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**Europe's Migration Policy
Towards the Mediterranean**
The Need of Reconstruction
of Policy-Making

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Marvin Andrew Cuschieri

Europe's Migration Policy Towards the Mediterranean

The Need of Reconstruction of Policy-Making

Introduction

The subject of Migration has been for centuries a matter of concern; Migrants have changed the direction of world events, transformed underdeveloped countries into prosperous nations, distributed more evenly the world's economic and political equilibrium, affected significantly the balance of power and provided new sources for survival. They also changed the 'forces of civilisation' in various countries including their religious composition.

Migration is a complex global issue that touches every country in the world. All 190 or so sovereign states of the world are now either points of entry, transit or destination for migrants; often all three at once.¹ Yet nowhere has the subject gained more importance than in Europe. Since the end of the 1980s, there has been a growing concern in the European Union (EU) with irregular movements of people emanating from the southern shores of the Mediterranean. The issue has increasingly come to be seen as a strategic priority in almost all member states and the EU itself.

1 According to the UN's Population Division, there are now almost 200 million international migrants, a number equivalent to the fifth most populous country on earth Brazil.

Following the entry into force of the Amsterdam Treaty and the Tampere European Council, the main components of a harmonised migration policy have been progressively put in place. The EU migration policy development is linked to economic interdependence and globalisation that have driven European integration while eroding the territorial and functional foundations of the nation-state. Whilst developments at the EU level have attempted to give teeth to a common immigration policy, much of the rhetoric has not been accompanied by any substantive policy changes. As immigration-related issues shifted from national to supranational policy-making arenas, powerful national voices continue to offer stiff resistance. In addition to these actors, some national governments are reluctant to delegate policy-making authority to the EU in this sensitive area of public policy. Whilst this tug of war ensues, migration pressures will continue building up, and as a result irregular migration in the Mediterranean expand -despite stronger enforcement measures.

The fact that most European nation states do not consider themselves as immigration societies is important when attempting to understand the current and future debates on migration. Europe needs to develop a new-fangled political leadership to help shape public opinion in being more familiar with the overall concept of migration and its implications. European societies need compensatory immigration to balance the uneven age structure and to fill gaps in the labour market. In a couple of years, many European countries will have to develop proactive migration policies to meet burgeoning demographic and economic needs. For a relatively short period of time, European East-West migration will continue to play a role.² However, in the medium and long term, potential migrants will inevitably be recruited from other world regions including Central Asia, Eastern Europe and the nearest one to Europe – the Mediterranean region.

2 Rainer Münz (2004), *Migrants, labour markets and integration in Europe: a comparative analysis*, pgs. 18-19. Available online: <http://www.gcim.org/attachements/GMP%20No%2016.pdf>.

Destination Europe

The Securitization and Politicisation of International Migration

Since the end of the bipolar world, there has been a gradual shift away from traditional security concerns, which focus on hard power such as military coercion, towards more soft security concerns. These, often referred to as 'new' security issues, comprise very different phenomena such as organised crime, terrorism, ethnic-national strife and environmental degradation. At the same time in the post-Cold War era with less restrictions on cross-border movements and globalization there has been a rise of legal and illegal immigrants in Europe. This has led to a total new effort in the study of why people move and how sovereign states could protect their borders from this 'new' security threat. Immigration policies in the post-Bipolar era have therefore become embedded with the politics of sovereignty, national security and foreign policy.

This securitization³ of immigration especially in the Mediterranean region has been augmented by the events of 9/11 and the Madrid bombings in 2004 with immigration being linked to international and especially Islamic terrorism. The depiction of international migration as a security threat in the West has unwillingly contributed to what Samuel Huntington has termed the 'clash of civilisations'.⁴ This has created a backlash in the EU member states with new legislation creating more restrictive immigration policies, internal controls of non-citizen immigrants and new cooperation efforts in areas such as Justice and Home Affairs (JHA). As early as in 1991, a report on the security in the Mediterranean prepared for the Western European Union (WEU) warned;

- 3 The term securitization refers to a perception of an existent threat to the ability of a nationally bound society to maintain and reproduce itself. Securitization has emerged in new academic literature in the field of international relations and international politics, which even before 9/11, has begun to highlight fundamental concerns about 'new' security issues.
- 4 Thomas Faist (2005), *The Migration-Security Nexus: International Migration and Security before and after 9/11*, pg. 5. Available online: <http://www.comcad-bielefeld.de/cgi-bin/pagemaker.pl?name=workingpapers>.

“Europe can no longer view its security solely in terms of the establishment of peace on the continent of Europe, it must also bear in mind that its relations with its southern neighbours also concern its security and involve risks which at first sight are probably not of a military nature but affects its internal stability and the conduct of its economy and, if allowed to develop, might in the long run jeopardise what now seems to have been acquired in terms of peace.”⁵

Among these “risks”, immigration appeared to top the list. The population movements that accompanied the revolutions in Eastern Europe, the outbreak of war in the Balkans, the first Gulf war, and steep increase in numbers of asylum seekers fuelled a growing suspicion from migration. At the same time unchecked population growth, poverty, unemployment, religious extremism and conflicts led to an increase in illegal immigration from the Southern Mediterranean to Europe. A consequence of this has been the so-called ‘*Le Pen*’ impact on most European countries.⁶ Immigration became a political and electoral instrument with the fear of the ‘other’ becoming increasingly common in electoral manifestos not only of extreme right-wing movements but also of more mainstream political parties. A North-South division - with the Mediterranean becoming the front line - has thus replaced the end of the East-West ideological divide.

Irregular Migration across the Mediterranean

Whilst illegal immigrants enter the EU in a number of ways – by land, air and sea – the Mediterranean is nowadays considered one of the most, if not the most important, gateway through which undocumented immigrants seek to reach the EU.

Migration has gained momentum in all Mediterranean countries of the Middle East and North Africa (MENA). These remain major spots of emigration, and at the same time, they receive significant flows of immigration, whether destined for the region itself or in transit to Europe. The amount of clandestine immigrants travelling in un-seaworthy and over-

5 Sarah Collinson (1996), *Shore to Shore – The politics of Migration in Euro-Maghreb Relations*, pg. 39.

6 Catherine Wihtol de Wenden (2003), *Migration as an International and Domestic Security Issue*, in Hans Gunter Brauch et al. eds. *Security and the Environment in the Mediterranean*, pg. 444.

loaded boats trying to reach the Northern European shores is hard to calculate. The International Centre for Migration Policy Development (ICMPD) has estimated that some 100,000 to 120,000 immigrants cross the Mediterranean each year, with about 35,000 coming from sub-Saharan Africa, 55,000 from the South and East Mediterranean and 30,000 from other (mainly Asian and Middle Eastern) countries.⁷ These estimates are to be considered lightly bearing in mind the concealed nature of the phenomenon - still they give a picture of the nature of the crisis.

This situation has led some to declare that the Mediterranean has become another Rio Grande. Yet the term, which refers to the Mexican-American border, is not fitting to the Mediterranean region.⁸ Whilst the area consists of a cluster of sub-regions i.e. the Mashreq, Maghreb, Balkans and Southern Europe,⁹ all these sub-regions have historical links that unite them. Despite its conflict-woven environment, the Mediterranean has not been a frontier. Since Hellenistic times the 'middle sea' has been the medium to bridge the gap between other regions, different cultures and diverse tribes.¹⁰ This state of affairs has been elegantly described by the French historian Fernand Braudel who claimed that the Mediterranean is;

“... a thousand things together. It is not one landscape, but numerous landscapes; it is not a sea but a complex of seas. It is not one civilisation, but a number of civilisations, piled one above the other...”¹¹

In spite of the Mediterranean's long history of population movements, interaction and interdependence, it is questionable whether the subject of mi-

7 Martin Baldwin-Edwards (2005), *Migration in the Middle East and Mediterranean*, pg. 18. Available online: <http://www.gcim.org/attachements/RS5.pdf>.

8 Wihtol de Wenden (2003), pg. 443.

9 Southern Europe consists of Portugal, Spain, France, Italy, Malta, Cyprus, Greece and Turkey; The Mashreq consists of Israel, Egypt, Syria, Jordan and Lebanon; The Maghreb consists of Algeria, Morocco, Libya and Tunisia; and the Balkans are the six republics that used to form the Yugoslavian state.

10 Thomas Demmelhuber (2006), *The Euro-Mediterranean space as an imagined (Geo-) political, economic and cultural entity*, pg. 5.

11 In H.E President Guido De Marco (2004), *The future of Euro-Mediterranean Relations: the vision of Malta*, in Andreas Jacobs ed., *Euro-Mediterranean co-operation: enlarging and widening the perspective*, pg. 9.

gration has ever occupied a more prominent place on the region's political agenda than in recent years. Today some estimates envisage as many as 20 million people in North Africa opting for emigration in the coming few years.¹² This situation is even more worrying considering that many of the illegal migrants do not even originate from the Mediterranean area. Apart from the straightforward South-North movement from MENA countries to the Southern shores of Europe, there are also migrants coming from sub-Saharan Africa, using the Southern shore of the Mediterranean as transit, and from Asian countries such as Afghanistan, Pakistan, and even China.

In the process, Southern European countries have become for the first time a powerful magnet to a growing number of immigrants coming from the Mediterranean and beyond. This has created an entirely new situation, since for more than hundred years, with the exception of France,¹³ all Southern European countries were engaged in mass migration movements - but as sending countries. The traditional role of these countries as labour suppliers has decisively inverted since the 1980s. Over the last two decades, immigration into Southern Europe has increased on a continuous basis with Spain, Italy, Greece, Portugal and the new EU member island states Malta and Cyprus registering substantial illegal migrants.¹⁴ The extensive coastlines of these countries are the preferred options for entering Europe in an irregular manner, since they remain permeable despite stricter controls. The incoherent approach to immigration amongst the EU member states and the responsibilities on the first state of arrival has put considerable pressure on the South European member states. In autumn 2006, eight leaders of southern European States sent a letter to the EU presidency underlining the need to reinforce operational cooperation in the EU's southern

12 Stephen C. Calleya (2005), *Evaluating Euro-Mediterranean Relations*, pg. 128

13 France is different from the other countries that constitute the South of Europe. In 1851, when the first general population census made a distinction between nationals and foreigners, it registered some 400,000 immigrants. Thirty years later, this number had grown to over a million.

14 In the first years of the 21st century, Southern Europe and Ireland had the fastest growing immigrant population. In 2003, relative to population size Cyprus recorded Europe's largest net gain from migration, followed by Ireland, Portugal, Spain, Malta and Italy.

maritime borders in a bid to stem illegal migration. In their letter, the leaders call for a common solution to the challenge of illegal migration, “*a problem which concerns the entirety of the Union and not only the countries on its external borders*”.¹⁵ Also, in an address to the European Parliament (EP), the Maltese president Fenech Adami maintained that;

“Europe urgently needs an immigration policy that can deliver a more concrete response to this problem in all its complexity...a response that offers Europe's trademark solidarity with the people involved in this drama; with the countries of origin, but equally with the countries of first arrival in Europe that are unable to deal with this problem on their own.”¹⁶

Faced with growing immigration, many of the European states have tended to react along similar lines by trying to ward off the arrival of more foreigners through stricter border controls, more returns and new regulations. This is leading to the emergence of a “fortress like Europe” where borders are closed in an effort to discourage possible migrants.¹⁷ However, the restrictions imposed on legal admission channels have on the one hand merely increased the incidence of illegal immigration in Europe whilst on the other created a backlash with an increase of organised crime and human trafficking in Europe.

The Determinants of Migration in the Mediterranean

The act of moving can promise much, but can also be a highly stressful experience. For international migrants, migration is associated with leaving a familiar home environment and settling into a culturally very different place. The question arises of why such a big amount of people are willing to risk their lives in attempting to cross the Mediterranean. What drives them in their attempt to reach the shores of Europe?

15 Department of Information (DOI) Malta, *Dr Gonzi writes to president Barroso and Prime Minister Vanhanen*, http://www.doi.gov.mt/en/press_releases/2006/09/pr1286.asp.

16 Forum Malta, *Aggornat*, No 328, April 15th 2006.

17 Stephen Calleya (2005), *The Euro-Mediterranean Partnership and the concept of the Greater Middle East*, in Andreas Marchetti ed., pg. 9.

The 'push-pull model' is the most common theory developed on migration.¹⁸ Various sociologists, economists and political scientists, have developed the theory, and whilst the types of 'push' and 'pull' factors may vary, the logic of looking at individual migrants as pre-eminently rational agents remains the same. The model distinguishes between 'push' factors that drive people to leave home and 'pull' factors that attract migrants to a new location. 'Push' factors occur within sending countries, that is, those who send migrants abroad, while 'pull' factors are positive aspects of the receiving country. In moving, migrants do not only see a lack of benefits at home but also a surplus of benefits abroad ('pull' factors); otherwise, the move would not be worthwhile. However, it is also possible to explain migratory flows by the predominance of one force, for example either the 'pull' effect of unsatisfied markets in the receiving country, or the 'push' effect of unsatisfied labour in the donating country.¹⁹

Consequently, the greater the perceived difference in the net forces of attraction in places of origin and destination the more likely migration will take place. The Mediterranean region faces this situation today. The EU is attractive for migrants coming from the poor Southern countries and the relatively short distance between North Africa and Europe makes migration easier. One of the 'push' factors in the region is for example high unemployment. The gap between the rewards of labour in the sending and receiving country are great enough to justify a move. Even if the EU itself presently suffers from high unemployment, the countries that constitute in the Southern Mediterranean coast suffer higher levels of unemployment caused mainly by past bad economic decisions and high population growth.

18 There have been various occasions on trying to obtain a theoretical grasp of migration by the world of academia. An abundance of theories, explanatory models and systems, conceptual and analytical frameworks or empirical approaches have come to light. However, migration is hard to define or measure since it is extremely wide-ranging and multiform and defies theoretical conceptualization. There is consequently no general theory for explaining migration as a whole. Many of the theories are built on Ravenstein's 'laws of migration', which one can say initiated the study on migration as a separate topic. In this section most of the work cited is based on Everett Lee "Theory of Migration" (1966) and Douglas Massey "Theories of International Migration: A Review and Appraisal" (1993).

19 Nikos Papastergiadis (2000), *The Turbulence of Migration*, pgs. 30-31.

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Some countries in Africa have an unemployment rate of more than 25%, whilst others like Tunisia and Morocco declare a rate of unemployment of 16%, although in reality, the situation is much worse. In Algeria for example, unemployment hits one out of three young adults in the active population.²⁰ At the same time, the population of the Southern shores of the Mediterranean presently has an average rate of 2.8% increase per annum compared to 0.4% in the EU. This demographic time bomb will certainly in the near future increase concerns and be a source of instability in the Mediterranean area. In addition low education standards are not ensuring adequate job opportunities that translate into better socio-economic conditions. The lack of political participation, violence, social unrest, violation of human rights and authoritarian regimes has furthermore pushed people to seek refuge in EU member states.

Push factors in the MENA region

International war and annexation (ex: Israeli-Palestinian conflict)	Totalitarian regime with political persecution or genocide
Repression of minorities (ex: Kurds in Turkey, Assyrochaldeans in Syria, Kabyles in Algeria)	Forced resettlement
Internal armed conflicts such as civil war, secession, dissolution or other internal national or ethnic conflicts (ex: the present Iraq, Somalia, Sudan crises)	Permanent low-wage levels
Poverty	International terrorism
Unemployment	Persecution (both on religious and political grounds);
Lack of natural resources (ex: water)	Overpopulation
	Environmental factors/Ecological Devastation (ex: desertification in Africa)
	Poor governance

On the other hand there are various 'pull' factors for potential immigrants in the EU. The fact that salaries in Europe could be up to ten times higher than in the South creates an incentive for people to cross the Mediterranean in their quest for a better quality of life. Greater job mobility, the possibility

20 Philippe Fargues (2005), *Temporary Migration: Matching Demand in the EU with Supply from the MENA*, pg. 5. Available online: http://www.carim.org/Publications/CARIM-AS05_11-Fargues.pdf

of professional career development, family ties and access to the European countries welfare system are strong motivations to emigrate. At the same time, rich EU member states are creating thousands of jobs that domestic workers refuse to fill but migrant workers will cross borders to take. The fact that Europe has low fertility rates and an ageing workforce with the baby boomers of the post-second World War period already starting to retire creates an incentive for migrants to move to Europe. Past European colonial ties also supply a ‘pull’ factor, not only because of the former political relationship, but also because of language similarities.

Pull factors in the EU	
Matrimonial exchanges	Maintenance of the rule of law
Access to welfare	Democracy
Historical colonial ties (ex: Algerians in France)	Pluralism
High standards of living (Europe having some of the highest wages in the world)	Effective protection of Human Rights (including the guiding principles of freedom of worship and tolerance towards different ethnic groups)
Ageing societies	Habitable living space
Opportunities for higher education or advanced training;	Affirmation of one’s skills
Overall economic prosperity	Political stability
Family reunion	Rapid economic development in the southern European countries
Need of workers in some sectors of the domestic markets	Shadow economies in European countries

Apart from the ‘pull’ and ‘push’ factors, there are also ambiguous factors, called ‘network’ factors that can either facilitate or deter migration. Networks include, for example, the links with relatives or friends abroad. Such ties facilitate trips by providing funds or information to potential migrants (such as the specific labour needs of a country), and they facilitate the adaptation of the newcomer in the host country. Furthermore, they help to avoid legal constraints in the host countries, and influence choice of destination. These have been augmented recently due to the advancement in communications and technology leaving in the process a profound effect on

international migration.²¹ At the same time, such networks could also be criminal ones of professional traffickers who act as smugglers.

The Process of Policy Harmonisation

Shaping Europe's Migration policy

With the steady increase in immigration in the advanced industrial democracies, many nation states began to search for ways to stop or slow the influx. At the same time migration became entrenched into the politics of these countries. In traditional countries of immigration, this was not the first time that the matter had become a national political issue; but for many European states, this was a relatively new phenomenon. How would different European political systems cope with immigration? Would there be a convergence of policy responses or would each state pursue different control policies?

The reaction of the EU member states has been two-fold. On the one hand, states have continued to consider illegal immigration as a national problem, creating laws etc. aimed at curbing this 'threat', yet at the same time the member states have gradually increased their efforts to coordinate, and to an extent harmonize their policies on the EU level.

It is not an undisclosed matter that member states have 'used' the EU to avoid domestic legal and political constraints to attain their domestic policy objectives. From this perspective, the development of EU immigration and asylum cooperation and integration is, to an extent, a reassertion of control capacity and allows member states to pursue their domestic migration agenda by other means. Governments have tended to 'blame' Brussels for politically unpopular yet necessary policies on immigration.²² Apart from all this, open internal borders means that one government's immigration

21 Heinz Fassmann, et al. (2005), *International migration and its regulation*, pgs. 20-21. Available online: http://www.imiscoe.org/workingpapers/documents/international_migration.pdf.

22 Gallya Lahav (2004), *Immigration and Politics in the New Europe – Reinventing Borders*, pg. 54.

policy has a potential impact on another member state. This has led to governments accepting that migration should be tackled collectively on a European supranational level and work on some form of burden sharing.

Different periods can be distinguished in the development of a common migration policy for the EU each one leaving some kind of impact on the Mediterranean region. Progress on the EU level has been carried out incrementally, and is still going on today. The main predicament is the refusal of member states to cede totally their sovereignty on migration and other matters normally associated with the question such as border controls and citizenship rights.

Communitarisation – is it genuine?

The parameters of a common EU immigration and asylum policy were set out by Amsterdam and given clearer definition at the Tampere meeting in October 1999. Nonetheless, today there is still the distinction between the intra-EU migration regime that is centred on market making and the extra-EU migration that consists of people control and security concerns. The EU presently defines how the member states should grant asylum, visas, and temporary protection to non-EU nationals – with both the Commission and the EP playing a role in shaping policies.²³ Yet at the same time, it is still the member states who control most aspects of immigration policies (such as residency permits, citizenship and which people are given work permits).

Throughout recent years a common migration policy has begun to emerge on the EU level however questions remain about the political will of the member states. For example, the Constitutional Treaty reiterates the member states right to determine volumes of admission in their own markets,²⁴ even if migration issues ought to be under the first pillar. The fact is that concerns about terrorism in the wake of the events on 9/11, and a growing

23 Hix (2005), pg. 356.

24 Article III-267 (5) maintains “that the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed” shall not be affected.

interest in extreme right politics²⁵ have left their impact on the development of a common migration policy on the EU level. Immigration is highly sensitive and politically charged and many of the proposals remain just that.

Recent developments in the Mediterranean have taken a negative turn especially since the number of 'boat people' continues to increase. Xenophobia is increasing in all Southern European countries (and in the rest of Europe) with immigration becoming a highly politicised issue. Some countries have taken matters in their 'own hands' like for example the Italian attempt to prevent illegal immigration by signing bilateral agreements with Tunisia, Morocco and Libya linking re-admission agreements with development aid and small scale immigration quotas. An important note here is that Libya does not even recognize the Geneva Convention and does not participate in the Barcelona process.²⁶ Britain in 2003 also suggested the idea of 'transit camps' in North Africa, an idea which was rejected by both the European Council meeting in Thessaloniki and the EP.

The passive resistance opposed by national sovereignties to convergence and harmonisation is reflected in the slow implementation of any legislative proposals. Migration legislation is also a constant work in progress, which calls for frequent adjustments. This makes it easier for governments to play with the rules and enact own laws promised in some election manifesto on the fear of an influx of migration. It is a matter of fact that during periods of high immigration, unemployment and rising inequalities the public becomes aroused and some politicians inevitably draw upon this to mobilize voters - in the process politicizing immigration policy formulation. Even on the European level, we can see such tendencies. For example, the European Council held in Seville inverted the priorities and put control before migration management, proving how the evolution of immigration

25 For example, political parties advocating, 'zero immigration' have garnered more than 10% of the votes cast in half a dozen EU countries.

26 Martin Baldwin-Edwards (2005), *Migration into Southern Europe: Non-legality and labour markets in the region*, pgs. 5-6. Available online: http://www.mmo.gr/pdf/publications/mmo_working_papers/MMO_WP6.pdf.

policies at a Community level depends on the international political agenda and the member states' interests.²⁷

Several difficult issues remain to be solved for a truly common migration policy, which addresses the needs and problems of all the EU member states and the countries of origin in the Mediterranean region and beyond. The solutions of course will require strong political commitments and willingness to compromise. Demand for common immigration process has increased not only from the Southern members who cannot cope alone with immigration, but also from other member states that are less exposed. Hence it is clear that a supranational approach is needed to provide added value for both the EU and the Mediterranean region. This will be the subject matter of the last part of this paper.

Towards better policy-making

The Need of a new approach to immigration – from 'zero migration' to migration management

Given the differences that exist between member states with respect to links to countries of origin, the capacity of reception, and labour market needs, it is not unreasonable to suggest that the best way to achieve a regulated immigration policy is to establish an overall framework at EU level. This should include common standards and procedures and a mechanism for setting objectives and indicative targets, within which member states could develop and implement national policies. Antonio Vitorino, the European Commissioner for JHA in the Prodi Commission back in 2001 retained that: "No one today I think questions the need for a European approach to reinforce national policies. Migration is a global phenomenon which is set to continue and as such our response must be coordinated, comprehensive and forward-looking."²⁸

27 Aubarell and Aragall, pg. 11.

28 Antonio Vitorino, *On the Immigration Policy*, 2001, pg. 2. Available online: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/01/463&format=HTML&aged=1&language=EN&guiLanguage=en>.

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After nearly thirty years of pursuing restrictive immigration policies and half-hearted efforts at communitarisation, EU countries have begun to reassess their migration policies and to call for a different approach. For the first time in many years, several governments are considering the benefits of labour migration and the possibilities and merits of increasing immigration for demographic and other reasons. Already in the Hague program, for example it was stated that 'international migration will continue'²⁹ and that better strategies should be developed. "More Europe" is certainly needed in order to tackle the root causes of forced migration and fight in a just and sustainable way against illegal migration. Naturally, the EU to obtain all this not only needs a common migration policy but also a strong and bold common foreign and security policy.

Today there is still a debate between those who argue for restrictive policies to curtail migration, be it economic migration or refugees, and those who look at the decrease in available labour and population ageing and advocate approaches that are more liberal. The 1990s 'zero immigration' policies did not stop people attempting to cross the Mediterranean. Thus moving on to migration management policies will allow countries and the EU as a whole to reap the benefits of immigration and integration. Voters may not like immigration but they are more likely to tolerate it if policy appears to be orderly rather than chaotic. The European Commission has strongly argued in favour of a new approach. In November 2000, it published a Communication in which it stated that:

"It is clear from an analysis of the economic and demographic context of the Union and of the countries of origin, that the 'zero immigration' policies of the past 30 years are no longer appropriate."³⁰

The Communication clearly brings into perspective that the EU must take into account that the main world regions are already competing to attract

29 Jean-Pierre Cassarino, *Web site guide on Europe's Migration policy in the Mediterranean: An overview*, pg. 13. Available online: http://www.carim.org/publications/CARIM-AS05_10-Cassarino.pdf.

30 Commission Communication, *On a Community Immigration Policy*, COM(2000)757 final, pg. 3. Available online: http://europa.eu/eur-lex/en/com/cnc/2000/com2000_0757en01.pdf.

migrants to meet the needs of their economies whilst at the same time Europe is ageing. Hence the need for a genuine common European initiative is strengthened by the fact that in the absence of common supranational rules the number of migrants entering the EU illegally will only grow. It is clear that the past feeble efforts towards harmonization have to change for the simple reason that it is paradoxical that internal common rules on the movement within the common market are not mirrored externally.

European Demography and Skill shortages – reasons for a managed immigration approach

Many industrial countries are concerned with the effects of low fertility on population age structure, and by extension, on the labour force and the viability of government pension systems.³¹ Yet nowhere in the world is the problem so acute than in the EU.³² Europe's demographic situation is characterised by longevity and low fertility.³³ This has led to the ageing of Europe's society and the eventual shrinking of domestic populations and workforces characterised by low fertility rates.³⁴ Various suggestions have been proposed to address negative demographic prospective - including rising the retirement age and increasing payroll taxes. Another one is to increase immigration to help population growth (or at least stem its decline), have a younger workforce, and increase the ratio of workers to retirees. At the end of the 1990s, already more than a third of the regions of the EU were experiencing a decrease in population. Between 2005 and 2025,

31 Brettell and Hollifield (2005), pg. 55.

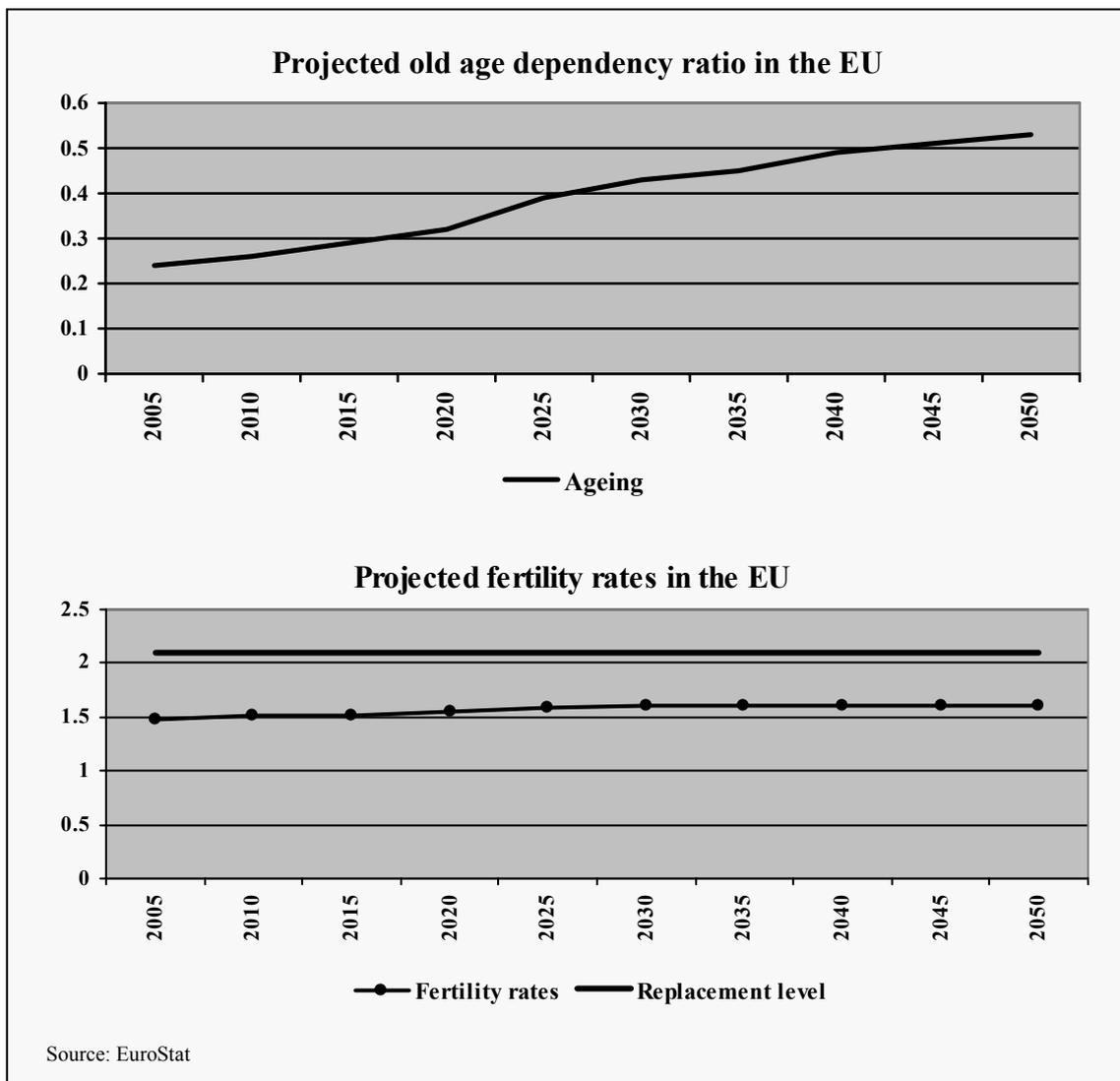
32 The recent enlargement of the EU is not expected to have a significant impact on the ageing process of the Union's population. Though the proportion of older people in the Central and Eastern European is lower than EU15 it is expected to increase rapidly attaining the EU average levels by 2050.

33 Whereas in 2004 there was, one elderly inactive person for every four persons of working age, in 2050 there would be about one inactive person for two of working age.

34 The mid term Lisbon report from the High Level Group chaired by Wim Kok emphasised the importance of the demographic challenge for the Lisbon strategy: ageing could cause potential annual growth in GNP in Europe to fall from 2-2.5% today to 1.25% in 2040.

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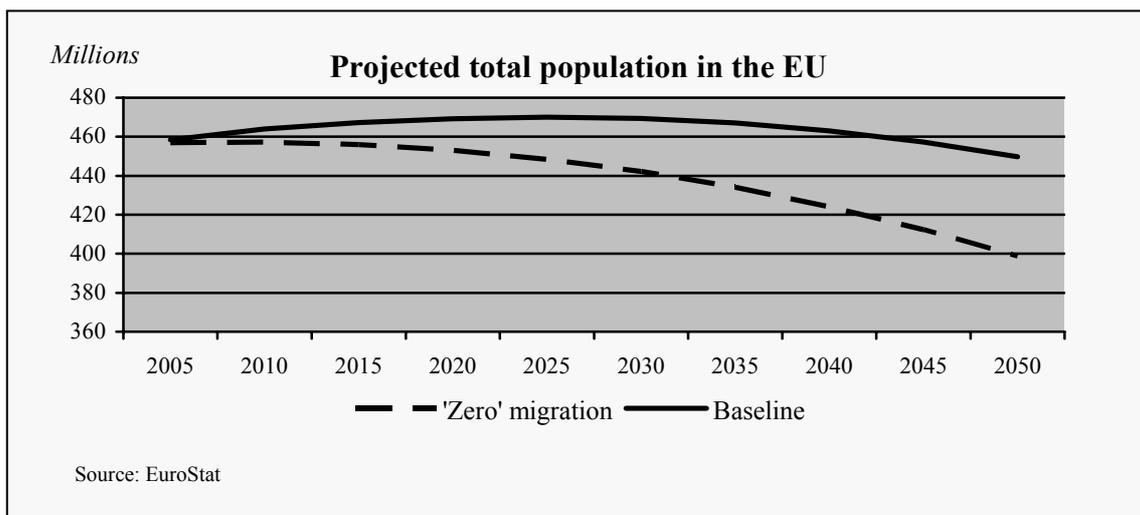
Europe's total population will grow at a very slow rate – 10 million individuals, yet 12 million people will stop working.³⁵ Low fertility rates in the EU will clearly bring about a drop in the number of young people entering the labour markets leading to an overall contraction of the working-age population. Immigration is thus one of the few possible means to compensate for these negative trends.³⁶



35 Commission Green Paper, *Confronting demographic change: A new solidarity between the generations*, Employment and social affairs, March 2005, pg. 3. Available online: http://ec.europa.eu/employment_social/news/2005/mar/comm2005-94_en.pdf.

36 Fargues (2005), pgs. 2-3.

Migrants particularly those coming from the Southern Mediterranean shores are on average younger than the ones in continental Europe. At the same time, they have more children as they come from countries with higher fertility rates. It is within this context that the present demographic situation in the Mediterranean can address this issue. Most of the countries in the EU's Southern neighbourhood are still experiencing relatively high rates of population growth peaking at work ages. Even if in reality a sharp decline in the birth rates has been experienced in recent years, the pressures on labour markets will continue to exist for some time. Managing flows of immigration from the South (where labour is in surplus) to Europe (where shortages are expected), is seen as a potential benefit to both countries of destination and of origin. This means that there is a situation of complementarity between the two sides of the Mediterranean; the South can provide the North with the active population it lacks.³⁷



Of course, here one must take notice that migration *per se* cannot and will not curb ageing. However, it can be useful in mitigating the impact of ageing on the work force and can be used in tandem with other strategies such

³⁷ Because of low rates of native population growth across the advanced industrial world, migration is already a large demographic force. Between 1985 and 1990, international migrants accounted for about one-quarter of the developed world's population growth. That figure grew to around 45% during the period 1990 and 1995: a function of increased immigration and relentlessly low fertility. It likely stands at about two-thirds of growth today.

as discouraging early retirement and increasing the participation rate of women in the labour market.

Apart from the demographic factor, the EU needs both skilled and unskilled labour to help ensure the success of the Lisbon Strategy which aims at making the EU the most competitive and dynamic knowledge-based economy in the world. European governments have realised that the market for top talent is global and competitive. Led by Canada and Australia, various countries have started to redesign migration policies not just to admit, but also to attract highly skilled immigrants. These factors have led to opening some doors to new immigrants even in European countries such as Britain and Germany. The Labour government in Britain issued a dramatic increase in work permits since it came to power in 1997 and launched the High Skilled Workers Program in 2002 and new legal channels for low-skilled migrants.³⁸ In Germany, a so-called 'green card' scheme for IT workers was designed to address imbalances in the labour market. Before these 'innovations', both Britain and Germany had virtually closed the door to labour migration for more than thirty years.³⁹

A counter argument to the notion of a skill based immigration policy by the EU is that it deprives the South of a scarce resource produced at its expense. However if one just looks at the alarming rise of unemployment among young people with university degrees in the region, it puts in question the perception that high skills remain a scarce resource. At the same time due to the obvious economic differentials that exist between the North and the South of the Mediterranean, highly skilled migrant workers will send remittances back home (like all other migrants do in various parts around the world).⁴⁰ Remittances provide an important source of income⁴¹ – even more

38 For example today in Britain, the National Health Service would collapse were it not for the large numbers of immigrant doctors, nurses and ancillary staff that keep it going.

39 John Salt (2005), *Current Trends in International Migration in Europe*, pg. 30.

40 The Economist, *Let the huddled masses in*, March 29th 2001.

41 Remittances today are second only to oil in world trade figures and provide the much-needed foreign currencies to the less developed nations. The remittance flow has doubled in the few years, reaching \$216 billion in 2004, with \$150 billion going to developing countries. Remittances sent back to the home country by migrants are

than development assistance or foreign direct investment.⁴² Such sources can support the development process in the countries of origin if the governments provide a conducive environment for economic growth. Therefore, if a common EU policy is developed for the Mediterranean, it will bring about a win-win situation. First, to the destination country, by bringing needed skills without increasing the demographic burden on social systems, secondly to the country of origin itself, by removing from the labour market first job seekers, then getting back enhanced human capital when migrants return or when they send their earnings back.

The same can be said for low skilled immigrants. There are jobs, which native Europeans are not willing to take, even with the present high unemployment rates. In some member states, the economy (both the official and the hidden one) expresses strong demand for unskilled foreign labour. Most of the shortages have been around for some time now especially in construction, hotel, farming and restaurant sectors.⁴³ It would be no real surprise if today, for example, one advertises for a job picking fruit in the south of Spain there will be no response from the local citizens. More probably, the applicants will be from Morocco. Already we see this reality being taken into consideration by some countries such as Italy. The 2002 Bossi-Fini law has attempted to legalize irregular immigrants, which are employed as domestic workers and home-helpers or as dependent workers – thus using immigration to fill shortages at the lower end of the job spectrum.

The EU should thus open its borders for both high skilled and low skilled migrants. This could be done for example through a points system via a

a major source of foreign exchange earnings for some countries and are an important addition to Gross Domestic Product (GDP). The remittances that migrants send home play also an important part in alleviating poverty in countries of origin.

42 Global Commission on International Migration (2005), *Migration in an interconnected world: New directions for action*, pg. 5. Available online: <http://www.gcim.org/en/finalreport.html>.

43 Commission Communication, *Integrating Migration issues in the European Union's relations with third countries*, COM(2002) 703, pg. 11. Available online: http://eur-lex.europa.eu/LexUriServ/site/en/com/2002/com2002_0703en01.pdf.

'blue card'.⁴⁴ The European version of the green card would grant access to the entire European labour market. This will regulate the process of immigration in the EU, and migrants have better prospects of integrating. This would also lead to less human-catastrophes as migrants emanating from the southern shores of the Mediterranean would not risk their lives on untrustworthy means of transportation and on human smugglers.

Developing better strategies for the Mediterranean

In recent years, there have been some changes in the EU's official approach toward immigration from the Mediterranean. However, the actions have not fully followed the rhetoric commitments. The member countries of the EU all share to one extent or the other the immigration dilemma however; in EU policy-making there has not been enough focus on the difference between the 'old' immigration countries of Northern Europe and the 'new' immigration countries of Southern Europe.⁴⁵ After all most entry points within the EU are in the South and East, and thus under Dublin Convention more burden is placed on poorer states that do not have the necessary infrastructure to deal with a large caseload.⁴⁶ The EU has tried to remedy this situation by establishing the European Refugee Fund (ERF) in 2000.⁴⁷ However, the fund has not really eased the burden of the EU periphery states with most of the funds going to the bigger member states. The incoherent approach practised under the Dublin Convention has caused some major problems to the South European countries, which are the first port of call for many immigrants. This necessitates that the EU develops a common policy with the aim of real burden-sharing among its members and not

44 Jacob von Weizsäcker (2006), *Welcome to Europe*, pg. 1. Available online: http://www.bruegel.org/doc_pdf_358.

45 Ferruccio Pastore (2002), *Just another European Dream?* Available online: http://www.cicerofoundation.org/lectures/pastore_nov02.html.

46 Rahimi (2005), pg. 10.

47 The ERF allocates common European funds to projects that help with the reception, integration and repatriation of asylum-seekers, refugees and displaced persons at the national, regional and local level. The fund owes its origin to the Tampere Council, which called for the establishment of a financial reserve for the implementation of emergency measures to provide temporary protection in the event of a mass influx of protection-seekers.

limited to only some fiscal matters. A revision of the Dublin Convention must include provisions which clearly delineate that immigrants can be sent to other EU members states and that their applications are processed there.⁴⁸ This has already been to an extent evoked in the Constitutional Treaty (Article III-268).⁴⁹

The EU also needs a policy that involves solving problems at their source (ex: CAP reform and opening up of its markets) which will lead to the developing countries on its borders growing faster economically in the process leading to a reduction of people willing to migrate.⁵⁰ At the same time, the EU should continue to use the MEDA program⁵¹ and help the countries of the Mediterranean help themselves. Today more than 50% of the trade in the region is with the Union. Europe is the largest direct foreign investor⁵² and the region's largest provider of financial assistance and funding, with nearly 3 billion euros per year in loans and grants.⁵³ Thus if it wants to reduce pressures on its Mediterranean partners the EU must ensure that economic reform is pushed through by the governments of the region. At the same time efforts such as training programs, voluntary work, better border controls and modernization incentives should continue for the entire region (ex: EU's AENEAS program).⁵⁴ The EU Southern neighbours should adopt

48 This has already been reiterated by the EP in a resolution on immigration in April 2006.

49 Article III-268 of the EU Constitution maintains that: "The policies of the Union set out in this Section and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Section shall contain appropriate measures to give effect to this principle."

50 Andreas Marchetti (2006), *The European Neighbourhood Policy – Foreign policy at the EU's periphery*, pg. 29.

51 MEDA distributes between €800 million and €1 billion a year in financial aid

52 The Mediterranean countries continue to attract less than 2% of international investment.

53 Commission Communication, *Tenth Anniversary of the Euro-Mediterranean partnership: A work program to meet the challenges of the next five years*, SEC(2005)482 SEC(2005)483, pg. 1. Available online: http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0139en01.pdf.

54 AENEAS consists of financial and technical assistance to third countries in the areas of migration and asylum. For the period 2004-2008 it has been allocated €250 million.

home-grown reform policies to the realities of the global market, by increasing in particular South-South cooperation.⁵⁵

The present Euro-Mediterranean Partnership (EMP), contrary to the agreements for the Eastern European countries in the mid-1990s, gives no strong incentives such as membership in the Union, to the North African countries in order to collaborate. Although most countries have made substantial progress in the adoption of legal provisions aimed at curbing illegal migration and at strengthening border controls, new incentives are needed. This is where the European Neighbourhood Policy (ENP) could provide new impetus. Developed as a post-2004 enlargement strategy, the EU shaped the ENP to deal with the EU's neighbours, with the aim of fostering a 'friendly neighbourhood'.⁵⁶ This new foreign policy tool for the EU has been used in the Mediterranean to provide new momentum for economic reform and development by offering participation in the common market. In addition, ENP introduces better structures to address the issue of illegal migration in the region. Through the ENP, the intensity of dialogue on migration has increased and with the help of the Action Plans, a comprehensive and balanced approach initiated with the management of legal migration and the prevention and fighting of illegal migration, smuggling and trafficking of human beings.⁵⁷ In the ENP, migration is part of the development chapter and goes beyond positive conditionality by introducing mutual commitment to migration management. For example, the policy approaches migration management on a system based on differentiation and progressive implementation of principles.⁵⁸ If the ENP also produces the desired economic growth in the partner countries, the 'push' factors will not be that strong anymore. This would help release the Barcelona

55 Stephen Calleya and Eberhard Rhein (2004), *The Euro-Med Partnership needs a strong push*, in Jacobs ed., pg. 25.

56 Commission Communication, *Wider Europe – Neighbourhood: A New Framework for relations with our Eastern and Southern Neighbours*, COM(2003)104 final, pg 4. Available online: http://ec.europa.eu/comm/world/enp/pdf/com03_104_en.pdf.

57 Eneko Landaburu, *From Neighbourhood to Integration Policy: are there concrete alternatives to enlargement?*, pg. 4. Available online: http://ec.europa.eu/comm/world/enp/pdf/060223_el_ceps_en.pdf.

58 Aubarell and Aragall (2005), pg. 11.

process from the stalemate in which it had often found itself, allowing some countries to progress more rapidly than others. The ENP presently still requires fine-tuning and an overall effort by all actors involved. Without substantial effort, it could suffer the same fate as the EMP; well-intentioned principles, but very limited implementation, in the process giving no real input for the EU efforts to engage itself constructively in the Mediterranean region and address migration.

Nevertheless, in spite of the arguments of more development policies for the Mediterranean to try addressing migratory pressures, there is still the dilemma that development - will in the long-term reduce migration - yet in the short-medium term increase the amount of people willing to migrate. This ambiguous situation is known as the 'migration hump' and asserts that as wealth is created this will enable people to assume the costs and risks of migrating. Only at later stages of development, do regions and countries, tend to transform from net labour exporters to new labour importers.⁵⁹ Translated to the Mediterranean the argument would go that 'if you do not want Moroccans, take their tomatoes' this is not valid as Europe may receive both Moroccans and tomatoes.⁶⁰ The fact is that most of the Mediterranean neighbourhood is made of upper lower and middle-income countries. This state of affairs creates the 'perfect' conditions for one to emigrate. It will only be until a certain income threshold is reached that the domestic economies would begin to offer people opportunities at home. This situation however must not deter the EU to help its neighbours; clearly the more economically viable they are – the more stable they are - in the process enhancing Europe's own security concerns.⁶¹

59 Economic development and decreasing income differentials with destination countries therefore tend to have an inverted U-curve effect on emigration, steeply increasing in the initial phases of economic development and only later gradually decreasing.

60 Wihtol de Wenden (2003), pg. 450.

61 The EU's security concerns were outlined in 2000 in its Common Strategy for the Mediterranean. The Strategy calls for a more interactive and dynamic relationship between the EU and the Mediterranean, greater cooperation in the management of borders, alignment of the legal systems of the Mediterranean and EU countries, and effective mechanisms to fight against illegal immigration networks.

Whilst Europe has offered sweeteners in the form of the ENP to initiate economic reform in the Mediterranean countries, it has also beefed up efforts for border control in the Mediterranean. There has been a significant deepening of cooperation between the North and South countries on internal security in areas such as irregular migration and organised crime with collaboration being done both within the multilateral framework of EMP, as well as on the bilateral level.⁶² At the same time recently, the new agency FRONTEX is in the process of strengthening operational cooperation in the Mediterranean. The agency is already considering the feasibility of Mediterranean coastal patrols networks, and is exploring the technical practicability of establishing a surveillance system covering the southern maritime border of the EU.⁶³ This operational cooperation has already started with an agreement between Spain and eight other EU members agreeing to help patrol Spanish waters along the African coast. This has led to Spain's deputy Prime Minister Maria Teresa Fernandez de la Vega to claim that this is "*a common policy on frontier control for the first time on the part of the European Union*"⁶⁴. In October 2006, five EU members also joined forces in Operation Nautilus under the auspices of FRONTEX to monitor the strait between Sicily and Libya for a two week period. These border strengthening measures will continue in the future and constitute a way to de-criminalize migration and to recognize the legitimacy of those migrants who come to the EU legally.

A common EU policy in managing economic migration emanating from the Mediterranean – towards a more proactive approach

If the Union wants to ever reduce the number of people crossing the Mediterranean illegally it must, apart from developing policies that address better its neighbours economic needs and the security environment, also be willing to endorse more open and proactive immigration laws. EU migration policy must focus on managing regular flows if it wants to reach the

62 Lutterbeck (2006), pg. 70.

63 Times of Malta, *The EU plan to combat illegal migration*, Available online: <http://www.timesofmalta.com/core/article.php?id=209836>.

Lisbon targets. At present, the development of both immigration and immigrant integration policies is a shared responsibility of national governments and European institutions. However, member states attitudes towards more supranationality on migration policies are changing. The European Commission has already noticed this change in the air and presented a *green paper*⁶⁵ on the topic. In it, many optional systems are outlined, such as a common EU selection system to respond to the needs of specific skills that includes a point system or an economic test. Within the context of the Mediterranean, establishing legal means for migrants to enter EU markets is a step in the right direction.

It is no secret that issues concerning migration are complex in nature. This implies a need for broad policy-making and coordination in other relevant policy areas such as foreign, security, development and employment policies. Measures thus need to be applied as a complete package. A proactive policy on EU's borders combining elements of control with facilitation of cross-border movements has to become a responsibility of the EU as a whole, and not just the countries along its external frontier. If lets say Spain becomes too successful at blocking its frontiers, immigrants would simply shift their efforts to Italy or other European countries. It is thus more of a European problem rather than a Spanish problem – the solution thus has to be European as well.

The current situation with respect to migration flows from the Mediterranean into the EU suggests that a different, more flexible approach common to all member states on the issue of legal migration needs to be taken. Such a liberal immigration policy should be based on the recognition that migratory pressures will continue and that there are benefits that orderly immigration can bring to the EU, to the migrants themselves and to their countries of origin. The EU must reconsider the human dimension of the EMP with on the one hand a common migration policy with clarity about

64 EU Observer, *EU states to help Spain fight immigration crisis*, 30th May 2006. Available online: <http://euobserver.com/9/21723>.

65 Commission Green Paper, *On an EU approach to managing economic migration*, COM(2004)811 final. Available online: http://ec.europa.eu/justice_home/doc_centre/immigration/work/doc/com_2004_811_en.pdf.

the goal and size of migration and on the other hand better border management.⁶⁶

Greater EU involvement would counterbalance the lowest common denominator approach that has characterized the development of migratory policies since Maastricht. Of course, such policy should be put in place only incrementally in order to facilitate a gradual and smooth move from national to Community rules. For example the Commission's *green paper* declares that the admission of economic migrants should be conceived as a 'first step legislation' and lay down certain common definitions, criteria and procedures, while at the same time leaving to the member states to respond to their labour markets needs.⁶⁷ Recently JHA commissioner Frattini maintained, "*It will be up to each member to decide the number of admissions but it will be up to Europe to decide common standards.*"⁶⁸ The EU should also instigate better information campaigns that outline the need of migrants and try to change in the process the citizens of Europe attitudes. At the same time, it must be expected that migrants from the Mediterranean should respect the local way of life, culture and the rule of law.⁶⁹ This in turn would help them integrate better into society in the process enriching Europe's own culture and contribute towards a better understanding of each other civilisations.

Conclusion

Ultimately, the EU should introduce common policies that ensure labour mobility and cross-border movement in partnership with its Mediterranean neighbours. It would be a mistake for Europe to act as a medieval city that closes its gates to the outside world. Despite Europe's rich experience, most Europeans still consider migration to be the historical exception. Pub-

66 Ludger Kühnhardt (2005), *10 Years Euro-Mediterranean Partnership: The Human Dimension Revisited*, in Andreas Marchetti ed. *Ten years Euro-Mediterranean Partnership – Defining European Interests for the next Decade*, pg. 88.

67 Commission Green Paper (2004), pg. 5.

68 EU Observer, *Commission pushed ahead with EU green card scheme*, 22nd December 2005. Article can be accessed online: <http://euobserver.com/9/20603>.

69 Kühnhardt (2005), pg. 88.

lic opinion today oscillates between the desire for humanitarian solutions in individual cases, and the call for more rigidity towards potential immigrants. It is necessary to explain why and how shaping – not preventing – future migration to Europe can be managed in the best interests of both migrants and Europeans themselves. In the context of an ageing population and a need for certain skills, migrants make an important economic contribution. For the sake of its future, the EU needs to rip these benefits.

Immigration is not the ‘magic bullet’ that will resolve the problems of labour market shortages and ageing, but immigration is part of the solution and can be linked to the economic reform agenda agreed in the Lisbon Summit. Better development policies should be devised by the EU bearing in mind the needs of the Mediterranean countries whilst member states must be ready to delegate more powers to the EU on migration issues. Demographic and economic disparities between the North and the South of the Mediterranean means that flows of people crossing will persist in the future. It is for this reason that EU leaders must acknowledge that migration flows will continue and the best way to tackle them is to manage them in an efficient and practical way.

The geo-political widening of migration and the European integration has led to the need of reconstruction of the policy responses. A proactive policy on EU’s borders widely combining element of control with facilitation of cross-border movements has to become the responsibility of the EU as a whole, and not just the countries along its external frontier. No member state can single-handedly meet the challenges of migration; there is a genuine Community added value to be gained by increased coordination between member states on these issues. The EU must enhance its relations with countries bordering the enlarged Union and make migration a real asset in foreign policy rather than a liability in Euro-Mediterranean relations. For Europe’s own sake, and for the sake of Mediterranean stability and prosperity, the EU member states have to lower the bridges, admit more people knocking on the doors, develop a consequential integration policy, and design a proactive migration policy.

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