Consequences of European Security Practices in the Southern Mediterranean and Policy Implications for the EU

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ABSTRACT

This Policy Brief offers an analysis of European security practices vis-à-vis the Mediterranean in terms of their repercussions in the south and policy implications for the EU. The security practices of member states and the EU can be categorised under three policy areas: immigration control, counter-terrorism and democracy promotion. What follows is an analysis of the consequences of these practices in terms of their effects on individuals, societies and states in the south, and a discussion of the possible policy implications for the EU.

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Background

Although European actors began to formulate coordinated policies towards the southern Mediterranean in particular and the Middle East in general in the early 1970s, it is since the mid-1990s that these policies have been developed within lucid frameworks, namely the Euro-Mediterranean Partnership (EMP) and the European Neighbourhood Policy (ENP).[1]

The EMP was launched in 1995, seeking to create an area of dialogue, peace, stability and prosperity in the Mediterranean.[2] At the time, security concerns ranked high among EU priorities, particularly irregular immigration flows from the southern Mediterranean, fear of aggravated social unrest and instability in the Mediterranean neighbours, and consequently the possible radicalisation of southern Mediterranean diasporas in different EU member states. The internal conflict in Algeria that started in 1992 was, in this respect, one of the crises that led European actors to pay more attention to the Mediterranean. The political and security agenda of the EMP was viewed as inextricably linked with economic and social factors. The EU's internal security was seen as affected by stability in its southern neighbourhood, which in turn

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[1] The EMP was re-launched as the Union for the Mediterranean (UfM) in 2008. While the institutional and legal foundations of the EMP are still operational, the UfM, with the participation of new states such as Libya, has incorporated new areas of cooperation, including the environment and the establishment of the University for Euro-Mediterranean studies in Slovenia. See Eduard Soler i Lecha and Irene Garcia, *The Union for the Mediterranean: What has it changed and what can be changed in the domain of security?*, INEX Policy Brief No. 4, CEPS, Brussels, December 2009.

[2] Algeria, Cyprus, Egypt, Jordon, Israel, Lebanon, Malta, Morocco, Syria, the Palestinian Authority, Tunisia and Turkey joined.

was viewed as being tied up with enhancing economic and financial interactions across the Mediterranean.

As the spirit of multilateralism diminished owing to a variety of factors that are endogenous and exogenous to Euro-Mediterranean relations, a more pragmatic approach was taken to the security aspects of the EMP. Expectations regarding multilateralism were lowered and bilateral cooperation was prioritised.[3] Nevertheless, in the multilateral domain, cooperation and dialogue focused on elements that have both domestic and external dimensions, such as the fight against terrorism, and less sensitive political issues, such as civilian protection. Meanwhile, sub-regional frameworks like the 5+5 Dialogue experienced a revival.

The ENP was launched in the post-9/11 and 11/3 context, characterised by the failings of the EMP in meeting its objectives, a heightened sense of insecurity in the EU in relation to irregular immigration and a response to the global ambitions of the EU, which were crystallised in the *European Security Strategy*.[4] This document emphasised, among other things, the importance of cross-border cooperation on issues such as terrorism, the environment, immigration and trafficking (of drugs, irregular immigrants, women and weapons). With the adoption of a comprehensive approach to the European neighbourhood in 2004, the ENP became the new framework to address most of these problems.

The EU has considered the ENP a policy instrument designed for the betterment of political and economic conditions among its neighbours, thereby promoting security in Europe. Unlike the EMP, which emphasised multilateralism, the ENP is characterised by differentiation and a preference for bilateralism. Instead of the multilateral forums of the EMP, the ENP created individualised 'action plans' prepared in consultation with the neighbours, which complement and develop the Association Agreements signed under the EMP. This approach called for more structured monitoring (such as country reports), closer consultation processes with each neighbour and enhanced financial means under the framework of the European Neighbourhood and Partnership Instrument. This approach was designed to respond to the concerns of the partners more effectively than the EMP by providing stronger incentives to cooperate with the EU.

As such the ENP differs from the EMP in terms of security thinking, rhetoric and action. Through the ENP, the EU no longer sought to export its own security-building model to the neighbouring countries. The focus on multilateral confidence- and partnership-building

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[3] These shifts took place within the then-embryonic European Security and Defence Policy (ESDP).

[4] European Council, *European Security Strategy: A Secure Europe in a Better World*, Brussels, 12 December 2003.

measures disappeared. The common security perspective of the EMP was de-emphasised. A security understanding that was linked to a less inclusive identity construction was adopted instead, which revolved around a dichotomy between an EU 'us' and a Mediterranean 'them'.

This process of transition coincided with ongoing change in EU security policy-making towards 'externalisation', which is also referred to as 'outsourcing', 'subcontracting' or 'remote control'. In terms of policy acts, more technologised and sometimes militarised police/gendarmerie/navy tools have increasingly begun to be used by various European actors in cooperation with the Mediterranean neighbours. These have included the training of military and police forces of the southern Mediterranean countries, the training of immigration officers, and the transfer of surveillance and control technology. That being stated, as discussed below the more questionable practices have been adopted not through the ENP or through multilateral frameworks for action such as FRONTEX, but within the context of cooperation between countries.

European security practices: Immigration control, counter-terrorism and democracy promotion

Immigration control

The externalisation of immigration control policies has had two aspects: immigration control through institution and capacity building in southern Mediterranean countries, and through introducing highly technologised and sometimes militarised means.[5]

In the framework of the ENP, the EU has given utmost importance to cooperation on 'irregular immigration', efficient border management, readmission agreements and the effective return of 'irregular immigrants'. The EU has externalised its immigration control policies through capacity building in, exporting surveillance technology to and information exchange with its neighbours. The strategy papers and all action plans contain clauses about information exchange and institution and capacity building to manage migration flows towards the EU. Another method involves sending immigration liaison officers to establish contacts with the host country in the fields of 'irregular immigration control', the return of 'irregular legal immigrants' and the management of legal immigration.

The most striking practice in the area of immigration control is the growing reliance of the EU and member states on highly technologised and sometimes militarised means to address this challenge. The border guards formed by several EU member states are examples of such means.

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[5] On the technologisation of security practices, see Didier Bigo and Julian Jeandesboz, *Border Security, Technology and the Stockholm Programme*, INEX Policy Brief No. 3, CEPS, Brussels, November 2009.

Although they gained momentum in the post-9/11 period, these militarised practices had begun even before then. In conjunction with the joint land and naval operations of border guards, the technologisation of security at the EU's external borders has been given impetus since 2002. The export of surveillance technology from EU member states to southern Mediterranean states (as with Spain–Morocco, Italy–Libya and Italy–Tunisia) also constitutes an important part of this cooperation. The EU has signed working agreements with some southern Mediterranean countries, such as Morocco and Egypt, in order to increase the level of cooperation between border guards whose practices are coordinated through FRONTEX.[6]

FRONTEX is an institution whose tasks include producing risk analyses and coordinating operations (as with the naval missions in the Mediterranean). Risk analysis reports are presented to the European Commission and the Council. The Commission has made FRONTEX responsible for studying the conditions of immigration control in the Mediterranean, involving the cooperation of southern Mediterranean states. Bilateral agreements were signed between EU member states and the neighbouring states from which irregular immigration boats depart, with a view to enabling operations in the territorial waters of these states. In 2009, the EU conducted six operations in the Mediterranean. The frequency of such operations, notwithstanding increasing scrutiny and calls for transparency, shows that such technologised and often militarised means of addressing challenges have prevailed in the security practices of some European actors in cooperation with southern Mediterranean states.

Counter-terrorism

Counter-terrorism measures include providing technical and financial assistance to southern Mediterranean states towards tackling terrorism in Europe. EU technical assistance has included developing programmes to cope with the radicalisation of youth (for example at the universities), increasing the crisis management capacity of law enforcement agencies and training them for border, airport and maritime security. For instance, cooperation against terrorism has become one of the main tenets of EU policies vis-à-vis Egypt. Yet there is very little information available about the scope of this cooperation, especially concerning that between states.

Political reform

In the area of democracy and human rights promotion, the EU, rather than member states, has taken the initiative towards promoting political reforms in the neighbouring countries, thereby easing political tension and reducing the possibility of domestic instability. Unlike the EMP, the

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[6] See "Tasks" on the FRONTEX website (http://www.frontex.europa.eu/structure/external_relations/).

ENP imposes upon the willingness of the country to act with the EU on the matter in question. Morocco has the most advanced relationship with the EU. The Morocco Action Plan includes more detailed clauses than the one concluded with Egypt. In relation to the former, the EU has been more insistent on reforms to Morocco's judicial and political systems. With regard to Egypt, the EU has been critical of the state of emergency and ongoing problems with free and fair elections. That being stated, these criticisms have had very limited effect so far. The EU has also funded several civil society programmes in Egypt. Algeria has not concluded an action plan and thus participates in very limited cooperation in this area.

Consequences of European security practices for the south – Policy implications and recommendations for the EU

*Consequences for **individuals**.* 'Individuals' in this context refers to immigrants or asylum seekers who find themselves in need of protection by virtue of being exposed to or running the risk of subjection to violations of their fundamental rights. The ramifications for individuals as security referents include the persistent number of immigrant deaths, the fading of asylum-seeking as a strategy to escape repression (at times contrary to the letter and spirit of international law), violent treatment by human smugglers and abuse of fundamental rights by others (allowed by loopholes in international law, the secrecy surrounding such 'national security' acts and other endemic 'security' practices of some southern Mediterranean regimes). The EU and its member states have not carefully scrutinised the maltreatment of immigrants by southern Mediterranean states.

Policy implications for the EU. Our interviews in Algeria, Egypt and Morocco revealed dissatisfaction with European actors for leaving immigrants at the mercy of national security-minded regimes/states. The perceived silence of the EU about these systematic human rights violations has strengthened the assessment that the EU is not concerned with the human rights of non-EU citizens. The prevailing view is that this is not a mere meeting of the agendas of some European actors and southern regimes, but the former making use of the failings of the latter in pursuing its own agenda at the cost of individuals who are immigrants and would-be refugees. While the EU is not the actor behind these specific practices, and these are repercussions of cooperation at the country level, it is almost always the EU that is (wrongly) criticised by the interviewees.

Policy recommendations for the EU. The Union could pay more attention to how its partners deal with the phenomenon of irregular immigration, which comprises a number of would-be refugees. The action plans include clauses about refugee protection. Yet, the United Nations High Commissioner for Refugees (UNHCR) cannot work effectively with southern

Mediterranean countries like Libya, which is not a signatory of the 1951 Refugee Convention. As a first step, the EU could invite the UNHCR to its intergovernmental meetings. The UNHCR has acknowledged the right of states to address irregular migration. At the same time, state policies should not hinder the right to seek asylum. Another recommendation is to include clauses about the protection of the human rights of irregular immigrants, who represent the majority of the immigrant population in the region, in the agreements among partners. Finally, helping people in distress at sea should be de-criminalised by those member states that consider it a criminal act, in order to decrease the death toll.[7]

Consequences for societies. Societies have experienced their own regimes' repression of immigrants while the host society remains unaware of, if not oblivious to, what is going on; societies have also witnessed the emergence of a racialised division of labour in some places and the rise of racism in some other places. What is particularly worrying is the (re-)emergence of us/them divides between sub-Saharan and North African peoples, as the latter are exposed to the discourses of their regimes/states that portray themselves as 'policemen' for an EU that has problems with sub-Saharan Africans. One of our interviewees has indeed highlighted how "illegal immigration can threaten the social balance, the employment market and public order".

Policy implications for the EU. As noted above, especially worrying consequences follow the security practices of member states and not the EU itself. While regional policy-makers are able to distinguish which political actor is responsible for what practice, societal actors often do not differentiate between EU and member state practices. Accordingly, they hold the EU responsible for the actions member states take in collaboration with regional regimes. Given the EU's aspiration to work with and through civil society, this implication for the EU is very worrisome for the future. What is more, it could give rise to anti-EU feelings among diasporas. One policy to consider in this area is providing more development aid. Reports indicate, however, that EU development aid is increasingly tied to southern neighbours (and other African states) signing readmission agreements (often regardless of who is more in need of development aid). Additionally, there is evidence that in some contexts development aid is used for migration control. In a world of shrinking development aid budgets, this would constitute another value discontinuity and it demands careful scrutiny.

Policy recommendations for the EU. The EU could work towards promoting the conditions of protection in the Mediterranean neighbours. If immigrants from parts of the world where the political, economic and social conditions fail to provide protection subsequently find that they

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[7] Consider the case of Italy, as done in the article "Criminalising solidarity – Cap Anamur trial underway" on the Statewatch website (2007) (http://www.statewatch.org/news/2007/apr/03italy-cape-anamur.htm).

cannot receive it in the Mediterranean neighbours, this situation creates an incentive to continue migrating towards Europe, mainly by using the smuggling networks. Increasing the level of protection in southern Mediterranean countries can be one of the solutions for reducing irregular immigration to Europe.

*Consequences for **regimes/states***. What has changed in the last ten years or so is that southern Mediterranean regimes have begun to address immigration as a security problem from a European perspective, by adopting militarised and highly technologised measures increasingly favoured by the EU. Southern Mediterranean regimes have become border 'policemen' for the EU, with all the implications this poses for regime/state security, by linking terrorism, Islamist activism and migration. While cooperation with the EU has allowed access to new technologised instruments and resulted in the weakening of EU criticism of acts of repression in the short term, it has further alienated civil society from the regimes, thus feeding into their insecurity in the long term.

Policy implications for the EU. The EU is criticised by southern actors for the inconsistency between the values it is built upon and seeks to project, and the practices in which it engages. This kind of criticism judges EU behaviour in terms of the standards it has set itself – not just any power but a 'normative power'. As our interviews highlighted, one of the most important reasons the EU's normative power has been questioned in the southern Mediterranean is the perception that the EU is cooperating with repressive regimes (which are ever more alienated from their own citizens) in order to fight terrorism, regardless of the violations of human rights.

Policy recommendations for the EU. The EU could launch an information campaign about what the EU is doing in the areas of counter-terrorism and democracy promotion, which was also suggested by the European Parliament in 2006. Many EU policies for democracy promotion are not as well known as they deserve to be. The EU could nudge incumbent regimes towards creating the legal conditions through which different political actors (both pro- and anti-democracy) could interact with one another. Thus, citizens could see that there are alternatives to the status quo within the limits of the formal political arena without adopting radical means. A more efficient auditing programme by EU and non-EU actors should also be introduced. The Economic and Social Council called upon the European Commission to take steps in this regard in 2006. Finally, some level of transparency is needed in the area of counter-terrorism.