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1. Introduction

This report is the second deliverable of the FP7 project entitled ‘Converging and conflicting ethical values in the internal/external security continuum in Europe’. The project takes its starting point a change in policy practice, namely the merge of external and internal aspects of security in Europe – what the project documents refer to as the emergence of a ‘security continuum’.i Research conducted as part of the project focuses on ethical challenges that are tied up with such change. The purpose is to supplement the existing literature with a value oriented analysis.ii The concern being, policies that are designed to provide security in Europe may end up reducing the level of protection of the individual rights and freedoms, and thereby jeopardising the values which the European Union (EU) has sought be built upon.

This report covers one dimension of this research endeavour, namely the implications of European security practices vis-à-vis the Mediterranean. This focus is broader than the original mandate, which covered those policies adopted as part of the European Neighbourhood Policy (ENP). This is because the ENP is considered as a crystallised form of the merge of internal and external aspects of security in European policy-making. The report’s mandate has been broadened to cover country-to-country security cooperation across the Mediterranean. This is because the emergence of the security continuum in this part of the world and insecurities that followed have been products, mostly but not wholly, of country-to-country cooperation. Accordingly this report is less focused than it could have been had it remained with the more narrow mandate. At the same time, it is more comprehensive in terms of evaluating the implications of various European security practices at multiple levels – multilateral level, EU to country level and country-to-country level. The report seeks to clarify these implications in individual, societal, and state/regime terms. We focus on three cases, Algeria, Egypt and Morocco (in alphabetical order) in clarifying these implications.

The report falls into five parts. In the first part, two key concepts of the report – security continuum and ethics – will be defined. This is followed by the second part where European security practices vis-à-vis the Mediterranean will be examined. In this
part, the transition from the Euro-Mediterranean Partnership (EMP) to the European Neighbourhood Policy (ENP) will be examined with reference to those practices that have been prioritized both in the ENP agenda and in the bilateral relationships between Algeria, Egypt, Morocco and EU Member States. This part will also compare the EMP and the ENP in terms of diverging perspectives about what security means for the EU and through which tools it is pursued. The third part will point to three problems that have emerged in European security practices in the ENP era. What is examined in the third part crystallizes in human terms in the fourth part, where interviews we have conducted in Algeria, Egypt and Morocco will be presented. These interviews are used to illustrate the implications of European security practices across the Mediterranean for the South. The fifth part will build upon the fourth part and analyze the ethical implications of European security practices vis-à-vis different referents of security: individuals, societies, and states/ regimes.

2. Two Key Concepts: Security Continuum and Ethics

Two concepts are central to the research endeavour at hand, namely: security continuum and ethics. Both are difficult concepts, on the definitions of which scholarly consensus is yet to be reached. There is even less common ground in everyday politics on these notions. What follows seeks to clarify these key concepts as they are used in this report.

a. Security Continuum

Observations abound regarding the disappearance of boundaries between the ‘internal’ and ‘external’ dimensions of security in Europe (Bigo, 2000, 2001, Lavenex, 2004, Lutterbeck, 2005). These are boundaries we have, over the years, grown accustomed to in terms of thinking about and practising security. In terms of thinking about security, Security Studies, the relevant academic sub-field of International Relations, has rested upon this boundary (Walker, 1997). Students of security have been taught that ‘external’ is the realm from which threats to states emanate. ‘Internal’ is the realm of
peace and tranquil. It is only recently that students of International Relations have begun to systematically consider the ‘internal’ dimension of security and the internal/external axis (Booth, 1991, Booth and Vale, 1995, Buzan, Waever and De Wilde, 1998, Krause and Williams, 1997).

The same is true in the realm of policy too. Indeed the very notion of ‘homeland security’ in the US context affirms the presupposition that security policy is about the ‘external’. It is only when it is qualified by an adjective that security is considered to be made relevant to the ‘internal’. Elsewhere, the boundary between the ‘internal’ and ‘external’ dimensions of security has been institutionalised and reinforced through the division of labour between police and military. It is only the gendarmerie that has remained a grey area in this division of labour. That this division of labour has become a norm can be discerned from the way the gendarmerie’s role is treated in the Geneva Centre for the Democratic Control of the Armed Forces (DCAF) activities.iii There is also the paramilitary, as found in – yet again – different parts of the world that seem to be outside this division of labour (Andreas and Price, 2001, Klare, 2004, Kraska and Kappeler, 1997). Finally there is the phenomenon of the rise of private security actors, which are increasingly challenging this division of labour and contributing to the emergence of a security continuum (Leander, 2005, Williams and Abrahamsen, 2006).

The point being, while our thinking about security has been organised around the boundary between its ‘internal’ and ‘external’ dimensions for a long time, our practices began to take different forms. Our thinking is only beginning to catch up. It was first students of security in the developing world who highlighted the problems with the internal/external axis in understanding insecurity in parts of the world where ‘internal’ and ‘external’ problems merge (Thomas, 1991, Acharya, 1997). Concepts such as ‘insecurity dilemma’ (Job, 1992) ‘software side of security’ (Azar and Moon, 1986) and ‘omnibalancing’ (David, 1991) were all developed in the attempt to account for the merging of the internal and external in security practices in the developing world (Bilgin, 2005).
More recently, the literature on Security Studies has begun to take account of what Bigo (2001) has referred to as ‘a growing interpenetration between internal and external security’. While it is commonplace to explain the merging of the internal and external dimensions of security as a response to developments out there – as with Kaplan’s (1994) ‘coming anarchy’, Huntington’s (1993) ‘clash of civilizations’, or the infamous ‘global war on terror’ – there are also dynamics in here – Europe, the West, the developed world. Contra the ‘functionalist vision of security where security is explained through the evolution of insecurity (threats, risks, dangers, fears, and so on)’, Bigo (2000: 178) has called for looking into the role played by security agencies in bringing about the aforementioned merge. From this perspective, insecurity is a product, the production of which demands further scrutiny. To quote Burgess:

Insecurity grows proportionately with the accelerated consideration of, and response to, security. Fighting various forms of threat most often leads to solutions that remove people and the individual from the picture. We build walls, construct fences, design detection systems, etc. These types of measures have many functions, and they prevent danger to some degree. But, they also have the effect of diminishing trust—trust in others, trust in society, trust in oneself. Less trust generates less security, or more insecurity, something that defeats the purposes of the desired effect (Burgess, 2009a: 138-39).

As such, if internal and external dimensions of security have merged, giving rise to new insecurities, it is not only insecurities per se, but the very process by which they have come about requires looking into. Since that process is not without agency, the role played by the agent, those who think about, formulate, check, approve of and implement policy becomes a focus of analysis. This is where ethics comes into the picture.

b. Ethics

What is understood by ethics is ‘not a model of correct behaviour’ but ‘self-reflection’—it is about taking into account the consequences of one’s actions cognisant of the fact that ‘we have choices, that we have opportunities’ (Burgess, 2008b: 4). As regards the specific interests of this project, we are interested in the insecurities that are generated
both ‘by the real, objective presence of threat and by the very efforts of our authorities to protect us from threat’ (Burgess, 2008a: 3). Even in an age where security practices are highly technologised, i.e. seemingly highly impersonal, there are ethical values embedded in these practices (Bigo and Jeandesboz, 2010).

The task of the in:ex project is to uncover these embedded values and reflect upon them vis-à-vis the values the European integration process has helped to build and defend those values that the notion of ‘normative power Europe’ (Manners, 2002, Youngs, 2004) is supposed to encapsulate. With reference to the specific context of the Mediterranean, the project is interested in those insecurities that are the unintended consequences of the attempts to secure Europe.

Those values that we seek to uncover are not about notions of ‘right’ and ‘wrong’. We are not interested in debating how EU security policies vis-à-vis the Mediterranean would be more ‘ethical’, if only this or that policy was adopted in the future. Valuable such debates may be, the report’s interest lies elsewhere. The report is interested in uncovering the moral values embedded in already existing practices and their ethical consequences. Put differently, ethical problems focused upon in this report refer to not what the EU could have been doing if only it began to act as a ‘normative power’, but it refers to the implications of what European actors have been doing in the attempt to secure Europe vis-à-vis the Mediterranean. As will be seen below, in the Mediterranean context, there are some very concrete examples. In the next part, the evolution of European security practices vis-à-vis the Mediterranean will be discussed.

A caveat is in order: what is being done is not always EU policy. Most of this is bilateral agreement and bilateral cooperation (not only as envisaged by ENP, i.e. EU to country, but also country to country, see the appendix for specific examples). These agreements are sometimes done under the auspices of the EU but sometimes outside of EU frameworks and settings, and sometimes even criticised by EU bodies (see, for example, Rodier, 2006).
European Security Practices from the Euro-Mediterranean Partnership to European Neighbourhood Policy

a. Background

The European Community (EC) began to formulate policies towards the South Mediterranean countries in particular and the Middle East in general in the early 1970s. In 1972, the Global Mediterranean Policy (GMP) was initiated by the EC as the first example of a comprehensive approach to the Mediterranean region as an important trade partner and energy exporter. During the 1980s, the EC tripled the funds going to the Mediterranean countries and improved the conditions of access to the EC market for these countries. Although the GMP was renovated in 1989, the economic relations continued mainly on a bilateral basis during the 1980s and early 1990s. The EC also supported the establishment of the Arab-Maghreb Union as a means of advocating political dialogue and possibly regional integration. Individual EC states also contributed these efforts by launching the 5+5, which brought five countries from Europe and five from the Maghreb together with the aim of developing both political dialogue and concrete cooperation.

Another initiative of the early 1990s was the attempt to convene a Mediterranean Conference on Security and Cooperation (CSCM), led by Italy and Spain. Inspired by the Helsinki Process, the idea behind the CSCM was forging a partnership among European and Mediterranean partners toward enhancing dialogue and cooperating on a large variety of topics including security. The CSCM did not materialize, but the idea behind was influential in the process that led to the creation of the Euro-Mediterranean Partnership (Barbé, 1996).

b. The Euro-Mediterranean Partnership (Barcelona Process)

EMP was launched in 1995 toward creating an area of peace, security and stability in the Mediterranean. It was organized in a three-basket structure: the Political and Security Partnership, the Economic Partnership, and the Social and Cultural Partnership. At the time, security concerns ranked high among EU priorities when
designing the EMP. In fact, it can be seen as EU’s response to increasing immigration from Mediterranean countries, the fear of aggravated social unrest and instability in the EU’s southern neighbours, and the possible radicalization of South Mediterranean diasporas in different EU Member States as a result of the export political instability in the surrounding regions.

The Second Basket of the Partnership symbolized how the EU’s internal security was accepted as impinged upon stability in its southern neighbourhood, which in turn, was dependent upon increasing economic and financial interaction across the Mediterranean. The political and security agenda was viewed as inextricably linked with economic and social factors. The then Vice-President of the EU Commission Manuel Marin (Marin, 1997) clarified the principles of the EMP as the promotion of an economic development and of a balanced political dialogue in the Mediterranean area. The then British Foreign Secretary Malcolm Rifkind confirmed that there were ‘two main themes: political stability…and economic growth. In reality these are actually only one subject’ (Satloff, 1997: 23).

The First Basket of EMP was the Political and Security Partnership. Its aim was stated as one of creating ‘an area of peace and stability in the Mediterranean’. Along with Confidence Building Measures (CBMs), the promotion of human rights and democracy were also mentioned under the political and security partnership framework (Biad, 2000). This process proved to be problematic when a consensus on a Euro-Mediterranean Charter for Peace and Stability could not be reached in 2000. The EU policies shifted from CBMs to Partnership Building Measures (PBMs).

As the spirit of multilateralism diminished, the partners of the Barcelona Process opted for a more ‘pragmatic’ approach. Expectations regarding multilateralism were lowered, bilateral cooperation was given priority. In the multilateral field, cooperation and dialogue have focused on aspects that have both domestic and external dimensions, such as the fight against terrorism, and less sensitive political issues, such as civil protection. At the same time, sub-regional frameworks such as the 5+5 experienced a revival.
c. The Impact of 9/11 and the Global ‘War on Terror’ on European Security Practices

Terrorism has always been a source of insecurity in the Mediterranean for both Northern and Southern members of the EMP and, consequently, it remained to be an important topic on the Euro-Mediterranean agenda. However, the September 11 attacks and the global ‘War on Terror’, together with the attacks in several Mediterranean cities such as Amman, Madrid, Istanbul, Taba, Djerba, and Casablanca made an impact. These attacks were followed by significant changes in the formulation and operationalisation of European policies toward the Mediterranean.

In the Laeken Presidency Conclusions for the first time ‘illegal immigration’ networks and terrorism were discussed together as threats to be met in the framework of better management of external borders (European Council, 2001: 12). The 2002 Seville Presidency Conclusions, for the first time, mentioned the possibility of using measures against the partners that did not cooperate with the EU in the area of terrorism and immigration (European Council, 2002: 11). The Valencia Action Plan adopted the Seville policies in the EMP context. At the Hague Programme in 2004, it was declared that security in the EU had ‘acquired new urgency’ after 9/11 and the Madrid bombings (EU Council, 2004b: 3).

The most explicit link between terrorism and immigration control was made in 2004 by the EU which released information about the practices in the field of Justice and Home Affairs (JHA) via RAPID, the official press releases channel of the EU: ‘sound and efficient border management is essential in the fight against terrorism since it contributes...to fight against illegal immigration’ (RAPID, 2004). The principles of the Hague Programme were incorporated in the EMP through the Dublin Euro-Med Ministerial Conference in 2004 (Euromed, 2004: 16). In 2005, the European Union Counter-Terrorism Strategy was adopted with the clause that ‘co-operation with and the provision of assistance to priority third countries – including in North Africa, the Middle East and the South East Asia – will be vital’ (EU Council, 2005b: 7). Following that, the Euro-Mediterranean Code of Conduct on Countering Terrorism was adopted in Barcelona in 2005.
That said it was not merely insecurities ‘out there’ that brought about the change in European security policies. Indeed, as highlighted above, for some time European multilateralism had been giving way to bilateralism vis-à-vis the Mediterranean. Furthermore, the security continuum’s emergence had become visible for some time. While there is no agreement in the literature as to the importance of ‘internal’ versus ‘external’ (read: 9/11 and other terrorist attacks tied to al-Qaida) dynamics in bringing about this change in European policies, there is ample evidence to support that EU’s own dynamics have also contributed. For example, before 9/11, in 1999, the Tampere Presidency Conclusions had added an external dimension to the third pillar, JHA (European Council, 1999). Another important dynamic has been the 2004 enlargement. Through the enlargement rounds, the borders of the EU were expanded and the EU has become closer to the problematic regions, which led the EU to develop a cross-pillarized approach (Wolff, 2008: 254).

9/11 added a new dimension to the internal processes of the EU. While Holm argued that 9/11 strengthened the already existing stance of the EU in the EMP (Holm, 2004: 6-7), Lutterbeck considered the most important visible effect of 9/11 as one of enabling the EU to link immigration to terrorism stronger than ever (Lutterbeck, 2006: 70). Others have underscored the significance of 9/11, arguing that 9/11 made the EU to lean towards adopting the discourse of authoritarian regimes about terrorism, immigration, and activism (Nicolaidis and Dimitri, 2007; Galli, 2008).

There is no denying that the Madrid and London bombings contributed to an increased sense of urgency in Europe. The words of then High Representative Javier Solana reflected this urgency:

Let us look at what we have done right in the past ten years. But let us also assess where we can do more or better. We owe it to ourselves and our publics to be frank. We must stay true to our guiding philosophy of partnership and inclusiveness. But we should update our work to radically changed realities and new expectations. In everything we do, we should inject a greater dose of urgency. Time is not on our side (Solana, 2005: 1).

The ENP was launched in this political context which was characterized by the failings of the EMP in meeting its objectives, a heightened sense of insecurity in the EU in
relation to irregular immigration, and a response to the global ambitions of the Union which were crystallized in the *A Secure Europe in a Better World: European Security Strategy (ESS)* document published in 2003. *ESS* emphasized, among other things, the importance of cross-border cooperation on issues such as terrorism, environment, immigration and trafficking (EU, 2003). With the adoption of a comprehensive approach to the European neighbourhood in 2004, the ENP became the new framework to address these problems.

d. The European Neighbourhood Policy (ENP)

In 2003, the Commission declared that ‘the EU should aim to develop a zone of prosperity and a friendly neighbourhood – a ring of friends – with whom the EU enjoys close, peaceful and co-operative relations’ (European Commission, 2003). In the same year, the ENP was announced at the Thessalonica European Council. It was formulated in the hope of replicating the success of the enlargement (which helped transform candidate states) without offering the membership perspective. Then EU Commissioner for External Relations, Benita Ferrero-Waldner, said:

*The EU’s aim is to expend the zone of prosperity, stability, and security beyond our borders. The question is how to use soft power to leverage the kinds of reforms that would make that possible. The answer, in the decade following the fall of the Berlin Wall, was enlargement. This has been a tremendously successful policy, with a momentous impact on the European continent. EU enlargement has made an extraordinary contribution to peace and prosperity, thanks to our strategic use of the incentives to offer. Nor is it over – we still have work to do consolidate 2004’s enlargement and there are new commitments on which we must deliver. Yet it is clear that the EU cannot enlarge ad infinitum. So how else can we pursue our geostrategic interest in expanding the zone of stability, security and prosperity beyond our borders? How best can we support our neighbours’ political and economic transitions, and so tackle our own citizens’ concerns? ENP provides the answer* (Ferrero-Waldner, 2006: 139-40).

As stated by the Commissioner, the EU considered the ENP, like the EMP, a policy instrument toward betterment of the political and economic conditions in the neighbours, and thereby promoting security for Europe. Unlike the EMP, which
emphasized multilateralism, the ENP was characterized by differentiation and bilateralism. Instead of addressing these issues in multilateral forums, the EU turned to instruments called ‘Action Plans’ which were prepared through consultation with Mediterranean states. In 2004, the Commission determined the areas on which the Action Plans in the ENP would focus. These areas included ‘political dialogue and reform; trade and measures preparing partners for gradually obtaining a stake in the EU’s internal market; justice and home affairs; energy, transport, information society, environment, and research and innovation; and social policy and people-to-people contacts’ (European Commission, 2004: 3). This differentiated approach called for more structured monitoring (such as country reports), a closer consultation process with each neighbour and stronger financial means under the framework of the European Neighbourhood and Partnership Instrument (ENPI). This approach was designed to respond the concerns of the partners more effectively than the EMP by providing stronger incentives to cooperate with the EU. That said, notwithstanding such novelties designed to address EMP’s weaknesses, the view that the ENP has inherited the EMP’s problems remains.

The transition from EMP to ENP was also marked by a change in EU security policy-making referred to as ‘externalization’, which is also referred to ‘outsourcing’, ‘subcontracting’, or ‘remote control’.

e. Externalization

EU documents refer to externalization as a tool for the Union to make JHA ‘a central priority in its external relations’ (EU council, 2005a). EU documentation discusses externalization mostly in relation to EU policies in the areas of immigration and asylum (Boswell, 2003, Gammeltoft-Hansen, 2007, Guild, 2006). However, it is also possible to look at it from a wider perspective, which includes issues such as the externalization of counter-terrorism measures. In what follows, what is meant by externalization in this report will be clarified and European security practices as externalized vis-à-vis the South Mediterranean will be laid out.
Externalization is defined by some as a type of external governance, ‘an attempt to transfer the EU’s rules and policies to third countries and international organizations’ (Lavenex and Schimmelfennig, 2009: 791). While this definition highlights the export of EU’s policies to the neighbouring countries as a dimension of externalization, it does not clarify to what aim(s) this type of transfer takes place. Another definition refers to externalization as the ‘external governance of EU security’, which involves ‘modes of governance through which the EU seeks to ensure the ENP’s countries’ participation in the realization of its internal security project’ (Lavanex and Wichmann, 2009: 83). This understanding of externalization is inclusive of measures designed to cope with not only immigration but also other issues such as terrorism, organized crime or ‘bad’ governance to threaten European internal security. This second definition better reflects the central tenet of externalization, which involves pursuing European internal security through policies that are primarily operationalised in the EU’s immediate neighbourhood. While externalization is widely considered to have started with the ENP, aspects of EMP already constituted a form of externalization understood in this second sense.

That said, the content of externalization in 1995 and the one in 2005 are significantly different. The differences are in the notion of security, how it is pursued, and the means used. Through the EMP, the EU aimed at exporting its own model of security building to the rest of the Mediterranean through CBMs and PBMs. The notion of security behind the EMP was a comprehensive and a common one (Joenniemi, 2007). The EU wanted to achieve security for itself through reforms to ensure political pluralism, protection of human rights, and economic prosperity. Security through non-military means (even without identifying it as a ‘security policy’) (Waever 1998) became the trademark of European policy-making, which gave it a different stance in world politics. While the EMP was not about securing the Mediterranean per se but creating security in the Mediterranean region for the purposes of the EU, a comprehensive security approach characterized EU rhetoric, and to an extent, action. Although its
inconsistencies were highly criticized, the EMP was formulated in relation to the promotion of universal values in the Mediterranean region.

The ENP differed from the EMP in terms of both security thinking, rhetoric and action. Through the ENP, the EU no longer sought to export its own security-building model to the neighbouring countries. The focus on multilateral CBMs and PBMs disappeared in the ENP. Through the ENP, the common security perspective of the EMP was put aside. In its stead a security understanding that was linked up with a less inclusive identity construction was adopted. This less inclusive identity sometimes turned to be an indicator of a dichotomy between the EU ‘us’, which must be secured against particular threats and the Mediterranean ‘them’. Notwithstanding the language of ‘neighbourhood’, the South Mediterranean countries were viewed as producing these threats and also held responsible for addressing them.\(^{\text{vii}}\)

In terms of policy acts, more technologized and sometimes militarised police/gendarmerie/navy tools have increasingly begun to be used by the EU or its Member States when cooperating with Mediterranean neighbours. These have included training of military and police forces of South Mediterranean countries, the training of immigration officers, and the transfer of surveillance and control technology. The increasing number of cross-border operations in the Mediterranean and the deployment of high-tech systems such as SIVE have shown

Europe has undergone a number of significant transformations in the use of technology with the aim of managing insecurity. These transformations are to be understood in the context of the growing de-differentiation between previously distinct activities: fighting wars abroad, controlling populations at home and managing the border between two spheres (Burgess, 2009b: 321). European security practices are exemplars of such de-differentiation. Through a variety of policies, including the ENP, the EU and its Member States have sought to address challenges externally through highly technologized and sometimes militarized means before they became internal challenges. For example, in the area of immigration and asylum, according to a study conducted with the request of European Parliament (EP), externalization has had two dimensions: ‘to relocate outside its border control procedures’ and ‘to hold third countries accountable, through the transfer of
responsibilities, for the consequences of its obligations in relation to the application of its international commitments or the choices it has made in relation to the management of migratory flows’ (Rodier, 2006). As will be seen below, far from effectively protecting human rights of immigrants, increasing reliance on means such as border guards, has resulted in immigration being stripped of its political and social character and reduced to risk analysis. Such risk analysis is conducted by one institution, FRONTEX, without the transparency and legal scrutiny of the European Court of Justice. As will be seen, the more questionable practices were adopted not through ENP, or through multilateral ground of action such as FRONTEX, but country-to-country cooperation. This was scrutinized by the 2006 study conducted for the EP mentioned above.

f. Externalization in Practice

The externalization of the European security practices vis-à-vis its southern neighbourhood can be studied in terms of three areas of cooperation: immigration control, counter-terrorism, and political dialogue and reform.

Immigration Control

The externalization of immigration control policies has had two aspects: immigration control through institution and capacity-building in South Mediterranean countries, and through introducing highly technologized and sometimes militarized means.

Immigration Control through Institution and Capacity-Building

Immigration control is central in the externalization of European security policies implemented through country-to-country relations as well as the ENP. In the framework of the ENP, the EU has given utmost importance to cooperation on ‘illegal immigration’, efficient border management and readmission agreements and effective return of ‘illegal immigrants’ (European Commission, 2007). The EU has externalized its immigration control policies through capacity-building, sending Immigration Liaison
Officers (ILOs) to neighbouring countries, exporting surveillance technology, and information exchange. The Strategy Papers and all Action Plans concluded with South Mediterranean states contain a number of clauses about information exchange and institution and capacity building to manage migration flows towards the EU (Del Sarto, 2010). In the words of one observer, ‘the goal is the virtual extension of European borders to the North African coasts’ (Helmut, 2005). Another way is to send ILOs to other countries in order to establish contacts with the host country in the areas of ‘illegal immigration control’, return of ‘illegal immigrants’, and management of legal immigration (EU Council, 2004a). Libya and Morocco in this area are also frontrunners (Human Rights Watch, 2006a).

Within the Action Plans, the construction of the largest border surveillance system in southern Mediterranean is to be launched in Morocco; since 2000, the EU has allocated €10 million in Algeria to improve the capacity of Algerian police to tackle irregular immigration (Cabras, 2009). The strategy paper of 2007 characterized Algeria as both a country of emigration and transit to Europe. The Commission stated its support to the Algerian police to increase the capacity of the police to deal with sub-Saharan immigrants (Euromed, 2007). Most of the cooperation in this area has predominantly focused on negotiations of readmission agreements between Algeria and EU Member States. Algeria has recently adopted a penal code criminalizing irregular immigration.

Externalization of immigration control in European security policies has been the most developed in the cooperation between the EU Member States and Morocco. Immigration control has increasingly become the main factor which determines bilateral relationships between Morocco and Spain. In 2003, a Spain-Morocco agreement was announced with regard to joint naval patrols in the Mediterranean Sea (Baldwin-Edwards, 2004, De Haas, 2007). Since 2004, Morocco-Spanish joint naval patrols have conducted offshore operations both in the Mediterranean Sea and in the Atlantic Ocean (Lahlau, 2006) and bilateral agreements have been signed with Italy (The Readmission Agreement of 1998) and Spain (The Surveillance and Border Control
Agreement of 2001). The EU has also contributed to the financing of controlling clandestine immigration Europe via Morocco (between 2004 and 2007, around €100 million) and as said in the Action Plan, the EU aimed to strengthen border control and surveillance technology.\textsuperscript{ix}

Another area of cooperation with Morocco is the establishment of transit processing centres, merely immigrant camps whose establishment was rejected by Algeria. In Morocco, although there are no formal camps in the form of detention centres, three squatters’ camps were identified in 2004 in Gourougou, Belyounech, and QUIJDA by CIMADE (2004: 2-3). In 2009, a new immigration law was passed. The law allows the establishment of immigrant ‘waiting’ centres where, according to the Amnesty International, immigrants may face indefinite detention. The law also employs governors to order deportations of irregular immigrants without any right to appeal (Amnesty International, 2010b).

**Highly Technologized and Sometimes Militarized Aspects of Externalization of Immigration Control**

The most striking practice in the area of immigration control is the increasing reliance of the EU and Member States on highly technologized and sometimes militarized means adopted to address this challenge. Militarized means refer to ‘police forces which have certain military characteristics and some degree of military capability even though strictly speaking they are not part of the armed forces’ (Lutterbeck, 2004: 47; also see Andrade, 1985). The Border Guards formed in several EU Member States, which are sometimes called ‘paramilitary forces’ (Lutterbeck, 2005), are examples of this militarized approach.

Although they gained a momentum in the post-9/11 period, this militarized practices begun in some EU Member States even before then (Lutterbeck, 2004). In 2002, at the EU level, the Council announced the Plan for the Management of the External Borders of the Member States which aimed to establish a sort of ‘European Corps of Border Guards’ (EU Council, 2002). In 2003 and 2004, joint border guard
operations (such as ‘Ulysses’, ‘Triton’, ‘Rio III and IV’, ‘Nettuno I’, ‘Nettuno II’, ‘Semper Vigilia I’ and ‘Semper Vigilia II’) were conducted (Monar, 2006). In 2003, Operation Ulysses was launched as a joint naval initiative between France, the UK, Spain, Portugal and Italy. Then Spanish Interior Minister Angel Acebes identified the objective of the operation as the creation of a ‘rectangular filter’ to detect ‘illegal’ boats (Fekete, 2004: 77). By 2004, other EU Member States, such as Germany, following Spain and Italy, also established similar such forces whose main objective was border control (Lutterbeck, 2004: 52-7).

In conjunction with the joint land and naval operations of border guards, technologization of security at EU’s external borders was given an impetus in 2002. Spain led the initiative through the introduction of SIVE (Spanish Integral Service of External Vigilance) in 2002 following the Spain-Morocco agreement on surveillance, border control and interception in 2001 (Betts and Milner, 2006: 6-7). The system started to be installed in the Canary Islands in 2004, and along the rest of the Spanish maritime border in 2007. In order to fund the system, Spain has obtained the largest financial (€350 million) aid of all Member States from the EU for 2007-2013 (Rapid, 2008). The export of surveillance technology from EU Member States to South Mediterranean states (as with Spain-Morocco; Italy-Libya, Italy-Tunisia) also constitutes an important part of this cooperation. The EU has signed working agreements with some southern Mediterranean countries such as Morocco and Egypt in order to increase the level of cooperation between border guards whose practices are co-ordinated through FRONTEX.x

FRONTEX was established in a political context in which coordinated security practices (including military) were deemed to be necessary for security in/of Europe. FRONTEX is an institution whose tasks are to make a risk analysis and coordinate operations (as with the naval missions in the Mediterranean). Risk analysis reports are presented to the European Commission and the Council. In 2005, the Council stated that ‘EU agencies such as Europol, Eurojust, and FRONTEX, as well as Member States’ liaison officer networks, should be tasked to enhance appropriate operational
cooperation with priority countries’ (EU Council, 2005c: 7). FRONTEX risk analysis, which is carried out in secret, provides the rationality of naval operations in the Mediterranean. The Commission made FRONTEX responsible for studying the conditions of immigration control in the Mediterranean involving the cooperation of South Mediterranean states (European Commission, 2005). Bilateral agreements between EU Member States and neighbouring states from which the irregular immigration boats are departing were signed in order to enable operations in the territorial waters of these states.

As an example of this type of cooperation, in 2006, the Spanish government called upon FRONTEX to coordinate a mission to prevent irregular immigration to the Canary Islands. A joint European mission was created and given a mission 24 nautical miles inside of the Cape Verde, Senegalese, and Mauritanian territorial waters. As Carrera (2007: 21) highlighted, this was a critical choice in that ‘only if the vessels were intercepted outside the 24-mile zone, would they be escorted to the territory of the Canary Islands and be offered the possibility to lodge an asylum claim’. Accordingly, EU Member States made sure that, thanks to the Spanish bilateral agreements with West African states, the vessels never left the 24-mile zone. A similar mission was carried out in Libyan and Tunisian territorial waters in 2006, after Italy called for a joint naval operation in order to curb ‘illegal’ movement from South Mediterranean to Italy. The operation was called ‘Nautilus’ (DonoghueRyan and Vent, 2008: 3).

In 2009, the EU conducted six operations in the Mediterranean in 2009: HERA 2009, Nautilus 2009, HERMES 2009, MINERVA 2009, INDALO 2009, and Alpha Reinforcement 2009 (Frontex, 2010). The frequency of such operations, notwithstanding increasing scrutiny and calls for transparency, shows that the technologized and often militarized means of addressing challenges has prevailed in European security practices in cooperation with South Mediterranean states. As will be shown below, cooperation across the Mediterranean is not limited to immigration control.
Counter-terrorism

Another important aspect of European security policies is the externalization of counter-terrorism measures. This is done by providing technical and financial assistance to Southern Mediterranean states to tackle terrorism at home. EU’s technical assistance has included developing programmes to cope with the radicalization of youth, for example, in universities; increasing the crisis management capacity of law enforcement agencies and training them for border, airport and maritime security (Wolff, 2009b: 148-9). Cooperation against terrorism has become one of the main tenets in the EU policies vis-à-vis Egypt. However, there is very little information available about the scope of this cooperation. xiv

Algeria and Morocco are not only main receivers of EU’s assistance of counter-terrorism, but very close partners of Spain and France in this field (Wolff, 2009b: 150-51). Algeria also cooperates with Interpol, Europol and NATO. Although the definition of terrorism is very broad in Algerian criminal law, this has not hindered the EU-Algeria cooperation in this area. Gathering or creating a crowd in a public place can be considered an act of terrorism, which could have an impact, in the Commission’s words, on an already restricted freedom of assembly. As in Algeria, Morocco has a very broad definition of terrorism. There have been many legal changes since the Casablanca bombings on May 16, 2003. These changes authorize ‘the police and security forces to hold suspects without access to a lawyer, to intercept telephone calls, Internet communications, and mail, and to search domiciles and businesses without a warrant’ (Baracani, 2005: 10).

Political Reform

In relation to promoting political reform through cooperation under the ENP, among the Maghreb countries, Morocco has the most advanced relationship with the EU. Morocco was one of the first countries that adopted the Neighborhood Action Plan in 2005. The ENP has become a framework for cooperation, which states that EU-Morocco relations will evolve into a closer political and economic partnership. In the
Action Plan of 2005, many shortcomings of Moroccan political system and the priority issue areas were listed. The Action Plan specifically focused on the need to reform the administrative system to promote the rule of law as well as the need to reform the judicial system. The 2006, 2008 and 2009 Morocco Progress Reports repeatedly mentioned both the problems and improvements in the areas of Moroccan judiciary and political systems. However, the absence of clauses about judiciary independence and legal accountability led to the point that the EU expected the reforms ‘within the boundaries of current constitution and distribution of powers’ (Kausch, 2008: 5).

The EU also offers significant level of technical and financial tools to promote human rights in Morocco. For instance, the Association agreement with Morocco included democracy and human rights clauses, which resulted in the funding of 48 civil society projects in Morocco (Haddadi, 2004). Both the 2008 and 2009 country reports of the Commission, while acknowledging that regulations about political parties are significant, also highlighted that the reforms to protect and promote democracy and human rights are not ambitious enough.

In Morocco’s case, economic cooperation is more developed than the political one. The Action Plan of 2005 adopted principles and policies, which have enabled Morocco to integrate to the EU market in a strong way. In 2008, the EU reaffirmed its position for a closer economic cooperation with Morocco in 2008 by granting it an ‘advanced status’.

Egypt and Algeria have been slower than Morocco to initiate political reforms under the framework of ENP. Egypt’s cooperative relationship with the EC/EU goes back to the 1976 Cooperation Agreement. Until 1995, EU support to Egyptian economic modernization continued through various assistance programs. The ENP has become another phase in this process. Since 2005, through the European Instrument for Democracy and Human Rights, the EU has financed several programs such as ‘Watch, Monitor and Evaluate Egyptian Parliamentary Elections to Enhance Democratization’ (€83,339) and ‘Egyptian Democratic Status Watch’ (€100,000) (Wolff, 2009a: 111). In the area of political reforms, there have been both improvements and problems. Among
the reforms adopted in 2007, changes in the election system were made, including the introduction of a new electoral commission to monitor the election system. Local elections were held. However, many legal opposition parties and independent candidates were not allowed to register to run, according to Egypt progress report by the Commission.

Even in the areas where the EU repeatedly criticized the Egyptian government such as the state of emergency, these criticisms (see 2008 and 2009 Progress Reports) have proven to be of limited effect. Egypt did not hesitate to extend the state of emergency until 2010, which was regrettably noted in the 2009 Progress Report. However, this hindered neither the cooperation with nor the export of surveillance technology to Egypt.

Algeria, which has been a reluctant partner of the EU, has not been targeted effectively by EU policies in the area of democracy and human rights promotion. In the Association Agreement with Algeria, only three articles are related to political dialogue, whereas, there are ten articles about cooperation in the area of Justice and Home Affairs. The means in relation to the promotion of human rights are very limited as well. For example, in the 2007-2013 Strategy paper, it is possible to see references to democracy, human rights, and good governance. However, the National Indicative Programme (NIP) prioritizes justice reform (€17 million), economic growth and jobs (€113 million) and the improvement of public goods (€90 million) (Euromed, 2007). Only 7% of the Instrument is allocated to democracy promotion. Even more significant is that Algeria is not currently involved in the ENP as Algiers has vehemently criticised this framework for its vertical and intrusive nature.

This section of the report discussed European security practices in the form of the EMP, the ENP, and through country-to-country cooperation. EU’s own dynamics as well as 9/11 and the global war on terror were viewed as significant in shaping how the EU has approached the Mediterranean. European security practices were outlined in the attempt to show through what kind of means the EU sought to achieve security. Based on this factual section, the next section will analyze the problems, which have
emerged specifically in the implementation of ENP vis-à-vis the Mediterranean neighbourhood.

4. Problems and Shortcomings of Security Practices adopted through the ENP

Based on the discussion above, three problems related to security practices adopted through the ENP can be identified: the reluctance of the EU in supporting democracy and political reforms; the reluctance of the EU in facilitating freedom of movement in the Euro-Mediterranean region; and the reluctance of the EU in getting involved in regional conflict resolution. As has become clear in the factual section above, not all of the shortcomings have their roots in EU action (or lack of it) but are consequences of country-to-country cooperation. Different from the previous section, this section will focus on EU policies through the ENP.

a. The Reluctance of the EU in Supporting Democracy and Political Reforms

In 2004, the Commission declared that the ENP is built upon the mutual commitment of the EU and South Mediterranean neighbours ‘to common values principally within the fields of the rule of law, good governance, the respect for human rights, including minority rights’ (European Commission, 2004: 3). Indeed, the ENP promised an active agenda in relation to the promotion of democracy and human rights in South Mediterranean. The Commission is allowed to closely monitor the developments in these areas and publish reports about them annually in the form of country reports. However, as the practices revealed above, ENP’s effect on the development of political pluralism and the promotion of human rights and freedoms in South Mediterranean partners has so far been marginal (Maier and Schimmelfennig, 2007). The shift towards the stability oriented security thinking of the EU in addressing the new challenges and country-to-country cooperation seems to have seriously eroded this perspective. The need of the EU Member States to cooperate with authoritarian South Mediterranean regimes has so far prevented it from pursuing a more active stance in
political reforms in these countries. Needless to say, the fact that the most active oppositional forces in these countries have their roots in political Islam has contributed to this reluctance in the post-9/11 context.

Under these circumstances the EU, in the ENP, has adopted a four-step strategy which seeks to realize the political reform agenda in a minimal manner: (1) avoiding the use of negative conditionality against the countries where human rights are seriously violated; (2) transferring very limited financial aid to civil society excluding Islamist activists; (3) giving the approval-by-silence to the human rights violations which are supposedly help the EU deal with terrorism, organized crime, and ‘illegal immigration’; (4) avoiding the pursuit of comprehensive political reform agenda by focusing on ‘shared values’. Indeed, the 2004 Communication stated that ‘the level of the EU’s ambition in developing links with each partner through the ENP will take into account the extent to which common values are effectively shared values (European Commission, 2004: 3). As highlighted before, this is an important shift from EMP’s insistence on universal values.

There is also the question of how the EU can promote political reforms without any type of benchmarks. In the enlargement, the Copenhagen political criteria provided the benchmark for candidate countries to test their level of democracy. The absence of such criteria in ENP has also hindered reform.

b. The Reluctance of the EU in Facilitating Freedom of Movement

Two important objectives of the ENP as identified by the Commission were that of avoiding ‘new dividing lines at the borders of the enlarged Union’ and ‘to facilitate movement of persons, whilst maintaining or improving a high level of security (European Commission, 2004: 16). However, the increasing focus on highly technologized and sometimes militarized means in border control has not only hindered the realization of freedom of movement in the region, but also contributed to the drawing of new lines. This can also be thought in relation to the less inclusive identity associated with the ENP, as discussed above.
The Commission is well aware of this dimension. In 2006, it stated that ‘the length and cost of procedures for short-term visas (e.g. for business, researchers, students, tourists or even official travel) is a highly visible disincentive to neighbours, and an obstacle to many of the ENP’s underlying objectives’ and continued that visa facilitation can be targeted as one manifestation of the ENP’s strength vis-à-vis EMP (European Commission, 2006: 3-4). However, limited progress was achieved in this area as a consequence of which, the Commission in 2009 re-stated: ‘enhanced mobility remains a litmus test for the credibility of the ENP’ (European Commission, 2009: 7).

Although stricter border controls are not beneficial for Southern Mediterranean countries that receive considerable amount of cash in the form of remittances, these countries have nonetheless begun to cooperate with the EU on this specific issue. Another consequence of tightening of borders has been that many immigrants from sub-Saharan Africa and Asia have begun to settle Southern Mediterranean countries: Accordingly Southern Mediterranean countries have become the countries of destination, rather than the countries of transit they used to be (see Collyer, 2006).

c. The Reluctance of the EU in Getting Involved in Regional Conflict Resolution

As in the EMP, the ENP put the resolution of regional conflicts on its agenda by stating that the promotion of good neighbourly relations in the region is important and that the EU can contribute to the ‘promoting of the settlement of regional conflicts’ (European Commission, 2004: 6). But this aspiration has so far not materialized. The Commission has indeed noted that the ENP has ‘achieved little in supporting the resolution of frozen or open conflicts in the region’ (European Commission, 2006: 4).

Part of the reason why there is little movement has to do with the lack of a multilateral forum where regional challenges could be addressed. As highlighted above, one of the most important characteristics of ENP is its bilateral and differentiated perspective. The Commission highlighted this problem in 2006 stating that ‘cross-cutting themes’ should be addressed in multilateral forums (European Commission, 2006: 8).\textsuperscript{xv} However, the EU has so far not initiated these forums.
This section analyzed some of the problems and shortcomings security policies in the ENP era. As with the EMP, in the ENP too, the EU has a capacity, through bilateral agreements, to push Southern Mediterranean states toward strengthening political freedoms. However, turning such capacity into actual influence depends on, first, South Mediterranean state’s willingness to cooperate with the EU in this area (as in the case of Morocco, as indicated above), second, EU’s willingness to ‘push’ given the limits of these criticisms’ impact on the target country, and the EU’s interest in stability (as in the case of the emergency law in Egypt highlighted above). It was as a consequence of three practical difficulties that the so-called ‘normative’ dimension in the ENP ended up being watered down. Instead, EU Member States individually opted for country-to-country cooperation, prioritizing immigration control and counter-terrorism in the Southern Mediterranean. ENP has suffered from problems, which, as will be shown below, have resulted in important criticisms towards the EU in Southern Mediterranean.

5. Interviews Conducted in Algeria, Egypt and Morocco

The interviews were conducted in three Southern Mediterranean countries, Algeria, Egypt and Morocco, by CIDOB-associated researchers. The interviewees were chosen from within both governmental and non-governmental circles. The latter group included activists and academics. Overall 35 interviews were conducted with 33 of them transcribed. The questionnaire is appended in Annex 2. In what follows, interview data is used to illustrate how the problems discussed above have crystallized in the eyes of Southern Mediterranean neighbours. This section is organized by case countries and then by issues highlighted in the interviews. As will become clear, many of the issues are common to all three case countries. The following section will bring the interview data together with previous sections to evaluate the ethical implications of European security practices vis-à-vis the Mediterranean.
What is particularly significant about the interview data is that it reflects the perceptions and political considerations of policy-makers as well as civil society actors in the South of the Mediterranean. One important finding here is that while some of the problems highlighted are not the EU’s own doing but are (unintended) consequences of country-to-country cooperation across the Mediterranean, these practices reflect negatively on the Union itself. As such the following should be read with the following caveat. Although the questions are directed to the interviewees were specific, the responses we received highlighted slippage between EU policies and European policies. This slippage is methodologically problematic yet politically (and ethically) revealing for the Union.

**a. Algeria**

Algeria is not yet an official partner of the ENP, although the Association Agreement was signed in 2005. Cooperation in the areas of immigration control and counter-terrorism has intensified in recent years. Algeria is involved in bilateral cooperation with Italy and France.

*Euro-centrism of ENP*

The interviewees generally understood EU-Algeria relations in ENP as a political relationship, which was formulated in accordance with the EU’s interests. In particular, criticisms about the Euro-centrism of the ENP can be seen in many of the interviews. Indeed, our interviews suggest that Algerian actors sometimes regard the EU’s policies as interference in the internal affairs of Algeria. An academic interviewee viewed externalization vis-à-vis EU-Algerian relations as follows:

> EU seems to look for subcontractors (outsourcers) to do the bad job, rather than partners with whom to share the risks and the profits. EU gives a priority to its own security forgetting the fact that no European security is possible if insecurity spread out in the south.\textsuperscript{xvii}

Indeed, Algeria is regarded by many interviewees as the ‘gendarmerie’ or ‘policeman’ of the EU, which is seen as motivated by pursuing its own security alone (and not Algeria’s). As will be revisited in the Egyptian case below, the interviews from Algeria
highlight the interviewees’ perception of EU externalization policies as self-centred. An academic interviewee made the following point:

European security policy in Mediterranean is euro-centered: it is made by Europeans, based on European perceptions of threats and aims to build a wall against the southern countries. All the initiatives launched—Euro-Mediterranean process, Union for Mediterranean, European Neighborhood Policy—have used the Mediterranean as a fortification. xviii

An NGO actor agreed: ‘the only EU main concern is protecting the European space without taking into consideration the consequences on other parties. Hence, this policy generates unbalanced of powers between the southern countries.’ xix An academic also made a similar point that ‘the European perception is unilateral and tends to marginalize the other’s perceptions and interests...It is a smart strategy of the European interests, but not for the Algerian ones’. xx

Failings of the EU as a Normative Power

Criticisms about the Euro-centrism of the ENP are intertwined with the view that the EU is not a normative power, which is expected to promote universal values of democracy, political pluralism, and human rights. The words of an academic revealed this view in the following way:

The definition of the threats is done unilaterally by the Europeans and presented as common threats. EU doesn’t take into consideration the fact that her perception of security and the means deployed to achieve it can constitute a threat and a source of destabilization for the southern countries. That is why the values Europe is defending and promoting do not appear. These values are distorted by EU security perceptions and policy. xxi

An academic put this view in even sharper terms:

EU is spreading its values: democracy, human rights, and state of law, and so on. The Agreement Association in the Barcelona process and the ENP have both clauses that encourage the exportation of these values to the southern countries. It is called the ‘democratic conditionality’. However, in practice, EU acts like a machine that seeks to promote its interests with undemocratic regimes in the name of ‘pragmatism’. xxii

Gap Between What the EU Says and Does


Some interviewees put this dichotomy as the contradiction between the discourse of the EU and its practices. A politician said ‘the values of democracy, human rights and state of law are promoted in a politically correct way and through the discourses of politicians. Actually, the EU priority is the stability of the southern partners’. A journalist agreed:

In the discourses, EU tries to spread out some values such as rule of law, human rights and democracy. In practice, it is less obvious. Actually, there is an interesting cooperation in terms of justice’s reform, prison’s system, NGO’s training, etc. This cooperation is worthy to be noticed. However, quantifying its impact is not easy as long as the Algerian political system is not democratic. Besides, the EU declarations about the Human rights in Algeria are becoming prudent.

EU Policies End Up Contributing to Suppression
In relation to the promotion of human rights and freedoms, the concern of some interviewees is the unintended contribution of the EU to the strengthening of authoritarian practices of the regimes through exporting surveillance technology. An academic specified the Maghreb countries’ use of technology:

In those countries, the transfer of security technology will be used to reinforce the state control on the society. Those governments use their financial resources to modernize their security technologies instead of ameliorating the socio-economic situation of the population, thanks to EU technologies’ sells. So, EU and the southern governments are cooperating in order to maintain the stability by the status quo.

This understanding is also observed in Egypt (see below). However, unlike Egypt, Algeria’s importance for the EU lies in the area of immigration control, as discussed above. Many of the interviewees stated that the cooperation to control immigration is one of the most developed areas of bilateral cooperation. An adviser to the Embassy of an EU Member State in Algiers clearly made this point:

The EU-Algerian cooperation in this issue is excellent. Algeria has taken the right decisions to prevent and fight this phenomenon. In this purpose, she adopted a legislation, which criminalize the illegal immigration (prison and fine), and has also used the religion tool in order to declare this action as haram (religiously forbidden). This is for the Algerian illegal immigrants. As for the Algerian refusal to open transit centers, the issue is no longer a problem insofar as the security forces are
very active and effective in preventing the immigrants coming from the Sahel to reach the European costs.\textsuperscript{xvi}

EU’s Way of Managing Immigration in the South Mediterranean is short sighted

Although Algeria has so far refused to open transit-processing centers on its own territory, dealing with migrants through cooperation with European actors has started to effect perceptions of EU in Algeria. Some interviewees made this point. For example, a civil society member and an official in the Algerian parliament agreed that:

Regarding the immigration issue, Algeria knew three steps: first she was a producer of immigrants; then she became a transit area to sub-Saharan immigrants; finally she is becoming a receiving-area of immigrants. The cooperation with EU has influenced the Algerian perception of this kind of phenomenon. Hence she decided to use the same repressive measures against the illegal immigrants arrested in the territory.\textsuperscript{xvii}

The export of both practices and perceptions about immigration control from the EU to Algeria, however, has not led to any type of visa facilitation for Algerians. The words of a politician revealed this:

Regarding the illegal immigration fight, Algeria imposed red lines, considering that this human drama cannot be resolved with repressive measures. In addition, this phenomenon is increased and aggravated because EU puts into effect three liberties and rejects the fourth one.\textsuperscript{xviii}

The rejection of mobility for Algerians in the Euro-Mediterranean area is considered as a factor that hinders closer cooperation. An academic said:

The EU is obsessed by its security in its hard and soft dimension. The problem is within this security conception, which dominated by defensive reflexes. In other words, EU tends to strengthen her borders, as a fortress would do. The restrictions imposed to people mobility contribute to build this fortress. That is why the Peace and Stability Chart has failed.\textsuperscript{xix}

Perceptions and ideas from Algeria about the ENP as outsourcing are similar to those from Egypt (as will be seen below). In both cases, the EU is viewed as an international actor that is solely promoting its self-centered security interests without considering how this choice affects the South Mediterranean (see below the section on ethical implications). Although the central tenet of cooperation differs between Egypt and Algeria (terrorism for the former; immigration for the latter), in both cases, cooperation with European actors is considered as a contributory factor to the insecurities in the Maghreb, far from promoting human rights. Needless to say, Algeria is a country with
human rights problems of its own – independent of and prior to cooperation with European actors. What is critical for the purposes of this report is that Algerian actors consider cooperation with European actors as having made things worse for individuals and the society (but not the state/regime).

b. Egypt

Egypt has been a partner in European security policy-making in the areas of counter-terrorism and immigration control. Egypt has cooperated bilaterally with Italy and Greece. Under the ENP framework, it signed the Action Plan in 2007. The Action Plan has several clauses about cooperation in countering terrorism and controlling immigration.

**Euro-centrism of the ENP and Failings of EU as a Normative Power**

The extracts from the interviews reveal that some Egyptians regard the ENP as the manifestation of Euro-centrism of EU security policies. For example, in relation to the principles of democracy and human rights, an official stated that ‘the EU is only keen to apply them only internally, but it doesn’t really care to apply them while dealing with the Mediterranean countries, since it only wants to realize its interests’. Another official agreed:

> I believe the EU isn’t really projecting democracy in its relations with the South, as it supports non-democratic regimes because of pure political reasons. Therefore, one may say that the EU is not fully committed to values like democracy or Human Rights, but it is rather a commitment to save its own face: the EU signs agreements and treaties with all the Mediterranean countries emphasizing on democracy and Human Rights, but it normally doesn’t take any drastic measures to abide by them.

These views are similar to the views of Algerian and Moroccan interviewees (see the sections immediately above and below).

**EU Policies End Up Contributing to Suppression**

Voices from the Egyptian non-governmental circles have a similar perspective to the views of the Egyptian official stated above. However, their perception is not only EU’s
reluctance to challenge the Egyptian regime in the area of human rights violations. Their main point is that the cooperation between the EU and Egypt has ended up contributing to suppressive measures. An Egyptian academic stated:

There seems to be a strong Euro-Egyptian cooperation in terms of police affairs: Egypt imports weapons and other very sophisticated police equipments used mostly in internal repression, used mostly against the Egyptian people, or in border monitoring and control (especially the maritime borders), in order to help reducing illegal immigration.\textsuperscript{xxxii}

A women’s rights activist concurred:

Egypt is becoming increasingly a State ruled by the intelligence and the police; the country security cooperation with the EU might be one of the factors – but most probably not the only one – leading to this situation.\textsuperscript{xxxiii}

One of the interviews conducted with a EU official implies that the EU is aware of these negative perceptions about the EU. This situation is presented by this official as a dilemma of the EU vis-à-vis the Mediterranean neighbours:

When you talk about security policy, EU definitely has its policies built on its interests in the Mediterranean countries, this has a part directly related to economic aspects, such as investment, economic growth... and it also has a political aspect, such as stability in the region. But this creates a dilemma for the EU: do we deal with regimes, or do we work to promote democracy from the base? However, EU usually prefers to deal with governments. We support gradual democratization, and we don’t go where we are not invited.\textsuperscript{xxxiv}

\textit{EU’s Reluctance to Encourage Political Reforms}

The silence of the EU about ongoing human rights violations has generated a perception in certain circles (government and non-governmental) in Egypt about the sincerity of the EU in relation to democracy and human rights promotion. This refers to the commonly held view that the EU could pursue political reforms to the extent the partner state would like to go. This can be seen in the words of an EU official:

When the Egyptian regime commits violations to Human Rights, the EU still finds it hard to continue dealing with it. However, since EU’s main objective is to realize its own security interests, which are stability and democracy in the area, we support gradual democratization. There is a mechanism of continual consultation with the Egyptian government, and the EU has worked to keep alive the social and political aspect of the partnership. However, the political partnership (in terms of demanding democratization or respect for Human
...Rights... has its limits, and the EU can't really pressure the government much.\textsuperscript{xxxv}

**EU’s Way of Managing Immigration in Southern Mediterranean is short sighted**

As Egypt’s cooperation with European actors has intensified on counter-terrorism, the perception that the EU’s main objective is to prevent immigration is also witnessed in Egypt. A non-governmental observer’s words highlight this: ‘EU security policy towards the Mediterranean relates to prevention of migration to its own borders.’\textsuperscript{xxxvi} The externalization of immigration policies has also contributed the negative image about the EU in Egypt. For example, an activist said that ‘this cooperation in security is to the benefit of the government, allowing for more repression and violation of freedoms, first against Egyptian citizens, second against refugees.’\textsuperscript{xxxvii} An Egyptian official also criticized the EU’s policies: ‘the EU isn’t mature enough to accept them [immigrants]! Egypt has reclaimed that the EU should sign both of the international treaties for protecting migrants rights, but the EU is still hesitating.’\textsuperscript{xxxviii}

These ideas collected through the interviews with some Egyptians from both governmental and non-governmental circles illustrate that externalization has generated serious dissatisfaction in Egypt in terms of the promotion of democracy and human rights, the human costs of externalization and the normative power identity of the EU. Interviews revealed that there is almost an agreement that the EU’s objective is solely to secure Europe without giving enough attention how others affected by the means through which security is pursued. The last case is Morocco, which of the three has the closest relationship in terms of cooperation with European actors.

c. **Morocco**

Mainly because of geographical reasons, the central tenet of European policies vis-à-vis Morocco is immigration control. The Morocco Action Plan was signed in 2005. Bilaterally Morocco has cooperated closely with Spain, Italy, France and Germany.

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*Euro-centrism of the ENP*
Increasing externalization of immigration control through the ENP has resulted in the idea that Morocco has become ‘Europe’s gendarme’. Many interviewees criticized the ENP for its Euro-centric character. An academic interviewee stated that:

In exchange for its aid, and in the name of European security, EU demands Southern Mediterranean States to adopt policies which are contrary to their own interests. Morocco must not give in to European pressure regarding Sub-Saharan clandestine immigration. Rise in checkpoints to avoid departure of illegal emigrants from Morocco, as well as the requirement to house Sub-Saharan immigrants being rejected from Europe, are traps that have turned Morocco into the gendarme of Europe.\textsuperscript{xxxix}

Outsourcing of European immigration control policies has also caused criticisms in Morocco towards the EU policies. A human rights activist in Morocco said:

[The name of the civil society organization] is concerned about the possible consequences of European security policy, especially in terms of migration. The development of readmission agreements and of various ‘buffer states’ that do not respect the European regulations, entail certain risks with respect to the obligation of states concerning asylum seekers and the obligation of non-expulsion. [The name of the civil society organization] is weary of the externalization procedures put in place by the EU and highlights that it involves risks as there is no clearly identified asylum procedure in the countries of origin.\textsuperscript{xl}

This extensive focus on immigration control in EU-Morocco relations has given rise the perception that the EU’s main concern is to pursue its own security interests without giving attention to objectives such as the promotion of democracy and human rights. ‘Although the main goal is supposed to be a shared, safe and long-lasting future’, according to an academic interviewee, ‘the EU has mainly focused on border control. Security interests have thus prevailed, driven by the alleged risks of immigration’.\textsuperscript{xli} It is interesting to note that even if the level of cooperation between Morocco and the EU is markedly stronger than compared to the other two, the perception remains that that the EU is solely motivated by its security concerns.

\textit{EU’s Reluctance to Support Political Reforms}

As stated above, the EU is relatively outspoken in relation to the political problems in Morocco, mostly because the latter has clearly expressed its willingness to have a close relationship with the EU. The EU has also funded many civil society projects in
Morocco. In spite of this, according to an activist, NGOs are not effectively integrated into the ENP:

Civil society participation is an essential factor for the success of this process, having to mention that the first action plans between the EU and its Mediterranean partners were elaborated and negotiated in secret, without consulting the North African associative networks. This is contrary to the acquired commitments towards the support and participation of the Mediterranean civil society regarding the democratization process and the human rights situation. It is essential that the NGOs be systematically informed, consulted and involved in the evaluation and implementation of community policies directed towards Mediterranean encounters, in order to create instruments that promote democracy, human rights and the rule of law. This activist also highlighted that ‘legal requirements have not been established nor are there any fixed dates for implementation of these actions as well as no established criteria to measure the advances’. This suggests that the problem of the absence of benchmarks to measure democratic development has hindered the political reforms agenda in the ENP vis-à-vis Morocco.

To sum up, many of the interviewees from both governmental and non-governmental circles are very critical of European policies for three main reasons. The first one is Euro-centrism of the ENP. The ENP is understood in the South of the Mediterranean as an EU policy that is formulated toward the pursuit of European security alone. In this formulation, South Mediterranean countries are viewed as the EU’s ‘gendarmeries’ whose role is to deal with the challenges, also defined by the EU, before they become the Europe’s internal security problems. Secondly, the EU is perceived as not only overlooking human rights violations in the South Mediterranean, but also (however unintended) contributing to the retrenchment of authoritarian regimes through making surveillance technology available to them without necessarily making sure where and for what purpose they are employed. Thirdly, the EU’s treatment of immigrants is highly criticized, especially by the activists. That said negative perceptions by the public about immigrants in South Mediterranean countries.
6. Ethical Implications of European Security Practices

Ethical implications of the practices outlined can be analysed under three headings, organised by security referents. These are individuals, societies and regimes/states.

a. Individuals as Security Referent

Those who are referred to here as ‘individuals’ are people who are migrants or asylum seekers and find themselves in need of protection by virtue of being exposed to or run the risk of subjection to violations of their fundamental rights. Implications for individuals as security referents include the persistent number of migrant deaths, the fading of asylum seeking as a strategy to escape repression (at times contrary to the letter and spirit of International Law), violent treatment by human smugglers and abuse of fundamental rights by others (allowed by loopholes in International Law, secrecy surrounding such ‘national security’ acts and other endemic ‘security’ practices of some South Mediterranean regimes).

One implication of the upgrading of EU frontiers has been that immigration has been transformed from being a mostly independently run enterprise to mostly control by ‘professional’ human smugglers who charge for their services. Human smugglers have not only headed individual migrants toward increasingly more dangerous routes, they have also engaged in violent acts of their own, including leaving migrants to their fate when faced with the risk of running into border control.

There is no denying that the upgrading and shifting of EU borders to the South has resulted in significant decreases in the number of migrants arriving at EU Member States. Yet, EU efforts may not have been as effective as figures seem to suggest at first. For instance in 2004, the apprehended irregular immigrants arriving at on the Spanish mainland border were 15,675; in 2005 it went down to 11,781. However, in the same period, the number arriving at the Italian borders rose from 13,594 in 2004 to 22,824 in 2005 (Cuttitta, 2007: 2). Likewise, while it is a fact that the SIVE system contributed to curbing irregular arrivals in mainland Spain, it is also a fact that the SIVE...
system has not stopped ‘illegal’ arrivals, but has made irregular immigrants (and of course human smugglers) explore alternative routes (Spijkerboer, 2007: 131). Indeed, early statistics on 2009 from the UNHCR highlighted a certain level of decrease in the number of the illegal sea arrivals in Southern European countries, but considerable increase in the irregular arrivals from Somalia in Yemen.\textsuperscript{xlv} As such while the number of migrants arriving at the known ports may have been decreasing, human smugglers have been directing their clients to other ports in the South.

It is difficult to know whether this decrease is due to FRONTEX-coordinated operations in 2009. What is known is that despite six FRONTEX-coordinated operations in 2009 in the Mediterranean Sea (the highest number so far), irregular immigration from Africa to Europe has continued (nearly 30,000 detected illegal sea arrivals).

Another implication for individuals is the persistent number of deaths. Some reports suggest that under the surveillance of the ‘search and rescue’ teams (as in the case of Operation Ulysses, see above) attempts to install ‘rectangular filters’ contribute to death tolls in the Mediterranean (Maccanico, 2006, Webber, 2006). In the case of Italian borders, the human smugglers have, in response to EU’s use of ‘more and faster patrol boats and the use of ever more sophisticated – including military style-surveillance equipment’ (Lutterbeck, 2006: 77) began heading toward more dangerous ports (also see Monzini, 2007). The Somalia-Yemen route is also more risky for the immigrants (Medicins Sans Frontieres, 2008).

There is also the violence inflicted by human smugglers to immigrants. Monzini wrote:

It is clear that migrants leaving North Africa pay high prices for a service that is really unsafe, and no compensation is envisaged for them in case of apprehension at the border and repatriation...Violence against migrants is higher in this case as traffickers consider them as just cargo with no rights at all, persons to be loaded onto old ship and left alone to face the journey (Monzini, 2007: 181).

As Spijkerboer has highlighted, the smugglers are not entirely incorrect to think that migrants have next-to-no-rights (in practice if not necessarily in theory). In
International Law, there currently is limited responsibility of Member States for these fatalities. It is worth quoting Spijkerboer at length:

Under the international Law Commission’s Articles on the Responsibility of States for International Wrongful Acts, States cannot be held responsible for fatalities that result indirectly from controlling their borders because border control, in itself, is not a wrongful act. Under some circumstances, a State may be held responsible for damage that arises out of acts not prohibited by international law, as when it undertakes a hazardous activity, defined by the International Law Commission as ‘an activist which involves a risk of causing significant harm’. The question remains, however, whether increased border controls themselves cause these fatalities. One may argue that they are a contributing factor but that, in themselves, increased border controls do not cause the fatalities. Other factors may be more important, such as the willingness of migrants to take considerable risks, as well as factors beyond anyone’s control, such as the weather during migration. Hence, States are not responsible in the legal sense for fatalities that occur indirectly as a consequence of controlling their borders (Spijkerboer, 2007: 136-7).

While precise data about ‘deaths’ is not available,\textsuperscript{xli} Spijkerboer (2007: 139) has suggested that ‘as matters stand now, it seems more likely [and contrary to what European governments claim] that...border deaths increase as a consequence of intensified border control’.\textsuperscript{xlii} For example, in 2006, many incidents occurred during the ‘rescue’ operation when smuggling boats were capsized, crashed with border guards’ boats, and when irregular immigrants got drowned trying to escape from the border guards (Maccanico, 2006).

Another implication for individuals is that EU and EU Member States have not carefully scrutinized maltreatment of immigrants by South Mediterranean states. In 2006, Amnesty International criticized what it characterized as ‘the blank-cheque approach’ adopted by the EU in the area of externalization of immigration control policies (Amnesty International, 2006). ‘The blank-cheque approach’ means that as long as immigrants (especially irregular immigrants) are kept outside the EU borders by the measures taken by Southern Mediterranean states, the EU overlooks how these measures affect immigrants. This blank-cheque approach includes the establishment of transit processing centres, the installation of new border surveillance technology, readmission agreements, joint border patrol operations, and training of border police.

In the case of Morocco, the Euro-Mediterranean Human Rights Network (EMHRN) criticized the Action Plan, arguing that while it includes promises for the rights of Moroccan immigrants in the EU, the Action Plan neglects the rights of sub-Saharan African immigrants in Morocco (Emhrn, 2007). According to one of the latest reports by the French NGO CIMADE, notwithstanding the presence of the UNHCR in Morocco, and EU’s warnings regarding the protection of rights of asylum-seekers and refugees, violations in the form of inhumane detention conditions, expulsions, and deportations have been conducted by the Moroccan authorities (CIMADE, 2008).

Likewise, non-governmental actors have problematised how the Algeria Strategy Paper of 2009 did not make any statement about the treatment of sub-Saharan immigrants in Algeria, although AI reports cases about the repatriation of UNHCR-recognized refugees to other countries (Amnesty International, 2009).

However, the EU has so far not adopted effective policies that can encourage Southern Mediterranean states to improve the conditions of immigrants in their countries. This reluctance, as the interviews have also shown, has generated serious criticisms towards the EU.

Another implication of European security practices vis-à-vis individual as security referent is regarding asylum-seekers. Webber (2006: 31), among others, has been critical of ‘increasing cooperation with the security and intelligence services of countries from which asylum seekers have fled’. Such cooperation, argued Webber (2006: 31), ‘sometimes leads to the characterisation of an asylum claimant as a “terrorist” rather than involved in legitimate political dissent’. Mazella (2007: 43) has argued that as part of this process, a notion of ‘false asylum seekers has become “omnipresent”’. Webber highlighted the proliferating disincentives to claiming asylum, that include
the unremitting racist hostility to which they are subjected by the popular press and politicians ‘that’ carries through into the treatment of asylum claimants throughout the process from arrival on, and has resulted in more and more ‘tightening’ of the refugee determination process to prevent ‘abuse’ (Webber, 2006: 12).

As a consequence, she argued, conventional asylum policies seem to be on their way to abandonment. That is why, the European Council on Refugees and Exiles (ECRE), the Spanish Commission for Refugees (CEAR) and Amnesty International have recently urged the European governments to re-consider their illegal immigration policies. They said that ‘European governments brag about their success in fighting irregular migration but refugees who are prevented from arriving to the European territory are paying the price of this “success”’. Indeed, AI is increasingly wary of the externalisation procedures put into place by the EU regarding their costs for individuals. Highlighting how these policies involve risks, AI has criticised both the EU, South Mediterranean countries and the countries of origin – the latter lacking clearly identified asylum procedure. Adepoju et al. (2009: 46) have warned against the violation of ‘non-refoulement’ by some EU member States, which, in principle, prevents refugees arriving at the territory of a state from being returned to another where they run the risk of persecution. That agreements are often bilateral and increasingly ‘informal’, argued the authors, has meant that ‘not only these arrangements are less transparent and controllable by parliaments, but also that human rights guarantees are often lacking’. As Mazella (2007) has reminded, ‘to whom do wish to grant asylum?’ is an ‘ethical question’ that seems to be less and less frequently asked in recent years. Indeed, in some European contexts, debates on asylum policies have been replaced by policies that seek to prevent the occasions at which such asylum applications could be made.

Another implication is that individuals who seek mobility of one sort or another are left at the behest of ‘national security’ projects of states on both sides of the Mediterranean. One observer has suggested that ‘the individual is manifestly less protected on both sides of the Mediterranean than was the case before 11 September 2001’ (Galli, 2008: 10). Indeed, treatment of individuals in the name of ‘national
security’ allows, in the case of countries like United Kingdom that have adopted more stringent measures compared to some others

deportations that requires no proof of criminal conspiracy, merely an administrative assessment of the risk believed to be posed by an individual, which a national security Tribunal such as SIAC (in the UK) is expected to defer to (Webber, 2006: 33).

What is particularly worrying in this regard is those deportations to countries where individuals faces ‘torture or inhuman or degrading treatment or punishment’ (Webber, 2006: 4). While such deportations are prohibited by the European Convention of Human rights, some EU Member States seem to have found ways of circumventing such bans, including ‘rendition, the unlawful removal of foreign nationals to torturing states’ (Webber, 2006: 33-4).

What seems to be happening is a convergence of the security agendas of some states and regimes in the South and the North. The Directorate-General for the External Policies of the Union (2006) has characterised this convergence as one of “you scratch my back and I’ll scratch yours” logic. As one of our interviewees has highlighted, some European actors are currently cooperating with regimes, as with Egypt that engage in those kinds of practices the EU, in the past, used to be critical of. Amnesty International criticized the emergency law characterizing it as a serious obstacle to human rights and freedoms that are violated by not only security forces, but also military tribunals or state security courts (Amnesty International, 2010a). In recent years, and in spite of the European Commission’s concerns, some anti-democratic practices of the Egyptian government have begun to be overlooked by the EU, including the state of emergency, which was renewed in 2006 and again in 2010. In other South Mediterranean contexts such as Tunisia, torture and ill treatment of human rights defenders, and the imprisonment and torture of Sahrawi activists in Tunisia are reported to have been overlooked (Amnesty International, 2009, Wolff, 2006). From Algeria there are reports of ‘spectacular repressions’ taking place in the country where the state of emergency has been in effect since 1992 (Benantar, 2006).
It is worth highlighting that the two shores of the Mediterranean observe the same occurrences while interpreting them differently. From a ‘Southern’ perspective, such convergence in the securitization of immigration is a consequence of the South internalizing EU security concerns. A Northern observer, in turn, interpreted the same occurrence as ‘externalisation in reverse’. Galli (2008) argued that it is not the Union but the South that first securitized immigration by establishing the Islamist-activism-migrant-terrorism linkage. Whereas the European the Union refused to buy into this linkage in rhetoric and practice for a long time, noted Galli (2008: 13), policy-makers adopted their Mediterranean neighbours’ discourse on the Islamist activism-immigration-terrorism linkage.

Our interviewees were critical of their European counterparts for leaving migrants at the mercy of national security-minded regimes/states. The perceived silence of the EU about these systematic human rights violations has strengthened the assessment that the EU is not concerned with the human rights of non-EU citizens, as many interviewees have stated (see above). Some of our interviewees have even suggested that this is not mere meeting of agendas of some European actors and Southern regimes but the former making use of the failings of the latter in pursuing its own agenda with incredible costs for individuals who are migrants and would be asylum seekers. It is worth underscoring here that while the EU is not the actor behind these specific practices, and that these are implications of country-to-country cooperation, it is almost always the EU that is (wrongly) criticised by the interviewees. What we observe is that EU members’ individual country practices are reflected on the EU itself.

b. Societies as Security Referent
Societal insecurities about immigrants have emerged as South Mediterranean regimes have increasingly engaged security agencies and employed highly technologised and sometimes militarized means through increasing cooperation with EU Member States. In terms of societies as referents, implications include pervasive repression against
immigrants while the host society remains unaware (if not oblivious), the emergence of a racialized division of labour in some places and the rise of racism in some other places.

What is understood by ‘societal insecurity’ is a condition in which a society faces a threat to its social/economic fabric or identity (Waever, 1993, Waever, Buzan, Kelstrup and Lemaitre, 1993). Different from state security (which may indeed consider some issues as threatening its society), the referent in the case of societal security is the society itself with the regime/state and their European collaborators as culprits behind insecurities. While these regimes did not need European actors’ cooperation to adopt the kind of practices criticised by societal actors, security cooperation that has been taking place across the Mediterranean seems to have made societies even less secure – in different ways. Indeed the phrase ‘destabilisation of delicate social balances’ came up quite frequently in our interviews. One of our interviewees has highlighted how ‘illegal immigration can threaten the social balance, the employment market and public order’.

The kind of societal insecurity encountered in the South Mediterranean context is expressed nowhere more dramatically than the headline of a Moroccan newspaper which chose to portray irregular migrants arriving from the sub-Saharan Africa as ‘black locusts’ – with all its xenophobic if not racist connotations (Al-Shamal cited in Adepoju, Van Noorloos and Zoomers, 2009: 48).

What is particularly worrying is the (re)emergence of us/them divides between sub-Saharan and North African peoples, as the latter are exposed to the discourse of their regime/state that portray them as a ‘policeman for an EU’ who has problems with sub-Saharan Africans. Bensaad (2007) has highlighted how ‘the official South Mediterranean discourse now presents local populations as victims of invasive migratory fluxes and repeats the European security argument that sees foreigners as a threat’. For further emphasis, Bensaad quotes Mr. Chalgam, Libyan Minister of Foreign Affairs who complained of ‘certain quarters of Tripoli [being] … under the control of immigrants. They impose their laws; drugs and prostitution flourish. When I said that for us it’s an invasion, that is exactly what I think’ (quoted in Bensaad, 2007: 59-60). This type of attitude towards sub-Saharan immigrants is widely documented (also see,
Holm, 2008, Humanrightswatch, 2006b). The emergence of such racist attitudes toward sub-Saharan Africans in the South Mediterranean is widely blamed on the European Union by local actors (see interviews) as put, rather dramatically, by Bensaad: ‘Schengen exports its tensions’ (Bensaad, 2007: 52). He elaborated as follows:

Spectacular repressions that have taken place in the Maghreb in the last couple of years (and which South Mediterranean governments have trumpeted in a flow of communiqués) revealed that said governments have already donned the uniform of ‘repression recruits’. Although no legal measures dealt with the migration reality, practically all North African governments, between 2003 and 2004, took restrictive measures regarding circulation in their territories, measures which served legally to cover repressive acts that infringe guarantees of individual protection, as well as public liberties in the countries doing the legislating (Bensaad, 2007: 59).

The kind of ‘repressions taking place in the Maghreb’, as reported by regional scholars, usually remain under the legal radar while societies remain unaware if not oblivious. Indeed, our interviews revealed little awareness of the physical side of repressions. However, as Bensaad reports,

Practically all North African countries, between 2003 and 2004 took restrictive measures regarding circulation in their territories, measures which seemed legally to cover repressive acts that infringe upon guarantees of individual protection, as well as public liberties in the countries doing their legislating (Bensaad, 2007: 59).

Less pronounced is the racialized division of labour on both shores of the Mediterranean (for the North, see Silverstein, 2005). In relation to this, Bensaad observed that:

A slavery economy is being built, with a mix of local notables and entrepreneurs, local and south-Saharan mafias, and agents of the state: a slave market of labourers for construction and for domestic work, white slavery (although in this case, it is ‘blacks’) for prostitution, network of ‘racketeers’ and ‘mules’ for transit (Bensaad, 2007: 63-4)

For example, in Morocco, prostitution of trafficked woman and children, from generally sub-Saharan Africa, is an indication of an emerging ‘slavery economy’ (Bureau of Democracy, 2005). This is mostly because refugees and migrants who cannot proceed
to the EU but cannot go back to their countries of origin end up working illegally in jobs without the necessary legal protections.

c. Regimes/States as Security Referents
For regimes/states in the South, one major implication of externalisation has been the securitization, technologisation and, in some cases, militarization of Euro-Mediterranean cooperation against immigration. While South Mediterranean regimes have, for long, equated migrants who are Islamist activists with terrorism and considered this particular aspect of immigration to be a military security issue, they considered other aspects of immigration as an asset by virtue of remittances the migrants sent and their contribution to the economy. What has changed in the last ten years or so is that South Mediterranean regimes began to address immigration as a security problem from a European perspective and through adopting militarized and highly technologised measures favoured by the EU. In this sense, they have indeed become border ‘policeman’ for the European Union, while the latter have come to concur with South Mediterranean regimes in terms of equating migrants who are Islamist activists with terrorism (see below).

South Mediterranean countries have been on the sending end of migration across the Mediterranean for a long time. They have economically benefited from this relationship as noted above. Testas’ research on the Maghreb has indeed confirmed the centrality of workers’ remittances to the economy and development especially in Morocco and Tunisia, and less so in Algeria. Testas (2001: 72) further suggested that ‘given the significant share of remittances in total GDP of the Maghreb, North African governments may in fact wish to see their workers migrate’.

While the European Union, since the very early years of its turn toward the Mediterranean have sought to get South Mediterranean regimes to engage with the issue of immigration as a ‘problem’, the latter had hesitated to do so. The only exception was the case of Islamist activists whose mobility Southern regimes sought to securitize by labelling them as terrorists. The North, for a long time, had resisted
accepting this label and the ensuing categorisation in security terms. This began to change in the past ten years, with some EU Member States becoming more willing to adopt the migrant-terrorist linkage and the South proving more willing to cooperate in curbing immigration (of economic and political kinds).

Through the ENP, especially after the Madrid and London bombings, the EU has not only begun to see immigration from a security perspective but also increasingly employed technologised means without always reflecting upon their implications. In the post-9/11 period where immigration was increasingly associated with terrorism (Joffé, 2008), southern European states increasingly began to collaborate in this matter and agreed to constitute a ‘European Security Zone’ to tackle immigration across the Mediterranean Sea. They also agreed to utilize highly technologised and sometimes militarized means in creating this zone. As a component of the European Security Zone, ‘navy vessels and spy planes are today operating in the Mediterranean to monitor and intercept boats heading towards Europe’ (Gammeltoft-Hansen, 2006: 21). The European Security Zone became the predecessor of joint naval operations, which have been coordinated through FRONTEX since 2006 (see above).

One implication of this change, for Southern regimes/states, has been the militarization of aspects of the struggle against migration (other than Islamists, who were labelled as ‘terrorists’ for a long time). One interviewee highlighted how immigration has been increasingly viewed as not just another problem but a ‘security’ concern to be addressed through militarized means. One Algerian interviewee pointed to this new attitude toward migration in Algeria: ‘Since the last years, immigration has become a security concern. It is worthy to notice that this problematical and dangerous confusion between a simple immigrant and an aggressive terrorist is made by Europeans and Maghrebis as well’.

It is also worth highlighting here that immigration did not just become a security concern after 9/11. It was a security concern for the North from the very beginning. – but a security concern to be addressed through non-military means. Hence the resistance of the North to linking migrants with terrorism, which would have
introduced police means. In recent years, immigration became a security concern to be addressed through military means of various sorts (albeit highly technologised in places and gendarmerie-type in others).

Collyer, based on his research in Morocco, argued that:

From the mid 1990s until shortly before the passage of the Moroccan law 02/03 in November 2003, migrants were able to find a degree of respite in Morocco, even as the passage on to Europe became more and more difficult. During 2004 residence in Morocco was increasingly difficult, as the military were deployed to search for migrants across the Western Sahara and Morocco began joint naval patrols with Spanish forces around the Mediterranean. From October 2005 the military were also deployed in the north of the country, occupying water points in the forests around Tangier, Ceuta and Melilla (Collyer, 2006: 27).

Detention of terrorist suspects for unknown period of time has also been reported (Human Rights Watch, 2009). Egypt has recently tried to prevent the use of Internet by activists suspected of linked to terrorist organizations. According to the director of the Arabic Network for Human Rights Information, now, more bloggers are arrested arbitrarily (Reporters without Borders, 2009). In these reports, torture, abuses and ill-treatment conducted by State Security Investigation (SSI) agency were left out. However, arbitrary arrests and indefinite detention performed by SSI are reported to be quite common (Human Rights Watch, 2007). Such convergence between the security agendas of the South and the North was previously analysed in terms of insecurities of individuals and societies in the South. Indeed, Southern states/regimes seem to be ‘winners’ in this new scheme of things, which Nicolaidis and Nicolaidis (2004) has termed as Southern regimes finding a ‘new lease of life’ in the struggle against terrorism. However, it is worth considering them as referents of security. This is because they have become border ‘policeman’ for the European Union, with all its implications for regime/state security. While cooperation with the EU has allowed access to new technologised instruments and resulted in the weakening of EU criticism of acts of repression in the short-term, at the same time, it has further alienated the civil society from the regimes, thus enhancing their insecurity in the long term. Such alienation was evinced by the interviews as laid out above.
7. Conclusion

This report has analyzed the ethical implications of the emergence of internal-external security continuum in European policy-making vis-à-vis the Mediterranean. Toward this aim, European security practices were analysed in terms of their implications in human terms as deduced from the analysis of both facts on the ground (based on reports) and local actors’ views (based on interviews conducted in Algeria, Egypt and Morocco).

The Barcelona Process was about the European Union seeking to set up a security community of sorts in the Mediterranean. The EMP was formulated with the purpose of exporting the EU’s own security building model to the ‘partners’ in Southern Mediterranean. This model, at least in rhetoric, was highly oriented to the promotion of universal values of democracy and human rights, although there were problems in practice. However, throughout the transition process from the EMP to the ENP under the political context of trans-national terrorism and irregular immigration, European security practices have transformed in a way that ‘partners’ in the EMP have become ‘neighbours’ in the ENP. A highly visible practice that emerged in this transition is the increasing reliance on highly technologized and sometimes militarized means to address challenges ‘on the way’ across the Mediterranean before they become internal security problems of the EU.

That said it is worth underscoring here that the EU has not only promised but also delivered so much, in terms of aid, empowerment of civil society and also constituting an anchor for reform for the reformists, and a point of reference for the critics of exiting regimes, civil societal activists. These are important achievements of the European Union – not always spelled out in critical evaluations. Yet our interviews have highlighted that these achievements are missed in their wake. Reformists and critics now feel that from EMP to ENP and beyond (such as the new scheme called the Union for Mediterranean) a rug is being pulled from under them. Put differently, the implications of policies to secure the EU include jeopardising the same values that they have set to protect – as with individual rights and freedoms, and fundamental rights.
Some European actors have begun to increasingly rely on highly technologised responses and cooperate with South Mediterranean regimes/states in a manner so far unforeseen, sometimes making use of the latter’s lack of transparency and/or unaccountability. The examples about the silence of the EU in relation to various human rights violations in counter-terrorism cooperation with Southern Mediterranean countries cited above indicate how the Union’s commitment to its own values is questioned by the interviewees. While it is not the EU itself that engages in such questionable acts, practices of European actors seem to get reflected on the Union itself.

There is a major irony here. Southern Mediterranean governments have had reservations about the ENP. Interviewees belonging to the state apparatus in Algeria said that the ENP is another scheme to interfere the internal affairs of Algeria; in Egypt, many of them criticized the EU’s reluctance to take a position in relation to the Middle East conflict in the ENP. Yet they are making use of bilateralism to cooperate on security without the necessary oversight of the European Council. This is being done through bilateral cooperation allowed by ENP and further developed outside of ENP (as part of 5+5 and other bilateral cooperation efforts). This allows some European actors to put aside ‘normative power EU’ concerns and cooperate for ‘security’ by transferring technology; by training military and police force; by transferring suspects knowing full well the possibility of them being tortured in interrogation; by asking for repatriation without setting in place due guarantees for their humane treatment; by externalizing security without reflecting upon its consequences for societal dynamics, balances and identity in the transit countries.

One major implication of practices tied up with the emergence of internal-external security continuum across the Mediterranean is that the European Union was severely criticised for the inconsistency between the values it is built upon and values it seeks to project and practices it engages in. We have sought to uncover these implications in value terms and reflect upon them so that we know about the consequences of those things that are done in the name of security in Europe – and
what it means to be ‘European’ if these particular things are being done in the attempt to secure. This kind of criticism judges EU behaviour in terms of the standards it set upon itself – not just any power but ‘normative power’. For, the European Union considers and presents itself to be pursuing not only its naked self-interest but also the interests of humankind defined as deepening democracy and enhancing human rights. As such the evaluation of European security practices are made by focusing on the implications – often unforeseen and sometimes unacknowledged – of security cooperation across the Mediterranean. European actors’ failure to act in accord with EU’s own values has been criticised by our interviewees. Indeed, many expressed their concerns of the possibility of employment of transferred security technologies for internal repression among other implications. These are practices adopted, on the part of Northern actors, to secure ‘European values’.
Bibliography


--- (2005c) The External Dimension of Justice and Home Affairs.


Endnotes

i See the in:ex Project Website at <www.inexproject.eu>.

ii Also see, project document by Gross (2010).

iii See the website of The Geneva Centre for the Democratic Control of the Arm Forces (DCAF). Available at <http://www.dcaf.ch/>.

iv Algeria, Cyprus, Egypt, Jordan, Israel, Lebanon, Malta, Morocco, Syria, the Palestinian Authority, Tunisia and Turkey joined.

v For example, within the then embryonic European Security and Defence Policy (ESDP).

vi The view is that while the EMP was about other learning from EU's own experiences, the ENP is about closing the door not in terms of membership alone but also in terms of the potential to form a security community, see Joenniemi (2007)

vii This was a problem in the EMP as well. See, for example, Holm (2005). However, in the EMP, the EU and South Mediterranean countries were identified as 'partners'. In the ENP, the latter is identified as 'neighbours' which are expected to address challenges on their territories before they become EU's internal security problems. Many interviewees highlighted this.

viii The European Parliament's Civil Liberties Committee has recently decided to take the exclusion of the Parliament from the procedures related to FRONTEX to the European Court of Justice. EPP Group in the European Parliament Website, Press Release, 25.06.2010. Available at http://www.eppgroup.eu/press/showpr.asp?PRControlDocTypeID=1&PRControlID=9513&PRContentID=16295&PRContentLG=en


xi States exercise certain sovereign rights in relation to migration within 24 nautical miles. Immigrants intercepted within 24 nautical miles of territorial waters of a state are returned to that state, see Geneva Convention on the Territorial Sea and Contiguous Zone, Art. 24 para.1.


xiii The cross-border cooperation in the ENP is not limited to the area of immigration control. European Neighbourhood Policy Instrument has recently included cross-border cooperation scheme in order to facilitate cross-border societal level interactions. Bilateral Spain-Morocco (€156.7 million) and Italy-Tunisia (€25.2 million) programmes and multilateral Mediterranean Sea Basin Programme (€173 million) are exemplars of this cooperation, see Martin (2009).

xiv The interviewees from Egypt stated that they did not have information about the issue. When associated researchers of the project approached the Ministry of Defence, the officials refused to give interviews.

xv As a side note, Immigration and maritime affairs can also be addressed more efficiently in multilateral forums.

xvi Louisa Dris-Ali Hamadouche (Algeria), Habiba Mohsen (Egypt) and David Alvarado (Morocco).

xvii Interview with an Algerian academic by Louisa Dris-Ali Hamadouche, interview transcript, Tizi Ouzou.

xviii Interview with an Algerian academic by Louisa Dris-Ali Hamadouche, interview transcript, Tizi Ouzou.

xix Interview with a representative of a non-governmental organization by Louisa Dris-Ali Hamadouche, interview transcript, Algiers.

xx Interview with an Algerian academic by Louisa Dris-Ali Hamadouche, interview transcript, Batna.

xxi Interview with an Algerian academic by Louisa Dris-Ali Hamadouche, interview transcript, Batna.

xxii Interview with an Algerian academic by Louisa Dris-Ali Hamadouche, interview transcript, Batna.

xxiii Interview with an Algerian politician by Louisa Dris-Ali Hamadouche, interview transcript, Algiers.

xxiv Interview with an Algerian journalist by Louisa Dris-Ali Hamadouche, interview transcript, Algiers.

xxv Interview with an Algerian academic by Louisa Dris-Ali Hamadouche, interview transcript, Batna.

xxvi Interview with an official by Louisa Dris-Ali Hamadouche, interview transcript, Algiers.
The violence that irregular immigrants face during their journey is well-documented based on the experiences of irregular immigrants, see (Fortresseuropean, 2007) and (Collyer, 2006).


It is worth noting here that the gross violations of individuals’ human rights (which are, in theory, protected by International Law) as implications of EU security policy-making in the Mediterranean is widely publicised and criticised by EU actors and others. Still the issue is discussed mostly with reference to the ethics of consequences. Ethics of consequences refers to taking the consequences of one’s action as main criteria of ethical evaluation – not virtue or duty. Put simply, judging one’s actions in terms of consequences involves weighing ‘good’/gains versus ‘bad’/costs and deciding whether the gain is ‘worth’ the cost. Since EU practices of boat interception are justified with reference to the ethics of consequences, it is important to see verify ‘good’ does indeed ‘outweigh the ‘bad’ – both taken as defined by EU documentation and not by any outside criteria.


Interview with an Algerian academic by by Louisa Dris-Ali Hamadouche, interview transcript, Algiers.

Another dimension of externalization is that the Egyptian government has used the counter-terrorism measures as a way of legitimizing its actions. For example, during the ‘judge revolt’ in 2005, when the EU criticized the violent attitude of the Egyptian police to the rioters, the Egyptian authorities claimed that terrorists were hiding among the crowd (Wolff, 2009a: 107). Human rights violations are still continuing in Egypt. Amnesty International has recently reported several incidents of ill treatment and detention of prisoners and activists, especially the members of Muslim Brotherhood (Amnesty International, 2010a).