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## **The Mediterranean migration crisis: border control *versus* humanitarian approaches**

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The European Council of 15 December 2016 devoted most of its attention to migration. This is not surprising; in recent years, the Mediterranean migration crisis has entered the European Union's political agenda, compelling EU Member states to take common action to address the crisis. Since April 2015, when nearly one thousand migrants lost their lives in the Mediterranean Channel in just a few days, EU institutions and Member states have turned (again) their attention to migration, acknowledging that this problem could not be managed by Mediterranean states alone. In reaction to this Black April, the European Council Conclusions retain migration as a priority issue; ad hoc European Council meetings have been convened, new documents such as the EU Agenda for Migration have been adopted, the EUNAVFOR MED operation Sophia has been launched and, the European Border and Coast Guard has been created.

However, these initiatives are not the result of a clear EU strategy, but rather correspond to a variety of different approaches. On the one hand, the EU adopts measures aimed at protecting EU borders through EU relocation and resettlement quotas and the return of failed asylum seekers and undocumented migrants; on the other, Search and Rescue (SAR) operations are conducted in the Mediterranean to prevent

loss of human lives at sea. The “border control” argument assumes border defence as the main objective to be achieved. The “duty to protect” discourse puts the humanitarian dimension at the centre of crisis management. These two distinct approaches seem to reflect a domestic EU split: Central and Eastern EU Member states – especially Hungary, Slovakia and Poland – insist on border protection, while Mediterranean Member states are directly involved in SAR operations.

These contradictions are inherently political. European political leaders recognize that common strategies and initiatives are required to manage migration. But European public opinion expects them to adopt effective measures to prevent what is often perceived as a “migrant invasion”. Since politicians are vote-seekers, European leaders are sensitive to Europeans' hostile feelings towards migrants; they know that electoral support is easily gained by using populist discourse, as various EU Member states are experiencing mounting populism and the rise of anti-immigrant political parties.

Therefore, the EU is currently engaged in controversial migration diplomacy. While the Treaty of Lisbon and the Agenda on Migration provide a basis for humanitarian discourses, the European Security Strategy,

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the newly adopted EU Global Strategy and the European Council Conclusions contain security discourses. To address the external and internal dimensions of migration, the European Council Conclusions of December 2016 reiterate the EU's commitment to the EU-Turkey agreements, welcome the new Partnership Framework of cooperation, call upon Member states to improve return rates to safe countries and mildly invite them to accelerate relocation from Italy and Greece to other Member states or implement existing resettlement schemes, implicitly acknowledging that these are controversial matters.

To understand why the EU finds itself trapped with these two options, a few observations on the Mediterranean migration crisis must be made. The year 2015 is often labelled as the year of the migration crisis. Since then, political, social and media attention on the migration crisis has greatly increased. However, Mediterranean migration is not a recent issue, nor can it be regarded as a temporary phenomenon. Over the last 25 years, migration flows across the Mediterranean have experienced different routes and selected entry points to Europe according to specific systemic conditions: through the Gibraltar Strait and the Adriatic in the 1990s, the Canary Islands in the 2000s, increasingly from North Africa – Libya in particular – since 2011, and massively through the Eastern Mediterranean in 2015.

The Mediterranean migration crisis is often assessed in terms of the number of entries into the EU or in terms of missing and dead people in the Mediterranean. UNHCR data reported 358,645 arrivals by sea in 2016, almost equally divided between Italy and Greece; half of the arrivals come from refugee-producing countries; the top-five origin countries are: Syria, Afghanistan, Nigeria, Iraq and Eritrea. Although, in 2016, the number of arrivals has decreased compared to 1 million arrivals by sea in 2015, the number of dead and missing persons has dramatically increased, passing from less than 4000 in 2015 to almost 5000 in 2016. Due to the high number of shipwrecks of the unseaworthy and overloaded boats and dinghies used to smuggle migrants

into Europe, the Central Mediterranean route contributes heavily to the Mediterranean migration humanitarian crisis, with 90% of the casualties. Unaccompanied minors represent the politically most sensitive aspect of the migration crisis.

The perception of the influx of irregular migrants as a crisis dates from 2011. The popular uprising and revolts across Middle East and North Africa (MENA), which have come to be known as the Arab Spring, destabilized the MENA region and became one of the main causes for the rise of irregular migration across the Mediterranean (Attinà, 2016, p. 17). In the following years, the lack of stability in Libya and the Syrian war have also triggered migration flows and a refugee exodus.

The migration crisis showed its dramatic dimension in October 2013, when a shipwreck off the coast of Lampedusa caused almost 400 deaths. Acknowledging the humanitarian emergency, the Italian government decided to react to the tragedy by launching the *Mare Nostrum* operation (MNO). The Italian Navy then conducted SAR operations aimed at rescuing migrants in distress in the Mediterranean Sea. This was a very controversial initiative, both at the domestic and European levels; however, it contributed to put migration high on the EU agenda. In autumn 2014, the MNO was suspended and it was replaced – although with a more limited budget and a different mandate – by *Triton*, an EU-led initiative within the Frontex framework. In April 2015, another tragic shipwreck in the Mediterranean attracted political and media attention. The missing and dead numbered almost 1000, convincing EU institutions and Member states to adopt new strategies and initiatives. The European Agenda for Migration, which was adopted soon after Black April 2015, recognized the humanitarian emergency in the Mediterranean and paved the way for a comprehensive approach. In 2016, the European Council set up the European Border and Coast Guard to coordinate the management of the EU's external borders at EU and national level, cooperate with third countries, conduct SAR operations and also returns.

The migration crisis is a complex and multi-faceted transnational phenomenon, which needs to be managed via action taken at different political and institutional levels. Due to the inter-twinning migration drivers, the traditional distinction between voluntary economic migrants (people moving to other countries to improve their quality of life and living standards) and forced migrants has been overcome, with the adoption of the more inclusive concept “mixed migration”, which refers to people fleeing from poverty, starvation, deprivation, wars and persecutions. Migration is triggered by crisis in the societies of sending states, but at the same time migrants are often perceived as a threat in destination countries, thus provoking socio-political tensions. This is a trans-boundary crisis that takes place at the transnational level, affecting more than one Member state at the same time, with an impact on multiple sectors and systems. Moreover, “the life-sustaining systems or critical infrastructures of multiple member states are acutely threatened” (Boin, Ekengren, & Rhinard, 2013, p. 9). The migration crisis thus calls for a wide range of interventions to manage migrant flows, which takes into account both root causes in countries of origin, facilitating (f)actors in transit countries and socio-political effects in destination countries.

The EU has always tended to act as a selective migration controller (Panebianco & Carammia, 2009), impeding rather than facilitating safe and legal travel to Europe. However, European border policies adopted over the last 20 years have been ineffective in addressing changing migration flows due to demographic pressure, increasing poverty or arising wars and conflicts. The reform of the Dublin system regulating the entry into the EU is therefore urgently required, since in practice it has favoured irregular migration. Moreover, the Dublin regulation requires migrants to be identified and apply (if it is their case) for asylum in the first EU country they arrive in, and this causes a bottleneck of processing applications in the southern EU countries, Italy and Greece,

and also Hungary, where hotspots for identification have been set up.

What the EU still lacks is an effective strategy to address the migration crisis. The EU’s working definition of migration currently relies upon the distinction between “Eastern Mediterranean route” and “Central Mediterranean route”. The EU has adopted distinct initiatives and strategies to address the specific needs of Syrian refugees coming to Europe via the Eastern Mediterranean land routes or of sub-Saharan migrants entering Europe across the Mediterranean Sea. These two different tools are the EU-Turkey agreement and migration compacts with African countries. The Partnership Frameworks with third countries, set out by the European Council in June 2016 under the European Agenda on Migration, now address Senegal, Mali, Nigeria, Niger and Ethiopia.

This distinction challenges the adoption of a comprehensive approach inspired by a clear and coherent logic. Hence, a division among EU Member states seems to have emerged, distinguishing the interests and needs of southern members from those of eastern members. Since they are on the front-line, the former are directly involved in implementing the humanitarian approach via SAR operations, while the latter are more inclined to protect the borders, as if closing the EU frontiers with walls were a possibility. On the one hand, Italy plays a key role in the SAR initiatives in the Mediterranean, either with Italian Coast Guard operations or under the EU umbrella of Frontex and EUNAVFOR MED. On the other hand, the Czech Republic, Slovakia, Hungary and Poland have repeatedly expressed their preference for shutting down any further entrance of migrants into Europe and the prevention of mandatory allocation of refugees among Member states. Eastern and Central European Member states that serve as transit countries for refugees and asylum seekers wishing to reach Germany favour the closing of the Western Balkans route, the continuation of the so-called eastern

Mediterranean route, and invest in the implementation of the EU-Turkey agreement. But the Schengen area extends along some 44,000 km of external sea borders and almost 9000 km of land borders. In such a political and geographical context, it is almost impossible to physically control the EU borders. Building fences (razor wired or not) to prevent migrants' entry into the EU cannot be an effective strategy to manage the migration crisis.

The border protection approach inevitably clashes with the duty to intervene to render assistance to persons in distress, which is both a consolidated principle regulating the sea navigation regime and a longstanding international norm. SAR operations conducted in the Mediterranean comply with the norm that people in distress at sea require rescue. The obligation to assist those in distress at sea has been codified in several international conventions. The International Convention on Maritime Search Rescue adopted in Hamburg in 1979 and the United Nations Convention on the Law of the Sea adopted in Montego Bay in 1982 affirm the duty to render assistance to persons and ships in danger or distress. Coastal states must coordinate assistance, but the obligation to provide assistance applies, regardless of the nationality or status of the people in distress and regardless of national borders.

Due to the intensification of the migration crisis, SAR operations in the Mediterranean Sea have become a *fait accompli*. They are conducted by several actors: the Italian Coast Guard (which, with MNO, has acquired specific expertise and developed best practices on the ground), *Triton* (the Frontex operation set up to control the EU maritime borders, although it was not expressly created to conduct SAR operations), EUNAVFOR MED Sophia, NGOs (e.g. Save the Children, Médecins sans Frontières, Sea-Watch, SOS Méditerranée, etc.), charities such as MOAS (Migrant Offshore Aid Station) and merchant vessels. In 2015, the Italian Coast Guard received more than 8000 emergency calls and coordinated almost 1000 SAR

operations related to migration (data provided by the Coast Guard). While ordinary SAR are isolated, occasional, unpredictable events involving experienced crews providing reliable information, migration SAR operations are frequent, predictable (related to good/bad weather conditions), unsafe and involve inexperienced people in the hands of smugglers who are unable to provide reliable information.

Traditional securitization lenses and security discourses are not appropriate if we are to understand the Mediterranean migration crisis. Much of the established scholarship in migration and border studies cannot explain the complexity of current migration flows and the way in which they adapt to newly emerging systemic changes. The Mediterranean represents a space of humanitarian intervention where security actors such as Frontex or EUNAVFOR MED are also involved in the humanitarian approach by conducting SAR operations (although this is not their main task). By following the experience of the humanitarian mission *Mare Nostrum*, governmental and non-governmental, security, humanitarian and human rights actors are currently involved – each with different tasks and roles – in the management of the Mediterranean migration crisis. In such a complex scenario, some scholars would suggest redefining the category of the Mediterranean; but probably this is *in re ipsa*, the Mediterranean has regained its political centrality not just as the main entry point to Europe, but also as the cradle of (new) practices of humanitarian interventions conducted by security and non-security actors.

### Disclosure statement

No potential conflict of interest was reported by the author.

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