
Beyond the criminalisation of migration: a non-western perspective

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Abstract: A number of non-western source countries have been involved in the control of migration and borders leading to the adoption of restrictive laws and policies aimed at 'fighting against irregular migration'. North African countries are a case in point. This article sets out to look beyond the oft-cited securitisation of migration policies and the consequential criminalisation of irregular border-crossing. North African countries' proactive involvement in the reinforced securitisation of migration policies is examined while making use of the various heuristic devices produced by the scholarship and focusing on policy transfers, socialisation, norm diffusion and localisation in international systems. By adopting a non-western perspective, this study demonstrates that, ultimately, there is no stable point from which to observe cooperative systems and analyse socialisation, for both socialisees and socialisers may play interchangeable roles, under specific conditions. These conditions are thoroughly examined.

Keywords: socialisation; diffusion; criminalisation; international relations; North Africa; Sahel; migration; localisation; transgovernmentalism; policy transfer; border studies; European Union.

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1 Introduction

If the criminalisation of migration pertains to the array of restrictive laws and policy provisions aimed at deterring people from seeking safer harbours abroad and at delegitimising their aspirations for decent living conditions while deflecting public

attention from the actual causes of their ordeal, then criminalisation is a *fait accompli* in the West.

A growing number of non-western source countries have been involved in the control of migration and borders leading to the adoption of equally restrictive laws and policies aimed at ‘fighting against irregular migration’. While recognising the prescriptive strength of international norms and external policies imported from abroad, this article sets out to look beyond the oft-cited securitisation of migration policies and the criminalisation of irregular border-crossing in order to account for the manifold factors motivating non-western countries’ responsiveness. International relations (IR) scholars across disciplines have already produced heuristic devices in this regard that are examined in the first part of this study. In the second part, this article sets out to show that permeability to external policy transfers, including external calls for reinforced cooperation on migration and border controls, have been adaptively reinterpreted by non-western governments with a view to reaching other ends. North African countries and their southern neighbours in the Sahel are a case in point.

2 On socialisation and localisation

Analysing the potential prescriptive strength of norms, the effects of socialisation among state actors having conflicting vested interests to maximise their own benefits, studying the diffusion and internalisation of norms and ideas across borders and in international systems constitute the major thematic orientations of conventional constructivism. Its primary rationale was to propose a shift over neorealism and to explicate that, while vested interests and utility maximisation matter in IR, the latter are far from being “exogenous and given” [Ruggie, (1998). p.864]. Rather, normative factors, at international and domestic levels, as well as ideas and identity formation shape actors’ interests and perceived contingencies much more than a materialist approach to IR would recognise. Consequently, since its inception, one key concern of constructivism has been to show how ideas and norms have constitutive effects in national and international politics. However, determining the causal relationship between norm diffusion and domestic political and institutional change has often been challenging, probably because of “the largely structure-centred ontology” [Checkel, (1999), p.85] by which many scholars have emphasised the role of norm entrepreneurs and addressed norm diffusion and internalisation.

It is surprising to observe how unbalanced has the IR approach to structure and agency been when realising the array of studies focusing on what Goodman and Jinks (2004, p.670) referred to as ‘decoupling’ namely the gap between “structural adherence to globally institutionalized models [and] actual state practices on the ground.” In their opinion, decoupling is not an impediment to the diffusion of global norms. Both authors introduced the notion of ‘acculturation’ whereby an actor is imposed by other actors (be they states or non-state actors) and also by the self to change behaviour and to be more mindful of human rights observance as defined in international law. Acculturation occurs when a state actor identifies itself with a reference group and sets out to maximise its status and recognition from peers: “identification with a reference group generates varying degrees of cognitive and social pressures – real or imagined – to conform” [Goodman and Jinks, (2004), p.626] leading to enhanced exposure to global cultural forces. In other words, state actors value the judgement of the reference group to which

they belong and their search for recognition is not only motivated by their meaningful relationship to the community but also by their self. The reflection of Goodman and Jinks (2004, p.702) is important to understand that membership should first and foremost be meaningful and valuable to the actor concerned “before investing heavily in persuasive techniques to define obligations more precisely.” In other words, we should avoid putting the cart (i.e., coercive conditionalities and other persuasive techniques) before the horse (effects of acculturation). Their vision is based on an optimistic approach to socialisation through learning, iterative interactions aimed at reducing conflict and argumentative techniques whereby states actors are brought into the fold and gradually begin to imitate and emulate the group to which they belong. Yet, one could argue that emulation does not automatically lead to conformity or compliance – if the latter can ever be measured at all with solid and unquestionable criteria. As Schimmelfennig (2000) clearly showed with reference to Central Eastern European countries, the issue of compliance is inseparable from state actors’ rational search for legitimacy in international socialisation. In his opinion, the search for legitimacy constitutes a key explanatory variable and rational action dominates the process of international socialisation, especially when “the state to be socialized values the benefits of legitimacy more highly than the costs of adaptation, it will learn to conform to the social norms” [Schimmelfennig, (2000), p.135]. Although this is not extensively addressed in his study, socialisees seem to have a clear vision about what they want to get and how to get it. They weigh up costs and benefits in order to maximise their political utility within the ‘international community’ to facilitate cooperation and to appear as credible players. On the one hand, socialisees are in a position of ‘swotting’ [Schimmelfennig, (2000), pp.129–130] for norm internalisation. They reap the benefits of membership and may also reinterpret domestically or even manipulate (as long as their credibility is not at stake) “the values and norms in the way that is most compatible with their interest in political power” [Schimmelfennig, (2000), p.118]. On the other hand, if one considers that the reproduction of an international order is functionally contingent on (various degrees of) internalisation through international socialization, “community agencies [may] also try to evade costly normative obligations by manipulating the standard of legitimacy. They lower it in their interactions with states that promise material benefits [e.g. access to new markets, trade concessions and new spheres of influence] and, for instance, downplay human rights violations by important trading partners” [Schimmelfennig, (2000), p.119].

Socialisation of non-western countries has often been sought by the Western community to claim universalism and ‘effectiveness’ of liberal values. There is a growing literature which sets out to uncover the rationale behind this claim as well as the mechanisms aimed at exporting rules and practices in various regional settings (Cebeci, 2016; Del Sarto, 2016; El Qadim, 2015; Epstein, 2014, 2017). Beyond their diversity, their contribution is essential to realise there is no stable point from which to observe international systems and analyse socialisation, because we are confronted with dynamics of communication having a plurality of meaningfulness for the actors involved. This challenge has been critically addressed by various scholars who examined the way in which socialisation has been biased towards a predominant Western structure-oriented approach (Jabri, 2013) which discarded socialisees’ identity and agency [Epstein, (2012), p.136]. This biased approach also dismissed the voice of socialisees as being ‘resistant’ or just ‘defective’ [Cebeci, (2016), p.180]. Epstein rightly remarks that, once the socialisation process takes place, change in the ‘adopter population’ [Checkel, (1999),

p.86] is simply depoliticised by conventional constructivists. Rejection of certain norms by the socialisee is all too often ‘infantilised’ [Epstein, (2012), p.141] or dismissed as a form of unmotivated resistance or defection, whereas it may well result from a domestically localised (Acharya, 2004) and historically specific set of values.

In other words, not only have socialisees a clear vision about they want through cooperation, they also turn out to be active borrowers able to reshape the reception of global norms. Here, the notion of congruence introduced by Acharya (2004, pp.245–246) when dealing with localisation is of paramount importance to realise that norms transferred may be readapted or reshaped to local conditions. Localisation makes “an outside norm congruent with a pre-existing local normative order” [Acharya, (2004), p.244]. Localisation is not a response to demands for new norms imposed from the outside. Rather it is a proactive strategy aimed at accommodating foreign norms and ideas to local sensitivities. Under certain conditions, local norms and administrative traditions are strong enough:

- 1 to ensure the selective reception of global norms (with a view to limiting their domestic social and political costs)
- 2 to integrate the latter into existing local systems (with a view to buttressing their authority and command).

In sum, localisation invites us to rethink a host of assumptions in IR. Firstly, instead of coining the reluctance of socialisees to international influence as a sign of ‘resistance’, we may hypothesise that socialisees are predictably motivated by cost minimisation because of their ‘cognitive priors’ [Acharya, (2004), p.269]. Secondly, local structures, local norm entrepreneurs and beliefs may be used as domestic sources of legitimation aimed at justifying the selection, borrowing and modification of international norms and policy transfers. Thirdly, whereas mainstream constructivism has focused extensively on the impact of ideational factors on state actors’ behaviours and preferences as well as on the diffusion of norms, localisation sets out to analyse them the other way around, namely by investigating the extent to which and the conditions under which external ideas may be “simultaneously adapted to meet local practices” [Acharya, (2004, p.251]. Fourthly, international norms taught through training and capacity-building programmes do matter, under certain conditions. However, if localisation is a reality, socialisees’ receptiveness with regard to capacity-building and teaching from abroad may be more reflective of their awareness that rules ought to be obeyed than of their desire to be law-abiding.¹ Finally, by localising international norms, the realm of local practices, local political structures and historically shaped subjectivities, uncovers a new investigative area beyond the mere assumption that international norms are or ought to be internalised.

That socialisees’ agency and ‘cognitive priors’ have been “ignored or assumed away with simplifying assumptions” [Checkel, (1999), p.86], we have all realised. Despite their permeability to external influences, non-western countries have never been passive recipients, nor can their varied capacity for ‘local’ readjustment be dismissed when faced with external pressures from their foreign ‘partners’.

That said the local readjustment involves two interrelated dimensions. The first relates to the ability of the norm-recipient country or socialisee to locally readjust the effects and scope of external public transfers. The second pertains to the desire of norm-making countries and of international institutions to demonstrate that a transfer has effectively taken place through conditionalities and financial incentives or through

learning (e.g., capacity-building) or emulation, even if each actor knows that permeability does not always lead to full implementation. Therefore, it is not so much a matter of resisting external influences or rules coming from abroad, as of trying to understand why norm-making countries accommodate to local readjustments (namely through localisation). This double-edged effect is examined in the next chapter with reference to the gradual involvement of North African countries in the management of borders and in the governance of migration.

3 North African countries' permeability to external influences

As early as the 2000s, North African countries have been engaged in international talks on migration and border controls. This period coincides with the adoption of the international agenda for migration management (IAMM), which became, from 2001 onwards, the spearhead of many informal regional consultative processes on migration matters.

The IAMM is described as being based on a set of “common understandings of shared assumptions and principles [between States] that serve as a basis for managing migration” [IOM, (2004), p.7]. However, this agenda implies much more than the management of migratory flows.

Beyond their divergent interests, the countries of destination, origin and transit share a common objective for managing migration: introducing mechanisms to strengthen their centrality in controlling the mobility of their nationals and foreigners. This agenda brings together various actors having their own views and contingencies. Furthermore, it structures their respective roles and, “once established, it creates the conditions necessary for the development of their own subjectivities” [Dryzek et al., (1989), p.502]. Indeed, this agenda constitutes a product of states designed for states. At the same time, it generates a sense of meaningfulness for the actors involved, as Goodman and Jinks (2004) would probably put it. This sufficiently describes the ‘system of reasons’ [Boudon, (1999), p.150] in which the IAMM has been embedded since its inception.

The 5 + 5 Dialogue initiated in 2002, the dialogue on transit migration in the Mediterranean launched in 2003, the 2006 Euro-African Partnership on Migration and Development (or the Rabat Process), the 2008 Paris Process, the 2014 Khartoum Process and the 2015 Valletta Summit on migration constitute regional consultative processes in which various North African countries have taken part. This is not the place to analyse them in detail. The common denominator of these intergovernmental meetings lies in reinforcing cooperation on three main components of the IAMM. First, the establishment of mechanisms aimed at ensuring the temporary mobility of regular migrant workers and at adapting labour migration to the needs of markets in destination countries. Secondly, the ‘fight against illegal migration’, including enhanced cooperation on deportation. Finally, the “mobilization of the diaspora for development in the countries of origin” (IOM, 2004), including the need to lower the costs of remittances. At the same time, the recurrence of such consultative meetings has not only been aimed at addressing these three components. It has also been conducive to the gradual repositioning of states and their law-enforcement agencies well beyond the realm of migration management matters. North African countries are a case in point.

4 Migration management re-appropriated

Playing the efficiency card in border control, renewing or strengthening strategic alliances with major Western powers have been key factors explaining North African countries' proactive involvement in the abovementioned regional consultative processes. However, their proactivity does not necessarily mean that they have been passive borrowers of the rules and practices transferred from their Western 'partners' – rather the opposite. For example, the managerial centrality of the state, which constitutes the cornerstone of the IAMM, enabled the regime of former President Ben Ali to reinforce existing forms of control exercised by the authorities and the ruling party over society in general and over Tunisian nationals living abroad. Indeed, the concepts of 'management' and 'control', as defined in the IAMM, were consistent with the desire of the former Tunisian leadership to discipline any form of dissent, both in Tunisia and abroad. The fight against 'illegal' migration allowed the regime to conceal the real causes of emigration from Tunisia and to silence those excluded from the Tunisian 'economic miracle' (Hibou, 1999). Tunisian migrants were generally described in the media as individuals attracted by the dream of the European Eldorado. This paternalistic and infantilising vision, which was repeatedly adopted in Europe, made it possible to divert public attention from the real motives of Tunisian migrants' departure, namely underemployment, poverty, social discontent and political violence.

The constant reference to European pull factors also served as an alibi for the implementation of a system of control and domination on Tunisian society. For example, the adoption of Law 2004-06 dated 3rd February 2004 clearly illustrated the ambivalent use by the Tunisian authorities of the managerial repertoire in the field of migration control. Strongly supported by the European Union, following the adoption of the European Neighbourhood Policy (ENP) and the establishment of action plans and a roadmap, this law punished "anyone who has informed, conceived, facilitated, assisted or will have entered or organized by any means, even on a voluntary basis, the illegal entry or exit of a person from Tunisia by land, sea or air."² On the one hand, it reflected the willingness of the Tunisian Government to tackle the 'clandestine exits' of its citizens while responding to European calls for enhanced cooperation on this matter. On the other hand, and more ambiguously, its scope encompasses not only irregular Tunisian migrants, but also those who remained in the country and who would have been aware of clandestine exits without reporting them to the authorities (Perrin, 2009). As noted by Meddeb (2012, p.389), by adopting Law 2004-06, the Tunisian authorities "create deviance by extending the scope of the law to social categories living on the margins of legality. [...] The adoption of this law allows the regime to ensure at low cost its domination and to reinforce its authority with fear."

True, this skilful readjustment of policy transfers from the Europe Union to Tunisia existed in other areas such as trade liberalisation, economic reforms (Hibou 2006), the promotion of civil society (Camau and Geisser, 2003) and democratisation. That said, the support from which Law 2004-06 benefited in Europe, to the detriment of fundamental freedoms, reflected the strength of an image which the regime was able to disseminate abroad especially with reference to the fight against religious extremism and international terrorism. As long as it could capitalise on this image, the regime knew that attempts to readjust *locally* policy transfers and practices from abroad would be tolerated by its European neighbours, either explicitly or tacitly.

In a similar vein, North African states' involvement in the reinforced control of migration and of their national borders – a key component of the governance of migration – has often been tantamount to their attempt to harness domestic territorial, societal and political challenges. To be sure, territoriality remains a key explanatory notion of past and current policy developments in North African countries. It not only refers to the space where legitimate power, policies and laws are applied by the state and its law-enforcement authorities. It also pertains to an area where state-society relationships can be reconfigured, altered, if not reinvigorated to overcome domestic social and political divisions.

It could even be argued that claims for territorial integrity in North Africa have been used by the sovereign as an asset to embolden its own political and symbolic centrality in a context marked by the perceptible retrenchment of the state from the economy, especially when domestic political and social tensions loom large.

For example, in Morocco, domestic politics, territoriality, identity and regime stability have become closely intertwined to forge a nationalistic sense of unity among 'previously hostile forces behind the monarchy' [Willis, (2014), p.272]. From the mid-2000s up to the early 2010s, Morocco's reinforced cooperation on border controls and deportation with Spain alienated the country from its traditional sub-Saharan African partners, especially Senegal, Mali, Niger, and Cote-d'Ivoire. Subsequently, the collapse of the regime of Muammar Gaddafi and the declining influence of Libya in sub-Saharan Africa opened a new window of opportunity. Morocco reactivated its 'African strategy' (El Qadim, 2015) based on a form of soft power which incidentally turned out to be consonant with its desire to co-opt some sub-Saharan countries with a view to narrowing Algeria's African playground and to buttressing the territorial claims of Morocco on Western Sahara.

In Algeria, while the reinforced militarisation of Algeria's borders with Morocco and Libya has been presented as an attempt to counter cross-border arms-trafficking and people-smuggling, it has invariably been conducive to the centrality of the military power in Algeria's domestic political apparatus (the *Sulta*) (Cook, 2007) and to opaque foreign alliances with strategic European countries, especially with France, Belgium and Italy against jihadist movements encroaching the whole North African region. Border management implies not only logic of inclusion and exclusion. It also engineers a sense of allegiance to the ruling authority (be it a king or a head of government), especially when territorial integrity is presented as being threatened.

In Tunisia, the former regime of President Zin el-'Abidin Ben 'Ali was quick to understand that boasting the credentials of an efficient player in the field of border management would not only raise its international legitimacy in the West but also reinforce the power of the ruling party while concealing mounting social discontent and repression, at a domestic level (Cassarino, 2014). Bilateral arrangements on the deportation of irregular migrants have often resulted from an unsaid *quid pro quo* which goes well beyond the officially declared need for "bilateral cooperation on migration governance". A first example lies in the Tunisian Government's acceptance to conclude on 28th January 2009 a bilateral arrangement on the swift removal of irregular Tunisian migrants (Camera dei Deputati, 2011). This arrangement was put forward by Italy in an attempt to stem the flow of hundreds of young Tunisian migrants who had crossed the straits of Sicily in late 2008. The January 2009 bilateral arrangement was somewhat unique compared with the previous agreements that Italy and Tunisia concluded in the

past to deal with deportation. This arrangement provided for “simplified or accelerated procedures of identification”, in close collaboration with the Tunisian consular authorities established in Italy (Camera dei Deputati, 2011; Tazzioli, 2011; Cassarino, 2014). Whereas the Italian authorities positively viewed and rewarded the proactive involvement of Tunisia in ‘tackling illegal migration’, the Tunisian authorities knew that reinvigorated cooperation with Italy in the field of migration and border control would buttress its regime legitimacy and credibility in European political circles, at a time when social protests against poverty, corruption and political violence were gaining momentum in the South of the country (Chouikha and Gobe, 2009; Allal, 2010; Gana, 2013; Garelli and Tazzioli, 2016). However, cooperation with Italy had a double-edged effect. As mentioned above, it reinforced the legitimacy of the regime in Europe in a context marked by rising social protests and violent repression. Concomitantly, the media coverage from which the abovementioned 2009 bilateral arrangement benefitted was arguably a means of telling Tunisian nationals living abroad, especially those who were (or would be) vocal against the regime, that the former regime in Tunisia had the power to build and capitalise on strategic alliances with European powers with a view to protecting its survival and to quelling dissent, in Tunisia and abroad.

Another example lies in the recent memorandum of understanding (MoU), signed on 2nd February 2017 between Italy and the Libyan Government of National Accord (GNA) headed by Prime Minister Fayeze Al-Sarraj. The MoU has been officially presented as an attempt to stem migration flows *en route* to the European Union and to reinforce the control of Libya’s southern borders with technological material and financial support from Italy and the EU. That being said, one is entitled to view the hasty signature of the MoU as resulting from the GNA’s attempt to buttress its international legitimacy in the West at a time when Al-Sarraj’s leadership is being increasingly challenged domestically (St John, 2015). It could even be argued that the quest for international legitimacy and military support from the West has been the major driver that motivated the signature of the MoU despite local municipal officials’ overt reticence, wary of its disruptive implications for the country’s deepening civil war, its damaged economy and dysfunctional institutional context.

5 Reverse diffusion

The above examples demonstrate that North African countries’ proactive involvement in the reinforced cooperation on migration and border controls cannot be properly captured with exclusive reference to the perceptible securitisation of migration policies and reinforced border controls. The latter, including the criminalisation of migration and mobility, are inseparable from a broader domain where regime survival is (re-)asserted, strategic alliances with European major powers are built or (re-)configured to address new challenges, territorial integrity is (re-)proclaimed to serve vital vested interests. In sum, under the tip of the iceberg lies an array of factors, often unrelated to migration matters, that account for the ways in which North African countries have selectively responded to European calls for reinforced cooperation on the governance of migration. As mentioned above, practices and rules transferred from their European partners have been readjusted locally to respond to other domestic and regional challenges. Moreover, North African countries have managed to act not only as reliable or unfailing socialisees to the eyes of their European neighbours, but also as socialisers able to make the *local*

readjustment of external policy transfers acceptable by their European counterparts. Arguably, both the EU and its member states have been aware of North African countries' ability to readjust rules and practices transferred from abroad. The former have realised that they have had no option but to recalibrate their demands and framework of interaction with reference to the latter's contingencies and preferences in order to ensure a modicum of cooperation with North African countries on the containment of irregular migration flows, be it effective or not. An emblematic example lies in the recent decision of the European Commission to conclude flexible arrangements (instead of standard agreements) on deportation or deportation-related matters with third countries, especially with those located in Africa. In a recent letter addressed to the Chair of the Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) of the European Parliament, the European Commission (2017) explained that:

“Most third countries do not want to engage in negotiations on [standard] readmission agreements mainly due to internal political considerations; as such agreements can be a source of public hostility. As a result, the ongoing negotiations with Morocco and Algeria are at a standstill and those that were launched in 2016 with Nigeria, Jordan and Tunisia have not progressed as needed. The EU must therefore remain flexible on the form a cooperation framework takes, and focus on the feasibility of achieving results, while respecting international and European law [...]” [European Commission, (2017), p.1]

It has to be said that the abovementioned decision of the European Commission to informalise its cooperation on deportation with third countries is not uncommon. For decades, various member states had already adopted the same *modus operandi* (Cassarino, 2007). Moreover, unprecedented patterns of interconnectedness among countries located in the Western Mediterranean have consolidated so dramatically that any unilateral form of conditionality or normatively motivated pressure (be it soft or coercive) exerted by EU countries on non-EU third countries must be carefully evaluated lest a whole cooperation be jeopardised. In this connection, EU countries have learned that conditionalities cannot always be equated with pressures when it comes to cooperating with empowered ‘partner’ countries, which North African countries certainly are. True, cooperation on migration controls has become a priority in North Africa-EU relations. However, it continues to remain peripheral to other strategic issue-areas including cooperation between intelligence agencies on the fight against international terrorism, energy security and the reinforced control of the EU external borders. Among many others, these are critical priorities on which North African have managed to capitalise to varying degrees.

There is no question that North African countries' responsiveness to the securitisation of migration policies, including the adoption of legal provisions criminalising irregular migration and border-crossing, has been shaped by their respective domestic and regional concerns. Far from adopting passively the guidelines and rules transferred from the west, they adaptively and selectively transposed them to buttress their own position domestically and internationally.

Domestically, as argued before, the drive for securitisation has contributed to reinforcing the centrality of the state and its law-enforcement agencies in the Maghreb, in a context marked by the retrenchment of the state from the economy, the crisis of the welfare state, weakened social dialogue and, last but not least, the exposure of growing cohorts of citizens, especially the youth (Barsoum et al., 2017), to forms of vulnerabilities

and labour uncertainties having severe implications for stability (Barbier, 2006; Sboui, 2006).

At an international level, a major implication stemming from the securitisation of migration policies lies in the reinforcement of ‘transgovernmental networks’ (Keohane and Nye, 1974) involving North African executives from the Ministries of the Interior and Defence, on the one hand, and their African and European counterparts, on the other. Such informal networks have developed to address shared concerns including the fight against terrorism and the presence of jihadist groups threatening the energy security of various African and European countries in the Sahel region. For example, since the January 2013 terror attack at the gas facility located in the south of Algeria near In Amenas³, the Algerian Government has bolstered its security apparatus and police controls over its territory. Whereas reinforced police controls have, among others, been conducive to the mass deportation of thousands of sub-Saharan immigrants from Algeria to Niger and conflict-ridden Mali⁴, the growing militarisation of migration routes in the Sahel region has been grafted onto major strategic interests that both European and African actors have strongly protected against disruptive factors: energy security, especially the supply of oil gas and uranium (Galiè, 2017), represents a top priority. There is no question that the perceptible militarisation of the Sahel region has fed into the criminalisation of migration policies. Just like the criminalisation of the ‘unmanaged’ mobility of people (be they citizens or foreigners) has fed into the centrality of states and their law-enforcement agencies. Strategic alliances between state actors located in Europe and in Africa have been reactivated. In this connection, the establishment of the G5 Sahel⁵, one year after the In Amenas attack, is a clear illustration of the consolidation of military-security alliances between North African, Sahelian and Western leaders.

With reference to African countries, Morocco has been at the forefront of the reactivation of the Community of Sahel-Saharan States (*tajma’ dawl as-sāhel wa as-sahrā*) or CEN-SAD. This intergovernmental organisation, established in February 1998 by Muammar Gaddafi and comprising six founding member states⁶ was officially presented as an initiative aimed at the economic educational cultural and political unity of Africa. It was also designed to buttress the continental influence of the former Libyan leadership with a view to countering Libya’s political and economic isolation from the international community, especially following the sanctions adopted by the United Nations Security Council.

Today, the manifest leadership of Morocco in the revival⁷ of CEN-SAD, following the Libyan crisis, has predictably been motivated by the need to build and reinforce economic and strategic alliances with its African neighbours in a context marked by growing insecurity and conflicts in the Sahel region and the need for enhanced cooperation against transnational terrorism and arms-trafficking. As already mentioned, this engagement is in line with its ‘African strategy’. At the same time, it has turned Morocco into a major player in the framework of Africa-EU relations, capable of defending and diffusing its own claims in both Africa and Europe – territorial integrity, including the thorny Western-Sahara question, being a top priority for Morocco. In this light, the ‘fight against irregular migration’ as well as the reinforced control of the EU external borders constitute key areas on which Morocco has capitalised to recodify its relations with the EU and its member states.

The above examples suffice to show that the securitisation of migration policies in North Africa and in the Sahel is inseparable from the articulation of an array of interests and incentives, both material (military assistance, technical equipment, financial support)

and immaterial (regime legitimacy, territorial integrity), which motivated the proactive engagement of North African and Sahelian countries. Having learned and adjusted to the rules and practices transferred from the West, they localised them to coordinate their action in the regional and international arenas while buttressing their strategic positions with regard to their European counterparts.

Perhaps never before has the growing interconnectedness between the EU and its member states, on the one hand, and North African countries, on the other, been embedded in systems of *reciprocal* conditionalities. Far from adhering to a Western script written for them, some North African countries are now in a position to provide and exchange resources vital enough to reinforce their own centrality or betweenness in the relations between Europe and the African continent. Over the last few years, these systems have expanded, despite the asymmetric costs and benefits that characterise them, thanks to the conclusion of various security bilateral agreements and informal arrangements on the provision of technological and military equipment.⁸

Arguably, the expansion of these systems may not be compatible with the long-sought reform of North African countries' security sector (Bouguerra, 2014; Querine, 2016). Their dynamics may even contribute to maintaining a status quo obscuring the paramount urgency in responding to the widening gap between North African political leaders and large segments of their own citizenry especially those severely affected by economic underdevelopment, unemployment, labour uncertainties, social inequalities, corruption, poverty and, last but not least, political disaffection.⁹

6 Conclusions

Moving the debate beyond the criminalisation of international migration begins with taking seriously the measure of its cumulative effects on foreigners as well as on state-citizen relationships in all countries of migration. This is one key aspect this study has sought to demonstrate. Such cumulative effects explain perhaps the reasons for which the drive for criminalisation has gained so much momentum in all countries of migration, be they rich or poor, democratically organised or authoritarian, conflict-ridden or in peace.

Criminalisation is not simply a name for the obvious securitisation of migration policies, or for how the latter have restricted the movement of people across borders. It is a name for a premise that gradually has come to regulate the complex relationships between states and their own citizens (be they mobile or not) as well as the organisation of states' interactions. In this connection, North African countries have learned to talk the talk of migration management and border controls while opening communicative channels with their European neighbours. However, as shown in this article, together with this process of socialisation based on iterative communication and reinvigorated patterns of interconnectedness, rules and practices transferred from abroad have been, as it were, re-appropriated while turning the socialiser (the EU and its member states) into a socialisee. In other words, European actors have become receptive to the diffusion of a counter-narrative from their North African neighbours, at the cost of making their cooperation framework more flexible with a view to addressing North African countries' empowered agency and preferences. The abovementioned inclination of the European Commission (2017, p.1) to "remain flexible on the form a cooperation framework takes

and focus on the feasibility of achieving results” speaks volumes about the EU’s porosity to forms of reverse diffusion coming from its North African neighbours. This explicit inclination would have been unthinkable when the ENP was launched fifteen years ago. It results from the growing awareness that North African countries have not only made their involvement meaningful in the reinforced control of the EU external borders and in the containment of international migration. They have also managed to provide valuable resources in Africa-EU relations on which they can capitalise to defend their own views and vested interests.

To be sure, there is no stable point from which to observe international systems and analyse socialisation, for both socialisees and socialisers may play interchangeable roles. Adopting a non-western perspective on how and why North African countries have been proactively involved in such systems is a prerequisite to moving beyond the view that the securitisation of international migration, as it stands now, results from pressures exerted by European actors. This study provides ample evidence of the need to adopt a different perspective with a view to critically understanding the manifold factors that motivated North African countries’ responsiveness.

References

- Acharya, A. (2004) ‘How ideas spread: whose norms matter? Norm localization and institutional change in Asian regionalism’, *International Organization*, Vol. 58, No. 2, pp.239–275.
- Allal, A. (2010) ‘Réformes néolibérales, clientélismes et protestations en situation autoritaire. Les mouvements contestataires dans le bassin minier de Gafsa en Tunisie (2008)’, *Politique africaine*, Vol. 117, No. 1, pp.107–125.
- Barbier, J-P. (2006) *L’intermédiation sur le Marché du Travail Dans les Pays du Maghreb: Étude Comparative and l’Algérie, le Maroc et la Tunisie*, Bureau International du Travail, Genève.
- Barsoum, G., Wahby, S. and Sarkar, A. (2017) *Youth and Employment in North Africa: A Regional overview*, International Labour Organization, Geneva.
- Boudon, R. (1999) ‘Local vs. general ideologies: a normal ingredient of modern political life’, *Journal of Political Ideologies*, Vol. 4, No. 2, pp.141–161.
- Bouguerra, B. (2014) *Reforming Tunisia’s Troubled Security Sector*, Atlantic Council Issue Brief [online] http://www.atlanticcouncil.org/images/publications/Reforming_Tunisia's_Troubled_Security_Sector.pdf (accessed 10 may 2018).
- Camau, M. and Geisser, V. (2003) *Le Syndrome Autoritaire: Politique en Tunisie de Bourguiba à Ben Ali*, Presses de Sciences Po, Paris.
- Camera dei Deputati (2011) *Commissioni Riunite I & III: Resoconto Stenografico. Audizione Della Seduta di Martedì 12 Aprile 2011*, Camera dei Deputati, Rome.
- Cassarino, J-P. (2007) ‘Informalising readmission agreements in the EU neighbourhood’, *The International Spectator*, Vol. 42, No. 2, pp.179–196.
- Cassarino, J-P. (2014) ‘Channelled policy transfers: EU-Tunisia interactions on migration matters’, *European Journal of Migration and Law*, Vol. 16, No. 1, pp.96–122.
- Cebeci, M. (2016) ‘Constructing the EU as a global actor: a critical analysis of European democracy promotion’, in Ünver Noi, A. and Toperich, S. (Eds.): *Challenges of Democracy in the European Union and its Neighbors*, pp.165–182, Center for Transatlantic Relations SAIS, Washington, DC.
- Checkel, J.T. (1999) ‘Norms, institutions, and national identity in contemporary Europe’, *International Studies Quarterly*, Vol. 43, No. 1, pp.83–114.
- Chouikha, L. and Gobe, É. (2009) ‘La Tunisie entre la « révolte du bassin minier de Gafsa » et l’échéance électorale de 2009’, in *L’Année du Maghreb V*, pp.387–420, CNRS Editions, Paris.

- Cook, S.A. (2007) *Ruling but Not Governing: The Military and Political Development in Egypt, Algeria and Turkey*, The Johns Hopkins University Press, Baltimore.
- Del Sarto, R. (2016) 'Normative empire Europe: the European Union, its borderlands, and the 'Arab Spring'', *Journal of Common Market Studies*, Vol. 54, No. 2, pp.215–232.
- Dryzek, J.S., Clark, M.L. and McKenzie, G. (1989) 'Subject and system in international interaction', *International Organization*, Vol. 43, No. 3, pp.475–503.
- El Qadim, N. (2015) *Le Gouvernement Asymétrique des Migrations*, Maroc/Union Européenne, Paris, Dalloz.
- Epstein, Ch. (2012) 'Stop telling us how to behave: socialization or infantilization?', *International Studies Perspectives*, Vol. 13, No. 2, pp.135–145.
- Epstein, Ch. (2014) 'The postcolonial perspective: an introduction', *International Theory*, Vol. 6, No. 2, pp.294–311.
- Epstein, Ch. (2017) (Ed.) *Against International Relations Norms: Postcolonial Perspectives*, Routledge, London.
- European Commission (2017) *EU Readmission Agreements: State of Play October 2017*, Letter addressed to Claude Moraes, Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament, DG Migration and Home Affairs, Brussels.
- Galiè, D. (2017) *La Militarizzazione del Niger tra Interessi Taciuti e Mire Neocoloniali*, Dinamo Press, 20 December [online] <https://www.dinamopress.it/news/la-militarizzazione-del-niger-interessi-taciuti-mire-neocoloniali/> (accessed 10 May 2018).
- Gana, N. (2013) *The Making of Tunisian Revolution: Contexts, Architects, Prospects*, Edinburgh University Press, Edinburgh.
- Garelli, G. and Tazzioli, M. (2016) *Tunisia as a Revolutionized Space of Migration*, Palgrave Macmillan, New York.
- Goodman, R. and Jinks, D. (2004) 'How to influence states: socialization and international human rights law', *Duke Law Journal*, Vol. 54, No. 3, pp.621–704.
- Hibou, B. (1999) 'Tunisie: le coût d'un 'miracle'', *Critique Internationale*, Vol. 4, No. 3, pp.48–56.
- Hibou, B. (2006) *La Force de L'obéissance: Économie Politique de la Répression en Tunisie*, La Découverte, Paris.
- Human Rights Watch (2018) *Algeria: Deported migrants robbed in Mali*, 14 March [online] <https://www.hrw.org/news/2018/03/14/algeria-deported-migrants-robbed-mali> (accessed 10 May 2018).
- Hurd, I. (1999) 'Legitimacy and authority in international politics', *International Organization*, Vol. 53, No. 2, pp.379–408.
- International Organisation for Migration (IOM) (2004) *International Agenda for Migration Management: Common Understandings and Effective Practices for a Planned, Balanced, and Comprehensive Approach to the Management of Migration*, International Organization for Migration, Berne.
- Jabri, V. (2013) *The Postcolonial Subject: Claiming Politics/Governing others in Late Modernity*, Routledge, Milton Park and New York.
- Keohane, R.O. and Nye, J.S. (1974) 'Transgovernmental relations and international organizations', *World Politics*, Vol. 27, No. 1, pp.39–62.
- Meddeb, H. (2012) *Courir ou Mourir: Course à el Khobza et Domination au Quotidien Dans la Tunisie de Ben Ali*, PhD thesis, Institut d'Études Politiques, Paris.
- Perrin, D. (2009) 'Sémantique et faux-semblants juridiques de la problématique migratoire au Maghreb', *Migrations Société*, Vols. 123-124, No. 3, pp.19–50.
- Querine, H. (2016) 'Dismantling the security apparatus: challenges of police reform in Tunisia', in Bellin, E.R. and Lane, H. (Eds.): *Building Rule of Law in the Arab World*, pp.189–214, Lynne Rienner Publishers, Boulder.

- Ruggie, J.G. (1998) 'What makes the world hang together? Neo-utilitarianism and the social constructivist challenge', *International Organization*, Vol. 52, No. 4, pp.855–885.
- Sboui, F. (2006) 'Le dualisme du marché du travail en Tunisie: choix occupationnel et écart salarial', *Économie & Prévision*, Vol. 3, No. 174, pp.21–37.
- Schimmelfennig, F. (2000) 'International socialization in the new Europe: rational action in an institutional environment', *European Journal of International Relations*, Vol. 6, No. 1, pp.109–139.
- St John, R.B. (2015) *Libya: Continuity and Change*, Routledge, New York.
- Tazzioli, M. (2011) *Cronologia Degli Accordi Italia-Tunisia*, Storie Migranti [online] <http://www.storiemigranti.org/spip.php?article1004> (accessed 10 May 2018).
- Tazzioli, M. (2014) *Spaces of Governmentality: Autonomous Migration and the Arab Uprisings*, Rowman & Littlefield, London.
- Willis, M. (2014) *Politics and Power in the Maghreb: Algeria, Tunisia and Morocco from Independence to the Arab Spring*, Oxford University Press, Oxford.

Notes

- 1 This point draws on the distinction made by Ian Hurd between normative belief which refers to the legitimacy of the rule or institution, on the one hand, and the fact that state actors are not automatically law-abiding, on the other hand, because they may be convinced about the legitimacy of the rule without necessarily respecting it [Hurd, (1999), p.381].
- 2 Article 38 of Organic Law 2004-6, dated 3rd February 2004. JORT, 6 February 2004, No. 11, pp.252–253. Accessible here: <https://www.jurisitetunisie.com/tunisie/codes/passeport/passeport2000.htm>, (accessed 10 May 2018).
- 3 In Amenas is a city located in the south of Algeria, near the Libyan border. In January 2013, terrorist groups attacked the gas facility in the surroundings of the city.
- 4 Algerian media reported that terrorist groups in In Amenas were allegedly coming from neighbouring Mali and Niger. In 2014, Algeria and Niger signed a memorandum of understanding aimed at facilitating the 'return' (namely the deportation) from Algeria of Nigerian irregular migrants. However, tensions between the two countries gained momentum in 2016 when Algeria set out to deport to Niger irregular migrants coming from other sub-Saharan countries (see Human Rights Watch, 2018).
- 5 The G5 Sahel or Sahel G5 was formally established on 19th December 2014 following the adoption of its Treaty by Burkina Faso, Mali, Mauritania, Niger and Chad. Security, good governance and development constitute the main objectives mentioned in Title II of the Treaty (see <http://www.g5sahel.org/images/convention.pdf>, (accessed 10 May 2018). From its inception, cooperation on security matters has turned out to be hampered by the resilient crisis in Mali. Faced with the threatening presence of Islamic groups (*al-Qaeda* in the Islamic Maghrib, *Jamaat al-Nasr al-Islam*, *Ansar al-Dine* and *Katiba Masine*) and armed militias, Western powers (mainly the United States, France, Germany, Italy) created the G5 Sahel Force in July 2017 with the backing of the European Union, the African Union and the United Nations. The Force conducts cross-border joint military counter-terror operations in the Sahel. Importantly, the Force "will enable in particular the countering of multiple drugs and human trafficking that finance terrorist groups in the Sahel-Saharan strip" (see <https://onu.delegfrance.org/G5-Sahel-Joint-Force-10433>, (accessed 10 May 2018).
- 6 In 1998, the six founding members of CEN-SAD were Burkina Faso, Chad, Libya, Mali, the Niger and the Sudan. Today (May 2018), CEN-SAD has 28 African member states: Benin, Burkina Faso, Central African Republic, Chad, the Comoros, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, the Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Libya, Mali, Morocco, the Niger, Nigeria, São Tomé and Príncipe, Senegal, Sierra Leone, Somalia, the Sudan, Togo and Tunisia.

- 7 Whereas the 1998 Treaty establishing CEN-SAD prioritised the free movements of goods, persons and commodities, as well as freedom of residence, employment and ownership of the citizens of its member states, the new treaty – revised in 2013 as a result of the disruptive effects of the Libyan crisis – added two areas of cooperation, namely ‘collective security’ and ‘sustainable development’.
- 8 Among others, reference is made to the recent joint protocol on the management of mobility, migration, voluntary return and development concluded in February 2017 between Tunisia and Germany. Similar arrangements were signed between Tunisia and Italy in April 2011 and February 2017. Additionally, Morocco signed a memorandum of understanding in April 2016 with Belgium on security issues and counterterrorism based on two main pillars:
 - a crime prevention
 - b cooperation on identification of irregular migrants.Exchanges of information and technical cooperation in the field of identification – for example, using the Automated Fingerprint Identification System (AFIS) – are key elements of these arrangements (Tazzioli, 2014).
- 9 As shown by the historically low voter turnout in recent Tunisia’s local elections. After having been postponed several times, Tunisia’s first free local elections since the Arab uprisings took place on 5th May 2018. The general voter turnout was 33.7% (<http://www.isie.tn/actualites/2018/05/07/elections-municipales-2018-taux-de-participation/>, accessed 10 May 2018).