

EU Borderveillance: Maritime Surveillance and Third Country Agreements




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Abstract

This report examines the European Union's maritime surveillance of its Southern borders in conjunction with 'Third Country' agreements with nations in the Middle East and North Africa (MENA). It employs the term 'borderveillance' to encapsulate the intersection of border control and surveillance practices. This report assesses the measures that the EU employs to inhibit migration across the Mediterranean Sea, particularly since the Arab Spring of 2011. Drones and Low Earth Orbit satellites provide the EU with imagery that informs its responses to migrants in the Mediterranean Sea. The Mediterranean Sea has been effectively separated into complex jurisdictions, permitting the EU and its member states to evade international maritime obligations with respect to search and rescue, as they simultaneously externalise control of their borders. The EU often holds the decision-making power over whether migrants are rescued or pushed back to their ports of origin or ports of departure. In addition to aerial surveillance technologies, the EU's territorial expansion has been facilitated through agreements with several 'Third Countries' in MENA that monitor, readmit, and detain migrants in exchange for aid. This report explores the ways in which three of these states, Egypt, Libya, and Lebanon, comply with EU migration policies. These agreements and complicities between the EU and governing authorities in MENA are the contemporary results of neocolonialism and neoliberalism, which serves as the contextual framework for this report. In examining the impact of surveillance in concurrence with the EU's Third Country agreements, this report demonstrates the ways in which the EU serves as a border surveillance regime, extending extra-territorial migration management.

1. Introduction

To cartographically map a place enables the state to exert control over it, facilitating its exploitation. Analogous to the ways in which early mapping assisted Europe in surveying colonies, the European Union's use of drones and Low Earth Orbit (LEO) satellites on its Southern borders likewise empower the state with information upon which it can base its course of actions. This report recognises historical continuity with aspects of colonialism, particularly in how control and territorial expansion persist through modern surveillance mechanisms and neoliberal conditionalities. The aim is to foster an understanding of EU policies and practices with regard to migrants crossing and/or attempting to cross the Mediterranean Sea.

The Mediterranean migration routes include the western route between Morocco and Spain, the central route between Libya or Tunisia and Italy or Malta, and the eastern route across the Aegean Sea. While this report focuses on the central route, all three routes have witnessed a rise in migrant crossings in the aftermath of the Arab Spring in 2011 (Matera, 2018). This report employs the term 'migrants' in reference to irregular migrants, refugees, displaced persons, asylum seekers, smuggled persons, and trafficked persons, because the EU seeks to prevent migrants, regardless of their status, from reaching its shores. This report explores how the EU's territorial expansion has been facilitated with the use of aerial technologies as well as through agreements with Third Countries in the Middle East and North Africa (MENA). It critically examines the EU's complicity with the governing authorities in Egypt, Libya, and Lebanon, viewing these arrangements as neocolonial agreements, often tied to neoliberal mandates. These agreements bolster authoritarian leaders whose human rights records are dismissed as they abet the EU's migration objectives in exchange for aid. The EU's focus on reducing the number of migrants arriving on its Southern shores through these agreements and aid reflects the wider influence of neoliberal ideology in shaping governance in the region.

This report is divided into eleven sections of varying lengths. Following this introduction, the second section succinctly reviews the case study method employed in this qualitative study. The third section provides the contextual framework of neoliberalism. It underscores the ways in which neoliberal practices contribute to both social unrest and migration, segueing into the Arab Spring. Section four offers an overview of the Arab Spring, as it serves as the precursor to the rise of migration along the EU's Southern border. Section five defines surveying and surveillance, laying the groundwork for the longer sixth section that opens with a synopsis of maritime surveillance. This section assesses the EU's regulatory response to increased migration from MENA, which enhanced the capabilities of both the European Border and Coast Guard Agency, Frontex, and the digital infrastructure that the EU employs for mapping border events, the European Border Surveillance System or Eurosur. This section also evaluates the shift from the term militarisation to securitisation for dual use technologies. It examines interagency cooperation in the operation of both satellites and drones for aerial surveillance. Section seven reviews international maritime conventions and the consequences of failing to adhere to these conventions, namely the drownings of migrants. It includes a detailed discussion of *the Adriana* tragedy because it epitomises the EU's contempt and disregard for the lives of migrants. Section eight examines the EU's Mediterranean neighborhood initiatives and section nine explores how the EU externalises migration management through agreements with MENA countries in exchange for aid. This section provides a detailed analysis of the Third Country agreements made with Egypt, Libya, and Lebanon. It also examines the definitions of a failed state versus a fragile state as employed by international agencies and multilateral lending institutions. Section ten presents a summary discussion of the report's findings and policy recommendations followed by the conclusions in section eleven.



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2. A Qualitative Study

This interdisciplinary study employs a qualitative, case-oriented research strategy. The EU's efforts at migration management are the unit or case under observation. The case study method is frequently used in policy research because it promotes an examination of the process by which an intervention or policy action has been implemented (Yin, 2017). A major strength of this research approach is its use of multiple data sources to develop converging lines of inquiry or triangulation when investigating a specific phenomenon; hence, this report draws upon policy and legal documents from the EU, reports from nongovernmental organisations, and other references or sources (Yin, 2017). Case studies are designed to address 'how' and 'why' questions concerning contemporary interrelated issues or events over which the researcher has no control (Yin, 2017). This report explores how the EU surveys the Mediterranean Sea and how it employs data from its aerial surveillance to curb migration. It also examines why Third Countries curtail migration in support of the EU's border securitisation policies. These areas of research are intended to encompass the two distinct yet related aspects of EU migration policy: aerial surveillance and agreements with MENA countries. The EU often shares its surveillance data with MENA states, whose governments have negotiated aid in exchange for their cooperation on migration.

This data enables these states to intercept and return migrant-laden boats to port, actions that align with the EU's securitisation policies.

In this context security is a social construct. It is defined by a state's political elites who identify a referent object as threatened and then strive to ensure its continuance. By portraying the social and cultural integrity of EU member countries as threatened by mass migration, especially from Muslim societies, the EU securitises migration. In so doing it effectively moves the issue out of the realm of normal politics and into an emergency response mode, in this instance, aided by Third Countries. In evaluating the agreements between the EU and MENA countries, this report considers funds and resources that the nations of Egypt, Libya, and Lebanon have received from the EU. Various EU funding mechanisms have contributed to "enhancing border management" in these Third Countries, including monitoring their Mediterranean coastlines to reduce the number of boats with migrants departing their shores, intercepting these boats, and detaining the migrants. These agreements thus represent one means by which the EU has effectively constructed mobile, trans-territorial borders. The fortification of the EU's borders is further facilitated by the use of drones and low-earth orbit satellites for supranational surveillance of migrants.

3. The Contextual Framework - Neoliberalism

War and violent conflict, economic dislocation and increasingly climate change, which acts as a threat multiplier, contribute to driving the displacement and migration of people from their homelands. Families also depend on remittances for survival. In Lebanon, for instance, remittances constituted 37.8 percent relative to GDP in 2022 (World Economic Forum, 27 January 2023; Xinhua, 6 August 2023; Atallah, May 2023). Arguably, however, one of the root causes of contemporary migration stems from the neoliberal practices, originating in the West in the late 1970s and early 1980s, which endorse market-based mechanisms as solutions to socio-economic problems (McCormick, 2013). The United States, the United Kingdom, and Japan prevailed upon institutions of international governance to comply with the tenets of neoliberalism (Soederberg, 2006). Neoliberal policies found favour with the International Bank for Reconstruction and Development (IBRD or World Bank) and the International Monetary Fund (IMF) that were created in 1944 at the United Nations Monetary and Finance Conference held in Bretton Woods, New Hampshire. By the early 1980s, the lending practices of the World Bank and the IMF, which are themselves strongly influenced by the US Treasury, effectually disseminated neoliberal policies on a global scale, creating what has been termed the 'Washington Consensus'. Fiscal policy discipline, tax reform, trade liberalisation, deregulation, and privatisation of state enterprises became loan conditionalities for indebted, developing countries (McCormick, 2013). 'Conditionality' essentially refers to the economic policy changes that these multilateral lending agencies require of national governments in the process of structural adjustment. As states were required to implement these reforms in exchange for loans and debt rescheduling, the era of neoliberalism was ushered in. Neoliberalism was accompanied by surveillance mechanisms. Conditionalities turned loans into domestic policies that were overseen or surveilled by external lending institutions (Stiglitz, 2002).

This doctrine of economic orthodoxy values market exchange as an ethic in itself, deeming the political ideals of human dignity and individual freedom to be threatened by state interventions that essentially

substitute collective judgments for those of individuals free to choose (Harvey, 2005). A central aspect of neoliberalism is the assumption that individual freedoms are guaranteed by freedom of the market, debasing the concept of freedom into a mere advocacy of free enterprise (Harvey, 2005). This emphasis on market freedom is the principal feature that distinguishes neoliberalism from embedded liberalism. With respect to embedded liberalism, market processes are ensconced in a larger context of social and political constraints, as well as an accompanying regulatory environment that assists in meeting social needs (McCormick, 2013). In contrast, neoliberalism emphasizes deregulation and privatisation, effectively dismantling the public institutions and mechanisms that fulfil the fundamental requisites of society.

Neoliberalism also promotes the fallacy in contemporary discourse, which contends that democracy and the free market beget each other, when in fact the principles of capitalism - the sanctity of private property, market competition, and freedom of enterprise - have nothing to do with democracy (Amin, 2003). In actuality, neoliberal practices undermine national democratic processes. Regardless of elections and changes in heads of state, governments are locked into a series of neoliberal reform policies as power is effectually transferred from centralized control of nation-states to control by global corporations and international institutions (Shiva, 2005). In this process the world is now witness to the momentous, indeed, cataclysmic shift toward unprecedented social inequality and the restoration of economic power to the upper class. Neoliberalism not only creates ever-greater inequity, but it also ensures that the external aid and loans received from the West support and sustain despotic ruling regimes while ignoring their records of human rights abuse and impoverishment of their peoples. Neoliberalism is thus a valuable contextual lens to employ in this report. It promotes unequal development within a society. It also creates structural conditions, such as unemployment, reduction of subsidies on essential goods, and inequitable access to resources, which can promote social unrest and potentially, external migration, as exemplified by the Arab Spring.

4. The Arab Spring

Migratory pressure on the EU's Southern maritime border developed expressly after the Arab Spring of 2011 (Follis, 2017). The widespread regional protests were met with oppression by governmental authorities which in turn generated migrants seeking the shores of Europe. Nation-states became transit hubs for migrants from a host of countries and/or departure states for their own nationals. The EU responded to the escalation in migration in varying ways. These measures include increased aerial surveillance of its Southern borders, deployment of innovative technologies, re-regulation of existing EU agencies, and the creation of more Mediterranean neighbourhood initiatives as well as agreements concerning migration with individual MENA states. Since the Arab Spring served as the impetus for these EU efforts to stem the flow of migrants, the Arab Spring is critical to the discussion of EU borderveillance.

The Arab Spring, as it has been euphemistically called, refers to an outbreak of popular protests across numerous countries in MENA seeking regime change, democratic institutions, and improved socio-economic conditions. These protests were initially sparked by the self-immolation of the street vendor Mohamed Bouazizi in front of a government building on 17 December 2010, in Sidi Bouzid, Tunisia, after his produce had again been confiscated by the police for selling fruit without a permit (Castells, 2015). Hundreds of youths assembled within hours to protest in front of the same government building. Mohamed Bouazizi's cousin, Ali, recorded these protests and uploaded the videos to the Internet. Within days, protests, termed the "Jasmine Revolution," erupted across Tunisia. Citizens railed against high food prices, corruption, high unemployment, and political repression; conditions, as noted, created by neoliberalism (A&E, 2024; Castells, 2015). These protests were a spontaneous, endogenous response to 24 years of authoritarian rule by President Zine El Abidine Ben Ali. The overthrow of the Ben Ali regime inspired other uprisings in the region.

Although this research focuses on Egypt, Libya,

and Lebanon, it is important to understand the regional nature of the Arab Spring. For instance, the monarchies of Bahrain and Saudi Arabia, which prohibit public demonstrations and public acts of dissent, witnessed protests. Protests in Saudi Arabia, an Islamic theocracy, developed in the Eastern Province where the largest number of the minority Shi'a reside (Ertl, Spring 2015). The preponderance of the protesters in Bahrain were also Shiites, however, unlike Saudi Arabia, they constitute the majority of the population, though the Sunni royal family, Al Khalifa, governs. In response to the unrest in Bahrain, the Gulf Cooperation Council (GCC) sent troops, primarily from Saudi Arabia, to repress the demonstrations in Bahrain, and martial law was imposed from March 15-June 1, 2011 (Chilton and Nada, 2024). The Bahrain government later commissioned an independent review of this response, and in November 2011, it was found that "excessive force" and torture had been deployed to suppress the protests, a finding that, in turn, generated more outrage (Chilton and Nada, 2024). The uprisings in Morocco, Jordan, Algeria, and Oman were also suppressed through a combination of repression and concessions from the respective regimes, while other states, such as Egypt, witnessed regime change.

Despite violent repression, media censorship, and communication blackouts with the shutdown of the Internet, regime change transpired in Egypt (Castells, 2015). After 30 years in power President Hosni Mubarak resigned and transferred authority to the Supreme Council of the Armed Forces on 11 February 2011. In 2013, Mubarak's successor, Mohamed Morsi, was removed from office in a military coup, which involved the Minister of Defence, Abdel Fattah el-Sisi, who became the next President in the 2014 elections. Akin to the current presidency of Kais Saied in Tunisia, el-Sisi's regime does not represent change with respect to political and economic reform and greater democratisation but rather continuity of oppression.

Unremitting tyranny is also evident in Syria where

the internal displacement of people preceded the Arab Spring protests. An extended drought of 2006-2010 in Syria compelled an estimated 370,000 to 460,000 people from eastern and north-eastern Syria to leave their homes to secure a livelihood elsewhere in the country (Daoudy, 2023). Livelihoods and lives, however, were imperilled when protesters demanding socio-economic change and increased political participation met with violent repression and death as the regime of President Bashar al-Assad killed its own people. Steadfast in his refusal to cede power, Al-Assad, in office since 2000, has received continued political and military patronage from Russia and Iran since the start of the conflict in 2011. Syria has devolved into an array of armed opposition groups, many with the backing of external actors. Syria has thus witnessed large-scale internal displacement of its people due to indiscriminate attacks and aerial bombardment on civilians by its government. Syria serves as the source of the largest number of refugees since 2012, with record migration to neighbouring states, namely Turkey, Jordan, and Lebanon, making MENA the host to the largest ongoing humanitarian and refugee crisis in the world (Swain and Jagerskog, 2016). The abilities of these three states to host the exodus of Syrians have exceeded their capacities. Host states have forcibly deported Syrians and exclude them from formally participating in the economy. This set of adverse conditions has forced Syrians to seek refuge in Europe.

Libyans have also sought to flee to Europe. Protests against the Muammar al-Qaddafi regime in February of 2011 were immediately supported by the North Atlantic Treaty Organisation (NATO) forces in March of 2011, which ultimately led to the assassination of Muammar al-Qaddafi in October 2011. Rather than a peaceful transfer of power, a power vacuum prevailed in Libya. With no central government to date, the country has effectively unravelled with domestic and international groups launching proxy wars, funded by varying external players (Ghafar, 2019). Due to the instability and violent factions in the country, Libya has become a transit state and central hub for illegal migration flows across the Mediterranean Sea to Europe, contributing to what has been termed a 'migrant crisis' in Europe (Ghafar, 2019).

Lamentably, the Arab Spring did not result in the desired shift toward greater democracy, improved quality of life for citizens, the end of corruption and the cessation of resource distribution to those elites buoying the given regime. The failure of the Arab Spring to transform authoritarian and corrupt institutions of governance into democratic ones and genuinely improve the socio-economic conditions and quality of life for the majority of people can be largely attributed to neoliberalism and its Western advocates who seek to ensure continual profitability or accumulation by dispossession. Neoliberal practices force majority world or developing countries to revise the banking sector, reduce the role of the state, engage in institutional and public sector reforms, including divestment, and reduce or eliminate subsidies for essential goods and services. These requisite reforms fan the flames of existing socio-economic disparity and discontent. By adopting these politically irrational policies aimed at dismantling their own power, states sacrifice their sovereignty to capricious global capital markets (Stiglitz, 2002). Furthermore, dominant Western capital finds it profitable to manage the debt of majority world or developing countries (Stiglitz, 2002). As the architects and beneficiaries of neoliberalism, the EU and the United States have thus focused on stability or continuity of governments in the MENA region, bolstering repressive regimes that are themselves concerned with the retention and expansion of their power, often under the façade of national security.

National security is linked to regional security, considering conflicts or challenges in any one country have repercussions on other states in the region. Socio-economic development and security are also inextricably connected. The states in MENA and their external donors, however, fail to allocate sufficient funds for improving human well-being and enhancing climate resiliency. Adaptation is essential, though, since MENA is poised to be highly and negatively impacted by climate change. Climate change is projected to increase prevailing high temperatures thus boosting rates of evaporation and reducing rainfall in a water scarce region. The implications of climate change are evident in the region, with drought presaging migration, as in the case of

Syria. Additionally, droughts in 2010 in Russia, China, Ukraine, and Argentina, coupled with torrential rains in Canada's wheat belt and China's subsequent large-scale purchases of wheat, adversely affected global wheat markets. These circumstances, in turn, drove up bread prices and contributed to rising levels of discontent across MENA just prior to the Arab Spring (Lieven, 2020).

Climate change is poised to exacerbate migration, though the designation of "climate refugees" has yet to be clearly defined in international law. The absence of such a definition serves the interests of the EU as it seeks to inhibit the flow of migrants across its borders through both its aid to MENA states and surveillance operations.

5. Surveying and Surveillance

The etymology of the word “survey” and, similarly, “surveillance,” stems from Old French, *sourveoir* (to oversee) from *sour* or *sur* (over) and *veoir* (to see) (Strom, 2020). The practice of surveying, watching over people to exercise power as well as violence over them, has deep historical roots. For instance, in 1792 the French Revolutionary government established its first Committee of Surveillance as well as its successor, the Committee of General Security, that oversaw its state-sponsored violence during the Reign of Terror of 1793-1794. To cartographically map and measure a place or demarcate boundaries is to present a “God’s-eye view” or a view from a commanding height (Strom, 2020). Mapping or surveying a geographical terrain enables the enclosure or delineation of private property or the borders of a colony. One can readily recognize the similarities between maps of old colonial shipping routes and contemporary intercontinental networks or routes of cables. A notable example is the infrastructure of the Internet, which supports a neocolonial or imperialist agenda with the unidirectional flow of information to the hegemonic centre of the North (Van Reisen, Mawere, Stokmans, Nakazabwe, Van Stam and Ong’ayo, 2019).

Surveying land is analogous to the surveillance of people in that both practices bestow power onto the organising authorities, with subjects being depicted as abstract data or data devoid of context. These disembodied observations facilitate empire or dominion at a distance, reinforcing and enlarging asymmetrical social and economic structures and relations. As people and land are reduced to mere abstractions, they become commodities to be extracted for labour (historically enslaved), minerals, and agricultural goods as well as information and data, promoting capital accumulation by the overseer (Strom, 2020). This extraction principal is evident in the

repayment of debt by developing or majority world countries to the Bretton Woods institutions. The monitoring of capital extraction and adherence to the conditionalities associated with a given loan is conducted by the IMF and the World Bank through economic surveillance; consequently, development or the capacity for self-sustaining growth is often hindered. The establishment of international multilateral lending institutions and the remote control of finances can be historically traced back to the 1880s, rooted in the banking houses of Europe that dispossessed colonies of their wealth from the metropolises (Rodney, 1972).

From its European colonial origins and early forms of surveying and mapping, a global bureaucratic apparatus has been constructed, comprised of governments, corporations and international organisations that monitor their worldwide realm with technological devices. These devices surveil and manipulate people, both their online activities via cybersurveillance and their physical activities through the Internet of Things (IoT). IoT refers to the networking of Wi-Fi-enabled physical objects, including common household items such as kitchen appliances, thermostats, fitness trackers, beds, baby and pet monitors, and cars, all of which are embedded with software and sensors for connecting and exchanging data with other devices and systems over the Internet. This seamless communication enables the collection of data about users of these things and their environment, providing an understanding of the behaviours of a home’s inhabitants (Zuboff, 2019). Monitoring through IoT is the prerequisite for manipulating behaviour while evading human awareness. Aerial imaging provided by LEO satellites and drones further assist in this monitoring and surveillance, notably of the maritime sector.

6. Maritime Surveillance

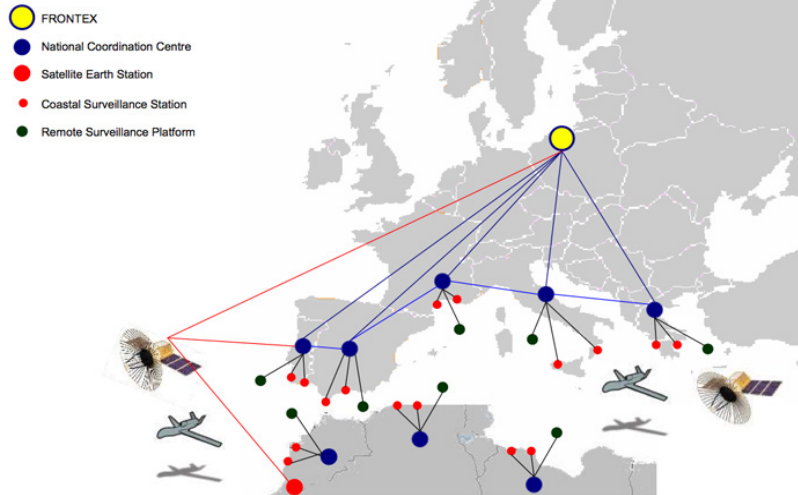
The EU as well as its individual member states have increasingly invested in Maritime Situational Awareness (MSA) or Maritime Domain Awareness (MDA). The European Defence Agency (EDA) refers to MDA as “the effective understanding of activities, associated with and occurring in the maritime domain that could impact on the security, safety and environment of the European Union and its Member States” (EDA, 2023). Efforts at securing MDA are facilitated by fusing together data from land, sea-based, and aerial systems, including drones and satellites, as well as vessel information depositories and geographical information systems (GIS) (Kanjir, Greidanus, and Ostir, 2018). The responsibilities of the European Border and Coast Guard Agency or Frontex, a name derived from the French language, *frontiers exterieures* for external borders, involve the management of the EU’s external land and maritime borders. A primary border-related charge for Frontex is the securitisation and strengthening of the world’s largest free travel area, the Schengen Area, which currently accounts for more than 4 million square kilometres and includes 27 countries, 23 of which are EU member states (European Council, 13 June 2024).

Intergovernmental cooperation with regard to migration, asylum, and security was integrated into the EU framework in 1999 (Frontex, 2023b). Officially, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was established by the Council of Regulation (EC) 2007/2004 of 26 October 2004 (Frontex, 2023b). The organisation was headquartered in Warsaw, Poland, because the EU was concerned with securitising its Eastern European borders at that point in time (Follis, 2017). The movement of migrants and refugees from MENA across the Mediterranean and Aegean Seas had yet to unfold.

6.1. EU Regulatory Response to Migration – Expanding Frontex and Eurosur

The wave of migration from MENA reached a pinnacle of one million migrants in 2015, impelling successive European Council Regulations concerning border management. It expanded Frontex’s directive and transformed it into a bona fide European Border and Coast Guard Agency. Its transformation was formalized with Regulation (EU) 2016/1624 of 14 September 2016 (Matera, 2018; Frontex, 2023b). The European Parliament and Council established the European Border Surveillance System (Eurosur) via Regulation (EU) No 1052/2013, Eurosur on 22 October 2013. Like Frontex, Eurosur, which became operational in 2014, has been subsequently re-regulated.

Eurosur serves as a key strategic Information Technology (IT) and Geographical Information System (GIS) infrastructure that enables the EU to monitor its external borders, such as those in the Mediterranean, and determine a response to a given border incident. Following an intelligence and risk analysis-driven approach to border security, Eurosur is a continuously updated electronic map and graphical interface that displays information and occurrences on supranational borders (Dumbrava, 2021). By increasing the interoperability of existing surveillance systems, sensors, platforms, and other sources as well as facilitating greater information exchange among different authorities, Eurosur provides a near real time visualisation of European situational awareness. Like Frontex, it has also proven to be a notable achievement in terms of further integrating the EU member states into a coherent whole by requiring individual member states to share information and agree to common formats and classifications (Ellebrecht, 2018). The successful development and implementation of Eurosur highlights the member states’ recognition of the need to transcend local or national boundaries



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to create a broader European Situational Picture (ESP), which is structured in three primary layers: events, operations, and analytics.

While the architecture of Eurosuir is constructed as a network of National Coordination Centres (NCCs) that collect, process, and share data pertaining to border incidents within their respective domains, it is now Frontex which serves as the primary coordinator or institutional hub. Frontex manages and integrates the various spokes of information to create the ESP and the Common Pre-frontier Intelligence Picture (CPIP), which is concerned with areas beyond the Schengen Area and EU borders (Ellebrecht, 2018). In 2019, new regulations of Frontex integrated Eurosuir in their daily operations, enabling Frontex to become the nucleus of calculating risk analyses on border events for the supranational state, mapping hotspots of migratory pressure and other risks or insecurities (European Commission Migration and Home Affairs, 9 April 2021; Ellebrecht, 2018). The digital infrastructure employed for mapping border events requires not only the standardization of data or reports submitted pertaining to different types of border incidents, but also the validation of said information (Pollozek, 2020). Over the course of its development, Frontex has come to institutionalise the EU's border management policies and practices. The agency also plays an increasingly critical role with respect to the return of migrants; indeed, 2022 marked a milestone for Frontex in this regard (Frontex, 2022).

Furthermore, Frontex is considering several AI applications for Automated Border Control (ABC) and border surveillance (Dumbrava, 2021). While current ABC systems support biometrics such as iris recognition and facial recognition, Frontex collaborated with the U.S. National Centre for Border Security and Immigration (BORDERS) in 2019 on a research project to develop an automated virtual agent capable of detecting deception through an analysis of facial expressions, voice, body and eye movements (Dumbrava, 2021). Related EU-funded research projects seek to create AI systems for emotion detection at the borders. Given the support of the European Commission for the design of interfaces to enhance machine to machine interconnections, Frontex is poised to increasingly integrate AI applications for migration monitoring, analysis, and forecasting as well as algorithmic risk assessment (Dumbrava, 2021). There are, however, no regulations requiring specific operational reactions of Frontex to any of this data. Saving lives is not mandated, although this humanitarian directive is employed as a rhetorically repeated justification for Eurosuir and the activities of Frontex (Ellebrecht, 2018).

In accord with enhancing Frontex's capabilities and its expanding volume of operational activities, the agency has witnessed an increase in its budget from €6 million in 2005 to €754 million in 2022 (Statista, 2023). In this regard, Regulation (EU) 2019/1896 of 13 November 2019 established the EU's first uniformed officers, the standing corps of Frontex, a notable step in the long process of realising European integration (Frontex, 2023b). An operational arm of the EU, Frontex border guards, who work in coordination with the national authorities of the country to

which they are deployed, are permitted to carry firearms in the execution of their duties (Frontex, 2023a). Frontex also openly recognises that “[m]any members of the standing corps support the returns of people who are illegally staying in Europe,” a view shared by many members of the public and government (Frontex, 2023a).

6.2. Militarisation to Securitisation

This perspective aligns with the anti-immigration political platforms in EU member states that have given rise to the election of populist, right-wing parties in Italy, Greece, and other countries (Loukinas, 2017). In the elections of June 2024 for the European Parliament, far-right parties emerged victorious. The Eurosceptic Rassemblement National or National Rally (RN) in France and the AfD or Alternative for Germany pose a threat to mainstream politicians as these once outlying parties seek to transform their European electoral success into increasing their power at the national levels (Al Jazeera, 11 June 2024; Leonhardt, 12 June 2024). Both the RN and AfD as well as the ruling governments in Italy and Greece are adamantly opposed to immigration. These parties have framed migration as a threat to fuel societal fears and cultivate prejudiced public opinion of migrants. Indeed, migration issues have been a driving force behind the rise of ultraconservative parties in EU member states. These parties, along with their mainstream predecessors, strongly support the increased militarisation or securitisation of maritime borders.

A change in semantics from “militarisation” to “securitisation” has facilitated broader acceptance of dual-use programmes and technologies, which assist in securing both military and civilian objectives. Therefore, an understanding of “maritime security” encompasses both non-military and military dimensions (McCormick, 2015). This construction of maritime security aligns with a more comprehensive conception of security, akin to that of “space security”, with the European Space Agency (ESA) altering its definition of “peaceful purposes” as “non-aggressive” rather than “non-military” (Slijper, November 2008). This

alteration, a break from past ESA practices, was a response to efforts driven by the EU’s Common Security and Defence Policy (CSDP), an integral part of the Common Foreign and Security Policy (CFSP).

The CFSP has sought to gradually establish a common European defence and to expand the interpretation of ESA’s statute, thereby enabling the Agency to directly participate in military programs, including Petersburg missions (Slijper, November 2008). The Petersburg tasks, originally adopted at the Ministerial Council of the Western European Union (WEU) in June 1992 and now incorporated within the CSDP of the Lisbon Treaty, constitute a list of military and security priorities. This includes “joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, [and] tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation” (Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, 17 December 2007). In June 2011, ESA signed its first Administrative Arrangement with the European Defence Agency, which was created in 2004. This inter-agency cooperation reflects the growing concerns regarding security and defence issues as the EU seeks to strengthen critical aspects of European space policy. With respect to border security, ESA plays a critical role, and its efforts have expanded in accord with the noted changes in securitisation policies.

6.3. ESA and Sentinels

Europe, unlike most space actors, developed its space capabilities as a largely civilian endeavour. Hence, the reinterpretation of ESA’s statute was deemed essential in enabling it to play a pivotal role in two prominent dual-use programmes, Galileo, a global navigation satellite system, and the Copernicus Programme for Earth observation, formerly known as Global Monitoring for Environment and Security (GMES). The Copernicus Programme utilizes both radar and optical imaging satellites, aptly named Sentinels, which are dedicated to specific services, such as Marine Monitoring or Land Monitoring. Securing its

borders is paramount to EU security, thus the EU provides full, open, and free-of-charge access to Copernicus data, while seeking reciprocity in data exchanges (EU, 2023). ESA contributes to the EU's security objectives by facilitating the border and maritime surveillance activities of both Frontex and the European Maritime Safety Agency (EMSA) (ESA, 2023).

EMSA is primarily concerned with issues related to the safety of navigation, marine pollution, and law enforcement, though it now also deploys drones for maritime surveillance in support of the Italian Coast Guard (Maritime Cyprus, 4 May 2023). Originally created in 2002 with Regulation (EC) No 1406/2002, EMSA's mandate, like that of Frontex and Eurosur, was successively amended. Notably, in 2013, its geographical boundaries of assistance, cooperation, and monitoring tasks were extended to Third Countries. On 14 September 2016, the same date that Frontex became the fully-fledged European Border and Coast Guard Agency, EMSA was commissioned by Regulation (EU) No 2016/1625 to develop greater cooperation with Frontex and the European Fisheries Control Agency (EFCA) in an effort to streamline efficiencies (EMSA, 2019).



The delegation of responsibilities to individual agencies is essential to streamline and coordinate tasks, thereby avoiding duplication of efforts. This is exemplified by EMSA being entrusted with the Copernicus Maritime Surveillance Service to become the 'EU's eyes on the seas' (EMSA, 2019; EMSA, 2024). Interagency cooperation, however, is the cornerstone of effective EU security operations. EMSA is thus engaged in developing the Common Information Sharing Environment (CISE) to enhance its provision of situational awareness to the broader EU surveillance community, including

non-maritime users (EMSA, 2019). Exchanging data is especially important in the maritime sector since data from Earth observation satellites alone are insufficient for comprehensive maritime surveillance. This data must be combined with other sources, including the behavioural patterns of ships, intelligence from users, and vessel identification (EMSA, 2021).



6.3.1. Limitations to Satellite Surveillance

In regard to vessel information, small vessels are not equipped with either the common short-range tracking system, the Automatic Identification System (AIS), or the long-range operation, the Long-Range Identification and Tracking (LRIT). The International Maritime Organisation (IMO) mandates these tracking systems only for medium and large vessels, though both the AIS and LRIT have contributed to improving maritime situational awareness (Kanjir, Greidanus, and Ostir, 2018). Small vessels, however, be they wooden or inflatable rubber ones, are often employed for unauthorised migration, and they are more difficult to detect (Kanjir, 2019). Indeed, a challenge in using satellites, including the freely available images from the Sentinel-2 optical satellite, is in identifying small vessels (Kanjir, Greidanus, and Ostir, 2018). Even Synthetic Aperture Radar (SAR), one of the most effective satellite sensors for ship detection, cannot recognise very small boats. It is therefore unreasonable to expect the detection of boats smaller than 20 meters, and migrants often attempt to cross the Mediterranean Sea in small

vessels measuring only tens of metres in length (Kanjir, 2019). Imagery provided by satellites alone is often insufficient to verify the unique identity of a given vessel (Kanjir, Greidanus, and Ostir, 2018). The reality of ship detection based on optical images is a complex process that involves land masking, which refers to the accurate depiction of the separation between land and sea. It is an essential prerequisite for sea surface analysis. In addition, efforts must be made to mitigate the effects of complex sea surfaces or environmental factors that influence vessel detection, including cloud coverage, sunglint (sunlight reflection on the water), and waves, the latter being the main cause of false vessel detections on very high resolution (VHR) images (Kanjir, Greidanus, and Ostir, 2018). Ongoing efforts are being made to overcome these hurdles, because satellites are an indispensable technology for surveying maritime and land borders as are Unmanned Aerial Vehicles (UAV).

6.4. Drones

Although UAVs or drones were initially developed as military technology due to the importance of surveillance and situational awareness in military operations, they are now deployed in land and coastal border zones, demonstrating the increased militarisation of borders and the securitisation of migration (Loukinas, 2017). The EU has engaged in continual investment and improvement in aerial maritime surveillance in recent years due to mounting maritime security issues (Dupont, Gourmelon, Meur-Ferec, Herpers, Le Visage, 2020), namely the perceived threat of escalating migration to Europe's Southern border. To monitor the movement of migrants from MENA crossing the treacherous Mediterranean Sea, where unseaworthy vessels transporting migrants are prevalent (Klein, May 2021), the EU has deployed drones, also known as Maritime Autonomous Vehicles (MAVs) and Remotely Piloted Aircraft Systems (RPAS). The EU recognises drones as a critical asset for border surveillance because they can carry equipment, including infra-red cameras, thermal cameras, radar, and other sensors for surveillance. Information captured through these sensors and a near-time video feed is transmitted

through the drones to Frontex, which analyses the data to make operational decisions (Sunderland and Pezzani, 12 August 2022). Drones offer clear advantages over manned aircraft, as they can fly long distances continuously, day and night, in challenging or dangerous environments. They also have lower flight costs per hour and can operate with near invisibility, covering vast areas while collecting immense amounts of information. Drones spatially extend the EU's borders, albeit not the physical legal territorial borders, as they expand their routes of surveillance. Drones thus render the EU's borders both mobile and trans-territorial.

However, like other emerging technologies, drones have developed in a largely unregulated environment, though the global market for drones is growing exponentially. To address this dearth of regulation, the EU envisioned the Digital European Sky. It institutionalised a private-public partnership for research and innovation to modernise its air traffic control infrastructure to govern a single European sky. Proposed by the Single European Sky Air Traffic Management (ATM) Research (SESAR) Joint Undertaking in 2017, this initiative seeks to enable the aviation infrastructure to handle the growth and diversity of air traffic, including drones. The Aerospace and Defence Industries Association of Europe (ASD), which focuses on civil aviation, defence, security and space issues, works to create a unified voice or platform to advocate for EU policies and legislation that promote the collective interests of the industries it represents (ASD, 4 March 2022; ASD, 2023). The ASD is committed to the development of a drone ecosystem and the Digital European Sky (ASD, 4 March 2022; ASD, 2023).



The EU's initial rules governing drones, which replaced national legislation of its member states, entered into force in 2021, and have subsequently been updated. The use of drones in the EU is currently regulated by the "Uncrewed Aircraft Systems Traffic Management", also known as UTM or U-space, which, as of 2023, requires all drones operating in EU airspace to report their position, direction, and speed to conventional air traffic control via the UTM (Ronnest, 31 March 2023). The ASD (4 March 2022) expects that the integration of UTM and ATM will progressively transpire, continuously incorporating ever evolving information management technologies. An information-centric system, however, requires improved data exchange among concerned stakeholders, but the extent of opacity versus transparency remains contentious, because drones are a requisite surveillance technology for defence.

The UTM obligations for drone operators are in accord with the Code of Conduct for NGOs engaged in Search and Rescue (SAR) activities introduced by the Italian government, in consultation with the EU, in 2017 (Topak, 2019). Among other actions, the Code of Conduct requires SAR NGOs, such as the Migrant Offshore Aid Station (MOAS), Sea-Watch, Watch the Mediterranean Sea (Watch the Med), and Medecins Sans Frontières (MSF), to transmit surveillance data about SAR missions

(Topak, 2019). The fact that civilian groups are engaged in SAR activities is itself evidence of the outsourcing of governmental responsibilities to the private sector, which is in accord with the tenets of neoliberalism. The state's abdication of obligations, in this case, with regard to using aerial MAVs without adhering to international human rights accords also corresponds to neoliberal principles. While UTM is designed to increase aviation safety, like the Code of Conduct, it arguably weakens the potential for humanitarian and activist organisations engaged in SAR activities of employing drones for countersurveillance because they must operate transparently. There exists, however, no independent monitoring mechanism for the actions of Frontex or EMSA. By denying access to operational information, Frontex effectively operates without transparency (Topak, 2019; Sunderland and Pezzani, 12 August 2022).

Both Frontex and EMSA operate drones in an effort to improve maritime situational awareness, as do the littoral EU member states of the Mediterranean Sea since each nation preserves dominion over its own airspace (Guitierrez, 21 April 2021; Maritime Cyprus, 2023). EMSA (14 July 2022) provides drone services to all EU member states at no charge. EMSA and Frontex have actively tested drones for monitoring the Mediterranean, conducting these trials in conjunction with national aviation, security and/or defence authorities (Guitierrez, 21 April 2021). Upon the completion of drone tests, the EU secured the services of three firms to equip and operate drones in the Mediterranean.

According to reports by The Guardian and EURACTIV Italy, these firms are Airbus, the European aeronautics and defence conglomerate; Israel Aerospace Industries (IAI), a state-owned company; and Elbit Systems, a private, international defence electronics company headquartered in Israel. Israel developed and tested its drones in a series of attacks against Palestinians in Gaza over the course of decades. Thus, criticism has been generated against the EU for entering into drone contracts with the Israeli firms (Jolly, 20 October 2020; Martny, 23 April 2023; Klein, May 2021).

Additionally, in 2015, the European Union's Naval Force (EUNAVFOR), an EU defensive maritime security operation under the EU Common Security and Defence Policy (CSDP), launched a military operation in the Southern Central Mediterranean, EUNAVFOR MED, that also conducts aerial surveillance. EUNAVFOR MED has initiated two operations: Operation Sophia in 2016 and Operation Irini in 2020, with Irini subsequently extended to 2025. Both operations share some common aims, including implementing the UN arms embargo on Libya using aerial, satellite, and maritime assets; identifying, capturing, and disposing of vessels used by migrants; inspecting vessels on the high seas off Libya; and training the Libyan Coast Guard and Navy (EUNAVFOR MED Operation Sophia, 2018; EUNAVFOR MED Operation Irini, 2020). In 2020, with the launch of Operation Irini, EUNAVFOR MED doubled its number of surveillance aircraft, and these patrols correspond to the areas where most migrant interceptions transpire (Sunderland and Pezzani, 12 August 2022). Similarly, in 2018 Frontex doubled its flight time over the Central Mediterranean, exponentially expanding its patrols off the Libyan coast by introducing more drones. The use of aerial surveillance or aerial intelligence has aided the interception of migrants by the Libyan Coast Guard because the EU notifies them to secure boats in distress, while simultaneously enabling EUNAVFOR MED to withdraw its ships from the Libyan coast (Sunderland and Pezzani, 12 August 2022). Unfortunately, though not coincidentally, the Mediterranean region, while witnessing an increase in the use of drones for maritime surveillance, has concurrently seen a decline in surface assets that could be used to rescue migrants in distress (Klein, May 2021; Sunderland

and Pezzani, 12 August 2022), and responsible for drownings in the Mediterranean sea.

The EU member states, Malta and Italy, have also progressively relinquished their maritime responsibilities to coordinate and engage in rescues at sea, relying on Libyan authorities to intercede instead. Furthermore, despite international criticism, Malta and Italy at times have refused requests for humanitarian ships or ships operated by non-governmental organisations with migrants onboard to dock at their ports (Sunderland and Pezzani, 12 August 2022; Marsi, 5 November 2022). In prioritising a defensive deterrence strategy, Italy unilaterally decided to close its ports to migrant-rescue ships from March of 2018 until August of 2019 (Ceretti, 13 March 2023; Aru, 2023). Frontex too has been denounced for gathering aerial data on boat migration in the service of external interceptions, without themselves engaging in rescues and saving lives. It should be noted that the EU organisations and its member states are in violation of international maritime conventions, and thus responsible for drownings in the Mediterranean sea. (Sunderland and Pezzani, 12 August 2022; Klein, May 2021).

7. International Maritime Conventions

The International Maritime Organisation (IMO), a specialized agency of the United Nations, was established by a convention that entered into force in 1958. The IMO is charged with securing the safety and security of shipping and curtailing marine and atmospheric pollution from ships. Upon the initial launch of telecommunication satellites in 1962, the IMO quickly recognized their potential for providing communications in distress situations at sea (IMO, 2023b). Two years after the International Convention for the Safety of Life at Sea (SOLAS) mandated that ships assist vessels in distress, the IMO adopted the Convention on the International Maritime Satellite Organisation (INMARSAT) in 1976. Established in 1979, this intergovernmental organisation aimed to improve maritime communications, reduce distress and emergencies, enhance safety at sea, and increase the efficiency and management of ships. That same year, the Search and Rescue (SAR) Convention was adopted by the IMO (IMO, 1976; IMO, 2023a). INMARSAT, like other prominent intergovernmental treaty-based satellite organisations, was not immune to the neoliberal policies disseminated through all sectors of our global society from the early 1980s onward. INMARSAT was privatised and restructured in 1999; and, an intergovernmental body, which retained the name, the International Mobile Satellite Organisation with the acronym IMSO, was established to ensure that the private company met its public service obligations, including those relating to the Global Maritime Distress and Safety System (GMDSS) (McCormick, 2008).

Locating ships in distress does not, however, directly correspond to the provision of assistance, despite the maritime legal framework established by SOLAS, SAR and the United Nations Convention on the Law of the Sea (UNCLOS), which was passed in 1982. Part V, Article 55 of the UNCLOS establishes the exclusive economic zone of a given coastal State as an area beyond and adjacent to the territorial sea. Article 57 states that “[t]he exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured” (UN,

10 December 1982), although aerial surveillance can extend beyond these parameters. Pertinent to this research is Part VIII High Seas, Article 98 of UNCLOS that clarifies a State’s duty to render assistance as follows:

1. Every State shall require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers: (a) to render assistance to any person found at sea in danger of being lost; (b) to proceed with all possible speed to the rescue of persons in distress, if informed of their need of assistance, in so far as any such action may reasonably be expected of him; (c) after a collision, to render assistance to the other ship, its crew and its passengers, and, where possible, to inform the other ship of the name of his own ship, its port of registry and the nearest port at which it will call.
2. Every coastal State shall promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and, where circumstances so require, by way of mutual regional arrangements cooperate with neighbouring States for this purpose (UN, 10 December 1982).

Article 98 of UNCLOS emphasizes the obligation to save lives in peril, such as those crossing the Mediterranean Sea. The EU subverts Article 98 through Third Country agreements that emphasise preventing migration, curtailing asylum applications, or returning migrants to their ports of origin or ports of departure.

7.1. Failure to Respond – Drownings

The actual number of migrants claimed by the Mediterranean is unknown, though estimates suggest that more than 27,000 people have died since 2014 (Missing Migrants Project, 2023; Sunderland, 13 September 2022). This figure does not account for those who have died while crossing land and desert routes, where migrants face exhaustion, violence, and torture at the hands of border guards, traffickers, and in detention centres. Although remote sensing images can be employed to mitigate humanitarian crises, international space law does not require states employing space technologies for Earth observation to utilise this data to alleviate human suffering (Blount and Dodge, Fall 2018).

The surveillance of human suffering continues unabated. Following the arrival of more than 850,000 migrants in Greece in 2015, Greek authorities have significantly increased their investment in borderveillance technologies. This includes acquiring drones for police and border surveillance operations, installing CCTV systems at ports, and enhancing their Coast Guard with additional naval units, all in an effort to safeguard their borders (Loukinas, 2017). The EU assisted Greece's endeavours to reduce the number of migrants reaching its shores by securing the services of both NATO and Frontex along the Greek-Turkey border and facilitating the return of migrants to Turkey (Loukinas, 2017). Despite these extensive efforts to deter migration, people persist to cross the Mediterranean, which Stierl (2021) depicts as a carceral seascape. Through surveillance and control mechanisms the EU has effectively constructed a panopticon that not only perpetuates social inequality but also results in deaths.



7.1.1. The *Adriana*

The EU's migration management efforts and its failure to ensure human security are arguably best exemplified by the tragedy off the coast of Greece on 14 June 2023. The fishing trawler *Adriana*, which had originally departed Egypt and later picked up more passengers in Tobruk, the eastern port of Libya, was dangerously overloaded with approximately 750 people seeking asylum in Italy (Beake and Wright, 15 June 2023). The men were separated from the women and children, who were held below deck. Among the 104 survivors, none were women or children. It is estimated that 600 people died when the *Adriana* capsized 50 nautical miles off Pylos in Southern Greece, despite the presence of the Greek Coast Guard as the vessel sank (Beake, Wright and Kirby, 16 June 2023; Al Jazeera, 16 June 2023a). Conflicting accounts regarding the event have been reported, with the Greek Coast Guard repeatedly defending its inaction by claiming that the vessel had not requested assistance and had refused offers of help. However, this defence rings hollow in lieu of the International Maritime Conventions which the Greek Coast Guard failed to uphold.

A summary of the time frame of this preventable catastrophe, supplanted with analysis in the aftermath of the disaster, is as follows: on the morning of June 13, authorities in Italy, Greece, and Malta as well as Alarm Phone were notified about the vessel carrying migrants. Alarm Phone (2023) was created by Watch the Med in 2014 for migrants to call when in distress crossing the Mediterranean Sea. It has played a vital role in communicating with migrants in the *Adriana* and other disasters. A Frontex plane sighted the vessel just before needing to refuel, but the Greek Coast Guard never responded to Frontex's offer to send the plane back to surveil the boat (Beake, 23 June 2023). Alarm Phone received its first call from passengers in distress at 2:17 pm CEST. However, due to failed communication attempts, Alarm Phone did not receive GPS coordinates from the boat for nearly two hours, during which a Greek Coast Guard helicopter located the vessel. Greek authorities asked the Maltese-flagged merchant ship, the *Lucky Sailor*, to provide food and water to people on the trawler. At 5:20 pm CEST, Alarm Phone was informed by passengers that the

captain had fled on another boat and that their vessel had stopped moving.

The Greek Coast Guard, however, contends that at 6:30 pm CEST until the trawler sank, their helicopter observed the vessel moving on a steady course. This assertion is refuted by investigations conducted by the *Washington Post* and the BBC which analysed satellite imagery and vessel traffic data, verifying the claims made to Alarm Phone at 5:20 pm CEST that the engine had failed, and the vessel had stalled (Beake, 18 June 2023; Konrad, 14 July 2023). Upon securing a computer animation of tracking data supplied by MarineTraffic, a maritime analytics platform, the BBC found that the data indicates hours of activity centralised in a particular, limited area where the trawler later sank, demonstrating that the fishing trawler was not moving under its own accord for at least seven hours before its capsizing (Beake, 18 June 2023). At 8:05 pm CEST, Alarm Phone was notified by passengers of having received food and water from the *Lucky Sailor* and of the presence of a Greek-flagged oil tanker, the *Faithful Warrior*, which, according to video accounts, delivered supplies via a rope. A Greek Coast Guard ship reached the trawler at 10:40 pm CEST and remained nearby until it sank around 1:00 am CEST on Wednesday. Alarm Phone states its last contact with the passengers on the distressed *Adriana* was at 12:46 am CEST (Al Jazeera, 16 June 2023b; Stevens, 14 June 2023). None of the passengers, according to the Greek Coast Guard, were wearing life jackets (Shaikhouni, Duarte, and Khamoosh, 15 June 2023).

It is challenging to ascertain, based on the testimonies of survivors and other witnesses, the precise cause of the capsizing, but it is possible to identify contributing factors. To sustain calm and orderly conduct among frightened and distressed passengers on an overloaded ship is critically important; however, achieving this would be nearly impossible without an effective command authority. Unfortunately, it appears that there was no strong leadership, or a person trained in crowd management present on any of the vessels. The International Convention on Standards of Training, Certification and Watchkeeping (STCW) establishes minimum international training standards for mariners, with the level of certification and training required contingent on the capacity in which one

serves and the vessel type (IMO, 2023c). Crowd management is required of officers on cruise ships and ferries; by contrast, it is not a responsibility typically associated with fishing crews, tanker crews, or Coast Guard personnel (Konrad, 14 July 2023). Although the approach of other ships and the provision of food and water were well-intentioned, they could have induced discord among the passengers aboard the *Adriana*, especially given that they had been drinking seawater for at least two days. The movement of hundreds of desperate individuals onboard can be considered a primary contributor to the boat's stability or lack thereof, a factor compounded by images revealing that the *Adriana* was riding exceptionally high in the sea, suggesting that the ship was carrying an inadequate amount of ballast (Konrad, 14 July 2023). Ballast, often water, is extra weight added to a ship to ensure its stability and safety. Ballasting, the procedure for a vessel to pump water in or out of its ballast tanks or compartments that holds the water while in transit or at port, is critical to balance the cargo load of a given vessel (Clear Seas, 14 February 2022). Furthermore, it cannot be determined the extent to which the ropes, tied to the ship by the Greek Coast Guard to inspect the trawler and, later, to tow it, promoted the destabilisation of the *Adriana*.

It is undeniable, though, irrespective of the cause(s) of the capsizing, that after Frontex located the distressed *Adriana*, there was ample time and sufficient space aboard the tankers for the Greek Coast Guard to safely evacuate the adults and children, in accordance with international maritime conventions. Lamentably, the loss of life due to the failure to assist a ship in distress in the Mediterranean Sea is not a unique or singular incident, but an ongoing tragedy. As Europe seeks to secure its borders, curtailing the number of migration routes and making them longer and less safe (Shaikhouni, Duarte, and Khamoosh, 15 June 2023), the deaths of migrants crossing the Mediterranean Sea continue to rise due to 'liquid violence', as termed by Forensic Oceanography (2023). A project of the Forensic Architecture agency, Forensic Oceanography pairs human testimonies with the digital evidence provided by radar, satellite imagery, and vessel tracking systems to place responsibility for migrant deaths at sea within the legal domain of the EU's maritime borders, when so deemed (Forensic Oceanography, 2023). Watch

the Med assesses ocean currents, winds, mobile phone data, and satellite imagery in conjunction with accounts from survivors and witnesses to determine the Search and Rescue zone, jurisdiction, and operational area of a given incident, as well as identifying other boats in the vicinity of those in distress. Watch the Med was initiated in 2012 as part of the Boats4People campaign, which aimed to coordinate African and European activists and organisations concerned with human rights and the large number of deaths in the Mediterranean Sea resulting from the European border control system (Boats4People, April 2012). The initiative offers an online mapping platform that monitors the deaths and rights violations of migrants within the EU's maritime borders. Its open, participatory format also allows users to report ongoing situations of distress (Watch the Med, 2023). Watch the Med seeks to spatialise such documentation in an effort to determine accountability for violations at sea and make those responsible held liable (Watch the Med, 2023). Like the Partition of Africa of 1884-1885 that constructed the formal borders of colonies, many of which delineate African states today, the Mediterranean Sea has also been divided into complex jurisdictions. This division permits the EU and its member states to evade international maritime obligations, as demonstrated in the case of the *Adriana*, while simultaneously extending their sovereignty through surveillance operations beyond their territorial borders (Forensic Oceanography, 2023).

In employing ever-advancing information management systems and mapping devices, the EU grows increasingly reliant on the provision of these requisite technologies by the security-industrial or military-industrial complex, which, in turn, advocates for securitisation policies that safeguard both their international competitiveness as well as continued sales to the security sector. It is the defence apparatus that enables the EU to monitor and evaluate ongoing border incidents and determine the necessary interventions. The decision to intervene is based on estimated costs, resources, and challenges. Future migratory events are also anticipated and taken into account, including those extending past the EU's defined sovereign territory (Pollozek, 2020). While the United Nations Charter and other international and domestic laws are based on a static, nonelastic understanding of

state sovereignty defined by territorial borders, the EU circumvents this traditional notion (Follis, 2017). In the evolving landscape of supranational surveillance, the EU transforms into a mobile state with trans-territorial borders, exercising mobile sovereignty with increasing agility to secure its borders against perceived threats to national security from migrants. The EU has also come to embed migration components in its neighborhood programmes.

8. Neighbourhood Initiatives

The EU has initiated different foreign policy frameworks to encourage countries in the neighbouring region to engage in various partnerships with the EU. Building on the Barcelona Process, which was established in 1995 to strengthen relations between Europe and the Southern Mediterranean countries, the Union for the Mediterranean (UfM) was created in 2008. The UfM, as an inter-governmental organisation, aims to promote Euro-Mediterranean cooperation and dialogue and undertake an array of projects with a wide range of partners to enhance regional stability, human development, and regional economic integration (EU, 2023). The European Neighbourhood Policy (ENP) was launched in 2004, claiming to be based on such shared values as the promotion of democracy, rule of law, respect for human rights, and border management (Papagianni, 15 February 2022; Wolff, June 2008). The ENP, a key institutional architecture for EU-Mediterranean relations, is periodically reviewed by the European Commission and the High Representative of the Union for Foreign Affairs and Security (HR) (EU, 29 July 2021; Longo, Panebianco and Cannata, 2023). Established under the Lisbon Treaty, the HR plays a critical role in shaping the EU's Common Foreign and Security Policy, including its Common Security and Defence Policy. The HR also heads the European Defence Agency and presides over the Foreign Affairs Council. Additionally, the HR and the European Commission jointly adopted the ENP Review in 2015 (EU, 29 July 2021). The 2015 ENP Review, in response to overwhelming migration influx to the EU, ushered in new cooperation priorities, namely, economic development for stabilisation and security, and migration and mobility (EU, 29 July 2021).

In response to this Review, coupled with the rise in migration rates in 2015, the EU introduced two migration partnership programmes, the European Agenda on Migration in April of 2015 followed by the 2016 Partnership Framework. Both programmes faced criticism for outsourcing obligations for refugees and migrants (Papagianni,

15 February 2022). In September 2020, the European Commission proposed a new set of rules to better manage migration and asylum, known as the European Pact for Migration and Asylum, which was decried on similar grounds (Papagianni, 15 February 2022). The Pact on Migration and Asylum, formally adopted by the Council of the EU in May 2024, builds upon and amends the 2020 proposal. However, it also embeds migration within international partnerships, as it seeks to both prevent the departure of irregular migrants and ensure efficient returns through cooperation on migrant readmission (European Commission Migration and Home Affairs, 21 May 2024). As for funding initiatives, during the 2014-2020 ENP programming period, the European Neighbourhood Instrument (ENI), which replaced the European Neighbourhood and Partnership Instrument (ENPI), served as the primary financial instrument with €15.4 billion. For the 2021-2027 period, the ENI was supplanted by the Neighbourhood, Development and International Cooperation Instrument (NDICI)-Global Europe, which merged external financing instruments with a total budget of €79.5 billion, and €19.3 billion designated for the ENP (European Commission, 2021). The NDICI encompasses grant funding with loans from European and international financial institutions.

Through these diplomatic development programmes, the EU aims to establish reliable migrant buffer zones by launching initiatives focused on migration to enhance cooperation with MENA and African states. EU member states have also engaged in bilateral efforts to curb migration. Although European nations have engaged in cooperative arrangements with various African states upon their formal independence, the EU did not introduce the notion of shared responsibility with respect to migrants as a cornerstone of these agreements until after 2011. As noted, due to the failed efforts to reform and democratise MENA states during the Arab Spring, the Southern states of the EU witnessed an increase in the number of migrants seeking refuge. Although African countries account for three-quarters of all new

internal displacements, it was not the growing numbers of displaced people and migrants within the African continent that prompted the EU to request an emergency summit with member states of the African Union (AU) in 2015 (Mbiyozo, 15 February 2023). Rather, it was the impetus to secure their own borders and ensure the integrity of the Schengen area that prompted the EU to organise the first intercontinental meeting devoted to migration issues in November 2015 in Valletta, Malta (Tawat and Lamptey, 2021). Building upon a series of EU-Africa Summits where securitisation and migration were key concerns, the Valletta Summit resulted in the Joint Valletta Action Plan (JVAP), accompanied by a narrative highlighting common challenges and mutual interests, with an initial budget of €1.8 billion (Matera, 2018). The EU did not use the Summit to discuss alternative legal channels for entering the EU but instead focused on prioritising returns and readmission to stem migration in exchange for development assistance (Matera, 2018). However, aid alone cannot begin to redress the largely impoverished socio-economic state of most African and MENA countries, which results from the legacy of colonial and neocolonial exploitation and ongoing neoliberal policies.

Rather than marking a break from past practices, globalisation and economic interdependence have further entrenched the historical continuity of exclusion and oppression, as power is wielded by the EU and its member states, along with the African and MENA government elites with whom agreements are forged. Development aid cannot transform dictatorships into democratic states, nor can the funding instrument established by the JVAP, the EU Emergency Trust for Stability and Addressing the Root Causes of Irregular Migration and Displaced Persons in Africa, ensure social and political stability (Tawat and Lamptey, 2021). The EU Emergency Trust Fund for Africa (EUTF) targets Sahelian states, the Horn of Africa, and North Africa, regions fraught with violence and food and water insecurity due to climate-related droughts and flooding as well as oppressive governments. In Eritrea, for instance, military training and national service are compulsory for all men and women, aged 18 to 40, and, regardless of the law limiting national service to 18 months, it is often indefinite. This deplorable situation of human rights abuse thus serves as an incentive for young Eritreans to

migrate to the Gulf states or the EU (Human Rights Watch, 8 August 2019).

In pursuit of securing its borders, the EU has disregarded the poor human rights records and undemocratic practices of the governments receiving its aid. These governments rely on a “selectorate”, a select group of influential leaders from business, the military, religious communities, and other sectors, as opposed to an electorate of citizens (Volkel, 2022). Corruption reigns in these authoritarian regimes as they distribute resources to the coalition of these leaders to safeguard their support, while neglecting the needs of the larger citizenry. If domestic resources are insufficient to finance support from the selectorate, the state must procure external funds. Foreign capital can be secured by leveraging Europe’s unease with increased migration from the Southern Mediterranean and agreeing to align with the EU’s immigration policies, which involves containing and readmitting migrants.

9. Externalisation of Borders - Third Country Agreements

In the EU's efforts to create a mobile panopticon, it essentially employs Third Countries as the wardens who arrest, detain, and otherwise prevent migrants from reaching European shores and applying for asylum. These states receive aid and training to better manage their borders and thwart migrants from departing their shores or forcibly return them to port. Although international law interdicts refoulement, the EU transfers responsibility for migrants intercepted in the Mediterranean Sea to their port of departure or port of origin, that is, the authorities of various MENA states (Follis, 2017). From this perspective, it is not Greece but the countries of North Africa and the Middle East as well as the West Coast of Africa that actually serve as the Shield of Europe. The containment of migrants in exchange for aid is just one aspect of the neoliberal structuring of inequality or marginalisation, whereby the elites of the periphery align with the elites of the core capitalist states. This is the case for each of the three countries being assessed, Egypt, Libya, and Lebanon.

These countries were selected as examples of Third Country agreements since they represent differing circumstances in terms of both migration and foreign relations. Egypt, the most populous state in MENA, has historically ranked among the top 10 recipients of U.S. foreign aid, based on the belief that its stability is integral for regional stability. It was also the first state in the region to sign a peace treaty with the U.S.'s closest ally in the Middle East, Israel, in 1979. Egypt serves as both a destination for some migrants and a departure country for others, while Libya strictly serves as a transit route for migrants. Libya exemplifies a fragile or failed state and Lebanon is moving in that direction with its fiscal insolvency (Halabi and Monson, 23 August 2023; U.S. Department of State, 2022). While both Egypt and Libya claim migrants from a variety of countries, Lebanon is principally host to Palestinians and Syrians. All three states are economically imperilled, though there is considerable financial variance in their respective agreements with the EU and multilateral agencies, and in no case are clear

benchmarks for human rights required. In Egypt, the oppression of dissidents, coupled with the ways in which the state and the army have exercised and extended their economic control, have engendered criticism of the el-Sisi administration as well as Western backing of it. However, as is evident in each of these three cases, stability supersedes concerns of poor human rights records (Al Jazeera, 17 March 2024).

9.1. Egypt

Egyptian President Abdel Fattah el-Sisi, as the former Minister of Defence and Commander-in-Chief of the Egyptian Armed Forces, assisted in orchestrating the military coup that removed President Mohamed Morsi in 2013. He then secured the Presidency in 2014, and significantly expanded the jurisdiction of the military, granting officers the legal right to arrest civilians and have them tried in military courts (Global Detention Project, September 2018). With respect to migration, the el-Sisi administration served for three years as the chair of the EU-Horn of Africa Migration Route Initiative, also known as the Khartoum Process, which was established on 28 November 2014 as an inter-continental consultation framework (Volkel, 2022; European Union International Centre for Migration Policy Development, 2016). By intensifying patrols of its Mediterranean Coast in 2016, thereby significantly reducing the number of boats loaded with migrants, and enacting *Law No. 82 for 2016 Issuing the Law on Combating Illegal Migration & Smuggling of Migrants*, el-Sisi secured financial support and accolades from the EU (Volkel, 2022; *Egypt: Law No. 82 for 2016*). In accord with *Law No. 82*, the National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons (NCCPIMTIP) was created to act as an advisory body to authorities and institutions concerned with migration. Based in Egypt's Ministry of Foreign Affairs and affiliated with the Cabinet of Ministers, the NCCPIMTIP coordinates all policies, guidelines, and programs

related to illegal migration at both the national and international levels. It also served as the primary managing unit for the €60 million EUTF project, 'Enhancing the Response to Migration Challenges in Egypt' (NCCPIMTIP, 2018, Volkel, 2022).

Egypt hosts approximately 9 million migrants and serves as a departure state for both migrants and its own citizens (International Organisation for Migration, 7 August 2022). The steps undertaken by the el-Sisi administration to address migration enabled the regime to renegotiate a US\$12 billion loan with the IMF. The loan was secured on 11 November 2016, and the el-Sisi regime has continued to leverage migrants to negotiate terms of trade and aid (Volkel, 2022). As concerns over unauthorised migration continue unabated in the EU, the el-Sisi administration, fully cognisant of the strategic value of refugees and migrants in negotiating loans with multilateral lending institutions and the EU, emphasises its growing migrant challenges at international forums (Global Detention Project, September 2018). Egypt has been a beneficiary of EU migration initiatives, as exemplified in 2018 when Frontex instigated a capacity-building mission with the goal of reducing migration with countries of the Africa Frontex Intelligence Community (AFICA), of which Egypt is a member (Fattah, September 2021).

However, despite various efforts to control migration from its shores, in 2022 Egyptian nationals applying for asylum in EU countries reached its highest levels since 2014 (European Union Agency for Asylum, July 2022). It was thus in 2022 that Egypt received support for its Coast Guard as well as obtained surveillance equipment, thermal cameras, and satellite positioning systems for border management from the EU (Lewis, 31 October 2022). The Egyptian economy, like that of Tunisia and Lebanon, is inundated with debt. Egypt's foreign currency shortage has worsened in recent years due to a decline in tourism since the Coronavirus (Covid-19) pandemic. Additionally, the Israeli war on Gaza, which began in October 2023, has contributed to a decline in revenue from the Suez Canal because of shipping disruptions in the Red Sea. To assist in remedying its economic plight, the Egyptian government successfully negotiated a US\$8 billion loan from the IMF in March of 2024. The original loan was US\$3 billion, but the el-Sisi authorities secured an additional US\$5 billion (IMF, 6

March 24). The neoliberal conditionalities associated with the loan include shifting to a flexible exchange rate system, which has led Egypt to implement its highest-ever interest rate hike and allow its currency to weaken more than 38 percent. Additionally, the conditions involve tightening fiscal and monetary policies, reducing public investment, and fostering an environment that promotes private sector activity, enabling it to become "the engine of growth" (IMF, 29 March 2024; IMF, 6 March 2024; Binh, 18 March 2024). The lending pact with the IMF came two weeks after ADQ, an Abu-Dhabi-based investment and holding company, agreed to invest US\$35 billion in Egypt, which the IMF acknowledged as having "alleviated near-term balance of payment pressures" (IMF, 29 March 2024; Lewis, 6 March 2024).

Facing heightened balance of payments pressure with instalments and interest of about US\$42.3 billion due during 2024, the cash deficient Egyptian government received an initial US\$10 billion from ADQ to assuage its immediate shortages (The New Arab Staff, 9 February 2024; Hassan, 5 March 2024). While bolstering Egypt's ailing foreign exchange reserves and closing the gap between official and black-market exchange rates, the investment by the Emirati sovereign wealth fund aims to develop 170 million square miles of the Ras El-Hekma peninsular, located west of Alexandria along the Mediterranean coast. Representing the largest foreign direct investment in the Middle East and Africa to date, the project's goal is the creation of a premiere resort community, financial centre and free zone with an airport to be controlled by the Emirati authorities. In accord with neoliberalism, ADQ seeks to garner support from both private Egyptian and international partners in the Ras El-Hekma development, with the Egyptian government retaining a 35 percent stake (Myles, 26 February 2024; Akintade, 24 February 2024; ADQ, 23 February 2024).

In addition to this external investment project, in March of 2024, the el-Sisi regime received a US\$8 billion package of loans and grants from the EU as part of the agreement known as the Joint Declaration on the Strategic and Comprehensive Partnership between the Arab Republic of Egypt and the European Union (European Commission, 17 March 2024). In its continued effort to limit migration flows to Europe, the EU is expected to provide aid to Egypt to strengthen its borders,

notably with Libya, because it persists as a major transit point for migrants seeking to cross the Mediterranean Sea. The EU will also assist Egypt in hosting an estimated 500,000 Sudanese who have arrived following the outbreak of war in April of 2023 (Al Jazeera, 17 March 2024; Associated Press, 17 March 2024). The stability of Egypt is clearly a joint priority for both regional and international players. The United States has given more than US\$50 billion in military aid and US\$30 billion in economic assistance since 1978. In 2022, the U.S. required that US\$410 million be available until September 30, 2024, to reimburse Jordan, Lebanon, Egypt, Tunisia, and Oman for enhanced border security (U.S. Department of State Bureau of Near Eastern Affairs, 29 April 2022; U.S. Senate, 19 December 2022).

Egypt is not alone in pursuing migration diplomacy or extorting the issue of migration to secure participation in the EU's visa liberalisation policy and bilateral and multilateral funding with the EU, its member states, and the Bretton Woods institutions. Furthermore, akin to many regimes in MENA, Egypt is reluctant to officially integrate refugees and migrants into its society for fear that such actions could reduce international aid (Norman, 2019). Egypt's treatment of migrants parallels Lebanon's "policy of no policy," where the state fails or refuses to formally recognise migrants, thus avoiding the obligation to provide services to them. According to the United Nations High Commission for Refugees (UNHCR) (November 2022), migrants in Egypt are generally without access to asylum and hence at risk for deportation. The Egyptian police and military may arrest migrants for unauthorised entry, and they may be detained for an indefinite and arbitrary period (Global Detention Project, September 2018). Egypt has not invested in dedicated immigration detention centres; as a result, migrants, including children and unaccompanied minors, are often arrested and detained in overcrowded and unsanitary prisons and police stations while awaiting deportation (Global Detention Project, September 2018; Global Detention Project, 2022). Local non-governmental organisations have no access to these detention facilities, and the UNHCR has often been denied access to migrants held in detention (Global Detention Project, September 2018; Fattah, September 2021).

Moreover, the el-Sisi administration has passed successive laws and policies since 2014 that markedly constrain the activities of citizens, civil society organisations, and advocacy groups. The Refugee Solidarity Movement (RSM), established by activists, doctors, and lawyers in 2013 to assist detained migrants along the Mediterranean coast, is now non-existent (Global Detention Project, September 2018). The laws and policies erected under the el-Sisi regime restrict peaceful assembly as well as academic research, thereby limiting the production and dissemination of information on migrants in Egypt (Fattah, September 2021; European Union Agency for Asylum, July 2022). Official statistics regarding the state's practices with respect to migrants, such as the number of people arrested at the borders, the duration of detention, and the number of deportations, are not well maintained or publicly released, as is also the case in other MENA states (Fattah, September 2021). Egypt presents a humanitarian façade while maintaining an appalling human rights record, a distinction also borne by Libya, another EU partner in border management who joined the ranks of failed or fragile states with the assassination of President Muammar Gaddafi by U.S. and NATO forces in 2011.

9.2. Failed or Fragile State

In broad terms, a failed state refers to a nation-state that has lost control over parts of its territory and where the government is unable to provide basic services and security to its citizens. The factors that contribute to the disintegration and demise of a state's authority and its ability to perform essential duties include economic collapse, political instability, civil war, and institutional weakness. Rotberg (2003) contends that nation-states fail because they are convulsed by internal violence to the point that the government loses legitimacy. The state can no longer provide security to its citizens and control its borders. Other common factors of failed states include the absence of a fair judicial system or polity that tolerates dissent, competition for public office, and other fundamental civil rights (Rotberg, 2003). These latter aspects of a failed state are found, arguably by design, in most states throughout MENA. The Crisis States Research Centre (March 2006) similarly defines a failed state

as one that can no longer perform socio-economic development functions, provide basic security, and has no effective control over its territory and borders. The interest in state failure was evident during colonialism when European colonial powers intervened in poor, weaker states to arrest social disorder or unrest that they perceived as a threat to their trade interests and stability (di John, January 2008; Dorff, April 2000). Weak states provide an opportunity for territorial expansion by external powers (di John, January 2008; Dorff, April 2000). This opportunistic exploitation is evident with the EU's supranational surveillance and the Third Country agreements that accompany its trans-territorial borders.

Most states are able to retain some level of functionality. Therefore, very few states have failed in their entirety, so the terminology of 'failed' has increasingly been replaced by 'fragile'. This change, though, is largely one of semantics. For example, the U.S. Agency for International Development (USAID) employs the terms 'failing' and 'failed' in its definition of a fragile state. USAID asserts that "[f]ragile states refer to a broad range of failing, failed, and recovering states that are unable or unwilling to adequately assure the provision of security and basic services to a significant portion of their populations and where the legitimacy of the governments is in question" (International Labour Organisation, 2016). This USAID definition does not address or clarify its language "unable or unwilling"; though the issue it raises is germane. If some states decide to not fulfil specific functions so as to punish or conversely reward members or groups of their population through unequal provision of services, these states are not failed or fragile states but are working in accord with their design.

Other definitions also appear flawed. For example, the World Bank defines fragility as a "systemic condition or situation characterised by an extremely low level of institutional and governance capacity which significantly impedes the state's ability to function effectively, maintain peace and foster economic and social development" (World Bank, 2024). The World Bank in 2011 began to employ the language of fragile 'situations' instead of fragile or failed states. The World Bank Group (WBG), consisting of the International Bank for Reconstruction and Development (IBRD),

the International Development Association (IDA), the International Finance Corporation (IFC), the Multilateral Investment Guarantee Agency (MIGA), and the International Centre for Settlement of Investment Disputes, has created a classification system for Fragile and Conflict Situations (FCS). In their typology of FCS, conflict is designated or defined as a situation of acute insecurity driven by the use of deadly force by a group – including state forces, organised non-state groups, or other irregular entities – with a political purpose or motivation. Such force can be two-sided – involving engagement between multiple organised, armed sides, at times resulting in collateral civilian harm – or one-sided, in which a group specifically targets civilians (World Bank, 2024).

To better inform strategic and operational decision-making, the WBG annually creates a list of countries that are affected by institutional and social fragility and conflict situations. The classification system, however, appears to be exclusive. For example, Syria and Yemen, which are included on the conflict list, are not on the institutional and social fragility list, despite fitting such criteria. Lebanon and Libya are both cited for institutional and social fragility, but both states could also be on the conflict list (World Bank, 2024).

9.3. Libya

The power vacuum that ensued following the death of Gaddafi produced warring factions and sectarian, political, and militia violence. Amidst this chaos and state of lawlessness, hundreds of thousands of migrants, notably from Eritrea, Niger, Egypt, Sudan, Chad, and Nigeria, have sought to transit through Libya and embark upon the Central Mediterranean route to the EU, often Malta and Italy. According to the International Organisation for Migration (IOM) (6 March 2024), this route continues to be the deadliest sea migration route in the world. Under Gaddafi, Libya and its former coloniser, Italy, engaged in bilateral agreements concerning migration, such as the 2008 Treaty on Friendship, Partnership and Cooperation (Phillips, 2020). In accord with this Treaty, Libya effectively detained migrants in exchange for funding and Italy exercised pushback operations (Phillips, 2020; Menguaslan and Arman, 2 February 2022).

Bilateral agreements between Italy and the Gaddafi administration, which were constructed in part to circumvent the EU, created joint patrols on the Libyan coast, and enabled Libya to successfully acquire arms, helicopters, naval patrol ships, and maritime surveillance aircraft (Bialasiewicz, 2012). The absence of a central government in Libya, however, has meant the forgoing of previous agreements. The EU pledged €90 million to Libya in April 2017, the same year that Italy signed a Memorandum of Understanding (MOU) with Libya. The suspended 2008 Treaty was reiterated in the 2017 MOU between Libya and Italy, whereby Italy agreed to increase its financial support to Libya as well as aid Libya in strengthening its border security (Menguaslan and Arman, 2 February 2022). Concerned with curtailing migration, Italy has formed alliances with militias in Libya to prevent migrant boat departures (Ceretti, 13 March 2023; Human Rights Watch, 21 January 2019; Odysseus Network, 2017; Phillips, 2020). This singular security orientation of the EU and Italy is undeniably faulty on several counts, one being that it has not provided sufficient assistance and cooperative support to enhance Libya's capabilities to handle the overwhelming number of migrants and ensure their right to access to protection (Menguaslan and Arman, 2 February 2022).



The myriad of problems posed by Libya's instability are challenging to surmount. The demise of the state's political institutions combined with the EU's sole focus on securitisation has facilitated migration. Various combatants in Libya exploit and leverage migrants as they navigate across the country, effectively creating an informal migrant economy. Refugees and migrants suffer beatings, torture, rape, extortion, starvation, robbery, enslavement, and

indentured servitude with varied players partaking in their abuse, including smugglers, militias, and government prison and detention authorities (U.S. Department of State Bureau of Democracy, Human Rights and Labor, 2017; Kuschminder, 6 August 2020; The America Team for Displaced Eritreans, 2023). Militias often control the overcrowded and unsanitary detention centres, because they can benefit financially from the extortion of migrants (Phillips, 2020). Due to its horrific record of human rights abuse, Libya fails to attain the status of a 'safe third country' to return migrants. Nonetheless, the EU has continually targeted Libya with aid to contain migrants.

The U.N. Support Mission in Libya (UNSMIL), formed in 2011 to assist transitional authorities in the aftermath of Gaddafi's death, effectively established the Tripoli-based Government of National Accord (GNA) in 2015 as an interim or transitional government. The GNA has received financial support and arms from Turkey, Italy and Qatar (Robinson, 18 June 2020). The GNA has also been targeted by the EU with aid to reduce the numbers of migrants departing from Libyan shores. Under the EU Common Foreign and Security Policy, an EU Integrated Border Management Assistance Mission (EUBAM) was established for Libya in 2013 to promote enhanced security at the country's borders (Radenovic, 2019). A goal of this civilian Common Security and Defence Policy Mission in Libya, based in Tripoli, was the creation of a national Integrated Border Management (IBM) strategy and the training of essentially paramilitary forces to enhance the operational capacities of Libya's Border Guards and Naval Coast Guard (Rettman, 18 November 2013; EUBAM, 15 September 2021). The EUBAM for Libya was extended to 2020 with an operational budget of €61 million for 18 months spanning from January 2019 through June 2020 during which time the EUTF also financed support for integrated border and migration management in Libya with €46.3 million (Radenovic, 2019). The EU Council has successively renewed EUBAM for two-years periods, first from June 2021 through June of 2023 with a budget of €84.85 million, and again from July 2023 through June 2025 with a budget yet to be published (EUBAM, 15 September 2021; European Council, 26 June 2023).

In addition to the €700 million allocated to Libya since 2015 through various funding mechanisms, the EU and Italy have provided training, boats, and equipment for the Libyan Coast Guard and Navy, an operational EU proxy force aimed at intercepting boats leaving Libya (Human Rights Watch, 21 January 2019; European Council, 26 June 2023; Khan, 9 April 2024). Like EUBAM, the EUNAVFOR MED Operations has trained hundreds of Libyan border guards in maritime search and rescue, aviation security, and passport checks, among other issues (EUBAM, 15 September 2021). Frontex also works in conjunction with the Libyan Coast Guard (Panbianco, 18 December 2020). This externalisation approach to migration enables the EU to abdicate its responsibility for coordinating rescue operations at sea (Human Rights Watch, 21 January 2019).

Furthermore, EU aid to Libya from 2013 to 2023 transpired during a period with no IMF oversight (IMF, 12 June 2023). Adherence to IMF agreements is typically required to qualify for bilateral assistance, private bank loans, or funding from regional development financial institutions. IMF surveillance of Libya only resumed in 2023, with an emphasis on the utilisation of the country's vast oil and gas reserves to diversify its economic base and foster the growth of the private sector, a key aspect of neoliberalism (IMF, 12 June 2023). While the IMF asserts that the successful implementation of structural reforms is contingent on attaining a stable political and security environment, such a milieu appears to be elusive (IMF, 12 June 2023).

Like the GNA, the most recent interim/transitional Tripoli-based Government of National Unity (GNU) was essentially created by UNSMIL efforts in March 2021. While the goal was to unify the GNA in Tripoli with its rival, the Second Al-Thani Cabinet based in Tobruk, deep political fractures within the country and the fragility of state institutions in Tripoli persist. Furthermore, the internationally recognised GNU, which receives support from various militias, is not alone in its attempts to disrupt the activities of migrant smuggling to secure European aid. At sea, migrants have reportedly been pulled back to Libyan shores by the militia loyal to the Libyan National Army (LNA) commander Khalifa Haftar, whose eastern forces are based in Tobruk with support from Egypt, Russia, France and the United Arab Emirates (Boussel, 10 August 2023). Although

not an internationally recognised government, it appears that Haftar is engaging in these pullback efforts to garner support and funding from the EU. To secure additional revenue, militias supporting the two factions engage in human trafficking and oil smuggling, with billions of dollars in oil revenue unaccounted for (Aftandilian, 27 March 2024). Corruption plagues the politicians of both the GNU and the LNA as they each seek continued access to Libya's oil and diesel resources. The objectives of the rival governments and their elite stakeholders are apparently met by the status quo (Aftandilian, 27 March 2024). These entrenched interests prevent the formation of a unified government responsible for distributing essential services and overseeing transparent national elections. Similarly, the embedded interests of elites in Lebanon are intractable, with formal institutions of governance enervated by corruption and sectarian lines of support.

9.4. Lebanon

In the wake of the civil war of 1975 -1990, the sectarian elite not only borrowed without restraint but also mismanaged and abused the funds they claimed would be used to rebuild the country (Blair, 23 January 2022). Currently, Lebanon's total external debt to GDP stands at 356.47, ranking among those countries with the highest public debt in relation to GDP in the world (IMF, 13 April 2024; Statista, 10 April 2024). Lebanon has witnessed economic ruin due to the mismanagement and corruption of its weak central government. In late 2019, as Lebanon's financial crisis was peaking, the government's incompetence in addressing issues such as wildfires and shortages in gas and bread due to the US-dollar liquidity problem sparked the 17 October uprising, a broad-based revolt against the entrenched sectarianism and neoliberal policies that favoured the elite. The government's announcement of highly regressive taxes, including one on WhatsApp, ignited widespread protests across the country, reflecting public indignation with the political and economic ruling class. These protests were aggressively repressed by the government. Shortly after, the banking system collapsed amid a severe liquidity crisis and the rapid depreciation of the Lebanese pound. The country also boasts one of the highest inflation rates globally, averaging 171.2 percent in 2022. These financial circumstances have

impoverished Lebanese citizens, because foreign currency withdrawals have been restricted and savings and purchasing power have eroded (World Bank, 16 May 2023; Salhani, 18 May 2024).

Lebanon's ailing economy was further decimated by the massive explosion of ammonium nitrate fertiliser on 4 August 2020 at the Port of Beirut, where it had been carelessly stored for years in a warehouse. One of the largest non-nuclear explosions in history, the explosion damaged and destroyed buildings miles from the Port, leaving hundreds of thousands homeless, an estimated 6,500 people injured, and more than 220 dead (Al Jazeera, 4 August 2024). The political problems in Lebanon are underscored by the fact that no one has been held accountable for this catastrophe. While estimates vary regarding the percentage of the population living below the poverty line, the World Bank Group reports that poverty in Lebanon has more than tripled since 2012 (World Bank Group, 23 May 2024). The World Bank estimates that 44 percent of the population is mired in poverty, with the poverty rate in parts of Northern Lebanon, bordering Syria, as high as 70 percent. The protracted economic crisis has left 9 out of every 10 Syrians in Lebanon living below the poverty line in 2022 (World Bank Group, 23 May 2024). These migrants find themselves in an indeterminate, precarious position, as it is often convenient to blame the most vulnerable members of society for its economic failings, in this instance, Syrians.

At the onset of the war in Syria in 2011, the Lebanese were initially welcoming of the Syrians. However, as the conflict became entrenched, Lebanon shifted its open-border stance. The state initially delegated the management of refugees to municipalities, whose response to the refugees were influenced by their geopolitical location within the country (Kikano, 2021). The refugees were subject to varying levels of institutional opaqueness and arbitrarily enforced decisions at both ministerial and municipal levels, creating a complex web of bureaucracies that migrants found difficult to navigate. This resultant structure, reflective of the weakened state apparatus, deprived migrants of a clear and accessible route to legal status (Nassar and Stel, 2019). Furthermore, the state's initial failings and inability to form a unified government policy toward the Syrian refugees can be attributed to the competing views

and sectarian conflict between the Sunnis, Shiites, Christians, and Druze. Services and resources are often disbursed to a given community in an effort to garner loyalty, therefore, the political players seek external allies and funding to safeguard their interests and thereby ensure the continuance of each group's respective power (Fakhoury, 2014). Lebanon's early shifting response to the influx of Syrians fleeing war highlighted its multi-sectarian political dynamics, weak central government, and bankrupt economy. Syrians were subjected to incohesive policies until 2014.

In October of 2014, the Lebanese government issued the Policy Paper on Syrian Refugee Displacement, which aimed to reduce the number of Syrian migrants by implementing stricter security measures, thereby limiting access and encouraging returns. The Lebanon Crisis Response Plan (LCRP), adopted in 2015, was designed to operationalise this Policy Paper (Nassar and Stel, 2019). A joint initiative between the Government of Lebanon and international and national partners, the LCRP sought to develop a long term, multi-year strategy to ensure the protection of Syrian refugees, referred to by the Lebanese government as "displaced" people, and to provide immediate assistance to vulnerable populations (Government of Lebanon and the United Nations, January 2021). Stringent new visa and residency regulations; however, were imposed on Syrians. Although refugees are entitled to receive aid upon registration with the UNHCR, the 2003 agreement between Lebanon and the UNHCR designated Lebanon as a country of transit rather than one of asylum (Kikano, 2021). Lacking national asylum procedures, Lebanon requested in 2015 that the UNHCR cease registering Syrian refugees, which severely restricted their ability to apply for legal residence (European Union, 6 July 2023).

The fundamental goal of the Lebanese Government was to prevent Syrians from securing legal status in Lebanon. Like Egypt, Lebanon has not officially integrated refugees and migrants into the society. It was believed that making life unbearable for Syrians would reduce their numbers. Unfortunately, this flawed logic and strategy of exclusion is common in host nations with fragile government structures (Kikano, 2021). Conversely, EU member states and other countries with robust

governmental institutions employ bureaucratic and legal mechanisms as part of a strategy to deter and exclude migrants. In both cases, nations aim to persuade their citizens to perceive migrants as a security threat.

Rather than framing the plight of Syrians fleeing the war as a humanitarian crisis, the Lebanese government aimed to portray them as a burden and a security threat (Nassar and Stel, 2019). By deflecting attention from its own failure to address prolonged socio-economic issues, such as insufficient water and power supplies, and inadequate healthcare and educational facilities, the government sought to blame the migrants for further straining the already fragile infrastructure. In using Syrians as a scapegoat and exacerbating tensions between Lebanese citizens and refugees, the government simultaneously leveraged the situation to garner international aid (Pelayo, 2018). Extorting the issue of migration to extract aid from the EU was not initially a motivation for excluding migrants in societies like Lebanon or Egypt. However, governments in the MENA region quickly recognised that they could leverage the EU's growing concerns regarding the influx of migrants to their economic advantage. They have realised that a state aligned with the EU's policy to prevent migration is granted aid (Norman, 2019). Consequently, Lebanon has also become a strategic partner of the EU in the containment of migrants.

As in Libya and Egypt, securing European aid has become crucial for Lebanon's ruling elites, who face an economic collapse that threatens their survival. For over a decade now, Lebanon has found itself ill-equipped to cope with its burgeoning population of migrants, leading to increased unease and disquietude for the EU. Concerned with Lebanon's inability to manage the massive influx of Syrians and the potential for increased migration to Europe, the EU has consistently prioritized maintaining state stability, overlooking the deep-rooted issues of sectarian politics and the urgent need to reform this dysfunctional system (Fakhoury, 2014). The EU has repeatedly disregarded the breakdown of the democratic process, the institutionalization of authoritarian power, and the arbitrary application of law in MENA states. The securitisation of its own borders trumps these concerns, despite the rhetorical commitment to freedom and democracy.

In the first seven years after the start of the Syrian war in 2011, the EU bestowed €1.2 billion to Lebanon through various instruments, with that amount doubling in succeeding years (Pelayo, 2018). Between 2011 and 2021, Lebanon received US\$8,807 billion from various donor contributions, including support for the LCRP (Government of Lebanon and the United Nations, January 2021). However, there is little accountability for the expenditure of these funds, and no transparency for the Lebanese citizens. The protracted socio-economic problems persist, as does the blame game - government officials continue to label Syrians as a drain on resources and demand their immediate deportation, arguing that the refoulement or return of the Syrians to Syria would bring relief to the Lebanese economy (Saghir and Refugees=Partners Project, September 2020). Even Patriarch Bechara Boutros al-Rai, who heads the largest Christian denomination in Lebanon, concurs with the government's position that the Syrians contribute to the country's economic woes by competing with the Lebanese for their livelihood. Disregarding the safety of the Syrians, Patriarch Bechara further asserts that they should be returned and provided aid there (Davies, 13 April 2023).

The government contends that Lebanon is not a signatory to the 1951 Refugee Convention and is therefore not obligated to adhere to the internationally recognised principle of non-refoulement, which prohibits the forcible return or expulsion of refugees to places where their lives and freedoms could be threatened (Saghir and Refugees=Partners Project, September 2020). As a result, the Lebanese government has pursued the expulsion of Syrians (Kikano, 2021). The government asserts that it is not a country of asylum, but rather one of transit (Saghir and Refugees=Partners Project, September 2020). This assertion, however, is a fallacious claim given that Lebanon hosts some 1.5 million Syrians, indeed, the largest number of refugees per capita in the world (UNHCR, 2016; Nassar and Stel, 2019). The number of Palestinians in Lebanon, already host to successive waves of Palestinians, may also increase due to Israel's assault on Gaza, which UN experts have determined as meeting the threshold of genocide (Farge, 26 March 2024).

Since the Palestinians initial displacement by the formation of Israel in 1948, Lebanon has prohibited their legal integration into Lebanese society, as it

has with Syrians. At present, there are an estimated 250,000 Palestinians housed in 12 isolated camps and unable to work as professionals in Lebanese society, own property or attend school (United National Relief and Works Agency, July 2023). The Syrians too have been prohibited from professional employment and have been confined to legal employment in the low-income sector. In addition, due to the permanence and the problems associated with the extraterritoriality of the camps, which are governed autonomously by Palestinians and contested by various factions, Lebanon has prohibited the creation of formal camps for Syrians (Cordall, 6 January 2024; Kikano, 2021). Most political parties in Lebanon agree to a no-camp policy for Syrians, fearing sites of radicalisation and militarisation (Kikano, 2021). Migrants are thus forced to live in substandard shelters, because the government has banned the use of long-lasting materials to improve existing shelters (Kikano, 2021).

Being devoid of legal status has plunged Syrians, like their Palestinian counterparts, into a state of perpetual hardship. Denied residency permits and legal authorisation to work, migrants often work in the informal economy where they are subject to poor, if not hazardous, working conditions (Norman, 2019; Kikano, 2021). Susceptible to varying levels of economic exploitation, Syrians are condemned to live in poverty, and they face challenges in accessing health care and education for their children. Lacking legal status has also hindered their ability to register marriages and births, leaving tens of thousands of Syrian babies born in Lebanon essentially stateless (Human Rights Watch, 14 February 2017). Without options to meaningfully integrate and enhance their lives in Lebanon, Syrians may be more inclined to seek opportunities in the EU, as indicated by a recent surge of Syrians arriving in Cyprus in May 2024 (Petillo, 3 May 2024).

To forestall migration, the EU proposed an aid package to Lebanon in 2024, modelled on previous arrangements with Tunisia and Egypt. In July 2023, as Tunisia surpassed Libya as the leading departure point for migrants crossing the Mediterranean Sea, the EU extended €1 billion in aid to the bankrupt Tunisian government (Khan, 9 April 2024). The aid was contingent on two factors: the ratification of an

IMF agreement, as in accord with neoliberal practices, and a commitment from Tunisian authorities to prevent migrants from reaching European waters. Tunisia has since engaged in systematic collective expulsion, often referred to as 'desert dumps,' of migrants. The Tunisian National Guard, central to these operations and financed by the EU, forcibly moves and abandons migrants in the desert near its border with Libya and Algeria (Holleis, 25 May 2024; Sherlock, 23 August 2023; Khan, 9 April 2024; Al Jazeera, 9 August 2023, Al Jazeera, 3 May 2024; The New Humanitarian, 7 May 2024). This practice by the Tunisian authorities of driving and abandoning migrants in the desert without food or water is relatively recent in Tunisia, documented from 2023 onward (Holleis, 25 May 2024). Similar collective expulsion practices, however, have transpired for many years in Libya, Algeria, and Mauritania (Holleis, 25 May 2024).

Notably, within the year of Tunisia's acceptance of the €1 billion aid from the EU, European Commission President Ursula von der Leyen granted Lebanon a €1 billion aid package in May 2024 to help contain refugees (Petillo, 3 May 2024; Ngendakumana, 2 May 2024). This builds on the €1.2 billion the EU has provided Lebanon since the influx of Syrians fleeing the war (Pelayo, Summer 2018). Most of the recent financial aid, entirely comprised of grants to be dispersed through 2027, is to support Lebanese efforts in hosting Syrians (Jones and Alonso, 2 May 2024). The funds, however, are not conditional on structural reformation of Lebanon's corrupt political and economic system, as the EU continues to acquiesce to Lebanon's longstanding selectorate political sphere (Petillo, 3 May 2024; Fakhoury, March 2014). Forced deportations of Syrians by Lebanese security officers are not prohibited as a condition of EU aid, despite the fact that their very expulsion motivates Syrians to migrate to the EU. With no "safe zones" in Syria and reports of Syrians being killed or abused by Syrian authorities upon return, Syrians abscond Lebanon in an attempt to enter the EU (Petillo, 3 May 2024). Lebanese nationals are also employing the same Mediterranean routes to reach the EU.

10. Discussion and Policy Recommendations

There are no surveillance technologies or electronic or physical barriers that the EU and its MENA partners can construct to deter desperate people from taking incalculable risks to migrate in an effort to improve their lives. Migration will persist, presenting ongoing challenges to the EU. In 2023, the Central Mediterranean route witnessed the highest level of activity to the EU since 2016, with 380,000 recorded border crossings (Khan, 9 April 2024). The EU's primacy on preventing migrants from reaching its shores is reflected by the regulatory revisions of Frontex, EMSA, and Eurosur, as well as in the substantial increases in border security budgets. The EU's multiannual financial framework (MFF)'s budget for migration-related issues more than doubled from €14 billion for 2014-2020 to nearly €35 billion for 2021-2027 (Radienovic, 2019). By effectively constructing institutions, fostering inter-agency cooperation, employing aerial surveillance technologies, creating an evolving digital map of migration, and brokering agreements with Third Country authorities in MENA, the EU is effectually orchestrating an assault or a proxy war on refugees and migrants seeking to enter Europe (Hintjens and Bilgic, 2019).

Third Country compliance with EU migration policy objectives is indispensable for enabling the EU to employ supranational surveillance and construct external, mobile borders, which forces migrants to attempt ever more dangerous routes to reach the shores of the EU. Repatriating migrants to their ports of departure or origin would be unfeasible without the cooperation of these Third Countries. To ensure Third Country complicity in the readmission and detention of migrants, the EU provides substantial funding to numerous repressive regimes in MENA through various forms of aid – often with little to no oversight. It is not migration diplomacy in which the EU engages, but rather migration extortion. The EU has essentially transformed development aid into a tool for enforcing excessively restrictive and draconian migration policies, as well as for the militarisation of borders. It effectively outsources its migration crisis to financially imperilled states in MENA,

where aid to the ruling elites is deemed crucial for maintaining stability and enabling repression. The EU recognises the peril posed by revolutions or the overthrow of governments by external forces, as occurred in Libya, which unleashed a torrent of migrants to the EU (Bialasiewicz, 2012). The governments of Egypt, Libya, and Lebanon, and other MENA countries will persistently use migrants as leverage, capitalising on the EU's security concerns to further their own interests.

The EU has overlooked the importance of remittances as a motivating economic factor in migration. Also disregarded are the torture, sexual assault, blackmail, exploitation of migrants, and other human rights abuses under the many repressive regimes in MENA. In the process of securitisation of migration and the externalisation of asylum, the EU apparently absolves itself of any human rights violations. Although this report focuses on Egypt, Libya, and Lebanon, the EU has made similar financial arrangements with other states in the region, including Turkey, Tunisia, Morocco, and Mauritania. By providing aid in exchange for detaining migrants, the EU supports repressive authoritarian governments, undermining efforts by citizens of these corrupt states to attain regime change, construct democratic institutions, and improve socio-economic conditions. Consequently, the aspirations of the Arab Spring remain unfulfilled. Citizens in these MENA countries are unable to hold their governments accountable for the expenditure of these external funds, nor can the international community ensure that the EU adheres to international conventions.

This report demonstrates the ways in which the EU has violated international conventions with respect to maritime search and rescue operations and the principle of non-refoulement. These violations are continually executed without penalty. The EU's practice of transferring responsibilities for migrants onto transit and origin countries exemplifies organized hypocrisy or double standards, as its policy actions directly violate its humanitarian pronouncements

(Longo, Panebianco, and Cannata, 2023). The EU's border fortification measures fundamentally reflect a policy of indifference towards human lives. The use of aerial surveillance by the EU is employed to aid in intercepting migrants who are then returned to their ports of departure or origin, rather than to assist in search and rescue efforts that would allow them to disembark in Europe. The humane treatment of migrants and the provision of 'safe ports' of re-entry are inconsequential to the EU, as exemplified by the failed state of Libya. In prioritising the militarisation or securitisation of its borders, the EU is complicit in egregious and often deadly human rights violations (Garelli and Tazzioli, 2018).

The management of migration through control by proxy or delegation to Third Countries, combined with the securitisation or militarisation of borders, is an unsustainable response to migration (Panebianco, 18 December 2020). Despite funding neighborhood programmes and bilateral agreements with MENA states, the EU has failed to forestall migration. In the immediate and near term, this report recommends that the EU provide targeted assistance to MENA states to enhance their capacities to manage the overwhelming number of migrants and ensure their human rights, including access to protection. This report recommends that the EU reframe its approach to migration, altering its view of migrants as a security threat to a vulnerable community that needs protection. In addition, it is advisable that the EU employ a medium-to-long term strategy to address the underlying causes for migration, including the structural inequalities driven by neoliberal practices, violent conflicts, restrictions

on civil liberties, and the emerging impacts of climate change. To support these efforts, the EU must ensure that governments receiving financial aid are held accountable for how these funds are allocated, guaranteeing that they directly benefit migrants as well as local impoverished populations. This report also recommends that the EU assists MENA states in adopting appropriate technologies to develop climate resiliency and thereby mitigate environmental drivers of migration.

While these recommendations offer a path toward more sustainable migration management, structural changes in global governance would aid in resolving some of these deep-seated issues. The EU and its allies, however, have shown little commitment to altering existing power and economic dynamics. Consequently, the MENA region is likely to experience intensified outflows of migrants. Migrants in Egypt, Libya, and Lebanon are expected to remain without adequate protection, as international NGOs and local community-based organisations are beset by financial and bureaucratic constraints and cannot compensate for the failures of their governments to aid and safeguard migrants. As a result, nations in the MENA region will remain pivotal partners for EU migration management policies. Repressive regimes will continue to serve as the cornerstone of the EU's externalisation migration strategy. While addressing the root causes of migration and enhancing the capacities of host and transit countries to assist and protect migrants are critical components in creating a multilateral framework, the realisation of a joint migration policy between MENA and the EU with these objectives is apt to remain a chimera.

11. Conclusions

This report examines two distinct, yet interrelated, aspects of EU migration policy: maritime surveillance and 'Third Country' agreements with MENA states. It critically examines the EU's borderveillance efforts in the aftermath of the Arab Spring of 2011. The inequalities stemming from neoliberal conditionalities, which enforce market-based mechanisms as solutions to socio-economic dilemmas, are highlighted as contributors to the MENA-wide protests and ongoing structural disparities. These persistent challenges, coupled with oppression of the protesters and ensuing violent conflict, among other factors, prompt migration to the EU. In response, the EU fortified its Southern borders through regulatory changes that strengthen agency operations and interagency dynamics, with Frontex at the core of risk analyses. The EU also increased maritime surveillance by deploying drones and Low Earth Orbit satellites to monitor the Mediterranean Sea for migrant

boats, while the number of rescue vessels has been reduced. Rather than engaging in search and rescue missions, the EU often shares the locations of these vessels with MENA countries that have signed aid agreements, leading to interception and readmission of migrants. This report considers the ways in which Egypt, Libya, and Lebanon comply with EU migration policies, enabling the EU's territorial expansion. It concludes that external aid from the EU and the IMF, with its accompanying neoliberal conditionalities, is essential for these regimes to maintain their authority. The rights of the migrants in these countries, however, are disregarded, subjecting them to inhumane conditions, suffering, and deportation. Neither the EU nor MENA states respect the humanitarian needs and human rights of migrants, whose numbers are expected to increase in coming years.



Author's Updated Viewpoint

This report was completed prior to Israel's military operation, Northern Arrows, which intensified airstrikes against Lebanon on 23 September 2024. On 27 September, Hassan Nasrallah, the leader of Hezbollah, was among those killed in these airstrikes. Israel then initiated its first major ground incursion since 2006, launching a ground invasion into southern Lebanon on 1 October. Lebanon has since witnessed mass displacement of people. An estimated 1.2 million people, both Lebanese and Syrians, have fled southern regions of the country as well as densely populated southern neighborhoods of Beirut, such as Dahieh. Lebanon's economic crisis and strained public services, as documented in this report, have led to shortages in medical supplies and essential resources for shelters and displacement centers as people migrate north.

Although the EU's primary goal is to prevent migration from the MENA region, its support for U.S.-Israeli operations in the bombing and destruction of Gaza, the West Bank, Lebanon, Syria, Yemen, and Iran since the tragic events of 7 October 2023 has created millions of displaced people and refugees. Some of these people will undoubtedly seek illegal means to enter Europe. The irony and hypocrisy of these EU policies is contemptible, given the gravity of the situation. In supporting U.S.-Israeli efforts to destroy Hamas and Hezbollah, the EU has enabled their allies to act with impunity, resulting in the deaths of tens of thousands of innocent people and countless injuries. Many survivors in Gaza face the threat of famine, as Israel blocks humanitarian assistance. Others, such as the Syrians in Lebanon, already lived in a perilous position in the society, one now rendered utterly untenable. A precarious existence for many has degenerated into an abyss of fear and terror with no safe place to hide, let alone live.

Although international law prohibits attacks on hospitals, ambulances, and medical personnel, Israel, with the support of its allies, has targeted such facilities, as well as schools and journalists. Furthermore, Israel has banned its citizens from receiving Al Jazeera broadcasts, while the EU and the U.S. has suppressed pro-Palestinian speech. Academic freedom too has been assailed since criticism of Israel is often equated to anti-semitism. Although this report notes speech repression as a defining aspect of authoritarianism in Egypt, it has now become a feature of Western democracy as well. While this report could be continually updated with respect to ongoing challenges in Lebanon and the MENA region, it is important to recall the ways in which the EU employs maritime surveillance in conjunction with Third Country Agreements to limit migration to its Southern shores. These efforts will undoubtedly need to be strengthened in lieu of the escalating numbers of refugees.

About the Author

Patricia K. McCormick (Ph.D., Michigan State University) views the telecommunication and space sectors as integrated within a broader economic and political context at both the national and international levels. Her early research focused on the dynamics of institutional reform in the telecommunications sector in Africa and the Caribbean. In an examination of the restructuring of international satellite organisations, Dr. McCormick served as the co-editor and contributor to the book, *The Transformation of Intergovernmental Satellite Organisations Policy and Legal Perspectives*, published by Brill. She has conducted research on orbital debris at the Lyndon B. Johnson Space Center and space situational awareness efforts at the European Space Agency. Dr. McCormick has published referred articles in such esteemed journals as *Science and Public Policy*, *Astropolitics* and *Telecommunications Policy*. She is a member of the International Institute of Space Law (IISL) and presently serves as an Associate Professor at Wayne State University.

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