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Cetta Mainwaring

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Small States and Nonmaterial Power: Creating Crises and Shaping Migration Policies in Malta, Cyprus, and the European Union

CETTA MAINWARING

*Department of Sociology and Legal Studies, Balsillie School of International Affairs,
University of Waterloo, Waterloo, Ontario, Canada*

This article examines how the power relationships between Malta and the Republic of Cyprus, on the one hand, and the European Union, on the other, shape irregular immigration policies in these two sovereign outpost island states in the Mediterranean. As member states on the EU's southern periphery, Malta and Cyprus have faced new institutional structures since their accession in 2004 within which they now construct their migration policies. Here, I examine how the new structures influence the discourse and logic of migration policies and politics and also how the seemingly small and powerless states affect regional policies. My contention is that, within this EU framework and with limited material power, the two outpost states have developed strategies based on nonmaterial power in order to defend and promote their interests. Such strategies have resulted in treating irregular immigration as a crisis in order to attract support. The new dynamics have thus resulted in more barriers to migration, and in negative consequences for the individual migrants and refugees on the islands. Although the strategies of Malta and Cyprus have been surprisingly successful in influencing regional migration governance, their long-term effectiveness is questionable, and their effects on the migrant and local population problematic.

KEYWORDS *Irregular immigration, nonmaterial power, Malta, Republic of Cyprus, European Union*

Address correspondence to Cetta Mainwaring, Department of Sociology and Legal Studies, University of Waterloo, 200 University Avenue W, Waterloo, ON N2L 3G1, Canada. E-mail: cmainwaring@uwaterloo.ca

Malta and the Republic of Cyprus (RoC)¹ joined the European Union (EU) in the 2004 “big bang” enlargement, alongside eight Eastern European states. They are now two of the three smallest EU member states, both in terms of population and landmass.² After joining the Union in 2002, the two island states found themselves in an area of transit migration and experienced an increase in irregular immigration and related asylum applications. Between 2005 and 2009, the RoC and Malta received the highest number of asylum applications per capita amongst 44 industrialized countries (United Nations High Commissioner for Refugees [UNHCR], 2010; see Figure 2).

EU membership simultaneously redefined their national borders as external borders of the Union. Thus, in 2004, Malta and the RoC were geographically and politically on the periphery of the EU, experiencing new influxes of immigration and having to comply with new directives and regulations from Brussels to fortify their borders against irregular immigration. The islands’ limited personnel, resources, and material power affect both their capacities to host migrants and the way they negotiate power relations within the structures of EU migration governance. Indeed, the two governments have adopted rhetoric on immigration that stresses their limited capacities in order to attract more support from other EU member states.

This article posits that with little material power (i.e., economic or military might) to influence regional migration policy, Malta and the RoC devised strategies to increase their influence based on nonmaterial power. My distinction between material and nonmaterial may be compared to Joseph Nye’s (1990, 2004) discussion of soft power, the ability to obtain what one wants through cooption and attraction, as opposed to coercion or payment, considered hard power. However, here I draw the distinction between material and nonmaterial power in order to highlight the material limitations faced by small states but, more importantly, as a critique of the notion of soft power as purely noncoercive (Mattern, 2005).³

Malta and Cyprus’s strategies have included the formation of alliances, alongside the deployment of moral authority and symbolic capital within the states’ discourses. In terms of symbolic capital, Malta and the RoC have emphasized their smallness. Similarly, they have deployed moral authority by arguing that they carry a “disproportionate burden” of asylum applications and irregular immigration in the EU. Together, these strategies have led to a portrayal of Malta and Cyprus’s migration situations as exceptional and to the interpretation of the arrival of unauthorized migrants on the two islands as a crisis.

The research for this article was carried out between 2008 and 2010 in Malta, Cyprus, and Brussels. It included conducting in-depth, semistructured interviews with migrants and refugees, NGO representatives, and national and regional policy makers. National and regional policy documents have also been analyzed. The work takes a critical constructivist approach as its

theoretical framework in order to examine how ideas and perceptions influence policies and state relations and how actors and structures are mutually constituted. This framework allows for a conceptualization of power as not only causal but constitutive. In particular, my interest is in how the construction of threats or crises, especially through certain discourses, shapes migration policies at the national and regional levels.

The article proceeds by first examining the regional policies that have led to placing responsibility for asylum applications and irregular immigration controls at the external borders of the European Union. It then briefly turns to the cases of Malta and the Republic of Cyprus, considering why they are significant, the current immigration situations they face, and their position within the EU. I then analyze the countries' responses to their new positions as member states on the EU's southern periphery experiencing irregular flows of immigration. Finally, the article evaluates the effectiveness and consequences of the strategies the two states have adopted in attempts to increase their influence at the regional level. It is argued that although this approach has been partially effective in attracting EU support, it is also short-sighted and has negative effects on the migrant population and wider Maltese and Cypriot societies.

CONTROLLING IMMIGRATION AT THE EU'S EXTERNAL BORDER

Largely due to the project of integration, the hardening of external borders became a major priority for the EU, one that has been necessary to accept as part of the accession process. The Palma Document of 1989 first highlighted the need to compensate for the relaxation of internal borders in order to combat terrorism, international crime, and drug trafficking. This was to be done through the coordination of police, intelligence, and security services, as well as the strengthening of external controls and immigration and asylum policies (Bunyan, 1993). The subsequent Schengen Convention (1990) adhered to this logic and resulted in increasing visa restrictions, the tightening of immigration controls that restrict the entry of asylum seekers, the securitization of migration, and widening the scope of data collection and data sharing with the implementation of regional databases such as the Schengen Information System and the Eurodac (e.g., Huysmans, 2000; cf. Boswell, 2007).

Two broad processes have accompanied the political priority of reducing irregular immigration in the EU. First, within the EU, there has been a process of moving border controls and asylum responsibilities toward the external border. I call this first process "distalisation" and have written about it more extensively elsewhere (e.g., Mainwaring, 2012b). I derive the term from the anatomical word "distal," as opposed to proximal, describing the state of being situated away from the center of the body. It is important

to distinguish distalisation, the movement of immigration controls *toward* the EU's external borders from the second process of interest here: externalization, the movement of immigration controls *beyond* the EU's external border, which many other scholars have written about (e.g., Boswell, 2003; Schuster, 2005). Member states have externalized migration controls to countries of origin and transit outside the EU. Visa controls, carrier sanctions, and "safe third country" instruments serve to delocalize the EU's border outside of its territory. Due to the fact that most asylum seekers arrive in Europe without authorization, the EU has also focused on shifting asylum processes to countries of origin and transit (Oxfam, 2005, p. 35).

In terms of the distalisation of migration controls and asylum responsibilities within the EU, the two most significant pieces of legislation were the Schengen Convention (1990) and the Dublin Convention (1990). The Schengen Convention called for the strengthening of external borders as a compensatory measure in light of the relaxation of internal controls. The Dublin Convention, succeeded by the Dublin II (2003) and Dublin III (2013) Regulations, stipulated that those seeking international protection should apply for asylum in their first country of arrival. The EU's emphasis on exclusion at the external border, coupled with the Dublin Regulation, has resulted in peripheral member states assuming a higher degree of responsibility for asylum seekers and for stemming irregular immigration flows across the EU's external borders.

The dynamic between the EU's core and periphery raises the issue of relative power. The EU, as an institution, has emphasized the control of migration at and beyond the external borders of Europe, despite the fact that most irregular migrants in the EU arrive through legal channels and subsequently overstay or violate the conditions of their visa (Düvell, 2011, p. 288). Furthermore, some new member states on the EU's periphery are small states with fewer resources and capabilities to control migration flows (Panke, 2010).

MALTA AND THE REPUBLIC OF CYPRUS

Malta and the RoC are examples of such small states found on the EU's southern periphery. Although they are often overlooked in the migration literature on southern Europe,⁴ there are a number of reasons to reverse this trend. First, the volume of unauthorized immigration found on the two islands provides a puzzle. It is small in absolute terms; however, these flows, particularly those to Malta, have received considerable political attention within the EU (e.g., European Commission, 2006, 2011a). The discrepancy suggests issues of power, especially the nonmaterial leverage available to small states. Second, the two states lie on a political, economic, and demographic cusp, separating Europe with its aging and dwindling population

from poorer Africa with its young, burgeoning one. Here, on the EU's external border, negotiations over immigration expose exclusionary logics at play within the Union that are less obvious at the core of Europe. Third, accession into the EU has significantly changed Malta and Cyprus's positions in terms of migration policies, practices, and realities. As outposts of the EU, they now bear a much higher responsibility for migration matters than any other equally small but landlocked or coastal EU member state.

Malta and the Republic of Cyprus are thus of particular interest here because they provide a category of states whose geopolitical positions, at first glance, appear to put them in a structurally weak arrangement within the EU. This structural vulnerability can be attributed to two factors: their island status and their small-state status. As islands, Malta and Cyprus have blue borders that lie many kilometers beyond their territorial borders within the expanse of the Mediterranean Sea. These blue borders shape the states' relationships with neighboring countries and also impinge upon migrants' mobility once on the islands. Their borders are also multiple. Territorial waters, contiguous zones, exclusive economic zones, and search and rescue (SAR) regions encompass progressively more area in the Mediterranean. This causes Maltese and Cypriot SAR regions, where they have responsibility for (migrant) boats in distress, to be much larger than the islands' territorial waters. For instance, Malta's SAR region (250,000 km²) is over 65 times as large as its territorial waters (3,800 km²). Limited control of these multiple borders exposes the islands to flows of irregular immigration. The RoC's borders are further complicated by the existence of the *de facto* Turkish Republic of Northern Cyprus and the Turkish military presence in the northern part of the island, as well as the Green Line that divides the country.

The island outposts are also autonomous states, having no mainland as do other European outpost islands such as the Canary Islands, Lampedusa, Crete, and Sicily. A high degree of immobility thus exists for migrants and refugees, who describe being "stuck" on the islands without the opportunity to move on to other EU countries, opportunities more easily available between member states making up the European mainland.

The second dimension that adds to their structural weakness is their size. Malta and Cyprus are small in terms of their landmasses, populations, and economies. As small states, they not only have more limited resources and space to receive migrants, but also have limited power within the EU to influence policy. For example, both countries elect the minimum of six members to the European Parliament, while Germany holds the maximum of 96 seats (see Table 1). Moreover, the two countries have limited administrative capacities that may hinder their effectiveness within EU forums (cf. Panke, 2010).

Despite their ostensible relative impotence within the EU, the increase in immigration flows to Malta and the RoC after 2002 enhanced their profile at the regional level (Mainwaring, 2012b). In Malta, while only 57 unauthorized

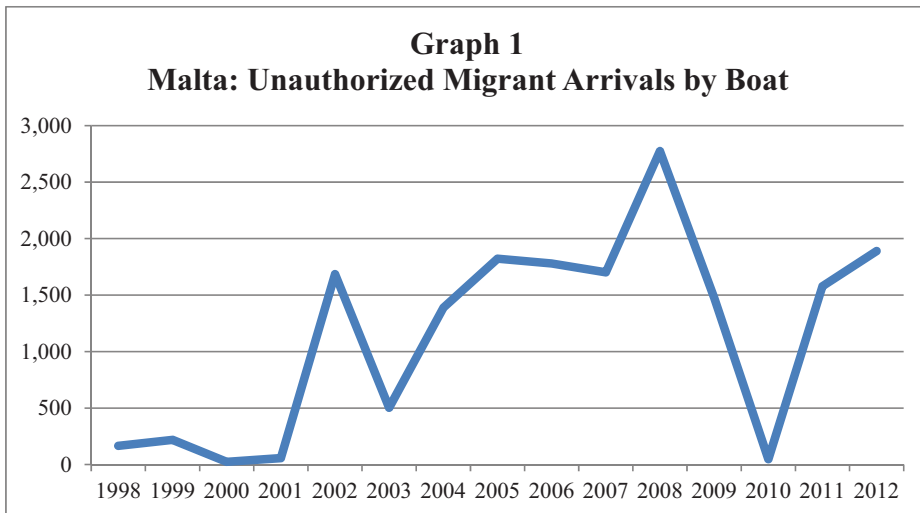
TABLE 1 Country Information, 2011

	Malta	Cyprus	Italy	Greece	Spain
Population	417,000	1,117,000	60,724,000	11,300,000	46,175,000
Land Mass (km ²)	320	9,240	294,140	128,900	498,800
Population Density (pop. per km ²)	1,302	121	206	88	93
GDP per Capita (current US\$)	\$21,964	\$29,207	\$36,147	\$25,631	\$31,473
Members in the EU Parliament	6	6	73	22	54

Sources: European Union; World Bank

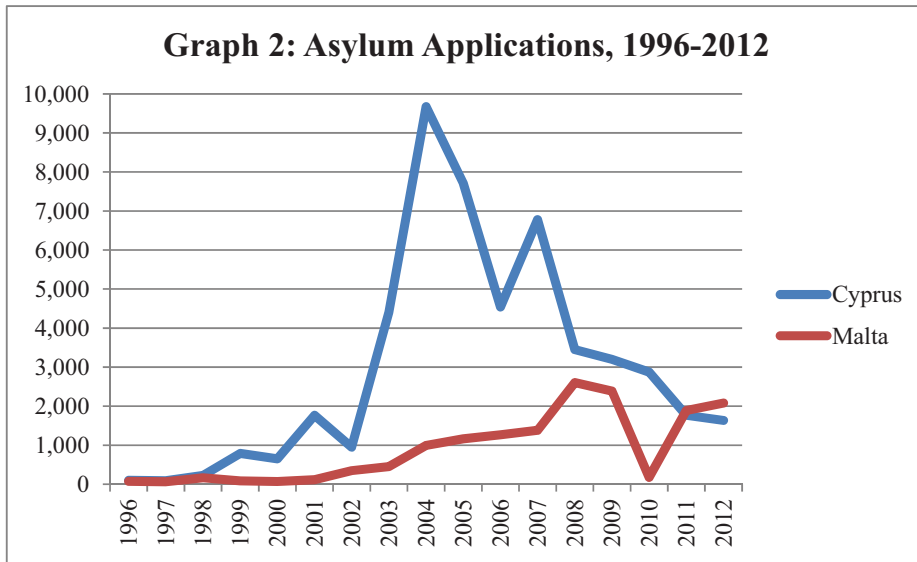
immigrants arrived in 2001, the number increased dramatically to 1,686 in 2002 and peaked at 2,775 in 2008 (see Figure 1). The RoC also experienced an increase in irregular immigration and asylum applications. For example, between 2002 and 2003, the number of asylum applications increased by 363 percent, while in Europe as a whole it fell by 20 percent (see Figure 2; cf. Mainwaring, 2008).

Although the two islands have experienced similar increases in migration since 2002, they have divergent migration histories that can largely be attributed to different labor market and economic conditions. Over the last two decades, the RoC received and encouraged economic migration in order to fill shortages in the labor market. Moreover, since independence, Cyprus struggled to address tensions between Greek and Turkish Cypriots. The tension culminated in the forced, de facto division of the island in 1974. Subsequently, the Turkish government exacerbated the ethnic tensions by encouraging the settlement of its nationals in northern Cyprus. In this context,



Sources: National Statistics Office, 2013; Simon, 2006, p. 39

FIGURE 1 Malta: Unauthorized Migrant Arrivals by Boat (color figure available online).



Source: Eurostat

FIGURE 2 Asylum Applications, 1996–2012 (color figure available online).

the RoC government explicitly associates migration to the island with national security issues, exploiting concerns about the demographic makeup of the island and its sovereignty (Mainwaring, 2008; Trimikliniotis & Demetriou, 2007, p. 56).

As a result of the island's de facto partition and the more sizeable presence of labor migrants, patterns of irregular immigration to and within the RoC are also more complex than those in Malta. Although in the late 1990s, immigrants traveling from Lebanon by boat arrived on the island's southeastern coast, unauthorized arrivals to the RoC by sea generally no longer occur. Instead, migrants either arrive in the RoC on visas—and then subsequently overstay or violate their conditions—or arrive in the Turkish Republic of Northern Cyprus before crossing the Green Line into the southern part of the island without authorization (Interviews: Ministry of Interior & Aliens and Immigration Unit, Police, July 2009; cf. Thomson, 2006).

Malta, on the other hand, has not encouraged labor immigration to the island. Rather, its migration history is dominated by labor emigration, which was particularly acute between 1946 and 1974, a period dubbed the “Great Exodus.” Immigration was less significant in the second half of the 20th century, being predominantly made up of return migrants and British retirees (King, 2009). Moreover, before 2002, Malta experienced limited unauthorized migration and small numbers of refugee arrivals. The increase in unauthorized arrivals in 2002, and subsequent asylum claims, occurred as migration patterns that once favored West African routes into Europe shifted eastward

toward central Africa and the central Mediterranean in response to increased migration controls in southern Spain, the Canary Islands, and along the West African coast. As a result, Malta saw an increase in unauthorized immigration, primarily comprising sub-Saharan Africans departing from Libyan shores on small boats (Lutterbeck, 2006).

THE USE OF NONMATERIAL POWER: DISCOURSES OF EXCEPTIONALISM

Despite the different migration patterns in Malta and the RoC, the two countries have joined forces within the EU. In this section, I will outline how they have employed strategies based on nonmaterial power in order to garner more support from the EU with regard to migration. Both countries have emphasized the relative number of irregular migrant and asylum-seeker arrivals, even though the numbers are not large in absolute terms. Prominence is given to the small size of the islands and their limited populations. In Malta, the population density, which is one of the highest in the world, is also argued to amplify the effects of these arrivals. For example, the permanent secretary of the Maltese Ministry for Justice and Home Affairs said, “In relative terms there are no countries who have our problem with respect to the size of our population and population density” (Interview: April 2009).

Geography is another important factor. Both countries stress that they are on the EU’s periphery and also border turbulent areas. In explaining the increase in migrant arrivals in the RoC, the head of the Asylum Service said, “Cyprus is surrounded by conflict areas producing beneficiaries of international protection: Palestine, Iraq, Turkish areas, [and the] former Soviet Union” (Interview: July 2009). Malta similarly points to Libya as the source of its irregular immigration flows. The director general of operations in the Ministry for Justice and Home Affairs said,

If you want to patrol a border, especially a sea border which is much more difficult than a land border, you just can’t put up a gate with a notice that says this is as far as you go. The situation comes back to the cooperation, in this case mostly with Libya, which is the source of departure. And unless we get this cooperation, it’s very difficult to enforce something. (Interview: April 2009)

Malta and the RoC thus present themselves as overwhelmed by immigration due to demographic and geographic factors, while still playing a vital role as EU migration gatekeepers. Indeed, the gatekeeping role adds to the perceived burden. In particular, the Dublin Regulation is regarded as placing disproportionate responsibility on these peripheral member states for asylum seekers. In making this argument, Malta and the RoC deploy nonmaterial

power in the form of moral authority, as small member states carrying a considerable humanitarian responsibility for the EU. The number of asylum seekers on both islands and the high recognition rates in Malta are produced as evidence of this responsibility. As the head of the RoC's Asylum Service explained,

Dublin was made in order to protect the interior of the Union. Thus this accords burden to the borders of the Union in order to take measures to combat the asylum shopping. (Interview: July 2009)

By employing and exploiting their symbolic capital as small island states, Malta and the RoC have argued that the answer to these problems is more support from the EU, and in particular practical support in the form of a "burden-sharing agreement" based on "solidarity amongst member states" (Interviews: government officials, 2008–2009; cf. Crosbie, 2007). In an attempt to counter the effects of the distalisation of migration controls, the two states have championed the relocation of refugees within Europe and the inclusion of an exemption clause in the Dublin Regulation for countries facing "particular pressures."

Malta and the RoC have also exploited policy networks in southern Europe. In order to further the cause of southern member states, Malta initiated an alliance with Cyprus, Italy, and Greece in 2008, called the "Quadro Group" (Council of the EU, 2009a). Such alliances made between subsets of EU member states are not a novel phenomenon. For example, a handful of countries first initiated the Schengen Agreement (1985) within the EU. Considered a testing ground for the relaxation of internal borders, the agreement also built upon previous multilateral and bilateral arrangements such as the Benelux Economic Union (1957), the Nordic Passport Union (1957), and the abolition of border controls between France and Germany in 1984.

Compared to these alliances, the Quadro Group is certainly much less established and coherent, having not signed any formal agreement. Instead, the Group presented a statement to the Council in January 2009, which outlined the countries' joint position on the issue of irregular immigration in the Mediterranean. Despite the Group's limitations, the concerns it raised did subsequently become "a major political issue and dominated discussions in the Justice and Home Affairs Council over 2009" (Collett, 2010). The Group has also been successful in widening the debate over solidarity, which has traditionally been restricted to financial transfers and now includes the transfer of people within the Union. Moreover, from a small-state perspective, the Group has proven a valuable tool for Malta and the RoC to reference a wider bloc of states that share their position on the subject.

However, there are also limitations to the Group's power and its ambitions, as the four countries' interests do not always align neatly. The tension between Italy and Malta that periodically erupts over the rescue and

disembarkation of migrants at sea is one example (Klepp, 2011). Moreover, the momentum of the alliance seems to have stalled: After 2009, the Group was largely inactive, with Malta continuing to champion many of its goals unilaterally. As such, the alliance may be short-lived, unless other opportunities arise around which the countries can coalesce.⁵

Despite the internal tensions within the Quadro Group, the rhetoric used by Maltese and Cypriot government officials is principally one of solidarity, even when, for example, competing for a seat of the European Asylum Support Office in 2009. As the permanent secretary in the Cypriot Ministry of Interior explained,

What we are interested in is that the [European Asylum] Support Office should be, we feel strongly that it should be in the Mediterranean because the other member states do not feel the particular pressure that we are facing. Okay, we shall be very, very glad if the member states give it to Cyprus, but we shall not be that disappointed if the office is given to one of the [other] member states that are in the Mediterranean. (Interview: July 2009)

Cypriot officials thus indicated their interest in promoting the narrative of irregular immigration in the Mediterranean as exceptional, above the interest of securing the seat of the Asylum Support Office. The RoC and Malta were the main contenders for the seat, along with Bulgaria. Malta, employing the same logic of exceptionalism based on the number of migrant arrivals to the island, was ultimately successful.⁶

The two islands responded to the phenomenon of irregular migration (and the associated increase in asylum applications) in a similar manner in many ways, drawing on their nonmaterial power in the form of symbolic capital, moral authority, and networks. However, there are also important differences in their responses. Although both islands are small, size and population density play a more prominent role in Maltese migration discourse and the government is generally more vocal in calling for further “burden-sharing” initiatives within the EU.

The RoC, on the other hand, is politically dominated by the fact that the island remains divided despite its accession into the EU, a political issue within which irregular immigration is subsumed. The emphasis on the Turkish presence in the north thus spills over into the debate on irregular immigration. Government officials focus on migrants crossing the Green Line without authorization, often interpreting it as a Turkish attempt to alter Cyprus’s demographic fabric. In doing so, the government distorts immigration figures by overlooking the irregular immigration that occurs on the island due to labor migrants overstaying their visas or working outside their conditions. Moreover, government officials insist that the number of asylum seekers and unauthorized migrants in Cyprus would be “approximately normal”

without the Turkish presence on the island (Interview: head of Asylum Service, July 2009).

The Cypriot government has also given less prominence than Malta to the consequences of the Dublin Regulation, especially to the migrants and refugees who, after traveling to other European states without authorization, are returned to the island. Indeed, other states return fewer people to the RoC than to Malta through this Dublin mechanism (Interviews: permanent secretary and administrative officer, Ministry of Interior; MEP 1, July 2009).

Overall, although both governments point to the disproportionate “burden” placed on peripheral states by the Regulation, the calls for its renegotiation and the emphasis on the injustice it inflicts on the small states are much more strident in Malta. I argue that there are three main reasons for this. First, geographically, Malta finds itself along a migration route from North Africa to continental Europe. In the eastern corner of the Mediterranean, Cyprus, on the other hand, cannot make the same argument. Athens, the closest EU capital city, is almost 1,000 kilometers away from Nicosia. On the contrary, RoC government officials believe that the country’s geographic location inhibits people from leaving the island (Interview: permanent secretary, MFA, August 2009), thus reducing the numbers that could be potentially returned through the Dublin Regulation.

Second, fewer people in the RoC are granted refugee or subsidiary forms of protection, which would grant them the legal right to travel to other countries in the EU (and the possibility to overstay). This also limits the number of people who may be returned to the country under the Dublin Regulation.

Third, the two islands differ in the proportion of migrants active in the labor market. Generally encouraging more labor migration, the RoC also employs asylum seekers in particular sectors. There are therefore fewer incentives and opportunities to continue on to Europe from the RoC. Although the blue borders of both islands produce immobility for migrants, the history of labor migration to the RoC means that many consider it a destination county, while Malta sees itself and is seen by many (though not all) migrants as a place of transit, geographically located along the migration route to Italy.

Despite these differences, the RoC has joined Malta in calling for a redistribution of the perceived disproportionate responsibility placed on the periphery of Europe through various measures. This has included support for the proposal to suspend transfers under the Dublin Regulation for states facing “particular pressures” and also for a relocation scheme to be introduced, whereby refugees could be resettled in other EU states.⁷ The RoC’s support of such schemes is somewhat surprising: Having a limited number of both recognized refugees and Dublin transfers on the island, the RoC stands to benefit little even if such proposals are accepted. It suggests that the RoC has supported the schemes in order to profit from the attention they draw to the wider issue of irregular immigration in the Mediterranean, which in the RoC

has been associated with the division of the island and the Turkish presence in the north. As such, it has been useful in attracting EU funds, reinforcing the blame that the RoC lays at Turkey's door for irregular immigration and drawing attention to the broader issue of the division of the island.

CONSTRUCTING A CRISIS

In both states, a crisis scenario has been constructed through the use of discourse based on exceptionalism. Although there are differences between the two states, as outlined above, an important element in both countries is the portrayal of the situation as a crisis based on temporal and geographic comparisons. The crisis is animated through the construction of current migration patterns as exceptional compared to those in other EU countries, as well as those in Malta and Cyprus prior to EU accession. The portrayal of immigration flows as beyond the control of these small states reinforces the sense of crisis and directs attention to the role of the EU and third countries.

Thus, disadvantaged migrants and asylum seekers become the invaders with the well-worn imagery of floods being adopted, alongside that of borders that cannot be secured, whether they are sea borders in Malta or the Green Line in Cyprus. Of course, many states employ a discourse of chaos and crisis with regard to immigration, especially irregular immigration (Mountz & Hiemstra, 2014). However, what is of interest here is how this crisis discourse is employed by the small states of Malta and Cyprus in order to attract EU support and increase their influence at the regional level.

The crisis scenarios in Malta and the RoC are based on two important assumptions. First, sprinkled throughout the rhetoric of politicians in both countries is a belief in a mythical homogenous society of the past. For example, the Cypriot permanent secretary in the Ministry of Interior explained:

Until a few years ago, maybe 15 years, we were a pretty homogenous society with very few foreigners. So the presence of so many non-Cypriots among us from diverse origins and traditions, religions and civilizations presents a serious challenge to society, especially a small insular place like Cyprus, which also happens to be geographically remote in comparison to the rest of the European Union. (Interview: July 2009)

Maltese politicians express similar beliefs. Such sentiments are not only dangerous ideals and dishonest reinterpretations of the past, but also reject entirely the idea of mobility, which is fundamental to the history of islands. Indeed, Malta and Cyprus's histories reflect the comings and goings of empires, armies, navies, traders, and peoples. In Cyprus, this interpretation is reminiscent of the ethnonationalist ideologies that led to the division of the

island. As such, it disregards the complex relationship between Greek and Turkish Cypriots, as well as the ethnic diversity within the Cypriot population. Similarly, in Malta, successive waves of colonial powers as well as the mobility of the Maltese population has resulted in ethnic diversity on the island.

The second assumption underpinning the crisis scenarios in both countries is that, before joining the EU, they held less responsibility for irregular immigration. For instance, in Malta, the unofficial search-and-rescue policy prior to accession was to help those migrants in distress before allowing them to continue on to Italy (Interviews: Maltese MEPs, government officials, 2006–2009). RoC officials also hark back to a time before the EU imposed its directives and regulations, when boatloads of migrants could be returned without consideration of human rights and other international forms of protection (Interviews: July 2009).

These assumptions allow Malta and the RoC to deflect responsibility toward the EU for imposing new regulations, toward migrants and refugees for creating social tension, and toward neighboring non-EU countries for “allowing” migrants and refugees to cross their borders. For example, Malta and the RoC use similar arguments about the need to externalize migration controls to Libya and Turkey, respectively. The construction of a crisis is also a deliberate attempt to resist the responsibility placed on the two states through the distalisation of migration policies within the EU. Responsibility is eschewed by depicting irregular immigration as a crisis, driven by factors beyond the control of these impotent states. The crisis construction is thus another deployment of nonmaterial power in the form of symbolic capital. At its heart is the image of the two island states as overwhelmed by irregular immigration due to demographic and geographic factors.⁸

CONSTRUCTING A CRISIS: AN EFFECTIVE STRATEGY?

It is now over a decade since these two small islands saw a significant increase in irregular immigration. However, the interpretation of irregular immigration as abnormal and a crisis remains dominant. Before turning to the limits inherent in the strategy of constructing a crisis, I first assess in what ways it has been successful. In particular, I point to how the two countries have been successful at agenda-setting at the regional level, how they have attracted considerable financial support from the EU, and how they have advanced a wider conceptualization of solidarity to include the relocation of refugees within Europe, along with the transfer of funds.

Government officials in Malta and the RoC agree that they have been successful at keeping the issue of irregular immigration in the Mediterranean on the EU’s agenda. Commission and Council officials in Brussels also recognize the strength that Malta, in particular, and the RoC as part

of the Quadro Group have shown in keeping the subject on the table. For instance, an official within the Polish permanent representation said about Malta,

They have managed to go a huge way since the time they actually started talking about this. [The] last year and a half was a huge success for Malta, I would say, because we know that the problem is drastic. (Interview: July 2010)

Maltese and Cypriot politicians echo the sentiment and express their satisfaction in attaining this goal (Interviews: government officials, 2008–2010), with the Maltese Minister of Foreign Affairs stating, “We are punching above our weight” (Interview: April 2009).

In both countries, the discourse has been successful in prompting financial support from the EU. Between 2007 and 2011, Malta received €44.1 million from the EU Funds for Solidarity and Management of Migration Flows, while the RoC received €30.1 million. Cypriot and Maltese officials describe the financial assistance provided by the EU as adequate. Indeed, the small states saw two of the three largest increases in allocations from the External Borders Fund in 2012 (European Commission, 2011b).

Malta and the RoC also succeeded in garnering a limited amount of support for some of their demands, evident in the references to their interests within EU documents. For instance, the Presidency Conclusions of June 2009 address the externalization of migration controls to Turkey and Libya in particular:

Concluding the negotiations on the EC readmission agreements with key countries of origin and transit such as Libya and Turkey is a priority; until then, already existing bilateral agreements should be adequately implemented. (Council of the EU, 2009b, p. 15)

Due in part to Malta’s political efforts in Brussels, the European Pact on Immigration and Asylum (2008) also explicitly points to the “disproportionate influxes of immigrants” faced by member states on the external border. To remedy this, the pact calls for “better reallocation of beneficiaries of international protection from such Member States to others, while ensuring that asylum systems are not abused” (Council of the EU, 2008, p. 10–12).

The pact, however, is not legally binding. Thus member states have only participated in relocation schemes on a voluntary and ad hoc basis, accepting a handful of asylum seekers who have already received some form of protection. Reflecting the RoC’s priority of underscoring the division of the island within EU forums, Malta has been more successful at this. It was the country chosen for the EU’s first pilot relocation scheme, Eurema, which was initiated in 2009 and resettled 227 people in the first 24-month

phase. However, without the force of legal obligation, only six member states participated in the project (European Union, 2011).

Member states are generally reluctant to participate in such relocation schemes, preferring to resettle people directly from third countries. There are a number of reasons for this reluctance. Some states argue that relocation from member states on the EU's periphery acts as a pull factor for irregular migrants and asylum seekers (European Commission, 2010, p. 38–39). The EU also offers a greater financial incentive to resettle people from third countries than from other EU member states: The European Refugee Fund provides €4,000 for each person resettled from a third country, an amount that was increased to €6,000 in March 2012 for countries accessing the fund for the first time. While there are plans to establish similar financial mechanisms for intra-EU relocation in 2014, they were not yet in place at the time of writing (European Commission, 2013; Interview: official, directorate general of Justice, Freedom and Security [DG JFS], July 2010).

The discussions surrounding relocation within the EU raise issues of trust and solidarity amongst member states. Such schemes are hampered by the fact that the legal status of a refugee or a person with subsidiary protection in one EU member state is not transferable to another member state. The principle of mutual recognition has not been applied to positive asylum decisions. However, it is applied to negative asylum decisions, as well as decisions on refusal of entry and expulsions of third-country nationals (O'Dowd, 2011). From a legal perspective, it thus reflects the limited success of creating a common European asylum policy. On a political level, it highlights the limited amount of trust between member states in recognizing each other's asylum processes as legitimate. As one official within the Commission described:

There is not full trust [between member states]. So member states do not trust the Maltese decision making, even though we in the Commission believe it's perfectly fine, and UNHCR also told us we are fine. . . . Because, it's true that in Malta, I think 60 or 70 per cent of the asylum seekers receive some kind of protection, which is very high. But why? Because they are Somali. (Interview: official, Asylum Unit, DG JFS, July 2010)

Although Malta's high recognition rates are powerful in reinforcing the narrative of a burdened small state occupying the moral high ground, they also appear to add to the mistrust felt by other member states. Despite these limitations, Maltese and Cypriot efforts have widened the debate around solidarity, which has traditionally focused on financial transfers between member states and now includes the transfer of people (Interview: anonymous Council official, July 2010).

Malta has clearly taken a leading role on these matters at the European level, being more vocal and active in the Council framework than the RoC. Indeed, Malta has been more successful at convincing member states that it faces a serious irregular immigration problem, while the RoC has continued to associate the phenomenon with the division of the island. The two have joined forces in the Quadro Group, and have both looked to the EU to sign readmission agreements that they cannot achieve bilaterally because of their small size and limited power. Notwithstanding their differences, they have had success in agenda-setting at the EU level, attracting financial support from the EU, and widening the concept of solidarity to include the transfer of refugees.

Nevertheless, the interpretation of the phenomenon as a crisis is not unproblematic. The long-term effectiveness of the strategy is questionable as the states employ the same crisis rhetoric regardless of migration levels. This has fuelled some degree of “crisis fatigue” amongst EU and other national officials (Interviews: 2010). Moreover, even when such exceptionalist discourse is effective, it creates negative consequences for migrants and refugees and the host populations in Malta and the RoC. Migrants and refugees face significant marginalization as the two countries prioritize deterrent and restrictive policies over those aimed at integration and access to rights. The marginalization of these populations has caused an increase in racism and xenophobia on both islands during the last decade (Mainwaring, 2008). These consequences also undermine the liberal values of protection and equality ostensibly promoted by the European Union.

CONCLUSION

EU membership has come with responsibilities and opportunities for Malta and the RoC. The distalisation of migration controls toward the external border has rendered Malta and the RoC as Europe’s migration gatekeepers. I have argued that, with little material power, the two small states have relied upon nonmaterial power in order to counter this pressure of distalisation and further their migration interests within the European Union. The states have used symbolic capital in the form of their island and small-state status, they have deployed moral authority in pointing to the “disproportionate burden” they carry within the Union, especially with regard to asylum seekers, and they have relied on policy networks, seen for instance in the formation of the Quadro Group.

EU membership also allows the small states to participate in and influence regional policies. The goal of keeping irregular immigration on the EU’s agenda, along with the islands’ relatively weak positions in the Union, create an incentive to portray irregular immigration as a crisis and the islands as the indispensable enforcers of EU controls. The crisis rhetoric employed by

Malta and the RoC further marginalizes migrants and refugees and is detrimental to the wider societies in these countries. Moreover, the crisis rhetoric ironically reinforces the very emphasis on the external border that the states are attempting to challenge.

The case studies examined here reveal broader regional dynamics occurring within EU migration governance. This study argues that there is a distalisation of migration controls in the EU, which places disproportionate responsibility for asylum and migration on the external border. More significantly, this dynamic creates perverse incentives for peripheral member states to treat immigration as a crisis. This is heightened when, for instance, member states suspend the transfer of migrants back to countries on the southern periphery under the Dublin Regulation due to poor reception conditions (e.g., European Court of Justice, 2011). Although this may be necessary, and indeed commendable, in order to protect individual migrants and refugees, it provides little incentive for peripheral states to improve conditions.

At the heart of much of these regional dynamics is the lack of harmonization across member states' migration and asylum policies and practices—harmonization that is assumed and necessary within the Dublin system. Although the discourse in Europe is often of solidarity and harmonization, the reality is quite different. States' self-interests are paramount, and mistrust between member states is rife, especially with regard to the politically sensitive topic of irregular immigration.

National interests are reflected in the differences between Malta and Cyprus's strategies. In EU forums, Malta is more vociferous on the issue of irregular immigration, while the RoC continues to emphasize the *de facto* division of the island and the Turkish presence in the north. Nevertheless, the structure of the EU as an institution conditions both these states' power to a large degree, shaping Malta and Cyprus's interests and, in turn, their strategies. Within this context, Malta and the Republic of Cyprus have constructed ambivalent relationships vis-à-vis irregular immigration. The emphasis is now on deterrent policies to halt such migration flows. However, it is these very migration flows that have put them on the European political map. At the very least, the threat of migration is, necessary, politically useful and powerful.

NOTES

1. The RoC is used to denote the southern part of the island and the EU member state. Cyprus is used to refer to the entire island.

2. In both of these categories, Malta is the smallest, Luxembourg ranks second, and the RoC third. Malta has the highest population density in the EU (1,302 km²), followed at some distance by the Netherlands (495 km²) (see Table 1).

3. For a broader discussion of the strategies employed by small states, see Cooper and Shaw, 2009; Ingebritsen et al., 2006.

4. This special issue is a noteworthy exception to this trend, alongside other contributions (e.g. Falzon, 2012; Klepp, 2011; Lutterbeck, 2009; Mainwaring, 2008, 2012a, 2012b; Thomson, 2006; Trimikliniotis & Demetriou, 2007).

5. Such an opportunity presented itself in October 2013, when the tragic deaths of over 400 migrants and refugees in the Mediterranean prompted EU officials to propose new Frontex Sea Border Regulations. France and Spain joined the four states in opposition to the proposal, particularly the parts related to search and rescue and disembarkation (Council of the EU, 2013).

6. The success of Malta's bid raised concerns among human rights organizations that pointed to Malta's lackluster track record of receiving refugees and its priority of preventing "illegal" migration both nationally and at the EU level (Phillips, 2009).

7. The relocation of asylum seekers, whose claims have not yet been decided and who may not ultimately qualify for protection, is a longer-term goal of the Maltese and Cypriot governments. This, however, is even less popular with other member states (Interviews: government officials, 2008–2009; EU Council official, July 2010; cf. Council of the EU, 2009a).

8. Elsewhere, I have written about how the policy of mandatory immigration detention in Malta is justified with reference to this constructed crisis while simultaneously reinforcing it (Mainwaring, 2012a).

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