ALL AT SEA

The Policy Challenges of Rescue, Interception, and Long-Term Response to Maritime Migration

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CHAPTER TWO

UNAUTHORIZED MARITIME MIGRATION IN EUROPE AND THE MEDITERRANEAN REGION

By Elizabeth Collett

Introduction

Maritime migration across the Mediterranean Sea is not a new phenomenon; history has long connected the countries clustered around it. But there are few regions of the globe where such developmental and demographic disparities exist among geographically proximate countries. The delineation between European and African shores has been further emphasized in recent decades by the emergence of the European Union (EU) as a global economic and political power, and the accompanying creation of stronger, more coherent external border controls surrounding the bloc and a supranational legal framework for the management of migration.

Since the early 1990s, there has been a consistent flow of migrants across the Mediterranean from Africa and the Middle East (and sometimes further afield) undertaking dangerous, unauthorized sea journeys to reach European shores. The routes, volume, and composition of these flows have changed over time. However, the persistence of the movement over the past two decades, despite numerous policy interventions, hints at the intractable nature of the situation. Unauthorized maritime migration across the Mediterranean has long held a position on the European political agenda, but has now moved to the top.

The year 2014 saw an unprecedented rise in the number of people crossing the Mediterranean: more than 218,000 according to the

United Nations High Commissioner for Refugees (UNHCR).[1] The number of fatalities also reached a new high of at least 3,500.[2] But in 2015, the rate of arrivals on EU shores accelerated dramatically, particularly on the Greek islands in the Aegean that are only a short maritime crossing from the Turkish coast. By the end of 2015, more than 853,000 people had crossed the Aegean, placing European governments, and particularly Greece, under unparalleled pressure to take action.[3] With the intensification of both maritime flows and their political salience came a widespread perception of crisis across the European Union. Policies adopted by northern Mediterranean governments, and latterly the European Union itself, in response to these changes have met with varying degrees of success. The management of such flows is complicated by the interdependence of national and EU legal frameworks, the deep asymmetry between Member States with respect to their capacity to respond, and varying degrees of government stability across the southern basin.

Have the flows of fall 2015 signified a turning point in European reactions to maritime migration or have they merely pushed governments to double-down on existing policy approaches? This chapter looks at the nature and characteristics of Mediterranean flows over the past decade, and explores the intensifying policy responses of the European Union, its Member States, and critical transit countries. It investigates the particular challenges raised by the fact that the flows arriving in Europe include a significant number of asylum seekers, who must have their claims adjudicated according to international and EU law. This case study also looks at how EU policies may have created conditions that further complicate efforts to find a sustainable response. Finally, it looks at how policy responses are evolving in a tense political environment.

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1 United Nations High Commissioner for Refugees (UNHCR), "UNHCR Urges Europe to Recreate a Robust Search and Rescue Operation on Mediterranean, as Operation Triton Lacks Resources and Mandate Needed for Saving Lives" (press release, February 12, 2015).

2 Ibid.

3 International Organization for Migration (IOM), *Mixed Migration Flows in the Mediterranean and Beyond: Compilation of Available Data and Information, Reporting Period 2015* (Geneva: IOM, 2015).

I. A Never-Ending Cycle? Shifts in Flow Since 2004

Since the early 1990s, the major maritime routes to Europe have shifted every few years. During the 1990s, the major flows were from Turkey to Greece, Albania to Italy, and Morocco to Spain (see Figure 1). More recent routes include those from West Africa to the Canary Islands (Spain), from and through Libya and Tunisia to Italy and Malta, and again from Turkey to Greece by sea or land. In any given year, migrants travel to Europe via all of these routes, but the popularity of each fluctuates in an imperfect cycle, dependent on a number of factors—not least the evolution of transit- and receiving-country border management and the geopolitical situation in the region.

Figure 1. Major Unauthorized Migration Routes into the European Union
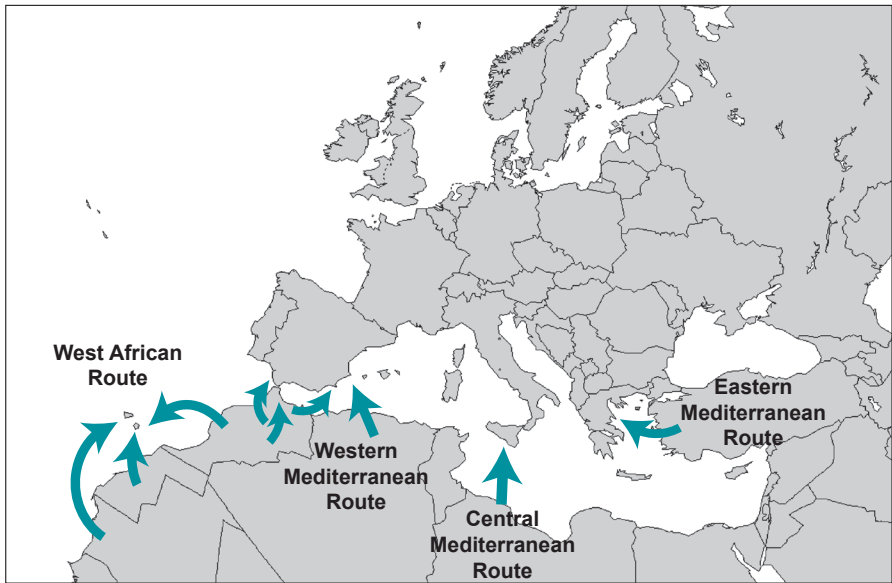
Source: Author's rendering.

Table 1. Unauthorized Entries Detected at EU Sea Borders, by Route

	Central Mediterranean	Eastern Mediterranean (by Sea)	Western Mediterranean (by Sea)	West African
2008	39,745	31,729	7,019	9,181
2009	10,236	28,848	5,003	2,244
2010	1,662	6,175	3,436	196
2011	59,002	1,467	5,103	340
2012	10,379	4,370	3,558	174
2013	40,304	11,831	2,609	283
2014	170,664	50,834	7,272	276
2015	153,946	885,386	7,164	874

Sources: Frontex, *Risk Analysis for 2016* (Warsaw: Frontex, 2016), 72; Frontex, *Annual Risk Analysis 2014* (Warsaw: Frontex, 2014), 31; Frontex, *General Report 2008* (Warsaw: Frontex, 2008), 13; Frontex, *Press Pack, May 2011* (Warsaw: Frontex, 2011), 7-9.

In the early 2000s, the routes from North Africa to Italy and Spain were the most significant, particularly the route from Libya to Sicily and the southern-most Italian island of Lampedusa. The number of migrants traveling this Central Mediterranean route has fluctuated year-on-year for much of the past decade, with notable surges during the Arab Spring of 2011 and again in 2014 and early 2015.[4] By 2007, a new flow of migrants had also emerged from West Africa (notably Senegal) to the Canary Islands. Then, by 2010, all other routes had been overtaken by those in the Eastern Mediterranean between Turkey and Greece (both by land and sea), which remain significant. Indeed, a review of headlines from the decade that focus on spontaneous maritime arrivals demonstrates a remarkably consistent sense of crisis; only the routes and destinations have changed.

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4   For a detailed overview of routes, see the Dialogue on Mediterranean Transit Migration, "2014 Map on Mixed Migration Routes" (map, May 2014).

Box 1. A Note on Data and Context

A caution must be made with respect to data. Estimates of total border crossings have improved since the European Union (EU) border management agency Frontex began to collate national data on detections of illegal external border crossings in 2008. Search-and-rescue operations in the Mediterranean have also likely contributed to more accurate counts of actual crossings and fatalities at sea. However, the clandestine nature of entry means that numbers remain approximations at best.

Tragically, the death toll at sea is likely to be a significant underestimate. Between mid-2013 and mid-2016, a group of journalists aggregated all available data on migrant fatalities on the routes to and through Europe, largely from media reporting, and found that their calculations were 50 percent higher than official estimations. Between January 1, 2000 and June 24, 2016, they estimated that nearly 35,000 people had died or disappeared while trying to reach or stay in Europe. Similarly, the International Organization for Migration (IOM) Missing Migrants Project has collected data on dead and missing migrants in the Mediterranean and elsewhere since 2014. The project uses data from national authorities, survivor testimonies, and media reports, but acknowledges that these data likely underestimate the true death toll.

It is also important to understand that the number of irregular maritime migrants is only part of the total unauthorized population arriving in Europe. Despite the dramatic surge in arrivals along the Eastern Mediterranean route in 2015, sea arrivals constitute 57 percent of all detected illegal external border crossings by land and sea. This figure does not include apprehensions at EU airports. In addition, prior to the 2014–15 migrant and refugee crisis, the majority of unauthorized migrants in Europe were thought to have arrived legally and subsequently overstayed their visas, though EU-wide data on overstay remains patchy.

Note: The data collected by journalists in The Migrants' Files captured fatalities along all land, air, and sea routes to and through Europe, and included deaths deemed to be linked to unauthorized status (for example, fatalities linked to poor detention conditions, which could include suicides) or deportation.
Sources: The Migrants' Files, "The Human and Financial Cost of 15 Years of Fortress Europe," accessed August 30, 2016; The Migrants' Files, "Events during Which Someone Died Trying to Reach or Stay in Europe," updated June 24, 2016; IOM, "Missing Migrants Project: Methodology," accessed August 29, 2016; Frank Laczko, Ann Singleton, Tara Brian, and Marzia Rango, "Migrant Arrivals and Deaths in the Mediterranean: What Do the Data Really Tell Us?" *Forced Migration Review 51* (January 2016): 30–31; Frontex, *Risk Analysis 2016* (Warsaw: Frontex, 2016), 17; European Commission, "Impact Assessment Report on the Establishment of an EU Entry Exit System" (SWD [2016] 115 final, April 6, 2016).

The oscillating shifts in route across the Mediterranean speaks to the resilience, diversity, and pervasiveness of information networks, and the ability of smugglers and other facilitators to adjust their business models to find the path of least resistance at any given moment. Indeed, evidence on the "packages" that facilitators offer migrants suggests a complex, tiered pricing model,[5] even going so far as to charge migrants extra for food and water.

Geopolitical events have a clear impact on flows to Europe. In 2011, the Arab Spring led to local disruption and displacement throughout North Africa and, according to Frontex, the number of migrants traveling across the Central Mediterranean rose nearly fifteen-fold from 4,500 in 2010 to 65,000 in 2011.[6] This highlights the challenge European border agencies face in ensuring that sufficient resources are situated in the right locations at the right time.

With hindsight, the Arab Spring was merely a taste of the challenges to come. At the end of 2014, maritime migration was set to become more entrenched and critical to address. The spectacle of several large, decrepit freighters departing from Turkey during the winter of 2014–15—set adrift while holding hundreds of refugees (almost all from Syria)—highlighted demand for passage as both steady and increasing. Though Turkish authorities put an end to this smuggling tactic in short order, the strategy revealed the planning, execution, and resources of a highly organized operation, and a degree of collusion with port workers and officials. For those paying for a place on the ghost ships, the choice reflected the narrowing options for passage across the Central Mediterranean (with Libya increasingly unstable) as well as the challenges of remaining in Syria or the neighboring region.

By the beginning of 2015, it was clear to many observers that the number of migrants attempting passage was likely to increase over the year, exacerbated by large-scale displacement from Syria. For the first half of the year, focus remained squarely on the Central Mediterranean route. The cold and stormy winter months usually see a lull in unauthorized maritime crossings, but the winter of 2014–15 was an exception; there was a sharp increase in boat journeys originating in Libya, with 3,800 migrants arriving in Italy over a single weekend in early

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5   United Nations Office on Drugs and Crime (UNODC), *Smuggling of Migrants into, through and from North Africa: A Thematic Review and Annotated Bibliography of Recent Publications* (New York: UNODC, 2010); Nektaria Stamouli, "Inside the Migrant-Smuggling Trade: Escapes Start at €1,000," *The Wall Street Journal*, March 29, 2016.

6   Frontex, *Annual Risk Analysis 2012* (Warsaw: Frontex, 2012).

2015.[7] A series of high-profile incidents also culminated in a record number of deaths in a single disaster on April 19, 2015, when up to 850 people died as their boat capsized off the coast of Libya.[8] This incident—following on similar disasters, intensifying media scrutiny, and increased public sympathy—finally catalyzed action from EU heads of state, who convened an extraordinary summit in Brussels to discuss a response (see Section V), including the establishment of a search and rescue operation to prevent further fatalities.

The chaotic high-profile flows in the Central Mediterranean obscured, during the first half of 2015, the upswing in journeys along the Eastern Mediterranean route from Turkey to Greece: smaller boats, shorter journeys, with less concentrated risk (though still dangerous). But as numbers increased sharply, the nature of the challenge facing EU policymakers shifted. This was no longer just an issue of saving lives, but of addressing a route that proved—within a matter of months—to be easily accessible to a far larger number of individuals. By mid-October 2015, arrivals on the Greek islands had reached 9,000 to 10,000 per day.[9]

For six months, the flows remained significant despite winter weather. Then, in March 2016, the border closures across the Western Balkans that impeded onward movement from Greece, coupled with the implementation of an unprecedented agreement between the European Union and the Turkish government to forcibly stem the flow, saw numbers drop precipitously. Within days, arrivals in Greece had dropped to just a few hundred per day, and crept lower through summer 2016.

Though many perceived this as heralding a definitive end to the crisis, in reality, the maritime migration flows merely reverted to their status 12 months earlier; large numbers were again arriving daily in Italy from North Africa, with some evidence of an emerging route from Egypt. Thus, at the time of writing, the Central Mediterranean had resumed its role as the dominant route. However, few of the underlying drivers impelling the large-scale movements of 2015 have receded.

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7   IOM, "At Least 3,800 Migrants Rescued from Mediterranean since Friday: IOM" (press release, February 17, 2015).

8   Anthony Faiola, "U.N. Estimates That up to 850 Migrants Perished in Capsized Boat off Libya," *The Washington Post*, April 21, 2015.

9   UNHCR, "Greece Data Snapshot (8 Nov.)" (fact sheet, UNHCR, Geneva, November 2015).

II. Who Is Arriving? The Characteristics of Mixed Flows

The composition and motivations of those undertaking the journey is as fluid as the routes they take, and the term "mixed flows" refers directly to this fact.[10] Some are fleeing conflict and persecution, as demonstrated by the increase in recent Syrian, Iraqi, and Eritrean arrivals. Others have economic motivations, although research has highlighted key, yet understated, links between conflict and the economic and social instability that drive economic migration.[11] Further individuals have personal reasons for traveling, to join family members, for example. Some may have been displaced before choosing to make the journey: many of the Afghan nationals who crossed the Eastern Mediterranean in 2015–16 had spent significant time in either Pakistan or Iran prior to the journey, whilst a large proportion of Syrian nationals had spent time in neighboring countries, rather than making the journey directly.[12] The absence of sustainable living situations in many key refugee-hosting countries has thus impelled many to continue on in search of better options.[13]

Migrants and refugees arriving by sea tend not to be the most impoverished populations. Significant financial means and stamina are required to make the journey, and the poorest groups are often unable to pay their way. Instead, many of those who arrive are educated and well-resourced, or are capable of working in the transit region to earn sufficient funds to make the crossing.[14] Thus, conversations about reducing poverty to diminish motivation may be misplaced with respect to Mediterranean maritime movements.

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10 Jacob Townsend and Christel Oomen, *Before the Boat: Understanding the Migrant Journey* (Brussels: Migration Policy Institute Europe, 2015).

11 Michael Collyer, "States of Insecurity: Consequences of Saharan Transit Migration" (working paper no. 31, Centre on Migration, Policy, and Security, University of Oxford, 2006).

12 UNHCR, "Profiling of Syrian Arrivals on Greek Islands in January 2016" (fact sheet, UNHCR, Geneva, January 2016); UNHCR, "Profiling of Syrian Arrivals on Greek Islands in February 2016" (fact sheet, UNHCR, Geneva, February 2016); UNHCR, "Profiling of Afghan Arrivals on Greek Islands in January 2016" (fact sheet, UNHCR, Geneva, January 2016); UNHCR, "Profiling of Afghan Arrivals on Greek Islands in February 2016" (fact sheet, UNHCR, Geneva, February 2016).

13 Adrian Edwards, "Seven Factors behind Movement of Syrian Refugees to Europe" (UNHCR press release, September 25, 2016).

14 UNODC, *Smuggling of Migrants into, through and from North Africa*; Hein de Haas, "The Myth of Invasion: The Inconvenient Realities of African Migration to Europe," *Third World Quarterly* 29, no. 7 (2009): 1305–22.

From 2013 onwards, the proportion of Syrian nationals making the journey rose dramatically—first across the Central Mediterranean, and subsequently between Turkey and Greece. However, it is notable that, while conflict and geopolitical changes were reflected through subsequent shifts in flows across the Mediterranean, the total number of migrants remained small compared to flows elsewhere, particularly within North Africa and the Middle East; UNHCR reported that just 5 percent of Syrian refugees had found protection within the European Union by the end of 2015.[15] Nonetheless, they were the dominant group among unauthorized maritime migrants by the end of 2014, with Eritreans in second place and Somalis close behind.[16] In 2015, the proportion of would-be asylum seekers amongst the flows further increased—notably from Syria, Iraq, and Afghanistan—tipping the balance heavily towards asylum-seeking groups. This shift added an additional layer of complexity for receiving countries tasked with addressing not just the rescue and safety of individuals, but also their protection needs.

However, the characteristics of those arriving differ greatly according to route and shift periodically. Most people who use the Central Mediterranean route are young men and generally come from countries in sub-Saharan Africa, such as Eritrea, Nigeria, and Somalia. While some are fleeing persecution or conflict (for example, those fleeing Somalia or Eritrea), others have economic motivations. In the first six months of 2016, most arrivals came from Nigeria (17 percent), Eritrea (13 percent), Gambia (8 percent), and Côte d'Ivoire (8 percent), with only a quarter from the top ten refugee-producing countries worldwide.[17] Between January and June 2016, men constituted between two-thirds and three-quarters of arrivals each month; relatively few women brave the journey, which has become fraught with exploitation and sexual violence. Almost all children who undertake the journey are unaccompanied.[18]

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15 Migration Policy Institute (MPI) calculations using data from UNHCR, "Global Trends 2015—Table 5. Refugees and People in a Refugee-Like Situation, Excluding Asylum-Seekers, and Changes by Origin and Country of Asylum, 2015" (dataset accessed August 29, 2016).

16 Frontex, *Annual Risk Analysis 2015* (Warsaw: Frontex, 2015).

17 UNHCR, Regional Bureau Europe, "Refugees & Migrants Sea Arrivals in Europe" (fact sheet, UNHCR, Geneva, June 2016); UNHCR, *Global Trends: Forced Displacement in 2015* (Geneva: UNHCR, 2016), 16.

18 UNHCR, Regional Bureau Europe, "Refugees & Migrants Sea Arrivals in Europe;" Amnesty International, "Refugees and Migrants Fleeing Sexual Violence, Abuse, and Exploitation in Libya" (news release, July 1, 2016).

These characteristics are juxtaposed with those of migrants traveling the Eastern Mediterranean route, most of whom come from major refugee-producing countries. Syrians, Iraqis, and Afghans comprised 89 percent of flows between January and June 2016; smaller numbers of Pakistanis and Iranians also undertook the journey. The relatively less dangerous route (compared with the Central Mediterranean) has, from time to time, also attracted smaller numbers of migrants from North and sub-Saharan Africa, such as Somalis and Moroccans.[19] Though many young men travel this route, a significant number of family units do as well. Between January and June 2016, nearly two-thirds of those undertaking the journey were women or children.[20] This may be linked to restrictions on family reunion introduced in major destination countries such as Germany and Sweden from mid-2015 onward.[21]

Growing numbers of unaccompanied children have made the journey to Europe in recent years. In 2015, 88,000 unaccompanied children applied for asylum in the European Union: almost four times the number in 2014 (23,000) and almost seven times the number in 2013 (13,000).[22] The most common countries of origin were Afghanistan and Syria, whose nationals tend to use the Eastern Mediterranean route, and Eritrea, whose citizens tend to use the Central Mediterranean route. But as these data only capture children who register with authorities and apply for asylum, they likely underestimate the total number traveling through Europe. In turn, there are limited data on children who register but then abscond from reception facilities.[23] Many transit and destination countries have struggled to cope with this surge of unaccompanied children; often, the result is inadequate

19 UNHCR, "Greece Data Snapshot (24 Dec.)" (fact sheet, UNHCR, Geneva, December 2015); UNHCR, "Nationalities of Mediterranean Sea Arrivals to Greece – 2015 Monthly Breakdown, as of 30 November 2015" (dataset, November 30, 2015).

20 UNHCR, Regional Bureau Europe, "Refugees & Migrants Sea Arrivals in Europe."

21 Heaven Crawley, Franck Duvell, Nando Sigona, Simon McMahon, and Katharine Jones, "Unpacking a Rapidly Changing Scenario: Migration Flows, Routes and Trajectories across the Mediterranean" (research brief no. 1, Unravelling the Mediterranean Migration Crisis, March 2016), 9.

22 Eurostat, "Asylum Applicants Considered to be Unaccompanied Minors – Annual Data [tps00194]," updated August 11, 2016.

23 Reasons for these children absconding could include seeking reunification with family members in other countries, fear of a negative decision on their asylum application, or falling victim to human traffickers. See European Migration Network (EMN), *Policies, Practices, and Data on Unaccompanied Minors in the EU Member States and Norway* (Brussels: EMN, 2015), 7.

assessment and referral procedures, and a shortage of appropriate reception facilities.[24]

III.   The Policy Response from Europe

Over the last several decades, both EU Member States and neighboring countries have made efforts to deter, rescue, or return those making the journey across the Mediterranean, with varying degrees of success. Often, success is measured in terms of the number of migrants taking a particular route following a particular initiative—although, as described above, deterrence in one part of the Mediterranean may lead, directly or indirectly, to an increase in traffic elsewhere.

National efforts take place under the umbrella of EU action and share the common goal of reducing the number of arrivals overall, which is arguably a greater challenge. As numbers have risen, the concept of EU solidarity has come under deep strain. Before turning to the complex interplay between so-called frontline states, such as Greece and Italy, and the overarching role of the European Union, it is useful to look at the policies that have been developed to address and manage the various routes across the Mediterranean. They are strikingly similar, wherever they have been applied, and though increased arrivals in 2015–16 catalyzed an intensification of EU political activity, the fundamental policies themselves have not changed.

A. Surveillance, Search, and Rescue

The core challenge of maritime migration is that the urgent humanitarian needs of those who find themselves in unsafe and overcrowded vessels overwhelm longer-term policy concerns, such as counter-smuggling. This means that ignoring a vessel, once identified, is not an option. The secondary challenge is then what to do with the boat and its occupants.

The approaches Southern European governments have taken to this second issue have fluctuated. Some have invested in joint patrols and early interdiction in the waters of countries of departure, preventing onward movement and escorting boats back to port. In the late

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24 UNHCR, "Europe Refugee Emergency –Unaccompanied and Separated Children" (briefing note, October 9, 2015).

2000s, Spain made several agreements with countries in North and West Africa to establish joint patrols in Mauritanian, Moroccan, and Senegalese waters. These formed the basis for joint coordinated operations by Frontex (the EU border management agency) in support of the Spanish government. They have also become the blueprint for a series of Frontex surveillance operations at different points across the Mediterranean, under the aegis of a particular EU Member State.

Other approaches have focused on pushbacks from international waters that return individuals to their country of departure, or nearby. The most controversial of these was the short-lived Italian partnership with Libya. A series of largely confidential agreements, beginning in 2003, included collaboration on the pushback of migrants to Libya, payments (referred to as "reparations") in return for the right of the Italian government to patrol Libyan waters, and Italian financial support for detention camps in Libya.

Yet in parallel to these prevention policies, active search-and-rescue operations are undertaken that result in the transfer of intercepted migrants to EU shores. These tend to take place close to the European border or in nearby international waters. The most notable of these was Operation Mare Nostrum. Established by the Italian government in October 2013, it rescued approximately 100,000 migrants from boats in the Mediterranean before being disbanded a year later.[25] Two distinguishing characteristics of Mare Nostrum were that search and rescue was a core mandate and that it operated further south than the pre- and coexisting Frontex Joint Operations Hermes and Aeneas, which followed the Frontex surveillance model. Critics of the Italian initiative have suggested that, by operating closer to Libyan shores, it encouraged smugglers in Libya to send a greater number of boats, in more unstable condition, and more overloaded with passengers, with the expectation that swift rescue would follow.

These contrasting policies sit uncomfortably beside each other, particularly as the government that eventually receives the migrants (who may or may not be making claims for asylum) will, by law and necessity, take on further obligations. Search and rescue is often (though not always) simpler as the ship undertaking the rescue is expected to assume responsibility for those rescued. However, this has also been contested repeatedly, including under the banner of joint missions (as seen in longstanding disputes between Malta and Italy regarding

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25 Duncan Robinson, "Alarm at Plan to End Italy's Mare Nostrum Rescue Operation," *Financial Times*, October 12, 2014.

disembarkation procedures for Frontex joint operations).[26] Interdiction and pushback may engender further humanitarian concerns if the country to which the individual is returned is not capable of offering such protection. The Italian partnership with Libya was cause for deep consternation from European governments, UNHCR, and NGOs alike given the lack of a national asylum system within Libya and concerns about the treatment of migrants in general.[27]

The preference for one approach over the other amongst European policymakers speaks not only to their interpretation of European and international legal frameworks, but also to changing national politics and public sympathies. It also reflects the stability of regional geopolitics: interdiction and return require the partnership and capacity of countries of departure, which may not be readily available. The Italian-Libyan partnership collapsed after the fall of the Gaddafi government, which led to concern about renewed flows from Libya to Lampedusa and elsewhere.

By contrast, search-and-rescue operations can be undertaken independently, and not only by official navy vessels. Alongside official Maltese government search and rescue operations, a charity, Migrant Offshore Aid Station (MOAS), began independent rescue operations in collaboration with Médecins sans Frontières (Doctors without Borders), led by the former commander of the Maltese Armed Forces, and rescued 11,600 people in 2014 and 2015.[28] In the Eastern Mediterranean, numerous independent operations sprang up in fall 2015, some

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26 In 2010, the European Parliament approved new Frontex rules that required migrants to be disembarked in the search-and-rescue mission's host country, rather than the nearest port of call. Malta subsequently withdrew from future Frontex missions, citing concerns about rescued migrants undertaking longer journeys to access care and about additional migrants placing further pressure on Maltese reception services. When Frontex launched Operation Triton in 2014, Malta agreed to participate only in very exceptional circumstances. See Sergio Carrera and Leonhard den Hertog, "Whose *Mare?* Rule of Law Challenges in the Field of European Border Surveillance in the Mediterranean" (CEPS Paper in Liberty and Security in Europe no. 79, CEPS, Brussels, January 2015), 9; *Malta Independent*, "Malta to No Longer Host Frontex Missions... PN, PL MEPs Trade Blows after EP Vote," *Malta Independent,* March 26, 2010.
27 Emanuella Paoletti. "A Critical Analysis of Migration Policies in the Mediterranean: The Case of Italy, Libya and the EU" (RAMSES working paper no. 12/09, European Studies Centre, University of Oxford, 2009).
28 Migrant Offshore Aid Station (MOAS), "About MOAS," accessed August 29, 2016; Médecins sans Frontières, "MSF & MOAS to Launch Mediterranean Search, Rescue and Medical Aid Operation" (news release, April 10, 2015).

of which were funded by private actors.[29] Commercial vessels have also found themselves at the heart of rescue efforts, though not without contention. In 2014, it is thought that they were responsible for the rescue of more than 40,000 people traveling from Libya, one-quarter of the total that year, often being called upon by Italian authorities participating in Operation Mare Nostrum.[30] However, various shipping associations have highlighted the safety implications of ill-equipped vessels taking on this responsibility, as well as overall cost to the shipping industry.[31] Indeed, some of those who have taken on the responsibility have found themselves facing prosecution and imprisonment on grounds of facilitating unauthorized migration, and even smuggling. In 2007, for example, a group of Tunisian fishermen were placed on trial in Italy for rescuing 44 migrants in a small boat 40 miles south of Lampedusa.[32]

Bilateral and joint operations have proliferated over the past decade and have involved, at various moments, a large number of agencies—including coast guards, maritime authorities, border patrols, and naval vessels from all countries with a Mediterranean coastline. EU efforts to consolidate maritime management of boat arrivals have been slow to progress, not least due to the reluctance of EU Member States to cede authority on critical issues to the Frontex, limiting the agency to merely coordinating efforts between states.[33]

As will be discussed below, the current EU approach retains the tension between rescue-and-return approaches, with the development of both EU-led search and rescue missions alongside monitoring operations designed to address countersmuggling and promote the pullback of departing vessels. Yet there are also signs that EU Member States have come to terms with the fact that maritime border management is a collective responsibility, even if disagreement persists over ultimate responsibility for those intercepted at sea.

29 See, for example, Emergency Response Centre International, "ERCI: Emergency Response Centre International," accessed August 29, 2016.

30 Lorenzo Pezzani and Charles Heller, "'Sharing the Burden of Rescue': Illegalised Boat Migration, the Shipping Industry and the Costs of Rescue in the Central Mediterranean," Border Criminologies (blog), University of Oxford, November 2, 2015.

31 An investigation published by Reuters in September 2015 estimated that the loss of business incurred when ships conduct a rescue cost companies between US $10,000 and US $50,000 per day. See Jonathan Saul, "In Mediterranean, Commercial Ships Scoop up Desperate Human Cargo," Reuters, September 21, 2015.

32 Statewatch, "Criminalizing Solidarity, Part II—Italy/Tunisia: Fishermen on Trial for Rescuing Migrants," updated September 2007.

33 Henry Foy and Duncan Robinson, "Frontex Chief Welcomes Plan for More Powerful EU Border Force," *Financial Times,* December 13, 2015.

Box 2. Technological Developments

Beyond the physical patrolling and management of flows, governments have also developed technology to help identify potential migrant-smuggling boats. In 1999, the Spanish government developed and implemented an electronic surveillance network, known as SIVE, capable of early detection of migrants attempting to cross the sea. More recently, EU agencies are exploring the role of Remotely Piloted Aircraft Systems (or drones) to support coast guard activities, such as monitoring borders and ships. However, early detection is only useful as a deterrent if accompanied by the means to deal effectively with those who attempt passage (whether through an asylum procedure or return).

The European Union has also taken steps to coordinate border surveillance and share information among Member States. The European Border Surveillance System (Eurosur) aggregates information on border activities (including illegal crossings and crime) collected by a network of Member State National Coordination Centers (NCCs), European-level surveillance tools (e.g., satellites), and Frontex. Eurosur then provides analysis on the current situation at European borders and beyond. Similarly, the European Defence Agency's Maritime Surveillance System (Marsur)—launched in 2006 and operational from 2014—collects and shares maritime data (such as ship positions and tracks) among the navies of participating European states. The European Commission aims to introduce a Maritime Common Information Sharing Environment (CISE) by 2020 that will connect up these existing surveillance systems. The European Union has also tried to expand cooperation on surveillance through partnerships with third countries, most notably through its proposed Seahorse Mediterranean Network (which would share information between EU Mediterranean countries and North African countries like Libya), but this has been impeded by political instability and limited buy-in among partner countries.

Sources: Beth Stevenson, "EU Agencies Release Tenders for UAV Coastal Monitoring," FlightGlobal, August 17, 2016; Jørgen Carling and María Hernández-Carretero, "Protecting Europe and Protecting Migrants? Strategies for Managing Unauthorised Migration from Africa," *The British Journal of Politics and International Relations* 13, no. 1 (February 2011): 42–58; Frontex, "Eurosur," accessed August 29, 2016; European Defence Agency, "European Maritime Surveillance Network Reaches Operational Status" (news release, October 27, 2014); Sergio Carrera and Leonhard den Hertog, "Whose *Mare*? Rule of Law Challenges in the Field of European Border Surveillance in the Mediterranean" (CEPS Paper in Liberty and Security in Europe no. 79, CEPS, Brussels, January 2015); European Court of Auditors, *Special Report No. 9/2016: EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014* (Luxembourg: European Court of Auditors, 2016).

B. *Enforcement through Partnership*

As detailed above, EU countries such as Spain and Italy recognized early on that cooperation with countries of departure would be critical in the effective management of maritime migration. In addition to partnering on surveillance and information sharing (see Box 2), European governments have developed a panoply of policies and approaches to both reduce the incidence of departure through deterrence and prevention and to ensure that those who do make the journey without authorization can be returned if necessary. Efforts have taken two broad forms: first, the negotiation of readmission agreements with key sending and transit countries; and second, the development of soft regional dialogue structures and broader partnership agreements that cover the full range of migration policy challenges, including legal migration and protection.

Return of unauthorized migrants is a core challenge of EU policy: the fear that individuals, once they have set foot in Europe, cannot be removed has catalyzed tough border management regimes and increasingly selective immigration policies. Many individuals cannot—and should not—be returned for reasons of safety. But others cannot be returned because the countries from which they originate, or through which they have passed, refuse to accept them. As a result, national governments and EU institutions have invested heavily in the promulgation of readmission agreements with key partner countries. As of August 2016, the European Union had 17 readmission agreements, while negotiations were ongoing with other third countries, such as Morocco.[34]

Given the difficulties of forging and maintaining agreements, European governments have made strategic choices on the basis of need. For example, the Spanish government has focused on neighboring nations in North Africa, such as Morocco and Mali. Meanwhile, arrivals to Italy stem largely from Libya, with a smaller number from as far away as Egypt. In order to address this, Italy has signed a number of bilateral readmission agreements with North African countries (including Algeria, Egypt, and Tunisia). The inclusion of some form of quid pro

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34 The European Union has readmissions agreements with Azerbaijan (entered into force in 2014), Turkey (2014), Armenia (2014), Cape Verde (2014), Georgia (2011), Pakistan (2010), Moldova (2008), Serbia (2008), Bosnia and Herzegovina (2008), Montenegro (2008), Macedonia (2008), Ukraine (2008), Russia (2007), Albania (2006), Sri Lanka (2005), Macao (2004), and Hong Kong (2004). See European Council and Council of the European Union, "Agreements and Conventions," accessed August 29, 2016.

quo—from labor agreements through to additional development support—is a key characteristic of readmission agreements, whether national or EU-wide. Within the EU framework, the willingness of a third country to sign a readmission agreement is often influenced by the prospect of forging a visa-facilitation agreement to allow its nationals to travel to Europe more easily.

These agreements are politically sensitive for partner governments, and they often prefer to work quietly within informal frameworks—such as memoranda of understanding[35]—that marry political acceptability with a certain lack of transparency, rather than flag potentially inflammatory cooperation with the European Union to their citizens.[36] This is not an option available to EU institutions; readmission agreements have been high-profile, hard-fought endeavors, which have tended to underperform.[37] For third countries, the incentive to participate in such agreements may stem from the historical, political, or broader-based relationships with particular European states. This, coupled with the fact that brokering individual agreements with interested EU Member States can open multiple sources of financial and technical support, means many third countries prefer multiple direct relationships, rather than one overarching EU-led deal. Yet despite slow progress, the European Commission continues to prioritize readmission agreements as a core part of its strategy to effect return, as will be seen below.

C. Broader Engagement

A number of regional dialogues include an emphasis on migration, including the Union for the Mediterranean, the Rabat Process, and the 5+5 dialogue. These structures allow countries along the Southern Mediterranean rim to agree on common priorities for action together with EU Member States. To date, these dialogues have produced little in terms of concrete change in policy, but have contributed to network building across the Mediterranean and to the proliferation of support projects funded by the EU neighborhood and development programs.

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35 Jean-Pierre Cassarino, "An Overview of North African Countries' Bilateral Cooperation on the Removal of Unauthorized Migrants: Drivers and Implications," Middle East Institute, May 4, 2012.

36 Jean-Pierre Cassarino, "Informalising Readmission Agreements in the EU Neighbourhood," *The International Spectator* 42, no. 2 (June 2007): 179–96.

37 European Commission, "Communication from the Commission to the European Parliament and the Council: Evaluation of the Readmission Agreements" (COM [2011] 76 final, February 23, 2011).

These investments are more proactive than reactive in nature, undertaken with the intention to deter unauthorized migration and, though still largely confined to rhetoric, provide alternative livelihoods to people who might otherwise feel compelled to travel to Europe.

This broader engagement has not yet paid dividends in terms of reducing migration flows across the Mediterranean, but reflects a more multifaceted approach to EU border management. However, challenges to this approach persist, not least in partner countries experiencing instability and government change, as with Libya. For example, the EU-Libya Border Management Assistance Programme currently operates from nearby Tunisia, and dialogue with Libya is, for the time being, limited to core security and border management issues.

Following the Arab Spring in 2011, the European Commission reinvigorated its strategy of partnership with the southern Mediterranean states in an effort to bolster the positive changes that the uprising heralded. As part of this, the European Union began to pursue a series of mobility partnership agreements with North African countries. Mobility partnerships are a flagship initiative of the EU Global Approach to Migration (first developed in 2005), bringing interested Member States together with third countries to negotiate a series of principles and projects to foster a comprehensive approach to migration management, which theoretically includes facilitation of legal migration. Though these more focused agreements have been reached with a number of Mediterranean states,[38] it is unclear whether they have brought about significant change. Rather, they often become the umbrella agreement under which pre-existing EU and bilateral projects are collated. However, the existence of an agreement that requires broad-based dialogue on a regular basis should, in theory, improve overall relationship management.

D. Southern Investments

Countries to the south of the Mediterranean, notably Algeria, Libya, Morocco, and Tunisia, have also developed migration management policies in recent years. Many have been developed in collaboration with, or been supported by, the European Union (or individual Member

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38 The European Union has signed mobility partnerships with Moldova and Cape Verde (2008); Georgia (2009); Armenia (2011); Morocco, Azerbaijan, and Tunisia (2013); and Jordan (2014). See Paula García Andrade, Iván Martín, Viorica Vita, and Sergo Mananashvili, *EU Cooperation with Third Countries in the Field of Migration* (Brussels: European Parliament, 2015), 31.

States), and have included upstream efforts to stem irregular entry into these countries from further south. The fact that EU development funds have been used to support border management initiatives has been criticized by a number of actors.[39]

In the past few years, it has become clear to several southern Mediterranean governments that their countries are gradually becoming destinations as well as points of transit. As a result, some have moved to develop more comprehensive approaches to the management of migration, which may have a concomitant effect on migration through these countries to Europe. For example, the Moroccan government announced several measures in 2013 and 2014, including a regularization scheme for unauthorized migrants in the country and the development of an immigrant integration policy, which would include language and job training.[40]

IV. An Emerging EU and Euro-Mediterranean Response

Responses to maritime migration have been complicated by the realities of the European Union. The concept of solidarity, heralded as a core principle of EU policy, implies that should one Member State experience a large-scale crisis, all others should rally around it in support.[41] Similarly, the nature of EU collaboration on mobility—and specifically the unfinished nature of current systems—means a structural weakness in one country quickly becomes a structural weakness for all.

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39 See, for example, Oxfam, "EU Ministers Must Change Course on Migration Cooperation with Africa" (press release, May 11, 2016).

40 Anna Jacobs, "King Mohammed VI Calls on the Government to Preserve the Right of Immigrants in Morocco," *Morocco World News*, September 10, 2013; Katharina Natter, "Almost Home? Morocco's Incomplete Migration Reforms," *World Politics Review*, May 5, 2015.

41 The concept of solidarity is laid out in Article 222 of the Treaty of Lisbon: "The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to.... assist a Member State in its territory, at the request of its political authorities." See European Union, "Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community," December 13, 2007.

This became painfully evident in 2015, though warning signs had existed for many years.[42] As detailed above, there were two main destinations for migration flows across the Mediterranean in 2015: Italy and Greece. While the two countries experienced very different flows, they posed a singular challenge for the European Union. To understand this, one must understand interstate cooperation within the European Union, as well as the deeply variable positions and capacity of its Member State.

The Knock-On Effects of Maritime Migration within the European Union

EU Member States are fundamentally intertwined. The signing of the Schengen Convention in 1985 led to the removal of internal borders between the majority of EU Member States. The six nonparticipating states are Bulgaria, Ireland, Romania, the United Kingdom and, critically for matters of maritime migration, Cyprus and Malta. To ensure the internal security of the Schengen area, EU Member States developed a range of legal and operational instruments to improve coherence and cooperation at external EU borders, and to harmonize national asylum systems, visa policies, and measures to address irregular migration.

Common border management thus developed as a corollary to the Schengen Agreement, based on the premise that the external borders of the European Union are only as strong as the weakest link. Initially, cooperation was limited to capacity building and the development of a Common Border Code, but by 2005, the European Union had established its own border management agency, Frontex, to support closer coordination between Member States. Critically, Frontex has no direct responsibility for the actions undertaken during these operations, or for border management writ large, which remains with the Member States involved. Since 2005, Frontex has grown significantly—from a budget of 6.28 million euros in 2005 to 87.92 million euros in 2010 (a 14-fold increase in five years) and a projected budget of 254 million euros in 2016.[43] In the beginning, it relied heavily on specific offers of technical, infrastructural, and financial support from Member States. In 2011, new legislation was passed to further expand the mandate and

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42 Elizabeth Collett, "The Asylum Crisis in Europe: Designed Dysfunction" (MPI commentary, September 2015).

43 Frontex, *Beyond the Frontiers – Frontex: The First Five Years* (Warsaw: Frontex, 2010); Frontex, "Budget 2016" (budget tables, December 24, 2015).

powers of the agency to buy and maintain its own equipment, though it remained deeply reliant on Member State engagement.[44]

The capacity of each EU Member State to fulfil its national obligations regarding external border management depends on two key factors: geography and resources. Several governments, such as Luxembourg and Austria, have no external land or sea borders, and several of those that do, such as Sweden and Denmark, are clustered in regions surrounded by peer Member States. At the other extreme, Greece has had to contend with a near-impossible border management proposition: an extensive land border with Turkey and a sea border characterized by multiple archipelagos of small islands.

As mixed flows of migrants and asylum seekers fluctuated between Greek land and sea borders in the late 2000s, Frontex offered support in the form of joint operations. However, it became clear that there were broad deficiencies in the Greek government's approach to border management as well as in the reception processes for those who arrived. For example, along the Greek-Turkish land border, the central Greek response was to erect a 10.5-kilometer wall at the most porous point, supplemented by teams of border officials from across the European Union to bolster the Greek-led teams. However, efforts to secure one part of the border led to increased arrivals elsewhere—in particular a diversion from land to sea crossings. In January 2014, a boat being towed by a Greek coast guard vessel capsized, leading to 12 deaths[45] and raising questions about the Greek capacity to undertake maritime search and rescue. The absence of national migration and asylum infrastructure within the country, combined with limited national financial resources to redress this, led Greece to become deeply reliant on the European Union and other Member States to finance investments in border management and the development of an asylum system. The situation in Italy, though less acutely deficient, faces similar geographic and resource limitations.

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44 "Regulation No 1168/2011 of the European Parliament and of the Council Amending Council Regulation (EC) No 2007/2004 Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union," *Official Journal of the European Union* 2011 L 304/1, November 22, 2011.

45 UNHCR, "UNHCR—Statement on Boat Incident off Greece Coast" (press release, January 21, 2014).

Box 3. The Development of the Common European Asylum System

Over the past three decades, the EU Member States have come together to develop a series of systems to manage the movement of people, whether travelers, migrants, or asylum seekers. In developing a common travel area, referred to as the Schengen system, it quickly became clear to all participating governments that a common policy baseline for immigration and asylum across the European Union was needed. The foundation for this is the Dublin Convention, which states that asylum seekers should have their protection claims adjudicated in the country through which they first enter the European Union. One Member State can send asylum seekers back to another if it can prove that they first entered there. This has become the cornerstone of the Common European Asylum System (CEAS), which outlines minimum standards on reception, adjudication, return, and the creation of a coordinating agency—the European Asylum Support Office.

The creation of the CEAS has had uneven effects across the European Union. Although first-arrival countries must deal with initial reception, many migrants who land there avoid fingerprinting so as to be able to move onward through Europe and claim asylum elsewhere without triggering the Dublin obligation to return them to their first point of entry. In the move toward harmonization, the role of the European Union itself remains somewhat uncertain. Though the collaborative frameworks are regulated, and (ideally) monitored, by EU institutions, most of the actual power remains with its Member States. Each monitors its own borders and, beyond meeting EU-determined minimum standards, makes decisions about the functioning of its own national asylum systems. While the only sustainable long-term solutions are likely to be found through coordinated EU action, this will require a political consensus that will be extremely difficult to establish.

As a result, the European Court of Human Rights (ECHR) and the European Court of Justice (ECJ) have slowly become more active in the area of immigration policy. Although the courts have slightly different remits—the ECHR rules on violations of human rights, and the ECJ rules on infractions of EU law—they have both demonstrated an activist approach to monitoring Member State activities in the Mediterranean and elsewhere.

As a result of the 2012 ECHR ruling in *Hirsi vs. Italy* that pushbacks to North Africa were a violation of European human-rights law, even if they occurred outside Member States' territorial waters, the European Union

agreed new rules on interception. Subsequent legislation clarified that individuals should not be "forced to, conducted to, or otherwise handed over to" unsafe countries, where there is a serious risk of death, torture, or other inhuman or degrading treatment—nor should they be handed over to ostensibly safe countries that might then hand them over to unsafe countries.

Rulings on the function of CEAS itself, specifically the Dublin Convention, can have a knock-on effect for the management of external borders. In the case of *Tarakhel vs. Switzerland*, the ECHR ruled that an Afghan asylum-seeking family could not be returned to Italy, their first country of entry into the European Union, over concerns about reception conditions there for families with children. This may expand the grounds for preventing returns under the Dublin Convention, meaning that Member States cannot return migrants to countries of first arrival if standards of protection are not being met there.

Sources: Hirsi Jamaa and Others v. Italy, Application No. 27765/09 (European Court of Human Rights, 2012); "Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 Establishing Rules for the Surveillance of the External Sea Borders in the Context of Operational Cooperation Coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union," *Official Journal of the European Union* 2014 L189/93, June 27, 2014; Steve Peers, *New Rules on Maritime Surveillance: Will They Stop the Deaths and Push-Backs in the Mediterranean?* (London: Statewatch, 2014); *Tarakhel v. Switzerland,* Application No. 29217/12 (European Court of Human Rights, 2014).

Why should other EU Member States get involved? In theory, the dual concepts of solidarity and equitable responsibility sharing—frequently invoked by Mediterranean states[46] and repeated in endless EU documents—should be sufficient. But these concepts remain poorly defined and are thus easy to ignore. In reality, motivations have been more complex, and certainly not without reservation. While other, more remote EU Member States recognize the extraordinary position of the Mediterranean-adjacent states, they are equally aware that many, if not most, arrivals to these states do not intend to remain there. Instead, the majority seek to move on to other EU Member States, predominantly in Northwestern Europe. Many of these arrivals also claim asylum at their final destination, despite the existence of EU rules, specifi-

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46 Notably via the statements of the Quadro Group, a regional bloc composed of Cyprus, Greece, Italy, and Malta.

cally the Dublin Regulation, delineating the country of first arrival as the one responsible for such claims (see Box 3). Despite being on the frontline of irregular maritime arrivals, Italy and Greece received just 8 percent of all first-time EU asylum applications in 2015 (7 percent, and 1 percent, respectively), while Germany received 35 percent of all applications.[47]

This secondary movement across the European Union has proved the greater catalyst for action amongst EU Member States that do not directly receive maritime arrivals. These states see onward movement as a security risk, as well as evidence of southern states passing on the responsibility to provide asylum by not systematically registering and fingerprinting all arrivals. However, for the most part onward movement was seen as a manageable irritant, largely confined to technical discussions between EU Member States.

The 2011 Arab Spring highlighted how quickly this irritant could transform into a political issue: although the 20,000 Tunisian nationals that arrived on European shores constituted a small proportion of those displaced by the unrest, the decision by the Italian government to offer them temporary residence permits catalyzed a dispute between Italy and France, and led to the temporary reintroduction of border controls between the two countries.[48] Similarly, in 2011 the European Court of Human Rights ruled that returning asylum seekers to Greece from elsewhere in the European Union—as mandated by the Dublin Convention for those who first arrived in the country—would amount to a violation of their rights, given poor reception conditions in Greece. This left northern Member States with no other option than to take primary responsibility for secondary arrivals.[49]

Given the mutual frustration between northern and southern Member States concerning their relative levels of responsibility for arrivals, it is easy to assume that the entire European Union has a stake in managing maritime migration. However, this is not so: a number of countries, notably those to the east, have been largely unaffected and have less experience managing large-scale asylum systems. However, the lack of capacity in these countries—many of which had long been relatively passive bystanders during EU discussions of asylum responsibility-

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47 Eurostat, "Asylum and First-Time Asylum Applicants by Citizenship, Age and Sex. Annual Aggregated Data (Rounded) [migr_asyappctza]," updated March 18, 2016.

48 MPI, "Top 10 of 2011 – Issue #1: Arab Spring and Fear of Migrant Surge Expose Rift in EU Immigration Policy Circles," *Migration Information Source*, December 1, 2011.

49 *M.S.S. v. Belgium and Greece*, Application No. 30696/09 (European Court of Human Rights, 2011).

sharing—is also cause for concern. A number of countries beyond Greece, such as Bulgaria and Hungary, have been found wanting in terms of their implementation of EU minimum standards regarding border management, asylum reception, and processing claims. This is not just an issue of political will and implementation, but also the ability of less well-resourced countries to create spare capacity to deal with fluctuations in arrival numbers. For example, the number of asylum applications Bulgaria received increased by 467 percent between 2012 and 2013 (from 1,230 to 6,980), placing enormous strain on the national systems and necessitated a swift European response.

V. 2014 Onwards: Crisis Escalation

Between 2014 and 2016, European policy responses to the escalating sense of crisis had two distinct phases: first, policy responses to mounting fatalities along the Central Mediterranean route dominated until mid-2015, spurred by the activism of the Italian government; second, efforts to address the exponential rise in flows from Turkey to the poorly resourced Aegean islands of Greece from mid-2015 through to March 2016. At the time of writing, a distinct phase three is yet to materialize; many observers note that few of the drivers impelling individuals to undertake these dangerous journeys have subsided, and efforts to address differences within the European Union itself have not yet resolved fundamental challenges. The locus of activity has now swung back to the Central Mediterranean, with flows in 2016 matching those of 2015 (see Figure 2). However, political perceptions of crisis are not static, nor are they a precise reflection of on-the-ground conditions; following the extraordinary flows across the Eastern Mediterranean in late 2015, and despite the high number of registered fatalities in 2016, there is now a pervading sense that the Central Mediterranean route is manageable.

Figure 2. Monthly Maritime Arrivals in Europe, by Route, January 2015–August 2016
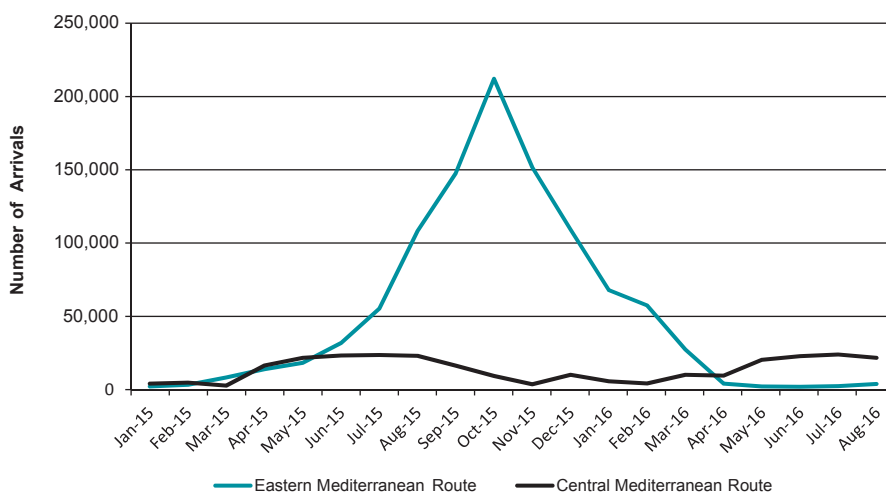
Source: UNHCR, "Refugees/Migrants Emergency Response, Mediterranean—Demographic Data" (dataset accessed September 13, 2016).

A. *The Central Mediterranean*

It is a sad truth that the majority of policy responses regarding the Central Mediterranean over the past three years have been catalyzed by visceral televised images of individual loss of life. In October 2013, around 368 (mostly Somali and Eritrean) migrants traveling from Libya to Italy drowned off the coast of Lampedusa.[50] Within days, the Italian government commenced Operation Mare Nostrum, calling on the European Union and other Member States to support it.[51]

Instead, the European Commission convened a Task Force on the Mediterranean (TFM), cochaired by the Italian government, to bring together relevant officials from EU Member States, the European Commission, EU agencies, and international organizations. In December

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50 BBC News, "Italy Boat Sinking: Hundreds Feared Dead off Lampedusa," BBC News, October 3, 2013; Barbara Molinario, "Eritrean Survivor of Lampedusa Tragedy Returns to Honour the Dead, Meet Pope Francis" (UNHCR news release, October 2, 2014).

51 The European Union contributed 1.8 million euros in emergency funding to Mare Nostrum. At the national level, the Slovenian government was the only one to respond to the call for support, by offering a ship.

2014, the TFM issued a report outlining the measures the European Union intended to take with respect to migrant flows across the Mediterranean. The initial report offered very little that was new, but rather reviewed current activity.[52] This may have been a result of "too many cooks" in the room: a dozen policy portfolios (Directorates General) with differing priorities and 28 EU Member States with a broad range of interests, coupled with limited political focus and will to resolve the issue among all but the core southern states.

In June 2014, heads of state outlined EU priorities for the next phase of policy development, but mentioned the Mediterranean only obliquely. The resulting strategic guidelines offered few concrete ways forward, particularly on the issue of EU solidarity. More detailed ideas emerged outside of the spotlight, notably a proposal from the Austrian government outlining an EU humanitarian initiative on refugee resettlement,[53] which the Commission began to further develop. Meanwhile, in October 2014, Interior Ministers agreed on a set of operational priorities, including deeper cooperation with third countries, and floated the possibility of creating asylum processing centers in transit countries.[54]

Eventually, and largely in response to the Italian threat to cease Mare Nostrum operations, 22 Member States reluctantly agreed in October 2014 to contribute to Operation Triton, a Frontex-led border protection operation with a narrower geographical remit and mandate than Mare Nostrum. Critically, Triton does not include an explicit search-and-rescue component, although its patrol vessels do rescue people in distress if they encounter them, which is typically what then occurs. However, this more passive approach still relies on the engagement of the Italian navy and others to offer an active search component.

As Central Mediterranean crossings increased during the first months of 2015, the now-familiar cycle of crisis and policy reaction reached a new high. In mid-April, two large and overcrowded boats capsized; the second of these resulted in the largest single loss of life during a crossing to Europe, with around 650 fatalities. The scale of the disasters,

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52 European Commission, "Communication from the Commission to the European Parliament and the Council on the Work of the Task Force Mediterranean" (COM [2014] 869 final, December 4, 2013).

53 Austrian Delegation to the Strategic Committee on Immigration, Frontiers, and Asylum, "EU Resettlement Initiative – 'Save Lives'" (discussion paper, Council of the European Union, September 7, 2014).

54 Council of the European Union, "Council Conclusions on Taking Action to Manage Migratory Flows" (conclusions following a Justice and Home Affairs Council meeting, Luxembourg, October 10, 2014).

combined with the accelerating pace of arrival, finally spurred a political response commensurate to the challenge: the Council convened the first extraordinary EU summit on migration, bringing together European heads of state to discuss the challenge.[55]

A ten-point plan, hastily drafted by the European Commission and the European External Action Service, called for increased resources from EU Member States for Operation Triton, though notably omitted any explicit reference to a search-and-rescue mandate.[56] Much of the discussion, and division, focused on whether the Italian Mare Nostrum initiative had itself increased, rather than reduced, the incidence of boat journeys across the Central Mediterranean. Despite this, the humanitarian imperative to prevent further loss of life outweighed concerns about the new operation becoming a similar pull factor.

The ten-point plan also focused squarely on disrupting the smuggling operations that facilitate maritime migration and on preventing further movement—a move that was heavily criticized by several UN agencies and many nongovernmental observers for focusing on security rather than humanitarian concerns. Notably, the plan called for a military operation under the auspices of the EU Common Security and Defence Policy (CDSP) to board, search, and seize boats intercepted in the Mediterranean. This operation—known formally as EU NAVFOR (and later christened Operation Sophia)—was launched in July 2015, and had several phases of implementation. The first phase, intelligence gathering, was largely uncontroversial and lasted until October of that same year. The second and third phases focused on the operational goal of seizing and destroying boats leaving Libya and arresting any smugglers found aboard, initially in international waters and latterly in Libyan waters, subject to the permission of the Libyan government and a UN Security Council resolution. A final phase then envisaged pursuit of the same goal on Libyan soil prior to departure. Twenty-two EU Member States contributed to the operation with vessels personnel.

The operation has been controversial in a number of ways, notably whether an EU coercive operation would be allowed to operate in Libyan waters. In the first months of the operation, there was no Libyan government in place to give approval, and the UN Security Council expressed grave concerns about the nature of the operation and, crucially, whether it would open the legal door to other more incursive

55 European Council, "Special Meeting of the European Council, 23/04/2015," updated April 23, 2015.
56 European Commission, "Joint Foreign and Home Affairs Council: Ten Point Action Plan on Migration" (press release, April 20, 2015).

operations elsewhere. Eventually, however, a UN Security Council resolution was passed in October 2015 to allow the force to operate in international waters.[57] At the time of writing, neither the new Libyan Government of National Accord nor the United Nations had given permission for the mission to extend into Libyan waters.

Beyond the legal mandate, a number of NGOs and human-rights groups expressed concern that by focusing on countersmuggling rather than the migrants aboard the boat, the operation would endanger lives. In practice, the responsibilities imposed by international law have meant that interceptions typically also result in the rescue of the individuals on board. Indeed, in the intelligence-gathering phase alone, EU NAVFOR vessels rescued more than 3,000 individuals. From the operational side, there were concerns that the patrols might become a pull factor (similar to the concern expressed about Mare Nostrum) and that they might change the calculus of smugglers involved in the industry, reducing the overall efficacy of the operation. A leaked report of the first six months of the operation conceded that smugglers did seem to be responding quickly to the new reality, and that the operation would slowly lose efficacy if limited to the high seas, as smugglers were learning to operate from within Libyan waters, fueling boats just enough to travel a very small distance from the Libyan coast into international waters.[58]

In June 2016, additional responsibilities were added to the EU NAVFOR mandate, including the training and capacity building of the Libyan border and coast guard.[59] This represented an exit strategy for the European Union in that fully capable Libyan forces would be able to identify, intercept, and "pullback" boats independently, negating the need for EU-led operations that resulted in rescue and transfer to Europe. However, given the fragility of the current government, the continued instability and violence across much of the country, and the reportedly dire refugee-reception conditions,[60] this is considered to be both a long-term strategy and one that may result in worsened conditions for a stranded migrant population.

57 United Nations Security Council, "Resolution 2240 (2015)," October 9, 2015.
58 European External Action Service (EEAS), "EU NAVFOR MED Operation Sophia – Six Monthly Report for the Period 22 June-31 December 2015" (working document, EEAS, Brussels, January 2016).
59 European Council and Council of the European Union, "EUNAVFOR MED Operation Sophia: Mandate Extended by One Year, Two New Tasks Added" (press release, June 20, 2016).
60 Amnesty International, "EU Risks Fuelling Horrific Abuse of Refugees and Migrants in Libya" (news release, June 14, 2016).

What is clear in the short term is that, despite these investments, flows across the Central Mediterranean and fatalities at sea have yet to decrease. Naval operations are, and can only be, one small part of the overall solution. Beyond these headline initiatives, designed to deal with immediate humanitarian challenges, a number of other priorities have been articulated to address the broader drivers of mixed migration outside the European Union and to strengthen internal cooperation to manage the large number of arrivals at Europe's external borders (see Section VI in this chapter).

B. *The Eastern Mediterranean*

It took some time for media outlets and other observers to recognize the dramatically increasing number of migrants crossing from the Turkish coast to the Greek islands. The number of arrivals had been gradually increasing from April 2015, but it was not until August when more than 100,000 migrants and asylum seekers began arriving per month on the scattered islands that the Eastern Mediterranean route received serious attention.

The islands of the Aegean are remote, poorly resourced, and unequal to the task of receiving large-scale inflows. In the early stages, disparate groups of volunteers and small NGOs operated ad hoc search and rescue and provided initial shelter amid a chaotic set of interventions from the Greek government. Larger international organizations and agencies slowly arrived during the summer of 2015, but it took time to set up infrastructure. This was in part due to internal concerns amongst many agencies, notably UNHCR, that initial reception and support should be the primary responsibility of the Greek government, rather than overstretched humanitarian organizations. Despite strong encouragement from the European Commission and the increasingly desperate lack of basic resources, officials in Greece were reluctant to invoke the Civil Protection Mechanism (typically used for disaster relief following flooding, earthquakes, or forest fires).

There are several reasons for the slow response. The swift upswing in arrivals would have taxed even the most well-resourced of nations; indeed, further north, asylum seekers quickly overwhelmed the reception capacities of Germany, the Netherlands, and Sweden. The basic lack of capacity in the Greek immigration and asylum system was a pre-existing problem, further compounded by the fact that the Greek government had extremely limited emergency resources in the wake of deep recession and austerity measures that drastically cut govern-

ment spending and shrunk the public sector since 2010. Political will also played a role. While in the Central Mediterranean the primary challenge was characterized as one of search and rescue, to the east, the challenge was one of reception and onward movement. Recognizing that few arrivals wished to remain in Greece, the primary goal of the Greek government was to transfer arrivals from the islands to the mainland, where they could continue their journey north via the Western Balkans—not developing robust domestic reception capacity.

By the end of 2015, after more than 800,000 people had arrived via the Eastern Mediterranean route, with thousands more arriving each day, a sense of political panic was growing, particularly in the northern European countries dealing with escalated numbers of asylum claims. This was particularly the case for Germany that received more than one-third of all asylum claims within the European Union in 2015, and a domestic increase of 155 percent from the previous year.[61] With little opportunity to prevent departures from the Turkish coast, inadequate development of registration and reception centers on the Aegean islands, and Western Balkans states adopting a "wave through" policy for migrants and asylum seekers traveling across the Greek border, EU heads of state began to consider more drastic options to stem the flow, and turned to the Turkish government.

Following the publication of an EU-Turkey Action Plan by the European Commission in October 2015, a series of negotiations over the winter led to a seminal, and controversial, deal struck with the Turkish government on March 18, 2016. Full implementation came just two days later. The agreement aimed to address the overwhelming flow of smuggled migrants and asylum seekers traveling from Turkey to the Greek islands by tasking the Turkish coast and border guard with preventing departures, and allowing Greece to return to Turkey "all new irregular migrants" arriving after March 20. In exchange, EU Member States pledged to increase resettlement of Syrian refugees residing in Turkey,[62] accelerate visa liberalization for Turkish nationals, and significantly boost existing financial support for the refugee population in Turkey.[63] The deal was met with substantial criticism, notably concerning the way the deal would be implemented and whether the

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61 Eurostat, "Record Number of Over 1.2 Million First Time Asylum Seekers Registered in 2015" (news release, March 4, 2016).

62 For every Syrian national returned to Turkey from the Greek islands under the deal, one Syrian national residing in Turkey would be resettled to the European Union under a "one-for-one" formula.

63 European Council and Council of the European Union, "EU-Turkey Statement, 18 March 2016" (press release, March 18, 2016).

treatment of individual asylum seekers would meet legal and human rights standards.

Despite this criticism, the deal served its purpose, and from a political perspective, it was seen as a necessary intervention to reduce rising levels of chaos and public anxiety. The reduction in flows has been a result of swift action from the Turkish government, coupled with the message sent to would-be arrivals by closing the routes out of Greece. Implementation on the European side, by contrast, has been haphazard, particularly on the simpler aspects of the deal, such as reception conditions. On the Greek islands, open reception centers designed for short-term stays have been poorly converted into overcrowded, closed centers with reportedly dire conditions, and policymakers show little impetus to address this.[64] Registration and processing of cases remain slow and, as predicted by many observers, few individuals have actually been returned to Turkey under the terms of the deal.[65] As a result, thousands sit in limbo on the Aegean islands.

At the time of writing, the EU-Turkey deal remains in place, though politically fragile. The failure of the European Union to deliver on its side of the deal—notably on visa liberalization for Turkish nationals—could lead to an abrupt end of the partnership. Furthermore, it is not clear that the European Union has thought through the consequences of any future collapse of the agreement, or a longer-term sustainable strategy for managing large-scale flows to the European Union upon which its Member States can agree.

VI. Intensifying, Yet Uneven, Collaboration

One of the key complexities for European policymakers seeking to address maritime migration has been disaggregating status and motivation: those fleeing conflict and persecution share boats with those traveling to find employment or join family members. The challenge is now one of status. Syrians, for example, are categorized as prima facie

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64 UNHCR, Regional Bureau Europe, "Weekly Report (27 May – 2 June)" (weekly report, June 3, 2016).

65 Elizabeth Collett, "The Paradox of the EU-Turkey Refugee Deal" (MPI commentary, March 2016).

refugees by neighboring countries and UNHCR.[66] Once on European territory, however, they become asylum seekers again, subject to national asylum processes framed by CEAS rules. The European institutions have made a number of proposals to reform and address what have become obvious deficiencies in existing EU policy on immigration and asylum, with varying degrees of success.

The EU policy response to maritime migration has not dramatically shifted and still broadly utilizes the policy toolbox that existed before 2014. The issue has, however, intensified in terms of political salience and become a pan-European concern. However, one should not mistake shared concern for a unified response. The policies proposed and adopted between 2014 and 2016 are characterized by deep discord and persistent imbalances in the capacity and political will of each government to respond. This section outlines the main policy trends—beyond immediate emergency response—as well as the longer-term approaches that are likely to emerge in the coming years.

A. Sharing Responsibility and Shoring Up Internal Weaknesses

As detailed above, continued imbalances in pressure and responsibility across the European Union have placed core immigration projects—notably Schengen—in jeopardy. During fall 2015, a series of unilateral decisions by EU Member States to close sections of their national borders to stem flows of asylum seekers and migrants raised concerns that, without some more equitable distribution of responsibility, not only would this lead to a collapse of the Schengen system, but that the stress placed on particular national asylum systems would lead to domestic chaos and potential political upheaval. These anxieties have also been overlaid with a security concern that, in the absence of robust identification and registration upon arrival, potential terrorists would have increased opportunity to travel to Europe to perpetrate attacks, a fear realized in November 2015 with a large-scale assault in Paris. Several of the attackers were later found to have traveled through Turkey and Greece.

While a number of proposals have been tabled since spring 2015 to address these challenges, the European Commission has shied away

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66 The term "prima facie" refers to individuals who, due to the severity of conditions in their country of origin (or, in the case of stateless persons, their county of habitual residence), are granted status without undergoing an individual refugee status determination process.

from a fundamental rethink: proposals follow the logic of existing EU policies to shape and support national systems, in large part due to the reluctance of many governments to countenance a stronger role for the European Union itself. One distinct innovation, however, has been the acceleration away from a purely legal and regulatory approach to one that promotes practical, operational cooperation in key domains. The following subsections describe the three main facets of this approach.

1. Rethinking the Redistribution and Relocation of Asylum Seekers

In May 2015, the European Commission published the European Agenda on Migration following commitments made during the extraordinary summit of EU heads of state.[67] One of the agenda's flagship initiatives was a proposal to activate emergency clauses contained in the Lisbon Treaty, and support those countries most affected by maritime migration—Greece and Italy—through the relocation of up to 40,000 asylum seekers from Syria, Iraq, and Eritrea across the European Union.[68] This was later revised upwards to the potential relocation of 160,000 asylum seekers from Greece and Italy, with a reserve number for any Member State that comes under pressure in the future.[69]

The core innovation within the proposal, aside from heralding a new level of cooperation within the Common European Asylum System, is the development of a distribution key to allocate specific numbers of both refugees and asylum seekers to individual EU Member States. Critically, the initial proposal intended the scheme to be mandatory though this was deeply contested by a number of governments. Following tense negotiations in September 2015, the emergency scheme was agreed on a voluntary basis, and set in place.

Despite significant political and operational investment, relocation processes in both Greece and Italy remain sluggish with just over 4,000

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67 European Commission, "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Agenda on Migration" (COM [2015] 240 final, May 13, 2015).

68 Eligibility for relocation would be based on an EU-average recognition rate of 75 percent for claims made by a particular nationality, and updated on a quarterly basis according to the latest available statistics. See European Commission, "Communication from the Commission to the European Parliament, the European Council and the Council: First Report on Relocation and Resettlement" (COM [2016] 165 final, March 16, 2016).

69 The reserve relocation was initially earmarked for Hungary, which subsequently refused the offer. See Eszter Zalan, "Hungary Rejects EU Offer to Take Refugees," *EU Observer*, September 11, 2015.

of the 160,000 promised relocations completed in the first of its two years of operation.[70] Lack of capacity and infrastructure in the southern European countries, combined with limited and/or overstretched capacity in receiving states has contributed to the slow progress. Many refugees selected for relocation have also been reluctant to move to countries with which they were unfamiliar, such as Bulgaria or Luxembourg.[71] In addition, despite formally agreeing to the scheme, several EU Member States (notably Hungary) remain deeply opposed to relocation. As of the end of August 2016, nearly 60,000 asylum seekers were residing in Greece, many awaiting relocation. With scarce facilities for vulnerable migrants, including unaccompanied minors, there is simmering pressure to find a solution.

Relocation is a worthy ambition, and one that acknowledges the weaknesses of the existing Dublin system. However, implementing relocation as an emergency response was always likely to founder compared to the high expectations of EU policymakers and publics. Previous experiences of relocation—notably a pilot scheme implemented to support Malta in 2009—highlighted a lack of will and capacity amongst other states, resulting in a low number of refugees eventually relocated.[72] Despite this, in 2016, the Commission incorporated the principles of relocation into a proposed reform of the Dublin Regulation, which would allow for redistribution when a particular country exceeds a predetermined number of asylum claims in a given year.[73]

The European Commission has also proposed expanding the mandate of the European Asylum Support Office (EASO)—an EU agency designed to provide information and support to EU Member States.[74] Renamed the European Union Agency for Asylum, it would have several new responsibilities, such as ensuring greater uniformity of asylum application assessment, managing the relocation process, and assisting Member States (for example, by deploying asylum support teams).

70 European Commission, "Member States' Support to Emergency Relocation Mechanism," updated September 1, 2016.

71 Duncan Robinson and Kerin Hope, "Refugees in Greece Refuse to Relocate across EU," *Financial Times,* May 16, 2016.

72 European Asylum Support Office (EASO), *EASO Fact Finding Report on Intra-EU Relocation Activities from Malta* (Malta: EASO, 2012).

73 European Commission, "Proposal for a Regulation of the European Parliament and of the Council Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third-Country National or a Stateless Person (Recast)" (COM [2016] 270 final, May 4, 2016).

74 European Commission, "Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and Repealing Regulation (EU) No 439/2010" (COM [2016] 271 final, May 4, 2016).

2. Enhancing Border Management and Support at First Entry

Though the mandate and budget of Frontex have expanded significantly since inception, the fact that it is reliant on the willingness of EU Member States to provide human, technical, and physical resources has become a critical weakness. In recognition of this, the European Commission tabled a proposal for a European border and coast guard in December 2015, with the intention of creating a more integrated approach to border management through an agency with a standing pool of border guards and other operational experts. A critical feature of the proposal was that the border force would have a right to intervene (at the behest of the European Commission) if a particular country demonstrated a continued inability to manage a crisis situation. This element speaks directly to the frustrations experienced in Greece, where the national authorities were unable to manage the situation but reluctant to allow other countries to support them.

The proposal was fast-tracked through the first half of 2016, and agreed in record time by the 28 Member States, though the unilateral right to intervene was dropped from the final agreement, as it was seen as too deep an incursion into national sovereignty. As of August 2016, the new European border and coast guard was in the early stages of implementation.[75]

Another challenge highlighted by the recent spike in arrivals at concentrated points along the external EU border has been the need to respond quickly and with sufficient resources. This has two characteristics: first, the absence of sufficient personnel and infrastructure to identify and register arrivals and to offer them the opportunity to make an asylum claim; second, the weak coordination and interoperability between key national and EU agencies, notably Frontex, EASO, Europol, and the various information-sharing databases that exist in the area of border management and asylum. For example, the European Commission estimated that during September 2015, when more than 100,000 people arrived from Turkey, just 8 percent were fingerprinted as they transited through Greece,[76] and there was limited capacity to address document fraud.

In an effort to redress this, the European Commission proposed the creation of hotspots at key points along the external border, notably

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75 European Parliament, "MEPs Back Plans to Pool Policing of EU External Borders" (press release, July 6, 2016).

76 European Commission, "Implementing the European Agenda on Migration: Commission Reports on Progress in Greece, Italy and the Western Balkans" (press release, February 10, 2016).

in Greece and Italy. In theory, the hotspots would be the locations at which migrants and officials first interact, offering a one-stop shop for identification, fingerprinting, document checks, and information about asylum procedures, with multiple EU agencies working together for the first time to exchange information. In practice, the implementation was ad hoc and slow: by December 2015, hotspots had yet to be constructed in key locations such as the Greek islands of Kos and Samos, or completed in Lesvos, Leros, and Chios.[77] Following the implementation of the EU-Turkey deal, the role of the Greek hotspots changed significantly from sites of first reception, where individuals were expected to remain just a few days, to centers where they are detained on an indefinite basis. This may help an overstretched administration ensure registration and identification, but it has led to significant overcrowding and poor living conditions. Meanwhile, in Italy, it is estimated that a significant number of arrivals manage to circumvent the hotspots entirely, leading to questions about their efficacy in terms of both security concerns and protection needs.

Fostering effective cooperation between agencies has also proved challenging, particularly efforts to ensure that information exchange is timely and accurate. Following the November 2015 attacks in Paris, EU Member States developed a roadmap to improve the interoperability of different surveillance systems and encourage national law enforcement agencies to share information more systematically.[78]

3. Reinforcing Emergency Response

The crisis uncovered an additional operational weakness within the European Union: the effective deployment of on-the-ground resources in a timely manner. The European Commission has the capacity to earmark emergency funding for particular countries but, as became clear in Greece, Hungary, and other countries, sending money to states with limited human resources and relevant expertise does not resolve a problem that ultimately requires specialized knowledge and planning

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77 European Commission, "Annex 2 to the Communication from the Commission to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration—Greece State of Play Report" (COM [2016] 85 final, February 10, 2016).

78 Council of the European Union, "Draft Roadmap to Enhance Information Exchange and Information Management Including Interoperability Solutions in the Justice and Home Affairs Area" (working document, May 13, 2016). This roadmap was subsequently endorsed by the Justice and Home Affairs (JHA) Council in June 2016. See Council of the European Union, "Justice and Home Affairs Council, 09-10/06/2016," updated June 9, 2016.

to transform cash into usable support. In the early months of the crisis, volunteers and NGOs filled the gap left by overstretched government administration. Similarly, the EU Civil Protection mechanism designed to provide support following a disaster depends upon the willingness of the affected Member State to activate it. In Greece, as noted above, there was initially reluctance to do this, despite its use by Bulgaria several years earlier, following an increase in arrivals at the Turkish-Bulgarian border,[79] and by Hungary in 2015.[80] Even when Greece finally invoked the mechanism, the response from other Member States was lackluster as many had themselves become overwhelmed.

The expansion of the mandates of EASO and Frontex (soon to be the European border and coast guard) aims in part to address this sluggish delivery of emergency support by ensuring that these agencies have their own resources to deploy on short notice. In addition, the European Union passed legislation in early 2016 to allow humanitarian funds to be deployed directly to international agencies and NGOs operating within an EU Member State. In April 2016, 83 million euros were disbursed to UNHCR and seven international NGOs in Greece to support the development reception capacity for the large numbers stranded in the country.[81] This reflected the bizarre reality that, as of late 2015, support could be provided to neighboring non-EU states of the Western Balkans far more efficiently than to those with EU membership.

B. A New Era of Migration Partnership

Beyond internal mechanisms to redistribute responsibility across the European Union, there is a new emphasis on the foreign policy dimension of EU action.

From underestimating the role of migration in foreign policy in recent years, policymakers have now put migration and asylum issues at the top of the agenda. In doing so, there has been renewed focus on the factors driving individuals to make these journeys, from armed conflict and political instability that carry the threat of persecution, to persistent disparities in income and the active facilitation of smuggling networks. As a result, the European Union is beginning to invest

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79 European Commission, "European Assistance to Help Bulgaria Face the Refugee Crisis" (press release, October 23, 2013).

80 European Commission, "EU's Civil Protection Mechanism Helps Hungary Cope with Refugee Influx" (news release, September 14, 2015).

81 European Commission, "EU Provides €83 Million to Improve Conditions for Refugees in Greece" (press release, April 19, 2016).

more deeply in understanding the nature of the smuggling and trafficking industries, including their networks, routes, and motivations. This is a very difficult endeavor, and experienced policymakers admit that knowledge is largely based on assumption rather than significant evidence.

At the same time, a conversation is emerging about enhanced protection for refugees in their region of origin and how to address the root causes of migration, including through poverty reduction. Partnership agreements with Jordan and Lebanon, for example, focus on improving conditions for refugees in country, in return for efforts to improve trade relationship with the European Union.[82] The approach to protection in the region of origin is largely encapsulated through the Regional Protection Programmes (RPPs) piloted in the African Great Lakes region and Eastern Europe. The challenges to the success of these programs were multiple: some were already obsolete prior to implementation (the humanitarian crises had moved elsewhere), and limited financing meant that most of the measures had little real effect compared to the more robust work undertaken by UNHCR. An effort to revive the concept, in modified and expanded form, is now being undertaken, with three Regional Development and Protection Programmes (RDPPs) developed for the Middle East, Horn of Africa, and North Africa regions. Led by coalitions of EU Member States, with strong support and financing from the European Commission, these programs hope to learn from the weaknesses of earlier RPPs.

More broadly, although all actors agree that it is necessary to address root causes, few specific ideas of how to do so have emerged, and most policymakers are skeptical as to the likelihood of success. Thus, calls to strengthen partnerships with countries of origin and transit to reduce either the propensity or the ability of individuals to begin a journey to the European Union have been renewed in 2015–16. These calls have backtracked from the more holistic rhetoric of the Global Approach to Migration and emphasize the need for third countries to manage migration flows, to counter smuggling networks, and to reinforce their border controls. In addition to the launch of the RDPPs, the EU committed to a joint summit of leaders from the European and African Unions to discuss shared migration issues (the Valletta Conference, held in November 2015).

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82 European Commission, "EU-Jordan: Towards a Stronger Partnership" (press release, July 20, 2016).

The results of the conference were underwhelming. An action plan was published, outlining dozens of specific projects and ambitions, and the European Union launched a 1.8 billion euro Emergency Trust Fund for Africa. However, African Union states criticized the EU approach for its focus solely on a European agenda to the exclusion of African priorities and noted that the 1.8 billion euros was a small sum when spread across the continent. There was also a sense that, given the strength of flows across the Aegean in late 2015, the conference was addressing the wrong geography at the wrong moment. Parallel negotiations with the Turkish government—resulting in the March 2016 EU-Turkey deal—were of greater importance to most of the European actors at the table.

Despite the increased focus on partnership approaches during 2015, it is the EU-Turkey deal that truly reflects the changed EU approach to partnership with non-EU countries. The transactional nature of the deal—focused squarely on migration management, rather than migration and development—and its high price tag have sent a message to other non-EU countries that their cooperation on migration is a commodity that is rapidly increasing in value. In early 2016, the Italian government proposed a more focused approach—the migration compact,[83] which has now been adapted into a more comprehensive EU-led partnership framework.[84] In June 2016, heads of state mandated that the EU foreign policy chief, Federica Mogherini, forge similar deals with a priority list of countries and be willing to withhold funding for countries that do not comply with EU migration management priorities.[85]

Efforts to pay off non-EU countries to manage migration have not yielded strong positive outcomes for EU governments to date, unless these are linked to the broader common interests of the third countries in question. The EU-Turkey deal, for many reasons, is unlikely to be replicable elsewhere. But with public confidence in governments' ability to manage migration lower than a year ago, the political pressure to achieve tangible results is higher than ever.

83 Matteo Renzi, "Migration Compact: Contribution to an EU Strategy for External Action on Migration" (non-paper, April 2016).

84 European Commission, "Communication from the Commission to the European Parliament, the European Council and the European Investment Bank on Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration" (COM [2016] 385 final, June 7, 2016).

85 European Council, "European Council Meeting (28 June 2016) Conclusions" (press release, June 28, 2016).

VII. Looking Forward: Crisis Over?

Efforts to address maritime migration in the Mediterranean have intensified since 2014, both at the national and the EU level. Despite this effort, it is not clear that any sustainable collaborative solutions have been found to date; many of the fundamental drivers and policy challenges that have fueled the phenomenon remain as strong as ever, and EU Member States have struggled to find consensus on all but the most straightforward of solutions. As a result, the European Union has focused on treating the symptoms rather than addressing the underlying causes of maritime migration.

Efforts to strengthen EU collaboration suffer in two key ways. First, fault lines between the political positions of the governments involved inhibit consensus. The framing of Mediterranean migration as a European problem, has led to a dichotomy between EU Member States and third countries. Though countries to both the north and south of the Mediterranean are experiencing similar challenges, the invisible yet critical EU external border has limited some discussions. Similarly, the EU and non-EU blocs are not, themselves, regionally coherent. Within the European Union, northern, southern, and eastern Member States have differing priorities, and there are splits even within these blocs; alliances are also fluid depending on the policy under negotiation and the political salience of specific migration issues domestically. The "beggar thy neighbor" instinct that prevails within Europe significantly limits progress in updating EU frameworks. To the south, North African countries have few ideological or political affinities with the European Union, and many are more concerned with domestic stability than regional cooperation.

Second, it has become increasingly clear that a comprehensive approach cannot be found in the application of immigration and asylum policies alone. Within the European Union, a broad range of policy frameworks have relevance, from the Common Security and Defence Policy and the Maritime Security Strategy, through to the implementation of broad foreign policy, development, and humanitarian priorities. To date, there is little coherence among these policy frameworks and fundamental differences in terms of core philosophy, though efforts to bring ministries and departments together have accelerated dramatically in recent years. A more holistic approach to maritime migration will be difficult to come by, but is essential.

While the need for a comprehensive approach is increasingly accepted by all actors in theory, absolute solutions remain elusive and crisis

management has become the "new normal" for the European Union. The proposals tabled following the April 2015 summit have proved extraordinarily divisive as EU governments focus on their own national crises, while also falling far short of what is needed. As broader EU mechanisms, including the Schengen system, come under pressure, Mediterranean maritime migration has become more than just a humanitarian crisis—it is also a symbol of collaborative dysfunction in Europe. Unless the political will is found to fundamentally rethink core EU immigration and asylum policies, they risk collapse.

Works Cited

Amnesty International. 2016. EU Risks Fuelling Horrific Abuse of Refugees and Migrants in Libya. News release, June 14, 2016. www.amnesty.org/en/latest/news/2016/06/eu-risks-fuelling-horrific-abuse-of-refugees-and-migrants-in-libya.

———. 2016. Refugees and Migrants Fleeing Sexual Violence, Abuse, and Exploitation in Libya. News release, July 1, 2016. www.amnesty.org/en/latest/news/2016/07/refugees-and-migrants-fleeing-sexual-violence-abuse-and-exploitation-in-libya/.

Austrian Delegation to the Strategic Committee on Immigration, Frontiers, and Asylum. 2014. EU Resettlement Initiative – "Save Lives." Discussion paper, Council of the European Union, September 7, 2014. www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/18_resettlement_save_lifes_/18_resettlement_save_lifes_en.pdf.

BBC News. 2013. Italy Boat Sinking: Hundreds Feared Dead off Lampedusa. BBC News, October 3, 2013. www.bbc.com/news/world-europe-24380247.

Carling, Jørgen and María Hernández-Carretero. 2011. Protecting Europe and Protecting Migrants? Strategies for Managing Unauthorised Migration from Africa. *The British Journal of Politics and International Relations* 13 (1): 42–58.

Carrera, Sergio and Leonhard den Hertog. 2015. Whose *Mare?* Rule of Law Challenges in the Field of European Border Surveillance in the Mediterranean. CEPS Paper in Liberty and Security in Europe no. 79, CEPS, Brussels, January 2015. www.ceps.eu/system/files/LSE_79.pdf.

Cassarino, Jean-Pierre. 2007. Informalising Readmission Agreements in the EU Neighbourhood. *The International Spectator* 42 (2): 179–96. www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/67_cassarinoarticle_/67_cassarinoarticle_en.pdf.

———. 2012. An Overview of North African Countries' Bilateral Cooperation on the Removal of Unauthorized Migrants: Drivers and Implications. Middle East Institute, May 4, 2012. www.mei.edu/content/overview-north-african-countries-bilateral-cooperation-removal-unauthorized-migrants-drivers.

Collett, Elizabeth. 2015. The Asylum Crisis in Europe: Designed Dysfunction. Migration Policy Institute commentary, September 2015. www.migrationpolicy.org/news/asylum-crisis-europe-designed-dysfunction.

———. 2016. The Paradox of the EU-Turkey Refugee Deal. Migration Policy Institute commentary, March 2016. www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal.

Collyer, Michael. 2006. States of Insecurity: Consequences of Saharan Transit Migration. Working paper no. 31, Centre on Migration, Policy, and Security, University of Oxford, 2006. www.compas.ox.ac.uk/2006/wp-2006-031-collyer_saharan_transit_migration.

Council of the European Union. 2014. Council Conclusions on Taking Action to Manage Migratory Flows. Conclusions following a Justice and Home Affairs Council meeting, Luxembourg, October 10, 2014. www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/145053.pdf.

———. 2016. Draft Roadmap to Enhance Information Exchange and Information Management Including Interoperability Solutions in the Justice and Home Affairs Area. Working document, May 13, 2016. www.statewatch.org/news/2016/may/eu-council-jha-info-8437-16.pdf.

———. 2016. Justice and Home Affairs Council, 09-10/06/2016. Updated June 9, 2016. www.consilium.europa.eu/en/meetings/jha/2016/06/9-10/.

Crawley, Heaven, Franck Duvell, Nando Sigona, Simon McMahon, and Katharine Jones. 2016. Unpacking a Rapidly Changing Scenario: Migration Flows, Routes and Trajectories across the Mediterranean. Unravelling the Mediterranean Migration Crisis research brief no. 1, March 2016. www.compas.ox.ac.uk/media/PB-2016-MEDMIG-Unpacking_Changing_Scenario.pdf.

de Haas, Hein. 2009. The Myth of Invasion: The Inconvenient Realities of African Migration to Europe. *Third World Quarterly* 29 (7): 1305–22.

Dialogue on Mediterranean Transit Migration. 2014. 2014 Map on Mixed Migration Routes. Map, May 2014. www.imap-migration.org/fileadmin/Editor/Visualisations/MTM/i-Map_poster_14.05_ENGLISCH_Screen_reduced.pdf.

Edwards, Adrian. 2016. Seven Factors behind Movement of Syrian Refugees to Europe. UNHCR press release, September 25, 2016. www.unhcr.org/news/briefing/2015/9/560523f26/seven-factors-behind-movement-syrian-refugees-europe.html.

Emergency Response Centre International. N.d. ERCI: Emergency Response Centre International. Accessed August 29, 2016. www.ercintl.org.

European Asylum Support Office (EASO). 2012. *EASO Fact Finding Report on Intra-EU Relocation Activities from Malta.* Malta: EASO. www.refworld.org/pdfid/52aef8094.pdf.

European Commission. 2011. Communication from the Commission to the European Parliament and the Council: Evaluation of the Readmission Agreements. COM (2011) 76 final, February 23, 2011. http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0076&from=EN.

———. 2013. Communication from the Commission to the European Parliament and the Council on the Work of the Task Force Mediterranean. COM (2014) 869 final, December 4, 2013. http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20131204_communication_on_the_work_of_the_task_force_mediterranean_en.pdf.

———. 2013. European Assistance to Help Bulgaria Face the Refugee Crisis. Press release, October 23, 2013. http://europa.eu/rapid/press-release_IP-13-993_en.htm.

———. 2015. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Agenda on Migration. COM (2015) 240 final, May 13, 2015. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.

———. 2015. EU Provides €83 Million to Improve Conditions for Refugees in Greece. Press release, April 19, 2016. http://europa.eu/rapid/press-release_IP-16-1447_en.htm.

———. 2015. EU's Civil Protection Mechanism Helps Hungary Cope with Refugee Influx. News release, September 14, 2015. http://ec.europa.eu/echo/news/ EUCPM-helps-Hungary-cope-with-refugee-influx_en.

———. 2015. Joint Foreign and Home Affairs Council: Ten Point Action Plan on Migration. Press release, April 20, 2015. http://europa.eu/rapid/press-release_IP-15-4813_en.htm.

———. 2016. Annex 2 to the Communication from the Commission to the European Parliament and the Council on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration—Greece State of Play Report. COM [2016] 85 final, February 10, 2016. http://ec.europa. eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/ proposal-implementation-package/docs/managing_the_refugee_crisis_ state_of_play_20160210_annex_02_en.pdf.

———. 2016. Communication from the Commission to the European Parliament, the European Council and the Council: First Report on Relocation and Resettle- ment. COM (2016) 165 final, March 16, 2016. http://ec.europa.eu/dgs/ home-affairs/what-we-do/policies/european-agenda-migration/proposal- implementation-package/docs/20160316/first_report_on_relocation_and_ resettlement_en.pdf.

———. 2016. Communication from the Commission to the European Parliament, the European Council and the European Investment Bank on Establishing a New Partnership Framework with Third Countries under the European Agenda on Migration. COM (2016) 385 final, June 7, 2016. http://ec.europa. eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/ proposal-implementation-package/docs/20160607/communication_exter- nal_aspects_eam_towards_new_migration_ompact_en.pdf.

———. 2016. EU-Jordan: Towards a Stronger Partnership. Press release, July 20, 2016. http://europa.eu/rapid/press-release_IP-16-2570_en.htm.

———. 2016. Impact Assessment Report on the Establishment of an EU Entry Exit System. SWD (2016) 115 final, April 6, 2016. http://eur-lex.europa.eu/ legal-content/EN/TXT/?qid=1473790957354&uri=CELEX:52016SC0115.

———. 2016. Implementing the European Agenda on Migration: Commission Reports on Progress in Greece, Italy and the Western Balkans. Press release, February 10, 2016. http://europa.eu/rapid/press-release_IP-16-269_en.htm.

———. 2016. Member States' Support to Emergency Relocation Mechanism. Updat- ed September 1, 2016. http://ec.europa.eu/dgs/home-affairs/what-we-do/ policies/european-agenda-migration/press-material/docs/state_of_play_-_ relocation_en.pdf.

———. 2016. Proposal for a Regulation of the European Parliament and of the Coun- cil Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third-Country National or a State- less Person (Recast). COM (2016) 270 final, May 4, 2016. http://ec.europa. eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/ proposal-implementation-package/docs/20160504/dublin_reform_pro- posal_en.pdf.

———. 2016. Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and Repealing Regulation (EU) No 439/2010. COM (2016) 271 final, May 4, 2016. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo_proposal_en.pdf.

European Council. 2015. Special Meeting of the European Council, 23/04/2015. Updated April 23, 2015. www.consilium.europa.eu/en/meetings/european-council/2015/04/23/.

———. 2016. European Council Meeting (28 June 2016) Conclusions. Press release, June 28, 2016. www.consilium.europa.eu/en/press/press-releases/2016/06/28-euco-conclusions/.

European Council and Council of the European Union. 2016. EU-Turkey Statement, 18 March 2016. Press release, March 18, 2016. www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/.

———. 2016. EUNAVFOR MED Operation Sophia: Mandate Extended by One Year, Two New Tasks Added. Press release, June 20, 2016. www.consilium.europa.eu/en/press/press-releases/2016/06/20-fac-eunavfor-med-sophia.

———. N.d. Agreements and Conventions. Accessed August 29, 2016. www.consilium.europa.eu/en/documents-publications/agreements-conventions/search-results/?dl=EN&title=readmission&from=0&to=0.

European Court of Auditors. 2016. *Special Report No. 9/2016: EU External Migration Spending in Southern Mediterranean and Eastern Neighbourhood Countries until 2014.* Luxembourg: European Court of Auditors. www.euractiv.com/wp-content/uploads/sites/2/2016/03/SR-Migration-EN.pdf.

European Defence Agency. 2014. European Maritime Surveillance Network Reaches Operational Status. News release, October 27, 2014. www.eda.europa.eu/info-hub/press-centre/latest-news/2014/10/27/european-maritime-surveillance-network-reaches-operational-status.

European External Action Service (EEAS). 2016. EU NAVFOR MED Operation Sophia – Six Monthly Report for the Period 22 June-31 December 2015. Working document, January 27, 2016.

European Migration Network (EMN). 2015. *Policies, Practices, and Data on Unaccompanied Minors in the EU Member States and Norway.* Brussels: EMN. http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_policies_practices_and_data_on_unaccompanied_minors_in_the_eu_member_states_and_norway_synthesis_report_final_eu_2015.pdf.

European Parliament. 2016. MEPs Back Plans to Pool Policing of EU External Borders. Press release, July 6, 2016. www.europarl.europa.eu/news/en/news-room/20160701IPR34480/meps-back-plans-to-pool-policing-of-eu-external-borders.

European Union. 2007. Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community. December 13, 2007. www.refworld.org/docid/476258d32.html.

Eurostat. 2016. Asylum and First-Time Asylum Applicants by Citizenship, Age and Sex. Annual Aggregated Data (Rounded) [migr_asyappctza]. Updated March 18, 2016. http://ec.europa.eu/eurostat/.

———. 2016. Asylum Applicants Considered to be Unaccompanied Minors – Annual Data [tps00194]. Updated August 11, 2016. http://ec.europa.eu/eurostat/.

———. 2016. Record Number of Over 1.2 Million First Time Asylum Seekers Registered in 2015. News release, March 4, 2016. http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf.

Faiola, Anthony. 2015. U.N. Estimates That up to 850 Migrants Perished in Capsized Boat off Libya. *The Washington Post,* April 21, 2015. www.washingtonpost.com/world/un-says-between-800-and-850-migrants-died-in-boat-capsizing-off-libya/2015/04/21/a8383770-e803-11e4-9767-6276fc9b0ada_story.html.

Foy, Henry and Duncan Robinson. 2015. Frontex Chief Welcomes Plan for More Powerful EU Border Force. *Financial Times,* December 13, 2015. www.ft.com/cms/s/0/7bd81ad4-a02b-11e5-beba-5e33e2b79e46.html.

Frontex. 2008. *General Report 2008*. Warsaw: Frontex. http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Annual_report/2008/frontex_general_report_2008.pdf.

———. 2010. *Beyond the Frontiers – Frontex: The First Five Years.* Warsaw: Frontex. http://frontex.europa.eu/assets/Publications/General/Beyond_the_Frontiers.pdf.

———. 2011. *Press Pack, May 2011*. Warsaw: Frontex. http://frontex.europa.eu/assets/Media_centre/Frontex_Press_Pack.pdf.

———. 2012. *Annual Risk Analysis 2012.* Warsaw: Frontex. http://frontex.europa.eu/assets/Attachment_Featured/Annual_Risk_Analysis_2012.pdf.

———. 2014. *Annual Risk Analysis 2014.* Warsaw: Frontex. http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2014.pdf.

———. 2015. *Annual Risk Analysis 2015.* Warsaw: Frontex. http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2015.pdf.

———. 2015. Budget 2016. Budget tables, December 24, 2015. http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Budget/Budget_2016.pdf.

———. 2016. *Risk Analysis for 2016*. Warsaw: Frontex. http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf.

———. N.d. Eurosur. Accessed August 29, 2016. http://frontex.europa.eu/intelligence/eurosur/.

García Andrade, Paula, Iván Martín, Viorica Vita, and Sergo Mananashvili. 2015. *EU Cooperation with Third Countries in the Field of Migration.* Brussels: European Parliament. www.europarl.europa.eu/RegData/etudes/STUD/2015/536469/IPOL_STU(2015)536469_EN.pdf.

Hirsi Jamaa and Others v. Italy. 2012. Application No. 27765/09. European Court of Human Rights. http://hudoc.echr.coe.int/eng?i=001-109231.

International Organization for Migration (IOM). 2015. At Least 3,800 Migrants Rescued from Mediterranean since Friday: IOM. Press release, February 17, 2015. www.iom.int/news/least-3800-migrants-rescued-mediterranean-friday-iom.

———. 2015. *Mixed Migration Flows in the Mediterranean and Beyond: Compilation of Available Data and Information, Reporting Period 2015.* Geneva: IOM. http://doe.iom.int/docs/Flows%20Compilation%202015%20Overview.pdf.

———. N.d. Missing Migrants Project: Methodology. Accessed August 29, 2016. http://missingmigrants.iom.int/methodology.

Jacobs, Anna. 2013. King Mohammed VI Calls on the Government to Preserve the Right of Immigrants in Morocco. *Morocco World News*, September 10, 2013. www.moroccoworldnews.com/2013/09/104254/king-mohammed-vi-calls-on-the-government-to-preserve-the-right-of-immigrants-in-morocco/.

Laczko, Frank, Ann Singleton, Tara Brian, and Marzia Rango. 2016. Migrant Arrivals and Deaths in the Mediterranean: What Do the Data Really Tell Us?" *Forced Migration Review* 51: 30–31. www.fmreview.org/destination-europe/laczko-singleton-brian-rango.html.

Malta Independent. 2010. Malta to No Longer Host Frontex Missions... PN, PL MEPs Trade Blows after EP Vote. *Malta Independent*, March 26, 2010. www.independent.com.mt/articles/2010-03-26/news/malta-to-no-longer-host-frontex-missions-pn-pl-meps-trade-blows-after-ep-vote-272208/.

Médecins sans Frontières. 2015. MSF & MOAS to Launch Mediterranean Search, Rescue and Medical Aid Operation. News release, April 10, 2015. www.msf.org/article/msf-moas-launch-mediterranean-search-rescue-and-medical-aid-operation.

Migrant Offshore Aid Station (MOAS). N.d. About MOAS. Accessed August 29, 2016. www.moas.eu/about/.

Migrants' Files, The. 2016. Events during Which Someone Died Trying to Reach or Stay in Europe. Updated June 24, 2016. https://docs.google.com/spreadsheets/d/1YNqIzyQfEn4i_be2GGWESnG2Q80E_fLASffsXdCOftI/edit#gid=1085726718.

———. N.d. The Human and Financial Cost of 15 Years of Fortress Europe. Accessed August 30, 2016. www.detective.io/detective/the-migrants-files.

Migration Policy Institute. 2011. Top 10 of 2011 – Issue #1: Arab Spring and Fear of Migrant Surge Expose Rift in EU Immigration Policy Circles. *Migration Information Source*, December 1, 2011. www.migrationpolicy.org/article/top-10-2011-issue-1-arab-spring-and-fear-migrant-surge-expose-rift-eu-immigration-policy.

Molinario, Barbara 2014. Eritrean Survivor of Lampedusa Tragedy Returns to Honour the Dead, Meet Pope Francis. UNHCR news release, October 2, 2014. www.unhcr.org/en-us/news/latest/2014/10/542d0ece5/eritrean-survivor-lampedusa-tragedy-returns-honour-dead-meet-pope-francis.html.

M.S.S. v. Belgium and Greece. 2011. Application No. 30696/09. European Court of Human Rights. http://hudoc.echr.coe.int/eng?i=001-103050.

Natter, Katharina. 2015. Almost Home? Morocco's Incomplete Migration Reforms. *World Politics Review*, May 5, 2015. www.worldpoliticsreview.com/articles/15691/almost-home-morocco-s-incomplete-migration-reforms.

Oxfam. 2016. EU Ministers Must Change Course on Migration Cooperation with Africa. Press release, May 11, 2016. www.oxfam.org/en/pressroom/press-releases/2016-05-11/eu-ministers-must-change-course-migration-cooperation-africa.

Paoletti, Emanuella. 2009. A Critical Analysis of Migration Policies in the Mediterranean: The Case of Italy, Libya and the EU. RAMSES working paper no. 12/09, European Studies Centre, University of Oxford, 2009. www.sant.ox.ac.uk/esc/ramses/ramsespaperPaoletti.pdf.

Peers, Steve. 2014. *New Rules on Maritime Surveillance: Will They Stop the Deaths and Push-Backs in the Mediterranean?* London: Statewatch. www.statewatch.org/analyses/no-237-maritime-surveillance.pdf.

Pezzani, Lorenzo and Charles Heller. 2015. "Sharing the Burden of Rescue": Illegalised Boat Migration, the Shipping Industry and the Costs of Rescue in the Central Mediterranean. Border Criminologies (blog), University of Oxford, November 2, 2015. www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2015/10/sharing-burden.

Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 Establishing Rules for the Surveillance of the External Sea Borders in the Context of Operational Cooperation Coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. *Official Journal of the European Union* 2014 L189/93, June 27, 2014. http://data.europa.eu/eli/reg/2014/656/oj.

Regulation No 1168/2011 of the European Parliament and of the Council Amending Council Regulation (EC) No 2007/2004 Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. *Official Journal of the European Union* 2011 L 304/1, November 22, 2011. http://eur-lex.europa.eu/eli/reg/2011/1168/oj.

Renzi, Matteo. 2016. Migration Compact: Contribution to an EU Strategy for External Action on Migration. Non-paper, April 2016. www.governo.it/sites/governo.it/files/immigrazione_0.pdf.

Robinson, Duncan. 2014. Alarm at Plan to End Italy's Mare Nostrum Rescue Operation. *Financial Times*, October 12, 2014. www.ft.com/cms/s/0/ec9edf84-508e-11e4-8645-00144feab7de.html.

Robinson, Duncan and Kerin Hope. 2016. Refugees in Greece Refuse to Relocate across EU. *Financial Times,* May 16, 2016. www.ft.com/cms/s/0/826f1bf2-1b75-11e6-b286-cddde55ca122.html.

Saul, Jonathan. 2015. In Mediterranean, Commercial Ships Scoop up Desperate Human Cargo. Reuters, September 21, 2015. www.reuters.com/investigates/special-report/europe-migrants-ship/.

Stamouli, Nektaria. 2016. Inside the Migrant-Smuggling Trade: Escapes Start at €1,000. *The Wall Street Journal*, March 29, 2016. www.wsj.com/articles/european-border-crackdown-kick-starts-migrant-smuggling-business-1459260153.

Statewatch. 2007. Criminalizing Solidarity, Part II—Italy/Tunisia: Fishermen on Trial for Rescuing Migrants. Updated September 2007. www.statewatch.org/news/2007/sep/07italy-tunisia-fishermen.htm.

Stevenson, Beth. 2016. EU Agencies Release Tenders for UAV Coastal Monitoring. FlightGlobal, August 17, 2016. www.flightglobal.com/news/articles/eu-agencies-release-tenders-for-uav-coastal-monitori-428588/.

Tarakhel v. Switzerland. 2014. Application No. 29217/12. European Court of Human Rights. http://hudoc.echr.coe.int/eng?i=001-148070.

Townsend, Jacob and Christel Oomen. 2015. *Before the Boat: Understanding the Migrant Journey*. Brussels: Migration Policy Institute Europe. www.migrationpolicy.org/research/boat-understanding-migrant-journey.

United Nations High Commissioner for Refugees (UNHCR). 2014. UNHCR—Statement on Boat Incident off Greece Coast. Press release, January 21, 2014. www.unhcr.org/en-us/news/press/2014/1/52df83d49/unhcr-statement-boat-incident-greece-coast.html.

———. 2015. Europe Refugee Emergency – Unaccompanied and Separated Children. Briefing note, October 9, 2015. http://reliefweb.int/sites/reliefweb.int/files/resources/Europerefugeecrisis-briefingnoteonunaccompaniedandseperatedchildren.pdf.

———. 2015. Greece Data Snapshot (8 Nov.). Fact sheet, UNHCR, Geneva, November 2015. http://data.unhcr.org/mediterranean/download.php?id=140.

———. 2015. Greece Data Snapshot (24 Dec.). Fact sheet, UNHCR, Geneva, December 2015. http://data.unhcr.org/mediterranean/download.php?id=329.

———. 2015. Nationalities of Mediterranean Sea Arrivals to Greece – 2015 Monthly Breakdown, as of 30 November 2015. Dataset, November 30, 2015. http://data.unhcr.org/mediterranean/download.php?id=244.

———. 2015. UNHCR Urges Europe to Recreate a Robust Search and Rescue Operation on Mediterranean, as Operation Triton Lacks Resources and Mandate Needed for Saving Lives. Press release, February 12, 2015. www.unhcr.org/en-us/news/press/2015/2/54dc80f89/unhcr-urges-europe-recreate-robust-search-rescue-operation-mediterranean.html.

———. 2016. *Global Trends: Forced Displacement in 2015*. Geneva: UNHCR. www.unhcr.org/576408cd7.pdf.

———. 2016. Profiling of Afghan Arrivals on Greek Islands in February 2016. Fact sheet, UNHCR, Geneva, February 2016. https://data.unhcr.org/mediterranean/download.php?id=875.

———. 2016. Profiling of Afghan Arrivals on Greek Islands in January 2016. Fact sheet, UNHCR, Geneva, January 2016. http://data.unhcr.org/mediterranean/download.php?id=726.

———. 2016. Profiling of Syrian Arrivals on Greek Islands in February 2016. Fact sheet, UNHCR, Geneva, February 2016. https://data.unhcr.org/mediterranean/download.php?id=874.

———. 2016. Profiling of Syrian Arrivals on Greek Islands in January 2016. Fact sheet, UNHCR, Geneva, January 2016. http://data.unhcr.org/mediterranean/download.php?id=725.

———. N.d. Global Trends 2015—Table 5. Refugees and people in a Refugee-Like Situation, Excluding Asylum-Seekers, and Changes by Origin and Country of Asylum, 2015. Dataset, accessed August 29, 2016. www.unhcr.org/globaltrends/2015-GlobalTrends-annex-tables.zip.

———. N.d. Refugees/Migrants Emergency Response, Mediterranean—Demographic Data. Dataset, accessed September 13, 2016. http://data.unhcr.org/mediterranean/regional.php.

United Nations High Commissioner for Refugees, Regional Bureau Europe. 2016. Refugees & Migrants Sea Arrivals in Europe. Fact sheet, UNHCR, Geneva, June 2016. http://data.unhcr.org/mediterranean/download.php?id=1782.

———. 2016. Weekly Report (27 May – 2 June). Weekly report, June 3, 2016. https://data.unhcr.org/mediterranean/download.php?id=1436.

United Nations Office on Drugs and Crime (UNODC). 2010. *Smuggling of Migrants into, through and from North Africa: A Thematic Review and Annotated Bibliography of Recent Publications.* New York: UNODC. www.unodc.org/documents/human-trafficking/Migrant_smuggling_in_North_Africa_June_2010_ebook_E_09-87293.pdf.

United Nations Security Council. 2015. Resolution 2240 (2015). October 9, 2015. www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2240(2015).

Zalan, Eszter. 2015. Hungary Rejects EU Offer to Take Refugees. EU Observer, September 11, 2015. https://euobserver.com/migration/130217.