

[Ruben Andersson](#)

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Europe's failed 'fight' against irregular migration: ethnographic notes on a counterproductive industry

Ruben Andersson

Civil Society and Human Security Research Unit, Department of International Development (ID), London
School of Economics and Political Science (LSE), London, UK

ABSTRACT

Despite Europe's mass investments in advanced border controls, people keep arriving along the continent's shores under desperate circumstances. European attempts to 'secure' or 'protect' the borders have quite clearly failed, as politicians themselves increasingly recognise – yet more of the same response is again rolled out in response to the escalating 'refugee crisis'. Amid the deadlock, this article argues that we need to grasp the mechanics and logics of the European 'border security model' in order to open up for a change of course. Through ethnographic examples from the Spanish-African borders, the article shows how the striving for border security under a prevailing emergency frame has generated absurd incentives, negative path dependencies and devastating consequences. At Europe's frontiers, an industry of border controls has emerged, involving European defence contractors, member state security forces and their African counterparts, as well as a range of non-security actors. Whenever another 'border crisis' occurs, this industry grows again, feeding on its own apparent 'failures'. This vicious cycle may be broken, the article concludes, once policy-makers start curtailing the economies of border security underpinning it – yet the challenges are formidable as the industry retrenches along with the political response to the drama it has itself produced.

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The borders of Europe are increasingly presented to us in the media and our political debate as the setting for a perpetual emergency: boats packed to the brim, crowds gathering at fences, chaotic scenes outside corralled-off reception camps. Despite the efforts to contain, control and 'combat' unauthorised movement in the past decades, the situation has only been getting more acute. We urgently need a better understanding of why current border policy and praxis has failed, as well as openings towards a potential alternative approach.

This article delineates some ethnographic findings and recommendations along these lines. Building on my long-running anthropological research on irregular migration on

CONTACT Ruben Andersson  r.andersson@lse.ac.uk

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the Spanish-African borders (Andersson 2014), as well as on the substantial interdisciplinary literature on border controls, it will show why the ‘fight against illegal migration’ (as it is commonly known) is counterproductive and urgently in need of a shift.

In considering attempts to ‘combat’ mobility, this article deploys the concept of an ‘illegality industry’ as a useful tool for grasping the mechanics and economies of border security. A large literature now exists on the negative human consequences of powerful ‘border regimes’ (e.g. Andreas and Snyder 2000; Bigo and Guild 2005). Many such studies have focused on the repressive aspects of controls, for instance as regards the deadly politics of the high seas (Albahari 2006; Basaran 2015); the perils of encampment (Agier 2014); or the biopolitics of controls (De Genova and Peutz 2010; Fassin 2001). While building on these important findings, this article will focus not on the repressive but on the ‘productive’ aspects of border controls. Europe’s effort to ‘fight migration’, it will be argued, produces what it is supposedly meant to curtail – more distressing forms of ‘illegal migration’, to use the problematic term still invoked in political and policing circles. With these dynamics in mind, the term *illegality industry* allows us to see not just how migration has been turned into a field of profits for many actors (see Gammeltoft-Hansen and Sørensen 2013) but also how a (counter)productive system has developed and congealed at the borders.¹

The article will first give a brief overview of the historical trend, followed by a note on public funding devoted to border security. It then considers mechanisms of failure at the borders, focusing on the ‘market in border security’ and its counterproductive effects, before concluding with policy recommendations in light of these findings. Reducing the negative incentives in the security market, I assert, will be a key task in replacing a counterproductive framing of mobility-as-threat with an enabling and ‘normalising’ frame – although, as will become clear, the retrenchment of a system of vested interests, combined with the usage of border security as a short-term political tool, makes it ever harder to envisage a shift of approach.

1. Overview: maritime migration in context

Historically speaking, Europe’s migration or refugee ‘crisis’ is a recent phenomenon with its roots in the tightened migration regimes put in place around the time of the 1970s oil crisis. Before this time, various forms of low-skilled labour mobility into Europe did exist, whether via Germany’s ‘guestworker’ programme or via the migration pathways from former colonies into Britain and France. These pathways – like the US *bracero* programme of the same period – had their faults, yet did not produce a migration ‘crisis’ of any sort. This was to change from the 1970s onwards, however, in a pattern repeated across the western world. At this time, the USA saw political panics about ‘illegal aliens’ mount *in parallel with* reduced legal pathways and tougher enforcement of the US-Mexico border-line (Nevins 2001). This dynamic – similar to crackdowns in other economic spheres such as drugs – was soon to be repeated in the European case.

In Europe, the tightened migration regimes of the 1970s did not immediately lead to the rise of irregular land and sea migration. In fact, such migrations hardly existed in Europe before the 1990s – the time when a border security model akin to the US one was starting to be put in place. The reason for this shift towards border security was the Schengen agreement on free movement, which (largely for political and symbolic reasons) came

to entail the reinforcement of the external borders of the EU. At this time, northern European states put pressure on southern counterparts to shore up their migration regimes. As they did so, for instance by introducing visa requirements for North Africans early in the 1990s, migrant boats started appearing along their shores; legal pathways were being replaced with irregular ones. New clandestine routes and more policing crackdowns have since then grown in parallel – leading to an increasingly frequent series of migratory ‘emergencies’, including at the Italian island of Lampedusa in 2004; at Spain’s North African enclaves (and EU/Schengen territories) of Ceuta and Melilla in 2005; on the Spanish Canary Islands in 2006; at the Greek-Turkish land border in 2010; again on Lampedusa during the 2011 ‘Arab spring’; and in the successive crises in the central Mediterranean since then. Europe’s ‘migration crisis’, in short, is a recent and man-made phenomenon – a basic observation that crucially entails the possibility of the trend being reversed (Figure 1).

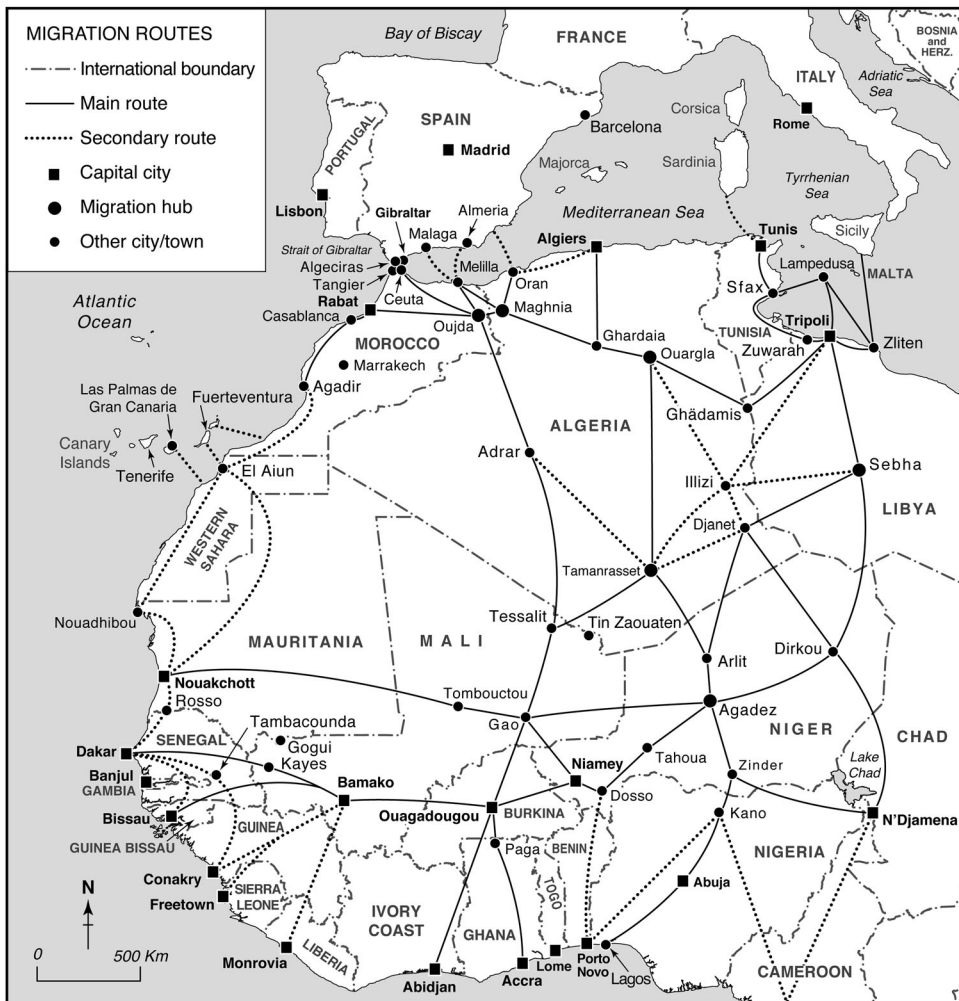


Figure 1. Map of irregular migration routes from West Africa towards Europe, based on the MTM i-map: www.imap-migration.org

One important aspect stands out when looking back at the ‘border crises’ prior to 2014: they were vastly inflated in the public debate. In stark contrast with the wild estimates and fear-inducing figures produced by many politicians and journalists, scholars have highlighted how migration by land and sea has long been small relative to other means of irregular entry and residence (e.g. De Haas 2007). Until recently, such irregular arrivals hovered around the 100,000 mark per year; by contrast, overall immigration into EU member states stands at 3.4m a year, including 1.4m non-European and 1.2m intra-European migrants. Even among *irregular* migrants, the majority have long been visa overstayers, as the EU border agency, Frontex, itself points out.² The relatively low numbers of maritime arrivals has however not prevented governments from announcing ‘emergencies’ for short-term domestic political reasons, a point that will be returned to below.

Today we face a very different situation, as about 1m people have arrived in 2015, among whom well over 80% come from the world’s top 10 refugee-producing countries (Figure 2).³ Yet even as numbers of maritime arrivals have sharply risen, these need to be seen in the context of record global refugee flows. Almost 60m people are forcibly displaced today (internally or externally), with the vast majority (86%) of refugees now hosted by developing nations.⁴ The surge of refugees and ‘survival migrants’ (Betts 2010) since 2014 is thus but a small slice of global displacement, and would have been manageable for a Union of 500m inhabitants with all the most advanced resources at its disposal – if the political will to implement a common approach had been in place.

The roots of the troubles again go back to the 1990s, as Schengen did not come to involve common asylum or labour migration systems – producing a ‘halfway house’ between European integration and retained sovereign powers. As a substitute for a joined-up systemic response, European leaders have instead largely opted for a ‘default’ border security model.

Funding for this model remains opaque thanks to the multiple pots involved, from Interior Ministry funds to re-routed development aid, yet a few figures are worth listing. Europe has spent at least €11bn on deportations since 2000, according to a

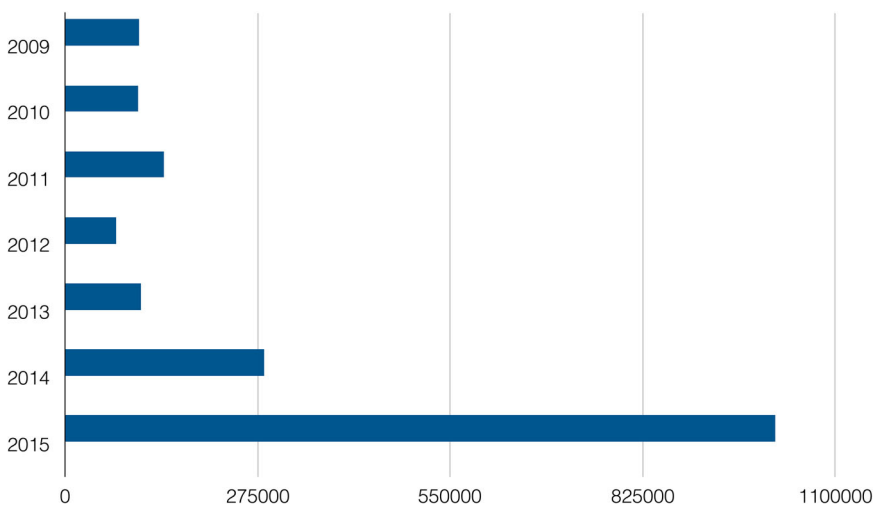


Figure 2. Irregular entries across the external land and sea borders.
Source: Frontex (2009–2014) and UNHCR (2015).

recent cross-European journalistic investigation. Frontex has seen its budget grow swiftly since its founding in 2004, from €19m in its first full year of operations to €143m in 2015. The EU allocated 60% of its total Home Affairs budget for 2007–2013, or €4bn, to the ‘solidarity and management of migratory flows’, including €1.8bn specifically for the external borders fund (EBF). These funds contrast with the smaller disbursements (€700m) on the refugee fund (RF) – a gap between security and reception support that increases significantly in ‘frontline’ member states such as Spain, Bulgaria and Greece, with the latter receiving €21m from RF and €207m from EBF over 2007–2013 (Amnesty International 2014). In the current 2014–2020 period, the €3.8bn Internal Security Fund has bolstered the security-focused funding stream.⁵

Most border security spending takes place on member state level, however. Spain, which has listed the fight against irregular migration as one of its main security objectives, has in recent years built new detention, reception and control centres while increasing its border and migration forces from 10,239 officers in 2003 to more than 16,000 by 2010.⁶ Member states have also developed costly systems and technologies to control and monitor irregular migration, including advanced coastal radar systems such as the Spanish Sistema Integrado de Vigilancia Exterior (SIVE) and fences at the Greek, Bulgarian, Hungarian and Spanish borders. Despite recent protestations, the EU has long supported this border work financially while increasingly adding European-wide security initiatives, including the vastly ambitious European external border surveillance system (EUROSUR) and new technologies developed by the defence industry under the €1.4bn security theme of the EU’s seventh framework programme (FP-7). Beyond such investments are the tied ‘aid’ deals with African states, whether in the \$5bn Italy-Libya ‘Friendship Pact’ of 2008; the more subtle aid, trade and diplomatic concessions of the kind developed between Spain and African states; or the expensive EU deal-making with Turkey of late 2015.

To sum up, the closure of legal pathways into Europe, along with the border security response, has strongly contributed to the development of irregular land and sea entry routes in the past two and a half decades. While the migratory ‘flow’ along these routes has long been small in comparison with other entry methods, large sums have been spent on manpower, technology and new systems to keep people out even before the latest sharp increase amid the global refugee crisis.⁷ Yet the resulting initiatives have clearly not worked. Fatalities have sharply risen to more than 3700 in 2015; smuggling networks keep growing stronger; and arrivals are swiftly increasing. In its disproportionality and deleterious effects, Europe’s ‘fight against illegal migration’ here seems to mirror the global ‘war on drugs’, which is now widely perceived as a costly failure in financial, human and political terms (LSE IDEAS 2014). A different approach is needed – but for that we first need to understand the mechanisms of apparent failure through which today’s counterproductive investments in ‘border security’ keep being perpetuated.

2. Mechanisms of ‘failure’

This section will show how European efforts to ‘combat migration’ have generated counterproductive dynamics in a downward spiral. Crucially, it will also account for some of the reasons why a seemingly failed response keeps perpetuating itself despite evidence showing that it does not ‘work’ in the way it is ‘advertised’ to electorates. The sections

below in turn trace the framing of migration as an emergency in need of a security response; the market in security enabled by this framing; and this market's destructive nature, especially when approached on a global level.

2.1 The security slippage

In April 2015, the UN Security Council president rebuked Europe over a plan for destroying smugglers' boats by saying that the issue was 'not about protecting Europe; it's about protecting the refugees'.⁸ This slippage is key to much punitive migration policy today. Since the 1990s, migration has increasingly been treated as a 'border security' issue in Europe, as seen in its most extreme form in the association between migration and terrorism. Yet in most cases, the security approach is more subtle, encompassing a range of aspects which will be addressed briefly below.

First, *institutional arrangements* have increasingly come to favour a security model. Since the 1970s, low-skilled (irregular) migration has shifted from being a concern for labour and industry ministries to become progressively 'appropriated' by European interior ministries as their field of action (Guild 2005). This trend was strengthened in the 1990s, when migration became a 'home affairs' issue, congealing into what is now DG HOME. This political and bureaucratic arrangement, in turn, has channelled specific type of 'solutions' to the migration 'problem'. Research has shown that, on Commission level, while the diagnosis of the migration situation may often be quite complex (and member states' emergency frames resisted), the proposed interventions tend to be security-oriented (Svantesson 2014). Through such institutional path dependency, Brussels and member state priorities on (fighting) migration have come to dovetail with one another.

Second and equally important, the *emergency frame* applied to maritime migration – a 'spectacle' (De Genova 2012) broadcast by the media and fanned by politicians – has further paved the way for the security model.⁹ The emergency frame, in repeatedly presenting the migratory situation as an 'unprecedented crisis', enables a two-faced reactive response of 'humanitarian' action and more policing. Rescues are often thought of in opposition to border security, yet the trend is towards an increasing integration of these responses within a common emergency frame (Andersson 2014; Cuttitta 2014; Pallister-Wilkins 2015). In West Africa, to give one prominent example, humanitarianism has served as a key legal, moral and political justification for pre-emptive interceptions of migrant boats by Spanish, African and Frontex vessels collaborating under Joint Operation HERA, rolled out in response to the Canaries 'boat crisis' in 2006 (Andersson 2014). In North Africa, Spanish forces call their Moroccan or Algerian colleagues when they spot a boat on their surveillance systems, so that these states' authorities can proceed with 'rescuing' the passengers against their will. As one border guard explained to this author, you have to 'prevent [migrants] from leaving' so as to avoid them putting themselves in danger – with little evident regard for the legal obligation not to expel people into countries where they may face harm (non-refoulement). Similar attempts have been made along Italy's coasts, although the outcome of the 'Hirsi case' in the European Court of Human Rights, along with growing conflict in Libya, has complicated the picture there (Tondini 2012).

Third, *risk discourse* has provided a set of tools for the security model to develop in new directions. Frontex – as the pivot in 'integrated border management' – has reinforced the

security response (and, to some extent, the emergency frame) through its language and practice of risk analysis.¹⁰ The agency defines risk as ‘a function of threat, vulnerability and impact’, or put differently, ‘the likelihood of a threat occurring at the external borders, given the measures in place at the borders and within the EU, which will impact EU internal security and/or the security of the external borders’.¹¹ In these definitions, the border is seen as ‘vulnerable’, while the people crossing it are construed as a threat. Through its large Risk Analysis Unit and its Europe-wide network for collating data on border crossings (Frontex Risk Analysis Network), Frontex ‘exports’ risk thinking to member state agencies, reinforcing the threat and security frames in operation on national level, while contributing to the prioritisation of migration controls at the external borders above other tasks.

Fourth, *targeting smugglers as villains* has reinforced this security trend by reinforcing ‘supply-side’ punitive policies rather than addressing demand, in a clear parallel to the drug wars (LSE IDEAS 2014). Politicians are often keen on presenting crackdowns as not targeting migrants, but rather as attacking what is often erroneously referred to as ‘traffickers’,¹² as has been the case with the EUNAVFOR MED military operation (later renamed ‘EUNAVFOR MED Operation Sophia’) of 2015. In fact, given that smuggling is a market driven by rampant demand, punitive measures only tend to drive business further underground while new risks are transferred downwards, from provider to client. Looking back at the past 25 years of controls, the trend towards higher risks is clear. While sturdy wooden fishing boats were piloted by North African migrants themselves in the 1990s, the mid-2000s saw collectively organised trips from West Africa towards the faraway Canaries as well as small-scale smuggling outfits developing in North Africa. Today flimsy vessels, boats without proper captains and predatory smuggling networks are the rule rather than the exception. A captive markets has also developed, especially in Libya, where migrants may be warehoused and harmed or tortured with impunity since smugglers know that authorities offer no protection to their charges (Amnesty International 2015).

Fifth, the *social and material arrangements at the border* have helped perpetuate the security response. One example of such retrenchment concerns the growth of security infrastructure and technology (Andersson 2015): this includes control and coordination centres managed by border agencies such as Frontex, the Spanish Civil Guard and the Italian Guardia di Finanza; fence technology, which keeps being reinforced in response to more drama at the borders; surveillance, satellite and communications systems such as EUROSUR; and new facilities for migrant detention. All these measures reinforce the emergency frame and its attendant security response; worse, as the next section will show, they also help generate a counterproductive market in controls that feeds on its own failures.

2.2. The market in border security

Once migration has been framed as an emergency in need of a security response, a distinct system develops to fill this frame. The past 25 years have seen the consolidation of such a system or industry, involving actors such as European security forces and their African counterparts; NGOs, humanitarian groups and international bodies such as the International Organization for Migration (IOM), often working closely with the security

response; and multinational defence and outsourcing companies. With each new crisis, this 'border' or 'illegality industry' grows further. Yet it is not the 'solution' to the situation at the border; it is rather a fundamental part of the problem.

The various actors working at the borders are not passive recipients of political dictates, but rather active participants in the 'illegality industry'. Moreover, the efforts of 'core' security actors usually point to a predictable outcome – more investments in border security. Research has shown how the border guard community and defence groups have helped *create* a 'demand' for their solutions in Brussels and European capitals. One of the clearest examples of this was the 2003 convening of a 'Group of Personalities' on security, involving industry figures and high officials, whose 2004 report added significantly to the momentum for more research funding for this sector (Bigo and Jeandesboz 2010). In subsequent years the EU's FP-7 funding stream came to include a security strand, as noted above, thus bolstering the EU goal of 'improving the competitiveness of the European security industry' via new technology in fields such as border control and sea surveillance.¹³ Lobby efforts have continued since this time, with the defence sector participating for instance in the development of EUROSUR, in contrast with the limited public or parliamentary scrutiny of this initiative (Hayes and Vermeulen 2012). In sum, border security has become an opportunity both for a European defence sector in need of new market niches and for security forces that need to justify their role in times of austerity and as their traditional role is at risk of diminishing (Bigo 2001).

However, the resulting security initiatives do not 'solve' the problem at the borders. Instead, more controls in one area generate a displacement effect towards riskier crossings. As Spanish and Moroccan forces 'closed' the route into the enclaves of Ceuta and Melilla in 2005, in response to the 'border crisis' at the enclaves' fences that year, a new pathway opened up from West Africa towards the Canary Islands – leading to the 2006 'boat crisis' in the archipelago. Worse, both these crises occurred in *anticipation* of imminent (and much-publicised) border reinforcement, in a trend that resonates with the 2015 surge in arrivals across the Mediterranean. As the Canaries entry point was eventually 'closed' through close collaboration with West African states, routes were gradually pushed towards the Sahara desert.¹⁴ Similarly, once a new surveillance system such as Spain's SIVE started covering one slice of coastline, routes moved further out at sea, leading to investment in more coastal radar stations, and more risky crossings in flimsy vessels, as the border agencies themselves recognise (see e.g. Guardia Civil 2008, 93). In the eastern Mediterranean, a similar enforcement/displacement dynamic has pushed people from the Greek-Turkish border towards the Bulgarian-Turkish border since 2010 and, once fences covered both these land perimeters, towards the more dangerous sea route. In short, attempts to cut the 'risk' of migration has led to larger risks for those embarking – yet this very risk cycle allows for new security solutions to be proposed.

Individual border guards are aware of the contradictions within their mission. 'Migration is something that will never stop', one Civil Guard Comandante told me, even as he showed me new surveillance technology that aimed to halt it. Many colleagues agreed. In Ceuta, one mid-ranking civil guard said that the new EU-funded fencing erected in 2005 was 'useless'. 'For someone who has travelled thousands of kilometres and suffered in Morocco, it doesn't dissuade'. On ground level, meanwhile, discontent was widespread, with civil guards in Ceuta and Melilla complaining about their rough and legally precarious task of expelling migrants across the fences. Such examples show how criticism, doubt

or at the very least ambivalence is widespread – even among the very actors who have gained institutionally from the border security model.

The rest of this section will focus on Euro-African policing collaboration, the area that most clearly illustrate the vicious cycle of investments. As in the USA and Australia, the EU and its member states have come to involve so-called ‘transit’ states extensively in migration controls and ‘border management’. These ‘externalisation’ policies have framed migration as a risk; transferred the attendant risks to third states; and in the end generated further risk, feeding into more reinforcements.

The export of a border security approach has been under way since the 1990s. As European states such as Spain and Italy have enrolled neighbouring states in controls, irregular migration from sub-Saharan Africa in particular has increasingly come to be framed as a threat (and also as an asset in terms of these states’ relationship with Europe, as will be seen below). This process has been supported by the EU, including via the European Neighbourhood Policy/European Neighbourhood and Partnership Instrument (EMHRN 2010); the global approach to migration and mobility (GAMM, launched after the 2005 Ceuta and Melilla ‘border crisis’), and the broader ‘external dimension’ of justice and home affairs of which GAMM is a part.¹⁵

In the case of Libya, which has long been an important migrant *destination*, Rome and Tripoli jointly started framing it as a ‘transit country’ in the 2000s. A security response followed, involving both EU and Italian funds (Rinelli 2016) as well as the above-mentioned ‘Friendship Pact’, which was purportedly about reparations for Italy’s colonisation of Libya yet fundamentally focused on migration controls and industrial expansion, including as regards border security technology.¹⁶ In Morocco, another key North African ‘partner’, Spanish incentives for cooperation have been more subtle, including in the spheres of aid, trade, fishing rights and the diplomatic question of occupied Western Sahara (Andersson 2014). The EU has reinforced this process, including through its ‘action plans’ and ‘mobility partnerships’ with Morocco as well as Tunisia, which include clauses on combatting ‘irregular migration’. The partnerships promise some limited (and difficult to realise) labour mobility for Moroccans and Tunisians as a sweetener for more in-country controls, as well as for efforts to reach agreement on these countries’ readmission of third-country nationals.¹⁷

In West Africa, Spain has been able to go further. Amid the 2006 ‘boat crisis’, Madrid convinced governments to collaborate in controls and deportations by launching an ambitious ‘Africa Plan’ for development while opening embassies across the region (Gabrielli 2011). As my field research and reports funded by the Spanish official development agency, Aecid, have shown, development aid has here helped smoothen the path for security cooperation, and has even been used to fund new security measures outright (Andersson 2014). The ‘developmental’ framing around security collaboration has been bolstered by the European Development Fund and facilitated by the Euro-African ‘Rabat process’ since 2006 (which has now been replicated via the ‘Khartoum process’ in the Horn of Africa). Through a growing development–security nexus, international mobility has come to be framed in terms of illegality and security in West Africa – a region characterised by high *intra-regional* mobility where such frames were previously close to non-existent.

Further, the export of a security model has given more powerful ‘partner’ states a perfect bargaining chip. In Libya, Gaddafi used the threat of maritime migration to

have the embargo lifted, and continued doing so up until the NATO air campaign of 2011. The unrecognised Tripoli government has similarly threatened, as Gaddafi did in 2010, that Europe would ‘turn black’ unless more resources and political recognition was forthcoming.¹⁸ In Morocco, the government has managed to extract substantial ‘geographical rent’ (Natter 2013) from the country’s positioning on irregular migration routes in a more subtle manner. In Spain, it is widely acknowledged among border professionals that ‘if [migrants] pass, it’s because they [the Moroccan authorities] want them to pass’, as one civil guard put it. By selectively ‘opening’ and ‘closing’ its borders, Rabat can maintain pressure on Spain and the EU while assuring a politics of recognition of Morocco as a key European partner. Further south, in Mauritania – a large labour importer – the migratory ‘threat’ has also facilitated political recognition: the 2006 ‘boat crisis’ in the Canaries came right after a coup d’etat, forcing European leaders to engage with the new unelected regime. In Turkey, similar processes are seemingly at work: the beleaguered government received substantial financial and diplomatic concessions from the EU in 2015, and proceeded to win in the snap autumn polls. Having ‘exported’ our notion of migration as a threat, neighbouring states may then use it strategically as what Greenhill (2010) calls a ‘weapon of mass migration’ – with far-reaching political consequences.

In return for favours, African states have rolled out repressive controls that make life increasingly difficult for anyone suspected of being undocumented, generating distress-induced (or ‘border-induced’: Lemberg-Pedersen 2012) displacement. Morocco is again exemplary. Since its 1992 signing of a readmissions agreement with Spain for third-country nationals, its security forces have collaborated closely with Spanish counterparts, including in informal expulsions of sub-Saharan migrants attempting to enter Ceuta and Melilla. By 2003, Rabat had criminalised irregular migration, and the policing response was stepped up through arbitrary raids and informal mass expulsions to the closed Algeria-Morocco border (HRW 2014). Tunisia and Algeria have also criminalised irregular migration and launched punitive policies, including in the Algerian case informal expulsions deep into the Sahara desert. In Mauritania, close policing collaboration with Spain since 2005 has seen West African labour migrants detained and deported as suspected ‘illegals’, negatively affecting relations with neighbouring Senegal and Mali while complicating the country’s tense domestic racial politics (Andersson 2014; Migreurop/La Cimade 2010). Libya, finally, perfected its hostile policies in the late Gaddafi years, where prolonged and arbitrary detention became the norm, along with widespread human rights abuses. Such ‘hostile environment’ tactics have had a double effect: first, a displacement of routes away from sites of more repression; second, a fundamental undermining of *regional* labour mobility options for migrants who fit the irregular ‘profile’, including many sub-Saharan foreigners simply targeted because of their physical traits. Subjected to arbitrary controls, many such migrants experience increased desperation, which in turn contributes to the wish to leave, as many migrants arriving into southern Europe attest in interview (including with this author; cf. Cherti and Grant 2013). This trend is seen most clearly in Libya today, as the post-Gaddafi chaos has reinforced the legacy of treating migrants as fair game through arbitrary detentions, extortions and violence; more small-scale distress-induced displacement has similarly been in evidence around Melilla since 2013, when dramatic fence-climbing attempts again became the norm despite expensive fence reinforcements.

Finally, closer social relations among border practitioners have cemented the negative dynamics. Spain has here led the way, with the Civil Guard ‘hardwiring’ cooperation through initiatives such as the partially EU-funded Seahorse satellite network, managed from coordination centres in Spain and countries including Senegal, Mauritania and Morocco (Andersson 2015). In West Africa, a gift economy has in addition been developed with local security forces, involving the transfer of border policing tools as well as extra pay for patrolling migration. Other organisations and states have run parallel initiatives, with the IOM and the EU financing new border posts and control machinery in Mali and Mauritania (Andersson 2014; Frowd 2014). In Morocco, more well-resourced, close border policing cooperation with Spain involves monthly joint patrols and regular high-level meetings. The resultant strong security networks have cushioned the authorities against some of the counterproductive effects of the emergency treatment discussed above. However, even in West Africa – the supposed ‘success story’ in fighting migration owing to the weak bargaining position of poor partner states – security forces only half-heartedly accepted European priorities, as this author saw during research; moreover, a constant funding stream was necessary to keep local forces on good terms and to ‘outbid smugglers’.

In North Africa, similar dynamics are at play on a larger scale, as states such as Morocco, Algeria, Tunisia and Libya have a much stronger bargaining position, while the gains from participating in smuggling are higher (and increasing the more border controls are put in place). This makes ‘policy transfer’ even more difficult, as Italy has seen since it launched its policing collaboration with Gaddafi. Given this reality, the principal effect of the border policing networks is to ‘lock in’ security praxis, generating path dependency for more of the same measures. Put differently, even as controls keep failing, the new social relationship established between European and African security forces mitigates against a change of approach.

Outsourced controls – by constituting a boon for collaborating states and a bargaining chip vis-à-vis Europe; by undermining regional mobility even when ‘successful’; and by creating security path dependency in bilateral cooperation – have become self-perpetuating. From the viewpoint of powerful ‘partners’ in Europe’s neighbourhood, there is simply little incentive to let go of the asset that the migratory ‘threat’ constitutes. Meanwhile, for sub-Saharan states, the rising stakes in migration controls are leading to higher demands – as seen in the November 2015 Valletta summit, when governments reacted with scepticism to the European ‘outsourcing’ drive and the launch of an ‘EU Emergency Trust Fund for Africa’.

In sum, Europe’s ‘fight against illegal migration’ has created a worrying mechanism for controls to keep growing indefinitely. As more surveillance, patrols and barriers push migrants towards riskier entry methods, new measures keep being proposed to deal with the new risks, including technological ones such as the expensive EUROSUR system or social/policing ones such as more collaboration with third states, as is now the case with Turkey, Niger and the Horn. In this way, the failure of controls has created a market for ever more controls, in a self-perpetuating dynamic. Yet the process is far from smooth: as seen above, conflict and ‘internal’ criticism constantly risk undermining the border security model – a point that will be returned to in the conclusion.

2.3. *The tragedy of the 'global commons'*

How can the 'illegality industry' keep growing, despite its obvious failures? One key reason is its political usefulness: it dissipates blame and accountability across a multitude of actors and over a large geographical area. It also allows politicians to show short-term 'toughness' on migration to a domestic audience, as will be discussed in the conclusion. Apparent 'failure' is not only a 'success' from a short-term European political perspective, but also for participants in the 'border security market': European security forces, which see their position and funding base reinforced; the outsourcing and defence sectors, respectively providing new security-related services and technological fixes; and neighbouring 'partner' states, which find both internal and international uses for the threat-based treatment of migration. Given displacement effects towards riskier routes, however, the outcome is not beneficial to everyone: someone needs to deal with the new risks that have been generated. We are here seeing a not-in-my-backyard approach with negative effects on both regional and global levels, even as certain states may be able to claim in the short run that they have effectively 'halted illegal migration'.

This is seen most starkly within Europe today. Despite talk of 'solidarity', there are few incentives for EU member states to collaborate, given they may then be 'stuck' with the problem – not least owing to the Dublin regulation, which stipulates that asylum seekers have to apply in the first state they enter. Greece and Hungary knew this as they built border fences despite protestations from the Commission, and Italy knows it as it has allowed refugees to continue northwards without fingerprinting. However, irregular routes are not just 'regionalising', leading to intra-European conflicts, but they are also 'globalising' in a distressing parallel with the globalisation of the punitive border security model itself.

Australia's Operation Sovereign Borders (OSB) has been praised by hardliners, despite the dire human rights concerns and the fact that its draconian provisions are very hard to replicate elsewhere.¹⁹ Yet even if taken as a 'success' on its own narrow numerical terms, the nationalities that were arriving before OSB overlap with those arriving in Europe. Some 3500 Afghans arrived in Australia in 2012–2013; after the launch of OSB in September 2013, overall figures dropped dramatically. Meanwhile, the number of Afghans at Europe's borders rose from about 9500 in 2013 to more than 22,000 in 2014. In another example, Israel completed a fence along its border with Egypt in early 2013; at the same time, draconian detention provisions were put in place. Until that time, about 1000 asylum seekers, mainly from Eritrea and Sudan, were reaching Israel every month. Soon after, that figure was almost zero.²⁰ Meanwhile, detections of Eritreans at the EU's external borders shot up, from 2604 in 2012 to 34,586 in 2014.²¹

The parallel globalisation of routes and security responses has led to what may be seen as a 'tragedy of the global commons', in which the 'protection' of one's own borders has severe repercussions elsewhere. Yet the large chain of interactions – ranging in Europe's case from third states to EU border forces, Frontex and defence contractors – allows most actors to escape accountability and responsibility. In fact, this is a major factor in the illegality industry's growth: the larger the number of sectors involved, the harder it is to establish chains of control. As the problem can always be pushed elsewhere, there are moreover few genuine incentives in place to solve it; and no 'hot spot' approach to

identification of arrivals (as now rolled out in Greece and Italy) will solve this without a shift in the incentive structures for both states and border agencies.

Certain kinds of migration, in sum, have increasingly been framed as an emergency in need of a security response. The result has been a proliferation of ever more dangerous routes; stronger smuggling networks; and higher, not lower, numbers of people using them. This 'failure' has in turn generated a set of self-reinforcing dynamics and perverse incentives as actors with a stake in more controls keep proposing more of the same medicine to solve our self-inflicted emergency. We need a very different approach: systemic rather than hoc; global rather than national or narrowly regional; and based on rights and opportunity rather than security, as the concluding recommendations will delineate, with a specific focus on how to shift the destructive ground-level dynamics detailed in this article.

3. Breaking the vicious cycle

In investigating the counterproductive workings of Europe's 'illegality industry', this article has put emphasis on the practical arrangements at the borders, where many actors now have a stake in the current approach *thanks to* its apparent 'failure'. Put differently, the 'illegality industry' is productive: it constantly reproduces its object of intervention in ever more distressing forms, which in turn leads to its reinforcement. Before concluding with recommendations, we must also account for another reason why the border security model persists: short-term economic considerations.

Scholars have long identified a 'policy gap' on migration: that is, a draconian discourse contrasting with a relative level of actual permissiveness, owing to the economic benefits of unprotected migrant labour (Cornelius and Rosenblum 2005). While this is especially clear in the USA, in Europe a similar trend is in evidence, as seen for instance during the Spanish economic boom, when boat arrivals in the Canary Islands were initially sent straight into the mainland and set free with an expulsion order, after which they joined the ranks of construction, agriculture and service workers in the country. Even in crisis-hit Europe, there is still an important demand for low-skilled migrant labour: and given the ageing population of large parts of the continent, the gulf between rhetoric and reality on migration is set to grow deeper. In fact, given the relative smallness of migration flows by land and sea into Europe until recently, a major reason for punitive controls against such arrivals is that they constitute an easy target for politicians keen to show resolve in 'curbing migration', given these routes' limited demographic – and thus economic – impact.

Against this backdrop, the article concludes with a double set of recommendations that take into account today's shift towards much larger numbers, and the dangers and political opportunities presented by this moment of 'crisis'. Many of the suggestions here have already been proposed elsewhere, and the following two sections will mainly seek to highlight key 'selling points' in light of the findings and constraints set out above. The main contribution, however, will stem from the article's ground-level focus: how openings towards an alternative, 'global' model for mobility may emerge *through the contradictions and conflicts inherent in the border security model itself*.

3.1. Short-term goals: a harm reduction approach

Before giving more ambitious recommendations, short-term suggestions need to be considered given the severe constraints in Europe's migration politics. Here, I suggest, policy-makers may learn from the debate around the 'war on drugs', where there is a growing realisation of the additional risks created by a 'supply-centric' and punitive response (LSE IDEAS 2014). As in the drug wars, a *harm reduction approach* would be a big step in the right direction. This would involve an acknowledgement that migration (both forced and voluntary) is a *structural* phenomenon that will not be remediated by punitive border policies; and that we thus need to find rational and risk-mitigating measures to deal with it.

Lack of space precludes a longer discussion of harm reduction measures, but in brief these may include *training for border guards*, building on positive trials;²² *streamlined sea rescues*, curtailing negative incentives for private actors to assist while bolstering existing sea rescue provisions within the ambit of border surveillance;²³ *minimising the conflation of 'humanitarian' and coercive responses* by putting border security initiatives through a rigorous 'do no harm' test; *'fire-walling' development funding*, similarly subjecting it to 'do no harm' imperatives with the involvement of aid agencies and receiving states, creating (with EU support) reputational risk pressures on reluctant governments; and *bilateral cooperation models for 'human security' ends*, for instance as regards sharing sea rescue expertise and administrative procedures with neighbouring countries, rather than simply exporting a security model.

More ambitiously, *Frontex risk analysis should shift focus from taking borders and territories as its 'referent object' in need of protection and instead focus on risk to people* – a difficult change, given the agency's mandate and DG HOME's securitising interventions, yet something that can be pushed by stakeholders such as the Frontex fundamental rights consultative forum combined with critical voices in border policing, the European parliament and other DGs. *Transparency and checks and balances on DG HOME and Frontex matters* is crucial in this regard, showing how taxpayer-provided resources are being put towards counterproductive measures. Border security initiatives must be put through proper audits and political scrutiny, while a full evaluation of EU-financed security initiatives should investigate their real costs (including maintenance, manpower and hidden outlays), as well as their consequences and 'side effects'.

The most important – and also the hardest – harm reduction measure is to *(re)establish legal pathways*, learning from historical experiences in both the migration and refugee fields. Options such as humanitarian visas (already issuable under the Visa Code), refugee resettlement, family reunification, labour migration programmes (including for refugees) and the lifting of carrier sanctions all need to be pursued at the highest level. Instead of establishing which specific legal options to pursue for both refugees and migrants, I will simply highlight five arguments for them here. First, legal pathways undercut the smuggling business, which has grown stronger thanks to the lack of alternatives. Second, the hope of a 'way out' will lead to more patience among people stranded in limbo. Third, rather than increasing the chaos, legal pathways in fact enable oversight, control and identification – all of paramount interest to European governments. Fourth, legal pathways are a key part of a solidarity approach towards non-European host countries, whose cooperation is crucial for a shift in dynamics.

And fifth, safe entries may also create ‘exit options’: more border security has been a key contributing factor to the growth of undocumented populations in the West, thanks to the insurmountable obstacles to a potential future return. In sum, legal pathways – rather than feeding the ‘doomsday scenario’ of vastly increasing arrivals so often invoked in European politics – do not only allow for more humane procedures and incentives, but also contributes to *re-establishing control*, in contrast with the risk and chaos-producing border security model.

All these points assume a capability and willingness to change in Brussels and some level of cooperation among member state governments; however, all these actors have so far only managed to cooperate fully in the security model. Amid this deadlock, frontline workers and agencies may themselves become agents of change, since they as noted are often the first to criticise aspects of the current approach. Harm reduction may thus fruitfully start with small measures and day-to-day coalitions, in a ground-up approach that may circumvent obstacles on larger political levels while opening up for a more ambitious model.

3.2. Long-term goals: towards a global model for mobility

A fundamental contradiction characterises today’s ‘open’ economies: relatively free cross-border movements of goods, capital and well-off citizens versus heavy restrictions on such movements for those who need it the most (citizens of poor, repressive or conflict-torn countries). This contradiction – combined with the continued *demand* for protection and jobs as well as for labour power from, respectively, the ‘sender’ and ‘receiving’ ends – makes irregular migration inevitable, quite regardless of border security measures. Put differently, migration cannot be treated as a separate policy sphere, but rather needs to be considered in relation to larger political and economic fields. Instead of persisting with a short-term, supply-centric and security-focused *tactic* for controls of migration, we thus need an *overarching political strategy* that takes into consideration the ‘globalised’ nature of human movement and wider socio-economic realities. Such a strategy will need to be global and systemic rather than ad hoc and national or narrowly regional; pragmatically, it must focus on rights and opportunities rather than security and threat scenarios, since the latter have proven counterproductive and abusive. Here I will briefly focus on how a global strategy may emerge through four steps.

First, *EU institutions must counter the emergency frame around migration and borders*. Since migration is a nation-state concern under the Treaty, it has been excruciatingly hard to develop European initiatives that may help ‘normalise’ migration politics. Yet the Commission, the European parliament and the European Court of Justice can jointly help temper emergency rhetoric. For instance, when the Italian government announced a national emergency and kept Tunisian forcibly stranded on tiny Lampedusa in 2011 in front of the European media, the Commission and parliament could have bolstered the political case for ‘de-escalation’. Funding is a key tool in this regard: while assistance does need to be provided to states experiencing large influxes, it should be aimed at tempering the emergency frame and normalising the situation through financing for creative, small-scale reception models. The Court may also investigate cases of prolonged detention or detention-like conditions that keep building tensions at borders. Further, based on evaluations such as those discussed above, incentives must be put in place for harmful

security technology to be de-prioritised or even dismantled, starting with the most evidently counterproductive cases such as border fences. Even if the European parliament or Commission cannot force through change, they are able to make authoritative interventions in the public sphere via objective evaluations and attendant ‘name and shame’ tactics, while EU funds can be used to create positive or negative incentives for change, for instance by withdrawing support over non-cooperation.

Second, *third-state cooperation on migration needs to be reformulated*. Instead of exporting a punitive and counterproductive security model, European actors should collaborate with neighbouring states to *normalise* migration. This is in the medium-term interest of European states, as more favourable living circumstances will lead to less desperation and drama at the borders, while weakening the political usefulness of migration as a bargaining chip. Just as European actors have put pressure on neighbouring states to cooperate in policing through sticks and carrots (mobility partnerships, trade, aid, diplomacy), they can do the same to get the opposite effect. More important than pressure, however, is responsibility-sharing via legal pathways, to create a new environment for genuine cooperation.

Third, *within Europe, genuine solidarity and ‘normalisation’ similarly needs to be built*. Rather than mandatory ‘burden-sharing’ quotas, genuine solidarity must involve three aspects: legal pathways from third countries, mutual recognition of asylum decisions and an end to Dublin rules that have triggered ‘beggar thy neighbour’ behaviour – meaning, in the longer run, moves towards some kind of common asylum system. This ambitious shift needs to highlight the benefits of mutuality and the costs of ‘going it alone’. The current lingo of ‘burden sharing’ must be replaced by more enabling language – and incentives to match it. Labour market instruments can be used to draw on the skills and ambitions of new arrivals, while EU funds can support vulnerable refugees as well as poorer member states. In short, with common policies and planning it is possible to *spread positive opportunities* across Europe rather than *compress problems* in borders areas.

Still, this shift is excruciatingly difficult, and may in the end need a drastic move such as redrawing Schengen itself. A somewhat less dramatic measure would be to move migration out of DG HOME to another directorate-general, thus eroding interior ministries’ ‘monopoly’ over the phenomenon. One option would be to move migration issues to DG Employment (labour migration) and DG Justice (asylum); a better move would be to create a new directorate-general for Mobility, which would support positive, evidence-based policies for intra-European *and* non-European migration and asylum.

Fourth, *a fully ‘global approach’ under a UN umbrella may be envisaged* that strengthens and extends refugee and ‘survival migration’ responsibility while also involving low-skilled labour migration. The default ‘territorial’ focus in refugee hosting – ad hoc reception depending on where people may set foot – needs to be replaced by a planned global system. While the various options for ‘stretching’ or complementing the refugee regime have been discussed elsewhere (Betts 2010), I will here simply insist on the importance of a UN framework that encompasses migrations outside the UN refugee convention – not least since the role of the (non-UN) IOM has often proven to be contributory to the problem, participating as it does as ‘service provider’ in security-based responses. Rather than go into policy detail, however, my main focus here will be on how a ground-level perspective presents potential pathways for change.

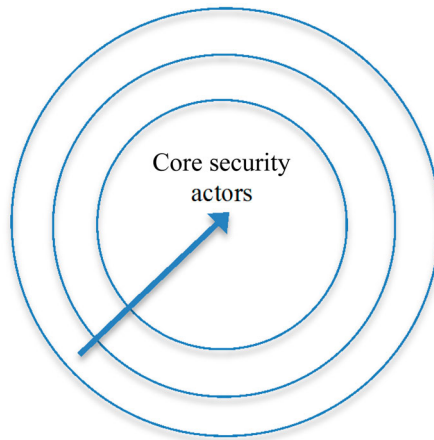


Figure 3. The ‘illegality industry’: centripetal convergence around border security.

This article has shown how certain kinds of migration have come to be treated as a threat or ‘risk’, and how an ever-larger set of actors have converged around this treatment: that is, we are seeing a *centripetal pull towards border security*. However, this treatment has itself generated novel risks and dispersed these ‘centrifugally’, away from the ‘core’ border security actors. On a national scale, risk has been transferred from northern/western nations towards southern/non-western ones; institutionally, it has shifted from (some) security actors towards state agencies managing increasingly difficult rescues and arrival situations; and intra-institutionally, it has trickled downwards, away from headquarters to frontline officers dealing with the chaos (Figures 3 and 4).

While a security coalition or industry has thus been built around migration-as-risk, in the process generating more risks, there is significant potential for *alternative international coalitions* - an enabling ‘mobility industry’ perhaps - among actors that are now *unequally dealing with the novel risks*, ranging from frontline border professionals to aid organisations, and from African governments and state agencies to local border communities. Adapting the language of Ulrich Beck, a shift can through such actors be envisaged from a security-based ‘risk community’ to a genuinely cosmopolitan one, learning from advances in fields such as climate change (Beck et al. 2013).

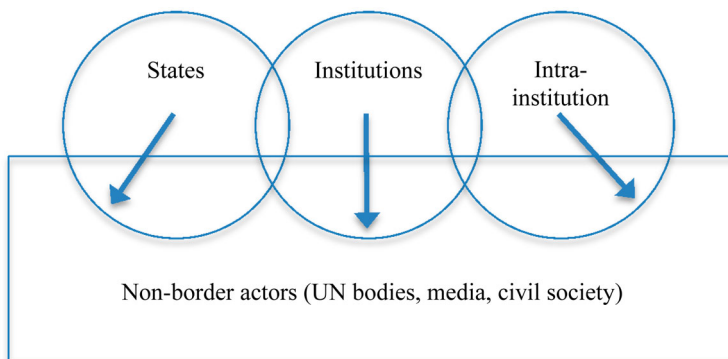


Figure 4. A ‘mobility coalition’ (rectangle) forged around the centrifugal dispersal of border security risk.

The key task is to start with identifying the costs and risks generated by the security model, and so build political momentum around the reduction of risks to the common good. As in the ‘drug wars’ and the climate change debate, ‘side effects’, risks and ‘externalities’ have to be incorporated into cost assessments. Until now, Europe’s illegality industry (and its equivalents elsewhere) has succeeded in presenting its negative effects as external to operations: that is, not as *negative externalities* but as risks associated with ‘migration itself’, seen as akin to a natural force (a ‘flood’, ‘tide’ or ‘avalanche’). Electorates, politicians, state agencies and other actors need to be convinced that the large costs – financial, human, social, political – outweigh the ‘gains’ produced by border security. In this endeavour, relying on the very governments and EU institutions responsible for reinforcing the border security model is certainly not enough. Instead momentum will have to come from other sectors, including – in addition to the risk-facing institutions above – UN bodies; journalists, academics and activists; and crucially refugees and migrants themselves, who often have the sharpest analysis of the gains to be had from their misfortune.

This article’s key contention is that politicians have been looking in the wrong ‘place’ (the border) and at the wrong kind of measure (security) to ‘solve’ the migration ‘problem’. Ample evidence shows that punitive border measures do not work; instead, the ‘mixed migration’ flows of today need to be dealt with through other means, including economic instruments at home and more intelligent interventions abroad. At the risk of stating the obvious, no significant shifts on ‘distress migration’ will occur until significant political and diplomatic will is put into resolving the conflicts in Libya, Syria, Somalia and Afghanistan, all among the major origin or departure nations for those arriving at Europe’s borders; and no punitive policy will keep the poor from seeking a better life for their families. The suggestions above are certainly no quick fixes. Yet this should be acknowledged and even welcomed in our public and policy debates: for the opposite – a search for a quick and visible ‘solution’ at the borders – has proven to be no solution at all.

Notes

1. Such a ‘systems’ perspective may be seen as unhelpfully assuming coherence, thus giving more power to state actors than is necessarily the case. However, as I hope will become clear, this is not my intention. Rather, considering seemingly disparate actors and practices through a joined-up ‘industry’ frame allows for seeing novel patterns and linkages, as well as conflicts and clashes, among the sectors working on irregular migration.
2. See Eurostat, http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics; and Frontex on overstayers, <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/>.
3. I use UNHCR figures since Frontex double-counts arrivals across the Balkans. See <http://data.unhcr.org/mediterranean/regional.php>
4. See <http://www.unhcr.org/about-us/key-facts-and-figures.html>.
5. EU funding from Commission and Frontex websites. For the journalistic investigation, see <http://www.themigrantsfiles.com>.
6. Spanish border police figures from MIR (2011).
7. Sidestepping important legal distinctions, this article consider ‘refugees’ and ‘migrants’ jointly owing to the security approach applied jointly both these groups, as well as to increasing empirical overlaps between them: cf. Betts (2010).
8. See <http://migrantsatsea.org/2015/04/30/un-security-council-president-on-mediterranean-migrant-crisis-its-not-about-protecting-europe-its-about-protecting-the-refugees/>.

9. A note on terminology: *emergency frame* draws on Calhoun's (2008) conception of the 'emergency imaginary', while *security model* has been chosen to put focus on praxis, in an attempt to avoid the discursive associations of the term 'securitisation'.
10. *Pace* authors such as Neal (2009), I contend that the formulation of migrants as a 'threat' indicates that a 'risk approach' can no longer be separated from a 'securitisation' process, especially once we focus on border praxis rather than discourse (cf. Svantesson 2014).
11. See Frontex Guidelines for Risk Analysis Units at https://capacity4dev.ec.europa.eu/system/files/file/03/11/2014_-_1104/7._ciram_guidelines_2012_interactive_v6.pdf.
12. See the website of the United Nations Office on Drugs and Crime for the definition of trafficking, <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>.
13. Citation from EU FP-7 webpage, http://cordis.europa.eu/programme/rcn/861_en.html.
14. One important nuance: the sudden opening of the Canaries route involved 'opportunistic' departures that were not later replicated across the desert to the same extent, although numbers have risen in 2013–2015 with the chaos in Libya.
15. See http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/index_en.htm.
16. See, for example, http://www.nytimes.com/2011/05/19/opinion/19lucht.html?_r=0.
17. Spain, which has legalised informal expulsions at Ceuta and Melilla, is resisting an EU-wide deal.
18. See <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/7973649/Gaddafi-Europe-will-turn-black-unless-EU-pays-Libya-4bn-a-year.html>.
19. Australia, like Spain in West Africa, has depended on poor and powerless neighbours for the success of its draconian offshore policy – a solution simply not available in Europe's neighbourhood.
20. See report by the IRIN news service at <http://www.irinnews.org/report/99095/horn-migrants-risk-new-routes-to-reach-europe>.
21. Figures from Australia's Department of Immigration and Border Protection website and from Frontex Annual Risk Analysis, http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf.
22. See Open Society Foundations Europe: https://www.opensocietyfoundations.org/sites/default/files/profiling_20090511.pdf.
23. See analysis by Steven Peers at <http://eulawanalysis.blogspot.co.uk/2014/09/the-new-commission-first-thoughts-on.html>.

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