

Migration and Security in the Eastern Mediterranean

Amir Heinitz



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By Amir Heinitz

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Executive Summary

This paper provides an overview of the nexus of migration and security with a focus on the EU's migration policy and its effects on migrant security and migration flows in the Eastern Mediterranean from the mid-2000s to the Arab Spring and its aftermath.

Initial recipient countries of migrants of the Eastern Mediterranean take in migrants for internal or external political reasons. Migrants are generally afforded little means by the state to integrate and are often discriminated against by society. The legal administration of migrants in the region is often delegated to international organisations, such as UNHCR and IOM, and social services (health care, education, legal assistance, nutritional assistance, etc.) are provided by CSOs and migrant networks often with limited resources and vulnerable to conflict. Smugglers and migrant networks provide exit routes to Europe or other destinations for desperate, ambitious or more mobile migrants.

This paper suggests that the EU's assistance to transit countries in strengthening their border systems should be supplemented by actively engaging transit countries on a policy, legal and financial level. Local integration should be supported in close cooperation between the EU, transit country authorities, UNHCR, IOM and CSOs, and matched by an increase in controlled immigration to the EU from transit countries according to vulnerability categories and skilled labour needs. Civil perception and categorisation of migrants as either dangerous (irregular immigrant) or vulnerable (refugee), should be complemented by an appreciation of migrants as political and economic actors, culminating in the engagement of migrants on an equal footing.

Given protracted conflicts in countries of emigration, the paper concludes that a lack of proactive EU foreign migration policy towards transit countries bordering the Mediterranean results in an overly intensive securitisation of the EU's external borders as a tool to repel economic migrants and refugees.

1. Introduction: The Theoretical and Political Drivers behind the EU's Migration Policy in the Mediterranean since the mid-2000s

In a still evolving European Union, on the administrative level as well as in the cultural, economic and demographic domains, internal European migration, but particularly migration to the EU is an issue that touches on contested visions of what Europe is and should be. The EU's "external migration policy" as a term is problematic, and should be understood as a multi-layered apparatus with shifting responsibilities, a fragmented policy and varying populist as well as humanitarian discourses in different nation-states.

During the last twenty years, more policy and legal responsibilities were transferred from the national level to the EU level, with national governments, often driven by Germany and Austria, retaining control over key migration control tools, while most recently even restricting internal EU migration mechanisms.¹ Migration inside the EU, the tools of the Schengen area, and the relationships to Europe's eastern and southern neighbours is governed in different capacities and roles by the European Council, the European Commission (EC) and European Parliament (EP). Often, functions and responsibilities are difficult to discern and policies are formulated in easily misconstrued language. The policy ambiguity arising out of high levels of incoherence and lack of transparency is not the main issue here, but should be kept in mind when milestones for EU migration policy in the Eastern Mediterranean and beyond—such as the Hague process, Dublin II, the creation of Frontex, the Barcelona process, the European Neighbourhood Policy (ENP) or the EC's Global Approach to Migration—are under consideration. The lack of cohesion in external migration policy finds expression in southern EU Member States pursuing their own external migration control policies and engaging with southern neighbours in bilateral agreements independent from EU supervision. Northern European states do not systematically assist southern states but insist on administering responsibilities for migration and refugees along national lines.

Despite these difficulties of categorisation and ascribing accountability,² the EU as an overall political entity has gone through different periods of treating the issue of migration, mostly understood as immigration of non-EU nationals to EU Member States. The nexus of how the EU engages on migration and security in the Eastern Mediterranean³ has become more visible during the last decade. Migration during the Cold War in the western block consisted predominantly of political refugees coming from beyond the Iron Curtain and economic migrants essential for post-war reconstruction. Whilst particularly the latter were expected to return to their home countries when no longer needed, the political refugees were welcomed as a matter of ideological doctrine. As the bipolar security doctrine of the Cold War, focusing largely on military security, came to an end and other forms of security, such as identity, economic and environmental security took on more significance, the Yugoslavian war produced a massive influx of refugees particularly to Germany, which parallel to neo-Nazi pressure on right-wing politics brought about a tightening of refugee and immigration rules. For the larger European context this meant that Germany as an important player blocked more liberal immigration regimes on the EU level. The Dublin II agreement, mandating asylum seekers to be adminis-

¹ "Bei Einwanderer-Flut erlaubt EU Grenzkontrollen," *Die Welt*, 30 May 2013; <http://www.welt.de/politik/deutschland/article116669346/Bei-Einwanderer-Flut-erlaubt-EU-Grenzkontrollen.html>.

² See Fritz W. Scharpf, "Problem Solving Effectiveness and Democratic Accountability in the EU" (2003); http://www.jeanmonnetprogram.org/hauser/FWSNYU_HauserS04.rtf.

³ For the purpose of this paper the Eastern Mediterranean is a geographical area touched by the East-African migration route and the Eastern Mediterranean migration route, and thus commences in the west with Tunisia, in the east touches Jordan and in the north Turkey. See ICMPD's "2012 MTM Map on Irregular and Mixed Migration Routes," http://www.imap-migration.org/fileadmin/Editor/Visualisations/MTM/i-Map_poster_ENGLISH_2012_FINAL_Outlines_04_05_2012.pdf.

tered by the first country of arrival, further skewed burden sharing towards EU border countries.

With a continuing liberalisation of economic and labour policies in the late 1990s driven by New Labour in the UK and Schröder's social democrats in alliance with the Greens in Germany, multiculturalism became more acceptable, integration measures were increased, and a need of foreign workers to offset future demographic declines were translated into economic migration policy. The equation changed dramatically with the terrorist attacks of September 11, 2001, and consecutive attacks in Madrid 2004 and London 2005. Already in the early 1990s European security agencies had identified Europe's new security threats originating from an "arch of crisis" reaching from Casablanca to Kashmir.⁴ As global economic interdependence increased, so did mobility, and foreign or threatening elements—terrorists, organised crime, fundamentalists, migrants—were no longer contained within this arch of crisis, but now transcended what were considered traditional borders and started operating in far-reaching networks. This in turn led to a securitisation of European migration policy. One of the key results was the creation of Frontex—the EU Agency for European border management—in 2005, to be discussed further later.

Coincidentally the European integration process began to lose steam in the same year – the EU Constitution for Europe was rejected by Dutch and French citizens. Drawing on the disillusionment of citizens with the EU as a vehicle for shared wealth, right-wing populists in Austria, Holland and France fuelled a discourse which reignited nationalist and frequently outright racist debates across Europe.⁵ The financial crisis further added to inner-European tensions, with fundamental criticisms of globalisation accompanying the contestations of cornerstones of the EU, such as the Euro, the Schengen agreement and at large, a shared European identity, mutual responsibility and solidarity.

With the banking crisis, democracy at the pivotal European decision-making level became further embattled. This has led to publicists like Frank Schirrmacher of the German daily *FAZ* to claim that "democracy is junk," and the philosopher Jürgen Habermas to pronounce a "post-democratic" era.⁶ "Because the EU has been planned and monopolized by political elites since its incarnation, it's plausible that right-wing populism, with its pretence that "the state" as one big family rooted in blood and land, could control the definition of the democratic sphere – a development that would block the formation of any political will beyond national borders, even as immigration, the internet and mass tourism have all made those borders more porous."⁷

Foreigners knocking on Europe's doors looking for better material life or freedom of persecution find a Europe disputed along national lines and an absence of a receptive European identity. Compounded by economic fears and a political focus on security, this has led to a securitisation of the EU's migration politics. Such securitisation finds expression in neighbourhood agreements, such as the Barcelona Process, where security matters take on a proportionally significant role; and migration control systems such as Frontex, that follow more the logic of shock and awe than thought-through migration policies. Creating an environment with incentives for triple-win effects (with regards to filling labour shortages in recipient

⁴ Gudrun Krämer, "Fremde Nachbarn. Der Nahe und Mittlere Osten," in *Deutschlands neue Außenpolitik: Herausforderungen*, ed. Karl Kaiseer and Hanns V. Maull (Munich: Oldenbourg Verlag, 1995).

⁵ See election campaigns of the Austrian FPÖ (1999), the French Front National (2002), and the Dutch Lijst Pim Fortuyn (2002).

⁶ "Kanzlerin der Postdemokratie," *Spiegel Online*, 17 May 2013, <http://www.spiegel.de/kultur/gesellschaft/georg-diez-ueber-angela-merkel-a-900585.html>.

⁷ "The Good European: On Jürgen Habermas," *The Nation*, 30 July 2012, <http://www.thenation.com/article/168819/good-european-juergen-habermas#>.

countries, allowing for secure and decent lives of migrants, and positive economic effects on sending countries through remittances, transnational trade, and knowledge transfer) take the back bench in policy deliberations.

Frequent unilateral national initiatives—often risking human life and/or entailing extra-judicial practices—further weaken a cohesive European migration approach, are economically questionable and kindle more security risks – risks, which authorities deem, can only be countered by more securitisation.

2. EU Migration Policy Instruments and Their Effects on Migrant Security and Migration Flows

2.1 Barcelona Process and EU Migration Policies

The Barcelona Process (the EU framework to manage both bilateral and regional relations) began in 1995 as an appeasement mechanism of Europe’s southern neighbours, who feared that the accession of Eastern European countries would result in less economic and political interaction with the EU. It drew on earlier development theories and practices and essentially aimed at improving the economic situations in the Maghreb and Mashrek and opening up markets for trade. As development theories stipulated that political and social development would improve economic development, the EU also pushed for socio-political reforms. Next to the main two areas of policy cooperation (economic development and socio-political reform), security cooperation—aiming at the prevention of terrorism, civil strife and to a degree the arrival of migrants—became a third focus of the Barcelona Process.

The continued economic hardship, despite or because of, EU-supported economic liberalisation in north African countries and continued population growth, led to more and more young north Africans as well as sub-Saharan migrants⁸ making their way up north in search of a better life on the European continent. With internal and cross-national conflicts flaring up along the Sahel area and authoritarian regimes forcefully muzzling opponents, forced migrants also escaped north (as well as south). Faced with an increasing amount of African and Arab arrivals, rising levels of Islamophobia following the terrorist attacks of 2001, and governments tapping into a more security oriented discourse, the Barcelona Process also changed. Migration became a full fourth focus in the five year plan adopted at the Barcelona Summit in 2005.⁹

The EuroMed Migration programme, trying to foster regional cooperation on migration management, has been ongoing since 2000, but according to evaluators has produced only scant improvements, as the “project design ... failed to take into account the complexities inherent to the regional dimension and the sensitivity of the [migration] matters” in the region.”¹⁰

Bundling the security considerations of these developments, in 2005 the EU created the border agency Frontex, which exemplifies a reactive security-dominated discourse across Europe, expanding into international waters and its southern and eastern neighbours.

⁸ Friedrich Mühlberg, “Migration,” in *Kleines Afrika-Lexikon. Politik, Wirtschaft, Kultur*, ed. Rolf Hofmeier and Andreas Mehler (Bonn: C.H. Beck Verlag, 2004).

⁹ EUROMED Summit Barcelona 2005, Five Year Work Plan – Final Text, http://eeas.europa.eu/euromed/summit1105/five_years_en.pdf.

¹⁰ Interview with a 2010 evaluator to Jordan and Egypt of EuroMed Migration, August 2013.

2.2 Frontex and the Securitisation of Migration Policy

With the establishment of the Schengen Area in 1995, the European Community and Member States foresaw the creation of a Europe-wide internal realm of “Justice, Liberty and Security.” After a number of attempts to create a cohesive border regime, the terror attacks of 2001, 2004 and 2005 provided renewed impetus for the creation of a European border agency, squashing the qualms of Member States in giving up their sovereignty. On the proposal of the European Commission, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was created between 2004 and 2006, intended as a mechanism of rapid response and coordination for national border enforcement agencies.¹¹ At the time the EP was still without the rights for co-decision-making it acquired thereafter in legislation (Lisbon Treaty) and consultation of the EP on the newly created instrument was not taken into account. Human rights, or more particularly, refugee and migrant rights, were not taken into consideration during the creation of Frontex.

Frontex, with its security focus, rapid development since its inception in 2004 and commencing operations in 2006 and with a budget of €118 million in 2011,¹² has come under intense criticism by academics, NGOs, as well as some EU institutions and national media for unceasingly high numbers of migrant deaths. UNHCR documented 1,500 migrants who drowned in 2011 alone and a total of 17,306 that have died since 1993.¹³ Undocumented cases are estimated to be much higher. In parallel, there is a continued securitisation of immigration on the EU level, which, stoked with an increasingly xenophobic discourse, has resulted in a political and public framing of migrants as security risks. Particularly the analyses and critiques of Khalid Koser, Nina Perkowski, the Parliamentary Assembly of the Council of Europe and Statewatch demonstrate how the EU and Member States fuel a security-dominated migration doctrine. Though ostensibly tasked with preventing organised crime from entering the EU at its external borders, national governments offload their migration and asylum administration responsibilities onto Frontex. Under the banner of European solidarity, Frontex is thus utilized to implement a migration-security doctrine against perceived threats of immigration waves, which exceeds its original responsibility of providing coordinative crime-prevention support to national border agencies. The results of Frontex’s activities, together with heavy-handed national initiatives, are decreased levels of security for those attempting to seek refuge or a better life in Europe by crossing the seas of the Mediterranean, and for those stuck along Mediterranean shorelines, no longer able to escape discrimination, civil strife and persecution. The effect on Europe’s migration discourse has been the toleration of human loss, justified by a perceived need to ensure physical, economic and social security by barring forced and economic migrants from entry.

The specific effects of the creation of Frontex have been a decrease in temporary *migration pressure*. This is showcased by Frontex reports for its short-term operations in collaboration with Member States (Hera I-III, Poseidon, Hermes, Nautilus, Amazon, Hammer). Causes of migration have not truly been tackled, and the result is a diversion of migration routes towards other safe havens. Aside from a lack of Frontex’s institutional transparency and external supervision, the main three points of criticism levelled against the agency are its implicit acceptance of human death, the maceration of the legal instrument of *non-refoulement* and its operation outside of areas in which EU laws are binding. An interplay between Member States

¹¹ Council Regulation (EC) No. 2007/2004.

¹² Frontex began with a budget of €18 million. With added immigration control missions in the Mediterranean in the late 2000s and the culmination of Frontex’s activities in its Hermes mission, by 2011 its budget dramatically increased.

¹³ “List of 17306 documented refugee deaths through Fortress Europe,” *UNITED*, 1 November 2012, <http://www.unitedagainstracism.org/pdfs/listofdeaths.pdf>.

and Frontex as a security regime has been created, with little recourse to legal remedies for the concerned migrants on the seas of the Mediterranean.¹⁴ An extra-territorialisation of migration control to Northern African countries is taking place, where migrants' rights are afforded little consideration by authoritarian regimes. The larger effects on the security-migration nexus between the EU and south-east Mediterranean riparian states has been an expansion of the lack of transparency, blurring of accountability questions with regards to human rights and the parallel instilment of more stringent migration control systems on neighbouring states, that already lack sufficient asylum and human rights instruments. Revealingly, Frontex has been utilized by national media and politicians as a scapegoat for human suffering and loss of life, while EU institutions such as the EC or the European Court of Human Rights (ECHR) intermittently reprimand member-states for violating EU law.

Contrary to Frontex's goal of combating criminal smugglers and human traffickers and thus preventing "irregular migration,"¹⁵ the tightening of border controls has led to adverse effects. More and more frequently, migrants turn to professionals to bring them to Europe. Traffickers, often also engaged in organ or weapons smuggling, exploit migrants physically and financially to sustain their operations.¹⁶ As pointed out by UNHCR in 2009 and substantiated by Amnesty International in 2013, asylum seekers persecuted at home and in transit countries such as Tunisia, Egypt or Syria, without access to viable asylum regimes and few legal migration opportunities, "have no choice but to take the dangerous sea route."¹⁷ Migrant deaths at sea or along heavily fortified external land borders become the collateral damage of crime and terrorism prevention efforts. Khalid Koser poses the question "whether viewing the current migration crisis through a security lens is likely to promote the most effective responses... The threat to human security is still far more real than any threat to national security."¹⁸ With the security paradigm and its instruments not remedying the criminal profiteers of migration, migrants run the risk of being blamed for causing and financing insecurity.

As a backlash takes place in some EU institutions, namely the European Parliament and the Parliamentary Assembly of the European Council, as well as being driven by NGOs, Frontex has come under more scrutiny. A code of conduct has been introduced, and dialogues between UNHCR and Frontex officials are ongoing. However, accountability and transparency of Frontex's planning, decision-making processes, and implementation mechanisms, particularly its interactions with national border agencies, remain at an absolute minimum.¹⁹ Under popu-

¹⁴ Ruth Weinzierl and Urszula Lisson, "Grenzschutz und Menschenrechte. Eine europarechtliche und seerechtliche Studie" (Deutsches Institut für Menschenrechte, October 2007), http://www.institut-fuer-menschenrechte.de/uploads/tx_commerce/studie_grenzschutz_und_menschenrechte.pdf.

¹⁵ "Mission and Tasks," *Frontex Website*, August 2013, <http://www.frontex.europa.eu/about-frontex/mission-and-tasks>. Due to recent criticism levelled against Frontex by human rights organisations and the EP, it has moved away from the term "illegal immigration" and has taken on a language more in line with fundamental rights. Reference to illegal migration as in the early 2000s, such as "the fight against illegal migration" adopted at the "Ministerial Conference on migration in the Western Mediterranean," Tunis, 16-17 October 2002, or at the opening ceremony of Frontex premises in 2006 ("illegal immigration threats" and "combat illegal immigration") has become less frequent, even if a combative language persists. In its 15 February 2011 press release "Request for Help over Migratory Pressure in Lampedusa" concerning the arrival of new migrants from Tunisia in Italy, for example, Frontex speaks of "opening up a new migratory front."

¹⁶ Rutvica Andrijasevic, "Deported: the Right to Asylum at EU's External Border of Italy and Libya," *International Migration* 48:1 (2010): 148-174.

¹⁷ "Mediterranean Sea Arrivals: UNHCR calls for access to protection," *UNHCR Briefing Note*, 9 January 2009; "Refugees Dying on Dangerous Routes to Asylum in Europe," *Amnesty International*, 20 March 2013, <http://www.amnesty.org/en/news/refugees-dying-dangerous-routes-asylum-europe-2013-03-20>.

¹⁸ Khalid Koser, "When Is Migration a Security Issue?" *Brookings*, 31 March 2011, <http://www.brookings.edu/research/opinions/2011/03/31-libya-migration-koser>.

¹⁹ EC: COM(2013) 197 final, Brussels, 12 April 2013; Parliamentary Assembly Resolution 1932 (2013) and Recommendation 2016 (2013); both Strasbourg, 25 April 2013.

list pressure at home,²⁰ Member States do not feel bound by EU mechanisms or attempts by the EC to instil a normative order in correspondence to fundamental rights into its external border regime. Either in the open or behind closed doors, they continue to conduct their own migration control activities.²¹

A working paper from the University of Oxford Refugee Studies Centre (UK) asserted in 2012 that “the Union’s own involvement in the causes of irregular immigration, through for instance trade agreements, arms deals, capital investment, tourism, and colonial legacies, is simply ignored. In the same light, Frontex claimed ... that the two main determinants of irregular immigration were the availability of employment in Member States, and the likelihood of ‘illegally’ reaching European territory without being intercepted – the conditions in migrants’ home countries were considered less important and the role of the EU in creating conditions which led to displacement were simply blanked out.”²² Thus, not only does the increased securitisation of the EU migration policy in the Mediterranean and beyond whittle away at cornerstones of Europe’s self-understanding as a space of human rights, it also causes or accepts high and persistent numbers of migrant deaths, as well as eschewing its own historic, economic and social responsibilities towards other world regions. As understandable as this may appear in times of crises, it also points to how the inner divisions of the EU and Europe have led to a lack of perception of political, social and cultural processes on its borders and an absence of progressive and coherent action approaches in an interconnected world.

2.3 Bilateral Agreements of Member States – The Case of Italy and Libya

In early 2012 the ECHR in the case of *Hirsi Jamaa and others vs. the Republic of Italy* ruled that Italy had to pay € 15,000 in compensation to twenty-two Eritrean and Somali migrants for non-pecuniary injuries incurred when the Italian coast guard and revenue police *Guardia di finanza* intercepted their vessel on its way to the Italian island of Lampedusa on 6 May 2009, transferred them onto Italian military ships and without recourse to asylum procedures handed them over to Libyan authorities. Two migrants on board died under unclear circumstances. Some found a way to Italy, where they were granted asylum after the outbreak of the Libyan revolution, others have disappeared or left Libya towards western Africa.²³ The judgement throws a light on how a Member State chose close collaboration with an authoritarian regime in preventing migrants from reaching its shores, as well as demonstrating a lack of European solidarity, a prominence of nationalist discourses, an institutionalized disregard of human suffering and a lack of political vision. Whether legally or clandestinely, Italian migration policies towards the south have paid little regard to migrants’ security. The sentence of the Court also highlights how the EU is increasingly drawn into bilateral agreements that Member States conclude with neighbour states outside the EU.

²⁰ “Weltflüchtlingstag: Deutsches Institut für Menschenrechte kritisiert Populismus in Asyl- und Migrationsdebatte,” Pressemitteilung (Deutsches Institut für Menschenrechte, 19 June 2013), http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Presserkl_Anhaenge/Pressemitteilung_DIMR_Asyldebatte_19_06_2013.pdf.

²¹ “On ‘emotive’ Migration, Muscat still Supports Pushbacks to Safe Ports,” *Malta Today*, 26 June 2013, <http://www.maltatoday.com.mt/en/newsdetails/news/national/On-emotive-migration-Muscat-still-supports-pushbacks-to-safe-ports-20130626>; “African Migrants ‘Left to Die’ in Dinghy sue Spanish and French Military,” *The Guardian*, 18 June 2013, <http://www.guardian.co.uk/world/2013/jun/18/boat-tragedy-migrants-sue-france-spain>.

²² Nina Perkowski, “A Normative Assessment of the Aims and Practices of the European Border Management Agency Frontex,” Working Paper Series No.81 (Oxford Refugee Studies Centre, April 2012), http://www.rsc.ox.ac.uk/publications/working-papers-folder_contents/wp81-normative-assessment-frontex-190412-en.pdf.

²³ “Case of *Hirsi Jamaa and Others vs. Italy*,” European Court of Human Rights (Application no. 27765/09), 23 February 2012, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-109231>.

As Italy saw an increase in immigration via the Mediterranean towards Lampedusa in the 1990s, the Italian government undertook a path of engaging Gaddafi's Libya on migration control, despite the Jamhariyya still being shunned by the international community for its supposed involvement in the Berlin *La Belle* discotheque and Lockerbie bombings in 1986 and 1988 respectively.²⁴ On 13 December 2000 a first agreement between Italy and Libya on terrorism, drug trafficking and undocumented migration was signed, coming into force two years later.²⁵ Informal collaboration on migration control and a poorly documented agreement in 2003 followed. Expulsions from Italy to Libya increased and Libya appeared to have overhauled its immigration system, when it claimed that it had repatriated 40,000 Africans on route to Europe back to their home countries in 2004.²⁶ Between 2006 and 2008 the EC had documented that 3,000 migrants were returned from Italy to Libya and onwards to other countries.²⁷

In the mid-2000s, increased media attention on Italy's migration practices and criticism by NGOs—decrying frequent human rights abuses in Libya—pointed to the absence of asylum procedures and the country not having acceded to the 1951 Geneva Convention Relating to the Status of Refugees. The EC began integrating Libya into the ENP, as Gaddafi settled his scores with the international community, offered gas concessions, and the EU began to perceive African migrants as a threat to European solidarity. Taking on a strong bargaining position, the Libyan government initially refused to cooperate with Frontex and demanded €5 billion from the EU for keeping migrants out of Europe.²⁸ Cooperation with Italy on migration control continued and intensified after the signing of the Italian-Libyan Friendship treaty in 2008, resulting in joint Libyan-Italian naval missions to conduct *push-back* procedures, sending migrants back to Libya without their potential asylum claims being heard. Furthermore, Italian police began assisting Libya with improving its border control mechanisms and Libyan authorities undertook measures to prevent migrants from sailing towards Italy. Migrant arrival numbers dropped by 50% between 2008 and 2009, with countless migrants abused in Libyan detention, repatriated illegally, or simply dumped in the desert.²⁹

At the time, the Italian interior minister, Roberto Maroni, pronounced the cooperation to be “an historic event” and that the problem of illegal immigration from Libya will be resolved by its implementation.³⁰ Gaddafi's Libya became Europe's gate keeper in the Maghreb and along the Eastern African migration route against unwanted immigrants.

The number of Africans and others fleeing the Libyan conflict and the Tunisian revolution for Europe spiked in 2011,³¹ pushing the Mediterranean migration issue to the foreground once more. Gaddafi, no longer able to fully control Libya's borders, put African migrants on boats

²⁴ Adam Curtis, “How Colonel Gaddafi and the Western Establishment together Created a Pantomime World,” *BBC blogs*, 21 October 2012, http://www.bbc.co.uk/blogs/adamcurtis/2012/10/hes_behind_you.html.

²⁵ Emanuela Paoletti and Ferruccio Pastore, “Sharing the Dirty Job on the Southern Front? Italian–Libyan Relations on Migration and their Impact on the European Union,” Working Papers No.29 (Oxford: International Migration Institute, December 2010), <http://www.imi.ox.ac.uk/pdfs/imi-working-papers/wp-10-29-sharing-the-dirty-job>.

²⁶ “Italy Seeks Libya Immigrant Deal,” *BBC*, 7 October 2004, <http://news.bbc.co.uk/2/hi/europe/3722480.stm>.

²⁷ Paoletti and Pastore, “Sharing the Dirty Job on the Southern Front?”

²⁸ “Gaddafi Erpresst die EU,” *Financial Times Deutschland*, 31 August 2010, <http://www.ftd.de/politik/international/fluechtlinge-gaddafi-erpresst-die-eu/50163601.html>.

²⁹ Paoletti and Pastore, “Sharing the Dirty Job on the Southern Front?”

³⁰ “Libya Accepts Boat People back from Italy,” *France 24*, 8 May 2009, <http://www.france24.com/en/20090508-libya-accepts-boat-people-back-italy>.

³¹ “JO Hermes – Situation Update,” *Frontex*, 21 February 2012, Warsaw, <http://www.frontex.europa.eu/news/jo-hermes-situational-update-SKGo7W>.

towards Italy after the EU and Italy turned on him.³² An Italian call for assistance with increased numbers of migrants arriving on its shores, and an unwillingness of northern European states to share the burden,³³ resulted in a quick deployment of Italian and Frontex naval border forces to prevent migrants from escaping the Arab Spring conflicts. During the first half of 2011 approximately 22,000 migrants made their way towards Italy, 400 vessels were turned away, and a minimum of 1,500 people drowned in waters tightly patrolled by Frontex and NATO forces. In comparison, Egypt took in 346,000 refugees³⁴ and Tunisia took in 543,000 Libyan refugees.³⁵ The Friendship Treaty, which had been abrogated during the NATO mission, was quickly reinstated once Gaddafi fell and the National Transitional Council took over,³⁶ and following the Hirsi Case, the wording was carefully larded with human rights terms.

Collaboration on vaguely defined security matters continues, which Amnesty International fears will further endanger African migrants in Libya.³⁷ Similar bilateral agreements and mechanisms, which Italy had entertained with Tunisia, were also renewed.³⁸ A shift occurred mainly on the European level. The fear of transit migrants no longer being prevented from entering Europe by authoritarian regimes, fuelled exaggerated rhetoric – the Italian government publically ‘expected’ 300,000 Africans. Coupled with southern states threatening to send migrants onward to Germany and France,³⁹ these aspects led to a more restrictive migration discourse across European countries. As reported by refugee activists in Egypt, there have been parallel efforts by the governments of the United Kingdom, Sweden and Norway to resettle more refugees from conflict areas, though not comprehensively overhauling Europe’s approach towards forced migrants. In early 2011 Swedish immigration officials expressed their frustration with other European states not being willing to take in more refugees from the countries affected by the Arab Spring. Fuelled by economic migration of the young from crisis-struck countries in southern Europe, and an increase in poverty migration from Eastern Europe towards Germany and other economies with job opportunities, anti-migration slogans and policies in France, Germany, Hungary, the UK and elsewhere in Europe are on the rise.⁴⁰ The prospect of long-term instability along Europe’s southern borders, complicating effective border controls, means that the freedom of movement inside the EU has suffered its first setbacks and as of 2014 the Schengen agreement can be suspended temporarily.

³² “Using Refugees as Weapons,” *New York Times*, 20 April 2011, http://www.nytimes.com/2011/04/21/opinion/21iht-edgreenhill21.html?_r=0.

³³ “Können nicht die Probleme der ganzen Welt lösen,” *Merkur Online*, 16 February 2011, <http://www.merkur-online.de/aktuelles/politik/innenminister-gegen-aufnahme-fluechtlingen-1125181.html>.

³⁴ “Cross Border Movement in Egypt,” *IOM Middle East North Africa Operations*, 15 June 2011, <http://www.migration-crisis.com/libya/reports/view/561>.

³⁵ “Cross Border Movement in Tunisia,” *IOM Middle East North Africa Operations*, 15 June 2011, <http://www.migration-crisis.com/libya/reports/view/562>.

³⁶ *Memorandum of Understanding between the Italian Government and the Libyan National Transitional Council* (Rome, 17 June 2011), <http://download.repubblica.it/pdf/2011/migrazione.pdf>; “La Russa, Trattato amicizia puo’ tornare a valere,” *Ansa.it*, 22 August 2011, http://www.ansa.it/web/notizie/rubriche/mondo/2011/08/22/visualizza_new.html_752891145.html; “Libya, Italy Reactivate Friendship Treaty,” *Tripoli Post*, 16 December 2011, <http://www.tripolipost.com/articledetail.asp?c=1&i=7503>.

³⁷ “Italy Must Sink Agreements with Libya on Migration Control,” *Amnesty International*, 20 June 2012, <http://www.amnesty.org/en/appeals-for-action/italy-migration-control>; “Amnesty: Italy Signs Secret Migrant Deal with Libya,” *euobserver.com*, 13 June 2012, <http://euobserver.com/justice/116600>.

³⁸ “Immigration: Frattini and Maroni in Tunisia to Reinstate Common Rules” (Farnesina: Italian Ministry of Foreign Affairs, 25 March 2011), http://www.esteri.it/MAE/EN/Sala Stampa/ArchivioNotizie/Approfondimenti/2011/03/20110325_vistun.htm.

³⁹ “Libya: Italy Fears 300,000 Refugees,” *Telegraph*, 23 February 2011, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8343963/Libya-Italy-fears-300000-refugees.html>.

⁴⁰ Demetrios G. Papademetriou, et al., “Migration and Immigrants Two Years after the Financial Collapse: Where Do We Stand?” (Washington D.C.: Migration Policy Institute, 2010), www.migrationpolicy.org/pubs/MPI-BBCreport-2010.pdf.

The decrease in migration influx towards Italy from Libya since the toppling of Gaddafi, however, is only partially due to either a continuation of the Friendship Treaty or Frontex's Hermes operation. With inter-tribal conflicts continuing to rage, Africans being branded as Gaddafi's mercenaries, and the migration route through the southern desert regions and the Kufra Oasis being beset by intermittent clashes,⁴¹ Libya has for the time being ceased to be an attractive destination or passage way for economic and forced migrants from the region and beyond. Regardless, the EU is heavily investing in border control systems in Libya.⁴² However, as one observer has recently pointed out, a concerted EU border control mission has only just been created in Tripoli in June 2013,⁴³ and some doubt that its reach will extend to far-flung locations in the desert areas.

3. Causes of Emigration from Countries of Origin

3.1 General Factors

Who then are these migrants along Europe's south-eastern borders and what are the causes for emigration from Africa and the Middle East? As early as during the 1990s, liberal development theories had been called into question,⁴⁴ seeing how economic growth by and large benefited a privileged elite in much of the Arab world and Africa, whilst relative poverty did not diminish. The conditionality attached to development schemes devised by the IMF, World Bank or the European Union followed a path of rigorous market and trade liberalisation, often rendering local producers uncompetitive and destroying large swaths of businesses and industries to be supplanted by foreign investors and only rarely profiting recipient societies at large.

With continuing demographic growth in countries such as Egypt, Sudan, Tunisia, Ethiopia, Syria and elsewhere on the Eastern-Mediterranean and Eastern African Migration routes, a lack of job generation for young people entering working age, a further estrangement from crony political elites, and a continuing rise in education levels and means of communication, internal pressure on repressive regimes increased. As western governments continued to collaborate with authoritarian regimes for economic and strategic reasons, with considerations of human rights and social equity being awarded only fig leaf status, young Africans and Arabs saw their aspirations, economic and immaterial, restrained and repressed. With few prospects in rural areas, migration to urban centres increased. Some made their way up north toward Europe, oil-rich Gulf countries, or to economic boom zones in southern or western Africa. Countries like South Africa, the Gulf, or the European Union took on symbolic values of economic wealth, liberty and freedom from persecution, or more vague hope of happiness. Continuous political oppression, ethnic conflicts, racial discrimination or the outbreak of wars forced further waves of migration on Europe's southern and south-eastern borders. Conflicts and wars not only produced political, ethnic, religious or social refugees, but rendered economic production impracticable for years on end. As some migrants became internally displaced, others escaped to bordering countries of relative calm.

⁴¹ "Libya: 5 Dead in Tribal Clashes in Southern Town," *yahoo news*, 3 June 2013, <http://news.yahoo.com/libya-5-dead-tribal-clashes-southern-town-155002366.html>; Patrick Wehrey, "The Struggle for Security in Eastern Libya" (Washington, D.C.: Carnegie Endowment for International Peace, 19 September 2012), <http://carnegieendowment.org/2012/09/19/struggle-for-security-in-eastern-libya/dvct>.

⁴² "Libyen wird polizeilicher Vorposten der EU," *Telepolis*, 22 November 2012, <http://www.heise.de/tp/artikel/38/38053/1.html>.

⁴³ Nicolas Gros-Verheyde, "Les frontières libyennes. Les contours de la future mission européenne," *Le Club de B2*, 7 March 2013, <http://club.bruxelles2.eu/category/zones-de-crisis/libye>.

⁴⁴ William Easterly, "Can Foreign Aid Buy Growth?" *Economic Perspectives* 17:3 (Summer 2003): 23; Oliver Morrissey, "Conditionality and Aid Effectiveness Re-evaluated," *World Economy* 27:2 (2004): 154.

3.2 Particular Reasons for Emigration

In the following sections, the effect of protracted civil war, repressive regimes and the upheavals following the Arab spring on migration in the Eastern Mediterranean will be outlined. Even though the cultural and social backgrounds and the concrete reasons for flight vary greatly from one country of origin to another, countries in which protracted civil war reigns supreme produce different migrants from those in which political persecution forces activists, students and minority groups to escape.⁴⁵ These forced migrants make up a large portion of those stranded in countries such as Jordan, Syria, Egypt or Libya, with little prospects of durable solutions by host countries.

3.2.1. Protracted civil wars (Sudan, Somalia, Iraq)

Protracted civil wars which produced large numbers of migration in the region have been ongoing in Sudan since the 1980s, in Somalia since the 1990s and in Iraq since the early 2000s.

Due to the US led invasion of Iraq and the ensuing sectarian warfare, terrorist attacks and targeted persecution of ethnic, religious and professional groups, approximately 2 million Iraqis fled the country, with most of them taking refuge in bordering countries Syria (2010: 1 million; 2013: 480,000),⁴⁶ Jordan (2013: 450,000)⁴⁷ and Egypt (150,000).⁴⁸ The US recognized its responsibility of the refugee crisis and through the Kennedy Act of 2007 has given access to direct resettlement for those Iraqis having worked for US institutions or institutions financed by the US, which together with resettlement and regular asylum requests has led to another roughly 82,000 Iraqis finding asylum in the US.⁴⁹ Sweden is the European country receiving the most Iraqi refugees, totalling an estimated 79,000, with some Iraqis having already arrived in the 1990s.⁵⁰ Further significant receivers of Iraqi refugees have been Australia and Canada. Despite a relative calm in northern Iraq, continuing civil unrest, political conflicts and terrorist attacks, as well as detailed country of origin information made available by immigration agencies in Europe and North America, suggests that large parts of Iraq are not suitable for repatriation of Iraqi forced migrants living in the region;⁵¹ even though some Iraqi refugees have returned from Syria and Egypt since 2011. As of May 2013 there has been renewed fighting in Iraq, causing the death of 450 people, and forcing thousands of Iraqis across the Jordanian border.⁵² Reasons for escape are religious, political and social persecution and generally high levels of insecurity in areas affected by repeated terrorist attacks and civil

⁴⁵ Friedrich Mühlberg, "Migration," in *Kleines Afrika-Lexikon. Politik, Wirtschaft, Kultur*, ed. Rolf Hofmeier and Andreas Mehler (Bonn: C.H. Beck Verlag, 2004).

⁴⁶ "Iraq: Suffering in Silence: Iraqi Refugees in Syria" (Amnesty International, 12 May 2008), <http://www.amnesty.org/en/library/info/MDE14/010/2008/en>; "2013 UNHCR country operations profile. Syrian Arab Republic" (Geneva: United Nations High Commissioner for Refugees, 2013), <http://www.unhcr.org/pages/49e486a76.html>.

⁴⁷ "2013 UNHCR country operations profile – Jordan," (Geneva: United Nations High Commissioner for Refugees, 2013), <http://www.unhcr.org/pages/49e486566.html>.

⁴⁸ "Egypt: Lack of Income Main Problem for Iraqi Refugees," *Integrated Regional Information Networks (IRIN)*, 11 December 2008, <http://www.irinnews.org/report/81921/egypt-lack-of-income-main-problem-for-iraqi-refugees>.

⁴⁹ "United States: Inflow of New Legal Permanent Residents by Country of Birth, Fiscal Year 1999–2011," *MPI DATA HUB*, 2011, <http://www.migrationinformation.org/datahub/countrydata/country.cfm>.

⁵⁰ "Sweden Wants EU to Help with Iraqi Refugees," *workpermit.com*, 21 February 2007, http://www.workpermit.com/news/2007_02_21/sweden/petitions_eu_iraq_refugees.htm.

⁵¹ "Iraq: Country of Origin Information (COI) Report" (London: Home Office, UK Border Agency, 30 August 2011), <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/iraq/report-08-11.pdf?view=Binary>.

⁵² "Iraq's Invisible Refugee Crisis," *Aljazeera*, 12 May 2013, <http://www.aljazeera.com/humanrights/2013/05/20135109413806217.html>.

strife. The uprising in neighbouring Syria, which quickly descended into a civil war along sectarian lines, has rekindled sectarian warfare between Shi'a, Sunni and Kurdish populations.⁵³ Iraq's national unity remains fickle and more violence is to be expected if there continues to be a lack of any clear way ahead, coupled with shifting regional power-balances.

Somalia's civil war has raged since the early 1990s, displacing approximately 1.5 million Somalis internally and causing over 1 million to escape to neighbouring countries, across Africa and globally. Somalia is fragmented into a number of majority and minority clans, some of which with ascribed roles, such as cattle shepherds, leather makers, spiritualists or traders, and others forming political elites. The clan system extends beyond Somali national borders,⁵⁴ with complex forms of allegiances and conflict resolution mechanisms, standing in sharp contrast to the military dictatorship of Siad Barre from 1961 to 1991, which attempted to impose a hierarchical, centralized form of government.

Complicating the inter-tribal conflicts since the early 2000s is an Islamist Ashabab onslaught, with ties to al-Qaeda and recruiting itself to some extent from youngsters orphaned by the civil war or captured by Ashabab fighters. US, Ethiopian and Kenyan interventions add another layer to the conflict. The largest regional recipients of documented Somali refugees are, as of 2011, Kenya (495,000), Yemen (230,000), Ethiopia (240,000), Djibouti (18,000), and Egypt (8,000).⁵⁵ As of 2005, there were another 38,000 Somali refugees in the United Kingdom and 34,000 in the United States.⁵⁶ An unspecified number of Somalis lived in Libya during Gaddafi's rule. Despite recent talks between the Kenyan and Somali governments about repatriating Somali refugees,⁵⁷ a durable pacification of Somalia's conflict appears far off.⁵⁸ Birth rates of seven children per woman, frequent droughts and continuing warfare indicate that Somalia will remain a country from which people will see themselves forced to leave for the foreseeable future.⁵⁹ While most refugees will continue to stay in nearby countries, allowing them to return to their country when relative calm has returned, the more mobile or more distressed will look for a better and safer life farther off, in South Africa or the global North.

Sudan has one of the longest and diverse histories of forcing nationals to emigrate. In a continuation of conflicts over the Ottoman, Egyptian and British legacies of colonial domination of the Nile state, after the first Sudanese civil war (1955-1972), the second Sudanese civil war, being fought between the predominantly Arab-Muslim north and the African-animist-Christian south of the country, caused the death of approximately 2 million and the exodus of 4 million people up to 2001.⁶⁰ The independence of South Sudan in early 2011 has not remedied the situation, as largely African inhabited South Kordofan and Blue Nile State have re-

⁵³ "Special Report: The Arab Spring," *Economist*, 13 July 2013.

⁵⁴ Róisín Hinds, "Somali Networks: Structures of Clan and Society," *GSDRC*, 5 June 2013, www.gsdr.org/go/display&type=Helpdesk&id=949.

⁵⁵ "Refugees in the Horn of Africa: Somali Displacement Crisis," *UNHCR Information Sharing Portal*, July 2013, <http://data.unhcr.org/horn-of-africa/regional.php>.

⁵⁶ "Somalia: 2005 UNHCR Statistical Yearbook" (Geneva: United Nations High Commissioner for Refugees, 2005), <http://www.unhcr.org/4641bec20.html>.

⁵⁷ "Somalia: Federal Govt Supports Repatriation of Somali Refugees," *allAfrica*, 26 May 2013, allafrica.com/stories/201305270013.html?aa_source=nwsltr-refugees-en.

⁵⁸ "Somalia: Still Dangerous," *Economist*, 27 June 2013, <http://www.economist.com/blogs/baobab/2013/06/somalia?zid=304&ah=e5690753dc78ce91909083042ad12e30>; "Somalia and Its Shabab. Are the Islamists Truly on the Ropes?" *Economist*, 6 July 2013, <http://www.economist.com/news/middle-east-and-africa/21580523-new-and-much-lauded-president-finding-it-hard-bury-old-divisions-are?zid=304&ah=e5690753dc78ce91909083042ad12e30>.

⁵⁹ "Exploring the Future of Migration in the Horn of Africa: Survey Insights," *IMI Policy Briefing* 11, June 2012, <http://www.imi.ox.ac.uk/pdfs/imi-policy-briefings/pb-12-11-exploring-the-future-of-migration-in-the-horn-of-africa-survey-insights>.

⁶⁰ "Crisis in Sudan" (U.S. Committee for Refugees, April 2001), <http://web.archive.org/web/20041210024759/http://www.refugees.org/news/crisis/sudan.htm>.

mained within Northern Sudan. Border demarcations in Abiyei have not been agreed upon and exploitation and transport of natural resources continue to pose obstacles to a solution of the conflict. Between the second half of 2011 and mid-2013, a reported 180,000 north Sudanese have escaped into south Sudan.⁶¹ Since 2003, the western Sudanese region of Darfur has seen another bloody war. Historically a region independent from core Sudan, African tribes have been demanding more autonomous rights and less interference from the Arab dominated central government, which climaxed in the Sudanese Liberation Army (SLA) and the Justice and Equality Movement (JEM) entering warfare against central government troops and Arab tribes living in the north of Darfur in 2003. The Sudanese government under Omar Bashir responded with outright warfare against the Darfur population and arming the *Janjaweed*, Arab horse-riding tribes living in Northern Darfur, to fight against the rebels. Official numbers speak of 300,000 dead in the period of 2003-2008, with 2 million Darfurians displaced from the region into central and south Sudan, Chad, Libya, Egypt and beyond.⁶² The conflict has a distinct regional and international component, with Chadian and Libyan government interference and support of various warring sides. An internationally publicized campaign accusing the Sudanese government of genocide, and the International Criminal Court indicting Sudanese president Omar Bashir in 2009, has increased pressure on the central government. Qatar has held several rounds of negotiations between the opposing sides leading to the Doha Document for Peace in Darfur in 2011 and the temporary abatement of the conflict.⁶³ A number of European and Gulf countries, as well as China, pursue economic interest in resource rich Sudan with little apparent benefits for the general population. Fighting is ongoing, displacing 300,000 Darfurians since January 2013, with 50,000 Darfurians fleeing to Chad since April 2013.⁶⁴ Ten years after the genocide in Darfur began, the New York Times sums up the situation as “It’s no longer news that the Sudanese government is slaughtering its people... The world has moved on but the killing continues.”

3.2.2. Repressive Regimes (Eritrea, Ethiopia, Sudan)

The persecution of political fiends and discrimination of ethnic or religious groups by repressive regimes in Eritrea, Ethiopia and Sudan have produced further outward migration towards the Eastern Mediterranean.

Sudanese activists outside of Sudan would dispute the narrative of ethnic and religious conflict, highlighting political aspects of Sudan’s crisis. Such a narrative proposes that various factions are fighting against the regime of Omar Bashir and the separation of the South is but a stage on the opposition’s road of toppling an authoritarian regime, which through its secret services muzzles, intimidates, tortures and systematically persecutes political opponents, journalists and students, and has built its regime on alliances with predominantly Arab tribes.⁶⁵ Alliances between the South Sudanese government, formerly the SSLM/A, the SLA and JEM, as well as with activists outside the country were forged, aiming to topple the Sudanese regime. After Sudanese demonstrations against the Sudanese Embassy in Egypt in 2011,

⁶¹ “Over 19,000 Refugees Flee Conflict in Eastern South Sudan: U.N.,” *Reuters*, 19 May 2013, <http://mobile.reuters.com/article/idUSBRE94S12O20130529?irpc=932>; “In-Depth: Top 10 Neglected Refugee Crises,” *IRIN*, 21 November 2012, <http://www.irinnews.org/report/96797/in-depth-top-10-neglected-refugee-crises>.

⁶² “Conflict Analysis,” *Eyes on Darfur* (New York, NY: Amnesty International, 2009), www.eyesondarfur.org/conflict.html.

⁶³ United Nations Mission in Darfur (UNAMID), “Doha Document for Peace in Darfur,” May 2011, <http://unamid.unmissions.org/Default.aspx?tabid=11060>.

⁶⁴ “Sudan: ‘Poor Security Could Prompt Exodus of Displaced from Central Darfur Camps’ – Sources,” *all-Africa*, 13 June 2013, http://allafrica.com/stories/201306140056.html?aa_source=nwsltr-refugees-en; “In-Depth: Top 10 Neglected Refugee Crises,” *IRIN*, 21 November 2012, <http://www.irinnews.org/report/96797/in-depth-top-10-neglected-refugee-crises>.

⁶⁵ Interviews with Sudanese refugees in Cairo 2010-2011.

week long “Elbow Licking” demonstrations against the regime of Omar Bashir and economic grievances in Khartoum and Port Sudan ensued in the summer of 2012. The regime responded with a bruising crackdown, rounding up students at Khartoum University, arresting activists and breaking up demonstrations in the streets.⁶⁶ Often professionals and bureaucrats can also become tangled up in webs of intimidation and persecution, if they refuse to pay bribes or favours to higher up government officials or militias. Next to refugees of war and ethnic persecution, many well-educated activists and professionals are forced to escape from Sudan, due to their real or implicated political opposition to the regime of Omar Bashir.⁶⁷

The numbers of Sudanese refugees in neighbouring countries are subject to dispute. In Egypt the numbers range from a UNHCR recognized Sudanese refugee population of 25,000⁶⁸ to more realistic numbers of long-term forced and economic migrants of somewhere between 500,000 and 3 million, with many refugees not approaching UNHCR.⁶⁹ Libya was a large recipient of Sudanese migrants since the 1980s, but given the Jamhariyya’s policy that Libya is the country of all Africans, as well as the absence of international observers and a lack of Libyan migration documentation, numbers cannot be estimated with certainty. Other countries that have taken in significant numbers of Sudanese migrants are Chad (100,000), Ethiopia (90,000),⁷⁰ the United States (35,000)⁷¹ and Israel (7,000).⁷²

After Eritrea’s war of independence against Ethiopia ended in 1994, leaving over 60,000 soldiers and 40,000 civilians dead, the regime of Isaias Aferwerki gradually increased repression and annulled personal liberties. Freedom of speech was severely restricted and political opponents were tortured and abused. The regime began to follow a policy of mass military enlistment in 2002, effectively using conscripts as forced labour.⁷³ In particular, Tigrinya Christians face persecution, and the state has severely undermined religious freedoms for all religious denominations. Approximately 20,000 Eritreans are held in prisons on the basis of their convictions.⁷⁴ During the last decade this has led to a mass exodus of Eritreans, despite a government shoot-to-kill policy for those attempting to cross its borders. UNHCR estimates that 100,000 Eritrean refugees live in northern Sudan, of which approximately 60,000 live in

⁶⁶ “Sudan ‘Elbow-Lickers’ Are Turning Omar al Bashir’s Jibe against Him,” *Guardian*, 28 June 2012, <http://www.guardian.co.uk/world/2012/jun/28/sudan-protests-elbow-lickers-bashir>; “Ellenbogenlecken im sudanesischen Proteststurm,” *zenith*, 10 July 2012, <http://www.zenithonline.de/deutsch/gesellschaft/artikel/ellenbogenlecken-im-sudanesischen-proteststurm-003082/>.

⁶⁷ For a more detailed description of the situation in Sudan since 2011 see also “Deport the African Refugees to Egypt? Not so Fast,” *972mag*, 31 October 2012, <http://972mag.com/deport-the-african-refugees-to-egypt-not-so-fast/58795/>.

⁶⁸ “A Marginalised Community: Sudanese Refugees in Egypt,” *Daily News Egypt*, 5 September 2012, <http://www.dailynewsegypt.com/2012/09/05/a-marginalised-community-sudanese-refugees-in-egypt/>.

⁶⁹ Sarah Hodgson, “Psychosocial Well-Being within Refugee Education in Cairo,” *Fahamu Refugee Legal Aid Newsletter*, 1 June 2013, <http://frian.tumblr.com/post/51869692799/psychosocial-well-being-within-refugee-education-in>.

⁷⁰ “Sudanese Refugees in Ethiopia,” *UNHCR Information Sharing Portal*, 2013, http://data.unhcr.org/Sudanese_Refugees_in_Ethiopia/country.php?id=65.

⁷¹ “United States: Inflow of New Legal Permanent Residents by Country of Birth, Fiscal Year 1999–2011,” *MPI DATA HUB*, 2011, <http://www.migrationinformation.org/datahub/countrydata/country.cfm>.

⁷² “Israel: Deportation Looms for South-Sudan Migrants,” *IRIN*, 27 March 2012, <http://www.irinnews.org/report/95174/israel-deportation-looms-for-south-sudan-migrants>; “Israel: Abraham Alu ‘We Have to Move ... but there is Nowhere to Go,’” *IRIN*, 30 Mai 2012, <http://www.irinnews.org/hov/95555/israel-abraham-alu-we-have-to-move-but-there-s-nowhere-to-go>; Gilad Natan, “National Programme to Meet the Problem of Infiltrators and Asylum Seekers Entering Israel across the Egyptian Border,” *Knesset – Research and Information Center*, 25 January 2011, <http://www.knesset.gov.il/mmm/data/pdf/me02765.pdf>.

⁷³ “Eritrea and its Refugee Crisis,” *Aljazeera*, 17 October 2012, <http://www.aljazeera.com/indepth/opinion/2012/10/20121013164211672211.html>; “Service for Life: State Repression and Indefinite Conscription in Eritrea,” *Human Rights Watch*, 16 April 2009, <http://www.hrw.org/reports/2009/04/16/service-life-0>.

⁷⁴ “The Plight of Eritrean Refugees,” *Guardian*, 20 June 2009, <http://www.guardian.co.uk/commentisfree/belief/2009/jun/20/eritrea-refugees-misghina>.

camps.⁷⁵ Many of the Eritreans leaving their country are relatively young and well-educated and see Sudan with its restricted integration possibilities as a transit country on route to Egypt, Israel and Europe. As emigration from Eritrea is illegal, repatriation to the country results in automatic imprisonment and potential abuse, preventing even non-political migrants from re-entering. Aside from Sudan as a main recipient of Eritrean refugees, Egypt hosts thousands of Eritreans, as has Libya, and most recently Ethiopia.⁷⁶ An estimated 35,000 Eritreans have found their way through the Sinai to Israel.⁷⁷ There have been signs of upheaval and revolt recently in Eritrea,⁷⁸ however, with strong media restrictions in place, establishing any likelihood for change is difficult, and the assumption remains that more Eritreans will see themselves forced to leave their country.

Ethiopia, one of the few African countries without a prolonged colonial history (1935-1941), has been engaged in numerous military conflicts during the 20th century and continues to grapple with its multi-ethnic and diverse religious make up, resulting from its own imperialist past. The largest population group, the Oromo, do not consider themselves to be Ethiopian. The central government was ruled by Meles Zenawi supported by the Tigray minority, marginalizing Oromo, Amhara and other southern minority groups. In particular, the Oromo Liberation Front (OLF) has been engaged in peaceful and armed opposition to the regime going back to the 1970s. 20,000 Oromo are imprisoned on charges of being members of the OLF⁷⁹ and round-ups of journalists, students and opposition activists are frequent. A partner in the West's *war on terror* and interventions in the Somali civil war, ostensibly to push back Ashabab combatants, Muslim minorities in Ethiopia among Oromo and Somali citizens are often persecuted under diffuse anti-terrorism laws, and anti-terrorist measures are abused to imprison anyone voicing dissent.⁸⁰ Repeated droughts, leading to mass starvation, and continued structural adjustments under the leadership of the IMF and World Bank, have made the country dependent on foreign aid, which is not being monitored effectively and often lines the pockets of those close to the inner circle of the regime.⁸¹ The death of Meles Zenawi in August 2012 has so far not translated into political change, with trumped up charges against political opponents and social activists continuing.⁸² The construction of the Grand Ethiopian Renaissance Dam, with significant financial support from China, may improve agricultural

⁷⁵ "Eritrea-Sudan: Refugees Battling for a Better Life," *IRIN*, 1 July 2011, <http://www.irinnews.org/report/93118/eritrea-sudan-refugees-battling-for-a-better-life>.

⁷⁶ Dan Connell, "Refugees, Ransom and Revolt," Middle East Research and Information Project (MERIP) No.266, Spring 2013, <http://www.merip.org/mer/mer266/refugees-ransoms-revolt>; Dan Connell, "Escaping Eritrea. Why They Flee and What They Face," *MERIP* No.264, Fall 2012, <http://www.merip.org/mer/mer264/escaping-eritrea>.

⁷⁷ Gilad Natan, <http://www.knesset.gov.il/mmm/data/pdf/me02765.pdf>; "35,000 Eritreans Face Deportation from Israel," *Jewish Daily Forward*, 3 June 2013, <http://forward.com/articles/177938/-eritreans-face-deportation-from-israel/>.

⁷⁸ Dan Connell, "Escaping Eritrea," Middle East Research and Information Project (MERIP) No.264, Fall 2012, <http://www.merip.org/mer/mer264/escaping-eritrea>.

⁷⁹ "Ethiopian Refugees. Persecuted Oromo Demand UN Protection amid Dam Dispute," *Aljazeera*, 20 June 2013, <http://m.aljazeera.com/story/201361711365644208>.

⁸⁰ "Ethiopia," *Human Rights Watch*, 2013, <http://www.hrw.org/africa/ethiopia>; "Swedish Journalists Explain Arrest, Imprisonment in Ethiopia," *Poynter*, 12 October 2012, <http://www.poynter.org/latest-news/top-stories/190819/swedish-journalists-explain-arrest-imprisonment-in-ethiopia/>.

⁸¹ "Exploring the Future of Migration in the Horn of Africa: Survey Insights," Policy Briefing No.11 (Oxford, UK: University of Oxford, International Migration Institute, June 2012), <http://www.imi.ox.ac.uk/pdfs/imi-policy-briefings/pb-12-11-exploring-the-future-of-migration-in-the-horn-of-africa-survey-insights>.

⁸² Interviews with Ethiopian refugees and activists of Oromo and Amhara origin in Germany, Egypt, Canada and Australia, Spring 2013; "Ethiopia after Meles," *Africa Briefing* No. 89 (Brussels/New York: International Crisis Group, 22 August 2012), <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/ethiopia-eritrea/b089-ethiopia-after-meles.aspx>.

productivity and produce the electricity needed to make industrial development more viable.⁸³ However, without thorough political change, which analysts do not expect,⁸⁴ the benefits of this super-project are bound to only benefit a select few and foreign investors. UNHCR counts roughly 120,000 refugees and asylum seekers outside the country, with the central government forcibly displacing thousands more under ‘villagisation’ programmes internally.⁸⁵ Some 30,000 Ethiopians saw themselves forced to escape to Sudan, 52,000 have arrived in Yemen in recent years,⁸⁶ several thousand in Israel, the United States, South Africa and few thousand since 2012 in Mozambique.⁸⁷

3.2.3. Syria and Arab Spring Upeavals

The Arab Spring and attacks against antiquated modes of collaboration with international entities such as the IMF and World Bank, and western governments, has in the meantime transformed a number of migration recipient and transit countries along the Northern African and Eastern-Mediterranean shores into refugee origin countries, particularly Syria and Libya. Rising levels of nationalism and decreased economic productivity in countries like Tunisia and Egypt has further complicated and often times endangered the life of resident refugees from conflict zones further south or east. The result has been short to medium term spikes in south-south migration along the Mediterranean, as evidenced in the case of Libya, which until the summer of 2011 produced hundred thousands of migrants to Tunisia and Egypt, with many returning after the fall of Gaddafi.⁸⁸ Millions of Syrians have so far taken refuge across the Jordanian and Turkish borders, with both countries recently turning more and more refugees away. Originally provisional, refugee hosting arrangements and camps have been taking on increasingly permanent forms as of late.⁸⁹ Despite the continuing volatile situations in southern Sudan and Iraq there has also been a return of some economic migrants and refugees to their countries of origin, as their former host countries along the Mediterranean no longer appear safer than the areas they left and onward migration to Europe or Israel has become too dangerous.

⁸³ Lecture by Berhanu Belachew in round-table discussion “Shifting Balance of Power. The Politics of the Nile,” *Berliner Afrikakreis*, Berlin, 3 April 2013.

⁸⁴ International Crisis Group, “Ethiopia after Meles,” <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/ethiopia-eritrea/b089-ethiopia-after-meles.aspx>; Human Rights Watch, “Ethiopia,” <http://www.hrw.org/africa/ethiopia>.

⁸⁵ “2013 UNHCR Country Operations Profile – Ethiopia” (Geneva: United Nations High Commissioner for Refugees, 2013), <http://www.unhcr.org/pages/49e483986.html>.

⁸⁶ “Cautionary Migration Tales Are no Deterrent,” *IRIN*, 22 November 2011, <http://www.irinnews.org/report/94279/ethiopia-cautionary-migration-tales-are-no-deterrent>.

⁸⁷ “Mozambique/Tanzania: Horn Migrants Beaten, Deported, Imprisoned,” *IRIN*, 19 September 2011, <http://www.irinnews.org/report/93759/mozambique-tanzania-horn-migrants-beaten-deported-imprisoned>.

⁸⁸ “Special from Libyan Border: Refugee Crisis Escalates as Libyan Violence Shows no Sign of Relenting,” *Egypt Independent*, 13 April 2011, <http://www.egyptindependent.com/news/special-libyan-border-refugee-crisis-escalates-libyan-violence-shows-no-sign-relenting>.

⁸⁹ “Syrian Refugees in Turkey: Will They Ever Go Home?” *Economist*, 13 June 2013, www.economist.com/news/middle-east-and-africa/21579522-refugees-are-building-life-fighting-never-far-away-will-they; “Jordan Seeks \$700 Mln in Aid for Syria Refugees,” *ahramonline*, 1 September 2012, <http://english.ahram.org/NewsContent/2/8/51779/World/Region/Jordan-seeks-mln-in-aid-for-Syria-refugees.aspx>; “Syrian Refugee Number to Triple in Jordan by Year-End: UN,” *ahramonline*, 5 April 2013, <http://english.ahram.org/NewsContent/2/8/68523/World/Region/Syrian-refugee-number-to-triple-in-Jordan-by-year.aspx>; Interview with Maisie Geelen, MA candidate at York University in Post-Conflict Reconstruction, on the establishment of more permanent structures for Syrian refugees in Jordanian camps, social conflicts and the long-term effects of trauma on community dynamics.

4. The Dynamics of Politics, Society, Migrant Security and Migration Routes in the East Mediterranean

4.1 Place and Role of Migrants and Migration in the Arab Region

In the following section the responses of Egypt, Libya and Jordan in particular to inward and onward migration since the mid-2000s and in the context of the Arab spring will be portrayed, difficulties for states analyzed and opportunities outlined. The backdrop to the migration regimes of these five Arab countries is their place in a regional sub-system of inter-Arab politics. Without neglecting national particularities, unique characteristics and specific responses to challenges and opportunities, a number of broad cultural constants—such as common language, religion, and history and above all, identification with the Arab world⁹⁰—influence the response of the five countries analysed. This finds expression in the response of these countries to migration challenges since the end of colonialism, as is amply analyzed by Gianluca Parolin.⁹¹ Identity being closely defined around kinship and religion and in line with more modern nationalist discourse – the nation; citizenship laws reflect the virtual impossibility of naturalization. National citizenship is largely connected to paternal descent and does not allow for switching state allegiances. As Michael Kagan points out, regular migration is administered through the *kefala* system, essentially sponsorship programmes, in which businesses or individuals sponsor the sojourn of a foreigner for a defined period of time: “In *kefala*, the legal relationship between employer and employee appears most analogous to a parent and child, or alternatively master and slave. What is critical here is that the state recognizes the right of the sponsor to have an employee and to make decisions about the employee more than it recognizes the rights of the worker. The foreigner’s relationship to the state is mitigated through the third party sponsor, thus facilitating the hosting of foreigners without creating a binding relationship between foreigners and host states.”⁹² As outlined by Julien Brachet, migration and displacement outside the modern border regimes was not uncommon in the region⁹³ and due to changing climate conditions and crop harvests, varying forms of circular migration existed alongside urban centres both in East Africa and the Arab world.⁹⁴

Historically, borders in the region were penetrable and state control concentrated in urban areas and garrison forts, more far-flung areas accepted the suzerainty of the Ottoman Empire, but local elites were left largely to their own devices with concrete physical borders rarely being patrolled. In an area with different overlapping cultural groups, long distance trade routes and with looser forms of suzerainty the further removed from metropolitan areas, enforcing strict borders was often unfeasible. However, the massive forced emigration of Palestinians during the 1948-9 Israeli-Arab war confronted Arab states with a new phenomenon of

⁹⁰ On the Arab regional system in international relations, see amongst others Shibley Telhami and Michael Barnett, “Introduction: Identity and Foreign Policy in the Middle East,” in *Identity and Foreign Policy in the Middle East*, ed. Shibley Telhami and Michael Barnett (Ithaca: Cornell University Press, 2002); P.J. Vatikotis, *Arab and Regional Politics in the Middle East* (London: Croom Helm, 1984); Michael N. Barnett, *Dialogues in Arab Politics. Negotiations in Regional Order* (New York: Columbia University Press, 1998); Michael N. Barnett, “Institutions, Roles, and Disorder: The Case of the Arab States System,” *International Studies Quarterly* 37:3 (1993): 271–296.

⁹¹ Gianluca P. Parolin, *Citizenship in the Arab World: Kin, Religion and Nation State* (Amsterdam: Amsterdam University Press, 2009).

⁹² Michael Kagan, “‘We Live in a Country of UNHCR.’ The UN Surrogate State and Refugee Policy in the Middle East,” *UNHCR Policy Development and Evaluation Services* No. 201, February 2011, www.unhcr.org/4d5a8cde9.html.

⁹³ Julien Brachet, “Blinded by Security. Reflections on the Hardening of Migratory Policies in Central Sahara,” IMI Working Papers No. 26 (International Migration Institute, October 2010), <http://www.imi.ox.ac.uk/pdfs/imi-working-papers/working-paper-26-blinded-by-security>.

⁹⁴ Friedrich Mühlenberg, “Migration,” in *Kleines Afrika-Lexikon. Politik, Wirtschaft, Kultur*, ed. Rolf Hofmeier and Andreas Mehler (Bonn: C.H. Beck Verlag, 2004).

refugees. The political decision broadly adopted was to not grant Palestinians citizenship rights, but to keep the unresolved status of exiled Palestinians as a political bargaining chip and to shift responsibility for them onto the UN. This shift from state to UN responsibility for Palestinian refugees in the following decades became the “common foundation for refugee policy for both Palestinian and non-Palestinian refugees in Arab host states.”⁹⁵ In most countries discussed in this paper, with the notable exception of Libya, such policy has resulted in the UNHCR taking on responsibilities towards refugees, ranging from registration, to providing access to health care, education and other services which the state does not provide, in exchange for recipient states keeping their borders open to forced migrants. Until the mid-2000s this arrangement provided asylum seekers with a modicum of safety from persecution and access to limited services. However, Arab states never saw local integration as a goal and in most cases disallowed refugees from entering the labour market, rendering refugees vulnerable to exploitation, working illegally and dependent on UNHCR and international donors for continued assistance without long-term prospects. Furthermore, as Kagan argues, the UNHCR and other international entities have taken on the role of migration sponsors in the Arab *kefala* system, which has contributed to the continued presence of forced migrants in Arab host countries and to refugees not only seeing UNHCR as a supportive and protective institution, but also as a “surrogate state” in charge of their affairs, absolving host countries from their responsibilities towards refugees and asylum seekers under the 1951 Geneva convention.⁹⁶

Humanitarianism as a tool of politics and public relations plays as much a role in the Arab sub-system as elsewhere and with a focus on Arab solidarity, occasionally alternating with Islamic compassion, Arab states furthermore use migration politics for national interests, welcoming forced migrants at times and closing their borders at others. Resident refugees are treated by the public and the security apparatuses depending on the quality of relations host states have with the countries of origin.

Within this more general regional migration framework presented, political and social responses to the arrival and stay of migrants in the countries bordering the Eastern Mediterranean have varied since the mid-2000s and have taken on new forms, corresponding to internal socio-political developments, relations with sending states, technological progress, change in migration policies in neighbouring countries and migration routes. The uprisings of the Arab Spring have on the one hand increased migration in itself and increased risks to migrant security, but have on the other also opened up new opportunities for migrants, host countries and external stakeholders, such as UNHCR and the European Union, to re-conceptualize and tackle long-standing migration problems.

4.2 Positive Reception and Instrumentalisation of Migrants in the Eastern Mediterranean since the mid-2000s

Apart from well-meant humanitarian responses on the social and political level, which should not be discarded as merely short-lived or easy to instrumentalise, cultural affinities and historical connections to the countries of origin have contributed time and again to positive receptions of forced migrants.⁹⁷ Although often in a patronizing manner, Sudanese migrants are usually well-received in Egypt due to a common history with Sudan, or due to sympathy with those escaping an Islamist regime. This finds some parallels in Syrian and Jordanian reception of Iraqi refugees, as they have centuries of joint administration and trade in common under the Ottomans, leading to cultural ties and reciprocal appreciation. Iraqis in Egypt are sometimes well-received, because Saddam Hussein in the 1980s provided jobs for 100,000 unem-

⁹⁵ Kagan, ““We Live in a Country of UNHCR.””

⁹⁶ Ibid.

⁹⁷ “Syrian Refugees Find Second Home in Egypt’s Port Said,” *Egypt Independent*, 11 February 2013, <http://www.egyptindependent.com/news/fold-port-said-welcomes-precious-%E2%80%98cargo-0>.

ployed Egyptians and supplied Egypt with gasoline when it was isolated in the Arab world. Jordan, a small yet significant player in the region,⁹⁸ gains pan-Arab sympathy when welcoming large amounts of Iraqi refugees as Arab brethren. Former Ba'ath party members could look to Syria, where despite decades of Ba'ath rivalry, Assad gave refuge to hundreds of thousands Iraqi refugees without much consideration of religious affiliation. In Libya, as long as Gaddafi pursued a pan-African policy, many Sudanese were positively received as workers and refugees and even given the opportunity to unionise. In the case of recent Syrian refugees, historic connections with Jordan and Egypt once again play a role. Yet, as with the Libyans escaping Gaddafi's final onslaught there is an added dimension of a common revolution mentality across the region, inducing host societies to show solidarity with those escaping from increasingly brutalized upheavals and conflicts. Ethiopians of Oromo origin and with Muslim beliefs were largely tolerated in Egypt as they were perceived to be in opposition to the Ethiopian regime's attempt to divert Nile waters from Egypt, an issue of survival and national pride for Egypt.⁹⁹ Rumours abounded in Cairo that Muslim Oromo Ethiopian students who came to Cairo to study at al-Azhar University, were then approached by the Egyptian Interior Ministry as a conduit to the Oromo Liberation Front (OLF) with the intention of blowing up the Nile dam in Ethiopia.

4.3 Socio-Political Discrimination and Abuse of Migrants in Arab Countries

These rather positive modes of welcoming migrants are contrasted with more negative receptions that lean towards outright racism. Africans are often confronted with verbal forms of xenophobia, such as 'Shokolada.' Having in history been slaves in the Arab world, Africans are often lower-valued, this translates into a social stigmatization of abusing Africans physically, including the rape of women. A re-emergence of racism against Africans in Libya might partially be due to long-held perceptions of them as slaves along historical slave routes through the Libyan Desert to the Mediterranean Sea.

Iraqis face other issues of rejection. More secular women, who refuse to cover their hair, come under attack in more socially restrictive environments in Egypt. Shiites face difficulties in performing their faith, due to differences in prayer, or may be reprimanded for not partaking in communal prayers. Others blame Iraqis for having deserted Saddam Hussein.

Syrians often face similar difficulties in Jordan that Iraqis have been subjected to in Egypt. Syrian women find a more conservative host society in Jordan, and with a massive influx of Syrian refugees along the northern Jordanian borders, Jordanian residents have become outnumbered two to one, fearing for their jobs and traditional ways, leading to exploitation of Syrian workforce, as well as outbreaks of violent conflicts between Syrian and Jordanian young men and food shortages.¹⁰⁰ Finally, Palestinian refugees from Syria are detained upon entering Jordan.¹⁰¹

Ethiopians in Egypt are often attacked for their presumed Christianity or are accused of being Ethiopian government agents and made responsible for the Nile crisis.¹⁰² Somalis in Egypt are

⁹⁸ Ilan Pappé, "The State and the Tribe: Egypt and Jordan, 1948-1988," in *Jordan in the Middle East. The Making of a Pivotal State. 1948-1988*, ed. Joseph Nevo and Ilan Pappé (Ilford: Frank Cass, 1994), 161-188.

⁹⁹ Unless otherwise sourced, descriptions are based on interviews and conversations with individual refugees, community leaders, activists and human rights workers in Egypt between 2010 and 2011, as well as with refugees and human rights workers in Israel in 2010.

¹⁰⁰ "Analysis of Host Community-Refugee Tensions in Mafraq, Jordan," *Mercy Corps*, October 2012, http://reliefweb.int/sites/reliefweb.int/files/resources/Mercy%20Corps_JordanSyriaRefugee_ConflictReport_0213.pdf.

¹⁰¹ Interview with Jordanian refugee aid worker, July 2013.

¹⁰² "Ethiopian Refugees: Persecuted Oromo Demand UN Protection in Egypt amid Dam Dispute," *Aljazeera*, 20 June 2013, <http://m.aljazeera.com/story/201361711365644208>.

often called pirates, and young single men are especially subject to abuse. More recently, as the Muslim Brotherhood has been chased out of power in Egypt, travel restrictions for Syrians have been instated and some have been detained and threatened with deportation, as they are accused of being Islamist agents or Muslim Brotherhood supporters.¹⁰³

Most of all, host societies in this region often fail to recognize that refugees are living in their countries. With societies stratified along class lines, members of the upper and middle class are often not aware of refugees having taken up shelter in shanty towns or remote areas.

4.4 Changes in Migration Routes and Migrant Security between the Sinai, Libya and the Horn of Africa

The period since the mid-2000s saw a number of structural changes to migrant security and migration routes in the region. The general exclusion of migrants from accessing state services, such as courts, police, education and health care is ongoing, and long time resident African populations have become more and more disgruntled in Egypt. Sudanese youths organize in gangs, such as the *Lost Boys*, leading to more violence in shanty towns. Similar outbursts of violence have been recorded from camps in Jordan, where Syrian refugees struggled under harsh living conditions. Amid increasing refugee arrivals from Sudan, Iraq and Eritrea, the capacities of UNHCR and other service providers were stretched, refugees gained more visibility in the public sphere, and civil society organisations—particularly in Jordan and Egypt—took on the role of organising support systems to respond to the lack of resources from governments and international organisations.

Out of a belief that high resettlement numbers, at the time 8,000 per year, had acted as a pull-factor for migrants to come to Egypt, UNHCR drastically lowered the resettlement allowance to 1,000 in 2004, leading to Sudanese and Ethiopian refugee protests and the erection of a tent city in front of the UNHCR representation at Mustafa Mahmoud square in Cairo. The demonstration was forcibly dissolved by Egyptian police after two weeks, resulting in the death of 27 refugees. UNHCR offices were moved into the desert, countless refugee files were closed and resettlement numbers decreased below 1,000. Refugee activists and NGO workers have since also spoken of systematic corruption inside UNHCR, with indications of UNHCR collaborating with the Egyptian Interior Ministry and state security agents.

When the migration route to Europe through Libya became more dangerous and costly, more migrants from East Africa opted to travel to Israel via the Sinai. The Sinai route originated from Bedouins previously trafficking East European prostitutes to Israel. After a major Israeli crackdown on Tel Aviv brothels in 2005, traffickers shifted their business operations towards smuggling African migrants. While some migrants came to Egypt with the purpose of making their way to Israel, others, especially Sudanese that suffered during the brutal repression of a protest at Mustafa Mahmoud Park in Cairo in 2005 or that suffered continued persecution in Egypt, decided to leave for Israel. With smuggling costs per person ranging from US\$ 300 to US\$ 1,000,¹⁰⁴ depending on the nationality and smuggler, trafficking through the Sinai became a lucrative and relatively safe business for Bedouins. With the Egyptian authorities being unaware of the trade, or accepting bribes, the human trade expanded to trafficking networks as far afield as East Sudan and Northern Eritrea, where easier access to telecommunication and social media allowed networks of migrants to gather more information about possible escape routes. Though access to information increased, so did rumours, with little means

¹⁰³ “Egypt: Arrests of Syrians Raise Deportation Fears,” *Human Rights Watch*, 25 July 2013, www.hrw.org/news/2013/07/25/egypt-arrests-syrians-raise-deportation-fears.

¹⁰⁴ Different tribes are reported to charge different prices. Some traffickers pick up migrants in mainland Egypt, others only facilitate the journey from el-Arish near the Israel border. Sudanese and Arab nationals were often treated preferentially.

for migrants to estimate the chance of successful migration or the security risks involved at the beginning of their trip. Once underway, there are often few opportunities to turn back.

As numbers of migrants increased, or as the Israeli government began to label them, ‘infiltrators,’ the Israeli government engaged in secret agreements of repatriation with the Egyptian government. Shortly after, the Egyptian government implemented a shoot-to-kill policy on migrants attempting to cross into Israel. With numbers of migrants to Israel not abating, but risks increasing, the price for trafficking increased. As of 2010, reports emerged of Eritreans being captured in Eritrea and in refugee camps in eastern Sudan by local Bedouins.¹⁰⁵ Eritreans were then sold off to Sinai Bedouin tribes, who would through torture extort ransom sums reaching up to \$40,000 from relatives abroad. It is estimated that 4,000 migrants disappeared on the Sinai Peninsula during this time.¹⁰⁶ As the Sinai is a ‘sensitive’ security area, access to human rights workers and media is restricted. Furthermore, as state officials in all likelihood benefit financially from human trafficking, refugee activists report being pursued by both state security and Bedouins when attempting to expose the torture camps in the Sinai.¹⁰⁷ Migrants caught by Egyptian security forces are often held without trial in Egyptian prisons or are swiftly repatriated.

The Sinai situation is one relatively well-documented, end of the line example of the plight of migrants, when first world states and transit countries collude in creating a heavy security regime in remote passage areas and thereby pushing discriminated and socially excluded residents to engage in criminal activities such as human trafficking. A sense of despair and hopelessness encircle those who escaped from persecution or violence at home and find themselves in highly vulnerable situations with fundamental rights abused in transit countries. In early 2013 the Israeli government completed the construction of a border wall separating the Sinai and the Negev desert, having brought ‘infiltration’ down to a handful per month. Some migrants have taken up the route to Libya again, others stay put where they are, with little financial or other means available to improve their position, and some return to their countries of origin despite unaltered circumstances. An Ethiopian refugee activist reported from a visit to the Egyptian-Libyan border in 2012 that refugees had been identifying Eritrean smugglers there, who were also active in the Sinai.

5. The Arab Spring – Opportunities, Challenges and Risks for Migrants

5.1 Migrant Security in Libya, Egypt and Jordan

Migrants across the region have viewed the Arab Spring uprisings with mixed feelings. Due to the situation, foreign investment came to a halt, trade was interrupted, economic growth decreased and the price of food increased. Migrants, who often worked in shadow economies, lost their sources of income. During the period of acute unrest, that saw UNHCR and international NGOs reduce their tasks, refugees dependent on financial assistance and with little to no savings had to bridge financial bottlenecks, often resulting in a lack of food. Female refugees often lost their employment as house workers of international staff of foreign companies. Targeting to a large degree the interior ministries in Tunisia and Egypt, police presence in shanty towns disappeared after the revolution, further endangering refugee security. Afraid of being caught in demonstrations or riots and being branded as foreign agents, migrants would

¹⁰⁵ Karen Jacobsen, Sara Robinson, and Laurie Lijnders, “Ransom, Collaborators, Corruption: Sinai Trafficking and Transnational Networks from Eritrea to Israel. A Case Study of the Eritrean Migration System” (Medford, USA: Tufts University, Feinstein International Center, 2013), <http://sites.tufts.edu/feinstein/files/2013/08/Ransom-Collaborate-Corrupt-8-12.pdf>; “Im Reich des Todes,” *Süddeutsche Zeitung Magazin*, No. 29, 2013, <http://sz-magazin.sueddeutsche.de/texte/anzeigen/40203/1/1>.

¹⁰⁶ Ibid.

¹⁰⁷ Interviews with Sudanese and Ethiopian refugees in Cairo in 2012 and 2013.

often rather stay home than look for work. With a weakening of the security agencies, the systematic supervision of political refugees decreased temporarily, but as the *mukhabarat* regrouped, old forms of surveillance were soon reinstated.¹⁰⁸

The security vacuum allowed agents of origin countries to persecute refugees, as has been claimed on numerous occasions by African and other refugees since the revolutions. Furthermore in the tradition of slave catchers, as traffickers were no longer being repelled by police, they pursued refugees even in urban areas. Reports of illegal organ removals from migrants increased. As media attention was increasingly drawn to the refugee crisis resulting from the Arab Spring, UN member states made additional funds available to UNHCR, which to a large degree went into administering activities at the Libyan borders, and later into receiving Syrian refugees. African, but also other long-term refugees complained that the Libyan and Syrian refugee crisis had led to their quandary being overlooked. This also finds expression in the EU financed START programme implemented by the IOM since 2012, which aims to assist “at risk communities” in Egypt, Libya and Tunisia, but in effect focuses to a large degree on the current Libyan migration crisis and includes little emphasis on the more long-standing issues of migration security and prospects.¹⁰⁹ In Jordan, Iraqi refugees are forgotten and budget cuts are taking place to better accommodate Syrian refugees.¹¹⁰ Although Jordanian King Abdullah has secured significant financial assistance from the EU,¹¹¹ the refugee situation in Jordan remains tense. “In a nutshell,” a Jordanian refugee aid worker recently noted, “it is a mess, Jordanians are growing more and more angry and resentful [of refugees], there are many problems and the government has zero planning skills.” This is an equally adequate summary for the refugee situations in Egypt and Libya.

5.2 The Re-Emergence of the Libyan Route and Migrant Security in Libya

“What the majority of EU member states seem to fail to understand (or perhaps UK/FR/IT just want to continue to dominate that specific part of the world as before) is that Libya is a platform of traffick (and more recently also training/movement of fighters and groups a la Al-Qaeda) between east-west and north-south, that is has *huge* uncontrolled border and desert areas, and that from Misrata ground-to-ground missiles can easily reach Italy or France,” an NGO worker in Libya observed as of August 2013.¹¹² Similar to abandoned border areas in the Sinai and in the south-eastern Egyptian desert areas, the Libyan government offers no alternatives to the lucrative business of trafficking in the Libyan backlands. In 2013 the old migration/trafficking routes saw a revival.

After a slump of boat departures from Libya to 4,500, with 500 drowning on route, the first half of 2013 saw approximately 8,500 migrants surviving the trip to Italy.¹¹³ UNHCR and Human Rights Watch praised better cooperation between Maltese and Italian patrol boats in rescuing migrants on boats, leading to a decrease in deaths at sea to below 100.¹¹⁴ Until April

¹⁰⁸ Mukhabarat is the general Arabic term for intelligence services, often associated with internal surveillance and repression of opposition, media, civil rights groups, the arts, students, religious groups and vast sectors of society. See also: <http://www.theguardian.com/commentisfree/2012/may/16/egypt-mubaraks-repression-machine-alive-well>; http://www.foreignpolicy.com/articles/2013/08/23/the_hidden_power_of_egypt_s_drug_running_cops%20.

¹⁰⁹ “START. Stabilizing at-risk communities and enhancing migration management to enable smooth transitions in Egypt, Tunisia and Libya” (Cairo: International Organization for Migration, 2012), www.egypt.iom.int/Doc/START%20Regional%20EN.pdf.

¹¹⁰ Interview with Jordanian refugee aid worker, July 2013.

¹¹¹ “King Discusses Syria, Palestine with European Officials,” *Jordan Times*, 25 June 2013, <http://jordantimes.com/king-discusses-syria-palestine-with-european-officials>.

¹¹² Interview with NGO worker in Libya, August 2013.

¹¹³ “Dispatches: Migrant Deaths at Sea Should Stir Europe’s Conscience,” *Human Rights Watch*, 29 July 2013, <http://www.hrw.org/news/2013/07/29/dispatches-migrant-deaths-sea-should-stir-europe-s-conscience>.

¹¹⁴ UNHCR Libya, External Update, June 2013.

2013, 1,800 rescued migrants (mostly from Somalia, Eritrea, Ethiopia and Sudan) were returned to Libya. In Libya, detention conditions remain deplorable, with little to no access for migrants to legal experts or UNHCR staff. A minimum of 8,000 individuals are held in prisons without due process (3,000 in extra-legal militia prisons), of which at least 1,200 migrants, mostly from Eritrea and Somalia are kept in lamentable conditions in Libya's south. Approximately 100,000 Syrians are expected to have escaped to Libya as of the summer of 2013, of which 25% suffer from malnutrition.¹¹⁵ UNHCR has registered a total of 22,000 refugees and asylum seekers, most from Syria, Somalia, Sudan, Eritrea and Ethiopia.

During the last months, UNHCR reported that cooperation with Libyan authorities has been improving, but that detention conditions for migrants remain unchanged. Especially in Eastern Libya, migrants are suffering abuse and discrimination with arbitrary detentions. Although the Libyan government has announced it will provide health care to all Syrian migrants, access still remains scant. Furthermore, the Egyptian-Libyan border was closed in February 2013,¹¹⁶ forcing newly arriving Syrian migrants to cross the border irregularly, with no legal status in Libya.

The country's security issues, as the Carnegie Endowment for Peace recently reported, are not to be solved by further training militias or creating new armed groups, but by giving precedence to creating a new social contract, under which various competing regular and irregular armed forces are bound to legal institutions.¹¹⁷

With a concerted EU response to the Libyan crisis only taking place two years after the Libyan uprising, an NGO worker in Libya identifies "a serious lack of policy and of a common (political and economic) agenda between EU member states, [and] a serious lack of response capacity. In Libya, the delay and inadequate response proposed by the EC has allowed for the situation to worsen considerably in terms of trafficking (people, drugs, weapons, fuel ...) It also gave local players plenty of time to take (back) control of illicit activities in border areas. In addition it has severely damaged the image and expectations of the Libyans towards the EU. There is a prevailing and worrying lack of trust in the European institutions by the people and the government."¹¹⁸ In this light, the continued and increased border control training missions, especially if hundreds of kilometres away from the actual borders, appear at least questionable.¹¹⁹

5.3 Opportunities for Migrants Resulting from the Arab Spring Uprisings

Nevertheless, significant opportunities have opened up for civil society and grassroots organisations to extend their outreach and education programmes. Refugee activists breathe more freely, and connections with local activists have been strengthened. Furthermore, refugee activists have been able to organise more freely and demonstrate openly in front of the embassies of their home countries and against mal-practices and neglect towards refugees by UNHCR.¹²⁰

¹¹⁵ UNHCR Libya, External Update, March 2013.

¹¹⁶ "Libyen schließt Grenze und ruft Ausnahmezustand aus," *Telepolis*, 20 December 2012, <http://www.heise.de/tp/artikel/38/38243/1.html>.

¹¹⁷ Frederic Wehrey, "Libya Doesn't Need More Militias" (Washington, D.C.: Carnegie Endowment for International Peace, 10 June 2013), <http://carnegieendowment.org/2013/06/10/libya-doesn-t-need-more-militias/g9t4>.

¹¹⁸ Interview with NGO worker in Libya, August 2013.

¹¹⁹ "Deutsche Polizei hilft bei militärischer Grenzsicherung in Libyen," *Telepolis*, 13 June 2013, <http://www.heise.de/tp/artikel/39/39311/1.html>.

¹²⁰ "For Refugees It's Worse," *Global Post*, 30 June 2011, <http://www.globalpost.com/dispatch/news/regions/middle-east/egypt/110628/refugees-egypt-united-nations-revolution>.

Apart from ad hoc resettlement operations, UNHCR has also doubled resettlement numbers for Egypt and has been pushing for higher resettlement rates with European countries. After a rocky start, UNHCR has had some success in improving living conditions of refugee camps along the Jordanian-Syrian border. Even while several hundred African migrants remain stuck in questionable conditions in a temporary UN camp at Salloum in no-man's land between Libya and Egypt, the pool of displaced persons and refugees is continuously increasing. Furthermore, the region appears to not have seen its last political convulsions and bloody upheavals. The question remains if a continued securitisation of border regimes will lead to a sustained increase of security for migrants. Also, if the EU will, in a climate of recurrent pandemonium, be able to combat criminal and radical networks on its borders, without offering sensible ways out for the desperate and incentives for societies in transit countries to improve the living conditions of forced and economic migrants.

On a positive note, a more active role by UNHCR in Libya and greater supervision of migration and access to detained refugees by outside organisations point to tangible improvements in migrant rights. Repetitive media spotlights on the Syrian refugee crisis have also enabled UNHCR to draw on more funds to support refugees in Jordan. However, long-standing refugees and migrants risk falling through the cracks of national policies and international political will. The focus of Arab Spring revolutions on more transparency and doing away with corruption and corrupt structures also provides the opportunity for agencies such as UNHCR to overhaul their internal structures in the region and invite more civil society oversight and refugee supervision.

6. Conclusion: Policy Implications

This paper has outlined how an increased focus on security in the EU has led to the securitisation of Europe's external borders, resulting in human loss at sea and dangerous pressure on migrants in transit countries. The factors of EU and Israel closing their doors to forced and economic migrants by tightening their border systems, coupled with attempts to externalize border control to transit countries, all in the framework of a more securitized approach to migration in countries such as Tunisia, Egypt and Libya, have created a contribution in human rights abuses and the loss of human life on their external borders.

Conflicts and repression continue to rage in the Horn of Africa, the Sudans, Iraq, the new conflict in Syria and with continuing population growth in East Africa, an abatement of forced migration is not in sight. However, upheavals along migration routes in Libya and Syria, as well as countries like Egypt and Tunisia no longer providing a relatively safe base for onward migration, have slowed down migration towards Europe along the south-eastern Mediterranean.¹²¹

Despite externalizing financial and administrative responsibilities to international organisations such as the UNHCR and international and local NGOs, relatively stable Arab states continue to take in migrants from old and new conflicts to gain political capital internally. Yet without measures aimed at integrating migrants into the local workforce and society at large, migrants remain in limbo and are susceptible to rash measures, such as staging risky public demonstrations or accepting exploitative employment. By deciding to migrate onward they risk being shot at borders, being detained by security forces negligent of fundamental rights, or getting caught in the clutches of human traffickers.

¹²¹ The notable exception here being so far the Turkish-Greek border crossing, both countries not having been issue of this survey. See among others: "Xenophobia in Greece," *Human Rights Watch*, 13 May 2013, <http://www.hrw.org/news/2013/05/13/xenophobia-greece>.

The acclaimed goal of the EU to target those that facilitate illegal migration towards Europe is untenable in a highly volatile security environment, where central governments struggle to establish control over key institutions and are fighting for legitimacy. Strict border regiments in Israel and the EU have instead led to migrants unwillingly engaging in shadow economies and financing criminal gangs.

In 2009 the incoming German Minister for International Cooperation and Development, Dirk Niebel, declared that he would rather spend the €100 million of development aid on German schools,¹²² exemplifying a western tiredness of traditional development measures not bringing about the intended outcomes. The decline of development policies arising out of the “white man’s burden approach” of a bygone era should be grasped as a chance for changing the approach of the EU’s development policies in general with regards to finding more practical solutions to issues arising out of migration in particular. A re-emphasis on the connection of migration and economic development for a large part of the population in countries riddled by poverty crises should be a long-term goal, instead of a blind adherence to outdated development theories.

After the Arab uprising, the EU, in a 180 degree correction of its erstwhile policy of collaborating with authoritarian regimes across the Arab world, has endorsed popular revolutions and promised assistance in the “transition process.” Apart from continuing to engage civil society, assist European companies with finding new investment opportunities that create long-term jobs on the ground, and continuing its vocal stress on fundamental rights and democracy, it should also reconsider its own human rights record in the region concerning migration. The reinstatement of border control regimes with Tunisia and Libya shortly after the toppling of the Ben Ali and Gaddafi regimes without prior reforms of security apparatuses is highly questionable. The concrete planning, implementation and documentation of Frontex and migration control missions conducted by national border agencies in the Mediterranean and in North African countries should come under constant supervision of external supervisors in the EP, EC, from EU Member States, UNHCR and independent NGOs, so as to increase transparency and shared accountability.

Furthermore, the European Union—in global comparison a minor recipient of refugees—should, in light of its historic responsibilities and looking ahead to a future of increasing globalization, devise a comprehensive migration management programme for refugees afflicted by protracted civil war and repressive wars. For the region discussed in this paper, such a programme should, following Michael Kagan’s suggestions, increase financial assistance to UNHCR’s programmes providing health care, education, nutritional assistance, other social services, and administering refugee status determination. It should further engage in binding and transparent dialogues with local authorities to encourage upholding migrants’ rights. In exchange, the EU should share the burden by accepting increased numbers of refugees for resettlement in line with UNHCR’s vulnerability criteria, in addition to funding development projects that include refugee and migrant labour.

Further incentives to transition countries on the administrative levels should be contemplated, such as computerisation of administration processes, training of state employees in IT skills, intercultural competences and contributing to adequate pay for state employees to decrease corruption.

In addition, a focus should be placed on combating human trafficking rings, rather than irregular migration. Addressing irregular migration can be undertaken by creating incentives to enter the legal market force for populations living in distant border regions in Libya’s south,

¹²² “FDP: Hilfe für China absurd,” *Neue Osnabrücker Zeitung*, 28 January 2009, <http://www.noz.de/deutschland-und-welt/politik/22898215/fdp-hilfe-fuer-china-absurd>.

Egypt's Sinai and desert areas, and pre-emptively in Jordan's northern border areas. These populations should also be able to enter the national socio-political discourse. Recruitment of migrants to European higher education programmes and opening immigration to untapped skilled labour among migrants, in cooperation with European businesses, should also be considered. In addition, the EU should develop an emergency response system in collaboration with UNHCR and IOM for the unanticipated arrival of migrants due to upheavals in the region and beyond.

All these improvements should go hand in hand with two crucial elements, firstly, incorporating local and international civil society as a decision-making stakeholder throughout the process. Secondly, establishing working relationships with refugee activists, community leaders and community based organisations in view of incorporating migrants in the debate and in their own destinies.

Inside the EU, the process should be initiated by Member States as a European project and as a viable alternative to populist, xenophobic platforms, in line with an emphasis on internal European solidarity. While significant financial investments and political will would be necessary, this would create significant economic stimuli, lead to Europe's voice in the world beginning to count, and should portray Europe's seriousness in engaging non-European countries and regions as equal partners in a globalized world with shared challenges, chances and responsibilities.

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