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Security Over Solidarity: A Discourse Analysis of EU's Securitisation of Migration

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**Universiteit
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**Security Over Solidarity:
A Discourse Analysis of EU's Securitisation of Migration**

by

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ABSTRACT:

How the EU deals with regulating migration at its borders has been the subject of heated discussions for years. Headlines accentuating the dangers of immigration are ever-present. It is thus crucial to critically analyse these discourses' origins, present features, and potential future consequences. This paper wants to investigate what securitisation of migration in the EU looks like in connection to the 2015 "refugee crisis", and what consequences and compromises it led to, especially in terms of "formal informality". Analysing EU-Libya relations, this thesis finds that a shift towards more securitised discourse starting from 2015 impacted informal measures, specifically through bilateral agreements such as the Italy-Libya Memorandum of 2017. Given recent backlash for the EU's management of external migration, and reports of mistreatments and abuses in migrant detention camps, this thesis aims at showing the importance of critically analysing discourse by EU institutions, in order to keep them accountable and prevent further rights violations.

KEY WORDS:

Securitisation, EU, informal measures, 2015 crisis, externalisation, discourse, formal informality.

**“The tradition of the oppressed teaches us that the
“state of emergency” in which we live is not the exception,
but the rule”.¹**

Walter Benjamin,
Theses on the Philosophy of History

¹ Benjamin, ‘On the Concept of History’.

TABLE OF CONTENTS

<u>ABSTRACT:</u>	1
<u>TABLE OF CONTENTS</u>	3
<i>INTRODUCTION</i>	4
<u>Chapter 1: Literature & Theories</u>	6
<i>LITERATURE REVIEW</i>	6
1. Process of securitisation in the EU	6
2. EU's practices of securitisation	8
3. The 2015-2016 migration "crisis"	9
4. Securitising practices: externalisation	10
5. Externalisation consequences: informalisation	12
6. Research question	13
<i>THEORETICAL FRAMEWORK</i>	13
1. Securitisation	13
2. Externalisation	15
3. Formal informality	15
<u>Chapter 2: Research Design</u>	16
<i>METHODOLOGY</i>	16
<i>CASE SELECTION</i>	17
1. Why this case?	17
2. Selected documents	17
<u>Chapter 3: Analysis & Discussion</u>	19
<i>DATA ANALYSIS</i>	19
1. Pre-2015 context	19
a. GAMM (2011)	19
b. EUBAM (2013) & EU-Africa Summit (2014)	20
c. Agenda on Migration (2015), Valletta Summit (2015) & New Partnership Framework (2016)	22
2. Post-2016: increased securitisation & diminished scrutiny	24
a. Italy-Libya Memorandum (2017)	25
b. EUBAM 2023	26
<i>DISCUSSION & FINDINGS</i>	26
a. Securitisation consequences: externalisation	28
b. Informal measures and their risks	28
c. Findings	29
<i>CONCLUSION</i>	30
<u>BIBLIOGRAPHY</u>	32

INTRODUCTION

“They beat you and leave, and no one asks. Death in Libya, it’s normal: no one will look for you, and no one will find you.”² These are the words of “Jamal” a 21-year-old asylum-seeker narrating his experiences at Abu Salim, one of the detention centres under the Directorate for Combating Illegal Migration of the Libyan Ministry of Interior.³ Several international and non-governmental organisations (NGOs) such as Amnesty International or the Office of the United Nations High Commissioner for Human Rights (OHCHR), have shed light on the horrors committed in Libyan detention centres and on abuses by police and coastal guards.⁴ But while Libya has been proven unsafe for asylum-seekers and refugees, it remains the destination for many migrants intercepted in the Mediterranean, and returned with European states’ complicity. So how come the European Union (EU), an institution that praises itself for its commitments to rule of law and respect of human rights, keeps supporting policies aimed at returning as many migrants as possible to this country?

How the EU deals with regulating migration at its borders has been the subject of heated discussions for years, both in its internal and international politics. In an era marked by increasingly complex global dynamics, migration management is undoubtedly an area in which the EU is confronted with challenges. Headlines accentuating the dangers of immigration are ever-present, frequently regarding countries at the Union’s borders. For instance, newspapers report Spain as facing a “serious crisis” due to a “flood of migrants from Morocco”,⁵ while Italian journalists assert “unchecked immigration has led us to a security crisis”.⁶ Questions emerge on the reality of these threats, and on the narratives that construct them as such. With discourses portraying migrants as criminals being omnipresent, it is crucial to critically analyse their origins, present features, and potential future consequences.

This thesis intends to contribute to understanding the current reality of EU migration policies, and add onto research on “securitisation”, namely constructing migrants as a security threat.⁷

² Amnesty International, ‘No One Will Look for You’.

³ *ibid.*

⁴ Amnesty International, ‘Libya: Horrific Violations in Detention Highlight Europe’s Shameful Role in Forced Returns’; OHCHR, ‘Fact-Finding Mission in Libya’.

⁵ Keeley, ‘Spain Says Flood of Migrants from Morocco Is “Serious Crisis”’.

⁶ Formicola, ‘This Is How Unchecked Immigration Has Led Us to a Security Crisis’.

⁷ Huysmans, ‘The European Union and the securitisation of Migration’.

Securitizing narratives describe migrants as destabilising Europe, but also legitimise involving specific policies and institutions, such as military ones, in handling migration.⁸ Exploring securitization's impacts is academically relevant, since it adds to theories on the securitisation process, a growing field in recent EU political research. The real-life significance of this study relies on the fact that securitising migration can justify certain strategies in migration management, excluding other courses of action, such as humanitarian approaches. Only through understanding how migration is securitised can one effectively tackle migrants' inhumane treatments such as "Jamal" testimony proves.⁹ Furthermore, this is central to inquiring about the EU's role in promoting certain standards of behaviour in migration politics. As strategies of externalisation and securitisation of migration are on the rise, doubts start to emerge also on EU institutions' legitimacy and accountability to their voters. At stake there are thus not only decisions on the practical procedures to be employed, but also ethical dilemmas that question the foundational values of the EU. Therefore, this paper wants to investigate what securitisation looks like and what consequences it led to, especially in terms of legitimising informal measures in migration management. Ultimately, this paper aims to answer the research question:

How has the securitisation of the 2015-2016 migration crisis impacted informal measures in EU (migration) policies with third countries?

⁸ Bello, 'The Spiralling of the Securitisation of Migration in the EU'; Huysmans, 'The European Union and the securitisation of Migration'.

⁹ Amnesty International, 'No One Will Look for You'.

Chapter 1: Literature & Theories

LITERATURE REVIEW

Securitisation of migration has been a topic of analysis for many scholars, who investigated how framing migration as a matter of national security affects border management. Literature identified how constructing an issue as a security threat justifies the use of extra-ordinary measures, leading to changes in migration regulations.¹⁰ In the context of EU politics, scholars have focused on one hand on understanding the securitisation process and its causes as a discourse.¹¹ On the other hand, studies centre around how policies and practices create securitisation, for instance looking at member-states and Frontex' operations.¹² But despite a wide consensus recognizing securitisation, scholars have also opposed such assumption. Boswell for example rejected an explicit linkage of migration with threats to national security, like terrorism;¹³ Neal claimed instead that EU's heightened border control and migration-related legislation is due to risk-prevention, rather than securitisation.¹⁴ Many however agree on the significance of analysing the EU's securitising discourse and practices, in order to understand where the Union is heading, what practices are being pursued, and what consequences securitisation is bringing.

1. Process of securitisation in the EU

Understanding the process of securitisation has interested many in academia, sparking various debates. Studies first of all trace different reasons behind a shift in narratives surrounding migration at the EU-level, which, in the 1980s, started privileging nationals and discrediting refugees/immigrants.¹⁵ Huysmans, who first applied the securitisation framework to the European context, related this process to a broader politicisation of asylum-seekers as disrupting national identity and welfare in Europe.¹⁶ Other scholars have however traced different trajectories of securitisation's causes. Marin affirms securitisation emerged as a

¹⁰ Buzan et al., *Security*, 1998; Huysmans, 'The European Union and the Securitisation of Migration', 2000; Wæver, "Securitisation and Desecuritisation", 1995.

¹¹ Buzan et al., *Security*, 1998; Wæver, "Securitisation and Desecuritisation", 1995.

¹² Bigo, 'When Two Become One: Internal and External Securitisations in Europe'; Léonard, 'EU Border Security and Migration into the European Union'; Mancini, 'Italy's New Migration Control Policy'; Marin, 'The Cooperation Between Frontex and Third Countries in Information Sharing'.

¹³ Boswell, 'Migration Control in Europe After 9/11: Explaining the Absence of Securitisation'.

¹⁴ Neal, 'Securitisation and Risk at the EU Border: The Origins of FRONTEX'.

¹⁵ Huysmans, 'The European Union and the Securitisation of Migration', 751

¹⁶ *ibid.*, 751-753

response to the European Asylum System's failures, namely poor results in relocating migrants and disagreements in reforming the Dublin System.¹⁷ This lowered trust among members, challenged integration and solidarity, and fostered a tendency to control migration by securing EU's borders, a "politically-affordable" solution given a rise in anti-immigration parties, Marin claims.¹⁸ Fassi insists instead that the "threat/security narrative" allowed the Union to uphold its normative identity, by expanding its governance and values when intervening in third countries, offering financial and technical assistance.¹⁹ Investigating the securitisation process, Bello traces the origins of this phenomenon to a "prejudicial cognition" of national identity by state actors, which constructs immigrants as a security concern, based on narratives of the nation as the "pure soul of the state".²⁰ Bello argues securitisation is a self-perpetuating process, reinforced both by associating migration to a security issue and by de-securitising it, namely promoting a "humanitarian and non-prejudicial approach".²¹ In fact, the author claims non-state actors, by not having prejudicial cognitions as grounds for their discourse, enforce a de-securitisation of migration.²²

The process of securitising migration has also been investigated in relation to the idea of a *Fortress Europe* "constructed on tight external frontier controls and the exclusion of settled migrants".²³ Securitising discourse is then seen as a legitimization for the Union's objectives of restricting migration, by e.g. forcing returns to third countries, and incentivizing neighbouring countries to retain migrants.²⁴ Academia claims the Schengen Agreement, which allowed freedom of movement for EU-citizens, created an administrative divide between insiders and outsiders, reinforcing the idea of "an homogenous internal area without border checks and strong external border".²⁵ This constructed the idea of a Fortress Europe fostering securitisation to limit immigration influxes.

¹⁷ Marin, 'The Cooperation Between Frontex and Third Countries in Information Sharing', 158-159

¹⁸ *ibid.*, 159

¹⁹ Fassi, 'The EU, Migration and Global Justice. Policy Narratives of Human Smuggling and Their Normative Implications', 18

²⁰ Bello, 'The Spiralling of the Securitisation of Migration in the EU', 1332

²¹ *ibid.*, 1327-1340.

²² *ibid.*, 1332

²³ Bermejo, 'Migration and Security in the EU', 211

²⁴ Siitonen, 'A Normative Power or Fortress Europe?', 1

²⁵ Bigo, "When two become one", 213; Ugur, 'Freedom of Movement vs. Exclusion: A Reinterpretation of the 'Insider' - 'Outsider' Divide in the European Union', 964

Scholars thus trace securitisation's origins to anti-migrants narratives and prejudices, but also to failures in EU integration. Existing literature has however advocated that practices too can produce securitisation, as the next section will address.²⁶

2. EU's practices of securitisation

What the EU does and what policies it pursues also deeply affects the narrative around migration, scholars claim.²⁷ For instance, several academics have analysed the impact of Mobility Partnerships (MPs), a series of agreements with the Union's neighbouring countries, to regulate migration and reinforce cooperation in border control.²⁸ As Niemann and Zaun claim, the EU uses conditionalities in agreements such as the MPs to oblige or incite third countries to align with its migration policies.²⁹ This is an example of EU practice influencing securitisation by normalising extraordinary measures in managing migration, e.g. obliging returns of irregular migrants to their country of origin.³⁰ Forced returns deepen the idea of an immigrant "other" and highlight the clear objective of the Union's recent policies in migration: lowering the migrant inflow to Europe.³¹

Literature thus argues that, as discourse shapes policies, policies shape narratives around migration, and institutions' roles in regulating it.³² Sadik and Kaya indeed conclude that surveillance technologies implemented by member-states are "securitising migration through everyday practices, rather than exceptional or extraordinary means".³³ For example, the European Coast and Border Guard Agency (Frontex)'s practices create "new spaces of governmentality", since the agency is involved in gathering data, and thus producing knowledge, through border surveillance systems.³⁴ In addition, Frontex' involvement in pushback operations by member-countries, such as Greece or Italy, creates new standards of behaviour in the EU context, enlarging the Union's power over non-citizens, given these

²⁶ Bigo, "When two become one", 194.

²⁷ Léonard, 'EU Border Security and Migration into the European Union'; Panebianco, Stefania and Cannata, Giuseppe, 'The Mobility-Democracy Nexus Betrayed: When the European Commission's Talks Fall Apart in the Mediterranean', 73.

²⁸ Brocza and Paulhart, 'EU Mobility Partnerships'; Cardwell and Dickson, 'Formal Informality'.

²⁹ Niemann and Zaun, 'Introduction', 2976.

³⁰ Cardwell and Dickson, 'Formal Informality', 3131.

³¹ *ibid.*

³² Gürkan and Coman, 'The EU-Turkey Deal in the 2015 "Refugee Crisis"', 276.

³³ Sadik and Kaya, 'The Role of Surveillance Technologies in the Securitisation of EU Migration Policies and Border Management', 150.

³⁴ Marin, 'The Cooperation Between Frontex and Third Countries in Information Sharing', 161.

practices affect “would-be immigrants”.³⁵ Leonard demonstrates how all of the main activities of Frontex can indeed be categorised as securitising practices, stressing the importance of analysing securitisation through practice rather than discourse or “speech acts”.³⁶

Member-states’ practices have also received a degree of attention in academia as fosters of securitisation. Spagnolo investigated how the Italian government's migration management is normalising the simplification of border control through bilateral agreements and repatriation clauses.³⁷ Segarra argued Hungary’s dismantlement of existing reception infrastructure, and its transformation into a detention-and-containment system intensified securitisation of migration.³⁸ Furthermore, studies found “exclusionary and culturalist practices linking migration directly to security concerns” in member-states policies, constructing migration as a security threat.³⁹ Scholars also claim member-states both reproduce securitising practices from the EU-level, and create their own ones.⁴⁰ Nevertheless, national policies need more attention, as the majority of academia has focused on EU-level analysis.

To sum up, securitisation can range from framing migration as a security issue to practices constructing and reinforcing this idea. According to literature, the EU's securitising tendencies intensified in recent years, especially after what scholars consider a tipping point in migration: the 2015-2016 so-called “migration crisis”.

3. The 2015-2016 migration “crisis”

In 2015 alone, according to the UNHCR, 1.82 million illegal border crossings were recorded.⁴¹ According to academics, the outbreak of this “crisis” quickly accelerated securitisation processes already at play, making EU’s security the centre of political contestation, and accentuating “threatening features of mass migration on the EU security agenda”.⁴² By

³⁵ Sandven and Scherz, ‘Rescue Missions in the Mediterranean and the Legitimacy of the EU’s Border Regime’, 674.

³⁶ Léonard, ‘EU Border Security and Migration into the European Union’, 231.

³⁷ Spagnolo, ‘The Conclusion of Bilateral Agreements and Technical Arrangements for the Management of Migration Flows’, 209.

³⁸ Segarra, Helena, ‘Dismantling the Reception of Asylum Seekers: Hungary’s Illiberal Asylum Policies and EU Responses’, 44.

³⁹ Toğral Koca, ‘The Securitisation of Migration in Europe in the Post-September 11 Era: A Comparative Analysis of Germany and Spain’, 387.

⁴⁰ *ibid.*, 388

⁴¹ European Commission, “New Pact on Migration and Asylum”, 1.

⁴² Stępką, *Identifying Security Logics in the EU Policy Discourse*, 93.

stressing the exceptionality of this mass inflow of people, institutions and media exploited a language of emergency, legitimising the urgency for decisive reactions to the situation.⁴³ The 2015-2016 “crisis” was in fact exploited as an opportunity to approve measures that would otherwise be deemed questionable.⁴⁴ As an example, Frontex was reformed in 2016, obtaining a mandate to establish its own standing corps, becoming the first uniformed law enforcement agency of the EU.⁴⁵ Léonard and Kaunert indeed asserted there was a spiralling of the agency’s security practices because of the 2015 crisis.⁴⁶ Thus, 2015’s scholars claim mass migration influx radicalised securitisation, and shifted migration management to non-EU countries, as discussed below.⁴⁷

4. Securitising practices: externalisation

According to literature, securitising migration has led to an intertwined practice, namely externalisation: a shift in enforcement of EU border control to non-members and international actors.⁴⁸ Niemann and Zaun argue that the refugee crisis accelerated externalisation of migration regulations, and the approval of measures that would have been questioned in non-crisis circumstances.⁴⁹ The literature focuses both on the process by which discourse legitimised externalisation, and on externalisation practices.

Externalisation has thus been investigated as part of the securitisation process. Fitzgerald posits it as a manifestation of “hyper-territorialisation”, whereby states enhance their efforts to control borders and territory.⁵⁰ This shapes understandings of “how states monopolise the legitimate means of movement”, influencing broader perceptions of security.⁵¹ In fact, higher cross-border mobility levels coincide with constructing borders via restrictive policies and nationalist discourse.⁵² Through securitisation and externalisation, borders thus became a site for

⁴³ *ibid.*

⁴⁴ Niemann and Zaun, ‘Introduction’, 2967.

⁴⁵ Sandven and Scherz, ‘Rescue Missions in the Mediterranean and the Legitimacy of the EU’s Border Regime’, 674.

⁴⁶ Léonard and Kaunert, ‘The Securitisation of Migration in the European Union’, 1417.

⁴⁷ Sandven and Scherz, ‘Rescue Missions in the Mediterranean and the Legitimacy of the EU’s Border Regime’, 683.

⁴⁸ Spijkerboer, ‘The Global Mobility Infrastructure’, 452.

⁴⁹ Niemann and Zaun, ‘Introduction’, 2967.

⁵⁰ Fitzgerald, ‘Remote Control of Migration’, 5.

⁵¹ *ibid.*

⁵² Paoletti, ‘Power Relations and International Migration’, 269.

“spectacle” and highly-politicised narratives of invasion and danger, as well as sites to perform control.⁵³

As borders become contentious places of power, divides arise in the literature on who retains this authority, and for what reasons. Scholars argued on one side that there is a “hierarchy of sovereignty” at play here, with stronger (usually Western) destination-states exerting influence over migration from/through other countries.⁵⁴ Externalisation is anchored in power structures, and legitimised through discourses advocating for addressing push-factors of migration in “their” countries, e.g. by instrumentalizing development.⁵⁵ On the contrary, some academics argue refugee-host-states can exploit destination-states’ fear of massive immigrant flows to obtain political concessions or financial gains, a direct consequence of externalisation.⁵⁶ This is argued about third countries hosting large numbers of refugees, like Türkiye or Morocco, often getting funds from EU countries to keep the migrants from leaving their soil, as discussed below.⁵⁷

Scholars have also investigated the impact of externalisation practices on securitisation narratives, prominent examples being the EU-Türkiye deal of 2016, MPs, and bilateral agreements by member-states. The EU-Türkiye deal has set the “norm” for other external migration agreements, such as MPs. Similarities are found in financial retributions for retaining illegal migrants, and bypassing EU scrutiny by establishing intergovernmental agreements by member-states with the designated country, as discussed in the following paragraph.⁵⁸ Literature disagrees on the effects of such accords: some affirm these have led to a decrease in migrant inflows, but create problems of reallocation of returned migrants and humanitarian aid.⁵⁹ Others pointed out such policies fuel illegal migration, and simply reproduce cycles of smuggling, deepening the refugee “crisis”.⁶⁰ Moreover, externalisation fails to address ties of security forces and political elites to smugglers’ networks, and has led to higher financial and

⁵³ Fitzgerald, ‘Remote Control of Migration’, 6.

⁵⁴ Lake, *Hierarchy in International Relations*, 41.

⁵⁵ Berger, ‘Development as Non-migration?’; Siitonen, ‘A Normative Power or Fortress Europe?’.

⁵⁶ Vaagland, ‘How Strategies of Refugee Host States Are Perceived by Donor States’, 3086.

⁵⁷ Siitonen, ‘A Normative Power or Fortress Europe?’ , 7.

⁵⁸ Cardwell and Dickson, ‘Formal Informality’, 3126; Niemann and Zaun, ‘Introduction’, 2969.

⁵⁹ Mancini, ‘Italy’s New Migration Control Policy’; Siitonen, ‘A Normative Power or Fortress Europe?’.

⁶⁰ Fontana, ‘The EU and the Politics of Migration in the Mediterranean: From Crisis Management to Management in Crisis’; Niemann and Zaun, ‘Introduction’.

human costs.⁶¹ Externalising practices therefore shape certain narratives around immigration, normalising burden-shifting strategies but perhaps without addressing root causes of migration.⁶²

5. Externalisation consequences: informalisation

Studies researching externalisation also identified a correlated consequence, which sparks questions about the legality of border control agreements by the EU with non-members: a surge in informal measures, as the MPs prove.⁶³ Debates arise on the reasons behind such a phenomenon. Sandven and Scherz assert this is due to structural issues in the Union.⁶⁴ They emphasise there is an asymmetry in the institution's border regime, as the EU has increased its powers on border control, but does not have the mandate to determine national immigration policies.⁶⁵ This asymmetry inevitably produces unaccountability, eroding EU's legitimacy in border regulations, as the Union exercises unaccountable control over potential migrants.⁶⁶ Nedergaard instead attributes current trends of informality and "depoliticization" to a lack of effective "hard" border control.⁶⁷ Trying to manage border control at the Union level is weakening the states' capabilities to provide welfare measures, rule of law, and security.⁶⁸ Thus, Nedergaard argues that transferring border control entirely back to sovereign states is the only way forward.⁶⁹ Yet, as other literature pointed out, legitimacy problems, which emerged especially after 2015, are to be attributed to member-states' unwillingness to commit to enforceable legislation to regulate migration.⁷⁰

Overall, consensus lacks on the reasons behind a surge in informal measures, but academia agrees on externalisation's role in facilitating this. However, few studies seem to explore the role securitisation discourse plays in legitimising informal measures, resulting in a literature gap.

⁶¹ Brachet, "Manufacturing Smugglers"; Molenaar, 'Irregular Migration and Human Smuggling Networks in Niger'.

⁶² Paoletti, 'Power Relations and International Migration', 271.

⁶³ Cardwell and Dickson, 'Formal Informality', 3122.

⁶⁴ Sandven and Scherz, 'Rescue Missions in the Mediterranean and the Legitimacy of the EU's Border Regime', 673.

⁶⁵ *ibid.*, 681.

⁶⁶ *ibid.*, 674.

⁶⁷ Nedergaard, 'Borders and the EU Legitimacy Problem', 90.

⁶⁸ *ibid.*, 89.

⁶⁹ *ibid.*, 90.

⁷⁰ Cardwell and Dickson, 'Formal Informality', 3124.

6. Research question

Ultimately, scholars debate whether discourses or practices create securitisation, but accord emerges on the increase of such narratives since 2015 in the EU context. Academia also highlights this phenomenon's impactful consequences in terms of externalisation, and how externalising migration leads to informalisation. Nevertheless, literature clearly tracing how securitisation affects informal measures at the EU- *and* national-level through externalisation is lacking. This gap needs to be addressed to understand how securitising narratives at the EU-level have legitimised informality, especially through external migration agreements by member-states. This paper hence aims to connect securitisation in EU discourse with its effects on both EU and national policies with non-members. The presented research question is thus:

How has the securitisation of the 2015-2016 migration crisis impacted informal measures in EU (migration) policies with third countries?

In light of recurring backlash for human rights violations by the EU and its agencies, and concerns for migration regulations' transparency, it is of significant importance to analyse this connection.⁷¹

THEORETICAL FRAMEWORK

To answer the research question, clear conceptualizations of the terms used need to be given. Overall, securitisation theory as interpreted by Huysmans will be utilised, combined with Cardwell and Dickson's conceptualization of formal informality.⁷²

1. Securitisation

As previously mentioned, securitisation has been investigated by scholars focusing either on its process and discourse or practices creating it. Additionally, academics have highlighted the consequences such practices lead to, especially in terms of externalisation, connected to informal measures' increase.⁷³

⁷¹ Amnesty International, 'Libya: Renewal of Migration Deal Confirms Italy's Complicity in Torture of Migrants and Refugees'.

⁷² Huysmans, 'The European Union and the Securitisation of Migration'; Cardwell and Dickson, 'Formal Informality'.

⁷³ Cardwell and Dickson, 'Formal Informality'; Fitzgerald, 'Remote Control of Migration'.

The *process versus practices* divide in securitisation literature is actualized in the presence of two main schools of thought. The first one is the Copenhagen School, which focuses on securitisation as a “speech act” as defined by Wæver, who questioned the reality of “security” prior to language, and attributed the process of constructing security concerns to specific political elites’ discourses.⁷⁴ Scholars of the Copenhagen School, such as Buzan et al., recognized that political issues can be placed in a continuum whose extremities are non-politicization and securitisation.⁷⁵ When an issue is securitised, it is presented as an existential threat, allowing justifications of “actions outside of the normal bounds of political procedure”.⁷⁶ Thus, this school mainly centres on how discourse enables the legitimization of such actions. The Paris school concentrates rather on practices, such as administrative procedures and institutions, shaping and reinforcing the idea that an issue is a security threat.⁷⁷ For this study’s purposes, the Copenhagen school lenses will be adopted: therefore, the focus will be on the narratives created by the EU to frame migration as a security issue.

This paper will adopt Huysmans’ securitisation conceptualization, defining it as a discourse which constructs migration as a danger to national/European security, in line with the Copenhagen school’s assumptions.⁷⁸ Huysmans attributes securitisation to a rise in conservative parties rooted in three main causes: internal security, cultural security, and the crisis of the welfare state.⁷⁹ Framing migration as a “meta-issue” (a common source of multiple problems) is seen as part of an ever-rising conservative discourse opposing multiculturalism, which, by identifying a common danger, unites a community and strengthens political authorities.⁸⁰ Therefore, the Union created a “narrative of stabilisation rooted in the idea of cultural homogeneity, portraying migration as a dangerous challenge to European societies”, and sparking questions on welfare distribution and belonging.⁸¹ Securitising discourse, according to this theoretical explanation, allows the mobilisation of specific measures. Stressing the emergency of the circumstances allows measures that surpass the political threshold, and flood into the security policy-area.⁸² As borders become “spaces of performing

⁷⁴ Wæver, “Securitisation and Desecuritisation”, 46-52.

⁷⁵ Buzan et al., *Security*, 23-24.

⁷⁶ Buzan et al., *Security*, 24.

⁷⁷ Niemann and Zaun, ‘Introduction’, 2972-2973.

⁷⁸ Huysmans, ‘The European Union and the Securitisation of Migration’, 751.

⁷⁹ *ibid.*, 757.

⁸⁰ *ibid.*, 757; 761-762

⁸¹ *ibid.*, 752.

⁸² Buzan et al., *Security*, 23-24; Wæver, “Securitisation and Desecuritisation”, 52.

sovereignty”, states therefore stress the “crisis-like” character of the migration influx to Europe to broaden their power on border control.⁸³

2. Externalisation

As discussed by academics, securitisation triggered an externalisation of migration, boosting third country cooperation and fostering bilateral agreements by EU member-states.⁸⁴ Externalisation is here defined as “the shifting of migration control functions to third countries and international actors”, to manage and constrain immigration towards the Union’s territory.⁸⁵ As Spijkerboer mentions, even the term *migration* has specific consequences when chosen to frame the issue, as it is utilised to evoke an unwanted and potentially dangerous phenomenon.⁸⁶ Conversely, defining cross-border movements as *mobility* gives an idea of desirability and is generally regarded as positive.⁸⁷ Externalisation and securitisation are therefore discourses embedded in structures prioritising specific categories of people over others: Global North countries have in fact adopted legal migration channels for highly educated and qualified workers.⁸⁸ Therefore externalising practices of migration as intended by Spijkerboer and this paper reflects politics of exclusion, reproducing stratified structures in global relations.⁸⁹

3. Formal informality

Along with securitisation and externalisation, there has been a rise in informal agreements. Scholars like Marin indeed found that Frontex’ operations, often receiving backlash for their lack of transparency, are more frequently defined as “technical” even though they carry legal consequences.⁹⁰ Moreover, non-public cooperation is common between Frontex and non-EU members.⁹¹ These operations are therefore normalising informal measures in regulating migration. To investigate the matter, this paper will adopt the conceptualization of “formal informality” by Cardwell and Dickson’s, defined as the “appearance of an EU agreement with a third country, but lacking legal protections or transparency for actions taken under it”.⁹²

⁸³ Fitzgerald, ‘Remote Control of Migration’, 6; Stępa, *Identifying Security Logics in the EU Policy Discourse*, 93.

⁸⁴ Niemann and Zaun, ‘Introduction’, 2967.

⁸⁵ Spijkerboer, ‘The Global Mobility Infrastructure’, 452.

⁸⁶ *ibid.*, 453.

⁸⁷ *ibid.*

⁸⁸ Niemann and Zaun, ‘Introduction’, 2970.

⁸⁹ Spijkerboer, ‘The Global Mobility Infrastructure’

⁹⁰ Marin, ‘The Cooperation Between Frontex and Third Countries in Information Sharing’, 162.

⁹¹ *ibid.*, 164.

⁹² Cardwell and Dickson, ‘Formal Informality’, 3121.

Despite these agreements' resemblance to established treaties (the formal aspect) they often lack transparency and legal-procedural scrutiny (the informal dimension).⁹³ This is significant since it problematizes EU's accountability and challenges its foundational values, such as respect for fundamental rights and rule of law.

Chapter 2: Research Design

METHODOLOGY

To answer the research question, a discourse analysis will be conducted. Discourse analysis inquires into how “discourses give legitimacy and meaning to social practices and institutions”.⁹⁴ It inspects the meaning of a text in relation to its context and the overarching power relations influencing it.⁹⁵ Thus, this method can be used to inquire about the impact of securitising discourse in legitimising informal measures, in the 2015 crisis context. Discourse will be analysed because, as scholars affirmed, a key characteristic of securitisation is rhetoric emphasising the emergency-character of certain circumstances, through terms such as “survival” and “priority of action”.⁹⁶ Discourse criminalising migrants also enhances securitisation according to literature. It shifts attention from more controversial debates, such as open versus closed borders, towards much less disputed issues, like persecuting migrant smugglers.⁹⁷ Immigration is often also explicitly linked to crimes like terrorism, human trafficking or arms trade, enhancing the perception of a severe threat in need of an immediate security response.⁹⁸

The analysis and discussion are guided by Buzan et al.'s framework, which identifies three elements of successful securitisation discourse: framing issues as existential threats, advocating for emergency action, and breaking free of rules.⁹⁹ First, the securitisation of the 2015-crisis in EU discourse will be analysed, keeping into account Buzan's elements of securitisation.

⁹³ *ibid.*, 3122.

⁹⁴ Halperin and Heath, *Political Research*, 364.

⁹⁵ Halperin and Heath, *Political Research*, p. 365.

⁹⁶ Buzan et al., *Security*, 26.

⁹⁷ Fassi, 'The EU, Migration and Global Justice. Policy Narratives of Human Smuggling and Their Normative Implications', 13-18.

⁹⁸ *ibid.*, 11.

⁹⁹ Buzan et al., *Security*, 26.

Subsequently, how such discourse in EU and national documents has legitimised informality will be discussed.

CASE SELECTION

To conduct the research, this paper will focus on a single case study: migration regulations with Libya by the EU and Italy, the latter being chosen as a representation for bilateral agreements by EU member-states. Single case studies allow a detailed analysis, gaining an in-depth insight on the matter, but can also produce findings relevant for similar contexts.¹⁰⁰

1. Why this case?

Relationships with Libya can be considered a critical case in terms of externalisation of migration connected with “formal informality”. Libya’s and Italy’s geographical locations make these countries central in migration routes from Africa to Europe, with cooperation on migration having a decades-long history.¹⁰¹ Adepoju, Van Noorloos, and Zoomers defined recent Italy-Libya agreements as “the most symbolic example of European cynicism... externalising its asylum and immigration policy by getting third countries to take responsibility for the flow of migrants before they arrive at its borders”.¹⁰² As Oner and Cirino concur, the Union externalised border control through Italy, allowing violations of its normative commitments by referring to a situation of emergency.¹⁰³ EU-Libya relations will exemplify how securitising the refugee crisis impacted informal measures in EU external migration agreements, using Italy as an example for national-level policies.

2. Selected documents

To conduct the analysis, EU documents pre- and post-2015 will be inspected, to investigate securitisation discourse’s evolution. Firstly, pre-crisis documents regarding collaboration with African countries and Libya will be analysed. Documents starting from 2011 were selected, as this year marked the end of the Qadhafi’s regime, initiating a civil war that deteriorated migrants' residence conditions in the country.¹⁰⁴ This started a new era in EU-Libya relations, marked by Italy’s renewed interests in advancing externalisation and security policies, and

¹⁰⁰ Halperin and Heath, *Political Research*, 234.

¹⁰¹ Borraccetti, ‘The Italian Job’, 85.

¹⁰² Adepoju, Van Noorloos, and Zoomers, ‘Europe’s Migration Agreements with Migrant-Sending Countries in the Global South: A Critical Review’, 48.

¹⁰³ Oner and Cirino, ‘Externalisation of Eu Borders through Cooperation with Libya: Italy as a Gateway to the European Dream’.

¹⁰⁴ Morone, ‘Policies, Practices, and Representations Regarding Sub-Saharan Migrants in Libya’, 130

trying to obtain greater support from the Union.¹⁰⁵ These documents include: Global Approach to Migration and Mobility (2011);¹⁰⁶ Council Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM) in 2013;¹⁰⁷ EU Africa Declaration on Migration and Mobility (2014);¹⁰⁸ European Agenda on Migration (2015);¹⁰⁹ Valletta Summit Political Declaration (2015);¹¹⁰ New Partnership Framework with Third Countries under the European Agenda on Migration (2016).¹¹¹

The second part of the analysis will focus on the Memorandum of Understanding signed in 2017 by the Libyan government and Italian prime minister Gentiloni, with EU's support.¹¹² The Memorandum has been recognized by scholars as crucial in representing a shift of EU migration policies after 2015, as it followed a simplified procedure.¹¹³ Then the EUBAM renovation in 2023 will be analysed, to inspect changes in securitisation discourse in the crisis aftermath.¹¹⁴

By examining these documents, this research aims to explore how securitisation impacted informal measures in EU external migration policies, and what this implies in practice for the institution's accountability, and for thousands of migrants' lives.

¹⁰⁵ *ibid.*, 130-131.

¹⁰⁶ European Commission, "The Global Approach to Migration and Mobility".

¹⁰⁷ Official Journal of the European Union, "Council Decision 2013/233/CFSP of 22 May 2013 on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)".

¹⁰⁸ General Secretariat of the Council - Press office, "EU-Africa Declaration on Migration and Mobility".

¹⁰⁹ European Commission, "A European Agenda on Migration".

¹¹⁰ Valletta Summit, "Political Declaration".

¹¹¹ European Commission, "New Partnership Framework with third countries under the European Agenda on Migration".

¹¹² Uselli, "Memorandum of understanding on cooperation between the State of Libya and the Italian Republic".

¹¹³ Spagnolo, 'The Conclusion of Bilateral Agreements and Technical Arrangements for the Management of Migration Flows', 2-3.

¹¹⁴ Official Journal of the European Union, "Council Decision (CFSP) 2023/1305 of 26 June 2023 amending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)".

Chapter 3: Analysis & Discussion

DATA ANALYSIS

This paper now delves into the analysis of documents regarding the EU-Libya relations before and after the refugee crisis, to unveil the impact securitising discourse had on the Union's external migration policies. Since the analysis follows Buzan et al.'s elements of successful securitisation, describing an issue as an existential threat and calling for an emergency response will be indicators for securitizing discourse, along with criminalization of irregular migration.¹¹⁵ The last element of Buzan et al.'s framework, "breaking free of rules", will be identified as the legitimization of informal measures, as argued in the discussion.¹¹⁶

1. Pre-2015 context

This section will focus on the pre-crisis context, revealing changes in discourse generated by the 2015 migrant inflows in the documents shaping the relationships between EU and Libya, starting from the Global Approach on Migration and Mobility (GAMM).

a. GAMM (2011)

The GAMM is a broad framework guiding the EU's external migration agreements with third countries.¹¹⁷ It was proposed in 2011 to renew the EU's approach to migration, following the Arab Spring, one of the causing factors of the refugee crisis, which highlighted the need for more coherent regulations.¹¹⁸ The discourse in GAMM is explicitly migrant-centred, with the introduction mentioning that "migration governance is not about "flows', 'stocks' and 'routes', it is about people".¹¹⁹ It affirms that "the migrant is at the core of the analysis and all action, and must be empowered to gain access to safe mobility".¹²⁰ Thus the importance of giving migrants' access to information regarding their rights and opportunities is highlighted, as well as protecting vulnerable groups, such as unaccompanied minors and "victims of

¹¹⁵ Buzan et al., *Security*, 26.

¹¹⁶ *ibid.*

¹¹⁷ European Commission, "The Global Approach to Migration and Mobility".

¹¹⁸ *ibid.*, 2.

¹¹⁹ *ibid.*, 6.

¹²⁰ *ibid.*, 7.

trafficking”.¹²¹ GAMM strives to strengthen respect for human rights and well-being of migrants, complying with the 1951 Convention Relating to the Status of Refugees.¹²² It emphasises the need for “solidarity with refugees and displaced persons”, human rights protection for *all* migrants, and the significance of listening to diasporas and migrant groups when drafting external migration policies.¹²³ Moreover, it recognizes that legal migration channels are often “limited” and have excessive bureaucratic burdens, leading many asylum-seekers to resort to informal and often criminal intermediaries.¹²⁴ Libya is mentioned in GAMM as relevant for future agreements within Southern Mediterranean partnerships, considered the Union’s first priority.¹²⁵ The country had just gone through substantial political changes, as Qadhafi was assassinated in October 2011, and GAMM was published in November.¹²⁶ Therefore, a different kind of cooperation with Libya became possible that year. Security is notably referenced solely concerning fostering cooperation with non-EU-members around “portability of social security rights” to facilitate mobility.¹²⁷

Overall, the document presents quite a positive view of migration and mobility, claimed as beneficial both for migrant-sending countries and for the Union, in need of workers due to labour shortages, despite the economic crisis and high unemployment levels.¹²⁸ The reference to migrants as “victims” can furthermore be seen as contrasting securitisation discourse, which criminalises irregular migrants and smuggling.¹²⁹

b. EUBAM (2013) & EU-Africa Summit (2014)

In 2013, the **EU Border Assistance Mission in Libya (EUBAM)** was established to help manage Libya's borders and improve security capacities, upon Libyan authorities’ request.¹³⁰ As securing borders is the mission’s main purpose, the discourse in the document revolves around strengthening border regimes and crisis management. Notably, migration is not

¹²¹ *ibid.*

¹²² United Nations General Assembly, “1951 Convention Relating to the Status of Refugees”. This convention defined refugees’ rights and set international standards for their protection and treatment.

¹²³ European Commission, “The Global Approach to Migration and Mobility”, 6-17.

¹²⁴ *ibid.*, 18.

¹²⁵ *ibid.*, 7.

¹²⁶ Morone, ‘Policies, Practices, and Representations Regarding Sub-Saharan Migrants in Libya’, 142.

¹²⁷ *ibid.*, 13.

¹²⁸ *ibid.*, 3-6.

¹²⁹ *ibid.*, 7.

¹³⁰ Official Journal of the European Union, “Council Decision 2013/233/CFSP of 22 May 2013 on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)”.

connected to crimes like smuggling or terrorism, typical of securitised discourse. Furthermore, it is significant that the mission is required to report regularly to the Council, allowing for scrutiny by the Union's institutions.¹³¹

One year after EUBAM was established in Libya, a summit involving EU leaders and the President of the African Union took place, ending up in the **EU-Africa Declaration on Migration and Mobility**.¹³² This document is significant to this research as it reports the discourse distributed by the Union regarding its migration policies with the African Union, of which Libya is a member. The Declaration stresses the opportunities migration and mobility bring for both continents and recognizes “the social and human impact of irregular migration and the loss of life caused by it”,¹³³ highlighting humanitarian aspects such as human dignity and migrants' rights.¹³⁴ Criminal networks are mentioned, but the focus remains on prosecuting traffickers and smugglers as they represent a serious danger for migrants.¹³⁵ In addition, as in GAMM, the need to improve efforts in organising legal channels of migration is underlined.¹³⁶

The analysis of these documents suggests that, before 2015, EU institutions' discourse was mainly focused on safeguarding migrants from criminal networks, respecting their human rights, and recognizing the benefits cross-border mobility brings for economic, social and environmental development. Concerns are expressed for human trafficking and smuggling, but migrants are mainly framed as victims. One of the discourse's main focuses is improving legal ways of migrating to Europe, admitting the Union's shortcomings in providing such possibilities. Moreover, in the specificity of EUBAM, the goal is fostering cooperation between the signatories, rather than externalising border control. One could though argue that migration and mobility are treated as distinguished categories in these documents, a symptom of securitisation as mobility seems more desirable than migration, scholars argued.¹³⁷ However, following Buzan et. al's (1998) three criteria for successful securitisation, this is not sufficient to talk about a proper securitising discourse until 2014 at the EU-level.

¹³¹ *ibid.*, 17.

¹³² General Secretariat of the Council - Press office, “EU-Africa Declaration on Migration and Mobility”

¹³³ *ibid.*, 1.

¹³⁴ *ibid.*, 1.

¹³⁵ *ibid.*, 2.

¹³⁶ *ibid.*, 3.

¹³⁷ Spijkerboer, ‘The Global Mobility Infrastructure’, 453.

c. Agenda on Migration (2015), Valletta Summit (2015) & New Partnership Framework (2016)

In 2015, the situation drastically changed. As reported by the EU Commission, at the peak of the crisis 1.82 million illegal border crossings were recorded, with asylum applications reaching 1.28 million.¹³⁸ To inquire into the shift in discourse around migration, first the **European Agenda on Migration** of 2015 will be examined.¹³⁹ The Agenda presents a mixed discourse between a migrant-based approach closer to GAMM, and calling for emergency actions due to “unprecedented pressure”.¹⁴⁰ On one hand, the Agenda in fact advocates for action to stop “human misery created by those who exploit migrants” and claims Europe should be a “safe haven” for refugees and asylum-seekers, as well as skilled workers, students and researchers.¹⁴¹ It encourages a more collaborative and unified approach from member-states to face the situation, through burden-sharing practices and redistribution of migrants.¹⁴² On the other hand, it repeatedly stresses the emergency character of the circumstances, calling for “swift and determined action”.¹⁴³ This is actualized in increasing Frontex’ mandate, expanding both its capabilities and the geographical scope of its operations.¹⁴⁴ The emergency of the context justifies this, as well as the need to dismantle trafficking networks, securing external borders.¹⁴⁵ The Agenda also mentions “abuses” of asylum requests, as member-states are overburdened by their amount, while ultimately only few get accepted.¹⁴⁶ Additionally, the obligation for third countries to repatriate their citizens residing irregularly in Europe is highlighted, and the Union allows itself to “use all leverage and incentives at its disposal” to achieve this.¹⁴⁷

The Agenda was followed in the same year by the **Valletta Summit**. The **Political Declaration** released afterward also presents a discourse centred both on security and human rights.¹⁴⁸ The parties mention their deep concerns for the “sharp increase in flows of refugees, asylum seekers

¹³⁸ European Commission, “New Pact on Migration and Asylum”, 1.

¹³⁹ European Commission, “A European Agenda on Migration”.

¹⁴⁰ *ibid.*, 4.

¹⁴¹ *ibid.*, 2.

¹⁴² *ibid.*, 4-5.

¹⁴³ *ibid.*, 3-4.

¹⁴⁴ *ibid.*, 3.

¹⁴⁵ *ibid.*, 6.

¹⁴⁶ *ibid.*, 12.

¹⁴⁷ *ibid.*, 10.

¹⁴⁸ Valletta Summit, “Political Declaration”.

and irregular migrants”, which creates exploitation and suffering.¹⁴⁹ The situation is addressed as producing “severe pressure” in terms of “serious humanitarian consequences” and “security challenges”, requiring a prompt response.¹⁵⁰ The document recognises the need for a common plan to face the “crisis” in respect of human rights obligations. Nevertheless, it also directly connects irregular migration and trafficking to security threats such as terrorism.¹⁵¹ Irregular migration is also described as something to “fight against”, through readmission agreements and returns.¹⁵² Several other words signalling a battle against migrants, such as “eradicating trafficking” or “combatting” criminal networks, are used.¹⁵³ Additionally, emphasis is put on pursuing bilateral and regional pacts and advancing their “operational aspects”.¹⁵⁴

Another important document to understand EU discourse around migration during the crisis is the **New Partnership Framework with Third Countries under the European Agenda on Migration (NPF)**, released by the Commission in 2016.¹⁵⁵ The Partnership’s objective is to decrease inflows of migrants by enhancing return rates and “enabling migrants to stay close to home and to avoid taking dangerous journeys”.¹⁵⁶ The EU’s mission is clearly increasing repatriations through “*preferably* voluntary return”.¹⁵⁷ To achieve this, the Union intends to utilise “all leverages and tools” and negative and positive incentives, to discourage migrants from embarking on life-endangering journeys.¹⁵⁸ The discourse focuses mainly on “developing” countries of origin, to decrease immigration to Europe.¹⁵⁹ Fostering legal pathways for migrants is mentioned, but mainly focused on desired categories such as researchers, skilled workers or students.¹⁶⁰ The NPF moreover concentrates on boosting MPs and bilateral agreements,¹⁶¹ based on the EU-Türkiye model established that year, through which the Union gave Türkiye 6 billion euros to retain illegal migrants in its territory.¹⁶² This

¹⁴⁹ *ibid.*, 1.

¹⁵⁰ *ibid.*, 1.

¹⁵¹ *ibid.*, 2-3.

¹⁵² Valletta Summit, “Political Declaration”, 2.

¹⁵³ *ibid.*, 3.

¹⁵⁴ *ibid.*

¹⁵⁵ European Commission, “New Partnership Framework with third countries under the European Agenda on Migration”.

¹⁵⁶ *ibid.*, 6.

¹⁵⁷ *ibid.*

¹⁵⁸ *ibid.*

¹⁵⁹ *ibid.*, 4.

¹⁶⁰ *ibid.*, 5

¹⁶¹ *ibid.*, 14;

¹⁶² Niemann and Zaun, ‘Introduction’, 2969.

statement was an intergovernmental agreement between member-states and Türkiye and had no EU oversight, thus preventing liberal veto players from intervening.¹⁶³ This is praised in the NPF as a model for future bilateral agreements, to be concluded especially with partner countries sharing cultural and historical ties.¹⁶⁴ Furthermore, the NPF mentions the greatest priority for the EU is attaining “fast and operational returns, and *not necessarily formal* readmission agreements”.¹⁶⁵ This phrasing shows how stressing the urgency of the situation justifies extra-ordinary immediate responses, such as less formal accords. The main objective of the Framework indeed seems to be returning as many migrants as possible in the fastest way possible, through enhancing bilateral/regional cooperation.

Analysing the discourse presented in 2015-2016 by EU institutions regarding migration, one can notice a shift towards a more securitised narrative, linking migration to criminal networks, smuggling, and terrorism. This legitimises framing the situation as a fight against irregular migration, and goes hand-in-hand with advocacy for decisive and immediate reactions to the “pressure” of migrant inflows, one of Buzan et. al’s elements of successful securitisation. Such measures include an increased mandate (and budget) for Frontex, promotion of MPs, and enforcement of returns. Often such decisions are framed as improving the “operational” character of the actions taken: this suggests these are technical and practical adjustments but conceals the pivotal political choices underpinning such decisions. There is also a clear shift from pre-crisis documents, concentrating on the urgency to create more legal channels of migration, to a refusal of accepting many asylum requests, namely the only procedure available for non-skilled workers nor researchers/students to get to Europe.¹⁶⁶ Moreover, the importance of fostering bilateral agreements is a recurring topic in the documents, with MPs proposed as tools to promote development. As the NPF advocates for concluding bilateral agreements with countries sharing political ties and history, the Italy-Libya cooperation, discussed below, can be seen as a direct consequence of such policy advice by the Union.

¹⁶³ *ibid.*

¹⁶⁴ European Commission, “New Partnership Framework with third countries under the European Agenda on Migration”, 8.

¹⁶⁵ *ibid.*, 7.

¹⁶⁶ European Commission, “A European Agenda on Migration”.

2. Post-2016: increased securitisation & diminished scrutiny

In 2016, arrivals via the Mediterranean routes decreased to 373,652 (with an additional 5,096 people missing), but the so-called crisis was far from over.¹⁶⁷ To investigate changes in EU's migration discourse after the crisis and their consequences, first the Italy-Libya MoU will be discussed, and then EUBAM renovation in 2023.

a. Italy-Libya Memorandum (2017)

The Memorandum of Understanding (MoU) signed by the Italian government with Libya's Government of National Accord in 2017, is a relevant example of EU's external migration policies concluded after the "crisis".¹⁶⁸ The Memorandum aims at boosting cooperation on development, securing borders between the signatories, and targeting the "clandestine immigration phenomenon and its impact, the *fight* against terrorism, human trafficking and fuel smuggling".¹⁶⁹ The MoU aims at intensifying border control by Libyan authorities "in charge of the *fight* against illegal migration", reflecting a discourse similar to the Valletta Declaration.¹⁷⁰ "Technical and technologic support" is promised by Italy to strengthen Libyan security and military capacity to reduce migrant inflows, an explicit objective of the agreement.¹⁷¹ The accord also demands "urgent solutions" like creation of camps to detain migrants, and "forced return" to countries of origin, under the exclusive control of the Libyan authorities.¹⁷² The funds for these projects are provided by the Italian government and the EU, but there is no mention of the specific amount involved, and of any conditions attached to it.¹⁷³ Moreover, while the importance of fighting illegal migration is reiterated several times over the document, references to the importance of human rights are scarce. Article 2 promises the delivery of medicines to *illegal* migrants for serious diseases, while Article 5 briefly states that the Memorandum respects international law and human rights agreements.¹⁷⁴ However, there is no mention of the need to increase legal migration channels, or to respect migrants' fundamental rights and *non-refoulement*.¹⁷⁵

¹⁶⁷ UNHCR, Operational Data Portal, 'Situation Mediterranean'.

¹⁶⁸ Uselli, "Memorandum of understanding on cooperation between the State of Libya and the Italian Republic".

¹⁶⁹ *ibid.*, 1.

¹⁷⁰ *ibid.*, 2.

¹⁷¹ *ibid.*

¹⁷² *ibid.*, 1.

¹⁷³ *ibid.*, 3, art 4.

¹⁷⁴ *ibid.*, 2-3.

¹⁷⁵ Council of Europe, 'Convention for the Protection of Human Rights and Fundamental Freedoms'. Non-refoulement entails returning a person to a place where they could or will face persecution. This is in violation

Overall, the discourse in the Memorandum is very generic and simplistic, lacking detailed information and long-term solutions to “eradicate illegal migration”, the declared principal objective. The words revolving around migrants are aggressive, offering a securitised version of irregular migration, constantly defining it “illegal” or “clandestine”, and urging fighting it through immediate measures involving military assistance. Irregular migration is repeatedly associated with human trafficking, smuggling and terrorism, with little attention to criminal networks’ exploitation and abuse faced by migrants. There is no mention of the push-factors behind the steep arrivals numbers from African countries to Europe, and the main purpose remains preventing people from leaving Libya and landing in EU’s territory, with vague conditions on how to prevent human rights’ violations in the process. The accord also clearly increases the Libyan Coast Guard’s power, which problematizes accountability as these authorities do not undergo scrutiny on EU’ standards, while getting the Union support. Thus, the discourse in the MoU fulfils Buzan et al.’s criteria for successful securitization.

b. EUBAM 2023

Another important document to understand the evolution of securitisation of migration in EU-Libya is the renovation of EUBAM in 2023.¹⁷⁶ Just a few modifications are made to the original decision, but they show the “normalisation” of securitised discourse. While the 2011 version only addressed security and border management as key challenges to be tackled, the recent renewal states the mission’s objective is “enhancing the capacity of the relevant Libyan authorities and agencies to manage Libya’s borders, to fight cross-border crime, including human trafficking and migrant smuggling, and to counter terrorism”.¹⁷⁷ Additionally, the budget is increased from 30.300.000 to 84.850.000 euros, with little details provided on the projects these funds will be utilised for, dismissed as to be determined “on a case-by-case basis”.¹⁷⁸ Therefore, the document enforces the idea that irregular migration is tied to criminal networks, allowing for increased capacities and budget for the mission.

of international obligations under Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14 [1950], art. 3.

¹⁷⁶ Official Journal of the European Union, “Council Decision (CFSP) 2023/1305 of 26 June 2023 amending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)”.

¹⁷⁷ *ibid.*, 1.

¹⁷⁸ *ibid.*, 2.

DISCUSSION & FINDINGS

What impact does securitisation have on external migration policies? This section discusses how securitising the 2015-2016 crisis gave legitimacy and meaning to specific anti-immigration policies, and normalised informal measures.

Starting from the GAMM to the EUBAM renovation in 2023, one can notice a clear shift in narratives around migration. Since 2015, securitised narratives are prevalent, with less focus on migrant-centred approaches. Securitisation actualizes itself in highlighting the emergency-character of the situation, calling for extraordinary measures to be taken. These include increased mandates for Frontex and EUBAM, involvement of military institutions, strengthened surveillance and “operational” or “technical” assistance. EUBAM 2023 for instance is presented as offering *technical* assistance and capacity building at the *operational* level: framing the mission in these terms shifts attention away from the political aspect of these decisions.¹⁷⁹ This discourse simplifies a structure that has various consequences for questions of transparency, accountability and respect for human rights, all fundamental values of EU institutions. Moreover, after 2015, migration is more frequently depicted by EU institutions as burdensome, something to combat, due to being linked to human trafficking and terrorism. This is also a securitising narrative that produces perceptions of intrinsic danger connected to irregular migrants, since they are portrayed as destabilising for Europe, while the risks they face are less emphasised from 2015 onwards. Presenting criminal networks as embedded in irregular migration, linking migrants directly to terrorism and smuggling, hence creates a specific reality striving for rejection of the “crimmigrant other”.¹⁸⁰

From the analysed documents, it emerges that, especially from 2015, the Union’s primary objective is returning migrants to their origin countries, unless they are skilled workers or students - and therefore desirable for European economies. Nonetheless, humanitarian objectives are still present in all documents. These commitments’ genuineness is however questionable, especially when looking at the reality of the policies pursued by the Union and its member-states. After 2015, less emphasis is put on fostering legal pathways for emigration: documents instead stress the importance of sending a disincentivizing message to aspiring

¹⁷⁹ Official Journal of the European Union, “Council Decision (CFSP) 2023/1305 of 26 June 2023 amending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)”, 2.

¹⁸⁰ Franko, ‘The Two-Sided Spectacle at the Border: Frontex, NGOs and the Theatres of Sovereignty’

migrants, by repatriating people illegally residing in Europe. For instance, the NPF mentions it is important to discourage people from leaving their countries and embark on dangerous trips.¹⁸¹ While this argument is framed through humanitarian lenses, the goal remains to keep migrants outside of EU territories. If migrants' well-being were EU's main priority, forced returns would not be presented as an effective solution to the problem in agreements such as the Italia-Libya MoU. This "helping them at home" narrative instrumentalizes development and repatriations, which practically aim at containing migration, by promoting externalisation.¹⁸²

a. Securitisation consequences: externalisation

Securitisating discourse led to a precise consequence: externalisation of border control to non-members. While in pre-2015 documents priority is given to a common European response to the crisis, and to handling root causes for (irregular) migration, in 2016's aftermath emphasis is increasingly put on regional and bilateral agreements. This is in line with the framework proposed by the Valletta Summit, Agenda on Migration and NPF, and the model set by the EU-Türkiye deal. Discourse legitimising and fostering externalisation increased, simplifying return procedures for irregular migrants in the EU, as demonstrated in the Italy-Libya MoU. Securitisating migration therefore normalised exploiting repatriations of illegal migrants to reduce peak numbers of arrivals, disregarding these procedures' impact on migrants rights under international obligations of non-refoulement.¹⁸³ Pull-backs are however not an effective solution to the problem, as they do not tackle root causes for irregular migration. By shifting attention from creating legal pathways for migration, to enforcing repatriations and creating detention centres, the Union has hence moved towards formal informality, as contended below.

b. Informal measures & their risks

The Memorandum with Libya exemplifies the practical effects securitisation has on external migration policies: legitimising detention camps and forced returns, while ignoring human rights concerns. This document is relevant in understanding Italy and the Union's current tendencies in migration management, which, incentivized by the Agenda on Migration and

¹⁸¹ European Commission, "New Partnership Framework with third countries under the European Agenda on Migration", 3-4.

¹⁸² Siitonen, 'A Normative Power or Fortress Europe?', 1-4

¹⁸³ Council of Europe, 'Convention for the Protection of Human Rights and Fundamental Freedoms'. This is in violation of international obligations under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14 [1950], art. 3.

NPF, explicitly promoted “*not necessarily formal* readmission agreements”.¹⁸⁴ Since both the MoU and EUBAM renovation lack conditions attached to their budgets to protect migrants' rights, they create a gap for informal measures to exist. While having treaty-like features, the MoU lacks legal protections under EU scrutiny and hinders transparency for actions taken under it. Increasing Libyan authorities' power in border control allowed human rights abuses, as reported by several NGOs in the case of mistreatment in detention camps by border police.¹⁸⁵ These are supported, financially and ideologically, by the Union itself, whose accountability gets undermined. Both the MoU and EUBAM indeed fail to address backlashes for violations of human rights, even though Italy had already been convicted for breaching international law by returning people to Libya, as decided by the European Court of Human Rights (ECtHR) in the *Hirsi Jamaa and others v. Italy*,¹⁸⁶ and in *SS and others v. Italy*.¹⁸⁷ By backing the Italian government in concluding the MoU, the EU therefore explicitly supported breaches of human rights laws and non-refoulement, exploiting a bilateral agreement to circumvent EU institutions' scrutiny. In light of Italy renovating the MoU with Libya in 2023, comprehending formal informality' impacts on migrants' rights and accountability is crucial.¹⁸⁸

c. Findings

This paper found that securitising discourse deepened starting from 2015, constructing a narrative that legitimised externalisation of border control, which opened possibilities for informal measures. By criminalising irregular migration and stressing the emergency-character of the 2015-2016 crisis, EU documents presented containment of irregular migration as the prime concern for member-states. To shift the burden away from the EU, bilateral agreements such as the Italy-Libya MoU were concluded. This allowed circumventing scrutiny from the Union's institutions, and prioritised building border control capacities of partner countries,

¹⁸⁴ European Commission, “New Partnership Framework with third countries under the European Agenda on Migration”, 7.

¹⁸⁵ Amnesty International, ‘Libya: Horrific Violations in Detention Highlight Europe’s Shameful Role in Forced Returns’; Urbina and Galvin, ‘Libya Closed Its Most Notorious Migrant Jail’.

¹⁸⁶ *Hirsi Jamaa and others v. Italy*, ECtHR.

The case concerned Somali and Eritrean migrants who had been intercepted at sea by the Italian authorities and sent back to Libya. Returning them to Libya without examining their case exposed them to a risk of ill-treatment and amounted to a collective expulsion.

¹⁸⁷ *SS and Others v. Italy*, ECtHR.

The case concerned Nigerian and Ghanaian applicants, who sent a distress signal to the Italian Coast Guard to be rescued in the Mediterranean. The Italian authorities communicated this to the Libyan Coast Guard, who approached the migrants' dinghy with dangerous manoeuvres, leading several people to die (including two children of the applicants).

¹⁸⁸ Marsi, ‘Italy “Complicit” in Crimes for Renewing Pact with Libya: NGOs’.

instead of fostering legal migration channels. Securitisation of the 2015 crisis therefore diminished EU's accountability and transparency, by allowing policies that disregard the Union's value commitments. According to Buzan et al.'s framework, the 2015 crisis was thus successfully securitised, including "breaking free of rules" of the Union.¹⁸⁹ Securitisation justified informal measures as emergency responses, through agreements which created liability gaps that led to serious consequences, like human rights abuses.

Moreover, pacts such as the Libya Memorandum prevent effectively targeting root causes for illegal migrations, as they criminalise irregular migrants but do not tackle push-factors such as climate change, poverty, and armed conflicts. Securitisation normalises externalising border control and exploiting formal informality, excluding alternative approaches, such as humanitarian-focused responses. It legitimises expanding surveillance on non-citizens, and the involvement of military agencies, by stressing the importance of a decisive response to pressures. If, as Huysmans argued 20 years ago, securitisation results from rising xenophobic conservative parties, motivated by a crisis of the welfare state and cultural insecurity, then narratives criminalising migrants can be seen as reflections of specific political environments.¹⁹⁰ Nevertheless, by framing issues as security matters, securitisation dangerously justifies choices *beyond* politics, such as constructing informal measures as needed responses to a crisis. In times of rising anti-immigration populism in European politics, Huysmans lessons and the need to keep EU institutions accountable should not be forgotten, in order to prevent formal informality' risks.

CONCLUSION

This paper sought to answer the presented research question: *How has the securitisation of the 2015-2016 migration crisis impacted informal measures in EU (migration) policies with third countries?* By analysing discourse around migration in EU and national documents, it found that securitisation increased after the 2015 crisis, impacting informal measures.

This finding is grounded in theories of securitization as discourses constructing migrant-hostile realities, which promoted externalisation of migration to non-EU countries, (through documents like Agenda on Migration, Valletta Declaration, and NPF). By doing so, securitising narratives legitimised "formal informality".

¹⁸⁹ Buzan et al., *Security*, 26.

¹⁹⁰ Huysmans, 'The European Union and the Securitisation of Migration'.

The discourse analysis conducted however presents certain limitations that ought to be addressed. Examining discourse is limited as it involves subjective interpretations, but also allows investigating narratives with a contextual perspective, capturing securitising discourse' deeper meanings and consequences. This paper aimed indeed at analysing how discourse can affect practical policies, but in doing so excluded other explanations for the EU's current external migration tendencies. Analysing discourse, as a constructivist approach, assumes narratives created by states are significant to understand reality and can shape it. Realist perspectives might thus disagree securitisation is an impactful reality. Discourse analysis nonetheless provides relevant insights, by showing contextual changes in migration narratives over time and their impacts on EU policies. As the current analysis is still quite limited in scope, more extensive research is needed to deepen comprehension of securitisation's consequences. Further research could apply the presented arguments to other countries with similar contexts, for instance Tunisia, Algeria, and Morocco. These were classified as "priority third countries of origin and transit" in the NPF, which urged member-states to reinforce cooperation with them via "measures falling within their national competences".¹⁹¹ Investigating these cases might strengthen the arguments presented in this paper, enhancing external validity.

To conclude, after analysing EU-Libya relations, this paper found that a shift towards more securitised discourse starting from 2015 impacted informal measures, specifically through bilateral agreements such as the Memorandum with Libya. This is relevant in understanding the EU's role in normalising policies that put migrants' rights at risk, and sheds light on unaccountability concerns in EU border control. Externalization of migration, legitimised by securitising discourses, allows circumventing legal scrutiny and can lead to human rights violations. In light of the Italy-Libya MoU renewal in 2023, this thesis aimed at showing the importance of implementing accountability mechanisms and legal pathways of migration. In fact, by enforcing Fortress Europe and keeping immigrants out of the EU's borders, member-states are deliberately contributing to confining them to dangerous contexts. Moving beyond securitising discourses, and towards migrant-centred approaches, is therefore crucial to prevent further abuses and rights violations. Lessons can be learned by understanding the impacts of securitising narratives on informality, which harms not only *migrants*, but people.

¹⁹¹ European Commission, "New Partnership Framework with third countries under the European Agenda on Migration", 8.

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