

**What approach and what means to implement in defense and security domains to restrain illegal migration and to fight against criminal networks which are related to it in the 5+5 space?**

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## **Presentation**

With this work, the research group of 5+5 presents his last issue: under the Italian presidency, the question to be investigated for the current year is the following: *What approach and what means to implement in defense and security domains to restrain illegal migration and to fight against criminal networks which are related to it in the 5+5 space?*

This topic is very sensitive for our societies and governments: it involves not only the military and security fields, but also public support to national policies, international organisations, European and regional contexts. For all these reasons the research is divided in the 3 axis.

Axis 1 deals with 'Threats and Vulnerabilities as related with irregular Migrations' and includes migration flows, criminal networks, borders security, and terrorism. Axis 2 deals with 'Regional Approaches: Communities and Countries'; it outlines the geopolitical context, the international legal framework and the Mediterranean strategies in the '5+5 Space'. Axis 3 investigates the issue of 'Cooperation and Security for the '5+5 Space''.

In the introduction, we have outlined the issues through definitions and concepts related to 'Illegal Migration and Criminal Networks' (as well as to illegal, irregular, and massive migrants and refugees, criminal organisations, terrorism).

At the end of the work we collected some national recommendations on border security and presented some bibliographical reference and some national strategies and policies in annexa.

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**Prof. Andrea Carteny**

**Research Coordinator**

## INTRODUCTION

### **Illegal/Irregular Migration, Criminal Networks and Terrorism: *Definitions and Concepts***

**Irregular migration** (synonym: **illegal migration**) - EU definition: *Movement of persons to a new place of residence or transit that takes place outside the regulatory norms of the sending, transit and receiving countries.*<sup>1</sup>

**Migrant:** according to a glossary of the International Organisation for Migration, at international level there is no universally recognised definition of the term. Usually it applies to people who decide to move freely for reasons of 'personal convenience' and without the intervention of an external factor. This term therefore applies to people moving to another country or region in order to improve their material and social conditions, their future prospects and those of their families.

**Irregular migrant:** it is the entry of a person or a group of people across the borders of a country, violating the immigration laws of the destination state, with the intention of remaining in the country itself. The irregular migrant then entered in a country avoiding border controls, or entered regularly - for example with a tourist visa - but remained in that country even after expiry of the visa, or did not leave the country of arrival after the visa removal order.

**Refugee:** it is not a synonym for migrant because it has a precise legal meaning. In international law, 'refugee' is the legally recognised status of a person who has fled or has been expelled from his or her original country because of political, religious, racial or national discrimination, or because he/she belongs to a social category of persecuted persons, and who finds refuge in a third country. Its condition is defined in the Geneva Convention (relating to the status of refugees, in fact), signed in 1951 and ratified by 145 UN member states. Italy has accepted this definition with Law 722 of 1954.

**Massive migration:** refers to the migration of large groups of people from one geographical area to another. Mass migration is distinguished from individual or small-scale migration and also from seasonal migration, which can occur regularly. Migrations can then be spontaneous (or voluntary, that is, derived from an autonomous choice of the migrant, albeit induced by pressing reasons such as the search for work) or forced or still forced

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<sup>1</sup>[https://ec.europa.eu/home-affairs/content/irregular-migration-0\\_en](https://ec.europa.eu/home-affairs/content/irregular-migration-0_en) :

'Notes. 1. There is no universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorisation or documents required under immigration regulations. From the perspective of the sending country, the irregularity is, for example, seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term to cases of smuggling of migrants and trafficking in human beings.

2. Defining irregular migration has been the subject of considerable debate. Terms such as illegal, undocumented, non-documented, and unauthorised migration can have different connotations in national policy debates. Due to this and the association with criminality the term 'illegal migration' should be avoided, as most irregular migrants are not criminals. Being in a country without the required papers is, in most countries, not a criminal offence but an administrative infringement.

3. While the UN use the term 'irregular' or 'undocumented' migration, the European Commission favoured for a long time the term 'illegal immigration', but more recently refers to 'irregular migration' as well.

4. The Council of Europe differentiates between illegal migration and irregular migrant. According to Resolution 1509 (2006) of the Council of Europe Parliamentary Assembly, 'illegal' is preferred when referring to a status or process, whereas 'irregular' is preferred when referring to a person.'

(such as deportations and confinement). Evidently in the case of forced migrations, the motivations are of a political, religious or ethnic nature, or are linked to catastrophic events (war events, earthquakes and other natural or man-made disasters) and the search for a job in a place other than the place of origin is a consequence rather than a cause of displacement. Regarding the composition of the flows, it can be observed that temporary migrations (and in particular commuting ones) are mostly individual, while definitive migrations involve the whole family group, even if often the family members migrate at a later time (family reunification). Forced migrations very often involve whole groups of populations.

**Terrorism:** *The criminal acts considered to provoke a state of terror among the population, a group of people, or individuals, in particular for political reasons, that cannot be justified under any circumstances, leaving aside political, philosophical, ideological, racial, ethnic, religious considerations that might be invoked to justify them.*<sup>2</sup>

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<sup>2</sup> Cf. Resolution 49/60 of the UN General Assembly (December 9, 1994).

## AXIS 1. THREATS AND VULNERABILITIES RELATED WITH IRREGULAR MIGRATIONS

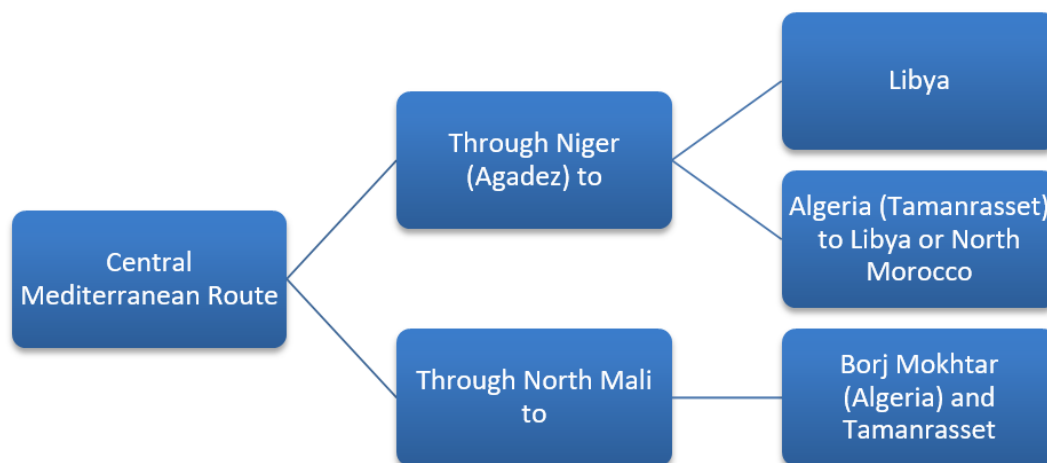
### 1.1. Migration Flow<sup>3</sup>

The migration, regular and irregular, from sub-Saharan countries to Maghreb is a historical phenomenon that has evolved over time. The use of Maghreb coasts and borders to enter illegally the EU started in the 80s, but it was not until the first decade of this century that it became a daunting challenge for some European countries. Illegal migration is aggravated by armed conflicts, poverty, and climate change, and the prospects for changing this dynamic in the near future are not very optimistic. Regarding the Maghreb countries, most of them have been traditionally emigration countries, but have become increasingly transit and immigration destination.

The main illegal migration routes in the 5+5 space are the Central Mediterranean route, the Western Mediterranean route, and the African Western route. Migrants coming from Western and Central African countries use these routes for reaching the EU as final destination while Maghreb countries become mainly transit places. The routes are ruled by smuggling networks that very often are involved in other illegal trafficking (in drugs, weapons, etc.).

*The Central Mediterranean route* has been the most prominent illegal migration route till the present day in the 5+5 area. It involves the migrants' movement across the Sahara and through the Central Mediterranean Sea towards Europe, in particular to Italy.

**Figure 1.** The African path of the Central Mediterranean Route



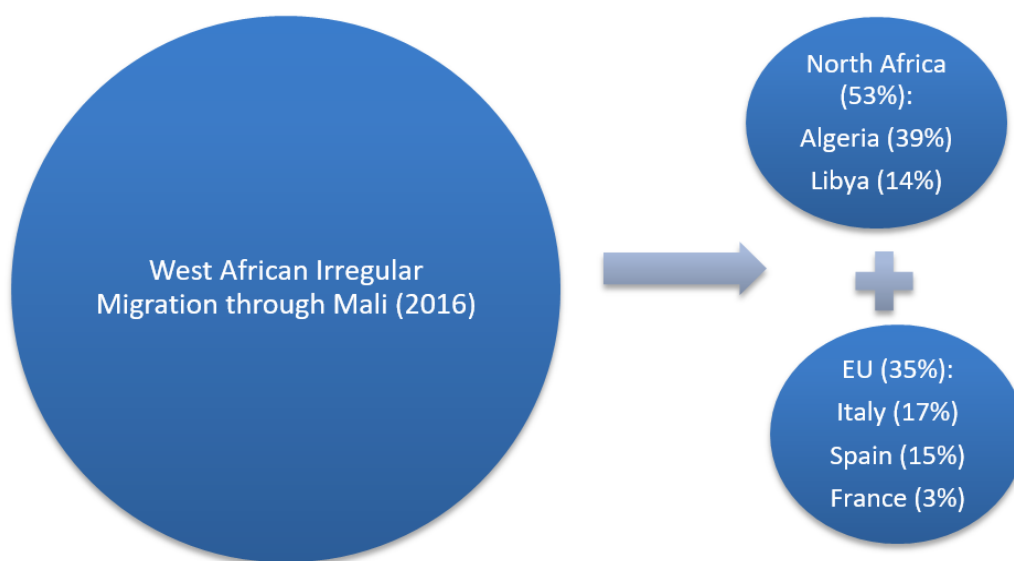
**Source:** The Migration Dialogue for West Africa (MIDWA) 2015 Conference Research paper.

As Figure 1 shows, the Central Mediterranean route splits into two main routes. One starts in Agadez (Niger) and goes through the Libyan desert or cross the Algerian borders reaching Libya or the northern cities of

<sup>3</sup> This section is written by Ana Gonzalez SANTAMARIA, Spanish researcher and representative.

Morocco. The second one starts in the North of Mali and ends in Algeria or Libya. The Nigerian route concentrates the biggest flow of irregular migrants. Its flow is six to nine times larger than the Malian route<sup>4</sup>. In its latest *Risk Analysis*, Frontex inform that 96% of newly-arrived migrants detected in the Central Mediterranean route stated they had used the services of smuggling networks to illegally enter the EU. For this institution 'this suggests that irregular migration via Libya is entirely dependent on the services of the smuggling networks'. Another important issue related to the Central Mediterranean route is that the Malian route is ruled by armed groups that are not under the state's control, as MOLENAAR, F. and VAN DAMME, T. (2017) suggest. The two authors state that this Malian route represents an alternative route in case of the Nigerian route is shut down.

**Figure 2.** Destination of the West African illegal immigrants in 2016



**Source:** International Office for Migration (IOM) data mentioned in MOLENAAR, F. and VAN DAMME, T. (2017)

Finally, regarding the Malian route, it is important to point out that an increasing number of migrants using this route have the countries of North Africa as their final destination, as Figure 2 shows. This suggests that illegal migration is an issue increasingly shared by the 5+5 countries. The possibility of an expansion of migration flows along this route – along with the problems suggested above – could be a matter of concern for the two shores of Mediterranean.

*The Western Mediterranean* route involves both sea and land routes. The sea routes crosses the strait of Gibraltar from the North of Morocco to Spain. The most traditional route is the one from Tangier to Tarifa. Regarding the land route it consists of crossing the Moroccan-Spanish borders fences into the cities of Ceuta and Melilla<sup>5</sup>.

<sup>4</sup>MOLENAAR, F. and VAN DAMME, T. (2017) estimates that 30,000 to 40,000 migrants transit through Mali in 2016.

<sup>5</sup>Recent trends also show sea crossings to these enclaves by taking a boat from one side of the border to the other. See MIDWA (2015).



*The Western African route from the West coast of Africa to the Canary Islands in Spain.*

The analysis of illegal migration flows within the 5+5 space includes the study of the three main routes channeling illegal migration from Africa to Southern European countries. Data have been obtained mainly from Frontex statistics and show the number of illegal border crossings at EU border. The analysis is done in two steps: first we focus on three migration routes that directly affect the 5+5 area, and secondly we analyse the illegal migrant's countries of origin.

*a) Illegal migration flows by route*

According to data shown in Figure 3, the route with the highest number of illegal crossings in 2017 was the Central Mediterranean (118,962). This route was not only the one with the largest number of illegal detections in the 5+5 area, but also in the whole EU. It is important to point out that the illegal migration flow has decreased by 22.7% between 2015 and 2017. Despite this fact, compared with the evolution of the Eastern Mediterranean route – the hotspot of illegal migration entries since 2015 – its evolution is, by far, less positive. In addition, this route has increased the number of detections nine times.

**Figure 3.** Number of detections at the EU borders from the different migration routes

Route	Destination	2009	2012	2014	2015	2016	2017	Var.rate 2009/2017
Western African	Spain (Canary Islands)	2,246	104	276	874	671	421	-81.25%
Western Mediterranean	Spain Portugal	6,600	6,397	7,272	7,164	10,231	23,143	250%
Central Mediterranean	Italy Malta	11,000	10,380	170,664	153,946	181,459	118,962	981%
Eastern Mediterranean	Greece Cyprus Bulgaria	41,500	37,220	50,834	885,386	182,000	42,305	1,93%
Total illegal arrivals UE		159,881	72,430	282,962	<b>1,820,000</b>	511,371	204,718	28%

**Source:** Frontex Risk Analysis.

The Western Mediterranean route is the second one by number of illegal crossings to the EU in the 5+5 space. Moreover, the increase in the number of detections of migrants entering from this route has been the second highest after the Central Mediterranean route between 2009 and 2017. The rise in detections has been particularly important between 2015 and 2017. During this period the number of illegal border-crossing spotted at the border has increased by 223%.

As it has been mentioned above, this route has two ways of transport, sea and land. The illegal detections of migrants coming by sea have shown the biggest increase since 2012. In that year, illegal entries by sea made up 55% of the total, while it was 93% in 2017. As Frontex recognised, the rise in detections of illegal migrants

proceeding from the Western Mediterranean route hit a new record in 2017. This trend could be explained, at least in part, for the diversion effects in the Central and Eastern Mediterranean routes.

The Western African route has recorded in 2017 its lowest number of detections since 2015. During 2009-2017, illegal migrant entries have dropped by 81%, despite a 143% increase during 2014-2016. During the so-called 'cayucos boat crisis' in 2006, illegal arrivals peaked(31,168). The success in reducing the illegal border-crossing allows this route to get the lowest record of illegal migration entries in the EU.

*b) Countries of origin of illegal immigration*

In order to analyse the main countries of origin of illegal migrants, the Frontex statistics have been reviewed for years 2012, 2015 and 2017. Figure 4 shows the three main nationalities of illegal migrants detected in the EU borders.

**Figure 4.** Illegal immigrants' countries of origin by route

ROUTE	2012	2015	2017
<b>Western Mediterranean</b>	<p>Sea (55.6%) Algeria (29.4%) Morocco (19.2%) Chad (7%)</p> <p>Land (44.4%) Not specified (49.7%) Algeria (34%) Morocco (5%)</p>	<p>Sea &amp; Land Guinea (28%) Algeria(15%) Morocco(12%)</p>	<p>Sea (93%) Morocco (22%) Algeria(19%) Côte d'Ivoire (15%)</p> <p>Land (6.5%) Guinea (42%) Cameroon (26%) Côte d'Ivoire(9.5%)</p>
<b>Central Mediterranean</b>	<p>Somalia (32.7%) Tunisia (21.6%) Eritrea (18.2%)</p>	<p>Eritrea (25%) Nigeria(14%) Somalia(8.1%)</p>	<p>Nigeria (15%) Guinea (8.2%) Côte d'Ivoire(8%)</p>
<b>Western African</b>	<p>Morocco (59.8%) Gambia (22.4%) Senegal (8.6%)</p>	<p>Guinea (42%) Côte d'Ivoire (16%)</p>	<p>Senegal (45%) Morocco (26%)</p>

**Source:** Frontex Risk Analysis.

Following Figure 4, it seems that the number of Sub-Saharan illegal migrants have increased in the three routes although some specificities are observed. In the case of the Central Mediterranean route, sub-Saharan migrants ranking the first positions while in Western African and Western Mediterranean the presence of North African migrants is still significant. This fact is particularly important in the Western Mediterranean route by sea, where 41% of illegal migrants come from Morocco or Algeria. This figure is lower than the one in 2012 (48.6%). This is not the case with the land route of the Western Mediterranean dominated by Sub-Saharan immigrants in 2017, while in 2012, Algerians (34%) and Moroccans (5%) ranked in the three main positions. Regarding the Western African route, it seems that the percentage of Moroccan migrants has significantly dropped since they ranked first in 2012 (59.8%) as opposed to 2017 (26%).

The predominant origin of illegal migrants in the three routes in 2017 seems to match the results of a Pew Research Center analysis according to which the number of Sub-Saharan migrants grew by 50% or more between 2010 and 2017<sup>6</sup>

## 1.2 Criminal networks and border security<sup>7</sup>

The current situation in the western and eastern Mediterranean region in terms of immigration is the result of an accumulation of unresolved crisisogenic factors that continue to dominate the political system of some countries, particularly those in the Sahel region. Moreover, the security situation in Libya has led to a process of casualisation providing a favourable ground for potential dangers that can materialise in several isolated or combined forms such as terrorism, illegal migration and the proliferation of trafficking of all kinds (weapons, narcotics, raw materials, human trafficking and money laundering).

From south to north, crossing the Mediterranean, the migratory phenomenon has established a relationship of interdependence based on history, geography, climate change and the economy in particular, through the issue of development. Illegal immigration, which was at its root a social and humanitarian phenomenon, has evolved into a dimension with numerous security and geopolitical repercussions, constituting today a particularly crucial phenomenon in terms of humanitarian and security for some Mediterranean and European countries. This situation raises the question of immigration channels. Indeed, the 2004 Europol annual report highlights that *"the complex operation of moving large groups of people between countries requires a level of organisation and sophistication that only organised crime can achieve"*<sup>8</sup>. Managed by criminal groups, the smuggling of migrants takes the form of networks with multiple ramifications around the world, facilitated notably by corruption and illegal activities of all kinds.

Sahel, a traditional region for trade routes, has now become a transit area for people fleeing poverty, instability and terrorist groups. The countries of the Sahel zone, the population of which will reach about 150 million inhabitants in 2040, with difficult economic, social and health prospects without concealing intra-state tensions as well as ethnic and religious conflicts, constitute a favourable area for the development of terrorist and criminal networks.

As a border line between the Mediterranean and Sub-Saharan Africa, Sahel remains a pathway for migratory flows, while also being a grey area that escapes the regular control of bordering states, thus increasing its

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<sup>6</sup>The Pew Research Center analysis points out that eight out of 10 fastest growing international migrant populations since 2010 come from 8 Sub-Saharan countries. Sub-Saharan populations have a long history as migrants, but at present only 68% of migrants remain in the region as opposed to 75% in 1990.

<sup>7</sup> This contribution is written by researchers of Algeria, France and Lybia, coordinated by Flavien BOURRAT.

<sup>8</sup><https://www.europol.europa.eu/>.

vulnerability. Materialising potential dangers feed the regional conflict and participate in the fracture lines that can affect and recompose the geopolitics in the region.

In addition, the security situation in Libya has also allowed some criminal groups to take advantage of this situation, involving both armed groups and organised crime networks, including smugglers. As a border line between the Mediterranean and Sub-Saharan Africa, the Sahel remains a pathway for migratory flows, while also being a grey area that escapes the regular control of riparian states, thus increasing its vulnerability. Materialising potential dangers feed the regional conflict and participate in the fracture lines that can affect and recompose the geopolitics in the region. In addition, the security situation in Libya has also allowed some criminal groups to take advantage of this situation, involving both armed groups and organised crime networks, including smugglers.

With the toughening of conditions for the entry into Europe of nationals from the countries South of the Mediterranean between the mid-1980s and the beginning of the next decade, , more or less organised illegal immigration routes and channels began to develop. The first to see - geographically speaking - the light of day was the transport of people by light craft - the *pateras* - across the Strait of Gibraltar. Admittedly, a majority of illegal migrants entering the Countries of the European Union continued to do so with a visa (and this is still the case today). Nevertheless, the rapid development of geographical flows, with the gradual emergence of new access routes and new departure areas, but also quantitatively with an exponential and continuous increase in the volume of people concerned, has drawn the attention of criminal organisations for the considerable financial profits that could be generated by smuggling migrants, particularly in the Mediterranean Sea.

Regarding the Libyan coast, which is currently the main point of departure to Europe, profits from migrant smuggling were estimated in 2017 at between US\$255mln and US\$323mln a year, making it the most lucrative illegal activity of Libya post Gaddafi<sup>9</sup>. It is therefore a full-fledged and highly lucrative business sector that is currently thriving, but with significant nuances and adaptations from one region to another, as seen in the 5+5 area.

### **1.2.1 Irregular migration networks in the 5+5 area: profiles and activities**

- *Illegal immigration: one of the faces of organised crime*

In view of the commitment of the security services and sometimes even (in some countries) armed forces in the fight against organised criminal structures, the fight against networks of migrant smugglers remains relatively recent. It was clearly stated only at the end of 20<sup>th</sup> century, as the frontiers of countries engaged in the cold war were fading out, and globalisation became a palpable reality, accessible to an ever larger population.

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<sup>9</sup>"Les migrations africaines financent les réseaux criminels et terroristes", Africa Center for Strategic Studies, 13/08/2015, <https://africacenter.org/fr/spotlight>.

Illegal immigration supported by criminal networks has become a breeding ground for any form of terrorist and illegal activity. According to an official report issued by the British intelligence services in November 1997, statistics on the criminal action related to illegal immigration of foreign nationals to the countries of the European Union increased from 60 cases in 1991 to 700 cases in 1996<sup>10</sup> (2). That is, an increase of 91%. These figures are multiplying considerably due to the growth and spread of this phenomenon.

Illegal immigration is particularly detrimental to national security, as it could be a recruitment route for terrorist and cross-border organised crime.

In terms of security, various aspects can be taken into account, in particular:

- possible infiltration of terrorist and criminal elements among the masses of illegal migrants
  - secret and dubious relationships between irregular migrants and various organised criminal networks; illegal immigration could be used as a means of moving a population from one state to another, bypassing all the preventive and security measures adopted for the granting of visas... which allows illegal immigrants to escape all procedures in force
  - potential risk of transmission of serious diseases and epidemics for local populations
  - threats to the economy due to disruptions in the labour market with the emergence of a parallel market
  - a costly financial burden induced by the consequences of this phenomenon on the national economy of the recipient country.
- 
- *Exploitation of illegal immigration*

Today, illegal immigration constitutes a real threat to the security and stability of the Euro-Maghreb area, as this phenomenon is worsened by the uptake of migrants by criminal organisations exploiting human distress. The countries of the Mediterranean basin are currently facing immigration that may be subject to the influence of terrorist groups (see Chapter 1.3) and criminal organisations whose ultimate objective is to sow chaos in the region.

This complex phenomenon requires the states concerned to find appropriate solutions that take into account the real causes of this scourge through local development actions to retain populations by offering a decent life for young people. It would therefore be appropriate to support policies to fight against organised crime, to favour a bilateral and multilateral cooperation approach by involving migrant's countries of origin for a concerted and coordinated approach.

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<sup>10</sup> Xavier Raufer, Stéphane Quéré, " le crime organisé". (2<sup>nd</sup> updated edition), Paris: Presses Universitaires de France, 2001, p.166.

According to the United Nations Convention against Transnational Organized Crime (UNTOC), an organised criminal organisation is "a structured group of three or more persons that has been in existence for some time and is acting together to commit one or more serious offenses or offenses established in accordance with this Convention, to derive, directly or indirectly, a financial advantage or other material advantage<sup>11</sup>. The networks of smugglers and traffickers taking advantage of illegal immigration in the Western Mediterranean but also in the Sahelo-Saharan region, meet this qualification. As for the maritime branch, however, they are distinguished from those acting in the Eastern Mediterranean, more organised and structured, by their more limited means and the improvisation and opportunism that characterise their actions.<sup>12</sup>

With irregular flows of migrants both by land and by sea, smuggling and trafficking networks are not the same in each case, although there is often a continuum between the two:

- *The sea routes*

The sea route remains unavoidable for access to Western Europe, despite the dangers it presents for migrants. This constraint forces them to take over the services of organised smugglers operating in the central and western Mediterranean from the Maghreb coast to Spain and Italy. As said above, the methods and actions implemented by smugglers are more of a form of DIY, which makes their identification and neutralisation particularly difficult. The preferred mode of transport (and which transports 80% of illegal migrants) and the most adapted to the profiles and the means of the traffickers are small boats<sup>13</sup> (which can carry a maximum of 50 passengers), usually fishing boats which are often in poor condition. These are particularly vulnerable in the context of sea crossings, which are often long and dangerous for passengers. In such a configuration, the intermediate levels between the head of the sector and the smugglers are few or nonexistent. The latter are also located on the coast, near the departure areas, whether in urban agglomerations where they identify and offer their services to applicants for immigration, or directly in the port areas, where they can be employees or workers (civil servants, fishermen, etc...). In fact, anyone who owns a boat can find a way to get rich. This is the last category that supports the boarding of migrants. Once on board, they may or may not be accompanied by a smuggler. The rates charged to illegal immigrants, who most often have to pay back the sum at the time of departure, vary between 700 and 1000 euros per person.

- *Land routes*

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<sup>11</sup> "Le trafic illicite de migrants en mer Méditerranée : une menace criminelle sous contrôle", INHESJ Studies collection, February 2013.

<sup>12</sup> *Ibid.*

<sup>13</sup> This has not been the case in Libya since the fall of the Gaddafi regime in 2011, where the exponential increase of irregular migrants wishing to move to Europe requires the use of much larger boats that can take several hundred at a time.

Illegal migrants from West and Central Africa heading to the Maghreb countries take the old trade routes across the Sahara. These crossings, given the difficulty of the terrain encountered and possible dangers, have since early historical times been accompanied by knowledgeable and experienced smugglers. Among these are people of ethnic and local tribes, especially in Algeria and Libya. The Tuaregs thus traditionally control the access roads to Algeria from Niger, as well as to Western Libya along the Algerian border (between Ghat and Ghadames). Similarly, in southern Libya, members of the Toubou ethnic group control the flow of illegal migrants from the Toummo border crossing on the strategic Madama-Murzuq axis from Niger<sup>14</sup>, or on the tracks leading from Tibesti to Koufra. At the time of the Gaddafi regime, the officials in charge of this function were often of this ethnic group, but they could find themselves in competition with members of the Zwai tribe, which disputed their management of the axis coming from Sudan and Chad. This control of migration flows has generated immense profits for its beneficiaries - a financial levy being made on each migrant - but also a source of cheap labour for economic and commercial networks<sup>15</sup>. Indeed, many migrants, lacking sufficient financial resources, were forced to pay for their transit in exchange for what amounted to forced labour or people trafficking. There was also strong involvement of the Libyan military-security apparatus and the intelligence services were generating substantial revenues from the flow of candidates for emigration to Europe.

- *The effects of the Libyan crisis*

The Libyan crisis, starting in 2011, by fanning the disintegration of state structures, territorial fragmentation and centrifugal forces, has resulted in a considerable recovery of migration flows from Sub-Saharan Africa, with Libya again becoming the preferred destination for access to the Mediterranean coasts. Even more so than in the past, migrant smuggling involves non-state actors, but it seems to be,<sup>16</sup> with an increased role of the Toubou and Touareg ethnic groups<sup>17</sup> that this has increased even further since they became free to manage their control and passage operations, due to a lack of government presence in the border areas. At the same time, new actors seeking funding for their political or security activities have been able to take advantage of the dereliction of the state apparatus and the multiplication of local powers to get involved in the smuggling of migrants, thus replacing the legal economy.

In this context, this is now starting to be called a "migrant smuggling economy"<sup>18</sup> together with smuggling, informal trade, drug trafficking, but also organised crime, an ever-increasing source of enrichment in the 5+5

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<sup>14</sup> Patrick HAIMZADEH, *"Au cœur de la Libye de Kadhafi"*, JC Lattès, 2011. This track, which connects northern Niger with southern Fezzan in Libya, has also been doubled, on both sides of the border with "fraud tracks", supposed to escape the control of local security forces.

<sup>15</sup>*Ibid.*

<sup>16</sup>"*Le trafic illicite de migrants en mer Méditerranée : une menace criminelle sous contrôle*", INHESJ Studies collection, February 2013.

<sup>17</sup> To which should be added that of their correspondents located on the other side of the borders, in Mali, Niger and Chad

<sup>18</sup>"*Les migrations africaines financent les réseaux criminels et terroristes*", Africa Center for Strategic Studies, 13/08/2015, <https://africacenter.org/fr/spotlight>

area. However, it is difficult to assess the possible links that may develop and intersect between migrant smuggling and other illicit activities. In particular, how much of the money paid by migrants to their smugglers and controllers is likely to end up in the hands of criminal groups or jihadists operating in the Sahelo-Saharan space. Until now, there has been no evidence of the involvement of migrant smuggling networks with other organised crime sectors, but this may change with the expected financial gains.

### **1.2.2 Border security in the face of illegal migrant flows**

The geostrategic space that forms the basin of the western Mediterranean, with its background consisting of the Sahelo-Saharan zone, offers a particular configuration marked by the superposition of land and sea borders. Faced with the growing increase of illegal migrant flows, the porosity of the borders in the 5 +5 space quickly appeared as the main point of vulnerability in the face of increasing challenges that are precisely developing over this fragility.

The policy of setting up, initially by the European Union States, then progressively by the southern shore states, monitoring and filtering devices aimed at controlling the flow of people, in particular to limit illegal migration, is often referred to as border militarisation. Indeed, while control of these remains largely the responsibility of the police, border security can - and tends more and more - to mobilise military resources and personnel, even if the use of the latter is only implemented in addition to the aforementioned forces, and often for a humanitarian purpose (such as *boat people* for sea rescue).

The use of new and increasingly sophisticated technologies (notably satellite surveillance), the pooling of resources and operations inside and increasingly outside the States, are therefore seen as necessities, reinforced by rapid change of the security situation south of the zone. The systems using the most sophisticated military means concerning the fight against illegal migration have been able to demonstrate their effectiveness, knowing that the key to their success is based on consultation and coordination with the states of both shores of the Mediterranean including readmission agreements, an important lever to encourage the countries of the southern shore to have more control over their borders (see chapter 2.3 of this study: "Operational mechanisms in the management of migratory flows").

The results achieved through these schemes, in terms of reducing the flow of irregular migrants, have been considerable. Between 2008 and 2009, the number of illegal migrants from Libya was thus reduced by 30, following the collaboration between that country and Italy. Financial efforts have been made in support of this scheme (especially to Tunisia) but also material efforts (in the form of Spanish celebrity donations). The main maritime migration routes in the 5+5 area have been severely interrupted, if not completely dried up, before resuming at an ever faster pace since the beginning of the decade, particularly from Libya.



The limits of this mode of action are none the less advanced, less due to the principle itself, given the indisputable results thus obtained, than due to the fact that it is only a step that must accompany a much more comprehensive and concerted development assistance in the countries of departure, in order to reduce the sources of illegal migration. In addition, it was pointed out that one of the consequences of the "militarisation" of maritime borders is the diversion of migratory flows towards longer and more dangerous axes. Second, the countries of the southern shores must manage the flow of migrants from Sub-Saharan Africa who, having Europe as their initial destination, are now stuck in their respective territories. Finally, such a system seems much more difficult to set up to control the land migration routes in the Sahelo-Saharan space, which most often intersect the routes used for activities related to smuggling and organised crime. It is ultimately easier to monitor a sea area from the points of departure and arrival, than territories that are most similar to No Man's Land. For this reason, the European Union is planning to establish a permanent structure in Agadez, Niger, where illegal migration flows from West Africa converge, in order to counter the "migrant smuggling economy" which has developed there<sup>19</sup>.

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<sup>19</sup>*Ibid.*

#### **1.2.4. *Illegal immigration and terrorism***

##### Mauritanian approach to combating terrorism

Like the international community, Mauritania has been affected by terrorism, and particularly since 2005, when it faced an unprecedented upsurge in terrorist activity. Due to its geographical location, the country was hugely vulnerable at the time, and was very poorly prepared on a political, social, economic and security level to counter this situation. The terrorist groups enjoyed freedom of action, which enabled them to carry out several deadly attacks within our borders:

- Lemgheity Base (2005)
- Ghallaouiya Base (2007)
- Murder of French tourists in Aleg (2007)
- Robbery of the PAN (2007)
- Tourine attack (2008)
- Nouakchott Broadcasting Centre attack (2008)
- Abduction of an Italian couple on the Malian border (2008)
- Abduction of Spanish aid workers (2009)

The atmosphere in Mauritania during that period was defined by:

1 - An unfavourable physical geography:

- 1,030,000 sq km for a young population, estimated at 3,500,000 inhabitants (75% young people).
- Vast, uninhabited wild desert (mainly in the north).
- Borders with two areas of permanent tension (Azawad and Western Sahara).
- Growing instability and accelerated expansion of various trafficking operations (drugs, weapons, ammunition, hydrocarbons, food, etc.)

2- An inadequate state of security:

- Defence resources and security apparatus in a state of total decay.
- Lack of strategic vision and foresight to prevent this phenomenon.
- Lack of coordination, cooperation and synergy between different state services.
- Lack of sub-regional and international coordination to manage this phenomenon.

3- Insufficient communication:

- No communication strategy to counteract terrorist propaganda
- Media lacking the required freedom and in constant conflict with the government
- No communication or relationship likely between the armed forces and the press
- Maintaining the cult of personality through false communications to the detriment of professional, conciliatory and objective information.

4- An unstable political landscape (attempted coups, institutional blockage, latent tensions between various political stakeholders), and in particular the absence of a real political strategy to provide guarantees of transparency for exercising true democracy, to the satisfaction of all national political stakeholders.

5- A religious discourse propagated by terrorist groups influencing populations with fragile political and religious maturity.

- Exploitation of affinity with the West and Israel to further weaken popular support for the regimes in power.
- Manipulation of political Islam to galvanise national public opinion by influencing the outcome of polls (municipal, legislative and sometimes presidential).

6 - On a social level, young people, who represent over 75% of the population, suffer unemployment and drift and are ripe for terrorist propaganda.

- Social divisions and inequality, as well as injustice, give rise to a spirit of revolt against the national political system.
- The feeble democratic maturity of our political leaders and stakeholders and the impossibility of peaceful change in power escalate this crisis further, as the present a wide spectrum of opportunities to terrorist groups.
- The emergence of a reformist Islamist party (Tewassoul) under a democratic label was initially a decisive factor in anchoring 'democratic Islamism', and fertile ground for the indoctrination and enlistment of young people in search of a political identity.

#### Externally:

Although terrorism is a transnational threat, there was no cooperation or coordination between the states affected.

Conversely, the terrorist nebula and its branches and ramifications continued to maintain and consolidate their coordination efforts to better target their future actions.

Our country therefore experienced a series of different attacks, which deeply affected our peaceful populations and security agencies.

Faced with this embarrassing situation, Mauritania needed to adopt a rigorous policy to curb this phenomenon. These measures had to extend to all aspects of the issue, hence the obvious need for a comprehensive approach that would take into account the aforementioned limitations and weaknesses. These solutions and approaches constitute the basic foundations of the strategy adopted to combat terrorism.

#### The Mauritanian approach

Features of this approach:

- Taking into account the transnational aspect of terrorism
- Analysis of the geophysical and human scope of the national territory and neighbouring countries
- Highlighting the determining factors for its formulation
- Taking into account the country's own capabilities through a proactive approach based on a specific vision and managing priorities
- Respecting a multidirectional, preventative, repressive and lasting approach.

This dimension will extend in particular to the various institutional, political, economic, social and security aspects and will be discussed in more detail below:

#### A/ Law:

- Adopting a robust legal plan to suppress offences related to terrorism in its various guises (propaganda, financing, organisation and management of its operations, etc.)
- Drying up sources of funding through strict supervision of cash flows and regulation of procedures involving exchanges, movements of funds and NGO funding

- Setting up the CANIF (Commission to Analyse Financial Crimes) to deprive the terrorists of sources of funding adapted to their modus operandi.

#### **B/ Defence and security:**

To ensure the country's security and peace for our citizens and guests, measures have been adopted with a view to increasing the operational capacities of our defence and security systems, based principally on:

- Upgrading the defence and security system by acquiring appropriate equipment and preparing forces for increased operational performance
- Creating and strengthening modular units, structures and entities suitable for the forms of threats identified at sub-regional level (GSI, GGSR, Para Commando Units, GIGN, Special Police Units, Light Escort Squads etc.) - Increasing the operational training and education levels of units and other counter-terrorism structures by instilling them with a sense of pride, patriotism and responsiveness suitable for the demands of the threat
- Demarcation of military zones pursuant to a national resolution regulating the movement of people and their property so as not to endanger lives (MINT Decree 394)
- Defining limited entry points: 35 crossing points throughout the national territory, including 03 in the military zone, use of which is mandatory,
- At the operational level, special units adapted to the asymmetrical threat were set up and deployed throughout the national territory,
- Implementing an appropriate intelligence chain to prevent acts of terrorism;
- Systematic coordination with all regional and international partners by pooling intelligence and training chains (neighbouring countries, G5 Sahel, AMU, CEMOC, EU, NATO, USA, France etc.),
- Creating a national structure to coordinate the fight against terrorism.
- Undertaking prevention operations (attacks outside the national territory) on terrorist bases to reduce their engagement capabilities and keep the threat further at bay. These operations were generally carried out in Mali and in collaboration with the authorities there.
- Continuous reinforcement of the operational capacities of the armed forces (TAM, SOFT, Gendarmerie and National Guard), police structures and other security branches.
- Restructuring armies to prepare them for foreseeable security challenges and concerns,
- Strengthening the training of human resources to allow greater versatility in the face of asymmetrical threats,

#### **C/ Communication:**

Implementing a reliable communication strategy based on liberalising the press and the audio-visual sector through systematic decriminalisation.

- At the economic level, several measures have been taken to substantially reduce the criminal economy and cut off its sources of funding. Many traffickers and accomplices were arrested during combined operations carried out by our forces,
- At the social level, measures taken to improve the standard of living and the safety of the population include:
  - Creating the new moughataas (Chami and Nbeikett Lahwach) to stabilise the populations and provide them with maximum safety, as well as health and food aid
  - Creating schools and healthcare facilities
  - Setting up and replenishing 'boutiques de l'espoir', which offer food products at discount prices to the most needy
  - Adopting professional integration programmes and projects for unemployed graduates and young people (particularly those who attended mahadras).
- Promoting sport, festivals and cultural events to strengthen the basis of modern citizenship and civility, contrary to the backward obscurantism of terrorists.

- In terms of ideology and religion:

A panel of Muslim scholars consisting of imams, religious figures and jurisprudence specialists initiated a series of meetings and interviews with the terrorists to:

- Unambiguously outline the eminently peaceful dimension of the Prophet Muhammad's (PBUH) message, which completely contradicts the acts committed by terrorists (attacks, hostage taking, trafficking, cybercrime, etc.)
- Gently encourage these misguided young people to see the error of their ways, allowing them to better integrate into national society, which is based on excessive hospitality and a deep spirit of fraternity, justice and forgiveness,
- Convey the divine message as it was originally intended, comprising a charter of equality, justice, peace and understanding between all the peoples of the world, whatever their political or religious beliefs.

#### **D / Regionally and internationally:**

In this context, Mauritania has worked to boost sub-regional, regional and international cooperation to further strengthen its approach to combating terrorism by:

- Establishing a partnership with all the countries in the sub-region (CEMOC, G5 Sahel, AMU, AU etc.) to better manage crises and acts related to terrorism,
- Systematically exchanging data and information to manage the flow of information related to terrorist activities;
- Committing to bilateral cooperation with European and American partners through the EU and NATO to bolster our defence and security measures (information exchange, fight against all forms of trafficking, fight against illegal immigration, fight against money laundering, training and educating human resources, acquiring equipment, supporting forces, implementing information chains of solidarity etc.).
- Organising mixed and joint patrols with bordering countries, as well as periodic meetings between administrative and security authorities.
- Participating in peace and stabilisation efforts in northern Mali (ceasefire operation in Kidal)
- Engaging watchers and peacekeeping missions in several of the region's unsettled areas.
- Implementing an information chain of solidarity with the states of the sub-region.
- Organising security training and exchange sessions with all regional and international partners.

#### **E/ Review of the national strategy**

Removing the threat of terrorist attacks from the national territory.

- Thwarting attempted terrorist attacks.
- Monitoring the entire national territory using an air force with operational skills tailored to the requirements of the terrorist threat.
- Organising preventative attacks and pursuing hostile elements outside the national territory in collaboration with sub-regional partners.
- Arresting and permanently tracking drug traffickers, using our forces on the northern and north-eastern borders of the country.
- Stabilising and securing tourist sites now visited by their former European customers.
- Strengthening economic investment opportunities and boosting their credibility by gradually attracting partners (mining, oil, gas prospecting and other investments).

- Systematically monitoring sub-Saharan migration flows and trafficking towards Europe (National partnership praised for the excellence of its services).
- Developing large deployment capabilities of mobile forces in the event of terrorist threats.
- Bolstering national defence measures by establishing and implementing a customised, long-term defense policy (forward-looking vision)

## **CONCLUSION**

Driven by a political will which is resolutely committed to combating terrorism and illegal emigration, the Mauritanian national authorities so far seem to have maintained the pressure to finally put an end to these phenomena and thereby contribute to regional stability by relying principally on their own measures and working within the framework of various regional and international organisations to tackle these scourges. (5+5; G5 SAHEL). Nevertheless, the support of the international community will remain a decisive factor in supporting the pursuit of this policy which, by its coherence and orientation to local challenges, is a living example of success with particularly encouraging results.

### 1.3. Terrorism<sup>20</sup>

#### 1.3.1. Introduction:

What does the term 'terrorism' mean?

Terrorism can influence both national and international dynamics, strategies and approaches. However, a universal definition of terrorism remains indefinable as many given by various organisations and governmental agencies tend to serve only their own interests and achieve their specific objectives.

The difficulty of defining 'terrorism' emerges from the complexity to reach mutual agreement to determine the legitimacy of using violence, and therefore, the modern definition of terrorism is inherently controversial. Thus, in practice, the so-called 'act of terrorism' or 'terrorism' is often a tactic advocated by actors as part of a larger military, political, religious or geopolitical agenda.

The specialists explain the role of terrorism using political, sociological, psychological or other interpretations, this part of the document in question is focused, instead, on the modified and changed strategic environment particularly for two reasons.

First, during the past few years, non-conventional attacks have become a major tactical battle on existing battlefields, so it would be crucial to understand the extent of its context 'which is full of conflicts'.

Second, over the past two decades, several ideas about the degree of change of the conflict appeared helping us better understand terrorism in its essence. The first step toward using this approach would be to recognize that modern terrorism is an 'operational method that can be used in various strategies including insurgency strategy.'<sup>21</sup>

#### 1.3.2. The definition by the United Nations:

Member states of the United Nations do not have a common definition of terrorism, which constituted a major obstacle to the completion of significant international countermeasures. The authors decided to use a fulcrum referential to the definition of the resolution 49/60 of the UN General Assembly (December 9, 1994) and entitled 'measures to get rid of international terrorism' which contain a clause that defines terrorism as follows:

*'The criminal acts considered to provoke a state of terror among the population, a group of people, or individuals in particular for political reasons that cannot be justified under any circumstances, leaving aside political, philosophical, ideological, racial, ethnic, religious considerations that might be invoked to justify them.'*

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<sup>20</sup> This section is written by Claudio BERTOLOTTI, Italian Senior Researcher and representative.

<sup>21</sup> S. Mets, Rethinking insurgency (repenser insurgency) in PB Rich, I. Duyvesteyn (edited by), 'The Routledge Handbook of insurgency and counterinsurgency' (Routledge manual of insurgency and counterinsurgency), New York, Routledge, 2012, p. 38; and C. Bertolotti, *Shahid. Analysis of suicide terrorism in Afghanistan* (English title. Shahid. Analysis of suicide attacks in Afghanistan), Milan, Franco Angeli, 2010.

### **1.3.3 The concept(s) of 'terrorism' (5+5 space): definitions, perspectives and approaches<sup>22</sup>**

Key elements linked to terrorism are many: using violence, targeting civilians, creating a climate of fear to basically achieve political goals. However, there is no agreement among the International Community on the definition of 'terrorism'.

The adoption of an indisputably definition accepted by all proved to be a challenge: is that attacks against military or political leaders would be considered as terrorist acts? What about attacks targeting the properties? Should terrorism be physically violent by definition, or is it simply due to the spread fear as an integral part of the terrorist act in itself?

This part aims at understanding the definition of terrorism within the legal and theoretical contexts on the basis of international laws.

**The Arab Convention for the Suppression of Terrorism<sup>23</sup>** defines terrorism as

*'any act of violence or threat of violence, regardless of the causes and purposes, committed to implement a criminal project, individually or collectively, and intended to spread terror among people or to frighten them or endanger their lives, their freedom or safety or harm the environment, one of the public services, public or private property or to occupy or seize, or endanger one of the national resources.'*

**The European Union in its Directive (EU) 2017/541 Of The European Parliament And Of The Council of 15 March 2017<sup>24</sup>**, establishes minimum rules concerning the definition of criminal offences and sanctions in the area of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, as well as measures of protection of, and support and assistance to, victims of terrorism.<sup>25</sup> It defines:

1. **Terrorist group** as a structured group of more than two persons, established for a period of time and acting in concert to commit terrorist offences; 'structured group' means a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.<sup>26</sup>
2. **Terrorism offences** as 'intentional acts, as defined as offences under national law, which, given their nature or context, may seriously damage a country or an international organisation, are defined as terrorist offences where committed with one of the (following) aims: (a) seriously intimidating a

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<sup>22</sup>Securing the borders of 5+5 space: cooperation and implications, 2015 '5+5 Defence initiative' research working group document, Chap. 1, CEMRES, Tunis 2015, [http://www.difesa.it/SMD/\\_CASD/IM/CeMiSS/DocumentiVis/CEMRES/2015/Ricerca\\_Inglese\\_2015.pdf](http://www.difesa.it/SMD/_CASD/IM/CeMiSS/DocumentiVis/CEMRES/2015/Ricerca_Inglese_2015.pdf).

<sup>23</sup>Adopted by the Council of Arab Ministers of the Interior and the Council of Arab Ministers of Justice in Cairo, Egypt in 1998

<sup>24</sup>Directive (EU) 2017/541 Of The European Parliament And Of The Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA. Full Document in 'Annex 1'.

<sup>25</sup>Directive (EU) 2017/541, Article 1.

<sup>26</sup>Directive (EU) 2017/541, Article 2.



population; (b) unduly compelling a government or an international organisation to perform or abstain from performing any act; (c) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.<sup>27</sup>

**List of the terrorists offence:<sup>28</sup>**

- (a) Attacks upon a person's life which may cause death;
- (b) Attacks upon the physical integrity of a person;
- (c) Kidnapping or hostage-taking;
- (d) Causing extensive destruction to a government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss;
- (e) Seizure of aircraft, ships or other means of public or goods transport;
- (f) Manufacture, possession, acquisition, transport, supply or use of explosives or weapons, including chemical, biological, radiological or nuclear weapons, as well as research into, and development of, chemical, biological, radiological or nuclear weapons;
- (g) Release of dangerous substances, or causing fires, floods or explosions, the effect of which is to endanger human life;
- (h) Interfering with or disrupting the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;
- (i) Illegal system interference, as referred to in Article 4 of Directive 2013/40/EU of the European Parliament and of the Council ( 1 ) in cases where Article 9(3) or point (b) or (c) of Article 9(4) of that Directive applies, and illegal data interference, as referred to in Article 5 of that Directive in cases where point (c) of Article 9(4) of that Directive applies;
- (j) Threatening to commit any of the acts listed in points (a) to (i).

**1.3.4. The evolving threat: the terrorism as 'new insurrectional terrorism'<sup>29</sup>**

The spectre of terrorism widely threatens the '5+5' space; no state in the region could escape it. Referring to the growing phenomenon of violence from the Middle East to the Mediterranean area (5+5 space) with an explicit reference to the so-called 'Islamic State' (IS) organisation, can we say that this is part of the classical concept of terrorism?

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<sup>27</sup>Directive (EU) 2017/541, Article 3.

<sup>28</sup>*Ibidem*.

<sup>29</sup>Securing the borders of 5+5 space: cooperation and implications, '5+5 Defence initiative' research working group document 2015, Chap. 1, CEMRES, Tunis 2015, [http://www.difesa.it/SMD/\\_CASD/IM/CeMiSS/Documenti/Vis/CEMRES/2015/Ricerca\\_Inglese\\_2015.pdf](http://www.difesa.it/SMD/_CASD/IM/CeMiSS/Documenti/Vis/CEMRES/2015/Ricerca_Inglese_2015.pdf).

The 2015-2018 terrorist attacks confirm the effective operational capability of the 'phenomenon Islamic State', that has shifted from the quasi-state nature with a territorial control, to a denationalised and without borders nature.<sup>30</sup>

The threat to the countries of the '5+5 area' has its own peculiarities. It is a new terrorism that aims to start a new kind of insurrectional phenomenon that has no ambition to mobilize the masses of European citizens in order to overthrow governments but, on the contrary, aims to induce many Muslims in Europe to join the fight against all the 'infidels'.

This 'new insurrectional terrorism' (NIT)<sup>31</sup> has nothing to do with the old political terrorism of the 70s and the 80s. It started in the Middle East after the US invasion of Iraq, in 2003, and developed in the mid-2000s. In 2014 attracted the attention of the world imposing itself on the battlefield, in Iraq and Syria (and then Libya and Afghanistan), and on the global imagination.

Today, however, IS has lost almost everything that has gained over ten years: territories, energy resources, access to trade and finance channels, but it maintained its media appeal.

The loss of the 'territory' forced IS to concentrate on a new social approach that aims to high penetration through the outsourcing of violence. Its message tries to convince thousands of radical individuals and dozens of young people to become 'proximity weapons' - real smart weapons ready to enter into action to 'kill and die' in the name of the Caliphate.

### **1.3.5. The correlation between illegal migration and jihadi terror groups**

Jihadis might be penetrating Europe hidden among migrants from the Balkans or North Africa, a prospect which alarms European countries on the frontline of immigration, like Italy.<sup>32</sup> It is a fact, as confirmed by the 'Intelligence report 2017 to the Italian Parliament', that illegal migration routes are 'logistic lines' connecting local and trans-national organised crimes and terror groups. It represents a direct threat to the security of the 5+5

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<sup>30</sup> C. Bertolotti, *Intelligence e definizione della minaccia. Dal terrorismo convenzionale al 'Nuovo terrorismo Insurrezionale' di matrice islamica: Foreign Fighter e 'lupi solitari' come fattore di destabilizzazione interna agli Stati*, in 'Sicurezza, terrorismo, Società. International journal – Italian Teal for Security, Terroristic Issues & Managing Emergencies, Milan, EduCatt, Issue 1/2017, p. 111-130.

<sup>31</sup> 'The new insurrectional terrorism' is the use of violence or threat of the use of intentional, calculated, rational; auto-justified violence in order to achieve political, religious and ideological goals. There are eleven important elements that should be mentioned as follows: The nature of the terrorist activity is the use or threat of the use of violence; The purpose of the activity is always political, as to achieve accurate and punctual political objectives (to change: a regime, those in power, social and economic policies, policies, action plans and the status quo, etc...); It is complex but especially unpredictable. It is: revolutionary, subversive and contrasted because it mainly targets the national state model; Has, could have, or is aimed to obtain the 'force monopoly' within a geographical area; It is based on political, socioeconomic and religious multitude (justified on religious and apocalyptic grounds); Its nature is 'strategic', which strategic nature is visible through tactical actions that are not necessarily interconnected; Its nature is 'global', transnational, borderless and based on 'flexibility and adaptability'; The battlefield is real (conventional, asymmetric, areal), virtual (information operations, web propaganda, GTA gaming) and cybernetic (cyber threats); Targets are political, civilian, military, religious and symbolic combatants and non-combatants; It is symbiotic; it operates through a violence in 'outsourcing', supported by emulative effects and as response to the 'call to jihad'; It is hierarchical and horizontal, decentralised.

<sup>32</sup> C. Bertolotti, C. Sulmoni, *Islamic State-linked terrorism in Europe. Suicide attacks and self-starters: what the numbers say*. Study paper presented at the NATO Advanced Research Workshop, Skopje, 11-14 April 2018.

area countries, in particular to EU countries because of the 'returnees' phenomenon involving 'foreign terrorist fighters' attempting to come back to their home countries or moving to third countries.

This connection between organised crime and terror jihadi groups includes, in particular, the Tunisian and Italian crime organisations involved in illegal migration and drug smuggling, from Tunisia to Italy, and the Italian organised crime's capability to produce EU counterfeit documents used by illegal immigrants, possibly linked to terror groups, to travel within the European countries. This illegal immigration, from Tunisia to Italy, is different from that one from Libya to Italy because the direct involvement and close cooperation between Italian mafias and Tunisian traffickers and smugglers.

### *1.3.6 Exploitation of illegal immigration by terrorist groups* <sup>33</sup>

Terrorism has spread in an unprecedented manner around the world to a point that it cannot be circumscribed to any particular region or country. This new dimension of the phenomenon accentuated its gravity, for it took into account neither borders nor nationalities. In Africa, as elsewhere, terrorist operations require a lot of money, and banditry and ransoms remain a major supplier. The threat of terrorism remains global and relies on all forms of cross-border crime.

Today, illegal immigration constitutes a real threat to the security and stability of the Euro-Maghreb area, as this phenomenon is aggravated by the uptake of migrants by criminal organisations exploiting human distress. The countries of the Mediterranean basin are currently facing immigration that may be subject to the influence of terrorist groups and criminal organisations, whose ultimate goal is to sow chaos in the region.

This complex phenomenon requires the states concerned to find appropriate solutions that take into account the real causes of this scourge through local development actions to retain populations by offering a decent life for young people. It would therefore be appropriate to support policies to fight against organised crime, to favour a bilateral and multilateral cooperation approach by involving migrant's countries of origin for a concerted and coordinated approach.

Illegal immigration is often associated with terrorism, however, this association cannot be evoked in all cases. These migrations should be treated on a case-by-case basis, particularly for those fleeing insecurity in their country of origin, often incriminated or even demonised in the countries of destination. The lack of rational care for irregular migrants will force some of them to live in a situation of insecurity favourable to criminal and terrorist networks. Coordination between states remains a preventive action. It is true that for the terrorist networks, the migratory phenomenon constitutes a real "business fund", displacing significant human and material resources that can constitute a true migratory movement with criminal vocation. Migration must not be inevitably associated

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<sup>33</sup> This section is written by the researchers of Algeria and Lybia.

with a terrorist risk, although people in illegal or irregular situations may be linked to criminal activities such as trafficking in weapons, human beings, falsified documents, drugs or money laundering.

The flow of illegal immigration from their countries by the route of crossing countries, particularly Libya, gave rise to many problems that must be carefully studied figuring out the causes, for examples, the increase of widespread of both crimes and diseases. The spread of drugs in consumption & trade, and many other social problems yet some countries in the north of Africa turned to both centres & stations for immigrants to cross the borders, so it became a big problem for all countries. The numbers of immigrants increasingly raised day by day to become a source of concern, therefore all parties must meet together to find a proper solution to stop this flux, identifying the effective solutions that limit its effects. Besides, the immigration exporting countries have not succeeded so far to set influential requirements & measures to give up this flow of immigrants. The situations and conditions which forced them to turn to immigration have been increasing due to economic problems, so it indicates that the effectiveness of this phenomenon will continue for a period of time which connected with all related parties in specifying its causes, analysing its results, and to adopt the influential solutions to face these reasons, dealing with its outcomes with a spirit of dedication and responsibility.

#### *The Criminal Groups:*

Finance sources: money laundry, drugs trade, money stealing & embezzlement, bribery crimes, crimes of counterfeiting and customer trafficking crimes.

Human trafficking crimes: the failure of the Libyan State, lacking of its controlling on its borders and land routes contributed in worsening the human situations for immigrants, the human trafficking gangs & the international intelligence appliances played an effective role in human trafficking crimes. These parties exploited the weakness of the Libyan State in combating human trafficking, achieving huge profits and there some international reports confirm that there is a conniving role of some international organisations & countries.

Crimes of Terrorism: the criminal groups worldwide benefit from terrorism phenomenon by utilizing terrorism for its interests, particularly, during the falling down of States and when there is a corruption of the security state institutes including, above all, the army forces, the intelligence and all security forces. They use these illegal groups, the clear poverty in the developing counties, the thought and ideology to grab the Islamic youth in the European rich countries to take part in wars and crisis trading.

#### *The negative effects of the criminal activity:*

There is a close link between the political corruption and the crime currency laundry which caused misusing of the administrative political power by the heads of states, the heads of governments, representatives of

parliament, businessmen and others consequently, the political corruption is tightly linked to utilizing the power to gather the wealth by money trafficking & laundry. These effects can be concluded as follows:

*The activity of criminal groups in Libya:*

Libya suffers from severe weakness in state institutes, particularly the controlling and security authorities, the spread of political, economic, administrative and financial corruption. The disability of controlling the borders which led to meet more convenient climate for those illegal groups due to the following reasons:

- The length of Libyan borders with neighbouring countries and land structures with lacking of technical abilities. The failure of the State of Libya because of the conflicts between many parties after 2011. The absence of central effective government as well.
- The unstable political, economic situation in the neighbouring countries with the spread of corruption in these countries.
- The tribal mixture between borders tribes of neighbouring countries which was used to increase the activity of criminal groups.
- The lack of collaboration between the EU countries especially Italy more influential with Libya due to inactivation of the agreement between Italy and Libya in 2008.
- The powerful increase of the criminal groups in main sources, crossing countries and delivering countries.
- Poor and low standards of living for people who live beside borders particularly the south once.

The Libyan borders are still not safe enough, preserving them to be more secure is considered to be the biggest challenge that the country faces. The weak observation of borders led to increase the markets of weapons, humans and drugs. Besides, the actions of fuel, goods trafficking which caused many negative effects.

Yet to make Libya to be able to adopt an effective strategy to secure its borders, the authorities must combat corruption and dismantle the net of local and economic interests. To activate previous agreements especially the one between Libya & Italy in 2008.

*Research Results:*

- All types of criminal groups with their various activities gave rise to destroy the States and their economies.
- These criminal activities dismantled the societies of these countries via destroying the middle class in the society.
- The economic administrative and political even judicial corruption, the weakness of the armed institute, intelligence and all security appliances effectively contributed in the increase of criminal groups in the society.
- The lack of real intention and the ineffectiveness in its intelligence appliances in tracking, combating the heads of criminal groups.

- The failure of developing countries policies in combating corruption led to falling down and dismantling these countries which caused a weakness of controlling of borders and disability to overcome the criminal groups.

### *Conclusions*

1. The analysis of migration flows within the 5+5 space in the three illegal migration routes led to the following conclusions:
  - The hot spot of illegal migration entries to the EU has shifted from Eastern Mediterranean to Central Mediterranean.
  - The maritime Western Mediterranean route has experienced an important increase in the number of illegal entries between 2015 and 2017. This trend will probably continue in the near future due to the increasing pressure on other routes and factors like the lower prices of the passing services.
  - The predominant origin of illegal migrants in the three routes in 2017 seems to match with the results of a Pew Research Center analysis that establishes that the number of Sub-Saharan migrants grew by 50% or more between 2010 and 2017. This fact explains why illegal migration is increasingly a problem shared by the two shores of Mediterranean.
  - The illegal migrant entries have dropped in the Western African route and in the terrestrial route of the Western Mediterranean. This demonstrates the cooperation between 5+5 countries is vital as well as the need of taking a multidimensional approach to solve this problem.
  - Finally, even if some experts point out that illegal migration networks could be used to introduce terrorists in other territories, no empirical evidence has been found in any report. The Malian path of the Central Mediterranean route could be potentially risky in this regard.

The current situation in the western and eastern Mediterranean region in terms of immigration is the result of an accumulation of unresolved crisisogenic factors that continue to dominate the political system of some countries, particularly those in the Sahel region. Moreover, the security situation in Libya has led to a process of casualisation providing a favourable ground for potential dangers that can materialise in several isolated or combined forms such as terrorism, illegal migration and the proliferation of trafficking of all kinds (weapons, narcotics, raw materials, human trafficking and money laundering).

The geostrategic space that forms the basin of the western Mediterranean, with its background consisting of the Sahelo-Saharan zone, offers a particular configuration marked by the superposition of land and sea borders. Faced with the growing increase of illegal migrant flows, the porosity of the borders in the 5 +5 space quickly appeared as the main point of vulnerability in the face of increasing challenges that are precisely developing over this fragility.

The specter of terrorism widely threatens the '5+5' space; no state in the region could escape it. Referring to the growing phenomenon of violence from the Middle East to the Mediterranean area (5+5 space) with an explicit reference to the so-called 'Islamic State' (IS) organisation, can we say that this is part of the classical concept of terrorism?

The 2015-2018 terrorist attacks confirm the effective operational capability of the 'phenomenon Islamic State', that has shifted from the quasi-state nature with a territorial control, to a denationalised and without borders nature

Jihadis might be penetrating Europe hidden among migrants from the Balkans or North Africa, a prospect which alarms European countries on the frontline of immigration, like Italy.

The connection between organised crime and terror jihadi groups includes, in particular, the Tunisian and Italian crime organisations involved in illegal migration and drug smuggling, from Tunisia to Italy, and the Italian organised crime's capability to produce EU counterfeit documents used by illegal immigrants, possibly linked to terror groups, to travel within the European countries. This illegal immigration, from Tunisia to Italy, is different from that one from Libya to Italy because the direct involvement and close cooperation between Italian mafias and Tunisian traffickers and smugglers.

## **AXIS 2. REGIONAL APPROACHES : COMMUNITIES AND COUNTRIES**

### **2.1. Geopolitical context of the Mediterranean<sup>34</sup>**

The Mediterranean, which is normally a source of wealth and prosperity for the riparian states, is today a matter of safety and security of the first order. Likewise, economic competition and environmental risks are additional factors of concern. These risks have a direct or indirect impact on the management of maritime areas and activities and justify the continual and perceptible change in the vision and understanding of the geopolitical situation in the Mediterranean.

In fact, this area brings together large ethnic groups and civilisations generating and harbouring diverse cultures, and is a model of socioeconomic interdependence between the countries of Europe, the East and Africa. Accessible through the Straits of Gibraltar, the Bosphorus and the Suez Canal, it is also an essential hub for maritime transport. For this, this area had long been a major part of the issues of influence struggles between Europeans, Americans, Russians and recently the Chinese. With the revolutions or uprisings in the south and the economic crisis in the north, this area is currently changing and could increase the risk of conflict, of any kind.

The beginning of the twenty-first century, first marked by the attacks of September the 11<sup>th</sup> and then by the Arab Spring, the financial crisis in Europe and the horrific acts of the extremist forces of the Islamic State in several riparian countries<sup>35</sup>, saw a redesign of maps of Mediterranean geopolitics. Similarly, the Arab-Israeli and Middle East conflicts, the Iranian and North Korean nuclear issues testify to an unpredictable global context.

As a result, migratory movements are concentrated in the south-north direction and their forms are increasingly illegal and clandestine due to instability and regional insecurity. The illegal border crossings identified are the result of mixed flows of migrants in which states must distinguish between asylum seekers, economic migrants and the organisers of these deadly expeditions.

Differences in states' levels of development, coupled with growing instability in the Sub-Saharan space, in the Maghreb and the Levant, fuel the large-scale exodus of people to the north. Unemployment and poverty as well as conflicts in some Mediterranean states (Libya, Syria, Palestine, Lebanon) or in their close neighbourhood (Sub-Saharan Africa: Mali, Niger, Chad, Sudan, Central Africa,...) continue to influence African populations setting off in search of a better life, with all the risks this engenders.

Despite the logistical and coercive means put in place and the administrative restrictions against trans-Mediterranean free movement, migratory flows are still substantial.

In addition, and perhaps a new element observed after 2013, the countries of the southern shores (Tunisia, Algeria, Morocco, Libya,...) have become countries of immigration and residence for Sub-Saharan populations

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<sup>34</sup> This section is written by Settey FETHI, Tunisian researcher and representative

<sup>35</sup> Tunisie, France, Egypt, Espagne, Libye, Syrie, Liban.



who wanted, a few years ago, to cross the sea to reach Europe. Some of them no longer hesitate to settle permanently in the coastal towns of the southern shore. Moreover, Europe is no longer the exclusive destination of poor migrants, who are now heading to the new economic centres of Israel, the Gulf countries and North America.

In addition to the above-mentioned economic reasons, population movements could be further intensified in the Mediterranean as a result of increasing numbers of candidates fleeing the Syrian war, repression in Eritrea and persistent violence in Libya, Somalia, Nigeria, Mali, Iraq, Afghanistan and Sudan. Migrants seek to benefit from the political refugee or asylum regime.

Another category of migrants could be added in the coming years - the climate refugees - and who will participate in the reconfiguration of geopolitics in the Mediterranean. Already, the lack and scarcity of water is beginning to be felt in several countries.

### *2.1.1. Actors involved*

After the end of the cold war, the Mediterranean lost the reputation of being the centre and pivot of international relations in favour of other economically more interesting theaters; it is no longer the main area of conflict between the great classical powers: the United States, Europe and Russia. That has not prevented it concentrating up till now, the majority of the international actors of the beginning of the 21st century. The interaction between power games and strategies of influence is the new rule of Mediterranean geopolitics. Thus to analyse the situation, it is necessary each time to review the map of the political-economic alliances of the riparian states. Another decisive factor not to be omitted in the analysis is that the Mediterranean continues to represent a competitive space between non-riparian states (Iran, Emirates, Saudi Arabia,..) and the classic powers (USA, UK, Russia and China).

Thus, one can argue that peace and international security are partly played out in this area, given the rivalry between influential actors on the one hand: USA, Russia, China and Europe and, we note the rise of the influence of States of the South Bank such as Israel, Turkey, Egypt, Morocco and Algeria on the other hand.

### *2.1.2. Conflict management*

Despite the actions of cooperation and rapprochement between the states of the north and south, there is not even an organisation grouping the individual states around the Mediterranean, despite the proposed Union for the Mediterranean. The countries of the northern and southern shores have established distinct regional organisations: the European Union, the Arab Maghreb Union or the League of Arab States, but they remain divided. Yet, they face common environmental and security problems whose resolution is essential to all.

Identity and economic conflicts hinder the achievement of any meaningful rapprochement or unity of the Mediterranean. The extremism that is spreading in the bordering states and in the peripheral regions seeks to

find a historical and ideological framework for its cause. Behind the theological slogans, a hate remains perceptible in the jihadist enterprise. The phenomenon provokes instability and insecurity. In addition to the historic and persistent Israeli-Palestinian, Cypriot and Saharan-Western conflicts, terrorist operations are turning the Mediterranean into a battlefield. The cost of fighting this scourge weighs heavily in state budgets.

The religious factor used to exploit deep socio-economic or tribal fractures that resurface due to particular contexts of state failure or weakness profoundly affects the geopolitics of the Mediterranean, Libya being the perfect example of this.

The political alliance between Europe, the United States and several southern states on major strategic issues is reducing tension in the Mediterranean. But it remains a space of confrontation between great powers, as we see in the Syrian issue and the Libyan situation.

### *2.1.3. Influence games*

In fact, the post-cold-war appeasement lasted only a short time, as Russia's power reflexes quickly returned after Vladimir Putin's takeover.

Since 9/11, the Mediterranean has been at the forefront of American concerns and has become a key issue in international relations. The United States continues its vigilance in the Mediterranean, in regards to all that could threaten its interests in Europe and/or the security of Israel. It continues to be involved in crisis management in the region: Ukraine; Syria; Libya.

As for China, it persists in favouring geo-economics. Its policy is becoming increasingly ambitious in the Mediterranean as it is both an important political player in major international issues<sup>36</sup> (Iran, North Korea) and a confirmed economic power that strongly defends its interests, without openly and explicitly challenging the military superiority of Americans and Europeans in the region. Thus China is becoming a new influential power in the Mediterranean. Its economic concerns dominate, Chinese nationals are invading southern countries, and its diplomats are very active in these countries to guarantee economic interests.

Europe, meanwhile, tries to keep a direct influence on the neighbouring states through its policies initiated since the seventies of the last century, based on evolutionary partnership agreements going up to the status of advanced good neighbourly relations. Moreover, European authorities maintain a pragmatic relationship with the Mediterranean because it shelters its members in crisis, economically such as Greece, Italy, Spain and Portugal, and these states are at the same time the source of political and economic problems linked to conflict and immigration security (asylum seekers and refugees).

### *2.1.4. Energy resources in the Mediterranean*

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<sup>36</sup>China is a permanent member of the Security Council, it is always asked to vote resolutions or prevent them from passing by the right of veto.

The Mediterranean area is a gateway to the world's main hydrocarbon reserves in the Middle East and Gulf region, in addition to exploration and hydrocarbon drilling projects and activities in all parts of the Mediterranean. Fossil energy resources account for 75% of the energy supply of the Mediterranean countries. Oil and natural gas are more abundant in the land and sea territories of southern countries and lately large offshore deposits have been discovered in the eastern Mediterranean.

The destabilisation of Libya since 2011 and the discovery of natural gas and oil in the eastern Mediterranean off the coast of Cyprus, Israel, Palestine, Lebanon and Syria have profoundly changed the energy map of the Mediterranean basin. In addition, the Libyan territory, home to Africa's largest oil reserves, is in civil war and its production capabilities are under the control of armed groups of all kinds, including Islamic extremists. At the same time, oil windfall is provoking and fueling tribal tensions and increasing the separatist threat.

In the Eastern area, Israeli gas infrastructure would be financed by the Russian company Gazprom, which will benefit from the LPG that will be produced in 2018. The same company is currently negotiating infrastructure projects to export Cypriot gas to the European market.

As a result, this wealth increases tensions and influences the geopolitical data of the region.

#### *2.1.5. An area of strategic interests*

The multiplicity of stakes makes the Mediterranean an area of crises, of regional destabilisations and of transnational threats where can be found an interweaving between Mafia trafficking of goods, money and armaments on the one hand and terrorism and criminality on the one hand. This area is heated by local tensions with global impact, especially in the form of terrorism or around transnational conflict zones such as Israel, Syria, Lebanon and Libya.

Contrary to the analyses made twenty years ago, we must no longer think that the military presence of Americans or Russians in the Mediterranean is imposing or significant.

The presence of the 6<sup>th</sup> US fleet has been called into question since George W. Bush because it is expensive and unnecessary and no longer has a deterrent influence as it did in the Cold War era. Obama and Trump went in the same direction. The number of ships deployed is constantly decreasing. Still, the troops on the ground have not recorded a similar evolution trend and the number has stagnated at around 20,000 agents.

The case of Russia, whose desire to regain a prominent position is reflected in the search for inexpensive acts to offset its economic weakness by an overrepresentation on the world geopolitical scene, against Europeans, Americans and also the Chinese. The affairs of Crimea and Syria are the illustration of this. Both operations have no strategic role, but have a major political impact to counteract European and American influence in the regions concerned. These are two interventions whose purpose is geopolitical.

For the Chinese, without declaring it openly, the Mediterranean is an area of interests. For this they participated in joint military maneuvers with the Russians in this area, in May 2015. The idea is to send a message to the African countries, where the real economic challenge for them is located.

Finally, the regional powers, such as Saudi Arabia, Turkey, Iran and, in recent years, Algeria, Egypt and Morocco seek, by taking political stances or by alliances in military interventions, a place in the circle of influence in the Mediterranean or in the peripheral regions.

#### *2.1.6. Conclusion*

The changing geopolitical situation in the Mediterranean is destabilising the entire region. But the revolutions followed by the rise of radical Islam that provoked a wave of immigration to the north have not profoundly affected the relations between the southern and northern shores. On the contrary, this situation has highlighted the necessity and the need to develop economic and security cooperation between all European governments<sup>37</sup> and accelerate the finalisation of advanced neighbourhood or partnership projects with southern countries.

The upheavals that are shaking the Arab world, the Sub-Saharan African countries and the Mediterranean basin are far from over. The deterioration of the economic situation of the countries of the south in the midst of political change and metamorphosis, is likely to last and will certainly benefit the rising powers, such as Turkey and China.

The countries bordering the Mediterranean as well as the Westerners and the Europeans must revise their vision of the region and make a new geopolitical reading in order to be able to control the situation and act accordingly, to retain an influence allowing to preserve their economic and strategic interests.

Also, an effort to encourage mediterranean states to cooperate in order to settle conflicts by peaceful means would be very interesting for a better stability and a more consistent economic development which would limit the massive exodus of Africa.

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<sup>37</sup>Even European non-mediterranean countries

## 2.2. Mediterranean strategies and initiatives<sup>38</sup>

Cooperation in the Western Mediterranean promotes exchanges and dialogue between the states of the region. It makes it possible to treat and develop certain topics related in particular to migrations. While the European Union (EU) and its neighbourhood policy as well as the 5+5 dialogue work at the regional level, the countries of the south shore develop their respective foreign policies by integrating aspects related to migration flows. Thus, migration management in the Mediterranean has become an important geopolitical axis of the international relations of the region.

It is now necessary to speak of a process of institutionalisation of migration management in the Mediterranean characterised by three specific points revealing the emergence of a migratory complex in the Mediterranean: 1) the European lead in terms of offers of cooperation, 2) the southern shore states cooperate while being concerned about their sovereignty, 3) Mediterranean migration geopolitics cover a region from Europe to Sub-Saharan Africa through North Africa.

Ongoing regional strategies and initiatives can be grouped and presented under the following three registers:

1. The instruments of political dialogue
2. The instruments of technical dialogue
3. Operational mechanisms

### 2.3.1. *The instruments of political dialogue*

Political dialogue on migration takes many forms. From the bilateral dialogue (EU+1) to the informal dialogue of the 5+5 forum via the more institutionalised one of the EU with its Eastern neighbours and Asia (Budapest Process and Prague Process) and those of Africa and the Middle East (Valletta Summit, November 2015), (Rabat Process and Khartoum Process).

#### 2.3.1.1. *In the Euro-Mediterranean context*

##### *Valletta Summit on migration<sup>39</sup>*

The Valletta Summit (11-12/11/2015) which brought together African and European leaders has shaped a strategic framework for dialogue and cooperation on migration issues. The final declaration sets out an action plan articulated around five priority areas: the benefits of migration in terms of development and addressing the root causes of irregular migration and the phenomenon of displaced persons; legal migration and mobility; protection and asylum; preventing and combating irregular migration, smuggling and trafficking in human beings; return, readmission and reinstatement. Europe has simultaneously set up an Emergency trust fund, which is the

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<sup>38</sup> This section is written by Rachid EL HOUDAIGUI, Moroccan researcher and representative.

<sup>39</sup>[http://europa.eu/rapid/press-release\\_STATEMENT-14-2251\\_en.htm](http://europa.eu/rapid/press-release_STATEMENT-14-2251_en.htm)

instrument for implementing the action plan. It was decided that the monitoring of the implementation of the projects would be entrusted, for each region, to the Rabat Process and the Khartoum Process.

#### *Rabat Process<sup>40</sup>*

Launched in 2006, the Euro-African Dialogue on Migration and Development (Rabat Process) aims to create a framework for dialogue and consultation between the countries of origin, transit and destination concerned by migratory routes connecting Central Africa, the West and Western Mediterranean to Europe. It is punctuated by meetings involving more than 60 African and European countries, as well as the European Commission (EC) and the Commission of the Economic Community of West African States (ECOWAS). The principle structuring this dialogue is based on the symmetry between the countries that consider development as a priority to reduce migratory flows and those who consider the fight against irregular migration as a priority. The strategic framework in place until 2017, defined by the Rome Program, adopted at the fourth Euro-African Conference on Migration and Development in 2014, is based on four pillars: organising legal migration; improving border management and combating illegal migration; strengthening synergies between migration and development; promoting international protection.

#### *Khartoum Process<sup>41</sup>*

The Khartoum dialogue is a joint initiative of the European Union and the African Union, launched in November 2014. It is a platform for political cooperation between countries of origin, transit and destination of migrants on the road between the Horn of Africa and Europe. Also known as the EU-Horn of Africa Migration Route Initiative, this intercontinental consultation framework aims to: establish a permanent dialogue for enhanced cooperation on migration and mobility; identify and implement concrete projects to combat trafficking of human beings and smuggling of migrants; give new impetus to regional collaboration between countries of origin, transit and destination on the migratory route between the Horn of Africa and Europe.

#### 2.3.1.2. Bilateral framework (EU+1)

Bilateral dialogues on migration and mobility between the EU and third countries can take different forms. The Mobility Partnerships (MP) as well as the Common Agendas on Migration and Mobility (CAMM) provide important frameworks for policy dialogue and operational cooperation on asylum and migration issues. So far, two such agreements have been signed with Mediterranean partner countries: Morocco and Tunisia<sup>42</sup>.

#### *2.3.1.3. As part of the 5+5 dialogue*

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<sup>40</sup> [Http://www.rabat-process.org](http://www.rabat-process.org)

<sup>41</sup> [Http://europa.eu/rapid/press-release\\_STATEMENT-14-2251\\_en.htm](http://europa.eu/rapid/press-release_STATEMENT-14-2251_en.htm)

<sup>42</sup> [Http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration/index_en.htm)

The political dialogue on the migration issue is taking place both at the level of the Foreign Ministers, but also in other formats as there are also ministerial meetings on migration in the Western Mediterranean, from the interior, of the defence. Despite its limited posture and the weakness of its room for maneuver, examples of constancy, even imperfect ones, deserve to be highlighted.

#### *Conferences of Foreign Ministers*

These conferences are scheduled once a year in the country holding the 5+5 Dialogue chair, in alphabetical order. The fourteenth conference was held in Algiers on the 28<sup>th</sup> of October, 2016. In their official statement, the ministers highlighted the migration challenges facing the Mediterranean region and stressed the importance of the Rabat Process in the management of migration flows.

#### *Ministerial conference on Migration in the Western Mediterranean*

Dialogue on migration policies has become increasingly important because of the crisis in the Mediterranean in recent years. In the last seven conferences<sup>43</sup> the main thrusts of the debate were: integration of immigrants in the host countries, circular immigration and the use of new technologies to manage migration flows. The eighth ministerial meeting is scheduled for Morocco in 2018.

#### *Conference of Defence Ministers of the 5+5 Initiative on Security in the Western Mediterranean*

The Conference of Defence Ministers is virtually the only one in the 5+5 dialogue that has been held once a year since the launch of the 5+5 Defence initiative in 2004. The need to strengthen confidence-building measures as well as cooperation and dialogue in the face of the threats of terrorism, cross-border trafficking and illegal immigration is a major challenge for the years to come.

#### *Conference of Ministers of the Interior of the Western Mediterranean (CIMO)*

The Ministers of the Interior of the countries of the Western Mediterranean conduct a dialogue on practical activities of common interest, relating in particular to the fight against terrorism, the fight against organised crime, and the fight against illegal immigration. The last conference took place in Lisbon on 18-19 May 2015.

### *2.3.2. The instruments of technical dialogue*

The technical dialogue combines a number of initiatives and programmes, the most prominent of which are part of the European Neighbourhood Policy. The 5+5 dialogue has at its disposal tools for technical capacity building within the framework of the 5+5 defence initiative

#### *2.3.2.1. European Neighbourhood Policy*

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<sup>43</sup>1<sup>st</sup> conference: Tunis, 16 and 17 October, 2002, 2<sup>nd</sup> conference: Rabat, 22 and 23 October, 2003, 3<sup>rd</sup> conference: Algiers, 15 and 16 September, 2004, 4<sup>th</sup> conference: Paris, 9 and 10 November, 2005, 7<sup>th</sup> conference: Tripoli, 13 and 14 October, 2010.

### *EUROMED Migration IV*

The EUROMED MIGRATION IV programme<sup>44</sup> now operates within the framework of the European Agenda on Migration, the Global Approach to Migration and Mobility (AGMM) and the EU Communication on Migration and Development, which are closely aligned with the foreign policy and development policy of the EU. Its overall objective is to support the EU member states and southern partner countries of the European Neighbourhood Initiative (ENI) in establishing a framework for dialogue and cooperation, with particular emphasis on strengthening instruments and capacities to develop and implement migration and international protection policies and activities.

The programme (2016-2019) is structured around two pillars:

- Regional dialogue and cooperation: strengthening the conditions for a north-south and south-south constructive dialogue in the areas of migration and international protection (legal migration, illegal migration, migration and development, international protection and asylum).
- Capacity building and small-scale actions: consolidating institutional and human capacities, through nationally-tailored training programmes and targeted technical assistance measures for concrete actions.

### *EUROMED Police<sup>45</sup>*

The Euromed Police IV programme aims to strengthen operational and strategic cooperation through capacity building and increased sharing and analysis of strategic criminal intelligence and the use of existing channels to exchange criminal data, particularly in the area of illegal migration. The EU as well as the southern partner countries have reached a common political convergence, considering security as a prerequisite for economic and social development. Among the priority areas<sup>46</sup> on which the experts concentrate to consolidate their jurisdiction is illegal immigration supported by the criminal networks and the traffic of human beings and border control. In this respect, one of the first exercises of the new Euromed Police IV programme took place in Italy from 11 to 15 December 2017; a wide range of Euro-Mediterranean expertise has been devoted to the different technical aspects of illegal migration and human trafficking, in the presence of representatives of international organisations such as Frontex, Europol, IOM and UNHCR.

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<sup>44</sup>Beneficiary countries: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria, Tunisia and all EU member countries.

<sup>45</sup> See <https://www.euromed-police.eu>

<sup>46</sup> The other axes are: terrorism, cyberterrorism, cybercrime, arms trafficking and drugs trafficking, falsification of documents, financial investigations, money laundering and criminal analysis.



In spite of the complexity of cooperation in this field, the symbolic dimension of the meetings combined with the gathering of high level representatives within the framework of the European Neighbourhood Instrument offers opportunities for constructive meetings and contributes to technical interoperability between Euro-Mediterranean policies.

#### *Dialogue on Mediterranean Transit Migration (MTM)<sup>47</sup>*

The Dialogue on Mediterranean Transit Migration (MTM) is an informal consultative platform between migration authorities in countries of origin, transit and destination along migration routes in Africa, Europe and the Middle East. It operates at the technical level and its informal and non-binding nature allows an open exchange of perspectives that contributes to the formation of official's opinions. Initially focused on transit migration, it has extended its scope to a wide range of migration issues, including "migration and development" and "mixed migration". Since 2015, the Dialogue also encompasses the local level, applying the concept of dialogue and information exchange to a network of five cities in the northern and five cities in the southern Mediterranean. The MTM Dialogue follows the main global, African and European political orientations and fully respects the international legal framework relevant to migration issues. Synergies and cross-fertilisation are ensured with other relevant initiatives.

#### *Mediterranean City-to-City Migration Programme (MC2CM)*

The overall objective of this programme is to improve migration governance in 13 cities in North Africa, through four specific objectives:

- 1) Dialogue: improving multi-level governance mechanisms on migration and migrant integration in the five North African countries and strengthening horizontal and vertical inter-institutional cooperation and coordination, facilitating holistic approaches to migrant inclusion
- 2) Knowledge: generating and disseminating knowledge on the local dimension of migrant integration in the Euro-Mediterranean region
- 3) Action: strengthening the capacity of targeted local authorities to address the integration and inclusion of migrants, including socio-economic opportunities for the general population;
- 4) Transverse communications and dissemination: countering the negative perception of migration at the local level and promoting a human rights-based approach through targeted communication actions.

#### *2.3.2.2. The 5+5 defence initiative*

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<sup>47</sup>The MTM Dialogue was hosted by the International Centre for Migration Policy Development (ICMPD). ICMPD is a European organisation dealing with the global phenomenon of migration.

The actions of the 5+5 defence initiative aim to reinforce the capacities of the security forces in the face of major security risks and the challenges posed by illegal migration. These actions are based on two working methods:

- Dialogue and the exchange of expertise.

Firstly by training to consolidate interoperability, the '5+5 Defence' College sets up training modules for civil and military executives from the ten participating states. It has already conducted 73 sessions since 2008.

Next, through research as a harmonisation tool and as a framework for formulating conceptualised proposals and recommendations. The Euro-Maghreb Centre for Research and Strategic Studies (CEMRES) is conducting studies on the security priorities of the Western Mediterranean. In the light of the current situation, the CEMRES conducted for the year 2018 the present study entitled: 'What approach and what means to implement in defense and security domains to restrain illegal migration and to fight against criminal networks which are related to it in the 5+5 space?'. It goes into more depth than previous research published in 2011.

Finally, in the form of high-level meetings scheduled for each year: for the year 2017, there can be mentioned the meeting of Chiefs of Staffs of the Navy in Algeria (April); the meeting of Chiefs of Staff of the Air Force in Spain (October); the meeting of the general controllers of the armies in Tunisia (September).

- Practical cooperation: operational exercises and simulations. This cooperation has evolved rapidly from a simple requirement and need identification format to a practical one, with simulation activities and joint maritime or air exercises. In 2017, some thirty activities were carried out. For example, the *Sea Border* naval exercise organised once a year since 2008. It enables naval forces on the northern and southern shores of the Mediterranean to gain more experience in the field of maritime security and to develop their interoperability. In 2016, it was organised by Italy, in cooperation with Algeria and Portugal. France organised the exercise in 2017 in partnership with Morocco<sup>48</sup>. In addition, practical cooperation became institutionalised with the launch of the Operational Planning and Coordination Centre (OPCC). It provides for the preparation of officers capable of acting together in a multinational structure (teams of five to eight officers). The contribution of these military units would be in support of civilian means, in the event of a major disaster and at the request of a 5+5 member state.

### 2.3.3. *Operational mechanisms in the management of migratory flows*

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<sup>48</sup> Initiative 5+5 Présidence française 2017, [www.defense.gouv.fr](http://www.defense.gouv.fr)

### 2.3.3.1. Frontex<sup>49</sup> and cooperation with Mediterranean non-member countries<sup>50</sup>

The main challenge of cooperation between Frontex and third countries is to reduce the number of migrants arriving at EU borders by outsourcing border management to these countries through the transfer of European expertise in this area. Indeed, the 2016 regulation governing the organisation and activity of Frontex, entered into force on 6 October of the same year<sup>51</sup>, provides for five types of actions: 1) strengthening the fight against smugglers and traffickers, 2) ensuring the protection of migrants, 3) increasing the number of resettlement and promoting voluntary return assistance, 4) managing migrants crossing the southern border of Libya, 5) strengthening cooperation with the countries of North Africa.

In addition, this mechanism operates in non-EU countries through bilateral agreements signed between some EU and non-EU countries. This is particularly the case for the EU Border Assistance Mission (EUBAM) in Libya. In this respect, Frontex has several operational tools structuring its cooperation offer, particularly:

- *Working arrangements* concluded between Frontex and non-EU States. According to the "Single Programming Document 2016-19"<sup>52</sup>, the agency plans to conclude agreements, including with four Maghreb countries: Libya, Mauritania, Morocco and Tunisia.
- European Migration Liaison Officers. For the moment, only about ten agents are deployed mainly in the Eastern Mediterranean and some Sub-Saharan countries.
- For the moment, only about ten agents are deployed mainly in the Eastern Mediterranean and some Sub-Saharan countries. The agency is developing a network of Frontex Liaison Officers (FLO) in Turkey, Niger and Serbia. It is hoped to have them deployed essentially in Maghreb, by 2020.

Pending the conclusion of the working arrangements, Frontex and the Mediterranean third countries nevertheless continue to strengthen their cooperation through targeted technical assistance projects, using various Commission funding instruments. Current projects help to consolidate the foundations of a functional relationship already established between Frontex and the national authorities of the countries concerned. This is the case of the "Strengthening the Africa-Frontex Intelligence Community" project<sup>53</sup> (2017-2020) which brings together the EU and 31 African countries, including the five of the Maghreb. It focuses on inter-institutional and

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<sup>49</sup>Frontex is a European agency created in 2004 to "promote, coordinate and develop the management of European borders, in line with the Charter of Fundamental Rights of the EU, applied to the concept of integrated border management.

<sup>50</sup> Chris Jones, Briefing, Frontex: cooperation with non-EU states, March 2017, [www.statewatch.org](http://www.statewatch.org)

<sup>51</sup>REGULATION (EU) 2016/1624 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 September 2016 on border guards and coastguards and amending regulation (EU) 2016/399 of the European Parliament and of the Council repealing regulation (EC) No 863/2007 of the European Parliament and of the Council, the Regulation (EC) 2007/2004 and Council decision 2005/267/EC.

<sup>52</sup> Frontex-single-programming-document-2016-2019, [www.frontex.europa.eu](http://www.frontex.europa.eu)

<sup>53</sup> The Africa-Frontex Intelligence Community was set up in 2010 to provide a framework for regular knowledge and intelligence sharing in the field of border security between Frontex and African countries.

inter-regional information sharing as well as strengthening the technical and operational capacities of partner countries. Moreover, for the 2018-2021 period, Frontex plans to adapt the countries of the Mediterranean region, which so wish, to its standards as part of the "Border Security" project.

#### *2.3.3.2. Seahorse Mediterranean Network (RSM)<sup>54</sup>*

The implementation of the RSM is a continuation of the Seahorse Atlantic project<sup>55</sup>. It aims at collaboration and the exchange of information on illegal migratory flows and cross-border crime between North African countries and member states of the Mediterranean region. Information from ship, satellite, drone and surveillance aircraft reporting systems can be exchanged via the Mediterranean Seahorse network. Relevant data come from, among others, the member states, the EUNAVFOR MED military mission, the EU border agency Frontex, Europol, Interpol and other 'regional partners'. The US Army is also part of the shared information area via AFRICOM in Stuttgart. The network is coordinated by a central point (Mediterranean Border Cooperation Centre - MEBOCC). This initiative is part of EUROSUR (European Border Surveillance System EUROSUR) in collaboration with non-EU countries.

EU member states bordering the Mediterranean (Spain, Portugal, France, Italy, Malta, Greece and Cyprus) are part of the Mediterranean Seahorse network. The European Commission is keen to involve Tunisia, Algeria and Egypt<sup>56</sup>. Indeed, with the exception of Libya, which must be the first third world country to join the RSM, the other countries on the southern shore of the western Mediterranean do not seem enthusiastic to share data and information in the framework of the RSM. In reality, cooperation in this area can only work if the priorities are the same, or if the European incentives are symmetrical. However, these countries regard this type of mechanism as primarily intended to serve the interests of the EU.

#### *2.3.3.3. Missions and operations of the Common Security and Defence Policy (CSDP)*

##### *EUNAVFOR MED Operation Sophia<sup>57</sup>*

EUNAVFOR MED Operation Sophia is the EU's naval operation set up to dismantle networks of migrant smugglers and human traffickers in the southern central Mediterranean. Since the beginning of the active phase of the operation (October 2015), which identifies, captures and neutralises ships and boats used or suspected of being used by human smugglers and traffickers, the operation contributed to the arrest and transfer to the

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<sup>54</sup>The Commission arranged its implementation for 2015. European Commission (2013) Communication on the work of the Mediterranean Task Force.

<sup>55</sup> The project was launched in 2006 and ended in 2011. The objective was the control of illegal immigration at maritime borders. It involved up to eight countries: Spain (coordinator) Portugal, Mauritania, Senegal and Cape Verde, Morocco, Gambia and Guinea-Bissau.

<sup>56</sup>See Commission statement "The Commission calls for an acceleration of the implementation of the Migration Partnership Framework and other actions along the Central Mediterranean route", IP / 17/402, Brussels, 2 March 2017.

<sup>57</sup> Launched in 22 June, 2015, the operation was extended until 31 December, 2018.

Italian authorities of 143 suspected smugglers and traffickers, and neutralised 545 ships. In addition, the operation saved 44,251 lives.

On 30 August 2016, EUNAVFOR MED Operation SOPHIA was authorised to take on new support tasks:

- Training Libyan coast guards and the Libyan Navy - Operation Sophia completed a first training module for ninety-three Libyan Navy and Coast Guard officers and launched a second module.
- Contribution to the implementation of the United Nations arms embargo on the high seas off the coast of Libya, in accordance with United Nations Security Council resolutions 2292 (2016) and 2357 (2017);
- Conducting monitoring activities and collecting information on the illegal trade in Libyan oil exports in accordance with UN Security Council resolutions 2146 (2014) and 2362 (2017).

### *EU Border Assistance Mission in Libya (EUBAM)*

On 22 May 2013, the Council of the European Union gave the green light to the EU Border Assistance Mission (EUBAM) in Libya, a civilian mission under the Common Security and Defence Policy (CSDP)<sup>58</sup>. This mission responds to an invitation from Libya and is part of the EU's overall approach to support the political transition in this country. The initial mandate of EUBAM Libya was two years; it was extended twice until 21 August, 2017. The purpose of the mission was to help the Libyan authorities to improve and develop border security<sup>59</sup>. In sum, EUBAM Libya seems to have missed its goal, that of helping the Libyan authorities to acquire the necessary capacities to improve the security at the Libyan land, sea and air borders<sup>60</sup>. This failure can be explained by factors as diverse as they are complex: the relationship between the political crisis and recurrent insecurity; the mission's Euro-centric approach ran up against the anthropological reality in which it was deployed; the divergence of interests and ideas between regional and international actors disrupts any stabilisation process in this country.

### *Conclusions*

1. The Mediterranean, which is normally a source of wealth and prosperity for the bordering states, is today a matter of safety and security of the first order. Likewise, economic competition and environmental risks are additional factors of concern. These risks have a direct or indirect impact on the management of maritime

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<sup>58</sup> EEAS, 'About EU Border Assistance Mission in Libya (EUBAM)' (2016). [https://eeas.europa.eu/csdp/missions-operations/eubam-libya/3859/about-eu-border-assistance-mission-libya-eubam\\_en](https://eeas.europa.eu/csdp/missions-operations/eubam-libya/3859/about-eu-border-assistance-mission-libya-eubam_en)

<sup>59</sup> EEAS, Common Security and defence policy EU (2015), 'Integrated Border Assistance Mission in Libya (EUBAM Libya)'. [http://eeas.europa.eu/archives/docs/csdp/missions-and-operations/eubam-libya/pdf/factsheet\\_eubam\\_libya\\_en.pdf](http://eeas.europa.eu/archives/docs/csdp/missions-and-operations/eubam-libya/pdf/factsheet_eubam_libya_en.pdf)

<sup>60</sup> Gitte Højstrup Christensen, The European Union Border Assistance Mission in Libya – successes, shortcomings and lessons identified, JANUARY 2018, [www.fak.dk/publikationer/Documents/LibyaBrief.pdf](http://www.fak.dk/publikationer/Documents/LibyaBrief.pdf).

areas and activities and justify the continual and perceptible change in the vision and understanding of the geopolitical situation in the Mediterranean.

3. Cooperation in the Western Mediterranean promotes exchanges and dialogue between the states of the region. It makes it possible to treat and develop certain topics related in particular to migrations. While the European Union (EU) and its neighbourhood policy as well as the 5+5 dialogue work at the regional level, the countries of the south shore develop their respective foreign policies by integrating aspects related to migration flows. Thus, migration management in the Mediterranean has become an important geopolitical axis of the international relations of the region.

It is now necessary to speak of a process of institutionalisation of migration management in the Mediterranean characterised by three specific points revealing the emergence of a migratory complex in the Mediterranean: 1) the European lead in terms of offers of cooperation, 2) the southern shore states cooperate while being concerned about their sovereignty, 3) Mediterranean migration geopolitics cover a region from Europe to Sub-Saharan Africa through North Africa.

Ongoing regional strategies and initiatives can be grouped and presented under the following three registers:

- a) The instruments of political dialogue
- b) The instruments of technical dialogue
- c) Operational mechanisms

## AXIS 3 - COOPERATION AND SECURITY FOR THE '5+5 SPACE'

### 3.1 The common threat of terrorism<sup>61</sup>

In the North Africa and Europe, the terroristic organisation of the so-called 'Islamic State' has been able to put in place two types of direct threat to the security of citizens and national institutions.

On the one hand, the 'organised and structured' one: suicide commando and team-raids militarily prepared and equipped that used asymmetric warfare techniques developed in Iraq, Syria and Afghanistan. A threat that would continue to grow with the return of thousands of foreign fighter and with the availability of weapons facilitated by a growing connection with the organised crime.

On the other hand, the threat is 'unorganised or semi-structured': individuals, who emulates the most striking and media-relevant actions presented by IS with its propaganda. It is based on low-cost actions carried out with easy-to-find tools used as weapons, such as knives and cars, with high level of improvisation. This tactic is able to spread panic and imposes relevant security policy measures: it is a 'low-income' social approach that brings an increasing number of events.<sup>62</sup>

Most of terror attacks carried out in Europe in 2015-2018 involved second or third generation citizens. This is a specific evidence of the involvement of young generations, particularly from urban peripheral areas, which may not be immune to the claims and narrative of Islamist propaganda, both face-to-face and online. IS organisation and strategy evolve and move towards a new social approach to, recruit 'would-be' fighters all over the world, without them ever having set foot on the battlefield, in order to conduct operations within their own countries. In parallel to this of recruitment, a recent Europol study reported some 300 cases of radicalisation attempts by IS recruits in the period 2015-2016 involving migrants and asylum seekers.<sup>63</sup>

For the next future, IS, IS-linked groups and more in general *jihadi* movements, will probably concentrate on its ability to influence the youths through radicalisation: and this represents a more dangerous threat to the security of the '5+5' countries than the one that has emerged in recent years. European and North African countries have developed and implemented different kind of responses. In addition to the more traditional repressive measures, numerous States have launched initiatives and 'soft' prevention and rehabilitation programs, with the aim of 'countering violent extremism' (CVE), but with results that are not satisfactory, as highlighted by the negatively concluded Spanish and French experiences.<sup>64</sup>

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<sup>61</sup> This section is written by Claudio BERTOLOTTI, Italian researcher and representative.

<sup>62</sup> C. Bertolotti, *Terrorism: ISIS strikes Europe and threatens Italy*, Focus – Area Analysis, Osservatorio Strategico 4/2017, p. 58-60

<sup>63</sup> *Ibidem*.

<sup>64</sup> Humera Khan, *Why Countering Extremism Fails*, Foreign Affairs, 18 February 2015, and Clarke Jones, *Why countering violent extremism programs are failing*, Policy Forum, 30 June 2017.

The management of the returning jihadists from the war theaters, also through the migration flows from Libya, Tunisia and Morocco, represents a complex challenge. They are a relatively large group of people with different psychological profiles, experience and motivations. One of the most important aspect is that this group could include not only male foreign fighters, but also women and children who have moved to the IS without directly taking part to combat.

For these reasons, not only the direct foreign fighters but also the large community in which they are included represent the focus of the overstressed intelligence and investigative North African and European organisations, which are concentrated on countering terrorism and radicalisation phenomena.<sup>65</sup>

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<sup>65</sup> C. Bertolotti, *Terrorism...*, cit.



## **RECOMMENDATIONS (AXIS 1)**

### **Algeria**

Preventing the emergence of risks involves, first and foremost:

- exchange of intelligence to combat terrorist and criminal networks
- regional cooperation and coordination to prevent and contain the illegal entry of migrants
- the development of the economic, social, educational and health environment
- the promotion of an economic partnership between the countries of both shores of the Mediterranean
- assistance to countries of departure of illegal immigration agents with professional prospects for youth to encourage people to remain in their region
- increasing efforts to retain populations through economic assistance, and to encourage states towards democracy
- steering of development projects and support for better governance
- to open up prospects of legal immigration in the countries of the European Union
- to define a new policy of proximity and neighbourhood between the European Union and southern countries
- strengthening of the "top-security" legal arsenal is not the best way to cooperate and eradicate intolerance
- initiating communication and awareness campaigns.

### **France**

- Renew as necessary the United Nations Security Council resolution to neutralise or render inoperative the vessels used by traffickers on the high seas and in Libyan territorial waters.
- Support and help set up drop-out and return assistance centres for migrants in the Sahel countries, under the auspices of the International Organisation for Migration (IOM), as already exists in Niger.

### **Italy**

- Establish a multilateral framework involving '5+5 Defence initiative', NATO, UE in order to create structured and strategic staging areas (Coordination Security Spots) in extra-EU countries under the aegis, the coordination and control of the EU.
- Involve NATO in securing the Southern Flank (including the 5+5 Mediterranean area).
- Protect joint borders as a top priority. Direct military control (based on bi/multilateral agreements) of the southern Libyan border areas involving the '5+5 Defence initiative' countries under the EU umbrella and the NATO.

- Counter to the connection between organised crime groups involved in human trafficking and terror groups. In particular a direct commitment is needed to contrast the financing sources and the document counterfeiting.
- Coordinate and limit non-state actors (i.e. NGOs) in activities connected with the mass migration flows management.
- Access to EU budget for migrations 'EU 2012-2027' and to 'EU Trust Fund for Africa' in order to involve '5+5 North African countries' in implementing socio-economic transformation.

### **Libya**

- Pass laws, legal regulations that deter these criminal groups and their activities.
- Support the main sources, encouraging investment & development assisting them to achieve justice and combating the governmental corruption.
- Assisting Libya in the political & economical parts, supporting the central government, not to interfere in its inferior affairs.
- Focusing on assistance to enhance the standards of living particularly in the south areas of the northern African counties.
- Assistance in utilizing updated technology in boarders observation.
- Adopt strategies & studies to stop these crimes.
- Assistance in solving the armed conflicts, giving up selling and importing of weapons for all parties in the countries.
- Organizing training courses for the coastal guard members.

### **Spain**

It is crucial to strengthen the cooperation in the frame of 5+5 Defence for assuring stability in the Sahel region:

- The North of Mali controlled by armed groups could be a potential spot to introduce criminals in the 5+5 territories through illegal migration routes.
- New hotspots may emerge for countering the increasing border control in traditional illegal migration routes. In this scenario, it is crucial the establishment of warning systems and protocols that allow the exchange of information for a quick detecting of new alternative routes in which could operate criminal networks.
- To increase the maritime border control between Northwest Africa and the Canary Islands against the criminal activity in the area, involving the trafficking of drugs and weapons.

A cross-cutting approach is needed to cope with illegal migration and eradicate the criminal networks operating along borders:

- Maghreb countries' experience and knowledge of cultural and social realities of Sahel may be crucial for dealing with local elites. The implication of the last ones in the illegal migration networks is well known in some cases.
- The experience of The Regional Coordination Centre in the Canary Islands may inspire the establishment of new coordination centres in which participate countries of both Mediterranean shores in the 5+5 space. In this centre it has been implemented mechanisms for the coordination between national and international security agencies; civil and military organisms; and different Administration levels for dealing with all issues related to illegal migration.

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**ANNEXA : National Strategies and Policies**

## France

### ***The National Immigration Strategy***

#### *The approaches of French immigration policy*

The French immigration policy thus pursues two complementary objectives: to achieve a better control of migratory flows and to obtain a better match between regular immigration and the real needs of the country while promoting the integration of new migrants. France is the point of arrival of migratory flows that are not commensurate with those previously known. In this context, the Government has established a new law for controlled immigration, an effective right of asylum and successful integration.

French policy favours a method: to treat the migratory phenomenon in its entirety and in the framework of a partnership with the main countries of transit and origin involving a greater mobilisation of Europe.

France wants to regain control of migratory flows on its territory. Significant progress has already been made in this area. The French authorities want to act with firmness to enforce the rule of law, avoid misuse of procedure, and to verify foreign national's desire for integration.

#### *A strengthened effort towards combating illegal immigration*

Illegal immigration, which essentially covers the illegal crossing of borders and, to a lesser extent, the retention on our territory of persons who have entered legally with or without a visa, is a source of much trafficking and suffering: the fight against this scourge must be determined.

To tackle illegal immigration, several tools must be combined:

The law now makes a "visa for a stay longer than three months" that is to say the long stay visa the necessary condition of establishment in France and the issuance of the residence card. This long-stay visa becomes mandatory for any French person's spouse, for foreign children of French people and descendants dependent on a French person or their spouse.

The increase in the number of people being taken back to the border is also one of these tools. Diplomatic steps of great firmness are also undertaken with regard to the uncooperative countries in the issue of consular passes essential for the return of their nationals at the border.

The fight against fraud is another aspect of this policy. The introduction of biometrics appears to be an effective way to strengthen controls at consular and border posts.

France is committed to combating illegal immigration networks through upstream action, as close as possible to the countries of origin and transit of migrants. France dismantled more than 300 smuggling networks in 2017. As such, it supports the work of the International Organisation for Migration (IOM), which has opened an office in Agadez, Niger, at the crossroads of migratory routes.



## Italy

### *Illegal Immigration Policy And Strategy*

The main Italian legislation relevant to immigration detention, asylum procedures, and reception conditions is the Consolidated Immigration Act<sup>66</sup>, issued in July 1998. It affirms the fundamental rights of undocumented migrants. As stipulated in article 2 of the Immigration Act, a non-citizen 'regardless of how he is present at the territory of the State,' shall have his fundamental rights recognised.<sup>67</sup><sup>68</sup>

Law n. 40/1998 established the detention of non-citizens. Article 11 provides the grounds for issuing an administrative expulsion order, including for overstaying a visa by more than two months and entering Italy by evading border controls. Article 12 states that when it is not possible to immediately return someone at the border or complete an expulsion order, the police commissioner may order detention at a temporary holding facility.

Law n. 189/2002 provided substantive changes in immigration detention policy.<sup>69</sup>

#### *Italy's migration agenda has been reflected in legal changes*

In April 2017, Italy adopted Law 46/2017, which established several new immigration and asylum control measures. It amends the Consolidated Immigration Act to characterise the repeated refusal to provide fingerprints as a 'risk of absconding' and therefore as a ground for pre-removal detention (Art.17). Detention in such circumstances is to be carried out in pre-removal detention centers rather than hotspots.<sup>70</sup> In brief Law 46/2017:

- introduced a new article to the Consolidated Immigration Act that expanded the criteria for assessing the risk of absconding to include repeated refusal to give fingerprints.
- eliminated the possibility of appealing a first instance court decision rejecting an asylum application, making appeal possible only through the Supreme Court.
- simplified the asylum procedures by removing the courts' obligation to hear an asylum seeker—instead, the applicants' testimony is now to be videotaped and the court has the option of deciding on whether it is necessary to conduct a full hearing.

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<sup>66</sup> *Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero*, the 'Immigration Act'.

<sup>67</sup> Article 10 of the Italian Constitution provides that the legal status of foreigners is regulated by law in conformity with international norms and treaties and affirms the right to asylum. Article 13 of the Constitution provides that personal liberty is inviolable and that detention shall only be allowed for judicial reasons and in a lawful manner.

<sup>68</sup> *Italy Immigration Detention Profile*, Global Detention Project, January 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/GDP-Immigration-Detention-Report-2018.pdf>.

<sup>69</sup> Parlamento, 'Legge 30 luglio 2002, n.189, 'Modifica alla normative in materia di immigrazione e di asilo', 2002, <http://www.camera.it/parlam/leggi/02189l.htm>.

<sup>70</sup> *Italy Immigration Detention Profile*, cit.

- allocated 13 million euros for the establishment of new detention centres.<sup>71</sup>

**Length of detention.** The maximum length of pre-removal detention is 90 days (Consolidated Immigration Act, Art 14(5)); the maximum length of detention for asylum seekers is 12 months (Decree 142/2015, Article 6.8). The police commissioner may prolong the detention of an applicant for international protection for periods that do not exceed 60 days.<sup>72</sup>

**Hotspots.** In May 2015 the European Commission outlined its new ‘hotspot’ approach. Hotspots (located at arrival points in frontline member states<sup>73</sup>) are ‘designed to inject greater order into migration management by ensuring that all those arriving are identified, registered and properly processed.’<sup>74</sup>

In the complex, the Italian government has made significant legal reforms; in particular it has:

- stopped adopting emergency decrees to manage the overall system of reception;
- increased the number of committees scrutinizing asylum applications fourfold, and recruiting trained officials to staff them.
- created specialised court sections for immigration;
- abolished one degree of judicial appeal to speed up proceedings.

### *Italy: target of mass migration*

Italy has been the target of mass inflows of boat people for much longer than other EU countries involved in the recent crises.<sup>75</sup> The increased number of arrivals and greater implementation of EU rules have led to exponential growth in the number of asylum applications. With 123,000 applications, in 2016 Italy ranked third among the members of the Organisation for Economic Co-operation and Development (OECD).<sup>76</sup> In recent years trends have stabilised, with around 40 percent of applicants granted protection at the administrative stage, including 5 percent who receive refugee status, 15 percent international protection and 20 percent national humanitarian protection, a discretionary form of protection given by the single judges.<sup>77</sup>

### *The Italian response to immigration phenomenon*

#### *Diplomatic and politic efforts*

Italy has responded to this ‘critical’ situation by ramping-up its domestic detention system as well as interdiction efforts aimed at preventing migrant boat arrivals from North Africa, and in particular from Libya, the country

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<sup>71</sup>Italy Immigration Detention Profile, cit.

<sup>72</sup>ibidem

<sup>73</sup> Italy and Greece.

<sup>74</sup>Italy Immigration Detention Profile, cit.

<sup>75</sup>C. Hermanin, *Immigration Policy in Italy: Problems and Perspectives*, IAI working papers 17 | 35 - December 2017

<sup>76</sup>Eurostat, *Asylum and First Time Asylum Applicants by Citizenship, Age and Sex. Annual Aggregated Data (Rounded)*, 4 October 2017, [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_asyappctza](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza)

<sup>77</sup>C. Hermanin, *Immigration Policy in Italy*, cit.

through which most migrants landing in Italy transit. Libya lacks a strong central authority capable of exerting control over the territory: for this reason, border management mechanisms such as the EU–Turkey deal of 2016 have not been easy to replicate. Italy has also intervened in Libya, supporting International Organisation for Migration (IOM) efforts to ‘voluntarily return’ migrants from detention centers in Libya to their home countries and relocating some of them to Italy.<sup>78</sup> Furthermore, in order to provide an immediate solution to the increasing number of arrivals, in 2017 Italian government established a direct dialogue with Libya’s government in Tripoli, as well as local and non-state actors in the country.

#### *Military efforts*

The Italian Navy’s *Mare Nostrum* search and rescue (SAR) operation, established in October 2013, was closed down in 2014 because its massive costs<sup>79</sup> and because it was a pull factor for migrants.

The EU border agency’s Triton – an ongoing operation – took the baton focusing its mandate on border management activities excluding Libyan waters.

The military operation EUNAVFORMED Sophia ranges from analyzing smuggling routes to destroying smugglers’ boats and training Libyan coastguards.

#### *Conclusions*

In conclusion, at present the Italian response to illegal migration is based on seven main course of actions: Forced returns, especially through bilateral and multilateral readmission agreements and cooperation with the migrants’ home and transit countries, including Egypt, Tunisia, Nigeria, and Morocco. Within Europe, Italy has been a leading proponent for increasing cooperation with African countries — particularly Libya — in order to stem migration flows.

Temporary closing of the harbors to all the NGO not in agreement with the Italian and international rules and laws.

Military presence and activities in the Mediterranean Sea.

Extension of the administrative detention system for illegal immigrants.<sup>80</sup>

Speeding up asylum procedures. With a view to relieving the overloaded asylum and reception system and cutting procedural red tape.

Public-utility work for asylum seekers, financed by European funds.

Investments in integrated reception and voluntary returns, and transparency commitment:

- double funds for Assisted Voluntary Returns (AVR),

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<sup>78</sup>Italy Immigration Detention Profile, cit.

<sup>79</sup>Estimated 9.5 million euros a month.

<sup>80</sup> Quadruple capacity, from the 400 places to 1600, achieved by opening new Centers for Permanence before Return (Cpr).

- local authorities of the SPRAR network are involved with the aim of promoting more diffuse and integrated reception,
- improving transparency on the management of services in migrant reception centers and the extension of the authority of the national Guarantor for the Rights of Persons Detained or Deprived of Liberty on the centers.

## **Morocco**

### *National Immigration and Asylum Strategy*

Because of its geographical position at the door of Europe, Morocco is strongly concerned by the migration issue. Once a country emitting illegal migrants and a transit point of Sub-Saharan migration to Europe, it has gradually become a host country for migrants. Morocco has always advocated a comprehensive and integrated approach to address the structural issue of migration that incorporates both human and security considerations. This was evidenced by the adoption in 2013 of a new immigration and asylum policy.

### *Foundations*

As part of the implementation of the new national migration policy, the National Immigration and Asylum Strategy has been drafted in accordance with the following principles:

- ✓ The Royal Instructions of His Majesty King Mohammed VI on the new migration policy
- ✓ The Constitution of the Kingdom of 2011
- ✓ The recommendations of the National Council of Human Rights
- ✓ Morocco's international commitments in the field of Human Rights
- ✓ The vision adopted in the strategy is supported by 6 guiding principles: Humanist Approach - Global Approach - Respect for Human Rights - Compliance with International Law - Renewed Multilateral Cooperation - Shared responsibility.

### *Action programmes*

This vision is divided into 11 action programmes namely: Education and Culture; Youth and Sport; Health Housing; Welfare; Professional training; Employment; Flow management and the fight against trafficking; International Cooperation and Partnerships; Regulatory and conventional framework; Governance and communication.

The major objective of these actions is to ensure successful social integration of migrants and refugees in Morocco, in consultation with the public institutions and Departments concerned by the migration aspect.

### *Contingency plan*

Prior to the effective implementation of this strategy, an emergency plan was adopted by the Ministry to meet the integration needs of migrants who obtained their residence permits.

It is in this sense that framework agreements have been signed with the Departments and public institutions concerned with the migration aspect, such as the Ministry of national education and vocational training, the

Ministry of solidarity for women in the family and social development, the Ministry of Youth and Sport, the Office of Vocational Training and Promotion of Work...

In terms of humanitarian assistance, a framework convention has also been signed with the Moroccan Red Crescent to provide emergency humanitarian assistance to the category of vulnerable migrants.

### *Legalisation*

After the legalisation of 28,000 immigrants in 2014, Morocco launched a new wave of legalisation from December 2016. The Moroccan authorities are counting on the legalisation of 16,000 migrants by December 2017.

## Spain

### *National strategy against illegal immigration*

Spain's strategy towards the fight against illegal immigration in the 5+5 area is based on two axes: the protection of the EU's maritime borders in partnership with European countries and NATO ally countries; and the establishment of bilateral cooperation agreements with the countries of origin of illegal immigrants.

Regarding the first axis, Spain is actively participating in the European Union Naval Force - Mediterranean operation (EUNAVFORMED SOPHIA). This operation particularly targets illegal immigration networks in the Mediterranean. Spain has been part of this mission since its launch on 22 June, 2015. Spain is currently the second largest contributor<sup>81</sup> after Italy and brings a contingent of 264 military plus a frigate, a helicopter and a maritime patrol aircraft stationed in Sigonella (Sicily). Since 20 June 2016, two new tasks have been added to the EUNAVFORMED SOPHIA operation: the training of the Libyan coast guard and the Libyan navy, as well as the implementation of the arms embargo to Libya, approved by the UN. Spain is actively participating in these new tasks, particularly after having taken command of sea operations since September 2017.

Spain is also part of the *task group* established to develop missions for the maritime security of the Western Mediterranean as part of NATO's Operation SEA GUARDIAN. This operation aims to counter terrorism and threats to the security of maritime transport and critical infrastructures in the Mediterranean since November 2016. Spain contributes personnel to different missions and since the 1st of March 2018 commands a *task group* constituted of the Spanish frigate Navarra (F-85), the Italian frigate Eolo, the Belgian frigate Louise-Marie, the Spanish submarine Mistral and the Spanish patrolman Serviola.

The second axis of the strategy is directly related to the specific problems of illegal immigration in Spain. The geographical location of Spain offers two privileged locations for illegal access to the EU from North and West Africa, namely the Strait of Gibraltar and the Canary Islands. The passage through the strait is mainly from the north coast of Morocco as well as from the cities of Ceuta and Melilla. The passage to the Canary Islands is from several countries of the Atlantic coast of Africa.

The so-called 'cayucos crisis' marked a turning point in Spain's approach to illegal immigration<sup>82</sup>. Even though illegal entries across the Atlantic coast of Africa represented a modest percentage compared to the rest of illegal immigration, the humanitarian crisis and social alarm made the Spanish authorities react. As well as the organisation of rescue operations and the reception of immigrants, the government decided to put into operation the Canary Islands Regional Coordination Centre (CCRC). This body is a new approach to the management of

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<sup>81</sup>The budget devoted to this mission was 67 million euros in 2016 and 84.3 million in 2017.

<sup>82</sup> During 2006 the coast of the Canary Islands received 31,678 migrants plus 6,000 estimated dead. These figures were five times higher than those of the two previous years. The Spanish authorities estimated that almost half of the immigrants came from Senegal. Other emitting countries were Mauritania, Morocco, Senegal and Guinea.

migration crises as it sets a precedent in different areas: civil and military coordination, cooperation between security agencies as well as interaction with state, EU and local bodies<sup>83</sup>. In parallel, Spain has developed excellent cooperation with Senegal, Mauritania and other countries<sup>84</sup> of origin of the 'cayucos'. On the other hand, since 2011, the Gulf of Guinea has been part of the defence diplomacy plan and various cooperative security activities have been developed with the countries of the region.

In this context of cooperation, close collaboration with the Maghreb countries is very important for Spain. In the case of Morocco, cooperation in border control<sup>85</sup> has been fundamental to reduce illegal entries across the land borders of Ceuta and Melilla as well as access by sea. As far as Algeria is concerned, cooperation has been very intense since the Cooperation Agreement on Combating Terrorism and Organised Crime entered into force in 2009. In the same strategy of collaboration is the establishment of a bilateral security cooperation plan signed with Tunisia in 2017, including maritime surveillance.

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<sup>83</sup>This is a new approach with internationally recognised success: FRONTEX (2013); FRONTEX (2018); KEMP, W. (2016).

<sup>84</sup> During the period 2005-2016, 168 million euros were earmarked for development aid projects as well as strengthening border control of these countries. For example, the Guardia Civil permanently deployed two patrol boats to Nouadhibou and a helicopter from the maritime rescue service. It also periodically used an oceanographic vessel and a CN-235 maritime patrol aircraft. On top of this, four patrol boats were offered and their crews received specific training.

<sup>85</sup> For example, the establishment in 2012 of two police and customs cooperation centres (CCPD) in Morocco in Tangiers and in Spain in Algeciras.



## SHORT BIOS OF THE CONTRIBUTORS

**CLAUDIO BERTOLOTTI** (PhD in Sociology and Political Science) received a B.A. in Contemporary History and he is specialised in Sociology of Islam. His research has focused on 'Terrorism', 'Jihadi Radicalism', contemporary small wars and asymmetric conflicts in the MENA area. As Military Officer, he served as NATO Counter-intelligence analyst and Section chief in Afghanistan. Since 2008, he has lectured Italian staff personnel teaching 'History, Societies, Cultures and Conflicts of Contemporary Afghanistan'. Since 2015, he is Senior Researcher at Centre Euromaghrébin de Recherches et d'Etudes Stratégiques (CEMRES) and Italian Representative at the '5+5 Defense Initiative' Research Working Group. Currently, he is Head of Research at 'START-Insight' (Security and Terrorism Analysis and Research Team-Network), Senior Research Fellow and Research Coordinator at Italian Military Centre for Strategic Studies (CeMiSS), researcher and lecturer at Italian Institute for International Political Studies (ISPI) and Italian Society for International Organisation (SIOI), Subject Matter Expert at NATO, and he is member of ITSTIME (Italian Team for Security, Terroristic Issues & Managing Emergencies).

**FLAVIEN BOURRAT** is a researcher at the Institute for Strategic Research of the Ecole Militaire (IRSEM) for the North Africa - Middle East region. Geographer by training, he has been working for 30 years on the Arab world with a particular focus in the military-security fields. He specializes particularly in the Maghreb countries, where he made several long-term professional trips. He was head of the Middle East and Near East Maghreb office at the Ministry of Defense's Strategic Affairs Delegation, before joining IRSEM. He is a researcher at the Euromaghreb Center for Research and Strategic Studies (CEMRES) within the framework of the 5 + 5 defense initiative in the Western Mediterranean. He teaches contemporary Maghreb and Middle Eastern geopolitics at the National Institute of Oriental Languages and Civilizations (INALCO).

**ANA ISABEL GONZÁLEZ SANTAMARÍA** is PhD. in Applied Economics, Economist specialised in Arab Economies and Economic relations between Spain and Arab countries. She has been in charge of the Business Program of Casa Árabe since January 2008 until June 2013. Previously she worked as Market Analyst at the Spanish Commercial Office in Amman (Jordan) during eight years. In previous jobs she worked as a Foreign Trade Promoter for several Spanish institutions in Morocco, Paris and Brussels. She is a professor in the Business Administration and Management Bachelor's degree in ESIC Marketing and Business School as well as in several masters and postgraduate courses like the Postgraduate Course on Economic Intelligence and Security run by ICADE and Mas Consulting. She has been the Spanish researcher in the working group of CEMRES research project since 2014.

**AHMED HADJERES**, Colonel, Algerian Armed Forces.

**AHMED MOUFTAH MOUHAMED ALDEEB**, Director of the Libyan Strategic Studies Centre

**ANA SANTOS PINTO**, PhD, Portugal

**FETHI SETTEY**, Director of the CEMRES, Tunis, Commodore Tunisian Armed Forces.

**HICHEM DOGHRI**, Lt. Colonel Tunisian Armed Forces.

**HOUSSINE RAMADAN ABDELKADER AL MOUSRATI**, Colonel, Libyan Armed Forces.

**IGNACIO FUENTE COBO**, Colonel Spanish Armed Forces.

**MEGUETT EL HACEN**, Colonel, Mauritanian Armed Forces

**MOHAMED ABDELLAHI HORMA ABDELJELIL**, Colonel Mauritanian Armed Forces

**MOHAMED SEBENTOUTE**, Lt. Colonel Algerian Armed Forces.

**NOUREDDINE MOHAMED ACHOUR ELGHAWI**, Capitaine de Vaisseau, Libyan Armed Forces.

**RACHID EL HOUDAIGUI**, Morocco

**SAID ANSRAH**, Colonel Moroccan Armed Forces

**ANDREA CARTENY** is PhD in History of Europe, enabled as Associate Professor of History of International Relations. He is Director of CEMAS (Interdepartmental Center of Research and Cooperation with Mediterranean, Eurasia, Sub-Saharan Africa) and University Researcher at the Department of History Cultures Religions. He teaches History of Eurasia at the Faculty of Letters and Philosophy and Nationalisms and National Minorities in Europe at the Faculty of Political Sciences. His studies and research activities are focused on topics related to the history and civilisations of Eastern Europe, geopolitics and security studies in the Mediterranean area, nationalisms and national minorities in Eurasia.