strengthening of border controls and deterrence policies across European countries, voices in Brussels (and in some member states) have often spoken in quite a different tone about international mobility. Steps to 'normalise' migration and to create shared systems have however time and again run up not just against member-state resistance, but also against the very structures in charge of migration on EU level, as will be detailed in the next section. We do however need to keep in mind the diversity of perspectives within the European sphere, even as this paper asserts that the dominant and default mode of treating land and sea migration into Europe has been border security.

One way of getting past the policy fog on migration is to look at the money trails. In this vein, some of the costs associated with the border security model are worth listing before proceeding, while noting that **funding figures remain opaque thanks to the multiple pots involved, from Interior Ministry funds to re-routed development aid, as well as owing to the lack of transparency in this field on member state level** – an important point regarding transparency in the use of public funds which will be

returned to in the conclusion. Europe has spent at least €11bn on deportations since 2000, according to a recent cross-European journalistic investigation. Frontex has seen its budget grow swiftly since its founding in 2004, from €19m in its first full year of operations to €143m in 2015. The EU allocated 60 per cent of its total Home Affairs budget for 2007-2013, or €4bn, to the 'solidarity and management of migratory flows', including €1.8bn specifically for the external borders fund (EBF). These funds contrast with the smaller disbursements (€700m) on the refugee fund (RF) – a gap between security and reception support that increases significantly in 'frontline' member states such as Spain, Bulgaria and Greece, with the latter receiving €21m from RF and €207m from EBF over 2007-13.⁹ In the current 2014-20 period, the €3.8bn Internal Security Fund has bolstered the security-focused funding stream.

Most border security spending takes place on member state level, however. Spain, to give one prominent example, has listed the 'fight against irregular migration' as one of its main security objectives, and has in recent years built new detention, reception and control centres while increasing its border and migration forces from 10,239 officers in 2003 to more than 16,000 by 2010. Spain and other member states have also developed costly systems and technologies to control and monitor irregular migration, including advanced coastal radar systems such as the Spanish SIVE (Sistema Integrado de Vigilancia Exterior) and fences at the Greek, Bulgarian and Spanish borders. The EU supports this work financially, while increasingly adding European-wide security initiatives, including the vastly ambitious European external border surveillance system (EUROSUR), linking security forces across Europe in a network-of-networks, and a raft of new technologies developed by the European defence industry under the EU's seventh framework programme (FP-7) and the Horizon 2020 'secure societies challenge'. Beyond such investments are the tied 'aid' deals sealed with African states, whether in the \$5bn Italy-Libya 'Friendship Pact' of 2008; the more subtle aid, trade and diplomatic concessions of the kind developed between Spain and various African states in the past two decades; and the expensive European deal-making with Turkey of 2015, involving promises of some €3bn and concessions regarding mobility for its citizens.¹⁰

To sum up, the closure of legal pathways into Europe in the past two-and-a-half decades has strongly contributed to the development of irregular land and sea entry routes. However, while the migratory 'flow' along these routes has long been small in comparison with other entry methods, large sums have been spent on manpower, technology and new systems to keep these people out *even before the latest sharp increase amid the global refugee crisis*.¹¹ Yet the resulting initiatives have clearly not worked. Fatalities have sharply risen, smuggling networks keep growing stronger, and arrivals are swiftly increasing. In its disproportionality and deleterious effects, Europe's 'fight against illegal migration' here seems to mirror the global 'war on drugs', which is now widely perceived as a costly failure in financial, human and

political terms.¹² A different approach is needed – but for that we first need to understand the mechanisms of failure through which today’s counterproductive investments in ‘border security’ keep being perpetuated.

2. Mechanisms of failure

This section will show how European efforts to ‘combat migration’ and ‘secure the borders’ have generated counterproductive dynamics in a downward spiral. Crucially, it will also account for some of the reasons why the failed response keeps perpetuating itself despite evidence showing that it does not work. The sections below in turn trace the framing of migration as an emergency in need of a security response; the market in security enabled by this framing; and this market’s destructive nature, especially when approached on a global level.

2.1 The security slippage

In April 2015, the UN Security Council President rebuked European leaders over the plan to destroy smugglers’ boats under the military operation EUNAVFOR-Med, launched in response to boat tragedies off Lampedusa that month, by saying that the issue is ‘not about protecting Europe; it’s about protecting the refugees.’ This slippage – between Europe and migrants/refugees as the object in need of protection – is key to much punitive migration policy today. The most extreme form of what is known as the ‘securitisation’ of migration is perhaps the link between refugees and terrorists regularly put forward by some politicians for short-term political gain. Yet in most cases, the security model operates much more subtly, making it hard to detect through policy analysis alone. The following aspects of the security slippage are of particular importance:

1. **Institutional arrangements** have increasingly come to favour a security approach. Since the 1970s, low-skilled (irregular) migration has increasingly shifted from being a concern for labour and industry ministries to become progressively ‘appropriated’ by European interior ministries as their field of action.¹³ This trend was strengthened in the 1990s, as noted above, when migration issues became a ‘home affairs’ issue on EU level, congealing into what is now the Directorate-General Migration and Home Affairs (DG HOME). This political and bureaucratic arrangement, in turn, has channelled specific type of ‘solutions’ to the migration ‘problem’. Research has shown that, on Commission level, while the *diagnosis* of the migration situation may often be quite complex, the proposed *interventions* tend to be security-oriented, a slippage indexed in policy documents through broad terms such as ‘border’ and ‘migration management’.¹⁴ Through such institutional path dependency, Brussels and member state priorities on (fighting) migration have come to dovetail with each other in the absence of a coherent strategy or a common system for either labour migration or asylum.

2. **The emergency frame** applied to maritime migration has further paved the way for the security model. In repeatedly presenting the migratory situation as an 'unprecedented crisis', politicians (and the media) have facilitated a two-faced response of humanitarian action and more policing. While humanitarian action is often thought of in opposition to a security response, the trend is however towards an increasing *integration* of humanitarian and security responses within this common emergency frame, as a range of recent studies from Italy, Greece and Spain have shown.¹⁵ In West Africa, to give one prominent example, humanitarianism has served as a key legal, moral and political justification for pre-emptive interceptions of migrant boats by Spanish, African and Frontex vessels collaborating under Joint Operation HERA, rolled out in response to the Canaries 'boat crisis' in 2006. In North Africa, meanwhile, Spanish forces call their Moroccan or Algerian colleagues when they spot a boat on their surveillance systems, so that these countries' authorities can proceed with 'rescuing' the passengers against their will. As one border guard explained to this author during the course of research, you have to 'prevent them [migrants] from leaving' so as to avoid them putting themselves in danger – with little evident regard for the international legal obligation not to expel people into countries where they may face harm (*non-refoulement*). Similar humanitarian-security missions have been attempted in the central Mediterranean, yet legal and political obstacles have so far mitigated against pre-emptive 'humanitarian' pushbacks of the kind sought by politicians and border agencies. This does not however prevent EU and national decision-makers to launch more 'humanitarian' deterrence missions, especially of the military kind discussed under 4. below.¹⁶
3. **Risk discourse** has provided tools for the security model to develop in new directions. The EU border agency Frontex – since its 2004 founding a key actor in 'integrated border management' – has reinforced the security response (and, to some extent, the emergency frame) through its language and practice of risk analysis. The agency defines risk as 'a function of threat, vulnerability and impact', or put differently, 'the likelihood of a threat occurring at the external borders, given the measures in place at the borders and within the EU, which will impact EU internal security and/or the security of the external borders'.¹⁷ In these definitions, the border is seen as vulnerable, while the people crossing it are construed as a threat. Through its large Risk Analysis Unit and the Europe-wide Frontex Risk Analysis Network, the agency shares its risk thinking to member state agencies, reinforcing the already existing threat and security frames in operation on national level while contributing to the prioritisation of migration over other, equally important challenges at the borders (non-migration-related crime; drugs; and environmental problems).

4. **Targeting smugglers as villains** has reinforced this security trend by bolstering 'supply-side' punitive policies (that is, hitting 'supply' mechanisms and people on the move themselves) rather than addressing *demand*, in a clear parallel to the failed 'war on drugs'.¹⁸ Politicians are often keen on presenting crackdowns as not targeting migrants, but rather as attacking what is often erroneously referred to as 'traffickers'.¹⁹ This is the case, for instance, with the unprecedented EU military operation, EUNAVFOR-Med, which has had as its putative (and practically impossible) objective to pre-emptively destroy smugglers' boats off Libya.²⁰ In fact, given that smuggling is a market driven by rampant demand (not least given conflict and repression within Libya), punitive measures only tend to drive business further underground while the new risks are transferred downwards, from provider to client. Looking back at the past 25 years of controls, the trend is clearly pointing towards larger risks and higher costs to migrants, as well as more precarious vessels. While sturdy wooden fishing boats were piloted by North African migrants themselves in the 1990s, the mid-2000s saw collectively organised trips from West Africa towards the Canaries as well as small-scale, ad hoc smuggling outfits developing in North Africa and the Sahara. Today flimsy vessels, boats without proper captains (often piloted by migrants themselves as smugglers fear capture) and predatory smuggling networks are the rule rather than the exception. A captive market has also developed, especially in Libya, where migrants may be warehoused, locked up and even harmed or tortured with impunity since smugglers know that authorities will offer no protection to their charges.²¹
5. **The social and material arrangements at the borders** have helped perpetuate the security response. One example of such retrenchment concerns the growth of security infrastructure and technology: this includes new control and co-ordination centres managed by security forces such as Frontex, the Spanish Civil Guard and the Italian Guardia di Finanza; fence technology, which keeps being built or reinforced in response to the drama at the borders; surveillance and satellite systems such as EUROSUR and Spain's SIVE radar system and Seahorse network, a satellite system linking up security forces in Africa and Europe; and new facilities for migrant detention. These measures reinforce the emergency scenario and its attendant security response²²; worse, they also help generate a counterproductive market in controls that feeds on its own failures, as the next section will show.

2.2. The market in border security

Once migration has been politically framed as an emergency in need of a security response, a distinct system develops to fill this frame. In Europe's migration control

landscape, the past 25 years have seen the consolidation of such a system or 'industry', involving actors such as European security forces and their non-European counterparts; NGOs, humanitarian groups and international organisations, often working closely with police; and multinational defence and outsourcing companies providing hardware and services. With each new migration 'crisis', this industry grows further, as seen most recently in the deployment of NATO vessels on the Greek-Turkish sea borders. Yet this industry is not the 'solution', as will be shown below; it is rather a fundamental part of the problem.²³

It is important to note, first, the significant levels of conflict among actors at the border, as seen in tensions between Brussels and some member state governments. Yet while these tensions are a key feature of the migration control landscape, they are overlaid with a fundamental *agreement*, forged since the 1990s, around the need to 'secure the borders'. Second, we must also note that the non-political actors working at the borders are not passive recipients of government or EU dictates, but rather **active participants in the industry of border control**. Their efforts moreover usually point to a predictable outcome, just as member state initiatives do – that is, more investments in border security. Research has shown how security experts and officials, including the border guard community and defence groups, have actively helped *create* a 'demand' for their security solutions in Brussels and European capitals.²⁴ One of the clearest examples of this was the 2004 'Group of Personalities' report on future security research in Europe, in which the defence sector was amply represented. In subsequent years the EU's FP-7 funding stream came to include a security strand providing €1.4bn for security research over 2007-2013, bolstering the EU goal of 'improving the competitiveness of the European security industry'. Lobby efforts have continued since this time, with the defence industry participating for instance in the development of EUROSUR, in contrast with the limited (and very belated) public or parliamentary scrutiny of this initiative.²⁵ In sum, and as security scholars argue, border security has become an opportunity both for a European defence sector in need of new market niches, and for security forces that need to justify their role in times of austerity as their traditional role is at risk of diminishing.²⁶

However, the resulting security initiatives do not 'solve' the problem at the borders. As frontline border guards are themselves well aware, more controls in one area simply generate a **displacement effect** towards riskier crossings. To give an example: as Spanish and Moroccan forces 'closed' the route into the enclaves of Ceuta and Melilla in 2005, a new pathway opened up from West Africa towards the Canary Islands – leading to the 2006 'boat crisis' in the archipelago. Worse, both these crises occurred in *anticipation* of imminent (and much-publicised) border reinforcement, in a trend that resonates with the 2015 surge in arrivals across the Mediterranean. Then, as the Canaries entry point was 'closed' through close policing collaboration with West African states, routes were gradually pushed towards the Sahara desert, and

eventually towards Libya and Italy.²⁷ Similarly, once a new surveillance system such as Spain's SIVE started covering one slice of coastline, routes moved further out at sea, leading to investment in more coastal radar stations and more risky crossings, as the border agencies themselves recognise (*see box below*).²⁸ In the eastern Mediterranean, a similar enforcement/displacement dynamic has pushed people from the Greek-Turkish towards the Bulgarian-Turkish border since 2010 and, once fences covered both these land perimeters, towards the more dangerous routes over the Mediterranean, where patrols are put in place.

In sum, attempts to cut the 'risk' of migration has led to larger risks for those embarking, as well as for border workers dealing with the fallout – yet this very failure allows for new security 'solutions' to be proposed. This vicious cycle is especially notable in the security collaborations with non-European states which has long been a fundamental part of the 'fight against migration', as the next section will discuss with special reference to West and North Africa.

Official ambivalence and internal critique: a starting point for a shift?

In this author's interviews with more than 60 European and African border officials, it became clear that those tasked with enforcement often held significant ambivalence about their mission. 'Migration is something that will never stop,' said one Spanish Civil Guard chief, even as he showed the new surveillance systems that were aimed to halt it. One Eurosur official at Frontex was scathing of new technology investments for the system: 'Satellites are useless,' he said, 'but the industries are happy and the Commission is happy because they are subsidising them... The Emperor is naked!' Similar sentiments were repeated at the borders: a civil guard in Ceuta said that 'the fence is useless. For someone who has travelled thousands of kilometres and suffered in Morocco, it doesn't dissuade.' In a regional coordination centre, civil guards showed me a video introducing their advanced surveillance and patrolling capabilities, epitaphed with the sentence: 'They will keep coming since there exists no wall capable of stopping people's dreams'.

Even amid strong political pressure to conform, some official statements point to doubts on an institutional level, too. As EUNAVFOR-Med was launched, the Italian coast guard said this operation was risky and instead called for a stronger rescue regime. The head of Frontex, meanwhile, warned that central Mediterranean crackdowns would shift routes towards Greece.

Among European liaison officers in Africa, the entrenched dynamics of migration and policing was a top concern. 'We're in the eye of the cyclone now,' said one police attaché in 2010, in words that now seem prescient: 'When you bolt all doors, you'll have a pressure cooker.' A Spanish attaché similarly insisted 'exit points' had to be left open so as not to create intolerable 'pressure'. One Swedish border police chief with long experience in Africa said the focus in African border cooperation should be on *facilitating* not impeding movement, given its economic importance. He also voiced strong concern about the European border security approach overall, saying that legal and policing crackdowns create 'an illegal market', much as in US Prohibition and other cases: 'The stronger we build our border controls... the larger gains we create for smugglers'. To him, intelligent use of economic instruments was of the essence to counteract the 'illegal market' – not more border security.

Doubts about working with ill-resourced non-European forces were also highly present. 'When we're with the Africans and you're about to give them money,' said one Frontex seconded officer, 'it's not as easy as paying European police - you don't know how it's been spent.' Concerns about corruption from Europe were accompanied by discontent on the African side. Among African officers, subtle criticism of how policing cooperation replicated the colonial encounter coexisted with an insistence that 'the police response is not the only approach to resolving the phenomenon of illegal migration,' as one Senegalese officer put it. On ground level, discontent was expressed in other ways. 'In illegal migration, it's the police agents who do the bulk of the work but they haven't gained anything at all,' said one Senegalese policeman tasked with patrolling the coastline with Spanish equipment and pay; his colleagues agreed, complaining about the lack of resources.

On European 'ground level', discontent was also widespread. At Ceuta and Melilla, civil

2.3 Exporting the ‘threat’

This section discusses the shaping of Euro-African policing collaboration on migration – the area that most clearly illustrates the vicious cycle of border security investment, and which resonates clearly with the EU-Turkey interactions of 2015-16. As in the US and Australia, the EU and its member states have since the 1990s come to involve so-called ‘transit’ states extensively in migration controls and ‘border management’. These ‘externalisation’ policies have framed migration as a risk; transferred the attendant risks to third states; and in the end generated further risk, feeding into more reinforcements, as the following points delineate:

1. **The export of a border security approach to migration.** As European states such as Spain and Italy have enrolled neighbouring states in controls, irregular migration from sub-Saharan Africa in particular has increasingly come to be framed as a threat (and also as an asset in terms of these states’ relationship with Europe, as will be seen below). This process has been supported by the EU, including via the European Neighbourhood Policy/European Neighbourhood and Partnership instrument; the global approach to migration and mobility (GAMM, launched after the 2005 Ceuta and Melilla ‘border crisis’), and the broader ‘external dimension’ of justice and home affairs of which GAMM is a part.²⁹

In the case of **Libya**, Rome and Tripoli jointly started framing it as a ‘transit country’ in the 2000s despite its being a well-established and important migrant *destination*. A security response followed from this framing, involving both EU and Italian resources as well as the above-mentioned ‘Friendship Pact’, which was purportedly about reparations for Italy’s colonisation of Libya, yet fundamentally focused on migration controls and industrial expansion, including as regards security technology for border controls. In **Morocco**, another key North African ‘partner’, Spanish incentives for cooperation have been more subtle, including in the spheres of aid, trade, fishing rights and in the thorny diplomatic question of occupied Western Sahara. While individual member states have been the driving forces in such collaborations with neighbouring states, the EU has as mentioned reinforced the process, including through its ‘action plans’ and ‘mobility partnerships’ with Morocco as well as Tunisia, which include clauses on combatting ‘illegal migration’. The partnerships promise some limited (and difficult to realise) labour mobility for Moroccans and Tunisians as a sweetener for more in-country controls, as well as for efforts to reach agreement on these countries’ readmission of third-country nationals.³⁰

2. **The migration-development-security nexus.** In West Africa, Spain in particular has been able to go even further in enlisting regional forces. Amid the 2006 ‘boat crisis’ in the Canaries, Madrid convinced governments in the region to collaborate in controls and deportations by launching an ambitious ‘Africa Plan’ for development while opening embassies across the region. As reports funded by the Spanish official development agency, Aecid, have shown (and as this author discusses at length elsewhere), development aid has here been ‘instrumentalised’ to smoothen the path to more cooperation in patrols and deportations, or else to fund new security measures outright.³¹ This process has involved, besides Spanish initiatives, disbursement via the European Development Fund, thematic programmes and the development programmes of other member states. Through such measures, migration has increasingly come to be framed in terms of security and illegality, in a region where such notions were previously close to non-existent (free movement accords cover most West African states).
3. **The migration dividend.** The great importance given to migration controls by European actors has given the more powerful among ‘partner’ states a perfect bargaining chip. In Libya, Gaddafi has used this threat since the early 2000s, to lift the embargo and later, up to and after the NATO air campaign. The unrecognised Tripoli government has taken the same approach in statements this year – threatening, as Gaddafi did in 2010, that Europe would ‘turn black’ unless more resources (and political recognition) was forthcoming.³² In the Moroccan case, the government has managed to extract substantial ‘geographical rent’ from the country’s positioning on irregular migration routes in a more subtle manner, including by getting partners to yield over the Western Sahara question; by pushing for trade and aid deals; and by bolstering its political position as a regional ‘bulwark’ and indispensable ally.³³ In Spain, it is widely acknowledged among border professionals that ‘if [migrants] pass, it’s because they [the Moroccan authorities] want them to pass,’ as one border guard put it to this author. By selectively and subtly ‘opening’ and ‘closing’ its borders, pressure can be maintained on Spain and the EU while assuring a politics of recognition of Morocco as a key European partner. Further south, in Mauritania – a large labour importer – the migratory ‘threat’ has on top of extensive security and development investments also facilitated such political recognition. The 2006 ‘boat crisis’ in the Canaries came right after a coup d’état in the country, forcing the European partners to engage with the new unelected regime.

In Turkey, a similar process has been under way, especially after the July 2015 political crisis. The sharp rise in arrivals coincided with the run-up to the November snap elections: reporting has suggested that border guards ‘looked

the other way' as departures rose, even though Turkey denies this.³⁴ The result of the rising departures was nevertheless that the beleaguered incumbent government received substantial financial and diplomatic concessions from the EU, and proceeded to win in the polls. Having 'exported' our notion of migration as a threat, these states in the European 'neighbourhood' may now use it strategically as what one author has called a 'weapon of mass migration' – with far-reaching political consequences that the latest deal with Turkey has singularly failed to account for.³⁵

4. **Distress-induced displacement.** In return for favours, African states have rolled out repressive controls that make life increasingly difficult for anyone suspected of having an undocumented status. Morocco, as a key EU partner, is one example of this process. Since the country's 1992 signing of a readmissions agreement with Spain for third-country nationals, Moroccan forces have collaborated closely with their Spanish counterparts, including in informal expulsions of migrants attempting to enter the enclaves of Ceuta and Melilla.³⁶ By 2003, Rabat had criminalised irregular migration (usually treated as an administrative rather than a criminal infraction), and the policing response was stepped up through arbitrary raids and informal mass expulsions to the closed Algeria-Morocco border, as human rights organisations have detailed over many years.³⁷ Tunisia and Algeria have also criminalised irregular migration, while replicating many of the policing efforts seen at work in Morocco, including in the Algerian case informal expulsions deep into the Sahara desert. Further south, in Mauritania, close policing collaboration with Spain since 2005 has seen West African labour migrants detained and deported as suspected 'illegals', negatively affecting relations with neighbouring Senegal and Mali while complicating the country's tense domestic racial politics. Libya, finally, perfected its hostile policies in the late Gaddafi years, where prolonged and arbitrary detention became the norm, along with widespread human rights abuses. Such 'hostile environment' policies have had a double effect: first, a *displacement of routes*, away from sites of more repression and controls; and second, a fundamental *undermining of labour mobility options* for migrants who fit the irregular 'profile', including many sub-Saharan foreigners simply targeted because of their physical traits. Subjected to arbitrary controls, many such migrants experience increased desperation, which in turn contributes to the wish to leave, as many migrants arriving into southern Europe attest in interview (including with this author). This trend is seen most clearly in Libya today, as the post-Gaddafi chaos has reinforced the legacy of treating migrants as fair game through arbitrary detentions, extortions and violence; more small-scale distress-induced displacement has similarly been in evidence around Spain's enclave of Melilla since 2013.³⁸

5. **Path dependency.** As border guards readily recognise, the key to successfully ‘outsourcing’ migration controls is to build social networks with third-state forces. This has been done with particular brio by Spain, which has ‘hardwired’ cooperation through initiatives such as the partially EU-funded Seahorse satellite network, managed from new coordination centres among collaborating agencies in countries such as Senegal, Mauritania and Morocco. In West Africa, a gift economy has in addition been developed with local security forces, involving the transfer of border policing tools, sought-after trips to training events and conferences abroad, as well as extra pay for patrolling migration. Other organisations and states have run parallel initiatives, with the International Organization for Migration and the EU financing new border posts and control machinery in Mali and Mauritania. In Morocco, more well-resourced, close border policing cooperation with Spain involves monthly joint patrols and regular high-level meetings. The resultant strong security networks have cushioned the authorities against some of the counterproductive effects of the emergency treatment discussed in the last section. However, even in West Africa – the supposed ‘success story’ in fighting migration owing to the very weak bargaining position of poor partner states – security forces only half-heartedly accepted European priorities (*see box above*); a constant funding stream was necessary to keep local forces on good terms and also to ‘outbid the smugglers’. In North Africa, similar incentives are at play on a larger scale, as states such as Morocco, Algeria, Tunisia and Libya have a much stronger bargaining position, while the gains from participating in smuggling are higher (and increasing the more border controls are put in place, offering a potential ‘win-win’ for border officers). This makes progress and ‘policy transfer’ even more difficult, as Italy has seen since it launched its close policing collaboration with Gaddafi in the 2000s. Given this reality, the principal effect of the border policing networks is to ‘lock in’ security praxis, generating a path dependency for more of the same measures in future. Put differently, even as controls keep failing in the ways delineated here, the new social relationship established between European and African security forces mitigates against a change of approach.

Outsourced controls – by constituting a boon for collaborating states and a bargaining chip vis-a-vis Europe; by undermining regional mobility even when ‘successful’; and by creating security path dependency in bilateral cooperation – have become self-perpetuating. From the viewpoint of especially North African ‘partners’, there is simply little incentive to let go of the asset that the migratory ‘threat’ constitutes. In Turkey and other eastern Mediterranean states, a similar strategic usage of the migration ‘threat’ is now taking place, alongside the problems associated with hosting millions of Syrian refugees with little European support. Meanwhile, for sub-Saharan states, the rising stakes in migration controls are leading to higher demands than in

Spain's West African experiment – as seen in the November 2015 Valletta summit, when governments reacted with scepticism to the European 'outsourcing' drive and the launch of an 'EU Emergency Trust Fund for Africa', seen as being much too small for governments to accept in return for 'fighting migration'.

In sum, **Europe's 'fight against illegal migration' has created a perverse mechanism for controls to keep on growing indefinitely.** As more surveillance, patrols and barriers push migrants towards riskier entry methods, new measures keep being proposed to deal with the new risks, including technological ones such as Eurosur or social/policing ones such as more collaboration with third states, as is now the case with Niger and the Horn (under the 'Khartoum process', building on the earlier 'Rabat process' led by Spain, Morocco and France). In this way, the failure of controls has created a market for ever more controls, in a self-perpetuating dynamic.

Melilla's border fence: a case study of the security model

The Spanish North African enclave of Melilla, a key flashpoint for irregular migration into southern Europe, illustrates the counterproductive dynamics at the border. When the first undocumented sub-Saharan migrants arrived there in the 1990s, they simply walked across the enclave's border. Then the first fences were built to keep them out, and suddenly a 'threat scenario' emerged, as border guards recalled in interview with this author. The migrants now came running uncontrollably – the only way of entering. As Spanish policing cooperation with Morocco deepened in the early 2000s, increasing crackdowns fed the desperation among migrants, who came to see the fences around Melilla and its sister enclave of Ceuta as a last escape route. As a result, pressure grew on the enclaves – leading to mass entry attempts in autumn 2015 in which at least 14 migrants died in soldiers' gunfire and many more were expelled to the Sahara desert. After this, the fences were strengthened again with the help of EU funds. In Melilla, triple fences soon rose six metres above ground, accompanied by sensors, thermal cameras, pepper-spray mechanisms, bright spotlights and an intricate mesh of steel cables meant to trap any intruder. The mass display of force 'worked' for a while by pushing people towards the sea route (*see above*), but displacement was incomplete and temporary. By 2013 the migrants were back again at the enclaves, seeking to enter in even more dramatic fashion, involving 'kamikaze' cars coming through the official border crossing and large groups of migrants straddling the fences in tense stand-offs with border guards. In February 2014, 15 migrants died when they tried to swim around Ceuta's fortified sea perimeter, dodging rubber bullets fired by the Spanish civil guards. Yet despite the violence, the migrants kept coming towards the fences of Melilla in particular, triggering calls for further investments on top of the €72m already spent on maintenance for the barriers since 2005. Madrid asked for more money from Brussels; fortified the Melilla border with manpower, razor wire and an anti-climbing mesh; and extended cooperation with Morocco – which came to involve building one more fence outside Melilla's triple barrier. By early 2015, the situation had calmed down, owing to tough Moroccan raids in the hills around Melilla. It was not to last long. In late 2015, sea arrivals into Ceuta stepped up, deadly new Moroccan crackdowns took place in the hills around the enclaves, and migrants were again attempting to scale the fences of Melilla.

2.4 The tragedy of the 'global commons'

How can the border control 'industry' keep growing, despite its obvious failures? One key reason is its political usefulness: it dissipates blame and accountability across a multitude of actors and over a large geographical area. Another is that it also allows politicians to show short-term 'toughness' on migration to a domestic audience, as will be discussed in the conclusion. A third reason is that apparent failure is not only a 'success' from a very short-term European political perspective, but also for participants in the border security market: European security forces, which see their position and funding base reinforced at a time of austerity; the outsourcing and defence sectors, respectively providing new security-related services and technological fixes; and neighbouring 'partner' states, which find both internal and international uses for the threat-based treatment of migration. Given displacement effects towards new and riskier routes and entry methods, however, the outcome is not beneficial to everyone: someone needs to deal with the new risks that have been generated. Instead of 'solidarity', we are here seeing a not-in-my-backyard approach with negative effects on both regional and global levels, even as certain states may be able to claim in the short run that they have effectively 'halted illegal migration'.

As has been seen, the 'success' in controlling migration via Morocco first transferred routes to West Africa and next across the Sahara, where migrants eventually joined the Libya/Italy and Turkey/Greece routes into the EU. As Greece built a border fence and cracked down on the land border route, migrants and refugees instead took to the maritime route; and as a military response was being launched off Libya (and Libya made entry harder for Syrians), routes for Syrians were swiftly shifting to Greece. Within Europe itself, fences around Hungary have displaced routes to Slovenia and Croatia. Despite the talk of 'solidarity' within Europe, in fact there are few incentives for EU member states to collaborate in full, given they may then be 'stuck' with the problem owing not least to the EU Dublin regulation, which stipulates that asylum seekers have to apply in the first state they enter. Greece and Hungary knew this as they built their fences despite protestations from the European Commission; and Italy knows this as it has allowed refugees to continue northwards without fingerprinting in recent years.

However, irregular routes are not just 'regionalising' in this sense, leading to intra-European conflicts, but they are also 'globalising' in a distressing parallel with the globalisation of the punitive border security model itself.

Is the solution simply a more clear-cut punitive approach, as some commentators suggest? Australia's Operation Sovereign Borders (OSB) has been much praised by hardliners, despite the dire human rights concerns and the fact that its draconian provisions on patrolling and detention are very hard to replicate elsewhere.³⁹ Yet even if taken as a 'success' on its own narrow numerical terms, the nationalities that were

arriving before OSB overlap with those arriving in Europe. Some 3,500 Afghans arrived in Australia in 2012-13; after the launch of OSB in September 2013, overall figures dropped dramatically. Meanwhile, the number of Afghans arriving at Europe's borders shot up from about 9,500 in 2013 to more than 22,000 in 2014. In another example, Israel completed a fence along its border with Egypt in early 2013; at the same time, draconian detention provisions were put in place. Until that time, about 1,000 asylum seekers, mainly from Eritrea and Sudan, were reaching Israel every month. Soon after, that figure was almost zero.⁴⁰ Meanwhile, border reinforcements in Saudi Arabia (including a fence on the Yemen border), and growing hostility towards foreigners in South Africa, have made refugees and migrants from the Horn of Africa recoil from those destinations. During this period, detections of Eritreans at the EU's external borders shot up, from 2,604 in 2012 to 34,586 in 2014, while the number of Somalis arriving at Europe's borders more than doubled between 2011 and 2014.

We are, in short, seeing a **parallel globalisation of irregular migration routes and security responses to these**. This has led to what may be seen as a 'tragedy of the global commons', in which the 'protection' of one's own borders has severe repercussions elsewhere. Yet as noted, the large chain of interactions at play – ranging in Europe's case from third states to EU border forces, Frontex and defence contractors – allows most actors to escape accountability and responsibility. In fact, this is a major factor in the border control industry's growth: the larger the number of sectors and groups involved, the harder it is to establish proper chains of control. As the problem can always be pushed elsewhere, there are moreover few genuine incentives in place to solve it; and no 'hot spot' approach to identification of arrivals (as is now being rolled out in Greece and Italy, so far with little obvious success) will solve this without a shift in the incentive structures for both member states and border agencies.

Certain kinds of migration, in sum, have increasingly been framed as an emergency and security problem in need of a tough policing response. The result has been a proliferation of ever-more dangerous routes; stronger smuggling networks; and higher, not lower, numbers of people using them. This 'failure' in turn has generated a set of self-reinforcing dynamics and perverse incentives as actors with a stake in more controls keep proposing more of the same medicine to solve our self-inflicted emergency. We need a very different approach: systemic rather than ad hoc; global rather than national or narrowly regional; and based on rights and opportunity rather than security, as the concluding recommendations will delineate.

3. Conclusion with recommendations

This paper has investigated Europe's border politics from the 'ground up', explaining how the border security model has developed, and how a vicious cycle of investments in the border security market has been established. In short, and as seen above, there are compelling political and financial reasons why a counterproductive system of punitive controls keeps being perpetuated: many actors – from politicians and border agencies to military forces and defence companies – now have a stake in the current approach, regardless or even thanks to its apparent 'failure'.

With these feedback loops in mind, a key contention of this paper is that we need to consider *praxis* – what actually happens, and how, at the borders – in order to open up for a change of approach. 'Getting the discourse right' has little impact if the material and practical arrangements remain unchanged or entrenched.

Before moving on to recommendations, we must also include yet another reason why the counterproductive border security model persists: economic considerations.

Scholars have long identified a 'policy gap' on migration: that is, a draconian and tough discourse contrasting with a relative level of permissiveness, owing to the economic benefits of 'cheap' migrant labour.⁴¹ This is especially evident in the US, where the continued need for low-skilled workers has fuelled demand for undocumented migrants, who are easier to hire and fire, and have few rights. In Europe, this has similarly been the case at the borders, for instance during the Spanish economic boom, when boat arrivals in the Canary Islands were initially sent straight into the mainland and set free with an expulsion order, after which they joined the ranks of construction, agriculture and service workers in the country. Even in crisis-hit Europe, we must note that there is still an important demand for low-skilled migrant labour: and given the ageing population of large parts of the EU, this gulf between rhetoric and reality on migration is set to grow even deeper. In fact, given the relative smallness of migration flows by land and sea into Europe until recently, an important reason for punitive controls along these routes is that these arrivals have constituted an easy target for politicians keen to show resolve in 'curbing migration', given these routes' limited demographic – and thus economic – impact.

Against the backdrop of these incentives for 'more border security' and disincentives for a change of tack, the paper concludes with a set of recommendations on what would need to happen for another approach to emerge. One fundamental contention is that the current shift towards much larger arrival numbers has opened a window – albeit very small, and swiftly closing – for a change of approach. It is in light of this political moment and its attendant political dangers that the recommendations below should be read. Many of these have already been proposed elsewhere, and the following points will mainly seek to highlight some key 'selling points' of these recommendations in light of the findings and constraints set out above. The main contribution, however, will stem from the article's ground-level focus: how openings

towards an alternative, 'global' model for mobility may emerge *through the contradictions and conflicts inherent in the border security model itself*.

3.1. Short-term goals: a harm reduction approach

Before giving more ambitious recommendations, short-term suggestions need to be considered given the severe constraints in Europe's migration politics, which remain driven by short-term member state concerns. For this reason, I suggest that policymakers may start by learning from the debate around the 'war on drugs' alluded to above. In the field of drugs, despite deep political rifts, there is at least a growing realisation of the additional risks created by a 'supply-centric' and punitive response.⁴² And as in the post-drug wars debate, a **harm reduction approach** would be a big step in the right direction. This involves acknowledging that migration (both forced and voluntary) is a *structural* phenomenon that will not be remediated by punitive border policies. Regardless of our political views of the desirability of migration, this means decision-makers at least have a strong argument for finding more rational, humane and risk-mitigating measures to deal with it for the good of all.

Harm reduction measures need to be put in relation to the key negative processes and aspects discussed in this paper, namely:

- 1) **institutional arrangements** favouring the security model (see section 2.1)
- 2) the **emergency frame** enabling a joint humanitarian-security response (2.1)
- 3) **risk analysis**, construing migration as a threat (2.1)
- 4) the **'fight against smugglers'**, generating downward risks (2.1)
- 5) **security technology** creating path dependency in border work (2.1)
- 6) the vicious investment cycle of the **border security market**, including lack of transparency (see section 2.2.);
- 7) the **export of the security model** to neighbouring states (see 2.3); and
- 8) **'protectionist' border policies**, transferring risks to other countries (see 2.4)

In light of these points, the following harm reduction measures should be put in place:

- **Curtail the conflation of 'humanitarian' and coercive responses** (see point 2 above) while safeguarding genuine humanitarian efforts. Any claims of 'saving lives' by defence groups and border agencies (for instance as regards

surveillance systems such as Eurosur or military operations such as EUNAVFOR Med) should be put through rigorous ‘do-no-harm’ tests before funding is awarded on this basis. This means assessing both short- and medium-term effects, including displacement effects, increased risks along routes and more recourse to smugglers. Meanwhile, sea rescue competence must be transferred to neighbouring states to a larger extent and the risk of prosecution for helping people in need must be curtailed within EU member state jurisdictions, while creating positive incentives to assist for commercial vessels. None of this is impossible today: the Commission can propose changes to the Schengen Borders Code to have it coincide with the sea rescue provisions within the ambit of border surveillance, as established in the European Court of Justice case C-355/10; it can do the same regarding EU-level legislation on assistance for unlawful entry in order to secure humanitarian assistance prerogatives.⁴³

- Similarly, **development funding should be ‘fire-walled’ and subject to ‘do no harm’ imperatives**; in the short run, this means that such funding may no longer be used for what are clearly border security and migration control projects in third states (see point 7). In the medium term, this should also involve proper checks on political attempts to use development aid or similar funds in order to convince third states to put in place punitive and harmful migration controls. EU instruments are a natural starting point for a shift of approach, and beneficiaries of aid, including third states, international organisations and aid agencies, may play a strong pressure-building role here. With their involvement, the next step may be a ‘global compact’ involving the EU and positively inclined member states, creating public pressure and reputational risk pressures on reluctant governments.
- **Frontex risk analysis must shift focus from taking borders and territories as its ‘referent object’ in need of protection and instead focus on risk to people** (point 3). This means a new risk matrix that operationalises vulnerability to dangerous crossings and to exploitation, including at destination. Such a technical change would have significant impact via the Europe-wide Frontex risk analysis network, contributing to a shift away from ‘border security’ to ‘human security’ broadly understood; along these lines training for border guards and police may also be retooled, building on positive trials.⁴⁴ A novel risk analysis model is difficult to envision owing to the mandate of Frontex; the composition of its board and the ‘securitising’ contributions of DG HOME. However, the Frontex fundamental rights consultative forum combined with critical voices within the agency and in European police organisations (*see first box above*), alongside pressure from the European parliament and other DGs in Brussels, may help create political space for a shift.

- **Stronger transparency and checks and balances on DG HOME and Frontex matters must be put in place** to address vicious border security investment cycle and its institutional underpinnings (points 1 and 6). There is a strong democratic oversight case to push here since taxpayers-provided resources are being put towards counterproductive measures. In the short run, a shift involves making sure that new investment and initiatives for border security are put through proper audits and political (parliamentary) scrutiny of ends and means, rather than being pushed into discussions involving Frontex, the defence industry, border agencies and interior ministries, as has been the case for instance with the flawed EUROSUR. In the longer run, **a full external evaluation of security initiatives** (whether EU or member state-funded) on migration and borders should be put in place, to investigate the ‘real costs’ of new measures (including maintenance, manpower and hidden outlays), as well as its consequences and ‘side-effects’ – a point discussed more fully below.
- Based on evidence from such global or else smaller-scale evaluations, **security technology and infrastructure that have been proven to increase harm and risk should start being de-prioritised** and even dismantled, starting with the most evidently counterproductive cases (see point 5). The fences at Melilla, for instance, have contributed to the brutalisation of policing by fomenting a ‘frontline’ approach where Moroccan and Spanish forces jointly ‘beat back’ migrants (*see second box*), while facilities for mass encampment in southern European arrival areas has only spurred a sense of ‘emergency’. Such infrastructures should be the starting point for a rethink, based on evidence and fact-finding missions. Even if the European Parliament or Commission cannot force through change, they are able to, first, make authoritative interventions in the public sphere via objective evaluations (see previous point) and attendant ‘name and shame’ tactics; and, second, use EU funds selectively to create incentives for change, including by withdrawing support for non-cooperation or by shifting resources away from security towards creative means of reception (see further discussion in next section).
- The most important – and also the hardest – harm reduction measure is to **(re)establish legal pathways**, learning from historical experiences in both the migration and refugee fields. Options such as humanitarian visas (already issuable under the Visa Code), refugee resettlement, family reunification, labour migration programmes (including for refugees) and the lifting of carrier sanctions all need to be pursued at the highest level. Instead of establishing which specific legal options to pursue for both refugees and migrants, I will simply highlight five arguments for them here. First, *legal pathways undercut the smuggling business*, which has grown stronger thanks to the lack of alternatives. Second, *the hope of a ‘way out’ will lead to more patience* among

people stranded in limbo. Third, rather than increasing the chaos and costs, legal pathways in fact enable oversight, control and identification in a planned and streamlined manner. Fourth, *legal pathways are a key part of a solidarity approach* towards non-European host countries, whose cooperation is crucial for a shift in dynamics. And fifth, *safe entries may also create 'exit options'*: more border security has been a key contributing factor to the growth of undocumented populations in the West, thanks to the insurmountable obstacles to a potential future return. In sum, legal pathways – rather than feeding the 'doomsday scenario' of vastly increasing arrivals so often invoked in European politics – do not only allow for more humane procedures and incentives, but also contributes to *re-establishing control*, in contrast with the risk and chaos-producing border security model.

All these points assume a capability and willingness to change in Brussels and some level of cooperation among member state governments; however, all these actors have so far only managed to cooperate fully in the security model. Amid this deadlock, frontline workers and agencies may themselves become agents of change, since they as noted are often the first to criticise aspects of the current approach. Harm reduction may thus fruitfully start with small measures and day-to-day coalitions, in a ground-up approach that may circumvent obstacles on larger political levels while opening up for a more ambitious model.

3.2. Long-term goals: towards a global model for mobility

A fundamental contradiction characterises today's 'open' economies: relatively free cross-border movements of goods, capital and well-off citizens versus heavy restrictions on such movements for those who need it the most (citizens of poor, repressive or conflict-torn countries). This contradiction – combined with the continued *demand* for protection and jobs as well as for labour power from respectively the 'sender' and 'receiving' ends – makes irregular migration inevitable, quite regardless of security measures at borders. This means that migration cannot be treated as a separate policy sphere, but rather needs to be considered in relation to larger political and economic fields. Put differently: instead of persisting with a short-term, supply-centric and security-focused *tactic* for controlling migration, we need an *overarching political strategy* that takes into consideration the 'globalised' nature of both human movement and wider socio-economic realities. Such a strategy will need to be 'global' (in both a geographic and 'systemic' sense) rather than national or narrowly regional; pragmatically, it should focus on rights opportunities rather than security models and threat scenarios, since the latter have proven counterproductive and abusive.

Since this paper is principally concerned with border security, it will not draw up an 'architecture' for such a global strategy: suffice to note that steps in this direction are

already being taken on UN level, not least in response to the Syrian refugee crisis. Here I will rather focus on how a global strategy may emerge in view of the border dynamics discussed above through four interlocked steps.

First of all, one overarching goal must be to **counter the emergency frame around migration and borders by de-escalating the rhetoric and response** (see point 2 in the list above). This has proven almost impossible given the realities of national electoral politics, where non-voting migrants – and especially irregular migrants and refugees – can serve as a convenient scapegoat in austerity Europe. Since migration is a nation-state concern under the Treaty, it has moreover been excruciatingly hard to develop fully European initiatives that may help ‘normalise’ migration politics, as already noted. Yet the Commission, the European parliament and the European Court of Justice can jointly help temper short-term ‘emergency’ rhetoric. For instance, when the Italian government kept Tunisian forcibly stranded on the tiny island of Lampedusa in 2011 in front of the European media, or when Spain’s Canary Islands saw a similar scenario play out in 2006, Brussels could have bolstered the political case for a ‘de-escalation’ rather than actively contributing to the escalation. Funding is a key tool in this regard, as discussed in the last section. While assistance does need to be provided to those experiencing large influxes, as in Greece during 2015, such assistance should be explicitly aimed at *tempering the emergency frame and normalising the situation*, including for instance by prioritising funding for dignified, small-scale accommodation options of the kind already being developed by civil society groups across Europe.⁴⁵

Second, **third-state cooperation on migration needs to be reformulated** (addressing point 7 above). This is a crucial part of the puzzle, and an area where significant movement may in fact be possible, given recent (although flawed) efforts on regularisation in Morocco and post-Arab spring shifts in Tunisia, for instance. Instead of exporting a punitive and counterproductive security model, turning migration into an emergency issue, European actors should do the opposite: that is, as on an intra-European level, put pressure on neighbouring states to *normalise* migration. This is in the medium-term interest of European states, as less desperation and more favourable living circumstances in other migrant destinations will lead to less drama at the borders and less recourse to smugglers; crucially, it will also weaken the political usefulness of migration as a bargaining chip in negotiations with Europe. Practically and on a political level, just as European actors have put pressure on neighbouring states to cooperate in policing through both sticks and carrots (mobility partnerships, trade, aid, diplomacy), they can do the same to get the opposite effect. More important than pressure, however, is solidarity in terms of responsibility-sharing through legal pathways, as discussed above: without these, little cooperation will be forthcoming. Discrete measures within a ‘normalising’ approach would include removing clauses on ‘combating’ irregular migration in ‘Mobility Partnerships’; Morocco, Algeria and Tunisia should be leaned on to decriminalise migration; and

Egypt and Turkey should be encouraged to improve and normalise living conditions for Syrians in-country, without being pushed to bolster in-country controls. Another, more positive aspect of a shift of approach is building rights-based networks through cooperation among European and non-European state authorities to a larger extent than at present. For instance, Spain's system of registration of municipal residence (the *padrón*) irrespective of documented status may inform Moroccan efforts to regularise migrants, while the significant sea rescue and humanitarian expertise in southern Italy and Spain may be exported to southern neighbours.

Third, **genuine solidarity and 'normalisation' needs to be built within Europe itself with new tools**, addressing the protectionism problem (point 8 above). The mandatory 'burden-sharing' quotas, pushed by especially Germany, have spectacularly failed amid member state resistance. Moreover, this piecemeal approach has failed to account for the agency of refugees themselves, who as seen in this paper cannot simply be contained in countries or regions which moreover may not want to host them. Instead, genuine solidarity must involve three aspects: legal pathways from third countries, as discussed above, along with mutual recognition of asylum decisions within the EU and crucially *an end to Dublin rules* that have created incentives for more border security and 'beggar thy neighbour' policies in 'frontline' states. In terms of the 'framings' and markets discussed in this paper, a shift of language and incentive structures is also needed that *recognises the benefits of mutuality and the costs of 'going it alone'* (see points 6 and 8). The current lingo of 'burden sharing' must be replaced by more enabling language – and incentives to match it. Labour market instruments can be used to draw on the skills, ambitions and energies manifest among new arrivals, while EU funds can be used to support the more 'vulnerable' refugees. Mutual asylum recognition and positive economic incentives for refugees themselves would also allow them to draw on their own networks and potential to a much larger extent than is currently the case, which again creates further opportunities – and fewer 'burdens' – both socially and economically. Shared legal pathways moreover make it possible to disperse refugee reception across larger areas, and so reduce costs and risks of 'bottlenecks' in border zones, as is the case with the current unplanned arrivals. In short, with common policies and planning it is possible to *spread positive opportunities* across Europe rather than *compress problems* at the borders.

Given today's deep political reluctance, more far-reaching shifts also need to be contemplated. As noted in section 1 above, a common European area of free movement that does not involve common rules on extra-European arrivals is contradictory – a situation that has helped generate stopgap security measures since the 1990s. To address this, a last-resort measure would be to shrink Schengen to encompass only those countries willing to collaborate on a genuine European approach. A less drastic alternative would be to *move migration issues out of DG*

HOME to another directorate-general in Brussels. As discussed, migration has since the 1990s become intimately tied to home affairs issues on EU level, which has worked to strengthen interior ministries' 'monopoly' over the phenomenon (point 1 above). A shift in Brussels within the ambit of a global strategy would create incentives for new thinking and action among member states and in the sectors involved in Europe's border work. One option is to move migration issues to DG Employment (labour migration) and DG Justice (asylum); a better move is to create a new directorate-general for Mobility, which would support positive, evidence-based policies for intra-European *and* non-European migration and asylum. DG Mobility would be able to strengthen EASO as a common asylum authority at the external borders, instead of bolstering Frontex as is now the case; moreover, it could spawn initiatives around a positive European narrative, for instance by bringing together citizens and non-citizens in practical volunteering missions aimed at vulnerable groups (whether these are 'migrants' or not), following a model similar to the ERASMUS programme – thus building on the groundswell of civil society and volunteering initiatives for refugees across Europe.⁴⁶

Fourth, branching out from the European sphere, **a fully 'global approach' may be envisaged that strengthens shared refugee responsibility under the UNHCR umbrella while also crucially involving other forms of migration.** Here, as recently argued by the UN Special Representative on Migration, the current 'territorial' focus on refugee hosting – that is, ad hoc reception depending on where people may first set foot – needs to be replaced by a planned and shared system on a much broader scale. Indeed, the refugee and 'survival migration' crises besetting countries such as Libya, Syria, Afghanistan, Somalia and Eritrea are not the responsibility of Europe or neighbouring states alone. While the political possibilities for sharing the task have swiftly closed post-Paris 2015, Europe may – if it embarks on the steps above – lead by example and push forward the migration and refugee agendas already being developed on UN level, especially if it has already generated goodwill among large refugee hosts via legal pathways and a reformulated partnership. It could also, in concert with developing nations such as the sub-Saharan states which resisted calls for more border security at the Valletta summit, push for a recognition of the risks and costs associated with a roll-out of a global border security model and devise a positively framed alternative. This alternative mobility frame should be firmly within the UN system: indeed, the current role of the (non-UN organisation) IOM in migration matters has proven to be inadequate and in many cases contributory to the problem, as it participates as 'service provider' in many of the security-based responses delineated in section 2.

The difficulties with a joined-up global approach to mobility is well known in the forced migration literature; a 'stretching' of the current refugee regime may be possible, but the limits beyond that are as clear as they are on the European level.⁴⁷ However, the

ground-level findings of this paper present one possibility. We have seen how certain kinds of migration have been treated as a threat or 'risk', and how an ever-larger set of actors have converged around this treatment. However, as also discussed, this security model has itself generated novel risks and dispersed these away from the 'core' border security actors. On a national scale, risk has been transferred away from northern/western nations towards southern/non-western ones; on an institutional scale, it has shifted from strong border and security actors towards other state agencies managing increasingly difficult rescues and chaotic reception/arrival situations; and intra-institutionally, it has trickled from headquarters to frontline officers, as seen in the internal critique (*first box above*). While a security coalition or industry has in this way been built around controlling migration, there is significant potential for **alternative international coalitions among actors that are now unequally dealing with the risks generated by border security itself**, ranging from frontline border professionals to aid organisations, and from African governments and state agencies to local border communities and volunteer rescuers. Adapting the language of the sociologist Ulrich Beck, a shift can through such actors be envisaged from a security-based 'risk community' to a genuinely cosmopolitan one, learning from progress in fields such as climate change.⁴⁸

To do this, one has to start with what is perhaps the key recommendation of this paper: **to accurately identify and enumerate the costs and risks generated by the security model**, and so build political momentum around the reduction of risks to the global public good. As in the 'drug wars' and the climate change debate, 'side effects', risks and 'externalities' have to be incorporated into cost assessments. Until now, Europe's border security actors and politicians have (as elsewhere) succeeded in presenting the negative effects of the security model as external to operations: that is, not as *negative externalities* but as risks associated with 'migration itself', seen as akin to a natural force (a 'flood', 'tide' or 'avalanche', in media parlance). Electorates, politicians, state agencies and other actors need to be convinced that the large costs – financial, human, social, political – outweigh the 'gains' produced by border security. In this endeavour, relying on the very governments and EU institutions responsible for reinforcing the border security model is certainly not enough. Instead momentum will have come from other sectors, including – in addition to the risk-facing institutions above – UN bodies; journalists, academics and the large number of activists and civil society groups that have mobilised across Europe for a different approach; and crucially refugees and migrants themselves, who often have the sharpest analysis of the gains to be had from their misfortune.

To conclude, this paper's key contention is that politicians have been looking in the wrong place (the border) and at the wrong kind of measure (security) to solve the migration 'problem'. Ample evidence shows that punitive border measures do not work; instead, the 'mixed migration' flows of today need to be dealt with through

other means, including economic instruments at home and more intelligent interventions abroad, of the kind discussed in the overarching report of the Human Security Study Group and its other accompanying papers. At the risk of stating the obvious, no significant shifts on 'distress migration' will occur until significant political and diplomatic will is put into resolving the conflict, insecurity or repression besetting countries such as Libya, Syria, Somalia, Eritrea and Afghanistan, all among the major origin or departure nations for those arriving at Europe's borders today; and no punitive policy will keep the poor from seeking a better life for their families, especially as regions such as the Horn of Africa and the Sahel remain beset by deep and urgent needs.

The suggestions above are certainly no quick fixes. Yet this lack of a silver bullet should be acknowledged and even welcomed in our public and policy debates: for the opposite – a search for a quick and visible 'solution' at the borders – has proven to be no solution at all.

Notes with references

¹ The terminology is problematic: for a discussion see <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2014/09/illegal>

² For my research, see especially the book *Illegality, Inc.: Clandestine migration and the business of bordering Europe* (University of California Press, 2014). Note that a peer-reviewed article covering (some of) the material in this paper has been published in *Journal of Ethnic and Migration Studies*, 2016.

³ J. Nevins, *Operation Gatekeeper* (Routledge, 2001).

⁴ See Eurostat, http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics; Frontex annual risk analysis 2011 (p.32) for the quote; and the agency's website on overstayers, <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/>

⁵ See H. de Haas, 'The myth of invasion' (IMI research report, 2007); *Informe Encuesta Nacional de Inmigrantes* (2007) for the Spanish census figure; and Eurostat for immigration figures. See Frontex on overstayers, <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/>

⁶ I use UNHCR figures here since Frontex double-counts arrivals into Greece who then re-enter the EU after traversing the Balkans. UNHCR and Frontex figures are thus not equivalent, and figure 2 is only meant to show the broad indicative trend.

⁷ Latest figures are from 2014: see <http://www.unhcr.org.uk/about-us/key-facts-and-figures.html>

⁸ A. Betts, *Survival migration* (Cornell University Press, 2013).

⁹ The journalistic investigation is The Migrants' Files: <http://www.themigrantsfiles.com>. For the EU funding comparisons, see Amnesty International report, *The human cost of Fortress Europe* (July 2014).

¹⁰ EU funding from Commission websites. Spanish border police figures from interior ministry press release (January 2011). For the journalistic investigation, see <http://www.themigrantsfiles.com>

¹¹ This article consider refugees and migrants jointly owing to the security approach applied to both these groups, as well as to the increasing overlaps between them: cf Betts (2013).

¹² See LSE IDEAS Expert Group report, *Ending the Drug Wars* (May 2014).

¹³ On this shift, see for instance E. Guild's contribution to *Controlling frontiers: Free movement into and within Europe*, edited by D. Bigo and E. Guild (Ashgate, 2005).

¹⁴ M. Svantesson (2014), *Threat construction inside Bureaucracy*, Stockholm Studies in Politics 156.

¹⁵ See, among others, P. Cuttitta, 'Borderizing' the island' (*CME*, 2014); W. Walters' contribution to *Governmentality: current issues and future challenges*, edited by U. Bröckling et al (Routledge, 2011); Andersson (2014, op. cit.); and P. Pallister-Wilkins, 'The humanitarian politics of European border policing' (*International Political Sociology*, 2015).

¹⁶ On these complications, in part stemming from the so-called *Hirsi case* in the European Court of Human Rights, see Tondini, 'The legality of intercepting boat people under search and rescue and border control operations' (*The Journal of International Maritime Law*, 2012).

¹⁷ See Frontex Guidelines for Risk Analysis Units, 2012.

¹⁸ See LSE IDEAS report (*op. cit.*)

¹⁹ The crime of trafficking, unlike human smuggling, involves transporting people (by force, fraud or similar means) to a destination country *for the purposes of exploitation*. See UNODC, <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

²⁰ ‘Smugglers’ boats’ are impossible to detect before departure as they are used as fishing vessels; moreover, the lack of a UN mandate and the absence of ground intelligence in Libya make any intervention impossible at present.

²¹ This trend is global, with similar shifts towards predation seen at the US and Israel borders.

²² See e.g. R. Andersson, ‘Hardwiring the frontier’ (*Security Dialogue*, 2015) and M. Casas-Cortes et al., ‘Good neighbours make good fences’ (*European Urban and Regional Studies*, 2014).

²³ This argument, and especially the notion of an ‘industry’ of control, is developed more fully in the author’s *Illegality, Inc.* (*op. cit.*). For similar findings, see the edited volume *The Migration Industry and the Commercialization of International Migration* (Routledge, 2011).

²⁴ See e.g. D. Bigo, *The field of the EU internal security agencies* (Harmattan, 2007).

²⁵ See the *Borderline* report, <http://www.statewatch.org/news/2012/jun/borderline.pdf>

²⁶ On these aspects, see especially the work of D. Bigo, including his article on ‘The (in)securitization practices of the three universes of EU border control’ (*Security Dialogue*, 2014).

²⁷ One nuance: the 2006 ‘boat craze’ in West Africa, triggered by the opening of a new route, led to many youth embarking who saw a ‘now-or-never’ chance to reach Europe, amid news of an impending patrolling mission (JO Hera). The post-2006 displacement effect towards the Sahara did not involve all these new potential migrants, although that may have changed in 2014-15 amid a similar ‘anticipation effect’ around Libya. On the displacement effects around Turkey, see e.g. comments by Frontex deputy director, <http://www.nytimes.com/2015/04/06/world/europe/bulgaria-puts-up-a-new-wall-but-this-one-keeps-people-out.html? r=0>

²⁸ See the Spanish Civil Guard’s 2008 book *SIVE: Cinco años vigilando la frontera*.

²⁹ See http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/index_en.htm

³⁰ Spain, which has recently legalised informal expulsions at the fences of Ceuta and Melilla, is resisting an EU-wide deal. On Tunisia’s mobility partnership, see e.g. FIDH statement, 17 March 2014.

³¹ See Habitáfrica, “África cuenta: reflexiones sobre la cooperación española con África” (http://archivos.habitafrica.org/pdf/AFRICACUENTA_BAJA.pdf) and Serón et al, *Coherencias de políticas españolas hacia África: migraciones*, report by Grupo de Estudios Africanos de la Universidad Autónoma de Madrid, November 2011. See also my *Illegality, Inc.*, especially chapter 1.

³² See <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/7973649/Gaddafi-Europe-will-turn-black-unless-EU-pays-Libya-4bn-a-year.html>

³³ On geographical rent, see K. Natter, ‘The formation of Morocco’s policy towards irregular migration’ (*International Migration*, 2013).

³⁴ See <http://www.theguardian.com/world/2015/nov/29/hiding-in-plain-sight-inside-the-world-of-turkeys-people-smugglers>

³⁵ K. Greenhill, *Weapons of mass migration* (Cornell University Press, 2010). On Turkey's usage of refugees for political gain, see e.g. <http://www.theguardian.com/commentisfree/2016/feb/15/refugees-turkey-government-eu-crisis-europe>

³⁶ Rabat long equivocated on implementing the 1992 agreement, preferring such informal arrangements.

³⁷ See e.g. HRW report: <https://www.hrw.org/news/2014/02/10/morocco-abuse-sub-saharan-migrants>

³⁸ On Morocco, see e.g. Andersson (op. cit.) and IPPR report, *The myth of transit: sub-Saharan migration in Morocco* (June 2013). On Mauritania, see Andersson (2014) and Migreurop/La Cimade report, *Prisonniers du désert* (December 2010). On the Libya situation, see e.g. Amnesty International report, *Libya is full of cruelty*

(May 2015).

³⁹ Australia, like Spain in West Africa, has depended on poor and powerless neighbours for the success of its draconian offshore policy – a solution simply not available in Europe's relations with states in North Africa.

⁴⁰ See IRIN, <http://www.irinnews.org/report/99095/horn-migrants-risk-new-routes-to-reach-europe>

⁴¹ See e.g. W. Cornelius et al, ed., *Controlling immigration: a global perspective* (Stanford University Press, 2014). For a more complex and layered view of policy gaps, not discussed here for lack of space, see M. Czaika and H. De Haas, 'The effectiveness of immigration policies' (*Population and Development Review*, 2013).

⁴² See especially LSE IDEAS report cited above, and the official involvement in and response to it: <http://www.lse.ac.uk/newsAndMedia/news/archives/2016/02/New-LSE-report-recommends-War-on-Drugs-is-replaced-by-the-Sustainable-Development-Goals.aspx>

⁴³ See analysis by Steven Peers at <http://eulawanalysis.blogspot.co.uk/2014/09/the-new-commission-first-thoughts-on.html>

⁴⁴ See OSF Europe initiative in Spain: https://www.opensocietyfoundations.org/sites/default/files/profiling_20090511.pdf

⁴⁵ For one innovative flat-sharing initiative that has gained wide traction, see <http://www.refugees-welcome.net>

⁴⁶ Thanks to Pavel Seifter for the suggestion of a Europeanised volunteering model.

⁴⁷ See A. Betts, 'Survival migration' (*Global Governance*, 2010).

⁴⁸ See U. Beck et al., 'Cosmopolitan communities of climate risk' (*Global Networks*, 2012).