

ESF Exploratory Workshop on

**The Human Costs of Border Control in the Context of EU  
Maritime Migration Systems**

Amsterdam, Netherlands, 25-27 October 2009

Convened by:  
**Thomas Spijkjerboer<sup>①</sup>, Ernesto Kiza<sup>②</sup>  
and Jørgen Carling<sup>③</sup>**

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**SCIENTIFIC REPORT**

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## **1 Executive Summary**

An Exploratory Workshop concerning The Human Costs of Border Control as held at VU University Amsterdam from 25 October 2009, 4 PM until 27 October 2009, 5 PM.

This was the first event bringing together academics whose research concerns the increasing number of fatalities among undocumented people who try to reach Europe by sea. The Sunday afternoon session was devoted mainly to the participants introducing themselves and their work; and to establishing a joint approach to the meeting.

The presentations on Monday 26 October were all substantive. Participants shared their knowledge, which enabled them to get a better picture of the state of the art, as well as to identify gaps and problems. On Tuesday 27, the focus was on a future research project. There were sessions on methodology, on the possible approaches to the issue, and a final session during which concrete issues were discussed.

## **2 Scientific content of the event**

During the sessions on 26 October, the papers focused on existing knowledge concerning the human costs of border control.

During the first session, Ernesto Kiza (Freiburg) gave an overview of registered border deaths, their development over time, and focused on some methodological issues. Maria Hernandez (Oslo) presented her anthropological research among migrants in West-Africa, focusing on their perception of and dealing with the risks involved in migration. Paolo Cuttitta (Palermo) presented a paper in developments in Italy, while also addressing methodological issues.

During the second session, Martib Baldwin-Edwards (Athens) presented a paper on developments in Greece, while also paying attention to methodological issues. Ahmet Icdyugu (Istanbul) presented a paper on Turkey, also addressing methodological issues. The combination of Greece and Turkey was relevant, because in some cases the presenters had data on the same phenomenon, which raises the question as to what the cause could be of the difference in data. Silja Klepp presented a paper focusing on Malta, while laying much emphasis on rules concerning international maritime law concerning Search and Rescue, an issue which was underdeveloped in our initial research proposal.

During the third session, Hein de Haas (Oxford) presented a paper on the migration theory background to the phenomenon, emphasising the limited potential of European migration policies to influence the fundamental social and economic structures out of which migration arises. Papa Dembe Fall (Dakar) emphasised the embeddedness of African migration to Europe in regional migration patterns and in family strategies. Mehdi Lahlou (Rabat) addressed the role and position of Maghreb countries, and how their relation with Europe shapes their migration policies.

During the fourth session, Anat Ben-Dor (Tel Aviv) gave data on the Egyptian-Israeli border, and emphasised that the costs of border control may also consist in violations of international law, or permanent separation of families. Carmen González (Madrid) gave a paper on Spain, and emphasised the role of government policies in eliciting undocumented migration. Jørgen Carling (Oslo) suggested policy approaches for reducing the human cost of irregular migration, emphasising that there are good reasons to take existing European migration

policies as a starting point because they have democratic legitimation. He gave suggestions to rationalise them with a view to reducing human costs.

During the fifth session, Thomas Gammeltoft (Copenhagen) gave the international law background to maritime border control, with an emphasis on asylum issues. Jorrit Rijpma (Leiden) gave a presentation about Frontex, emphasising the potential of EU law for increased accountability of European policies. Thomas Spijkerboer (Amsterdam) presented the conceptual issues involved in international legal responsibility for the human costs of border control.

On 27 October, the programme was oriented at directions for future research.

In the first session, Lorena Sadlauer (Knoxville, Tennessee) presented how forensic anthropology is being used for research on border deaths at the US-Mexican border. Thanos Maroukis (Athens) presented the methodology used in the Clandestino project, which aimed at estimating the size of illegal migration to Europe.

The second session began with a presentation by Thomas Spijkerboer, in which he outlined the several approaches which had been developed during the workshop, as well as the topics which had been covered. On the basis of this, he suggested a research outline, which was discussed.

During the third session, Ernersto Kiza made an inventory of the practical ways to get research on this topic underway, which were discussed. The outcome of the second and third session can be found below, under 3.

### **3 Assessment of the results, contribution to the future direction of the field**

A new research project will consist of three elements:

1. *Counting*: the number of fatalities, if possible related to the total number of crossings (resulting in a mortality rate). One conclusion on this point is that there must exist comprehensive local (i.e. municipal) registrations of who wash up on the shores of the Mediterranean and the Atlantic (it must be established that they are dead, they are buried). Therefore it is feasible to get comprehensive data from local registries along the coasts of Spain, Italy and Greece. This is also the starting point for a monitoring system for the future. A second conclusion is that, even with these comprehensive data, there will be a dark number (people never reach shore, or wash up on the coasts of North and West Africa). The aim is not to establish the absolute number of fatalities, but the development of the phenomenon.
2. *Understanding migrant behaviour* is an important aspect of the project. European border control policies are based on presumptions about the motives of migrants which, as some papers showed, are flawed. Against the background of migration theory, the project will focus on the micro level: getting rich data about individuals, of whose life project undocumented migration, with all its risks, is part. A methodological problem will be that the question which is central to this part of the project (why do migrants take these risks) may be one which is not central in the mind of the migrants themselves.
3. *Understanding European law and policy* is the third element. How have these policies developed, can a relation with the development in the number of fatalities be found, which role do migrant fatalities play in development and implementation of border control policies, how does international maritime law function, which legal responsibilities do States have in this field?

During the workshop, three approaches to the research were identified. In their strongest versions, they are not compatible, in their modified versions they are. We intend to exploit these different perspectives, which were present in the workshop, because we expect this to lead to richer and more comprehensive analyses of the issue at hand. The approaches are:

1. The *migration systems* approach: migration occurs as a part of structural social, economic and cultural developments. Migration control does not affect these structural developments, hence will barely, if at all influence the volume of migration. It does influence the channels which are used for migration.
2. The *rational policy* approach: as a result of a democratic process, European States want to control migration. This should be the starting point for developing an approach in which migration control is maintained, while the perverse effects are minimised.
3. The *incremental* approach: whatever may or may not be the value of the other two approaches, the project must collect such data as to enable actors to make adjustments which reduce the number of fatalities. Examples are amending Search and Rescue rules, which at present make rescue potentially costly for captains; and setting up a monitoring system on the basis of local death registries.

The convenors will circulate a first draft of the research project in January. In April, on the basis of the responses to the first draft, they will circulate a second draft. We seek funding for a meeting in June in order to discuss the draft.

After the summer, the final draft will be reworked so as to be submittable in at least two, and possibly three forms:

1. Seventh Framework Programme (challenge The changing concept of the border)
2. Three individual (national or ERC) projects of Carling, Kiza and Spijkerboer
3. Possibly Eurocores, but the feasibility of this approach is not clear.

## **4 Final programme**

### **DAY 1: Sunday 25 October 2009**

#### **Getting together**

**16:00-18:30** Welcome address (ESF and convenors), Introduction of participants, definition of workshop goals

### **DAY 2: Monday 26 October 2009**

#### **Appraising the ground - Empirical and theoretical input**

##### **09:00-10:15 Session 1**

##### ***“Setting the Stage”: Empirical findings on European border deaths***

Aim of this session is to introduce the empirical dimension of the migrant fatality problem. At the same time data will be presented allowing a first overview of data-availability, the sources these data are based on, and their comparability.

*Presenters:*

Ernesto Kiza,

The Human Costs of Border Control at the EU Borders between 1999 and 2004

Maria Hernández Carretero,

Boat migrants' perspectives on risk

Paolo Cuttitta,

The Human Costs of Border Control in Italy

##### ***10:15-10:45 Coffee Break***

##### **10:45-12:00 Session 2**

##### ***European Border Deaths II***

Session 1 continued.

*Presenters:*

Martin Baldwin-Edwards

The Human Costs of Border Control in Greece

Ahmet Icduygu

Insecure Borders – Turkey's irregular Migration Systems and resulting Migrant Fatalities

Silja Klepp

Illegal Migration and Migrant Fatalities in Malta

##### ***12:00-13:30 Lunch-Break***

##### **13:30-14:45 Session 3**

##### ***The African Dimension***

Aim of this session is to identify the ways in which European border deaths are related to developments in Africa.

*Presenters:*

Hein de Haas,

Irregular African Migration to the North: Trends, Politics and Development Linkages

Papa Demba Fall

Dangerous Journeys - The Human Cost and the Motives of irregular Migrants from Sub-Saharan Africa

Mehdi Lahlou

The Human and Political Costs of Irregular Migration in the Maghreb

##### ***14:45-15:00 Coffee Break 15:00-16:30 Session 4***

##### ***The Political and Economic Dimensions***

Aim of this session is to identify the ways in which border deaths are related to migration policies.

*Presenters:*

Anat Ben-Dor

Refugee Rights and Border Control - The End Game in Asylum policies?

Carmen González Enríquez

Irregular Migration in Spain and the Policy Game involved

Jørgen Carling

Policy approaches for reducing the human costs of irregular migration

**16:30-17:00 Coffee Break**

**17:00-18:30 Session 5**

***The Normative Context and Solutions to the Dilemma***

*Presenters:*

Thomas Gammeltoft-Hansen

Human Rights of Irregular Migrants vs. State Sovereignty?

Jorrit Rijpma

Inside Frontex

Thomas Spijkerboer

The Way Forward - Protecting the State, Protecting the Human Rights of Migrants

**DAY 3: Tuesday 27 October 2009**

**Outlining a Research Design, Creating Networks**

**09.00-10.30 Session 6**

***Inventory of approaches***

Aim of this session is to identify the different disciplinary approaches which are used to analyse European border deaths, their uses and limitations, their interrelations.

*Presenters:*

Thanos Maroukis

The CLANDESTINO Project - Major Findings, Applied Methodologies

Lorena Sadlauer

Making the “invisible” visible: A new generation of disappearances at the transnational borders of the Global North.

**9:30-10:30 “Open Floor” – Input from all participants**

***Coffee Break 10.30-11.00***

**11:00-12:30 Session 7**

***New directions for research***

Identifying the gaps in both empirical data, as well as geographical and disciplinary approaches, outlining new directions for research, developing concrete research plans.

Introduction and moderation by Thomas Spijkerboer

**12.30-14.30 Lunch-Break**

14.30-16:15 Session 8

***Establishing a comprehensive European research network***

Setting up a research network, discuss and explore opportunities to apply for funding on an international level, coordinate nationally funded research, and arrange for further meetings, launching a comprehensive, multidisciplinary research plan on European border deaths.

Moderator: Ernesto Kiza

***Departure: 17.00***

## **5 Statistical information on the participants**

gender

Male	female
13	5

Country of origin

EU	Associated Countries	Africa	North America
12	4	1	1

## **6 Final list of participants**

1. Martin Baldwin-Edwards, Panteion University, Athens, Greece
2. Anat Ben-Dor, Faculty of Law, Tel Aviv University
3. Jørgen Carling, PRIO, Oslo, Norway
4. Paolo Cuttitta, Palermo University, Palermo, Italy
5. Papa Demba Fall, Chiekh Anta Diop University, Dakar, Senegal
6. Thomas Gammeltoft-Hansen, Danish Institute of International Studies, Copenhagen, Denmark
7. Carmen González Enríquez, Universidad Nacional de Educación a Distancia, Madrid, Spain
8. Hein de Haas, Oxford University, Oxford, United Kingdom
9. Maria Hernandez Carretero, PRIO, Oslo, Norway
10. Pieter Hooijmeijer, Utrecht University, Utrecht, the Netherlands
11. Ahmet Icduygu, Koç University, Istanbul, Turkey
12. Ernesto Kiza, Albert Ludwigs University, Freiburg, Germany
13. Silja Klepp, Max Planck Institut, Halle, Germany
14. Mehdi Lahlou, CARIM, Rabat, Morocco
15. Thanos Maroukis, ELIAMEP, Athens, Greece
16. Jorrit Rijpma, Leiden University, Leiden, the Netherlands
17. Lorena Sadlauer, University of Tennessee, Knoxville, Tennessee, USA
18. Thomas Spijkerboer, VU University, Amsterdam, the Netherlands