

Managing the Maritime Borders of Europe: Protection through Deterrence and Prevention?

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Summary:

Events of the last three years have breathed a new air of urgency in the EU regarding not only the management of irregular migration and asylum but also on the issue of maritime arrivals. Since the Arab Spring, the maritime borders are once more in the spotlight, receiving thousands of irregular arrivals annually coupled with an increase in loss of life at sea. The paper discusses recent events and policies implemented by states in the Southern Mediterranean, aiming to achieve on the one hand an efficient border control and on the other a protection of migrants at sea. The paper argues that there is still a long way to go towards balancing prevention and deterrence with protection; even more so, when the focus is on policies and regulations in place that seek to manage a multifaceted phenomenon solely from a security perspective.

Key Words:

Maritime borders, irregular migration, EUROSUR, FRONTEX, Mare Nostrum, Greece, Italy.

Managing the Maritime Borders of Europe: Protection through Deterrence and Prevention?

On March 28th 2012, the Guardian revealed that almost a year earlier (March 2011) a small rubber boat left Tripoli carrying 72 passengers heading to Italy. The Libyan uprising was well under way, in a country already a traditional destination for immigrants from Maghreb, Egyptian nationals employed in the agricultural industry and home to one of the largest Maghrebi community in the region¹. A significant volume of the migratory flows produced during the upheavals were immigrants of various nationalities, who fled Libya during the conflict. The migrants on board the vessel had been informed that they would reach the Italian island of Lampedusa within a day. In reality, it took 15 days before the boat reached once more the shores of Libya, with only 11 survivors, in an area under strict surveillance by NATO (due to the arms embargo provided for by UNSCR 1973) and 38 naval assets of various member states that were documented to be present. The Parliamentary Assembly of the Council of Europe, in its report titled “Lives lost in the Mediterranean Sea: who is responsible?”² states that a “catalogue of failures” took place that led to the loss of “many opportunities for saving the lives of the persons on board the boat” According to the UNHCR, 2011 was the “deadliest year”, estimating that over 1,500 migrants died while fleeing Libya during the initial stages of the violent conflict. This was only one amongst the many incidents that have caused the death of more than 19,142 deaths at the maritime borders of the EU over the last 20 years.

In a testament to the political dynamics and internal divisions of the EU on the issue of irregular migration, it took until October 2013 for the EU leaders to react. The tragedy that occurred off the coast of the Italian island of Lampedusa on 3 October 2013 was in a way very difficult to ignore. A boat, which disembarked from Libya carrying an estimated 500 Eritrean asylum seekers, was only half a mile from Lampedusa coast when it caught fire and capsized, costing the lives of more than 350 persons. Since then, there have been monthly recorded ‘crisis’ incidents across the

¹ Andrijasevic, Rutvica. 2010. Deported: the right to Asylum at EU’s external border of Italy and Libya. *International Migration*, 48 (1):148-174.

² Parliamentary Assembly (29th March 2012). *Lives Lost in the Mediterranean Sea: who is responsible?* Provisional version-as adopted in committee on 29.3.2012., available at <http://assembly.coe.int>.

Mediterranean, from the Aegean Sea to the enclaves of Ceuta and Melilla (Spanish territory) off the coast of Morocco³.

Following the JHA Council of 7-8 of October 2013, European leaders proceeded to set up Task Force Mediterranean. Its conclusions open with the statement that “a determined action should be taken in order to prevent deaths at sea and to prevent such human tragedies from happening again”⁴. The Task Force proposed 37 ways of dealing with the ongoing maritime crisis. It looked once more to the Global Approach to Migration and Mobility (GAMM) and the European Neighbourhood Policy (ENP) to strengthen cooperation with countries of origin and transit and suggested ways of dealing with irregular migration through Home Affairs agencies like the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the European Asylum Support Office (EASO). The report did contain some positive proposals, including increasing refugee resettlement in EU countries and opening more channels for legal migration. Nonetheless the focus was mainly on border controls.

On May 2014 the first Implementation report was issued by the Task Force⁵. On the cooperation with the third countries it looked to the Mobility Partnerships with Morocco and Tunisia currently in place and the negotiations with Jordan. Furthermore, the readmission agreement with Turkey (signed in December 2013) was noted, and the importance of strengthening Turkey's “capacities to prevent irregular migration” (2014:3). However the most interesting point, about both Communications, is that despite the fact the Task Force was a direct product of events in Lampedusa, it focuses primarily on protection through prevention. From improvement of effective return rates of irregular migrants, to closer cooperation with third countries, and Information campaigns to dissuade would-be migrants, the impression one gets is that lives will be saved by preventing their arrival and when that is not successful, by ensuring their return.

It is an inherent contradiction of liberal democratic states that they attempt to restrict entry of unwanted migrants while trying to respect human rights and civil liberties.⁶ The physical barriers

³ UNHCR estimates that between January & April 2014 over 170 people died at sea trying to reach Europe, including those who lost their lives in waters off Greece, Libya, and Italy and in international waters.

⁴ COM 2013/869. The Task Force incorporates all EU Member States, the EEAS relevant EU Agencies (EASO, Frontex, FRA, EMSA and EUROPOL) as well as associated states in order to identify short- and medium term operational actions to be implemented.

⁵ SWD(2014)173 Final

⁶ Christian Joppke, “Why Liberal States Accept Unwanted Immigration”, in *World Politics*, Vol. 50, No. 2 (January 1998), p. 266-293.

erected at borders restrict entry to those pre-deemed as unwanted but also reduce the opportunity for protection for those in need, often resulting in loss of life as evident from the aforementioned examples.

This paradox of protection via prevention is largely a byproduct of the broader securitization of irregular migration. Securitization refers to the process of the social construction of threat and the legitimization of exceptional administrative measures to counter it⁷. The threat, societal, political and/or physical, emerges through actual events but also through discourses⁸ and the aim becomes the regulation, in fact the governance of migration. The latter takes place through the introduction of a series of actors and policies that implement-or attempt to- the management of irregular migration. In fact, it has been repeatedly stated that "the objective of Union policy in the field of the Union external borders is to ensure the efficient monitoring of the crossing of external borders including through border surveillance, **while contributing to ensuring the protection and saving of lives**"⁹.

This is not a new phenomenon. In fact, the intent to "manage" mobility was integrated in the early negotiations on Schengen cooperation, which required common procedures on border control and surveillance to ensure free mobility within a specific territorial space. The management of irregular migration was seen from the early days as the counterweight to free internal movement within the Schengen area¹⁰. Yet there has been an imbalanced focus on the external borders, and arrivals primary via the maritime border and Greek-Turkish land border when in fact according to the European Commission, at least half of the irregular flows are made up of visa over stayers. It has been repeatedly stressed that the key variable in the emergence of a large-scale irregular migration system is provided by the availability of short-term visas for circular irregular migration or for subsequent overstaying¹¹.

⁷ Buonfino, A. (2004) 'Between Unity and Plurality: The Politicization and Securitization of the Discourse of Immigration in Europe', *New Political Science*, 26(1), 23-49.

⁸ Copenhagen School of International Relations, Buzan, B. (1998). "Security, the State, the 'New World Order' and Beyond.". Lipschutz R.D.(Ed). *On Security*., New York: Columbia University Press, ch.7.

⁹ 2013/0106 (COD) Council of the European Union, February 2014.

¹⁰ For an analysis of the 'spaces' of control emerging in the EU see Triandafyllidou, A. & Dimitriadi, A. (2014) *Governing Irregular Migration and Asylum at the Borders of Europe: Between Efficiency and Protection*, Paper prepared within the framework of the project "Towards a More United and Effective Europe", Istituto Affari Internazionali.

¹¹ Cvajner, M. and Sciortino G. (2010). "Theorizing Irregular Migration: The Control of Spatial Mobility in Differentiated Societies." *European Journal of Social Theory* 13(3): 389-404.

Nonetheless, the external borders and especially the maritime border draw to this day our attention, primarily because they show us again and again how permeable our border is by being visible. We see the boats, the flotillas and we see the people. It is an inescapable sight, especially when compared to visa over stayers who enter legally and disappear through the cracks of the system.

Additionally it can be argued that the external borders bring to foreground the inherent problem in the Union's policies on irregular migration and asylum; the obligation on the one hand (and desire in some cases) to enable access to asylum coupled with policies deterring entry and even in some cases (e.g. Italian-Libyan cooperation during Gadafi's regime) exit, on the other. Nowhere is this issue more visible and difficult than sea, where loss of life is very likely and where rules over search and rescue, disembarkation and returns to departure points further complicate the management process.

From early on, EU leaders attempted to deal with irregular migration through a dual approach. On the one hand, irregular migration was externalized, by transferring the responsibility for early monitoring, deterrence and prevention to third countries neighboring the EU and beyond, in the framework of the GAMM and the Mobility Partnerships integral to the approach. Through a stick-and-carrot policy, third countries were asked to cooperate in managing irregular migrants about to exit their territory and/or while in their maritime and land borders, in exchange for financial aid and potentially even schemes for labor migration.

On the other hand, the EU beefed up its security mechanisms and agencies, specifically through an Integrated Border Management (IBM) system, which includes a common codification of the acquis on internal and external borders, the Schengen Borders Code and the creation of Frontex, which is the main actor responsible for the external borders. IBM incorporates all the physical aspects of control (border guards, fences, naval patrols) but also the ICT systems deployed, including the Visa Information System (VIS) for third country nationals, the Schengen Information System (SIS III), the Eurodac (EU-wide fingerprint identification system), the recently set up agency EU-Lisa¹² and since December 2013 the European External Border Surveillance System (Eurosur).

Since arrivals, especially those via land and sea, are first received as irregular until they are screened and categorised as asylum seekers, by default IBM ends up affecting (and targeting) asylum seekers as well as irregular migrants. This is particularly important if one considers that current measures of deterrence and prevention affect mixed migrant flows. Mixed migration refers to what is known as the 'migration-asylum' nexus, a concept which grew as a response to the realization that migration occurs due to different reasons and aspirations. Though the reasons may

¹² An EU Agency for the operation management of large-scale IT systems, LISA began on 1 December 2012 and is responsible for the operational management of SIS II, VIS and EURODAC.

remain the same or change in the process, the migratory journey is heavily predetermined by the financial means of the migrant, the routes used by the particular smuggler and the restrictions in place by countries of transit and destination. This has resulted in mixed migratory flows encountered at points of origin, transit and destination, using the same routes and modes of entry but with different needs and reasons for migrating. Mixed migratory flows have also different directionality. They can share parts of the journey or form at transit points, or at arrival points. Their complexity requires equally adaptive strategies and mechanisms, currently lacking. It also means that the strategies aimed at economic migrants end up also affecting (and very often preventing) the journey of asylum seekers and potential refugees, fleeing conflict and persecution, in need of protection.

Yet protection is a game of chance, for those who succeed in overcoming the obstacles and reach the territory of member states. In contrast, prevention has been a consistent policy and one EU member states have heavily invested in, via Frontex. The Agency is the most visible face of the EU's Area of Freedom Security and Justice (AFSJ). Established in 2004, Frontex has had from the beginning an explicit mandate to assist in the application of existing and future measures regarding the management and surveillance of the external borders as well as coordinate operational cooperation in the field of management of external borders.¹³ Border surveillance however, especially at maritime waters is defined by the Council as "not limited to the detection of attempts at irregular border crossing but equally extends to steps such as intercepting **vessels** suspected of trying to gain entry to the Union without submitting to border checks..."¹⁴. It thus explicitly stated that prevention is an approved policy of managing irregular arrivals. To this Frontex contributes in two ways, through its Joint Operations and through (following the amended Regulation) its participation in Mobility Partnerships where third countries now have to sign working agreements with Frontex¹⁵ and conducts joint surveillance exercises outside EU borders (e.g. with Mauritanian authorities¹⁶).

FRONTEX is also administering-since December 2012- the flagship of the EU's border surveillance system, EUROSUR¹⁷. EUROSUR is seen as a way of enhancing co-operation between Europe's

¹³ "Frontex Regulation": Regulation (EC) No 2007/2004 of 26 October 2004.

¹⁴ 2013/0106 (COD) Council of the European Union, February 2014.

¹⁵ Carrera,S., den Hertog L., and Parkin J., (August 2012). "EU Migration Policy in the wake of the Arab Spring. What prospects for EU-Southern Mediterranean Relations?", in *MEDPRO Technical Papers*, No. 15, available at <http://www.ceps.eu/node/7215>.

¹⁶ Carrera,S., "Frontex and the EU's Integrated Border Management Strategy", in Juliet Lodge (ed.), *Are You Who You Say You Are? The EU and Biometric Borders*, Nijmegen, Wolf Legal Publishers, 2007, p. 67-100.

¹⁷ Regulation (EU) No 1052/2013 of 22 October 2013.

border control agencies while promoting the surveillance of the EU's external borders by FRONTEX, through state-of-the-art surveillance technologies. EUROSUR further strengthens the prevention aspect of the management of irregular migration.

The main purpose of EUROSUR is to improve the "situational awareness" and reaction capability of the member states and FRONTEX to prevent irregular migration and cross-border crime at the EU's external land and maritime borders. To this, the Commission has repeatedly stressed that the system will be essential in "protecting and saving lives of migrants". It is an interesting argument if one considers that this was never the aim of the system. Designed for intelligence gathering, if one looks to the EUROSUR regulation, the initial steps are the set up of national coordination centres that will provide FRONTEX, via the communication network, with information from their national situational pictures. The long term, however, aim, is to have up to date pre-frontier picture of what happens at the maritime, air and land borders, which means knowledge of departure from the third country or while in international waters to enable deterrence and/or return. Currently the system is rolled out on 19 member states, with the aim by 2015 to be across the EU-27.

According to the Heinrich Böll Foundation, in the only extensive document available regarding EUROSUR, the proposed Regulation "obliges Schengen states to conducting comprehensive "24/7" surveillance of land and sea borders designated as high-risk – in terms of unauthorised migration – and mandate FRONTEX to carry out surveillance of the open seas beyond EU territory and the coasts and ports of northern Africa¹⁸". Increased situational awareness of the high seas should force EU member states to take adequate steps to locate and rescue persons in distress at sea in accordance with the international law of the sea. Future steps include the ability to deploy unmanned aerial vehicles (UAVs) over the Mediterranean and the coasts of North Africa for surveillance purposes.¹⁹ Obviously, all of the above depend on the level of success of the first phase, cooperation between member states and available funding, which in the midst of the economic crisis remains tight. However, if successful, it will essentially provide the EU with the ability to control beyond the border line and before the border crossing, the movement of persons suspected of becoming irregular migrants; thereby preventing exit and entry and making the journeys fundamentally longer, more dangerous and more costly at a time when irregular arrivals of mixed migratory flows seem to be on the rise. On the other hand, an argument can be made that EUROSUR can assist with saving lives at sea, since it increases situational awareness. This in turns

¹⁸ Hayes, B. and Vermeulen, M. (June 2012), *Assessing the costs and fundamental rights implications of EUROSUR and the "Smart Borders" Proposals*. Study by the Heinrich-Böll-Stiftung.

¹⁹ In April 2014 the Greek Ministry of Maritime Affairs initiated a tender to rent surveillance services for its naval borders at the Aegean sea. The project envisaged compensation of 73,800 euros for 60 hours of surveillance over a period of two months, an average of 1,230 euro per hour, with 75 percent of the cost covered from European funds and 25 percent from national. For further information see <http://www.ipsnews.net/2014/05/immigrants-face-indefinite-detention-greece/>

means that member states and FRONTEX have an additional responsibility under international refugee law and the Search and Rescue regime based on the International Convention on Maritime Search and Rescue. Loss of life should, in theory, become the exception rather than the rule, but this remains to be seen in practice.

Until the new border measures however become fully operational, the member states making up the external borders of the Union continue to tackle mixed irregular migrant flows. From the early 1990s until the outbreak of the Arab Spring, the Southern Member States of the European Union—due to their geographical location also the external borders of the Union—have been on the receiving end of irregular arrivals, mimicking four interconnected vessels. Spain firstly, Italy second, Greece third and Malta last have seen their border controls tested with irregular arrivals from the Maghreb, sub-Saharan Africa, the Sahel and as far away as Asia. Irregular migration from the Mediterranean does not necessarily originate from the region or from the departure points. Pakistanis, Bangladeshis and Afghanis cross the borders from Iran and enter Greece via Turkey. Libya was one of the main destination countries for labor migrants from sub-Saharan Africa, who following the Arab Spring and the fall of the Gadhafi regime fled to safety towards the European Union, from economic migrants becoming asylum seekers. Mauritania and Senegal have been since the late 2000's transit points for entry to the Canary Islands for sub-Saharan Africans. West Africa remains one of the most important areas of emigration; however the majority of those who reach the EU have spent a significant time in transit or even worked for a period of time in countries like Tunisia, Egypt and Libya. Countries have acted at one time or another as destination areas and/or transit destinations. Those who also have external borders to the Mediterranean Sea are, by virtue of their geographical position, a logical destination to reach, since they act as the pathway to the other side of the Mediterranean²⁰.

One after the other, the member states at the external borders deployed measures and policies that targeted irregular arrivals²¹ through policies of externalisation and securitisation that proved, albeit for a period of time, successful. Spain, the first member state to introduce surveillance measures in its border controls proceeded to cut off the land border, specifically the enclaves of Ceuta and Melilla, through fences mounted with barbed wire and SIVE²². It turned to the Atlantic coast with Joint Operations with FRONTEX, patrolling maritime waters and cutting off access to the

²⁰ Charef, M. (2004). *Geographical situation as a facilitator of irregular migration in transit countries. Migrants in the transit countries: sharing responsibilities in management and protection*, Istanbul, Council of Europe Conference :41-57.

²¹ For a critical discussion on the Southern European islands see Triandafyllidou, A. (2014). Multi-levelled and externalizing migration and asylum: lessons from the southern European islands. *Island Studies Journal*, 9(1): 7-22.

²² Sistema Integrado de Vigilancia Exterior or SIVE as is known is a system of electronic surveillance.

Canary Islands. And finally, it proceeded to sign readmission agreements and partnerships with third countries to enable return of apprehended migrants.

Italy pursued an even more aggressive policy in which the building bloc was the partnership with Libya during the Gadhafi regime. The Treaty²³ signed by the two countries, enabled readmission of third country nationals to Libya, a country that is not a signatory to the 1951 Convention on Refugees. In a scalding report, Human Rights Watch²⁴ documented the practices of Italian coastguard of interdiction while at high seas and the push-backs to Libya in violation of *non refoulement*. The *Hirsi* judgement²⁵ of the European Court of Human Rights further condemned Italy of violating international human rights laws, during its 2009 operations in the Mediterranean. Italy similarly saw a lull in arrivals until 2011 and the Arab Spring. Malta eventually joined the Italian partnership and coordinated maritime missions with Italian coastguard. However to this day, issues of disembarkation and who is responsible for which vessel remain between the two member states.

Greece was the last of the external Southern member states to experience arrivals, yet it bore along with Italy significant volumes of mixed migratory flows. Greece stretches into the eastern Mediterranean, with 1,170 kilometres of land borders and 18,400 kilometres of coastline, including islands with close proximity to Turkey. For this reason alone, Greece is likely to remain an attractive entry point into the EU. The second element which will likely enable this continuous arrival of irregular migrants is Turkey. With its eastern frontier bounded by the Caucasus Mountains and the Black Sea in the North and the Mediterranean in the south, Turkey effectively funnels migrants traveling overland from the Middle East and South Asia into Greece. Turkey's immigration and asylum policy indirectly affects flows to Greece. By 2008, Greece accounted for 75 % of all arrests of irregular migrants in the EU and almost for 90 % by 2010. Greece attempted to deal with the maritime arrivals through heavier patrols. The country requested European assistance as early as 2006, with the Joint Operation (JO) by FRONTEX. JO Poseidon was originally designed for ten days. It has since become permanent and in 2011 extended to include also Crete, as well as the waters between Italy and Greece. FRONTEX's presence in Greece solidified through the establishment of the Operational Office in Piraeus, whose operations have been extended until 2015. In 2010, the maritime border reduced to a couple of hundreds and continued to drop to less than hundred

²³ Treaty of Friendship, Partnership and Cooperation between the Italian Republic and Great Socialist People's Libyan Arab Jamahiriya, signed on August 2008. The exact terms of cooperation were never disclosed.

²⁴ Human Rights Watch (21 September 2009). *Pushed back, Pushed around: Italy's forced return of boat migrants and asylum seekers, Libya's mistreatment of migrants and asylum seekers*, available at <http://www.hrw.org/reports/2009/09/21/pushed-back-pushed-around-0>. In the report HRW documents Libya's practice of push-backs of would-be migrants to the desert, preventing their exit from the country.

²⁵ ECtHR (GC), *Hirsi et al. vs Italy*, Appl. No. 27765/09, 23 February 2012

apprehensions until 2013. Though this reduction is generally attributed to FRONTEX'S presence, it is likely a result of the demining of the Greek-Turkish border which allowed the land route to open. Other factors have also come into play depending also on the nationalities of migrants. For example, the overall reduction in Afghan irregular arrivals is also a result of systematic push-backs of Afghan refugees in Iran and Pakistan back to Afghanistan.

Though an overall reduction in apprehensions was recorded for 2012 across the Southern Mediterranean, it was not permanent. Italy and especially the island of Lampedusa have been initially for the first trimester of 2011 and then consistently since late 2012 the main landing point of irregular migrants and asylum seekers. Spain's enclaves, previously cut off, have in the last couple of months seen consistent attempts by hundreds to storm the fences. Arriving in large numbers, some manage to get through and enter Spanish territory. The Greek maritime border, previously closed, opened once more in late 2013 (in part due to the cut off the land border). There has been a general change also in nationalities. Italy and Greece are receiving more Syrians, a direct result of the conflict and its prolongation. Syrians, who previously sought refuge in neighbouring countries of Lebanon, Jordan and especially Turkey, are leaving the refugee camps and new refugees in some cases avoid them completely. They seek instead, a direct entry to the European Union via Italy, Greece and Bulgaria. However, even in the case of Syrians, the figures reaching the EU are far below those of neighbouring countries. Of the 2.7 million people who have fled the war in Syria, 3 percent only have sought protection in EU member states.

Beyond Syria, there has been a noted increase in cross-border movement in the Sahel, especially Niger, Senegal and Mauritania, the last two main transit states for sub-Saharan Africans seeking to enter Spain via the Atlantic coast. There has also been a noted increase on the number of Eritreans. Situated in the Horn of Africa, with an extensive coastline along the Red Sea, Eritrea has surpassed Somalia as the leading country of origin in that region. Overall, according to FRONTEX'S annual report for 2013, there was a 48 per cent rise in irregular migration compared with the previous year, from 72,437 to 107,365. Syrians accounted for almost a quarter of last year's total - 25,546 - with Eritreans (11,298), Afghans (9,021) and Albanians (9,500) making up the main other nationalities. Detections of Nigerians (3,386), Malians (2,887), Gambians (2,817) and Senegalese (1,643) all quadrupled in comparison to 2012.

The shift in nationalities is crucial in the discussion of border controls, since as stated earlier, deterrence and prevention do not discriminate prior to the point of arrival. Until an operation becomes search and rescue or the migrant disembarks at the territory of the EU member state, he/she is treated as an irregular migrant, potentially returned and at times prevented from leaving the territory.

Interestingly, the one member state that undertook an initiative different from simple restriction and prevention was Italy. In the wake of the tragedy in Lampedusa and the second shipwreck that

followed, Italy launched Operation Mare Nostrum (Our Sea), drawing from what it called its *historical commitment* in the Mediterranean. The operation is unprecedented in scale and scope. It includes the participation of personnel, naval units and aircraft from the Italian Navy, the Army, Air Force, Carabinieri, Customs Service, Coast Guard, as well as Police officers on board the Units, and other national agencies. Mare Nostrum reinforced an already existing operation, Constant Vigilance, which was in place since 2004. The operation combines search and rescue with intelligence gathering. Italian ships intercept refugee boats in the Straits of Sicily and transfer the passengers to Italian ships, disembarking them in Italian ports. According to Italian Minister of Interior, Angelino Alfano, more than 20,500 migrants have been saved as a result of the operation in 2014 and more than 27,000 asylum applications have been lodged²⁶.

Mare Nostrum is an operation that blurs the boundaries between humanitarian and military operations since by coordinating navy, coast guard, police and air force Italy is moving more than any other southern member state in pulling all available resources towards border management. The cost of the operation however is estimated at 9 million per month, which makes it unsustainable in the long run. The aim of the Italian government is to bring in EU support, and link Mare Nostrum to a Common Security and Defence Policy focusing on trafficking and criminal organisations currently using the maritime border. It is one more step in placing migration under the umbrella of security. Though the effectiveness of the operation in saving lives cannot be doubted, the long term vision of a Mediterranean patrolled by military and civilian forces, coming to the rescue of migrants and asylum seekers is one that leaves room for doubt.

This has been in fact, stressed long before Mare Nostrum came into play. The European Parliament's Directorate-General for External Policies released in late 2013 an analysis titled, "Mediterranean flows into Europe: Migration and the EU's foreign policy," in which it reviewed the EU's external policies and instruments relating to migration in the Mediterranean, including the Mediterranean Task Force. The document outlines the serious shortcomings of a security-driven approach noting that "it is unclear whether the militarization of EU border management will actually save lives or create even more danger for migrants"²⁷.

The management of irregular migration is a complex issue, which requires a balancing act between the right to determine who enters the external borders and the obligation to ensure access for the submission of asylum claims. It is also a subject that continues to divide internally the Union. Northern member states remain the primary recipients of asylum claims; Southern member states by virtue of their geographical position receive the brunt of irregular arrivals. In 2013, Germany was the largest single recipient with 109,600 new asylum claims. France (60,100) and

²⁶ http://www.ansamed.info/ansamed/en/news/sections/generalnews/2014/04/15/immigration-alfano-20500-entered-italy-in-2014_870d74e8-f02b-4a0b-93dd-697b18510727.html

²⁷ DG EXPO/B/PolDep/Note/2014_5, March 2014.

Sweden (54,300) were also major receivers. However, it's worth mentioning that this uneven distribution is a result of geography, political divisions, different financial commitments and the failure to a large extent of the Common European Asylum System (CEAS) in providing uniform standards of protection and reception across all EU member states. According to a recent assessment conducted by NGOs in the EU, despite the adoption of an elaborate body of legislation, "the CEAS as defined in the Stockholm Programme remains a theoretical concept in particular for the men, women and children seeking international protection in the EU"²⁸. There is still a long way to go towards burden sharing and an even longer way towards achieving a sustainable balance at the external borders, between protection and efficient border controls.

²⁸ Asylum Information Database (AIDA), *Not There Yet: An NGO Perspective on Challenges to a Fair and Effective Common European Asylum System*, AIDA Annual Report 2012/2013, October 2013, p. 8, <http://www.asylumineurope.org/node/117>.