

**A Cosmopolitan
Perspective on
Immigration: the
case of Europe and
the Maghreb**

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Abstract

The European Union's approach to migration from the Maghreb region has focused disproportionately on external border controls and the heightening of surveillance mechanisms and technologies. Not only has this particular method proven to be ineffective in curbing irregular migration, but it also carries serious ethical implications for the EU and its commitment to its own self-proclaimed core values of human rights and dignity. This approach to migration is the result of the manner in which it has been framed as a security issue within the EU, and its logic pervades the institutional interactions and agreements between the EU and Maghreb nations. This paper seeks to offer a cosmopolitan critique of the manner in which this securitized view of migration shapes the EU's relationship with North Africa, and undermines the ethical principles upon which the EU is founded. By examining the historical roots of Europe's relationship with the Maghreb, as well as acts of citizenship by Maghreb immigrants in Europe, it will attempt to challenge the narrow basis upon which immigration policy is decided at EU level, and in doing so, reinforce the cosmopolitan outlook from which the critique is offered.

Introduction

While a single definition of cosmopolitanism may be difficult to come by, certain consistent tendencies could be pointed to which indicate an underlying core principle of cosmopolitan thought. By taking as a starting point the awareness that we are primarily members of a global citizenry, which nationalistic conceptions of citizenship give little if any scope for, theorists and thinkers have developed different and at times opposing conceptions of the various implications and responsibilities that this cosmopolitan awareness carries for a wide range of contemporary issues. Opinions about the nature of these implications and responsibilities naturally vary and diverge depending on who is voicing them, but generally speaking, cosmopolitanism is evoked as a theoretical and practical perspective from which an ethical critique of the contemporary world can be given, rather than as an absolute and objective definition of that world (Brasset 2008; Fine 2009; Parker 2009). Indeed, an ethical critique of the dominant and often unquestioned form of social organisation, with a view to looking beyond the narrowly-defined limits set by such organisation, has played a fundamental role in cosmopolitan thought since its inception in Ancient Greece in the 4th century BC (Linklater 2009). It has since been evoked by many, through Enlightenment thinkers such as Immanuel Kant, to contemporary proponents of cosmopolitan ethics and duties like Jacques Derrida, always with a view to expanding the scope of our ethical concern beyond the limitations set by the social form typically adhered to by thinkers and policy makers.

Since the 18th century, this dominant form of social organisation has been the nation-state, and the outlook of social theory has reflected this pre-eminence. Fine (2006) discusses the critique of 'methodological nationalism' offered by Ulrich Beck (1998a, 2000a, 2002a, 2002b), in which he charges that sociological theory has come to equate society with the nation-state, and in doing so,

has been unable to explain or account for the increasingly complex interactions of a globalized world in which the nation-state is fading into insignificance. It is from this failure of methodological nationalism to adequately theorise the contemporary world that the relevance of a cosmopolitan perspective on issues emerges. Although Fine criticises Beck for having fallen into the same methodological nationalist trap that he himself opposes, by falsely depicting the nation-state's existence as having been absolute and unchallenged up until fairly recently (Fine 2006), the fundamental point about the dominance of a nationalistic approach being taken to increasingly international issues is still of particular relevance to the topic which will be discussed here. It is my intention to offer a critique of EU immigration policy toward the Maghreb region from a cosmopolitan perspective which stands opposed to a politics of exclusion, in keeping with the tradition of appealing to world citizenship above other affiliations.

The European integration process has been proclaimed by some as evidence of a move away from nationally oriented politics, toward a 'post-national,' pluralistic and cosmopolitan approach to political organisation (Baban and Keyman 2008; Delanty 2006; Habermas and Derrida 2003; Parker 2009). While there are aspects which certainly seem to indicate a divergence from the nationally focused way of thinking that underpins the nation-states of which the EU is comprised, such as the logic behind the process of enlargement and the way it is carried out (Parker 2009), there is also much to suggest that this ideology has been re-adopted to the transnational level, particularly when one looks at the manner in which the EU has tackled the issue of migration. This is the impression Nicola Yeates (2008) has in her analysis of global migration policy:

Nationalist conceptions of citizenship were central to the making of national communities, with social, civil and political rights forging a distinction between members (nationals) of the nation state and non-members (foreigners). In many respects, similar processes are reproduced on a transnational scale. In the creation of a European political community, not just a social Europe, but also a Fortress Europe has been constructed,

with non-EU citizens from poorer countries in particular being restricted from entering its member states (p. 230).

It is not my intention to debate here the extent to which the European Union in general expands our spheres of ethical concern beyond national boundaries, or whether it acts as an impediment to or as a facilitator of our potential for acting with cosmopolitan intent. However I do intend to demonstrate that the EU's approach to the issue of immigration is indicative of a persistent nation-state mentality, in that a sharp distinction is drawn between self and other. As such, the possibilities for the EU to live up to the cosmopolitan vision of Europe, which is aspired to by so many cosmopolitan theorists, are greatly diminished by the manner in which immigration has been dealt with.

This is particularly true with regard to the EU's interactions with the Maghreb region to the south for a number of reasons; firstly, the geographical proximity of the two regions and the disparities between them in terms of wealth and living standards mean that control of migration from the Maghreb has been an issue of concern for the EU as far back as the Barcelona Conference of 1995 (Testas 2001); secondly, the socio-political context of the War on Terror and more recently that of the Arab Spring has meant that the security discourse which shrouds virtually all policy debate around immigration in the EU has been stepped up even further with regard to the Maghreb region over the past decade (Brouwer 2003; Huysmans 2006) which leaves little room for the application of cosmopolitan ethical principles; and finally, a prevailing understanding of the relationship between Western nations and Muslim majority ones has tended to view these two blocs as holding some irreconcilable traits, which lead to perpetual misunderstanding and at times conflict.¹ The policy implications which follow from such a binary world-view have, to a certain extent, had an influence in the EU's approach to immigration from the Maghreb region, which results in a demonization and stigmatization of 'the Other' in Western society, and further demonstrates the need to re-evaluate immigration policy from a cosmopolitan perspective.

In the chapter that follows, I will demonstrate how the EU has constructed migration as a security issue, which is a necessary aspect of understanding how the EU's outlook toward the Maghreb has been informed by this particular view of migration, as well as how it has been normalised and integrated into agreements between the EU and Maghreb nations. The second chapter will outline the historical relationship between the Maghreb and Europe, in order to situate the contemporary restrictive approach to migration from the Maghreb within its colonial and post-colonial context. This should serve to reify the theoretical perspective I have adopted by demonstrating that the interactions between these two regions have far-reaching historical roots, which the current restrictive method of dealing with migration from North Africa does not seem to accommodate or even acknowledge. With a picture of this historical relationship established, the third chapter will discuss the manner in which the security logic has influenced agreements between the EU and North Africa, and the price that this concern regarding immigration comes at. The final chapter will then briefly turn to look at the reality of Maghreb immigrants in Europe, and will look at one example of an act of citizenship by a woman of Maghreb origin in France, in the hope of drawing some tentative ideas and deductions about the nature of the relationship between these two regions, and how it compares to the chosen EU method of dealing with migration from North Africa.

The construction of migration as a security issue in the EU

Ever since the moves toward the lifting of internal borders and the enablement of the free movement of persons within the EU began to come about through the Schengen Agreement in 1985, the management and surveillance of external borders have taken a position of high priority within policy-making circles. Indeed, the tightening of external border control is seen as a prerequisite to the development of an area of free movement within the EU, which in itself is evidence of a certain mentality at play. Jef Huysmans (2000) illustrates how this link between an internal market and an internal security project has been constructed, despite the dubious

assumptions on which it is based. A 'security continuum' (Huysmans 2000) has been created, connecting issues which normally fall within the domain of police and judicial authorities, such as drug trafficking, international crime and terrorism, to the issue of migration and asylum. Measures aimed at the loosening of restrictions on the free movement of persons within the area of freedom, security and justice in the EU are carried out in tandem with those aimed at tackling the security problems which are assumed to accompany the removal of internal borders. For instance, the Stockholm Programme of December 2009, which sought to further consolidate European cooperation and integration in the area of freedom, security and justice, contains a stipulation on an internal security strategy, which states that

An internal security strategy should be developed in order to further improve security in the Union and thus protect the lives and safety of European citizens and tackle organised crime, terrorism and other threats. The strategy should be aimed at strengthening cooperation in law enforcement, border management, civil protection, disaster management as well as criminal judicial cooperation in order to make Europe more secure (Statewatch 2010).

However, according to Benyon (1994), the removal of frontier controls is not likely to have any major effect on the operations of terrorist groups, drug traffickers and organized criminals, as tighter border restrictions have in the past posed little or no obstacle to the movements of such actors. He uses the examples of the Provisional IRA and ETA, who moved with relative ease across European borders, and states that 'the containment of terrorists depends more upon good police intelligence and international cooperation than on isolated measures at borders' (Benyon 1994:499). The same argument applies to drug traffickers and organized criminals, whose connections and resources are quite extensive and are therefore generally unimpeded by border checks and controls, as pointed out by Sir Peter Imbert, former Commissioner of the Metropolitan Police (Benyon 1994). Despite this discrepancy between the nature of the problem and the

manner in which it is being confronted, internal security continues to have a dominant influence in the creation of an internal market, with the link between migration and asylum on the one hand, and the afore-mentioned perceived threats to internal security on the other, becoming further solidified, to the extent that illegal immigration is now seen as the biggest threat to internal security in the EU (Benyon 1994; Huysmans 2000; Huysmans 2006).

Proof of this new ordering of priorities can be seen in the range of legislative and technical instruments which are being employed in order to reinforce the capacity of the EU to prevent illegal immigrants from crossing Member State's borders, and to curb the flow of legal migrants. Among these are: the establishment, in 2004, of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (otherwise known as Frontex), which primarily facilitates Member States in monitoring their borders and increases their capacities and resources in dealing with illegal immigrants; rapid border intervention teams, who are deployed in the case of a request made by a Member State and upon the approval of the Executive Director of Frontex, in order to assist the Member State in handling a large influx of illegal immigrants; and a proposed European border surveillance system (named Eurosor) which would aid Member States in preventing illegal immigrants from crossing their borders through an elaborate information system which would enhance the capabilities of local border control authorities (europa.eu). Many of these measures have been harshly criticised by migrant's rights groups, particularly the establishment of the Frontex agency, as it is seen to exemplify the politicization and securitization of migration which has taken place within the EU, through its militarized approach to the surveillance of external borders, and its 'risk analysis' reports which detail migration flows and patterns (Léonard 2010).

Moves such as those described above would seem to suggest a persisting national citizenship ethos - bordering on a siege mentality - which underlies immigration policy procedures, all of which does not sit well with any hopes for a cosmopolitan outlook on citizenship being embodied

in the European Union. In a discussion of the notion of hospitality, Jacques Derrida (2000) opens with a reading of Immanuel Kant, in which he frames hospitality as being an issue of cosmopolitan right, thereby removing it from the field of philanthropy and into that of rights, which is an important distinction: ‘in this context hospitality means the right of a stranger not to be treated with hostility when he arrives on someone else’s territory’ (Kant in Derrida 2000:4). Writing in the 18th century, Kant was harshly critical of the manner in which the ‘civilized states’ conducted their foreign relations, and saw, in the grand colonial conquests and oppression and violation of native peoples’ rights which they entailed, evidence of the need for an international system which took into consideration the shared interests of all of humanity, which could only be constituted on the principle of cosmopolitan hospitality (Kant in Derrida 2000). Granted, Kant did not have in mind the policy concerns of nation-states whose primary goal is the protection of sovereignty from external threats, and instead, justified his argument for the cosmopolitan right to hospitality on the grounds that ‘all men are entitled to present themselves in the society of others by virtue of their right to communal possession of the earth’s surface’ (Kant in Derrida 2000:5). Nevertheless, it is interesting to approach the contemporary issue of immigration in the European Union from a similar outlook if we are concerned, as Kant was, with offering a critique based upon an awareness of our participation in a shared human experience.

When we look at the logic behind the establishment of an area of free movement within the EU, which necessitates a heightening of external border control in direct correlation to the degree to which internal borders are removed, one notices a sharp distinction emerging between those who are free to avail of this removal of internal frontiers, and those whose living situation is rendered all the more precarious by the same process. This distinction makes concrete the difference in status between the local and the stranger, and is thus diametrically opposed to Kant’s idea of the right to cosmopolitan hospitality. The way in which it is enacted and preserved at EU level can be seen for instance, in the 2008 European Pact on Immigration and Asylum, which states in

article II (h), the intention to

Put into full effect the Community provisions pursuant to which an expulsion decision taken by one Member State is applicable throughout the European Union, and, within that framework, an alert for such a decision entered in the Schengen Information System obliges other Member States to prevent the person concerned from entering or residing within their territory (European Pact on Immigration and Asylum 2008).

So although each country still has their own criteria for granting and refusing asylum, moves such as this one aimed at harmonising asylum and immigration policy serve to solidify the social differences between the national and the foreigner created by such policies, and reproduce them at EU level. Another manner in which this division is constructed can be seen in the fact that a migrant residing legally within a Member State is still unable to move freely between EU states (Giubilaro 1997), which serves to further reify the difference between the migrant and the native born European, who can avail of the area of free movement without restraint. This distinction is on the one hand, an abstract one, in that it is constructed largely according to one's place of birth, rather than some other criteria over which we have more influence in determining. On the other hand however, it is a concrete and very real distinction, as one's life opportunities are either restricted or enabled depending on what side of this divide one finds oneself. The social construction of such a division should therefore be problematic for anyone who believes that 'the scope of ethical concern should not be limited by parochial boundaries' (Brasset 2008:7).

The securitization of migration that has accompanied the development of an area of free movement within the EU means that migration is constructed primarily as a threat (Huysmans 2006), and as such, is dealt with from the point of view of judicial, police and customs authorities, rather than from a human rights perspective. The distinction between 'us' and 'them' which is forged through this criminalization of migration is maintained and reinforced at EU level

through the moves to harmonise immigration and asylum policies, and the vast amount of resources which are devoted to enforcing immigration policy in Member States. The intense surveillance of the external border and the increasingly elaborate Frontex operations aimed at preventing immigrants from entering the EU, are indicative of a policy based not only upon this 'us' and 'them' dichotomy, but also upon the belief that 'they' pose a real and imminent threat to 'our' survival. At an internal level, this perception is, in part, an outcome of the framing of immigration as a cultural threat in various national contexts (Huysmans 2000), and it results in the creation of symbolic boundaries against immigrants in European countries (Bail 2008). This dual process of external exclusion through border control and internal exclusion through legal, linguistic and cultural barriers falls far short of any cosmopolitan expectations of Europe, and seems to indicate instead an extension of the national ethos which grants privileges to those born within territorial boundaries while making access to them much more difficult, if not impossible, for outsiders.

Having built up a picture of the securitized approach taken to migration and asylum in the EU, and having developed a cosmopolitan critique of the ethos which underpins it, we are now equipped with a framework within which immigration policy toward the Maghreb region can be situated. This will involve a look at the institutional origins of the EU – Maghreb relationship, from the Barcelona conference of 1995 to the European Neighbourhood Policy of March 2003, and how these arrangements have integrated the security discourse into their frameworks, as well as how the link between immigration, security and terrorism has become naturalised since 9/11 and the Madrid and London bombings, and what this means for the prospects of a cosmopolitan approach being taken to immigration from the Maghreb in Europe. However it will first be necessary to briefly trace the social and historic origins of this relationship, with a glance at French colonial involvement in the Maghreb and subsequent waves of migration between the two regions, in order to demonstrate the inadequacy of restricting ethical concerns to certain strict

national criteria.

Europe and the Maghreb: historical roots of the present day relationship

While a comprehensive discussion of the history of European involvement in the Maghreb region would take a great deal longer than the scope of this topic will allow, to completely neglect this historical aspect would be to deprive ourselves of an essential element of any basic understanding of the contemporary relationship between Europe and North Africa. France's colonial legacy in Tunisia, Algeria, Morocco and Mauritania², and to a lesser degree Italy's in Libya, have undoubtedly had an influence on the nature of these relationships today. This aspect is not alluded to as part of some blaming exercise in which all of today's failures are attributed to the injustices of the past, thereby shifting criticism away from present-day tyrants who spout anti-colonial rhetoric; nor is it to suggest a direct line of continuity between the actions of the historical colonial empires and the European states of today, although certain consistencies could be pointed to. Rather, I believe it to be worthy of consideration because of the idea articulated by Edward Said (1994), that the histories and cultures of these two regions are so intertwined and complementary, that it is impossible to speak of a history of one without referring to that of the other. That is to say that neither exists in a state of absolute independence and separation from the

other. It follows from such an observation that a discussion of contemporary immigration policy and integration should base itself upon an awareness of this historically symbiotic relationship. Anything falling short of this will inevitably serve to perpetuate the misconception of the relationship between Europe and the Maghreb, resulting in a continuation of the counter-productive and self-defeating policies that have characterised the EU's policy outlook toward North Africa (de Haas 2008; Testas 2001).

Furthermore, recognition of this historical interdependence is a necessary aspect of a cosmopolitan perspective on EU immigration policy toward the Maghreb region. If we acknowledge the existence of several interconnected and overlapping discourses of security surrounding immigration in the EU – for instance, that which constructs it as a threat by creating and maintaining a link between migration and other security issues as discussed in the previous chapter, that which frames it within the post-9/11 context of the War on Terror (Allani *et al* 2011), as well as that which frames immigration as a cultural threat which is prevalent to varying degrees in several Member States of the EU (Huysmans 2000; Karpf 2012) – we notice that immigration from the Maghreb will feature as a specific area of concern within each of these discourses, and that Maghreb immigrants fall strictly within the category of 'the Other' in each one of them. Thus in order to offer a rigorous cosmopolitan critique of the mentality and policy which create and subsequently depend upon such dichotomies, it is necessary to undermine the assumptions underpinning them through an emphasis on the far-reaching historical connections between these two entities. The reality of this historical connection and the ethical implications that follow from it serve to highlight the narrow-sighted basis upon which immigration policy is proposed and enacted at EU level, as well as the fallacy of a lost cultural homogeneity which is often evoked by certain actors in European states to rally anti-immigrant sentiment, particularly against Muslim immigrants (Karpf 2012). So if cosmopolitanism seeks to extend our ethical concerns beyond the divisions constructed between citizen and non-citizen in a nation-state

context, a reference to historical interactions and exchanges within the framework of this discussion will serve to reinforce the cosmopolitan critique of the manner in which these divisions have been reproduced at an EU level.

Given that the Maghreb is the focus of discussion in this topic, France's involvement in this region is obviously of primary concern. However, in highlighting France's historic role in the Maghreb and the implications and responsibilities that this involvement carries for Europe today, it is not my intention to conflate the history and consequent responsibilities of one European state with those of the other states which currently make up the EU. It could be argued that to some extent, the pooling of sovereignty that the European integration process entails could involve some level of pooling of historic responsibility, but it still remains the case that France's link with North Africa is of greater significance and runs deeper than that which has been experienced by other Member States in this region. On this point however, it is also worth taking into consideration the fact that French colonisation of the Maghreb was largely carried out in an environment of competition between European colonial powers, and that it was often done in order to retain dominance through the acquisition of territories of strategic significance. So although France was the main colonial player in this region, other European powers had varying levels of involvement and interest in the Maghreb region, which should not be disregarded when looking at how this has shaped Europe's relationship to the Maghreb today.

The conquest of Algeria in 1830, for instance, was carried out during a period of colonial rivalry between England and France, with the aim of securing control of the Mediterranean through the port of Algiers. While there were certainly other factors which contributed to the decision to colonise, such as the dispute about repayment of money to the Dey of Algiers which was borrowed by France during the Revolution, as well as nationalistic aspirations of exporting the values of the French Revolution abroad, the climate of competition with England for the position of the most powerful European power was no doubt a motivating force in the conquest (Stora

2003). There were similarly a number of factors, including colonial rivalry, which led to the French decision to invade Tunisia in 1881, and its proximity to Algeria is seen to have been the facilitator of this further expansion. Although still part of the Ottoman Empire, Tunisia became increasingly indebted to France, and the country's expenditures more or less came under the control of Britain, France, Germany and Italy with the establishment of a commission by these powers charged with overseeing Tunisia's finances. There was also a fear on the part of France that Italy would attempt to claim control of Tunisia after having established small numbers of settlers there in an attempt to further expand its territory. This added further incentive to pursue a military intervention into Tunisia in 1881, which resulted in the establishment of a French protectorate there in 1883 (Stora 2003). The creation of a protectorate in Morocco in 1912 was an indirect result of the French expansion from Senegal into the territory of Mauritania carried out by governor Xavier Coppolani ten years previously, and both of these conquests were also planned and achieved in a context of competition between rival colonial powers. The territory of Mauritania was seen to be significant because it linked the two French strategic positions of Algeria and Senegal, and so it was of great importance to prevent other European powers from occupying what they called '*le grand vide*' between these two colonies (Ould Mey 1996). With a protectorate established in most of the area of Mauritania, the way was paved for a French conquest of Morocco, which however, was also claimed by Spain, Britain and Germany. After an agreement between the two former countries and France to isolate Germany, France had the ability to extend its empire further with a protectorate in Morocco. France, Britain and Italy also all saw strategic potential and opportunities in Libya, which finally came under Italian control when France decided to recognise it as Italy's territory in exchange for Italian recognition of French possession of Mauritania in 1901 (Stora 2003).

So although the Maghreb region was viewed with ambition by a number of the former colonial powers which have since become EU Member States, France, through its strategic military and

diplomatic manoeuvring, ended up in possession of the entire region apart from Libya. An indication of the extent to which French involvement in the region has had a corresponding influence on the level of migration flows from the Maghreb to France can be seen in the fact that France today hosts a higher number of immigrants of North African origin than any other European country (Bail 2008). Taking this correlation between historical actions and present day realities into account, it is interesting to place today's restrictive securitized EU approach to immigration from North Africa against this colonial context and the various interactions and dependencies which arose from it, when attempting to expand the application of our ethical principles beyond parochial boundaries and national affiliations. For example, in 1912 the decision was taken to extend conscription in the French army to Algerians in order to be better equipped against the German army, which was a vital contributing factor to the outbreak of revolt in 1954 according to Robert Gauthier (2006). Furthermore, with economic depression ailing Europe from 1929 and unemployment increasing dramatically, large portions of European populations moved to Morocco, Algeria and Tunisia. Fascist repression in Europe also forced large numbers of Spanish and Italians to flee their countries and settle in large numbers in Algeria and Tunisia respectively (Ramonet 2006). These are but a few examples of how the relationship between North Africa and Europe runs far deeper than the current restrictive EU approach to movements from the Maghreb would seem to acknowledge, and how a limitation of ethical concern to those who satisfy certain national criteria is necessarily ignorant of historical reality.

The cultural and geographical lines between the Maghreb and Europe became further blurred during the war and post-war period, with large numbers of Tunisians, Algerians and Moroccans participating in the fight against the Nazis on European soil. Following the war and up until the 1970's, there was a large influx of migrants from different parts of the world into Western Europe, due to the upheavals of WWII and the subsequent creation of refugees in many countries, guest-worker labour migration and the wave of post-colonial migration following decolonisation

(Castles and Miller 2003). European nations were generally welcoming of migrants who could fill out gaps in the labour market, and from the 1960's North African immigrants began to arrive in Western Europe and principally in France, Germany, the Netherlands and Belgium. This was facilitated by a number of bilateral agreements between North African countries of origin and the European host countries. The 1973 oil crisis and subsequent economic decline resulted in more restrictive measures being introduced with the aim of curbing migration flows, which meant that access to Europe from the Maghreb became much more difficult for prospective migrants (Giubilaro 1997). Despite these new restrictions, the immigrant population in Europe continued to grow as family reunification policies caused permanent settlement of immigrant families, and new target areas for migration in Europe expanded to include southern Mediterranean states such as Spain and Italy, as well as Scandinavian countries, all of which resulted in an increasing portion of national populations in Europe being comprised of immigrants of North African origin by the 1980's (de Haas 2008). Rather than stemming migration flows, the introduction of new restrictive measures during the 1990's actually served to increase irregular migration into Europe (Giubilaro 1997), and it was against this backdrop of the perceived inadequacy of individual nation-states in tackling illegal immigration, coupled with the moves toward the removal of internal borders within the EU, that the first steps were taken toward the harmonisation of immigration and asylum policies at EU level. How the Maghreb was targeted and affected by these procedures and how they relate to the present day will be dealt with in the following chapter.

The purpose of this chapter has been to demonstrate that what has been constructed as 'the Other' within the securitizing discourse surrounding immigration from the Maghreb in the EU, has in fact been an integral part of European history since the beginning of the 19th century. And one could go back even further still, citing for example the Moor's conquest of Spain, which would bring our analysis all the way back to 711 A.D. As I said at the opening of the chapter however, a

comprehensive historical overview of the interactions between these two regions goes far beyond the scope offered by this topic, and as such, it has been my intention to give a mere impression of the historical depth of this relationship, in order to accentuate the limitations and shortcomings of the current restrictive measures being employed by the EU toward the Maghreb. It is worth recalling that Kant compared his aim of an international application of the cosmopolitan right to hospitality with the manner in which the so-called ‘civilized states’ invaded and conquered foreign lands during his time (Derrida 2000). In keeping with the idea of cosmopolitanism being a means by which an ethical critique of the contemporary world can be given with a view to looking beyond the limitations of ethnic, national and other affiliations (Brasset 2008; Fine 2009), the colonial history of the Maghreb and the communications and exchanges which grew out of it are of relevance because they reveal the inadequacy of adhering to such narrow affiliations at the expense of all of those who fall outside of this criteria of belonging, as has been standard practise in the EU’s approach to immigration. Having briefly looked at the intricate history of the Maghreb and Europe, I will now turn to dealing in detail with how this approach has been adopted institutionally in the Maghreb, and how it measures up to a cosmopolitan ethical perspective.

EU immigration policy in the Maghreb: its logic and consequences

In the first chapter, I detailed the manner in which a culture of security pervades approaches to immigration policy in the European Union. At its core, this involves a tightening of external border controls as a necessary measure corresponding to the removal of internal borders which the Schengen process has begun to put into place. I demonstrated how the consequent framing of migration as a security issue serves to reinforce and reproduce at an EU level the difference in status between the national and the foreigner, and indirectly plays into the hands of those who frame immigration as a threat to national culture in various European countries (Huysmans 2000).

I will now discuss how immigration from the Maghreb in particular has fallen foul of this negative rendering of migration and the restrictive policies which emerge from it. This will require an analysis of the different ways that security and immigration feature in various treaties and agreements between the EU and Maghreb nations, and how the issue of development has become tied into security and immigration concerns (Lacher 2008). I will also bring up the human cost of this dogmatic insistence upon the prioritisation of external border security as evidence of the need for a cosmopolitan re-evaluation of approaches to immigration policy, if the EU is to ever truly act upon the values it claims to embody. In spite of a large amount of evidence which suggests that the concentration on restrictive measures aimed at tackling irregular immigration is counter-productive and does very little to address the root causes of migration (de Haas 2008; Giubilaro 1997; Kleist 2011; Testas 2001), a disproportionate amount of resources are still devoted to curbing irregular migration from North Africa, often to the direct detriment of those attempting to reach Europe, but with adverse effects on relations between governments in the Maghreb and Sub-Saharan Africa as well (de Haas 2008; Kleist 2011; Zaoitti 2008).

Irregular migration from the Maghreb to Europe began to pick up pace during the 1990's after restrictions on regular migration were put in place, and from the start of the 21st century, the Maghreb increasingly became a point of transit for migrants making their way from Sub-Saharan Africa as well. There is a prevailing perception of the level of migration from North Africa to Europe as constituting an 'invasion', or 'a plague' (de Haas 2008), and the policy approach adopted by the EU seems to adhere to this reading of the situation. A great amount of effort and resources are devoted to assessing migration flows from Sub-Saharan Africa toward North Africa, based on the false assumption that all of these migrants intend on entering Europe. However, a large portion of them view the Maghreb nations as their final destination, and both Libya and Mauritania now hold sizeable immigrant populations from Sub-Saharan Africa in their midst, which contradicts the dominant European perception which considers these countries to be

nothing more than transit zones for migrants on their way to Europe (de Haas 2008). Another false assumption about the nature of migration outlined by de Haas (2008), is the notion that it is spurred by a lack of development, a viewpoint which necessarily ignores empirical evidence demonstrating that rising levels of development generally serve to facilitate the mobility of persons (Giubilaro 1997), and that the poorest sections of Maghreb and Sub-Saharan African society lack the resources to make the long and costly journey to Europe. The use of development aid as a bargaining tool in negotiations around illegal immigration should thus be seen in the context of the merging of development and security, with this merging being a derivative of the expansion of security into the developing world (Lacher 2008). These misconceptions of migration serve to act in the interest of its securitization, which has been heavily integrated into the framework of agreements between the Maghreb and the EU since the 1990's.

Although bilateral trade agreements between the EU and the Maghreb nations of Algeria, Tunisia and Morocco go back to 1969, it was only after the 1995 Barcelona Conference that the issue of migration appeared on the agenda of discussion. The conference resulted in the Barcelona Process, which opened up a new era in EU-Maghreb co-operation, with the creation of bilateral 'association agreements' between the EU and Algeria, the EU and Morocco and the EU and Tunisia. Each agreement contained country-specific details but were drawn up under a common framework. The goal of these association agreements was the establishment of a free trade area between Europe and the Mediterranean by 2010. The application of measures to stop illegal immigration was a stated aim of the process, although curbing regular migration was also an implicit intention (Testas 2001). The misunderstanding of the nature of migration which characterises the EU's restrictive approach was also evident in the actions of Member States at this stage. After Spain and Italy introduced visa requirements for North African immigrants in the early 1990's, the unintended result was a dramatic increase in the numbers of Maghrebis

attempting to reach Europe through other illegal channels (de Haas 2008). In effect, by ignoring the underlying factors of migration, the policy precipitated that which it sought to prevent, as has very often been the case since.

It is hardly coincidental that migration for the first time featured as an area of concern in agreements between the EU and the Maghreb at a time when the dismantling of internal borders and its correlating intensification of external border control was coming about through the Schengen Process (Goldschmidt 2006). Its appearance is an indication of the projection of the EU's fabricated 'security continuum' (Huysmans 2000) beyond its borders and the influence it has on external relations. The concern regarding immigration which the 'security continuum' holds at its core means that Maghreb states have no other option than to abide by its dictates, because it is institutionalised through agreements which serve to reinforce the hierarchical and unbalanced nature of the EU – Maghreb relationship (Carapico 2001). The leverage held by the EU over the Maghreb is enabled by a number of disparities between the two regions, whose origins could be traced to colonial times, but which can be seen today for instance, in the high dependency-level of Algeria, Tunisia and Morocco upon the European import market, which stands out against the comparatively low proportion of EU products exported to the Maghreb (Giubilaro 1997), or in the differences in wealth and living standards between the two regions (Testas 2001). This imbalance and its consequent dependency have been entrenched further through the process of economic liberalisation which the association agreements entail, and the large sums of development assistance in the form of the Mediterranean Development Assistance (MEDA) programme, and the European Neighbourhood Partnership Instrument which replaced MEDA in 2007, which are contingent upon the implementation of market reforms (Carapico 2001). As such, the EU is in a position to frame the issue of illegal immigration on its own terms, and stipulate the required measures which need to be implemented in order to deal with it.

The European Neighbourhood Policy (ENP), which was adopted in June 2003 and entered into

force in 2005, serves as another example of how a lopsided focus on security has accompanied the deepening consolidation of relations between the EU and the Maghreb. Bilateral EU – Tunisia and EU – Morocco Action Plans (Algeria chose not to participate in the ENP) have sought to further enhance relations between the European bloc and these nations, based upon proposals containing “an emphasis on free trade and economic development” (Zaiotti 2008:146). According to Zaiotti (2008), the ENP is heavily influenced by what he calls the ‘Schengen culture of internal security’, whose rationale has already been discussed in some detail here. While stressing the existence of shared values and the common interests of the EU and its neighbours, barriers to trade between participating states and the EU are broken down, while the Mediterranean neighbour states are simultaneously required to enhance border controls and enforce stricter measures to prevent their nationals and transit migrants from attempting to enter the EU. A consistent pressure to curb illegal immigration is thus applied through participation in the ENP, the response to which often involves human rights abuses in third countries, and increasingly in detention centres located in Europe as well (de Haas 2008). In October 2005, Morocco received heavy international media attention after a crowd of Sub-Saharan migrants attempted to climb the security fence separating Morocco from the Spanish territories of Ceuta and Mellila. 15 people died and over 100 were wounded, some after allegedly coming under Moroccan and Spanish fire, while others fell between the barriers separating Morocco from Europe. The incident was followed by a campaign of arrests and deportations against Sub-Saharan immigrants by the Moroccan government, with mass deportations of immigrants into the deserts across the Algerian border, while others were returned to countries of origin (Goldschmidt 2006). This particular incident can give us an idea of why the ENP’s choice of wording places high importance on the values of human rights and dignity upheld by Member States of the EU, while only vaguely acknowledging that neighbour countries are expected to uphold these same values (Zaiotti 2008).

There is an obvious double standard at play in the manner in which the EU selectively extends certain aspects of its own internal market to its neighbouring countries while simultaneously withholding others. Within the European Union, the removal of trade barriers has been accompanied by the removal of internal frontiers and the establishment of an area of free movement. However under the terms of the Barcelona Process and the European Neighbourhood Policy, participant nations are expected to remove barriers to trade between themselves and the EU, while at the same time tightening their external borders in order to prevent their nationals and transit migrants from entering Europe. The freeing of barriers to trade is a central tenet of the bilateral association agreements between the EU and Maghreb countries established under the Barcelona Conference, and also within the bilateral action plans drawn up later under the ENP, both of which aimed toward the establishment of a free trade area in the Mediterranean, “and yet, no free trade agreement with the Maghreb . . . goes so far as to allow free movement of persons between third Mediterranean countries and the EU” (Giubilaro 1997:7). Paradoxically, it has been suggested that trade liberalisation in the Maghreb context could actually contribute to migration pressures due to a possible decline in living standards resulting from government efforts to cut back on public spending (Giubilaro 1997). In effect, this discrepancy serves to increase the mobility of capital between the two regions, while impinging upon the mobility of persons. The pressure to curb illegal migration also has further indirect adverse consequences for the prospects of free movement between nations. Moves to implement an area of free movement within the Economic Community of West African States (ECOWAS) are impeded upon because of the implications the establishment of such an area would hold for Sub-Saharan migration flows toward the Maghreb and subsequently – it is feared – into the European Union (de Haas 2008; Kleist 2011).

The fact that the ENP was put into force during the climate which emerged from the 9/11 terrorist attacks and the March 2004 and July 2005 attacks in Madrid and London meant that a new and

heightened anti-terrorist dimension had been added to the already securitized approach to immigration. Although counter-terrorism had featured as an aspect of the Barcelona Process in the 1990's, the chosen EU method mainly consisted of a non-interventionist approach which stressed the political sovereignty of oppressive Arab states, which achieved a degree of political stability but at the expense of civil liberties in those countries (Allani *et al* 2011; Behr and Berger 2009). Evelien Brouwer (2002) gives an overview of the range of decisions taken at national and EU level immediately following the September 2001 attacks: "The EU Member States reached, in a few months, agreement on subjects which used to be highly controversial among them, and for which, without the terrorist attacks, years of negotiations would have been necessary" (p. 402). This hasty, newfound consensus has bolstered the already firmly entrenched link between migration and security, with the Maghreb being increasingly seen as an origin of perceived threats to European society. One example of this naturalisation of the connection between migration, terrorism and security can be seen in the words of the head of the EU delegation in Mauritania, Hans-Georg Gerstenlauer, at the event launch of the 'West Sahel Project', an EU funded bilateral initiative which aims to enhance Spanish – Mauritanian joint co-operation in the patrol of Mauritanian borders: "The issues that face our world today are terrorism, illegal immigration and instability. Those are the matters that can only be addressed by putting together the efforts of all the states" (sic) (Oumar 2011). The presence of Al-Qaeda in the Islamic Maghreb (AQIM) in the deserts around the Mali – Mauritanian border and the kidnapping of Spanish and French tourists by the group in this area mean that European interests in the region are directly affected by its stability. Nonetheless, the conflation of issues of security and counter-terrorism with those regarding illegal immigration reinforces the 'security continuum' created by the Schengen Process, and serves to normalise its logic while extending it to states entering into partnership or agreement with the EU.

There is a very real human cost to this securitized framing of immigration adopted by the EU.

Despite the evidence to suggest that restrictive measures and intensive border patrols serve to create new migration routes in the Maghreb and West Africa rather than stem immigration flows to Europe (de Haas 2008), the predominant method remains focused on external border control and it has permeated relations between the EU and its southern neighbours, seemingly under the naive belief that irregular migration can actually be permanently halted. This self-deception has led today to a situation in which the harmonisation of migration policy focuses disproportionately on the management and patrol of external borders, with no comparable coordinated EU effort to attempt to aid those who come into danger while trying to make the journey across the Mediterranean. In 2011, the UNHCR reported that at least 1,500 people had either drowned or gone missing while trying to make the boat journey from North Africa to Europe (UNHCR 2012). The lack of harmonisation of approach with regard to aiding boats lost at sea has in the past, resulted in gross incompetence during situations of urgency, through a combination of reluctance on the part of individual Member States to act individually, thereby shouldering the burden of the migrants on their own shores, and confusion caused by poor communication between NATO and various national coastguards. This shortcoming can be seen, for example, in the disagreement between Spain, Italy and Malta over who would take a boat of 100 migrants rescued by a Spanish NATO warship, which resulted in the migrants being left at sea for five days before Tunisia eventually agreed to take them (Human Rights Watch, World Report 2012: European Union) or more recently, in the Council of Europe report released detailing how 63 migrants were left to die in a boat which had set sail from Tripoli in May of last year, after their distress calls went unheeded for two weeks. The report shows that the distress calls should have been picked up by ships under NATO command in the area, and attributes the loss of life to a “catalogue of failures” on the part of NATO warships and European coastguards (Shenker 2012).

Failures such as these highlight perhaps more unequivocally than anything else, the ethical implications of the securitization of migration, and further underline the importance of the

cosmopolitan outlook which has informed my analysis. There is ample evidence to suggest that not only is the emphasis on border controls and restrictive measures ineffective and at times counterproductive, but that there are also serious moral implications involved which call into question the European Union's commitment to its own core values. Hopefully by now I will have demonstrated that fundamentally, the problem lies in the inconsistency of selective application of EU values and ethical principles. Despite claims of universality, there remains a strong differentiation between the terms of agreement between Member States of the EU on the one hand, and those which involve third country participants in agreements with the EU on the other, as well as between the privileges accorded to nationals of Member States as opposed to migrant residents. And that is to say nothing of the treatment of those attempting to enter Europe illegally from North Africa, nor of the situation of non-status migrants in Europe. In order to call into question the logic behind this differentiation, I will briefly look at Maghreb immigrants in Europe, and one particular act of citizenship in France, which should further demonstrate how the identity categories which largely determine this division are in fact variable and interlinked, as previously illustrated from a historical perspective.

Maghreb immigrants as European citizens

Having established a cosmopolitan critique of the manner in which the security logic overrides virtually all other concerns regarding immigration in interactions between the Maghreb and the EU, and the hypocrisies and inconsistencies which stem from this, I will now briefly turn to the question of Maghreb immigrants as European citizens. It is my intention to not only discredit the framing of Maghreb immigrants as a threat which is prominent within the discourse of a Muslim 'invasion' in Europe, but also to explore the cosmopolitan possibilities and potential of this presence, based upon an appreciation of its historical context, as discussed in chapter two. Given the difference in national approaches to naturalisation and the extension of citizenship to second and third generation immigrants that exist between Member States of the EU, there are problems

which arise when attempting to establish a cosmopolitan perspective on the presence of Maghreb immigrants in Europe as a whole. Because of this difficulty I will once again focus my attention mainly on the situation in France. This is not to disregard the existence of sizeable Maghreb immigrant populations in other European countries such as Italy, Belgium, the Netherlands, Spain and Germany, nor is it to assume that any conclusions reached here with regard to Maghreb immigrants in France are *de facto* relevant and applicable to each of these other national contexts, nor to Europe as a whole. However given the historical depth of the relationship between France and the countries of the Maghreb, I hope a brief reflection on the reality of this presence, having taken into account its underlying historical dynamic, will allow for a tentative consideration of the cosmopolitan potential Maghreb immigrants hold for Europe. Furthermore, with the largest Maghreb population in all of Europe, comprising over 1 million people, with Algerians and Moroccans making up 14.6% and 15.4% of the total immigrant population respectively (International Organisation for Migration 2002), France provides a useful example to look at in an attempt to draw some sort of speculative conclusions about the relationship between Europe and the Maghreb, based upon the cosmopolitan critique offered above.

One manner of grounding this analysis could be to look at ways in which Maghreb immigrants have enacted themselves as citizens in France. The school of thought which focuses on acts of citizenship provides a useful analytical tool for this part of the discussion, because it can serve to explore ways of superseding the divergence between French values of republican citizenship and Islamic customs and tradition, which Maghrebis living in France have found themselves caught between at various instances during their history in the country (Samers 2003). If acts of citizenship involve moments in which people constitute themselves as citizens through acting as such, by making demands and imposing obligations upon authorities (Isin 2008), what follows from this interpretation is a rearrangement of the traditional criteria of belonging, which assumes that official recognition by the actor upon whom demands are being made is a pre-requisite to

inclusion and participation. Acts of citizenship therefore do not view the official status that one holds as an adequate determinant of whether or not one qualifies as a participant in public life, but instead focus on how subjects establish themselves as members of a polity through the rights demands that they make within it. So it is not even the outcome of the act through which one constitutes oneself as a citizen, more so than the actual fact of the act itself. Nielsen (2008) states,

As events acts of citizenship are unique moments where local and/or transnational actors 'claim the right to have rights' against injustices or already instituted practises. Such acts also need to improvise creative but also enduring and convincing arguments for justice against unjust laws as well as their intended or unintended exclusionary consequences. Acts of citizenship have the capacity to subvert already instituted forms of citizenship and challenge legal norms and moral codes (p. 268/9).

According to Ercel (2008), another aspect of acts of citizenship is "drawing the universal out of difference rather than the other way around" (p. 209), which is worth bearing in mind while thinking about how acts of citizenship could prove to circumvent and look beyond the perceived dichotomy between the obligations carried by French republican citizenship and those which an adherence to Islamic customs entail.

On the 11th of April 2011, Kenza Drider, a French woman of Moroccan immigrant background, was arrested for taking part in a protest while wearing the niqab face veil. The public ban on the niqab had come into effect that day, and Kenza had boarded a train from her home town of Avignon to Paris, while wearing the niqab, in order to participate in a protest against the ban. She was detained by French police during the protest, along with one other woman who was also wearing the niqab, and was held in custody for three and a half hours before being released without charge. What is of relevance here is not the loaded question of the ethics of the veil

itself, nor of the French decision to ban wearing it in public, but the fact that this was a clear act of French citizenship. It was an act of citizenship in that it sought to directly challenge a legal decision which was perceived to impinge upon the rights of the subject carrying out the act. In consciously contravening French law by wearing the veil, Kenza was enacting her French citizenship through demanding that her rights be granted to her by the French government. Moreover, she was not demanding the right to retreat into an Islamic identity and away from the French culture in which she happens to find herself, but rather to assert her own individual identity as an active participant in French society. In an interview with *the Observer*, she justified her breaking the law on the grounds that the ban made France “look ridiculous”, and by stating: “I never thought I’d see the day when France, my France, the country I was born in and I love, the country of *liberté, égalité, fraternité*, would do something that so obviously violates people’s freedom” (Willsher 2011). Interestingly, in Kenza’s opinion it was the decision to ban the niqab which is not compatible with French values, rather than the niqab itself, and she was thus acting to uphold these values. Considering this event as an act of citizenship is a reversal of the dominant perspective from which it and the controversy surrounding it are viewed, as it takes the subject as first and foremost an embedded member of the society in which she is acting, rather than an outsider whose foreign values conflict with those of her environment. The fact that she later put herself forward as a candidate for the French presidency further reinforces the implications which follow from this act.

There are interesting questions which arise from this example concerning what Nielsen (2008) calls a cosmopolitan intent which “seeks to be inclusive of multiple states of co-being” (p. 275) as opposed to the law of unconditional hospitality, which he regards as utopian. This involves recognition of the universal duty of hospitality toward the other, while also acknowledging the responsibilities carried by the other toward the host culture in which they find themselves. There is surely much to be discussed around the question of the niqab and whether the retention of this

particular cultural practise effectively disregards the responsibility of the Muslim immigrant toward the norms and values of French secular society. One may also legitimately question the extent to which this example could provide any conclusions or lessons which are applicable to Maghreb immigrants in Europe in general, given that the French ban would only have affected around 2,000 women; a tiny proportion of the Maghreb immigrant population in France, let alone that of Europe as a whole. However, it is important to bear in mind the manner in which the whole affair was framed in the popular imagination, which served to elevate it to symbolise something much bigger; it was seen to exemplify the incompatibility and difference between the responsibilities and duties of French citizenship and those of Islamic tradition, which many people of Maghreb origin hold in high regard, and thus propagated the belief that one would need to be compromised in order to strictly adhere to the other.

While there are no doubt issues of differing and at times opposing practises and duties which can become problematic, the above perception presupposes a fundamental opposition, based largely upon the ideological dictates of French republicanism on the one hand and Islamic doctrine on the other, but which can be quite easily transcended by looking beyond these constraints. Depending on one's vantage point, Kenza Drider's protest will serve to either reinforce or refute the dichotomy between these two tendencies. So the point I wish to make in bringing it up as an act of citizenship, is that whatever one's opinions are about the demand being made, the very fact that it was made constitutes Kenza as a French citizen who is demanding that her own individual beliefs and practises be accepted in France, and any responses to it need to be conscious of this. Following on from this fact, if we take as a starting point the awareness that identities are both fluid and multiple, rather than invariable constants, an idea which is neither abstract nor utopian but rather grounded in historical fact, then it may be far easier to go about finding common ground when aspects of these overlapping identities come into conflict with one another.

Conclusion

The scope of this topic has been rather broad, and as such, it may have inadequately addressed some of the issues approached within it. I felt it was necessary to include all of these aspects within this discussion because, if a cosmopolitan outlook is concerned with applying our ethical principles to all those with whom we share this planet, then a look at how historical interactions and interdependencies have shaped the modern world should give added weight to the ethical critique of the parochial boundaries which currently influence policy thinking and procedures. Similarly, I felt that a reference to Kenza Drider's act of citizenship, which may conventionally be viewed as an exemplification of all that is different and incompatible about these two regions, would demonstrate the transience of different identities, which the inherently limited nationally oriented EU approach immigration policy does not allow for. Without these elements of the discussion, the cosmopolitan perspective upon which I base the critique of the EU's securitized approach to immigration from North Africa would have largely remained a theoretical abstraction, without any concrete justification. The topic is necessarily limited to the ethical implications of the securitization of migration from the Maghreb and does not explore its policy implications, because a re-evaluation of the EU's underlying ethical principles (or lack thereof) with regard to immigration from North Africa is a pre-requisite to any substantive policy change. What this re-evaluation might involve could be, as a fundamental starting point, an awareness of the overlapping history of Europe and the Maghreb and its consequent mutual constitution of identities, which would serve to undermine the national ethos which has strong sway over the framing of immigration within the EU. By taking this into account, the EU could finally be in a position to explore ways in which its self-proclaimed core values could be applied in its interactions with North Africa.

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