

# BRAVE NEW BORDERLESS STATE

## Illegal immigration and the external borders of the EU

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### INTRODUCTION

As the European Union moves towards closer economic union and political integration it is beginning to experience problems on a new EU scale, problems that demand a corresponding EU response. Since the inclusion of the Schengen *acquis*<sup>1</sup> in the Amsterdam Treaty of 1997, the EU has dispensed with internal borders (with some notable exceptions) thus placing increasing significance on its external borders. It is at these external borders that pressure is increasingly being felt in the form of illegal immigrants trying to enter the Union and thence move freely to any of the member states.

Disparities in terms of demography, economics and politics between the EU and its neighbours, near and far, together with political upheavals such as the collapse of the former Yugoslavia, inter-ethnic conflicts, wars, environmental disasters and poverty are all acting to increasing migratory pressure on the EU. The latter meanwhile, has virtually 'closed the door' to economic immigration and considerable disparities in refugee asylum policies and administration exist among member states.

News stories throughout 2000 have highlighted the growing flood of illegal immigrants to the EU as well as the increasingly worrying involvement of organised crime in the process. The most visible response to these pressures has been the erection of barricades at the external frontiers creating 'Fortress Europe', accompanied by efforts to enlist neighbouring countries' help to stem the flow. There are, however, signs that consideration is being given to longer term, more far-reaching measures for dealing with these problems and a move towards the realisation of real EU-wide policies for refugees and immigration.

### SCHENGENLAND

The European Union numbers 15 member states and stretches from the Arctic Circle in the north to the Mediterranean Sea in the south; from the Atlantic Ocean in the west to almost the Black Sea in the east. Arising out of security and economic concerns in the aftermath of the second world war, the EU is defined by a series of treaties from that in 1952 establishing the European Coal and Steel Community through the *Treaty of Rome*, to the *Maastricht Treaty* of 1993 and finally the *Amsterdam Treaty* of 1997. The EU is a political, economic and social union characterised by the absence of barriers to the free movement of goods and people between member states. It is today the largest trading entity in the world, accounting for 19% of world trade in goods, and with 373 million inhabitants it is the world's largest market.

Thirteen countries are queuing for membership of the EU: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovenia, Slovakia and Turkey, with other countries, newly emerged from the former Soviet Union or former Yugoslavia also keen to be considered.

### The Schengen Agreement

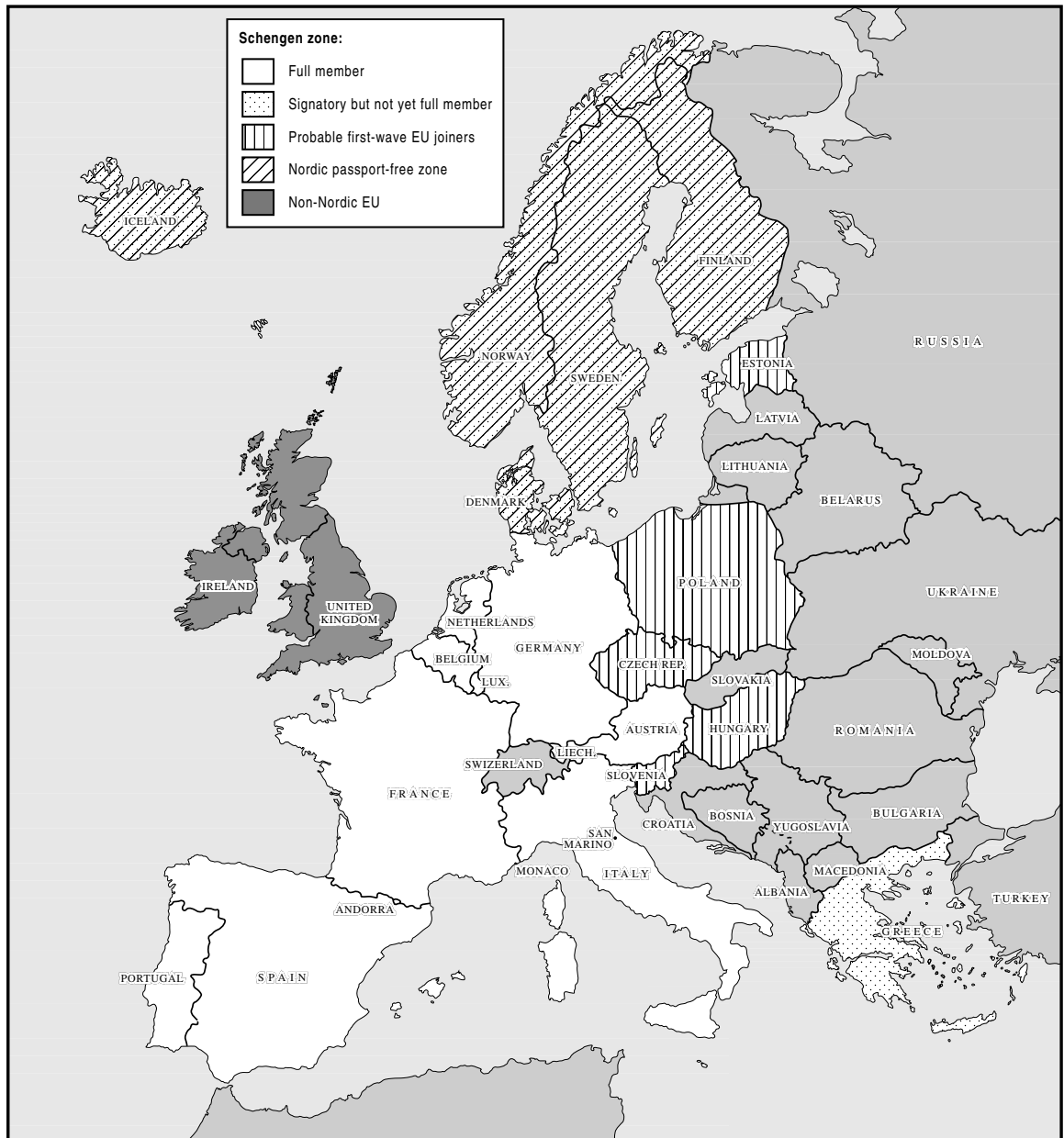
During the 1980s there was debate on the meaning of the concept of "free movement of persons."<sup>2</sup> Some member states felt that this should apply to EU citizens only, which would involve keeping internal border checks to distinguish between EU and non-EU nationals, while others argued for the free movement of everyone implying an end to internal border checks. In the absence of consensus France, Germany, Belgium, Luxembourg and the Netherlands decided in 1985 to create a territory without internal borders. This became known as the 'Schengen area' or 'Schengenland' after the town in Luxembourg where the agreement was signed. A

further convention was signed in 1990, which, when it came into effect in 1995 abolished the internal borders of the signatory states and created a single external border. This intergovernmental cooperation expanded to include 13 of the 15 EU members in 1997 following the signing of the *Treaty of Amsterdam*. The *Treaty of Amsterdam* incorporated the decisions taken since 1985 by Schengen group members and the associated working structures into EU law on 1 May 1999.

The Schengen Area is made up of 12 of the 15 EU member states, Ireland and the United Kingdom and Denmark having declined to join, but have the option to do so at a later date. In March 1999 the UK asked to take part in some aspects of Schengen namely police and legal cooperation in criminal matters, the fight against drugs and the Schengen Information System. An agreement was also signed between Iceland, Norway and the EU on 18 May 1999 in order to extend the Schengen regime to those countries by virtue of their membership of the Nordic passport union.

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The Schengen regime is characterised by common rules regarding visas, asylum rights and checks at external borders. The freedom of movement within the Schengen area is accompanied by so-called ‘compensatory’ measures. These involve coordination between police, customs and the judiciary and taking necessary measures to combat problems such as terrorism and organised crime. In order to



make this possible a complex information system known as the Schengen Information System (SIS) was set up to exchange data on people's identities and descriptions of objects lost or stolen.

## MIGRATION

There has long been immigration into the EU as well as a pattern of short stay 'commuter' immigration, but the latter part of the 20th century has seen a change in Europe in terms of the ease of movement of nationals from non-EU countries, their acceptance within the EU and the border management policies in force at the external borders of the Union.

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Most EU countries have now closed their doors to what demographers term 'primary migration', that is, economic job-hunters from outside the union who intend to stay and bring their families, and since the early 1990s legal immigration into many EU countries has declined. The only way in for would-be migrants is to break the rules: creep in illegally, stay on quietly after a legal visa to visit or study has expired, or apply for asylum in the hope of passing for a refugee, or that the overloading of the system will enable an indefinite stay. Some 400,000-500,000 illegal migrants slip or are smuggled into the EU each year, according to Jonas Widgren of the International Centre for Migration Policy Development in Vienna.

A range of factors is responsible for the increased migration pressure on the EU:

- The end of the Cold War in the early 1990s lifted restrictions on the movement of people in Eastern Europe and the former Soviet Union, combined with the breakup of the Soviet Union and the emergence of the former Warsaw Pact and Baltic States from Soviet domination.
- The collapse of communism and the economic hardship inherent in the transition to functioning capitalist democracies has spurred many to leave their own countries seeking improved conditions in Western Europe.
- The painful and bloody disintegration of the former Yugoslavia and the emergence of Slovenia, Bosnia-Herzegovina, Croatia, Macedonia and possibly now Kosovo and Montenegro have unleashed thousands of refugees from persecution, war and hardship.
- Associated with the above was the collapse of the communist regime in Albania and the continuing hardship being experienced by its people.
- Conflicts such as the Gulf War, the conflict in Afghanistan and other ethnic and related conflicts have triggered the movement of large numbers of political and economic refugees who head for the most attractive areas, especially Western Europe and North America.
- The economic imbalance between Western Europe and countries in North and Sub-Saharan Africa creates a natural flow of economic migrants, (for example, Spain's GDP per person is 12 times that of Morocco and some 40 times that of Nigeria), while numerous conflicts in Africa exacerbate the problem.

There are several favoured routes into the EU for illegal immigrants – via boat from Albania, Tunisia or Morocco into southern Europe; from Sarajevo airport via Croatia and Slovenia into Italy and Austria; or overland from Turkey. New routes seem to be emerging in the Baltic as well. In the eastern Mediterranean the Balkans are now the main gateway for illegal migrants into Western Europe, according to the International Organisation for Migration (IOM).<sup>3</sup>

The scope of the problem facing the EU is illustrated by the fact that in the first half of 2000 news headlines in Europe have been consistently grabbed by illegal immigration stories. Nearly every week there is another story of boatloads or lorry container loads of illegal immigrants being found as they attempt to gain access to the European Union. The most dramatic, and tragic, incident occurred in June when the bodies of 58 people were found in the back of a lorry at the English port of

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Dover. The 54 men and four women were of Chinese origin. This was one of many instances of attempts by immigrants to enter the UK or Scandinavian countries.

Greece has a difficult coastline to police with over 400 islands, although it is more used as a transit country than a destination country since it does not have a land border with any other EU country denying would-be illegal immigrants access to the northern states of the EU. In July Greece detained 37 would-be illegal immigrants from the Middle East after a vessel was stopped by a coastguard patrol off the coast south of Athens with other, similar incidents occurring throughout the year.

Italy, close to the Balkans, with an 8,000km coastline to patrol and a famously lax approach to illegal immigration is a magnet for would-be migrants. The battle against people traffickers is especially fierce in Apulia, the heel of Italy, where smugglers use high-speed launches and dinghies to make the 90 minute crossing from the Albanian port of Valona. Italian coastguards detained 418 people there in July for illegally entering the country. The detainees included Kurds, Afghans, Sri Lankans, Nigerians and Sierra Leoneans.<sup>4</sup> This incident prompted an angry response from the government that neighbouring countries are not doing enough to control human trafficking. The volume and relentlessness of the flow has sparked angry public reaction too, especially after two Finance Guards from Otranto were killed after smugglers rammed their dinghy.

In the western Mediterranean the preferred route for illegal immigration is across the relatively short but dangerous stretch of sea between Morocco and Spain. The latter, has in the words of *The Guardian*: "...the thankless task of policing on the main southern routes for illegal entrants: across the Strait of Gibraltar, where the gap between rich and poor is just 20 miles of hazardous water."<sup>5</sup> In the first four months of 2000 Spanish authorities arrested and detained 2,600 North Africans trying to illegally enter Spain, more than in all of 1999, while a migrant advocate group estimates that 3,000 people have died trying to cross the Strait of Gibraltar into Spain in the past five years.<sup>6</sup>

In July Spanish officials said more than 100 illegal immigrants who had just arrived from northern and sub-Saharan Africa were arrested near the southern town of Tarifa. Later that month Spanish coastguards and police arrested 288 illegal immigrants trying to enter the country from North Africa. Another 36 people were saved when the ferry Las Palmas de Gran Canaria, operating between Tangiers and Algericras found them adrift in a rubber dinghy.

Spain's enclaves of Ceuta and Melilla in Morocco and the Canary Islands off the Moroccan coast, have become transit points for migrants headed to Europe, with the Canary Islands the most recent favoured landing point. About 1,200 migrants have been picked up there by police since January 2000.

A lighter note in this catalogue of human trafficking and illegal immigration was provided by the news in late July that a group of about 70 Moroccans who were working on a film about illegal immigration in Morocco, acted out their parts for real, by fleeing across the Straits of Gibraltar. The director of the film, Mohammed Ismail, told the BBC that his film extras had escaped in boats to Europe just days before filming was due to begin.<sup>7</sup> He said he feared his cast had taken their roles too seriously!

**Organised crime and illegal immigration**

An estimated 500,000 undocumented migrants enter EU nations annually, most of them smuggled in by criminal trafficking syndicates,<sup>8</sup> and most of the 250,000 asylum seekers a year in Europe are believed to use smugglers to get into the country in which they apply for asylum. People smuggling has become a massive business controlled by powerful Mafia-type gangs. Many law enforcement officials note that

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penalties for smuggling people are lower than for smuggling drugs, and that the smugglers are very sensitive to changing enforcement patterns, switching, for example, from canvas-topped trucks that let in air, but in which dogs were able to determine if people were inside, to closed trucks in which people are harder to detect, but also in which suffocation is more likely. UK officials estimate that up to a million people are smuggled world-wide every year by an illegal industry worth up to US\$30 billion.<sup>9</sup>

A UN-sponsored report of 7 July 2000 concludes that stricter EU laws on trafficking and smuggling of people have forced many genuine refugees to turn to illegal means of pursuing freedom. The report faults Western European countries for failing to honour their national decrees pledging safe haven for refugees who escape war and political persecution.

**Who are the real refugees?**

The issue of refugee asylum in EU countries is very complex. There is no agreed EU policy on asylum and individual states vary in their definitions and treatment of asylum seekers. The number of asylum claims in the EU, which had stayed fairly stable throughout the 1980s swelled dramatically after the collapse of communism had led to war in the Balkans. Claims rose from just over 200,000 in 1988, for the 15 countries that now make up the EU, to a peak of around 676,000 in 1992 during the Bosnian war. After a lull, claims surged again last year with the war in Kosovo, up by nearly 20% to just over 366,000.

Most of these refugees are without doubt in genuine need of sanctuary. But even refugee agencies acknowledge that many others are fleeing poverty rather than persecution. By posing as refugees, the false asylum-seekers are undermining the tolerance of Europeans for those who genuinely need protection. The chances of being accepted vary hugely across the Union. According to *The Economist*:

*In 1998, for instance, Britain gave 96% of all Somalis who applied some form of refugee status or protection; Germany accepted just 15%. German and French courts generally accept as refugees only those who have been persecuted by "agents of the state", not by other groups; Britain's definition is more generous.*

Conditions for refugees also vary greatly across the Union, it can take six years to get a case heard in Britain, but only six months in the Netherlands. Applicants are allowed to work after six months in Britain, while in Germany and the Netherlands they cannot accept a job until they get their refugee papers. For now immigration remains a matter for individual EU governments, although the 15 have agreed to try to iron out jointly some of the wrinkles in asylum policy.<sup>10</sup>

**THE EU RESPONSE – MEASURES TO TACKLE THE PROBLEM**

The member states of the European Union cooperate in three areas, often referred to as pillars. The central EC pillar has supranational functions and governing institutions. Policy decision in this area carry the weight of law and are applied uniformly across the EU. Common Foreign and Security Policy (CFSP) and Police and Judicial Co-operation in Criminal Matters are the two flanking pillars, both based on intergovernmental cooperation. Policy decision in these pillars are made by unanimous cooperation between members and cannot be enforced. Immigration and refugee asylum policy and related police and judicial measures come under these pillars.

The EU response to the problems of illegal immigration has been a mixed one, characterised by a lack of consensus as to the means of tackling immediate problems as well as developing longer term strategies targeting the underlying causes. The *Schengen Agreement* does provide a framework and a set of objectives for frontier management and policing which the member states are gradually implementing, but

## **'Fortress Europe' – Putting up the Barriers**

the different legal, justice and administrative systems within the Union hampers the development of a unified approach.

The *Schengen Agreement* brought about a marked change in the nature of frontier controls at the external borders of the EU. Prior to Schengen some frontiers, such as those with Warsaw Pact countries were well defined with major investment in infrastructure and manpower. Others, such as those in southern Europe were more relaxed and allowed for the movement of non-EU nationals in and out. Since the Agreement however, large sums have been spent on barriers, equipment and personnel at all the external borders of the EU, earning the Union the nickname 'Fortress Europe'. Germany has spent much money and effort reinforcing its borders with Poland. Spain is installing a US\$150 million electronic warning system to form a 350-mile 'electronic wall' to repel illegal immigrants from Africa. In the enclave of Ceuta the EU has spent US\$25 million to build parallel wire fences running for five miles. By 1998 Austria said it had spent nearly US\$17m on equipment and increased manpower to patrol its eastern borders.

## **Intensifying policing of illegal migrants – tackling criminal elements**

The Schengen Information System (SIS) is one of the measures being adopted to improve security at the external borders of the EU. Equally important is coordination between police, customs and the judiciary of member states. While this is an objective of the Schengen regime, its realisation is more gradual in practice with individual states frequently acting alone, although the relentless nature of the problems posed by illegal immigration and especially the growing involvement of criminal elements in people trafficking is producing bilateral and multilateral efforts, sometimes between EU and non-EU states.

Following the deaths of the 58 illegal immigrants at Dover, the UK announced that it would inject £2 million into tackling the problem and secret service agents would head a team, backed by a number of agencies including the National Crime Squad, the National Criminal Intelligence Service (NCIS) and Customs and Excise, to crackdown on gangs smuggling immigrants. NCIS chiefs attended an emergency meeting of Europol in the Hague in July to appeal to other European countries for cooperation and financial backing.

Also in response to the Dover tragedy, France announced that it was trebling the penalties for anyone caught smuggling illegal immigrants into the country. French Interior Minister Jean-Pierre Chevènement said there were three priorities: to harmonise laws on trafficking and the penalties it incurs; to make it easier for a country to deport immigrants already identified as illegal in another member state; and, to tighten punishments for individuals or companies caught transporting immigrants.

Working together, Britain and France signed a landmark deal stepping up the fight against illegal immigrants using Eurostar train services to reach the UK. The accord will allow British immigration officers to patrol French railway stations and check trains on the journey from Paris. UK Home Secretary Jack Straw described the accord as "...a major step forward in joint cooperation between the two countries."<sup>11</sup>

In the Mediterranean, Italy faced with gangsters taking control of organised crime on both sides of the Adriatic, identified Albania as a major source of criminal activity: "Everything passes via the Albanians. The road for drugs and arms and people, meaning illegal immigrants destined for Europe, is in Albanian hands."<sup>12</sup> The Italians are tackling this problem by means of an agreement with the Albanian government to allow Italian police to operate inside Albania: "Joint Italian and Albanian police task forces should from now on be able to hunt down the Albanian mafia's hideouts, seeking out bunkers and logistical bases, and the boatyards where the dinghies are fitted out, hidden and repaired."<sup>13</sup> On its land borders Italy has

undertaken similar cooperative operations. In September Italy conducted a special monitoring operation on the border between Italy and Slovenia – on the basis of a memorandum of technical cooperation between the two countries to combat illegal trafficking and illegal immigration.

The differences in asylum policy and immigration law among member states continues to exacerbate the problems of illegal immigration. In a memo written in April, UK Prime Minister Tony Blair identified asylum and immigration as one of the areas where Labour was seen as ‘soft’<sup>14</sup>. Quicker decisions and removals are expected to serve as a deterrent to asylum seekers entering the UK. Meanwhile, the Spanish government is expected to approve tougher immigration laws which could lead to the expulsion of tens of thousands of illegal immigrants.<sup>15</sup>

### Pushing the problem back on countries outside the EU

A European Council strategy paper of 1998 outlined a policy on the reduction of migratory pressure in the main countries of origin:

*The reduction of migratory pressure calls for a coordinated policy which extends far beyond the narrow field of policy on aliens, asylum, immigration and border controls, and also covers international relations and development aid.*

*Here, a model of concentric circles of migration policy could replace that of “fortress Europe.” For obvious reasons, the Schengen States currently lay down the most intensive control measures. Their neighbours (essentially the associated States and perhaps also the Mediterranean area) should gradually be linked into a similar system which should be brought increasingly into line with the first circle’s standards, particularly with regard to visa, border control and readmission policies. A third circle of States (CIS area, Turkey and North Africa) will then concentrate primarily on transit checks and combating facilitator networks, and a fourth circle (Middle East, China, black Africa) on eliminating push factors.<sup>16</sup>*

This approach of pushing the problem back onto neighbouring non-EU countries can be seen in practice. Under the *Phare*<sup>17</sup> programme, applicant states are being helped to improve their border controls in preparation for EU membership. Germany, for example, has been vigorously helping the Poles, as well as other ‘fast-track’ applicants in Central Europe, to tighten up their eastern borders. In return applicant states are expected to play their part in halting the flow of illegal immigrants transiting their states to the borders of the EU.

Similar demands are made upon countries close to the EU, but with no hope of being considered for membership in the short or even mid-term. The head of the UN mission in Bosnia said that the country needs to establish secure borders and tighter visa processing to stop illegal immigrants who are using it as a first stop to Western Europe.<sup>18</sup> As long ago as 1993 the Moroccans were invited to the Schengen technical inspection of the Spanish frontier controls. The Moroccans in turn have appealed to the EU for investment as the only long-term solution for quashing the lure of Europe. Instead, the EU says that Morocco must impose visa controls on sub-Saharan states and allow EU immigration officials to police its ports. Morocco argues that visas would have little effect. Already, it says, it does its full share of policing for Europe. In 1998, its security forces expelled 17,178 illegal entrants, many of whom had trekked thousands of miles through the Sahara. However, when they were dumped over the Algerian border, most walked straight back to Morocco.

North Africa’s leaders complain that the EU treats immigration as a security not an economic problem. Algeria’s President, Abdelaziz Bouteflika, likens the EU’s defences to the Great Wall of China. And Morocco accuses Europe of picking and

choosing its market forces: it demands the free passage of goods, while denying the free passage of labour.

The EU is also pursuing agreements with states in the 'fourth circle' to try and limit migration. For example, Chinese Prime Minister Zhu Rongji pledged on 11 July 2000 to reinforce links with the EU to fight human trafficking. He made the remarks after meeting European Commission President Prodi. One part of the agreement between China and the EU would be increased cooperation between the police and security authorities, as well as Europol, the EU-wide body that combats organised crime. Another element is expected to include joint information campaigns aimed at warning Chinese citizens of the risks of paying criminals to smuggle them into Europe.

### **Reduce Migratory Pressure in the countries of origin**

A more farsighted approach for the EU is to consider the reasons behind the flood of illegal immigration – economic, demographic, political and security factors in the countries of origin, and to develop a policy of assistance to promote development and stability to encourage would-be migrants to stay put. As the strategy paper of 1998 stated the case:

*The reduction of migratory pressure calls for a coordinated policy which extends far beyond the narrow field of policy on aliens, asylum, immigration and border controls, and also covers international relations and development aid...*<sup>19</sup>

The paper argues for an expansion of development and economic cooperation with the main regions of emigration. Some moves in this direction have been evident in the past year with EU conferences with North African and Sub-Saharan states, and the large EU aid and development programmes. But the problems are very large and complex and the EU has had a marked lack of success in developing a unified response to dealing with conflicts such as the break-up of former Yugoslavia, which trigger refugee and immigration flows.

### **Allow more legal migration**

Historically Europe has exported its people to settle elsewhere in the world, but now the EU is facing a major challenge prompting a debate on the nature of an immigration policy for the 21st Century. As the EU's economies thrive and its populations age, they will have to turn increasingly to foreign workers. In order to keep its working-age population stable between now and 2050, at current birth and death rates, Germany would need to import 487,000 migrants a year, according to a recent report by the United Nations Population Division. France would need 109,000 and the EU as a whole 1.6m. To keep the ratio of workers to pensioners steady, the flow would need to swell to 3.6m a year in Germany, 1.8m in France and a staggering 13.5m a year in the EU as a whole.<sup>20</sup>

This has started to prompt a response from some European governments. Germany's Chancellor Gerhard Schroder has called for an extra 20,000 software specialists to be recruited in India and Eastern Europe. The government of Ireland is considering proposals to import some 20,000 skilled workers over seven years. Even the British government plans to speed up the work-permit system to help meet skill shortages. In September the Home Office called for a debate on relaxing immigration rules to meet Britain's skill shortages. A recent survey found that one in four employers had difficulty finding staff. At the same time the NHS<sup>21</sup> announced it would be drafting in nurses from China to meet staff shortfalls.<sup>22</sup> While Spain's jobs minister summed up the call for more unskilled immigration: "We need people to do the jobs Spaniards no longer want to do."

European Commission President Romano Prodi said that Europe needs immigrants and that EU governments need to increase their cooperation to reduce illegal



immigration.<sup>23</sup> The EU's Justice Minister Antonio Vitorino has proposed an EU immigration plan that would open a labour migration channel with the goal of reducing the number of asylum seekers. Under the proposal EU countries could decide whether to accept labour migrants as workers or as immigrants. However, all labour migrants would have to have identity papers and work contracts with EU employers who paid taxes on their wages. Vitorino was asked: "*If more people were allowed to come to Europe legally, could that reduce the number of asylum-seekers and illegal refugees?*" He answered: "*Yes I believe than an active immigration policy could soften the pressure.*"

## CONCLUSIONS

The new borderless regime in the European Union is a bold experiment being watched with interest around the world. With or without the *Schengen Agreement*, Europe would be facing an increase in the pressure of illegal immigrants, due to the lure of the strong economies of the European countries and their unilateral reductions in legal immigration. Its effect, however, has been to shift this pressure onto the external borders of the EU, especially in the Mediterranean. The EU external borders are beginning to resemble that other salient 'faultline' between rich and poor, haves and have-nots, the US-Mexico border. The militarisation and increase in expenditure on personnel, high-tech equipment and physical barriers appear to be analogous to developments on that border, where the Immigration and Naturalisation Service (INS), the parent agency of the Border Patrol, has become one of the fastest-growing federal agencies with an annual budget of over US\$4billion. The result there, as in Europe, has been to force would-be immigrants to attempt entry in more difficult and remote areas increasing the demand for assistance from smuggling services, and fuelling an increase in people trafficking and organised crime.

The main theme characterising the European Union response to these problems to date, has been defensive, creating barriers to entry for would-be migrants at the external borders and throwing the problem back at its non-member neighbours, requiring them to intercept and deal with illegal immigrants heading for the EU. This is not a policy that has found a great deal of support, except where there are candidate states that know that the price of admission to the EU is compliance with the demands of Brussels.

However, despite the 'fortress' mentality there is evidence that other ways of dealing with illegal immigration are being considered. There is growing recognition that the EU needs manpower and that immigration is the only way to achieve this. Another view is that the only real solution to stemming the flow of immigrants is to promote economic and political development in the migrants' countries of origin. According to one European diplomat:

*Illegal immigration is a growing problem, but we can't just build a wall around the EU. We need to encourage economic development in other countries, through both trade and aid, so that people have better opportunities in their own countries. At the same time we have to balance firm but fair immigration policies with a compassionate attitude to refugees and asylum seekers. It's a fine line to walk.*<sup>24</sup>

Interestingly, Mexican President-elect Vicente Fox has called for a new approach to Mexico-US economic cooperation aimed at open borders, noting that Spain, Portugal and Greece were integrated into the EU in the 1980s and 1990s and that Mexico, with the help of Canada and the US could enjoy a similarly fast-growth trajectory. Fox emphasised that the US needs Mexican migrants and that the current INS plans to deter migration were not working. Fox said:

*The United States also knows very well that it needs people to grow, that the United States economy cannot grow at rates of five percent or more if you don't have Mexicans there. ..[The US] was built up by immigrants. I don't know why today immigrants should be rejected. By building up walls, by putting up armies, by dedicating billions of dollars like every border state is doing to avoid migration, is not the way to go. It is not possible to solve the migration problem if we don't solve the gap where a worker in Mexico earns \$5 a day, and a worker in the United States makes \$60 a day.*<sup>25</sup>

It might also have the unlooked for effect of turning Mexico's southern borders with Guatemala and Belize into 'external borders' of a possible future 'North American Union'.

Regions of prosperity and stability such as the EU and the USA always have, and probably always will attract people from less salubrious parts of the world. Problems arise, however, when the destination state closes its doors to this migration. In Europe the doors have closed not at the borders of each member state but, with Schengen, at the external borders of the Union. Meanwhile within those borders the individual member states are experiencing greater prosperity and stability, increasing the attraction of the Union to would-be migrants. Moving the borders outwards with the enlargement of the Union will not solve these problems. The only real solutions seem to lie with long term policies to reduce inequalities in wealth and stability among countries in the world and to allow increased legal immigration to the EU.

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## Notes

- 1 The Schengen *acquis* comprises the agreement, the convention, together with the
- 2 declarations and decisions adopted by the Schengen Executive Committee.
- 3 European Council 'Incorporating the Schengen "Aquis" into the European Union
- 4 Framework', Scaplus/leglen/lvb/133020.
- 5 BBC News Online, 5/9/00.
- 6 BBC News Online 31/7/00.
- 7 Gooch, 2000.
- 8 Migration News, Europe, June 2000.
- 9 BBC Online 26/7/00.
- 10 Geiger, 2000.
- 11 BBC News Online, 21/7/00.
- 12 'Europe's Immigrants A Continent on the Move', *The Economist*, 6/5/00.
- 13 Yahoo! News, UK & Ireland, 9/8/00.
- 14 BBC News Online, 3/8/00.
- 15 BBC News Online, 30/7/00.
- 16 The Labour party holds a majority in the UK parliament.
- 17 BBC News Online, 4/8/00.
- 18 European Council 'Strategy Paper on Immigration and Asylum Policy', Brussels, 1
- 19 July 1998.
- 20 The *Phare* programme, launched in 1989 is intended to help former communist
- 21 countries in eastern and central Europe reconstruct their economies. It is also the main
- 22 financial instrument for the pre-accession strategy.
- 23 Migration News Europe, Volume 7, Number 9, September 2000.
- 24 European Council 'Strategy Paper on Immigration and Asylum Policy', Brussels, 1
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- 26 'Europe's Immigrants', *The Economist*, 6/5/00.
- 27 The UK National Health Service.
- 28 BBC News Online 11/9/00.
- 29 Migration News, Europe, Volume 7, Number 9, September 2000.
- 30 Christian Science Monitor, August 1998.
- 31 Migration News, North America, Volume 7, Number 9, September 2000.

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Many of the world's most prospective offshore oil and gas fields lie within 200 nautical miles of the coasts of more than one country, often giving rise to competing national claims to jurisdiction over the sea bed in question.

This course will help industry decision makers to understand the legal and technical principles which underlie maritime jurisdiction and boundary delimitation, and to make informed decisions about the political risk involved in exploration and production in offshore boundary areas.

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