

Europe's Immigration Problem



This Land is My Land

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Militarizing the Mediterranean

Francesca Bertin & Elena Fontanari

Götz Reichert & Jan Voßwinkel Europe's Energy Infrastructure

Oliver Gnad & Marcel Viëtor Desert Powered Progress

Interview with Former Chancellor Helmut Schmidt

Militarizing the Mediterranean

Enforcing Europe's borders has meant abandoning some of its principles

Francesca Bertin & Elena Fontanari | **The triumph of the Arab Spring has led to troubles in Europe. The migrants who brave the open sea to reach the continent find that the freedom they long for is not available. In the past few years, European governments have stepped up efforts to increase border security at the expense of human rights and international law.**

While many in the West heralded the Arab revolutions in northern Africa, events promptly took a different turn on the tiny Italian island of Lampedusa. South of mainland Italy and only 167 kilometers from Tunisia, the island is Europe's front gate to the south. With the recent migration waves from the Maghreb area (more than 20,000 migrants have landed so far this year) little Lampedusa has become crucial to the entire continent's stance on migration.

One can safely say that responsibility is not being shouldered elegantly. Reports of a humanitarian emergency on the island have spread, and the blame lays with the Italian government. Amnesty International reports that "despite the significant increase in arrivals, and the predictability of ongoing arrivals in light of unfolding events in North Africa, the Italian authorities allowed the large number of arrivals on Lampedusa to accumulate until the situation on the island became unmanageable."¹

Italian authorities provided inadequate assistance, opening first aid and reception centers much too late. Migrants had to remain at the harbor and sleep outdoors, where the lack of toilets and washing facilities raised concern over health risks and possible environmental problems. The situation quickly became dramatic. Indeed, the number of Tunisians having arrived up until the end of March nearly doubled the island's population and aroused anger and protests among the citizens.

Although the emergency was largely self-inflicted and could have been

¹ Amnesty International, "Italy: Amnesty International findings and recommendations to the Italian authorities following the research visit to Lampedusa and Mineo," www.amnesty.org, April 21, 2011.

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avoided with proper preparation by the Italian authorities, it has since been exploited as a political weapon. The Italian government's appeal to the EU for greater support for the immigration emergency is significant. The Frontex mission "Hermes" was officially deployed on February 21 to assist Italy in managing the inflow of migrants from North Africa. According to EU Commissioner Malmström, "This is a clear signal of European solidarity between member states and concrete proof of the European Commission's commitment to assisting Italy in this difficult situation."²

The Italian government reacted to the current migration wave in its standard manner. The flood of incoming migrants has been used to justify massive deportation and the detention of migrants and asylum seekers under harsh conditions.

In this respect, the transfer of 200 asylum seekers on March 18 was an emblematic case. In need of free space in refugee camps, refugees who had arrived in Italy prior to January 2011 and had already applied for asylum status were forcibly transferred to a military residence in Sicily. With the transfer, the asylum procedures that had been underway, including open asylum status applications, were cancelled, causing considerable anxiety and mental stress among the refugees.³ Similarly inhumane and demagogic actions have followed. Berlusconi's grandstanding on the island on March 30 illustrates the central role of Lampedusa in the internal political context. The prime minister promised to "empty Lampedusa" and bolster the spirits of the exhausted islanders with golf centers and swimming pools. Since then, Italian authorities have organized an airlift and put a ferry into service to expel some of the immigrants from Lampedusa to identification centers scattered around Southern Italy.

The flood of incoming migrants was used to justify mass deportation and detentions.

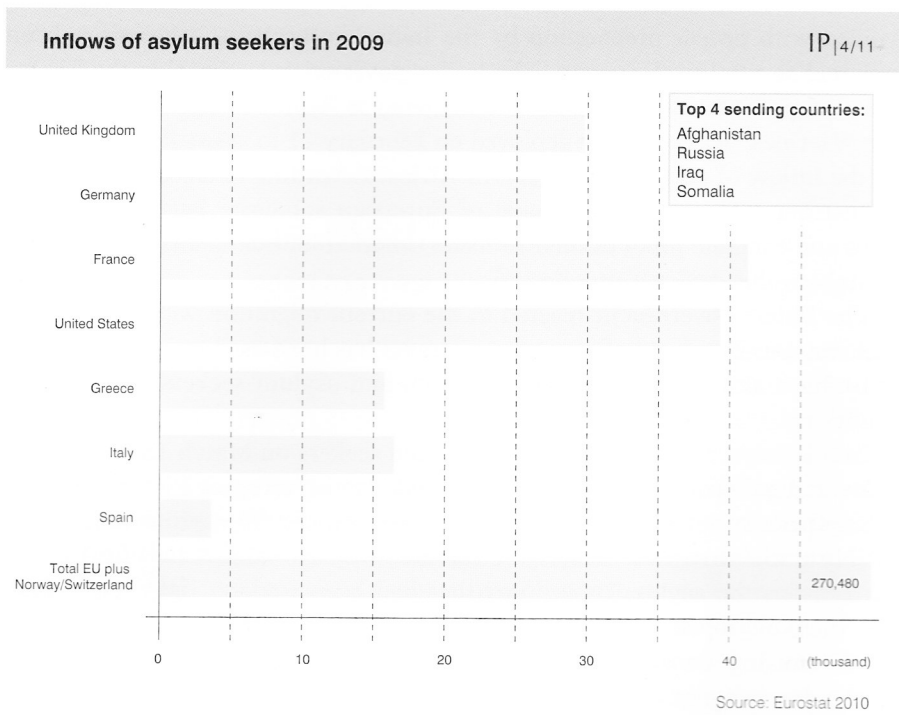
On April 6, the Italian Home Secretary increased efforts to prevent departures from North Africa and to speedily repatriate those who had recently arrived and continue to arrive in Italy. The migrants that arrived before that date were allowed to stay with a temporary six-month residence permit that would allow them to move into the European Schengen area. The decision was challenged in Paris and Berlin and created a number of diplomatic incidents, notably along the French border near Ventimiglia.

The allocation of the permits has also proven to be a controversial issue, as the destiny of the migrants is uncertain. There is almost no system for distributing permits, and applicants without a planned destination are forced to stay on the island or are transferred to an identification center.

The migrants that arrived after April 6 have already been deported back to Tunisia. As an Amnesty International report from April 21 cites, "It appears highly unlikely that they would have had access to any meaningful or adequate opportunity" to contest their return on international protection or

² MEMO/11/98, Brussels, February 20, 2011, Europa Press Releases.

³ Associazione per gli Studi Giuridici sull'Immigrazione, "Il sistema italiano dell'Asilo verso il caos. Perché?" www.asgi.it, March 18, 2011.



other grounds. This “amount[s] to summary expulsions⁴ [...] Such practices are strictly prohibited under international, regional, and domestic human rights and refugee law and standards.”

Italy has become a kind of “border zone,” the gateway to Europe. The situation in Lampedusa exploded following the landings from the Maghreb countries after the revolutions, but, in fact, the problem has long been simmering. Indeed, this island has become symbolic of the closure of Europe’s borders, which has recently transformed into an “open war” against immigration. An example of this “war” is the use of specific operations and players, like Frontex, who are employed to monitor the zone with military forces.

The Border Guards

Frontex, the European agency that coordinates the operations between member states in the field of border security, has been active in the Mediterranean region since 2008. Working together with the Italian Foreign Minister, Franco Frattini, it began an operation to militarize the Mediterranean Sea. In recent years, the presence of Frontex has made possible the continuous coerced reversal of boats full of migrants. Since these boats could contain potential asylum seekers, such actions are a breach of the Geneva Convention for the rights of asylum seekers. In addition, there have been many incidents where the au-

⁴ In reference to the judgment of the European Court of Human Rights in the cases of *Hassanpour-Omrani v. Sweden* and *Jabari v. Turkey*.

thorities investigate shipwrecks and forces from all from Italy 2007: Malta France, Germany ing boats full

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⁵ Judith Gleitze “Is Frontex?” by

⁶ Dina Galano,

⁷ Account by a

⁸ Markus Eusk Changing Euro

thorities involved have not rescued boats that signal an alarm, thus resulting in shipwrecks and many deaths. The operations are coordinated between military forces from different European countries and the national coast guard (above all from Italy and Malta). One infamous Frontex operation was "Nautilus II" in 2007: Maltese authorities, with the support of helicopters and boats from France, Germany, Portugal, Greece, Spain, and Italy, were engaged in redirecting boats full of migrants in the open sea.⁵

The agreements that allowed for these summary expulsions and the Frontex operations in collaboration with the Italian authorities have transformed the Mediterranean Sea from an area of commercial exchange and dialogue among different cultures into a tightly controlled border zone.

Another example of this occurred on March 25 of this year when a NATO warship failed to rescue a boat in trouble, leaving the people on board to die. A boat carrying 72 passengers, including several women, young children, and political refugees, came into trouble after leaving Tripoli for Lampedusa. The 11 survivors testified that despite alarms being raised with the Italian coast guard and contact with a military helicopter and a warship, no rescue effort was attempted.⁶ Meanwhile, the waters of the Mediterranean Sea, instead of being protected by international law, seem to have become a sort of lawless no man's land. This at the expense of people who attempt the dangerous crossing in search of a better future. As explained by a young Tunisian boy confined to a detention and expulsion center on Lampedusa awaiting processing: "There was no freedom with Ben Ali, and even today there is no freedom. The law of life in Tunisia is war. I seek the freedom to live. I'm 23, I have no home, I have nothing [...] Europe is the freedom; I risk my life for the freedom to live. We're all the same generation, all poor, all dead."⁷

The creation of "border areas" that surround Europe's borders has become the new norm in European politics in recent years. The strengthening of controls at European borders has been combined with the practice of "externalizing borders," delegating neighboring countries the task of preserving Europe's borders by blocking migration. EU member states routinely "export" European border responsibilities, writing these responsibilities into European financial, technical, and administrative aid, and making them an explicit component of the law enforcement training and assistance EU states offer within "humanitarian" aid packages. In this way, neighboring states take on the function of "policing for Europe."⁸

The most radical change is that the internal extension of the European border no longer has any limits. All intra-European flows of communication and

⁵ Judith Gleitze, "Die Folgen der Abschottung auf See—das Mittelmeer," in "Was ist Frontex?" by Tobias Pflüger, 2008.

⁶ Dina Galano, "Nato morto," in *Terra*, May 10, 2011.

⁷ Account by a young Tunisian on the television political program "Anno Zero," March 17, 2011.

⁸ Markus Euskirchen, Henrik Lebuhn, and Gene Ray, "From Borderline to Borderland: The Changing European Border Regime," in *Monthly Review*, Vol. 59(6), November 2007.

all routes of regional infrastructure, such as train connections, train stations, major urban metro stations, overland bus stations, interstate highways, and public city plazas, are now defined as strategic sites of transit, and are therefore subject to intensified border enforcement.

The European migration regime creates a highly vulnerable transnational labor force.

The clear national borderline is both extended back into national territory as well as projected out into the territory of foreign states. In effect, the old lines of national demarcation are being transformed into new and militarized border zones and spaces that overlay the social space of everyday life. And this strict European border regime obviously fails to exclude undocumented migrants from the EU completely. The exact number of “illegal” migrants living and working in Europe is unknown, but all undocumented migrants do have one thing in common: In order to survive, they depend on the informal or unregulated labor market. Without any legally enforceable labor contract, undocumented workers are subjected to an exceptional degree of insecurity and coercion. The new European migration regime thus does not produce complete closure and control of territorial borders, but it does result in a very flexible and insecure transnational labor force. The most vulnerable people in this labor force are systematically deprived of rights, resources, and the means of secure social reproduction.⁹ Lampedusa has been, and continues to be, a place that exemplifies this logic of containment and reduces the number of legal and secure migrants.

The “Lampedusa emergency” reveals the moral and practical weaknesses of the European border regime: Economic agreements with North Africa’s defeated dictators helped keep the migrants out of Europe. With the Arab revolutions, this mechanism faltered and left European governments scrambling. Where possible, European governments are already concluding agreements that recreate former structures and tie support for migration control to assistance from the new governments. The opportunity to support those countries in the difficult transition towards democracy by being more open to asylum seekers and non-refoulement has, until now, not been considered by European countries.



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⁹ Ibid.