

Migration and Cooperation in the Mediterranean: Beyond Divergent Priorities

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Migration policies developed in the Euro-Mediterranean region are strongly influenced by the image of a fortress Europe that is under siege and that seeks to control and counteract migratory movements in the Mediterranean. Reinforced by the rise of right-wing and extreme right-wing populism in recent years, this view has largely shaped the European Union's relations with its Mediterranean neighbours, to the extent that migration is arguably one of the most important issues shaping Euro-Mediterranean relations today.

The current Euro-Mediterranean migration governance system reflects the European security-migration nexus in which different forms of cooperation interact and intersect with each other, creating a complex regulatory regime (Alter & Meunier, 2009; Betts, 2011; Ahouga, 2013). The aim of this analytical article is to shift the focus away from the European Union (EU) in order to gain a more comprehensive understanding of the priorities of the southern Mediterranean countries, which are grappling with complex migration realities.

It is important to cross perspectives of the North and South of the Mediterranean on migration so as to grasp the issues at stake in their entirety and to allow for a mutually beneficial partnership in this area.

European perspective on main policy areas and cooperation priorities

Since the introduction of free movement in the 1980s, the EU has become involved in the processing of the entry and exit of non-nationals, which had previously been a matter of sole state discretion. Migration and asylum issues have since become areas of shared competence between the EU and its Member States. The Europeanisation of migration management has been mainly directed towards the fight against irregular

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immigration, which is widely perceived as a security threat (Bigo, 1998; Gabrielli, 2007). This conception is formalised in the Schengen agreements themselves, in which migration seems to have been viewed from a security perspective in the same way as terrorism or organised crime (Brochmann, 1999). The development of this perception owes much to the amalgams that often associate illegal immigration with jihadist terrorism and trafficking of all kinds (Alami M'chichi, 2005). The attacks of 11 September 2001 reinforced this European security approach and consolidated the security conception and treatment of migration (Rakkah, 2009). In the aim of rationalising incoming migration flows, European states have sought to involve third countries of origin and/or transit of migration flows in migration management and control through various national, bilateral, or multilateral initiatives.

A series of multilateral mechanisms involving countries on both sides of the Mediterranean has been developed by European states over the past two decades to form what is now the Euro-Mediterranean system of migration governance. The latter is the result of various exploratory attempts by European states to contain irregular migration.

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The Barcelona Declaration of 1995, which constitutes the founding act of the Euro-Mediterranean Partnership, aims to create a free trade area. It does not mention free movement of persons, which is enshrined as one of the four fundamental freedoms of the EU. The Barcelona Declaration betrays the primacy of a Eurocentric logic by devoting two paragraphs to migration in which it is notably foreseen to “establish closer cooperation in the areas of illegal immigration” and to “adopt the relevant provisions and measures, by means of bilateral agreements or arrangements, in order to readmit [partners'] nationals who are in an illegal situation” (Barcelona Declaration, 1995).

It is from the 2000s onwards that migration has become a salient issue in Euro-Mediterranean cooperation. This was reflected in the re-launch of the 5+5 Dialogue in 2001¹, which established regular meetings between foreign ministers and interior ministers. Migration issues are an integral part of the Conference of Ministers of the Interior of the Western Mediterranean (CIMO), notably through the working group on the movement of persons and the fight against irregular migration. The European Neighbourhood Policy (ENP) launched in 2004 complements the EU's Mediterranean policy by proposing to neighbouring countries the deepening of political relations and greater economic integration. These two European initiatives crystallise the issues of cooperation in the fight against irregular immigration.

¹ The Forum for Dialogue in the Western Mediterranean, better known as the 5+5 Dialogue, is the oldest Mediterranean meeting framework. Launched in 1990 in Rome, this subregional forum, which is intended to be informal, was not very active until the early 2000s. It brings together five countries on the northern shore (Italy, France, Spain, Portugal, and Malta) and the five countries of the Arab Maghreb Union (Morocco, Algeria, Tunisia, Libya, and Mauritania).

In addition to these, regional dialogue frameworks on migration have been created, such as the Rabat and Khartoum processes, which are intended to be spaces for dialogue and consultation in order to respond together to development and migration-related issues. In reality, these are more mechanisms aimed at influencing the framework of representation of the migration phenomenon towards a greater securitisation and judicialisation of the migration fact. This is because the various works within the framework of these processes focus much more on the means to combat irregular migration than on the organisation of legal migration and the strengthening of synergies between migration and development.

Through its various initiatives, the EU has been, unsuccessfully, trying for more than two decades to conclude readmission agreements with the southern Mediterranean neighbourhood. The fears aroused by the events that have shaken some Arab countries have led the European states to develop a new partnership offer: the Mobility Partnerships. This proposal, which targeted Morocco, Tunisia, Egypt, Lebanon, and Jordan², is not legally binding. They are commonly perceived as a declaration of intent for an exchange of concessions: visa facilitation for nationals in exchange for the signature of a readmission agreement for nationals and third-country nationals. Although readmission is a main European priority, it is clear that negotiations on these agreements have stalled due to resistance from southern Mediterranean countries.

Southern Mediterranean countries are only timidly participating in the numerous European initiatives. In order to address the lack of cooperation on migration, the EU seems to be gradually introducing a certain “migration conditionality” (Perrin, 2009; El Qadim, 2018). Indeed, the European Council held in Seville in June 2002 already provided for the insertion of a clause on the joint management of migration flows (as well as on compulsory readmission in the event of irregular situation) in any future EU agreement with a third country.

Faced with the rise of populism and the various electoral deadlines, European actors are engaging in various strategies to prompt the southern Mediterranean countries to become more involved in the external management of migration flows. At the end of September 2021, France decided, for example, to drastically reduce the issuance of visas to Moroccan, Algerian and Tunisian nationals. This decision was made to sanction their governments, that were considered uncooperative in granting the consular passes necessary for the readmission of people back to their countries of origin.

² Only Morocco (June 2013), Tunisia (March 2014) and Jordan (October 2014) have signed the Mobility Partnership with 9, 10 and 12 EU Member States respectively.

Southern Mediterranean countries' perspective on main migration policy areas and cooperation priorities

The external migration governance of the EU since the 2000s has strongly influenced the framework of representation of the migration phenomenon in the southern Mediterranean countries

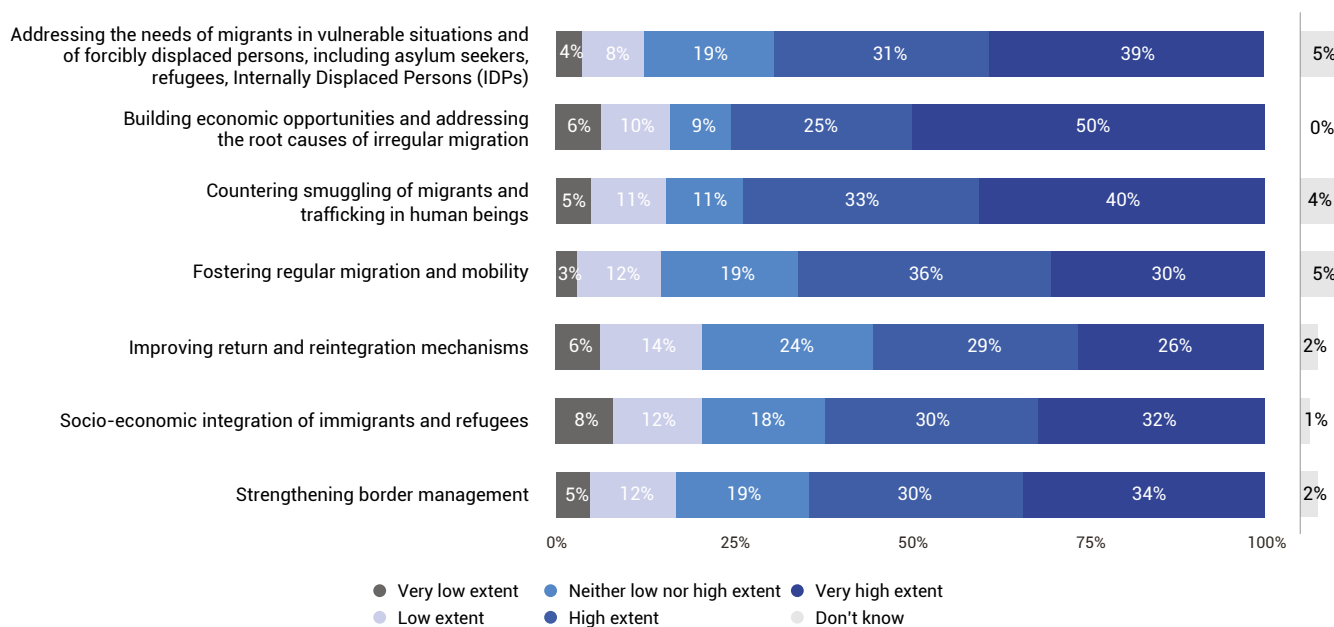
The external migration governance of the EU since the 2000s has strongly influenced the political framework of the migration phenomenon in the southern Mediterranean countries. This was reflected in the adoption in the early 2000s of restrictive legislation. For example, Law 02-03 relative to the entry and stay of foreigners and to irregular emigration and immigration, which was adopted by Morocco in 2003, heavily criminalises irregular migration and transit. Similar security provisions were subsequently adopted in other Maghreb countries, notably Tunisia (Law 2004-06 of 3 February 2004), in Libya (amendment in 2005 of Law 6 of 1987) and finally in Algeria (Law 08-11 of 25 June 2008 on the conditions of entry, residence and movement of foreigners in Algeria) (Perrin, 2009).

The external dimension of European migration policies seems to ignore the migration realities of the southern Mediterranean countries and their priorities (Del Sarto, 2010). Contrary to the prevailing perception, the Maghreb and Mashrek countries are not only countries of origin or transit, they are also countries of settlement for many migrants, asylum seekers and refugees. This can be illustrated by the 2 million foreigners who were living in Libya under Gaddafi, for example (Perrin, 2011). Also, the population movements generated by the consequences of the events that have shaken the Arab world in the last decade have mainly been towards neighbouring countries. Of the 6.6 million Syrian refugees worldwide, 5.6 million are hosted in countries neighbouring Syria – mainly Turkey, Lebanon, and Jordan (UNHCR, 2021).

The EMM5-EuroMeSCO survey “revealed that the area of migration policy considered by the respondents as the most important for their respective countries is “Building economic opportunities and addressing the root causes of irregular migration”. Indeed, 75% of respondents rated this area as being of high or very high importance.

GRAPH 1

Q.1 To what extent do you consider that the following areas of migration policy are important for your country?



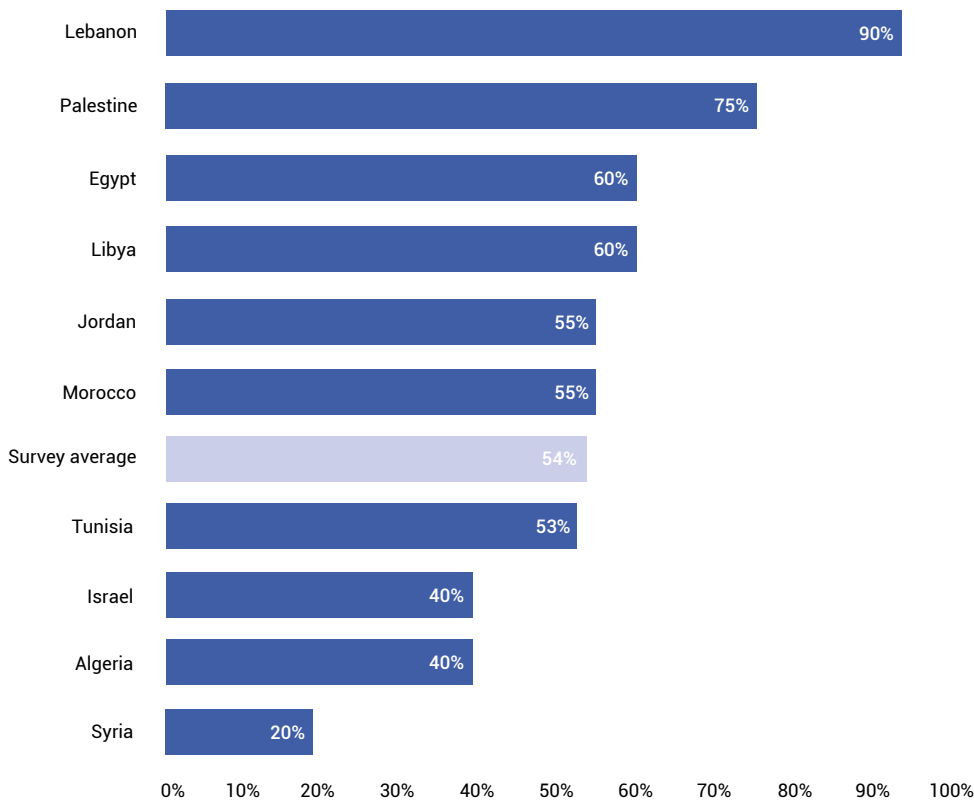
Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

This indicates that respondents want to limit irregular migration. To this end, they prefer substantive work to be carried out upstream, by addressing the root causes of the phenomenon through the creation of economic opportunities, rather than through the strengthening of border management or downstream through the improvement of return and reintegration mechanisms. The latter area is considered the least important (55% of respondents considered it as high or very high vs. 20% low and very low).

The data broken down by country, however, reveals important differences in the assessment of this area between countries. Indeed, return and reintegration mechanisms enjoy a high degree of interest for respondents in countries hosting large foreign populations such as Lebanon (90% of high or very high answers) where a high number of Palestinian and Syrian refugees live. Return and reintegration schemes are also an important issue for Palestinian respondents (75% of high or very high answers), as the right to return is one of the main demands of the Palestinian people.

GRAPH 2

Q.1 To what extent do you consider that the following areas of migration policy are important for your country?
Improving return and reintegration mechanisms (% of high and very high answers)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Respondents call for a rethinking of migration management by placing the treatment of human beings at the centre of migration-related issues

Through their answers, the respondents call for a rethinking of migration management by placing the treatment of human beings at the centre of migration-related issues. Indeed, the second and third most important areas for respondents were “Countering smuggling of migrants and trafficking in human beings” and “Addressing the needs of migrants in vulnerable situations and of forcibly displaced persons, including asylum seekers, refugees, Internally Displaced Persons (IDPs)” (see graph 1).

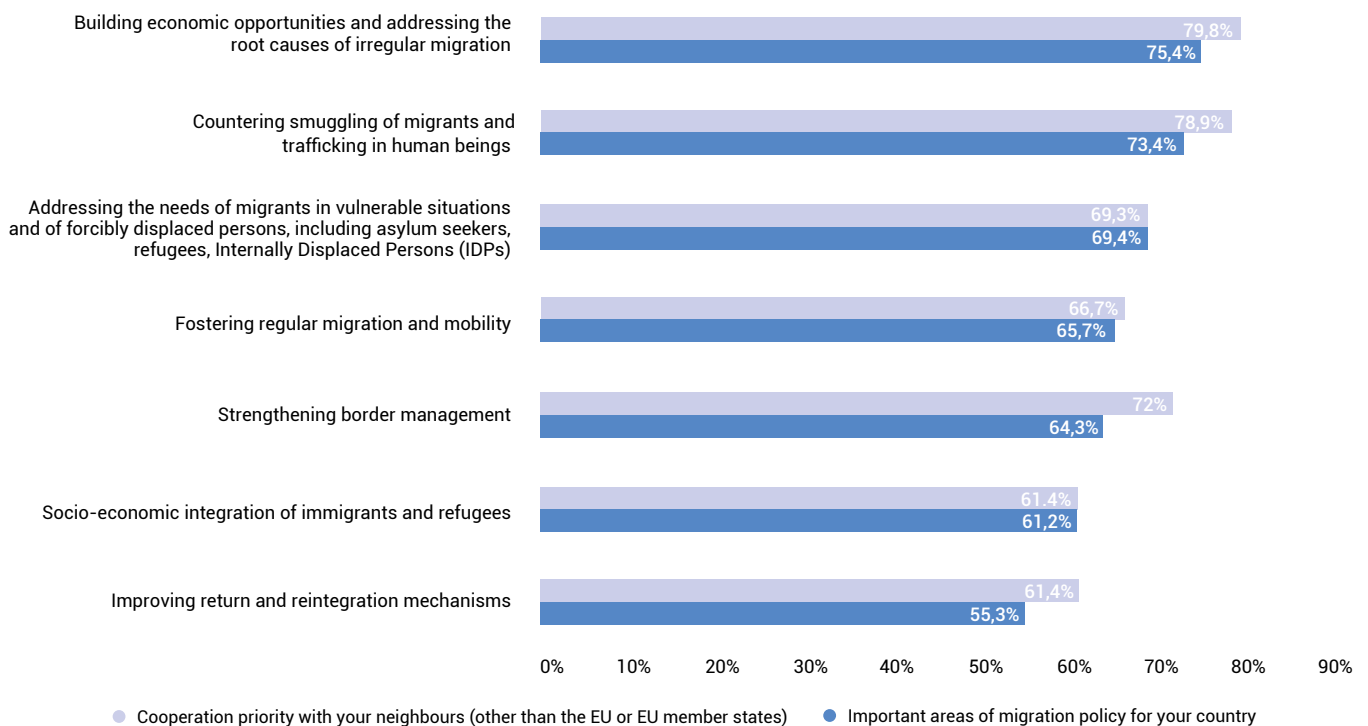
This approach was really manifested by Morocco in 2013 when they initiated a new migration policy to promote a humanistic treatment of migration and migrants. The national strategy on immigration and asylum adopted by Morocco is unique in the region and has resulted in concrete progress, such as two large-scale regularisation operations for migrants carried out in 2014 and 2017 and the adoption of a law

against human trafficking. Even though driven by geostrategic interest and suffering from incomplete implementation, the launch of the Moroccan migration policy marks a major paradigm shift in the Mediterranean region (Benjelloun, 2021).

The survey also addressed cooperation between Southern and Eastern Mediterranean countries and their neighbours – other than the EU or EU Member States – in areas of migration policy. The received results show broadly the same levels of perceived importance for areas of migration policy. This again reveals the willingness of policymakers, experts and civil society representatives from Southern and Eastern Mediterranean countries to cooperate, together, to tackle the root causes of irregular migration, smuggling and trafficking in human beings in addition to addressing the needs of migrants in vulnerable situations.

GRAPH 3

Important migration policies and cooperation priorities (% of high and very high answers)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

Beyond divergent priorities

While Europe continues to focus on the security approach to migration, southern Mediterranean countries call for the adoption of policies that are more comprehensive and more in line with their migration profiles.

From the above, it appears that northern and southern Mediterranean countries have divergent views on priority areas of cooperation in migration management. While Europe continues to focus on the security approach to migration, southern Mediterranean countries call for the adoption of policies that are more comprehensive and more in line with their migration profiles. Indeed, a number of countries in the southern Mediterranean have become in recent years, partly as a result of European migration policies, countries of settlement for migrants. These new realities require that Mediterranean cooperation frameworks be particularly concerned with the reception and integration of migrants.

It seems necessary for the EU to operationalise, in collaboration with its southern partners, cooperation instruments for the conduct of a constructive dialogue that will allow for a better understanding and reconciliation of the priorities of both sides. These actions will enable all stakeholders to be fully involved in finding common solutions and thus contribute to the construction and redefinition of comprehensive migration management policies in the Mediterranean area (Papagianni, 2013).

The recent actions of the European Commission in favour of a New Pact on Migration and Asylum as well as the New Agenda for the Mediterranean can constitute adequate frameworks for cooperation and dialogue. Indeed, one of the objectives of the New Pact on Migration and Asylum proposed by the European Commission in September 2020 is to address the concerns of third countries. To this end, the EU promotes the conduct of tailor-made and mutually beneficial partnerships. Furthermore, the new Mediterranean agenda, presented in February 2021, calls on countries on both shores to jointly address the challenges of forced displacement and irregular migration and to promote legal and safe channels for migration and mobility. Adequately mobilising this new framework for migration partnership is key to reconcile diverging priorities.

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