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## INTRODUCTION OF PROCEDURES FOR MIGRATION CONTROLS IN GREECE

### Case study in the Aegean Islands

*Laurence Pillant, 2<sup>nd</sup> year PhD student in Geography, Aix-Marseille Université, UMR Telemme 6570, Maison méditerranéenne des sciences de l'homme, under the supervision of Pierre Sintès, University of Provence and Apostolos Papadopoulos, University of Harokopio (Athens).*

Changes in migration control procedures at Greek frontiers over the last 10 years, and in particular at the frontier between Greece and Turkey, could be described as 'pluralist', a term often used in contemporary research to describe a system of organizations, actors and identities by which individuals define themselves. Here it is used to describe how territories, actors and their relationships have been transformed in order to control migration.

As this border is located at the geographical intersection of maritime and terrestrial frontiers and close to a major migration crossroads (Istanbul), it has become a preferred option for clandestine entry into Europe by migrants from more distant countries.<sup>1</sup> As a result, this and other geographical factors<sup>2</sup> have led to a substantial increase in the number of illegal crossings by migrants in the Aegean Sea during the 2000s. More particularly, the islands in the Northern Aegean Sea<sup>3</sup> have the second highest rate for arrests of illegal migrants entering Greece, after the Greek-Albanian frontier.<sup>4</sup> The number of migrants<sup>5</sup> arriving on these three islands increased substantially until 2009.<sup>6</sup>

This border area has adapted to the passage of international migrants and, as a result, to submit to a number of transformations which will be discussed in this article. The first section describes the context of migratory flows across the Greek-Turkish border region and the various procedures for controlling this route and dissuading migrants from taking it: in particular, it will review the creation of new territories – such as detention areas – and the

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<sup>1</sup> Very few Turks cross the Aegean Sea to enter the EU. Most people arrested in this region are from more distant countries in Africa, Asia and the Middle East. Despite heavy press coverage of migration via the Turkish border, the Greek-Albanian frontier recorded the highest number of illegal crossings until 2010.

<sup>2</sup> The routes taken by migrants are complex and dictated by a variety of factors. The route via the Aegean Sea is popular for several reasons: proximity to Istanbul (a crossroads of migration routes), dangers along northern routes (presence of mines from the Balkan wars), presence of American and European troops in Iraq and Afghanistan, tighter controls at other crossing points in the South-Eastern Mediterranean.

<sup>3</sup> This research covers the three largest islands in the North Aegean Sea: Lesbos, Chios, and Samos.

<sup>4</sup> Statistics collected during a field study together with other sources such as the Ministry of the Protection of Citizens' web site.

<sup>5</sup> This article refers to changes relating to migration control and clandestine border crossings by migrants entering Europe without proper documents. They are neither illegal nor clandestine migrants.

<sup>6</sup> The number of interceptions has decreased in this region since 2009.

unprecedented multiplication of actors involved in migration control in the region. Nevertheless, is it possible that, by ending the government's exclusive responsibility for controlling the national territory, such transformations might in fact undermine the exercise of its powers at its frontiers? There are two possible, apparently contradictory, hypotheses: the introduction of more and different types of actors could lead either to a weakening of State power, or to a realignment or redeployment of government agencies. After this presentation of the main issues relating to migration controls at the Greek-Turkish border, the article will describe the implementation of security systems for handling a 'extended border area' and the interdependence of actors, be they private or public, national or European, governmental or non-governmental. Notwithstanding the fact that sovereignty of the State is paramount in managing these new elements, the introduction of plurality and its implications for migration controls at the border highlight the weaknesses that lie at the heart and at the outer edge of the procedures.

### ***1. Migratory control in the Aegean Sea and the reinforcement of pluralities***

Sensational language is continually used by the media and politicians when discussing migration to the European Union (EU), particularly in Southern European countries such as Italy (Maneri 2011) and Greece (Sintès 2009, 2011). Even though several European alternatives have been advanced to counter these arguments which tend to dramatize the presence of migrants in Greece,<sup>7</sup> there seems little point in seeing these reactions as uniquely European. Indeed, the complexity of Greek migration control systems must first be seen within the international context for migration.

#### *A new route for migrants: the Aegean Sea*

The arrival of migrants from Africa, Asia and Middle East is not a new phenomenon, even though the numbers intercepted at the Greek-Turkish frontier, and in particular in the Aegean Sea (Pillant 2010), increased significantly during the 2000s. Greece was a country of emigration throughout the first half of the 20th century, but already in the 1980s, this trend was reversed with a substantial rise in the number of foreigners arriving to the point where it

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<sup>7</sup> In 2011, the EU began to review the situation in Greece and controls of migrants at its frontiers. For example, there were discussions about conditions of detention in Greece, which were strongly criticized by the European Committee for the Prevention of Torture, the activities of RABIT (a special rapid action unit), establishment of a Frontex office in Piraeus, and transposition of the European Directive on Returns in Greece.

was experiencing a ‘migration carry-over effect’<sup>8</sup> as seen in other Mediterranean countries, such as Italy and Spain (Claude 2002; Simon 1986). During this period, Greece was also a major country of destination for Albanians and other ‘ex-socialist South Balkan countries’ (Parsanoglou 2009; Sintès 2010).

More recently, the growing complexity of migration routes and flows to Europe (Simon 2002) not only made the journey much more dangerous, but also forced migrants to change their itinerary because of stricter controls and development of the Schengen zone (Clochard 2010). It appears that an increase in ‘clandestine’ migration to the EU made journeys much longer because people now had to travel through Southern European countries. Because of these changes in migrants’ itineraries and in the placement of crossing points, a new Mediterranean configuration emerged with the Aegean Islands becoming a popular destination for crossing into Europe during the early 2000s.

Historically speaking, the maritime frontier between Greece and Turkey has been a source of conflict between the two countries since its creation in 1922.<sup>9</sup> It is regularly subject to closures and military installations and this has inevitably had an impact on all the Aegean islands.<sup>10</sup> Even though the situation became gradually more open in the early 2000s (Sivignon 2005), local interaction between the two countries relating to migration controls has remained relatively weak until now (Pillant 2009).<sup>11</sup> Migrants usually make the short passage between the Anatolian coast and the Greek islands in makeshift and often overloaded boats. Paradoxically, in this area where the maritime limits remain a source of political conflict, the two border agencies work side by side when intercepting and rescuing migrants at sea. Greece’s entry into the Schengen zone has added an extra dimension to the Greek-Turkish ‘dyad’<sup>12</sup> and challenges the role of the State as principal actor in controlling Greek territory. As can be seen from the way in which controls on this border, and more specifically detention

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<sup>8</sup> Closure of frontiers and attempts to reduce migratory flows in Northern European countries during petrol crises led to changes in the direction of these flows towards Southern European countries.

<sup>9</sup> Following defeat of the Greek Army in Asia Minor in 1922, the Treaty of Lausanne 1923 created this frontier which is a source of conflict between Greece and Turkey for several reasons (Prévelakis 1997; Pazarci 1986).

<sup>10</sup> By the late 20th century, the North Aegean islands had become once more very attractive for Greeks as a result of government decentralization programmes. The local population had decreased substantially because of the conflicts between Greece and Turkey, the definition of the frontier between the two countries, the rupture with the Anatolian coast and high levels of emigration (Darques and Kolodny 2004).

<sup>11</sup> Cultural exchanges have multiplied locally, thanks to Greek-Turkish friendship associations, in contrast with hostile attitudes and limited contacts between the two governments.

<sup>12</sup> According to Michel Foucher (1991), a ‘dyad’ is ‘a section of shared frontier between two countries’.

centres, have been installed, a wider range of actors and systems is now emerging.

*Plurality of detention centres: local solutions make up for the lack of legislative provisions*

Under the Schengen Agreement, crossing a frontier anywhere other than at an official border post is an offence. As the penalty for this offence is expulsion, offenders are placed in detention centres while their situation is reviewed and a decision taken on whether they should be sent back, granted asylum or ordered to leave the territory within 30 days. Although migrants are systematically placed in detention centres when they are intercepted in mainland Greece, none of the procedures currently used in the Aegean Sea take into account the need to detain hundreds of persons. The absence of a real legislative framework seems to be the primary reason for the wide variety of solutions for the detention of migrants in this region. Without any regulations covering this situation, the authorities made use of measures available under two confidential emergency plans, Poseidonio and Balkano, until 2011. These plans specify that the prefectures,<sup>13</sup> and more particularly the sections responsible for Civil Emergency Planning,<sup>14</sup> are responsible for handling the massive arrival of people during a major crisis, such as a natural disaster, although no specific details are given as to what arrangements must be made for them.<sup>15</sup> No national directives appear to have been issued for the management of such situations during this period,<sup>16</sup> although the Ministry of the Interior does reimburse expenses related to the establishment of detention centres. The absence of appropriate national regulations has led to a variety of local improvised solutions in border regions which result in notable differences in the cost of detention. For example, there are marked differences in the ratio between number of arrests and costs incurred. In 2009,<sup>17</sup> the three islands that make up the Aegean border (Chios, Samos and Lesbos) received 75% of reimbursements, even though only 34% of Greek border interceptions took place in this

<sup>13</sup> The Greek prefectures (Νομαρχία) do not have the same position as French prefectures, except in terms of their importance. Prefects are elected and are not directly involved in decisions on questions of security, which are handled by the police. The Kallikratis reforms, introduced in 2011, will change this system.

<sup>14</sup> Literally Πολιτικής Σχεδίασης Έκτακτης Ανάγκης (ΠΣΕΑ - Civil Emergency Planning). This agency is covered by a confidentiality clause and is responsible for the management of emergency situations, such as natural disasters, in peacetime.

<sup>15</sup> The Balkano and Poseidonio plans are confidential. We were not allowed access to them and had to rely on descriptions of their contents from various actors in prefectures and at the Ministry of the Interior.

<sup>16</sup> Despite interviews with ministerial staff (including persons at the highest levels) and research in the archives, we have found no confirmation of this.

<sup>17</sup> Reimbursements of these costs are often late and sometimes by up to a year. Payments in 2009 probably refer to spending in 2008.

region. Lack of legislation and the total absence of ministerial audits of local costs<sup>18</sup> have resulted in differing approaches to the management and funding of detention centres.

On these three islands, the requisitioned buildings were not built for the detention of migrants and few improvements have been made by the authorities in order to fulfil this purpose.<sup>19</sup> Despite these improvisations, some common issues have emerged. For example, the centres were generally in a poor state of repair and lacked basic equipment, because of the decision to use of abandoned or under-exploited buildings. This also explains the diversity of ‘available’ resources<sup>20</sup> from one island to the next: a tobacco factory, a former police station, and a former prison.<sup>21</sup> Even though this improvisation resulted in a variety of buildings, this alone cannot explain why local authorities introduced different practices for handling the detention of migrants. To a certain extent, these practices provide insight into the attitude of the authorities towards migrants, viewed as either a nuisance or a threat. Indeed, a number of abuses have been observed – for example, boarded-up windows – that cannot be attributed merely to a lack of resources. The inhuman conditions in these buildings are a source of tension and have led to the creation of collectives<sup>22</sup> to defend migrants’ rights. Again, the strategies and methods used in the power struggle with the authorities vary on the islands. Some of these collectives offer professional services in the detention centres where they have an opportunity to play an important role but little scope for denouncing the abuses they observe. Other collectives, however, have only sporadic access to the centres and have a single option for confronting the authorities: they have greater freedom for denouncing abuse, but only limited access to information. Much of the tension that occurred between actors during the 2000s was generated by questions relating to respect for human rights and arbitrary decisions by police which prevent collectives from having regular access to the centres. The results of this power struggle accentuated the differences in treatment from one centre to

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<sup>18</sup> Ministerial spending reviews are only carried out from a distance. Some requests for reimbursements are refused as unacceptable, but there appears to be no ministerial service responsible for carrying out on-site audits.

<sup>19</sup> We found very little information on contracts with suppliers for the early 2000s and very few services appear to have been provided and do not appear to have succeeded in rendering the buildings habitable.

<sup>20</sup> Other possibilities were sometimes available but not used because of protests from the population which led to the emergence of other difficulties at the local level.

<sup>21</sup> The tobacco factory on Chios was just a hangar with difficult access because of its distance from the island capital; the former prison on Lesbos stands above the town of Mytilini; and the former police station is situated in the centre of Vathy, Samos’ main town.

<sup>22</sup> The term ‘collective’ is used here for citizens groups that are not necessarily registered ‘associations’ and therefore not officially recognized.

another in the Aegean islands. Despite public statements and measures that sought to ensure similar treatment and to regulate practices, differences still persist in the second series of detention centres. Practices introduced in response to an emergency situation remain in place and few improvements have been made to conditions inside detention centres.<sup>23</sup>

Although migrants are systemically detained after interception, detention centres do not appear to receive the same resources as border controls over the last decade. A similar situation can be seen at the European level: as more efforts are made to supervise borders, less attention is paid to the basic rights and freedoms of individuals (Jeandesboz 2008).

### *Migration controls and a plethora of agents in the Aegean Sea*

In the Aegean islands, the army is responsible for defending the country from external threats, and in particular from Turkey. With regard to the detection of clandestine border crossings, responsibility for the islands is divided between the national coastguard and police services. With the growing numbers of migrants, preparing their officers to adapt to this situation is limited to training programmes.<sup>24</sup> For example, police officers have been trained in using the Schengen information system and in detecting false papers. However, the most important change in terms of border controls is undoubtedly the presence of a new inter-governmental agency, Frontex.<sup>25</sup> Since its creation in 2004 and implementation on 1 May 2005, Frontex has become one of the major actors in migration control at European borders. For the Aegean region, it became part of the Poseidon programme in 2007 and its activities in Greece have increased since 2010 when Frontex's central operations office for the Eastern Mediterranean at Piraeus opened and an intervention force (RABIT) was deployed along the Greek-Turkish border. Even though Frontex is the principal instance for new European procedures on migration control, its link with Greece pre-dates its first operations in the Aegean Sea. Our study of the modalities of Frontex's presence in Greece showed that a precursor, the EKTHAS office,<sup>26</sup> was already operational in 2005. Frontex is a multi-level

<sup>23</sup> Even though two centres have been built on Samos and Chios, the island of Lesbos is trying to rehabilitate a warehouse in a commercial zone.

<sup>24</sup> There has been no real increase in staff but reinforcements are sent to handle specific events: e.g. in August 2009, additional officers were sent from Athens to handle demonstrations during the annual meeting of NoBorder, a European anti-racism network.

<sup>25</sup> Frontex is the European agency for the "management of operational cooperation at the external borders of EU Member States" (Council Regulation (EC) 2007/2004).

<sup>26</sup> The EKTHAS office, established in the 2000s, is responsible for coordinating "arrival controls in the ports and/or the coast of the European Union, joint patrols at sea, exchange of officers, standardization of technical methods of surveillance and monitoring of ship movements", terms similar to those for the European agency,

agency with its European headquarters in Warsaw and a national office for cooperation agreements between EU Member States. Its local office members are Greek liaison officers<sup>27</sup> who act as its representatives in the islands' port authorities. It is not exclusively European but operates at several levels together with other national and international actors.<sup>28</sup> As a result, there is a certain amount of opacity in its structure which makes its operations somewhat difficult to understand, as can be seen from the many challenges to the activities it coordinates (Rodier 2011; Jeandesboz 2012). It has three primary responsibilities: monitoring, dissuasion and searches. In addition, private operators are also involving in carrying out migration controls, on an ad hoc basis,<sup>29</sup> at the border and inside national territory: for example, travel agencies and airline companies.

The variety and complexity of actors involved in Greek migration controls are signs of a markedly different approach to the European position on migration and migration controls. It seems that, by adapting to new and ever-changing migration flows, controls have to become more flexible and require a wider range of actors and control points. We must now see how these various elements are linked together in order to obtain a better understanding of the impact of these procedures.

## ***2. Procedures in operation: Extended border areas and fragmented controls***

While social science research has focused on the State as the actor with the greatest responsibility for transforming contemporary society, we should not conclude too quickly that it is in decline, since changes in State management of national territory do not necessarily mean that it is no longer present, as the factors discussed above demonstrate. Rather, the key issues are the extensions of the border area and the emergence of control systems. In addition, based on our observations of these procedures, we should ask why these controls have become fragmented, rather than whether the State, as prime actor, has become more fragile.

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Council of Europe, Note n°13918/03.

<sup>27</sup> These Frontex agents are Greek coastguards on secondment.

<sup>28</sup> Frontex is responsible for training police officers in detecting false papers at official frontier crossings. In terms of control and dissuasion strategies, it is also required to identify current migration routes and anticipate future changes. Frontex' actions and officers have a larger brief, including arrangements for translations during police interviews of migrants and investigations into migrants' nationalities.

<sup>29</sup> Private companies are involved in controlling identities, not in technical and technological aspects of control procedures.



*Extended border areas: the result of introducing new migration control procedures*

In recent years, controls of identity were no longer limited to border crossing points, apparently as part of a general move towards the criminalization of migration (Palidda 1999), which made it possible to introduce more controls and a wider range of targets (Tsoukala 2002) and control points. It could be argued that these controls were needed to deter irregular entry and to ensure greater flexibility in countering new routes and strategies adopted by migrants (Bigo 1997). For control actors, the key objective was to find new ways of coming into contact with migrants. At the European level, this means ‘externalization’ of border operations (Audebert and Robin 2009, Morice and Rodier 2010, Weber 2010, Migreurop 2011). Similarly, at the Member States level, controls now take place within the national territory and the Aegean Islands obviously have to play their part in this process. Now identities were to be checked not only at the frontier or at official border crossings, but also throughout the country.

Given their geographical position and specific characteristics, the Aegean Islands are for the most part transit areas. Migrants intercepted at sea or on their arrival on the islands are almost always sent to detention centres. The period of their stay depends on such criteria as nationality and the specific context on each island.<sup>30</sup> They are usually released with an order to leave the country within 30 days. However, although travel to Athens does not involve crossing a national frontier, they are required to present identity papers when buying a ticket for the ferry. If they do not have legal papers, they must present the expulsion order which allows them to obtain a ticket for Athens. Therefore, undocumented migrants who have not been detained have difficulty leaving the island for the mainland. A circular for the Protection of Citizens issued by the Ministry in January 2010 clearly indicates that travel agencies are now responsible for checking the identities of people purchasing ferry tickets.<sup>31</sup> The main outcome of this circular is to make it ‘quasi-obligatory’<sup>32</sup> for migrants to spend time in a detention centre if they want to continue their journey, usually to Athens. Thus, detention centres become another form of obligatory border crossing for entry into a foreign country, for

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<sup>30</sup> E.g. the NoBorder protests on Lesbos in 2009 which led to the release of dozens of migrants from the detention centres. This demonstrates the influence that the context in the islands can have.

<sup>31</sup> [http://www.minocp.gov.gr/index.php?option=ozo\\_content&perform=view&id=3440&Itemid=461&lang](http://www.minocp.gov.gr/index.php?option=ozo_content&perform=view&id=3440&Itemid=461&lang)

<sup>32</sup> Although many of the stratagems used by migrants relate to avoidance of identity checks (Diminescu 2001), here migrants who have not been intercepted have to find a way to buy tickets without papers and this is much more complicated.

certain categories of migrants, thus introducing an extension of the national frontier inside the country itself and making it necessary to develop new strategies of avoidance.<sup>33</sup>

According to this circular, travel agencies selling tickets have in fact become agents for migration control within the country. These controls apply to Greek nationals who must also present their identity cards when buying an internal travel ticket. Here we can see that detention centres, travel agencies and transport offices are now responsible for one of the most important aspects of border security: filtering. Is not this move towards extended border areas, as seen elsewhere in Europe (Clochard 2007, Cuttitta 2007), now the most visible feature of migration control systems? Indeed, the identification of various disparate elements – detention centres, actors, legislation – and their interaction in order to control migration seem to meet the criteria for Foucault's 'system'.<sup>34</sup> The extended border area is thus a territorial structure which relies on the installation of a migratory control system linking the various places where controls take place, regardless of the wide diversity of actors. By issuing various instruments (decrees, laws, circulars), the State has set up a system in which several agents can exercise official authority by controlling identities. In allocating these new tasks, has the government delegated its powers in order to withdraw from its responsibilities in the future?

#### *The illusion of sub-contracting state responsibility for migration control*

As we have seen above, the involvement of new actors and territories in migration controls goes hand-in-hand with an extended border area created by the establishment of a system that is supported to come into contact with the phenomenon they are expected to control. But is the State still the principal actor? In fact, the participation of non-governmental and supra-governmental actors does not necessarily imply delegation of sovereignty: rather, the government has authorized, or obliged, new actors to carry out identity controls. Travel agencies, for example, do not replace State border controls but carry out additional controls for the State at no additional cost. Having police officers or coastguards supervise the sale of tickets would be expensive, whereas a circular does not imply State intervention, yet makes provision for new forms of internal controls.

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<sup>33</sup> E.g. buying a ferry ticket on the black market.

<sup>34</sup> Foucault defines this system as a "collection of completely heterogeneous elements" which responds, in the first instance, to an emergency situation with the "prevalence of a strategic objective": here it is applied to migration controls (Foucault 2001, 299).

What appears to be delegation of authority or allocation of state operations to private actors via sub-contracts is in fact an accumulation of new areas and new types of control that did not exist before. For example, asking private companies offering aerial archaeological services to watch out for boats crossing in the Aegean Sea illegally<sup>35</sup> does not mean they take the place of other state agencies previously responsible for migration controls. It merely introduces a new element, a combination of aerial and maritime controls. Similarly, Frontex agents interview migrants in detention centres in order to gather information on their journey and passage across the border. They are not replacing the police in this task but, clearly, these interviews provide useful information that was not previously obtained during local police investigations.<sup>36</sup>

As the European agency for migration controls, Frontex is not expected to replace State authorities, but rather to enhance their efficiency in carrying out national migration controls and managing the external frontiers of Europe's shared space. Thus, the government takes a positive attitude to Frontex' presence in Greece, and in particular the Aegean Sea, and this is not perceived as a challenge to national sovereignty. Indeed, the agency's structure has been established, together with its principal intervention team (mostly coastguard officers from other Member States), as a way of providing assistance and partnership, and therefore not to conflict with existing Greek procedures. Nevertheless, the introduction of changes in the way the government carries out controls in its territory is bound to have major consequences. The absence of delegation of national sovereignty and the lack of clarity seems to have undermined these control procedures. Closer examination of relationships between these new actors at the local level allows us to identify the reasons why controls have been weakened through the installation of structures and extended borders areas without real delegation of authority.

#### *The paradox of non-delegation of sovereignty: fragmentation of control procedures*

Paradoxically, the absence of real delegation of state authority and the maintenance of national sovereignty with regard to migration, through the introduction of new procedures and the multiplication of actors, have produced two important results. First, the involvement of more actors has resulted in more opportunities for conflict and cooperation at the local level,

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<sup>35</sup> As occurred during an exercise carried out by Frontex on Lesbos in 2009.

<sup>36</sup> These interviews are regularly analysed and compared with data obtained from intercepted migrants. Based on this information, state authorities can set up new strategies for controls.

rather than harmonized practices. The possibilities for interaction are as numerous as the current situations which in turn vary in space and time according to the specificities of the area in question. Frontex offers a particularly interesting example for this discussion. Its relations with the national coastguard and police services seem to be based on earlier links and conflicts with the civil society (Pillant 2010). In the Aegean islands, where the coastguards have sole responsibility for maritime controls, Frontex is obliged to work with them, but this does not mean that there are no clashes.<sup>37</sup> Where there are only limited relations between the coastguards and the police, cooperation between Frontex and the police also suffers. Relations between the islands' control agencies may thus have a direct impact on their cooperation with Frontex. In addition, the lack of a permanent Frontex presence and the involvement of different teams with members from several European countries may not contribute to the establishment of strong links with local agencies. The arrival of a new – European – actor in these circumstances does not guarantee a unified approach to border controls in the Aegean islands, but rather it makes the situation more complex. By creating several layers of control agents without transferring real power to any of them, the government has created a situation where relations between actors become conflictual and may even affect or interfere with the main objective: control of migrants.

Second, non-delegation of powers to intermediary actors may have an impact on relations with the private sector. By asking travel agencies and ferry companies to check travellers' identities, the government is able to maintain its control over the whole country without having to allocate additional resources. Initially, this new responsibility could paradoxically compromise migration controls, since these actors are often reluctant to take on additional responsibilities if they are not paid. Under the global restructuring programme for Greek ports,<sup>38</sup> maritime transport companies will be responsible for checking passengers' identities before boarding. This move is not popular because the procedures are time-consuming, create lengthy delays, slow down maritime traffic, and ultimately could lead to financial loss. Such demands from governments may generate conflicts and resistance, especially from shipping companies, a very powerful industrial sector in Greece.

In addition, broadening the range of migration controls without delegation of powers

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<sup>37</sup> On several occasions, Frontex agents have been described as unfriendly and uncommunicative. 'Forced' cooperation, in particular in terms of the agency's legal responsibilities in the country – a Greek coastguard on each Frontex boat – may explain the difficulties in establishing good relationships among various actors.

<sup>38</sup> Amended in order to conform to new international, European and national codes on maritime safety and infrastructure, these reforms cover principally the Maritime and Port Code (ISPS) and constitute an additional element for migration controls in European ports (Migreurop 2011).

or provision of additional funds or grants has led to the creation of marginal agents and their territories. Shipping companies and travel agencies, for example, operate as businesses with commercial targets and, by the very nature of their activities, are required to act as the 'last link in the chain' for migration controls. In addition, these 'last link' controls must conform to certain procedural restrictions which are obligatory for government agencies, but cannot be imposed on commercial actors. This last condition may lead to the development of new illegal practices and thus undermine further the implementation of migration controls that used to be the exclusive prerogative of the state and its agencies.

Controls on migration and closing of frontiers in Europe during the 1970s had a serious impact on the routes taken by migrants coming into this region clandestinely. Today, migration controls are an official priority in all EU countries. Given the new situation in the Mediterranean, the Greek-Turkish frontier has now become a key area for border crossings by migrants who do not have the right to enter Europe legally. Even though most European Member States have established migration policies and legislation covering specific places and actors, in fact the situation remains extraordinarily diverse.

These control structures, though composed of numerous elements, are linked together as an inherent part of the extended border. In the initial concept for the Schengen Agreement, freedom of movement throughout the European Union was expected to remove internal borders between EU Member States and strengthen frontiers with non-European countries. Paradoxically, more recent policies on migration in Europe appear to have reintroduced controls inside the Schengen zone. Although there is progress in the development of a common migration policy, governments continue to play a major role in setting up identity checks at national frontiers and in maintaining national sovereignty in terms of immigration and citizenship. The State is a key actor in the negotiation of readmission agreements with non-European countries, as with Turkey in 2001. However, even though to date this agreement has been only partially implemented, these negotiations were in fact easier than the current European Union-Turkey discussions in this domain.<sup>39</sup>

Government agencies still play a predominant role in the establishment of detention centres and migration control practices. In the absence of a national policy on confinement of migrants, local solutions have to be found and here again, state agencies continue to take the

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<sup>39</sup> The first steps towards the signature of a readmission agreement between Turkey and the European Union took place on 21 June 2012, but negotiations have stalled because of Turkey's demands for easier access to Europe for its citizens.

primary role. Even if this has not weakened the position of the State, the situation has nevertheless changed. The exercise of governmental responsibilities has been transformed by the introduction of new migration controls and the arrival of intermediary actors. These changes are not limited to migration controls, but appear to be the outcome of a more global transformation of the State itself. We are seeing a new combination of agencies and levels of decision-making that has changed the territory. And nowhere is this more obvious than when it is the State itself that introduces these changes. By creating marginal areas, it introduces new agents – political (Frontex) or commercial (travel agents and shipping companies) – and territories in which they operate, without actually delegating its authority and this has obviously had an impact on the situation. Whether or not this diminishes the key role played by the State, the State has developed a multiple presence on its territory, creating new connections with actors at various levels and new areas for controlling migration. Even though the complexity of these changes goes way beyond the question of migration controls, it offers a particularly interesting vantage point for observing them.

Audebert C. and N. Robin. 2009. "L'externalisation des frontières des 'Nords' dans les eaux des 'Suds'". *Cultures & Conflits*, 73(1): 35-51.

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