

A photograph showing a soldier in camouflage and a helmet aiming a rifle through a chain-link fence. In the foreground, a person wearing a green cap and a grey hoodie is reaching out to touch the fence. The scene is set outdoors with some vegetation visible.

Europe and the refugee situation
HUMAN SECURITY IMPLICATIONS

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ABBREVIATIONS

AU	African Union
CAMM	Common Agenda on Migration and Mobility
EAM	European Agenda on Migration
EU	European Union
EU	Emergency Trust Fund for Africa – EUTF
FRONTEX	European Border and Coastguard Agency
GAMM	Global Approach to Migration and Mobility
IDP	Internally Displaced Persons
IOM	International Organisation for Migration
ISS-EU	Institute for Security Studies
NATO	North Atlantic Treaty Organisation
OAU	Organisation of African Unity
RMMS	Regional Mixed Migration Secretariat
UNHCR	United Nations High Commissioner for Refugees

EXECUTIVE SUMMARY

Migration is emerging as a top priority area in various policy fields, including foreign, security and development policy. The European Union and its member states are pursuing joint and bilateral policies to meet the dual challenge of managing the record numbers of migrants, refugees and asylum-seekers arriving at its borders and deterring new arrivals.

Attempts to stem these flows through intensified border controls have led to fewer arrivals being detected in the latter half of 2016. In response, migrants and refugees have sought out alternative and often more dangerous routes, leading to more fatalities. The number of people dying while attempting to enter Europe by crossing the Mediterranean has shocked many, with 2016 being the deadliest year on record.

This report is one of DIIS's Defence and Security Political Projects. Its aim is to highlight the human security implications of stricter EU policy and practice by examining the intended and unintended consequences of various EU migration policy instruments, including the rapidly increasing number of agreements made with third countries on external border controls and readmission.

This emphasis on combatting irregular migration and increasing the rate of returns and readmissions is behind the controversial March 2016 EU–Turkey agreement. While the deal has succeeded in bringing down the number of people entering Europe through the eastern Mediterranean route, it has been criticized for legitimizing Turkey as a safe third country as refugees and asylum-seekers reportedly suffer insufficient protection and even abuse. Readmission is also the central component in the EU–Afghanistan Joint Way Forward on Migration agreement, struck in October 2016.

The EU has long-standing collaboration with the African Union (AU) on migration, agreed at a range of summits since 2000. Parallel to these summits, two regional processes – first the Rabat Process and more recently the Khartoum Process – have been initiated, both reflecting the EU interest in migration management. In November 2015, an EU–African Summit on Migration took place in Valetta, Malta, leading to the establishment of the EU Emergency Trust Fund for Stability that addresses the root causes of irregular migration and displaced persons in Africa. Since June 2016, the EU has adopted the Mobility Framework, which focuses on delivering compacts on migration management with countries of transit and origin, with Niger, Nigeria, Senegal, Mali and Ethiopia being the priorities.

Enhanced control at the EU's external borders, the introduction of intra-EU border controls at various points and the EU–Turkey deal have brought down the number of entries to Greece and been partially successful in temporarily re-establishing 'public order' in northern and western Europe. Yet, these measures have created considerable unintended human security consequences for people on the move. Among these is the changing position of Greece, which during 2016 moved from being the main location for arrivals by boat and a point of transit to become a place of detention and immobility. As long as the EU resettlement plan remains a distant project, migrants and refugees in Greece and Turkey face severe insecurity and the erosion of their livelihood opportunities.

EU migration management through agreements with third countries may also create unintended long-term political consequences. The short-term objective of managing migration through the outsourcing of border controls seems to be providing countries like Turkey, Libya, Egypt and Morocco with increased bargaining power. Conventional conceptualizations of the push-pull mechanisms behind human mobility thus need to be supplemented by a recognition that some transit countries are moving migrants around in order to gain political leverage.

Based on the information compiled, the report concludes that European responses to the refugee situation appear to have undermined the human security of those who need it most, as increasing efforts to stem unwanted migration have contributed to jeopardizing the lives of people on the move. The sealing-off of Europe's external borders have led migrants and refugees to seek out riskier routes and created a hitherto unknown level of human smuggling. The routes that migrants and refugees travel are not new, but the fact that mobility is increasingly being driven underground and organized by smugglers with links to criminal networks makes journeys through countries like Libya and Turkey more dangerous.

Third-country agreements on joint migration management may provide a welcome solution to the public and political pressure to stem migration in the short term. The long-term unintended consequences of striking deals with regimes that should otherwise attract EU criticism are still unclear. There are signs, however, that the containment of migrants and refugees within the territories of such states is becoming a bargaining tool that may act against the EU's foreign-policy interests.

There are no simple solutions to the current refugee situation. However, there is scope for better policies and more joint action. The report makes the following recommendations:

- The European Union and its member states must maintain and further intensify their humanitarian efforts, including rescue at sea. Importantly, the EU must establish safe escape routes for refugees and open up possibilities for legal migration. Restrictive policies do not stop migration, but simply push it underground.
- The increased focus on combating human smuggling should not betray the interests of the most vulnerable refugees. At the same time, the EU should be aware of the unintended consequences of current migration management policies in sustaining and nurturing parts of the human smuggling industry.
- The European Union must make renewed efforts to find a political solution in Libya. A stable Libya, which previously provided work and other opportunities to many African migrants, would take substantial pressure off the deadly central Mediterranean route.
- Regarding cooperation between the EU and transit countries and the shifting geopolitical realities, Europe must decide how much political leverage it is willing to give up in return for externalized border controls.



INTRODUCTION

In mid-2015, the European Union (EU) started drafting its new Global Strategy, designed to prepare it for an uncertain future. As part of this, the EU Institute for Security Studies (ISS) issued a publication on the 'background, process and references' of the Global Strategy, which briefly outlined the major challenges for the EU in the coming years. Noting how the world has become more 'connected, contested and complex' – the three C's that contain the essence of the world when viewed from Brussels – the publication first noted how the first C has led to increased migration flows around the world. It went on to note how, 'in light of mounting migration challenges, the EU's capabilities need to be strengthened by assigning additional resources to its Agencies and by integrating the external and internal dimensions of migration management, as well as by tackling the root-causes in the long-term'.¹

The EU's Global Strategy on Foreign and Security Policy, released in June 2016, was tasked with addressing the member states' highly varied views on and responses to what became known as the 'migration crisis', though in reality it involved a mixture of migrants, refugees and asylum-seekers. By June 2016, several member states had come to the opinion that the EU had failed to deliver external border monitoring as promised, resulting in national border controls, both internal to the EU as well as external to the outside world, being re-introduced at a rapid pace. Addressing the challenge of migration, the Global Strategy first warned that 'the Union cannot pull up a drawbridge to draw off external threats' and then promised to develop, 'together with countries of origins and transit (...), common and tailor-made approaches to migration featuring development, diplomacy, mobility, legal migration, border management, readmission and return'.²

Europe has experienced a rise in the number of refugees and migrants arriving since 2012, with a record number of approximately 1.1 million arrivals via the Mediterranean and 1.3 million first-time asylum applications in 2015. From January 2014 to September 2016, Europe spent at least €17 billion on deterring refugees and migrants through tighter border controls and agreements such as the EU–Turkey deal.³ Nevertheless, the EU received about 951,000 first-time asylum applications in the first nine months of 2016,⁴ and the Overseas Development Institute (ODI) estimates that less than half of them have arrived via open routes. The rest have arrived clandestinely, suggesting that stricter border controls do not necessarily lead to fewer entries.⁵ This substantially increases the risk of dying en route, a likelihood cemented by the fact that, as of 20 December 2016, 4,899 migrants have died compared to the 3,771 who died attempting to reach Europe in 2015.⁶

Two years into the new migration challenge, the aim of this report is to highlight the human security implications of stricter EU policy and practice. In considering the security implications of concrete policies, it is important to discuss how the mass movement of people, the great majority of whom are fleeing protracted conflict situations, 'has come to be regarded as one of the most intractable problems' that affluent democracies currently face. It is also important to consider the unintended consequences of various EU migration policy instruments – not least the rapidly increasing number of agreements made with third countries on external border controls and readmission – for both the human security of migrants and European freedom of action.

It is the report's key contention that the conceptualization of migration in security terms is detrimental to migrant security: in order to circumvent the control measures protecting the narrowing legal routes to asylum and immigration, people in search of safer havens are forced to take ever-greater travel risks. As one of the few available ways into Europe is through human smuggling, the strong emphasis on combating human smuggling and making smugglers solely responsible not only for charging extortionate sums but also for causing migrant deaths along the travel routes seems unwarranted. Migrant fatalities, in particular at sea, often happen in the context of interception activities.⁸ Finally, the striking of deals with transit countries that Europe does not necessarily have an interest in supporting otherwise may have unintended consequences. The short-term objective of managing migration through the outsourcing of border controls seems to be providing these countries with new forms of bargaining power.

Method

The report is intended as a contribution to a better understanding of the human security aspects of the current migrant and refugee situation. It is based on available situational reports and policy documents; statistical data on the numbers, national composition and distribution of asylum-seekers in Europe; academic and journalistic literature on routes and smuggling practices; and academic literature analysing the links between migration and security. A comprehensive set of footnotes and a list of references are provided for further reading. The section on Greece is based on a short field visit in late September 2016, the parts on Libya on a longer-term engagement with the area, and the parts on human smuggling on long-term DIIS engagement with high-risk migration and migration-industry actors. The report does not pretend to provide new data, but rather presents an overview of the available evidence regarding human security concerns. The focus of the report is thus on the migrants and refugees involved.

Terminology

According to the United Nations High Commissioner for Refugees (UNHCR), migration is either voluntary or forced. Only people fleeing armed conflict or persecution, those for whom the denial of asylum has potentially deadly consequences, are refugees. When crossing a national border to seek safety abroad, such people should be internationally recognized as refugees with access to assistance from states, the UNHCR and other humanitarian organizations. Refugees are defined and protected in international law, first and foremost by the 1951 Refugee Convention and its 1967 Protocol, which, together with other legal texts such as the 1969 Organisation of African Unity (OAU) Refugee Convention, remain the cornerstone of contemporary refugee protection.

Migrants, on the other hand, are assumed to have chosen to move voluntarily, not because of a direct threat of persecution, but mainly to improve their lives generally by finding work, accessing education, pursuing family reunion or other personal reasons. They are also assumed to be able to return home safely and upon their return to receive the protection of their own government.⁹ Naturally, the latter stipulation requires that they have entered the country of destination through regular pathways, have legal status and thus have the ability to travel freely through regular channels. However, some commentators insist that maintaining a fixed distinction between migrants and refugees puts people on the move in limbo between different policies. Fleeing civil war, seeking employment or reuniting with family members may be different root causes of migration, but migrant motivations are often blurred and overlapping, thus defying neat categorization.¹⁰ In this report we use the phrase ‘migrants and refugees’ to underscore that the human security aspects of having to move irregularly apply to all and that it often is difficult to distinguish clearly between forced and involuntary migration.

Overall, the report concerns mixed migrations, a concept that is beginning to gain ground in various international forums, including the European Union. The International Organisation for Migration (IOM) frames mixed migration as consisting of ‘complex population movements’ including refugees, asylum-seekers, economic and other migrants,¹¹ whereas the UNHCR describes mixed migrants as people ‘traveling in an irregular manner’ along similar routes, using similar means of travel, but for different reasons. These different definitions are tied respectively to migrant traits or modes of travel. The Regional Mixed Migration Secretariat (RMMS) sees mixed migration as a reflection of an increasing number of people becoming forced to migrate at greater risk for a combination of reasons that ultimately boil down to

‘coping with livelihood problems’. Additionally, the RMMS points to a ‘development of more elaborate policies, systems and barriers [that] have emerged or are emerging to regulate the movement of people across borders, in particular from the South to the North, but increasingly also within the South’. Thus, migration policy may be a ‘root cause’ and impact on migrant security.¹²

Outline

The Report is structured in the following way. Chapter 2 reviews recent EU policy instruments following the European Agenda on Migration, in particular the agreements struck with Turkey, Afghanistan and the EU-African Agreements. Chapter 3 then gives a brief overview of the displacement crisis in Europe. This chapter also provides the context in terms of numbers, nationalities and the distribution of asylum-seekers among European countries. It further describes the main routes travelled, the situation in Greece and some of the early consequences of the EU–Turkey deal. In Chapter 4, we zoom in on human smuggling. Special emphasis is given to human smuggling practices and how they differ in specific countries and along specific routes. Case studies are presented of Turkey and Libya. Chapter 5 looks at the EU’s external neighbourhood, in particular the refugee situations in Turkey, Libya, Egypt and Morocco. The final Chapter 6 provides conclusions and recommendations for handling the refugee situation in the Mediterranean.



RECENT EU MIGRATION POLICY INSTRUMENTS

In June 2015, the EU launched a new migration policy initiative, the so-called European Agenda on Migration¹³ (EAM). Developed in response to the rising number of asylum-seekers to Europe and of fatalities in the Mediterranean, the agenda is an attempt to improve the management of migration, thus supplementing the 2005 Global Approach to Migration and Mobility (GAMM). Both policy instruments have as their objectives the scaling up of border and migration management, the protection and saving of lives, the combatting of irregular migration and using development aid to address the root causes of migration. In June 2016, the European Commission endorsed an additional policy instrument, the Partnership Framework. This framework focuses on tailor-made and flexible compacts with third countries of origin and transit, which, through a mixture of positive and negative incentives, pull together different instruments, tools and forms of leverage to promote migration management and facilitate readmission in third countries.

As highlighted below, these recent migration policy initiatives represent an enhanced combination of financial and political concessions in return for the deterrence and containment of migrants in third countries, and enforced and voluntary readmissions. Special emphasis is given to policy initiatives targeting migration to Greece via Turkey and to Italy via Libya and other North African countries.

THE EU–TURKEY AGREEMENT

The effects of the EU–Turkey deal of March 2016 is believed to present a turning point in the number of crossings from Turkey to Greece. The main outline of the agreement was set at an EU–Turkey meeting in November 2015 and subsequently sealed on 18 March 2016, with effect from 20 March. The main objectives of the deal are to stop arrivals from Turkey to Greece and to return ‘all new irregular migrants’. To this end, Turkey agrees to prevent land and sea routes to the EU from opening and to readmit all migrants and refugees whose asylum applications are rejected or who fail to apply for asylum. In return, the EU will resettle Syrian refugees living in camps in Turkey on a one-to-one basis for each person returned. With regard to the latter, the EU has promised to provide 18,000 resettlements and find up to 54,000 places on a voluntary basis if the need arises. In addition, the EU leaders pledged three billion Euros to set up a Facility for Refugees in Turkey aimed at supporting refugees and improving humanitarian conditions with a number of projects focusing on health, education, infrastructure, food and other necessities. Once these funds have been put to use, the EU has promised Turkey another three

billion Euros for 2018. In return, the EU has promised Turkey to lift visa requirements for Turkish citizens in the Schengen zone and to ‘re-energise’ talks on Turkey’s bid to join the EU.¹⁴

READMISSION TO TURKEY

The EU–Turkey agreement implies that new arrivals can be returned to Turkey according to the following criteria:

- If they fail to apply for asylum
- If their application fails
- If their asylum status can be declared ‘inadmissible’ on the basis that Turkey is regarded as a ‘first country of asylum’ where the applicant already has protection, or with reference to Turkey as a ‘safe third country’ that can guarantee the protection of the readmitted person.¹⁵

After months of frustration and a lack of unity over how to deal with the influx of migrants and refugees, EU leaders declared the Turkey agreement a game changer and a breakthrough for the Union’s efforts to curb ‘irregular migration’ to Europe. While boat migration across the Aegean Sea remained significant during the first three months of 2016, it dropped dramatically after the agreement. Crossings are still occurring, though at a much lower level than in 2015, with only 20,638 arrivals after March 20¹⁶ out of a total of 172,885 persons in 2016.¹⁷ Since implementation of the deal, 1,187 persons have been deported from Greece to Turkey, of whom the majority are Pakistanis and 95 are Syrian nationals.¹⁸ The failed coup attempt in Turkey in July has affected neither EU collaboration on return and resettlement, nor Turkish patrolling activities.¹⁹

THE EU–AFGHANISTAN ‘JOINT WAY FORWARD’

After Syrians, Afghans constitute the largest group of asylum-seekers in the EU but have a considerably lower acceptance rate. There is thus a significant number of rejected Afghan asylum-seekers in Europe. In order to increase the speed and volume of their return, the EU forged the Joint Way Forward on migration issues

between Afghanistan and the EU on 5 October 2016.²⁰ Despite the severe economic crisis and grave security situation in the country, and the fact that close to one million people returned or were deported from Pakistan and Iran during 2016, the agreement provides that Afghanistan will accept all its nationals who are returned to it due to their unauthorized entry or stay in the EU. This includes unaccompanied minors who can be returned to 'adequate reception and care-taking arrangements' if their families cannot be traced. The deal thus enables deportation to orphanages. There is no cap on the number of deportees, but the provision establishing a dedicated return terminal at Kabul airport reflects expectations that it will be a high number. The agreement additionally envisages the possibility of Frontex flights returning Afghans from several EU member states. The first deportations took place in the middle of December 2016 in two flights from Germany and Sweden, deporting a total of 56 Afghans.

In contrast to the EU–Turkey deal, this agreement does not promise any visa liberalization, development aid or major financial benefits for Afghanistan. Rather, the agreement is framed in terms of 'solidarity, determination and collective efforts' between the EU and Afghanistan, reflecting the priorities of the Partnership Framework without explicitly being part of this approach.²¹ However, the agreement was announced alongside a large donor conference hosted in Brussels where the EU pledged USD 1.5 billion to Afghanistan in annual development aid until 2020.²² As Afghanistan is heavily dependent on foreign aid, it seems likely that the two agreements are related, a consideration sustained by a leaked EU memo from March 2016 stating that the EU will make its aid 'migration sensitive'.²³

Mass expulsion to conflict-affected countries like Afghanistan poses a range of both short-term and long-term security challenges. In addition to the individual human security of returnees who may face prosecution, the risk of kidnapping, social stigma and livelihood problems,²⁴ large-scale return to Afghanistan risks aggravating or creating conflicts and hence spurring new migration movements towards neighbouring countries and onwards to Europe. Agreements like this one thus expose a tension between the EU's emphasis on addressing the root causes of migration through development and policy initiatives focusing on the containment and deterrence of migration, which may be counter-productive to development processes and stability.

THE EU EMERGENCY TRUST FUND FOR AFRICA

Boat crossings to Italy and Malta from Libya and other North African countries have been a matter of concern to the EU for more than ten years, with increasing attention being given to the issue following the rising number of crossings and fatalities on the Mediterranean from 2014. By the end of 2016, as Italy took over Greece's position as the main country of arrival in the EU, the accumulated number of African migrants and refugees was significantly higher than of Syrian and Afghans combined. The EU has responded to African boat migration to southern Europe by introducing several policy initiatives. Under the auspices of the GAMM, the regional Rabat and Khartoum Processes, established in 2006 and 2014, have responded respectively to the influx of migrants to Spain via Morocco and West Africa in the 2000s and the Horn of Africa to Europa via North Africa. While both processes focus on development and protection, their main emphasis is on migration management, border control and the combatting of human smuggling.

The tension between reducing migration through development and through control, containment and readmissions is also pertinent in the outcomes of the Valletta Summit on Migration between the EU and Africa. The summit took place in Malta in November 2015, when EU and 35 African countries agreed to a new set of political instruments. African and EU leaders committed themselves to a joint political declaration and an elaborate action plan to be funded by a newly established 1.8 billion Euro EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa (EUTF).

THE VALLETTA 'ACTION PLAN' PRESENTED FIVE POLICY THEMES

- Development as a way of addressing the 'root cause' of migration and forced displacement,
- Promoting legal immigration and mobility,
- Protection and asylum,
- Combatting 'irregular migration, migrant smuggling and trafficking in human beings',
- The question of returns and readmissions.²⁵

In addition to concerns about irregular African migration to Europe, the Valletta Summit should be understood in the light of the massive influx of refugees from Turkey to Greece throughout 2015. After a series of failed EU attempts to respond collectively to the situation in the Aegean Sea, the Valletta Summit presented an opportunity to display EU action and unity. The agreement and trust fund faced massive criticism from the African Union, which felt that the funding on offer was too low, given that the EU had promised Turkey alone an initial amount of three billion Euros to cooperate on the same policy issues.²⁶ The EU has since raised the EUTF funding to 2.4 billion Euros and initiated a range of packages in and migration compacts with African transit and sending regions to increase their migration management capacity.²⁷ Activities under the EUTF have therefore been incorporated into the Partnership Framework, with Niger, Nigeria, Senegal, Mali and Ethiopia as the first priority countries. Among the outcomes are a readmission agreement with Mali, concluded in December 2016²⁸, apparently linked to the continued reception of EU development aid, and several projects in Sudan aimed at tackling irregular migration and located in the cross-border zone between Ethiopia, Kenya, Somalia and Sudan,²⁹ through which there is much transit migration. Other outcomes include a joint EUTF and IOM initiative, launched in December 2016, aimed at increasing protection for stranded migrants in Africa and promoting voluntary return and reintegration.³⁰

The policy initiatives under the EUTF and the Partnership Framework supplement already existing bilateral policy instruments under GAMM, namely Mobility Partnerships and Common Agendas on Migration and Mobility (CAMM), which both focus on migration control and readmission agreements. While Mobility Partnerships involve negotiations over visa facilitation into the EU, CAMMs are less comprehensive. So far, the EU has entered Mobility Partnerships with Cape Verde (2008), Morocco (2013) and Tunisia (2014), and has made no secret of its desire to open negotiations for a Mobility Partnership with Libya. That prospect, however, is a distant one given the current instability in Libya. CAMMs were also agreed with Nigeria in 2013 and Ethiopia in 2015 as part of the Valetta Summit.

Hence, if there is one overall trend in the latest EU policy instrument on African migration, it is the explicit demand for EU targets on border control and readmissions to be met before other forms of cooperation can be realized. or, as the EU Commission frames it with regard to the renewed push for readmissions of rejected asylum-seekers, 'the EU is mobilizing all relevant policies including foreign policy,

development assistance and trade to incentivize our partners to cooperate on readmission, on the basis of a more for more principle'.³¹ This principle of conditionality, originally introduced in the renewed European Neighbourhood Policy in 2011 to reward progress in consolidating democracy and internal reforms with stronger partnerships,³² is now being put to work to contain and deter irregular migration from Africa, Asia and the Middle East to Europe.



CHALLENGES FOR HUMAN SECURITY

The report now zooms in on how recent EU policies to manage migration flows from Turkey have created considerable unintended human insecurity for migrants and refugees on the move. Since the EU–Turkey agreement, Greece has undergone a change from being the main transit country to Germany and Sweden for Syrian refugees especially to become a new buffer zone that shields northern European countries from further flows of refugees. The EU has thus managed to bring down the numbers entering northern Europe via the Aegean Sea and the Balkans, but the effort has given rise to a whole new range of issues that pertain to human security. As long as the EU resettlement plan remains a distant project, migrants and refugees in Greece and Turkey face protracted insecurity and the erosion of their lives and livelihoods.

ROUTES TO EUROPE

As is well known, the sudden increase in arrivals to Europe started during the summer of 2015. Following the conflict in Syria and deteriorating conditions in refugee camps in surrounding countries, the number of people crossing the Aegean Sea from Turkey to Greece steadily rose during the first part of 2015 and took off during the summer and autumn months, culminating in more than 200,000 crossings in October alone. By the end of 2015, altogether 845,852 persons had arrived in Greece,³³ mainly originating from Syria, Afghanistan and Iraq³⁴ and following the so-called eastern Mediterranean route. An additional 153,052 persons arrived in Italy from Libya via the central Mediterranean route. Finally, about 34,000 refugees entered the EU via the western Balkan route between Turkey and Bulgaria and between Greece and Macedonia, whereas only a few thousand crossed from Morocco and Algeria to Spain via the western Mediterranean route. 85 per cent of the Mediterranean arrivals originated from the top ten refugee-producing countries, with almost 50 per cent from Syria alone. Altogether about 1,294,000 people applied for asylum in Europe during 2015,³⁵ constituting the equivalent of about 0.2 per cent of the EU's population of 510 million.

Migration routes and new borders



Note: 1) Slovenia - 2) Croatia - 3) Bosnia Herzegovina - 4) Montenegro - 5) Serbia - 6) Macedonia.
Source: Europol, ICMPD, IGM, UNHCR.

The great majority of migrants and refugees arriving in Greece in this period continued northwards along the so-called Balkan routes. These routes were consolidated throughout the summer of 2015 and took off at the end of August, when Germany suspended the Dublin Convention for Syrians. The routes from Greece primarily went through the Balkan countries of Macedonia, Serbia, Hungary or Croatia and then onwards to Western Europe. In the first months, the overall response of these Balkan countries was to let people pass through, but this approach changed with the closing of the borders from the autumn of 2015, first with the completion of a fence between Hungary and Serbia in the middle of September, followed by new fences established between Hungary and Croatia.³⁶ In the middle of November, Slovenia, followed by Croatia, Serbia and Macedonia, closed their national borders to all nationalities other than Syrians, Afghans and Iraqis,³⁷ who were allowed to pass through.

THE EUROPEAN 'MIGRATION CRISIS' IN PERSPECTIVE

Since 2011, the UNHCR has reported a record number of people of concern in the world, growing from 45.2 million in 2011 to 65.3 million people in 2015.³⁸ This number includes different categories of displaced persons. Almost two thirds or 40.8 million are internally displaced persons (IDPs) affected by violence. International refugees account for 16.1 million people, Palestinian refugees for 5.2 million and 3.2 million are asylum-seekers. While these numbers reflect a grave international displacement crisis, it is worthwhile remembering that the number of international refugees was higher in 1990-1993, peaking in 1992 with 17.8 million refugees worldwide.³⁹ About half of the world's international refugees originate from the ongoing conflict in Syria (4.9 million) and the protracted conflicts in Afghanistan (2.7 million) and Somalia (1.1 million). New or reignited conflicts in, for example, Nigeria, Iraq, South Sudan and the Democratic Republic of Congo are also contributing to the increase in internal as well as international displacement,⁴⁰ as is the oppressive dictatorship in Eritrea. Almost half of the world's current refugee population live in six countries, namely Turkey, Pakistan, Lebanon, Iran, Ethiopia and Jordan. Hence, rather than a European refugee crisis, it is more accurate to talk about a global displacement crisis, which mainly affects the surrounding areas and only results in flight and onward migration to Europe to a lesser degree.

EUROPEAN BORDER CLOSURES

By the end of 2015 and into early 2016, several EU countries introduced internal EU border controls, including at the Danish-German and Swedish-Danish borders, as well as between Schengen and non-Schengen EU countries and between Schengen and non-EU countries.⁴¹ With the significant and temporary exceptions of Germany and Sweden, the main response of EU and EU member states vis-à-vis the refugee arrivals became a strengthening of border controls, both internally and externally. This created a domino effect throughout the EU: refugee and migrant movements were directed to other countries with less restrictive entry measures, where people were forced to stay put. This led to the growth of new makeshift refugee camps, for example, Idomeni on the border between Macedonia and Greece.⁴²

The situation in 2016 has seen significant changes and continuities, especially in relation to border control and border closure. The so-called Balkan route was declared shut in early March 2016, when Macedonia, Croatia and Slovenia closed

their borders.⁴³ This development has made it significantly more difficult – and in some cases impossible – for refugees and migrants to relocate within the EU. A large number of refugees subsequently became stuck in Greece or in makeshift camps elsewhere in Europe.

Another major route-closure took place when the EU and Turkey agreed to end irregular migration to Greece. The EU understands the agreement on migration as a 'temporary and extraordinary measure which is necessary to end human suffering and restore public order'.⁴⁴ The EU–Turkey deal was seen as a breakthrough in the EU's hitherto unsuccessful efforts to manage irregular migration towards Europe. As a consequence, boat migration across the Aegean Sea from Turkey dropped dramatically in the months following the agreement, and the aim of restoring 'public order', especially in northern Europe, was achieved temporarily. But what did the EU–Turkey agreement mean to Greece, and did it achieve its target of ending the 'human suffering' of migrants and refugees?

FROM TRANSIT COUNTRY TO EUROPEAN BUFFER ZONE: THE CASE OF GREECE⁴⁵

One of the most striking effects of the closing of borders within the EU and the EU–Turkey deal is the changing position of Greece in EU's mobility regime. From being the main location of boat arrivals and a country of transit towards northern Europe, Greece is now a country of detention and immobility. The militarization of borders and refugee management, coupled with the strain on the Greek asylum system, thus has important consequences for the rights, protection and human security of refugees and migrants. The report now focuses on four important consequences for Greece:

- The mass detention of new arrivals
- The proliferation of refugee camps
- The issue of whether Turkey constitutes a safe third country
- The implications of the failed European relocation scheme

Compulsory detention

Two weeks after the EU–Turkey deal entered into force, the Greek Parliament passed an asylum reform, with a focus on the detention of newly arrived migrants and refugees. New arrivals are automatically detained for up to 25 days, asylum-seekers up to three months while their claims are processed, and persons subject to deportation for up to 18 months.⁴⁶ Unaccompanied minors can be detained up to one and a half months.⁴⁷ Following the reform, reception centres in dilapidated factories and warehouses were converted into closed and guarded detention facilities. Upon registration, asylum-seekers are immediately given a deportation notice with a pending status until a decision has been made about their right to asylum. The failure to provide sufficient accessible information about asylum rights to refugees is widely reported,⁴⁸ as well as the denial of refugees' access to attorneys, giving rise to frequent complaints of human rights violations. In connection with increasingly securitized asylum procedures, the EU has been criticized for giving more attention to and providing more information about the 'voluntary return' program, which includes a free ticket home and 300 Euros, than informing asylum-seekers about their legal rights.

Camp Life

From receiving only a limited number of asylum-seekers before the EU–Turkey deal, the number of asylum-seekers doubled, with Greece receiving about 12,000 asylum applications between March and June 2016. By the end of October 2016, there were about 61,000 refugees in Greece, with about 14,000 on the islands and the remainder in mainland Greece, living in squalid conditions and waiting for relocation. Over twenty camps were opened in northern Greece in 2016, despite strong opposition from the UNHCR due to the lack of protection, legal aid and infrastructure in the camps. Thousands of refugees now live in tents pitched inside old factories and hangars, and in several camps, even outside them. Reports suggest that women and girls especially are vulnerable in these settings and face harassment, sexual and gender-based violence and exploitation at every stage of their journey, including from security personnel and other refugees arriving in Greece.⁴⁹ Moreover, by October 2016, there were about 2,500 unaccompanied minors in Greece,⁵⁰ mainly boys from Syria, Afghanistan and Pakistan. Facilities for unaccompanied minors are insufficient, with more than 1,600 children on a waiting list for shelter.

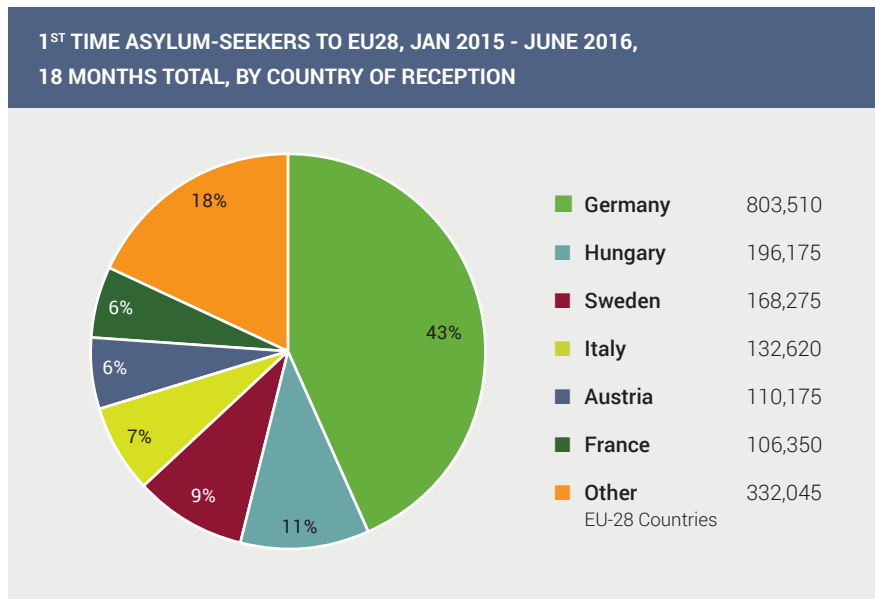
Is Turkey a Safe Country?

Despite the increasingly unstable political situation in Turkey, European Council President Donald Tusk has declared that Turkey is the 'best example in the world of how to treat refugees'.⁵¹ Yet, while European leaders have widely supported the EU–Turkey agreement, it has been criticized by a range of actors and institutions, including human rights groups, humanitarian actors, NGOs and academics. A particularly pertinent question is whether Turkey constitutes a safe third country to which rejected asylum-seekers and irregular migrants can be returned without jeopardizing their security. Turkey has not ratified the Geneva Convention's 1967 protocol and therefore only recognizes European refugees. While Turkey has granted temporary protection status to Syrian nationals, including temporary work visas and access to health care and education, many Syrians live in severe poverty. There are reports that Turkish security forces have beaten and shot at Syrian asylum-seekers on the border.⁵² Though the EU has given assurances that pushbacks will not take place under the agreement, reports suggest that boats carrying refugees have been forcefully turned away on the high seas.⁵³ Another controversy surrounds possible chain deportations upon readmitting migrants to Turkey. Reportedly, deportees have been sent to removal centres in Turkey and then pressured into signing voluntary return forms for further deportation to Syria. Lack of human security for migrants and refugees therefore remains a concern in the deal.

The Failed Relocation Scheme

Another issue confronting Greece is a lack of solidarity and cooperation on the relocation of asylum-seekers within the EU. The EU Justice and Home Affairs Council decision in September 2015 to relocate 160,000 asylum-seekers from Greece and Italy within the next two years has not yet been implemented, with just 5,651 relocations after one year.⁵⁴ Around 592,800 asylum applications were lodged in EU member states in the first six months of 2016,⁵⁵ though with a highly unequal distribution. As shown in the table below, Germany, Sweden, Hungary, Italy, Austria and France received most first-time asylum applicants between January 2015 and June 2016,⁵⁶ with 813,510 asylum applications in Germany alone. At the other end of the scale, the Baltic countries, Slovakia and Croatia received the lowest numbers of applications within EU28. This difference, and the reluctance to take part in the EU's solidarity relocations, points to major divisions in Europe that could further isolate Greece. The latest figures from Eurostat show that the EU28 countries

received more than 350,000 first-time asylum applications in the third quarter of 2016.⁵⁷ Whereas the number of applications has dropped in Hungary and the Nordic countries, it has risen significantly in Greece and Italy, though Germany is still the largest recipient country.



Source: Eurostat 2016a, 2016b.

These examples suggest that the EU–Turkey agreement has been partially successful in achieving the stated objective of creating ‘public order’, at least with regard to the management of migration flows towards northern and western Europe. But to Greece, the agreement seems to have undermined public order and given rise to new conflicts, as the number of asylum-seekers grows in newly erected camps that lack protection, legal rights and infrastructure. The growing number of asylum-seekers has also put an even greater burden on the already struggling Greek asylum system. In terms of ending ‘human suffering’ – one of the EU–Turkey agreement’s principal goals – the unintended result has been less successful. The agreement appears to have come at the price of heightened human, social, political and legal insecurity for migrants and refugees alike.

CHALLENGES FOR BORDER SECURITY



Though EU policies on border control have the explicit aim of combatting human smuggling, the unintended effect of militarization and the curtailing of safe and legal migration routes often boost human smugglers' activities and create greater insecurity at international borders. In the Mediterranean Sea, for instance, the stated goal of the EU's Operation Sophia naval mission is to 'disrupt the business model of human smuggling'.⁵⁸ Unfortunately the effect has been the opposite. In the year since its inauguration, more people than ever have journeyed across the sea from Libya to Italy, and more people than ever have died while trying to make the crossing.

BACKGROUND: OLD ROUTES, NEW CONFLICTS

Human smuggling into Europe is a complex and contextual enterprise, which, according to a recent Europol-Interpol report, generated 3–6 billion Euros in 2015.⁵⁹ But the routes and the reasons for leaving are not new; the ancient Silk Road, connecting Asia and the Middle East with the Eastern Mediterranean region, and the trans-Saharan caravan routes linking sub-Saharan Africa with North Africa and Southern Europe, have for thousands of years provided a flow of goods and people between these regions.⁶⁰ Yet, the current conflicts and upheavals in Africa, Asia and the Middle East have regenerated these routes. The war in Syria, the conflicts in Afghanistan, East Africa., and the Horn of Africa., and the collapse of Libya have all contributed to an increasing mobilization of migrants and refugees towards Europe, although the vast majority continue to find shelter in immediately neighbouring countries. At the same time, young Africans from countries like Senegal and Ghana leave in search of better opportunities. These conditions, combined with the intensification and externalization of European border controls and a growing lack of safe and legal migration options, have created an unprecedented market for human smuggling along the old routes.⁶¹ To shed light on this phenomenon, a brief overview of human smuggling in the main transit countries of Turkey and Libya is given below.

HUMAN SMUGGLING IN TURKEY

The organization of smuggling in Turkey has a number of similarities with human smuggling in Libya (see below). The migrants and refugees contact, or are contacted by, a broker or connection man of their own nationality, who collects the payment

and arranges the journey with the Turkish smugglers. Unlike in Libya, there is sometimes a neutral third party involved in handling the travel expenses. This third party will release the money to the smuggler once the journey is completed.

The Turkish smugglers can be divided into three groups:

- High-level operators who make sure that the business is protected through connections with law enforcement, but who are not directly involved in the smuggling
- Mid-level operators who arrange the journey, procuring a boat, engine and transport to a remote beach
- Low-level operators who handle the practical work on the beach and load the people on to the boats. One report suggests that the low-level operators are usually armed and are prepared to coerce their human cargo with the threat of violence.⁶²

A breakdown of the profits of a smuggling operation in November 2015 given by a smuggler to The Guardian offers a view of the actors and financial flows involved. A boat carrying forty passengers, each paying 1,200 dollars, generates a gross turnover of 48,000 dollars. The brokers or connection men take 75 to 300 dollars a head, leaving at least 36,000 dollars. In November 2015 a boat cost 8,500 dollars and the engine 4,000. Mechanics and drivers collect 4,000 each, while hotel owners charge 500 dollars per night to accommodate refugees. The beach owners – the private proprietors who allow boats to take off from remote beaches – charge 15 percent of the passengers' fee or about 6,000 dollars for a boat containing forty people. This leaves the smugglers with a profit of about 13,000 dollars a boat, unless they decide to load the boat with extra people. Another ten people added at the last minute, recruited without the assistance of the broker, could boost the profit significantly, though it is likely to increase the risk and create trouble on the beach. In this situation, passengers having second thoughts about travelling report having been forced on to the boats at gunpoint.⁶³

Prior to the mass exodus in the autumn of 2015, another type of smuggling out of Turkey appeared. Several so-called 'ghost ships' were apprehended by the Italian authorities, at least fifteen since August 2014. These were large cargo ships filled with almost a thousand refugees that had been abandoned by the crew. The ship was then put on autopilot and directed towards Italy. The larger ships, which were

believed to depart from Mersin in Turkey, obviously represented a big gross turnover of about a million dollars a ship and could sail in rough weather.⁶⁴ However, these journeys appear to have become redundant with the introduction of the much shorter journeys to the Greek islands and because of the Turkish crackdown on smuggling operations following the migration deal with the EU.

In response to the sudden influx of migrants and refugees, the North Atlantic Treaty Organisation (NATO), at the request of NATO defence ministers, has deployed a fleet to the Aegean Sea since February 2016. The mission is mandated to conduct reconnaissance, monitoring and surveillance in the territorial waters of Turkey and Greece, as well as in international waters. The objective of the mission is to 'break the business model of human traffickers and save lives'. NATO's role in the Aegean Sea is primarily to collect information and share it with Turkish, Greek and Frontex vessels, which then carry out the intervention. NATO has recently extended its operations to the central Mediterranean. Operation Sea Guardian is envisaged as offering support to the EU's naval mission, Operation Sophia, but the details are still sketchy.⁶⁵ It is clear, however, that NATO is embracing its new role as an anti-smuggling body and thus giving the notion of the militarization of sea borders a new and literal dimension.

HUMAN SMUGGLING IN LIBYA

The central Mediterranean route between Libya and Italy is now again the busiest Mediterranean Sea route. 179,475 people have reportedly made the crossing to Italy, mainly from the Libyan coast, during 2016. Though the number is an increase on the 153,842 who arrived last year, it suggests stabilization at a historically high level for this route since 2014. In contrast to the eastern Mediterranean route, it is mainly West and East Africans, with Eritreans and Nigerians as the most numerous nationalities in 2015 and 2016,⁶⁶ who leave Libya for Italy. Regardless of the increased EU and NGO rescue operations on the Mediterranean, the number of people dying at sea is at an all-time high. So far this year, 4,410 have drowned or disappeared off Libya.⁶⁷

In sub-Saharan Africa, human smuggling is rarely driven by large-scale criminal networks linking the various points on the journey, but consists of a network of loosely connected local entrepreneurs who are usually migrants themselves. One exception is the trafficking of women for sex work, which corresponds to the UN definition of organized crime.⁶⁸ The legally free movement of people within West

Africa from, for instance, Senegal all the way to Niger makes the notion of human smuggling in West Africa problematic. The connection men on the road, most often the migrants' own countrymen, offer local guidance and assistance that allows people who cannot obtain safe and legal passage into Europe a way of reaching the transit points in Libya. Migrants do not necessarily consider the connection men in West Africa to be criminals, but rather as migration brokers who can be approached to facilitate a range of services, including food, housing, communication, information etc.⁶⁹ This situation changes when the migrants reach the Sahel and are passed on to the various groups operating in the desert, where the migrants no longer have control of the situation. In the contexts of East Africa and of Syrian migration to Egypt and Libya, the level of sub-Saharan criminal organization is more substantial. Due to long-standing conflicts, oppression and the militarization of borders, the smugglers operating out of the Horn of Africa have developed professional and interlinked networks that have adjusted to and profited from the recent influx of Syrians.⁷⁰ Many reports document the horrors that the migrants must endure to reach Egypt or Libya.

Concerning the West African route into Libya, migrants are guided north by loosely organized connection men but rarely encounter organized criminal activities before reaching the desert towns of Niger. In towns such as Agadez, connection men facilitate access to the cars that drive across the Sahara. Once in the car, driven by local drivers, migrants are at the mercy of the smugglers, and at this point the journey becomes considerably more risky. This part of the journey is inherently dangerous, and life-threatening incidents are likely to happen, whether the car breaks down, the driver gets lost or the travelling party encounters armed groups on the way. The smugglers offer two rides out of Agadez in an old truck with several hundred other migrants or in a smaller four-by-four that might carry about 35 people. The latter choice is more comfortable and safer but also more expensive. In fact, the desert leg has become financially segregated so that poorer migrants have a longer and more arduous trip, whereas, for those who can afford it, the journey has become shorter and safer.⁷¹ Yet, given the extreme climate in the Sahara and the various armed groups patrolling there, the journey is high risk by definition. The proliferation of extortion and torture, especially in southern Libya, is also a growing concern.

Once in Libya, and once a ransom has been arranged with the armed groups in southern Libya, migrants are usually brought to the Mediterranean coast to await further transportation. The militias that hold the power on the ground in Libya are reported to take part in the traffic and/or generally benefit from a situation in which

insecurity and weapons proliferation have made the business of protection vital for Libya's smuggling economies, the main illicit trade being in weapons, migrants, drugs and contraband.⁷² A senior official from Libya's Department for Combatting Illegal Immigration recently told reporters that, due to the crisis and lack of work, many young people, or simply people with a garage or farm close to the sea that can store migrants, are entering the smuggling business. This has created great competition and reduced prices to an all-time low of as little as a hundred dollars for the crossing. It has also meant that the smuggling rings are taking even greater risks in terms of overcrowding the boats.⁷³ Two-thirds of the boats used are imported Chinese inflatable vessels about six to nine metres long that are loaded with up to two hundred people, which is dangerously above capacity.⁷⁴ The smugglers appear to target 'open landings' in international waters instead of equipping the boats for long sea journeys, whereas previously more robust boats were rigged so that they could reach Italy. Again this strategy, of loading people into rickety boats without sufficient food, water or gasoline, makes a dangerous journey even more dangerous.

DEATH IN THE DESERT

Concerning human suffering on the road, new data provided by the RMMS monitoring initiative suggests that more people are dying in the desert than on the sea.⁷⁵ Those who survive the desert journey report being subjected to abduction, torture and rape. It is now common for migrants to be held for ransom in southern Libya until their families can pay the necessary amount. During these periods of abduction, kidnappers inflict torture and sexual violence on their victims. Poor women and women travelling alone are especially vulnerable, yet sexual violence is so widespread and ubiquitous on the road that migrant and refugee women recently interviewed by Amnesty International report taking contraception before leaving in order not to be made pregnant by the smugglers, traffickers or armed groups.⁷⁶ This practice is well-known in other border zones in the world and has, for example, existed for over a decade among Central American and Mexican female migrants heading towards the United States.

OPERATION SOPHIA

In October 2015, the European Union added Operation Sophia to its repertoire of migration control measures in the Mediterranean with the stated goal of disrupting 'the business model of human smuggling and trafficking networks in the Southern

Central Mediterranean and prevent further loss of life at sea'.⁷⁷ Interestingly, though a military operation, Operation Sophia is framed in humanitarian terms. It consists of seven ships, four helicopters and three drones.

It is intended to move through three phases:

- Intelligence gathering
- Boarding and destroying smugglers' vessels
- Taking action against smugglers inside Libyan waters and eventually on land.

The operation has moved to phase two this autumn but is facing a challenge in obtaining permission to move into the third phase, given that the UN-backed Libyan government has on several occasions rejected foreign military intervention.

Unfortunately, the EU's Operation Sophia has been largely unsuccessful in achieving its mission objectives of disrupting smuggling and preventing the loss of life at sea. On the contrary, the number of arrivals in Italy has never been higher than since the mission began, and there is a significant increase in people drowning at sea. One concern is that the seizure and destruction of smuggling boats has led to shortages of more robust wooden boats and led the smugglers to use even cheaper and more dangerous boats.⁷⁸ This unintended consequence would seem to be undermining the stated goal of the mission. Perhaps it is too early to judge Operation Sophia, given that it has not been able to move through its various phases. Yet obtaining permission to operate within Libyan waters and on the ground is a distant prospect at this time, given the conflict in Libya and the country's historical sensitivity to foreign intervention.⁷⁹ Even if Operation Sophia moved into phase three, this would give rise to a host of serious new concerns about border security for migrants and refugees who are currently at the mercy of heavily armed Libyan smugglers.

Stability and disarming the militias in Libya, on the other hand, would potentially reduce the numbers leaving from the coast, and people dying, in at least two ways. First, only a unified Libyan security presence would be able to tackle the smuggling operations. Secondly, a rich and stable Libya has historically been a major destination for labour migration. Livelihood-seeking migrants might therefore be less inclined to risk their lives on the sea voyage to Europe.



**CHALLENGES FOR EUROPEAN
GEOPOLITICAL SECURITY**

01 DEU
02 ENG
03 FRA
04 ITA
05 NLD
06 POL
07 TUR
08 ESP

The report now turns to some of the long-term political implications for Europe in the wake of the 'migration crisis'. In relation to the EU's neighbouring countries – the transit countries to some extent controlling or even utilizing migration flows to obtain their own political targets – current developments suggests a relationship of growing dependency. The short-term objective of managing migration by outsourcing border control to third states is creating long-term repercussions that are not yet clearly understood. However, it appears safe to say that the EU's bargaining position in relation to third states has been weakened by the 'migration crisis'. For example, Turkey has obtained substantial negotiating power and political leeway at a point in time when it is generally seen as drifting in a problematic direction.

While the EU–Turkey deal has not directly affected recent flows of migrants and refugees to, for example, Italy and Spain, it has had geopolitical implications for Europe's relations with North African transit countries, which seem to have been emboldened by the conditions that Turkey obtained for curbing migration flows towards Europe. In September this year, German chancellor Angela Merkel acknowledged these demands and suggested that a number of African and North African countries should be given migration deals along the lines of the agreement with Turkey.⁸⁰ Below, the focus is on the geopolitical implications of the 'migration crisis' for EU relations with four important transit countries: Turkey, which is hosting the largest number of refugees in the world and is a country neighbouring the EU; Libya as the currently most central transit country; Egypt as an emerging location of departure; and Morocco as a country with a long history of transit migration towards Europe.

TURKEY'S NEW POSITION OF POWER

The implementation of the EU–Turkey deal led to a sharp drop in boat crossings in the latter half of 2016, but whether the situation and the current level of arrivals are stable is questionable. The long-term fate of this deal is linked to an number of difficult political negotiations that are yet to be concluded, including the difficult question of visa exemptions for Turkish citizens and a renewed round of talks on the Turkish bid to join the EU. The Turkish government has several times threatened to rescind the deal with the EU and to back away from controlling its borders. The fact that Turkey is now the world's largest host of refugees not only puts the country

under severe strain both financially and politically, it also draws it politically closer to Europe because the EU cannot afford to alienate Turkey, even at a time when the country is otherwise moving politically in the opposite direction. This situation leaves Turkey with a powerful bargaining position in relation to the agreement on migration with the EU and its implementation.

The 'migration crisis' and its political fallout, as exemplified by the EU's uncomfortable interdependence with Turkey, should alert European leaders to the fact that conventional understandings of the push and pull mechanisms behind migration must be complemented with the practice of some transit countries to move migrants and refugees around for geopolitical advantage.⁸¹

THE REFUGEE SITUATION IN TURKEY

Turkey is the main recipient of Syrian refugees in the world. By 20 October 2016, there were 2,753,696 registered Syrian refugees in Turkey⁸² and about 400,000 refugees from Iraq, Afghanistan and other nationalities, amounting to over 3.1 million refugees in the country. This makes Turkey the country with the largest refugee population for the second year in a row and a country where several refugee movements converge,⁸³ whether they stay in Turkey or move on to Europe. About 90 per cent of Syrian refugees live outside refugee camps, often in very challenging circumstances without the amenities to accommodate basic needs. About half of the refugee population is below eighteen years old, and up to half a million Syrian refugee children and young people do not attend school.⁸⁴ By September 2016, Turkey had spent more than 12 billion Euros on refugees since the beginning of the Syrian civil war to operate the camps and had received 583 million Euros in humanitarian aid from the EU.⁸⁵ This changed with the introduction of visa requirements for Syrian arrivals by air and sea, but it should not affect the land borders between Syria and Turkey. However, there have been reports of Turkish border guards shooting and injuring Syrian asylum-seekers.⁸⁶ Likewise the construction of a 900-kilometre concrete border wall, started in 2014 and to be finalized in February 2017⁸⁷, indicates that the access to Turkey from Syria is becoming more difficult and dangerous.

LIBYA: A HISTORY OF MIGRATION THREATS

Libya remains the main central North African transit country and could be expected to use this position to obtain geopolitical advantages in the not too distant future, not least because of its long history of using the threat of mass migration in negotiations with Europe, especially Italy, most recently this summer, when Libya and Italy discussed reactivating the so-called friendship pact between their then leaders, Berlusconi and Gaddafi.⁸⁸ As a consequence of the protracted conflict and weak state formation in post-Gaddafi Libya, human smuggling is booming on the coast of Libya, and there is reason to believe that the country will remain a major transit country into the foreseeable future. This is especially likely since the new UN-backed government has rejected the EU's call for joint operations, while at the same time Libya is incapable technically and institutionally of controlling its almost two thousand kilometres of border by itself. Moreover, it should be clear that migration control on behalf of Europe is not a priority for Libya in the current situation of its low-intensity civil war.⁸⁹

If many people are currently arriving in Italy, even more migrants are coming into Libya over its porous southern border. In fact, the southern part of Libya, the Fezzan, is not currently under the control of any government or security regime, and the various armed groups, tribes, border communities and ethnic groups living in the vast region benefit economically from the continued flow of sub-Saharan African migrants and refugees into Libya. More than 260,000 people have passed through Niger primarily to Libya this year, and the number is expected to reach 300,000 by the end of 2016.⁹⁰ This constitutes a major increase on the 120,000 who are estimated to have made the journey last year,⁹¹ indicating a growing trend of high-risk trans-Saharan migration toward North Africa and southern Europe that is unlikely to decrease in the foreseeable future.

To manage the increasing flows into Libya, the EU is currently focusing on the sub-Saharan transit countries in the Sahel as part of a new Partnership Framework, with Niger, Nigeria, Senegal, Mali and Ethiopia as priority countries. But here too the EU is facing a changing geopolitical reality as transit countries are seizing the moment. What a stable Libya will demand in the future is anybody's guess, but as an indication of what may come, Niger, to help reduce the flow of migrants and refugees travelling through the desert to Europe via Libya, recently demanded a billion Euros from the EU.⁹²

EGYPT AS A NEW GATEWAY TO EUROPE

Egypt has recorded a significant growth in the number of people trying to reach Italy directly from its coasts, leading some observers to suggest that the country could be a new gateway to Europe. As with boats departing from Libya, boat crossings setting out from Egypt are very dangerous. The growth of departures from Egypt has been accompanied by a rise in deadly accidents at sea, including a shipwreck north of Egypt in which almost 150 migrants drowned.⁹³ This development has spurred recent Egyptian calls for an agreement that, like the EU–Turkey agreement, entails significant European financial and political concessions.

Egypt is home to large numbers of migrants and refugees, especially from East Africa and the Horn of Africa. In addition, Egyptian nationals, among them a growing group of unaccompanied minors, are recorded as making the journey. Between January and July 2016, 3,047 Egyptians arrived in Italy as compared to 692 arrivals in the same period the previous year. Several attempts to cross were intercepted by Egyptian authorities over the summer, and so far in 2016, 4,106 foreign nationals have been apprehended in 107 incidents, the main nationals, apart from Egyptians, being Sudanese, Eritreans and Somalis. In this connection it is noteworthy that Syrian refugees no longer depart from Egypt in significant numbers as was the case in 2014 and 2015, most likely as a result of the introduction of visa requirements for Syrians, although registrations of Syrian refugees in Egypt are still increasing. This seemingly contradictory situation could be explained by the fact that an increasing number of Syrians are taking the more dangerous route into Egypt via Sudan and the southern desert borders.⁹⁴ In the long term, therefore, it is not unlikely that Syrians will again be departing for Europe from Egypt.

The combination of increasing departures from Egypt and the rise in deadly accidents at sea has recently lead high-ranking Egyptian authorities to criticize the EU–Turkey deal for shifting the challenge of migration control on to Egypt. Egypt has in response called for greater financial support, citing the six billion Euros promised to Turkey as a reference. And, like Turkey, Egypt has called for a softening of EU visa restrictions on its own nationals in return for its continued assistance.⁹⁵

DOES ESTABLISHED COOPERATION BETWEEN SPAIN AND MOROCCO OFFER A MODEL TO FOLLOW?

Morocco continues to be a major migration and transit destination for francophone West African migrants especially, even though the traffic to Spain has been greatly reduced in the past decade as a result of elaborate cooperation on migration control between Spain and Morocco. In 2006, 40,102⁹⁶ migrants were apprehended at sea going to Spain, primarily to the Canary Islands from Morocco, Mauritania, Senegal and Cape Verde. So far, 5,445⁹⁷ migrants have made the sea journey to Spain this year. A 'few dozen' are reported to have scaled the fences into the Spanish enclaves in North Africa, though Moroccan authorities claim to have stopped 30,000 attempts to climb the barbed-wire fences since 2002.⁹⁸ But the EU–Turkey deal has potentially thrown the collaboration into uncertainty in the sense that Morocco is already doing what Turkey does but for much more modest financial and political remuneration, thereby undermining Spain and the EU's bargaining position.

In the aftermath of the 2015 influx of migrants from Greece to Turkey, the collaboration between Spain and Morocco has been touted as a model to follow in terms of involving third countries in managing migration to Europe. But the reality is more complex and less ideal. First, readmission, and especially the readmission of third-country nationals, continues to be a sticking point in the ongoing negotiations, and observers point to the fact that not only is this European demand for readmission costly both financially and politically, it also goes against central Moroccan interests. In particular, the question of Western Sahara plays a role in connection with readmissions, as Morocco is seeking the support of West African countries in its claim to this disputed territory and sees its reception of deported West African nationals passing through Morocco as counterproductive. In one telling case, Morocco only agreed to look at the readmission of unaccompanied Moroccan minors or so-called 'street children' from Sweden when Sweden announced it would not recognize Western Sahara as a country earlier this year.⁹⁹

Again, the key to enrolling third countries in externalized border management is not always financial, and it may come at the cost of political concessions that are not necessarily in Europe's long-term interests.¹⁰⁰ Secondly, the EU funding of elaborate border controls and Spanish–Moroccan cooperation on the land border and at sea has so far not stopped irregular migration to Europe – in fact, since 2010 the

numbers have been rising – but the routes have become more dangerous, the human suffering has increased and the profits from smuggling operations have been boosted.¹⁰¹ Thirdly, many potential African candidates for third-country cooperation over migration control do not have the capacity to accommodate migrants and refugees on behalf of Europe. In the case of Morocco, migrant and refugees are increasingly subjected to violence, summary arrest and deportation. In one reported case in February 2015, Moroccan police raided camps on a mountain overlooking Melilla, burned migrant tents and belongings, and dumped about 1,200 people outside the large cities in the south of the country.¹⁰²

Concerning political leverage, Spain has raised concerns that the EU–Turkey deal could undermine Spain's cooperation with Morocco on migration control because the deal is more generous and wide-ranging than what Spain, largely funded by the EU, is currently offering Morocco. This adds a new dimension to the geopolitical disadvantages that Europe is facing since the EU–Turkey agreement. Not only does the agreement embolden other transit countries to make financial and political claims, and to move migrants and refugees around to obtain geopolitical advantage, it could also erode already existing agreements, that between Spain and Morocco being a case in point.

In general, taking current developments in the main transit countries into account, Europe could be looking at future scenario in which the 'more for more' principle of recent migration management policies (discussed in Chapter one) will be turned upside down. To a growing extent, transit countries can be expected to capitalize financially and politically on Europe's fear of mass migration and the already shifting geopolitical realities.



CONCLUSION

This report has discussed current European migration policies and their implications in light of the refugee crisis. It shows that, even if unintended, these policies are in some cases creating risk and insecurity for people on the move. A second and adverse effect is detected in the contradictory phenomenon of how the growing implementation of border controls, despite the stated goals, appears to be making migrant journeys riskier and also stimulating a hitherto unknown level of human smuggling. The latter has entailed an unfortunate financial boosting of criminal networks that facilitate the journeys that are increasingly difficult to make in a safe and legal way. Thirdly, the report has discussed the fact that, although recent third-country agreements on migration control may provide a short-term solution to public and political pressure, they simultaneously entail long-term political insecurity and instability, the consequences of which are still unclear. In the face of these challenges, the report argues that border controls, agreements with third countries and readmissions will not necessarily solve the refugee crisis in the longer term.

The EU–Turkey agreement on migration has been criticized for legitimizing an increasingly authoritarian regime and agreeing to political agreements that would have seemed impossible only a few years ago. This development has without doubt emboldened other transit countries to raise their demands for agreeing to co-operation on migration control and readmission. The report thus argues that the EU–Turkey deal will have severe geopolitical implications for Europe's relations with North African transit countries, which seem to be encouraged by the financial and political terms that Turkey managed to obtain for curbing migration flows. Though the EU–Turkey agreement may address short-term security concerns as seen from Europe, the agreement is likely to strengthen the position of regimes that Europe does not necessarily have an interest in supporting.

Focusing on the phenomenon of human smuggling, the report shows how criminal gangs have profited from the securitization and criminalization of migration. According to Europol-Interpol, the business of smuggling generated three to six billion Euros in 2015, as criminal networks redirect their attention to the millions of people displaced by conflict and upheaval in Africa, Asia and the Middle East, as well as to young Africans from countries like Senegal and Ghana who are leaving in search of brighter opportunities. The routes along which migrants and refugees

travel are not new, but the fact that mobility is increasingly being driven underground by outside pressures, often being organized by people with links to criminal and armed groups, makes these journeys even more dangerous, as shown by the cases of human smuggling from Libya and Turkey. The report argues that this unprecedented market for human smuggling along the old routes should be understood as coinciding with the intensification and externalization of European border controls and a growing lack of safe and legal migration options. Indeed, this situation is creating both human insecurity and social and political insecurity in transit countries. Transit countries risk growing lawlessness, higher levels of corruption and a boosting of criminal networks as a consequence of a European-driven security agenda that is boosting the profits from smuggling.

To change course, Europe must redirect its gaze to appreciate the positive and transformative aspects of safe and legal migration as a stabilizing force and a partner in a durable progress. Migration governed in a sensible and pragmatic way could not only reduce human and social insecurity, but also be a key factor in creating the development and progress that would give labour migrants especially a reason to reconsider high-risk undocumented migration to Europe. With regard to refugees from conflict zones, Europe must find better and more realistic burden-sharing arrangements. The current strategy of shifting the responsibility and management of migrants and refugees on to poorer and more volatile regions is short-sighted and incoherent with the stated goals, as well as possibly resulting in unintended adverse reactions.

The final and inevitable question becomes whether the proposal that a human security-sensitive migration management policy be introduced is viable? There is no simple answer to this question. However, there is the scope for more sensitive policies and more joint action. To work towards these ends, the report makes the following recommendations:

- The European Union and its member states must maintain and further intensify their humanitarian efforts, including rescue at sea. Importantly, the EU must establish safe escape routes for refugees and open up possibilities for legal migration. Restrictive policies do not stop migration, but simply push it underground.
- The increased focus on combating human smuggling should not betray the interests of the most vulnerable refugees. At the same time, the EU should be aware of the unintended consequences of current migration management policies in terms of sustaining and nurturing parts of the human smuggling industry.
- The European Union must make renewed efforts to find a political solution in Libya. A stable Libya, which previously offered work and other opportunities to many African migrants, would take substantial pressure off the deadly central Mediterranean route.
- Regarding cooperation between the EU and transit countries and the shifting geopolitical realities, Europe must decide how much political leverage it is willing to give up in return for externalized border controls.

NOTES

- 1 Missiroli 2015: 126.
- 2 European Union 2016: 8, 27.
- 3 Cosgrave et al. 2016.
- 4 Eurostat 2016b.
- 5 Dempster 2016.
- 6 UNHCR 2016a.
- 7 Zolberg 2001: 1.
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- 9 UNHCR 2016d.
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- 11 See <https://www.iom.int/files/live/sites/iom/files/Country/docs/Mixed-Migration-HOA.pdf>
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- 14 European Consilium 2016.
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- 18 European Commission 2016f.
- 19 European Commission 2016a.
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- 22 BBC 2016c.
- 23 The Guardian 2016c.
- 24 Schuster and Majidi 2014; Alpes and Sørensen 2016; Rasmussen 2016.
- 25 European Council 2015a, 2015b.
- 26 European Commission 2015.
- 27 AllAfrica 2016.
- 28 Statewatch 2016.
- 29 AllAfrica 2016.
- 30 European Commission 2016d.
- 31 European Commission 2016e.
- 32 EU Neighbourhood Info Centre 2013.
- 33 Reliefweb 2015.
- 34 Cosgrave et al. 2016: 24.
- 35 BBC 2016a.
- 36 Frontex 2016: 19.
- 37 Kasperek 2016: 6-7.
- 38 UNHCR 2016e: 2.
- 39 World Bank 2016a: 2; Farsight 2016: 9.
- 40 UNHCR 2016e: 6.
- 41 See Business Insider 2016 for a mapping of European border control as of March 1, 2016.
- 42 The Idomenis refugee camp was cleared by the end of May 2016. Ekathimerini 2016; 'the Jungle' was demolished by the end of October 2016.

43 The Guardian 2016a.
 44 European Consilium 2016.
 45 This section has been prepared by Henriette Johansen, based on fieldwork conducted in Greece between 22.09.16 and 21.10.16.
 46 Human Rights Watch 2016a.
 47 Asylum Information Data Base 2016a.
 48 Interview with Ariel Ricker, attorney and founder of Advocates Abroad, a legal aid organization working in Greece, 24 August 2016.
 49 Amnesty International 2016a.
 50 EKKA 2016.
 51 BBC 2016d.
 52 Amnesty International 2016b.
 53 The Intercept 2016.
 54 EurActiv 2016.
 55 Alexe 2016.
 56 Eurostat 2016a, 2016b.
 57 Eurostat 2016c.
 58 EEAS 2016a
 59 Europol 2016
 60 Reitano and Tinti 2015: 4
 61 Andersson 2014: 8; Sørensen and Gammeltoft-Hansen 2013: 2
 62 Reitano and Tinti 2015: 18
 63 Kingsley 2015
 64 Deutsche Welle 2015
 65 NATO 2016a; NATO 2016b
 66 UNHCR 2016b
 67 IOM 2016c
 68 UNODC 2011
 69 Lucht 2012, 2015
 70 Reitano and Tinti 2015: 9.
 71 Lucht, fieldwork in Agadez, Niger, 2016
 72 Shaw and Mangan 2014
 73 Siegfried and Westcott 2016
 74 Micallef 2016
 75 4M Initiative 2016
 76 Amnesty 2016c
 77 EEAS 2016a
 78 Micallef 2016
 79 Lucht and Boserup 2016
 80 Reuters 2016b.
 81 Parkes 2016: 20
 82 UNHCR 2016c
 83 Cf. Cosgrave et al. 2016
 84 BBC 2016b
 85 European Commission 2016b

86 Human Rights Watch 2016b
 87 Reuters 2016d
 88 Reuters 2016a
 89 Lucht and Boserup 2016
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