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Investigating Border-Related Deaths in the
Mediterranean:
Migrant Fatalities as Collateral Damage of European
Border Control Policies

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Table of contents

Acknowledgements	3
Abstract	4
Introduction	5
Research questions, outline, and objectives	5
Literature review, methods, and approaches	8
Part 1: Background	11
Context and geography	11
Basic definitions and legal framework	13
History of the externalisation of the European southern blue border	15
Part 2: The relationship between border policies and migrant fatalities	22
Three premises	22
Data analysis	23
First hypothesis	28
Migrants' nationalities as further evidence	33
Second hypothesis	36
Results analysis	39
Part 3: Counter-arguments and criticisms	41
Push factors and other variables	41
Smuggling as the main cause of migrant fatalities	42
SAR operations as pull factors	45
Mare Nostrum	45
NGOs	48

Concluding remarks	53
Overall findings and research validation	53
Limits, recommendations, and final considerations	55
References and bibliography	58
Books and articles	58
Official documents	62
Internet sources	63
Annexes	66

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Abstract

During the last two decades, a mix of images, opinions, facts and personal statements on the greatest migratory flow the Mediterranean has ever experienced have been broadcast all over the world. Contradictory information has been indiscriminately spread by media, politicians and scholars on the people taking a one-way ticket across the sea in search of a better future. In response to their arrival, new and tougher regulations have been imposed, both by the EU and individual Member states. In this context, where economic interests and fundamental rights have been invoked to tell the two sides of the story, little has been said about the supposed relationship between the enforcement of European border control policies and the large number of fatalities that occur at sea on these journeys.

The aim of this thesis is threefold. Firstly, after an introductory discourse on the background context and key word definitions, I present a historical overview of the frontier strategies implemented by European states during the last twenty years with the intent to create the grounds of my study. Secondly, I examine the link between these measures and the high number of migrant casualties in the Mediterranean in order to test the assumption whereby border control policies do not actually deter migrants from migrating because they create new and more hazardous routes that ultimately lead to more deaths at sea. Thirdly, I discuss major counter-arguments to, and critics at, the aforementioned hypothesis. These include the idea that numerous other variables influence immigration in the Mediterranean, the theory whereby collateral damage of EU border regulations is allowed as long as the regulations combat smugglers' networks and irregular migration, and the view that considers humanitarianism a pull factor for undocumented migrants.

Introduction

Research questions, outline, and objectives

Over the past 18 years 2.409.024 people transited across the Mediterranean in an effort to reach Europe.¹ Although a lot has been said to uphold, on one side, the rights of migrants to migrate and, on the other side, the obligation of EU Member states to receive them, the question on the causes and circumstances of the 35.890 individuals who perished at sea during the same period remains essentially unanswered. Few researchers have analysed the actual consequences of the introduction of increasingly strict control regulations at the southern European border, on top of the fact that little attention has been given to the relationship between these targeted measures and the significant amount of dead bodies in the Mediterranean as a result of the lethal journeys migrants undertake to reach European soil. In this respect, numerous academics have pointed out the “logical” connection between these two elements², while never addressing the issue itself. If a causal link is demonstrated, then imposing increasingly severe deterrence measures indeed means causing more fatalities at sea and consequent initiatives ought to be made in order to, if not stop, at least try to minimise the damage.

The aim behind this thesis is to analyse the cause-effect connection between migration control policies and frontier deaths in the Mediterranean area. In order to do so, I firstly analyse the assumption that frontier management strategies do not arrest migration, nor do they protect migrants. Contrary to their inherent purpose, these strategies might force desperate migrants to create new routes to circumvent the restrictions. This is why I secondly examine if stricter laws divert migration pathways, compelling migrants to fall back and undertake riskier ways to reach their destinations. As a consequence, the same number of individuals would reach EU southern shores, while more losses would be recorded at sea. Thirdly, this thesis tests both the idea that smuggling is a reaction to tighter measures and the theory under which humanitarianism

¹Data on arrivals and deaths of migrants in the Mediterranean region have been collected and compared relying on the databases of IOM, UNHCR, United for Intercultural Action, Frontex, Europol, Amnesty International, APDHA, Mediciens Sans Frontiers; and thanks to projects such as The Migrants' Files, The Deaths at the Borders Database, The Human Costs of Border Control, Deaths by Rescue and Fortress Europe. The result of this collection is the four tables presented in part 2 and the ones situated in the annexes at the end of the paper. Hence, every time a number or statistic is cited, it refers to these tables.

²Almost every cited author in this paper has stated that there is a connection, but very few of them – if any – have gone further to question the validity of this assumption or explore the relationship.

represents a pull factor for migrants. This is to analyse the possible counter-arguments to my hypotheses and assess or refuse their validity.

On the practical level, the Part 1 presents an overview of the historical background from which the Mediterranean “migration crisis” has originated. Key features, facts, and numbers that characterize the European external maritime border are outlined and discussed, including: the main routes used by migrants to reach the three biggest southern European countries, namely Spain, Italy and Greece; migrants’ main origins and nationalities; the history of international migration in the Mediterranean region; and basic definitions of terms such as “migrant”, “irregular migration” and “smuggling”. The intention is to map the context, to make the reader understand the basics of the Mediterranean migration discourse, and to help him orient himself within the topic. With this goal in mind, the first part concludes with an examination of data on the EU legislative measures adopted over the past fifteen years in the context of Mediterranean migration. A list of sea border surveillance measures, military operations and cooperation agreements with third countries, from the creation of the Spanish system (SIVE) in 2002 to the 2017 Memorandum of Understanding with Libya, are presented in order to later compare these strategies with the number of arrivals and deaths at sea on the eastern, central and western routes in the same period. The aims of these measures, their means of implementation and the agencies in charge of their enforcement are considered as well.

The study of the relationship between policies, routes and fatalities is addressed in Part 2. Three essential premises are initially outlined. Notably, why it is fundamentally wrong to talk about the situation of the past few years as a “migration/refugee crisis”; when frontier policies have become the one and only answer to immigration; and how these measures have traditionally influenced the migration process at the EU blue border. The analysis is based on data, statistics and information that have been personally gathered by comparing databases of IOM, UNHCR, United for Intercultural Action, Frontex, Amnesty International, and Medicins Sans Frontiers. Projects such as The Migrants' Files, The Deaths at the Borders Database, The Human Costs of Border Control, Deaths by Rescue and Fortress Europe have represented a highly reliable resource as well. The result is the four tables presented in Part 2 and the ones situated in the annexes at the end of the paper. Based on them, a comparison of national and EU border

strategies with the number of arrivals and deaths from the three main Mediterranean routes follows. This is to examine the two main hypotheses of this thesis. In particular, whether:

- Stricter border control policies do not stop migrants from migrating because migrants simply create new routes to circumvent these restrictions;
- Stricter border control policies divert migration routes to more dangerous ones, eventually leading to more fatalities at sea.

Finally, the Part 3 deals with the foreseeable criticisms of the two hypotheses. Firstly, it involves the idea that other variables – pushing factors, higher loads, departure points and weather conditions – could meaningfully influence the mortality rate at sea. Secondly, the correlation between border policies and the practice of people smuggling is discussed. In particular, I examine if the action of smugglers is a by-product of migrants' reckless behaviour or, as argued by many scholars, is another collateral, unintended side effect of the implementation of tougher control measures in the Mediterranean. This is to test whether smuggling could replace border control policies as the main cause of migrant fatalities at sea. Thirdly and finally, the paper carries out a careful assessment of the allegation whereby SAR operations, Mare Nostrum, and the actions of a number of non-profit organisations create an element of attraction for undocumented migrants.

The research is formulated to present another side of the coin of the recent “migration crisis” in the Mediterranean area. The intention is to test the assumption I found in academic literature that there is a cause-effect relationship among the enforcement of stricter migration policies and the proportion of migrants who perished during the journey from African and Middle Eastern countries to Europe. As already mentioned, numerous scholars have highlighted the presupposed connection between these two elements, ignoring the consequences this statement would bring if it were properly evidence based. Hence, the outcomes of this study seek to benefit both policy-makers, who would understand the implications frontier controls actually had during the past decade, and public opinion alike. Further knowledge about the death toll registered on European shores over this time would bring, if not a genuine sympathy, at least a higher awareness of the issue. Practical remarks and proposed solutions on how to improve the situation could be put forward as well, so that massive incidents may be prevented through policy development. Lastly,

human rights concerns could be raised, as well as considerations about the increasing amount of funds provided to border control efforts in recent years. Both intended and unintended side-effects of such activities ought to be made public to at least maintain some kind of democratic legitimacy.³

Literature review, methods, and approaches

As noted above, the topic has been addressed in literature only partially. This is presumably due to the inherent difficulty in finding reliable data on migration and is the reason why this thesis relies less on full-length books than on extensive references to organisational reports and articles. In this regard, the research aims not to fill out this bibliographical gap, but to present a comprehensive study on the link between border policies and migrant deaths in the Mediterranean and to demonstrate the necessity to conduct further research on the matter. Every data, statistics and numerical information about the number of people who perished along the way have been personally gathered by comparing projects and databases created by international organisations, NGOs, and universities. The four tables presented in Part 2 and the ones regarding migrants' nationalities in the annexes are the result of this process. Specifically, every number cited in the paper refers to these tables. Unfortunately, sources do not necessarily coincide all the time, are missing or highly underestimated; making the collection of data one of the main challenges for researchers and experts in investigating border-related deaths.

IOM's Missing Migrant Project⁴ (MMP) is the most valuable resource for starting an enquiry into migrant fatalities around the world. Started in 2013 as a response to the Euro-Mediterranean "crisis", it utilises national and local media reports, international organisations' briefings, and survivors' interviews to collect data on the number and dates of incidents, missing bodies, and causes of deaths. The project constitutes a major improvement from the previous databases because it is no longer based on media reports alone, but covers data from both state and non-state organisations. The website provides real-time updates, leaving aside the deaths that occurred in detention centres or refugee camps, and provides access to a number of related

³Last, T. and Spijkerboer, T. Tracking Deaths in the Mediterranean, pp. 85-86.

⁴Available at <https://missingmigrants.iom.int>.

publications. Additionally, the UNHCR's Refugees Operational Portal⁵ is a useful tool for analysing and monitoring the current situation, both in the Mediterranean and across the globe. Unfortunately, the numbers available refer exclusively to the period of time from 2010 to 2018.

Other helpful websites are The Migrants' Files⁶ and The Deaths at the Borders Database provided by The Human Costs of Border Control project.⁷ The first one was launched in mid-2013 by a consortium of journalists coming from 15 different European countries after realising that there was no official database on migrant mortality around the continent. Their aim was to use information on migrant fatalities to assess the deadly effects of European policies and to stand for the creation of a safe and legal route to Europe. In June 2016, however, the project was interrupted. In its place, The Deaths at the Borders Database was initiated. Focused on the initial years of migration flows to Europe, from 1990 to 2013, the research is carried out at the VU University Amsterdam by a team of researchers interested in investigating the intended and unintended consequences of EU border control measures. It is the first collection of official evidence on people who died attempting to reach southern EU countries from the Balkans, the Middle East, and North and West Africa. For this very reason, it is centred in the Mediterranean area and relies on death certificates only.

Lastly, evidence and statistics were obtained thanks to the contribution of a number of local organisations and non-governmental institutions. The Association for Human Rights of Andalusia (APDHA), the International Centre for Migration Policy Development (ICMPD), Doctors without Borders and Amnesty International are among them. In addition, Frontex and Europol have started counting the amount of people who have been rescued at sea or that have been perished while crossing it, developing fully-fledged databases that researchers and academics can easily have access to. Fortress Europe, Death by Rescue and UNITED for Intercultural Action provide numerous articles and documents, as well as records and figures, about the relationship between EU border control policies and loss of life in the Mediterranean.

⁵ Available at <https://data2.unhcr.org/en/situations>.

⁶ Available at <http://www.themigrantsfiles.com>.

⁷ Available at <http://www.borderdeaths.org>.

In terms of methodology, the paper is based on a desk research and it employs a deductive approach to the issue. The idea is to investigate the supposed causal link among EU border strategies and migrant casualties during the last 15 years in the Mediterranean area by testing and proving the validity of two major hypotheses. To do so, the literature referenced is interdisciplinary, given that both qualitative and quantitative empirical data are used. Political and legal documents, articles from the media, international and local reports, as well as statistical databases and descriptive studies form part of my bibliography. The research intends to be completely evidence based and data driven. Moreover, the choice to focus only on the Mediterranean region is due to the combination of two main factors: personal interest and issue relevance. Specifically, migrant mortality has recently become a highly discussed and controversial topic worldwide, especially in Italy and across the other southern EU countries. The problem has been addressed from many angles, by human rights scholars and migration experts alike. However, the fact that the policies-fatalities correlation has not received the adequate emphasis at international and European level is the element that most piqued my curiosity on the subject and brought me to research it.

Part 1: Background

Context and geography

The southern external blue border represents the deadliest migration frontier in the entire world. With 5.143 victims deceased in the attempt to touch European soil, 2016 was the most lethal year for migratory reasons our continent has ever experienced.⁸ As pointed out by Ana Lopez-Sala: “The fact that it is a maritime border, coupled with its complex political and institutional framework, makes it very distinct from other borders”.⁹ According to UNHCR, 94% of the migrants arriving to Europe by crossing the Mediterranean Sea come from only ten countries. Syrian refugees are the most numerous ones, accounting for 59% of the total. They are followed by Eritrea (6%), Iraq (4%), and Nigeria and Pakistan (3% each). Somalia, Sudan, Gambia and Bangladesh appear at the bottom, together representing 5% of the overall figure.¹⁰ Notably, three maritime routes are mainly used by migrants to reach Europe: the western Mediterranean route from North Africa to Spain and the Canary Islands; the eastern Mediterranean route between Turkey and Greece and the central Mediterranean route joining North Africa to Italy and Malta.

Utilised by migrants coming from Morocco to the south of the Iberian Peninsula and to the enclaves of Ceuta and Melilla, the western Mediterranean pattern is, in terms of arrivals, the least-used route by asylum seekers to meet their European destinations.¹¹ This is due both to the strong currents that surround the Strait of Gibraltar and to a strict bilateral cooperation between Morocco and Spain. Regardless, Asociación Pro Derechos Humanos de Andalucía (APDHA) has registered a peak of 28.707 arrivals last year, together with 249 victims who lost their lives trying.¹² By contrast, the eastern Mediterranean route became the centre of attention in 2015, when it outnumbered the previous European record for number of arrivals in one year¹³ and it

⁸See Table 1 (Mediterranean region) in Part 2.

⁹Lopez-Sala, A. and Godenau, D. (2014) Controlling Irregular Immigration at the European Union’s Southern Maritime Border. An Emerging System Driven by “Migration Emergencies”, pp. 22.

¹⁰UNHCR, Refugees/Migrants Emergency Response - Mediterranean, available at <http://data.unhcr.org/mediterranean/regional.php>.

¹¹See Table 3 (Western route) in Part 2.

¹²Asociación Pro Derechos Humanos de Andalucía (2017) Balance Migratorio Frontera Sur 2017, available at <https://apdha.org/media/Balance-Migratorio-Frontera-Sur-2017-web.pdf>. See Table 3 (Western route) in Part 2.

¹³Lopez-Sala, A. and Godenau, D. (2014) Controlling Irregular Immigration at the European Union’s Southern Maritime Border. An Emerging System Driven by “Migration Emergencies”, pp. 25.

registered 860.436 immigrants at its external borders.¹⁴ Thanks to the implementation of the EU-Turkey Statement in late March 2016, however, that number dropped dramatically, resulting in a decreased figure of almost 80% compared to the previous year.¹⁵ Lastly, the central Mediterranean route has recently become the most commonly used way to transit from African countries to the European region. Connecting Tunisia, Libya and Egypt to Italy, this itinerary has witnessed the highest numbers of arrivals and corresponding fatalities in 2014 and 2016, when respectively 170.100 and 181.436 migrants reached the Italian coasts of Sicily.¹⁶ Yet, 3.093 and 4.578 bodies were reported by the authorities over the two mentioned years, setting the saddest record in the Mediterranean history of migration.¹⁷

In the 1990s, the Schengen Agreement opened the doors to the establishment of the European Integrated Border Management (IBM), which aimed at setting up a common system of border security for all European countries. Visa obligations and carrier sanctions were introduced, triggering a shift from ordinary means of transports to irregular ones.¹⁸ Especially for southern regions, the creation of such measures meant the start of a proper externalisation of border control policies towards illegal immigration. The flow of migrants to Europe began in that same period, when the war in the former Yugoslavia resulted in the first stream of Albanian and Kosovo refugees on the Italian coast by Apulia.¹⁹ At the same time, migrant poured through the western route across the Strait of Gibraltar, resulting in the first Spanish border measures and the institution of a national border surveillance system.²⁰ Consequently, at the beginning of the 2000s, waves of immigrants intensified via both the central and the western corridors, turning the two Mediterranean routes into the most transited ones. Malta and the Canary Islands became equally “attractive”, as demonstrated by the 2006 “cayuco crisis”, during which 30.000 migrants

¹⁴IOM Mediterranean Update. Migration Flows Europe: Arrivals and Fatalities, available at http://missingmigrants.iom.int/sites/default/files/Mediterranean_Update_29_January_2016_0.pdf.

¹⁵See Table 4 (Eastern route) in Part 2.

¹⁶UNHCR, Operational Portal Refugee Situations - Italy, available at <http://data2.unhcr.org/en/situations/mediterranean/location/5205>.

¹⁷Ibid.

¹⁸Last, T. and Spijkerboer, T. (2014) Tracking Deaths in the Mediterranean, pp. 88.

¹⁹Lopez-Sala, A. and Godenau, D. (2014) Controlling Irregular Immigration at the European Union’s Southern Maritime Border. An Emerging System Driven by “Migration Emergencies”, pp. 23.

²⁰Ibid, pp. 24.

reached the Spanish Archipelago in a single year, and by the spike in arrivals to the Maltese coasts in 2007 and 2008.²¹

In 2011, the central Mediterranean witnessed the start of what we now call the “European migrant crisis” – a consequence of the Arab Spring in Maghreb countries. Three years later, the growing waves of displaced people in the Middle East and the collapse of the Libyan regime led to another influx. Overall, 216.054 arrivals were reported, representing a more than threefold increase compared to 2013.²² Regarding the eastern path, Greece has always served as a popular passageway to Europe, both at land and at sea. Yet, as argued by Philippe Fargues and Sara Bonfanti, researches on Mediterranean migration, two main causes have produced a significant expansion in irregular migration by this route: the border control policies introduced by Spain and Italy in cooperation with their African neighbours, and the escalating flows coming from Asia and the Middle East in that same period.²³

Basic definitions and legal framework

Considerations about migration issues have become central in the human rights discourse of the past decade. Yet, ongoing misunderstandings persist around this topic. Words such as “migrants”, “irregular migrants”, “refugees” and “asylum seekers” are often indiscriminately used as synonyms, or, at best, as antonyms. For this reason, an overview of the key concepts used throughout this paper is essential; not to mention that border policies are commonly differentiated in light of the “categories” of migrants to which they refer. At the same time, the definition of immigration policy has been “borrowed” by Liv Bjerre, who understands border control policies as a government’s statements of what it intends to do or not to do – including laws, regulations, decisions or orders – in regards to the selection, admission, settlement and deportation of foreign citizens.²⁴

²¹Lopez-Sala, A. and Godenau, D. (2014) Controlling Irregular Immigration at the European Union’s Southern Maritime Border. An Emerging System Driven by “Migration Emergencies”, pp. 25.

²²See Table I (Mediterranean region) in Part 2.

²³Fargues, P. and Bonfanti, S. (2014) When the Best Option is a Leaky Boat: Why Migrants Risk Their Lives Crossing the Mediterranean and What Europe is Doing About It, pp. 5.

²⁴Bjerre, L., Helbling, M., Römer, F. and Zobel, M. (2014) Conceptualizing and Measuring Immigration Policies. A Comparative Perspective.

This paper employs the general term “migrant” to designate every person who tries or has tried to reach Europe by crossing the Mediterranean Sea, irrespective of their legal status. In this sense, regular and irregular migrants, asylum seekers and refugees, displaced persons and economic migrants simply represent subcategories of this vast class. A migrant is recognised to be “any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of the person’s legal status, whether the movement is voluntary or involuntary, what the causes for the movement are or what the length of the stay is”.²⁵ Within this framework, an “illegal”, “undocumented”, “irregular” or “unauthorized” migrant indicates a migrant who enters a country without a legal residence permit or who breaks the country’s immigration rules in this attempt. Notably, the term “illegal migrant” has been largely criticized for its discriminatory connotation and implicit association with criminal behaviours and is completely avoided in this paper. “Irregular migrant”, on the contrary, is used to refer to the ways – rather than to the people – through which migrants decide to reach their destinations. Within this definition are those who lack the necessary documents and enter via illegal means, such as embarking on dangerous voyages with leaky boats or relying on the services of human smugglers. This notwithstanding, an “irregular entry” could always become a “regular stay” and vice versa if a migrant receives the right documentation to legally reside in the new country or stays longer after the expiration of his visa.

According to the 1951 Geneva Convention on the Status of Refugees, every person fleeing persecution in his own country is entitled to international protection. However, in this controversial and semi-legal context, a further distinction should be made between the terms “regular migrants”, “economic migrants”, “refugees” and “asylum seekers”. The Convention states that a refugee is someone who, for five reasons, namely race, religion, nationality, membership of a particular social group, or political opinion, “owns a well-founded fear of being persecuted”, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country”.²⁶ As a result, a person who is awaiting determination of his legal status is called an “asylum seeker”. By contrast, UNHCR has introduced the term “economic migrant” to refer to those people who do not fall within this

²⁵IOM, Key Migration Terms, available at <https://www.iom.int/key-migration-terms#Migrant>.

²⁶UN General Assembly, 1951 Convention and Protocol Relating to the Status of Refugees, A/RES/21/2198.

group. Specifically, economic migrants are persons who have the choice to leave their country and they do so in order to improve their lives, rather than to escape war and persecution. The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights, and the European Convention on Human Rights (ECHR) remain the main instruments to protect the rights of those migrants who are not included in the 1951 Refugee Convention. Articles 13(2) and 14(1) of the UDHR, in particular, establish the right of every person to leave any country, including his own, and to return to his country, as well as to seek and to enjoy asylum from persecution in other countries.²⁷

As a consequence of the strict border management of the past few years, however, a large number of migrants have started to rely on human smugglers to reach the European coasts. Article 3(a) of the UN Protocol Against the Smuggling of Migrants by Land, Sea and Air supplementing the 2000 United Nations Convention Against Transnational Organized Crime (Palermo Protocol) defines smuggling as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”.²⁸ Smuggling, contrary to trafficking, does not require any use of force or other forms of coercion, exploitation, abduction or any other violation of human rights. However, it represents a real international criminal offence that is entitled to criminal prosecution, as reiterated by the Palermo Protocol.

History of the externalisation of the European southern blue border

As a response to the massive number of arrivals – and relative drownings – on the southern shores of Spain, Italy, and Greece, the EU adopted a series of common measures aimed both at protecting migrants and controlling its maritime frontiers. According to Thomas Spijkerboer, professor at the Vrije Universiteit of Amsterdam, a full-fledged externalisation of borders has occurred since the end of World War II, when a new system of residence permits, entry visas and asylum procedures was introduced.²⁹ Migration policy switched, particularly during the past 25

²⁷UN General Assembly, 1948 Universal Declaration of Human Rights, A/RES/3/217.

²⁸2003 Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the 2000 United Nations Convention Against Transnational Organized Crime, Art. 3(a), 2241 UNTS 507.

²⁹Spijkerboer, T. (2013) Moving Migrants, States, and Rights. Human Rights and Border Deaths, pp. 215.

years, from a national, reactive level, to a European, proactive one.³⁰ In other words, the aim of the European governments turned into preventing unwanted migrants from departing for Europe, rather than checking them upon arrival. As a result of this EU borders “relocation”, new migratory routes began to be employed to reach the continent. Among others, the western and central Mediterranean passages, recognised to be inherently more dangerous than the land or air routes.

The perceived need of enhanced cooperation between EU Member states in the areas of security and migration drove the creation of the first frontier regulations, at European as well as at domestic level. In addition, three major developments increased the demand for a better border legislation in the early 2000s. Firstly, the growing media coverage and related public concern about migration issues, which became a highly contentious matter during those years. Secondly, the eastern enlargement of the European Union and the challenges it carried with it; especially concerning border management and securitisation. Thirdly, the effects caused by 9/11 and the widespread insinuations on the relationship between irregular immigration and international terrorism. All these factors led to the creation of pushback and pullback operations aimed at arresting the enormous influx of migrants from North Africa and the Middle East.

Sea border surveillance, departure prevention strategies, military missions, frontier closures and cooperation agreements with third countries were proposed and successively implemented by the majority of the European states from 1990 onwards. Specifically, the so-called externalisation process had already started with the conclusion of the 1985 Schengen Agreements and led, as a direct consequence, to the admission or refusal of those hoping to migrate in their countries of origin, rather than in the destination ones. Establishing a territory where “the free movement of persons is guaranteed”³¹, the Schengen Area implied the abolishment of every internal border and the creation of a shared external one. New common rules and procedures regarding visas, asylum requests and border controls were introduced. Particularly in Spain, this “border imperialism”³² resulted in both the construction of border fences around the perimeters of Ceuta

³⁰Spijkerboer, T. (2013) *Moving Migrants, States, and Rights. Human Rights and Border Deaths*, pp. 216.

³¹EUR-Lex, *The Schengen Area and Cooperation*, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:133020>.

³²UNITED for Intercultural Action, *The Fatal Policies of Fortress Europe*, available at <http://www.unitedagainstraci>

and Melilla erected in 1993 and 1996 respectively, the two autonomous Spanish cities located in Africa, and in the implementation of the so-called “Plan Sur”, a surveillance programme aimed at controlling Spanish land, air, and ports established in 1998.³³ Following this pattern, in 2002, the Spanish government launched the Integrated External Vigilance System (SIVE) with the purpose of monitoring the high number of vessels coming to Spanish shores by crossing the Strait of Gibraltar. As investigated in the next chapter, the enforcement and later expansion of SIVE triggered the first real effects in the deflection of migratory routes and in the creation of more fatalities at sea.

At the European level, another “integrated system” was put in place at the turn of the century. The EU “Integrated Border Management System” (IBM)³⁴ was designed to provide a global and comprehensive response shared by each EU state to address the first symptoms of international migration across the Mediterranean. On its agenda was the fight against human trafficking and illegal immigration. Only three years later, in 2005, the European Council adopted the Global Approach to Migration (GAM) with the exact same goal: “To formulate comprehensive and coherent policies that address the broad range of migration-related issues, bringing together different policy areas – development, social affairs and employment, external relations and justice and home affairs – and taking both short term actions as well as a longer term vision to address the root causes of migration and forced migration”.³⁵ With the introduction of GAM, cooperation with third countries became one of the key elements in the governance of the European external borders.

On 3 October 2005, Frontex, also known as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, became operational with the mission to promote, coordinate and develop border governance in line with the EU Charter of Fundamental Rights. Working as an overarching “coordinator” between European countries and national organisations, Frontex main task is to complement

sm.org/campaigns/refugee-campaign/fortress-europe/.

³³Lopez-Sala, A. M. (2009) Immigration Control and Border Management Policy in Spain, pp. 12.

³⁴European Commission, European Integrated Border Management Strategy, available at <http://ec.europa.eu/Transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=33415&no=7>.

³⁵European Commission, Global Approach to Migration, available at http://europa.eu/rapid/press-release_MEMO-07-549_en.htm.

national border security systems, to provide support with technical and operational assistance, and to carry out risk analyses. Five main Frontex-coordinated joint maritime operations have been largely funded by the EU during the past 13 years: Hera in Spain, Nautilus in Italy and Malta, Poseidon in Greece, Hermes in Italy and Spain, and the recent Triton in Italy. Interestingly, while the Preamble of the Council Regulation No 2007/2004 expressly states that the agency “respects the fundamental rights and observes the principles recognised by Article 6(2) of the TEU and reflected in the Charter of Fundamental Rights of the European Union”³⁶, there was originally no mention of human rights principles or any human rights monitoring mechanism in Frontex regulation.³⁷

The following year saw the implementation of two different border control initiatives. First, the EU incorporated the Schengen Borders Code (SBC) into its approach, laying down a brand-new community code on the rules governing the movement of persons across borders.³⁸ Second, Spain began to carry out the Spanish Action Plan For Africa 2006-2008³⁹, which focused on cooperating with African countries while tightening frontier controls. In 2009, the implementation of the Global Approach to Migration started to bear fruit. Namely, the Italy-Libya Friendship treaty was ratified, resulting in joint naval patrols in both Libyan and international waters. However, the settlement turned out to be highly controversial, especially considering that the patrols succeeded in “curtailing the flow of boat migrants to Italy”.⁴⁰ Eventually, during the first part of 2011, GAM was revised and successively transformed into GAMM, the Global Approach to Migration and Mobility. According to the European Commission, the added component was included to emphasise the need of “a broader concept than migration”.⁴¹ Although the new attitude was presented as an “overarching framework of the

³⁶Council Regulation (EC) no. 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), L 349/1, 25 November 2004.

³⁷European Parliament, (2015) Migrants in the Mediterranean: Protecting Human Rights.

³⁸Council Regulation (EC) no. 562/2006 of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), L 105/1, 13 April 2006.

³⁹Spanish Ministry of Foreign Affairs, Africa Plan 2006-2008, Executive Summary available at http://www.mae.es/es/Home/20060605_planafriaingles.htm.

⁴⁰Human Rights Watch, Italy/Libya: Gaddafi Visit Celebrates Dirty Deal, 9 June 2009, available at <https://www.hrw.org/news/2009/06/09/italy/libya-gaddafi-visit-celebrates-dirty-deal>.

⁴¹European Commission, A New Impetus to the EU External Migration Policy: The Global Approach to Migration and Mobility, available at https://ec.europa.eu/home-affairs/what-is-new/news/news/2011/20111118_01_en.

EU external migration policy”⁴², in practice it just meant a further restriction in the access to European territories by migrants and asylum seekers coming from North Africa and the Middle East.

Due to the dramatic increase in migration flows in the Strait of Sicily, and particularly after the sinking of a boat carrying 500 migrants at the coast of Lampedusa, on 13 October 2013, the Italian government launched the operation Mare Nostrum. Intended as both a military and humanitarian mission, Mare Nostrum supported the safeguard of human life at sea and the fight against human trafficking, migrant smuggling and organised crime.⁴³ Its purposes appear extremely relevant if compared to the goals set forth for Triton, Frontex’s maritime operation that was set up only one year later, in 2014, as a replacement for Italy’s Mare Nostrum. Triton’s primary focus is to control borders, rather than search and rescue people in distress. Italy’s decision was immediately followed by EU regulation 1052/2013, which announced the implementation of the European Border Surveillance System Eurosur – a new framework concept for cooperation between Member states and Frontex in order to improve situational awareness and border management. Still, the creation of these new organisations did not succeed in arresting the enormous amount of migrants coming to Europe’s southern shore, as I discuss below.

The ineffectiveness of such national and European border administration policies led a number of non-governmental organisations to take action and complement Frontex operations. The humanitarian Migrant Offshore Aid Action, Mediciens Sans Frontiers and the German Sea Eye were among the first ones to start helping migrants to arrive safely and sound on the European southern coasts. Furthermore, on 3 March 2014 the EU formally established a “Mobility Partnership” with Tunisia in order to “facilitate the movement of people between the EU and Tunisia and to promote a common and responsible management of existing migratory flows, including by simplifying procedures for granting visas”.⁴⁴

⁴²European Commission, A New Impetus to the EU External Migration Policy: The Global Approach to Migration and Mobility, available at https://ec.europa.eu/home-affairs/what-is-new/news/news/2011/20111118_01_en.

⁴³Italian Ministry of Defence, Mare Nostrum Operation, available at <http://www.marina.difesa.it/EN/operations/Pagine/MareNostrum.aspx>.

⁴⁴European Commission Press Release Database, EU and Tunisia Establish their Mobility Partnership, available at http://europa.eu/rapid/press-release_IP-14-208_en.htm.

In 2015, the European Parliament urged all Member states “to do everything possible to prevent further loss of life at sea”.⁴⁵ To that end, on 13 May the European Commission introduced the European Agenda on Migration, which included immediate measures to combat the unprecedented migration and refugee crisis in the Mediterranean. Following several Libyan migrant shipwrecks in April, the EU initiated the European Union Naval Force Mediterranean (EUNAVFOR Med), a fully-fledged military operation with the aim of tackling migrant smuggling and criminal networks at sea. The mission forms part of the EU’s Common Security and Defence Policy (CSDP) and it was later named “Operation Sophia” in honour of the first child born aboard the German frigate Schleswig-Holstein, a rescue ship of the German Navy. The next year, after an amending regulation that extended its powers in 2007 and as a response to the widespread condemnation of its operations, The Council of the EU and the European Parliament further expanded Frontex mandate by creating the EU Border and Coast Guard Agency.⁴⁶ Specifically, Frontex was put in charge of fostering cooperation both among Member states and between European and non-European countries. With this purpose in mind, the well-known EU-Turkey statement and the Libyan political agreement were enforced, in 2016 and 2017 respectively.

Subject of extensive criticism and harsh review by the majority of international public opinion, the EU-Turkey deal was implemented on 20 March 2016 in an attempt to “solve” the enormous influx of migrants and refugees coming from the the global south to Europe. In reality, the agreement was intended to deter the overwhelming flow of irregular migration via Turkey to Europe by returning all the new undocumented migrants coming to the Greek Islands from Turkey and all the asylum seekers whose applications had been rejected.⁴⁷ In exchange for this, EU Member states promised to accelerate visa liberalisation for Turkish nationals and to boost the already existing financial support up to EUR six billion. Moreover, a “voluntary”

⁴⁵European Parliament, Resolution on the latest tragedies in the Mediterranean and EU migration and asylum policies, 2015/2660(RSP), para. 1, 29 April 2015.

⁴⁶Regulation (EU) No 1168/2011 of the European Parliament and of the Council of 25 October 2011 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, OJ L 303/1, 22 November 2011.

⁴⁷Legislative Train Schedule, Towards a New Policy on Migration, EU-Turkey Statement and Action Plan, available at <http://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-eu-turkey-statement-action-plan>.

humanitarian scheme used to transfer Syrians from Turkey to the EU would have been activated once the number of irregular arrivals had dropped by half.

A few months later, another highly controversial bilateral agreement was signed at the supranational level. On the eve of the February 2017 EU summit in Malta, and despite the frequent disagreements with its counterpart, the EU sealed the so-called Memorandum of Understanding with the Libyan government. The treaty represents a reiteration of the 2008 Treaty of Friendship, Partnership and Cooperation between Italy and Libya, suspended in 2011 by the Italian authorities, and includes a substantial financial support by the southern EU state to Libya in return for migration containment. In addition to this, technical support to the Libyan Navy and effective improvements of health conditions in Libyan detention centres were respectively promised by the Italian and Libyan governments as part of the accord.

Part 2: The relationship between border policies and migrant fatalities

Three premises

Prior to the discussion on the supposed link between border control policies and migrant fatalities in the Mediterranean, I present three basic conditions. Firstly, that migration is not new across the European southern blue border and that it is fundamentally wrong to talk about a “Mediterranean migration crisis”. Secondly, that frontier measures and exacerbated controls have always been the classic answer of European states to migrant arrivals on those states’ coasts and that, at the same time, sea routes to Europe have increasingly become more lethal. Thirdly and finally, that a relationship between EU policies and the routes chosen by migrants to reach Europe from the African continent and the Middle East is a proven fact, rather than mere conjecture.

Interestingly, migrants were already using Mediterranean Sea routes in the 1990s, when a large number of Albanians and Kosovars started to arrive on the shores of Brindisi and Bari, in southern Italy. The same happened in Spain, which imposed its first visa requirements in 1991, causing the first unauthorized entries in the region. Moroccans, Algerians, and Tunisians who could not obtain the necessary documents triggered the creation of what we consider today the world’s most dangerous border between countries that are not at war with each other.⁴⁸ Discussing a “migration crisis” in southern Europe is, consequently, a genuine mistake, since this is not a “crisis” per se. As a consequence, the concept is employed in the coming pages only to define the large and unprecedented groups of migrants arriving at the European southern blue border from 2010 onwards; many of whom were fleeing the surge of armed conflicts in Syria, Iraq and Afghanistan. Nonetheless, it is crucial to note that these massive flows of migrants began long before the media started to pay attention to them.

Another fact emerges from a variety of sources and a review of the literature: the intensification of border control policies has constituted the first and only response of EU southern countries to

⁴⁸Fargues, P. and Bonfanti, S. (2014) When the Best Option is a Leaky Boat: Why Migrants Risk Their Lives Crossing the Mediterranean and What Europe is Doing About It, pp. 1.

the mixed flows of undocumented migrants coming from African and Middle Eastern areas.⁴⁹ This is clearly verifiable if one looks at the aims and results of European and national migration control policies implemented during the last 20 years. Simultaneously, it is a documentable fact that the number of migrant deaths that occurred at sea in an attempt to reach Europe has dramatically risen over time. Leaving aside the year 2010, which represents a clear outlier in the count of casualties at sea, as “only” 254 fatalities were reported, each year from 2003 has recorded a higher figure than the ones registered before 2002, when the first border policies started to be enforced.⁵⁰ It remains to be seen whether more welcoming policies would succeed in the opposite outcome, namely bringing fewer migrant deaths in the Mediterranean region.

Lastly, it is not just widely felt, but likely true as well, that a connection of some sort exists between border control policies and migration routes in the Mediterranean. Even without expressly stating that frontier policies have resulted in more fatalities at sea, it is clear how stricter migration policies represent a crucial aspect for those who decide to illegally undertake the journey to Europe. For instance, the closure of a sea route by means of an agreement between the recipient country and the departure country is most likely to result in a change of course, thus establishing a close relationship between these two elements. For a number of different reasons, however, this link has hardly been questioned, analysed and underpinned so far by reliable facts and data.

Data analysis

Table 1 contains the overall amounts of arrivals and deaths in the Mediterranean region from 2000 to 2018.⁵¹ As previously explained, every figure in this paper has been personally gathered by combining a number of databases and statistics provided by international organisations,

⁴⁹Fargues, P. and Bonfanti, S. (2014) *When the Best Option is a Leaky Boat: Why Migrants Risk Their Lives Crossing the Mediterranean and What Europe is Doing About It*, pp. 5.

⁵⁰See Table 1 (Mediterranean region).

⁵¹Data concerning the entire Mediterranean region do not necessarily coincide with the figures recorded across the three routes. That is to say, overall numbers are not the result of the sum of the numbers documented in Spain, Italy and Greece. They have been independently collected from other projects and databases as the ones related to the three different Mediterranean routes. Data are also inherently wrong. Particularly concerning casualties, figures only refer to those deaths that have been recorded by border authorities. Given the large amount of missing people and undocumented losses at sea, data and statistics would presumably be much higher. For the purposes of this study, however, approximate numbers are more than enough.

NGOs and national projects. The spreadsheet shows the volumes registered in Italy, Spain, and Greece during the covered period and present the annual mortality rate – that is to say the actual risk involved in crossing a certain route throughout a certain year.⁵² Tables 2, 3 and 4 indicate arrivals and deaths per route. Although for Italy and Spain, most years have been covered, Greece shows a substantial gap in 2000-2006, in which data about the number of migrants who reached Greek territory is completely missing.

Table 1: Mediterranean region

Year	Arrivals	Deaths	MR
2000	41.842	652	15,3
2001	38.660	444	11,3
2002	40.389	652	15,9
2003	33.346	1.375	37,8
2004	29.310	898	29,7
2005	34.720	769	21,7
2006	61.196	2.165	34,2
2007	38.512	2.502	61,0
2008	53.079	1.984	36,0
2009	18.217	1.658	83,4
2010	9.717	254	25,5
2011	70.295	4.073	54,8
2012	22.439	683	29,5
2013	59.421	779	12,9
2014	216.054	3.538	15,5
2015	1.016.670	3.774	3,7
2016	390.432	5.143	13,0
2017	186.768	3.139	16,5
2018	47.957	1.408	28,5
TOT	2.409.024	35.890	28,7

A prima facie overview of Table 1 indicates 2010 as the year with the least amount of arrivals and deaths in the entire Mediterranean region from 2000-2018.⁵³ With 9.717 migrants who reached the European southern shores and 254 casualties at sea, it clearly clashes with the

⁵²The mortality rate has been calculated by dividing the recorded fatalities for the attempted crossings and multiplying the result for 1000. Since the number of attempted crossings is not observed, it has been approximated by the arrivals plus the recorded fatalities. For more information, see Steinhilper, E. and Gruijters, R. (2018) A Contested Crisis: Policy Narratives and Empirical Evidence on Border Deaths in the Mediterranean, pp. 12.

⁵³See Table 1 (Mediterranean region). The lowest figures are highlighted in yellow, the highest in green and the highest mortality rates in blue.

following year (2011), which at 4.073 fatalities constitutes the deadliest toll until 2016. Likewise, peaks in arrivals have been documented in 2006, 2011, and especially 2014, when the figure drastically increased until reaching its highest point in 2015. Interestingly, the highest mortality rate was seen in 2009, when eight migrants out of 100 died while attempting to enter the European territory. Overall, more than 35.000 individuals over the past 18 years have lost their lives or have gone missing in the Mediterranean Sea for migration reasons.

Table 2: Central route

Year	Arrivals	Deaths	MR
2000	26.817	0	0
2001	20.143	0	0
2002	23.719	236	9,8
2003	14.331	413	28,0
2004	13.635	280	20,1
2005	22.939	437	18,7
2006	22.016	302	13,5
2007	20.455	556	26,5
2008	36.951	1.325	34,6
2009	9.573	435	43,5
2010	4.406	68	15,2
2011	62.692	1.940	30,0
2012	13.267	283	20,9
2013	42.925	644	14,8
2014	170.100	3.093	17,8
2015	153.842	2.913	18,6
2016	181.436	4.578	24,6
2017	119.369	2.873	23,3
2018	16.919	500	28,7
TOT	975.535	20.884	20,4

On the central Mediterranean route, 2016 is categorised as the most lethal year, as almost 90 percent of the total amount of fatalities in the region were registered at the Italian and Maltese shores.⁵⁴ Before that, a great increase in the number of both arrivals and casualties was detected in 2008 and immediately followed by a massive decrease in 2009 and 2010. Notably, in 2009 the mortality rate hit its highest rate. Over four in every 100 migrants died on this route drowning in

⁵⁴See Table 2 (Central route).

Mediterranean waters that year. Lastly, 2011 and 2014 show an impressive escalation of crossings of 14 and four times, respectively, compared to the year prior.

Table 3: Western route

Year	Arrivals	Deaths	MR
2000	12.789	127	9,8
2001	14.405	157	10,8
2002	6.795	106	15,4
2003	9.788	108	10,9
2004	7.245	95	12,9
2005	7.066	146	20,2
2006	7.502	215	27,9
2007	5.578	142	24,8
2008	4.243	216	48,4
2009	8.886	122	13,5
2010	5.369	131	23,8
2011	6.855	198	28,1
2012	6.992	225	31,2
2013	7.550	130	16,3
2014	11.146	131	11,6
2015	16.936	195	11,4
2016	14.558	295	19,9
2017	28.707	249	8,6
2018	19.560	240	12,1
TOT	201.970	3.228	18,8

Arrivals in Spain have been quite steady from 2002 to 2013, with a slight reduction in 2008 and the highest volume reported in 2003.⁵⁵ Contrary to the other routes, the first years of the 2000s have registered elevated rates of crossings, with peaks of 12.789 and 14.405 asylum seekers arrived across the Strait of Gibraltar in 2000 and 2001. Since 2014, numbers have started to grow again, reaching their greatest number just last year. Unfortunately, this considerable expansion has also been accompanied by a remarkable increase in the proportion of fatalities at sea. Specifically, 295, 249, and 240 casualties have occurred in 2016, 2017, and 2018, respectively. With regard to mortality rate, 2008 had the greatest level of risk on crossing the western Mediterranean passage. Almost five people out of 100 died seeking to reach Spain's shores that year.

⁵⁵See Table 3 (Western route).

Table 4: Eastern route

Year	Sea	Land	Arrivals	Deaths	MR
2000				32	
2001				102	
2002				94	
2003				81	
2004				103	
2005				98	
2006				73	
2007	16.789	16.781	33.570	257	7,6
2008	30.149	14.461	44.610	313	7,0
2009	27.685	8.787	36.472	31	0,8
2010	47.088	5.190	52.278	85	1,6
2011	54.974	1.030	56.004	63	1,1
2012	30.438	3.646	34.084	187	5,4
2013	11.447	1.122	12.569	61	4,8
2014	43.518	1.903	45.421	405	8,8
2015	856.723	3.713	860.436	806	0,9
2016	173.459	3.282	176.741	441	2,5
2017	29.501	5.551	35.052	61	1,7
2018	14.387	8.074	22.193	45	3,4
TOT	1.336.158	73.540	1.409.430	3.338	3,7

With a mortality rate of maximum 8 migrants out of 1000 perished at sea in one year, the way to Greece has proved to be the least hazardous route to Europe.⁵⁶ Except for the period 2014-2016, during which the proportion of fatalities significantly intensified, numbers have almost invariably remained around 100 deaths per year. The same trend has been noted about the number of crossings, with 2016 as the absolute most travelled year over the covered period, in Greece as well as in any other route to the European continent. Greek authorities recorded 860.436 arrivals, almost five times more than were registered in Italy that same year and a third of the whole number of migrant arrivals counted in 18 years of migration through the Mediterranean.

⁵⁶See Table 4 (Eastern route).

Table 5: Policies and dates of implementation

Date of implementation	Policy
2002	End of channel of Otranto route
June 2002	SIVE
June 2002	IBM
February 2004	Agreement with Tunisia
2005	End of Strait of Gibraltar
October 2005	GAM
October 2005	Frontex
March 2006	SBC
July 2006	Spanish Action Plan for Africa
2008	End of Canary Islands route
June 2008	Agreement with Algeria
March 2009	Treaty of Friendship Italy-Libya
2012	End Greek land route
September 2013	GAMM
October 2013	Mare Nostrum
December 2013	EUROSUR
November 2014	Triton
May 2015	EUNAVFOR Med
2016	End Greek sea route
March 2016	EU-Turkey Statement
October 2016	Frontex II
February 2017	Memorandum of Understanding Italy-Libya

Ultimately, Table 5 includes the list of the European and national migration policies whose effects on migratory routes and migrant losses are investigated below. The analysis takes into account the time of implementation of every single policy so as to assess whether, after those dates, more or less arrivals and deaths have been documented.

First hypothesis: *do stricter border control policies stop migrants from migrating or migrants simply create new routes to circumvent these restrictions?*

The theory whereby border control policies do not actually work in preventing migrants from leaving and drowning in the Mediterranean has been claimed by a number of different actors in a number of different ways. As argued by Tamara Last, researcher at the Human Costs of Border Control project, there is very little questioning in literature on the existence of a relationship between EU border deaths and policy-making. Precisely because of this superficial agreement,

no consensus has been reached – nor even has the topic been deeply explored – with respect to what kind of relationship there is.⁵⁷ Data show that whenever a new strategy has been implemented at national or European Community level, fewer arrivals have been registered by the coastal authorities during the following months. This was the case in Spain after the introduction of the Spanish maritime surveillance system in 2002 as well as of Italy in 2009 and 2017, when the two agreements with Libya were accomplished. The relationship is even more apparent in the eastern Mediterranean if one considers that following the enforcement of the EU-Turkey deal in March 2016, crossings dropped by five times the previous in the space of just one year.

This notwithstanding, the “Mediterranean refugee crisis” is a phenomenon that must be studied and understood as a whole rather than by splitting it up in parts. Although it true that the enforcement of a new policy in one specific country has led to fewer people attempting enter that country via its coasts – at least in the short term period – numbers demonstrate another interesting fact: that stricter approaches fail to arrest the majority of people coming to Europe because migrants simply switch from their initial route to other, less supervised ones. According to Ana Lopez-Sala: “The external areas surrounding the European Union function as a buffer system, in which increasing control on migration flows in one area produce changes, or deviation effects in others”.⁵⁸ This means that more arrivals on the Italian shores might derive from fewer crossings in Greece and that European border control policies might not be succeeding in their primary scope which is to take down migration flows with all their might.

To understand the connection between policies, routes, and fatalities, I am now going to analyse the numbers presented in the previous section with regard to each frontier-related measure implemented at EU and state levels over the past 18 years. In particular, a step back in the history of the externalisation of the southern European blue border ought to be made in order to assess which consequences EU initiatives have brought in terms of arrivals, deaths, and mortality rate. This is to examine the hypothesis that considers border control policies factually ineffective in

⁵⁷Last, T. (2018) What is the Relationship between EU Border Deaths and Policy? Conflicting Hypotheses from Academics and Policy-Makers, pp. 5.

⁵⁸Lopez-Sala, A. M. (2009) Immigration Control and Border Management Policy in Spain, pp. 18.

preventing migrants from leaving their countries because new routes are created once the previous ones are sealed by the authorities.

Before to the turn of the century, the channel of Otranto in southern Italy constituted the most trafficked and easiest way to get to southern Europe. Migrants departed from Albania and Turkey, went by the Adriatic Sea and reached Apulia and Calabria without running into great risks and dangers.⁵⁹ It was when the route was completely shut down in the first months of 2002, and the Mafia groups ferrying migrants from one coast to the other were officially dismantled, that migrants started circumventing these new restrictions by undertaking different routes to reach their destinations. With only 60 kilometres separating Spain mainland from Morocco, the Strait of Gibraltar was suddenly being crossed by approximately 10.000 individuals per year.⁶⁰ The trend changed again when the establishment of SIVE, and the introduction of a new Moroccan law against illegal departures to Spain, caused the first shift in direction from the Spanish Strait to the Sicilian coastlines. This is suggested by both a decrease in the number of arrivals in the western Mediterranean and an opposite increase in the central Mediterranean in 2002.⁶¹ Over the next two years, the compliance with the new European border management strategy (IBM) led to an overall fall in the proportion of crossings in Italy as much as in Spain. However, the decline was presumably helped by the signing of a cooperation deal between Italy and Tunisia in February 2004 and by the joint interventions of Spanish-Moroccan patrols in African waters.

The end of 2005 marked the end of the western Mediterranean route for two reasons. Firstly, the Global Approach to Migration entered into force, creating a new and more comprehensive migration framework for Member states, and secondly, Frontex became fully operational. With a part of the migrant population already diverted to the central route, Moroccans and Tunisians started to rely on smugglers acting in the Atlantic Ocean and in the further Alboran Sea.⁶² From 2006 to 2008 huge increments were reported at the Canary Islands, 100 kilometres from the western coasts of Africa. In three years, around 53.300 individuals landed on the shores of the

⁵⁹Albahari, M. (2006) *Death and the Modern State: Making Borders and Sovereignty at the Southern Edges of Europe*.

⁶⁰See Table 2.

⁶¹See Tables 2 and 3.

⁶²Carling, J. (2007) *Unauthorized migration from Africa to Spain*.

Spanish islands, with 31.678 of them in 2006 alone, a figure seven times bigger than the crossings in 2005 and four times the ones in the Strait of Gibraltar that same year.⁶³ In the view of Katherine Kuschminder: “The increased use of the Canary route during the first few years of this decade was a response to greater surveillance of the Strait of Gibraltar and the difficulty of entering through Ceuta and Melilla where fences had gradually been erected around both cities and electronic surveillance implemented”.⁶⁴

Numbers indicate that Frontex has not succeed in its mission, either. More arrivals were registered in the years following its implementation, manifesting the programme’s incapacity to halt the streams as well as the deaths in the Mediterranean. In addition, as a response to the setting of the Schengen Borders Code in March 2006, fewer crossings were documented in each route to Europe in 2007. Yet this pattern lasted only for a few months. With the sole exception of Spain, whose government formally approved the Spanish Action Plan for Africa on July 2006, bringing migrant intake down nearly 24%, higher volumes of arrivals and casualties were reported all through 2008. Italy and Greece, in particular, documented an upsurge of 80% and 33% each. Once again, numbers highlight the correlation between the enforcement of migration strategies and the routes chosen by migrants to reach European soil. After the realisation of new border control measures in one region, more people have been reported on the shores of the neighbouring countries. Another fact, however, has undoubtedly contributed to the enormous increase of arrivals to the Sicilian coastlines: the harsh political repression in Tunisia and the consequent lowering of border surveillance on its coasts, which led thousands of Tunisian citizens to flee from their homeland.

Also in 2008, the closure of the route from Senegal and Mauritania to the Canary Islands provoked an unwanted growth in the migratory influxes to the Spanish mainland. In 2009, 8.886 individuals were detected at the Spanish border, formalising the end of the Canary passage and the resurgence of the Strait of Gibraltar route. On the other hand, 2009 and 2010 showed a substantial fall in arrivals via the central Mediterranean route. The signing of the cooperation agreement with Algeria on 25 June 2008 and later the conclusion of the Treaty of Friendship

⁶³Carling, J. (2007) Unauthorized migration from Africa to Spain.

⁶⁴Lopez-Sala, A. M. (2009) Immigration Control and Border Management Policy in Spain, pp. 17.

with Libya, brought an almost immediate decline of about 74% and 88% in the amount of crossings from North Africa, compared to 2008. Finally, Greece experienced a remarkable but progressive increment from 2007 to 2012, with a peak of 54.974 migrants intercepted at the Greek land border in 2011. Based on all these facts, it is fair to presume that a mass change of route from Italy to Spain and Greece might have taken place.

In 2011, the Arab Spring exploded, leading to huge waves of migrants at the European southern borders. In reply, the Greek government erected a fence along its border with Turkey, cutting the route through the Evros River in two. This is why data for 2012 show low volumes everywhere except in the eastern Mediterranean route, and why data for 2013 indicates the exact opposite. On 23 September, the Global Approach to Migration and Mobility opened the doors for a series of domestic and European policies aimed at tackling the impressive numbers registered in 2013, specifically in central Mediterranean. The creation of the Italian maritime operation Mare Nostrum on 18 October was followed by the establishment of the Union's Eurosur on 2 December and finally supported by the EU Mobility Partnership with Tunisia. Despite all of these security measures, 2014 recorded a steep rise of arrivals in each of the three main routes to Europe, proving the complete ineffectiveness of the recent European border management strategies in stopping migration influxes in the Mediterranean region.

As mentioned above, only one year after the introduction of Mare Nostrum, Frontex took over the surveillance of the central route. Although the overall numbers slightly decreased in 2015, 2016 clearly demonstrates the error of replacing SAR operations with border control and military interventions (EUNAVFOR Med included). As the president of the EU Commission Jean-Claude Juncker stated in a press conference on 23 April 2015: "It was a serious mistake to bring the Mare Nostrum operation to an end. It cost human lives".⁶⁵ A second output resulted from the 2012 blockade of the Greek land passage. From 2014 to 2016, a new way became unusually trafficked when migrants were diverted to the Greek sea border and started to embark on

⁶⁵EU Commission, Speech by President Jean-Claude Juncker at the Debate in the European Parliament on the Conclusions of the Special European Council on 23 April, Tackling the Migration Crisis, 29 April 2015, available at http://europa.eu/rapid/press-release_SPEECH-15-4896_en.htm.

journeys across the Aegean Sea to the Greek islands.⁶⁶ Suddenly, the Balkan route became the busiest passage in the entire Mediterranean, and its closure on 3 March 2016 meant the official shutdown of a crowded sea route, which experienced an unprecedented diminishment in arrivals during that same year. At the same time, the EU-Turkey agreement drastically reduced the chances of migrants arriving from the Turkish border. In 2017, only 35.052 arrivals were documented in comparison to the 860.436 crossings documented in 2015. Notably, the two-fold increase in Spain during the past two years and the highest number of arrivals in Italy in 2016 might indicate a further diversion effect from the eastern to the western and central Mediterranean routes. However, further considerations on the nationalities of migrants supposedly diverted from one passageway to the other ought to be investigated in order to fully rely on this assumption.

Migrants' nationalities as further evidence

The analysis of the first hypothesis shows a considerable number of route diversions which appears to have occurred during the last twenty years of Mediterranean migration. Specifically, almost every time stricter policies have been introduced by state governments to address the high number of arrivals and deaths on their coasts, migrants have answered by simply changing their journeys towards less supervised passages. This has happened both at a domestic level, with shifts within Member states, and at a regional level, with changes across countries. Examples of the first case can be found in Italy, when the passage between Albania and Apulia was dismantled and migrants became to undertake their journeys to Sicily and Lampedusa; in Spain, with the relocation of routes from the Strait of Gibraltar to the Canary Islands and vice versa after the externalisation process carried out by SIVE; and in Greece as well, if one considers that following the construction of the wall in 2012, economic migrants, refugees and asylum seekers were redirected towards the Hellenic sea passage.

Overall, six major deflections have been identified during the period 2000-2018. At first, migrants were diverted from Italy to Spain as a consequence of the control strengthening at the Italian-Adriatic border. Then, right when African refugees and asylum seekers started to rely on

⁶⁶Topak, O. E. (2014) *The Biopolitical Border in Practice: Surveillance and Death at the Greece-Turkey Borderzones*.

the Strait of Gibraltar to reach European soil, the Spanish government sealed the two migratory passages from North Africa to Spain, namely the Strait of Gibraltar and the route to the Canary Islands, leading to an escalation of traffic through the central Mediterranean route towards Sicily and the Italian island of Lampedusa. The military action plan of SIVE was not long after imitated by the European Frontex, whose security operations and the conclusion of the agreement between Italy and Libya brought the official opening of the Eastern Mediterranean route. Yet, another border securitization measure resulted in the umpteenth deviation. The fence first and the agreement with Turkey later led, *inter alia*, to a redirection of course towards the central route. Once again, the joint intervention of Triton, EUNAVFOR Med and the memorandum with Libya meant the shutdown of the last possible way to get to European southern shores. Lastly, the latest numbers registered at the Spanish frontier suggest that the most recent deflection is from Italy to the western European coastlines.

The data available has repeatedly demonstrated the relevance of this paper's first hypothesis. While stricter measures enforced in one country have resulted in fewer arrivals on the same country's shores (with the exception of 2006 and 2014), more arrivals have been registered simultaneously in the other two recipient states. This proves that the majority of European border policies have not led to any concrete results, except for a diversion effect in the routes chosen by migrants to reach EU territory. As many have pointed out, however, this fact alone does not constitute a cause-effect connection between the two elements and other factors may have contributed to the increase or decrease of arrivals over the three different passageways. Precisely for this reason, I have gathered and compared information about the nationalities of migrants arriving on the EU southern coasts during the past few years. Unfortunately, once again the scarcity of data and statistics presents the main obstacle of this study. Only figures for the period 2014-2018 could be collected from the databases of UNHCR and IOM, with a huge gap regarding Spain and Greece in 2014.⁶⁷

⁶⁷See Tables in the Annexes. As for the data on the number of arrivals and deaths in the Mediterranean region presented above, information on migrants' nationalities has been gathered comparing databases and statistics of IOM, UNHCR, and a number of others non-governmental institutions and non-profit organisations. The result is the tables presented at the end of the paper. Unfortunately, figures are considerably inaccurate and partly missing.

According to data, Greece has always been the sought-after destination of Syrians, Afghans, Pakistanis and Iraqis, among others. The same nationalities were also present in Italy, although on a smaller scale. The highest percentages pertained to Eritreans, Nigerians and, to a lesser extent, migrants from Mali, Senegal, Gambia, Guinea and Cote d'Ivoire. Gambians, Guineans and migrants from Cote d'Ivoire were equally attracted by Spain, which also reported high rates of individuals coming from Algeria and Morocco. It appears, upon careful analysis, that a shift in nationalities seeking asylum has lately occurred among the central and the western Mediterranean routes. A large proportion of Guineans and Moroccans were deflected from Italy to Spain in 2017-2018 as well as some Gambians and Malians, demonstrating the diversion effect caused by the most recent Italian agreement with Libya.⁶⁸

Three observations should be noted to test the supposed redirection that happened after the implementation of the EU-Turkey statement in March 2016. Firstly, that Pakistani immigrants on the Greek coasts went from 23.260 in 2015, to 8.793 in 2016 and around 500 in 2017.⁶⁹ Even more interestingly, in parallel with this decline, approximately 300 were recorded crossing the central route since last January. Secondly, that adults, women and children from Bangladesh changed their path from Italy in 2015, to Greece in 2016, and back to Italy again in 2017. In a rough estimate, 9.000 people arrived last year to the Italian coasts through the Mediterranean.⁷⁰ These facts provide support to the idea that a route shift from the eastern to the central passageway is ongoing. The outcome of the third analysis is quite the opposite and goes partly against the first hypothesis. The proportion of Syrians reaching Europe during the past five years does not show any diversion effect from Greece to Italy, following the signing of the Turkish deal. Syrians were already departing for Italy in 2014, and using every Mediterranean route in 2015 (although much less went through the central passage than the previous year). In 2016, the number of migrants coming from Syria to Greece exponentially increased, but continued to recede in Italy. In Spain, the figure dropped from 44.2% to almost none in the space of one year. Finally, 2017 and 2018 saw a great diminishment in Greece and a slight growth in Spain. No Syrian refugees were documented on the Italian shores during the past two years.

⁶⁸See Tables in the Annexes.

⁶⁹Ibid.

⁷⁰UNHCR Operational Portal Refugee Situations - Italy, available at <http://data2.unhcr.org/en/situations/mediterranean/location/5205>.

Unfortunately, the scarcity of information does not support the full authenticity of the first hypothesis. Although strong evidence has been previously found to state that a diversion effect occurs every time a new policy is implemented, data about migrants' nationalities are too poor to provide solid grounds for this assumption. Regardless, the available figures have shown the plausibility of a shift in the migratory route used by migrants to reach Europe following the signing of the 2017 Italy-Libya cooperation agreement and have partly demonstrated the reliability of a diversion effect between the eastern and the central Mediterranean passages thanks to the introduction of the EU-Turkey deal in 2016 (two out of three elements have supported this theory).

Second hypothesis: *do stricter border control policies divert migration routes to more dangerous ones, eventually leading to more fatalities at sea?*

A fair amount of evidence suggests that shifts in the migratory routes used by migrants to reach Europe are, in fact, taking place. As crucial as this information is, the assessment of the second hypothesis is even more relevant for this research because it examines if these new routes are more dangerous than the previous ones. In the event that proofs of this assumption are found, then it would be fair to argue that European border control policies are one of the determining factors of more migrant fatalities in the Mediterranean Sea. In the opinion of Lorenzo Pezzani, researcher for the Forensic Oceanography project, “border violence and death at the border is not a kind of tragic side-effect of border-policing, but it is really a structural outcome, even at times a deliberate goal, of it”.⁷¹ As explained above, Mediterranean passageways have indeed become increasingly lethal over the past few years. According to the information available, this happened not because more and more individuals have fled from their homes, but because the surge of irregular migration has led to the introduction of preventive measures which have ultimately shot down every possible way to legally enter in Europe. Hence, migrants have been forced to choose riskier paths, placing their lives in the hands of smugglers and jeopardising their lives on every level.

⁷¹Fekete, L. (2018) Migrants, Borders and the Criminalisation of Solidarity in the EU, pp. 71.

In general, newer routes are considered more hazardous because they are more convoluted – or less direct – than the previous ones.⁷² They may involve more time, risks, and obstacles. Most times, the impediments that these people face are not only natural barriers, like mountains, deserts and high seas, but also restrictions implemented by humans. As a matter of fact, other than provoking a fully-fledged diversion effect, policies have been responsible for two foreseeable outcomes. On one side, smugglers have started to adopt more harmful strategies to get migrants to the EU. Aiming at enhancing profitability while avoiding arrests, they have organised longer and more hazardous journeys, arranging departures during bad weather or deploying smaller and overflowing vessels. Due to both the lack of equipment and the inexperience of migrants in conducting leaky boats, individuals have started dying by drowning and of suffocation, cold and hunger. On the other side, European maritime operations have shifted from being rescue-oriented to having surveillance and security as their primary concern. The replacement of Mare Nostrum with the Frontex-led Triton is a clear sign of this trend, and the increased mortality rate after this change is a prime example of its detrimental outcomes.

There is no doubt that the diversion effects caused by the first EU border policies have compelled migrants to undertake less secure routes. Both the way across the Adriatic Sea and the passage to the Canary Islands represented shorter and safer means to reach the southern states of the European continent. The same discourse could be done for the Greek land route, which definitely implies fewer risks in terms of length and geological obstacles than the route across the Aegean Sea. Taking a closer look at the mortality rate across the different routes helps to understand which passage among the three main ones involves more danger for migrants, and thus which way is the most unsafe. Certainly, the eastern Mediterranean route constitutes the least perilous passageway, with the highest mortality rate of 8,83 measured in 2014⁷³, three times less than the average of both Spain and Italy.⁷⁴ While the western path recorded a greater mortality rate over the past 18 years, with nearly five migrants out of 100 perished in attempting to cross the Strait of Gibraltar in 2008⁷⁵, it is the central route which proved to be, on average, the riskiest road to Europe. This means that, not only in theory, but also in practice, every time

⁷²Last, T. (2018) What is the Relationship between EU Border Deaths and Policy? Conflicting Hypotheses from Academics and Policy-Makers, pp. 13.

⁷³8 migrants out of 1000 have died in 2014 in an attempt to cross the eastern Mediterranean route; see Table 4.

⁷⁴See Tables 2, 3 and 4.

⁷⁵See Table 3.

the introduction of a new EU policy resulted in a diversion of route towards the central Mediterranean passage; those policy decisions have led to more losses at sea.

Another way to examine the lethal consequences of the application of new restrictive laws is to consider if the level of fatalities has grown or diminished following these laws' enforcement. According to data, European measures very rarely work in reducing the amount of casualties at international frontiers.⁷⁶ Most times, higher volumes of deaths at sea have been registered after the imposition of severe migration laws and thus, whenever fewer crossings have been recorded. In 2002, deaths in the central route started going up after the diversion effect from the channel of Otranto and the Strait of Gibraltar to the Italian islands of Sicily and Lampedusa. One year later, the incorporation of new policies and maritime operations within the European approach to migration led, predictably, to a smaller number of arrivals. Unexpectedly, however, twice the number of individuals perished during the journey. In 2007, Frontex-led missions began to push back migrants to their countries of origin. Fewer arrivals occurred in that year but, once again, the number of fatalities soared, both in Greece and Italy. The same happened in Spain the following year, when the lowest rate of arrivals corresponded with one of the greatest percentage of deaths. Notably, 2012 experienced decreases everywhere except for the death toll at the eastern Mediterranean pathway, which tripled in a year alone.

Over the past five years, arrivals have first picked at their maximum, hitting at approximately 5.000, 4.500, 300, and 800 deaths in Italy, Spain, and Greece respectively, and then progressively dropped. Though the figures recorded from 2014 to 2017 are, as we have seen, the product of various events and unintended side effects, there is no question that fewer arrivals have often corresponded with a rise in casualties. In other words, migratory flows have actually declined while mortality has heavily grown, at least in absolute terms. Finally, by looking at the correlation between the absolute number of migrants who crossed the Mediterranean Sea from 2000 to 2018 and their probability of dying while doing it (the already calculated mortality rate), we can see that being negative ($r=-0,42$), it means that a larger amount of departures corresponds to a lower chance of drowning. This supports the theory whereby sealing off the shortest, most travelled, and least deadly routes would automatically result in a higher proportion of deaths at

⁷⁶See Tables 2, 3 and 4.

sea. Namely, that stopping migration and mortality at sea might constitute two different and “partly conflicting objectives”⁷⁷ that would need separate, if not divergent measures to achieve them.

Results analysis

From a study on the relevant academic literature, Last identifies seven types of possible relationships among European frontier policies and Mediterranean deaths: spatial, temporal, causal, cyclical, targeted, remedial and structural.⁷⁸ All of them have somehow been tested over Part 2. Both spatial and temporal connections have been determined, since casualties have increased or decreased in specific border regions whenever a new policy has been introduced. Additionally, the research has been focused on finding reasons to argue that there is a causal link between the two elements. Although it has some discrepancies, the collected information has partly demonstrated this correlation. Nonetheless, it could be argued that beyond a simple unidirectional relationship, there is a cyclical, reciprocal connection between border deaths and frontier management measures. Ironically, migrant fatalities represent both motive and “collateral damage” of the majority of policies enforced during the past 20 years in the southern Mediterranean area – a conclusion that reinforces the idea that there is a fundamental misconception at the heart of the European policy-making process. Specifically, those policies are supposed to stop migration waves and people smuggling, but they turn out to be one of the most decisive contributing factors to both.

Targeted and remedial correlations have been also covered by the previous analysis. However, they have been considered more like basic assumptions than subjects of in-depth research. For instance, it has been partly taken “for granted” that the population at risk of border death – migrants – represents the real target of border policies, or that the right policies might actually work in reducing the number of fatalities in the Mediterranean. Despite everything, it is undeniable that the measures implemented so far have not yet led to this outcome. Finally, Last

⁷⁷Fargues, P. (2017) Four Decades of Cross-Mediterranean Undocumented Migration to Europe. A Review of the Evidence, pp. 14.

⁷⁸Last, T. (2018) What is the Relationship between EU Border Deaths and Policy? Conflicting Hypotheses from Academics and Policy-Makers, pp. 5.

cites a possible “structural” relationship among EU border deaths and strategies.⁷⁹ According to the literature, policies may create conditions that would result in more deaths at sea because they reinforce existing inequalities and negatively affect the functioning of other systems, such as the Law of the Sea, the international humanitarian relief efforts, and even the action of human smugglers. Even though the idea has been partly addressed in this paper, it has not constituted a primary concern of this study.

Part 2 has therefore examined the relationship between the implementation of new and tougher border control policies and the number of arrivals and deaths recorded at the Spanish, Italian and Greek coasts over the past 18 years. Specifically, two main hypotheses have been tested, namely whether EU deterrence measures are effectively working in preventing migrants from departing and arriving on our coasts, and whether it is true that these same policies are instead creating new and more hazardous routes which imply more dangers and risks for migrants. After a brief introduction on the premises to this study and a review of the collected data, the two hypotheses have been tested by comparing the number of migrants’ arrivals and deaths following the implementation of each policy and the nationalities of migrants arriving through the three Mediterranean routes from 2015 to 2018.

Regarding the first hypothesis, data has proved that multiple diversion effects have happened in the Mediterranean from 2000 to the present day. As previously explained, 6 major shifts have occurred in the region, and are demonstrated by the increases recorded at two countries’ shores whenever a new policy is enforced in the other one. Although from a first look it may appear that fewer people arrive to Europe as a consequence of the introduction of a new restriction, in practice an overview of the entire situation shows that, not only migrants keep crossing the sea, but also new and more dangerous routes are used to do so. The same idea is further substantiated by the second analysis, which has revealed a new, scary tendency in the Mediterranean area: less arrivals in absolute terms are documented on the European shores while more deaths are recorded at sea. This is particularly evident from the analysis of the mortality rate over time and routes, and from the collection of the latest data on the central and western Mediterranean passages.

⁷⁹Last, T. (2018) What is the Relationship between EU Border Deaths and Policy? Conflicting Hypotheses from Academics and Policy-Makers, pp. 5.

Part 3: Counter-arguments and criticisms

Push factors and other variables

Proving that border control measures have resulted in a bigger death toll at sea is likely to raise a number of different criticisms. This is why in Part 3 I deal with the potential counter-arguments of the two aforementioned hypotheses, namely that external elements, smuggling, and humanitarianism should be blamed for the impressive number of casualties registered in the Mediterranean Sea over the past 18 years – and not the strategies implemented at EU level. It is indeed widely felt that other drivers, far beyond the reach of European states' power and action, have directly led to greater volumes of deceased people at sea. Highly volatile factors such as natural elements and timing are among them. Often accused of being the first cause of the mortality rate across the western, central and eastern routes to Europe are weather, sea conditions, darkness, and coldness, which definitely do represent one aspect of the problem. Since these factors are both difficult to measure and subject to constant change, disentangling their impact from that of the policy is fundamentally unfeasible. This is the reason why most critics have not addressed the root causes of forced migration.

Facts and events occurring in migrants' countries of origin and transit are commonly included in the group of those “push factors” which prompt migrants to flee from their homes and take their chances to reach Europe. Although this paper has never intended to argue that European and national policy-making is the one and only reason of migrant mortality in the Mediterranean region, the outcomes achieved in Part 2 deserved to be contextualised within a larger framework. Moreover, the focus on how to stop the migration flows to Europe has frequently obscured the real motives that force individuals to look for international protection, namely because of harsh conflicts and intolerable living conditions. Obviously, structural factors are the primary determinants of more casualties at sea. Wars and political crises, but also economic instability and poverty are the first aspects which should either be stopped or limited in order to put an end to the tragedy that is taking place in the Mediterranean for up to 20 years now. Migrants are in fact driven not only by safer places to live, but also by the European labour market and higher chances of employment.

Most of these main aspects – the most important – have been taken into account by the analysis conducted above. It is true that greater figures of both arrivals and deaths have been recorded by the Spanish, Italian and Greek authorities in 2008, 2011, and 2014 as a consequence of massive numbers of migrants departing from North African and Middle Eastern countries. In 2008 and 2011, two big revolutions took place in Tunisia, resulting in huge streams of migrants on the EU southern shores. Also in 2011, the collapse of the Libyan transition process and the exodus created by the Syrian civil war led to the same outcome, with high volumes of people crossing the central and eastern route in search of a better life. Finally, in 2014, people started leaving Afghanistan, following several political upheavals, and Palestine, after the outbreak of the armed conflict in Gaza, and numerous other countries such as Eritrea, Iraq, Nigeria, Pakistan and Somalia, where severe human rights violations were recorded and broadcast all over the world. This notwithstanding, a consideration ought to be made: that in the presence of a regular, safe passage to Europe, none of those people would have embarked on leaky boats in the first place, sparing not only hundreds of lives, but also the money, energy and time of EU Member states, NGOs and other inter-governmental institutions.

Smuggling as the main cause of migrant fatalities

The accusations against smuggling networks represent the second, most relevant critic in the public debate on the link between EU border management regulations and the number of losses at sea during the past two decades. According to a number of public figures and institutional leaders, smugglers are between the main causes – if not the primary one – of migrant deaths at sea. Particularly since the increasing militarisation of SAR operations in the Mediterranean and the introduction of newer defence missions, EU Member states have revealed their real priorities: to secure the frontiers and to arrest unwanted migrants on their coasts. As already noted, this goal was mainly pursued by introducing tougher regulations aimed at tackling irregular migration as well as human smuggling in the Mediterranean region. However, as the fight against smugglers became a number one objective in the European agenda of the past 15 years, and very little was achieved, more and more people started to speculate on the relationship between these EU interventions and the illegal actions of smugglers at sea. Two opposing angles developed, turning the view of policy-makers against the opinions of worldwide academics and researchers.

On one side, illegal immigration and large-scale tragedies have triggered harsher responses by states' governments. It was precisely to help reduce the deadly journeys of migrants at sea that more controls were imposed at national and European Community level. On 12 and 18 April 2015, 1.200 people lost their lives off the coast of Libya in the two largest and deadliest shipwrecks involving migrants the Mediterranean region has ever experienced. The EU response was the introduction of EUNAVFOR Med (renamed "Operation Sophia" a few weeks later), a EU naval mission whose scope has been the breakup of human smuggling at sea. Although it was led by good intentions, after two years the United Kingdom's House of Lords complained that the EU operation in the Central Mediterranean clearly "failed to meet the objective of its mandate", which was "to disrupt the business model of people smuggling", and that for this reason it should have not been renewed.⁸⁰

In the view of policy-makers, smuggling – and irregular migration in general – acts as a "mediating variable" between policies and deaths.⁸¹ Specifically, casualties occur because either migrants decide to travel illegally, without any documents or authorisation, or because smugglers act ruthlessly.⁸² This logic has two main implications. The first is that reinforcing the existing, deterrence-oriented laws is the only thing states contemplate to be effective in order to eradicate the problem, and that the proposal to create safe corridors for migrants to safely reach the EU continent will never be considered. The second is that smugglers and migrants themselves are the only ones to blame for the losses of lives at sea and, as a consequence, reducing and preventing illegal immigration is merely a means to save migrants from themselves.

On the other side, academics hypothesise that policies have established a "dependence" on smugglers.⁸³ Over the past 20 years, smuggling mechanisms and strategies have changed in parallel with more controls and security measures at sea. Higher loads, less seaworthy boats and shifts in departure points are just a few examples of how smugglers have "improved" their business. In particular, every mission designed to thwart their actions appears to have caused more harm than actual good. Investing in police presence has diverted routes, destroying their

⁸⁰The Guardian, The Fight to Stop Mediterranean People-Smuggling Starts on Land, not at Sea, 13 July 2017, available at <https://www.theguardian.com/commentisfree/2017/jul/13/mediterranean-people-smuggling-sea-lords-inquiry-uk-eu-ngo>.

⁸¹Last, T. (2018) What is the Relationship between EU Border Deaths and Policy? Conflicting Hypotheses from Academics and Policy-Makers, pp. 28.

⁸²Ibid, pp. 29.

⁸³Ibid, pp. 30.

boats has discouraged them from using expensive and more seaworthy vessels, and arrests have deterred them from getting on the boat, leaving inexperienced migrants at the helm. In this respect, while policy-makers have resorted to more border surveillance measures, the majority of scholars have theorised an alternative, more humane approach.

Experts start from the idea that efforts at the southern borders are a futile solution to irregular migration and that, more generally, migration is something that will never stop. In their opinion, institutional actors have used humanitarian reasons to address the issue from one sole – and wrong – perspective. The urgency of the problem has indeed legitimised EU states to respond with military capabilities to this apparent “threat”, while the call to open limited humanitarian corridors, to enhance search and rescue operations or to prompt relocation mechanisms has been swiftly dismissed, even condemned, as soon as NGOs made it their primary aim. Academics advocate for a deeper understanding of the relationship between border policies and smuggling. Deaths are not just the result of migrants’ “bad decisions”, or of smugglers’ work, but largely of restrictive policies, the same ones that have diverted routes from less to more dangerous passageways. Irregular travels are primarily a product of a stronger enforcement of control measures. The solution to this cannot be a further implementation of control measures, but a mobility equality: fewer deterrents and more humanitarianism and safer routes to Europe.

The evolution of smuggling activities in the Mediterranean is the product of various facts and events. Migrants started to rely on human smugglers because of a simple lack of alternatives. Ironically, it was the implementation of stricter and stricter deterrence-based migration laws, which were aimed at fighting the same problem, that caused, at least partially, the unrestrained growth of the migrant smuggling and trafficking business in the Mediterranean region.⁸⁴ As pointed out by Fargues and Bonfanti: “Smugglers are not the root cause of the problem. They are the wrong response to people who are desperate for international protection. Smugglers did proliferate in response to a demand and it is the demand that must be tackled”.⁸⁵ This led to the conclusion that smuggling in the Mediterranean is both the cause and the effect of European and national border control policies. According to Jean Lambert, member of the European

⁸⁴Human Rights Council, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, pp. 11, A/HRC/37/50, 26 February 2018.

⁸⁵Fargues, P. and Bonfanti, S. (2014) When the Best Option is a Leaky Boat: Why Migrants Risk Their Lives Crossing the Mediterranean and What Europe is Doing About It, pp. 16.

Parliament: “Smuggling for financial or material benefit and smuggling for humanitarian purposes, are also quite different. If you are not profiting from what you are doing, it is effectively not smuggling, it is humanitarianism”.⁸⁶

SAR operations as pull factors

Another frequent criticism concerning the link between EU frontier policies and migrant casualties involves the search and rescue actions carried out by NGOs vessels in the Mediterranean Sea. Humanitarianism was recently put under pressure by many European governments’ representatives, who have started questioning the means used by non-profit organisations to rescue people at sea, as well as their economic resources and gains. The accusations, however, had started long before 2014 – when the first humanitarian navies started patrolling the EU southern maritime areas. Notably, criticisms had emerged already at the end of 2013, when the Italian operation Mare Nostrum was established with the aim to search and rescue people in distress.

Mare Nostrum

Mare Nostrum was launched in October 2013 following the drowning of 370 migrants less than one kilometre from the coasts of Lampedusa. Contrary to the EU proposal, which led to the creation of the military mission Eurosur a few weeks later, the Italian government decided to adopt a more humanitarian strategy, implementing a naval operation with the core duty of saving migrants rather than preventing their departure. Despite the high number of people saved during its implementation (over 150.000), the mission was quite harshly contested by European public opinion, which denounced Mare Nostrum of being a “pull factor” for illegal immigration in the Mediterranean. Under this view, the fact that the Italian mission was operating much closer to the Libyan coastline than the previous missions was believed to have encouraged a greater volume of migrants to cross the Mediterranean routes. Thus, it was perceived as being not only the cause of more crossings, but also of more business for smugglers and collateral deaths at sea.

At first glance, numbers support this theory. Both arrivals and casualties grew in 2014⁸⁷, recording unprecedented levels in the area. However, Death by Rescue has confirmed how the

⁸⁶Fekete, L. (2018) Migrants, Borders and the Criminalisation of Solidarity in the EU, pp. 72.

increasing trend existed well before the introduction of Mare Nostrum.⁸⁸ In one of its reports, Frontex itself claimed that “irregular immigration in the central Mediterranean increased staggeringly between the second and third quarters of 2013. Compared to detections during every other quarter in 2012 and 2013 the increase was both sudden and dramatic to a total of over 22.000 detected migrants”.⁸⁹ Moreover, 2.476 crossings were recorded in December 2013: “The largest for a month of December since 2008”.⁹⁰ This proves how push factors were, at least in this case, the major drivers for migrants in 2013-2014, and how the intensification of arrivals was not related to the work of Mare Nostrum in the same period.

On 4 September 2014, the executive director of Frontex stated that smugglers were abusing the proximity of the operation to the Libyan coast to put more people on the sea – with the assumption that they would be rescued soon – and to make more profit while providing less fuel, less food and less water on the vessel, which at the same time was increasing the risk for migrants.⁹¹ Although the number of deaths and the mortality rate in 2014 cannot hide the actual ineffectiveness of Mare Nostrum in lowering the death toll at sea, the programme did not make the crossing more dangerous. In fact, smuggling practices were “adapting” well before the time Mare Nostrum became officially operational in October 2013.

According to Nancy Porsia, a journalist and researcher who specialises in the Middle East, smuggling began to change during 2013, when the fall of the Muammar Qaddafi regime in Libya led to a less stable relationship between smugglers and the political factions in control of the coastline areas of the country. With the introduction of new, less prepared and more merciless actors in the market, smugglers were forced, in order to preserve a profitable margin, to load more migrants on the boats or spend less money on the maintenance of their vessels. The proof is a report dated 19 November 2013 of the European External Action Service (EEAS), which highlighted an increasing trend of putting more and more migrants on board and using overloaded and unseaworthy boats; elements that were boosting the risk of fatalities along the

⁸⁷See Table 1 in Part 2.

⁸⁸Death by Rescue, The Lethal Effects of EU’s Policies of Non-Assistance at Sea, available at <https://deathbyrescue.org>.

⁸⁹Frontex Risk Analysis Network Quarterly Report July-September 2013, available at https://data.europa.eu/euodp/fr/data/dataset/Fran_Q3-2013.

⁹⁰Ibid.

⁹¹Gil Arias, Answer to the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament, 4 September 2014.

central Mediterranean way.⁹² Moreover, Fargues and Di Bartolomeo have analysed the mortality rate over the years 2011-2015 and pointed out that the danger of crossing was already rising by September 2013.⁹³

Clearly, the allegations under which Mare Nostrum was constituting a “bridge to Europe” are lacking in substantial facts and arguments. By a range of evidence in the literature, it transpires that Mare Nostrum was implemented precisely to cope with the ascending rate of arrivals and casualties in the Mediterranean. In other words, the mission had been caught up in a vicious circle, where external deeper factors were coincidentally leading to a unique upsurge of crossings and deaths in the area, rather than being the main cause of it. However, even though the operation helped save an impressive number of people in distress, it is also true that it did not manage to curb the growing mortality rate across the main passage to Europe. This and other, less accurate reasons brought to a widespread climate of suspicion around the mission, and then led to its early dismantling.

On November 2014, Triton, a Frontex-led operation aimed at patrolling the Mediterranean and bringing human smugglers to justice, took the place of Mare Nostrum. François Crépeau, United Nations Rapporteur on the rights of migrants, reacted to this decision, affirming: “The fear is that, next summer, without an operation like Mare Nostrum, thousands of people will die. Turning a blind eye isn’t a solution: people will continue to cross and, because of Europe’s inaction, to die”.⁹⁴ Similarly, the statement in which UK Foreign Office Minister Lady Anelay justified her decision to stop supporting SAR operations in the Mediterranean, he contested: “It’s like saying, let them die because this is a good deterrence”, and again, “to bank on the rise in the number of dead migrants to act as deterrence for future migrants and asylum seekers is just appalling”.⁹⁵ As of March 2015, already 470 people were recorded having drowned at sea.⁹⁶ This was presumably due to the narrowing in the operational area of Triton, which was controlling the area at some greater distance from the Libyan coasts than Mare Nostrum (138 miles south of

⁹²European External Action Service, Report for the Task Force Mediterranean, 19 November 2013.

⁹³Fargues, P. and Di Bartolomeo, A. (2015) Drowned Europe, pp. 4.

⁹⁴François Crépeau, A Humanitarian Crisis Must Have a Global Humanitarian Response, 5 December 2014, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15386>.

⁹⁵François Crépeau, Let Them Die, This is a Good Deterrence, 30 October 2014, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15239&LangID=E>.

⁹⁶IOM Missing Migrants Project, Recorded Deaths in the Mediterranean by Route 2015, available at <https://missingmigrants.iom.int>.

Sicily), leaving a much bigger zone essentially uncovered. Furthermore, data on the first months of 2014 and 2015 are emblematic of the issue. While the same number of crossings occurred (26.000), 27 times more deaths were documented during 2015 (1.678 casualties compared to the 60 of the previous year).⁹⁷

NGOs

The replacement of Mare Nostrum with the EU-founded Triton left soon to a huge gap in the Mediterranean search and rescue capabilities. With no SAR values in Triton's DNA – nor in its spirit – and with no other state willing to spend more energies and money to proactively save the lives of migrant travellers, a number of NGOs and non-profit organisations started patrolling the sea in late 2014. Migrant Offshore Aid Station, Doctors Without Borders, Sea Watch and Proactiva Open Arms were among the first ones to join the humanitarian actions of Italian and merchant vessels in the rescue of thousands of migrants. In 2016, over 22% of the rescue operations in the Mediterranean were conducted by NGOs, compared to 26% by the Italian navy, 25% by EU operations (Frontex and EUNAVFOR Med), 20% by the Italian coast guard, and the final 8% by ill-equipped merchant vessels.⁹⁸

On 15 November 2016, GEFIRA – a Dutch-based think-tank – published an article titled: “Caught in the act: NGOs deal in migrant smuggling”, in which it accused NGOs of being “part of the human smuggling network”.⁹⁹ Not long after, another article went public, alleging that “NGOs are smuggling immigrants into Europe on an industrial scale”, and arguing that SAR missions were “illegal human traffic operations”.¹⁰⁰ On 15 December of the same year the Financial Times published a report in which the European Board Guard and Coast Agency condemned aid organisations of collusion with smugglers.¹⁰¹ The same speculations were further supported by the director of Frontex, Fabrice Leggeri, who explicitly blamed NGOs of being a pull-factor for migrants departing from Libya. Additionally, the 2017 Frontex Annual Risk

⁹⁷IOM Missing Migrants Project, Recorded Deaths in the Mediterranean by Route 2015, available at <https://missingmigrants.iom.int>.

⁹⁸European Commission (2017) Irregular Migration Via the Central Mediterranean, From Emergency Responses to Systemic Solutions, pp. 4.

⁹⁹Global Analysis from the European Perspective, Caught in the Act: NGOs Deal in Migrant Smuggling, 15 November 2016, available at <https://gefira.org/en/2016/11/15/caught-in-the-act-ngos-deal-in-migrant-smuggling/>.

¹⁰⁰Blaming the Rescuers, Criminalising Solidarity, Re-Enforcing Deterrence, available at <https://blamingtherescuers.org>.

¹⁰¹Ibid.

Analysis Report concluded by arguing that “apparently, all parties involved in SAR operations in the Central Mediterranean unintentionally help criminals achieve their objectives at minimum cost, strengthen their business model by increases the chances of success. Migrants and refugees – encouraged by the stories of those who had successfully made it in the past – attempt the dangerous crossing since they are aware of and rely on humanitarian assistance to reach the EU”.¹⁰²

Only two days after the launch of the aforementioned report, suspicions were also embraced by the public prosecutor of Catania – the Sicilian city where Frontex is based – who announced the start of an “exploratory inquiry” concerning the economic funds and the activities of humanitarian aid organisations in the Mediterranean. In his opinion, it is an “objective fact” that NGOs represent a “safe corridor” for illegal migration and that the “destabilisation of the Italian economy” is one of its results.¹⁰³ Thus, that an investigation is necessary to expose “who is behind all these humanitarian organisations that have proliferated in recent years, where all the money they have is coming from, and, above all, what game they are playing”.¹⁰⁴ Finally, the Schengen Commission of the Chamber of Deputies and the Defence Commission of the Senate have held a number of public hearings with the same investigative aim. Although the latter stated that no evidence of collusion between NGOs and smuggling networks is found, it urged to impose a greater control on the actions of aid organisations, by the states as well as by the Italian Maritime Rescue and Coordination Centre (MRCC).

Today, numerous are the right-wing political parties’ leaders that claim that NGOs are a “taxi service” for migrants coming from the northern shores of Libya to the southern countries of Europe. The same expression has been recently used by the leader of the Italian Five Star Movement, Luigi Di Maio, who declared that humanitarian organisations are acting as “maritime taxi” since they only ferry migrants across the Mediterranean rather than saving them while they are drowning at sea. On the contrary, several human rights advocates have argued how these allegations have just served to deny that, after years of efforts and money spent in border management, migrants keep arriving and dying at the EU southern shores. With Triton’s vessels

¹⁰²Frontex, 2017 Annual Risk Analysis Report, 15 February 2017.

¹⁰³Blaming the Rescuers, Criminalising Solidarity, Re-Enforcing Deterrence, available at <https://blamingtherescuers.org>.

¹⁰⁴Ibid.

patrolling exclusively at north of Malta and people dying at approximately 10 to 40 nautical miles from Libya, non-governmental organisations are forced to cover the closest areas to Africa, enforcing the idea whereby their actions are attracting migrants to Europe. Hence, despite of their precious contribution in rescuing people at sea, NGOs and other non-profit organisations have become subject to the same disgraceful accusations European leaders, public media and Frontex had previously addressed to Mare Nostrum.

Specifically, four main criticisms have been raised in relation with NGOs' involvement in the Mediterranean Sea. Firstly, that humanitarian boats are operating too close to the Libyan coasts, and that this fact has represented a magnet factor for migrants. Sure that Italian navies would – more sooner than later – rescue them, the majority has decided to take their chances and cross the sea during the past four years. Secondly, that search and rescue interventions have determined an increase in the number of shipwrecks and casualties at sea. This is partly because NGOs have unintentionally helped smugglers with their business and because more arrivals meant more fatalities. Thirdly, that the origin of their economic resources is not clear, and it could be linked to the actions of human traffickers and people-smugglers. Fourthly and finally, that NGOs are interested in bringing migrants to European destinations not because they intend to save more lives as possible, but because they aim at increasing the hosting market business in Italy and its neighbouring countries.

In order to find out whether these speculations are accurate, Steinhilper and Gruijters have analysed the months following the conclusion of Mare Nostrum (from November 2014 to May 2015), where less SAR operations were implemented, and compared them with the period before and after the enforcement of the Italian mission (from November 2013 to May 2014 and from November 2015 to May 2016), during which either Mare Nostrum or NGOs were active in searching and rescuing migrants at sea.¹⁰⁵ According to their study, if SAR operations were increasing the figures of arrivals and migrant mortality in the Mediterranean, in the first and third periods of time more crossings and fatalities would have been documented by the authorities. Once again, however, numbers rejected the hypotheses. Not only arrivals were slightly higher during the second phase, but also the mortality rate considerably increased during the same

¹⁰⁵Steinhilper, E. and Gruijters, R. (2018) A Contested Crisis: Policy Narratives and Empirical Evidence on Border Deaths in the Mediterranean, pp. 16.

period, with almost 28 people out of 1.000 perished at sea over those seven months.¹⁰⁶ Although this is mostly due to the two big accidents occurred on 13 and 18 April 2015, where approximately 400 and 750 people respectively died at sea, it has been assessed that those fatalities could have been prevented if a SAR mission would have been in place.¹⁰⁷ As a consequence, findings suggest that SAR operations did not lead to more casualties and definitely had no effect on the amount of arrivals on the European southern coasts.

The same conclusions have been achieved by *Blaming the Rescuers*, the report produced by Forensic Oceanography as part of the Forensic Architecture Agency at the University of London, which proved that humanitarian organisations only responded to the increasingly dangerous conditions of crossing caused by other actors, while playing a crucial live-saving role in the Mediterranean during the past few years.¹⁰⁸ Particularly regarding the accusation that considers NGOs' action a pull factor for migrants, the report shows that the high volume of crossings in 2016 had resulted from a number of different reasons – none of them related to the supposed “magnet effect” exercised by SAR NGOs. Again, push factors in migrants' countries of origin should be taken into account, such as the appalling conditions in Libya and the overall situation in sub-Saharan Africa.

Concerning the criticism under which NGOs are either unintentionally or deliberately helping smugglers encouraging them to use more dangerous tactics and poorer quality boats, *Blaming the Rescuers* has analysed the causes that brought to a degradation of the conditions of crossings since 2013, and concluded that the situation in Libya first, and the EU's anti-smuggling operation EUNAVFOR Med later, have had a primary role in the shift of smugglers' tactics in the Mediterranean. This is confirmed by EUNAVFOR Med internal reports, which acknowledged the negative consequences of the new anti-smuggling missions at sea from the end of 2015, when the presence of NGOs was still relatively low. According to Riccardo Gatti, representative of Proactiva Open Arms, smugglers started to use less seaworthy boats since 2015, when EUNAVFOR Med operation Sophia led to the disruption of a number of smugglers'

¹⁰⁶Ibid.

¹⁰⁷Death by Rescue, The Lethal Effects of EU's Policies of Non-Assistance at Sea, available at <https://deathbyrescue.org>.

¹⁰⁸Blaming the Rescuers, Criminalising Solidarity, Re-Enforcing Deterrence, available at <https://blamingtherescuers.org>.

vessels.¹⁰⁹ Furthermore, there are solid basis to affirm that the Libyan Coast Guard allegedly contributed to the same outcome, given that it was leading boats to capsize and ultimately boosting the danger of crossing. Although it is very likely that the closer presence of humanitarian vessels to the Libyan shores may have exacerbated this new trend, it remains undeniable that operating in these areas was the only way to rescue a higher amount of migrants in distress.

The investigation carried out by Forensic Oceanography also demonstrates that the claim whereby NGOs led to more deaths at sea is completely unsubstantiated.¹¹⁰ Despite the unprecedented number of arrivals and deaths at sea recorded throughout 2016, a closer look at the monthly situation indicates a rather diverse scenario. Migrant mortality showed an impressive increase during the first months of 2016, thus before SAR organisations returned to patrol the central route after the winter break, a consequent decrease in parallel with their deployment, and a final escalation when their presence diminished at the end of the autumn. As a result, a negative correlation has been found between NGOs interventions in the Mediterranean and the amount of people perished at sea – a whole different outcome than the predicted one. In the opinion of Marco Bertotto, member of Doctors Without Borders, in absence of safe and regular corridors, people will keep dying at sea. SAR operations are, in this regard, not a final answer, but simply a temporary solution to a situation that should be confronted in a complete different way.¹¹¹

¹⁰⁹Internazionale, Perché le ONG che Salvano le Vite nel Mediterraneo sono Sotto Attacco, Annalisa Camilli, 22 April 2017.

¹¹⁰Blaming the Rescuers, Criminalising Solidarity, Re-Enforcing Deterrence, available at <https://blamingtherescuers.org>.

¹¹¹Internazionale, Perché le ONG che Salvano le Vite nel Mediterraneo sono Sotto Attacco, Annalisa Camilli, 22 April 2017.

Concluding remarks

Overall findings and research validation

Over the past eighteen years, conflicts, political instability, famine, and poverty have led almost 2.400.000 individuals to flee from their homes in a final attempt to reach Europe.¹¹² EU Member states have responded to the unprecedented and overwhelming flows of individuals arriving on their shores by imposing strict border control policies and tough entry restrictions. The externalisation of borders occurred already since the beginning of the century, when Spain, Italy, and Greece began to close their southern frontiers by making agreements with third countries and by enforcing maritime military operations to keep migrants on “their side” of the Mediterranean. At the same time, however, increasingly frequent arrivals were documented by the authorities, together with a greater number of migrant casualties at sea. Thus two questions arise: is there a causal relationship between border control policies and migrant casualties in the Mediterranean? Are the strategies implemented by the EU Member states effectively working in preventing migrants from crossing and dying during these “fatal journeys”?

This thesis has investigated the contribution given by European border control policies to the high amount of deaths recorded in the Mediterranean Sea over the past 20 years. Although similar studies have been recently published on the same matter, their focus on specific measures and periods of time have drawn my attention towards the necessity of a more comprehensive view of the Mediterranean situation. Numerous researches have also repeatedly pointed out the existence of a consolidated connection between EU migration laws and the number of migrants who continue to perish at sea, but only few of them have either explored the topic or provided an explanation of what relationship there is. This paper has analysed every deterrence-oriented policy enforced at EU and at individual, national level during the last two decades and confronted them with migrants’ arrival and death rates collected at the beginning of this research. The primary intent was to support the study with real facts and data, which is why a database that gathers crossings and casualties registered in Spain, Italy, and Greece from 2000 to 2018 was created in Part 1.

¹¹²See Table 1 (Mediterranean region) in part 2.

Two main hypotheses have been tested in Part 2. Firstly, if border control policies have actually succeeded in stopping migrants from departing, or whether those restrictions have just led to a “diversion effect” between the three main routes to Europe, forcing migrants to undertake new and longer passageways. The assumption has been tested by confronting the number of arrivals after the dates of implementation of every measure and the increase or decrease in the numbers of crossings per year and per route since year 2000. Secondly, I have assessed whether the new routes are more dangerous than the previous ones, and accordingly, if border control policies have led to more deaths at sea. In this regard, a fact-checking investigation has been carried out by comparing the number of migrant deaths per year as well as the mortality rates registered in every Mediterranean route for the period 2000-2018.

Following careful considerations, data has provided solid grounds to both the aforementioned hypotheses. A link between policies, routes and deaths, and especially the negative consequences of the implementation of newer deterrents on the destiny of thousands of migrants arriving on the European coasts have been not only established, but mostly proven by evidence-based facts and statistics. Recent information has also demonstrated a new and unfortunate trend in the Mediterranean Sea. Even though from 2017 fewer arrivals have been registered over the three routes to Europe, the amount of people who perished at sea has unexpectedly grown. New data from the International Organization for Migration affirm that, in parallel with a drop in arrivals, there are now 75 per cent more deaths at sea.¹¹³ Additionally, another diversion effect is currently taking place, from the central to the western maritime route. This presumably entails an increasingly high rate of losses in the future and, as a consequence, further restrictive regulations by the EU and its Member states.

With the intention to anticipate the possible criticisms, Part 3 has outlined the argument whereby other factors are the cause of the dramatic increase in migrant casualties over the past two decades, the allegation according that smuggling would be the reason behind these deaths – as well as the justification to the introduction of stricter frontier management strategies in the Mediterranean – and the theory that considers humanitarianism a pull factor for smugglers and undocumented migrants. Although it is very likely that other factors have directly or indirectly contributed to the incidents that happened at sea, it is also undeniable that European policies

¹¹³ IOM Missing Migrants Project, available at <https://missingmigrants.iom.int>.

should be put in the list of the drivers of the same detrimental outcome. Smuggling in particular has proved to be both a cause and effect of stringent EU initiatives, further supporting the idea of a greater states' responsibility in the Mediterranean tragedies of the past few years. Finally, the allegation whereby Mare Nostrum and SAR NGOs have actively participated in causing more fatalities has been completely rejected.

In general, this study has revealed the importance to observe the issue from an overall, comprehensive perspective. Looking at the situations in Spain, Italy, and Greece by considering the three routes independently from each other is a dangerous, and mostly wrong experiment that will show rather different outcomes than this paper's results. Solutions, at the same time, should be addressed in the same overarching way. It appears that European states have focused their energies on an "indirect protection" of migrants, by combating people smuggling and preventing them from crossing, rather than directly rescuing them once they have departed. Although this prerogative cannot be considered erroneous per se, the fact that the EU is more interested in countering the arrivals than lowering the number of deaths is the core of this entire discourse. In particular, what seems to have the same answer, in practice hides two opposite remedies. Fighting criminality cannot be the only answer to what is currently happening in the Mediterranean.

Limits, recommendations, and final considerations

The main obstacle of this thesis has been represented by the scarce availability of data on migrants' arrivals and deaths in the region. Supposedly, this is also the case of the poorly substantiated literature on the matter. Although an increasingly number of projects and organisations are now trying to make amends for these gaps, an international database with up-to-date information and accurate numbers about the Mediterranean situation during the period 2000-2018 is still missing. Even more surprisingly, the EU has never addressed the paucity of data as a number one problem in its communications. To my view, reliable data would provide not only an overall insight of the status quo, but also a trustworthy overview of European measures' effects and consequences. A comparison with the US-Mexico border, in particular, could be carried out as an example of deflection of migratory flows as a consequence of stricter border control policies.

Another limit was the actual difficulty to demonstrate causality between border policies and migrant losses in the region. Even if suitable indicators to measure a change can be found, it is always hard to determine an effect, as other factors may also have an impact on it. This has been partly argued in Part 3, as a possible counter-argument to my hypotheses, but perhaps not adequately developed throughout the paper. On the contrary, also treating the issue as a mere humanitarian matter that states need to solve, might constitute a dangerous attitude. In other words, it might obscure the real, underlying causes of the problem. Regardless of this research's main concern, that is to analyse the relationship between European frontier management initiatives and border-related deaths in the Mediterranean, it must be remembered that these people are primarily fleeing because of devastating conflicts and harsh living conditions, and that these are the aspects which should be tackled in the first place.

Given this, a “reorientation” in the European policy-making discourse about Mediterranean migration is what this thesis more aspires to. The past 20 years have clearly demonstrated the ineffective contribution border management initiatives have provided to the cause; not to mention the potential, negative by-products that have derived from them. Considering that the preventive anti-smuggling approach has failed, new long-term strategies should be put forward in order to end the tragic situation the Mediterranean is experiencing nowadays. Between the most frequent – and beneficial – options presented at EU level: the creation of safe and regular corridors towards Europe and the necessity to operate at an earlier stage of the migratory process, in the first countries where migrants look for asylum. In this way, arrivals would be regulated and people would not be forced to undertake deadly journeys across the sea to flee from wars, poverty and persecution.

This thesis aims at raising awareness on the concrete effects generated by migration control and deterrent measures. The intention was not to blame European states, but to inform and to provide data-based answers to the biggest migration “crisis” the Mediterranean has ever experienced. If it is true that the situation has proved to be “manageable” by the European states, it has also demonstrated to be an unstoppable process. Taking into account that no effective solutions exist to put an end to a migratory flow of this magnitude, a more realistic analysis on the possible means to curtail the problem ought to be developed. Unfortunately, the issue has lately become a matter of European values, rather than a large-scale humanitarian disaster. A mix of populist

argumentations, racist comments, and political moves have taken place in the international scenario, undermining the situations from which migrants escape from as well as the efforts made by a number of different humanitarian institutions and aid organisations. As Maarten Den Heijer already pointed out in 2016, the migrant crisis has primarily become “a crisis of Europe’s own making”.¹¹⁴

¹¹⁴Den Heijer, M., Rijpma, J. and Spijkerboer, T. (2016) Coercion, Prohibition, and Great Expectations: The Continuing Failure of the Common European Asylum System.

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Annexes**Migrants' nationalities****2018**

CENTRAL	ROUTE	WESTERN	ROUTE	EASTERN	ROUTE
Nationalities	Arrivals	Nationalities	Arrivals	Nationalities	Arrivals
Tunisia	2.946	Guinea	800	Syria	2.000
Eritrea	2.507	Syria	600	Iraq	1.450
Sudan	1.373	Mali	570	Afghanistan	630
Nigeria	1.127	Morocco	550	Congo	170
Cote d'Ivoire	1.001	Cote d'Ivoire	500	Cameroon	150
Mali	873	Algeria	300	Palestine	130
Guinea	727	Gambia	100	Iran	100
Iraq	605			Algeria	100
Pakistan	527				
Algeria	506				

2017

CENTRAL	ROUTE	WESTERN	ROUTE	EASTERN	ROUTE
Nationalities	Arrivals	Nationalities	Arrivals	Nationalities	Arrivals
Nigeria	18.100	Morocco	5.500	Syria	12.300
Guinea	9.700	Algeria	5.100	Iraq	5.800
Cote d'Ivoire	9.500	Guinea	4.000	Afghanistan	3.400
Bangladesh	9.000	Cote d'Ivoire	3.800	Congo	900
Mali	7.100	Gambia	2.700	Algeria	800
Eritrea	7.000	Syria	2.200	Palestine	700
Sudan	6.200	Cameroon	900	Iran	700
Tunisia	6.100	Mali	600	Cameroon	500
Morocco	6.000	Guinea B.	300	Pakistan	500
Senegal	6.000			Kuwait	400
				Morocco	300

2016

CENTRAL	ROUTE		WESTERN	ROUTE		EASTERN	ROUTE	
Nationalities	Arrivals	%	Nationalities	Arrivals	%	Nationalities	Arrivals	%
Nigeria	37.551	21%	Algeria		21%	Syria	80.749	47%
Eritrea	20.718	11%	Cote d'Ivoire	1547	21%	Afghanistan	41.825	24%
Guinea	13.345	7%	Gambia	863	12%	Iraq	26.138	15%
Cote d'Ivoire	12.396	7%	Guinea	843	11%	Pakistan	8.793	5%
Gambia	11.929	7%	Morocco			Iran	5.278	3%
Senegal	10.327	6%	Cameroon			Palestine	1.945	
Mali	10.010		Burkina Faso			Algeria	1.629	
Sudan	9.327		Mauritania			Congo	861	
Bangladesh	8.131		Congo			Bangladesh	801	
Somalia	7.281		Nigeria			Morocco	570	
Pakistan	2.773					Eritrea	535	
Syria	1200					Nigeria	159	
Afghanistan	437					Guinea	62	
Iraq	1455					Senegal	32	

2015

CENTRAL	ROUTE		WESTERN	ROUTE	EASTERN	ROUTE	
Nationalities	Arrivals	%	Nationalities	%	Greece	Nationalities	%
Eritrea	39.162	25,50%	Syria	44,20%	Syria	475.902	56,10%
Nigeria	22.237	14,50%	Guinea	13,60%	Afghanistan	205.858	24,40%
Somalia	12.433	8,10%	Algeria	10,60%	Iraq	86.989	10,30%
Sudan	8.932	5,80%	Morocco	5,70%	Pakistan	23.260	2,70%
Gambia	8.454	5,50%	Cameroon	5%	Iran	22.276	2,60%
Syria	7.448	4,80%	Cote d'Ivoire	4,50%	Somalia		0,50%
Mali	5.307	3,90%	Palestine	3,70%	Eritrea		0,10%
Senegal	5.212	3,80%	Burkina Faso	2%			
Bangladesh	5.039	3,30%	Gambia	1,60%			
Cote d'Ivoire	3.175	3%	Guinea	1%			
Guinea	2.045	1,30%					
Iraq		0,60%					
Afghanistan		0,10%					