

OPPORTUNITIES AND THREATS IN THE EURO-MEDITERRANEAN REGION:
SECURITY AND MIGRATION. CASE STUDY: MALTA AND FRONTEX

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Opportunities and Threats in the Euro-Mediterranean Region:
Security and Migration. Case Study: Malta and Frontex

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DEDICATION

This dissertation is dedicated to my loving parents, brother, grandparents and Simon for their continuous encouragement and support throughout my dual Master's Degree.

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LIST OF ABBREVIATIONS

EU	European Union
UN	United Nations
EMP	Euro-Mediterranean Partnership
UfM	Union for the Mediterranean
OSCE	Organisation for Security and Co-operation in Europe
CSCM	Conference on Security and Co-operation in the Mediterranean
SME	Small and Medium Enterprises
ENP	European Neighbourhood Policy
PAM	Parliamentary Assembly of the Mediterranean
EASO	European Asylum Seekers Office
CFSP	Common Foreign and Security Policy
CSCE	Conference on Security and Cooperation in Europe
NATO	North Atlantic Treaty Organisation
UNHCR	United Nations High Commissioner for Refugees
AFM	The Armed Forces of Malta
MEDSEA	Mediterranean Sea

ABSTRACT

OPPORTUNITIES AND THREATS IN THE MEDITERRANEAN REGION: SECURITY AND MIGRATION. CASE STUDY: MALTA AND FRONTEX

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“The ambition of Europe in the Mediterranean is to turn its formed power into positive influence, to help build trust among all countries, to share our experience of consolidating peace through economic cooperation. These are the same instruments that shaped the European continent. So we are confident these instruments will also serve to gradually achieve stability and prosperity in the Euro-Mediterranean relations, while bringing our societies closer.”¹

George A. Papandreou and Chris Patten²

¹ Adler, E & Crawford, B, *Normative Power: The European Practice of Region-Building and the Case of the Euro-Mediterranean Partnership*, page 3.

² When the twenty-five (25) foreign ministers of the wider EU met with their ten (10) colleagues from North Africa and the Middle East in Crete on 26 May 2003, their most important task was to ensure that the benefits of European enlargement are shared by all our neighbours in the Mediterranean.

The author was highly impressed by the above quote due to the strong political importance given to the region of the Mediterranean. Its positivism projects a sense of motivation to the region and acts as an inspiration for hope in order to achieve peace, security and stability in the region. The European Union Agency for the Management of Operation Cooperation at the External Borders of the European Union's Member States (Frontex) has become a core instrument for border management and control, also bound by the requirements of international law: including human rights desires and democratic concerns.

The purpose of this dissertation is to answer the following research question: "How do peace and security, in relation to the European Union agency Frontex, affect Malta as a member of the Euro-Med region?" This dissertation intends to address the issues which pertain to Frontex in the Euro-Med region and analyse how successful these are. The problem of irregular migration in the Maltese islands has been on the increase since 2002, while Frontex has only been operating in the Maltese territorial waters (through joint operations) since 2006.

Chapter 1 gives a clear introduction to the topic of discussion and provides a brief background on the Mediterranean, the Euro-Med region and Frontex. Chapter 2 is a detailed literature review which gives a description of the literature relevant to a particular field. Throughout Chapter 3, 4 and 5, the author provides discussions through research on the issues which pertain to the dissertation project, in particular to diplomacy concerns about security, the Mediterranean, illegal migration, Malta and Frontex, among others. Chapter 6 is a build-up on the previous chapter and hence delves into the case study of Malta, while Chapter 7 is a conclusion which highlights the findings, lessons learnt, track record and experiences of the region. It

also provides a summary of the dissertation and gives a clear answer as to whether Malta can ultimately be a promoter of Frontex.

CHAPTER ONE INTRODUCTION

1.1 The Mediterranean

There are very strong identities across the Mediterranean. In fact, from time to time, scholars have observed the clash against identities. The Mediterranean is made up of small and medium sized states. But one still asks: What is the Mediterranean? What are the issues being tackled? By analysing the evolution of this relationship, and focusing on the facts, one sees changes in two distinct parts: the more cohesive versus the more comprehensive. Both parts of these relationships change over time. One may here ask how and if this double change affects countries directly. Changes of this evolution started to be felt from the end of the Second World War. Today, the geographical and historical background of the Mediterranean is being increasingly analysed. How did the evolution of the European Union impact the Mediterranean? The focus here is on the content rather than on the evolution of the process. The Union of the Mediterranean, which was primarily pushed by Nicolas Sarkozy,³ and the contemporary challenges of the Mediterranean, such as the Southern Springs, are also being considered.

In recent times, the Mediterranean is relatively defined as an area for trade with the increasing dominance of Western Europe. The Mediterranean in the 17th Century entered into a crisis with the opening of the oceanic and African route, and the decline of the Ottoman Empire – which was defined as a shift northward.

³ A French politician who served as the 23rd President of France from 16 May 2007 until 15 May 2012.

Moreover, the 19th and 20th Centuries saw the process of colonisation. The framework is composed on a different basis, starting with the period after the Second World War. In the Mediterranean, there are many different parts, and different ways to group states, especially geographically.

All groups have an identity associated to them; for example, the Maghreb region is made up of Arab states. Therefore, within these groups, there are a lot of internal bilateral relations which integrate them for the process of identification. More differences within these states include religious, political regions (with regards to democracies, changing regimes after conflict, among others), historical differences and historical legacies which complicate bilateral relationships and economic disparities (between Member States of the European Union and the non-Member States).

When discussing the consequences of the Euro-Mediterranean Process, one does not talk of a common identity, or of what defines the Mediterranean, if not in geographical terms. It is the process and the subjective decision of being part of it that defines what scholars talk about. There is also present the inclusion of some non-Mediterranean countries. This process does not involve all Mediterranean states. This is mostly through South-Eastern Europe (such as Albania and Montenegro), since these states are part of a separate process of stabilisation. Libya is also not part of this process due to historical reasons. Some non-Mediterranean states are involved, such as Portugal, due to its strong history of relationships with the Mediterranean, as it is with Jordan since it is an important player in the Middle East.

European integration focused on the following significant factors:

1. *Decolonisation* (from the French, Italian and English colonial powers):
France was important because it had a number of colonies present in the Mediterranean. The process of decolonisation was very traumatic and, as a consequence, France was very much involved in the steering of the Euro-Med Process. Italy was very much a backbencher in the Euro-Med Process. No country was very interested in Libya... until petroleum was discovered in Libya. These relationships are still relevant to date. The UK has a different approach to decolonisation; it has always been a power within Mediterranean trade, however, the way it left this area was very traumatic since it left when a lot of pressures were emerging.
2. *The Cold War and its consequences in the Mediterranean*: The Cold War was a high tension conflict between the USA and the USSR. It affected the international system between the 1950s and the end of the 1980s. It affected the relationship among states and between blocs. It affected the internal development of states. The Cold War had important areas. These were Europe, Asia, Africa and the Middle East. Europe was the territory of the USSR and where the Cold War was played: areas and spheres of influence of public powers. Europe thus represented the key area. Asia was unfortunate since the tensions exploded into wars.
3. *The Arab-Israeli War*: One of the problems is, of course, the legacy of the Second World War. This makes it almost impossible for Europe to have a relationship with the Arab world. There are some states and governments which are more proactive.

The 1970s brought about an impact on the global political system due to the then oil crisis, which was the cause of economic pressures and, hence, states became more industrialised. The producers of oil were developing coalitions of their national resources and these raised prices. This had a big impact on the non-western states and increased bargaining power vis-à-vis western countries. In 1982, the Commission proposed a development plan for the Mediterranean region: for a new policy toward TMCs (Third Mediterranean Countries) in regard to the diversification of agricultural production.

In 1992, the EU Commission came up with a plan for the Mediterranean region which was based on the idea of supporting non-EU countries in diversifying Mediterranean countries. The economy of non-EU countries was mostly based on agricultural problems and this was definitely seen as a threat to countries like Italy and France. They were challenged by Member States, namely Portugal, Spain and Greece, because there was an economic interest to preserve their agricultural production. There was also an honourable increase in the financial protocols which were combining these agreements. Financial loans were also given in more favourable conditions because they increased the share.

Therefore, the six (6) components of the New Mediterranean Policy are to:

1. Support the Structural Adjustment Programmes elaborated by the International Monetary Fund and the World Bank
2. Promote the creation and development of SMEs (a bottom up approach)
3. Encourage the protection of the environment
4. Finance actions of regional scope

5. Emphasise the importance of human rights. Control was given to the European Parliament; it invested in responsibility of Human Rights being infringed and also gives financial assistance. It also acts as the watch dog of Human Rights and as a good guide in European institutions.
6. Help societal actors contribute efficiently to the development and modernisation of SMEs by setting up Mediterranean programmes of decentralised cooperation.

The result and outcome of the above six (6) components aimed at enhancing political dialogue in the region.

The steps which led to the establishment of the Barcelona Process are key to European-Mediterranean Relations. It is the core structure of this relationship which accesses what happens before and how it is affected now. The Barcelona Process was launched in 1995 at a European Council meeting in Barcelona. It attempts to develop structural European developments which were based on economic issues and hence focused on trade and trade relationships; which were and remain the main remit of the EU.

Member states focused their attention on Mediterranean issues in that period to understand the context and what the Mediterranean states were really looking at. The Euro-Med strategy had been launched at a time when member states were focusing on different items and geo-regions. Then, it was important to work with the North and the East. It was up to Mediterranean countries to put these issues back on the agenda.

The issue of geography was on the agenda since it is based on European organisation. It was clear that the scope was enlarging because most of the

cooperation was focusing on Maghreb. The Euro-Arab dialogue was something different: not so much in terms of achievement, but in terms of political, symbolic reference, and because of the countries which were involved. It emerged to the then EC and the Arab League. There is also another ground in terms of social and religious factors.

The Gulf Cooperation Council was a very regional and loose organisation, created in 1981. It was created because it was part of the arrangements of internal regions which were creating structures for cooperation.

The Barcelona Declaration was eventually signed by twenty-seven (27) countries. The EU was then made of fifteen (15) countries. Twelve (12) more countries also signed. Malta entered into structured relations with the EU with the Barcelona Process before membership, and so did Cyprus. The European Neighbourhood Policy is made up of thirty-seven (37) countries, of which fifteen (15) became thirty-seven (37) and twelve (12) became ten (10) due to Cyprus and Malta.

The three main objectives/chapters of the Barcelona Process were:

1. Political and Security (peace and stability)
2. Economic and Financial (which was the most important chapter)
3. The main, underlying idea was to create Prosperity and Financial Partnership – the Social, Cultural and Human chapter. It underlined the objective for the rapprochement between peoples. This was certainly innovative and not found in other organisations. The idea was geared towards trying to develop relations based on the economy: dialogue and integrate civil societies to get into continuous discourse to reach agreements.

The key objective of the Euro-Med Partnership was that it included the idea that by 2010, a free trade area was created between the non-EU and EU countries. The Euro-Med partnership was designed with two broad dimensions: a bilateral regional one and an innovative regional one. This is to say that regional and bilateral dialogue were of paramount importance. (Regional was more important because it was very much in but did not lead to brave achievements. Bilateral was less innovative but relatively more successful. Regional dialogue was an experiment; the EU had enough experience of bilateral agreements with a number of countries but mostly with Mediterranean countries).

From here on in, it is interesting to observe the challenges and failures in the Mediterranean, the ways in which proposals travelled throughout the Mediterranean, and how they were transposed. The Mediterranean enhanced integration and dialogue through the Union for the Mediterranean and later the Barcelona Process. So, therefore, one might ask: What was/is the purpose of such Euro-Mediterranean relations?

Theorists tried to understand what it really is.⁴ Studying it requires an economic and political point of view. Political scientists started to talk of international political regionalism with the Barcelona Process. The International Relations theory assesses the North and South and sees a difference on how the two can be co-operational. International political regionalism is about building good relations, economic ties, knowledge transfer and policy coordination. It can be the best tool to

⁴ Many theorists coming from different schools of thought have sought to give a definition of what a definition of the Mediterranean, all have come up with their own understanding, however in general, we note a political and an economic perspective. The author has concluded this from the many readings she has done before writing this dissertation.

cope with region-wide problems caused by global trends. The EU addresses the region as a whole, even though there are many political tensions due to past fragmentations.

Looking at the broader picture as a Region Level Process, there are two (2) main interpretations:

1. The hegemony/domination view – asymmetry: the difference between North and South. Today, the EU is stronger, especially in economic terms and hence enforces a European domination on the South with Germany and France especially.
2. A change in capitalism – this economic dimension of the partnership is the most important one.

Alongside these economic aims, there is also a change in international insecurity. With the end of the Cold War, one notes the importance of the context because the war became more unstable with the freezing of USSR cleavage. The idea was that the EU tried to develop this political dimension of the cooperation to address this international security context and, hence, a political domination on the southern Mediterranean.

There are also some scholars that include elements of socialisation inclusion.⁵ Scholars that talk of this socialisation inclusion perspective say that the hegemony is not meant for mere domination but is instrumental to achieve a zone of prosperity,

⁵ Pastore, F, Development in the Mediterranean – *Remittances and Co-Development in the Mediterranean Region*

stability and peace. There is a need to reduce the gap between south and east, which is in the interest of the EU so as to have a more stable Europe.

1.2 The Euro-Med

Following the Second World War, which ended in 1945, the European Union was born on 9 May 1950 and has been growing to its present member status of twenty-seven (27) countries. Croatia became the twenty-eighth (28th) Member State on 1 July 2012, and there are a further eight other applicant countries waiting their turn to join. This would effectively bring the total Member States within the European Union to thirty-six (36) with an overall population of over six hundred (600) million.

The Euro-Med Partnership⁶ was established in 1995 in Barcelona, Spain, which presently consists of the twenty-seven European Union Member States and sixteen partner countries, a number of which are in the North African region. In 1995, there were fifteen (15) EU Member States, four (4) non-EU Member States and ten (10) governments from the wider Mediterranean region.

As advocated by Roberto Aliboni, “in the Barcelona Declaration, the achievement of the Euro-Mediterranean area of peace and stability is strongly envisaged in the introduction of Confidence Building Measures (CBMs). The ad hoc ministerial conference held in Palermo, in June 1999, set out the goal of establishing,

⁶ Formerly known as the Barcelona Process, cooperation agreements were re-launched in 2008 as the Union for the Mediterranean (UfM). It is an opportunity to render relations both concrete and visible with the initiation of new regional and sub-regional projects with real relevance for those living in the region. Projects address areas such as economy, environment, energy, health, migration and culture.

first and foremost, Partnership Building Measures (PBMs). This entails important consequences for Euro-Med Partnership policy making.”⁷

Political differences and socio-economic tensions are two major characteristics of Euro-Med security relations, rather than by military conflict, by the various member states within the Euro-Med area. To be overcome, these differences and tensions require a partnership-building process in which confidence takes on a much more significant approach, rather than military factors or conflict.

1.3 A Brief Introduction to Frontex

The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU, also known under its acronym Frontex, was created in 2004 with an eye on the efficient implementation of the *acquis* concerning border management.⁸ The role of Frontex is neither restricted solely to operation cooperation, nor is it restricted to Europe’s maritime borders. Frontex finds itself in an interesting position of many opportunities of human rights and democratic concerns.⁹ The agency is based in Warsaw, Poland and is comprised of a staff of around nine hundred (900) people, seventy (70) of which are chosen

⁷ Aliboni, R., Paper 7: *The Building Blocks of the Euro-Mediterranean Charter on Peace and Stability*, Partnership Building Measures, EUROMESCO Papers, viewed on: http://www.euromesco.net/index.php?option=com_content&task=view&id=140&Itemid=48%26%239001%3B=en, accessed on 1 July 2013

⁸ Council Regulation No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union [2004] L349/1.

⁹ Laitinen, I, (2008), *Frontex. An Inside View*, EIPASCOPE 2008/3, page 33.

national experts from the twenty-eight (28) Member States – this shows close cooperation with each member. It has a budget of around €72 million per year.

The Agency was designed to “facilitate and render more effective the application of existing and future Community measures”.¹⁰ To understand the potential of conflicts between national borders within a region, one does not need to be familiar with the mechanisms of the European Union. However, “notwithstanding a non-obstruction clause¹¹ – there is no legal obligation for the participating states to participate actively in joint programmes.”¹²

To get a better idea of how Frontex operates, Figure 1 is an image of the organisational structure:

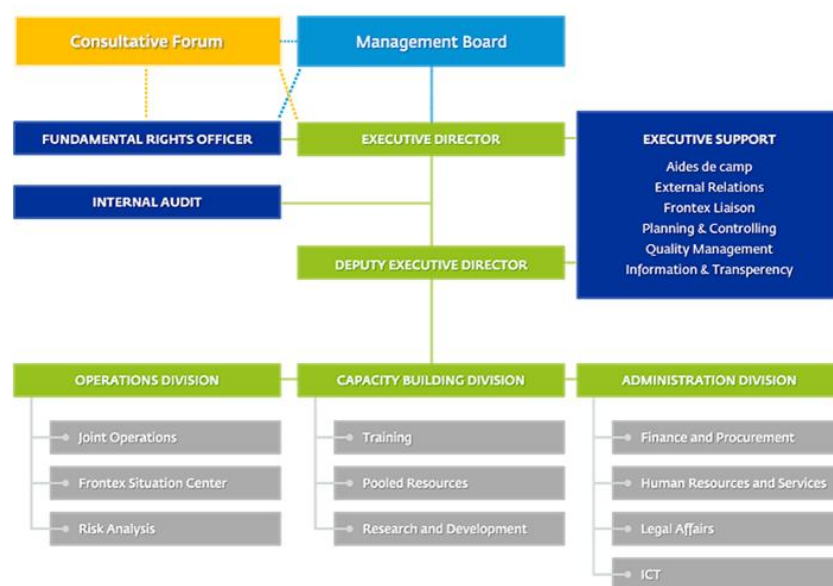


Figure 1:
Operational
Structure of
Frontex.

Image taken from:
<http://www.frontex.europa.eu/about-frontex/organisation/structure>, viewed on 30 June 2013

1.3.1 Frontex’s Tasks

¹⁰ Art 1(2), *ibid.*

¹¹ Art 2(2), *ibid.*

¹² Laitinen, I, (2008), *Frontex. An Inside View*, EIPASCOPE 2008/3, page 31.

Since Frontex's formation, the tasks have not changed drastically. The main and most important task of Frontex is the implementation of integrated border management and control within a region. This concept surfaced after the episode of 11 September 2001,¹³ and it was given different meanings by many. At this stage, the Commission identified an opportunity for an independent agency to act as a European border guard (to be funded by the Community budget),¹⁴ while the Member States came up with a counterproposal.¹⁵

The 2006 Justice and Home Affairs Council finally defined integrated border management as a concept consisting of:

- a) Border control
- b) Prevention of cross-border crime
- c) The four-tier access control model
- d) Inter-agency cooperation, and
- e) Political and legislative coherence.¹⁶

Therefore, the Agency's tasks can be classified as both "operational cooperation and coordination" and "capacity building by training, research and development".¹⁷ In terms of operational cooperation and coordination in the field, Frontex is responsible for joint operations, return cooperation, technical support to Member States, and

¹³ Jorry, H, (2007), *Construction of a European Institutional Model for Managing Operational Cooperation at the EU's External Borders: Is the FRONTEX Agency a decisive step forward?*, CEPS Challenge Research Paper No 6.

¹⁴ European Commission, (2002), Communication from the Commission of the Council and the European Parliament towards Integrated Management of the External Borders of the Member States of the European Union, COM (2002) 233, page 19.

¹⁵ Laitinen, I, (2008), *Frontex. An Inside View*, EIPASCOPE 2008/3, page 31.

¹⁶ Council of the European Union, 2768th session of JHA Council meeting, Brussels, 4-5 December 2006, 15801/06 (Presse 341): page 27.

¹⁷ Taken from a speech by Mr Ilkka Laitinen, the Executive Director of Frontex, held at the Seminar on EU Policies and Inter-European Cooperation on Migration in Maastricht on 24 September 2008.

facilitation of cooperation with third countries and international organisations.¹⁸ On the other hand, as for capacity building tasks, Frontex is responsible for risk analysis, the training of border guards across Europe, and training and processing of research and equipment.¹⁹ In addition to this, the Agency has a core task of delivering analytical products, which is taken care of by the Executive Director, Mr I Laitinen. Frontex is also constantly suggested (by other international organisations) to keep a pleasant relationship with neighbouring and third countries.²⁰

1.4 Introduction

On this basis, those EU Member States that are likewise members within the Euro-Med fold have pushed for partnerships with their Mediterranean and European partners whereby the diverse political, economic and cultural aspects of each are taken on board to promote peace, security, stability, good governance, human rights and democracy. This will provide sustainable economic development and reform for all peoples, and would be achieved through educational and cultural exchanges within judicial and secure norms, including issues of migration and the social integration of immigrants.

In this precise moment in time, following the upheaval and on-going changes in the Mediterranean region (such as in Egypt, Tunisia, Libya and, more recently, Syria), as well as the problems resulting within the wider region of the Mediterranean

¹⁸ Respectively Art 3, 8, 9, 13, and 14, Council Regulation No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union [2004] L349/1.

¹⁹ Respectively Art 4, 5, 6, and 7, Council Regulation No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union [2004] L349/1.

²⁰ Laitinen, I, (2008), *Frontex. An Inside View*, EIPASCOPE 2008/3, page 32.

countries (including Israel, Palestine, Lebanon and Morocco among others), the author feels that the European Union, together with its allies, must take the lead to sustain peace, security and prosperity.

This is apart from the fact that the EU is itself going through a process of soul searching and is taking measures to get its act together within its fold. By soul searching, it is meant that since Europeans are so diverse, each Member State will have to establish a balance of power to formulate the Union.

The Euro-Med Partnership deals with European Union policy towards the Mediterranean, for which its acronym is EMP and is also known as the Barcelona Process. This partnership was launched in 1995, a few years into the post-Cold War world. It is the first ever EU initiative towards this part of the world when one speaks of the post-Cold War era.

The first move in favour of a Euro-Mediterranean partnership policy was tabled in 1990 by Italy and Spain. The Spanish Foreign Minister and his Italian counterpart proposed the setting up of the Conference on Security and Cooperation in the Mediterranean (CSCM), similar to the Conference on Security and Cooperation in Europe previously launched at Helsinki in 1975. Although the CSCM proposals were considered to be a valid security project, the other major EU partners were not inspired to take its cue; in fact, France labelled the CSCM “premature”. Eventually, the Italo-Spanish proposal was abandoned. It was only in 1995 that the Commission’s three-fold EMP proposals were developed into a wide-embracing “Report on Relations Between the European Union and the Mediterranean Countries”.

For five (5) years, the question that dominated the literature on the Mediterranean was: “What will happen to our Mediterranean now that the Cold War

is over?”, “What type of relationship will the EU seek to devise and formulate now that the Soviet Union does not exist?” At the time, it was important to enhance relations, maintain the same type of relationship or dilute/marginalise the relationship as a result of its strategic importance. Therefore, this was a clear indication that it was no longer the same situation as in the post-Cold War context. This rivalry could result in the conflict in the Mediterranean; in terms of significance and identity as it was before. This, therefore, could result in the European Union itself since the Mediterranean is at its southern shore. When one zooms in on the Mediterranean region itself, one might note that the EU took advantage of the Cold War to integrate the communist countries. This could be said to be the enlargement strategy of the EU – one which was not directed at the Mediterranean or to the European Mediterranean countries, such as Malta. Here it is important to appreciate that in July 1990, Malta applied for membership. This was naturally the moment the Cold War ended, when the Government decided to apply for membership. Interestingly enough, Cyprus applied at the same time. Both Malta and Cyprus are small and Mediterranean island-states (which brings with it the commonalities and differences too).

It is important to stress on the different phases of enlargement – when Malta applied, there was a European Union made up of twelve (12) Member States. The evolution of the EU is important to understand: the EU itself went from twelve (12) Member States, to fifteen (15), to twenty-five (25), to twenty-seven (27), and recently, to twenty-eight (28) Member States. In 1995, the EU actually did go through its first process of post-Cold War enlargement. It turned out that the EU took the decision to admit the three (3) EFTA countries: Sweden, Finland and Austria. Norway was being negotiated at the time – it decided not to join after they held a referendum. Therefore,

the European Union evolved to consisting of fifteen (15) Member States. This was certainly a very strategic scenario at that moment in time. It was therefore these fifteen (15) Member States that launched the Euro-Med Partnership – a clear shift in the centre of gravity of the EU towards the East. Switzerland is also very well known for its referendum. The EU launched its Barcelona Process at this critical moment: inviting non-EU Mediterranean countries, including Malta and Cyprus, to establish a partnership which, in essence, was something that had never been on offer before. As comprehensive a relationship as is possible, short of membership.

The Barcelona Declaration is one on which this relationship is based on, and also the only document that one must be aware of; to the extent that everything else that has emerged over the last twenty (20) years has always sought to build upon this declaration. Štefan Füle, European Commissioner for Enlargement and Neighbourhood Policy, gave a speech²¹ on 14 January 2013 in which he set out a vision for 2013 for the EU and its neighbourhood, including the Union for the Mediterranean – which is an evident foundation stone that the EU continues to base with its southern shore: North Africa and the Middle East. This is crucial because a great deal has changed over twenty (20) years. Nevertheless, the Barcelona Declaration survives.

The EU15 and the partner countries, twelve (12), managed to put forward a vision that has continued to stand the test of time – not everything has been achieved but, nevertheless, there is no denying that the declaration has never been withdrawn.

²¹ Füle, Š, 2013, Brussels, *Speech: Address to Heads of Delegations of the Neighbourhood region, Meeting with Heads of Delegations of the Neighbourhood region*, http://europa.eu/rapid/press-release_SPEECH-13-16_en.htm?locale=en, accessed on 24 January 2013.

The first point to highlight is its very strong strategic interest to try and formulate a comprehensive policy. Secondly, the countries eligible for membership were directed towards the Mediterranean and non-members of the EU, starting from Morocco, through the Maghreb and North Africa, the eastern shore of the Mediterranean, and right up to Turkey. The Balkan countries were not part of this strategic perspective due to the conflict happening in the region, however Israel and Palestine were invited. There was no intention to include such a region undergoing conflict.

Indeed, the Barcelona Process was a breakthrough due to the participation of Israel, Lebanon, the Palestinian Authority and Syria, which gave the Barcelona Process a unique status in the region as the only forum in which their politicians and officials would routinely sit together at the same table. It had been inconceivable for any previous Mediterranean initiative that Israeli and Syrian representatives sat to discuss on the same table.

As of 1992, the Oslo Peace Process was taking place. A few weeks before the Barcelona Process, the same month during which the big meeting in Barcelona took place, the assassination of the Head of State of Israel happened. This was used as an effort to forge relationships. There was no sight of Libya because Gaddafi had never participated in any Mediterranean activity or as a member of any EU initiative.

In 1995, the Libyans were under international sanctions,²² so it would have been difficult to participate. Gaddafi was allowed to participate as an observer and therefore enjoy observer status with no voting or speaking rights. All the countries

²² Libya was excluded because of the UN sanctions over the Lockerbie affair.

were part of this Declaration and the Palestinian Authority, from day one, was part of this mechanism. Both Israel and Palestine signed the Barcelona Declaration. Their participation is an achievement in itself. The policy of dialogue and confidence building allows protagonists to share their negotiated settlements and is better than having absolutely no structure of forums where there can be dialogue. The EU managed to maintain proximity between these two protagonists.

When considering this entire process, one must acknowledge the EU's policy towards the Mediterranean. The Barcelona Process focuses on three levels of analysis: political, economic/financial and socio-cultural. There is no denying that not being a member is the same as being a member. When joining the EU, a country assimilates to the *acquis communautaire* of the EU. Those that are members of this Declaration have the option of opt-outs (mechanisms introduced after they join); however, those that join have to accept the *acquis* in its entirety. If a country is aspiring to become a member, it is in their interest to be part of the Barcelona Declaration.

The Barcelona Declaration is a politically binding document, and is not legally binding like a Treaty; it therefore cannot introduce punitive measures. The Declaration's preamble stipulates that this initiative is not going to substitute any other initiatives going on in the Mediterranean, including any other conflicts. There are other mechanisms that already exist which deal with on-going conflicts. It is quite clear, in fact, that this initiative can be seen as a weakness. Had this preamble not been included, Israel would not have participated. By not including that preamble and by definition not including the likes of Israel, it would have been a strategic error. As is, all countries can meet and engage in dialogue on a regular basis.

The headline goal of this Declaration was to ensure a political and security partnership which underlined a forum in which all participating countries would come together and meet regularly to discuss security issues across the board. The Charter for Peace and Stability is an example of a security arrangement. It is not exclusive to the Mediterranean but is the first of its kind in a region, even though it has not yet come into force. The objective of such a Declaration was and is to have an on-going process of confidence building measures.

It is also convenient for one to compare the Euro-Med Partnership with the EU's previous bilateral relations with Mediterranean countries:

- New relationships by working together in various groups that meet frequently
- A vast array of issues are included in the Partnership of a political, economic and financial, social, human and cultural nature
- Two complementary tracks are being employed: regional and bilateral.

Moving on, the objective of the Barcelona Declaration document was to achieve a balance of interests between the Northern and Southern Mediterranean border countries. The work programme adopted in Barcelona traced out three primary objectives,²³ namely:

- a) the development of a political and security partnership to achieve a common area of peace and stability, based across Europe, the Mediterranean and the Middle East;
- b) economic and financial partnership and the gradual establishment of a Euro-Mediterranean free-trade area by 2010 to create a zone of

²³ European Union External Action, *The Barcelona Process*, http://eeas.europa.eu/euromed/barcelona_en.htm, accessed on 28 January 2013.

shared prosperity and to support an economic transition in the partner states;

c) social, cultural and human partnership to encourage the understanding between peoples and cultures and the exchanges between civil societies.

In the field of security, the EU and its southern partners pledged to work on two sets of principles. With regard to internal security, each state or political entity was committed to upholding the UN Charter and Universal Declaration of Human Rights. As for external security, the signatories agreed for cooperation in the fight against terrorism and for security building measures, organised crime and drug trafficking and arms control.

Additionally, the ambitious aim of economic and financial partnership, includes free trade, the sustainable socioeconomic development in the region and its growth, improvement of the standard of living, an significant increase in employment, a reduction of the development gap, and the encouragement of regional cooperation and integration.

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Finally, the proposed partnership in social and human affairs rested upon the participation of civil society in the Barcelona Process. Indeed, leaders from the cultural world, universities, and so on were expected to share ideas at facilitating greater understanding. On the face of it, the incorporation of a socio-cultural dimension was an admirable objective and one which was lacking in previous

²⁴ Roy, J. & Dominguez, R. (Ed.), (2005), *The European Union and Regional Integration, A Comparative Perspective and Lessons for the Americas*, Jean Monnet Chair, University of Miami, European Commission

incarnations of EU Mediterranean policy. The range of subjects covered was impressive, setting objectives for cooperation in areas such as education, health, migration and racism. Such issues were an integral part of the new thinking on security.

“The Barcelona Process was launched in an atmosphere of enthusiasm and confidence. It is possible that these expectations were too high. In 1995, there was a feeling of optimism; under the Treaty of the European Union, the EU had just created the CFSP, the Maghreb countries had established the Treaty of Marrakech, and the Middle East peace negotiations seemed to be finally making progress.”²⁵ The greatest gap between expectations and achievements has been the failure of the process to develop a sustained dialogue at political and security levels.

With regard to the EMP cultural activities, they have significantly increased since the launching of the Barcelona Process. Many programmes have been run under the third basket – including Euro-Med Humanities, MEDA Democracy, Med-Campus, Med-Media, and Med-Urbs – but, so far, analysts would argue that the most successful has been the Euro-Mediterranean Youth Action Programme I, which was adopted at the end of 1998 and was set up with the understanding that “youth exchanges should be the means to prepare future generations for a closer cooperation between Euro-Mediterranean partners”.²⁶ However, certain constraints still need to be addressed, particularly mobility. Current visa regulations provide huge bureaucratic

²⁵ Dar Al Islam, *The Mediterranean, the World System, and the Wider Europe: The "Cultural Enlargement" of the EU and Europe's Identity*, Volume 1, page 80

²⁶ Youth in Action Programme, *Euro-Mediterranean Youth Programme*, http://ec.europa.eu/youth/youth-in-action-programme/euro-med-youth-programme_en.htm, accessed on 28 January 2013.

hurdles.

In conclusion, it is therefore important to pinpoint the “big idea” behind the decision to initiate the Barcelona Process. Perhaps the political opportunity for the conference arose out of a combination of favourable circumstances. Particularly, the post-Cold War environment helped acknowledge the potential benefits of collective action to manage “common” Mediterranean problems.

1.5 Objectives of the Study

Due to Malta’s strategic relevance in the Euro-Mediterranean Region, the author decided to tackle two major challenges which the basin is having to face, especially due to what the book *Change and Opportunities in the Emerging Mediterranean* has referred to as an “emerging Mediterranean”.²⁷ Today’s political debates, which have also become bargaining chips for winning general elections, revolve around the issue of irregular migration. The number of migrants reaching the Maltese shores has increased drastically over the past ten (10) years and, therefore, many considerations need to be taken for this to be professionally addressed.

Since Malta is a member of the European Union, it certainly has aid from other Member States and also from the European Commission and the European Border Agency of Frontex; however, it still lacks funds and resources. Having said this, the EU, Frontex and Malta have had very good relationships in the past years;

²⁷ Calleya, SC, and Wohlfeld, M, (Ed.) (2012), *Change and Opportunities in the Emerging Mediterranean*, Mediterranean Academy of Diplomatic Studies, University of Malta, Gutenberg Press

however, in the author's opinion, much more needs to be done; particularly in terms of cooperative dialogue and also in the sharing of resources.

This is one of the main reasons which brought the author to tackle such an area. The objectives of this study are to analyse the issue better and, if the situation is really what it is, come up with a number of recommendations which would enhance the current situation in the Mediterranean basin and hence come up with a better Frontex. This will not only aid the Euro-Med region – where migration is at peak – but also aid the European Union Agency in its operations with the entire EU.

In order to do this, the author will be looking at areas of security, threats and challenges in the Euro-Med region with regard to the growing issue of irregular migration and Malta.

1.6 Methodology

The research done for this dissertation is of solely a qualitative nature. That is primary and secondary sources were used for writing: books, journals, reports, newspaper articles, regulations and internet articles on websites. All were very helpful to understand the Euro-Mediterranean security dynamics in relation to irregular migration and the European Agency of Frontex. The author also informally had a conversation with Ambassador Alfred Zarb and Colonel David P. Attard for guidance, knowledge and assurance on the emerging Euro-Med and its regional significance to Europe.

Collecting information and primary sources was a very important stage of the dissertation since the author needed to balance the information found by selecting those which would be really useful to consult for this study.

The Euro-Med region is a region which the author gives particular attention to in this field, mainly because she is proud to be Maltese, European and Mediterranean. On all three issues, she is very patriotic to see Malta, the Mediterranean region and Europe move forward. Also, by means of this research project, she feels that her Master's in Conflict Analysis and Resolution and Mediterranean Security suitably defines the above in this scenario.

Above all, this dissertation aims to improve the general status of the position of the Maltese. The Maltese citizen's identity/family, and so on, is always improving vis-à-vis the European yard stick. In this way, Malta will also be the gauge to Mediterranean and European countries (not necessarily in the European Union but also part of the Euro-Med), which will always look upon Malta as a source of where they want to get to. In this way, on behalf of the Maltese, one will be learning other mechanisms of doing politics in terms of exchanging notes on how each country can do trade, get involved in educational systems, different cultural backgrounds, and so on. This is also a way of having closer ties with different ethnic groups and cultures.

This project matters primarily for the Maltese, but also, in this case, to educate Europeans on what the Mediterranean is all about. If we do not achieve the "Unity in Diversity", as sounded by the European Union, conflicts will arise and then there will be war not peace.

Finding research material was challenging yet interesting, since this topic is one of a current affairs nature. Most of my research was done from books found at the

MEDAC and University of Malta libraries, together with journals, brochures, class readings and website articles. The historical overview of the Euro-Med was a subject that was discussed in detail during our lectures in class, and the author has also dealt with the field in my undergraduate level course. The exciting part was researching for Frontex in relation to Malta. Not much was found at hand, so the author had to refer to a member of the Armed Forces of Malta, Colonel David Attard. She admits, he was very helpful with giving a detailed overview of the subject and confessed that much of the information will not be found written in books due to its political nature.

1.7 Strengths and weaknesses of the dissertation's design and data collection

Strengths:

Malta's perfect geo-strategic position is a major asset for researching such a topic. This is especially so since it is located at the southernmost tip of Europe and is in the middle of the Mediterranean Sea, equidistant from Europe and the Arab coast.

The author is well versed on this topic due to my past work and experience which she has carried out in the recent past, including my studies carried out to acquire my undergraduate degree. This helps me know exactly what to look for and also helps me choose the data she needs in hindsight.

In addition, this is not a new topic to the world of political science and international relations, so many scholars are well versed on the subject at hand, which therefore implied that the necessary information to be sought is available.

Weaknesses:

Time is definitely considered to be a weakness to gather all the required data – the best way the author found in order to overcome this was first to establish the best way to gather such data, and plan data gathering well. She also identified the relevant and correct data early.

Since the Euro-Med subject is political here in Malta, all available documentation and/or opinions tend to be either apolitical by most or political by those in “red” or “blue” or “green”, thus resulting in a very colourful perspective. (For ethical purposes, she did not take any political stand on any argument made but instead valued them in terms of being loyal to my context).

The Euro-Med and the agency of Frontex are also current affairs topics and, especially today, are very high on the news agenda, being generally volatile with things happening and developing continuously. Due to this, my writing has shifted accordingly; however, this is what makes my study exciting. Writing plans have also taken a different slant since there is not enough written information on Frontex as yet. In fact, she spoke with a member of the Armed Forces of Malta to get a better understanding of the position of Malta and their relationship with Frontex *per se*.

1.8 Conclusion

It is for this reason that this dissertation will be tackling the issues of opportunities and threats with special regard to the sensitive and important subjects of migration and security within the Euro-Mediterranean region. The author will make

particular reference to the European Agency, Frontex, and will highlight the positives and negatives that such an organisation brings with it within the prevalent existing scenario, and will therefore propose recommendations to increase the membership base from those within the European Union, for their direct involvement in such matters, and this by also incorporating those additional countries within the Euro-Med Partnership.

CHAPTER TWO LITERATURE REVIEW

By means of this literature review, a brief overview of the research conducted will be given – that is, the information the author found at her disposal on the respective topics. She will also discuss any difficulties and limitations she came across when conducting her work.

Since the field is relatively new to the debatable world of diplomacy and Mediterranean security, the readings – mainly books, journals, websites and articles – helped the author understand further the concepts of peace and security in relation to the European Agency Frontex and its relationship with the Euro-Med region. The texts also gave her a deeper insight to definitions of broad terms which she sometimes took for granted. Understanding them from an analytical perspective aided her outlook to the subject in question and provided her with an insight to further her dissertation.

2.1 The Mediterranean

Many different scholars and authors define the Mediterranean in their own political, and sometimes also scientific, manner. They do this by highlighting distinct debates found within the region. As is seen in *The Building of Regional Security Partnership and the Security-Culture Divide in the Mediterranean Region* by Fulvio

Attina,²⁸ the author portrays the Mediterranean as a system which is used in order to build a steady European hegemony in the region. The Euro-Mediterranean Partnership is essential to further political cooperation and adopt common norms of conflict management and resolution. He portrays the Mediterranean as an integration process but insists that policy coordination is important to cope with shared problems in a geographical area. This, he says, is because there is a lack of common identity in the Mediterranean, even though the countries all face common problems. To enhance interaction and integration, he suggests that there needs to be a sense of “regional security partnership”, even though previous efforts have been made to establish an institution-based process, such as the Barcelona Process and the EMP.

In line with this, Jürg Martin Gabriel in *The Mediterranean: Clashing Patterns of Governance*²⁹ also speaks about the evident divide between the North and South of the Mediterranean, and hence suggests that the divide needs to be narrowed by bridge building. Given the consensus of the problem, there is little effort being made about the nature of the gap and also about the “shape” of the Union the Mediterranean wants to build. It is a well-known fact that the divide is a religious, cultural and economic one. The author moves on to say that he does not agree with Samuel Huntington in saying that the burden of the Mediterranean is a “clash of civilizations”; he instead says that the problem is the “clashing patterns of governance”. He then provides a definition of “governance”: “the types of political system prevailing at any given time

²⁸ Attina, F. (2004), *The Building of Regional Security Partnership and the Security-Culture Divide in the Mediterranean Region*, Working Paper AY0405-8, University of Catania

²⁹ Gabriel, J.M, (2011), *The Mediterranean: Clashing Patterns of Governance*, Swiss Federal Institute of Technology Zurich – Center for Comparative and International Studies, Switzerland

within a given country or region.”³⁰ This is what mainly struck me most about the article. We had been persuaded by Mr Huntington that the divide was due to the differences between civilisations and mentalities, whereas now, by means of this article, the readers can start thinking outside the box and shift the responsibility of such instability on the different methods of governance that exist in the region – which ultimately cause different types of problems.

On the other hand, the article written by Professor Stephen C. Calleya in *Managing the winds of change in the Mediterranean: Europe’s challenge*,³¹ provides a focus on the changes happening within the Mediterranean over time and how the region should manage them. It clearly highlights how the main changing factor within the Mediterranean is the geopolitical landscape in the southern Mediterranean, which hence brings about an immediate need for action and an urgent need to address it. Furthermore, he says that the Mediterranean lacks a proper, good security mechanism that could exercise authority in the region. This therefore creates instability within the region and has great effects on the international economic downturn due to the now even higher number of migrants. The consequence of this is that there needs to be more strict regulations for asylum seekers.

For all this to happen there needs to be an enhanced and possibly new strategic Mediterranean partnership. In fact, one such way of doing this is by having policy recommendations for the EU in shaping a new Mediterranean relationship. The author provides the reader with five (5) potential ways of implementation:

³⁰ *ibid*, page 305

³¹ Calleya, S.C. (2011), *Managing the winds of change in the Mediterranean: Europe’s challenge*

1. Keep pushing for economic reforms
2. Improve “economic governance” in the Euro-Med region
3. Political reforms must remain a priority on the agenda
4. Finding a role for civil society to enhance integration
5. Illegal immigration will remain a major security issue

Malta is determined to actively participate in the political dialogue, boost integration procedures, override objectives of increasing stability and also promote prosperity in the Mediterranean. It is therefore crucial to establish a set of confidence-building measures that would create the necessary favourable environment for a more secure, stable and prosperous Mediterranean region.

2.2 Regional Shifts; Opportunities and Threats in the Region

Both the Maghreb and the Mashreq regions reveal that countries which border the Mediterranean have international political and strategic commitments outside the waters. In *The Union for the Mediterranean: An Exercise in Region Building* by Stephen C. Calleya, the author speaks about the global and regional shifts that have occurred since the end of the Cold War and how these have affected the political and economic competition that exists. Calleya highlights that foreign policy resources within the Southern-Eastern countries in the Mediterranean region are going towards strengthening ties with the EU and the United States, while the North-West countries focus much of their foreign policy resources and agenda toward fostering closer ties with other Mediterranean countries, despite the disparities that exist between them.

The article lists a number of opportunities and threats in the Mediterranean region, which certainly provided me with an insight into the region and hence aided my ability to think outside the box, especially with regard to security issues in the Mediterranean. “Theoretically, a prosperous and peaceful Mediterranean region should stand a change of functioning”³² – this quote particularly stuck me because, despite the current debates on all the different disparities, “clash of civilizations”³³ and conflicts within the region, there certainly is hope on having an integrated and peaceful Mediterranean. Therefore, the author provided me with optimism which greatly helps future political debates on the matter.

The article also gives insight and evaluates the aftermath of the EMP, and also the UfM. This certainly provided me with perspectives of facilitating change within the Mediterranean region and also made me aware of the willpower which the countries in the area have to take up to face certain challenges.

Professor Calleya, at the same time, stresses that the European Union should not be expected to deliver the impossible within the Euro-Med region. It makes us aware of the limitations which such an organisation has on influencing regional dynamics. This, in fact, led on to highlighting the Euro-Med security dynamics which came about with the success or failure of the EMP and UfM.

A very important sub-section to the article is that on the plans for the future of the Mediterranean by 2020: a regional assessment. The author suggests that what the Mediterranean has today can be used to build a strategic environment. The region is

³² Calleya, S.C., (2009), *The Union for the Mediterranean: An Exercise in Region Building*, Mediterranean Affairs, page 51.

³³ Huntington, S, (1997), *The Clash of Civilisations: The Remaking of the World Order*, New York: Simon & Schuster.

certainly going to be undergoing change, especially in regard to EU policy and future efforts to foster political and economic cooperation. Also, apart from the EU, the United States has been hinting a shift in its foreign policy focus, possibly towards further east, and hence the management of relations in the Mashreq and the Persian Gulf. More importantly, the author says that “the EU is seeking to secure its borders by promoting a ring of well-governed countries to the east and south of Europe”,³⁴ and intends on doing this through its Neighbourhood Policy.

The Mediterranean will be a very important resource for the European Union to project resolutions with regard to the Arab-Israeli conflict. One must keep in mind that the geographical proximity of the Mediterranean can be a great advantage to the EU; this means that the EU would need to constantly try to influence regional dynamics in the Middle East.

The major hurdle for integration and unification within the Euro-Med region is certainly one of enhanced political dialogue through the UfM. Countries need to be made aware that the Euro-Med region can blossom if they introduce “two basic features that have been absent from the EMP: responsibility and accountability”.³⁵ These two factors will certainly give the Mediterranean a sense of ownership. Closer cross-cultural cooperation needs to be achieved through efforts made on the basic values found in Mediterranean countries and the surrounding region.

³⁴ Calleya, S.C., (2009), *The Union for the Mediterranean: An Exercise in Region Building*, Mediterranean Affairs, page 65.

³⁵ Calleya, SC, (2009), *The Union for the Mediterranean: An Exercise in Region Building*, Mediterranean Affairs, page 66.

2.3 Security

Since the study of security is still a relatively new terminology (since after the Cold War), it has only recently started shifting away from the traditional understanding of military security. This was made evident in a very interesting read by Barry Buzan in his book *People, States & Fear: The National Security Problem in International Relations* of 1983.³⁶ He certainly provided me with a wider definition of the political term in terms of seeing security as a link to the freedom of people, and can also be divided into different branches of “security”: economic, environmental, societal, political and military, post-Cold War. As regards the traditional definition of security, the author referred to a book by John Garnett, namely *Theories of Peace and Security. A Reader in Contemporary Strategic Thought*,³⁷ which was written in 1970. The distinction made in the definition of security pre- and post-Cold War is due to the fact that many scholars have witnessed the emergence of new security threats and opportunities.

One must note that European security has also been redefined with the end of the Cold War, which meant that the role of the European Union as a security actor has been changed too. This is particularly noted in Carl C. Hodge’s *Refining European Security*³⁸ of 1999, in *Europe’s Energy Security: Challenges and Opportunities* by

³⁶ Buzan, B. (1983), *People, States & Fear: The National Security Problem in International Relations*, Wheatsheaf Books, University of Michigan.

³⁷ Garnett, J. (1970), *Theories of Peace and Security. A Reader in Contemporary Strategic Thought*, London, Palgrave Macmillan

³⁸ Hodge, C.C. (1999), *Refining European Security*, *Contemporary Issues in European Politics Series*, Vol. 4., Garland Publishing

Gawdat Bahgat³⁹ in 2006, in *Europe's New Security Challenges* edited by Heinz Gärtner, Adrian G. V. Hyde-Price, Erich Reiter in 2001⁴⁰ and also in *Security and Defence Policy in the European Union* by Jolyon Howorth in 2007.⁴¹ An additional pleasant read was that of *Security as an Analytical Concept* by Czeslaw Mesjasz in 2004.⁴²

In terms of Euro-Med security, the international political book by Sven Biscop, titled *Euro-Mediterranean Security. A Search for Partnership*, of 2003,⁴³ gave me a better insight and a more detailed overview with relevant reference to the dissertation project. This book became one the author's favourites throughout my research since it was a useful tool with regard to European Union policy and conflict issues in the Mediterranean, and it gave an overview of the EU's interests with regard to Mediterranean security. Also, the author gave proposals of what he understands as building a Euro-Med security partnership; that is, to highlight the distinct differences between common interests and joint interests. A similar book is the one edited by Roberto Aliboni, George Joffé and Tim Niblock: *Security Challenges in the Mediterranean Region*.⁴⁴ Furthermore, a more recent book, of 2012, *Security*

³⁹ Bahgat, G., (2006), *Europe's Energy Security: Challenges and Opportunities*, *International Affairs* 82: 5 (2006) 961–975, *lackwell Publishing Ltd/The Royal Institute of International Affairs*

⁴⁰ Gärtner, H., Hyde-Price, A. Reiter, E. (Ed.) (2001), *Europe's New Security Challenges*, Lynne Rienner Publishers

⁴¹ Howorth, J. (2007), *Security and Defence Policy in the European Union*, The European Series, Hampshire: Palgrave Macmillan

⁴² Mesjasz, C. (2004), *Security as an Analytical Concept*, Cracow University of Economics, Cracow, Poland, Presented at the 5th Pan-European conference on International Relations

⁴³ Biscop, S. (2003), *Euro-Mediterranean Security. A Search for Partnership*, Political Science, Ashgate Publishing, Ltd.

⁴⁴ Aliboni, R., Joffé, Niblock, T, (1996), *Security Challenges in the Mediterranean Region*, Oxford

Challenges in the Euro-Med Area in the 21st Century: Mare Nostrum, was published by Professor Stephen C. Calleya.⁴⁵

2.4 Frontex

Even though the European Agency was only set up in 2004 and had its agency office premises opened in 2005, there seems to still be a lack of information and knowledge on the agency *per se*. For this reason, the author opted to email and Skype call a representative of the Frontex office in Warsaw, Poland: Ms Izabella Cooper. She was ever so helpful to provide me with an insight into the roles, operations and tasks of the agency and how it has been evolving due to its heavy work that is being done – especially in the Mediterranean. She also applauded Malta for coordination and borrowing of resources to be used on its missions. She also highlighted the importance of Frontex as a core actor in protecting the external borders of the European Union (after Schengen eliminated its internal borders). She kindly enough sent me yearly reports to better understand what she was explaining. The author found these very useful as a tool to become better accustomed to its day-to-day operations (especially in terms of statistical information). The reports also helped me gain a better comprehension and understanding of the non-traditional and cross-border security threats which may occur and that the agency has to face in protecting the EU. Ms Cooper also suggested to refer to Council Regulation No 2007/2004 which deals with the foundation of Frontex, its roles, tasks and purposes.

⁴⁵ Calleya, S.C. (2012), *Security Challenges in the Euro-Med Area in the 21st Century: Mare Nostrum*, Routledge Advances in European Politics, Routledge, Taylor & Francis Books

The CHALLENGE⁴⁶ project, conducted by CEPS,⁴⁷ aimed at giving a good understanding of the new security developments in Europe, with special reference to freedom (“liberty”). Linking the issue of freedom and security together, Frontex was then made a prime security actor in the European Union. The readings used to learn more about this research project were *Construction of a European Institutional Model for Managing Operations Cooperation at the EU’s External Borders: Is Frontex Agency a decisive step forward?* by Jerry Horry in 2007.⁴⁸

Other relevant interesting readings with regard to Frontex include the article by Fernandez, G.A.: *Frontex. The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*, of 2009⁴⁹ and *Reinforcing the Surveillance of EU Borders: the Future Development of FRONTEX and EUROSUR*, by Jeandesboz Julien in 2008.⁵⁰

In relation to the Mediterranean region and Malta, there were two particular pieces which I found useful and also very insightful. These are *Illegal Immigration: Frontex must be more effective* by Simon Busuttil in 2008⁵¹ and also *Frontex in the*

⁴⁶ A project launched in 2004 which provides final policy recommendations on the changing landscape of European liberty and security.

⁴⁷ The Centre for European Policy Studies founded in 1983. It analyses and researches particular areas to bring about solutions to the challenges faced by the European Union.

⁴⁸ Horry, J. (2007), *Construction of a European Institutional Model for Managing Operations Cooperation at the EU’s External Borders: Is Frontex Agency a decisive step forward?*, CHALLENGE Research Paper No 6, Centre for European Policy Studies, Brussels, March

⁴⁹ Fernandez, G.A. (n.d) *Frontex. The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*. 5th International Seminar on Security and Defence in the Mediterranean. Multi-Dimensional Security

⁵⁰ Jeandesboz, J. (2008) *Reinforcing the Surveillance of EU Borders: The Future Development of FRONTEX and EUROSUR*. CEPS Challenge Paper No. 11

⁵¹ Busuttil, S. (2008), *Illegal Immigration: Frontex must be more effective*, viewed on: <http://arc.eppgroup.eu/press/showpr.asp?prcontroldoctypeid=1&prcontrolid=8179&prcontentid=14195&prcontentlg=en> , accessed on 3 June 2013

Mediterranean: the border is the problem,⁵² which is an article the author found on the website of the agency.

UNHCR proposals and recommendations were also an inspiration to highlight the relationship between Frontex and international organisations such as the UNHCR itself and the UN. The EUROPOL⁵³ website also provided such information.

2.5 European Union Policies

The primary sources which were referred to for the purpose of this dissertation were Commission press releases and communication reports, Council Regulations, and EU legislation – which included regulations and directives – and also the Treaty of Rome and the Treaty of Amsterdam.

2.6 Irregular Migration and Malta

Most of this information was found on articles from primary sources such as newspaper articles, ever since the early days of this issue on the islands – 2002. Most of these articles came from *The Times of Malta*, *The Sunday Times of Malta*, *Malta Today* and *The Malta Independent*. The author also found two dissertations at the University of Malta library which helped give me a legal perspective into the debate; however, these were certainly not enough to understand the political nature of the present situation in Malta. Opinions of the Maltese people were also read and

⁵² *Frontex in the Mediterranean: the border is the problem*, The Border is the Problem, viewed on: <http://w2eu.net/frontex/frontex-in-the-mediterranean/>, accessed in May 2013

⁵³ European Police Office – the European Union's law enforcement agency. It aims to achieve a safer Europe for the benefit of all European Union citizens.

followed in the comments section of mainly *The Times of Malta*, which can be taken as an example of the type of identity within the said society. These sources aided the author to understand the Maltese perspective on the extent to which the European Agency protects and safeguards the islands, and also on people's understandings and opinions on irregular migration.

A BBC documentary was also very enlightening with regard to the issue of irregular migration in Malta, with close reference to political debates and also Maltese perceptions. It certainly was an eye-opener to the reality on the island.

Over a light exchange of information with Colonel David P. Attard, we discussed the relevance and importance of The Armed Forces of Malta and the current hot debate of irregular migration and Frontex in the Mediterranean. He has great experience of over twenty (20) years in the field, and hence expressed the gigantic steps that Malta has performed in terms of border management and control, especially with the southern shores of the Mediterranean. He also gave the author a brief understanding of what he understands by the notion of security and linked his opinion to the topic in discussion. The author found this conversation very interesting and helpful for my studies, and in fact kept in contact with him throughout the process of writing this dissertation.

2.7 Political information

Political information about issues dealing with diplomacy in the Mediterranean were conducted over a conversation with Ambassador Alfred Zarb who was ever so kind as to give me a brief overview of the Maltese Government's

policy in the Euro-Med region. The Ambassador played a pivotal role in previous negotiations pertaining to the region.

2.8 Limitations

Throughout the research phase, many limitations and constraints were challenges which the author changed into opportunities; most of them due to the detailed nature of the study. This area of studies is relatively new, so much of the information found is either outdated already due to evolutions and developments, even in brief notes as was found many times on the Frontex website itself. The author therefore had to rely heavily on primary resources, which really helped enrich my studies.

Nevertheless, the author is very pleased with the information acquired since it gave her a deeper insight into the subject and also a greater understanding and analytical thought of hot political debates within the Euro-Med region, and also with regard to the security issues pertaining to Frontex *per se*.

CHAPTER THREE

DISCUSSION THROUGH RESEARCH I: DIPLOMACY IN THE MEDITERRANEAN REGION

3.1 Security: A Definition, and Security Challenges in the Mediterranean

The definition of “security” has changed and evolved over time, especially when looking at its meaning pre- and post-Cold War, that is to say: from 1989 to 2013. Pre-Cold War, security was defined in terms of military and defence; naturally due to the events and activities of the World War and the major global powers which contributed at the time. Today, we look at security in a completely different fashion: the economic, environmental, societal, political and military pillars all fall under the broader term of “security”.

To explain this better, one may refer to the book *People, States, and Fear: The National Security Problem in International Relations* by Barry Buzan.⁵⁴ The author described the notion of security in its full depth and identified sub-categories which he called “hard security” and “soft security”.

Hard security refers to the traditional interpretations of security in terms of military and politics: decision making processes,⁵⁵ the state, and democratic and

⁵⁴ Buzan, B. (1983), *People, States, and Fear: The National Security Problem in International Relations*, Wheatsheaf Books, University of Michigan.

⁵⁵ In relation to all the different types of political decision making, and also relating to the fact of how one type can influence security policy.

authoritarian systems of government.⁵⁶ It also includes the extent to which the state and its resources when it comes to the military dimension and the political theory dimension. This definition is used broadly in relation to non-state actors like terrorist movements. With this definition, one comes to think of how one system can be more effective when implementing a security policy than another. The answer is not so straight forward since there are advantages and disadvantages to the approach – think of a dictator versus a democratically elected leader.

On the other hand, when it comes to soft security, Buzan refers to economic security and the extent to which the state is able to define a policy programme in order to reach a sustainable manner in terms of international relations. Economics is today the name of the game and hence has come at the forefront of the security debate; especially after the Cold War. It has superseded the expectation of security; before it used to be the survival of the fittest.

In theory, there are two major camps of international relations: the realist school of thought, which focuses on the military and political, versus the liberalist school of thought, which manages the economic portfolio in a sustainable manner. Also, the environment is very important. If citizens and states do not give importance to the environment on the global comments,⁵⁷ it undermines the extent to which the process needs to be pulled. The issue of climate change has a negative impact on resources, for example. It is a serious issue, to the extent that if one lives in a place where there is a lot of water, it can change the outlook of that same society

⁵⁶ In cases where citizens have a voice but do not jump to a conclusion that the people decide everything, versus the citizens have no say at all. If they demonstrate, they will leave no impact.

⁵⁷ Such as climate change for example

completely. Investing heavily in the reverse osmosis system to change salt water into water which can be utilised for other purposes is the way to go in today's day and age.

Technology is another area of security which has grown in importance and significance; however, it comes with a price – which in itself raises questions as to who has access to technology and how viable it is. There are also other areas polluting the quality of the sea. Citizens need to analyse the extent to which the resources of the sea are being replenished. Polluting the sea, over fishing (which today has become a major issue), environmental degradation, weather patterns, and so on, have all become major debates of security nowadays.⁵⁸ One may ask: are we doing enough? Calling on the collective will of the international community leads to emphasis on the protection of our environment at the end of the day.

Dr Daniel Yergin⁵⁹ states that what is today not technologically sustainable can tomorrow become economically viable, especially with regard to the issue of energy. Everything changes very quickly in a small period of time: take, for example, developing⁶⁰ versus developed countries – as in the case with Malta now a member of the European Union. In terms of energy, it is of paramount importance to think of the extent to which a country or state is able to sustain the progress made but also consider the price of that energy.

The main concern here is the efforts and political will being provided by the governments of today – is there enough being done? Within the domestic perspective,

⁵⁸ As advocated by the Climate Change Daily website – Calls to Action, viewed on: <http://climatedebatedaily.com/>, accessed on 30 August 2013

⁵⁹ A highly respected authority on energy, international politics and economics. Dr Yergin plays a leadership role in the global energy industry.

⁶⁰ The Mediterranean is a very heterogeneous geographical catchment.

a state has to assess the extent to which such concerns become a priority, whether a democracy or not. If there is enough political will in a country, then to what extent are the people willing to persuade other people? There needs to be an encouraging collective will when it comes to the international community: everyone should be able to pay a price. Many have been undermining the resources that we have at our disposal. Changes have been taking place but nothing should be taken for granted.

The Mediterranean is a microcosm of the international system: the developed North, the Balkans – which are relatively developed, and the southern shore of the Mediterranean: the *acquis communautaire*⁶¹ and the now twenty-eight (28) European Union Member States are very advanced when it comes to wealth. Political scholars always talk about relative comparisons. The Maghreb and the Mashreq are in a completely different political-economic era. Therefore, one must think what significance this has to the Mediterranean. Is it possible to formulate a security agenda given Malta's geographical proximity? The Maltese share their geographical space; so are they able to address these issues and diversities with the challenges they face? The map is given and no one can deny the opposing poles of North versus South. For example, Greece only constitutes 3% of the European Union's GDP⁶² and is therefore irrelevant, but diplomats have to take notice of its impact as a whole. With regard to the Balkans, which had a ten (10) year period of conflict and has been managed in the

⁶¹ *Acquis communautaire* is a French term referring to the cumulative body of European Community laws, comprising the EC's objectives, substantive rules, policies and, in particular, the primary and secondary legislation and case law – all of which form part of the legal order of the European Union (EU). This includes all the treaties, regulations and directives passed by the European institutions, as well as judgements laid down by the European Court of Justice. The *acquis* is dynamic, constantly developing as the Community evolves, and fundamental. All Member States are bound to comply with the *acquis communautaire*.

⁶² Gross Domestic Product.

last ten (10) years, is aspiring for EU membership, with Croatia just joining two months ago (in July 2013): enlargement has become a trend. The southern Mediterranean is a completely different situation. The task there is to highlight what is happening in North Africa and what is happening in the Israel-Palestinian conflict... and also give attention to the Maghreb and Mashreq region.

Development in the region helps economic viability and hence security challenges. According to the United Nations Millennium Development Goals (UN MDGs),⁶³ a GDP over 15.20,000 Dollars a year is needed for the population to have a sustainable outlook.

“Eradicating extreme poverty continues to be one of the main challenges of our time, and is a major concern of the international community. Ending this scourge will require the combined efforts of all, governments, civil society organizations and the private sector, in the context of a stronger and more effective global partnership for development. The Millennium Development Goals set timebound targets, by which progress in reducing income poverty, hunger, disease, lack of adequate shelter and exclusion – while promoting gender equality, health, education and environmental sustainability – can be measured. They also embody basic human rights – the rights of each person on the planet to health, education, shelter and security. The Goals are ambitious but feasible and, together with the comprehensive United Nations development agenda, set the course for the world’s efforts to alleviate extreme poverty by 2015.”

⁶³ We Can End Poverty, *The 2015 Millennium Development Goals*, accessed on: <http://www.un.org/millenniumgoals/bkgd.shtml>, viewed on 24 August 2013.

One must think of the extent to which people have access to resources such as water, medicines, access to a system of basic education, gender equality, and so on. Also, political analysts need to take note of the economic weight, such as GDP averages, and the World Bank and Euro Stat figures. Another aggregate is the human development index reports: there is a long list of different issues including the economic outlook of the country, mainly due to North-South divides.

Looking at the medium to long term perspective, investing in areas which enable a country to move away from current security challenges that are being faced is the way to go. The socio-cultural makeup of the country and the extent to which one's population replenishes are of utmost importance. If a country wants to define a domestic security policy, in order to improve its outlook it needs to improve its people, and that means the country needs to heavily invest in education programmes and set goal targets for educating people through different methods. The future is dependent on the person, the citizen. Improving a country's security policy means that it needs to invest and needs to be able to identify strategic niches: technological and scientific, for example.

The reality of the world we live in today is that of the eight (8) billion people that exist, two-thirds of these are living on less than two (2) euro a day. People are struggling to survive and have no access to basic necessities. Other realities include discrimination procedures against voicing your grievances. In the 2011 Arab Spring rising, the people took to the street as was seen before in the Balkans and in Syria.

⁶⁴ We Can End Poverty, *The 2015 Millennium Development Goals*, accessed on: <http://www.un.org/millenniumgoals/bkgd.shtml>, viewed on 24 August 2013.

People react in that manner due to their human dignity. The world cannot continue to go through lives the way we have been experiencing: with challenges such as economic troubles, issues with freedom of expression, and so on. The citizens of the world need and want to enjoy their basic human needs as has been advocated by John Burton⁶⁵ and Johan Galtung.⁶⁶ We, as a collective, need to manage the situation we have been facing. The socio-cultural situation has been changed as is evident in the major collapse on the industry which the Mediterranean is most dependent on: tourism.

Perceptions are being generated as a result of what is being done on the ground. People are being bombarded with images which need to be addressed and tackled by the authorities in the name of world security and world peace.

The top ten (10) trends of security in the Euro-Med basin are the following:

1. The Palestinian issue remains unresolved
2. A rise in terrorism – a global war on terror
3. The growing call for political reform in the Arab World
4. The rise of political Islam – a shift in the relevance of being able to use policies of engagement⁶⁷
5. The slowdown in EU policy making: one of the clear phenomena when it comes to security, because the EU has been an important player on security in Europe since the Treaty of Rome of 1957
6. An increase in global competition

⁶⁵ Burton, John W., (1980) *Institutional Values and Human Needs*, in *Deviance, Terrorism, and War*.

⁶⁶ Galtung, J, (1980), *The Basic Needs Approach*

⁶⁷ As noted in *Clash of Civilizations* by Samuel P. Huntington, cultural differences.

7. An increase in irregular immigration
8. EU enlargement
9. The slowdown in EU economic growth
10. The lack of regional integration in Mediterranean – there is no track record of regionalism in the Mediterranean.

3.2 Diplomacy in the Mediterranean Basin

The complexities that abound in the Mediterranean are historically attributed to the strategic and navigational importance of the region. They are also the result of the succession of powers that have established themselves in the Mediterranean, of others that have occupied the region and the consequent settlements brought about by the movement of persons. In succession, the empire builders were followed by the crusades, colonisation and super power rivalry. The cultural diversity, civilisation and values resulting from these developments have left their mark on the character and way of life in the different sub regions of the Mediterranean.

The Mediterranean is endowed with a unique regional heritage that should be preserved and apportioned in a way so as to enhance cooperation and promote trust among the littoral states. The harmonisation of the wider cultural influences that exist in the region must be an on-going process.

From a geographical point of view, the end of the Cold War brought with it the need for several Mediterranean states to adjust to the new scenario and looming globalisation. Improved transportation, technological advancements and the quantum leap in Informational Technology overcame the barriers of communications and

provided citizens with real-time, direct and liberal access to on-going events and information available on the global scale.

On the other hand, the process towards liberalisation at the national level brought with it a number of soft security concerns: trafficking of drugs, arms, money laundering, and so on... the list is endless. Irregular migration from East to South and Central Europe, as well as from the African continent to the southern Mediterranean and on to Europe, became more evident. This phenomenon gradually diversified its destinations while the number of persons seeking refuge increased.

The terrorist attack on the USA in 2001 highlighted the hardening of positions and commitment. The attribution of terrorist acts to a particular race and its belief was unnecessary and only served to further widen the gap between civilisations.

Manifestly, the region has also had to bear with the stiff increase in the cost of energy products and gains. The evolving industrialisation taking place in Asia, particularly in India and China, is offering unprecedented levels of competition to the southern Mediterranean states in their efforts to maintain market access for their products, particularly those destined to the European market. The recent economic downturn has thrown several countries in disarray.

The Mediterranean backdrop is not complete without due reference to the disputes that exist between states in different parts of the basin. The Maghreb, the Aegean and the Middle East represent the major divisions that are of concern to the region. At different levels, they are a source of influence on progress in the work of existing processes with regards to peacebuilding and security.

The situation in the Western Sahara continues to hang on to the difficulty of determining the eligibility of those that can participate in a referendum that would

enable the Sahraouian to express their preference to the political status of their choosing.

Greece and Turkey are at logger heads over the division of Cyprus and their individual claims to maritime jurisdictions in the Aegean. From time to time, these two disputes feature in on-going regional consultation but not to a degree of obstructing progress in areas other than those of direct interest to either of the two parties.

The Middle East stands apart. The search for the modalities to give effect to the numerous peace plans that call for a two-state solution is a complex one. The Middle East question turns up in every regional partnership, forum or dialogue. Inevitably, the parties to the dispute take up time to exchange claims of culpability while seeking the apportionment of blame on one another. In any regional summit, Ministerial meetings or other forms of discussion, the reference to the situation in the Middle East is the last item to be agreed upon and included in the concluding document. On several occasions, agreement could not be reached and no consensual document was finalised.

The main issues that need to be addressed have been identified and repeated in several peace plans leading towards the establishment of two states: Israel and Palestine. These issues relate to borders, Jerusalem, settlements, refugees and water. Solutions to each of these issues are possible. However, any hope of resolving these issues depends very much on the readiness of both parties to genuinely search for equitable solutions that would take into consideration the interests of both parties. Any bind that comes from third parties is unlikely to hold in the long run. The current

position of the Israeli administration represents a further obstacle to international efforts towards a settlement of the issue.

Reverting to the general picture, bilateral and multilateral past and present working agendas show that during the last quarter of the twentieth century, several attempts were made to introduce forms of cooperation that would facilitate the political, economic and social transition that the entire region had to face. The idea was to bring together the technical, financial support to existing resources and capabilities that belong to the Mediterranean basin.

1964 was a time when the Cold War was at its peak, and Malta gained its independence from Britain. The Mediterranean was divided on the basis of loose alliances to either of the then existing superpowers. In the prevailing situation, Malta sought to undergo a strategic change in an effort to replace its fortress image, resulting from its past as a colonised country, to one of dialogue and cooperation. As a result of this endeavour, the Mediterranean has, since then, featured very prominently among Malta's foreign policy objectives.

Traditionally, no regional coordination existed and, as a result, decisions concerning the Mediterranean went over the heads of the littoral states.

The thawing down of the bipolar world in the late eighties shed new light on the Mediterranean perspective. The fall of the Berlin Wall in 1989 heralded the return of the Eastern European states to democracy and self-governance. These states have eventually sought European Union and NATO membership. To the south of the Mediterranean, these changes brought to an end the political alliances that these countries held with either of the two political blocs. This change brought with it a creeping sense of instability as the countries in the region had to find alternative

sources to adapt to the prevailing situation. Conscious of the looming uncertainties in the region, Malta frequently called for the setting up of a Council for the Mediterranean.

Malta took the prerogative to introduce several initiatives that, in the long run, would provide the Mediterranean states with an exclusive platform to promote coordination among them and to seek ways and means to provide stability to the region. These initiatives were in no way intended to exclude participation in other organs that are likewise interested in the development of the Mediterranean, but rather to work in parallel to achieve the appropriate goals.

3.3 The Conference on Security and Cooperation in Europe (CSCE)

In 1972, the CSCE brought together the countries of the two political blocs, which included the members of NATO and the Warsaw Pact, to create a better understanding through joint cooperation. In welcoming this development, Malta took advantage of the CSCE to promote the interests of the Mediterranean. Malta argued that there can be no security in Europe without security in the Mediterranean, and vice versa. In other words, Malta sought to register the interests of the Mediterranean through inclusion of a Mediterranean Chapter in the Helsinki Final Act of 1975. Henceforth, the Mediterranean started to feature on the international agenda that saw the introduction of a Mediterranean Dialogue. Malta did not stop there but it employed every effort in order to improve the status of southern Mediterranean countries within the process. In order to give effect to the Mediterranean relevance to Europe, Malta hosted three seminars dealing with *Economics, Science, Culture and*

Environment (1979), *Environmental Problems and Demographic Issues, including Migration* (1993), and *The Human Dimension of Security, Promoting Democracy and the Rule of Law* (1998).

3.4 The Western Mediterranean Dialogue (5+5)

In 1983, the French President Francois Mitterrand called for the setting up of a Dialogue in the form of a security initiative bringing together the five members of the Arab Maghreb Union: Algeria, Libya, Mauritania, Morocco and Tunisia, and their immediate neighbours to the North: France, Italy, Malta, Portugal and Spain. The Western Mediterranean Dialogue was set up in December 1990. It was meant to secure closer cooperation between countries that make up the western part of the Mediterranean through improved economic cooperation, limiting the disparity in population growth, and encouraging more efficient management of resources to enhance regional interdependence. A number of select working groups were set up to deal with thematic issues such as the environment, multilateral financing institutions, infrastructure and technological development. Unfortunately, by 1992 the process was brought to a halt. This pause is attributed to the fact that, at the time, Libya was subjected to international sanctions on its alleged support of terrorism. Also, the Arab Maghreb Union ceased to function due to the situation in the Western Sahara.

In 2001, Portugal re-launched the process and the Ministers of Foreign Affairs of the ten (10) Member States met in Lisbon. The meeting in Portugal was followed by annual meetings that were hosted in turn by the participating states. The 5+5 is the only dialogue in the region in which Libya participates.

By then other members were established and therefore it became expedient to transform the structure of the dialogue. In addition, to the regular Ministerial meetings of Foreign Affairs, the original working groups were to be replaced by sectoral Ministerial meetings that covered themes determined by the Ministers from time to time, such as tourism, internal affairs and defence cooperation.

3.5 The Mediterranean Forum

In 1994, Egypt and France came up with a second initiative that was intended to include all the Mediterranean states. A core group of eleven states met in Alexandria to prepare for the setting up of the Mediterranean Forum. The original intention was to enlarge the Forum to include all Mediterranean states. Differences among some members of the core group made it impossible to take up in an effective manner the enlargement of the Forum. To this day, the Mediterranean Forum is still made up of: Algeria, Egypt, France, Greece, Italy, Malta, Morocco, Portugal, Spain, Tunisia and Turkey.

In 2001, during the Portuguese Presidency, the three standing committees were suppressed. The Forum retained the annual meetings of the Ministers of Foreign Affairs, preceded by meetings of the Political group.

A year later, the Euro-Mediterranean process came into being and, as a result, the experience of the Mediterranean Forum was short-lived. In the years that followed, the Mediterranean Forum transformed itself into a group of like-minded

states that, in principle, sought to make up a Mediterranean lobby to advance the objectives of the Barcelona Process. It has also taken a very important initiative through the drawing up and adoption of a code of conduct to combat terrorism, which was later emulated in the concluding document of the 10th Anniversary of the Euro-Mediterranean process that was held in Barcelona in 2005.

3.6 Mediterranean Dialogue and Diplomacy

In summary, it is evident that, on the present terms, the Mediterranean is rather unwieldy. Unlike other regions, it has not as yet identified the basis for regional cooperation. The historic evolution of the Mediterranean basin has contributed to this state of affairs and the resultant political, religious and cultural divisions have contributed towards uncertainty and a lack of trust. In the course of time, international players, while keeping hold on proceedings in the Mediterranean, have not taken into account the political variables that exist in the region. These attempts also branded several Mediterranean countries with a secondary status, thereby failing to generate a true partnership. This imbalance is complicated further by the introduction of initiatives on a take-it-or-leave-it basis. Voices that attempted to give to the Mediterranean its own political characteristics were stifled.

At the same time, the Parliamentary Assembly of the Mediterranean (PAM), not without undue resistance, forged ahead with the promotion of parliamentary diplomacy in the Mediterranean. It was no easy venture and, as a matter of fact, it took the participating parliaments some five (5) years to set it up. PAM's success results from the fact that in a matter of five (5) years, it has been able to carry out its

annual work programme regularly, which in itself is an expression of interest on the part of the member parliaments that participate on equal footing both structurally and objectively. Having been granted Observer Status to the UN General Assembly is also another sign of the concrete legitimacy that PAM is accorded by the international community.

In conclusion, it is important to take into consideration the intrinsic value of each of the existing dialogues in the region. The Union for the Mediterranean, the 5+5 Dialogue, the Mediterranean Forum, PAM, and others, while distinct from one another, cover common areas that deal with the Mediterranean, albeit from different perspectives. Together, they take the form of concentric circles, the common grounds of which should lean towards a comprehensive approach in the realisation of predetermined goals.

The challenge is to make this diversified dialogue more coherent. In other words, there is a need to discover the manner in which to blend the several inputs of these organisations into a holistic approach. A regular dialogue should be initiated among the different members in order to avoid fragmentation and duplication. Some of these bodies are informal in nature and this often serves to enable the participants to discuss the issues of political significance to the region. In taking advantage of the characteristics of each of these bodies, the end result should be fruitful and hopefully sustainable.

Change is inevitable, and change must come from within a planned mindset, failing which, it will come about through external forces and influences that bear upon the daily lives of the citizens. At the regional level, the primary choice is to take up

the challenge of change in a progressive manner, through efforts intended to promote closer collaboration.

The Mediterranean, like any other region in the world, cannot stand alone. The primacy of the regional should take into consideration the changes taking place in the two shores of the Mediterranean. What we amiably call the Arab Spring calls for vigilance and efficiency. It is a delicate moment in the course of which each of these countries has to determine the kind of governance most suitable to their national characteristics. They should take advantage of foreign support that will help them realise their aspirations and not lead to the introduction of systems akin to those they have experienced in the past. On the negative side, change has come at a time when the countries of the northern shore of the Mediterranean have to brace themselves to bring about the kind of confidence they need to face up to an unusual recession, the effects of which are felt around the globe.

It is also incumbent upon the countries in the region, while promoting stability, to participate in the search for global solutions in themes of major importance, such as climate change, environment, energy, and security, among others.

Account should also be taken of the evolution that has taken place at the global level in the course of the latter half of the 20th Century. We should also examine whether the institutions we created then adequately respond to present day exigencies.

Facing up to these new challenges requires the setting up of a new international order, while extending to the United Nations organisation the prominence that it deserves. To this day, the United Nations system reflects the power sharing that prevailed after the Second World War. In the course of time, the

membership of the organisation quadrupled, and new protagonists have come forward on the world scene. It is therefore the time to take stock of the composition of the main organs in order to reflect present day realities in terms of geography, development and population. This is necessary in order to obtain a more balanced approach in dealing with present day security issues and economic adjustments. Social and humanitarian disorders are on the increase, and adequate measures should be drawn up to meet these crises that are often the result of the misuse and abuse of power, inappropriate distribution of national wealth and foreign assistance, and situations of non-governability.

CHAPTER FOUR

DISCUSSION THROUGH RESEARCH II: IRREGULAR MIGRATION AND INTERNATIONAL ORGANISATIONS

4.1 Irregular Immigration

The multi-layered nature and complexity of the discussion of irregular immigration has lengthened and strengthened; however, it has not yet become exhaustive. The idea is to dispel as many myths as possible when it comes to this theme, since there are so many confused perspectives. This is an area where one gets lost before even kicking off.

Firstly, one needs to understand and become more accustomed with the definitions, having a clear understanding of the status that the migrants are in: illegal and irregular or legal and regular. In simple terms, “illegal” refers to a person who does not have the right and has conducted a criminal activity. Therefore, this brings us to the definition of an illegal immigration in simple terms: a migrant having no legal rights and/or undocumented paperwork of migration.

The Center for Media and Democracy, in a section entitled *Illegal Immigration US*, from its Source Watch website, contained the following definition: “Illegal immigration (also referred to unauthorized or undocumented immigrants)

refers to the migration of people across national borders in a way that violates the immigration laws of the destined country.”⁶⁸

Demetrios G. Papademetriou, PhD, Director of the Migration Policy Institute (MPI), in a 1 September 2005 Migration Policy Institute essay entitled *The Global Struggle with Illegal Migration: No End in Sight*, offered the following explanation:

“Illegal immigration takes several forms, four of which are the most common:

1. Undocumented/unauthorized entrants: These are nationals of one state who enter another state clandestinely. Most such entrants cross land borders, but sea routes are also employed regularly, and wherever inspection regimes are permeable, so are air routes. In all instances, the entrant manages to avoid detection and hence, inspection...
2. Individuals who are inspected upon entry into another state, but gain admission by using fraudulent documents: The fraud in question may involve the person's identity and/or the documentation in support of admission. A variant of this class of entries involves the making of fraudulent asylum claims where issues of identity, documentation, and the narrative in support of the asylum claim may be falsified.
3. Violators of the duration of a visa: These include individuals who enter another state properly but ‘willfully’ overstay their period of legal stay, thus lapsing into irregular status.
4. Violators of the terms and conditions of a visa: Nationals of one state who enter another state with the proper documents and procedures, but at

⁶⁸ Center for Media and Democracy, (2007), *What Are the Solutions to Illegal Immigration in America?*

some point violate the terms of their visa. The most frequent such violation is the acceptance of employment. In a nearly institutionalized variant of such violation, language schools in some countries, such as Japan, have been notorious for admitting students who actually spend their time working. Another variant of this class of violation is when persons with special visa privileges – such as holders of ‘border crosser visas’ that allow border residents from an adjacent country to reside and be employed in the other country within strictly prescribed time and geographic parameters – systematically abuse these parameters...

Such violations of immigration laws happen with considerable frequency, and, although some are important, most are relatively ‘innocent’ because they are not systematic and are of short duration. Furthermore, in administrative and regulatory terms, many of these violations are typically the result of inflexible rules and understaffed immigration bureaucracies. More than six million immigration petitions – many of them requests for a change in immigration status – were pending in the US in 2004. Many of these petitioners probably lapsed into illegality during the lengthy adjudication delays.”⁶⁹

There are many challenges which come with illegal migration. The Mediterranean is undoubtedly a region which beholds security perspectives due to its geopolitical nature. Migration is not a new phenomenon to the area, and should be

⁶⁹ Papademetriou, D, (2005), PhD, Director of the Migration Policy Institute (MPI), *The Global Struggle with Illegal Migration: No End in Sight*.

regarded as something positive. It is not exclusive to the Mediterranean, but disparities between the North and South that remain are those of an economic nature.

When tackling migration, one has to distinguish between countries of origin, countries of transaction and countries of destination. Malta is regarded as a geographical space of transit. The trafficking and people on the move are not seeking to arrive in Malta, Sicily or Spain. The Mediterranean is a space of transit: people are constantly trying to go to Northern Europe or somewhere else. When it comes to countries of transit, our Mediterranean is not the source of the major movements but it is a space where the movement is taking place. The Mediterranean is not a source when it comes to the origin of the movement of people. However, one must keep in mind that all this can change because the Mediterranean is becoming a problem.

The current political debate is such that all the responsibility of such migrants falls onto the Mediterranean. Many argue whether such management can be conducted more effectively. Strictly speaking, it is not the Mediterranean which is in charge of the root cause, but recently the responsibility has been put onto the region since percentages are on the increase in this part of the world. For example, the International Centre for Migration Policy Development estimated that around 10,000 irregular migrants cross the entire Mediterranean each year,⁷⁰ while Frontex reported 90,243 doing so in 2008.⁷¹

⁷⁰ An estimation based on the apprehensions of irregular migrants in Spain, Italy, Libya and Algeria. Julien, S, (2006), *Irregular Transit Migration in the Mediterranean: Facts, Figures and Insights*; Sorensen, Nina (Ed.): *Mediterranean Transit Migration* (Copenhagen: Danish Institute for International Studies), page 26-42.

⁷¹ FRONTEX, (2008), *General Report 2008*, page 12.

The Mediterranean has all the intelligence when it comes to the movement of people and their analysis. The countries in the Mediterranean basin know that at any given time, some two (2) million people are seeking on move (not refugees, not asylum seekers, and not illegal migrants) – this in addition to the six (6) million Libyans. We are also aware that there are people being trafficked through Africa and moving up towards the Mediterranean.

What are we, the people of the Mediterranean, expecting them to do? As a matter of respect, one has to abide by the legal right of every human being. This has to be at the forefront and it is not just about theories and models. To what extent do legal conventions and frameworks such as the United Nations, the Council of Europe, the European Asylum Seekers Office, and so on, have the means and the competences to enforce the instruments? Signatory countries to such frameworks are legally bound to take action. There is also a moral obligation which means that countries are politically and legally obliged to take action and have more importance in migration management. If countries are not signatories, they can find a way of enticing them to become part of these nations that subscribe to these institutions; otherwise, they can expect instruments that can enforce punitive measures against them.

This argument is a valid one to highlight the importance of a Mediterranean Security Forum. Without it, no matter the situation, the region is always at a disadvantage, since there is no forum where the countries within the area can come together. Even though the Barcelona Process did offer a similar framework, not all countries were members to it, and this included Libya: a major source of such activity.

It may be of importance to distinguish between “Refugee Status” and “Asylum Seekers” at this point. People with a refugee status are entitled to enter another state

due to pull and push factors: this is because irregular immigration occurs principally from countries with lower socio-economic circumstances to countries with higher socio-economic circumstances, where people are perceived to have greater economic opportunities and a better quality of life.⁷² Irregular migration becomes a valid option when the migrants realise that the benefits of them leaving their country are much greater than the costs. The benefits such people take into account are not merely a better standard of living and an improved income for their family, but also the potential of achieving a residence permit,⁷³ which will then help them obtain their citizenship. The costs of leaving a family include living as an irregular migrant in the destination country and the possibility of being detained or resulting in sanctions being imposed.⁷⁴

If an individual can prove that he/she falls under Category A or B of the Geneva Convention,⁷⁵ then countries are obliged to ensure that certain human rights will be respected. Asylum seekers, on the other hand, are individuals whose lives are being threatened and have not yet achieved refugee status.

The challenge in this respect is that one can conduct a vetting and monitoring process of the specificities: human beings of known identification; for example, who they are and where they are coming from. This is not the case in those instances

⁷² Taylor, M, (2007), *The Drivers of Immigration in Contemporary Society: Unequal Distribution of Resources and Opportunities*, Human Ecology 35 (6).

⁷³ Kephart, J, (2011), *White House Embraces Administrative Amnesty After Failing to Get Congress on Board*, Center for Immigration Studies.

⁷⁴ Briggs, VM, (2009), *The State of U.S. Immigration Policy: The Quandary of Economic Methodology and the Relevance of Economic Research to Know*, Journal of Law, Economics and Policy 5 (1): 177–193.

⁷⁵ The Geneva Conventions of 1949 and their III Additional Protocols are at the core of International Humanitarian Law, the body of international law that regulates the conduct of armed conflict and seeks to limit its effects. They specifically protect people who are not taking part in the hostilities and those who are no longer participating in the hostilities.

where this type of documentation does not exist. There is also an intentional process taking place of creating ambiguity with regard to whom you are and where you are coming from. Also, the Mediterranean can be as calm or as rough as one would want it to be in terms of organised crime. Most of the travelling happens when it is not calm, so that makes it even more difficult to detect and capture. This is clearly one of the threats that exist within the Mediterranean basin.

Diplomats often talk about women, pregnant women or women giving birth because they are the individuals which require better protection than others. They do not only need documentation but also a medical check. If one refugee is sick or has a disease, staff can become contaminated, so extra care needs to be taken in such areas. These people will eventually end up living in modern day slavery. This is certainly a collective political will in regional countries and a transnational type of security challenge; however, we must not forget that regulations mean costs.

4.2 NATO⁷⁶ in the Mediterranean

It is interesting to note the extent to which international organisations, such as NATO, demonstrate regional relations.⁷⁷ NATO is a military organisation of collective defence. It was established to contend the Soviet Union after the Second World War. It was an organisation created and operated to remain relevant in a different geostrategic setting – an important factor to note in terms of continuity. It

⁷⁶ North Atlantic Treaty Organization, formed in 1949.

⁷⁷ The author chose NATO as an operational international organization in the Mediterranean since it has been very active in the region and has sought to implement security in Europe.

was precisely created and operated as a bull-work against another political and military alliance: the Soviet Union. In fact, in the Washington Treaty, it has always been a political and military alliance. One might think of the extent to which people believe that an alliance can transpose itself to a different geostrategic setting, especially given the fact that NATO was originally used to work against another political and military alliance.

The Warsaw Pact created a clear division of Europe, and hence set forth the emergence of the East-West patriot client system. NATO was the pillar upon which to campaign the Western versus the Eastern alliance system. In the author's opinion, the relevance of NATO in contemporary international relations is of great significance. One might ask to what extent NATO has been able to articulate a system due to the collective approach of the West, transatlantic interests and so on. This is mainly because today we have a Europe which is integrating and therefore resulting in immediate borders: Russia and the Mediterranean.

NATO has sought to implement security within the Mediterranean basin, but has this helped to enhance the different geostrategic context of the Mediterranean? NATO has been regarded as a continuation of an international based system and has the platform to project itself in areas of different perspectives.⁷⁸ The missions of NATO in our Mediterranean always look at the facts and statistics of the increase of military outlay and other such matters. From the point of departure of this fact, it is interesting to look into the role of NATO in the evolving Mediterranean and in which

⁷⁸ Calleya, S.C., (2013), Lecture notes 14 January 2013.

direction its security framework is willing to head to. Diplomats may debate on whether NATO can be better or less used in the region.

This leads me to understand the role of NATO in the Mediterranean and why NATO is present in the Mediterranean. To the author's understanding, there are a number of valid reasons which she has listed hereunder:

1. Its geostrategic relevance of the Cold War era
2. Twelve European Union Member States are members of NATO⁷⁹
3. Turkey's membership
4. The 1982 Agreement: the expansion of protection to third parties
5. Initial weaknesses of the European Union institution to establish the future Common Foreign and Security Policy (CFSP)
6. The 1995 Partnership for Peace: an agreement with new countries coming from the post war era – it was expanded to Malta and Eastern European States.

NATO was able to bridge and redefine its geostrategic issues in the Mediterranean. Malta is not a member of NATO, even when it came to the issue of Partnership for Peace – NATO is a mechanism introduced for coalitions which are able and willing to come together. NATO tries to supersede the introduction of

⁷⁹ With the recent enlargement of both organisations in 2004, followed by the accession of Bulgaria and Romania to the European Union in 2007 and Croatia in 2013, NATO and the European Union now have 22 member countries in common:

28 NATO member countries: Albania, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, the United Kingdom, and the United States.

28 EU member countries: Austria, Belgium, Bulgaria, Cyprus, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

geostrategic fault lines through interoperability.⁸⁰ There is a specific process that one has to go through which has to be plugged into the nature of the mission. This helps to create a healthier relationship by definition and helps to dispel some of the myths towards which NATO is trying to project.

When it comes to the Mediterranean, NATO is also willing to introduce a post-Cold War world by setting up a “NMD⁸¹ -NATO-MEDITERRANEAN DIALOGUE”. Non-NATO-Mediterranean countries could join this dialogue (and then became a partnership) to exchange views and conduct confidence building exercises. People come in together on a regular basis to share and exchange views. NATO has been successful in defining its mission statement to define its fault lines. However, many question this and the extent to which it has done so.

Article 5⁸² of the Washington Treaty states that:

“The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including

⁸⁰ Seeks to remove any misunderstanding of members and non-members of an alliance.

⁸¹ Non-Mediterranean (NATO countries).

⁸² *NATO and the Scourge of Terrorism*, (2005), <http://www.nato.int/terrorism/five.htm>, accessed on 14 August 2013.

the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.”

Therefore, an attack on one is an attack on all.

“Article 5 is at the basis of a fundamental principle of the North Atlantic Treaty Organisation. It provides that if a NATO Ally is the victim of an armed attack, each and every other member of the Alliance will consider this act of violence as an armed attack against all members and will take the actions it deems necessary to assist the Ally attacked. This is the principle of collective defence.”⁸³

NATO, in fact, offered its support; it offered to come to the rescue of the United States of America in an attack against one of its states on 11 September.⁸⁴ NATO was prepared to give its support.

Due to the security issues which may result in both opportunities and threats in the Mediterranean region, NATO introduced a mission known “Operational Active Endeavour”. This decision was taken for NATO forces in the Mediterranean to

⁸³ *NATO and the Scourge of Terrorism*, (2005), <http://www.nato.int/terrorism/five.htm>, accessed on 14 August 2013.

⁸⁴ *ibid.*

conduct surveillance, monitor and also use force where there was suspicion of any type of organised crime that may have a terrorist element attached to it. The only way one can really do this is to board vessels and therefore include the predominance of the USA. NATO use Gibraltar and the Swiss Chanel as locations to monitor. They have the right under this mission to force entry.

There are also instances where findings have nothing to do with the mission. This mission has been in existence since 9/11. NATO's argument is that it has contributed to security in our Mediterranean against a possible terrorist plot in our part of the world. You can never prove this as a result of one specific action. One has to indeed owe up to the fact that there has been no attack. It continues to justify its actions as proof.

Military operations do not always go according to plan. There are occurrences of complexity of practicalities, even if in agreement. NATO is the only type of organisation that has the means to operate accordingly.

CHAPTER FIVE
DISCUSSION THROUGH RESEARCH III:
THE EUROPEAN UNION, FRONTEX AND THE MEDITERRANEAN

5.1 The European Union, Immigration Policy and Frontex

The European Union Treaty of Rome of 1957⁸⁵ identifies four main freedoms on which the community should build its policies and objectives, namely: the free movement of goods, persons, services and capital. “The political significance of this enlargement for Europe and its people is, without any doubt, momentous. The objective is nothing less than to create a Europe that is free, democratic and peaceful. The whole of Europe, and not only part of it.”⁸⁶ This represented the final goal of the European Community and of European Citizenship. In terms of promoting and encouraging the free movement of people, it was clear as a primary objective of European integration since its origin in 1950.

During the 1980s, five (5) Members of the European Union proposed the concept of having a borderless Europe – that is a territory without internal borders. These five states were Belgium, France, Germany, Luxembourg and the Netherlands. This discussion came about with the meaning of the concept of “free movement of persons”. Naturally, the discussions were lengthy because of the problems which come about with such a proposal: who benefits from a borderless country for

⁸⁵ The Treaty establishing the European Economic Community (TEEC) is an international agreement that led to the founding of the European Economic Community (EEC) on 1 January 1958. It was signed on 25 March 1957 by Belgium, France, Italy, Luxembourg, the Netherlands and West Germany.

⁸⁶ Verheugen, G, (2003), 25 September, Tokyo.

example. In fact, some countries were against having non-EU citizens benefitting from this new concept, while others voted for the complete abolition of borders. As one might imagine, the negotiating process was lengthy and tedious and hence very difficult to reach an agreement.

This process resulted in the creation of the “Schengen Area”⁸⁷ – a territory without internal borders. The Treaty pertaining to this initiative was signed with the intention of having a borderless Europe, freedom for the citizens and a step in favour of peace.

In European history, a central debate is this question of how one defines ‘Europeans’ or what is taken to constitute the borders of Europe. The European Commission provided Europe with a definition since unsurprisingly, the Member States avoided to do so:

“The term ‘European’ has not been officially defined. It combines geographical, historical and cultural elements which all contribute to the European identity. The shared experience of proximity, ideas, values and historical interaction cannot be condensed into a simple formula, and it is subject to review by each succeeding generation. The Commission believes that it is neither possible nor opportune to establish new frontiers of the European Union, whose contours will be shaped over many years to come.”⁸⁸

(The European Commission).

⁸⁷ External Borders have been defined from the Schengen Borders Code: Regulation (EC) No 562/2006 of 15 March 2006 establishing a community code on the rules governing the movement of persons across borders – Article 2 (2) and Article 1 (4)

⁸⁸ Report by the European Commission, 26-27 June 1992, *Europe and the challenge of enlargement*, presented to the European Council in Lisbon.

Angela Merkel and Nicholas Sarkozy in particular have tried to define Europe and its borders, in order to prevent it from moving excessively eastwards.

The history of Europe has shaped the way it has evolved throughout the century. Europe has changed; it was a continent of emigrants, but now is a continent of immigrants. From the 1960s onwards, thousands of immigrants from the Caribbean, Africa and Asia have arrived to settle in the European continent.⁸⁹ The second factor is the geography and position of Europe. Europe has always interacted with the above-mentioned distant areas of the world. Europe has had extensive contact with these different locations. Sometimes, certain countries within these regions invaded Europe, and sometimes Europe was the aggressor and/or occupier.

Furthermore, another factor which has shaped European's history is the question of borders and frontiers. Most European history has been about the creation and protection of borders and frontiers. Ever since the Second World War (1945), instead of building borders, European governments have been trying to dismantle borders, and where there is a natural border, there has even been an attempt to eliminate it.⁹⁰ This is a huge shift in the way Europe has operated. During most of Europe's history, it was always Europe's intention to build borders; however, during the latter mid-century, the situation changed and Europe's position changed to one of eliminating borders. After 1989, following the end of the Cold War, the

⁸⁹*Moving Here – Migration History*, <http://www.movinghere.org.uk/galleries/histories/intro/intro2.htm>, accessed on 21 May 2013.

⁹⁰ Information has been taken from class notes of this same credit.

Mediterranean had become the main frontier against Islamic fundamentalism and irregular immigration.⁹¹

“Within the European Union, each Member State sets its own national immigration policy. However, EU leaders have recognised that dealing with immigration is a common priority and that their countries face similar challenges. They have therefore decided to coordinate important aspects of immigration policy.”⁹²

This is the opening statement of the 2009 publication: *Europe on the move – An opportunity and a challenge. Migration in the European Union*, by the European Commission. The relative wealth and security of the European Union make it an attractive destination for migrants and asylum seekers. The EU recognises the contribution of migrants to Europe’s social and economic progress. At the same time, Member States want to secure the EU’s borders, in particular, to address the problems of terrorism and organised crime. This scenario has been agreed upon by most states within the EU and is to be coordinated and implemented in a uniform way throughout the EU.

For some time now, the Member States of the European Union have made significant progress towards a common immigration policy and asylum policy. It is a policy which has been supported by the EPP-ED group within the European

⁹¹ *Notions of Security; Shifting Concepts and Perspectives*. (2007), Transnational Security, Terrorism and the Rule of Law.

⁹² *An opportunity and a challenge. Migration in the European Union*, Europe on the Move, European Commission, Publications Office of the European Union, 2009.

Parliament but it is a hot political issue and many questions still remain unanswered. The EPP-ED group aims at adopting a political consensus. MEPs' main focus is that of moving from theory to reality on the ground of establishing a coordinated approach which should be useful to give this major political issue increased momentum.

A united approach to immigration and asylum policy makes sense in a Union where the free movement of people is a basic right. However, immigration is a complicated subject and it is important to draw a clear line between legal and illegal immigration. Migration itself is not illegal; however, it becomes illegal when individuals attempt to enter "a country clandestinely or by deceptive means".⁹³

One of the most sensitive issues that European Parliament has confronted has been the EU's policy on returning irregular migrants. In 2009, Manfred Weber (a German MEP) was the EP's Rapporteur in the preparation of a report on returning irregular immigrants to their home countries. He stressed that there are no more borders within the EU.⁹⁴ The Schengen Area,⁹⁵ of twenty-six (26) countries, makes it clear that we need common rules for migration in the EU. Europe must protect its people, and therefore we need borders and we need border controls to ensure that only illegal persons enter the EU. However, on the other hand, the EU must be an area where people who need the EU's help are helped – helping the asylum seekers and

⁹³ Europol, September 2009, 1, para. 2.

⁹⁴ *Illegal Immigration: European Parliament lays down Common Standards on Expulsion; Encouraging 'voluntary return'*, <http://www.europarl.europa.eu/sides/getdoc.do?language=en&type=im-press&reference=20090120tmn46722#title8>, accessed on 22 August 2013.

⁹⁵ The Schengen Area operates very much like a single state for international travel with border controls for those travelling in and out of the area, but with no internal border controls.

people who have problems in their home region. This was one of the biggest goals of the EPP-ED back in 2009.⁹⁶

Much of the impetus of a common immigration and asylum policy came from countries in southern Europe like Spain, Malta, Italy, Cyprus and Greece. These countries are on the frontline in the battle against irregular immigration. Many irregular immigrants originate in or pass through countries in North Africa to cross the Mediterranean Sea into Europe.

The institutional approaches adopted by Sandra Lavenex⁹⁷ reveal that the EU is inclined to favour a controlled approach to immigration and asylum policy. According to Sergio Carrara's explanation of migration within EU territory, it is shown that the controlled approach is also applied to EU citizens themselves. He also adds that freedom depends on the quality of security and control afforded by the rule of law.⁹⁸

In the old terminology, we might have talked about illegality with regard to migration, while today we talk about irregularity. This is the real difference and, therefore, now the question does not lie on "do we need border controls?" but rather, "if we have border controls, how do we deal with them?" Here one might think of dealing with this issue within the human rights context. It is always interesting to see when one is travelling abroad – today we tend to be rather shocked when one requires a visa to enter a country. This means that we do not only have border controls but we

⁹⁶ *Illegal Immigration: European Parliament Lays Down Common Standards on Expulsion*, <http://www.europarl.europa.eu/sides/getdoc.do?language=en&type=im-press&reference=20090120tmn46722#title8>, accessed on 22 August 2013.

⁹⁷ Lavenex, S. & Ucarer, E. (2003), *Migration and the Externalities of European Integration*, page 33.

⁹⁸ Carrara, S. (2005).

now have personal controls of the individual, thus resulting in a general loss of one's own freedoms by having more and more controls by the powers that be.

The concepts of liberalism with regard to nations and their borders are key ideologies to release the established constraints in order to establish norms relating to the free movement of persons within the EU. It is useful to think of borders as objective control rather than physical limitations of that particular nation.

The European Union has established EASO – namely: the European Asylum and Support Agency, to handle issues that relate with regard to these immigration issues – and this is effectively now based in Malta as of last year, 2012.

Previously, in 2005, the European Union established Frontex,⁹⁹ which is one of three (3) agencies¹⁰⁰ that was given the task of monitoring Security and Migration in order to control the flow of immigrants. Frontex published a report on MEDSEA about the whole general scenario, whereby it provided many brilliant suggestions; however, these were never actually implemented. All we have are patrol boats on the sea to try and catch irregular immigrants; this, in fact, has had very limited positive results and has not solved the problem. The existence of Frontex makes it clear and evident that even today, the Mediterranean is still considered to be a frontier zone where potential threats should and must be controlled.

With Frontex, it is evident that there will be more monitoring and checking of individuals when going abroad; however, it is imperative that Europe will no longer

⁹⁹ *Implementation of the EU Charter of Fundamental Rights and its Impact on EU Home Affairs Agencies: Frontex, Europol and EASO*. Policy Department C: Citizens' Rights and Constitutional Affairs. Directorate-General for Internal Policies, (2011).

¹⁰⁰ FRONTEX, EUROPOL, EASO.

just remain a sort of “fortress Europe”. If we are to accept and have border controls, it is the author’s opinion that we are to be more careful on how to establish them.

We should keep a watchful eye on Frontex because it has the potential to develop into becoming much bigger with its own agenda, which is not what the affected parties really wish; for the moment, the Member States within the EU are making sure that it remains under control. In that sense, the European Parliament is making a great effort in this regard by also increasing the element of burden sharing by passing on those immigrants arriving in the affected countries and passing them on to those who do not have this influx of the arrival of so many immigrants.

The current world system is still very much based on borders. The vague definition behind the term “border protection” is supposed to protect the people living beyond them and within their own territories. There can be some aspects of border control that can be useful. It can also be considered as going beyond migration issues, such as the trading of goods, for example. One would immediately notice that this is a far more complex matter than one may have initially thought.

There are obviously two sides to every coin: borders between Member States and borders outside them. There is still the general acceptance of having one’s right to move freely from one territory to another; however, we have also created new walls when deciding on who should be allowed in. With the creation of a common European nation state consisting of twenty-eight (28) Member States and which is always on the increase, with all its ambitions and limitations, we still have European borders. Therefore, are we a “hospital” area with open borders to accept people from beyond our European shores, or are we an island in isolation, as is Australia, which, by its own geographical location, has of necessity resulted in measures to control its

borders? We have here a tendency towards building up the necessary forces and resources which can react and be effective on a European level to face whichever crisis that emerges with regard to this subject matter.

For an immigration policy to be effective and agreed upon by all, it is a necessary requirement to therefore have strong co-operation, agreement and interaction between and by all within the EU who have signed up to it. In May/June 2011, the Common Immigration and Asylum Policy was concluded.¹⁰¹ It establishes how the EU defines itself and looks upon others in the future. Migration constitutes one of the great policy challenges of our time. Migration is also a more complex issue when compared to all other areas of policy. This is a direct result of the diversity of its constituent sectors which vary by the types of migration concerned and also the stages by which such migration is taking place. Five potential constituent areas relating to migration are: irregular immigration, labour migration, asylum, dependant migration via family reunification, and integration and citizenship.¹⁰² Within these areas, we have contradictory pressures on individual governments in terms of developing policy responses.

In a multi-disciplinary area such as migration, political science has a growing contribution to make in terms of understanding the dynamics and its outcomes. Within such a discipline, migration remains a relatively fringe interest compared to, say, political economy. This is a shame because when analysing migration more systematically in terms of our paradigms and political science we can make the study

¹⁰¹ *Immigration Policy*, accessible on http://www.europarl.europa.eu/ftu/pdf/en/FTU_4.12.3.pdf, accessed on 16 August 2013.

¹⁰² *ibid.*

of policy and politics richer – so far it is not one of the main policy areas to study. Therefore, this is my personal plea for greater consideration to introduce migration policy into mainstream political science.

It is overwhelming to note that the European Union grants temporary visas, thus allowing the “immigrant” to circulate throughout Schengen, which makes up Europe’s open internal borders. Such action, on the other hand, has shocked officials of neighbouring EU countries, who have, in the past, ordered tougher border checks whereby some immigrants have been sent back to Italy, Malta and other countries, which are directly affected by the influx of illegal immigration. The concept of Schengen has now been changed since no EU country really wants to take responsibility of the immigration situation – on the one hand, we have the northern countries that certainly do not want to take in as many immigrants as they had been doing in the past, while on the other hand, the southern countries who are facing this onslaught of immigrants from Northern Africa no longer want to assume sole responsibility of this human tragedy and problem, while the countries in the middle, trapped between the two, no longer want to guarantee the immigration of immigrants.

Despite the EU immigration policy being relatively new, one cannot really say that it has failed. The EU needs to look into the different rights of individuals – the rights of refugees who are seeking asylum in Europe and who are arriving in Europe with such large numbers. Furthermore, Europe needs to look at the bigger picture and in a holistic manner with reference to the resulting present and future consequences emerging from such migration. Times have changed and it is not like twenty (20) years ago when immigration was controlled and kept in check. Today, the situation is

such that the majority of countries do not want such immigration and the problems that come with it anymore.

In order to decrease the numbers coming into Europe, it is obvious that more assistance is to be forthcoming from the EU towards neighbouring countries within North Africa and, at the same time, there is a need to accept refugees who were in Libya. In my opinion, these are two urgent matters that Europe should be tackling at this very moment to solve this human tragedy.

Immigration is a matter in which countries need to determine who comes in and who does not. Refugees are asylum seekers who have fled from their country due to wars, poverty, persecution, human trafficking and, obviously, who in turn want a better life for themselves and their families.

5.2 Frontex in the Mediterranean

“The public discourse on irregular migration to Europe is dominated by the images of small boats packed with refugees and migrants crossing the sea to reach the coast of Europe.”¹⁰³ Such debates have been often referred to as an “uncontrolled invasion of Europe”¹⁰⁴ ever since the 1990s, when the subject was first discussed on Spanish media. Irregular migration also became the innermost headline in the European debate on refugee and migration policy. All parties being affected by this reality have used such images to back up their respective needs, wants, demands and ideas.

¹⁰³ *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, para. 1.

¹⁰⁴ *ibid.*

Due to this, the European Union Commission responsible for Home Affairs is aware that the European Union has a moral obligation to prevent irregular migration and hence safeguard the migrants from dying or suffering at sea. This debate fits just perfectly in the argument of the European Union's intervention within the dialogue of human rights. The illustration of the boats filled with migrants is hence one to justify the monitoring of borders through militarisation and the broadening of actions by a Europeanised border management system. This, hence, permits the European Union to deeply analyse what really causes people to become refugees and migrants, and to also integrate such a border management system into the larger concept of a policy for migration and development.¹⁰⁵

Images of refugees on the boats in mid-sea, some still, some suffering of fatigue and starvation, and others even dead, are figures which critics use to call on the European Union for immediate improvements regarding refugee protection in the EU. It is often criticised for its prolonged action and hence pin-pointed for its inhumanity and amorality.¹⁰⁶ Frontex and the EU are both aware that such mobility of individuals often takes place in grey areas and totally criminalised spaces. They are also aware that irregular migrants in the European Union today initially entered legally; however, these never left when their visa expired. The Frontex Annual Risk Analysis Report of 2012 states that the number of those refused entry at sea borders

¹⁰⁵ *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, para. 2.

¹⁰⁶ *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, para. 3.

represents just a third of all those rejected.¹⁰⁷ One must keep in mind that practices of refusal to entry greatly change between the different types of borders.

“The number of third-country nationals refused entry at the external border. The indicator concerns only those third-country nationals who were refused entry by Member State authorities according to Article 13 of the Schengen Borders Code (Regulation (EC) No 562/2006) for not fulfilling all the entry conditions laid down in Article 5(1) while not belonging to the categories of persons referred to in Article 5(4), and to whom a standard refusal form has been issued in accordance with Annex V of the Schengen Borders Code. This indicator should not include EU or Schengen Associated Country (SAC) nationals.”¹⁰⁸

This brings one to realise that migration by sea is only one of the many forms of migration. As is clearly evident from the yearly Risk Analysis Report compiled by the Frontex offices, Frontex keeps a keen look out on the various different forms of migration that exist. It is pertinent here to add that sea borders have a very particular significance to Frontex. One can note this as the position taken by sea borders as is reflected in the budget – where the largest spending which is allocated is always on maritime operations.¹⁰⁹

¹⁰⁷ Frontex Annual Risk Analysis Report, April 2012, page 53.

¹⁰⁸ *ibid.*

¹⁰⁹ *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, para. 4.

Between 2007 and 2009, many individuals, such as Christoph Marischka,¹¹⁰ asked what led Frontex to love the sea so much since it devotes special character to sea borders; or otherwise, as he states, “a blurred border of the rule of law”.¹¹¹ He concluded that Frontex is a perfect agency for “seeking to invest, test and ultimately establish a new form of ‘border management’”.¹¹² Such questions about the ability and role of Frontex were still relevant in 2009 and in the recent past – even though the agency has grown in its abilities at sea and on land. Frontex still offers professional support of sea operations and sea activities. In the author’s opinion, the reason why so much effort is dedicated to sea operations is primarily because sea borders are very difficult to control and hence need a large number of resources and personnel to function properly. Frontex is therefore the area in which the European Border Agency can contribute and achieve the most.¹¹³ Furthermore, 2009 has proven to be the year in which migration in small boats across Europe was halted, especially in two particular regions: the Euro-African region and the western and central Mediterranean. This brings one to realise how important the role of the Frontex agency is at its sea operations and activity.

Frontex in the Mediterranean, together with European Union Member States, is constantly seeking to be a success story of border control and border management to bordering states in the region.

¹¹⁰ Christoph Marischka is a clear critic of EU policy in Africa and also a sound defender of the misleading definition of “humanitarian intervention”. During his studies, he delved into the system of Frontex and questioned it well.

¹¹¹ *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, para. 5.

¹¹² *ibid.*

¹¹³ *ibid.*

5.3 Frontex, the European Union and the Mediterranean Basin

Similar problems in relation to Frontex and its operations of border management and border control have been witnessed on the sea border between Turkey and Greece. Greece does not have enough resources to safeguard and secure its sea border and has no legal possibility of halting travellers towards the Greek islands. Greece saw only one way of dealing with their “problem”: border management by deterrence. Human rights organisations have reported that any refugees detained in Greek territorial waters are “taken on board, beaten and tortured, robbed of all their possessions and abandoned either at sea or on uninhabited islands.”¹¹⁴ Such criminal practices, which are unashamedly and undoubtedly in contravention of human rights and all principles of a liberal-democratic state, should welcome European Union intervention in the form of Frontex. Undoubtedly, safeguarding human rights is of paramount importance and of high priority and is constantly stressed within the remit of Frontex, its operations and assessed accusations. However, Frontex has not yet stated its concerns or made any statement about the Greek criminal practices or any other human rights violations. To be fair, considerations have been taken; however, no practical outcomes have been reported.

Such evidence shows that dealing with irregular migration in the Mediterranean is a matter based on the principle of division of labour; primarily between Libya, Malta and Italy. Tolerated political efforts and foundations have aided to move border controls forward. Success in border management will only be

¹¹⁴ *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, Criminal practice in Greece.

achieved through clever interaction and cooperation between the European Member States and the Frontex agency.

“In the media, ‘successes’ in preventing migration are attributed to a Frontex operation and successful European cooperation, while political responsibility, as well as the initiative for bringing about the political changes required to facilitate an expansion of Frontex operations, is down to the Member States.”¹¹⁵

A clear example of this is the cooperation sought for by Italy and Libya in 2002, where a number of negotiated migration control treaties were discussed.¹¹⁶ Although these never came into force or were otherwise were annulled, credit needs to be given to the efforts made in order to finalise an agreement. Furthermore, in 2007, Italy completed yet another agreement with Libya which was intended “to allow joint patrols”.¹¹⁷ Together they reached an agreeable compromise of a “Friendship Treaty” between them. After a long negotiating process, the issue acceleration by the then administration, this was then signed in summer 2008 - on 30 August 2008, Silvio Berlusconi, the Italian Prime Minister flew to Benghazi in Libya to sign the *Treaty on Friendship, Partnership and Cooperation* between Italy and Libya.¹¹⁸

¹¹⁵ *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, Division of Labour.

¹¹⁶ *ibid.*

¹¹⁷ *ibid.*

¹¹⁸ The text of the Treaty in Italian only is annexed to the law authorising the ratification and implementation (Law no. 7 of February 6 2009). Found in Ronzitti, N, (2009), *THE TREATY ON FRIENDSHIP, PARTNERSHIP AND COOPERATION BETWEEN ITALY AND LIBYA: NEW PROSPECTS FOR COOPERATION IN THE MEDITERRANEAN?*

This Friendship Treaty:

1. Paved the way for the treaties bases to be used by the US and NATO to enforce a no-fly zone and for future peacekeeping operations.¹¹⁹
2. Crimes committed during Italy's colonisation of Libya are recognised by Italy.
3. As Italy insisted, the Treaty will satisfy the implementation of patrols.
4. Therefore, Italy agrees to pay the sum of five (5) billion US dollars to Libya in compensation.
5. Offers opportunities to Italian companies carrying out the infrastructural measures in Libya which will be financed by the abovementioned five (5) billion US dollars.
6. Served as an example to other ex-colonial states that not only expressed its apologies but did so in material manners:

"In the name of the Italian people, as head of the government, I feel it my duty to apologize and express my sorrow for what happened many years ago and left a scar on many of your families."¹²⁰
7. Came about due to geopolitical motivations.

In December 2008, Italy and Libya signed an implementation protocol to get the ball rolling. Both the Italian and the Maltese Governments were positive that the patrols would be able to start by the end of the following month; that being January 2009. There were many delays, due to the pushing back of migrants to Libya as a

¹¹⁹ Squires, N, (2011), *Libya: Italy repudiates friendship treaty, paving way for future military action*, The Telegraph.

¹²⁰ Ronzitti, N, (2009), *THE TREATY ON FRIENDSHIP, PARTNERSHIP AND COOPERATION BETWEEN ITALY AND LIBYA: NEW PROSPECTS FOR COOPERATION IN THE MEDITERRANEAN?*, Paper presented at the Mediterranean Strategy Group Conference on "Is regional cooperation in the Maghreb possible? Implications for the Region and External Actors", in cooperation with the German Marshall Fund of the United States, Genova.

result of patrol delays, and also, at times, due to the disputes between the territorial waters of Italy and Malta over the “continuation of joint border management activities in the Mediterranean.”¹²¹ In 2008, Italy blamed Malta for diverting around 40,000 refugees to Italy.

International treaty law, as well as customary international law, has developed mechanisms to suppress acts of unwanted violence at sea. However, improvements seem to indicate that these mechanisms do not embrace modern threats. This is why the dispute was a condition based on a supplementary protocol of the 2004 United Nations Convention on the Law of the Sea which identifies the definition of the nearest “safe haven” of those struggling at sea and rescued.¹²² This protocol is also applicable to refugees. The Maltese armed forces took the seized refugees to what they understood as the nearest safe haven – Italy. They did this because Malta has not signed the abovementioned protocol but still has a large search and rescue zone.

Italy appears to favour a national solution when it comes to migration stemming from Libya; in fact, they put this into practice in May 2009 when a vessel with two hundred and twenty-seven (227) refugees was stopped by the Italian coastguard and redirected back to their origin, Libya. The then Italian Minister for Internal Affairs, Mr Roberto Maroni, called this new policy “a turning point in the fight against illegal migration”.¹²³ He confirmed that the treaty with Libya was a guarantee for Italy’s new possibilities. The practice goes against the principles written

¹²¹ *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, Division of Labour.

¹²² *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, Division of Labour.

¹²³ *ibid*

in the 1951 Geneva Refugee Convention¹²⁴ which requires asylum applications to be inspected and observed. Criticism came directly from citizens, the UNHCR¹²⁵ (UN's Refugee Agency) and also from the European Union Commission. Despite this, Italy remains adhering to the new policy, and hence this led to official political cooperation with Libya: meaning the handover of three patrol boats to Libyan authorities.

Frontex also reacted to such a decision taken by the Italian government. It firmly stressed that this was a serious contravention against the idea of division of labour. One must keep in mind here that Frontex “claims to honour human rights and international conventions”,¹²⁶ so therefore no criticism could be given from the agency. This meant that it was to respect the decision and sovereignty of Italy. Frontex was not able to send migrants back in the open seas to Libya, since this agreement was made bilaterally between two states and does not include Frontex. Due to this agreement, Frontex admitted that fewer refugee arrivals reached Malta in mid-May 2009. As an outcome to this, Frontex is benefitting from Italy's infringement of law and leaving it up to the sovereign state to deal with the issue.

These examples effectively and clearly point out the ping-pong game of political responsibilities such as burden sharing between states that are really to blame – a fact which is very opportune and fitting for Frontex as an agency. In the meantime, Libya is doing its best to actively work on its own asylum system which will eventually be coordinated with the UNHCR. As a consequence, this will remove

¹²⁴ The 1951 Convention relating to the Status of Refugees is the key legal document in defining who is a refugee, their rights and the legal obligations of states.

¹²⁵ United Nations High Commissioner for Refugees.

¹²⁶ *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, Division of Labour.

all important arguments from the already existing legal criticisms. A similar case is seen between the Turkish and Greek border, as previously discussed – significant efforts are being made to encourage Turkey to cooperate in border management since it will pave the way to legalise illegal deportations.

5.4 The way forward with Frontex in the Mediterranean

Even though Frontex is seen as being a very small coordinator of different activities and operations, and if these abovementioned advancements are not stopped by activists or civil society, then very unsafe and risky consequences may follow. The implementation of the policy of moving the border forward, as well as creating and examining the related practice, is part and parcel of the operations carried out by Frontex; however, efforts have also been made at a high EU level. Without a European agency like Frontex, the author personally sees it ¹²⁷ impossible to implement and practice. Naturally, from this there arise a number of criticisms of the agency. Frontex is highly active on a higher level and not just representing/operating European border management – therefore, strictly speaking, the level at which new policies and practices are developed. This fact leads to a clear analysis of what constitutes European border management and how it is passed on. Such criticisms on the Europeanisation of migration policy develop and direct other such criticisms against the agency insofar as apolitical debates.

¹²⁷ With regards to security and safety in the Mediterranean

To avoid such debates, the European Agency must therefore be transparent and clear in its Europeanisation process responsibilities. This clearly highlights the unacceptable response of shifting the migrants back and forth in the open sea. The misunderstandings between all the different levels and EU level institutions of the EU and its Member States has become a paramount issue in the field of irregular migration. Another criticism directed towards Frontex buds from the method of operations in the Euro-Med region – which also includes the political *modus operandi* supported by Frontex, which always includes border management practice legislation which is unlawful and inhuman¹²⁸ (as was clearly shown in the case of Italy and Greece). This is a result of the act-first-think-second method which does not quite work in the region since Frontex operates its activities in the grey zones of EU, national and international law.

Frontex leaves rather significant importance in the region with regards to border management and control policy; this to the extent that the rights and lives of individuals travelling towards European are sometimes lost during operations. Having said this, it is important not to assume that the European Union would perform such a strategy unconsciously.¹²⁹

¹²⁸ *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean.

¹²⁹ *ibid.*

**CHAPTER SIX:
DISCUSSION THROUGH RESEARCH IV
CASE STUDY: MALTA**

6.1 Identity of the Mediterranean

When talking about the identity of the Mediterranean, one refers to the identity of a particular. This meaning that both the terms ‘identity’ and ‘region’ need to be defined in order to fully understand the concept. An identity reflects the common areas that exist between different cultures of the same geographical proximity, while a region is a catchment of countries in a geographical part of the world. One cannot deny the geographical importance but the decisive factor is the nature of geographic proximity and the intensity of foreign policy relations.

One might ask if there is enough relations within a region to distinguish a grouping of countries from other. If yes, than there one can start talking about a region and if no, than the countries do not qualify as a region. This is a common question which features in all different regions of the world because every country has its very own culture and hence its own national identity. The relations in a region do not have to be cooperative, but can also be conflicting. Another element is also the extent to which the internal dynamics are region and site specific and also the extent to which one is perceived by others as having a relationship with others.

If one looks at the Mediterranean Basin, the Southern European catchment of countries, who are the actor of their relationships between them are evident. It includes diversity in terms of properties and values and hence point towards a

common identity. There is no debate about the intensity of the relations between them – having trends of the same momentum: for example with their behaviour in society.

The intensity of the relationship in Southern Europe from Portugal to Greece and the Balkans is there and has escalated. It has been conflicting and more recently shifting or starting to shift to more of a cooperative relationship between them. The nature of the relationship diminished between them and in terms of the conflict. They do try to interact with one another and try to forge a new pattern between the, including the EU. Today we see a different trend happening with the Balkans doing their best to join the European Union – as was recently (1 July 2012) with the inclusion of Croatia.

The North African countries are important actors in definition of Mediterranean identity too: from Morocco to Libya certainly. Mauritania is not located in the basin and not defined as being in Africa, however, when it comes to a geographical position is it included in the 5+5 Mediterranean Dialogue (but not in the Barcelona Process).

Another actor in the Mediterranean is that of the Agadir Initiative: the Arab League; which shares common Arab personality and traditions. This brings one to notice that the Arab League and the European Union have stifling issues in the Mediterranean and hence cause intensity. However, the EU has been a model of integration and a major success of attracting interest (which is one of the reasons which hinders a Mediterranean focus).

The author thinks that it is possible to talk about a Mediterranean identity or Mediterranean culture as a global concept. Certainly, there are some different cultures in the Mediterranean area, but they are so similar than you can easily feel as being

within your own culture in any Mediterranean cultural area because you feel comfortable.

Like every other region in the world, the Mediterranean basin brings its own history of culture interaction. The history of a region is more often than not very important in order to understand its origin and developments because the people of the Mediterranean all went through the same history. With regards to religious belief, they are very different in every country of the Euro-Mediterranean basin: such as Muslims, Christians and Jews, and other religious beliefs.

The issue of having a Mediterranean common identity is one which has been debated for a number of years; especially after the emergence of the Barcelona Declaration. Some of the citizens of the Mediterranean themselves and also analysts say that it is impossible to make and form a Mediterranean identity since there is no commonality between the countries in terms of tradition, language, culture and religion. However, the political systems in the region range from liberal democracy to rigid authoritarianism. Having said this, the identity of the Mediterranean identity needs to be built on shared standards and the foundations of a common society.

Others say that the geographical proximity between these countries highlights the reasons which certain stereotypical ways of life emanate from climate. “But this space is really the Mediterranean of the imagination – of sunshine and red tile roofs, of wine and olive oil, of afternoon siestas and late dinners, of warmth and vitality, and perhaps even a touch of hedonism. In short, it is the Mediterranean of long ago and far

away, of images that inspired European writers and artists and were bound to fire the imaginations of cold and slightly puritanical northerners.”¹³⁰

With regards to the significant challenge that immigration brings to the region, one must keep in mind that the Arab-Muslim migrant will eventually become tomorrow’s European citizens. Hence this makes the role of the Mediterranean a very important actor in linking the two continents.

6.2 Frontex and Malta

The problem of irregular migration is a big one to the smallest European Union Member State of the European Union in the Mediterranean. “The Malta Demographic Review defines immigration as the action by which a natural person establishes his or her usual residence in Malta for a period that is or is expected to last a minimum of 12 months.”¹³¹

One of the main reasons for this is because it is the first Member State to enter the European Union at its southernmost borders and being geographically very close to the North African borders. The problem of irregular migration in Malta has been there for centuries; however, it has increased in numbers and became a national debate late 2001, early 2002 with the arrival of some fifty-seven (57) people arriving on the island.

¹³⁰ *Common Mediterranean Identity*, (2009), 1st EMUNI Research Souk 2009 (EMUNI ReS 2009), The Euro-Mediterranean Student Research Multi-conference, Unity and Diversity of Euro-Mediterranean Identities, viewed on http://www.emuni.si/Files/Denis/Conferences/EMUNI_ReS/2009/Proceeding/Beirut/AbdulRazek.pdf, accessed on 20 August 2013

¹³¹ Gauci, JP, (2008), *Migration Trends, Malta, Migration and the Labour Markets in the European Union (2000 – 2009)*, Malta, page 205.

“In November 2001, Malta experienced the first larger arrival of irregular immigrants when a boat carrying 57 people landed on its shores. Since then, the influx of immigrants has continued which constitutes a new phenomenon for this small country situated in the middle of the Mediterranean Sea – it has become the destination for immigrants seeking a better life in Europe.”¹³²

(Taken from a Thesis by Mr Björn Kårén from the University of Lund, 2008.)

Among these genuine asylum seekers there is a mix of those who want to improve their economic situation for themselves and for their family, while others flee from their homeland to seek safety. In doing so, their main aim is to reach Europe and this is how they arrive on Maltese shores. Even though they know there is a possibility of them being rejected, many of them apply for asylum status. Other migrants are approved as being given refugee status or humanitarian status.

Due to the high massive influx of arrivals, the effects of such movement of people have left different, mainly negative, impacts and perceptions on the Maltese people and society; mainly social (racism, xenophobia and integration), political (due to the detention centre and the impact on the popularity of government) and economic (jobs and resources) effects. Many concerns of the Maltese population are related to the size, capacity and capabilities of the island, with particular reference to finances and resources.

¹³² Kårén, B, (2008), *Malta and Immigration – Sovereignty, Territory and Identity*, Thesis from the University of Lund, Department of Political Science.

When analysing the operations made by Frontex to tackle this problem¹³³ in the region of the Mediterranean, one immediately notices that the agency is not fully succeeding in its functions the way it should be. This is probably also due to the percentage increase in the number of irregular migrants within the region of the southern borders of the European Union. These numbers bring about a number of problems for the region, for the Member States pertaining to the region and also for the Union as a whole. In doing so, the European Union has entrusted Malta with the role of securitising the external borders of the Union;¹³⁴ this meaning that the immense help of Frontex is needed for Malta to perform its role in the best way possible, since the EU has realised that the notion of security has to be shifted beyond its borders to enhance protection in the region.¹³⁵

Frontex operates a large number of resources and personnel around Malta and Lampedusa. Migration activity in this particular region has been on the increase in the very recent months in particular. The main aim of such operations is to halt irregular migration, particularly that arriving from North Africa (Libya). Both in 2007 and in 2008, as is evident in the Frontex Annual Reports of both respective years, Frontex operations failed miserably in the region of Italy, Libya and Malta, since it was not possible to halt refugees from travelling because otherwise it would have impinged on the sovereignty of the Libyan state.¹³⁶ Here one might add that the structure of the

¹³³ Most of the migrants arrive in Malta between July and October and come from the Sub-Saharan region. The majority are single men, even though the number of children and women arriving has been increasing.

¹³⁴ The author is here referring to human security as well as border security.

¹³⁵ The main issue here is the region between Malta and transit states such as Libya; however, the region between Malta and Italy is also one to consider.

¹³⁶ *FRONTEX IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, Sailing boats and Freighters.

European Border Agency may not impinge on the sovereignty of any European Union Member State at any point of operation within the Euro-Med region. This was clearly stated by the EU Commissioner for Justice, Freedom and Security in 2008, Franco Frattini,¹³⁷ when he declared that the Frontex operation had failed in August 2008.

There were many valid reasons for such a failure; however, the one which is known and confirmed was due to the refusal of the Member States to loan Frontex items they had promised and guaranteed, such as personnel, ships and helicopters.¹³⁸ Yet another valid reason for which Frontex failed and was deemed to be ineffective was because the migrants and also human traffickers had without any effort been able to choose other routes uncontrollably. For this reason, many chose to travel to Lampedusa instead of Malta since it is a better link to the European continent. This was clear proof that the migrants, together with the smugglers, were very wary and well informed about Frontex operations. This was said in 2008 by Mr Michal Parzyszek who was then the Frontex spokesman.¹³⁹

In September 2008, the executive director of Frontex, Ilkka Laitinen,¹⁴⁰ declared that the operation failed again, and this time this became front headline news on the Maltese media. In fact, the headline of The Times of Malta read “*Frontex Chief Admits Failure*”.¹⁴¹ He admitted that the European Border Agency, Frontex, may well be part of the problem rather than part of the solution to migration issues in the Euro-

¹³⁷ *ibid*

¹³⁸ *ibid.*

¹³⁹ *FRONTEx IN THE MEDITERRANEAN: the border is the problem*, accessed on www.eu.net/frontex/frontex-in-the-mediterranean, Sailing boats and Freighters.

¹⁴⁰ Laitinen is of Finnish nationality and is the Executive Director of Frontex, the European Union's border protection agency.

¹⁴¹ Camilleri, I. (2008), *Frontex Chief Admits Failure*, The Times of Malta, 21 September 2008, viewed on: <http://www.timesofmalta.com/articles/view/20080921/local/frontex-chief-admits-failure.225630> , accessed on 2 August 2013

Med region. As stated in the Maltese newspaper, he said that “This is the saddest part of the story. We have increased level of operational activities which might be serving as pull factors for traffickers.”¹⁴² He also suspected that previous border control operations could have been the cause of the shift of migration from the Atlantic to the Mediterranean. He therefore added that “traffickers could be targeting Malta and Italy as an alternative to the Canary Islands. The number of clandestine immigrants reaching the Canaries has fallen considerably.”¹⁴³

6.3 Frontex, the role of the Armed Forces of Malta, Security in the Region and Malta

Malta’s strategic geographical location allows for communication lines in the Mediterranean and, for this reason, Malta is a pivotal state within the context of Euro-Med relations. This ultimately means that the Euro-Med region can be looked at as a conduit between the Northern and Southern shores of the Mediterranean: that is, between Europe and Africa.

As a matter of fact, the amount of activity that passes through the Mediterranean and the Swiss Canal (due to its strategic entry point) generates a very heavy flow of maritime shipping, trade and hence opportunities towards the region. Another factor which highly affects Malta’s geostrategic location is the fact that it is at the centre of the North-South economic divide. The southern shores of the Mediterranean are a source of insecurity and illustrate an economic disparity. The people in such areas want to move to a better future and hence use the Mediterranean

¹⁴² *ibid.*

¹⁴³ *ibid.*

Sea to reach its northern shores and thus end up in Malta on their way up to mainland Europe. In fact, in 2007, the BBC News website reported that “Thousands of Africans try to make the journey to Europe each year as illegal migrants – risking people smugglers, deserts, sea crossings and the possibility of being sent home, all for the dream of a better life.”¹⁴⁴ Moreover, “the main aim of migrants is to reach European soil – be it mainland Europe or the Spanish enclaves of Ceuta and Melilla or islands in the Atlantic and Mediterranean.”¹⁴⁵ The migrants also come to mainland Europe in order to earn money for their family and send it back home: “Having migrated, many migrants send money home to family they have left behind. Billions of dollars each year is sent back to Africa from the diaspora around the world – in some cases making up a sizeable chunk of the home country's GDP.”¹⁴⁶ Here one would need to point out that the economic divide in terms of security came about only after the Cold War ended – as has been previously referenced in the above mention made to Barry Buzan in his definition of security.¹⁴⁷

“The perception of Europe as a safe haven is not only shaped by the vision and the situation in the country of origin but also influenced by the experience of the migratory journey. Europe is perceived as safe compared to the difficulties,

¹⁴⁴ BBC News, Monday 2 July 2007, viewed on <http://news.bbc.co.uk/2/hi/europe/6228236.stm>, accessed on 27 August 2013.

¹⁴⁵ *ibid.*

¹⁴⁶ BBC News, Monday 2 July 2007, viewed on <http://news.bbc.co.uk/2/hi/europe/6228236.stm>, accessed on 27 August 2013.

¹⁴⁷ Buzan, B. (1983), *People, States & Fear: The National Security Problem in International Relations*, Wheatsheaf Books, University of Michigan

violence and obstacles women have to face alongside their trajectories, especially in Libya and when crossing the Mediterranean.”¹⁴⁸

In the southern shores of the Mediterranean and Northern African countries, there is not one democratic-led country. Diplomats and political analysts say that this was one of the main causes for the Arab Spring¹⁴⁹ and therefore stemmed a number of changes and conflicts within the region. There is a clear and obvious instability in Africa in terms of governance, the economy and societal aspects of security. Such instability therefore brings about the migration of individuals, with around 50% coming from Somalia.

“Malta: There was a significant increase in the number of Somalis reaching Malta. ‘Taking into account the professional planning of the trips, it is assumed that the *modus operandi* has changed and that Malta is now targeted on purpose, thereby replacing Italy as the preferred destination country for this nationality. The reason for this change has not yet been confirmed; however, in the past Malta resettled some Somali migrants in the United States and in some EU Member States, which might be acting as a pull factor.”¹⁵⁰

This means that Northern African countries, and in particular Libya, are not a source of migration but rather a stem or a conduit for these people. Libya is recognised as a

¹⁴⁸ Schmoll, C, Said, M, Spiteri, A, (2011), Visions of Europe among Somali Women in Malta, *Migrants and Borders. Somali women in Malta*, page 9, viewed on: http://hal.archives-ouvertes.fr/docs/00/64/87/58/PDF/EWP_migrants_borders_malta.pdf.

¹⁴⁹ A term for the revolutionary wave of demonstrations and protests (both non-violent and violent), riots, and civil wars in the Arab world that began on 18 December 2010.

¹⁵⁰ Frenzen, N, (2012), Migrants at Sea, *Frontex FRAN Report for Q2 2012*, viewed on [http://migrantsatsea.wordpress.com/tag/frontex-joint-operations/](http://migrantsatsea.wordpress.com/tag/frontex-joint-operations/http://migrantsatsea.wordpress.com/tag/frontex-joint-operations/), accessed on 27 August 2013.

transit state in the Mediterranean basin: “The main departure points are: West coast of Africa: Northern Mauritania, Western Sahara and southern Morocco from where most head for the Canary Islands, Northern Morocco to cross into Ceuta and Melilla or cross the straits to Spain, Tunisia and Libya for boats heading for Italy’s island of Lampedusa, Sicily and Malta. But first the migrants must cross great distances.”¹⁵¹

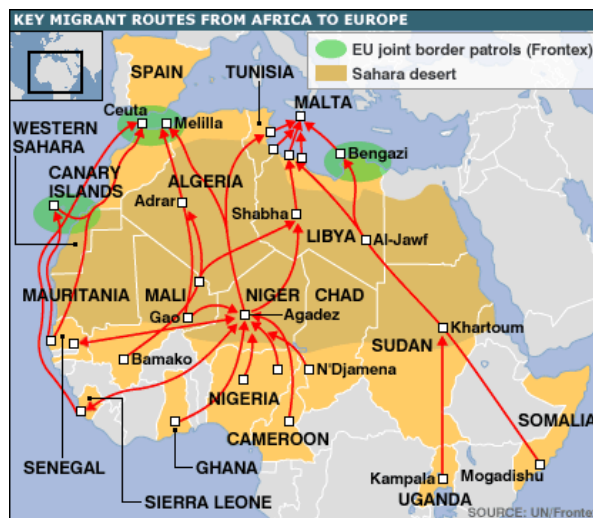


Figure 2: Migration flows reviewing flows and migration information.

Image taken from the BBC News website, *Key facts: Africa to Europe migration*, <http://news.bbc.co.uk/2/hi/europe/6228236.stm>, accessed on 27 August

4.2 The role of the Armed Forces in relation to Euro-Med relations and Frontex

The Armed Forces of Malta¹⁵² is a military organisation that focuses on the wider aspects of security and defence. It also performs wider security tasks which include activities of a coastguard nature. As described on their website: “The Armed Forces of Malta (AFM) is Malta’s military organisation tasked with primary defence functions and safeguarding national sovereignty and

¹⁵¹ BBC News, Monday 2 July 2007, viewed on <http://news.bbc.co.uk/2/hi/europe/6228236.stm>, accessed on 27 August 2013.

¹⁵² The AFM.

interests, both in peacetime and in crises.”¹⁵³ The Armed Forces strengthen Malta’s Euro-Med relations with other countries within the region and also have contributed to conflicts which affect the region.

“The AFM made its first operational deployment in support of an EU-led civilian crises management operation in September 2008, when it deployed personnel to serve in support of the EU Monitoring Mission (EUMM) in Georgia, a commitment which the AFM maintains to date.”¹⁵⁴

Another clear example of this is their work done in Somalia in the process to contribute to stability, peace and security. They did this by heavily involving themselves in the EU Training Mission in Somalia, EUTM Somalia, which was based in BIHANGA Camp Uganda due to the unjust situation and current conflict (which generates violence) in Somalia – Somali forces were already being trained by Uganda.¹⁵⁵ Soldiers were sent to the source of individual departure to further analyse the cause of their want and/or need to travel north and eventually reach mainland Europe.

“Following the Council of the European Union’s decision to launch the EU Training Mission Somalia (EUTM Somalia) in Uganda aimed at contributing towards stability in Somalia through the training of Somali Security Forces, in April 2010, Malta deployed the first of a number of infantry instructor training

¹⁵³ The Armed Forces of Malta, viewed on: <http://www.afm.gov.mt/home?l=1>, accessed on 26 August 2013.

¹⁵⁴ The Armed Forces of Malta, *AFM Operations Overseas*, viewed on <http://www.afm.gov.mt/overseas>, accessed on 27 August 2013.

¹⁵⁵ The Armed Forces of Malta, *European Union Training Mission Somalia (EUTM SOMALIA)*, viewed on: <http://www.afm.gov.mt/eutmsom?l=1>, accessed on 27 August 2013.

teams to Uganda to support this mission. The AFM also provides a staff officer at the mission Headquarters in Kampala.”¹⁵⁶

Northern Africa’s instability is a product of the high rate of piracy on the high seas and on land being used as a tool to earn money to finance internal finance and organised crime. The Armed Forces of Malta participated in the EU Naval Force Atlanta, which was a military operation organised by the European Union. The Maltese provided vessel protection with the transportation of daily needs, such as food, for example, and also participated in an EU civilian mission into Libya, EUFORLibya,¹⁵⁷ which helped Libya build up border management control mechanisms. “EUFOR Libya would: Contribute to the safe movement and evacuation of displaced persons; and Support, with specific capabilities, the humanitarian agencies in their activities.”¹⁵⁸

“During 2008 the Council of the European Union adopted the decision to launch an EU military operation, EU Navfor Atalanta to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast. The AFM supported this operation by deploying Staff Officers within the mission's Operational Headquarters in Northwood, United Kingdom. The AFM continues to sustain its commitment to this operation to

¹⁵⁶ The Armed Forces of Malta, *AFM Operations Overseas*, viewed on <http://www.afm.gov.mt/overseas>, accessed on 27 August 2013.

¹⁵⁷ Taken from the AFM website: Following the adoption of UNSCR (United Nations Security Council Resolution) 1973, the EU decided through Council Decision 2011/210/CFSP of 1 Apr 2011, that, if requested by UN OCHA (Office for the Coordination of Humanitarian Affairs), it would conduct a CSDP Operation ‘EUFOR Libya’ to support humanitarian assistance in the region, in full respect of the principles governing humanitarian action, particularly impartiality and neutrality.

¹⁵⁸ The Armed Forces of Malta, *AFM Operations Overseas*, viewed on <http://www.afm.gov.mt/overseas>, accessed on 27 August 2013.

the present day. In 2010, Malta also deployed a Vessel Protection Detachment (VPD) on board the Dutch Navy vessel Johan de Witt off the Somali coast in support of the same mission. Another AFM Vessel Protection Detachment was deployed on board another Dutch warship off the Somali coast in 2011.”¹⁵⁹

There are twenty-eight (28) different European Union Member State countries and hence twenty-eight (28) different border control issues due to the different security methods, operations, activities and mechanisms. Malta, on a case by case basis, contributes to Frontex operations in regard to operations. Any decision made by the Maltese Government to participate or commit forces towards a particular Frontex mission is dependent on the terms and conditions associated with that particular mission. Malta participates in Frontex operations when the terms and conditions, which are otherwise known as the “rules of engagement”, fall within its disposal to participate in such missions and when the rules of engagement or terms and conditions do not go against any established national policy or established national approval of international conventions. There have been many cases where Frontex has operated within the Central Mediterranean “with the aim of strengthening Europe’s border control response capability in the Central Mediterranean”,¹⁶⁰ as was done in the Joint Operation Hermes Case. In March 2011, the Executive Director of Frontex spoke about the works and efforts that were being planned and conducted in the Mediterranean over the abovementioned case:

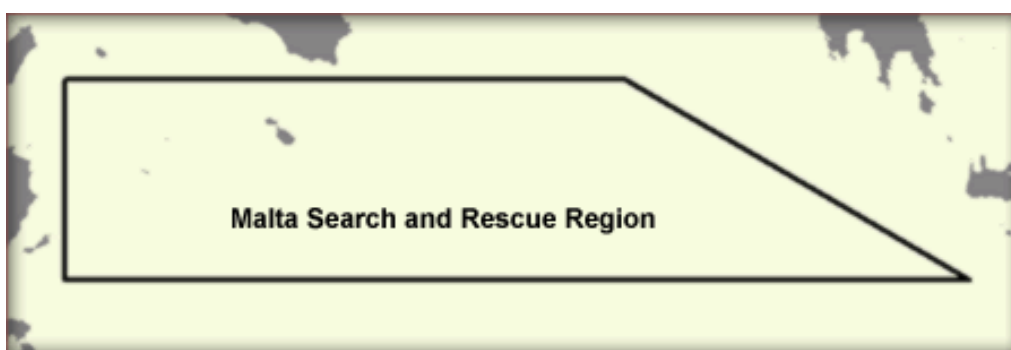
¹⁵⁹ The Armed Forces of Malta, *AFM Operations Overseas*, viewed on <http://www.afm.gov.mt/overseas>, accessed on 27 August 2013.

¹⁶⁰ Frenzen, N, (2011), Migrants at Sea, *Frontex Announces Extension and Expansion of Joint Operation Hermes in Central Mediterranean*, viewed on <http://migrantsatsea.wordpress.com/2011/03/25/frontex-announces-extension-and-expansion-of-joint-operation-hermes-in-central-mediterranean/>, accessed on 27 August 2013.

“In close cooperation with the Italian authorities, we have decided to run Joint Operation Hermes until the end of August 2011, and to extend the operational area to include Sardinia, where Frontex has already deployed aerial assets to strengthen the patrolling capacity of the Italian authorities,’ said Frontex Executive Director Ilkka Laitinen.

‘Frontex is closely monitoring the developments in North Africa and stands ready to assist the Member States operationally if requested. We are also continuously developing additional operational responses for potential rapid deployment throughout the Mediterranean if needed,’ he added.”¹⁶¹

6.5 Malta’s Search and Rescue¹⁶² Region in relation to the April 2009 Case



¹⁶¹ Frontex website, *Hermes Operation Extended*, viewed on: <http://www.frontex.europa.eu/news/hermes-operation-extended-OWmwti>, accessed on 27 August 2013.

¹⁶² SAR – Search and Rescue: Definition from the International Convention on Maritime Search and Rescue – Adopted 27 April 1979 and came into form 25 March 1980. Article 1.3.2 and Article 1.3.13

Figure 3: Malta's Search and Rescue Region. Image taken from Search and Rescue Training Centre, viewed on: http://www.sarmalta.gov.mt/sar_in_Malta.htm, accessed on 28 August 2013.

This is an image clearly showing the search and rescue region (SRR)¹⁶³ with the territorial waters surrounding Malta. As one can notice, the small island of Lampedusa falls within this same region. “Being an island nation strategically located in the middle of the Mediterranean Sea, Malta has for millennia been the focal point of an ever growing volume of maritime traffic.”¹⁶⁴ This means that in times of conflict and also in times of peace within the region, Malta has a key role to play with regard to the SAR operations. This region has evolved into becoming very popular vis-à-vis maritime trade, passenger traffic with people travelling by sea, medical evacuations from cargo ships/vessels and more recently irregular migration.

The above responsibility of SAR within the SRR falls within that of The Armed Forces of Malta (AFM): “the AFM not only operates the Malta Rescue Co-ordination Centre (RCC), which is internationally recognised as the SAR Point of Contact in Malta, but also deploys maritime and air assets on a daily basis to respond to a variety of cases.”¹⁶⁵ Therefore, the AFM deals with international and also multi-national operations at sea.

¹⁶³ Covering a total of 250,000 square kilometres.

¹⁶⁴ Search and Rescue Training Centre, viewed on: http://www.sarmalta.gov.mt/sar_in_Malta.htm, accessed on 28 August 2013.

¹⁶⁵ Search and Rescue Training Centre, viewed on: http://www.sarmalta.gov.mt/sar_in_Malta.htm, accessed on 28 August 2013.

On 17 April 2009, Malta refused entry of a Turkish cargo ship with some one hundred and fifty four (154) irregular migrants onto shore. Even though the ship was within the Maltese search and rescue region, the Prime Minister, Dr Lawrence Gonzi argued that according to international law, the ship should have been taken to the nearest safe haven – and in this case that was to the island of Lampedusa. However, the Italian Government¹⁶⁶ stated that the ship should be taken to Maltese shore since it was found in the SAR. The dispute became a political one between Malta and Italy due to previous bilateral agreements, and therefore Frontex patrols were delayed: “Frontex anti-immigration patrols in the waters between Libya, Malta and Italy, have been delayed by technical hitches between participating states.”¹⁶⁷ Since this issue took time to resolve, a pregnant woman on the ship died at sea. Three (3) days later the issue was resolved when Italy agreed that the ship should land on Italian shores.

Vis-à-vis search and rescue duties and commitments, Frontex is obliged by the RABITS¹⁶⁸ Regulation to apply full respect “for obligations arising under the International Law of the Sea, in particular as regards to search and rescue”.¹⁶⁹

6.6 The SOLAS Convention and the reasons as to why Malta did not fully come to an agreement with Frontex

¹⁶⁶ Represented by Italian Home Affairs Minister Roberto Maroni.

¹⁶⁷ *Frontex Patrols Delayed*. The Times of Malta, 17 April 2009, accessed on <http://www.timesofmalta.com/articles/view/20090407/local/frontex-patrols-delayed.251992>, viewed on 28 August 2013.

¹⁶⁸ Rapid border intervention team: imminent help from teams providing enhanced technical and operational assistance for a limited period with regard to issues of irregular migration. They aid in improving Frontex’s reaction capabilities and also increase the Member State cooperation on border security.

¹⁶⁹ RABITS Regulation, Preamble, para. 18.

The SOLAS Convention¹⁷⁰ of 1974 is one of the main international instruments which safeguard the safety of lives at sea. It is considered to be the “most important of all international treaties concerning the safety of merchant ships”¹⁷¹ and its main objective is “to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety”¹⁷² – technical equipment, construction safety measures and the safety of maritime navigation.¹⁷³ The convention also regulates safety navigations, search and rescue operations, and identifies issues with regards to the way individuals should be transported – obligations and procedures, master’s obligations, and so on. The SOLAS Convention highlights:

“Each Contracting Government undertakes to ensure that necessary arrangements are made for distress communication and co-ordination in their area of responsibility and for the rescue of persons in distress at sea around its coasts. These arrangements shall include the establishment, operation and maintenance of such search and rescue facilities as are deemed practicable and necessary, having regard to the density of the seagoing traffic and the navigational dangers, and shall, so far as possible, provide adequate means of locating and rescuing such persons.”

(Regulation 7, Annex)

¹⁷⁰ It was adopted on 1 November 1974 and came into force on 25 May 1980.

¹⁷¹ International Maritime Organisation, *International Convention for the Safety of Life at Sea (SOLAS)*, (1974), viewed on: [http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-\(SOLAS\),-1974.aspx](http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx), accessed on 27 August 2013.

¹⁷² International Maritime Organisation, *International Convention for the Safety of Life at Sea (SOLAS)*, (1974), viewed on: [http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-\(SOLAS\),-1974.aspx](http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx), accessed on 27 August 2013.

¹⁷³ *ibid.*

The international community has agreed to many changes and amendments in the Convention in order to keep it up to date.

Malta has difficulties with accepting the SOLAS Convention the way it has been amended and this is to date due to the fact that it is not in line with national positions, both with regard to policy (Governmental stands) and also legal (SOLAS amendments). Notwithstanding this, Malta participates in Frontex operations and activities in the Mediterranean, so it is not an issue of not being able to see eye-to-eye with the agency. To mention a few activities, Malta sent land troops to patrol the Greek borders, sent one (1) of its two (2) largest patrol boats on a Frontex mission (Operation Indalo) in Spain and also sent one (1) of its two (2) aircrafts too – thus meaning that it offers 50% of its resources to Frontex.

The master message with regard to the relationship between Malta and Frontex is that Malta supports Frontex and its operations; the two need each other due to the size of the island, because of resources at Malta's disposal and also because of the significant support and continuous contribution that Malta gives. Having said this, Malta can never be expected to participate in the Frontex missions that go against Government policies, national interests and positions under international law that the Maltese Government has taken. Malta actively supports Frontex in its wider definition, participates in its mission but cannot actively participate in missions which go against or could prejudice Malta's position vis-à-vis national law and the Maltese Government's position in this sphere.

6.7 What is Malta offering, doing and not doing? Can Malta be a promoter of Frontex?

With the above in mind, Malta can and is a promoter of Frontex, as witnessed in its missions in the Mediterranean. It gives a relevant and significant portion of its air, land and maritime resources and capabilities to Frontex; sometimes even up to 50% of its facilities and/or capabilities.

As a promoter of Frontex, Malta must lead the way in showing solidarity to these migrants so that these can live a dignified life together with their family. During Pope Francesco's recent visit to Lampedusa, Italy on 8 July 2013, he declared the following: "... in this globalised world, we have fallen into globalised indifference. We have become used to the suffering of others: it doesn't affect me; it doesn't concern me; it's none of my business!"¹⁷⁴

Malta as an active member of Frontex is serving to provide humanitarian aid to all who expect to reach our shores, irregular or otherwise. Apart from providing security services on the open seas, it provides health services to each irregular migrant, refugee or asylum seeker that arrives on our shores, provides basic lodging facilities and basic necessities like water, clothing and food. Certain voluntary associations also provide additional services within these detention centres, such as educational and vocational training to all.

Malta also provides policing and also processes, in accordance with United Nations regulations, their application for regular status and analyses. Once they have been processed to becoming legal migrants, the Government, in conjunction with other EU and Euro-Med states as well as countries beyond the EU, such as the USA,

¹⁷⁴ Homily of Holy Father Francis, viewed on: http://www.vatican.va/holy_father/francesco/homilies/2013/documents/papa-francesco_20130708_omelia-lampedusa_en.html, accessed on 3 September 2013, para. 6.

makes arrangements with the respective Governments for the relocation of these people and their families on a permanent basis.

On another humanitarian level, Malta also serves to reunite any family members who have lost contact. It also provides those refugees having a legal status a future for them and, in a number of cases, some have also married Maltese citizens – these being clear signs of having two different cultures integrate together.

Malta is certainly not doing enough to convince other European Union members to take on these migrants for relocation purposes. Although Malta is providing all the above, it is still finding itself in dire straits in providing the necessary humane and suitable facilities at the Hal Far detention centre (which is Government owned). It must be said that a small number of irregular migrants are housed in the Marsa detention centre which is run by an NGO and very suitable for habitation; this has partially been funded by the European Union. Malta is not giving suitable living conditions for those staying at the Hal Far detention centre; this is because, in the author's opinion, the EU funding provided was primarily utilised for national purposes, with very little regard and finances being allocated for the lodging facilities and follow-up of such centres.

Moreover, although Malta is considered to be a Roman Catholic country and has, over the years, always helped all missionary locations throughout the world, the perception of the Maltese people seems to be that when this is closer to one's shores, the negative outlook of the majority of the Maltese population appears to be verging on being racist. Much more needs to be done by the local authorities to educate and take the lead to accept such ethnic foreign groups which require our humanitarian input. The Maltese have always been renowned as being hospitable people, but it

appears that this only applies in the tourism sector where a financial return is in the offing from all “legalised” foreigners who come to our shores. It is obvious that the Maltese Government requires assistance, financial and otherwise, from the European Union and other international organisations.

CHAPTER SEVEN: CONCLUSION

7.1 Concluding Thoughts

Throughout this dissertation, new security threats that have been emerging in the post-Cold War era have been elaborated upon, especially that of irregular migration. Due to the geographical regions in which it is mainly witnessed, the European Union has become a major actor in protecting Member States and safeguarding people's human rights.

Over time, the European Union has sought to recognise the issues, debates and potential problems irregular immigration has brought to regions such as the Euro-Med. To address this, it has come up with a number of policies and initiatives such as the offices of Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU), which coordinates many maritime missions in the Euro-Med region, and EASO (European Asylum and Support Office); which has its offices based in Malta. Having the set up of such agencies and introducing policies all aim at integrating individual Member States by means of coordination for the harmonisation of such policies. Having the rope being equally pulled by every Member State means that the problem can be better tackled in order to combat new security threats associated with border countries. Many have critiqued the apathy that exists among Member State authorities

to take action – therefore meaning that Frontex has a number of improvements and developments to make on its own initiative.

Due to the complexity of the irregular migration issue, measures have nonetheless been taken to tackle the problem. The European Union has indeed provided funds to the Maltese Government and has also provided policy assistance through institutions like Frontex and EASO; however, Malta has been left on its own to deal with the day-to-day resolution: including aid with the way of detaining irregular migrants and the detention centre (found in Hal Far, Malta) in which they are kept. In this regard, Frontex has also encouraged and urged a greater integration on security by asking other Member States to participate in central Mediterranean activities and operations since those interested in such operations are those of a Mediterranean status who are directly interested with the problem at stake: Germany, Italy, France and Greece. It hence stressed on burden sharing, especially with regard to maritime missions in the EU's southern maritime borders.

Malta, particularly since 2002, has been trying to strike a balance between protecting the Maltese shore borders from security threats and safeguarding the human rights of the individuals arriving towards our shores.

7.2 Achieving Peace and Security in the Mediterranean Basin

There is a significant absence of security missions and operations within the Euro-Med Region, and this has resulted in a huge security vacuum in such a “geo-

strategically sensitive part of the world”.¹⁷⁵ Admittedly, such missions are very difficult to coordinate, especially since no Mediterranean mechanism exists, leaving our Mediterranean, which is seen as a conduit between North Africa and South Europe, with such a serious vacuum.

New soft and hard security challenges and threats have increased in the post-Cold War era in this geographical area. “These include ongoing conflicts in each sub-region of the basin primarily over territorial claims, the proliferation of weapons, terrorist activities, illegal migration, ethnic tensions, human right abuses, climate change, natural resources disputes especially concerning energy and water, and environmental degradation.”¹⁷⁶ In the author’s opinion, such a long list of threats needs to be concentrated upon through frequent dialogue and integrated cooperation, to achieve a more stable security situation in the Mediterranean between the countries in the region and also between the sub regional groupings across the basin.

The European Union should be entrusted with focusing much of its Southern efforts on the winds of change which exist in the Mediterranean. In doing so, it places attention on countries which have economic and political interest in the area. Reforms, aided by European Union funding, for a more peaceful and secure region, should be taken upon by periphery countries that have a direct interest in the region.

Other concerns are those of having qualified training vis-à-vis education,¹⁷⁷ since it is a very important prerequisite for future cooperation – possibly also

¹⁷⁵ Calleya, S, (2011), *Security Challenges and Opportunities in the Emerging Mediterranean*, Into the Future: Socio-Economic or Security Challenges for Malta, The Today Public Policy Institute, page 12.

¹⁷⁶ Calleya, S, (2011), *Security Challenges and Opportunities in the Emerging Mediterranean*, Into the Future: Socio-Economic or Security Challenges for Malta, The Today Public Policy Institute, page 12.

¹⁷⁷ Vocational training, technical training and scientific training.

including the participation of the World Bank. In relation to this, the European Union should also be innovative in creating incentives for agricultural trade for importations from Morocco and Tunisia, for example. These would bring about political and economic improvements and hence result in stepping stones for a peaceful and secure area.

As outlined in the Barcelona Declaration mission statement of November 1995,¹⁷⁸ the European Union should use the geo-strategic location of the Mediterranean basin to its advantage and come up with new ways of addressing practical diplomatic solutions to the current unsettlement.

As noted throughout the thesis, Malta is a very active participant in the Euro-Mediterranean region; it favours initiatives of peace, security, stability and prosperity. In fact, Malta calls upon other Member States to share the burden of the problems which irregular migration brings with it and asks for full coordination and cooperation in maritime operations.

Due to the many changes in the Mediterranean, setting up a number of realistic confidence-building measures would be ideal to enhance a cooperative environment. Many say that the people of the Mediterranean are so similar but yet so diverse, and this is the same with the problems that arise in the geographical proximity. Stability is of prime importance for international organisations as the United Nations and the European Agency conduct their operations with professionalism and perfection. To do so, authorities should “invest in political, economic and human capital” to ensure a successful shift.

¹⁷⁸ This focuses on political and security, economic and financial, and socio-cultural and human dimension relations.

7.3 Irregular Migration as an Opportunity and a Threat to Malta and the Euro-Med region

Migration has always been discussed from the starting point as being negative due to the disparities in the lifestyles, cultures and religions that we have now been accustomed to. Little do most of us realise that there is a positive input that these asylum seekers can provide to our societies in general, for the greater benefit of all concerned; this can be a win-win situation for all, such that solidarity is effectively being promoted among all humankind. The reality is that in this globalised world indifference has no place, and that each and every individual, of whatever race or creed, is essential for the greater good of mankind.

The conceived threat is that we, especially the Maltese nation, are still living in the past and are not considering the direct effects of this globalised world we are living in, in particular the resultant effects of the Arab Spring via our neighbours, namely: Libya, Egypt and Tunisia. Other threats to the region are those of a social, religious, environmental, economic and political nature.

In today's modern world, the issues listed above, although seen by the asylum seekers as being moulded in their traditions and considered by us on this side of the fence as being bogged down over time, their dream and wish to live our way of life is mirrored via the technological advances freely available in their countries; with particular reference to the Internet, social media and mobile telephony. The powers

that be within their countries now know that their people can no longer be fooled since news, as they say, travels fast.

The attraction of these irregular migrants to settle in Europe comes about by their desire to live a normal life without wars, and in a safe environment. Having said this, the fear among the people at large in Malta and the EU is that their traditions, in the context of their religion and culture, will be seen as an imposition on our fundamental human rights and lifestyles, such as issues directly related to religion, marriage, the treatment of women as being second rate citizens, eating habits, employment, education, and business in general.

In the author's, for the Maltese people, migration is a fundamental threat, and hence we do tend to exaggerate the problem because we have an island mentality where in the past we tended to learn, hear and read about issues of migration existing only in faraway lands and not being directly on our shores. The direct effect of having these asylum seekers is seen to be the threat to jobs, marriages, religious beliefs and traditions, and general habits, among others; this apart from being seen to be a burden on our resources, whether relating to finance, security, transportation, lodging, food, and communication.

7.4 What has Malta learnt?

Multi-national operations and the commitment/pooling of resources is key to deal with the border security challenges that the European Union faces, particularly in times of economic austerity and finite resources. Malta has also benefitted from funding; in fact, through the EU's external border fund, Malta sent out its own people

to training courses under the auspices of Frontex. Also, Malta has officers and soldiers serving for tours of duty in Fortex, Warsaw.

It is up to the twenty-eight (28) European Union Member State countries to have people in the right places at the right times. Malta can shape Frontex's policy and decisions; and hence offer any necessary contribution including human resources. The European Union can punch above our weight to push positions that are shaped by the Euro-Med region. With this, one must keep in mind that Malta is a key global actor.

7.5 A better Frontex

In the author's opinion, for Frontex activities and operations to be more successful than they have previously been, the agency needs to organise joint operations and function all year round – this was also stressed by Dr Simon Busuttil in his article on the EPP-ED website.¹⁷⁹ This is to say that if a boat comes into shore in a period when Frontex does not operate, as is with January and August for example, Malta as a European Union Member State could not benefit from the tasks of the agency. In addition to this, Frontex should also aim at having a more complete and possibly wide-ranging approach towards border control and management, especially in relation to the southern EU borders. This is where operational coordination and increased trust between Member States is a necessity in order for

¹⁷⁹ Busuttil, S, (2008), *Illegal Immigration: Frontex must be more effective*, 18 December 2008, viewed on: <http://arc.eppgroup.eu/press/showpr.asp?prcontroldoctypeid=1&prcontrolid=8179&prcontentid=14195&prcontentlg=en>, accessed on 3 June 2013.

operations to successful. If this does not happen, then the work done by Frontex is certainly a contained one.

Since the agency is still a relatively new concept and has ever since its inception been evolving, it certainly does face a number of opportunities and challenges in its day-to-day running. As stated by the Executive Director of Frontex, two such challenges are certainly efficiency and equitability.¹⁸⁰ In relation to the previous paragraph, for this to be successful, the Member States, especially those in the Mediterranean basin, need to take full responsibility of cooperation and coordination, and also need to be more dedicated to the operations carried out by the agency. Ideally, when working on air, land and sea operations, Frontex tackles the situations in a very transparent manner. This means that all study documentation needs to be made public and also possibly tackled at a European Parliament level.¹⁸¹

Having said this, Frontex has been heavily critiqued for not being impartial in relation to human rights debates. Many human rights activists have said that the agency does not ensure one of the main European Union freedom pillars – freedom of movement – one which is given to everyone as a characteristic of European ownership. This, therefore, calls for a balance between the protection of European Union borders and safeguarding human rights. This is certainly not an easy task to accomplish since it needs to be in sync with international law on human rights and also with the Geneva Convention, which are both legally binding.

¹⁸⁰ Jorry, H, (2007), *Construction of a European model for managing operational cooperation at the EU's external borders: Is the FRONTEX Agency a decisive step forward?*, Challenge Research Paper 6. Brussels: Centre for European Policy Studies.

¹⁸¹ The author says this because the risk analysis report is never discussed in Parliament.

Personally, the author suggests that Frontex would increase its encouragement towards other Member States to participate in their operations within problematic regions, such as that of the Mediterranean, since Italy and Malta have been receiving the largest number of inflow towards their shores. Through this initiative, Frontex would be making its missions more effective and hence have long term implications. Further participation by Member States, and also possibly by transit states (as is Libya, for example), would be very beneficial and result in satisfying results. Libya has been very hesitant in cooperating with Frontex, so political solutions need to be made in order for this to benefit the region. The Executive Director of Frontex stated that “As long as Member States are willing to help, Frontex will be there to coordinate”.¹⁸² Hence, if there is a lack of burden sharing, Frontex would not be able to function properly and therefore the number of migrants coming towards Malta will remain on the increase.

Despite the above, Frontex has definitely been a step in the right direction in protecting European shores and borders. In doing so, it has helped struggle with the unwanted conflict which came about with the new security threats.

7.6 Recommendations

Since the problems are emanating from the North African region, in my opinion, the Euro-Med members, together with the European Union, should come up with a new way of doing democracy by setting up an innovative framework built upon

¹⁸² Laitinen, I, (2008), *EU Member States' assistance is a must if Frontex operations are to succeed*, The Times of Malta, Letters to the Editor, 6 October 2008, page 11.

the holistic concept which Frontex represents; thus resulting in a totally new concept of Frontex whereby the European Mediterranean countries in particular (together with the remaining members of the EU), would work out and solve all related problems on security and migration together with their North African counterparts.

In addition to this, this will imply the shifting of borders further south, on land, within the North African countries and introducing new management control systems, including agreements between the respective countries on financing, facilities, manpower and transferring of information regarding policing, and so on. The new Frontex will therefore tackle patrols for the protection of migrants on the newly established borders located on land in the North African countries; this would be a substantial way forward in the right direction when one considers that in the past Frontex used to carry out anti-immigrant patrols in the Mediterranean for the wrong reasons, and which generally failed. Frontex will also remain patrolling the Mediterranean Sea and has an important role to play in the repatriation of irregular immigrants. The new Frontex should be upgraded into a robust coastguard with the means of repelling boats carrying irregular immigrants.

The new arrangement of having new established borders on land will avoid the present problem that Malta faces with regard to push back issues since, in this way, one would avoid having to consider the expulsion of irregular migrants to Libyan shores from Malta and the Mediterranean Sea.

A further important feature of the new Frontex is that attention would be given to increased concerns of the human rights of these asylum seekers. The new Frontex should not only be interested in the numbers saved at the border and at sea, but should also be concerned with the faces of each individual with regard to their final

destination; thus directly implying that the new Frontex as an agency would work hand in hand with other agency groups and Governments whose prime role would be to carry out an improved and effective burden sharing policy. Such a role will face up to the challenges put upon it, thereby being fully compliant with the fundamental values of the European Union.

The new Frontex, under the Euro-Med and EU flag, answerable to each one of its citizens, would work in total transparency and be accountable in all matters. Regular reportage and the keeping of documents at all levels, which would be readily available and accessible to the public online, would ensure that all assigned members that make up this new Frontex movement would work within preset and established common procedures and would be answerable directly to the Euro-Med and European Union Commission.

Unfortunately, in my opinion, it is apparent that the present Frontex is an undemocratic body whose budget has exploded in the past years and has no clear code of conduct and engagement.

The present Frontex currently faces what I consider to be a “grey area” between the “theoretical” and “practical” approach, namely that within the agreed written policies against the day-to-day operations on site.

Due to Malta’s geographical location and the fact that the Maltese have always been renowned for their hospitality, both in the past and more recently during the Libyan crisis, it is my recommendation that the new Frontex Head Office, on behalf of the Euro-Med and the EU Member States, be based in Malta; this would lend itself as being ideal to also work in liaison with the EU representative office, namely EASO (the European Asylum Support Office) – which is also based in Malta.

7.7 Achievement of Research Aims

The author hereby certifies and declares that this dissertation research has aided the promotion and alleviation of Malta's present difficult predicament vis-à-vis migration, border controls and burden sharing with all other European Union Member States, some of which form part of the Euro-Med. Even though it is sometimes looked at as a far-fetched political argument, in the author's opinion, her study has proven that Malta can prove itself to be a suitable promoter of Frontex in its present format; although, as explained in my recommendations, the author believes that a new Frontex falling under the combined jurisdiction of the European Union and the Euro-Med will achieve the aims established as declared above and will most definitely help Malta in its aims to be the centre of such a mission, including all the necessary decision making at a higher or lower level; as explained earlier, this to be seen within the context whereby Malta has previously acted as a humanitarian location to effectively address human suffering.

To conclude, the author has also come up with a number of recommendations as to how a new concept of Frontex can be applicable to the Euro-Med basin, thus inherently implying that new policies would need to be addressed and established.

7.8 Conclusion

In the author's opinion, there is much in common that is to be found in the present Frontex organisation under the auspices of the European Union and Malta, in

particular with regard to the immediate needs and requests on this highly delicate issue of immigration and security.

The main differences between the new Frontex, as proposed above, and the present Frontex, are two (2):

- (a) The pushing back of borders from the Mediterranean Sea to an eventually agreeable and established border on land, of the North African countries – instead of the pushing back of people, and
- (b) The direct involvement of the European Union with the Euro-Med Partnership as against having the European Union solely involved on such a complex issue with other North African countries.

It is the author's considered opinion that all Member States within the European Union that form part of the Mediterranean, that also form part of the Euro-Med Partnership, will surely consider this approach in a positive manner. This will undoubtedly be likewise looked at positively by the North African countries that are also members of the Euro-Med Partnership. On the basis of my proposal, the author believes that all remaining Member States within the European Union and within the Euro-Med will also agree to such an arrangement. The main reason for such an "en plan" consensus is that the obligations and rights on each of the forty-three (43) countries will be less of a burden if the European Union Member States, which add up to twenty-eight (28), were to handle it, apart from logistical issues which are beneficial for the region as a whole.

On the basis of the new Frontex organisation which will be under the direct jurisdiction of the European Union and the Euro-Med Partnership, as per my recommendations, the author feels that the overall aim to handle the prospective

opportunities and threats that may come along under such an arrangement will be beneficial for all parties concerned, at both a macro and micro level, and in particular for Malta.

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