

1.7. Europe *off limits*: Militarization of the EU's external borders

Ruth Vollmer and Marc von Boemcken

The Federal Ministry for Employment and Social Affairs is currently holding an exhibition tour to win approval for Germany's immigration policy with the catchy slogan "Yes, we're open!" On the ministry website it says "Germany is open to the world," and also: "The task of society as a whole is to develop a welcoming culture so that immigrants and their families feel at home here from the very beginning."¹ However, in order to be able to find the "welcoming culture" they are seeking, immigrants must first of all be in a position to actually enter the zone of German or European jurisdiction. Apparently, doing so is not all that easy. In October 2013, more than 360 people of African origin drowned off the coast of the Mediterranean island of Lampedusa. They died while trying to reach the European mainland. The strong response to this event in the media set off a public debate, during which human rights groups drew attention to the increasing militarization of Europe's external borders. Even though official statements constantly emphasize the positive effects of immigration, this should not disguise the fact that substantial elements of border protection are aimed at preventing unwanted immigration. Immigrants are willing to assume substantial risk in trying to skirt these measures. An argument is being voiced that EU border policy thus shares the blame for catastrophic conditions off Lampedusa.

However, some people claim that comprehensive securing of Europe's periphery is a necessary evil; after all, it is not possible to welcome "the whole of Africa." This stance determines political action. Instead of subjecting their approach to fundamental re-examination, the EU and its members are holding fast to the border protection regime and are constantly extending it. As a result, once again on February 6, 2014 at least eleven people lost their lives when border protection officers from Spain fired rubber bullets in an attempt to prevent them from setting foot in the autonomous Spanish city, the exclave of Ceuta in Morocco.

This chapter begins with a description of how the EU border regime has developed over the past ten years, and examines its direct consequences. This is followed by a critical examination of the various assumptions underlying

¹ See Federal Ministry for Labor and Social Affairs: Yes, we're open. Willkommen in Deutschland, Berlin 2014, <http://www.yes-we-are-open.info/wid/DE/Startseite/start.html>.

the establishment and further extension of this system. The article concludes that arguments for a policy based on militarization that is ultimately aimed at isolation and outward extension of the borders of Europe are founded on a decidedly unsteady reasoning. In view of the suffering involved, it is high time for a radical change of course for dealing with immigration. The EU and its members ought to abandon questionable security policy thinking and view immigration as its actual policy task, not the prevention of immigration. This call consciously encompasses all forms of immigration movements, regardless of the categories imposed on them politically, legally or by media groups, and regardless of the criteria of legality or free will. The boundary between voluntary and forced migration is often far less clear-cut than generally assumed.

The internal border

Border control in the 21st century has little in common with the classic image of a customs officer standing at a border crossing barrier. A chapter in the 2012 Peace Report sketched changes in the European border regime in the sense of a twofold trend toward “extraterritoriality” and “technologization.”² As a result of this dynamic, borders appear to have less and less definable fixed locations. Regulation of movement across an established geographical line no longer takes place (solely) at this line. For immigrants, the border potentially looms everywhere – it starts, for example, with a visa application and checking out of the individual in the country of origin, then extends to controls during the journey through transit countries beyond the actual border crossing, all the way to raids, internments, the requirement to carry IDs, and deportations in the country of arrival.

Because the European border regime assigns or denies various possibilities, roles and entry routes, it directly affects immigrants’ chances of asserting their human rights, as the fatalities in connection with border protection operations show. This creates a division according to stratified rights,³ which often continues after crossing the border. The existence of any kind of residence status decides not only possibilities of access to the job market, health care and

2 See Jürgen Scheffran/Ruth Vollmer: Migration und Klimawandel: globale Verantwortung der EU statt Angstdebatte (Migration and climate change: the EU’s global responsibility rather than anxious debate), in: Bruno Schoch/Corinna Hausdewell/Janet Kursawe/Magret Johannsen (eds.): Friedensgutachten 2012, Münster 2012, p. 214.

3 Sonja Buckel/Jens Wissel: State Project Europe. The Transformation of the European Border Regime and the Production of Bare Life, in: *International Political Sociology* 4 (2010): 1, pp. 33–49.

education system, but also restricts freedom of movement and choice of place of residence. Many immigrants can only dream of having freedom of individual movement within EU territory. As a rule, people seeking asylum are forced to lodge their application in the first country they enter, although the chance of recognition and the procedure itself differ from country to country. In Germany, the obligation to reside in a fixed location is added; in the case of people involved in the asylum procedure or whose presence is tolerated (“Duldung”) this means that crossing administrative borders – now mainly the borders of the individual German *Länder* (states) – requires permission and is otherwise punishable. Even after years of legal residence, many are still threatened with forced departure, deportation or being declared an illegal. Anyone involved in an asylum procedure has no right to language training or integration courses. Statistically speaking, recognition is unlikely. In 2013 asylum in Germany was granted in just 1.1 percent of all applications.⁴ Those who receive supplementary protection (in 2013 it was 12.3 percent), do not have the same rights as people who have been granted asylum, for instance, no right to reunite with their family. Anyone who is required to depart, but in the opinion of government agencies may not intend to do so, can be imprisoned for six months, without ever having committed any crime. Due to relevant court decisions at the European level, there are more and more courses of action available to people on European territory to defend themselves against inhumane treatment. However, one of the most important factors contributing to the outsourcing of border controls to the EU's neighboring countries is the avoidance of legal obligations vis-a-vis mobile persons.⁵

The outsourcing of migration control

States bordering Europe are becoming increasingly important to the EU border control regime. In November 2011, the European Commission reinforced its “Global Approach to Migration and Mobility” (GAMM), which had already been developed in principle in 2005, and which forms “the overarching framework of EU external migration policy.” Through so-called mobility partnerships and dialog processes, the immigration policy of non-European states,

4 Bundesamt für Migration und Flüchtlinge: Aktuelle Zahlen zu Asyl, Nuremberg December 2013.

5 Lena Laube: Grenzkontrollen jenseits nationaler Territorien. Die Steuerung globaler Mobilität durch liberale Staaten, Frankfurt/New York 2013.

especially those in close proximity to the EU, is to be gradually coordinated with EU policy.⁶

Another part of GAMM also includes that the EU “continue to give priority to transfers of skills, capacity and resources to its partners,” in order to “prevent and reduce trafficking, smuggling and irregular migration.”⁷ In Libya for example, from 2004 the Gaddafi regime received extensive support from Europe to act against migration movements.⁸ Prior to the overthrow of Gaddafi, rebels were already in negotiations over the continuation of border security cooperation with the EU. And the new provisional government quickly announced that it intended to continue to combat “illegal” migration. Already in spring 2012, the EU promised financial and technical support for this purpose.⁹ On May 22, 2013 the EU authorized the dispatch of a 110-person Border Assistance Mission to Libya (EUBAM), which “through training, supervision and mentoring was to assist” local authorities and develop “their capacity for enhancing the security of the land, sea and air borders of Libya.”¹⁰ Meanwhile, the increasing externalization of EU border security could prove to be the *El Dorado* which rescues substantial portions of the overextended and weakening European arms industry. In November 2013, the Libyan Ministry of Defense and a subsidiary of the Italian weapons specialist Finmeccanica signed a contract, already agreed upon with Gaddafi four years earlier, on the construction of a satellite-supported surveillance system. Starting at the end of 2014, the € 300 million system is intended to contribute to “sealing off” the country’s southern border – as the Libyan Minister of Defense put it.¹¹ It is to be expected that Libya will soon request tenders to supply further weapons for border security. German firms are currently supplying Algeria with weapon technology for border control. For example, the German Federal Security Council gave the green light to, among other things, the export of 1,200 Fuchs armored vehicles built by Rheinmetall and MAN, the export of which was justified by the Fed-

6 European Commission: The Global Approach to Migration and Mobility, Brussels 2011, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52011DC0743&from=EN>.

7 Ibid. p. 18.

8 See International Federation for Human Rights (FIDH) & Migreurop: Libya. The Hounding of Migrants Must Stop, Paris 2012, <http://www.migreurop.org/IMG/pdf/109697240-Report-Migrants-Libya.pdf>, pp. 12 – 19.

9 See op. cit., pp. 35 – 39; Christian Jakob: Die Sahel-Strategie, in: Konkret (2013): 3, pp. 23 – 25.

10 Answer of the German government to the parliamentary interpellation of the The Left party: Civil-military training by the EU and NATO in Libya and deployment of the German Police, Parliamentary Paper 17/14417, July 23, 2013, p. 6.

11 “Libya seeks Italian help for satellite system for borders,” in: Reuters, November 26, 2013.

eral Government on the grounds of their suitability for “combating terrorism and for securing borders.”¹² Cooperation with bordering states is not restricted to advisory missions and arms projects. Libya was the first African country to participate in the EUROSUR (European Border Surveillance System) system decided upon by the EU Parliament in October 2013. In addition to extraterritorializing migration control, this development illustrates the ever wider range of technologies being employed to avoid undesired migration. Physical barriers such as forests of barbed wire around the Spanish exclaves of Ceuta and Melilla, or the wall at the Greek–Turkish border will not disappear. However, the desire to achieve total surveillance from the air has been added with EUROSUR. From now on, not a single square meter will be allowed to escape the electronic sensors of unmanned drones and satellites. And provision has already been made for new ideas: At the beginning of 2014, the EU approved a program of research support worth over € 40 million intended to support the development of new and “innovative” border security methods in the next few years.

Border control without boundaries

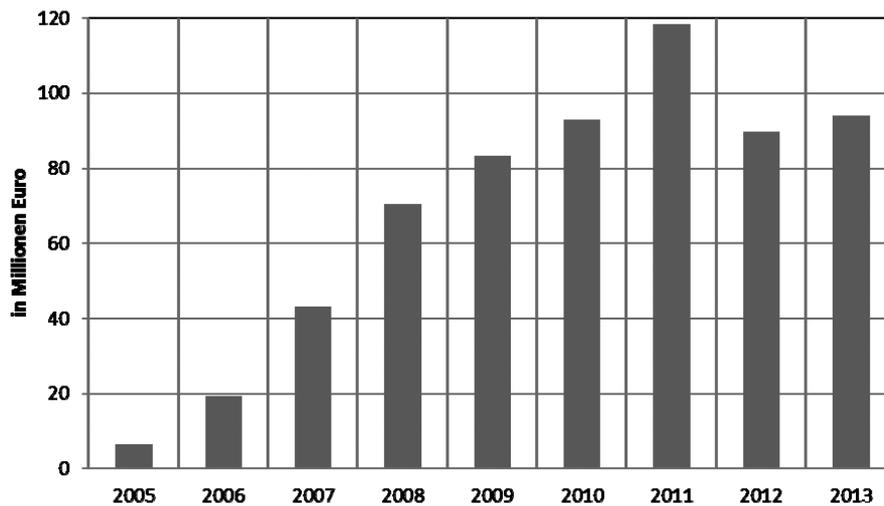
A complex network of widely differing actors is involved in the geographical and technical expansion of European border control. United in warding off undesired migration, representatives from the arms and security industries, police and security staff from the EU countries and states along its borders, civilian technical advisers, diplomats and researchers are all working together. The European Border Protection Agency Frontex, which is celebrating its tenth anniversary in 2014, rules over all these affairs and is responsible for the smoothest possible running of the border regime, from EUBAM to EUROSUR.¹³ Since it was founded, the budget available to Frontex has increased more than fifteenfold, from just over € 6 million to € 93 million (see Table). Since 2007, Frontex has been able to dispatch “rapid deployment teams” at the request of any EU member. As a result, it is no longer purely a coordinating agency, but is developing in the direction of becoming a “supranational border police force” with sovereign powers including – even if subject to some

12 Reply by the German government to the interpellation of The Left party: Arms Exports to Algeria – Cooperation, Financing, and Weapons Exports Control, Parliamentary Paper 17/12802, March 19, 2013, p. 2.

13 See Jürgen Scheffran/Ruth Vollmer, loc. cit., p. 216.

conditions – the authority to use force.¹⁴ The first of these rapid deployments occurred in 2010 at the Greek–Turkish border. Participating officers from Germany reported afterward that people “were prevented from crossing the border by the use of physical force” and in part “were dispersed with shots and in the course of this were driven into an area with land mines.”¹⁵

Frontex annual budget 2005-2013



Source: <http://frontex.europa.eu/about-frontex/governance-documents/>

Generally, the European border security regime represents a new level of intensity and scope in migration control. Since the Schengen Agreement of 1986, EU members have been converting their common borders step by step into a network of violence and surveillance which has almost nothing in common with the national border control practices of “old” Europe. Although GAMM constantly emphasizes making migration and mobility possible – not least in order to guarantee the entry into Europe of highly qualified specialist workers– at the same time it also favors selective exclusion. Anyone who speaks of “legal” or “regular” immigration also assumes the existence of “ille-

14 See Maximilian Pichl: Eine Mauer für Europa, in: *Blätter für deutsche und internationale Politik* (2011): 2, pp. 12–15.

15 Spiegel online: Grenzpolizisten jagen Flüchtlinge in Minenfeld, December 11, 2010, <http://www.spiegel.de/politik/ausland/griechenland-tuerkei-grenzpolizisten-jagenfluechtlinge-in-minenfeld-a-734123.html>.

gal” or “irregular” movements of human beings, which need to be stopped as effectively as possible.

The matter is made more acute by the fact that this selection is, as a rule, not preceded by any thorough examination of the people’s need for protection. Transferring border control to states bordering the EU also implies transferring political responsibility at the same time. Migration becomes the “problem” of other people, who can count on developmental and economic aid in return. The increasing use of security and surveillance technologies make their contribution to immigration seem less a political challenge and much more a technical problem requiring a solution based on (violent) technical means. The result is the use of force to turn back and reject people who are then outlawed before they have any chance to submit an official application for asylum in the EU.

Mass grave along the borders of Europe

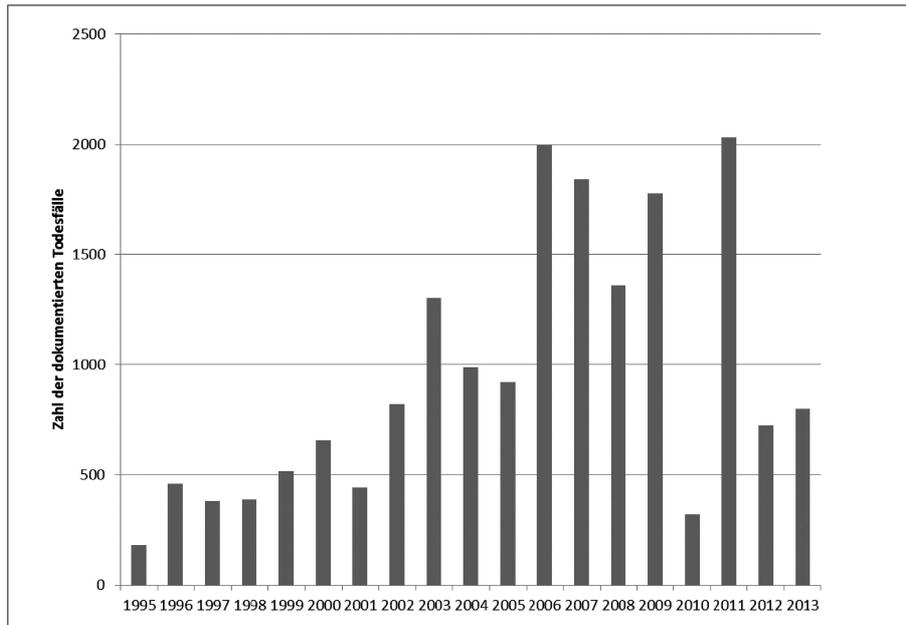
The practical application of European border policy is contrary to the values and norms promoted by EU members. The NATO air strikes against Gaddafi military forces from March to October 2011, taken primarily on the initiative of France and Great Britain, invoked a mandate founded on humanitarian ideals and a global “responsibility to protect.” Apart from the fact that the armaments from Europe, which were delivered to Gaddafi in previous years for the control of migration, were used for a completely different purpose: The “responsibility” of the NATO military missions was obviously not to the people who, at the same time, were trying to escape the Libyan civil war in improvised and overcrowded barges. The UN Refugee Agency UNHCR estimates that in 2011 about 1,500 people fleeing across the Mediterranean lost their lives¹⁶ This was despite the massive military presence in their immediate vicinity due to the air attacks being carried out. In a systematic analysis of press reports, the NGO “United” came to the conclusion that since 1993 at least 17,306 migrants have died due to the EU border regime – either trying to reach European territory or as a result of European immigration policy (for example, by committing suicide in internment camps).¹⁷ The real figures are probably much higher (see table). The recently published project “The Migrant Files” supports this assumption: Run by a consortium of journalists, the project documents the deaths of more than 23,000 people on their way to Europe since

16 UNHCR: Mediterranean takes record as most deadly stretch of water for refugees and migrants, Geneva January 31, 2012, <http://www.unhcr.org/4f27e01f9.html>.

17 UNITED: The Fatal Realities of Fortress Europe, Amsterdam, <http://www.unitedagainstracism.org/campaigns/the-fatal-realities-of-fortress-europe>.

2000 alone.¹⁸ By putting them on trial for assisting “illegal entry,” Italy in particular has discouraged fishing boats and commercial shipping vessels from rescuing people in distress at sea, rescues that such vessels are obligated to attempt by the international law of the sea.

Number of documented fatalities per year



Source: <http://www.unitedagainstracism.org/pdfs/listofdeaths.pdf>

In the view of the EU governments, the high number of fatalities is largely attributable to “criminal gangs.” Official EU documents almost always refer to stopping “irregular” migration in the same breath as the necessary prosecution of “human trafficking.” In this way, they imply a direct link between uncontrolled immigration and modern slavery. The fight against organized crime thus includes the fight against irregular migration, which should then ultimately serve the purpose of protecting migrants. However, this kind of argument overlooks the extent to which the European border regime itself is an integral part of the system it claims to be eliminating. First, not in spite of, but because of EU border policy, the “business of smuggling persons” into the European region was able to establish itself as a lucrative source of income for the relevant

¹⁸ See <http://www.detective.io/detective/the-migrants-files>.

service providers. By sealing off European external borders, both the prices and the demand for professional migration aid are increasing.¹⁹ Secondly and related to this – migrants have been shown to accept greater risks in order to avoid the exclusion practices coordinated by Frontex.

The “irregular” routes to Europe are shifting and becoming significantly more dangerous.²⁰ Thirdly, numerous reports show that emergency sea rescues of boat people are obviously not a priority for European border control in the Mediterranean. On the contrary refugees sometimes meet their death as a direct consequence of push-back operations by border authorities – as in January 2014 off the coast of Greece, when a boat that had been intercepted suddenly capsized while being towed back to Turkey. Twelve people drowned in the presence of the Greek Coast Guard.

A necessary evil?

The serious consequences of the EU border regime raise the urgent question of whether Europe can afford to and should continue such policy. Are these consequences the dreadful price Europe must pay against the backdrop of security, economic and social policy considerations? In other words, must we tolerate the mass deaths along the external EU borders (and beyond them) because all alternatives would produce even worse consequences? Three assumptions, which underlie the practice of European border security, need to be questioned.

The first assumption: The controls are necessary in order to prevent irregular immigration based on economic motives, for it is only in this way that “genuine” asylum seekers can be filtered out and appropriately protected.²¹ There is still no proof that current practices for securing Europe's frontiers are leading to effective prevention of unwanted migration. Experience with comparable border regimes indicate that migrants are “willful”²² enough to pursue their goals even under changed and more difficult circumstances. For example, although the budget for closing off the US–Mexican border, where high-tech procedures were employed earlier than in Europe, rose from US\$ 250 million to US\$ 1,6 billion annually between 1990 and 2000, the number of “illegal”

19 See Johannes Krause: Das Sterben an den EU-Außengrenzen. Die Normalität in der Abnormalität, in: Netzwerk MiRA: Kritische Migrationsforschung?, Berlin 2012, p. 193.

20 See Lori A. Nessel: Externalized Borders and the Invisible Refugee, in: Columbia Human Rights Law Review 40 (2009): 625, p. 650.

21 Charlotte Wiedemann: Mythen der Migration, in: Le Monde Diplomatique, June 2009.

22 Martina Benz/Helen Schwenken: Jenseits von Autonomie und Kontrolle. Migration als eigensinnige Praxis, in: Prokla 35 (2005): 3, pp. 363–378.

border crossings doubled in the same period of time.²³ Relocations of routes and border crossing points can also be observed at the EU's frontiers, but no reductions in the total number of people crossing the border. As shown above, the border regime imposes highly negative consequences precisely on those people seeking protection from political persecution. In practice, the right to submit an application for asylum is made impossible for most of them. While those who make their way to Europe using unofficial routes in search of work are at equal risk, after succeeding in gaining entry they discover whole sectors of the economy which enable unregulated employment conditions and benefit from such irregular immigrants. Playing off different forms of migration against each other is thus unfair and unrealistic and contributes to increasing the size of the unofficial job market.

The second assumption: Without a border regime, there would be "mass migration" to Europe. "Migration as invasion" is a widely known and traditional theme in politics and the media. This conventional *topos* represents a strongly Europe-centered worldview in which Europe is seen as a point of attraction, and only migration from the "south" to the "north" is taken notice of at all. But global migration movements have long since become diversified (again). Europe, which only shifted from being a continent characterized by emigration and flight to being predominantly the destination for immigrants a few generations ago, is once again experiencing substantial emigration. Since 2009, migration from Spain to Chile, for example, has increased by more than 173 percent.²⁴ One of the strongest drivers of migration was, and remains, the search for economic opportunities, in the sense of modern "expectations of mobility," "to make your way to a place where the significant social resources to live an independent life can be obtained."²⁵ In fact, economic strength and immigration patterns develop in an almost parallel way in many highly industrialized countries.²⁶ Two aspects need to be kept in mind in this regard: As long as the demand for workers creates economic opportunities without policies providing appropriate provision for immigration, for one thing, labor migration will take place by other means, for example as family re-unification, asylum migration or outside the entry routes legally provided for. Furthermore, taking advantage of this possibility, namely that of improving your own eco-

23 Saskia Sassen: Immigration: control vs. governance, 2010, <http://www.opendemocracy.net/saskia-sassen/immigration-control-vs-governance>.

24 Stefan Alscher: Lateinamerika Zielregion internationaler Migration in: Migration und Bevölkerung Newsletter (2013): 10, p. 6.

25 Michael Bommers: Die Planung der Migration, in: IMIS-Beiträge (2011): 38, p. 115–136.

26 Hein de Haas: Migration . . . it's the economy, stupid!, March 26, 2012, <http://heindehaas.blogspot.de/2012/03/migration-its-economy-stupid.html>.

conomic situation, that of your family or of your social surroundings by means of migration, is from the start dependent upon the availability of resources and networks. While the media often emphasize the threat of invasion by “the poorest of the poor” – the *Spiegel* magazine lead story “Onslaught of the poor” from 2006 is still the best example²⁷ – it is precisely these people who have no access to the resources required for migration over long distances.

The third assumption: Uncontrolled migration is a security risk for the country of destination. The view that open borders would benefit “terrorists” persists unyieldingly. However, as far as the – generally to be regarded as limited – risk of terrorist attacks is concerned, a direct link to “illegal” immigration cannot be established. According to a quantitative study on “terrorists” in Europe and the US between 1999 and 2004, only 6 percent traveled without a valid visa, 33 percent had a legal entry permit, and more than 40 percent were citizens of the states affected (“home-grown terrorism”).²⁸ Despite a very influential new interpretation of migration as a contribution to development, which has existed since 2005, and numerous acknowledgments voiced by leading European politicians of the (economic) potential, or even the necessity, of liberal immigration regulations for the survival of European pension and social systems,²⁹ until now the security paradigm has prevailed over all attempts at reform.

Suggestions and alternatives

The high cost of the current EU border regime is not matched by any equivalent value. This is why we are in urgent need of an alternative way of dealing with migration and immigration into Europe. The closing report dated December 2013 published by a task force instituted by the EU Commission after “Lampedusa” called for an examination of, among other things, safer entry routes for potential asylum seekers as well as the decriminalization of emergency rescues at sea.³⁰ In addition, in May 2014 the EU Parliament is expected to vote on regulations which will require Frontex to come to the aid of mi-

27 “Ansturm der Armen. Die neue Völkerwanderung,” in: *Der Spiegel*, June 26, 2006, p. 1.

28 Robert Leiken/Steven Brooke: The quantitative analysis of terrorism and immigration. An initial exploration, in: *Terrorism and Political Violence* 18 (2006): 4.

29 Cecilia Malmström: Migration is an opportunity, not a threat, http://europa.eu/rapid/press-release_SPEECH-12-417_en.htm?locale=en.

30 European Commission: Communication from the Commission to the Parliament and the European Council on the Work of the Task Force Mediterranean, Brussels December 4, 2013.

grants in distress. These regulations oppose the practice of push-backs which currently contravene prevailing law. To avoid asylum seekers having to depend on dangerous sea journeys, the task force report draws attention to the possibility – not yet practiced by any EU state thus far – of issuing humanitarian visas through embassies and consulates in the countries of origin and assessing the need for the protection of potential applicants prior to entry.

As this chapter has shown, the goals of keeping unwanted migrants out of Europe and, at the same time, protecting the lives and human rights of mobile people on the way to Europe are mutually incompatible. Assigning both tasks to the same institution will always be done at the cost of the latter task. For this reason, the entire European border security regime must be subjected to fundamental re-examination. It neither delivers what it promises, nor do the threat perceptions constructed to legitimize it stand up to critical examination. In addition, there are undesired side effects such as restriction of circular migration. The dismantling of hurdles to migration at the EU's external borders would predictably lead to an increase in migration. In economic and demographic terms, this would be desirable. Initially, however, if people were given more freedom of mobility, an increase in circular migration would have to be reckoned with: traveling back and forth between countries of origin and destination, and possibly third countries.

Currently, there are no signs of any political will for a genuine change of course. Both the coalition agreement of the German government of 2013 and the reactions to “Lampedusa” in Brussels are in favor of an extension of surveillance, control and outsourcing, for “more of the same”, and thus cling to the scarcely justifiable rationales of the past. Instead of genuine reform, attention is drawn to measures for combating the causes of migration. It must be acknowledged here that the countries of destination often play a decisive role in causing (involuntary) migration, whether through unfair fishing treaties, support of investments in land, agricultural export subsidies, export of weapons, unjust global trade policy or climate change and destruction of the environment. European states and corporations are involved, in numerous ways, in robbing people outside Europe of their livelihoods. As early as the 2006 Peace Report, the criticism of the economic cooperation between European and African states, cooperation which was introduced in order to eliminate the causes of migration and flight, was discussed as a one-sided special interests policy of the EU.³¹

31 Sabine Mannitz: Europäische Einwanderungspolitik. An den Grenzen des Gleichheitsversprechens, in: Reinhard Mutz/Bruno Schoch/Corinna Hausdewell/Jochen Hippler/Ulrich Ratsch (eds.): Friedensgutachten 2006, Münster 2006, pp. 103–111.

The current border regime permits the EU to simultaneously open and close its borders.³² Contrary to the strongly established legal right to assessment of an application for asylum, for all intents and purposes closing borders affects all those who fall through the cracks of the largely economic criteria for desired immigration. The flip side of granting entry rights based primarily on economic criteria, not only with regard to the job market but also in a humanitarian context, is the criminalization described above. The result is a deepening and cementing of global discrepancies in well-being, despite all agreements to make better use of migration to bridge such disparity as well as to drive development. The current regime is attractive because, above all, it makes it possible to avoid a political confrontation with and over migration. Use of advanced technology and outsourcing of border policing to other actors and locations, creates a diffusion of responsibility, which makes it harder to identify the people responsible for breaches of the law and hold them accountable. EU states also avoid having to work out political solutions for the co-existence of people of different nationalities on their territory. Genuine acceptance of migration places in question the congruity of culture, society and territory, a congruence which tries to establish and protect institutional frameworks at the state level. Developing solutions founded on law for dealing with mobile people would be a difficult process. Nonetheless, what is needed is to start exactly there and work out a system of regulation for dealing with migration and its consequences at a national level. It may well seem naïve and utopian today to call for an extension of the right of people to emigrate to include a right to mobility. However, it is just as naïve and utopian to think that the small-minded arrangements of current border policy will offer sustainable solutions for global change processes such as international migration.³³

32 Lena Laube, loc. cit.

33 Antoine Pécoud/Paul de Guchteneire: International Migration Border Controls and Human Rights. Assessing the Relevance of a Right to Mobility, in: *Journal of Borderlands Studies* 21 (2006): 1, pp. 69–86.