



Analysis

The Arab Spring and the death toll in the Mediterranean: the true face of Fortress Europe

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Throughout the uprisings in North Africa, the EU has maintained a discourse of double standards: supporting calls for freedom and democracy but greeting resulting population displacement with hostility. This has contributed to a record number of people dying at Europe's borders during the first seven months of 2011.

It is all about numbers when it comes to migration; about how large a flow came in, how many people asked for protection and how many applicants were "failed" or "rejected." Numbers quantify the "threat" (e.g. the "invasion" of irregular migrants) and serve as a bargaining tool with third countries (allowing the acceptance of the externalisation of border controls in exchange for facilitating the mobility of a specific number of nationals). Numbers demonstrate whether the target of "x" thousands of annual deportations of irregular migrants is met.

Numbers released by public authorities are meant to justify the need for migration policies and to show how efficiently they are implemented. Yet hidden numbers question the legitimacy of these policies - the death toll of people dying at Europe's borders is such an example. For several years, Gabriele del Grande has monitored the situation at the EU's external borders and kept a record of the number of deaths occurring in the context of irregular border-crossings [2] on the *Fortress Europe* website. According to the website's latest update, the EU's borders have never been so "murderous" [3]: there were 1,931 deaths during the first seven months of 2011. [4] In 2008, a petition was brought before the European Parliament by the ProAsyl organisation, denouncing the "deathtrap at the EU's borders" [5]: it was a particularly "murderous" year, with 1,500 deaths. It is terrifying to realise that this toll was exceeded in the first seven months of 2011.

These figures were disclosed at the very moment

thousands of people were fleeing war zones and political turmoil in North Africa. The armed conflict in Libya differs widely from the "revolutions" in Tunisia and Egypt. These Arab springs were not perceived in the same way by Western countries, and especially not by the EU. However, some similarities are apparent, particularly regarding the denial of hospitality to those displaced by the crises which erupted in the region. While the EU's hypocritical reaction to the events came as no surprise [6], the complete lack of assistance to displaced populations reaching its shores clearly reveals the nature of EU migration and border management policy.

The crisis in Northern Africa

Since the beginning of the "uprisings" in different Arab countries the EU has maintained a discourse of double standards, praising the call for freedom and democracy while pointing out that the events resulted in a "significant movement of people." [7] The EU has thus been prompt in sending humanitarian support, as has been reported in its various communications. However, in line with its externalisation strategy (in the management of migration flows), it has ensured that it minimised the impact of the population displacement by sending humanitarian and operational support to North African countries. Reception schemes and solidarity mechanisms in the EU are scarce. As of May

2011, only “300 relocation places for Malta ha[d] been pledged, and over 700 resettlement places for refugees stranded in North Africa” according to the EU Commissioner for EU External Relations. [8] By September 2011, “eight EU Member States have agreed to consider 374 cases submitted by the UNHCR. Of this number so far, seven Member States have accepted 303 refugees for resettlement; 155 have already departed: 25 to Belgium, 130 to Sweden” as indicated by Commissioner Cecilia Malström, who observed that “this is good but is clearly not enough.” [9] However, few figures have been made available, although it is known that 25 people from DR Congo and Eritrea arrived from the Choucha camp in Tunisia and were resettled in Belgium in July. [10] Overall, the EU’s containment strategy has been successful. With regard to the crisis in Libya, the total number of displaced people “received” in Europe represents only 2% of those fleeing the country. Meanwhile, camps at the Libyan-Tunisian border are overcrowded, resulting in shortages of food and drinking water and growing tensions between the different communities in the camps.[11]

Western countries and international organisations/NGOs contributed to support the humanitarian effort after the Libya conflict began. Important financial support was granted to the International Organisation of Migration (US \$67 million in funds, pledges and in-kind) [12] for the evacuation and relocation of displaced people, and their repatriation when possible (for the management of the crisis outside European territory).

The hypocrisy of European authorities

The support deployed in response to the crisis in Libya followed the adoption of a UN Council resolution which legitimated intervention during the conflict. Other expressions of the Arab spring received no such support. The obvious discrepancy between European support for the Jasmine revolution and the way Tunisians were treated as irregular - especially in France and Italy - has been widely reported and denounced as emblematic of the EU’s real agenda.

The EU may be “wholeheartedly behind the Tunisian people’s aspirations for freedom and democracy” [13], but Member States’ reaction to the arrival of Tunisian nationals was not welcoming, to say the least. It may be wondered if, sooner or later, this “push back” strategy [14] will find official justification in the need for Tunisians to stay in their country and contribute to its democratic transition (a well-known discourse when denial of entry visas

are presented as a measure to counter the “brain drain”).

This strategy goes further, with European states protecting or promoting their own economic interests. It is striking to note that, unlike the media’s enthusiasm for reporting on events in Tunisia, Egypt or Libya, events in Morocco received far less coverage, despite similar protests demanding deep political reform and social justice since February 2011. [15] Morocco is an important economic partner for the European Union, doing so well that it is the only country from the region to have attained “advanced status” in its partnership with the Union (Morocco was the first recipient of EU funds through the EU Neighbourhood Policy.) [16] EU authorities [17] also turned a deaf ear to the Algerian authorities’ violent response to demonstrations, which received little media coverage. However, progress has been made towards the EU-Algeria association agreement, with the process now classified as “considerably advanced.” [18] It would not be surprising to find that the EU’s diplomatic and political agenda is closely tied to its economic interests. The rejuvenated arms trade between some European countries and Libya, in which arms companies took advantage of the new operation to arm civilians, should not be overlooked. Gaddafi also uses European-made weapons, as is attested to by EU and national parliamentary reports. [19]

Who are the “huddled masses yearning to breathe free?” [20]

A close look at the motives driving irregular crossings reveals the double standards underpinning the EU’s response. Are these irregular migrants taking advantage of the current chaos to enter Europe for work? Are most of them “merely” economic migrants rather than genuinely oppressed asylum seekers?

A large proportion of these displaced people fit the category of economic migrants: for example, sub-Saharan migrant workers escaping Libya or Egypt or jobless Tunisians. Some people currently arriving irregularly on EU shores may have decided to come to Europe anyway, irrespective of North Africa being in turmoil. In this case, the possibility that facilitating regular mobility for economic migrants, or using tourist visas, might help curb irregular migration may be worth considering. But if we are honest, the migrants trying to reach Europe for the past six months are, in large part, escaping violence and instability throughout the region. More attention should be paid to the push factors (escaping) than the pull factors (economic opportunities, for example.)

Some of the violence is the result of the EU's action, or inaction. Supporting Libyan rebels by supplying their weaponry [21] overshadows reports of migrant workers as the victims of rebel violence. Whether they are mistaken for Gaddafi's militiamen or simply mistreated as foreigners [22] - they are probably seen as no more than collateral damage. On the other hand, Gaddafi has used migrants as pawns to pressurise the EU into staying off the battlefield [23]. It is war and people try to save their lives and escape chaos.

For those who missed the IOM humanitarian convoys, it was too late to be accepted as a legitimate refugee. This left no choice for migrants in Libya but to take their chances and cross irregularly. As mentioned above, relocation schemes did not reach European shores. This was not necessarily a problem because most did not intend to go to Europe (otherwise there would have been more than the aforementioned 2% arriving in Europe.)

A few months after the Arab spring, short term displacement situations have become unbearable and are likely to get worse. Some migrants are hostage to the armed conflict [24]. Those people living in camps who do not want to ask for international protection are likely to remain in limbo until the situation calms, allowing them to return to the country in which they were working. Meanwhile, the long-term logic of denying entry to regular migrants who come from non-European countries continues. However, it is understandable that many people, especially young workers, are unsure about the outcome of the revolutions and may be willing to migrate to Europe, at least temporarily. Indeed, the deep social and economic concerns of African and North African countries have not disappeared and it is unlikely that trade agreements will improve massively for the locals on the other side of the Mediterranean. The reasons the "*harragas*" [25] undertake their perilous journeys are linked to the current political turmoil in the southern Mediterranean.

Instead of tackling the implications of the situation, the European authorities, and especially the Member States, do not meaningfully consider the "pull" factors and their role. This results in a caricatured discourse which fuels fantasies of "bogus asylum seekers" and "illegal migration" to serve the interests of governments wanting to justify more stringent migration policies. The Commission's *Communication on Migration*, which was released in May as a response to the Arab spring, states:

Thousands of people have recently sought to come to the EU, putting the protection and reception systems

of some of our Member States under increasing strain. More than 20,000 migrants, mainly from Tunisia and, to a lesser extent from other African countries, have managed to enter the Union irregularly, reaching the shores of Italy (most to the island of Lampedusa) and Malta, both of which are under strong migratory pressure. Most of these are economic migrants and should be returned to their countries of origin.[26]

As regards Libya, the UNHCR has been quite clear in demanding that "all people leaving Libya should be granted access to territory without discrimination, irrespective of their background" and that "Libyan nationals be granted temporary protection pending firm clarification of their circumstances and arrangement of possible solutions." [27] Calls by NGOs urging that the principle of non-refoulement be adhered to have abounded [28].

The response of EU Member States to such demands is predictable: the UK, for instance, is developing specific residence schemes for Libyans, creating a separate legal framework with the intention of limiting the number of asylum applications [29]. Italy has reached an agreement with the newly recognised Libyan National Transitional Council (NTC) to counter "illegal migration." [30] The EU itself is getting ready to "face the continuous and possible increase of inflows of irregular migrants coming from the Southern Mediterranean." It will reinforce Frontex's operation HERMES and the dynamic of working arrangements with third countries in the Mediterranean, especially Tunisia, with the setting-up of an EU-Tunisia operational project [31]. Questions must be asked as to whether peoples' rights are at heart of the EU's migration policy [32]. Italy's response has been particularly telling. Many migrants arrived in Italy, which the government addressed through the temporary opening of reception centres: CIEs (identification and expulsion centres) and CARAs (reception centres for asylum seekers.) On 5 April 2011, a prime ministerial decree laid out temporary protection measures by issuing a six-month "residence permit for humanitarian reasons." This scheme was open to nationals of north African countries who arrived between 1 January and 5 April 2011 (mainly Tunisians), in possession of travel documents (i.e. who could be returned to their country of origin at some point) and who were not excluded by other circumstances (e.g. persons having been previously issued with an expulsion order which was still in force.)

This situation reveals the limits of the humanitarian scheme. Because it was limited in time and scope, those who were not ready to return to "post-revolutionary" Tunisia had little choice but to lodge

an asylum claim. The same “time saving” strategy has often been adopted by those who would not benefit from temporary humanitarian protection. In all cases, the claims are likely to be rejected, although the reasons for not returning may be real. If they are “bogus” asylum-seekers, perhaps it is because no appropriate political solution has been provided. No schemes have been established for those who wish to stay, whether through the extension of their humanitarian protection visa or through the possibility of applying for another type of migration visa.

Moreover, doubts must be cast on the relevance of some of the exclusionary clauses. A person who was expelled from Italy many months before, and may be banned from the country for a period of up to five years [33], may still need protection after reaching the Italian coast. A genuine need to escape is thus closed off based on an unrelated previous situation. This problem is not specific to Italy. The EC Returns Directive foresees a maximum entry ban of five years in all Member States for those who do not comply with a return order and are forcibly removed. No matter what may happen to them over the next five years, their ability to seek protection in Europe will be seriously hampered.

Italy could not deal with this crisis on its own and it should be recognised that the Italian government, contrary to France for example, at least granted temporary humanitarian protection. The Temporary Protection directive, which foresees a one year renewable residence permit, was not considered although the context may have justified its use:

As for the joint EU resettlement programme, there is disagreement over the procedure” and the Commission expressed its disappointment that the proposal had not gained the support of member States. It seems that the Commission’s margin for action remains very “limited” when it comes to abiding by its own human rights principles, because it is up to Member States “to live up to their promises and their nice words about solidarity.” [34] The absence of a concerted approach at the EU level not only endangered the safety of people fleeing turmoil, but was also against the “spirit of Schengen” (the freedom of movement and harmonised policies). While the Italian government had to deal with numerous arrivals, it was soon very clear that migrants from North Africa would not be welcome in Italy or in any other Member State. There was a clear discrepancy between the EU, which was speaking as a single body on democracy in North Africa, and the multiplicity of voices of different Member States when it came to the reception of people escaping North Africa. The lack

of a reception strategy led to a unilateral management of arrivals, mainly through the re-establishment of partial border controls at the EU’s internal borders (in France and Denmark), as a reaction to the provocative decision to allow six-month residence permit holders to move freely in the Schengen area (Italy used this tool to express its disagreement with the lack of solidarity by EU Member States in hosting displaced people).

The absence of an EU-wide response to these arrivals resulted in a “Ping-Pong” policy between Malta, France and Italy, to mention the main countries, with irregular migrants paying the price. [35] The political vacuum literally “created” stranded migrants, on EU territory and at sea [36]. Cecilia Malström, the EU Home Affairs Commissioner suggests that Italy and France may have “breached the Schengen spirit” [37] by imposing controls on Tunisian immigrants and denying them leave to remain.

Between a hostile Europe and hostilities in the southern Mediterranean

When promoting its strategy on migration in May 2011, the European Commission emphasised that EU border management would be “credible” only if it met two objectives:

- Ensuring protection for those in need, including “providing shelter” to people in need of international protection
- Preventing irregular crossings by economic migrants [38]

Leaving aside the fact that the evaluation of who is and who is not an economic migrant remains at the discretion of the EU Member States, it was barely understood that even economic migrants may be in need of temporary protection (as is the case of Sub-Saharan African migrants who fled Libya for example). Preventing irregular migration remains the top priority. It is placed above the development protection mechanisms among EU Member States, even when the need for the protection of people, whether they are regular or not, is obvious.

1,931 people died in the Mediterranean during the first seven months of 2011. European authorities and agencies can no longer turn a blind eye to these figures resulting in the use of a distorted humanitarian discourse. [39] They should be saving lives, deterring would-be migrants from embarking on insecure vessels and pursuing ruthless smugglers and traffickers (the difference between the two is rarely acknowledged) who exploit victimised migrants.

One may even wonder whether, at an EU level, hypocrisy is not the institutional logic of a deeply anchored policy of denial. In May 2011, a motion for a resolution was brought forward at the European Parliament asking “who is responsible” for the lives lost in the Mediterranean. It questioned which vessels, and from which Member States or organisations, had upheld its obligation to rescue at sea. At no point was the EU’s responsibility pointed out or considered. It was as though the problem of

people dying at sea was circumstantial. This is partly linked to an entrenched securitarianism.

Facing little choice other than to cross EU borders irregularly, many lose their lives en route or fall into irregularity once they are on the continent. They then remain stranded because the system deems them undesirable. The sad reality of the numbers shows that the danger may not lie in the reliance on smugglers but in the EU’s methods of border management.

Footnotes

[1] Due to the many differences with respect to the root causes, the shape of the crisis, the relations of each country with the EU and the outcome of the events in each case, the concept of “Arab spring” is understood as a pluralistic phenomenon specific to each country.

[2]

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[4]

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[8] Statement by Cecilia Malström, EU Commissioner in charge of Home Affairs, on the results of the Ministerial Pledging Conference 12 May, MEMO/11/295

[9] Speech by Cecilia Malström, EU Commissioner in charge of Home Affairs, on the EU support to refugees in Tunisia, European Parliament, 28 September 2011, available at:

<http://www.europarl.europa.eu/sed/speeches.do?sessionId=20110928>

[10] <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnEU/cache/offonce/lang/en?entryId=30059>

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[12] IOM (2011) IOM Evacuation of Foreigners Fleeing Libya Passes 21,000, Agency Appeals for International Funding:

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<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/101>

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[20] Reference to Emma Lazarus' poem engraved on the Statute of the Liberty in New York.

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<http://www.trust.org/alertnet/news/thousands-of-migrants-still-stranded-in-libya-iom/>

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[38] Ibid at 5, p.3

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