Theme of the Research

2015

LABEL OF THE SUBJECT:

"SECURING THE BORDERS OF 5+5 SPACE: COOPERATION AND IMPLICATIONS"

Research director:

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Contents

Presentation of the project:

The methodology for the presentation of this project requires starting with the definition of the project itself. It should be noted, to better clarify this starting point, that the project, regarding its pedagogy, aims at creating an intellectual space to bring together researchers from both sides of the Mediterranean (Tunisia, France, Italy, Spain, Portugal, Algeria, Morocco, Malta, Mauritania and Libya), to better discuss common challenges, better establish common diagnoses to reach a common understanding of the challenges and requirements of the future. In this framework, the 5+5 defense project brings actors together, positively compares the approaches and combines national desires to strongly fight against the risks and challenges especially as the Mediterranean witnesses periods of instability, vulnerability, risks and cross-border terrorism. To better realize this project, the theme chosen by the coordination meeting for the year 2015 is "securing the borders of 5+5 space: Cooperation and involvement". This thematic choice reflects the importance of borders' security and unification of efforts to fight against the serious threats which imply that every country should also rely on its self-defense and security means.

To do this, two meetings were held in Tunis in February and June 2015, which had allowed researchers and representatives of countries on both sides of the Mediterranean to meet, exchange points of view on the multiple dimensions of borders' security and objectively communicate with one another on the theoretical and practical modalities of the borders' control operation.

The importance of these two research days lies in allowing the meeting of experts and specialists in order to discuss the key issues for the concerned countries, such as the involvement of people in the security process, in the stability of societies, borders' control, the fight against economic crime and cross-border terrorism which nowadays constitute a major source of instability and violation of the integrity of the countries and the sovereignty of states. These two days have also helped especially to discuss bilateral and multilateral cooperation processes in order to master the political and security instability, cross-border smuggling, economic crime and mainly terrorism in all these states. In the same way, we can report that the research of the day June 15, 2015 had primarily allowed engaging long discussions on the inner and outer factors of securing borders which led to crowning this work by series of practical recommendations that will inevitably be useful to personnel who are in charge and policy makers in order to stop public policies and choose the right orientation. This demonstrates the need for complementarities between the intellectual and scientific research and political decision-making.

At the end, we address all thanks to the National Defense Institute and the Euro-Maghreb Center for Strategic Researches and Studies and for the warm welcome and hospitality.

The research director

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Conceptual introduction and identification of the threats and vulnerabilities at borders

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Part 1: Terrorism

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Definition:

The first part of this study is to provide an overview on the concepts of "terrorism", "transnational organized crime" and "borders' security." It also aims at highlighting trends and theoretical approaches to these concepts.

Part 1: Terrorism

Introduction:

So what does the term "terrorism" mean?

Terrorism can strongly influence international dynamics, with evidence for what emerges from the consequences of the attacks against the city of New York, in September 11, 2001. In response to this question, the definition of terrorism is affected and will have consequences on society and politics. However, an *ad hoc* universal definition remains elusive as many given by various organizations and governmental agencies tend to serve only their own interests and achieve their specific objectives.

The difficulty of defining "terrorism" emerges from the complexity to reach mutual agreement to determine the legitimacy of using violence, and therefore, the modern definition of terrorism is inherently controversial. Thus, in practice, the so-called "act of terrorism" or "terrorism" is often a tactic advocated by actors[1] as part of a larger military, political or geopolitical agenda. But the tactic itself should be considered an unconventional technology that should eliminate terrorism itself.

A more precise and objective definition of the phenomenon would certainly have a more effective impact on understanding it.

The specialists explain the role of terrorism using sociological interpretations, psychological or other, and the study in question will focus, instead, on the modified and changed strategic environment particularly for two reasons. First, during the past few years, non-conventional attacks (that is to say "terrorism") have become a major tactical battle on existing battlefields, so it would be crucial to understand the extent of its context "which is full of conflicts". Second, over the past two decades, several ideas about the degree of change of the conflict appeared helping us better understand terrorism in its essence.[2] The first step toward using this approach would be to recognize that modern terrorism is an "operational method that can be used in various strategies including insurgency strategy." [3]

Based on the conviction that neither the international community nor the academic community could agree on a single definition of terrorism, this study will focus on different approaches from different perspectives.

1. The definition by the United Nations:

Member states of the United Nations do not have a common definition of terrorism which constituted a major obstacle to the completion of significant international countermeasures. The authors decided to use a fulcrum referential to the definition of the resolution 49/60 of the UN General Assembly

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[1]*What is meant by actors is: state and non-state actors, (insurgent, armed opposition, guerrillas groups)*

[2]*A. Beccaro, C. Bertolotti, Suicide attacks: strategic perspective and Afghan war (suicide attacks: strategic perspective and the war in Afghanistan), ISPI Analysis No. 283, March 2015, available at:* http://www.ispionline.it/default/files/pubblicazioni/analysis_283_beccaro.bertolotti_2015.pdf

[3]*S. Mets, Rethinking insurgency (repenser insurgency) in PB Rich, I. Duyvesteyn (edited by), "The Routledge Handbook of insurgency and counterinsurgency" (routledge manual of insurgency and counterinsurgency), New York, Routledge, 2012 , p. 38, and C. Bertolotti, Shahid. Analysis of suicide terrorism in Afghanistan (Eng.Title. Shahid. Analysis of suicide attacks in Afghanistan), Milan, Franco Angeli, 2010.*

(adopted on December 9, 1994) and entitled "measures to get rid of international terrorism" which contain a clause that defines terrorism as follows:

"The criminal acts considered to provoke a state of terror among the population, a group of people, or individuals in particular for political reasons that cannot be justified under any circumstances, leaving aside political, philosophical, ideological, racial, ethnic, religious considerations that might be invoked to justify them."

2. The concept(s) of "terrorism" (5+5 space): definitions, perspectives and approaches:

We have to start by mentioning that there was no agreement among the international community on the definition of "terrorism".

Key elements linked to terrorism are many: using violence, targeting civilians, creating a climate of fear to basically achieve political goals. However, the adoption of an indisputably definition accepted by all proved to be a challenge: is that attacks against military or political leaders would be considered as terrorist acts? What about attacks targeting the properties? Should terrorism be physically violent by definition, or is it simply due to the spread fear as an integral part of the terrorist act in itself?

This part aims at understanding the definition of terrorism within the legal and theoretical contexts on the basis of international laws.[1]

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[1]*The Arab Convention for the Suppression of Terrorism, (adopted by the Council of Arab Ministers of the Interior and the Council of Arab Ministers of Justice in Cairo, Egypt in 1998), defines terrorism as "any act of violence or threat of violence, regardless of the causes and purposes, committed to implement a criminal project, individually or collectively, and intended to spread terror among people or to frighten them or endanger their lives, their freedom or safety or harm the environment, one of the public services, public or private property or to occupy or seize, or endanger one of the national resources."*

*The European Union defines terrorism as legal / official purposes in article **I** of The Framework Decision on Combating Terrorism 2002. It implies that terrorist offenses include certain criminal offenses decreed in a list including a series of serious offenses against persons and properties (...) given their nature or context could seriously damage a country or an international organization with the aim of seriously intimidating a population or unduly compelling a government or an international organization to perform or stop performing any action or seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization. Official Journal of the European Communities, L 164/3, Framework Council Decision of June 13, 2002 on the fight against terrorism,*

http://www.statewatch.org/news/2002/jul/frameterr622en00030007.pdfProblems / Negative consequences: laws adopted within the framework decision in the third pillar of the European Union could play an important role, thus pushing member states towards creating a common framework decision that would facilitate police and judicial cooperation and ensure that terrorist acts are not punished differently in different member States. This role is even more important if one considers, for example, that before the adoption the council's framework decision on the fight against terrorism, only seven countries - France, Germany, Italy, Portugal, Greece, Spain and the UK – out of the fifteen member States of the European Union had specific laws to fight terrorism. These laws differ from one country to another. In other member States where there was no legislation, terrorist acts were judged on the basis of ordinary criminal offenses.

The legislative harmonization procedures established by these laws, however, are problematic considering the fact that the laws adopted within the framework decision in the third pillar of the European Union have no direct effect. See the Italian Contribution to the NCTB (National Coördinator Terrorismebestrijding) Counterterrorism Project - Final Report, a project by WODC, Research and Documentation Center of the Dutch Ministry of Justice, in January 2006.

2.1 Two cases: Italy and Tunisia:

a. Italy:

The first relevant source which defines terrorism in its Italian context is a decision issued by the Supreme Court in 1987. According to the judgment, the term "terrorism" must be understood as the intention to spread terror among a community through criminal acts and without discernment.[1]

Apart from this partial clarification, the first definition of terrorism found in Italian legislation was in July, 31 2005. Italy uses the following definition as a formal concept of terrorism:[2]

"The acts having the purpose of implementing terrorism are all actions that, given their nature or their context, may seriously intimidate a population or compel public authorities or an international organization to perform or stop performing any action; or seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization, as well as any act affiliating to terrorism, or committed for terrorist purposes by the conventions or other provisions of international laws that are enforceable in Italy**.**[1]

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[1]*Italian Supreme Court (Corte di Cassazione), Section I, in November 1987, No. 11382.*

[2]*As reported by Italian laws L.438/2001, L.7/2003, and in particular the L. 155/2005, Article 270 sexies on the behavior with terrorist purposes (condotte Finalità con di terrorismo).*

Based on this definition, the term "terrorism" in the Italian context could be defined as follows:

- Any conduct which may seriously damage a country or an international organization; [2]

- And which aims in parallel at:

1. Intimidating a population or compel public authorities or an international organization to perform or stop performing any action;

2. Destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization.[3]

It is also defined as terrorism any other conduct which is not defined by such agreements or clauses of international laws that are enforceable in Italy.*4

Since 1990, specifically in 2001, Italy adopted a series of specific anti-terrorism measures.*5

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[1]*The integral text of the Law 155 of the year 2005 can be accessed via the link: www.parlamento.it/parlam/leggi/051551.html*

[2]*This reinforces the already existing idea in article 270 bis, par.3 which states that terrorism emerges where violence targets a foreign country, an institution or an international organization and allows Italy to combat terrorism.*

[3]*Italian Supreme Court, Section 1 of November 5, 2005. Baudrillard J. (2002) Lo Spirito del Terrorismo (spirit of terrorism), Milan, Cortina. An excerpt of the book is available on www.egs.edu/faculty/baudrillard/baudrillard-the-spirit-of-terrorism-french.html*

*4. Italian law adopts a functional approach to the problems linked to security and violence (which could use terrorism for political purposes): this is the concept of subversion which tends to undermine the constitutional order and the pluralist and democratic organizations inside a State. This is totally different from terrorism.

*5. Measurements can be summarized as: a cooperation at the European level; a strengthening of security measures on the Italian territory, to rely on the CSF - Committee of Financial Security, a criminalization of associations whose goal is the national and international terrorism or subversion of democratic order, a criminalization of the assistance and complicity, a cooperation with the United Nations/G8/NATO to combat terrorism; a greater severity as a penitentiary system, new rules that favor the victims of terrorism and massacres resulting from, terrorism prevention through the surveillance of places frequented by Islamic fundamentalists, establishing an Islamic Council, urgent measures to combat international terrorism, excluding individuals that represent a risk to national security and who are affiliated with terrorist organizations in order to prevent them from undermining peace, new legislation on anti-terrorism measures. Decree-law No.7, regulating the participation of the Italian Armed Forces in international cooperation activities (Decree-law No.7 of February 18, 2015, urgent measures to combat terrorism, including international terrorism.

b. Tunisia:

Concerning Tunisia, the bill No.2015-22 relating to "the fight against terrorism and the prohibition of money laundering" (submitted for assessment to the Assembly of Representatives) states in chapter II - Article 13 that:

"Is guilty of a terrorist offense who, by any means, deliberates for the performance of an individual or group project one of the following acts that are intended to spread terror among the population or unduly compel a government or an international organization to do what it is not obliged to do or refrain from doing what it must do: kill a person, cause injury or hurt with punches or with other types of violence that could lead to mutilation or permanent disability, cause damage to buildings belonging to diplomatic missions or international organizations, cause serious damage to the natural environment with the aim of endangering inhabitants' lives or health, cause damage to private and public properties, vital resources, infrastructure, transportation and communication means, computer systems or public services " [1]

It should be also noted that the anti-terrorism Act of 2003 which is still in vigor has often been criticized for its broad definition of terrorist crimes which lies from "acts of violence that may disrupt public order" to "harm persons or properties". The new law proposes more precise definitions of these crimes to ensure that "the new law is consistent with international charters and will not be used to suppress freedoms. So it tends to reconcile the security and the needs to face the terrorist threat, on a first plan, and to respect the principles of human rights on a second plan" as mentioned in the explanatory introduction.[2]

Tunisia was one of the first countries to be targeted by "Al Qaeda" after the attacks of September 11, 2001, when a tanker truck exploded near the synagogue in Djerba in April 2002. Later on, particularly since the Revolution in January 2011, some extremist groups have exploited the opportunity to engage in acts. Consequently, some terrorist incidents were reported, and the country's stability was threatened. Thus, it is important to mention that several factors have led to this situation including the suspension of the anti-terrorism law, the

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[1]*The legislation of the sector of security in Tunisia, organic bill, text No. 2015-22 relative to the fight against terrorism and the prohibition of money laundering is available on:*

www.legislation-sécurité.tn

[2]*Visit www.assabahnews.tn/article/80703/dated in January 30, 2014*

release of a significant number of salafists who were imprisoned by the old regime and who received a general amnesty act in 2011, and the presence of large amounts of smuggled weapons coming from Libya since the post-Gaddafi era. "The jihadist terrorism" is the kind of terrorism that Tunisia is facing nowadays. This inventory was once again confirmed by the deadly attack in March 18, 2015, when a terrorist group called "Okba Ibn Nafaa brigade" (initially linked to AQIM _ Al-Qaeda in the Islamic Maghreb[1] with some others claiming themselves as members of Daech / Daesh / IS / ISIS / ISIL [2]) attacked the National Museum of Bardo killing twenty one tourists and a policeman.

2.2 Reflections on the evolving threats: the "new insurgent terrorism":

The specter of terrorism widely threatens the "5+5" space and more precisely North Africa; no state in the region could escape it. In recent decades, this region was a sensitive area of "national terrorism" and has now become a breeding ground for "international terrorism" [3] and the evolution of the threat coming from the Middle East due to the lack of security implies that a deficit of a sovereign state has to be established in order to guarantee a collective security for all countries.

Referring to the growing phenomenon of violence from the Middle East to the Mediterranean (5+5 group) with an explicit reference to the "Islamic State", can we say that this is part of the classical concept of terrorism?

According to the authors, the current phenomenon should be analyzed as a different kind of threat and qualified as a "new insurgent terrorism" ***4** (NIT) – and as a part of a wider ideological insurgency, that refuses the so-called "State" in order to recreate the "Kalifat" and resurrect the "Oumma".

This new insurgency phenomenon is based on old, new and growing dynamics, with a transnational, denationalized nature and connected with other phenomena of insurgency, local opposition, groups and movements of transnational organized crime. Moreover, it represents a threat to borders' security.

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[1]*AQIM is a jihadist, salafist militant group operating in the Sahara and the Sahel. Over the previous decade, the group affiliated with Al-Qaeda and has developed regional ambitions.*

[2]*The Islamic State in Iraq and the Levant or Islamic State in Iraq and Syria or Islamic state or Daesh is a proto-state based on a fundamentalist islamic organization that controls territory in Iraq and Syria with limited territorial control in MENA and countries of South Asia, and affiliating with regional actors/group. Their presence is also reported in Libya.*

 [3]*V. Bartoluccci, Understanding terrorism and the Islamist challenge in the Maghreb, Marine Corps University Journal, Vol 4, no. 1, the Spring of 2013.*

*4. This category should include ethnic, political, ideological and religious/sectarian movements which aim at imposing their political and revolutionary alternative models especially by using of armed violence.

In short, "the new insurgent terrorism" not only tends to destabilize a single country or a single internationally recognized government, but also to eliminate all governments, institutions, countries or parts of states with no respect to official national borders nor to conventions. For all these reasons, the theoretical approach considers the phenomenon as anti-state (based on visible data confirmed by recent events and trends appeared in MENA region) which gathered thousands of activists who obey global dynamics.

On the other hand, considering the phenomenon as only national or limiting it to a geographical location or to official borders could lead to face the threat in a partial, impoverishing and ineffective manner. What we propose here is a theoretical explanation of the current threat of "new insurgent terrorism" as it suggests the following as a starting basis for a common counter strategy:

"The new insurgent terrorism" is the use of violence or threat of the use of intentional, calculated, rational; auto-justified violence in order to achieve political, religious and ideological goals. There are nine important elements that should be mentioned as follows:

• The nature of the terrorist activity is the use or threat of the use of violence,

• The purpose of the activity is always political, as to achieve accurate and punctual political objectives (to change: a regime, those in power, social and economic policies, policies, action plans and the status quo, etc. ...)

• Terrorism is complex; it is revolutionary, subversive and contrasted because it mainly targets the national state model,

• It is based on political, socioeconomic and religious multitude.

• Terrorism is a complex phenomenon but especially unpredictable,

• Its nature is "strategic", which is visible through tactical actions that are not necessarily interconnected.

• Its nature is "global and local" [1], transnational, borderless and based on "flexibility and adaptability". [2]

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[1] *The term "transnational crime" means a crime that transcends borders and refers to a range of abuses and criminal activities organized by groups whose operations go beyond borders.*

• The battlefield is real (conventional and asymmetric), virtual (information operations, web propaganda) and cybernetic (cyber attacks).

• Targets are political, civilian, military, religious and symbolic combatants and non-combatants,

3. The problem of "weak states"; an atavism or a consequence?

Algeria often has peaceful solutions to manage conflicts. The "principle basis"³ which defines its National Security Policy dictates the orientation. Cooperation solutions in terms of police, security and defense become inactive, even they are active between "viable" states. ***4**

During crises and conflicts, and beyond humanitarian assistance and management of refugees' flows, Algeria favors efforts to provide assistance to central states to get them out of the scheme related to weak states ***5** and to contribute to the effort given to secure border areas.

The Libyan case ***6** is indicative of the inadequacy of the method of operation used by the international coalition to engage in the attack against Libya. The generated chaos shows a poor assessment of the political and security situation and the perverse effects of the hasty and uncalculated implementation of 1973 resolution on the basis of the duty to protect civilians.

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¹*The conceptual term combines the words "global" and "local" and states the moderating effects of local conditions on international crises.*

²*Flexibility and adaptation capacity to changing political situations.*

³*In the elaboration of its National Security Policy "NSP" every state is based on a set of principles, concepts, and even proper interests. A policy framework should define doctrine and institutions that consistently interact with one another, for all efficiency needs of this "NSP". Means and resources are then allocated for its realization and implementation.*

*4. Here is the opposite of so-called bankrupt States. The negotiation process in Mali, launched under the aegis of Algeria, aims at providing inclusive responses to the political and security situation that the country goes through, since a specific period.

*5. The weak state is one that has not, or has lost its capacity to perform its essential missions, due to the weakness of its institutions, or the absence of them, and refers to the notion of failure and/or bankruptcy. The absence of a minimal control of territorial, social, political and economic zones, combined with the inability to maintain order, to ensure the safety of the population, to regulate social relations, and rulers/ruled components, and which let the threat of chaos and/or disintegration to be implemented, with heavy intra- and international consequences. The paradox is that these international coalitions also generate from weak State, within the meaning of this definition, and like the case in Iraq and Libya.

*6. A state under an unprecedented period of instability and that Algeria is committed to support it. So, Algeria is going to form a government of national union to guarantee unity, territorial integrity, independence and the Libyan national sovereignty and social cohesion of the Libyan people. In short, it is a viable State.

Viable states, as exercising full legitimate sovereignty over their territory, are the only guarantors of the efficiency of a collective security policy. Any implementation of what some call "the strategy of creative chaos" will not do anything but amplify the anarchy that already characterizes the evolution of international relations for over a decade.

However, National Sovereignty, good governance, Democracy and the Rule of Law are in turn perennial guarantees of Human Security. Otherwise, the supposed weak state becomes both a source and a generator vector of insecurity. Nuisance capacity of asymmetric threats are therefore increased and even assimilated to symmetrical ones, with a state extent. [1]

The borders; do they represent an invisible demarcation?

There is nowhere on this earth a territory that can be called "no man's land." Structured populations evolve everywhere, live and focus on a land that sometimes is not superimposed on the plot of the legal territory, because according to the same populations, it is virtual. [2]

It is in this sense that populations, often nomadic or pastoralist but very structured, live within this reality where national affiliations are certainly not fictitious but diverse. These populations often ignore, fail to assimilate or rather ignore the modern reality that territoriality "a sketchy dimension" is inherent in the nation-state paradigm.

It is due to this difficult fact that one has to account for this reality where the arid vast expanses, especially those of the south, led the populations of border regions to adopt this life mainly made of commerce and pastoral activity, over hundreds of kilometers. Few water points but listed, give rhythm to the transhumance of populations and their needs.

The cycle of the seasons' rhythm, the countless stations that characterize populations with the rhythm of the traditions that sustain these old and codified lifestyles. Customs, cultures and social relations are channeled in commerce and barter and tribal alliances for peace culture in perfect symbiosis with nature, where the state has never had the monopoly of structural factors (schools, institutions, economy, security ...).

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[1] *The delicate political and security situation in the entire sahel-sahara area and Libya in particular emphasizes the complexity of the management of the mentioned threats. Heavy weapons, missiles, aviation and armor reinforced the real capacity of sub-state groups (militias, terrorists, drug traffickers, mercenaries, etc.).*

[2] *These people often discover territoriality during the mentioned conflicts.*

These same populations, with many local ties, are often the first to suffer the upheavals when the territory(s) on which they operate, becomes subject to crises or conflicts. [1] They are victims of a new reality with exacerbation and social breakdown as consequences, in spite of being the fruit of traditional ways of life.

The answers provided by states to these crises can also be an additional source of complication for these upheavals. Unfortunately for these populations who, when it allows, will be forced to move, to break away from their origins and to leave their territories, by crossing the borders of other states in order to avoid the collateral effects of the conflict.

The superposition of the threats affects this precarious balance and rejects the old balance of man and his already complex and insecure environment. Youth, being vulnerable and unstructured, denies the legacy in favor of 'evil' forces, often strange to local customs, completely alienated by the profit and feeling of exclusion and/or the content of certain speech. [2]

Elderly people and especially, women and children will be forced to live in exile. The latter has, historically, been seen as a human tragedy, a loss of one's self. The territory left behind, crystallizes this symbiotic relationship of man to his land. The conflict becomes complicated and the management of refugees' flows [3] is superimposed on the already precarious security situation prevailing in the region, where, as noted above, transverse responses are needed.[*4]

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[1]*Repressing these populations and ignoring the challenge they represent, means bringing on their own soil, the threat(s). The national state contributes as an additional centripetal and restructuring force in the region, in contradiction with border populations that represent, in this scheme, the centrifugal and structuring forces in the region.*

[2]*This list is not exhaustive.*

[3]*Algeria has always been a land of refuge for these thousands of people fleeing conflict zones.*

[*4]. *In this regard, Algeria provides important efforts in the field of the creation of mechanisms and structures whose mission is to strengthen the fight against terrorism at a continental level, in the image of the African Centre for Studies and Research on Terrorism (ACSRT), with headquarters in Algiers. According the AU, Algeria is the country that most fights for the prohibition ransom payments to terrorists and hostage takers. See the recent decision of Heads of States, in September 2, 2014, in Nairobi. Finally, we should mention the AFRIPOL (African Police) case, where the approval for its creation was made by African Police leaders in Algiers, in February 2015.*

Part 4: Transnational Crime:

Definition:

Transnational Organized Crime (TOC) has emerged in recent years as an important stake of security at an international level and with significant challenges. The United Nations, through the convention against Transnational Organized Crime,[1] tried to find an institutional response; most criticism of the definition proposed by the United Nations is that this response is based on universal moral principles and then its inability to grasp the specific context of crime on local and regional levels just as it does not care about the ambiguity between what is legal and what is legitimate, in addition to the uncontested claim [2] of a non-political nature.

The UN Convention constitutes an effective tool and a necessary legal framework for international cooperation by fighting against criminal activities and the growing connection between transnational organized crime and terrorist crimes.

The definitions concerning organized crime and terrorism sometimes overlap. Many experts distinguish between groups according to their purposes: the criminals are motivated by financial gain but terrorists are motivated by political and sometimes religious objectives.

R.T.Naylor, an economist, criminologist and historian at McGill University in Montreal, highlights the gap between crime and terrorism. In his *"Wages of Crime"*, Naylor states that *"criminals commit economic crimes to make money"*, while for politically motivated armed groups (he cites as an example the insurgents), *"Money, although insufficient, is simply a necessary tool to achieve the objectives of these groups,".* [3]

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[1] *The UN Convention against Transnational Organized Crime and Thereto, UNODC protocols, New York, 2004.*

[2] *A definition proposed by the United Nation Convention is divided into two parts:*

The first is about the definition of 'organized crime' and the second is the definition of 'transnational crime'. The expression "organized criminal group" means a structured group of three or more persons existing for a time and acting in unison with the aim of committing one or more serious crimes or offenses that are adopted, according to this Convention, to obtain, directly or indirectly, a financial or other material benefit;

See www.unodc.org/unodc/en/treaties/CTOC/index.html

[3] *Naylor, R.T. 2002. "Wages of Crime: Black Markets, Illegal Finance, Economy and the Underworld". Cornwell University Press, 2002. Book Review, available at;*

http://www.Organized-crime.de/revnay 01.htm, access May 15, 2015.

But clearly, to discern the purposes of the groups can be a challenge.[1] Terrorists are increasingly seen as groups that rely on self finance through criminal activity.[2] In this context, it is possible that terrorist groups look for help from their partners in crime to provide them shelter, forged documents, drugs or weapons. At the same time, criminal organizations, particularly those who traffic, require coordination with terrorist groups who will guarantee their safety of their cargo and escort their convoys when crossing areas of armed operations.

Moreover, since the "Libyan revolution", smuggling in the region is no longer limited to ordinary products such as food, cigarettes, alcohol and drugs. Indeed, traffickers are increasingly interested in weapons, ammunition and explosives that are more profitable and easier to acquire in Libya. Similarly, being familiar with border areas and their access roads, traffickers are even trying to facilitate the infiltration of terrorists and jihadists returning from Iraq and Syria to their countries of origin; Tunisia and Algeria.

Part 5: Securing the borders:

Definition:

Borders are more than geographical abstractions. They are both political and societal structures that reflect the way in which national states define the terms and limits, which individuals have to respect and the products and services to get access to national territories. Thus, borders are divided into two main categories:

There are "official" and "real" borders.

Consequently, borders' security lies in the ability to maintain the operational control, to detect and prevent intrusions across borders and to be able to respond effectively and efficiently to the various challenges.

Borders' security is a central concern for all members of 5+5 space; but had the border been secure? It is hard to say that since there is no agreement on measurement systems of borders' security. In the post September 11 era, border's security was widely thought in terms of terrorist threats, the "overflow" of violence caused by transnational crime organizations and the risks associated with illegal immigrants.

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[1]*John R. Wagley, Transnational Organized Crime. Principal Threats and US Responses, Congressional Research Service, 'The Library of Congress, 20 Mars 2006, available at;*
http://www.fas.org/sgp/crs/natsec/R133335 pdf.
[2]*David E. Kaplan, Paying for Terror; How Jihadist Groups are Using Organized Crime Tactics –and Its Profits –Finance Attacks on Targets Around the Globe, in "U.S. News and World Report", December 2, 2005.*

Defining border's security is actually quite complicated. In the absence of a clear definition and a conclusive diagnosis of border security to help focus on strategy, migrants still take more risks particularly by going further in the Mediterranean, with hundreds of victims every year as a consequence.

The countries of the southern side of the Mediterranean may not lack the political will when it comes to ensuring the security of their borders, but they undoubtedly face difficulties related particularly to the lack of capacity and of necessary technological expertise to ensure effective control of these borders against terrorist groups and traffickers.

Recommendations:

It is also crucial to have at the regional level, a mechanism for consultation and sharing information as well as a rapid warning system. Harmonizing legislation on borders controls and activating conventions related to them and bilateral and multilateral agreements are also important. In this context, there is certainly an urgent need to go beyond selfish interests of countries and adopt a common global approach based on security dimension, good governance and the promotion of socio-economic development in border areas. It is needless to say, in the same sense that these areas are preferred areas for terrorists and smugglers, as they benefit from the ability to move on both sides of the border particularly when there is a lack of coordination between the authorities in charge of borders' security in both countries. This is why in reality Tunisia and Algeria for example signed in May 2014 an agreement on border security to consolidate the existing cooperation and coordination between the authorities in charge of the stake.[1]

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[1]See: Cooperation agreement on securing borders, available at: http://directinfo.webmanagercenter.com/2014/05/27/tunisie-algerie-accord-de-cooperation-pour-la-securisation -des-frontières/

Table1: Threats and Vulnerabilities

	Threats at borders	Borders vulnerabilities
Terrorism	In relation to transnational crime.	Porous borders
	In relation to armed groups crossing the borders.	Large-scale uncontrolled human migration.
	Great capacity to cross the border.	Weakness in the capacity to share intelligence
	Capacity to bypass "check points".	Weakness in common and coordinated strategic capacity.
	Potential capacity to move from the Libyan to the Italian coast.	Corrupt personnel in charge of borders security.
	Corrupt personnel in charge of borders' security.	Relationship between elements belonging to tribes that cross borders / clans / groups.
	Capacity to conduct direct armed actions in connection with armed terror groups and porous borders.	
Transnational crime	Capacity to violate borders security.	Relationship with elements belonging to tribes that cross borders or they represent clans and armed groups.
	Corrupt personnel in charge of borders' security.	
		Lack among transnational crime police. Common capacity and procedures.
Border security		Transnational crime, terrorism, illegal immigration, corrupted personnel in charge of borders' security.
	Possible direct actions of armed groups against borders' security infrastructure.	Presence of the same tribes /clans on both sides of the border. Corrupt personnel in charge of borders' security.
		Weakness in adequate capacity to control borders (weak training, weak equipment…). Weakness in sharing information on border security among neighboring countries.
		Weakness in data sharing mechanism on borders' security at bilateral and regional levels (ensuring access to data on terrorists, smugglers, suspects, cargo ...).
		Bilateral political stakes impeding security cooperation. Weak states having large ungoverned areas.
		Weakness in the mechanism to contrast the relationship between terrorism and organized crime.

Axis 2:

Borders' control (a summary of different countries' experiences)

Borders' Control Policy | Portugal:

Portugal, an EU member state, manages its borders' control policy using the principles stated by the Schengen Agreement[1], aiming primarily at the gradual abolition of controls at common borders for participating countries. This policy is part of the dimension of Justice and Home Affairs (JHA) of the EU, which includes, among others, the management of internal borders (between member states) and external ones (with third countries of the European Union).

Given the geographical situation of Portugal and the line of -common land border with Spain- the legal framework on the management of internal borders of the EU is applied, which means the absence of border's check points. At the sea and air border lines (in mainland Portugal and the Azores and Madeira) - including, in particular, ports and airports - the legal framework on the management of EU external borders is already applied, which includes among other things, the application of common standards for the control of entrances and exits of the national territory and the establishment of centralized databases for the management of migration flows and borders (eg. Schengen Information System (SIS), the Visa Information System (VIS) and Eurodac).[2]

Portugal's borders' control policy is the responsibility of the Ministry of Interior, through the Foreigners' and Borders' Service (FBS). According to the national legislative framework, the FBS - which is a security service and a criminal police body - has as fundamental missions: monitoring the movement of individuals across national borders, checking the permanence and activity of foreign people in the country, studying, promoting, coordinating and implementing the measures and actions related to the activities they were assigned to, and to migratory movements.[3]

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[1]*The Schengen Agreement was signed in June 14, 1985. The initial countries who were signatories to the agreement were Germany, Belgium, France, Luxembourg and the Netherlands. Today, the Schengen zone includes all EU countries (except Bulgaria, Cyprus, Croatia, Ireland, Romania and the United Kingdom) and countries associated with the agreement, namely Iceland, Liechtenstein, Norway and Switzerland.*

[2]*Cf. European Parliament (2015). The Management of External Borders. Specifications Sheets on the European Union. Spotted at http://www.europarl.europa.eu/ftu/pdf/fr/FTU_5.12.4.pdf*

[3]*Cf. Decree-Law 252/2000, October16. Estrutura Orgânica do Serviço de Estrangeiros e Fronteiras.*

Within the framework of its assignments, and beyond the control of entrances and exits in ports and airports of the country,[1] there is also the realization of mobile controls and joint operations with counterparts' services and forces of national and international security. At the national level, the collaboration with: the *Guarda Nacional* Republicana (*Police*, Ministry of Interior) should be mentioned for carrying out mobile controls at land borders; with *Policia de Segurança Pública* (Ministry of Interior) and *Policia Judiciária* (Ministry of Justice) for the realization of investigation and control operations on the permanence and activity of foreigners in the country; and with *Autoridade Marítima* (Ministry of Defense) for the transactions of the prevention and suppression of illegal sea immigration. At the international level, we also highlight the cooperation of the FBS with the services and security forces of Spain, particularly for the realization of mobile controls at land borders and with institutions and EU agencies in terms of borders' control (Frontex in particular), as well as bilateral cooperation with countries of origin of the migration flows to Portugal. As stated above, the FBS centralizes the implementation of borders' control policy of Portugal, in coordination with the services and forces of national and international security.

Regarding the coordination of relevant national bodies in this field, we emphasize the existence of the structure of the *Internal Security System*, made by the Superior Council of Interior (with representation of ministries, security forces and services, armed forces and public bodies in charge of security), the *General Secretariat* and the *Security Coordination Office*.

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[1]*At the national level, and with financial support from the EU funds that are available for this purpose, Portugal has made, over the last decade, a significant investment in order to improve entrances and exits control system at airports and ports of the country, through the implementation of integrated systems for the management of information and the designated 'smart borders', particularly with the RAPID system (Electronic borders' Control System).*

Axis 3:

Local populations as central stakes of borders' security

The problem of local people's involvement in securing the borders in the 5+5 space highlights a sort of quadrangular condition which oppose and, if necessary approach different actors with different and often conflicting motivations. On the one hand, both parties are operating in a legal and/or contractual framework, namely the state and local populations. On the other hand, two actors are at the margin and/or in complete disconnection with the legal and institutional framework, namely the traffickers and terrorists. The positions of the first ones facing the other two must be primarily identified and apprehended in their complexity in order to promote effective borders' control policy, which should be based as much on the human dimension as on technical means.

1. The central role of the state; the legitimate representative of people and the guarantor of national sovereignty:

In its first sense, the term border refers to a territorial discontinuity between two countries. In fact, the border limits the space on which national sovereignty extends and it is the right place for the application of that sovereignty.[1] In this context, the instruments of sovereignty projection and legitimate violence, that are the armed forces, customs and police, see their mission's priority oriented to borders' control and protection. Therefore, the effectiveness of the borders' and rest of the territory's control policies strongly influences the credibility and legitimacy of the sovereign power in the populations' perception that it manages to prevent terrorists', smugglers' or traffickers' transit, and the irregular migrants' flows, who are particularly frequent at the borders of 5+5 space. First, securing the national territory requires the provision of effort on border areas, starting with those who are most vulnerable, to protect people, ensure the social and economic development and provide public facilities. Nevertheless, State borders can be highly secure, while at the same time, other parts of the territory are voluntarily or not neglected by public powers.[2] Finally, the border - and this is clearly perceptible in the Sahel zone which constitutes the southern side of the strategic 5+5 space - may take a form other than an online monitored and supervised one.

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[1]Michel Foucher, borders' obsession, Perrin, 2007.

[2]Flavien BOURRAT and Amandine GNANGUENON, "Fragmentation and territorial restructuring in the Arab world and sub-Saharan Africa", introductory chapter, the laboratory of IRSEM No. 24, December 2014.

We then speak of a "blurred area" where the exercise of sovereignty by the state power is a problem, and should overcome it, to rely on actors other than those embodying the sovereign State, the latter recruiting within local communities (ethnic groups, tribes, clans, militias, cartels, commercial networks, etc.).

Ultimately, the question of border security refers to political modernity, defined by the two concepts; state and nation. From there, the two vulnerabilities are available: either when the country suffers from a lack of national cohesion and state legitimacy or when it lost control of its borders, as is currently the case of Libya. The central role of the government is fundamental to this mission because it is supposed to act as part of the national interest and the decision-making unit, disposing adequate resources of men and material, but also benefit from international legitimacy. The frequent question that should be answered is whether the state can delegate, partially or not, border control to local or regional authorities, for example as part of a federal or autonomy thrust system. In the current regional context, such as an assumption - which was raised for the Libyan case - is difficult to consider, and it is clear that viable federal states and former creation existing elsewhere in the world, have always entrusted the sovereign mission to the central authority.

There is also the issue of control extended vast scope which is little or not populated, particularly in the Sahel-Saharan region, bordering border limits. In the case of North East of Mauritania, government authorities have created empty spaces, so as to prohibit in sustainable and verifiable manner the presence of extremist or terrorist groups. Such apparatus reinforces the legitimacy of the state on territories difficult to control, but can at the same time facilitate the activities of traffickers.

2. The essential involvement of local people in border security

People living in border areas in the southern part of the space 5 + 5 appear in the current political and security context marked particularly by the Malian and Libyan crises, as key elements in the process of controlling and protecting borders. Although showing differences related to the history, geography, culture, ethnology, they do not have a number of less common features. The first is a distance, not only due to geographical distances, from the central power, the decision centers, but also to economic centers and large infrastructures. The result of this isolation feeling, which is also often a fact, a delay in terms of human and economic development, but also a neglect on the part of state institution and its regional and local branches, which are expected to be the

engine of a developmentalist policy. To compensate for what is sometimes considered as an ostracism, local people have developed for a long time an alternative economy based on the informal sector and smuggling[1]. This system relies on networks - which are sometimes true cartels - including local residents of border areas. This is facilitated by the fact that nearby clan and family exist either side of the borders, regardless of whether these are controlled and, if appropriately, closed. Despite its negative effects on fiscal and economic terms, this device has long been considered by state authorities as a control valve and socio-economic compensation, and as tolerated. Regional crises emerged over the past four years have disrupted the local and parallel economy, leading to the closure of borders, increased control for security reasons of trafficking, with the risk that the eventual resentment of local people against the State strengthens.

The consequences of such a development are potentially serious in terms of security risk, as they may lead, on the one hand, on an increased distrust face to face with the security forces and a refusal to cooperate with them, on the other hand logistical support, allegiance from the part of some people to traffickers of dangerous products or territorialized terrorist groups. The establishment and transit of these traffickers along the borders is also likely to fuel a vicious circle. Indeed, continued insecurity in these rural areas can cause a phenomenon of land abandonment and thus accentuate the fragility of the economic and social fabric, further weakening the allegiance of affected populations to state authority.

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[1]*Report of of Eastern Crisis Group and Northern Africa N.148? Borders of Tunisia I: Jihad and smuggling, 28th November 2013.*

3. Recommendations for the desirable attitude of the state towards the border populations; dialogue and proximity:

The priority that comes to mind when talking about border surveillance is strengthened by human and technical resources, the security arrangements made by the State: checkpoints, border crossings, buffer zones, and radar coverage / or satellite, regular patrols, presence of a nearby security, etc. However, it appears that this device, which is essential, is not enough to ensure a comprehensive and sustainable security in border areas. It must therefore rely on the support of local people. This involves in particular:

- Regaining control exerted by the state. This approach assumes a contact, dialogue and permanent exchanges between, on the one hand the state apparatus (with priority given to the armed forces and police) and the other populations and local actors (such latter may include, as appropriate traffickers of non-hazardous products), without whose help the fight against cross-border insecurity can not succeed.

1: Article of The "Economist Morocco", the Edition No.3969 on 15/02/2013/,available on http://www.leconomiste.com/article/903509-la-contrebande-du-carburant-d-borde-de- L-oriental.

2: Article Echorouk of online 10-09-2013, available at: http://www.echoroukonline.com/ara/mobile/articles/177468.html

3 Report of GAO on November 2003 about "terrorist financing" available on http://www.gao.gov/newitems/d04163.pdf

- Regaining control exerted by the state. This approach assumes a contact, dialogue and permanent exchanges between, on the one hand the state apparatus (with priority given to the armed forces and the police) and the other populations and local actors (such latter may include, as appropriate traffickers of non-hazardous products), without whose help the fight against cross-border insecurity can not succeed.

- Further integration and involvement of residents of the border areas in the fight against terrorism[1], to cut the support for them, source of informer recruitment, knowing that local people are the ones who know the terrain and people who move there.

- Recognition by States in the context of national unity, possible cultural, historical, tribal, ethnic, but also socio-economic level in border areas. This

should include the issue of inter-border proximity of neighboring populations, knowing that the border state is a separation but not necessarily family or tribal.

- A policy of opening up and development of border areas to curb or stop the rural exodus, and reunite the allegiance ties of local people to the state authority.

- Creating a hostile area for terrorist groups, in which they are not able to benefit from the mobility, hideouts, logistical structures, supply or support from residents.

- The development and strengthening of cooperation and pooling arrangements on border security, through liaison officers (police, magistrate, local notables) located on the other side of the border.

4. Attitude and Positioning traffickers and terrorists

Illegal activities often emerge in a context of absence of binding laws or in an area of lawlessness where it would be difficult to enforce national laws, if they exist. Most often, interstate borders remain a fertile space to house such activities.

This finding is usually explained by the distribution of services within a single state and the low level of integration of regional policies.

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[1]Flavien BOURRAT "Which Governmental Strategies in Arab World Facing Jihadism?

Strategic File, letter of IRSEM N.4 June 2014

General case

Internally, the state, senior administrator of public services (infrastructure, health, education, security ...), faces budgetary limitations and political priorities that often relegate to the outskirts. On one hand, population density in the border areas, generally low, cannot be booked with similar investments to those populated areas. On the other hand, geopolitical considerations affect development in the vicinity of borders or by fear of conventional threats which may be exerted the neighboring states or by the fact that this development would lead by attraction effect, the influx of illegal immigrants. Therefore, a spatial contrast is always installed between a high potential center and less structured and attractive peripheries. The weak presence of the State in these areas induced generates a space for illegal activities. Where administered areas cover very large areas, as in the case of Mauritania, the multiplication of administrative regions can enable both state structures as local populations to benefit from the advantages of benchmarks, knowing that in spirit of nomads, the state remains a foreign actor.

In the regional context, for the contiguous states which do not have a common and consistent policy, public services are found very different on both sides of the border. The differences arising from this disparity generates discontinuity and heterogeneity on the borders that stimulate unregulated flow of people and goods from one country to another. The lack of effective control mechanisms in border areas, concerted among States, further facilitates the proliferation of illicit activities. The problem of the number of control points arises. The fact that they are not many may facilitate monitoring, as is the case between Morocco and Mauritania, but the question then arises of how to control the voids between two check points?

5+5 space case

Within the space 5 + 5, there are two major regional entities. The countries of the north shore, a member of the European Union and those of the South Bank, a member of the UMA. Both regional groupings have several differences. If the north, interstate land borders are open and governed by agreements whose purpose is the culmination of a common political space in the various areas in the South, the integration stagnates in the absence of agreements facilitating the movement of people and goods across borders, where illegal and mafia activities proliferate.

On the south shore, facing socio-economic difficulties and crisogène in a geopolitical context that characterizes some gray areas of lawlessness, border populations engage in smuggling and trafficking of all kinds of activities.

Indeed, the level of taxation or subsidy of certain products between two States opens an attractive margin for smugglers. Adjacent States may accept a certain level of smuggling to the extent that it generates income for this population without becoming a major handicap for the national economy. In this context, with oil soaring prices, Algeria has estimated its losses due to smuggling of fuel to 1.3 billion annually in 2013 [1]. During the same period, Moroccan oil companies announced a decrease in turnover of one billion dirhams and a shortfall of 350 million dirhams for customs [2]. In addition to smuggling, illegal immigration networks are interested in the border settled populations. Because they have mastered the knowledge of the field, they are potential reservoirs to be recruited as couriers.

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[1]*Article of The "Economist Morocco", the Edition No.3969 on 15/02/2013/,available on http://www.leconomiste.com/article/903509-la-contrebande-du-carburant-d-borde-de- L-oriental.*

[2]*Article Echorouk of online 10-09-2013, available at: http://www.echoroukonline.com/ara/mobile/articles/177468.html.*

If states can tolerate a certain level of smuggling to the stability of the border regions, they cannot accept the involvement of terrorist networks in this activity. After the attacks of 11th September 2001, several measures aimed at contracting the room for terrorist maneuver were adopted. The terrorist groups funding sources and monitoring their transactions are among the major themes of these measures. The objectives of the TFTP (Terrorist Finance Tracking Program), initiated by the US Department of Treasury, will be directed to this. Faced with these state parades, terrorist groups were directed to areas of organized crime, including drug trafficking, weapons and cigarettes. The USGAO Report (United States Government Accounting Office) in November 2003, on alternative financing mechanisms to terrorist groups, shows these adaptations[1]. Consequently, terrorist groups are seeking a foothold in the border areas and the axes of illegal trafficking. The proliferation of these groups in the Sahel confirms this trend.

If it is difficult to distinguish the smuggler who seeks a source of personal income from those terrorists who aim at ensuring funding sources or to undertake terrorist actions, therefore it is necessary, with very menacing spread of terrorism, to manifest more firmly against any suspicious cross-border activity.

To meet the evolving security challenges, regional integration and promotion of security cooperation initiatives form the basis of a firm posture and tackling transnational asymmetric threats.

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[1]*Report of GAO on November 2003 about "financing terrorist" available on http://www.gao.gov/newitems/d04163.pdf*

Axis 4:

International cooperation on borders security of 5 + 5 space

1. International cooperation on borders security:

Demographic, social, political and economic mutation, promoted by the context of globalization, had migration at the center of the international political agenda. First of all, international migration represents a complex phenomenon with a transnational dimension, either in its causes, or in its impact and consequences. On the one hand, migration challenges the powers of the States in monitoring the entry and exit of citizens, as well as the control of permanence in their territories. Today, with communications and facilitated individual flow, it becomes much harder for the structures of States to control the presence on their territory, and the transition to multiple points of border lines, several of them geographically porous and difficult to monitor. Furthermore, the significant increase in irregular and illegal migration - due to the fragile living conditions in large parts of the world, increased social and economic inequalities which have become frustrating in the least developing countries and the ongoing conflicts in several regional areas - has promoted the expansion of organized criminal networks that exploit human trafficking, which is obviously associated with other forms of crime, such as drugs and weapons trafficking, or even international terrorist networks.

Thus, migrations that were, in the twentieth century, qualified as an economic problem that affects, especially, labor markets and the economies of States of origin and reception of migrants, are considered today as part of international security, which requires concerted and cooperative response between the States concerned, both at regional and international level.

The Mediterranean region is currently an obvious example of this new dynamic. Every week, thousands of refugees and illegal migrants arrive at both sides of the Mediterranean, mainly from sub-Saharan Africa, the Sahel, North Africa and the Middle East, which are carried by transnational illicit networks on long journeys, across the borders of several States, and in most cases cross the Mediterranean to Europe's borders. This real observation highlights the importance of regional and international cooperation for border security, with consideration to the multiplicity of countries of origin, transit and destination of refugees and illegal migrants, as well as the complexity of a phenomenon that combines social causes, economic and political to the contexts of development of organized crime networks and the transnational and cross-border trafficking.

This contribution aims to identify the existing multilateral cooperation frameworks and mechanisms at international and regional level, and propose some recommendations for the promotion of the cooperation on securing borders between countries in space 5 + 5.

2. Multilateral cooperation on borders control:

The control and border management are, under international law, prerogatives of sovereign States. However, given the evolution of transnational migration and international security environment, the United Nations (UN) has developed its action on this matter in three lines of action: the support for migrants in situations of fragility in particular the refugees and promoting the nexus between migration and development, and recognizing the importance of borders management in the context of the fight against terrorism.

Given support to migrants in situations of fragility, and in the frame of international migration law, stands out the existence of the "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (1990) and the "Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime" (2000). More political and financial support from the International Organization for Migration (IOM)[1], it is reported that the work of the UN Agency for Refugees (the UN High Commissioner for Refugees, UNHCR) has nowadays provided assistance to some 33.9 million people. Regarding the space 5 + 5, and according to information available to UNHCR, in 2015, it counts with 103,000 refugees and migrants have already arrived in Europe via the Mediterranean: 54,000 in Italy, 48,000 in Greece, 91 in Malta and 920 in Spain.[2]

The current situation in the Mediterranean raises a fundamental question, with respect to international law, which is the distinction between illegal migrants and refugees, because they have a fundamentally different legal status and are, consequently, treated very differently under international law. However, illegal migrants and refugees use, very often, the same roads and the same means of transport to travel abroad, making the distinction extremely difficult. In a concern for protection and to assist States in managing these mixed migration, UNHCR launched, in 2006, an action plan on Refugee Protection and Mixed Migration Flows (migrants and refugees). The Action Plan identifies key areas

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[1]*External International Organization of UN systems, but which has structural and permanent relation with UN in supporting migrants in vulnerable and fragile situation*

[2]*UNHCR(2015), « Over 10.000 migrants have already crossed illegally the Mediterranean in 2015 ».In http://www.unhr.fr/5577e2c3c.html.*

where action is required to address protection issues, and noted at the same time that mixed migration act, among other areas in the Mediterranean basin.[1]

Regarding the promotion of nexus between migration and development, from the early 1990s, the UN draws attention to the importance of the dynamics of international migration, in particular when associated with questions of development. In September 2006, the UN General Assembly held a high-level dialogue, involving over 127 countries to discuss the relationship between migration and development. For this reason, the "Global Forum on Migration and Development" was created in 2007 in order to encourage integrated approaches to migration and development at national and international levels. This Forum, which unites governmental structures and civil society, is based on an informal, voluntary process, directed to all national governments of all Member States and UN observers, to enhance understanding and cooperation in the frame of the nexus between migration and development, and to promote practical results that are action-oriented.

To conclude, we note that since the beginning of 21st century, the UN has recognized the importance of border management in the context of the fight against terrorism and created in 2006 a working group to assist member states to strengthen especially their management systems and border control, in the frame of the third stage of the Global Antiterrorism Strategy of the United Nations (A / RES / 60/288)[2]. In 2012, this working group finalized a comprehensive collection of tools, standards, recommended practices in international legal and other directive documents, with the objective to bring together all legal guidelines and practices on border management. The challenge is now to develop a framework for the coordinated border management which will cover the activities of agencies responsible for border management for three-phase border crossing (pre-arrival and post-arrival control). The objectives will be to identify the technical needs of Member States that have not yet introduced systems and coordinated border management practices and to propose guidelines on how to address these needs. The primary role of the Working Group is to provide support and assistance to member states in their development efforts through comprehensive and coordinated border activities in response to the threat of terrorism.

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[1] *Cf. UNHCR "Refugee Protection and Mixed Migration – A 10-Point Plan of Action". In* *http://www.unhcr.org/pages/4a16aac66.html.*
[2] *Cf. Work group on border affairs in the context of fighting against terrorism.* *(http://www.un.org/fr/terrorism/ctitf/wg_bordermgmt.shtml)*

Based on all that has proceeded it seems useful and important to recommend both the promotion of a concerted effort at the international level, particularly within the United Nations, which targets mainly:

- An adequate response to the structural causes that generate uncontrolled flow of international illegal migration, namely the reduction of conflicts and economic and social inequalities, as well as support to companies and local economies to improve the living conditions of populations in country of origin.

- The deepening of the cooperation mechanisms in the fight against organized crime and human trafficking, including strengthening the international legal framework, training of human resources and structures responsible for border control, in accordance with procedures and best practices that respect the rights of citizens to mobility which take into account the security requirements made by national states.

3. The regional cooperation on border: Mediterranean

In the 5+5 space migration flows have acquired in recent years increased importance. Faced with the growing instability and regional insecurity, especially after the collapse of the authoritarian regime in Libya, there was a significant increase in the number of illegal migrants in two sizes: from one hand, migrants from sub-Saharan and Sahel towards the North African countries, from the other hand, refugees and illegal migrants from the southern shore of the Mediterranean to Europe in order to improve economic conditions. In all cases, they take advantage, along the way, the porosity of borders, trafficking networks to support human beings and the weakness of some government structures, unable to exert a sovereign and strict control over their territories.

Indeed, the Mediterranean region faces a complex challenges: the management of uncontrolled migration; the need for security, and the development of the welfare of the populations of the states on its shores; and the need to combat terrorist networks and transnational organized crime, which uses the refugees and migrants in fragile situations to pursue their own interests. Note that these challenges are supported by different regional structures, which differ from the EU and the 5+5 Dialogue.

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[1]*NATO has already established since 2001 an operation active endeavor on surveillance mission of Mediterranean, but mainly related to the fight against terrorism and non-secure border.*

[2]*CF.European commission «UE external migration policy in more ambitious approach. In http://europa.eu/rapid/press-release_IP-14-167_fr.htm*

[3]*CF.assistance mission of EU for an integrated management of border in lybia(AMEUIM).In;http://eeas.europa.eu/csdp/missions-and-operations/eubam-libya/pdf/factsheet_eubam_libya_fr.pdf*

The European Union:

In the context of the European Union, it was created in 2005, "The Global Approach to Migration and Mobility (GAMM)" which constitutes the general framework of EU foreign policy of migration and asylum. It defines how the EU conducts political dialogue and performs its operational cooperation with Mediterranean countries. The GAMM is implemented through regional and bilateral dialogues on policy dialogue (using policy instruments such as mobility partnerships), through legal instruments such as agreements to facilitate visa and readmission agreements with the operational support and capacity building, but also through the action of multiple device programs support and projects (available to many stakeholders, including civil society, migrant associations and international organizations).

It is in this context that were developed the "Partnership for Mobility" - which set a series of strategic objectives and provide a framework for discussion and cooperation with third countries – it was established in the southern shore of the Mediterranean like in Morocco (2013) and Tunisia (2014).

Regarding Libya on May 2013, the Council of the European Union endorsed the EUBAM Libya, a civil mission undertaken in the framework of the Common Security and Defense Policy (CSDP) to help Libya authorities to improve and strengthen the country's border security.

Regarding the 5+5 space, it is also worth mentioning the "Information System on Visas" (VIS) - a joint database containing information about all the people who applied for a short stay visa to visit or cross the European area with free movement without borders or "Schengen" - and which has been operational since October 11th, 2011, in North Africa (Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia).

Finally, on May 2015, the European Commission presented the European Agenda for Migration, which combines internal and external policies of the EU, taking advantage of EU agencies and the tools it provides, and involving several actors: member States, European institutions, international organizations, civil society, local authorities and third countries. This document provides: the tripling of capacity and resources available in 2015 and 2016 for joint operations Triton and Poseidon Frontex, a temporary mechanism for distribution in the EU of persons who clearly need international permanent European protection regime of relocation in urgent situations of mass influx, a resettlement program across the EU to provide 20,000 seats, and an operation in the Mediterranean to dismantle smuggling networks and fight against the smuggling of migrants in

accordance with international law. In this context, on May 18th 2015, the EU announced the establishment of a military operation, the EUNVAVFOR Med, to end the economic model of traffickers in the Mediterranean, and is currently in the planning phase.

5 + 5 Dialogue

As part of the 5+5 Dialogue, issues related to migration and border control were discussed by interior ministers. In a meeting held in Lisbon on May 2015, the "Lisbon Declaration" was adopted and aimed at fighting against all the challenges and common threats, such as the prevention and the fight against terrorism, against organized crime and all kinds of traffic associated with it. Concerning the movement of persons and the fight against irregular migration, and respect for human rights and promoting the movement of people in space 5+5, states pledged to establish a detailed statement which characterizes this phenomenon, and its forms of struggle and encourages each country to penalize employers who use undocumented workers, and share information between agencies responsible for monitoring and controlling air, land and sea borders.

Based on these details, it is advisable to recommend the promotion of a concerted effort at the regional and sub-regional levels in the 5+5 space in the fight against organized crime and in particular against illegal migration networks and trafficking in human beings, including:

- The countries of 5+5 space can use the available instruments within the framework of the European Union, to develop cooperation projects, particularly in training human resources and the implementation of procedures for borders' control,

- Having significant experience in adapting national mechanisms and structures for the management and borders' control in the Schengen space and at air, land and sea levels, the European countries can share with partners of the south of the Mediterranean the main lessons learned and those that they consider as the best security, control and borders' management practices,

- A sub-regional cooperation between North African countries in bilateral and multilateral dimensions on the effects of the same risks and threats should be established, especially regarding the exchange of information and the common exercise of activities' control and the management of regional borders.

4. Bilateral cooperation on borders' security:

We will give some examples of bilateral cooperation between 5+5 countries for securing the borders. One of the examples involves the Sahel, as cross-border security between the Sahara and Sahel region should be a priority as regarded by France which launched in February 2015 the SCCS program (Support for Cross-border Cooperation in the Sahel) which includes Mali, Niger and Burkina Faso.

If we stay in 5+5 space we notice that sometimes the forms of cooperation proposed by the countries of the northern side, especially regarding illegal immigration, are proposals that are in financial exchanges or in the form of technical agreements that may be useful to respond to economic situations, but do not guarantee constant and long-term cooperation. A long-term cooperation needs confidence measures and collaborative spirit on different fields related to security, governance, the exchange of know-how and technology.

We also note that the establishment of the southern side has been intensified because of the problems posed by terrorist groups linked to *Jihadism*. The fight against these groups has now become a question that goes beyond the field of internal security.

Finally, it should be noted that bilateral cooperation should be regarded as an exceptional opportunity to expand cooperation at regional and international levels.

Spain-Morocco

The cooperation between Spain and Morocco can be described as a success, an example for cooperation between the two sides. One factor that has enabled this success was the fact that Spain has an extensive experience of cross-border cooperation with Portugal and France, particularly with the latter and in a special and successful way in the fight against terrorism.

The cooperation between Spain and Morocco goes back in time, but it is the signing of the Treaty of friendship, good neighborhood and cooperation in 1991, that marked a turning point in bilateral relations. Following the agreement, a Joint Morocco-Spain Commission on various aspects of bilateral relations and on the border area was created, we can mention the joint commission of civil protection that makes annual assessment of the operation "Paso del Estrecho "(transit of Moroccans living abroad) and that allowed in 2014 the passage between Spain and Morocco without serious incidents among 2.4 million people and 562,088 vehicles.

Concerning the fight against international terrorism and illicit trafficking, the cooperation has reached a very high level and a great success especially in the fight against drug trafficking like *hachich*. As for the fight against terrorism and following the agreement in 2013 and 2014, the two countries' bodies have jointly developed six operations that helped capture 40 suspects in both territories: Cesto operation (June-September 2013), Azteca operation (March 2014), Gala Operation (June 2014), Kibera operation (August 2014 and December 2014) and Farewell operation (September 2014). In order to better strengthen the judicial cooperation in the fight against terrorism it has been very helpful to create in 2004 the liaison magistrate post and mainly the signature of a cooperation protocol between the Court of Appeal in Rabat and the National Audience in Madrid. This agreement inspired a cooperation protocol signed in Rabat between Spain, France and Morocco which joined Belgium.

It is worth mentioning the creation of two police and customs cooperation centers (PCCC) in Tangier in Morocco and Spain in May 2012. The PCCC is a fundamental instrument of border's management in the EU and it is used in Spain, France, Portugal and Morocco. In the latter case, the Spanish side of the PCCC is under the direction of the Secretary of State within the Security of the Ministry of Interior, and the represented organizations are the Civil Guard, the National Police, the customs of Service Monitoring and regional police while for the Moroccan side is the Royal Gendarmerie and the Directorate General of National Security that is in charge. There are two main types of action: the exchange of customs and police information and the security and maintenance of public order at borders which is reflected by the database sharing and the joint operations. The joint actions are targeting mainly illegal immigration, illegal trafficking in illicit substances and goods and cross-border crime. One of the biggest successes of bilateral cooperation is the fight against drug trafficking, including *hachich*.

Finally we can mention REMEX 2013, that in spite of being in the framework of multilateral cooperation it is the first simulation exercise of a radioactive emergency that occurs in Tangier and Algiers during the operation of Transit MRE causing dispersion of radioactive material that was conducted in the work plan of mitigation and response group presided by Morocco, and as a part of the Global Initiative to Combat Nuclear Terrorism.

Tunisia-Algeria

For a long time, the two countries have had good political and security relationships and there is a joint committee for security affairs. It is since 2013 that the will to strengthen cooperation and make joint efforts in terms of intelligence and military operations to deal with the cross-border terrorist threat has increased. The resurgence of terrorist acts in the Maghreb and Sahel-Saharan region has involved a change in terms of the fight against terrorism, which now goes beyond the area of national security and becomes transnational.

This fact has enabled the implementation of joint operations against the active jihadist groups (who cross borders) at Chaambi Mountain in the west of Tunisia and near the Algerian border. To neutralize these groups, the authorities of the two countries established an operational plan with coordinated security following which 80 check points were installed on 956 km of common border, 20 closed military zones were created and 60,000 men from all security body were deployed. The result was positive by facing these groups even if the threat still persists. The two countries signed with Libya in June 26, 2013, a protocol to secure their borders and curb the access of armed groups linked to international *Jihadism.*

Meanwhile border cities of Kasserine, Gafsa and Tozeur in Tunisia and Tebessa in Algeria agreed to establish joint committees to implement the roadmap, granted in March 2015 to boost cooperation in various sectors, revive the economy and prevent cross-border criminal activities.

Morocco-Mauritania

The two countries have various agreements in the field of security cooperation that are strengthening it since 2013. The Ministries of the Interior granted the development and implementation of programs' exchange with expertise, holding joint training sessions, training Mauritanian executives at the Royal Institute of Territorial Administration and the Royal Institute of Police and the strengthening of training exchange. The areas of common interest are: the fight against transnational organized crime, terrorism, illegal immigration and drug trafficking.

Since 2004, Morocco and Mauritania have had a cooperation agreement in the field of civil protection that we want to reactivate. But there are other areas of cooperation such as the promotion of decentralized local governance between local authorities in the two countries or the sharing of technological know-how, as the development of telecommunications is a tool to facilitate the exchange of information.

Italy-Libya

Italy has always had a special relationship with Libya and the cooperation on security and defense has been a privileged area. The most important aspect of this cooperation is the fight against the flow of immigrants to the Italian shores that became not only a border security problem of the EU, but a humanitarian problem that has cost the lives of thousands of people. After the fall of the Gaddafi regime, Italy has signed in June 17, 2011, an agreement with the National Transitional Council (NTC) in Benghazi to exchange information on illegal immigration and smuggling networks and the cooperation to repatriate Libyan migrants who fled the war in Libya. Then another agreement was signed in Rome in May 28, 2012. Following this agreement several training programs have been implemented as the visit of officers' delegation of the Libyan navy that made a training course at the Naval Academy of Livorno. Italy also provides transportation equipment because the agreement also seeks technological cooperation for migration control, monitoring and controlling integrated border. In November 2013, a new bilateral cooperation protocol was signed in Rome. This allows the use of drones by the Italian authorities as part of the Mare Nostrum transaction and a consideration of the possibility to embark Libyan officers in Italian ships used for the operation.

Mare Nostrum operation, which took place once a year: October 2013-October 2014, is an operation organized and financed almost and entirely by Italy and which allowed the ships of the Italian Navy watch illegal vessels beyond its territorial waters. This operation has saved the lives of 155,000 people and cost 114 million Euros according to Italian sources. But the flow of immigrants continues in 2015 and the cooperation with Libya becomes difficult because of the country's political instability.

5. The Arab Maghreb Union and the League of Arab States' involvement in borders' security:

One should start first by mentioning that these two structures are interested in the Maghreb and the Arab world, two regions that have a lot of problems in securing their borders, the fight against terrorism, economic crime and especially illegal immigration.

The remarkable paradox is that these two regional organizations do not have clear conceptions of borders' security.

If we work with in-depth analysis of the articles and documents, we arrive at two political paradoxes that should be taken into consideration to understand the logic of operation of these two organizations.

a. Securing borders is almost never mentioned in official documents produced by these two regional organizations. It is rather a reference to sovereignty.

b. However, the concept of national sovereignty is used in the broadest sense of the word without providing details, legal and political nuances.

These two organizations are considered in their status as being concerned by the guarantee and defense of member states' sovereignty, but without having logistics.

The League of Arab States adopted in 1975 the Arab Joint Defense Treaty, but without possessing the logistic means in order to implement the treaty. For this reason, the Treaty has remained a single political umbrella that is difficult to translate into reality. Without a political agreement in financing, logistics and military personnel, the Arab League has never been able to provide a military intervention in favor of an Arab country having exterior or interior threats. It is paradoxical that a regional organization like the League of States is unable to execute the Arabic Joint Defense Treaty which requires the political duty to review its legal and political status. This revision becomes increasingly unavoidable if we really want to give this structure the necessary means to strengthen the potential of states in order to ensure their sovereignty over their territories, protect their borders and fight against the serious external and internal threats. Several Arab states were assaulted by their neighbors, or exposed to external invasions and attacked by mercenaries and foreign mafias and the League couldn't come to the aid of those countries or prevent aggression as we have seen in Iraq or Libya. Indeed, the case of Libya that has witnessed, for four years, a generalized chaos embodied by the spread of weapons and hegemony of militias on the Libyan territory, is an indisputable one of political impotence. Concerning the Libyan catastrophe, the Arab League declared its political inability to intervene and convince the various actors, civilians or armed groups, to meet and find a way out of this cryogen situation.

Recommendations

1. All border security strategy should primarily be a strategy against cross-border terrorism which nowadays threatens all societies,

2. To strengthen the central role of state as a necessary condition for securing borders within the overall framework of collective security,

3. The national strategies for border security should be subject to rigorous public policies that take into account all the inherent dimensions to the specific characteristics of border areas,

4. Providing relationships of confidence between governors and governed by adopting inclusive public policies for better border's security. The aim is to better involve people in the process of the fight against terrorism and cross-border crime which represent threats to the stability of both the countries and populations,

5. The political stability and socio-economic development must be both the prerequisites and consequences of sustainable and efficient border's security,

6. The multidimensional cooperation at bilateral and regional levels is essential for:

- The socio-economic development of border areas,

- The consolidation of the border surveillance capacity,

- Sharing information relating to cross-border threats.

7. The exchange of experiences and management skills of cross-border threats between the northern and southern sides,

8. The provision of scientific spaces to specialists and experts at security and strategic issues in order to generate approaches and studies related to borders' security of 5+5 space.