SAVING LIVES OR PROTECTING BORDERS? AN ANALYSIS OF EU POLICIES TOWARDS IRREGULAR MIGRATION IN LIBYA AND NIGER FROM 2015 TO 2020.

by

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Abstract

Since 2015, smuggling of irregular migrants from North Africa to Southern Europe has increased at an unprecedented rate. This has led to deaths at sea and exposed the abuses faced by migrants aiming to reach Europe. As a result, the European Union (EU) has adopted and implemented "humanitarian" policies in Libya and Niger to dismantle the business model of smuggling and save lives. The thesis argues that the EU's policies have not saved lives or dismantled smuggling networks. Instead, they have been used to influence and condition Libya and Niger into accepting and enforcing migration control. Using Critical Discourse Analysis (CDA), the thesis analyses migration policies: The Anti Human Smuggling Law Niger (2015), The European Union Emergency Trust Fund for Africa (2015) and The Memorandum of Understanding between Italy and Libya (2017). The analysis revealed the sub-text of security practices embedded in the policies. This thesis will show that the EU prioritises deterring migrants over saving lives. To achieve this, Libya and Niger are used as *Primary* and *Secondary Securitisation Hubs* for the EU, where a mixture of security practices such as border patrols and forced returns, and development aid such as creating economic opportunities are used to stop irregular migration. The analysis of the underlying subtext further revealed neo-colonial elements in the securitised policies. This is demonstrated through the unequal power relations between the EU and Libya and Niger which helped justify the implementation of the policies in these countries.

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Author's declaration

I declare that except where explicit reference is made to the contribution of others, that this dissertation is the result of my own work and has not been submitted for any other degree at Canterbury Christ Church University or any other institution.

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List of Abbreviations

ACP - Africa, The Caribbean, and Pacific

ASR – Assisted Voluntary Return

AU – African Union

CDA – Critical Discourse Analysis

CFA – West African Franc

COVID-19 – Coronavirus Pandemic

CSDP - Common Security and Defence Policy

DANIDA - Danish International Development Agency

DCIM - Directorate of Combatting Illegal Migration

DG – Directorate-General

ECOWAS - Economic Community of West African States

EEAS – European External Action Service

EESC – European Economic and Social Committee

EMF – European Migration Forum

EP-GNN - Support for the creation of a polyvalent squadron of the Niger National Guard

EU – European Union

EUBAM Libya – European Union Integrated Border Assistance Mission

EUCAP Sahel Niger – European Union Capacity-Building Civilian Mission

EUNAVFOR MED – Operation Sophia

EUNAVFOR MED IRINI – Operation Irini

EUROPOL - European police office

EUTF – European Union Trust Fund for Africa

FRONTEX - Frontières extérieures/European Border and Coastguard Agency

GACS - General Administration for Coastal Security

GASBCP - General Administration for the Security of Border Crossing Points

GNA – Government of National Accord

HR/VP - High Representative/Vice President Office

IDP – Internally Displaced Persons

IGO - International Governmental Organisations

IOM - International Organisation for Migration

LBG – Land Border Guards

LCGPS - Libyan Coastguard and Port Security

LNA - Libyan National Army

MIC – Migration Information Raising Campaign

MobComs - Community Mobilizers

MoU – Memorandum of understanding on cooperation in the fields of development, fight against illegal immigration, human trafficking, and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic

MRRM - Migrant Response and Resource Mechanism

MSF – Médecins Sans Frontières

MSMEs - Micro, Small, and Medium Enterprises

NATO – The North Atlantic Treaty Organisation

OCHR - Office of the United Nations High Commission

OFPRA – French Asylum Office

PAIERA - Rapid Economic Impact Action Plan in Agadez

PNFAD - Passport, Nationality and Foreigner Affairs Department

RSSD 1 – Recovery, Stability, and socio-economic development in Libya Phase 1

RSSD 2 – Recovery, Stability, and socio-economic development in Libya Phase 2

SAR – Search and Rescue

SBC II - Contract for the Reconstruction of the State of Niger in addition to the SBC II in preparation/Support for Justice, Security and Border Management in Niger

SURENI - Sustainable Return from Niger

TFPC – Treaty of Friendship, Partnership and Cooperation

UFM – Union for the Mediterranean

UN - United Nations

UNDP – United Nations Development Programme

UNHCR - United Nations High Commission for Refugees

UNICEF – United Nations Children's Fund

VHR – Voluntary Humanitarian Returns

WTO – World Trade Organisation

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Chapter 1: Introduction

1.1 The Topic

Dubbed Europe's largest cemetery (Tondo, 2021), the Central Mediterranean Sea remains the most dangerous and deadliest routes for migrants. State breakdown, conflict, and revolutions such as the Arab Spring in the Middle East and North Africa led to an increased number of refugee arrivals in Europe. Since 2015 the United Nations High Commission for Refugees (UNHCR) estimates that a total of 1,967,967 have arrived irregularly to Europe using the Central, Eastern and Western Mediterranean routes (UNHCR, 2022a) usually aided by human smuggling networks. Southern EU member states such as Italy, Malta, and Greece, remain the highest recipients of irregular arrivals. The high number of crossings, deaths, and missing persons episodes led to a declaration of the situation as Europe's 'migrant crisis' and as a result, "humanitarian" policies have been implemented over the years to help curb irregular flows with little success as this thesis will demonstrate. For the European Union (EU), irregular migration is illegal and described as 'border crossings by third-country nationals who do not fulfil conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in the Member state' (EU Regulation 2016/399, 2016). The United Nations (UN) suggests that a regular migrant is any person that moves across an international border with authorisation that can enter and stay in a "state pursuant to the law of that State and to the international agreements to which the state (International Organisation for Migration, 2019a: 133) whereas an irregular migrant is any person that moves across international borders and "is not authorised to enter or stay in a Sate pursuant to the law of that State and to international agreements to which that State is a party" (UN General Assembly Resolution 45/158, 2003).

The European Commission however has declared the crisis as over as of 2019 (Rankin, 2019) due to the steady decline in the number of arrivals since 2017. However, arguments have been put forward that the crisis is far from over (De Genova, 2016; Rankin and Rice-Oxley, 2017). For example, UNHCR estimates that as of 11th December 2022, 149,446 individuals have arrived in Europe using the Mediterranean Sea and an estimated 1,921 people have died (UNHCR, 2022a). Additionally, migrants remain stuck in transit in countries waiting to embark into boats coming to Europe.

Table 1: Snapshot of irregular arrivals in Europe via the Central, Eastern and Western Mediterranean.

Year	2015	2016	2017	2018	2019	2020	2021	2022
Arrivals	1,014,973	389,976	187,499	146,949	128,663	99,907	123,318	149,446
Deaths	3,771	5,305	3,140	2,380	2,087	2,326	3,231	1,921

Source: UNHCR (2022a)

The migrant crisis has been seen as something that is fuelled by human smuggling networks who exploit migrant vulnerabilities and assist them into reaching Europe. This led to an adoption of humanitarian policies on the EU part, implemented both at its borders and other countries to stop migrant deaths and dismantle human smuggling networks in a bid to stop the irregular arrivals from the Mediterranean. This decline is said to be a result of the EU's successful transfer of its migrant crisis to countries such as Libya, Niger, Tunisia, Morocco, and Turkey. What this essentially means is that migration control has been externalised through the enlisting of third countries to prevent migrants from arriving in Europe (Clemens and Postel 2018; Hahonou, 2021). This thesis focusses on the Central Mediterranean route, and the implementation of so-called humanitarian EU policies in transit states such as Libya and Niger to stop irregular migration. Externalisation in this region has been done through implementing policies and projects that help finance the strengthening of the borders of these states to prevent migrants from reaching Europe. This thesis examines four key policies: 1) The Memorandum of Understanding between Libya and Italy (2017-2023), 2) The Anti-Human Smuggling Law of Niger (2015), and the 3) The European Union Emergency Trust Fund for Africa for Libya and Niger (2015). Examples of such prevention practices under the banner of humanitarianism include training the security forces of these countries, financing detention camps where migrants are held, and providing surveillance equipment for tracking and intercepting migrants in Central Mediterranean waters and returning them to Libya and Niger (Andersson and Keen, 2019). International organisations and human rights organisations such as Amnesty International and the Office of the United Nations High Commissioner for Human Rights (OHCHR) have argued that this has exacerbated human rights abuses due to fragility and instability of such states (Amnesty International UK, 2018a; OHCHR, 2022a).

The policies examined in this thesis are presented by the EU as humanitarian in their aims, but as this thesis will show they are security focussed with the aim of stopping irregular migration at their core. Therefore, one of the most important questions to have emerged since the so called 'migrant crisis' of Europe in 2015, is the extent to which the EU has pushed for humanitarian efforts to save lives at sea and to protect the rights and dignity of migrants. The union has rejected the notion that it is a security focussed entity and insists that its aims are to save lives and dismantle smuggling networks that allow for this to happen. Having said that, EU member states such as Italy, Malta and Greece have terminated patrols in the Central Mediterranean to rescue stranded migrants, and NGOs patrolling the area to save lives have increasingly been criminalised (Cusumano and Villa, 2020). Migrant boats are now intercepted by the Libyan Coastguard which leads to their subsequent returns to Libya. The humanitarian policies therefore have had a reverse effect. Migrant deaths remain significantly high at sea as highlighted on Table 1, interceptions remain high and migrant deaths are occurring because of other vulnerabilities (such as being left stranded at sea, being forcefully returned and push backed, and

being detained). Therefore, they have not been effective in achieving the humanitarian efforts that the EU wants. Although lives are being saved through interception, these same lives are being lost as migrants are returned to an unsafe environment which exposes them to severe vulnerabilities. This thesis seeks to understand why this is so and analyses these policies to unpack why the outcomes are different to what was hoped. This thesis will argue that the EU has securitised irregular migration from Libya and Niger. Focus has been placed on cooperation with such third-party states to implement security focussed policies to stop irregular migration and a humanitarian rhetoric is used to justify the grounds for securitisation. The argument the EU constructs as a justification for implementing the policies is that lives are being lost in the Mediterranean Sea due to smuggling networks. This thesis will show that, although there is acknowledgement that there is a clear contradiction in the humanitarian policies, policies continue to be pursued creating greater cycles of vulnerabilities for migrants.

1.1.1 Research Questions and Aims

The question this thesis therefore seeks to answer is *"To what extent do the EU's humanitarian policies adopted between 2015 and 2020 in Libya and Niger towards irregular migration prioritise security of borders over saving lives"?* As will be highlighted in the literature review, EU policy towards irregular migration from Libya and Niger has not saved lives. The research objectives of this thesis are: (a) look at the literature and provide an overview of the current discourse on whether EU policies in Libya and Niger are achieving their aim of saving lives; (b) to demonstrate evidence of securitisation through analysing EU migration policies using qualitative approaches: discourse analysis and data gathered from interviews given by policy makers; (c) to triangulate evidence and results from the Critical Discourse Analysis of the policies and the data from the interviews to develop and present a thorough and in-depth understanding of the EU's approach and the consequences of the policies in Libya and Niger.

While the policies seem neutral and well intentioned, the critical exploration of the subtext and social context of these policies reveal how the protection of borders comes to be prioritised over the protection of people. The argument of this thesis is that the EU has not achieved its aims of saving lives through the implementation of its humanitarian policies because of the security practices embedded within them. Therefore, it uses a humanitarian discourse as a disguise to implement security practices aimed at deterring irregular migrants from entering Europe. The thesis further argues that the EU believes that the security element behind the policies is directed towards migrant smuggling networks not migrants. This has led to a counterproductive situation whereby instead of saving lives, the policies are either exposing migrants to dangers at sea or returning them to a cycle of vulnerabilities that subsequently lead to exploitation and death. The subtext of securitisation further revealed neo-colonial elements in the policies which is demonstrated through the hidden unequal power relations which operates

unconsciously through the policies. For these reasons, this thesis will argue the EU (through the EU Commission) has securitised irregular migration from Libya and Niger because it does not want masses of illegal migrants and have been used to influence and condition Libya and Niger into accepting and enforcing migration control. The extent to which this is a deliberate ploy, or an unintended consequence of misjudged policy design is a question which will be explored throughout the thesis.

1.1.1.1 Reasons for Securitisation of Irregular Migration through the Central Mediterranean Route

The securitisation of irregular migration from the Central Mediterranean route is not a novel phenomenon. However, the rate of irregular arrivals has increased over the years as depicted on Tables 2 and 3 below. According to the Copenhagen School of thought, 'political elites, governments, and the media construct migration as threat to national security, economic stability and national identity' (Buzan, De Wilde, Wæver, 1997: 93). For years irregular migration has been linked to terrorism, crime, and trafficking which are seen as a threat to the security of countries. Changes in the geopolitical context since the 80s and 90s such as globalisation, the breakdown of the Soviet Union, wars in Yugoslavia, and 9/11 led to migration becoming increasingly politicised at the EU level in the 1980s. This political construction is said to 'increasingly refer to the destabilizing effects of migration and the dangers of it on public order and national identity' (Huysmans, 2000). Therefore, this has led to the adoption strict border controls and deportations (Huysmans, 2000). Discrimination is said to be one of the reasons why irregular migration is securitised. Because irregular migration is seen as a security risk, it has led to the racial and ethnic profiling of and discriminatory policing of migrants (Nwabuzo and Schaeder, 2017). Scholars have argued that once the issue of migration was moved to the security realm, it gave way to the 'racist discourse depicting migrants as a threat, which capitalizes on cultural difference to discriminate and exclude certain types of people (Ibrahim, 2005: 169-170).

Another reason why irregular migration from this region is securitised is because of the use of smuggling gangs by migrants to help facilitate their passage to Europe which is illegal under international law. The requirement for asylum seekers to be present in the European country they wish to seek asylum from, entwined with the limited chances for legal migration to Europe (Scott, 2015) pushes many to pay smuggling gangs to help their passage to Europe. The smuggling of migrants is when an individual pays a smuggling network to facilitate their illegal entry into a state (United Nations Office on Drugs and Crime, 2022a). The United Nations Protocol Against Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organised Crime (2000) defines the smuggling of migrants as a

"procurement to obtain directly or indirectly a financial or other material benefit of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident. Illegal entry involves crossing borders without the legal requirements to enter a state, use of fraudulent travel documents to enter a state, and the use of any water vessel, except warships, naval auxiliary, and other vessels owned and operated by a government" (UN Protocol against the Smuggling of Migrants by Land and Sea, 2000: 2-3).

Therefore, because of the illegality associated with this, migrants that travel irregularly are depicted as clandestine and a threat to state security which justifies the use of security measures to stop this.

However, information about smuggling networks and trafficking networks cannot be gained from the high seas (UK Parliament House of Lords, 2015) as smugglers and traffickers do not operate here. Typically, migrants are secretly placed on vessels and an individual (another migrant) is nominated to operate the GPS system. Smugglers are not being arrested and migrants are taking the brunt. In October 2021 for instance, it was found by NGO Alarm Phone that Italian border agents have made over 1000 arrests which it has successfully managed through bribing other migrants to testify against boat drivers (who are migrants themselves) and accuse them of being smugglers (Tondo, 2021). To add to this, Operation Sophia has led to more loss of human life according to a report by the UK parliament in 2017 therefore, its mandate that it aimed to prevent further loss of life at sea is questionable. Smuggling networks in Libya have been known to adapt where 'they place migrants in unseaworthy vessels which led to an increase in deaths' (UK Parliament House of Lords, 2015: 4). Amnesty International estimated that in 2017 alone, the operation led to a threefold increase in the death rates from 0.89% in the second half of 2015 to 2.7% in 2017' (Amnesty International, 2017). As argued by Bosilca, Riddervold and Sternberg (2021), in a situation such as the refugee crisis which is characterised by uncertainty and with very little time to think about policies and adopt new structures, one can easily fall into short-term thinking strategies which might carry with them unintended consequences such as the loss of human life (Bosilca, Riddervold and Sternberg, 2021).

Another reason for securitising irregular migration from this region is that there is a mixed migratory pattern from it. By mixed migratory patterns, we mean the "cross border movements of people, including refugee fleeing persecution and conflict, victims or trafficking and people seeking better lives and opportunities" (Mixed Migration Centre, 2019). Those that are deemed as genuine asylum seekers and refugees fleeing from conflict and persecution are seen as deserving of protection whereas those that are moving to seek better lives for instance are depicted as those that are undeserving of protection. Because irregular migration from this route is mixed, it is difficult for the EU to distinguish between those that are genuine asylum seekers and refugees and those that are not. This contrasts with the Eastern Mediterranean Crisis. There, most individuals were fleeing from Syria which had an ongoing conflict,

and they were seen as genuine refugees therefore, at the time, EU member states did what they could to accept individuals. For example, Germany accepted many refugees and other EU member states agreed on quotas and launched resettlement schemes with the UNCHR to relocate Syrian migrants. For this reason, some migrants that are typically fleeing their countries of origin for 'legitimate' reasons such as war, persecution, and conflict' are depicted as deserving of attention, whilst those that do not fall into this category are seen as undeserving of assistance. As argued by Crawley and Skleparis (2017), various categories and typologies have been offered during the Central Mediterranean Crisis to 'differentiate between those that move legitimately, or otherwise, of their claims to international protection which has been used to justify policies of exclusion and containment' (Crawley and Skleparis, 2017: 48). Asylum seekers and refugees are seen as the most vulnerable and deserving of protection whereas those fleeing for reasons that sit outside of these categories such as economic migrants, are treated differently. The terms and categories are defined below:

Asylum Seeker – An asylum seeker is a person asking for protection after leaving their country of origin for reasons including persecution, abuse of their rights, however, they have not been legally recognised as refugees and are waiting for a decision with regards to their asylum claim.

Refugee – Refugees are defined as individuals that have had their asylum claims processed and granted to them and are living in the country that they seek asylum from. The Refugee Convention (1951) describes a refugee as someone who

> "owing to the well-founded fear of being persecuted for reasons of race, religion, nationality, memberships of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; pr who, not having a nationality and being outside the country of his former habitual residence, in unable or, owing to such fear, is unwilling return to it" (UNHCR, 1951).

Migrant – A migrant is an overall term used to describe anyone who moves away from their habitual residence, whether within a country or across international borders for a variety of reasons (International Organisation for Migration, 2019a: 132).

Economic Migrant – This is defined as "anyone who leaves their country of origin purely for economic reasons that are not in any way related to the refugee definition, in order to seek material improvements in their livelihood" (International Organisation for Migration, 2019a).

1.1.1.2 The Central Mediterranean Crisis and the Crisis of Solidarity at the EU

The Central Mediterranean route has always been a favoured route for migrants from North and Sub-Sharan Africa arriving in Europe. This dates to the late 90s therefore, the implementation of security measures to thwart this is not a new phenomenon. Since 2015 however, the scale at which this route has been used has been unprecedented. Coined as the most active, dangerous, and longest route to cross into Europe, deaths and vulnerabilities are not uncommon. For that reason, the European Union since 2015 increased its efforts to save the lives of migrants along this route through the adoption of humanitarian policies. The route is used by smuggling gangs and networks operating in North African countries that help those wanting to reach Europe. Due to their geographical location, Libya and Niger have long acted as strategic states and have long been part of the debate of irregular migration from Africa. Niger, with multiple border entry and exit points with other West African states, and border entry points with Northern African states such as Libya and Algeria, has typically been used by migrants looking for greener pastures. Libya, being a wealthy Northern African nation at the time, attracted a lot of interest. However, due to its location on the coast of the Mediterranean, smugglers operated and still operate in the region that helped facilitate migrant passages from Libya to Italy. The international Organisation for Migration holds that between 1998 and 2014, 590,110 individuals crossed the Central Mediterranean into Italy from Libya. Table 2 and Table 3 below highlights the number of irregular entries in Italy from Libya between 1998 and 2014.

Table 2: Illustration of yearly irregular arrivals in Italy from Libya between 1998-2006

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006
Arrivals	38,142	48,161	26,817	20,143	23,719	14,170	13,635	22,939	22,016

Source: International Organisation of Migration, (2017a)

Table 3: Illustration of yearly irregular arrivals in Italy from Libya between 2007-2014

Year	2007	2008	2009	2010	2011	2012	2013	2014
Arrivals	20,455	36,951	9,573	4,406	62,692	13,267	42,925	170,099

Source: International Organisation for Migration, (2017a)

Typically, those arriving irregularly are described as clandestine, smuggled, and trafficked (Browne, 2015) due to their affiliation with criminal gangs that help facilitate their passage to Europe. As a result, bilateral cooperation between EU member states typically in the South such as Italy, Malta and Greece, and Northern African States such as Libya and Tunisia have historically been used to help control irregular migration and provide migration governance assistance. Arrivals are mixed in nature meaning economic migrants, refugees, and internally displaced persons (IDPs) use this route. The Arab Spring

Revolution of 2010-2012 intensified this cooperation on fighting irregular migration. The revolution paved the way for state disintegration, political instability, and conflict in various places across the Middle East and North Africa including Libya. This led to the large exodus of individuals fleeing countries such as Libya and Egypt in Northern Africa, and Syria in the Middle East to neighbouring countries or Europe (Anzera and Comunello, 2012). In the context of Libya, it led to the 2011 military intervention of NATO in the country which saw the overthrow of Gadhafi which left the country in a chaotic state. Since then, Libya has been marred by a lack of leadership entwined with the poor conflict resolution efforts that came after the NATO backed operation. This has created a state of lawlessness which as a result has left it vulnerable to criminal gangs, rebellions, human smuggling and trafficking networks, militias, and Islamist terrorist groups. It provided the right breeding ground for criminality to operate and for gangs to exploit desperate and vulnerable migrants. For that reason, between 2015 and 2020, the total number of individuals that have used this route is illustrated by Table 4 below.

Table 4: Illustration of yearly irregular arrivals in Italy between 2015 to 2020

Year	2015	2016	2017	2018	2019	2020
Arrivals	153,842	181,436	119,369	23,370	11,471	34,154

Source: International Organisation for Migration, (2017a)

Policy making around irregular migration has highlighted a struggle between the various EU institutions and its Member States. A contested issue, different countries have had different stances on how many individuals they can accept. The difficulty is that there is a lack of solidarity between EU Member States with regards to who takes how many individuals and how asylum claims can be proportionally divided across the Union. States such as Germany have had an open-door policy and have accepted migrants however, states such as Hungary and Poland have taken a harder approach to irregular arrivals. For the EU, Article 4(3) of the Treaty of the European Union hints at an expectation for solidarity amongst Member States where it is suggested that there is a 'duty of sincere cooperation where there is expectation to 'assist each other in carrying out tasks which flow from the treaties and facilitate the achievement of the Unions tasks' (Treaty of the European Union, 2017). Therefore, for the EU, internal solidarity is in its fundamental core values. The EU has denounced this issue by arguing that "Member States have been trumpeting the concept of solidarity, while riding roughshod over the fundamental values of Europe. Instead, politicians and decision makers across Europe should embrace a different and welcoming narratives for those in need of protection" (Dassis, 2016). For that reason, it has been argued that "trust between Member States needs rebuilding, diverging perspectives need to be reconciled, and there has to be a right balance between solidarity and responsibility in order to manage migration" (Von de Leyen, 2020). Due to such internal struggles, EU migration policy has been offshored to third party states such as Libya and Niger, in a bid to curb irregular flows which has led to consequences.

The 2015 "migrant crisis" was a period whereby there was an increase in the number of individuals moving and seeking asylum in Europe. In 2015, it was estimated that at least 1.3 million people came to the continent to seek asylum in a single year (UNHCR, 2022a). This led to the adoption of the phrase "migrant crisis" which has since been contested – as a crisis for whom and what? In other words, questions arose if the crisis was for transit and destination countries in Europe, or for those fleeing and seeking refuge (Sahin-Mencutek, Barthoma, Gökalp-Aras, Triandafyllidou, 2022). State breakdown because of the Arab Spring in 2011 led to various conflicts across the Middle East and North Africa. Poor state building efforts entwined with lawlessness in Libya, allowed for migrant smuggling gangs to operate freely supporting the passage of migrants. Routes used were the Central, Eastern, and Western Mediterranean Sea. The Eastern Mediterranean route was typically used by nationals of Middle Eastern countries such as Syria whilst the Central Mediterranean was used by individuals from sub-Saharan African countries that transit through Niger and Libya to reach Europe. The requirement for asylum seekers to be present in the European country they wish to seek asylum from, entwined with the limited chances for legal migration to Europe (Pyonting and Briksman, 2015) pushes many to pay smuggling gangs to help their passage to Europe. The dangerous nature of this led to multiple deaths of migrants and their exposure to severe vulnerabilities. The EU has since looked for a solution to fight the business smuggling model to reduce deaths. Instead of allowing legal ways to travel such as the creation of safe humanitarian corridors to resettle migrants, the EU has chosen to externalise its migration policies to transit states such as Libya and Niger to fight human smuggling. Since 2015 however, smuggler arrests remain low, and the security policies aimed at such gangs have instead been directed onto migrants themselves.

In the context of Libya, the EU has worked to back Italy to implement humanitarian missions such as Operation Sophia and Themis to rescue migrants and return them back to Libya with the help of the Libyan Coastguard. This was cemented in the Memorandum of Understanding (2017-2023) signed by the Libyan and Italian government and supported by the EU. In 2015, Niger created and implemented an Anti-Human Smuggling Law to criminalise northward migration to Europe in return for foreign aid after talks with the EU. Finally, both countries are large recipients of the EU Trust Fund for Africa, which funds countries of transit to strengthen migration governance, dismantle smuggling networks and implement development programmes to give migrants less of an incentive to move in the first place. There is currently no consensus over the external issue of irregular migration amongst the countries of the EU. As Chapter 3 will explore, the notions of solidarity and the equal sharing of responsibility for refugees and asylum seekers are not defined in EU law (Radjenovic, 2020) therefore making it difficult for member states to be legally bound to this. The Dublin system makes it difficult for asylum seekers to seek asylum elsewhere in the bloc due to 'first entrance' rule of the system (Marin, Penasa and Romeo, 2020). Historically, southern EU states such as Italy, Malta, and Greece have typically held the

view that they are EU's 'dumping ground for the irregular migrants' (Fine, 2019). For these reasons, the EU has provided extra funding to help such states better deal with the pressure. Having said that, because irregular arrivals rose at an unprecedented rate in 2015, sea rescues by NGOS vessels were criminalised by these countries. NGO vessels saving migrants and bringing them to safety to Europe were seen as complicit in aiding the human smuggling networks operating in North Africa and the Mediterranean (Mainwaring and DeBono, 2021). However, in 2018, when arrivals decreased because of the policies implemented in North and sub-Saharan Africa, the discourse changed. There were promising signs of cooperation between EU member states around solidarity and ensuring that the asylum responsibility was shared across countries. Signs of cooperation and solidarity were shown through the ratification of the Global Compact for Safe, Orderly and Regular Migration (GCM) agreement on anti-discrimination, protection of migrant rights which most EU states voted for in 2018. In 2019, it was found that European voters did not find migration to be the most important issue YouGov (Wells, 2019). In that same year, French Emmanuel Macron announced that 14 Member States signed up to a solidarity mechanism that focusses on relocating migrants across other EU Member States (Fine, 2019). Despite these discussions, shared responsibility remains limited, and the outsourcing of migration control remains. There is a price to pay for the implementation of these policies in countries that have a questionable human rights record. These are discussed in further detail below.

1.1.2 Humanitarian Policies Gone Wrong Libya and Niger

The European Union is founded on 'the values of protecting life, freedoms, and liberties, and prohibiting the abuse of rights' (European Convention on Human Rights, 2013). As well as this, the Union has vowed to uphold these values with regards to its external relations and actions, all its policies including those aimed at financing specific projects (Treaty of the European Union, 2012). Article 21 of the Treaty of the European Union for instance holds that all external actions of the Union shall be guided by the principles of 'democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, equality and solidarity, and respect for the principles of the United Nations Charter of 1945 and international law' (Treaty of the European Union, 2012). Therefore, here, one can argue that as an institution, the Union respects human rights and was founded upon its principles. However, as this thesis explores, its recent external policies such as the MoU and the EUTF have not fallen in line with the principles protecting human dignity and rights. Instead, policies such as the MoU have allowed for the interception of migrants at sea which sees their subsequent return to Libya. Upon returns, migrants are said to be subject to various human rights violations and some sent back to the countries they flee from thus going against the Convention Relating to the Status of Refugees (1951) that discourages refoulement, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Nations Human Rights, 1984).

In a report conducted by the IOM in 2019, it was estimated that there were at least 641,398 migrants in Libya of which 65% were from sub-Saharan Africa (International Organisation for Migration, 2019b). The numbers rose to 653,800 migrants between January and February 2020, of which 67% (384,013) transited from Niger. However, numbers decreased to 574,146 between September to December (International Organisation for Migration, 2020a). Various factors have led to the differences in numbers. The impact of COVID-19 which further tightened security controls on borders in Libya and Niger, and a lack of economic growth have led to migrants moving into neighbouring countries such as Tunisia, Morocco, and Algeria where borders are less securitised. Many individuals remain also in Libya and are subject to human rights violations such as arbitrary detention and modern slavery (De Guttry, Capone, and Sommario, 2018). This thesis focusses on these categories as they go against the principles of respecting human dignity, freedoms, democracy, equality, the rule of law and human rights that the EU stands for. Through arbitrary detention, migrants are subject to physical abuse, kidnappings, and sexual abuse. The following sections below will give evidence for these violations which will be primarily drawn from human rights organisations such as Amnesty International, Human Rights Watch, the International Organisation for Migration, Médecins Sans Frontières and Relief Web. Additionally, extracts from personal interviews conducted with representatives from the EU Commission working on the issue of irregular migration will be utilised to see how and what steps have been taken to solve the issue.

1.1.2.1 Arbitrary Detention, Physical Abuse, Sexual Abuse and Kidnappings

Although detention itself is not a direct violation of human rights, there are limits beyond which detention would become arbitrary (Universal Declaration for Human Rights, 1948). Detention becomes arbitrary when individuals are deprived of their liberty without any judicial or legal basis. This thus poses a problem as under international law, which the EU subscribes to and basis its principles for its external actions on, an individual should not be subjected to arbitrary detention or any form of detention without trial. This is highlighted in Article 9 section 1 of the Universal Declaration of Human Rights where it states, 'no one shall be subjected to arbitrary detention, arrest or exile' (Universal Declaration for Human Rights, 1948). The section looks at arbitrary detention and further abuses experienced by migrants such as physical and sexual abuse, and kidnappings. Reports by Amnesty International suggests that the situation for migrants stuck in Libya is a dire one where they are trapped in a 'cycle of abuses' (Amnesty International, 2020a: 22), that commences when migrants leave their countries of origin, continues in the transit states, and further continues when they are incepted at sea and returned to Libya. Once intercepted, they are at risk of unlawful arrests from various groups in Libya such as militias, state security forces, private individuals, and, if arrested, they are placed in official detention centres run by the Directorate for Combatting Illegal Migration (DCIM) or unofficial detention centres such as those run by militias (Amnesty International, 2020b).

Since the implementation of the MoU in 2017, sub-Saharan African migrants have been subject to interceptions at sea by the Libyan coastguard which has maintained this 'cycle of abuse'. Migrants are not returned to their countries of origin: instead, they are handed back to Libyan security officials who hold them illegally (Amnesty International, 2020a). This has led to grave abuses where migrants are sometimes detained indefinitely. In *Libya: 'No one will look for you': Forcibly returned from sea to abusive detention in Libya,* Amnesty interviewed 43 individuals 32 of whom were migrants and refugees, and 11 individuals that worked for human rights organisations and detention centre staff. Of the 32 individuals, 27 were men and 5 were women from sub-Saharan African states such as Cameroon, Niger, Nigeria, Ethiopia, Chad, and The Gambia to name a few (Amnesty International, 2021a). The report found that intercepted migrants were returned to Libya and fell into the hands of centres run by militias affiliated with the GNA including the Public Security Agency (Amnesty International 2021a). The conditions in the detention centres were said to be inhumane with overcrowding, frequent lack of food, torture, beatings, sexual violence, and killings rampant across them. The report found that more than 30 men are crammed in single poorly ventilated holding cells with no room to sit, lay, or stand (Amnesty International, 2021a). In detention, there is a scarcity of food and clean water with access to other basic needs either limited or not available at all (Mixed Migration Centre, 2019). In 2020, a migrant at a detention centre in Zintan was burnt alive due to a fire that broke out because of the poor condition that migrants live in in the centre (Médecins Sans Frontières, 2020). A flash update by UNICEF in October 2021 found that in the first week of October, a mass security operation by the Directorate of Combatting Illegal Migration (DCIM) led to the subsequent arrest of over '5000 migrants including 255 children and 751 women' who were detained at Al Mabani detention centre (UNICEF, 2021).

In the context of Niger, because the Anti-Human Smuggling Law criminalised legal travel between other sub-Saharan African states and Niger, security forces at Niger's border entry points restricted travel for migrants seeking to enter the country or move upwards to Libya. It has been reported that even if migrants arrive in Niger with valid passports and identity cards, they are denied, asked to pay money, and tortured using electric shocks if they refuse (SOS-Torture Network, 2020). A report conducted by the United Nations High Commission for Refugees (UNHCR, 2020b) claimed that 70% of physical violence incidences were caused by security forces such as the police and the military on the West African route at borders (Niger). In areas such as Arlit, Agadez, Timbuktu and Gao, it was found that smugglers, thugs, and criminal gangs were responsible for physical abuses faced by migrants which resulted in their deaths (UNHCR, 2020b). A study into the overall conditions in detention centres and migrant health found that 190 detainees interviewed suffered wounds and burns linked with violence including beatings and electric shocks (Kuehne et al, 2021). Men, women, and children are all vulnerable to such abuses. When asked about the plight of migrants lives in Libya, the EU

representatives have acknowledged that human rights abuses do exist however in detention centres, however, there has been no move for detention centres to be closed. For example, during an interview with the Deputy Secretary-General for Migration, Borders and Security it was said that:

"The EU is fully aware of Libya's detention policy, which has led to horrendous human rights violations since the beginning of the conflict in Libya. Considering this, the EU has sought to use all instruments in its power to compel Libyan authorities to change their policy of detention, develop conditions for asylum that respect the core international human rights standards, and enact legislation that would protect the rights of migrants, refugees, and internally displaced persons in the country. Unfortunately, such officials struggle and refuse to comply with the said recommendations which leaves the EU in a difficult place. After all, Libya is a sovereign state of its own" (Deputy Secretary-General for Migration, Borders and Security, January 21st, 2021).

From the statement above, the EU Commissioner is aware of Libya's stance on the detention of migrants which shows an acknowledgement of the issue. At the same time however, the fact that this is known yet still cooperation with Libya for migration management persists, speaks volumes. This paints it in a contradictory light as on the one hand, it holds that ensuring core international human rights standards is important however, it is seen using a state with questionable detention policies to help it police and monitor its borders. Instead of compelling and engaging in discourse with Libyan officials, the EU could withdraw cooperation with the country, and discontinue the money used to enable the aims of the MoU to be fulfilled.

As well as arbitrary detention and physical abuse, it has been found that migrants have gone missing from official detention centres run by the DCIM, to unknown locations or unofficial detention centres in Libya. In 2020, it was reported by the NGO newsroom The New Humanitarian that migrants using the Niger and Libyan route were being intercepted and disappearing. The UNHCR in 2020 found that kidnapping was most reported along the North African route with smugglers being the main perpetrators (UNHCR, 2020b). It was found that through testimonies from migrants, that militias working with the Libyan coastguard were responsible for buying kidnapped migrants, selling them into slavery, or asking them to pay a 3000 Libyan dinar ransom for their freedom (Nashed, 2020). As well as this, it is said that rape and sexual assault and violence is perpetrated by various groups in Libya against migrant women, girls, men, and boys (Mixed Migration Centre 2019, Women's Refugee Commission, 2019). It is said that migrants that are intercepted are deterred from going back to their countries and instead, detained and sold into sex trafficking businesses in the country. The Mixed Migration Centre in 2019 ran a report on detained migrants and highlighted the risks they typically face. This was taken from a sample size of 5,659 migrants that were interviewed between 2017 and 2019. Most migrants, especially women, reported that they have experienced some form of violence whilst being detained in Libyan

detention camps. In another sample size of 5,064 migrants, it was found that risks such as sexual assault, physical abuse, kidnappings were not uncommon as shown in Figure 1 and 2 below.

Figure 1: Risks faced by migrants in detention
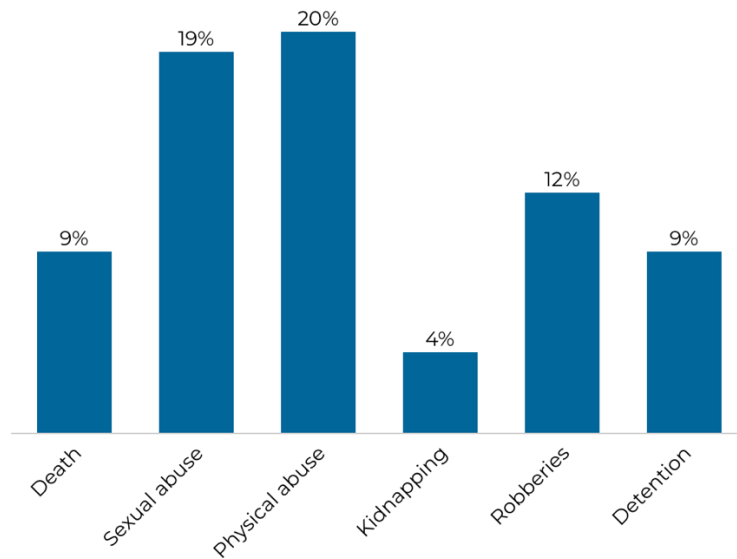
Source: Mixed Migration Centre, 2019.

Figure 2: Risks faced by migrants in detention
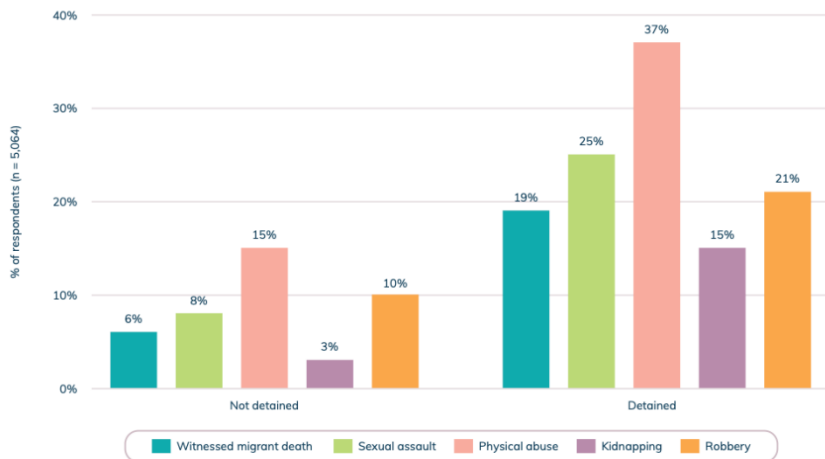
Source: Mixed Migration Centre, 2019.

The Women's Refugee Commission in 2019 found that sexual violence against women was common in the Central Mediterranean route however, violence against men and boy was rampant (Women's Refugee Commission, 2019). The Commission goes on to argue migrant groups are exposed to such risks from the point they leave their countries of origin, when they arrive in Libya, and when they reach Italy (Women's Refugee Commission, 2019). What is of concern here is that the EU continues to fund and empower the Libyan Coastguard. Italy continues to intercept and prosecute NGO vessels that help

save migrants. For these reasons, EU Member states need to look at a humanitarian mechanism that allows for detention centres to be closed and create humanitarian schemes to help resettle vulnerable migrants to safe countries.

Amnesty International (2021a) demonstrates that new detention centres including those that have been newly refurbished and re-opened through support of EU funds, have rampant cases of sexual violence against men, children and women that are intercepted as part of the SAR operations in the Mediterranean. Furthermore, the report argues that the DCIM which is an official Libyan government institute and the EU, have empowered the Libyan Coastguard, and have legitimised abuse by integrating two new detention centres under its structure where hundreds and thousands of refugees have disappeared in previous years by militias' (Amnesty International, 2021a). Similarly, in early October 2021, it was reported by the Norwegian Refugee Council that at least 500 migrants including children and women were rounded up, arbitrarily detained and are at risk of abuse and ill treatment (Norwegian Refugee Council, 2021) at such detention centres due to the fact that the Libyan government is able to secure funds to help keep the detention centres operating. Therefore, it is plausible to argue that such "rescue and humanitarian" efforts, are seriously putting lives at risk and achieving the aim of the EU which is to reduce the influx of irregular migrants. Amnesty International (2021a) interviewed survivors that argued that their human right violations commence from when the SAR missions are conducted at both the desert and at sea. Through videoed evidence on their phones, survivors argued that the Libyan Coastguard deliberately capsize migrant dinghies causing them to drown. They are transported back to disembarkation points where they are then transported to various detention centres across the country. Humanitarian aid that is given to them by EU partner agencies such as the IOM and UNHCR are confiscated upon arrival at detention centres, firing at those attempting to escape when being transported into the detention centres, and the continuation of ill-treatment and extortion when detained.

1.1.2.2 Modern Slavery

In August 2017, a CNN report postulated that migrants in Libya were auctioned and sold into slavery by smuggling networks, which continued within European criminal networks that recruit migrants for free labour on Italian olive and tomato farms (Mafu, 2019). Amnesty International (2020b) claimed that militias and rebel groups affiliated with the Libyan National Army (LNA) and the GNA continue to abduct migrants at disembarkation points, migrant hosting houses and detention centres (Amnesty International, 2020b) forcing them into slavery like conditions. This prompted the international community to condemn and express their outrage over the issue. The problem here is that historically, north Africans especially Libyans have held racial prejudices against sub-Saharan African migrants where most see having black skin as inferior and akin to slavery (Kemp, 2017). In the past, Muamar Ghaddafi branded Libya an Arab state and has branded sub-Saharan Africans as 'ignorant, barbarians,

inferior', and referred to sub-Saharan African leaders as 'slaves' (BBC, 2017). Therefore, it was not uncommon to see migrants being auctioned off for as little as 400 Libyan Dinars (which is equivalent to £64). What was uncommon however, was the scale at which this was happening. Consequently, it has been suggested that a "silent massacre" (Kemp, 2017) in Libya and the Central Mediterranean continues to prevail where sub-Saharan Africans continue to be sold, mistreated, and killed. Despite this evidence and condemnation, what is revealed is that the issue persists. When the CNN report was first circulated, Nigeria evacuated some of its citizens from Libya and President Alpha Conde of Guinea asked for crimes being perpetrated against sub-Saharan migrants to be punished (Ayoub, 2017). Yet, no further decisive and effective measures have been adopted to tackle the problem. Instead, African leaders continue to accept development aid in the form of various policies such as the EUTF, which repatriated migrants do not benefit from due to the structures of corruption ingrained in most African governments. This, entwined with the EU's role in enabling Libya to commit such crimes, does not give much hope to the future of those trapped in Libya. The CNN report highlighted the dangers of the Central Mediterranean route, and one could argue, prompted discouragement amongst migrants looking to continue with their journeys. A former Member of Cabinet and advisor to the former EU High Representative for Foreign Affairs and Security Policy Federica Mogherini, now Member of the Private Office of Commissioner Ylva Johnson in an interview collected for this paper asserted that

> "of course, the situation in Libya is appalling… additionally the work of the MoU, although it has helped reduced the number of people getting into inflatable boats, it has also created unintended consequences such as the exploitation of migrants and the abuse of their rights. This exploitation was famously revealed through the CNN report of 2017 of African migrants being sold into slavery usually by human traffickers and smugglers. This, and I know it sounds crazy but please bear with me, I think has helped change the mindset of people in several African countries' vis a vi migration through Libya. The numbers are down, and this is what we want" (Member of Cabinet and advisor to the former EU High Representative for Foreign Affairs and Security Policy, 3rd March 2021).

From the above quote, one can see that the EU representative acknowledges the atrocities in Libya however, there is no mention of what is being done to help stop the inhumane conditions that these migrants find themselves in. Instead, one could argue that the CNN report coming to light has helped highlight the dangers of the journey and what smugglers and traffickers are capable of. This does two things. Firstly, it averts the blame onto smuggling networks and scapegoats such groups as the main problem. Secondly it acts as a scaremongering tactic. The CNN report could be seen here as a deterrence measure or a securitisation tool that has helped reduce migrant crossings and deaths, and even potentially reduce further migrant journeys.

1.2 Literature Review

1.2.1 Introduction

It is not a novelty that EU policies towards irregular migration have typically focussed on security measures to thwart irregular arrivals rather than focussing on saving lives. Equally, this phenomenon is not new in the context of Libya and Niger. What is new however, is the scale at which this is happening, due to the new policies that have been adopted. The review of literature will look at the securitisation of migration at the EU level with particular focus on the internal and external policy changes that have signified that the EU has securitised migration. The second section will look at the literature on the securitisation of irregular migration Libya and Niger by the EU particularly literature around the MoU and Anti-Human Smuggling Law. The third section focuses on the EUTF Libya and Niger. The fourth section highlights key existing research that comes close to the aims of this thesis and its findings. The review then concludes by arguing that the EU has indeed securitised irregular migration rather than saving lives and has adopted a carrot and stick policy approach where it offers Libya and Niger development aid to persuade them to enforce migration governance. Such practices, if not fulfilled, carry with them consequences. Furthermore, the use of aid or economic means to persuade and influence other countries signposts neo-colonial element of control, exploitation, and abuse of power.

1.2.1.1 Securitisation of Migration by The European Union – Emergence of an External Dimension

The consensus in the literature is that the end of the Cold War became the turning point for the way in which states and people reacted towards migration in Europe (Buzan, 1991; Huysmans and Squire, 2010; Bello, 2014). Migration, after this, was thought to have a destabilising effect on European society and was seen as a danger to public order. Therefore, historically (or at least after the Cold War), there has been an emphasis on curbing large population flows to Europe. This section looks at the literature on the securitisation of migration on the internal level and external levels at the EU. It discusses developments within the home front that signify a move towards restrictive migration policies and securing borders (Huysmans, 2000). As well as this, it looks at the literature discussing how the external element of migration control developed through the needs to expand internal security efforts. As argued by Bigo (2000), internal security at the European level has gone through a widening process meaning that it now transcends national territories of the EU touching upon non-EU Member States and facilitating cooperation amongst them (Bigo, 2000).

Concerns were said to initially be around the Schengen Agreement (1985/1990) where internal border checks were stopped and movement around the Schengen area became easy for citizens of the European Union. However, the same did not apply to non-EU member citizens. As argued by Betts and Milner

(2007), a range of security measures have been adopted by the EU to curb irregular migration from non-EU Member States with Africa and the Maghreb being important partners for the EU. This range of measures signifies that the issue of securitising migration, because it is important on the EU agenda has spiralled in nature meaning. This ranges from framing migration as a security issue to using security practices to manage this (Betts and Milner, 2007). Bello (2022) discusses how migration is dealt with at different levels (state and non-state levels). It is argued that the securitisation of migration is not a linear process but a haphazard process that strengthens and self-fulfils the migration-security nexus (association and social construction of migration as a security). She uses a 'cognitive ontology' (Bello, 2022: 1327) to understand this association and found that state and non-state actors use prejudicial and inclusive cognitions to securitise and de-securitise migration. State actors are more likely to adopt the former whilst non-state actors are more likely to adopt the latter. For these reasons, scholars have argued that due to these attitudes, we have witnessed a fortress Europe externally (outside EU borders) thus confirming that migration has been securitised at the European level. By fortress Europe, we the restrictive measures and practices the EU uses to control its borders. This has become increasingly significant, as migration and asylum policies have become more stringent with the EU using categorical differences to decide who can come in and who cannot (De Genova, 2013).

The literature has therefore highlighted how developments in key policy areas at the EU such as the Schengen Agreement, the Dublin Regulations and the Amsterdam Treaty signalled a move towards a more restrictive Europe. However, the formation of the Justice and Home Affairs Council enabled the production of restrictive migration policies. As argued by Wolff (2017), the Justice and Home Affairs Council was

'initially thought of as a necessary step in developing the EU Single Market and building a free area of movement for people and goods services capital, the EU's internal security policy known as the Justice and Home Affairs has expanded thematically across policies and geographically beyond EU borders' Has regulated JHA around police cooperation, migration and asylum policies, border management and criminal matters. To provide security for its citizens as well as its internal borderless Schengen area, the EU has integrated further internal and external security dimensions' (Wolff, 2017).

Anderson looks at the development of regional integration at the EU level and the formation of key policies that enable this. He highlights the Single Europe Act which aims to dismantle the border controls within the EU and strengthen external border controls to monitor what can legally enter the European Union (Anderson, 1997). Rudge (1989) looked at European initiatives on Asylum and concluded that a wrong approach was taken within the EU where a 'fortress mentality' (p.213) was

pushed whilst ignoring the ways in which an appropriate response to tackling irregular migration could be achieved (Rudge, 1989).

Externalisation of migration policy and migration control has therefore been at the forefront of the EU and its Member States agenda to curb irregular migration. The Mediterranean Sea has acted as an important focal point for EU countries and institutions. As argued by Guerra and Tsardanidis (2002), the southern hemisphere is seen as a place from which threat arises from. The Mediterranean Sea therefore acts like a barrier between the northern and southern hemisphere to protect these threats from transgressing borders. These threats are in the form of political instability in Northern Africa and the Middle East, the presence of legal and illegal arms and weaponry, persistent conflict and war in the region, and the economic crisis within the region. Castells (2000) through a review of the causes of migration, and key issues surrounding migration such as development found that most state and non-state actors adopt short-term reactive policies towards migration. Globalisation he argues has led to more diversity and multiculturalism. Fortress Europe therefore emerged because of what Fuster (1988) and Ugur (1995) call the significant step in enabling freedom of movement for individuals from European Member States and restricting movement for nationals from non-EU Member States, that spiked due to increased globalisation.

Ugur (1995) argues that this is a representation of the 'insider – outsider' divide within the European Union (Ugur, 1995: 964). This enabled the proliferation of restrictive migration policies to reduce the number of people that come to the EU. To further externalisation, the EU implemented further policies and treaties such as the Treaty of Amsterdam (1997) and the Dublin Regulations (1997). Kostakopoulou (2010) explores the implementation of the Treaty of Amsterdam for instance and looked at the contents of it. It was found that the Treaty of Amsterdam cemented the discriminatory practices of what EU migration policy is now. He argues that the 'commutarisation' (pg. 639) of the Third Pillar allowed for 'exclusionary categories and the security narrative on immigration control' (Kostakopoulou, 2010: 639). Geddes (2000) found that issues of asylum and migration have been addressed at the European level in the context of 'internal security' with a special attention given to control and restriction rather than inclusion and acceptance (Geddes, 2000). Mitsilegas, Jörg, and Houndsmills (2003) explore transnational migration and the way the EU has constructed migration using a security lens. They do this by giving an account of the creation of the Justice and Home Affairs Council and argue that it is the Council that gives power for the policing of borders in Europe (Mitsilegas, Jörg and Houndsmills, 2003). Similarly, Bolten (1991) looks at the evolution of the Schengen Agreement to the Dublin Agreement and argues that agreements such as Dublin have made it difficult for vulnerable groups such as asylum seekers to seek refuge in Europe. He argues that due to the clause that stipulates that asylum seekers can only seek asylum in their first European country, it is impossible for individuals to seek asylum in different countries. Additionally, because of the restrictive and exclusory nature of the

agreement, this can deter individuals from applying for asylum due to issues associated with fear of rejection (Bolten, 1991).

The literature above does well in exploring the key dynamics of how EU migration policy has morphed from concerns at the internal levels to concerns at the external level. It does well in highlighting and establishing the emergence of exclusory measures through the formation of key institutions and treaties such as Justice and Home Affairs Council. What the literature here highlights, however, is that the securitisation of migration by the EU is not novel but a process that has slowly but surely been embedded within its internal and external policy measures. The literature above is time specific and does not take into consideration how EU migration policy has evolved. EU Migration policy now transcends agreements and pacts made by EU Member states to police their borders. The real issue is now at the borders beyond the EU and those that are non-EU Member States. The fixation here is really on such states and the prevention of people from these countries from entering. Finally, the literature gives us a historical background on the emergence of the securitisation of migration at the external and internal level. It does not, like this thesis does, offer us an account on the ways in which this has been applied to countries beyond the EU such as Libya and Niger.

1.2.1.2 MoU and Anti-Human Smuggling Law Criminalisation of Irregular Migration and Dismantling of Smuggling Gangs

As will be highlighted in Chapter 3, 4 and 5, after the implementation of the Anti-Human Smuggling Law (2015) in Niger and the MoU between Italy and Libya (2017), adverse effects have emerged for migrants. Discussions on the literature focus on the criminalisation of irregular migration and the dismantling of smuggling gangs. Here, the authors look at the consequences (intended and unintended) that have emerged because of the policies. In the 1990s, irregular migration from North and sub-Saharan Africa became a pressing issue for the EU with North and sub-Saharan African governments using it as an 'important card to play in the negotiations with the EU' (Lessault and Beauchemin, 2009: 163). Therefore, North African countries and countries in the Sahel have historically cooperated on fighting irregular migration and dismantling smuggling gangs. This, however, has evolved in nature. Initially, the EU focussed heavily on its sea border (the Mediterranean) but increasingly, it has focussed on land borders such as the North Africa and sub-Saharan countries (Papastavridis, 2010). The consensus in the literature is that dismantling smuggling networks is counter intuitive. This echoes the thesis' findings that smuggler arrests remain low since the policies target migrants and have not been able to dismantle the intricate and complex nature of smuggling gangs. The Anti-Human Smuggling Law criminalised all forms of smuggling in the region and even went an extra step of violating the freedom of movement clause in the ECOWAS Protocol for Free Movement of Persons of West African Migrants. The Memorandum of Understanding between Libya and Italy has set out to empower the Libyan Coastguard

to enhance their capacity and improve their maritime surveillance equipment to dismantle smuggling networks. This works by intercepting migrant boats and returning them back to Libya. The literature on such types of externalisations has showcased that externalisation policies are not effective in dismantling smuggling networks, deterring illegal entries, and carries with them consequences usually for migrants and not smugglers themselves. The literature thus far therefore focuses on assessing the policy failures. This is discussed further below.

Brachet (2011) in carried out field work between 2003 and 2007 to assess the ways in which EU policies have affected the livelihoods of those that live, and travel using the North African route and assessed the rise of human smuggling and trafficking in this region that started in the 1990s. It was found that despite the repressive EU policies that aim to harden borders in this region, irregular migration still happened and there were no signs of the phenomenon stopping (Brachet, 2011). In 2018, he argued that migration and mobility between the Sahel and North African region has historically, been irregular but not clandestine. Border police and other security personnel in the region were part of the business and were privy to what was happening. However, increasingly over the past years, he argues that the criminalisation of movement in this area has led to an increase in the human and financial costs of migrant journeys and has led to the manufacturing of more smugglers and smuggling g networks (Brachet, 2018). Wayne Cornelius (2004) looked at what went wrong with 'humanitarian' US policies to save lives between the US-Mexico Border. It was found that because humanitarian policies were in fact disguised security practices, lives were not being saved. Instead, it led to migrants using more dangerous routes, facing extortionate prices from smugglers, and impacted undocumented migrants already in the US (Cornelius, 2004).

This research is interesting because it highlights the same argument as this thesis in a different geographical setting. Migration control tactics can be similar in the West and that their main aim is to deter people from migrating irregularly. Molenaar (2017) discussed the struggles human smuggling gangs in North and sub-Saharan Africa pose for the EU. He looked at the pitfalls of using securitised measures to dismantle smuggling networks and found that in both cases of Libya and Niger, it is important to take into consideration that security forces, national and political elites, and local authorities are directly and indirectly tied to smuggling business (Molenaar, 2017). It is argued that smugglers do not act alone and any move to treat them as sole actors' risks increasing conflicts in this region of the world (Molenaar, 2017). Similarly, in 2018, Molenaar and Kamouni-Janssen looked at the relationship between irregular migration and conflict stability in Libya, Niger, and Mali. They found that EU policies that are currently implemented in these regions are asymmetrical because they do not take into consideration the diversity of intra-African migration, and that smuggling gangs are part of larger political economies (Molenaar and Kamouni-Janssen, 2018). Failing to take into consideration such factors render its policies useless because they fail to highlight the intricate links that exist between

migration, conflict, and stability in the region (Molenaar and Kamouni-Janssen, 2019: 1). In addition, Achilli (2016) echoes the same sentiments that the EU's focus on militarising its borders has resulted into an inadequate response to the phenomenon of smuggling which the Anti-human smuggling law and the MoU have in common. He argued that policy makers vilify smugglers and reduce them to mere 'evil geniuses' while failing to address the 'inner dynamics' of the migrant smuggling business and its intricacies (Achilli, 2016). Therefore, militarising borders is not enough to break the business model of smuggling.

Davitti (2018) looked at the role of Private Military and Security Companies (PMSC) and their role in shaping the implementation of the European Agenda on Migration launched in 2015. It was found that PMSC's play an integral role in the fight breaking the business model of smuggling. These companies were found to have operated in sub-Saharan African countries such as Niger and Mali. Davitti found that PMSC's play a crucial role in framing irregular migration as a threat, which leads to the adoption of military responses to tackle the problem. This therefore contributes to the acceleration of securitisation at EU borders (Davitti, 2018). Similarly, in the same year, she looked at the failures of securitising the Sahel. In a policy brief called *Why Securitising the Sahel Will Not Stop Migration (2018),* Davitti and Ursu problematise the EU rhetoric of 'saving lives at sea' and 'preventing migrants from taking perilous journeys. They argue that this is a tool used by the EU to justify the increased securitisation and militarisation of the Sahel region, whilst migrant safety is disregarded. Using Niger as a case study, they found that diversion of development funds onto migration control mechanisms, increased instability in the region, increased human rights violations and dangerous routes. Davitti and Ursa do well in focussing on the EU rhetoric and revealing it but, unlike this essay, they do not take a whole policy approach by analysing each part of the EUTF projects. Moreover, there is no analysis of the Anti-Human Smuggling Law to reveal how nuanced securitisation in this region is.

Venturi (2017) explores the idea that the EU has historically used the Sahel as an experimental ground. This he argued evolved from colonization, post-colonisation, development cooperation and now securitisation of the region (Venturi, 2017). He argues that EU support towards migration control and governance is part of the EU's emerging 'foreign policy that externalises the blocs security' (Venturi, 2017: 1) however, there is still a difficulty in achieving its aim of dismantling smuggling networks. Moser (2020) argues that this is because the Anti-Human Smuggling Law for instance, has promised to provide alternatives for smugglers such as financing for start-up businesses. However, it was found that this has not been the case and the roll out for start-up businesses has been incredibly slow (Moser, 2020). Stambøl (2020) explored the contradiction within the EU's liberal state-building agenda. She argued that the EU's liberal promotion of human rights, peace and democracy have increasingly coexisted with practices that are 'illiberal' (Stambøl, 2020: 287) such as increased surveillance, border control and militarising of borders. She uses Senegal, Niger, and Mali as case studies and found that

the borders of these countries have become a target for the EU, and that EU policies such as the EUTF have been ineffective at controlling what they want to control (Stambøl, 2020). Fontana (2022) echoes the same sentiments and argued that EU policy towards dismantling smuggling gangs reproduces that same thing it is supposed to constrain, that being smuggling gangs. This allows for further migration crises in Africa and creates further humanitarian vacuums (Fontana, 2022). Such claims are important for this it builds on these arguments

Basilien-Gainche (2016) looks at the financing of surveillance tools for countries in North Africa such as Libya to help police the Central Mediterranean and the subsequent deaths this has led to. She posits that policies such as the MoU highlight that the EU has adopted a 'banopticon approach' towards migrants at sea. By this, she means that advanced technologies have been given to the Libyan Coastguard by the EU to monitor migrant boats. This act of surveillance effectively criminalises migrants which in return discourages the EU and its Member States from offering help to migrants leaving them stranded at sea and thus violating international laws. (Basilien-Gainche, 2015;2016) Bilgic (2018) stresses the importance of adopting a human security approach to dealing with the humanitarian crisis that has emerged because of the policy failures in Libya. They argue that the EU's interest in human security has unfortunately been removed from its migration policies which has led to the suffering that has been seen because of policies such as the MoU in Libya (Bilgic, 2018). De Guttry, Capone, and Sommario (2017) looked at the MoU between Italy and Libya against irregular migration and dismantling smuggling networks. They found that there was an interplay between securing the national borders of EU Member States and balancing the need to protect migrant rights. It was concluded that externalisation measures are not the best with dealing with fragile transit countries like Libya (De Guttry, Capone and Sommario, 2017). Mancini (2018) found that the MoU highlights the urgent re-thinking needed by the EU and Italy to make sure that the protection of migrant's fundamental human rights. Through policy analysis of the agreement, they found that the parties involved are complicit in the abuse of migrant that are incepted and returned to Libya.

Loschi, Raineri, and Strazzari (2018) state that there is a lack of monitoring and evaluation across the implementation of the MoU which signals a 'lack of serious policy' (Loschi, Raineri and Strazzari, 2018: 25). The EU and its member states although aware of the pitfalls associated with the Libyan Coastguard, highlight that they are not interested in security sector reform in Libya but simply using its security forces to protect its borders. Therefore, by using this approach issues of coherency and sustainability might arise (Loschi, Raineri, Strazzari, 2018). Using Agamben's data on biopolitics and state of exception to understand the externalisation of migration in the context of Libya, Davitti found two things. Firstly, bilateral agreements like the MoU enables migration to be framed as a "crisis". Secondly, the EU uses humanitarianism to mask their inherently securitised hard measures towards irregular migration in Libya (Davitti, 2019). However, in Reviglio found that the MoU acts as a soft

law tool to manage migration. Reviglio rightly points out the MoU has a soft law because indeed, it acts as a legal binding bilateral agreement between two states. Additionally, these sentiments are also echoed by Minervini (2020) that the MoU is not a hard military agreement but a bilateral agreement on ensuring economic development for the regions that are affected by the phenomenon of irregular migration. The premise of this thesis agrees with Davitti's stance above and suggests that simply seeing it as bilateral agreement between two states is redundant. When CDA was applied onto the policy to reveal the subtext, it was found that the practices that are embedded in the law are militarised therefore, indicating that the MoU is a hard policy. The practices of the MoU are what make the law and these practices are what is being currently perpetuated by the Libyan government. This therefore contributes to the existing knowledge in this field.

Kruashvili (2020) looks at the effects of using weak states such as Libya as partners on migration management. He argues that because of the fragility within such states, adopting a policy that looks at dismantling smuggling networks becomes difficult because smuggling gangs are sometimes more powerful than state officials and state security forces. Therefore, the focus of these policies will most likely be re directed to the wrong demographic (migrants) hence why they are currently facing the brunt of the policies in Libya (Kruashvili, 2020). On the topic of weak and fragile states, Phillips (2020) through desk-based research, policy analysis and two interviews in Libya and found that there is a 'status quo' in Libya which is to accept migrant smuggling because it benefits the country economically. It was found that locals not only benefitted from the smuggling business, but that undocumented migrants in Libya act as a 'cheap source of exploitable labour which allows for local and national authorities to allow smuggling or turn the blind eye to it' (Phillips, 2020: 89).

Olivier (2015) and Diallo (2016) explored the 'brutality' of the Anti-Human Smuggling Law since its formation. They both found similar results that the law has not had positive effects on the livelihood of those that particularly lived in Agadez. In fact, it was found that the law enabled smuggling to evolve and operate in more dangerous manner. Moreover, they revealed that the law focussed on Agadez alone whilst disregarding smugglers that operated in cities such as Niamey, Dosso, and Zinder (Olivier, 2015; Diallo, 2016). Both Diallo and Olivier highlight the dangers of not taking a holistic approach to dismantling smuggling networks in Niger. For example, by focussing on dismantling smuggling networks in Agadez, the law becomes counter effective. Bisong (2020) looked at EU cooperation in sub-Saharan Africa however, in the context of Mali and Niger by analysing EU-Africa agreements on migration. It was found that the securitised element of the policies in Niger and Mali such as the EUTF, hinders the Economic Community of West African States' (ECOWAS) regional migration agenda which has led to restrictive border rules and practices in the region and does not allow for freedom of movement (Bisong, 2020). This work is close to this research in the sense that it rightfully highlights Niger as an EU securitisation hub and presents Mali as another outsourced hub used by the EU to

advance its migration control aims. However, where it differs from this thesis is that it does not offer the rich qualitative analysis that this thesis adopts to look at the subtext within the discourse to show how humanitarian policies have gone wrong.

1.2.1.3 EUTF for Africa Libya and Niger

As will be discussed in Chapter 3, the EUTF for Africa after its implementation in 2015, served as a migration crisis management tool for the EU. It combines humanitarian, security, and development efforts to tackle irregular migration and smuggling from Libya and Niger to ensures stronger migration governance. Scholars have looked at the policy in a bid to see if it is doing what it set out to do, that is ensuring development for countries in Africa. Therefore, attention has focussed on policy analysis where discussions are around policy efficacy. The discussions from the literature focus on general descriptions of what the EUTF is, the challenges associated with using development aid for migration control purposes, and the unequal balance of power that is embedded in the trust fund policy.

To begin, Barana (2017) looks at the EUTF for Africa as a whole and gives a descriptive analysis on the history of the fund and why it was implemented. It is argued that the implementation was a result of the signing of the EU-Turkey deal in 2016 which led to the closure of the Eastern Mediterranean route. Although Barana does a compelling job at describing what the EUTF is and how it essentially acts as a deterrence measure for the EU against irregular migration from the Central Mediterranean, he falls short on looking closely at the projects and analysing the intricacies of the sub-text that highlight the severity of securitisation. Restelli (2018) looks at the EUTF for Africa (Libya) as a tool used by the EU on to help reduce the flows of migrants and asylum seekers and argued that it is akin to development aid to tackle root causes on migration being used as a border control initiative. He argues that this approach is flawed, and development aid should sit independently from migration control mechanisms which have now been embedded in the approach (Rastelli, 2018).

Similarly, Pace (2016) focusses on the EUTF for Africa and its objectives and aims of improved border management. It looks to the Valletta EU-Africa Summit and how the issue of development aid to manage migration tackles the root causes of migration. Whilst this brief does well in describing the aims and objectives of the EUTF, it does not offer a whole assessment and analysis of the EUTF like this thesis has. More literature has pointed to the pitfalls of using a traditional development approach to reduce migratory flows and the principle of conditionality that has materialised to ensure cooperation on border control (Funk et al, 2017; Molenaar et al, 2017; Baldo, 2017). Arroyo (2019) examined the foreign policy aid policies like the EUTF in the EU's externalisation efforts and found that aid might potentially encourage migration rather than reducing it. This especially occurs when one has policies like the EUTF, that have a poor design. Therefore, good comprehensive policy design is the only way

in which aid can help stem irregular migration. Raineri (2018) found that the implementation of the EUTF in Niger for example, has in effect regularised human smuggling. Through extensive fieldwork, it was found that EUTF developmental policies in Niamey have focussed immensely on repressive containment measures rather than addressing root causes of poverty which development policy does. In a recent assessment on the evolution of EU migration policy, Stoccheiro (2021) argues that policies such as the EUTF are reductionist in their approach which causes consequences that emerge because of this to be overlooked. He argues that a complete reframing process is to be considered to ensure that policy achieves its aim of developing transit countries and not focussing on the security element of controlling flows of migrants.

The efficacy of the EUTF is explored further in a policy paper published by Tardis (2018). He argues that the ETUF is a financial instrument that has been framed a partnership and shared responsibility between the EU and Africa. However, principles of shared responsibility and partnership were limited, and control rested with the European counterparts. Furthermore, the African interests of facilitating legal migration routes for their citizens were often overlooked which could potentially have an impact on the efficacy of the trust fund. For example, Castillejo (2016) looked at the trust fund a year after its implementation to assess its efficacy. She found that a lot of emphasis was placed on EU interests and conditionality whereas African countries in which the trust is implemented, do not have much of a say. The policy she argued lacks 'flexibility, speed and innovation' (Castilejo, 2016: 2) and she argues that implementing monitoring and evaluation techniques can help make it a better policy for those that it is intended for, whilst maximising African interests. A report by the Danish Institute for International Studies found that the containment of migrants and refugees in regions of the world such as the Sahel and North Africa are not in the best interest of EU foreign policy. This is because policies such as the EUTF undermine human security for migrants that are moving (Nyberg et al, 2017). Similarly, Raineri and Rossi (2017) in a study in the Sahel and North Africa after the implementation of the EUTF for Africa found that high levels of economic growth and human development does not necessarily translate to reduction of migratory movements. As a result of this, development programmes aimed at reducing migration numbers are rendered futile (Raineri and Rossi, 2017).

Kipp (2018) found that there was an imbalance of power with the EUTF and argued that African state's interests were often overlooked whereas EU interests were pushed (Kipp, 2018). This imbalance of power notion was also supported by Bartels (2019). He found that after the Valetta Summit, more funding and support has gone to projects aimed at migration control practices. Secondly, projects intended for development cooperation, and that International Organisations, that are Western and European, are receiving most of these funds and implementing projects rather than the state themselves (Bartels, 2019). Similarly, Moretti (2020) looked at Agadez in Niger as a case study and found that the removal of local communities and authorities from the decision-making process of the EUTF has

resulted into tensions between local and national authorities. For these reasons, efforts to exercise migration governance in the Agadez region has been difficult (Moretti, 2020). Further highlighting the consequences of the policy, Abebe (2019) found that due to the securitised nature of the EUTF, insecurity has arisen for the residents of Agadez in Niger, it has resulted in more smuggling in the region and has contributed to further instability in the region (Abebe, 2019). Strange and Martins (2019) explored the way African leaders are positioned in an EU process like the EUTF. It was found that on paper, African counterparts were framed as in parity with the EU regarding the decision making and the work of the EUTF. Having said that African agency is minimal (Strange and Martins, 2019)

One article that comes close to one of the findings of this thesis's analysis on the EUTF is Frances Webber's work (2017). Webber shows evidence of securitisation and highlights the consequences of the EU's denial about what is going on in the countries such as Libya and Niger. Webber (2017) argues that instead of saving lives, the EU has had a role in sending migrants back to war zones which breaches various human rights conventions and treaties it is party to. Through case study analysis, she found that the EU has largely dealt with repressive states such as Libya, Niger, Sudan who are bribed through the promise of development aid, and investments in the country, and threatened if they want to withdraw by removing EU educational and health programmes sponsored in these countries. Although Webber does not carry out a full comprehensive analysis of these policies and programmes, she goes beyond the test of the policies themselves and simply describing them. Instead, she delves further and sees this as a clear outsourcing tactic. As she argued, it reveals the EU's 'wilful blindness to the realities of repression and refusal to contemplate the human rights violations that agreements have led to, which allows them to continuously blame smugglers rather than its policy failures deaths in the Mediterranean' (Webber, 2017: 50).

Kroon, McDougal, Verhoeff, and Wang (2020) conducted a qualitative study to assess the unintended and unanticipated consequences of the EUTF policy. Through interviews of EU diplomats and academics, it was found that unintended consequences such as 'increased border guard violence, increased organised crime of smugglers' (Kroon, McDougal, Verhoeff, and Wang, 2020: 6), worsening poor governance in transit countries and empowering repressive governments were things the EU did not anticipate and therefore, could not mitigate these effects. These unintended consequences are said to be something that EU policy makers are aware of however, there are currently inadequate risk management tools to manage this (Kroon, McDougal, Verhoeff, and Wang, 2020). The premise of this thesis however is that unintended consequences can only emerge if one is not aware of the pitfalls that are to come. If the EU is aware of these consequences, then they are intended and perhaps a necessary evil to achieve its aims of securitising its border and stopping people from coming. Therefore, Kroon et al are contradicting themselves by arguing that the EU are aware of these unintended consequences.

Overall, the current literature around the efficacy of the EUTF for Africa Libya and Niger consists of three things. Firstly, it focuses on broad and generalised descriptions of what the EUTF is. Secondly, the literature has not focussed on the policy implications and their consequences. Thirdly, as the policies are new, most work has been in the form of policy briefs, editorials. NGO reports, monitoring and evaluation of the policy, and working papers. This thesis differs from the literature as it takes a comprehensive approach using academic methodologies to analyse all the projects. It moves from simply looking at the policy's strength and weaknesses and looks at the discourse to reveal the exclusionary rhetoric embedded in the policies.

1.2.2 Migration Management as a Neo-Colonial Tool

Furthermore, through the revelation of such exclusionary practices, the thesis aims to establish that the EU has been able to exert control, power, and reinforce inequality towards Libya and Niger. As mentioned in the sections above, themes of control, and unequal distribution of power have emerged in the existing literature. For these reasons, it has been argued that the prevalence of this in EU migration policy is neo-colonial in nature (Cuttitta, 2018; Mainwaring, 2014; Palladino and Wolley, 2018). This thesis adds to this by arguing that instead of saving lives, the EU prioritises security and deterring migrants and whilst doing this, uses the policies as a neo-colonial tool to condition Libya and Niger into accepting migration management practices. The existing literature below discusses key themes addressed by the thesis such as the prevalence of security hubs, blame shifting mentality, deservingness and the crisis of solidarity that are discussed in Chapter 4,5, and 6. This this thesis argues, signposts to elements of neo-colonialism.

1.2.2.1 Securitisation Hubs

There is a consensus in the literature that sub-Saharan African states have historically been fund migration control mechanisms (Baldwin-Edwards, 2006; Van Criekinge, 2010; Dünnwald, 2011). In *Small States and Nonmaterial Power: Creating Crises and shaping Migration Policies in Malta, Cyprus, and the European Union (2014),* Mainwaring looks at the gatekeepers of irregular migration within Europe such as Malta and Cyprus and their role in controlling irregular migration. She argued that Malta and Cyprus as weaker states in Europe, have used their geographical positioning to their advantage. Because European states on the EU's political map are obsessed with curbing irregular flows, smaller states such as Malta and Cyprus exploit this to gain material wealth and boost their image on the European political map. The countries have used irregular migration and framed it as a burden and crisis on their societies to garner support. Going a step further, the status of Malta and Cyprus here could be compared to the idea of securitisation hubs. Here, one could take Mainwaring's idea and argue that securitisation hubs do not only exists at the internal level like Malta and Cyprus does, but it exists

on the external level too. Malta and Cyrus, much smaller and weaker states than those in Northern and Western Europe, have been used to further securitisation goals towards irregular migration. This is akin to Libya and Niger, the weaker external partners of the EU that have agreed to policies and projects to be implemented in their countries in return for financial benefits. Therefore, this signposts to neo-colonialism because it is an example of the EU using economical means to implement migration control in Libya and Niger.

1.2.2.2 Blame Shifting Mentality

In *Criminalising solidarity: Search and rescue in a neo-colonial sea* (2021), De Bono and Mainwaring look at criminalisation of humanitarian NGOs operating in international waters conducting search and rescue missions to save lives of those in distress at sea. It is argued that the EU has marked the Central Mediterranean as a new territory that it has occupied as its own to make NGO activities geared towards saving lives a criminal offense. The Central Mediterranean is effectively empty and European. The criminalisation of NGO activity in this space is justified on the grounds that NGO vessels act as a pull factor for irregular migrants as they help facilitate the easy passage of their journeys to Europe. Acting as this pull factor puts migrants at risk of taking the dangerous journeys to Europe thus risking their lives. Blame is therefore put on such organisations saying that they are responsible for putting migrant lives at risk and helping smuggler businesses to thrive. For such reasons, NGO activity has been seen from a negative light especially by Southern EU states like Italy and Malta, hence the European influence in the Mediterranean and the criminalisation. Going a step further and where this thesis aims to fill in the gaps is that the EU looks to shift the blame onto other forces like smugglers to escape the international responsibility it has to protect lives, whist at the same time using the sea as a deterrence measure.

Additionally, a special issue of literature collated by Mainwaring and Walton Roberts called *Borders, (Dis)Order, and Exclusion: Migration Governance at the Margins* (2018a) explores the importance of migration governance and poor policy design. The literature collates and analyses using a interpretivist approach by looking at migrant experiences, and the practices within migration governance policies and advance exclusion and uncertainty. The literature collated suggests that this exclusion and uncertainty is shown through the violent nature of borders whereby humanitarian discourse is used to mask securitised border policies. Like this thesis, a bottom-up approach is adopted to decipher the practices that are implemented because of the policies to try and showcase the exclusionary nature of the EU policies. This thesis looks at what has gone wrong with the policies to try and establish why the EU's claims that it is saving lives is having the opposite effect. Through Critical Discourse Analysis of the policies, it was revealed that there is a subtext of humanitarian discourse and practices that masks the security practices used in Libya and Niger to manage migration.

1.2.2.3 Deservingness

In *Governing migration from the margins (2018b)*, a review of externalisation literature, Mainwaring and Walton-Roberts find three overarching themes that emerged from migration crisis. Firstly, it was found that the law and sovereignty of states prevents and trumps the application of international laws to protect the rights of citizens. Secondly, states can control and determine what sovereign space is and how they use inclusionary and exclusionary laws to make space changeable for the purposes of migration control. States practice inclusionary and exclusionary practices making movement easy for some and more difficult for others. For example, neo-liberal states of the West are more likely to accept migrants that are 'useful' to their economies such as 'highly skilled workers', people of certain wealth and net worth whilst those who want to be protected and those that want to find opportunities are vilified (Mainwaring and Walton Roberts, 2018a). Similarly, in Transgressive Solidarity: From Europe's Cities to the Mediterranean Sea (2020), DeBono and Mainwaring looked at the juxtaposition of practices evident within and at the EU's borders that are said to be transgressive in nature (those that violate moral and social values) both at spectacular border zones (areas and spaces that have been sensationalised by the media and politicians). Solidarity works within the EU (local level) can sometimes produce exclusionary rhetoric of 'deservingness' or on the other hand, try to dismantle this rhetoric. The space of the Mediterranean works in two folds. DeBono and Mainwaring put this well by saying

> 'the EU operates here by activating the Mediterranean as a spectacular space of death and border controls in order to justify and promote its work. On the other hand, NGOs and activists in the Mediterranean make the sea less deadly, produce emergency narratives, and tropes of victimhood' (Debono and Mainwaring, 2020: 101).

Palladino and Wolley (2018) further confirm this stance and argue that deservingness features in EU policy towards irregular migration from the Central Mediterranean. In the context of this thesis, it is argued that because migrants from Libya and Niger are constructed as irregular, they are not deserving of protection.

1.2.2.4 Crisis of Solidarity

In *the Face of Revolution: The Libyan Civil War and Migration Politics in Southern Europe* (2011), Mainwaring comes close to looking at Libya as a space for securitising irregular migration and the role of the country in advancing the EU's externalisation practices. It looks at Libya's historical and integral role in the migration-security nexus and the removal of the EU's gatekeeper (Ghaddafi). This removal is said to have led to the unprecedented arrivals to Europe from Libya since 2011 and removed the force that willingly accepted intercepted migrants from Malta and Italy back to Libya. As the number of

arrivals rose, so did the discontent amongst Southern EU states which saw them call for more solidarity and efforts from those in northern Europe. This has therefore highlighted the fragility of solidarity between EU member states that has since become more nuanced, and the inability for the Union to agree on a common policy that has the sharing of responsibility at its core. Mainwaring here does well in exploring the historical relationship between Libya, the EU and Italy vis-a vi-migration control, the change in relationships between Malta, Italy and Libya on migration control, the situation after the fall of Ghaddafi and the construction of arrivals of Libya to Southern EU states like Italy and Malta as an 'invasion', and that the crisis of solidarity that has emerged. Where it differs from this thesis is that it looks at the crisis of solidarity that has emerged because of Ghaddafi being removed. Where this thesis goes a step further is by looking at the policies and bilateral agreements that have been put in place in countries like Libya to further highlight the nuanced ways the EU is working to move their perceived burden of irregular migration to other states. It highlights intense measures and practices that have emerged since the death of Ghaddafi in 2011 and albeit the removal of this gatekeeper, more sophisticated ways have been found to further advance Libya as the EU's primary migration management hub.

1.2.3 Gaps and Thesis Originality

The literature reviewed above has been instrumental in shaping the focus of this thesis. Although a lot has been written on the securitisation of irregular migration in Libya and Niger, this thesis looks to fill the gaps in the literature by:

1. Applying Critical Discourse Analysis to the MoU, Anti-Human Smuggling Law, and the EUTF for Africa Libya and Niger to reveal the implicit sub-texts, which show that through poor policy design, the EU has securitised migration and contributing to the issue of perpetrating abuse and loss of live at sea. This moves away from the broad descriptive and discussion around the strengths and weaknesses of these policies in the current literature that focus on all countries in Africa the EU liaises with vis a vi-migration management. Instead, a country specific analysis and comprehensive approach using academic methodology and methods is applied to the policies in Libya and Niger to reveal the exclusionary rhetoric embedded in them.

2. Presenting the MoU, Anti-Human Smuggling Law, and the EUTF for Africa Libya and Niger to highlight the 'carrot and stick' approach adopted by the EU where economic aid and other incentives are used to influence engagement in migration control. This has effectively transformed Libya and Niger into primary and secondary securitisation hubs used by the EU to stop irregular migration. The refusal of such engagement for these states has consequences and has contributed to the loss of life.

3. By arguing that the adoption of the above entwined with the transformation of Libya and Niger into securitisation hubs signposts to the elements neo-colonialism where the EU uses its political and economic powers to condition Libya and Niger into accepting and enforcing migration management practices.

1.2.3.1 Summary

The first section of the chapter situates the topic of this thesis, discusses the research question, and aims, and discusses the reasons why irregular migration through the Central Mediterranean has been securitised. It then provides a discussion on how this securitisation has had an impact on migrants in Libya and Niger. The aim of the section to help support and contextualise the argument of the thesis that EU migration policy has had a reverse effect where it has contributed to the loss of life. The second section of this chapter highlights the current work and thinking in the field of EU policy towards irregular migration in Libya and Niger and situates the argument and contributions that this research adds to the existing knowledge highlighted at the start of the chapter. The review of the literature commences by offering an overview of the externalisation measures taken by the EU over the years towards irregular migration. This showed that securitisation of irregular migration is not a new phenomenon but something that has evolved over the years. It then offers the current literature around the MoU and the Anti-Human Smuggling Law in Niger. Finally, the review of the literature offers the current thinking around the EUTF for Africa Libya and Niger. The review of the literature found that conditional aid, deservingness, a solidarity crisis, and the abuse of power were integral in the discussions around the policies. This therefore signposts to elements of neo-colonialism, where the EU uses its economic and political prowess to condition Libya and Niger to implement migration management.

1.3 Structure of the Thesis

To conclude, this chapter lays out the research question of this thesis, its aims and objectives, and the gaps in the literature the research aims to fill. Next, it highlights the reasons why migration has been securitised in Libya and Niger. Then, the section discusses the Central Mediterranean Crisis in 2015 and the crisis of solidarity that emerged within the EU that led to the adoption of poorly designed policies. Because of the difficulty for Member States to agree on how asylum requests are shared evenly across the EU, incoherent policies that have been outsourced to countries like Libya and Niger have been implemented deal with the irregular migration. This has led to consequences for migrants such as the violation of their rights mainly because of these countries poor track records around upholding human rights values. Evidence from human rights organisations clearly shows that these abuses are in the form of arbitrary detention, which exposes them to more vulnerabilities like physical abuse, sexual

abuse, kidnapping and slavery. It is evident that although such issues are known to the EU, limited steps have been taken to solve them.

This thesis presents and analyses its argument in the following sections:

Chapter 2 will look at the methodology and methods that were used to carry out this research. A qualitative methodology and methods were utilised, in this case Critical Discourse Analysis and semi-structured interviews. As well as this, the process of analysis will be described in greater detail. Furthermore, this chapter discusses the securitisation theory framework, and explains how it will be used to help support the analysis of the thesis.

Chapter 3 begins by giving a genealogy of the emergence of migration control in the EU and the way in which this has evolved over the years. Next, it provides an overview of the Securitisation of EU Migration Policy in Libya and Niger. As discussed at the beginning of the introduction, the securitisation of irregular migration in these two countries is nothing new. However, what is new is the scale at which this has been done and the sophisticated manner security practices have been embedded in the migration policies.

Chapter 4 provides an analysis of the policies in Libya. Here, CDA is applied to the policies to reveal evidence of securitisation. The policies analysed include the Memorandum of Understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking, and fuel smuggling and on reinforcing the security of borders between the state of Libya and the Italian 2017 (MoU, 2017), and the European Union Emergency Trust Fund for Africa Libya 2015 (EUTF for Africa Libya, 2015). It focuses on the thesis's claim that Libya acts as the EU's Primary Securitisation Hub rather than a hub for saving lives.

Chapter 5 does the same as above but for Niger. Again, CDA is applied to the policies to revel evidence of securitisation. These policies include the Anti-Human Smuggling Law (2015) and the European Union Emergency Trust Fund for Africa for Niger 2015 (EUTF for Africa for Niger, 2015). It focuses on this thesis's claim that Niger acts as the EU's secondary securitisation hub rather than a hub for saving lives.

Chapter 6 brings together Chapter 4 and 5 as securitisation hubs and shows how the EU blames smuggling networks instead of the failures of its policies for the human rights abuses, and discusses the consequences associated with this. It also develops the neo-colonial argument and aims to bring this out in the analysis. This is done through an analysis of semi-structured interviews, press releases and speeches. It was revealed that EU decision makers are reluctant to accept that their policies contribute to the suffering and deaths of migrants. Instead, they blame smugglers thus giving them the justification

to use their donor status to exert power and control and place conditionality on migration management. Therefore, this has led to the creation of a crisis for Africa, denied migrants their agency, led to new and dangerous routes, and forced migrants to return to unsafe countries.

Finally, chapter 7 amalgamates the findings of this research and shows the way my research adds new knowledge to the already existing literature. As well as this, this chapter discusses the limitation of my findings, avenues for further research and policy recommendations.

Chapter 2: Methodology and Theoretical Framework

2.1 Introduction

The aim of this chapter is to discuss the research methodology and theoretical framework that was adopted to answer the question of this research. The research question explored was '*To what extent do the EU's humanitarian policies adopted between 2015 and 2020 in Libya and Niger towards irregular migration prioritise security of borders over saving lives'?* The thesis adopted a qualitative methodology and used qualitative methods because they provided depth and detail and revealed the meanings behind the selected EU policies. The chapter is broken down into two parts. The first part discusses the methodology and methods which has been divided into three sections called research design, data collection, and data analysis. The first section focusses on discussing the research philosophy adopted, the positionality of the researcher, and the qualitative methodology that was used. Section two will discuss the data collection methods process the research adopted. Here, discussions will focus on the use of semi-structured interviews, the case selection, the sampling process that was adopted and the ethical factors taken into consideration to ensure the research was conducted in a fair and ethical manner. Section three discusses the data analysis process or in other words, how the methodology and methods adopted were used to analyse the policies and interviews used in this research. Discussions focus on the coding process that allowed for the establishment of the discourse frames used to analyse the interviews and policies, the triangulation process, and the software tools used to assist this. The second part of this chapter will discuss the theoretical framework of the research. Because it has been argued that the EU policies take a security centred approach, this research uses the securitisation theory which describes that irregular migration has been transformed into a security issue. The first part will discuss the historical linkage of migration and security. The second section will discuss the securitisation theory and apply its process to irregular migration.

2.1.2 Research Design

Research philosophy is defined as 'the development of a research assumption, its knowledge and nature' (Creswell, 2005: 8). These assumptions are based on the philosophising person's knowledge and insights that materialise because of their intellectual activity' (Andriukaitienė, Vveinhardt, and Žukauskas, 2018). In other words, research philosophy is the arguments, perspectives and beliefs held by the researcher regarding a particular phenomenon, and the ways in which this should be analysed and studied in their view. These contrasting perspectives are often referred to as research paradigms, which are 'perspectives or ways of looking at reality which create the frames of reference we use to organise our observations and reasoning' (Bailey, Hennink and Hutter, 2011: 11). Paradigms are said to contain the researchers 'epistemological, ontological, and methodological premises' (Denzin, 2008:

317). Mason (2002) suggests that ontology is realist in nature and addresses the nature of being or what reality is made of. She further argues that ontological perspectives that put forward that reality can be assumed to consist of meanings, perceptions, beliefs, and underlying motivations can be examined through qualitative research' (Mason, 2002: 15). Epistemology is referred to as the 'inquirer and the known' (Denzin and Lincoln, 2005: 13), and methodology is the way we acquire knowledge in the world or how we come to know something.

There are various research paradigms which a researcher can fall into and adopt based on their assumptions. Some of these include the positivist paradigm, interpretivist paradigm. The positivist research paradigm is seen as 'a scientific approach which places an emphasis on the objective measurements of social issues, and reality is assumed to consist of facts that researchers can observe and measure in an objective manner' (Bailey, Hennink and Hutter, 2011: 14). This paradigm typically adopts an epistemological approach whereby researchers formulate a hypothesis from a theoretical concept, operationalize and test the hypothesis by collecting empirical data' (Bailey, Hennink and Hutter, 2011: 14). On the other hand, and more importantly for this thesis, the interpretive approach claims that 'the social world can be interpreted in a subjective manner' (Andriukaitienė, Vveinhardt and Žukauskas, 2018). The main reason for this is that the paradigm 'recognises that reality is socially constructed as people's experiences occur within social, cultural, historical, political, and personal contexts' (Bailey, Hennink and Hutter, 2011: 15). Prasad (2005) suggests that although 'we are individually engaged in acts of sense making, we often do this from a wider social context, and constructions and interpretations are usually commonly shared and inter-subjective' (Prasad, 2005: 14). In other words, the paradigm holds that there is not only one reality but a multiple of realities as our experiences of reality are subjective. It thus questions the authenticity of positivism as interpretivism suggests that knowledge is value-laden (biased and subjective, as opposed to value-free unbiased and objective).

In the context of this research, the argument that has been put forward is that the EU has securitised its migration policies in Libya and Niger and by doing so, have infringed the rights of migrants. As discussed in the theoretical section, this thesis will use the securitisation theory put forward by the Copenhagen School which takes its premise from Social Constructionism. Securitisation is a form of extreme politicisation, where an issue such as migration, is constructed and seen in a specific reality. This thus allows for the adoption of extreme measures to tackle the issue. Migration, in black and white means the movement of people from one area to another for various reasons. However, various social and political contexts such as September 11, 2001, the London bombings in July 2005, The Madrid bombings in March 2004, the increase in criminal human smuggling networks, and large arrivals of individuals from different cultures have enabled the construction of labels placed upon the term. By this, we mean the 'political construction of migration has increasingly referred to the term as having a

destabilising effect and a danger for public order' (Huysmans, 2000). This has thus given room for a new interpretation such as security, to be attached to it. For example, increased migration has been linked to increased terrorist activity. Buzan, De Wilde, and Wæver (1997) suggest that it is a speech act that requires a legitimate actor or securitising agent, an existential threat, a referent object, and an audience that is ready to accept the issue as a security one.

Therefore, such research cannot be quantifiable as it will not allow for the motivations, meanings, and constructions behind the policies to be revealed. Epistemology stresses the notion that knowledge, throughout history, changes and is socially constructed' (Krauss, 2005: 759). For that reason, adopting an interpretivist paradigm which is inductive in nature will provide a more in depth and nuanced understanding of the research question. By induction, we mean means adopting a research question, generating empirical data, and generating new arguments whilst strengthening and refining the theory adopted. In addition to this, as mentioned above, the process of securitisation relies on the construction of perceived threats which then give room for the adoption of extreme measure to tackle those constructed threats. Therefore, using an interpretivist approach will allow for revelations on the 'processes behind a perceived reality, and its motivations and reasons for existing' (Maxwell, 2012: 15). The table below offers an illustration of the induction process that will be adopted for this research.

Table 5: Illustration of the process of induction

Observations	Securitisation of migration knowledge acquired from researchers reading on the topic area, and observations of the EU migrant crisis and establish patterns.
Research question	Researcher formulates a research question based on the patterns observed.
Data collection	Data is collected
Argument	A new argument or theory is formulated.

Source: Authors own illustration

2.1.3 Positionality

As well as the reasons mentioned above, another reason why this research has adopted an interpretivist approach is due to the positionality of the researcher in the wider political and social context of the study. Positionality refers to the researcher's worldview or 'stance in relation to the social and political context of the study, organisation, or participant group' (Brydon-Miller and Coghlan, 2014: 628). It encompasses how the researcher's background, identity, experiences, values, and assumptions affect the research. It is important to consider this in social research as it is vital to be conscious and address how our biases and experiences can influence the outcome of what we are studying. The first bias established was that the researcher was a migrant themselves, and that the country that they have

emigrated from is one where a vast number of citizens have lost their lives whilst taking the Central Mediterranean journey to Europe. Therefore, this is a subject that hits close to home thus opening room for biases. The researcher was fully aware of these pitfalls and therefore, implemented strategies to mitigate this such as being aware and recognising the biases and problems. This allowed for cautiousness and care to ensure that objectivity was maintained where possible. Furthermore, all interview questions were open ended meaning this gave room for all perspectives to be heard. The topic of the research, which is around securitisation, further restricted the researcher from having quick access to the participants interviewed. The researcher's positionality restricted them into having quick access to the participants interviewed. As this research focuses on securitisation, participants were unwilling to accept that migration at the EU level has been securitised and is resulting into deaths and gross human rights violations. This resulted into the researcher facing issues with pre-held conceptions by the interviewees about the researcher. For example, all five policy makers that were interviewed held the notion that the researcher, as an academic, does not understand the complexity of policy making and policy design. It was claimed that academics work on abstract theories whereas policy makers focus on implementing practical solutions to problems. As a result, interviewees were sceptical of being interviewed in fear of their words being twisted. The first step that as taken to mitigate this was to send the ethics information form of this research detailing the aims and reasons for this research. Second, consent was stressed as an important element of this research and all participants were given the right to withdraw at any time during the interviews. To further mitigate this, the researcher stressed the aims of the research that being the evaluation of the policies to investigate why they have not saved lives as they had intended to.

2.1.4 Qualitative Methodology and Critical Discourse Analysis (CDA)

Creswell (2013) states that the 'selection of an appropriate research approach and methods is based on the nature of the said research problem, the issue or theoretical underpinnings being addressed by any study, and the personal experiences of the researcher' (Creswell, 2013: 40). Therefore, as the theoretical basis of this thesis is based on securitisation, which is based on social constructionism, this research will adopt a qualitative methodology to assess to extent to which the EU has securitised its migration policies in Libya and Niger. A qualitative methodology refers to the analysis of experiences, motivations, interactions and communication of individuals and groups. As defined by Denzin and Lincoln (2011), 'it is a situated activity that locates the observer in the world' and is interpretive in nature as it allows a researcher to take 'materials from the world and try and make sense of them and the meanings and constructions that individuals bring to them' (Denzin and Lincoln, 2011: 54). An advantage of using a qualitative methodology is that it 'provides an in-depth and detailed understanding surrounding a subject matter and is able to reveal ambiguities that may be embedded in them' (Creswell, 1994: 45). In the context of this research, one of the aims was to look at EU migration policies and

show how the EU addresses the matter through a security lens. As migration is a controversial, contested, and sensitive issue, states, and supranational bodies such as the EU often adopted constructive ambiguity, or policies of strategic ambiguity on policies related to migration. What is meant by this is the language used with on these policies were ambiguous and it was down to the researcher to decipher the meaning behind them. This is shown for example in chapters 5 and 6 where the EU was found to have embedded a humanitarian frame and rhetoric in its migration policies that were found to be security focussed. As mentioned in Chapter 1, the EU states that one of the reasons for externalising its policies beyond its border is to ensure that lives are not lost at sea. However, the EU has not explicitly stated that migrants are seen as threat to the wellbeing of the Union due to the negative connotations such as that they are 'terrorists and overly depend on welfare state provisions' (Huysmans, 2000: 751). As a result of this, the language in the policy documents do not explicitly show securitisation towards migrants themselves thus the need for an approach that looks at these documents on an in-depth and detailed level. What it instead does is it framed smugglers as the threat and suggested that policies are aimed at this group. However, the policies have negatively affected migrants. Adopting a qualitative framework allowed for such revelations to be made which cannot be attained when a quantitative approach for instance is adopted.

A struggle that was encountered by using a qualitative design was the issue of bias and subjectivity. As stated in the positionality statement, the researchers background, and experiences as a migrant posed a problem when it came to the formulation of the interview questions. During every step of the process, the researcher had to be aware of their positionality to minimise the issue of bias in the analysis and conclusions made. This might have been different if a quantitative approach was adopted which is usually based on quantifiable data. However, extra care was taken to ensure that the interviews were carried out with rigor, to give a holistic picture of the issue. Additionally, this issue persisted when the policy documents were looked at. Here, there was a risk of subconsciously looking for language and words that are security related and disregard those that address other components. This is problematic because it completely disregards the other side of the story, narrative, or important factors, meaning that the validity of the research findings might be compromised. Again, a rigorous coding system based on the existing literature was adopted, and every single part of the documents were analysed to eliminate the issue of bias.

The thesis used Critical Discourse Analysis a tradition of discourse analysis, to answer the research question. Discourse analysis is described as a qualitative and interpretive research method used when studying and analysing written text or spoken language. As put forward by Johnstone (2002), the method has two components to it. It addresses 'discourse', as a 'continuous stretch of usually spoken language (although this can be text) larger than a sentence, often constituting a coherent unit such as a narrative' (Nunan, 1993: 5), and analysis as 'probing and scrutinising the given discourse in an explicit

manner' (Johnstone, 2002: 2-3). Discourse analysis emerged as a critique of 'knowledge based on one objective reality' whilst championing 'multiple versions of reality and multiple truths which are constructed through texts and language' (Morgan, 2010: 1). There are two main approaches in the realm of discourse analysis, and these are 'language-in-use' and 'socio-political' discourse analysis. Within these two approaches of discourse analysis, there are various traditions namely: Pragmatics, Conversation Analysis, Sociolinguists, Ethnography of Communication, Variation and Narrative Analysis, Functional Sentence Perspective, Foucauldian discourse analysis, and Mediated discourse. Language-in-use discourse analysis is said to be an area that 'focusses on the rules and conventions of talk and text within a certain context, and the micro dimensions of language, and grammatical structures' (Salkind, 2010: 365).

Socio-political discourse analysis on the other hand, is concerned with 'how language forms and influences the social context by focusing on the social construction of discursive practices that maintain the social context' (Salkind, 2010: 367). This approach is used in the social sciences and adopts the traditions of CDA, and Foucauldian discourse analysis. Foucauldian discourse analysis claims that 'discourse is a system of representations involving power and knowledge through language' (Morgan, 2010: 3). CDA contrastingly is 'deeply political in its analysis of societal policies and practices and shows how elites play a prominent role in reproducing dominant discourses' (Fairclough, 2001: 125). Brown and Yule (1985) put forward that CDA stresses the 'ability of language of not only saying or describing things but doing them and enabling them at the same time' (Brown and Yule, 1985: 146). What makes CDA different to discourse analysis is its ability to 'clarify how sociocultural knowledge is related to what he termed as speech acts' (Johnstone, 2002). Speech acts are 'utterances that have a specific purpose, which if analysed, conveys meanings and can cause a change' (Johnstone, 2002: 197). Therefore, Critical Discourse Analysis is critical in nature as it focusses on not only describing text and language, but takes into consideration the politics, ideology, and power than enables an utterance to have an impact and create change. This contrasts with discourse analysis that focusses on the describing and interpreting what language means.

Fairclough (1992) presents a model for CDA consisting of three categories which he refers to as dimensions. He argues that discourse has three dimensions namely text, discursive practice, and social practice. Therefore, any analysis that is done must be done through these lenses. In other words, he posits that critical analysis of any text should go through a 'description stage, interpretation of the relationship between the text and interaction, and an explanation of the relationship between interaction and social context' (Al Ghazhali, 2007: 3). This is because Fairclough assumes that language helps create change and can be used to change behaviour thus language is a tool of power. This premise has been re-visited further by Blommaert and Blucaen (2002) who put forward that 'discourse-as-text is the linguistic features and organisation of concrete instance of discourse, discourse-as-discursive practice

is discourse that is produced, circulated, distributed and consumed in society, and discourse-as-social practice is the ideological effects and hegemonic processes in which discourse is a feature' (Blommaert and Blucaen, 2000: 448). Fairclough argues this as 'language serving a purpose to construct particular political positions which entail unequal relations of power' (Fairclough, 1992: 370). The purpose of CDA is, therefore, to analyse both the 'opaque and transparent structural relationships of dominance, discrimination, power, and control that is manifested in language' (Blommaert and Bulcean, 2000: 449). In the context of this research, primary data in the form of policies were gathered, and critical discourse analysis was applied to them to decipher and identify elements of securitisation. In addition to this, CDA was applied to the interview data that was gathered to help the analysis and findings of this research. Because securitisation is a speech act, which relies, on an 'elite' or securitising agent to construct and utter migration as a security issue, and the ability for the securitising agent to convince an audience into accepting the matter as a security one, whilst successfully implementing measures internally and externally to address the issue. This means that various forms of power dynamics, manipulation, and coercion are used to successfully construct migration as a security threat. Therefore, CDA was better suited to assess the research question. In addition to this, policy makers and officials at the EU are of a certain calibre and hold certain positions in society. Therefore, they may not wish to be seen in a particular light as they have a credibility to uphold. As a result, they may not wish to reveal that EU migration policy has been securitised. For that reason, adopting critical discourse analysis helped reveal these dynamics.

An advantage of using CDA for the chosen research question is that it was effective at 'disentangling the different agendas of policy documents' (Ocler, 2009: 20). It is difficult to do this if a quantitative method was adopted as language is not quantifiable. This means that it cannot be measured as it is based around meaning. Moreover, due to the criticality attached to the method, it allowed for the revelation of the 'unspoken and unacknowledged aspects of human behaviour, decisions and dominant discourses that allow for and maintain a particular belief in society' (Morgan, 2010: 4). In the context of this research, the EU has increasingly put forward a humanitarian justification for why it has fortified its borders. As a result, the policies analysed, when initially read, did not present the security narrative immediately. Instead, the policies have been written and worded in such a way that hides the security elements or justifies the security practices as necessary to achieve the humanitarian aim of saving lives. The EUTF policy that focuses on development of communities in Libya and Niger was a prime example of this. Although on the surface one thought it was for the betterment of the communities and migrants, most of the programme implemented were either security focussed, or officials of such states were expected to stem migratory flows before they could have access to the benefits of the programmes. Critical Discourse Analysis on these policies therefore helped reveal evidence because of its ability to highlight the power dynamics that played a role in the process. As argued by Olson (2007), the methodology helps 'reveal what is going on behind our backs and those of others which determines our

actions' (Olson, 2007: 29), rather than just describing and interpreting text or what is spoken. Another benefit of using this methodology is that it has 'relevance and practical application at any given time' (Morgan, 2010: 4). This was beneficial for this research as it allowed the researcher to use the same method to analyse the data obtained from interviews. In the context of this research, semi-structured interviews were adopted to further understand the research question and CDA was used to analyse.

A consequence of having used this methodology to assess the question is that 'meaning is never fixed, and everything is always open to interpretation' (Morgan, 2010: 4). Although the results of this research conferred the premise that the EU has indeed implemented securitised migration policies, this might not be seen by someone else if the results were replicated. One could argue that the analysis of the policies and the interpretation of the interviews were based upon the assumptions made by the researcher with regards to what the words on the text and that were uttered mean. Therefore, one version of reality was presented. However, when one looks at the same policy documents that this research has adopted and the same discourse frames in which this research was analysed, consistent and similar findings will be made. Moreover, CDA has epistemological implications as knowledge throughout history, changes and is socially constructed. Therefore, there is not one answer to everything. In addition to this, if not done well, one could simply end up describing and interpreting text or interviews. Critical discourse analysis thus requires skill and expertise which if lacked by the researcher, may hinder the findings and results. However, the researcher has the required ability and efforts needed to ensure biased is minimised and reliability is maintained.

2.2 Data Collection

Having discussed the research design adopted, the purpose of this second section is to highlight the data collection tool used to collect data. By data collection tool, we mean the tools that were used to collect data that will support the assessment of the research question. It begins by discussing semi-structured interviews, the factors taken into consideration such as the sampling, the selection of participants, and the ethical considerations and guidelines that were followed. The interview transcripts acquired will be analysed using the CDA framework.

2.2.1 Semi-Structured Interviews

In conjunction to CDA, semi-structured interviews were adopted to help answer the research question. Semi-structured qualitative interviewing is described as a 'one-to-one method of data collection that involves an interviewer and an interviewee discussing specific topics in depth' (Bailey, Hennink and Hutter, 2011: 109). The researcher's purpose in this type of interview is to 'gain insight into certain issues using a semi-structured interview guide' (Becker and Bryman, 2004). A semi-structured

interview guide gives the researcher a template to prompt interviewees and gives them a chance to fully express themselves. This highlights the process of the interview. The process of a semi-structured interviews requires the researcher to ask questions and motivates the interviewee to express themselves and share their perspectives around a given issue. This helps one to gain 'a detailed insight into the research questions from the perspective of those recruited to take part in the interviewing process' (Hesse-Biber and Leavy, 2006: 128). Semi-structured interviews work well to help reveal how people make decisions, their beliefs and perceptions, their motivations for their behaviours and allows one to delve into contested and sensitive issues. To do this, the researcher planned and developed an interview guide, collected data by conducting the interviews, analysed the data collected, and discussed whether the findings concurred with the argument of research question. In the context of this research, semi-structured interviews worked well and revealed the motivations behind the EU's securitisation of its migration policies and highlighted the decision-making process that takes place for such policies to be implemented. A strength of using this method is that it helped provide 'detailed information' (Alvesson and Kärreman, 2011: 27). Incorporating the interviews allowed for more depth and scope on the topic and helped reveal the reasons why the EU has not been successful in saving lives. Interviewing representatives from the EU Commission helped reveal important variables that were not evident in the policy documents and allowed the researcher to ask follow-up questions about aspects of the policies that were not clear.

A disadvantage of using semi-structured interviews to study the research question is that the researcher required appropriate skills to 'establish a rapport with the interviewees' (Bailey, Hennink and Hutter, 2011: 131). This comes with years of experience which might be difficult for a PhD student to do. Moreover, as the PhD is a three-year project, this gave the researcher enough time to learn the skills needed to do interviews effectively. Another problem that the researcher faced is gaining access to the interview participants. Policy makers, or EU officials are elites therefore, the researcher had to adopt a careful approach. Elite interviewing requires thorough preparation, where 'specific individuals located and selected' (Jupp, 2006: 86). Firstly, the researcher had to be aware of who it was they wanted to interview and how they would react to the specific themes that are key to the research. As the EU is a large entity with different institutions, narrowing down the focus to those involved in the creation and implementation of the policies in Libya and Niger, or migration related areas was essential. Therefore, a screening process was adopted whereby those that have a relationship with the said countries such as delegations to Libya and Niger, in country representatives, Commissioners, liaison officers, were reached out to. This screening process was difficult as it was not easy to have access to such individuals. However, this was mitigated by initially approaching a migration analyst at Oxfam that looked at the efficacy of the EUTF projects in Africa. They signposted the EU's Whoiswho directory as the first point of contact. Additionally, 'access is also influenced by the research agenda' (Jupp, 2006: 87), and sensitive research agendas may pose a problem. The research agenda of this thesis is to show elements

of securitisation in EU migration policy, in a bid to show that the Union has increasingly treated migration as a security issue which has resulted into the loss of life at sea. Some EU officials were reluctant to participate, and the ones that did participate stressed the importance of all interviews being anonymised.

Moreover, the geographical location of Libya and Niger, and the security situation in these countries, meant that travel advise is prohibited to this part of the world unless essential. This is because there is a risk to the researcher's safety. Libya has an ongoing civil war and Niger is prone to terrorist attacks because of the Sahel conflict. More importantly for this research however, due to the situation regarding the Coronavirus Pandemic (COVID-19), the researcher faced more restrictions regarding travel and threats to their health and wellbeing. For these reasons, travel to Brussels for instance to conduct the interviews was not possible. This was detrimental to the research as speaking with participants face to faces allows for verbal and non-verbal cues to be picked on and allows for a greater degree of engagement. Additionally, by having the chance to travel to Brussels to conduct the interviews, more participants could have been sought thus expanding the participant pool. Therefore, a plan B was adopted where these interviews were conducted online. For that reason, virtual semi-structured interviews were adopted. gaining ethical clearance. Online or virtual interviews are described as 'a new and innovative interviewing method that is usually conducted using a computer-mediated communication such as video calling, messages, or emails' (Bampton and Cowton, 2002: 2). Online interviewing comes in different formats namely synchronous and asynchronous interviewing. Synchronous online interviewing 'resembles a traditional research interview in that is takes place in 'real time' or an environment such as an internet chat room' (Gaiser, 1997). This requires both the interviewer and interviewee to be present online at the same time, and questions asked in a traditional manner. Contrastingly, asynchronous online interviews are interviews conducted using emails. This works with the researcher obtaining the email address of participants and sending the interview questions to the participants. Participants are then expected to respond to these questions on word document and send these back to the researcher.

For this thesis, synchronous online interviews were used. An advantage of using online semi-structured interviews to study the research question is that they were cost effective and offered an alternative for problems that arose because of geographical constraints. As the interviews were conducted online, there was no need to travel to Brussels, Libya, or Niger to conduct the interviews. Therefore, as the researcher was 'spatially restricted' (O'Connor and Madge, 2001: 1) due to variables such as travel restrictions, online interviews offered a feasible alternative. In addition to this, as interviews were conducted online, there was no need to invest in equipment such a tape recorder to record participant's responses. The platform used, Microsoft Teams, has an in-built recording system which allowed for the interviews to be recorded. Another advantage of using this method for this research was that participants were given

the option to turn off their cameras if they wished to do so. Poster (1995) argues that the reason for this is because virtual interviews where a video is not present, removes 'visual clues about the person such as how they look, their gender, ethnicity, age' (Poster, 1995) which makes participants more comfortable to talk about their experiences. This absence of visual clues, however, could have an impact on the data collected. One can reveal a lot through visual clues which can play a vital part in contextualising the interviewee and give a holistic understanding of how these clues influence the beliefs they hold. To add to this, connectivity issues were an issue especially for the interview conducted in Niger with the EU Migration Liaison Officer. In the first instance, the Migration Liaison Officer's internet went down and had to reconnect to the call. This had the potential to disrupt the quality of the data collected thus hindering the findings of the research, however, they were happy to reconnect and start the interview again. Therefore, for virtual interviews to be successful and effective, both the interviewer and the interviewee were required to have a good level of technology knowledge and internet connectivity.

2.2.2 Sampling

With regards to the policies, the EU Commission website provided Action Fiches for all EUTF projects in Libya and Niger. In the context of Libya, this was readily available in English. In the context of Niger, the original Action Fiches were in French which were later translated into English by the researcher. The Anti-Human Smuggling Law of 2015 was accessed from the Ministry of Justice of Niger. The MoU was taken from the Odysseus Network which is an academic network for legal experts in migration and asylum in Europe. The participants of the study were drawn from a population of EU policy makers, analysts, and officials to EU delegations to Niger and Libya. They worked in migration related matters especially those geared towards Libya and Niger in particular. The researcher looked at the EU Commission because it is responsible for drafting up proposals for new EU legislation and implements the decisions of the EU parliament where laws of the Union and legislation are passed. The participants were recruited through the researchers and contacts and the official directory of the EU Commission (EU Whoiswho). A snowballing sampling technique was adopted where 'research participants were gathered through the identification of an initial subject who is used to provide the names of other possible participants' (Bryman, Lewis-Beck and Futing Liao, 2004: 2). Bryman, Lewis-Beck and Futing Liao (2004) suggest that this type of sampling method is used if the sample of the study is limited to a small sub-group of the population. Using such a sampling technique was beneficial as it was a good way to get to individuals that were otherwise difficult to reach. Access to EU officials was a difficult task, therefore having an initial contact that acted as a gatekeeper opened the door to various other participants that were used for the research. The first interviewee provided the details for the second interviewee and so on. Due to this issue of access, five participants were interviewed. These were a European Migration Liaison Officer for the EU Delegation to Niger, the Deputy Secretary-

General for Migration, Borders and Security, Member of Cabinet at the High Representative/Vice President Office (HR/VP), Section of Migration and Political Affairs Representative, Directorate-General Migration and Home Affairs Representative (DG Home Rep). Although small, the interviews were rich in data and saturation was reached very easily. Interview one lasted for 47 minutes and 58 seconds, interview two lasted for 36 minutes and 3 seconds, interview three lasted for 23 minutes and 28 seconds, interview four lasted for 28 minutes and 30 seconds, and interview five lasted for 27 minutes. After the transcription, the total number of words amounted to 4307.

2.2.3 Case Selection

The Libyan case study vis a vi irregular migration is a relevant case to focus on not only because it acts as one of the EU's land borders in Africa, but also because of the long history it has shared with the EU and its Member States on the issue of migration control. Due to its proximity to Italy, Libya has long been a favoured destination for smuggling gangs that operate in areas of human and drug smuggling between Africa and Southern Europe (Mangan and Shaw, 2014). Therefore, bilateral agreements and policies have historically existed to tackle this with migration control being one of the most important. Without going into too much detail here, President Gadhafi before the Libyan Civil War, ensured that those guilty of smuggling were punished and the Libyan Coastguard were empowered to protect the borders. His removal in 2011 allowed for the of migrant and refugees to Southern Europe, and smugglers operated on a larger scale because the Libyan States law enforcement agencies became debilitated (Tsourapas, 2017). Niger in a similar manner to Libya has been a route used by smugglers to help move migrants from West Africa to North Africa and subsequently to Europe.

The city of Agadez in Niger is the centre for migrant smuggling, with residents themselves profiting from the business. However, promise of funds from the European Union in 2015 led the Niamey government to adopt strict and stringent rules that criminalised all forms of movement in Niger (Molenaar, 2017) which has resulted in an economic breakdown in the country as smuggling of migrants was practiced by most. The analysis of the Anti-Human Smuggling Law and the EUTF in Chapter 5 and 6 revealed that the EU has therefore directed funds to encourage economic development in Niger. One might ask why these two cases were selected and no other African countries that the EU is known to be investing in with regards to migration control. The first reason is that Libya is the biggest country currently where EU funds are sent to stem irregular migratory flows. The analysis in Chapter 3 highlights that the EU invests a lot of money on security practices to stop irregular migration. Additionally, the discussion in Chapter 3 highlights that the Anti-Human Smuggling Law and the EUTF for Niger show that Niger is the biggest recipient of funds in the Sahel region for development aid to stop irregular migration. Therefore, there is a particular EU fixation on these two countries which is partly why this thesis labels them as the EU's primary and secondary securitisation hubs. Secondly,

there is not a very wide academic literature on the EUTF, MoU and the Anti-Human Smuggling Law. With reference to the EUTF, there has not been a study that looks at each project closely and applies a qualitative method to reveal the subtext of securitisation. The reasons for the case selection are explored in greater detail in Chapter 3 which offers a historical overview of Libya, Niger ad the EU, and the way in which their relationship regarding irregular migration has evolved to what it is now.

2.2.4 Ethical Issues

The researcher ensured that ethics remained an important aspect of this research. For the policy documents, no ethical issues were encountered as human participants were not dealt with. Moreover, the interviews required the researcher to address key ethical issues that arose during this research and how they were mitigated. By ethical issues, we mean challenges that may arise between the researcher and participants, that can be 'ethically challenging for the former' (Saniari et al, 2014). It has been put forward that qualitative research needs to be ethically sound. To ensure this, all researchers must ensure that that 'human participants are protected from harm, informed consent is obtained, deception does not occur, the privacy of participants is championed, and all personal data to be kept confidential' (Bell and Bryman, 2007: 55). An informed consent form was sent out to all participants that took part in the interviews, following the General Data Protection Regulations (GDPR) guidelines that all data subjects must 'give by statement or by clear affirmative action and agreement to the processing of personal data relating to them' (GDPR.eu, 2020). This form highlighted the aims of the research and discussion points which were presented on an interview schedule, who has access to the data gathered, and how and where the results will be published. It also stressed that participants are allowed to withdraw their consent at any time during the interviews and after. To add to this, participants were advised that interviews will be recorded however, these will be deleted once the research is completed. Personal details of participants were not published to ensure confidentiality.

2.3 Data Analysis and Production of Results

The data collected was analysed using Fairclough's three-dimensional framework and coding used in CDA to show elements of securitisation in the policy documents and the interview transcripts. Coding in qualitative research is said to 'organise and conceptualise detailed components of data into patterns by use of symbols and labels to identify an interpret elements that will feature in the analysis' (Payne and Payne, 2004: 36). This made it easier for the researcher to look at, understand and interpret the data that was being used. The sections below will commence by discussing how the coding was done and a justification of why the mentioned codes were selected. The section below will discuss the coding process.

2.3.1 Coding Process and Discourse Frames

The codes and discourse frames found in this research mean the words or phrases that symbolically attaches a summative, salient, and evocative attribute to the data (Saldaña and Omasta, 2016: 4) in the policies and interview transcripts. In the context of this thesis four overarching codes appeared salient which are *security, humanitarianism, human rights,* and *development*. These codes are the lenses which the EU uses to construct and legitimise irregular migration as a threat to Europe, whilst also painting itself as a humanitarian body that looks to save lives. Going back to the theoretical basis of this chapter, the process of securitisation happens when language or discourse is constructed and used purposefully to change policy and legitimise the adoption and use of extreme measures to ensure an existential threat is mitigated (Balzacq, 2009). The existing argument is that irregular migration is fuelled by smuggling gangs which are criminal, therefore security measures are needed to intercept boats, humanitarian ones are needed to provide distress migrants with emergency assistance whilst at the same time protecting them from human rights abuses. Development aid is needed in Libya and Niger to ensure that returned migrants have less of an incentive to move and will not turn to smuggling gangs. Table 6 below highlights the codes and their description.

Table 6: Definition and Characteristics of Codes/Discourse Frames

Discourse Frame	Definition/Characteristics
Security	A process that deters migrants from moving. This includes interceptions, increased border surveillance, increased use of military or coastguards to navigate and police territorial waters, implementation of security task forces, and provision of finances to train military personnel for border control purposes. This may also include externalization practices such as "voluntary"/forced returns, and integration of migrants in countries of transit.
Humanitarianism	This is a process that involves the act of saving human lives such as search and rescue missions (SAR), providing immediate assistance and relief for migrants in the form of medical supplies, hygiene kits, clothing, and food with the aim of ending human rights violations perpetrated against migrants in detention centres

	and Libyan communities. It is a form of an emergency response.
Human Rights	The protection of the basic rights of migrants such as ensuring their dignity, respect, protecting them from harm, arbitrary detention, torture, and giving them access to health and an education.
Development	The process of investing in migrant countries of origin and transit to ameliorate and eradicate the causes of irregular migration. This process also includes the creation of opportunities to improve the socio-economic situation of migrants both in countries of transit and countries of origin.

Source: Authors own illustration

It is important to highlight the emergence of the codes mentioned above and why these codes were used instead of others. The codes mentioned above are pre-existing codes that were adopted based on the reading and existing literature around the securitisation of migration discussed in Chapter 1 and Chapter 3. As concluded in both chapters, there is existing evidence that the EU has conditioned development aid on security practices to deter irregular migration, whilst using a human rights and humanitarian rhetoric to justify these actions. As argued by this thesis, the EU is stuck in dichotomy where it wants to secure its border however, the security style practices it is using to stem irregular migration are violating migrant rights which goes against the Unions' own principles. The thesis therefore adopted the pre-existing coding method, to decide upon which discourse frames to use. This means that the themes mentioned above came from the reading and literature around the mentioned chapters, where it was found that themes such as security, humanitarianism, human rights, and development were salient in the EU discourse. Additionally, after reading the secondary data in the policies and the primary data found in the transcribed interviews, there still emerged an interdependency between security, humanitarianism, human rights, and development in the discourse of migration. Migration is seen and always discussed with reference to security practices such as the control of borders. However, there is recognition for the humanitarian crisis a large influx of displaced persons can lead to and the vulnerabilities such groups can encounter whilst fleeing to safety. Finally, the reasons why migrants move in the first place such as economic, climate, conflict are taken into consideration thus fuelling the fixation on development projects to fix the issue.

2.3.2 Analysis of Policies and Interviews

Once the codes and discourse frames were established, they were used to analyse the documents. Each document was entered into statistical software NVivo to count the number of times each code was mentioned. This was done by using the definitions of the codes as illustrated in Table 2. This was then tallied and presented in the form of a bar graph to see which code/discourse frame the EU placed more emphasis on for each policy. Next, for each code, the most salient themes associated with the said code was established. In the case of *security* for instance, these were themes such as returns (voluntary/forced), presence of security task forces, training equipment and so on. Finally, the codes and the salient themes attached to them were analysed using Fairclough's three-dimensional model (text, discursive practice, and social practice) to interpret the meanings of the text and show evidence of securitisation. The analysis commenced by addressing the linguistic characteristics using tools such as, 1) interactional control, 2) the ethos of the text, 3) metaphors, 4) wording, and 5) grammar. Focussing on such grammatical and linguistic elements provide an insight as to how 'texts treat events and social relations and thereby construct versions of reality, social identities, and social identities' (Jørgensen and Phillips, 2002: 20).

For instance, describing irregular migrants as illegal and clandestine helps one create a negative and hostile reality which excludes them. Fairclough argues however, the most important aspects to look out for and consider when analysing text in this manner is the grammatical elements such as modality and transitivity. Transitivity focusses on how 'events and processes relate to subjects and objects' whereas modality focusses on the 'speakers' degree of affinity with or affiliation to their statement' (Fairclough, 2003: 21). In addition to this, the discursive practice or 'interpretation' is discussed, where the text is looked at analytically by addressing who and how the text has been produced. Finally, 'discourse-as-social practice' was analysed by showing the power imbalances, and elements of inequality that emerge from the analysis of the policies and interviews. The same codes and discourse frames were used to formulate and analyse the questions and response of the interviews. The questions centred around the codes used these to assess the efficacy of the policies that have been implemented in Libya and Niger. This meant that questions regarding security, humanitarianism, human rights, and development were framed to see which was the main salient issue. The latter part of the questions focussed on the efficacy of the policies. Transcripts from the first set of questions were used to support the analysis and the second set of focussed on the efficacy of the policies in the sense that the EU pushes the discourse that it is not responsible for the shortcomings of the policies.

2.3.3 Triangulation

Once data was collected using both methods, the process of triangulation was applied to explain the findings. Triangulation is 'the practice of using multiple sources of data or multiple approaches to analysing data to enhance the credibility of a research study' (Salkind, 2010: 1538). Triangulation

comes in four categories namely data triangulation, investigator triangulation, theory triangulation, and methodological triangulation. For this research, data triangulation was used which 'involves using multiple sources of data in an investigation or study' (Salkind, 2010: 1539) to ensure validity and credibility. The triangulation process for this thesis consisted of three steps to help reveal evidence of securitisation. Firstly, CDA was applied to the policies which revealed that securitisation was at the core of the policies. The second process involved using semi-structured interviews to confirm the findings in the initial analysis of the policies. The same findings were made. Finally, to strengthen these claims, further clarity was sought by using speeches given by the EU on the issue of irregular migration to see if the results and rhetoric were consistent. All three processes included using a coding system mentioned above to ensure consistency and reliability.

2.3.4 Use of NVivo

To help with the above, a computer assisted qualitative data analysis software called NVivo was utilised. This computer assisted programme has an inbuilt coding system that allowed the researcher to easily trace their steps. This process was led by the researcher where they were able to set up and customise the coding systems to suit the data that was being dealt with. Once the discourse frames were established, the number of times each discourse frame/code was mentioned in the policies was counted and presented in a bar graph. As securitisation is an emergency response, the counting of the amount of times security related practices for instance were mentioned in the data shows the hurriedness that comes with securitising migration. Additionally, NVivo allowed the researcher to demonstrate Critical Discourse Analysis on the policies by helping map out the key codes within each policy and if they fit into their respective discourse frames. Here, the researcher was able to explore the construction of the text and sentences. This helped reveal carrot and stick strategy embedded in the policies, which often-highlighted issues of inequalities, exploitation, and manipulation.

Summary

To conclude, the aim of this section was to explain and discuss the research methodology and method used to answer the research question of this thesis and provide a framework for how the results and findings in the analysis chapter were reached. The chapter explains the research questions, philosophy, and aims of the research. It highlights that a qualitative methodology and qualitative methods was adopted to study the extent to which the EU has securitised its migration policies, and the impact of this on the rights of migrants and offers justifications for this. The chapter concludes by discussing the factors that were considered during the data collection process such as sampling, case selection and the ethical issues. Finally, it discusses the data analysis adopted by the thesis. The second part of the chapter explores the research's theoretical framework and how this was used to answer the research question.

2.4 Theoretical Framework

The next section will discuss the theoretical framework that will be used to assess the question of "*To what extent do the EU's humanitarian policies adopted between 2015-2020 in Libya and Niger towards irregular migration prioritise security of borders over saving lives?* From the title of the thesis, the theoretical framework that was used is the Securitisation Theory. Originally coined by the Copenhagen School of Thought, (1997), the securitisation theory questions the traditional approaches and explanation around the concept of Security in IR that focussed on state security. The school looked to offer an alternative explanation to the traditional debates suggesting that the state alone is not the only referent object for security (Van Munster, 2020) and broadened the term of security to include not just military domain, but the economic, environmental, societal, and political domains. Going a step further, the school states that 'security is instead a speech act where the central issue is not if threats are real or not but the ways in which a certain problem can be socially constructed as a threat' (Buzan, De Wilde, and Wæver, 1997). The definition of securitisation offered by the Copenhagen School of thought is the most relevant to the aims of this study given the emphasis it places on speech acts and the adoption of security measures to solve the products of the speech act. The following sections below will give a brief account on the Security and Migration Nexus which discusses why security and migration are linked together. Next, it will explain the securitisation theory show how this same theory can be applied to explain the securitisation of irregular migration at the EU Commission.

2.4.1 Linkage of Migration and Security

There is a wide acceptance in the existing literature that migration in Europe has long been securitised. It has been argued that the rate at which the EU has linked migration to security intensified after September 11th, 2001, especially with regards to migration from the Mediterranean region which tends to border Middle Eastern States and North African States. Similarly, other events such as the refugee crisis from the Spanish Canary Islands in 2006 portrayed migration as a risk for the European Union. For that reason, instruments such as policies and EU institutions such as Frontex have been developed by the EU to tackle this migration-security nexus (Pinyol-Jiménez, 2012:39). These instruments and polices are said to have 'neglected their humanitarian facets' (Pinyol-Jiménez, 2012: 39). As a result of the Arab Spring in 2011, after the infamous reporting on the arrival of 25,000 Tunisian migrants in Italy, 'the media and public opinion described it as an invasion' (Monzini, 2011:4) due to the illegal way such individuals arrived in Italy. The following discussions below discusses what security means and how the securitisation theory came about. Then it will discuss how the securitisation theory can be applied to the question of this thesis.

Security, as a basic concept, is the absence of threat or danger and an overall process of being or feeling safe. Various scholars on security in the realm of Politics and IR have given various explanations on the idea of security. For example, Barry Buzan in *People, States and Fear: An Agenda for International Politics* (1991), suggests that the idea of 'security studies is concerned with threats to the survival of states' (Buzan, 1991: 11). Here, Buzan focusses on the issue of *National Security* where states are worried about existential risks to its wellbeing. Kenneth Booth in *Critical Studies and World Politics* (2004) suggests that security is the 'absence of threats' to ensure the safety for people and states. However, Ole Wæver in *Securitization and Desecuritization* (1995) suggests that security as seen through the years, is not only concerned with the "absence of threats" for states. Albeit important, security goes beyond the 'state or national security and encompasses other issues such as the environment, humans, economics, and society' (Wæver, 1995: 47). More importantly however, he asserts that security is a process that comes to being due to different existential threats that may arise or are deemed to have arisen. Security is thus an elusive and contested concept as there are differing views as to what it is, how it comes about and overall, what constitutes it.

In the 70s and 80s, discussions in IR focussed on the need for definition of the concept of security. The end of the Cold War which saw the subsequent collapse of the former Soviet Union saw a shift in the way security was defined and discussed. Security during this era, was defined in a traditional manner with a focus on military threats. However, the end of the Cold War saw an emergence of new security threat such as civil conflicts which led to the subsequent increase in migratory flows (Stivachtis, 2008). Furthermore, in the begging on the 21st century saw an emergence of more threats. For example, after the events of September 11th, 2001, a new threat emerged that being Islamic Extremism. The utterance of former US president George Bush that there was a "global war on terror" led to an increase in fear amongst US and EU citizens around otherness and multiculturalism (Modood, Triandafyllidou, and Zapata-Barrero, 2006). This led to an increase in the tightening of border controls and policies to protect the national sovereignty of states. For these reasons, as argued by Bigo and Guild (2005), migration becomes a security issue in two main ways. Firstly, because it is an 'international security issue' it affects international border security because offenses such as smuggling, trafficking and other irregular types of flows have the propensity to occur. Secondly, migrants, no matter what category they fall into (refugee, asylum seeker, economic migrant), are seen as an 'internal security' matter and a threat to the internal workings of the state such as its public order, social services, and employment opportunities (Bigo and Guild, 2005).

2.4.2 The Securitisation Theory

As argued by various thinkers from the Copenhagen School of Thought, something becomes a security problem when another person or party deems it or states it as such. Wæver argues that a 'security

problem is any development that threatens the sovereignty or independence of a state in a rapid fashion' (Wæver, 1995: 54). He argues that this is a form of 'panic or emergency politics' where the threat is met with the mobilisation of the maximum effort' (Wæver, 1995: 54). For example, death by terrorism or terrorist attacks are less likely than deaths by car accidents. However, due to the existential threat and negative connotations attached to terrorism, and the extreme politicisation that has been given to it, people fear dying from terrorist attacks more than they do for car accidents. This process, however, goes along with a certain formula involving different entities. By deeming a development an existential threat, 'the state is able to claim special right over this development, which will always be defined in a manner the state seems fit' (Buzan, De Wilde, Wæver, 1997: 78). They go on to argue that 'a state-representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it' (Buzan, De Wilde, and Wæver, 1997: 80). In other words, the state can take normal political developments and construct them in a way that removes it from its normal political realm and attach it to an emergency entity. This allows the adoption of extreme measures to control the issue. For securitisation to be effective, Wæver argues that four components in the figure below are needed:

Figure 3: Theory of Securitisation
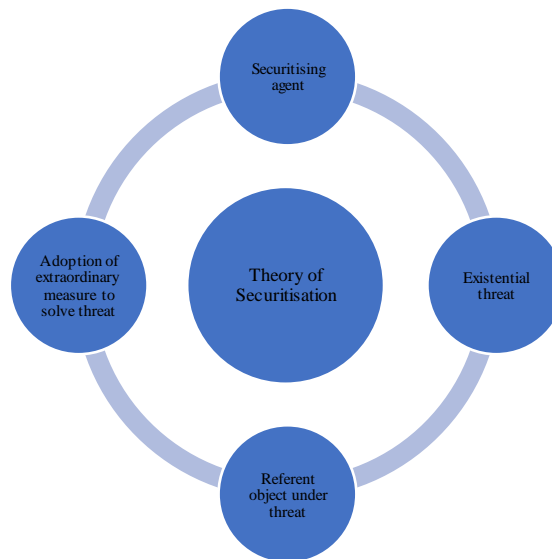
Source: Buzan, Jaap De Wilde, Wæver, (1977)

1. A legitimate actor or securitising agent. This can be a politician, or law maker that has a degree of elite legitimacy.
2. An existential threat or potential development that is deemed to cause instability.
3. A referent object which can be a state, its people, its politics, culture, values, and economy.
4. An audience that is ready to accept the existential threat as a potential risk that can damage their wellbeing (Buzan, De Wilde, and Wæver, 1977: 35).

The process above by Wæver et al will be discussed in further detail below and applied to the premise that irregular migration has been securitised. Here, the chapter will deconstruct who the agent(s) in the EU is, what or who the threat is, what referent object, if any, is being targeted, and who the audience is.

2.4.2.1 Securitising Agent

When discussing the European Union, it is important to establish whether the union is a stand-alone actor that has ultimate power in the decisions it makes, or if it has no power at all and is dictated by the decisions of its member states. Additionally, one must consider which EU institute securitises migration as the EU is an entity with different institutions. Firstly, it will be argued that the EU is a partial actor, that gains its actorness from its member states because member states hold a lot of power. Therefore, it is plausible to suggests that the EU's actions are a result of negotiations that result from its member states. Secondly, the thesis focusses on the EU Commission because it is responsible for drafting proposals for new policies and legislation and implements the outcomes of such policies once the EU parliament. The MoU is an agreement between the Italy and Libya. Moreover, the EU has provided financial support and have backed its implementation. Founded in the 1950s, it is an international governmental organisation formed as 'an economic and political partnership between 27 member states, to allow goods, services, and its people to move freely across national borders of its member states' (European Commission, 2020a). The EU, like most IGOs, is not a state, but a political entity brought together by different member states. Looking at it from a Realist perspective, one would argue that 'the EU is neither a state nor a political entity. Therefore, it is in no position to act rationally which limits it from becoming a fully-fledged actor in the international system' (Richard and Van Hamme, 2013: 15). All member states in the international system are and remain sovereign. Therefore, subscription to International Governmental Organisations (IGO) does not suggest that states are willing to give up their sovereignty to let IGO's decide on policies. This could be argued to be the case for the EU. To confirm this premise, one does not have to look far. Although EU values stress on humanitarianism, EU member states such as Hungary have tightened and closed their borders to migrants. Therefore, it is plausible to argue that EU member states still have power to knit pick at how many individuals they want to let into their borders. Great Britain for instance, have only resettled less than 20,000 Syrian refugees since 2013. More recently, the crisis in Greece has amplified where thousands of refugees hoping to cross from Turkey, have been vehemently denied access. Therefore, here, it is plausible to argue that the EU is not a securitising agent rather, it is the member states and their leaders that make up the EU that have this legitimacy. Therefore, it is thus plausible to argue that 'migration is likely to be managed as a facet of European foreign policy, tailored to accommodate different interests in different geographical areas' (Ceccorulli, 2009: 7).

The success of securitisation Wæver argues, is achievable due to the discursive nature of security or in other words, because security is a *speech act.* This is because 'elites or legitimate figures declare and utter something which consequently becomes a security issue' (Lipschutz, 1989: 78). The process of this utterance, as argued by Wæver in *Security the Speech Act* (1989) 'is the act itself because by saying it, something is done about it' (Wæver, 1989). As 'a result of the power structure within states, Buzan, De Wilde and Wæver argue that 'state leaders and elites hold an advantaged position over defining security threats' (Buzan, De Wilde, and Wæver, 1997: 32). Therefore, as argued by Balzcaq (2005), the success of 'securitisation does not necessarily depend on the existence of the existential threat alone, but on the discursive ability to effectively endow a development with such a specific complexion' by a charismatic legitimate figure (Balzcaq, 2005: 171). An example of this is the discourse around the war on terror. In 2001, after the bombing of the twin towers in the US, President Bush's famous war on terror speech focused on strengthening Al-Qaeda's stance as a terrorist organisation. The attack on the World Trade Centre and the crashing of a flight into the Pentagon, gave a good justification that an existential threat was imminent. Bush, a legitimate figure, was able to use emotive language to argue that these events were an existential risk to the West and its citizens. Bush constructed that Al-Qaeda were "at war" with the West which was used to justify the military invasion in Afghanistan.

Similarly, in the context of this thesis, even acts such as mass people displacement can be constructed as a risk by leaders. For example, since the influx in refugees arriving in Europe in rubber dinghies, refugees have been constructed as a risk to the well-being of their states by various influential individuals. The typical depiction or image of a refugee according to the United Nations High Commissioner for Refugees (UNHCR), is any 'person or persons fleeing war or is fears persecution due to his or her religion, race, nationality, political interest, and most likely cannot return home or are in fear of returning home' (UNHCR, 2020b). Therefore, here, one can argue that refugees are a humanitarian not a security concern. However, various legitimate figures in the EU have deemed such groups as threats. For example, Hungarian Prime Minister Victor Orban famously 'attacked the EU's migration policy by portraying refugees as a threat to Christian values', and even going as far as saying that 'receiving refugees is akin to importing crime, terrorism and homophobia' (Herța, 2017: 286). As a result, Hungary is a key EU state that have fortified their borders since the influx of refugees in the region began. This therefore shows that, no issue is a threat, but anything can be constructed as one because of the speech act behind the process' (Huysmans, 2006: 16). The same can be applied to irregular migration from sub-Saharan Africa via the Libyan and Niger route. The 'irregularity' that has been attached to individuals fleeing gives room for scepticism to grow and the potential for it to be deemed a security issue. Moreover, such groups have been securitised based on factors surrounding where they are from, the colour of their skin, and their religious affiliation.

2.4.2.2 The existential threat

Buzan, De Wilde, and Wæver, (1997) argue that for an issue to be successfully securitised, an existential threat must be imminent to threaten a said referent object. Post-war Europe saw nation states adopt a strategic move to allow individuals into their countries. As states were hit hard by the war, skilled individuals were needed to help rebuild economies. As a result, this saw a high influx of individuals across other parts of Europe move across to other European states. As Ceccorulli puts it, migration was not seen as a danger because there was a need for 'hands to trigger production, after the World War and endowment differences within countries were at the basis of the bilateral contracts signed at that time' (Ceccorulli. 2009: 7). In the context of post-war Britain in 1945, the British government deemed that 'migrants would be good stock' (Onslow-Cole and Whitbread, 2017: 8) to the re-building of the British economy. As a result, large numbers of individuals migrated to Britain from most of Europe and The West Indies. This influx later amplified in the 1960s and the 70s. where migrants were welcomed from places such as India, Pakistan, and other Commonwealth nations. Therefore, migration and migrants were not seen as a problem at the time because they were deemed to be beneficial to the reconstruction of economies. However, as the years progressed, migration to Europe and migrant have been viewed in a negative way. Going with the British example yet again, Liz Fekete (2001) in *The Emergence of Xeno-Racism* argued that since the late 90s, there has been a surge in 'Xeno-racism, which is a type of racism that arises out of the West's demonization of asylum seekers, refugees, and migrants' (Fekete, 2001: 25). She goes on to argue that 'states and other supranational entities are racist, and have a role in criminalising, excluding, and discriminating against asylum seekers' (Fekete, 2001: 32). This is typically seen through the oppressive style policies and strategies taken by European states to 'curb' irregular migration. In the context of the EU, and in the context of this thesis, the said existential threat is irregular migration. Irregular migration has been seen as a threat to the wellbeing of EU member states. Going a step further, it will be suggested that the forces that facilitate irregular migration, that being the smuggling networks, are also framed as a threat to the EU. Therefore, in the discourse around irregular migration, there are two existential threats.

2.4.2.3 The Referent Object

As argued by Buzan, De Wilde, and Wæver, further success of the securitisation process relies on the 'referent object being effectively threatened by a perceived risk' (Taureck, 2006: 55). This thesis will suggest that with regards to the securitisation of migration in the EU, the wellbeing of the union's member states is deemed to be threatened. The referent object in this case, is not just one thing but consists of different institutions in European societies that make up the states. Things such as national borders, national Identity, environmental Space, Culture, and even Health, are aspects of states. Therefore, it is important to establish that different referent objects may arise as a state typically has

different institutions. The irregularity often associated with the way migrants have crossed the Mediterranean since 2013 has been seen by some EU member states has been seen as violation of their borders. State sovereignty is deemed important and such moves creates a panic for states. As a result, EU member states have argued that state sovereignty is now very fragile. Going a step further, the referent object could also be extended to the risk to life in the Mediterranean Sea. The EU uses the rhetoric that it wants to save lives to mask its security practices.

Furthermore, and more importantly for the thesis, this has led to a situation called the 'militarisation of borders' to protect national borders. This has been done in various ways such as 'the physical fortification of borders where barb wired fences are built, the increase of military personnel at borders, increase in surveillance techniques such as biometric checks, to harden and protect borders' (Johnson and Jones, 2016: 187). In addition to this, migrants are a 'heterogenous group meaning that they come from different cultural backgrounds' (Léonard, 2010: 234). Therefore, their presence in European societies means that different religions, customs, values, and ideals merge as one. This, however, is unwelcomed as it can be seen as destabilising the status quo or "normal" European ideals and values which are typically white, Christian, and European. Most migrants speak a different language to the EU nations they find themselves in. This poses various issues. In 2017, a United Nations report suggested that the main obstacle faced by migrants wanting to cross into EU borders is the fear of a difference in cultures and religions held by EU member states. Refugees from the Middle East, North Africa, and sub-Saharan Africa where Islam tends to dominate suffer the most. There is often a misconception within groups in EU countries that Islam equates to terrorism and as a result, scepticism has risen. The UN states however:

1. Little evidence suggests that terrorist organisations use migrants and refugees to commit terrorist acts or that these groups are more prone to radicalisation.
2. There is no evidence that migration leads to increased terrorist activities.
3. Securitised migration policies are restrictive and violate human rights. This may in fact, create conditions conducive to terrorism (United Nations, 2017).

As a result, there is no need to create and construct fear. However, following the European elections in 2019, Margaritas Schinas was elected as vice president 'for Protecting our European Way of Life' to the president of the EU commission Ursula von der Leyen. His role includes maintaining the rule of law, migration, and internal security in a bid to 'protect the European way of life'. This brings to light very problematic questions such as who or what threatens the European way of life, and what is the European way of life. One thing one can distinguish here is that however, 'migration is seen as a threat to the EU way of life and further perpetuates that EU ideals must be protected from external cultures' (Trilling, 2019). The language in the title is exclusionary but most importantly, one must note the power

and influence a president and a vice president have. Such individuals are the key policy makers, approve and implement them. If decisions and perceptions change at the top level, the bottom level can also change. Studies have shown that in southern and eastern European states, there is a negative view held by most towards Islam and Muslims.

Furthermore, another core element of the state typically deemed to be at risk from irregular migrants is the economy. It has been argued that the "migrant crisis" has had a financial burden on state economies. As it stands, 'economic sustainability is key for EU border states whose economies have been hit by debt and are facing unemployment crisis' (Dullien, 2016: 1). States such as Italy and Greece are key border states and routes that migrants from the Mediterranean use. As a result, such states that are struggling to deal with their own internal issues might struggle to deal with an influx in displaced persons. Therefore, this might explain the growing scepticism over migrants in the union. In a study conducted in various EU states by Simmons, Stokes, and Wike (2016), it was found that based on a survey of 1000 people, individuals felt that the migrant crisis has hit their economies and raised unemployment rates. 65% in Italy, 82% in Hungary, 72% in Greece, 75% in Poland and 46% in the UK of respondents concurred to this belief (Simmons, Stokes, and Wike, 2016). However, looking at the economic costs one could argue that the EU migrant 'crisis presents a long-term economic opportunity for European nations to overcome their problems related to the aging workforce' (Poddar, 2016: 43). Most EU member states have an ageing population therefore, having individuals move into the continent could in the long run be beneficial for their workforce.

2.4.2.4 The Audience

According to securitisation theory, the success of securitisation comes from the audience and the ability of the securitising agent to convince them that the referent object is at risk. The audience is 'any persons or groups in society that the securitising agent attempts to convince with regards to the adoption of extreme measures' (Buzan, De Wilde, Wæver, 1997: 41). Therefore, it is important to distinguish who the audience is, and in what way an audience takes part in and accepts the construction of security threats. Critics of the Securitisation Theory have argued that 'the theory has been rather vague in their explanation and analysis of the audience, where it has ignored who the audience is or are, and what their role is' (Leonard and Kaunert, 2011: 65). More importantly, Balzcaq (2005) asserts that the 'identity of an audience is dependent on their connection to the legitimization and authorization of security speech, and by their position within different phases or 'settings' of securitisation processes in question' (Balzacq, 2005: 173). According to the securitisation theory, the audience is an 'individual' or a 'group' that has the power and the ability to 'authorise the view of the issue presented by the securitising agent and legitimise the treatment of the issue through a security practice (Côté, 2016: 541). However, not every social group in these member states are susceptible to internalising and accepting

the securitisation of migration discourse. For example, research has shown that important things to note are that the 'identity of an audience varies widely' (Côté, 2016: 546) because it is 'highly dependent on the context of the securitisation process in question' (Côté, 2016: 546). This can be dictated by the political climate in which the securitisation process finds itself, or the grievances felt by individuals and social groups at that said time.

Research has found that in liberal societies, individuals were less likely to accept the construction of securitisation processes' (Floyd, 2011: 427). Looking at the European context, since the end of the Arab Spring which started the influx in migrants reaching the continent, various issues and grievances have come to light. For instance, it has been argued that ethno-nationalist identities, although having existed in various European communities before, have spiked since the rise and influx of refugees into the region' (Postelnicescu, 2016: 203). Ethnonationalism is a type of nationalism that places the importance on ethnicity at its core, and the idea individuals in the same that nation share the same heritage. Secondly, it has been argued that there has been a sharp increase in the presence of far-right beliefs and preferences since 2011. Davis and Deole (2017) in *Immigration and the Rise in Far-Right Parties in Europe* posit that Far-Right parties have been on the surge in European nation states since 2002. Both authors focus on the spike in Far-Right sentiment since late 2013 by focussing on countries such as Great Britain, Hungary, Greece, Italy, Switzerland, Austria, Belgium, Germany, France amongst other states. They found that 'continued rapid migration fosters additional support for far-right parties and ethnonationalist identities that support them' (Davis and Deole, 2017: 15). Far-right movements use the ethnonationalist rhetoric to 'support their perceived threats to national identity translated into nostalgia for the past based on ethnic homogeneity' (Elgenius and Rydgren, 2017: 583). Elgenius and Rydgren (2017) suggest that individuals that have this identity, were more likely to see migrants as the "other", barbaric, and unable to integrate into European societies. As a result, individuals from such social groups, were more likely to ascribe to securitisation processes by accepting and internalising security threats. In the context of this research, the EU, whilst acting as a securitising agent, adopts a double role where it also acts as the audience. This is because it can legitimise the response towards irregular migration through adopting security practices. After having contextualised the process of securitisation of irregular migration, the figure below demonstrates that securitisation of irregular migration by the EU looks like for this thesis.

Figure 4: Securitisation of Irregular Migration at the European Commission
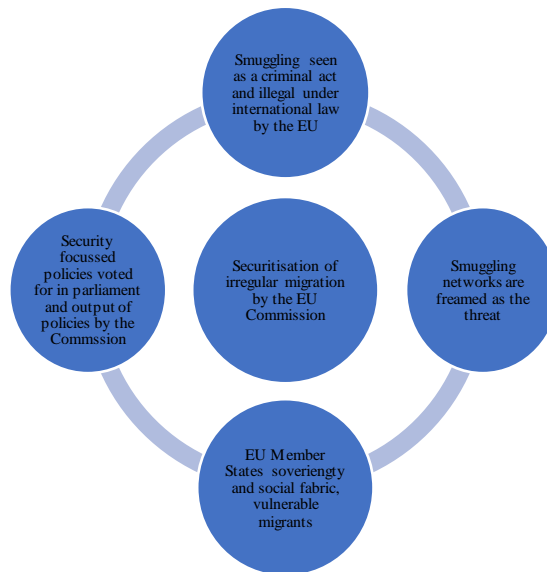
Source: Authors Own Illustration

2.5 Conclusions

This chapter has outlined the methodology and methods that will be adopted to answer the research question '*To what extent do the EU's humanitarian policies adopted between 2015 and 2020 in Libya and Niger towards irregular migration prioritise security of borders over saving lives?* This is presented into three sections which discusses the research design adopted, the data collection methods used, and how this data was analysed, and the results produced. The second part of the chapter has outlined the theoretical framework that has been adopted to help answer the research question. The thesis applies the securitisation theory used by the Copenhagen School to show that the current humanitarian policies of the EU are not humanitarian but security oriented. The next chapter outlines and discusses the evolution of EU migration policy from politicised to securitised. The aim of this chapter is to focus on the internal EU structures, treaties, and agreements that show this. Moreover, the chapter looks at way in which migration has become part of the EU's foreign policy with particular focus on Libya and Niger. Here it explores the idea that securitisation of irregular migration in the two countries is not new as the EU has had a historical relationship with Libya and Niger in the fight against irregular migration. The chapter is essential for the analysis that will be presented in Chapter 4 and 5 as it allows for the substance of the chosen cases (Libya and Niger) to be revealed and helps to compare how this evolution has occurred and what is now new.

Chapter 3: Evolution of EU Migration Policy and EU Foreign Policy in Libya and Niger and the Issue of Irregular Migration

3.1 Introduction

The aim of this chapter is to highlight and discuss the genealogy of EU migration policy, situate its importance and how it adds to the overall arguments of the thesis. It aims to explore the internal structures of EU vis a vi migration and provide an explanation on how such structures have led to restrictive policy and practice. The argument that this chapter takes is that migration policy has historically gone through a process of restriction, and that cooperation between the EU and non-EU member states such as Libya and Niger is not novel. Therefore, the chapter will be split into two sections. The first section presents the genealogy EU migration policies which looks at the internal structures that led to the formation of restrictive policies. The second section looks at the specific relationship between the EU, its Member States, Libya, and Niger on migration cooperation and management. The first section aims to demonstrate how the internal structures within the EU have led to the formation of restrictive migration policies. Therefore, the first section will focus on highlighting the evolution of EU migration policy at the institutional level. To start, the section will give a brief explanation on the two key concepts within the migration discourse at the EU, that being 'freedom of movement' and 'third country nationals' and how these are the basis of restriction of movement at the EU.

The section will then look at developments from the 1990s where increased migration occurred, and a common EU understanding and framework was adopted on various issues including migration. These treaties will include The Maastricht Treaty 1992, and the Amsterdam Treaty 1997, the Treaty of Lisbon 2009, and the Dublin (ii) and (iii) Regulations. Finally, the section will highlight the EU's development of key institutions such as Frontex, its European Border and Coast Guard Agency which was established in 2004 that is central in its fight against irregular migration. The second section of the chapter will focus on the way migration issues have become a part of the EU's foreign policy. Here, it will argue that we have witnessed a process of Europeanisation of external migration, where EU migration policies have been outsourced, and 'migration has been given a foreign policy dimension' (Giddes, 2005). By this, the chapter means that the EU has incorporated migration control and management in its foreign policy agenda, which in turn has been adopted by states that do not have a European culture. The EU has historically done this in two ways. Firstly, the EU has addressed this through security cooperation with key states such as Niger, Libya, and Turkey, by the signing of key bilateral treaties, specific to migration, to manage the issue of migration. Secondly, its foreign policy with such countries which was once concerned with issues such as development, trade, the economy, and welfare, are now conditional on migration management.

3.2 Evolution of EU Migration Policy from Maastricht to Dublin

3.2.1 Maastricht, Amsterdam, and Lisbon

The European Community, which is now known as the European Union, deemed border controls on individuals, goods, and capital as an obstacle to free movement. Therefore, there was a need for such constraints to be lifted, and to ensure that the free movement of people is a key principle. Freedom of Movement, or sometimes known as the Free Movement of People, is an internal EU law implemented in 1951 which stresses the rights of EU nationals to move about freely, settle, and work in other EU member states. As argued by Guild (1999), the 'Free Movement of People ensured individual liberties for EU citizens were connected to economic activity but more importantly, ensured non-discrimination and removal of constrains on free movement' (Guild, 1999: 8). This is reiterated in Article 24 of the Euroepan Economic Area Regulations, where it states that 'all Union members residing on the basis of this directive in the territory of an EU member state, shall enjoy equal treatment with the nationals of another member state' (European Economic Area Regulations, 2016). Various rules and regulations apply to EU individuals because of this directive such as the right of entry and exit to any EU member state without a visa, right of residence in an EU member state for up to three months, where one is not entitled to any social benefits for this period. At the end of the three-month period, conditional residence is guaranteed if one finds suitable work and can sustain themselves. After a period of 5 years, permanent residence can be obtained, and one is treated the same as nationals of the host state. However, states are still free to set their own rules with regards to this and various EU member states have different requirements.

Third country nationals are defined as 'those that belong to a country that is not a member of the European Union and are not permitted to enjoy the right to freedom of movement' (Regulation EU 2016/399), have faced what some have termed as a "collective restrictivism" (Tholen and de Vries, 2004: 5). In comparison to EU citizens, the admission of third country nationals' rests upon the decisions of the said EU member state around which individuals from which countries are allowed to enter, stay and find employment (Kostakopoulou, 2002: 450). This was true in the 1950s and the 1960s which saw EU member states such as Germany implement its *Gastarbeiter* program between the 1950s and the 1970s, in a bid to boost its post-war economy. Former member state the UK also opened doors to migrants from the Commonwealth countries between the 1950s and the 1960s during the period of decolonization. Such programs were 'facilitated and formalised through agreements between an EU member state and the third country, with admission restrictive to certain people with specific qualifications' (Apap, 2002: 309). The Oil Crisis in 1973 however, influenced the economic wellbeing of EU member states. As a result, states wanted to take a step to curb migrant flows. However, residents

that moved to Europe under the guest worker programmes increasingly settled and became permanent residents. Such individuals applied for settlement schemes such as family reunifications which is a fundamental component of the European Social Charter of 1961 (De Valk and Van Mol, 2016). Such third country nationals gained the right to settle in EU member states however, other groups of migrants such as refugees, asylum seekers, students, amongst other groups faced increased restrictions. This led to greater discourse around the issue of migration being securitised with some suggesting that it 'indicated the start of a fortress Europe' (Bigo, 2002: 65). In the 1990s, various events accounted for the rise in migrants across the Union. World events such as the end of the Cold War and the breakdown of the former Yugoslavia, led to increased migration to places such as Germany, the U.K, Sweden, and France. Movement within the EU for EU citizens was easy however, entrance into it from outside states became increasingly difficult. This was also due to the 'unification of the European Market, which imposed strict border controls and visa regulations, which in turn increased irregular migration' (Hansen and Pettersson, 2022:120). Events as such prompted the EU to strengthen the issue of migration as part of its policy and thus, security became a focus. This led to the implementation of various treaties such as the Maastricht Treaty (1992), the Amsterdam Treaty (1997), the Dublin Convention (1997) and the Treaty of Lisbon (2009), discussed below.

Having outlined the two concepts, the rest of the section explains the treaties that emerged from the 1990s to what we have now and explains the evolvement of the restrictive nature of migration policies.

Established in 1992, and formally known as the Treaty on the European Union, the Maastricht Treaty was signed in 1992 and came into practice in 1993. Both institutional and geopolitical events around the union, its member states and other states led to its formation. The ratification of the Single European Act in 1986 paved the way for institutional reform and the need for more European integration. Moreover, the fall of the Berlin Wall in 1989 that saw the reunification of Germany, and the end of the Cold War in 1991 changed the structures of Europe and its geopolitical position which offered Europe a new leading role on the international stage. Therefore, 'the treaty established the fundamental values of the EU whilst asserting that integration is needed between EU member states (Baun, 1996: 70). Moreover, as part of this integration, EU member states allowed for the free movement of its citizens across EU borders. Twelve EU members states signed the treaty, where it implemented three core pillars namely, The European Community, the Common Foreign and Security Policy (CFSP), and the Justice of Home Affairs (JHA). The European Community addresses the core economic initiatives of the EU with the aim of 'promoting and making the single market work, promoting a balanced sustainable development of economic affairs', (Treaty of the European Union, 2012) and promoting a high level of employment for all. This is followed closely by the Common Foreign and Security Policy (CFSP). This pillar addresses the need to foster cooperation between EU member states in promoting peace and respect for human rights, defending the EU's values, interests, and independence, and making the union

more secure. Finally, the Maastricht treaty is consolidated by the pillar on Justice and Home Affairs. This third pillar's aim was to develop and provide its citizens with a 'high level of safety within the area of freedom, and security and justice' (Treaty of the European Union, 2012). It was an intergovernmental pillar that stresses that issues should be dealt with between EU member state governments. This third pillar aims to combat things such as drug trafficking, terrorism, organised crime, human trafficking, illegal immigration, corruption, and the common asylum policy. With it, it created the European police office (Europol) to govern and exercise control with issues related to security. This third pillar stressed the importance of 'agreements between EU member states in the field of migration and asylum, that were to be agreed on unanimously' (Tholen, 2004: 4).

However, this proved difficult which was rectified by the implementation of the Treaty of Amsterdam. This allowed for EU member states to 'agreed to liaise more closely on immigration, asylum, and visa matters' (Levy, 1999: 14). The Union stressed the importance of the 'removal of internal border controls within the EU, co-operation in the control of outer borders, and the harmonisation of visa requirements and asylum policy' (Tholen, 2004: 4). More importantly for this thesis however, some matters covered in the Justice and Home Affairs pillar of the Maastricht treaty, such as: immigration, visas, border controls and terrorism, were moved in to the first pillar - The European Community. This resulted in the 'communautarisation of matters relating to asylum and immigration' (Statewatch/SEMDOC, 2000: 17), and supranational decision making around these matters, where laws related to them had the power to transcend national boundaries and governments. Furthermore, the treaty ensured and introduced the establishment of various EU agencies in a bid to tackle issues related to security. This included the strengthening of Europol which combats organised crime by EU police, European Anti-Fraud Office (OLAF) which focusses on police co-operation against other crimes such as fraud, Eurojust which is responsible for judicial cooperation, FRONTEX which is responsible for the policing of EU external borders, and Cepol, the EU police training agency.

Challenges encountered through the Treat of Amsterdam paved the way for the implementation of The Treaty of Lisbon in 2009. It proposed for the enhancement of justice and security for the union and its member states. For example, it proposed the application of 'qualified majority rule (which is the ability to take decisions without the need for unanimity) with regards to voting on issues such as the control of the union's external borders and asylum' (Dougan, 2007:618). This meant that the 'union harmonised the governing and granting of asylum, which in turn led to a common asylum policy' (Kaunert and Leonard, 2012: 8). However, this posed an issue due to differing national interests. With states being sovereign, accepting unanimity as suggested earlier, especially when it comes to contested policy areas such as migration and terrorism is difficult. Therefore, it is plausible to argue that the union lacked geopolitical strategic leadership. As a result, it has struggled to address various crises such as the Financial Crisis, Brexit, and the Refugee Crisis of 2015.

3.2.1.1 The Dublin Regulation

Furthering developing its Common Asylum policy, EU member states signed the Dublin Convention in 1990 that obliges each state to respect certain rules regarding asylum claims. This was later replaced by the Dublin II Regulations in 2003. It defines which EU state is responsible for claims of asylum with the common rule being that asylum seekers are only allowed to seek asylum in the European country they first arrive in. As put by the European Commission, 'Dublin II Regulation is designed to prevent asylum seekers from submitting application to multiple EU member states. It stipulates that asylum seekers must seek asylum in the country that play most part in their application in the EU. This is usually the asylum seekers main port of entry' (Regulation (EU) No 604/2013). It further highlights that the member state an asylum seeker finds themselves in is responsible for matters such as; reuniting minor asylum seekers with their family members that are present in an EU state legally. The convention asserts that adult asylum seekers that are pregnant, alone with children, have a serious illness or disability, elderly, or family members that are unwell, may be reunited with family members in different EU states. Finally, if one has a family member that is an asylum seeker or has refugee status in another European country, there might be a possibility of joining that family member and seeking asylum in that country (Regulation (EU) No 604/2013). Furthermore, the Common Asylum Policy introduced surveillance techniques such as the registration of biometrics and fingerprints which allows for individuals to be detected. For example, if a migrant arrives at a European port of entry by whatever means, identification checks are conducted and stored onto EU systems such as EURODAC which are shared amongst countries across the Union. Police and immigration officials of all EU states can access this information. If an 'individual seeking asylum in a country different to their first port of entry is detected, they may be subject to the "Dublin Transfer Process"' (Peers and Rogers, 2006: 340), where one is kept in asylum centres and eventually returned to the initial port of entry.

3.2.1.2 Dublin III Agreement and the 2015 Migrant Crisis

In the whole period between 1945 to 2014, the EU received fewer asylum applications than the year 2015. Most individuals fled from the Middle East and Northern Africa. Two routes emerged – the Eastern Mediterranean route and the Central Mediterranean route. As part of the wider wave of the Arab Spring in 2011, key states such as Syria in the Middle East and Libya in North Africa erupted into civil war and armed conflict. Revolutionaries in Syria aimed to overthrow the Assad regime and likewise, Libyans facilitated the overthrow of Muamar Gaddafi with the help of a NATO backed mission. A vast number of refugees fled conflict, often arriving by boats. The Eastern Mediterranean route used by many Syrian refugees coming from Turkey meant border states such as Greece bore the brunt of the heavy flows. On the other hand, the Central Mediterranean route, used mainly by migrants

from Northern Africa and sub-Saharan Africa, ended up in southern states such as Italy. This led to dire consequences such as the loss of human life at sea due to the dangerous nature of the voyage. An EU Council meeting held on 23rd of April 2015 in Brussels opened dialogue on how EU member states ought to deal with the crisis. Donald Tusk at the time was quoted saying that 'saving lives of innocent people is the number one priority' (Tusk, 2015). He urged for a readiness to sacrifice national interest for the common good. Francois Hollande, the French President at the time argued that the 'main goal is to strengthen the presence of the EU at sea and step-up surveillance measures' (Hollande, 2015) to dismantle smuggling networks. Angela Merkel suggested 'upholding the core values of the EU such as giving dignity to human life, and upholding human rights' (Merkel, 2015) which involves saving human lives at sea. Here, we can argue that different actors of the EU see the issue of irregular migration in different manners. States such as Germany represented by Merkel and Tusk the president of the European Council at the time adopted a soft approach. Hollande on the other hand brings forward the rhetoric of keeping borders safe.

A voluntary system was thus adopted in 2015 on how to process and redistribute those that have reached EU member states. This was termed as 'shared responsibility' and it saw the establishment of the Dublin III Regulations. It ensured that 'proposals include a fairness mechanism based on solidarity which includes a corrective allocation mechanism, and which takes into account resettlement efforts made by a Member State to resettle those in need of international protection direct from a third country' (European Commission Press Release, 2020). This was done through the establishment of quotas based on the population and economic situation of each member state. Eastern European states, who typically tend to be more homogenous were not very accepting of this process. However, Robert Fico, the president of Slovakia in that same year opted Slovakia out of this. Things such as increased migration were and are still seen as different by most Slovaks (Lerner, 2016). This voluntary scheme later became compulsory and Eastern European states could not opt out.

Like states, individuals have interests. Firstly, an issue with the Dublin Regulations is the attraction of member states for the refugees themselves. This means that individuals have their preferred destinations. Typically, refugees prefer to relocate to countries such as Britain, Germany, and Sweden due to the country's status as economically wealthy states. According to the Dublin Regulations however, asylum seekers are unable to seek asylum in more than one EU member state. Southern EU border states however, struggled and still struggle to keep up with the number of individuals seeking asylum. This has had dire economic effects, angered natives of such states, and has led to the rise of populism (Lamour, 2018). The regulations were ineffective as migrants continued to arrive on southern EU states, and EU member states were reluctant to share the responsibility. On the 2nd of September 2015 however, the death of Aylan Kurdi, a Syrian boy who washed up on EU beaches changed the narrative. EU ministers at the Justice and Home Affairs Council changed the rhetoric of the situation

and argued that a humanitarian crisis was unfolding. Germany decided to accept up to one million refugees, and the Union argued that it had a 'responsibility to protect' (Sohlberg, Esaisson and Martinnson, 2019: 2275). Relocation schemes were initiated where migrants in certain hotspots such as Jordan, Lebanon, and Turkey are processed and relocated to part of Europe. These hotspots aimed to differentiate between economic migrants and genuine asylum seekers which generally, takes a lot of time. The United Nations High Commission for Refugees has highlighted that 'this is not a fair and efficient way of processing migrants and refugees. Consequently, this may lead to not being able to access asylum and as a result, being returned to the country's where such individuals face persecution' (UNHCR, 2009). Additionally, there have been instances where some migrants refuse to be registered and go down the hotspot route because it is lengthy and means that one can end up at any EU state.

3.2.2 The Development of Migration Control Institutions – Frontex

The EU over the years has formed agencies to address the issue of irregular migration. Frontex, also known as Frontières extérieures or the European Border and Coastguard Agency, is of particular importance here. After the crisis that the EU faced in 2015, the EU felt the need to strengthen and extend the mandate of its European Border and Coastguard agency to stem the flow of migrants. The EU has been hailed for allowing the free movement of people inside Europe however, its attitude towards individuals coming from the outside has become increasingly securitised and militarised. Conflict, economic collapse, and climate change continues to force individuals to flee. As a response to this, the Union has spent a vast amount of money over the years on border agencies such as Frontex to deter migrants from reaching Europe. The agency has been at the forefront of protecting EU borders since 2004 and is a key agency that shows the way a securitised rhetoric is given to the issue of migration. Its mandate was extended in 2016 when it solidified its position as the EU's coast guard agency with its annual budget increasing every year since then. It has been estimated that in the year '2005, five and a half million Euros was spent on its budget compared to that of 400 million Euros presently' (Mainwaring, 2012: 36). In 2019, the agency's mandate was extended further to involve 10,000 officers to monitor migrant hotspots in Africa such as Libya and Niger, with a further €11 billion to fund the agency. This has been termed by some as the 'business of bordering Europe' (Andersson, 2012: 44). The slogan of the agency is to protect and save lives of the individuals taking the perilous journey across the Mediterranean.

According to the department of Migration and Home Affairs at the EU Commission, its main aims are to; implement an integrated border management system at the EU's external borders, oversee the functioning of border controls and to provide increased technical and operational assistance to EU member states. Frontex also initiates search and rescue operations that are equipped with vessels, helicopters, drones, and satellites to assist countries such as Niger and Libya that need support and

assistance at their borders. It imposes screening and registration of migrants through biometrics and other identification checks. Finally, it tackles smuggling of drugs and arms, human smuggling and trafficking, terrorism, and other cross border crimes. (Frontex, 2021). The EU states that the agency is protecting lives at sea and dismantling smuggling networks however, adopting such techniques validates the premise that it is policing its border and the issue of migration is seen as a military issue, rather than a humanitarian one. The agency has been condemned by various human rights agencies such as Amnesty International and Human Rights Watch for their mistreatment of migrants, and their cooperation with the Libyan Coastguard who are instrumental in grave human rights abuses instilled upon migrants across camps in Libya (Moratti, 2019).

3.3 EU Migration Policy and the Issue of Irregular Migration from Libya and Niger

Since 2015, countries such as Turkey, Libya, and Niger have been integral to the EU's response to curbing irregular migratory flows from the Eastern Mediterranean route and the Central Mediterranean route. These states are key states where the EU has adopted and implemented its migration management policies. Libya and Niger have both been key staging and transit points for migrants and refugees from sub-Saharan Africa, who subsequently use the Central Mediterranean route to get to Europe. Both countries experienced a peak in high numbers of migrants and refugees in 2015. As a result, the two countries are integral in the understanding of movements from the sub-Saharan region. Form the table below, the IOM presents arrivals in Europe using the Libya-Niger route' (IOM, 2017). Such numbers typically come from countries such as 'Nigeria, Somalia, Senegal, The Gambia, Guinea, Cameroon and Mali' (International Organisation for Migration, 2017a). These numbers are expected to increase. The table below illustrates the numbers of estimated arrivals each year since the early 2000s. It has been estimated that between 2000 and 2017, a total of 2,367,821, have crossed into countries such as Italy, Malta, and Greece. The International Organisation for Migration puts forward the total number of arrivals to the EU via the Mediterranean presented on Table 7 below.

Table 7: Total Number of Arrivals to Europe by Sea between 2000-2017.

Year	Number of Arrivals
2000	41,842
2001	38,660
2002	40,389
2003	33,346
2004	29,310
2005	34,720
2006	61,196
2007	38,518
2008	53,079

2009	18,217
2010	55,986
2011	70,295
2012	20,721
2013	55,986
2014	209,663
2015	908,558
2016	368,980
2017	105,808
Total 2000-2017	2,138,999

Source: International Organisation for Migration, (2017a).

The aim of this section is to therefore, highlight how the EU has used Libya and Niger as primary and secondary hubs for its migration management programmes, disguised as development aid and security cooperation. The section will commence by giving an overview of the historical relationship between the EU, its member state Italy and Libya, and how the issue of migration emerged in the relationship. Next, the chapter will discuss 2011 as a pivotal year for the EU and the migration crisis that it faced. This is because of the occurrence and aftermath of the Libyan Civil War in 2011 which facilitated the overthrow of Muammar Gaddafi. It will highlight that the disintegration that came after which was a result of different factors such as inadequate conflict resolution measures, and the removal of Ghaddafi, gave a chance for insecurity and criminal gangs such as people smuggling networks to prosper. As a result, migratory flows increased in an unprecedented manner. Finally, the section will look at current EU policies and negotiations with Libya, that focus on security cooperation and development assistance, in return for migration management cooperation. This will include but not limited to policies such as the Memorandum of Understanding from 2017 between Libya and Italy, and The Emergency Trust Fund for Africa Libya. The second section will focus on Niger as a secondary transit hub. Here, it will explain the way the EU has externalised its borders further south of Libya into Niger, which now acts as a secondary hub for European border management schemes. Like in Libya, various development programmes and security cooperation negotiations disguised as migration management have historically been implemented in the country by the EU. This section will commence by discussing the historical relationship between the EU, Niger, and EU member state France and how migration fits into the relationship. Next, the section will discuss current policies implemented in the country such as an Anti-Human Smuggling Law called "La Loi relative au Traffic Illicite de Migrants" implemented to reduce the number of migrant crossings. This gave way to the implementation of the Emergency Trust Fund for Africa in Niger, which promised funds for development projects in exchange for stemming migratory flows.

3.3.1 EU-Libya Cooperation on Security and Migration Control

Libya has been at the forefront of receiving large numbers of migrants into its territory which dates to the late 50s and start of the 1960s. This was because of the presence of natural resources such as oil which attracted created economic opportunities (Blake, 1969). Individuals from parts of North Africa such as Algeria and Egypt moved to the country in search of work. Additionally, bordering states such as Niger, which was prone to Islamic terrorism, drought, and famine, led Nigeriens to flee and seek refuge in Libya (Bredeloup and Piliez, 2011). Citizens of countries in the sub-Saharan region that were marred with a lack of economic growth and opportunities similarly followed suit. Due to its proximity to Europe however, criminal smuggling gangs have long operated in Libya to smuggle desperate migrants via sea into Europe. However, as Gaddafi ruled Libya with an iron fist at the time, this did not thrive as well as it has in recent years. This is reflected in the number of arrivals recorded as illustrated in the tables below.

Table 8: Sea Arrivals to Italy via the Libyan Route 1998-2022

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
No.	38142	48,161	21,817	20,143	23,719	14,170	13,635	22,939	22,016	20,455	36,951	9,573	4,406

Source: UNHCR Data Portal, (2022a)

Table 9: Sea Arrivals to Italy via the Libyan Route 1998-2022

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
No.	62,692	13,267	42,925	170,100	153,842	181,436	119,369	23,370	11,471	34,154	67,477	92,882

Source: UNHCR Data Portal, (2022a)

Deemed as a pariah state, Libya has not had a good relationship with the rest of the world especially the West. This was due to the country's affiliation with terrorism and its poor human rights track record. Consequently, prior to 2011, the EU has not had a very formal and structured relationship with Libya and although relations existed, they were limited. In 1992, the United Nations Security Council imposed an air and 'arms embargo on Libya due to the country's affiliation and links to terrorist organisations and terrorist activities' (UN Security Council, 1998). This was because of the Lockerbie flight that was bombed down in Scotland in 1988, in which two Libyan nationals were found guilty of the act (Aljazeera, 2004). It was thought that Ghaddafi orchestrated the act. Various EU member states and the USA had a tense relationship with the country due to its tense relations with Iran. As a result, they imposed similar sanctions as the UN. Additionally, neighbouring Arab countries did not extend their support. As a result, Ghaddafi advocated for Libyan Pan Africanism where it opened its doors to sub-Saharan Africans. This meant that 'Libya experienced an influx in sub-Saharan Africans, who contributed to the country's economy as they provided it with the manpower it needed in its various

industries' (Bredeloup, 2012: 457). In addition to this, Ghaddafi had an aim for a "united Africa" and was instrumental in aiding many states in the sub-Saharan region in terms of development. Moreover, he aimed to establish an 'independent and hard currency in Africa in order to free the continent from economic imperialism under the International Monetary Fund (IMF), French African Franc (CFA), and the Dollar' (Sylla, 2021:40). Similarly, the EU followed suit with an air and arms embargo imposed on the state however, in 1991, sanctions were 'suspended when Libya agreed to surrender their weapons and in 2003, sanctions were further lifted when the country agreed to pay compensation of $2.7 billion to the families of those that died in the Lockerbie bombings' (Aljazeera, 2004). Consequently, by the year 2004, the EU ended sanctions including the air and arms embargo because of this and 'pressure from Italy which wanted sanctions lifted, so it could provide Libya with equipment needed to curb illegal immigration' (Bredeloup. 2012: 459). This led to "normalisation" of relations between the EU and Libya and allowed for a diplomatic relationship to commence (Lutterbeck, 2009).

Signs of wanted cooperation were present from as early as 1999 when Libya acted as 'an observer in the Barcelona Process which is now known as the Union for the Mediterranean (UFM)' (Moss, 2008). The Barcelona Process (1995), or the Union for the Mediterranean, is a partnership comprised of '42 member states including the 27 EU member states, and 15 southern Mediterranean and Balkan states such as: Algeria, Morocco, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, Palestine, Tunisia, Turkey and Syria' (European External Action Service, 2020) which has been suspended. Libya remains an observer. The union acts as a platform for regional cooperation between the member states on issues such as the economy, health, migration, education, energy, and the environment. The process declares that it aims to 'establish a common Euro-Mediterranean area of peace and stability based on respect for human rights and democracy, to progressively establish a free-trade area between the EU and its Partners, and among the Mediterranean partners themselves, accompanied by EU financial support for economic transition in the Partners and, to develop human resources, promote cultural integration and rapprochement of the peoples in the Euro-Mediterranean Sea' (The Barcelona Process, 1995). The Barcelona Process had an objective of creating a 'Euro-Mediterranean Free Trade Area linking EU member states and Mediterranean partners' (Ville and Reynaert, 2010: 193). The EU wanted to push for a more formal and structural relationship with Libya and have it as a key member in the partnership so it could 'obtain full cooperation on controlling the flow of African migrants that transit via Libya to Europe' (Joffé, 2013: 14). The EU thus, proposed that 'Libya could become a full member of the Barcelona Process, if it accepts the full Barcelona acquis' (Moss, 2008). However, Ghaddafi at the time felt constrained by the acquis because it required Libya to; 'engage in political reform and economic liberalization, and multilateral aspects of the process meant that dialogue and engagement with Israel is needed' (Moss, 2008). Historically, Libya has preferred to deal with 'states individually or in smaller settings such as the 5+5 Dialogue on Migration in the Mediterranean' (International Organisation for Migration, 2002). The 5+5 Dialogue on Migration in

the Western Mediterranean is an inter-regional forum between countries geographically suited on the western rim of the Euro-Mediterranean littoral' (International Organisation for Migration, 2002). It includes ten member states namely, Libya, Algeria, France, Italy, Malta, Mauritania, Morocco, Portugal, Spain, and Tunisia. The aims of the forum are to combat human trafficking and irregular migration, ensure migrants rights and obligations, address transit migration and ensure a strong partnership and cooperation on migration issues. However, although Libya was not formally admitted to the Barcelona Process, its status as observer allowed it to enjoy the benefits of the policy without having to adhere to its acquis (Moss, 2008).

In 2002, the European Council stressed the importance of cooperating with Libya on issues surrounding irregular migration. In May 2003, an exploratory mission was conducted in Libya by the EU, and it was concluded that 'Libyan authorities were highly interested in co-operating with the EU on illegal migration' (EU External Relations, 2004). The main aim of this partnership was to ensure cooperation with Libya in migration areas, cooperate with the countries of origin of migrants, and engage in dialogue on a wider regional basis regarding migration. According to the European Council, cooperation with the countries of origin of migrants was of paramount importance which was to be achieved by: '1) Discussing migration issues with the main African countries of origin to identify possible areas for co-operation; 2) as a pilot initiative, conduct as soon as possible a mission to Niger to explore possibilities to develop co-operation with Niger on migration, following positive signals from this country and an interest from Libya; 3) to improve border management co-operation between Libya and countries with shared borders' (European Commission, 2005: 7). Additionally, the mission looked to enhance regional cooperation by: '1) focussing on EU-Africa dialogue on migrations and effort of the African Union in addressing migration; 2) increased focus on migration within the 5+5 Dialogue on Migration and the Arab Maghreb Union; 3) engage in dialogue on the origin, transit, and destination countries; and 4), cooperate with the Tripoli based Community of states bordering the Sahara and the Sahel' (International Organisation for Migration, 2002). Libya accepted and engaged in this with authorities explaining it had a large concentration of illegal migrants which was due to poor border controls and the presence of human smuggling networks. Figures in 2004 hold the total population was approximately 5.5 million people. Of that 5.5 million, an estimated 1.2 million were illegal migrants from sub-Saharan Africa. These figures are illustrated below:

Table 10: Number of legal and illegal migrant entries in Libya in 2004

Legal Foreign workers	600,000
Illegal migrants	750,000 – 1.2 million
Estimated yearly illegal entries	75,000 – 100,000

Source: European Commission, (2004).

Therefore, it is plausible to suggest here that the relationship of the EU and Libya changed. The amicable and resourceful relationship that materialised due to sanctions being lifted, meant Libya had to adhere to the EU's wishes. Additionally, the EU had a strategic interest in liaising with the country due to the trade benefits it gained from it. Whilst wishing to maintain its open-door policy to sub-Saharan migrants, Libya's involvement in international discussions over the issue of illegal migration became paramount as it was deemed as the gatekeeper of Europe. It was tasked with pleasing and working with the EU to make sure that the sanctions against the country are scrapped, trade between it and the EU made possible, and its status as a pariah state removed. Activities regarding this mission were launched and the 'EU Commission approved €2 million in June of 2005 for securing of Libya's borders and training programmes for the Libyan authorities and border guards' (Klep, 2010). Consequently, in the year 2007, after welcoming sub-Saharan African migrants and Arabs in the past freely, 'Libya imposed visas on both Arabs and Africans concerning stay and labour' (Dargin, 2013: 133). Many sub-Saharan African migrants in the year 2008 were expelled back to their countries of origin. For those that were not returned, it led to an influx in illegal or irregular migrants in the country. To amplify things, another technical mission dubbed as the Frontex-led EU Illegal Immigration to Libya was launched by the EU in 2007. The aims and objectives of this mission were like those of the first however, 'Frontex representatives invited Libya to participate in maritime operations to be carried out in the Central Mediterranean' (Lutterbeck, 2009: 171). This meant that search and rescue operations began in the Mediterranean, where migrants were intercepted and typically sent back to Libya. Such a move prompted human rights groups to critique the EU on their initiatives at curbing irregular migration. A report by Amnesty International in 2008 claimed that not only did 'the EU liaise with a country like Libya that is not a signatory of the UN Humans Refugee Convention, it allows and funds Libya to carry out abuses such as arbitrary arrests, forcible returns, and mistreatment in detention' (Amnesty International, 2008: 195). In 2009 alone, it was estimated that '106,000 illegal migrants were intercepted on the borders of the EU' (BBC, 2010) because of concrete initiatives it had implemented in countries such as Libya at the time.

3.3.2   Libyan Civil War 2011 and Influx in Irregular Crossings

Between 2010 and 2011, the Arab Spring uprisings and the Libyan Civil War of 2011 led to a shift in the relationship between the EU and Libya and Libya and Italy. The Arab Spring was a series of anti-government protests that vented their frustrations at the repressive regimes in the Arab world such as Tunisia, Libya, Egypt, and Syria. Other grievances that led to the uprisings included poor standards of living, blocked economic opportunities, and authoritarian political systems. This led to a series of armed revolts including the Libyan war. The Libyan war, which the EU and its member states were instrumental in, led to the disintegration of Libya from which it has not recovered from. It began as a culmination of anti-Ghaddafi protests, which eventually led to his death in 20th of October 2011. Ghaddafi's presence prior to the war was integral in controlling heavy migratory flows. As argued by

Kelly Greenhill in *Weapons of Mass Migration* (2010), 'despite his questionable characteristics, Ghaddafi's absence removed a source of control over the flows across the Mediterranean therefore, sometimes the best of intentions can lead to chaos, destabilization and dispossession of people' (Greenhill, 2010: 11). The first Libyan war paved the way for the removal of Ghaddafi, which led to subsequent disorderliness and conflict. Such disorderliness and lack of control in Libya allowed for human smuggling gangs to operate freely. Instead of focussing on peacebuilding efforts, the EU, and its Member States, focussed on migration management which was partly due to the increased migrant smuggling from Libya.

The NATO however intervention underestimated the long history of smuggling and trafficking of goods, arms, animals, drugs, and humans across the Sahara. Libya is 'and has been a key destination for these illicit flows' (Haken, 2011). Tribes such as the Toubou and the Tuareg primarily engaged in the smuggling business as they were knowledgeable about the desert. Ghaddafi appeased the social and political grievances such groups faced by giving them money and supporting their cause. Due to this relationship, during his rule, Ghaddafi convinced and made deals with the Tuareg in areas of people smuggling. It has been suggested that after signing the Treaty of Partnership and Friendship in 2008, Ghaddafi urged the Tuareg 'to stop smuggling migrants to Europe and in return, he would provide them with flour and petrol at subsidised prices which they can sell at market prices' (BBC, 2018). His influence and exertion of control over a key tribe involved in the human smuggling business meant he had the power to decide of whether migratory flows from Libya across to Europe flourished. Therefore, it is plausible to suggest that 'Ghaddafi used migration to hold the EU hostage, allowing smuggling networks to thrive when it suited him' (Al-Dayel, Anfinson and Anfinson, 2021). The void left by Ghaddafi after his death was never filled, and no one of enough power is available to fill this void. The IOM suggests that 'the rising number of migrants amid the security vacuum created by the death of the then leader, makes them prey to Libyan smugglers and traffickers and sold for labour' (IOM, 2019b). This the IOM argues is because migrant smuggling networks are strong, and exploit migrants (International Organisation for Migration, 2019b), and ask for ridiculous amounts of money before helping them cross the Sea. Smuggling networks have this power because 'they are well established, have a hierarchical structure, know government officials and tribal leaders which means dismantling them and prosecuting them is an impossible task' (International Organisation for Migration, 2019b).

The EU since the Libyan Civil War claims that its aims in Libya are to 'try and support political transition in Libya, provide bilateral assistance including humanitarian assistance, assistance in the field of migration which will all be done through its Common Security and Defence Policy (CSDP) mission and other missions such as EUNAVFOR MED Operation Sophia' (Megerisi, 2020). Operation Sophia extended its mandate where it helped train the Libyan Coastguard in detecting and deterring migrants at sea from crossing. Such operations were funded by key EU resources, entwined with Italy's contributions. These will be discussed in detail in sections of the chapter. At the peak of the crisis,

rescue efforts in the Mediterranean were put in place by various EU states such as Italy to stop individuals dying at sea. In addition to this, there was continued 'recrafting of the Mediterranean as a space of migration governmentality' (Tazzioli, 2016: 1), where rules and regulations were applied in the form of rescue missions. The EU argued that there was a security concern at hand which needed full cooperation with Libyan authorities. Operations such as the Mare Nostrum funded and implemented by Italy, and Operation Triton, which was funded by FRONTEX, were implemented to tackle deaths, and reduce the number of stranded migrants at sea. It has been estimated that between 2013 and 2014, the Operation Mare Nostrum which was funded by the Italian government brought at least '150,000 distressed migrants and refugees to safety in Italy' (Musarò, 2017: 11).

This was hailed as a true humanitarian effort in the case of the EU. However, this was terminated due to heavy costs faced by the Italian government and a spike in far right and populist sentiments across Europe, which used an anti-migrant rhetoric to gain popularity' (Lazaridis and Skleparis, 2016: 176). As a result, it was replaced by Frontex's Operation Triton from 2014 to 2018. Operation Triton however, received less funding than the Mare Nostrum and as a result, it was estimated by the International Organisation for Migration that that between '2014 and 2018, over 13,000 people attempting the cross from Libya to Europe perished at sea thus dubbing the EU's southern borders as one of the deadliest in the world' (International Organisation for Migration, 2017a). Such numbers only account for those that were recorded. In most cases, bodies go undiscovered and therefore unaccounted for. As a result, it has been argued that the operation instead did not focus on 'search and rescue missions but rather, prioritised border controls, security, and anti-human smuggling tasks' (Cusumano, 2019: 3). Efforts, however, did not stop the large flows nor did it stop individuals from dying.

However, the EU continued its efforts to carry out naval missions in the Mediterranean. Libya, as the primary transit hub, has thus had various EU missions and operations implemented, as part of the EU's migration containment procedures. The most famous of these is Operation Sophia, a naval rescue mission like Mare Nostrum. The difference between Sophia and the other naval operations is that Sophia was a military operation used to stop a humanitarian issue. The following below explain the structures that came later which centred around migration control and security practices to curb irregular flows from Libya and tackle human smuggling networks. The EU, with the help of the Libyan Coastguard, aimed to help Libya through operations under the Common Security and Defence Policy (CSDP). The two operations introduced are the European Union Border Assistance Libya (EUBAM Libya) and the European Union Naval Force Mediterranean Sophia (EUNAVFOR MED Operation Sophia). In 2013, the EUBAM Libya was developed to support the Libyan 'authorities in improving and developing the security of the country's borders' (European Union External Action, 2021). Assistance and guidance are provided to manage all borders including sea, air, and land. Assistance is said to be carried out by advising, training, and mentoring Libyan counterparts in strengthening the border services in accordance with international standards, and by advising them on the importance of national Integrated

Border Management strategy' (European Union External Action, 2021). The mandate has been extended since the formation of the mission to involve the 'dismantling of human trafficking gangs and fighting terrorism' (European Union External Action, 2021). An estimated budget of '26 million Euros annually, is spent on the mission' (Christensen, Ruohomäki, and Rodt, 2018: 5). The overall aim of this mission is to ensure security cooperation between the EU and Libya is attained, which is to be achieved by ensuring illegal border crossings are managed well.

On April 12th and April 18th, 2015, rubber dinghies, wooden boats, and rafts capsized on route from Libya to Italy resulting to the deaths of over a thousand migrants (Bathke, 2020). As a result, the EU shifted its focus on human trafficking networks, and it argued that there was an urgency to dismantle them. EUNAVFOR MED Operation Sophia was implemented in 2015 as military mission to govern the Mediterranean. The overarching mandate thus states that there is a 'need to contribute to the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean' (Tardy, 2015: 1). However, this was a military operation launched by the EU in a bid to stem large migratory flows 'through the dismantling and disposing of vessels used by or suspected of being used by smuggling gangs' (EUNAVFOR MED, 2022). The operation was funded with money to equip the Libyan Coastguard officials and surveillance machinery. The operation was broken down into four phases. The first phases' aim was to identify and understand 'smuggling activities and methods with the help of forces' (EUNAVFOR MED, 2022). Phase 2 focussed on operating in EU waters with EU ships being able to intercept vessels they deem suspicious in a bid to circumvent human trafficking. Phase 3 devised a plan to begin operating in Libyan waters to help create an EU friendly government in Libya. This was described as taking 'operational measures against vessels and related assets suspected of being used for human smuggling or trafficking inside the coastal states territory, with the necessary legal framework established by UNSCR and following coastal state consent' (EUNAVFOR MED, 2022). The final stage aimed to withdraw forces at the end of the operation. The rules of interception were so vague that military ships were allowed to move freely in Libyan waters in search for ships and boats.

Despite these efforts, in 2016, it was estimated that a quarter of a million migrants had arrived in Europe. As a result, the EU extended the mandate of Operation Sophia to involve the training of the Libyan Coastguard. This was later intensified in 2017, where the mandate was extended to ensure 'the long-term training and efficiency of the Libyan coastguard, to share information regarding cases of human trafficking with FRONTEX, EUROPOL, and the Libyan coastguard' (Mogherini, 2016: 2). Due to such practices, it was estimated that the number of migrants crossing the Mediterranean from Libya dropped by around half of what it was in 2016. The Libyan Coastguards' efforts with the help and training by EU forces further contributed to stemming flows. The mandate of Operation Sophia came to an end in March 2020, and it was replaced by EUNAVFOR MED IRINI. Under the CSDP, Operation IRINI is a

military operation like Sophia with the aim of governing the Mediterranean and dismantling smuggling networks. Operation IRINI, however, has a primary goal of enforcing 'the UN arms embargo on Libya to help stem the flow of weaponry into the region which will guarantee ceasefire' (European Council, 2021). In addition to this, its secondary goal is to 'gather and monitor information on illicit exports of petroleum and crude oil from Libya, train the Libyan Coastguard and Navy in law enforcement tasks at sea, and continue to work on dismantling people smuggling networks' (European Council, 2021). Another sign of security cooperation came in February 2017 when Italy and Libya's Government for National Accord signed and extended the 2008 Memorandum of Understanding (MoU), in a bid to 'curb what they referred to as illegal immigration from the Libyan Coast to Italy' (Vari, 2020: 105). The agreement also called for the creation of detention centres to keep migrants away, and to arrange voluntary and forced departures for migrants in the country' (Vari, 2020: 105). This MoU was extended in February 2020 for another 3 years with no amendment despite as the UN Human Rights Office of the High Commission put its 'the condemnation of the agreement by various human rights agencies due to the draconian measures leaves migrants susceptible to' (Pizzuti, 2021). The MoU forms an integral part of the analysis of this thesis and is discussed in detail in Chapter 4.

3.3.3 Italy-Libya Cooperation on Security and Migration Control

As mentioned above, Italy was instrumental in persuading the EU to lift its sanctions against Libya. Due to its geographical proximity to Libya, influxes in heavy migratory flows from Libya means that Italy risks facing the brunt of any crisis that may occur. Italy had previously experienced the frequent passages of migrants from Libya, wanting to access its shores as highlighted by Table 8 and 9 above. Consequently, Italy and Libya have held bilateral relations and share a similar interest in averting irregular migration. Libya and Italy's relationship however, dates to the colonial era. Between the years of 1911 and 1949, Libya was a colony of Italy. The two countries worked collaboratively in the 1990s in various areas in a bid to stem the flows of irregular migrants. As trade relations developed, discussions around migration control came into play. Preceding this however, Libya was reluctant in engaging with Italy. Discussions began in the 1998 when Italy and Libya signed a 'Joint Communiqué, where Italy 'acknowledged the suffering caused during its colonial period in Libya' (Paoletti, 2010). This opened discourse between the two countries on issues surrounding migration however, because of the arms embargo imposed on Libya by the EU during this time, the agreement could not be concluded (Ronzitti, 2009).

However, discussions did resume, and a Memorandum of Intent was signed in 2000 which addressed issues such as organized crime, illegal migration, drug trafficking and terrorism which was ratified in the Italian Parliament in December 2002 (Paoletti, 2010). Between then and 2007, no formal treaties were signed in relation to migration however, intense discussions and initiatives towards curbing illegal migration took place. For example, in 2003, Italian and Libyan ministers agreed on imposing tougher

laws to prevent migrants from reaching Italy. Italy's minister of interior at the time professed that 'irregular migration is a treacherous violation of Italy's borders and as a result, cooperation is needed with Libya to implement concrete initiatives for the joint control of land borders' (Paleologo, 2009). Additionally, in 2006, the two countries signed a Memorandum of cooperation against illegal migration. This resulted in the '2007 Protocol and Additional protocol where both countries reaffirmed the commitments made in 2000 bilateral agreement, where Libya would monitor its coast and international waters' (Vari, 2020: 111), and Italy provides the necessary equipment needed to do this. Subsequently, this led to the signing of the Memorandum of Understanding in 2008 which acted as a Treaty of Friendship, Partnership, and Cooperation (TFPC).

Through the Treaty of Friendship, Partnership and Cooperation (TFPC) between Italy and Libya, Italy acknowledged it colonial implications which it apologised and compensated Libya for. This was compensation paid in the sum of '$5 billion and medical expenses of families that were harmed as a result of Italian rule were covered' (Ronzitti, 2009: 125). In the treaty, it was also agreed that the two countries will work effectively to tackle issues such as 'non-proliferation, economies, culture, but most importantly to curb irregular immigration' (Ronzitti, 2009: 126). This was to be done by Italy providing Libya with 'high tech equipment to patrol the sea and land, crew boats and satellite systems' (Aljazeera, 2009) thus continuing to show how the issue of migration has been securitised from an early stage. Italy promised to continue trading with Libya, and to provide substantial financing and investments for the country' (Ronzitti, 2009: 130). Finally, the two states 'reaffirmed principles such as respect for sovereignty, prohibition of the threat or use of force, and respect for human rights' (Ronzitti, 2009: 130-131). This understanding between the two states was extended further in 2017, and 2020 to further tackle and aid Libya on the issue of irregular migration. Further discussions around the extension of the TFPC are offered in later sections of the chapter.

Since gaining independence, Italy has remained Libya's main European trading partner, as well as 'Europe's strongest advocate of maintaining a dialogue with Libya despite its anti-Western rhetoric especially after Ghaddafi' (St John, 2000: 57) came to power in 1969. Italy remains Libya's large exporter in military equipment such as ships, aircraft, and artillery. From the early 2000s, it is estimated that Italy has cooperated with Libya more than any other European country militarily' (Lutterbeck, 2009: 176). This military or security cooperation, however, has been 'driven by Italy's growing concern over irregular migratory flows from Libya's coast onto its shores' (Lutterbeck, 2009: 177). This shows a case of securitisation where the two countries relationship deals and fixates heavily on migration, which is dealt with through military style practices. Between 2001 and 2005 for instance, Italy launched a naval mission called 'Nauras' in Libyan waters, and deployed navy officials to support Libya in the fight against human trafficking and irregular migration' (Amnesty International and Human Rights Watch, 2018). This has been dubbed by human rights agencies such as Amnesty International as the 'arming of Libya', to combat vulnerable groups such as migrants that need protection. The missions'

aims were to 'strengthen the navies of the two countries in preventing illicit migration via the central Mediterranean route' (Lutterbeck, 2009: 177). Likewise, between 2006 and 2007, the Libyan Aviation company and an Italian Company called Finmeccanica, 'signed an agreement with the Libyan government to create a joint collaboration in electronics for defence and security' (Pervin and Spiegel, 2014). Libya was sold '10 helicopters costing €80 million, as well as train Libyan aerospace personnel on aircraft use on border surveillance missions' (Pervin and Spiegel, 2014). Security efforts and cooperation on stemming irregular migration weakened after the Libyan Civil War in 2011 which saw the removal of Ghaddafi as the country's leader as discussed above.

3.3.4   EU-Niger Cooperation on Security and Migration Control

Niger, although a landlocked country has long been a transit point for migrants and asylum seekers from the sub-Saharan region of Africa. According to the human development index, Niger is one of the worlds least developed countries (Girard, 2022). Population growth in this region is increasing, and poverty is rampant despite the presence of natural resources such as uranium, oil, and petroleum. The passage of migrants further adds to the strain of the country's situation. The European Union and member state France have had a long-standing interest in the region due to reasons of security, irregular migration, and natural resources. The main route into Libya is through the northern Agadez region which has had the long-standing conflict of the Tuareg Rebellion between 2007 and 2008. From 2015 and 2016 however, migrant numbers spiked and the IOM estimates that 330,000 people have used this route to reach Libya, in a bid to cross the Mediterranean to reach Italy' (Stijn and Rijks, 2016).

This spike in numbers has been argued to be a new occurrence, and a direct result of the ongoing civil war in Libya. Having said that, what this section aims to do is to demonstrate that Niger like Libya, has had a history of staging transit migrants from sub-Saharan Africa. Reasons for this include the disintegration of Libya however, other factors such as the Sahel conflict, the Tuareg Rebellion, colonial influence in the region, and increased poverty in sub-Saharan Africa are also to blame. The reason for the often misconstruction is due to the unprecedented spike in migrant flows since 2014. For that reason, the chapter will commence by giving an overview of the relationship between the EU and Niger and France and Niger including bilateral relations between the two. Next, it will discuss why migration has now become a particular issue in which the EU and Niger focus on. The figure below shows the main routes used to access Libya and other parts of North Africa from Niger, and illustrates some areas where migrants are coming from.

Figure 5: Map illustration of the routes used by migrants from Niger.
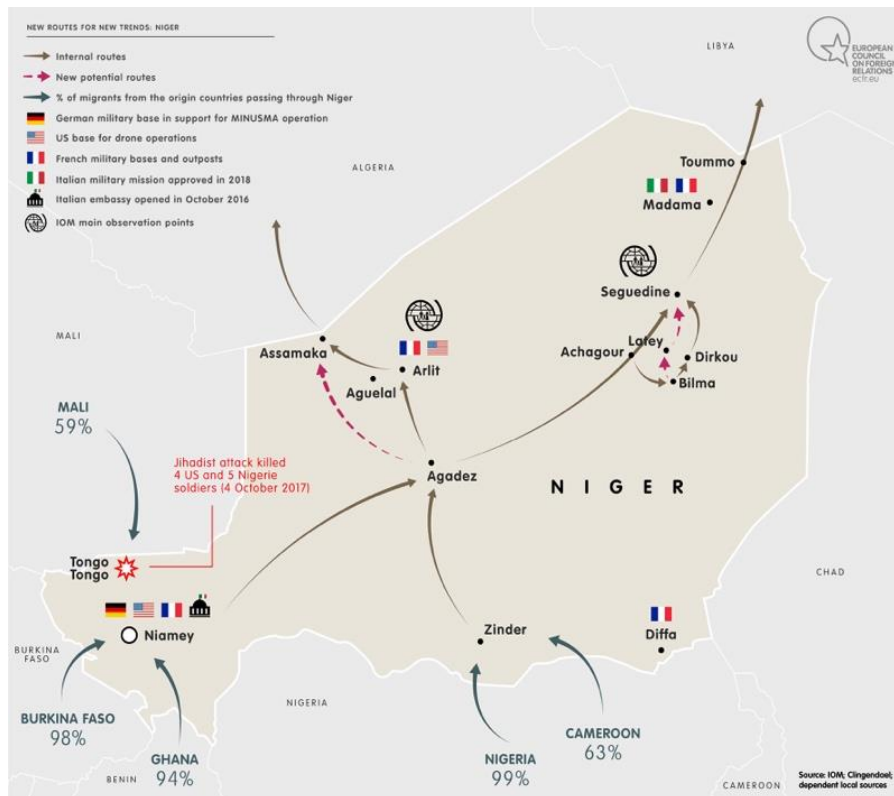
Source: Torelli, 2018

The EU and Niger have traditionally had a 'donor-recipient relationship' (Bøås, 2021: 52), where the EU has provided funding to Niger focusing on areas such as 'food, shelter, health, protection of the disabled and unaccompanied children, and protection of victims of gender-based violence' (European Civil Protection and Humanitarian Aid Operations, 2020). However, EU began to gain and show an interest in the region due to increased conflict in the Sahel region. The Sahel conflict is a series of armed conflicts between different armed groups, 'and military campaigns by national armies and international partners as well as local militias in the Sahel' (Aljazeera, 2020). The region is comprised of ten countries including Mali, southern Mauritania, southwestern Niger, Burkina Faso, central Sudan, northern Eritrea, Senegal, Chad, southern Algeria, and northern Nigeria. It began in 2012 because of a rebellion in the north of Mali. Most of these states, were former colonies of France. Due to the geographical proximity of the Sahel to Europe, the EU has deemed the region as 'a fragile one, a source of migration to Europe and a source of security threats such as transnational crime and jihadi-inspired insurgencies for the Union' (Bøås, 2021: 59).

The EU has been pushed to engage in this region due to the security concerns, and the consequences of these concerns which include irregular migration. Although France remains the main EU Member State that is active in the Sahel conflict, the EU have also taken steps to address this security concern. This

increased particularly in 2011. The Sahel security crisis intensified in between 2011 and 2012, when an 'alliance of separatists groups took over northern Mali, which prompted former colonial power France to prevent their advances towards the capital Bamako' (Chauzal and van Damme, 2015), as they feared the complete disintegration of Mali. Additionally, the Libyan civil war in 2011 spilled into borders of Sahelian states. Many Tuaregs that went over to fight for Ghaddafi in Libya, returned to areas such as Mali, and Niger 'with weapons which contributed to the Sahel conflict in 2012' (Pye, 2021). The main actors involved are Al-Qaeda affiliated groups such as al-Qaeda in the Islamic Maghreb, Ansar Dine and Islamic State of Iraq and the Levenant in the Greater Sahara. The EU thus addressed the issue by publishing the EU Strategy for Security and Development in the Sahel, which it argued 'is a comprehensive approach to the development and security and the region' (Chauzal and van Damme, 2015). The conflict in Mali in 2012, and the migrant crisis that subsequently followed between 2014 and 2015 made the Sahel the core of the EU's agenda. As a result of this, the EU has launched a military and civilian CSDP missions called EU Training Missions (EUTM) and European Union Capacity Building Missions for various countries in the Sahel.

As a result of this current instability in the Sahel, the EU launched a CSDP mission at the request of Niger in 2012 called the European Union Capacity building Missions in Niger (EUCAP Sahel Niger). This is a civilian capacity building mission. The insecurity caused by neighbouring countries such as Mali, Nigeria, Chad and from terrorist organisations increasingly threatened Niger's security and development. Upon its initial formation, the mandate of the mission states that its aim is to contribute to the 'development of an integrated, coherent, sustainable and human-rights based approach among various Nigerien security authorities, in the fight against terrorism and organised crime' (European Council, 2018). However, in 2014, the mandate was expanded to include 'increasing its assistance in the Niger Agadez region, which was and is facing a number of security threats' (European Council, 2018) such as organised crime, terrorism and irregular migration. There was also increased cooperation with the CSDP mission in Libya, EUBAM Libya, to tackle the core pressing concerns of irregular migration. In 2018, it was reported that the mission had achieved major results in areas such as border control management and EU conflict prevention. For example, up until 2018, the Nigerien government has 'empowered 29 Nigerien agents to carry out their own trainings on document fraud and equipped 31 border control stations' (Lebovich, 2018). The Union has increasingly been wary of the potential "security threats" that are arising because of the conflict. Such programmes in the Sahel show us that the donor-recipient relationship which dominated the relationship is now fading, and the EU increasingly trying to tackle immediate security threats such as terrorism and irregular migration, rather than longer term solutions such as state building and development in the region' (Bōås, 2021).

A common misconception is that the EU and Niger's relationship with regards to migration is a new phenomenon that materialised in 2014. However, this is in fact misconstrued as their relationship on

this issue began as early as the year 2000, during the implementation of the Cotonou Agreement. The Cotonou Agreement, (which will be discussed in the section on *Development Aid as Migration Management*) is an agreement between the European Union and the members of the African, Caribbean, and Pacific region where issues such as the eradication of poverty are addressed but more importantly, migration management. These issues, however, were addressed in less intensive way than they are now. The agreement gained momentum in 2011 when the EU placed the migration crisis at the core of its agenda. This was due to the increased numbers coming from the Sahel region. Frontex in 2017 estimates that 'the total number of migrants arriving to Italy via the Sahel was at 154,000 in 2015, and 181,000 in 2016, compared to a total of 40,000 in 2013 migrants that were reported to have reached Italian shores' (Frontex, 2021). The EUCAP Sahel Niger mandate which was implemented in 2012 caused a drop in numbers in 2013 as it helped strengthened the Nigerien authorities in dealing with the issue of irregular migration. However, efforts dropped drastically in between 2015 and 2016. The EU thus strengthened the EUCAP Sahel Niger mandate, whilst urging the Nigerien government to crackdown on irregular migratory flows. This resulted in the adoption of *La Loi relative au Traffic Illicite de Migrants 2016,* an Anti-Smuggling Law passed by the government to crackdown on irregular migration. This is analysed in depth in Chapter 5.

In 2016, the European Union successfully managed to convince the Niamey government to monitor its borders more strictly. In exchange, the EU promised the implementation of the EU Emergency Trust Fund for Niger to aid in development and ameliorating the EUCAP Sahel Niger, to ensure Nigerien authorities are well equipped and funded to carry out tasks. The EU claims that the desert route is a harsh one as migrants tend to not make it out alive. Therefore, the law is implemented to save lives. Furthermore, the law restricts citizens of ECOWAS, from entering Niger and enjoying the right of freedom of movement. As a result, the law led to serious political and legal implications which the Nigerien government is struggling to cope with. Firstly, most citizens moving within and through Niger are from the ECOWAS, a 15-member political and economic union in Africa. Visa free travel and 'freedom of movement is a recognised right for members that are part of this union'. Therefore, restricting their right to this is a violation (Saeneen, Tubiana and Warin, 2018: 25). Furthermore, it has been argued that criminalising both migrants and smugglers in the northern region of Niger further adds to the political instability. The Tuaregs in the Agadez region have long fought the inequalities the Niamey government have subjected them to. People smuggling networks led to economic growth in the region and as a result, it 'was seen as a normal and licit occupation' (Saeneen, Tubiana and Warin, 2018: 22) in this part of the country with various ex terrorists benefitting from it. All those that are suspected of violating the law will be subject to high penalties including imprisonment, confiscation of property and removal from public office. It has been argued that the law was 'implemented without much debate by the Nigerien government, which thus points to the pressure the Nigerien government was put under by the EU and begs the question of who the beneficiaries of attempts at curbing irregular

migration through securitisation policy are' (Bøås, 2021: 53). Furthermore, this highlights a lack of acknowledgement of African countries' sovereignty. The law will be discussed further and analysed in greater detail in Chapter 5 of the thesis.

In conjunction to this, the implementation of such EU programmes and the Law against human smuggling was not accepted well in the region. A report by the Danish Demining Group in 2014 interviewed residents and found that not only were residents' discontent but did not agree with what the EU constituted as security threats. For example, when asked to rank EU terms deemed as 'security threats out of 10, only 2% of those interviewed saw irregular migration as a threat to the wellbeing of Nigerien society' (Danish Demining Group, 2014). Furthermore, locals from areas such as Agadez where migrants transited before crossing the border into North Africa saw irregular migration as beneficial. In an interview conducted by Aljazeera reporter Juliana Rhusfus in 2016, an Agadez man that profited from human trafficking trade in Agadez stated that 'the arrival of transit migrants from sub-Saharan Africa benefitted the region as businesses in areas such as transportation and accommodation thrived. Before, locals made anything from £3000 to £5000 a day however now, individuals are struggling to make ends meet' (Aljazeera, 2016). In another interview conducted with individuals involved in the human smuggling trade, it was argued that before the implementation of the law affected the smuggling business chain. Formalities and 'agreements were made between the police, landlords, food vendors, drivers and smugglers with regards to migrants' accommodation, food, and vehicles which gave a boost to the economy and saw roughly 6000 migrants leave Niger for Libya each week' (Abebe, 2019). However, since the law came into practice, 'the whole chain has suffered' (Abebe, 2019) with nowhere and no one to turn to and no way to sustain themselves. Therefore, it is plausible to say here that what the EU sees as a security risk does not apply to what a Nigerien official in government or a local in Agadez sees as a security issue. Moreover, cutting ones' source of income without replacing it with a long-term sustainable alternative is problematic. These differing opinions thus allows for laws and programmes to become ineffective. As a result, migrant crossing increase or other routes are sought to reach Europe. More importantly however, the EU does not address the history of political, social, and tribal instability in Niger, and its impact on the migration management programmes it implements in the country.

Since gaining its independence from France in 1960, Niger's political climate has been hostile. Historically, there have been various coups and tensions between the government and tribes in the northern region. The northern part is home to tribes such as the Tuareg and Toubou whom have long expressed their discontent at the inequalities that they are subjected to. This has led to revolts by the Tuareg against the Niamey government. The Tuareg are a 'Berber ethnic group living in most parts of the Sahara, Sahel, Mali, Niger and Burkina Faso, with the aim of achieving autonomy of their own

nation-state' (Tinti and Westcott, 2016: 10). The Tuareg and the Toubou are also prevalent in the Southern Libyan region. Their fight for autonomy dates to 1916 when they rebelled against French colonial rule in the Niger region. The area is typically prone to drought and famine and as a result, many ethnic Tuaregs flee to southern Libya and Algeria as refugees. Between '1985 and the 1990s, discontent grew due to dire living situations of most, and the Niamey government's inability to help and treat its citizens fairly' (Bouhlel-Hardy, Guichaoua and Tamboura, 2007: 3) in areas such as the economy, politics, health social welfare, and fair access to the country's natural resources such as uranium. Furthermore, the Niamey government generally paid little to no attention to the rest of the communities residing in the North' (Molenaar, 2017: 6). The migrant crisis of 2015 therefore allowed for economic growth in the Agadez region. Businesses providing transport and accommodation were key for migrants looking to cross the border into Libya. This increased wealth was welcomed as it meant individuals now had the transportation and the accommodation business to invest into, rather than helping terrorist organisations thrive.

It has been estimated that 'truck drivers make up to 4000 Euros a week or more' (Barrios, 2015: 2), in a country that is termed as one of the poorest in the world. Normally, migrants are housed in accommodation (sometimes known as ghettos) that separate them based on their 'nationality and can wait for days or weeks for transportation to become available' (Barrios, 2015:5). In addition to this, natives of the Agadez region such as the Toubou, who are familiar with the desert route, used this opportunity to transport migrants. Migrants are typically headed by a '*passeur* who navigates and manages the whole journey, and a *cokseur* who is responsible for the migrant's wellbeing during their transit in Agadez' (Molenaar, 2017: 50). Individuals in this region have been content with the disintegration that occurred because of the Libyan civil war. When Ghaddafi ruled, a small number of people smugglers were able to thrive. Therefore, the situation in Niger is an interesting one. Although the conflict in Libya created a security vacuum meaning that people smugglers were able to help desperate migrants, the business of people smuggling helped the economy in regions that are neglected by the Niamey government and thus, conflict and grievances in the region became less severe. In recent years, the Tuareg conflict across neighbouring states such as Mali has increased. The Sahel region continues to face violent attacks from Islamist terrorist groups because of 'state weaknesses where terrorist groups promise to provide safety and protection for the population in return for loyalty' (Chambas, 2020). Currently the EU is concerned that the Sahel is at a tipping point 'which could lead to an irreversible slide into chaos that will strengthen terrorist groups and send a new wave of migrants into Europe' (Burke, 2020). This leaves EU programmes at risk of failing, and migrants subject to various vulnerabilities. Moreover, the crackdown on Niger will not stem migratory flows. New and dangerous routes via Tunisia, Algeria and Morocco are once again thriving.

3.3.5   France-Niger Cooperation on Security, and Migration Control

Due to their colonial history, Niger and France have had a long-standing economic relationship based on trade. As well as this, France has maintained a military presence in Niger to help fight terrorist organisations such as Boko Haram, and the Tuareg Rebellion. Since the migrant crisis in 2015, the missions in the country have expanded their mandate to include fighting migrant smuggling and stop irregular migration. In a speech given after his election in 2017, Emmanuel Macron stated that with the help of the French forces in Niger, France aims to 'create hotspots in the Agadez region to sort out potential refugees and economic migrants and select a few who would be allowed to come to France to apply for asylum' (Adetunji, 2018). Having said that however, he stressed that migrants and refugees are 'gullible individuals manipulated by criminal networks who risk their lives in Libya and the Mediterranean Sea' (Adetunji, 2018). As of November 2018, it was estimated that 'only 82 people were accepted on this scheme and they all came from conflict areas such as Somalia, Sudan and Eritrea' (Niesel, 2018). The creation of a hotspot in Niger has been criticized on numerous grounds. Firstly, it has been argued that this might 'attract more migrants rather than deterring them, which puts a strain on Niger's economy' (Howden and Zandonini, 2018). Therefore, this has been termed as the French not acknowledging the sovereignty of African states, and the EU and its member states using Niger as their laboratory for their migration policies. Furthermore, it has been argued that the hotspot initiative, 'reduces migration to a mere problem, whose solution rests upon the technicalities and logistics'. Therefore, this can be seen as a continuation of the early EU policy instruments that stop third party nationals from arriving to its shores thus indicating securitisation.

3.3.6 Development Aid as Migration Management

These security practices are not the only initiative that the EU has taken to curb irregular migration. As well as these, it has looked at developing Libya and Niger and in return, it has tasked these states with curbing irregular migration. The aim of this section is to show how the EU has effectively engaged in developmental programmes over the years that have increasingly involved migration control caveats as expectations. As mentioned in the introduction, the EU's response to the Migration Crisis in 2015 involved incorporating issues of migration into its developmental foreign policy. There has thus been an increase in the Europeanisation of external migration policies, where migration has been incorporated in foreign policy affairs, especially those regarding development. The Valletta Summit on Migration 2015, which was held in Malta for EU member states and African Union (AU) to address the 2015 migration crisis was a pivotal event in the development of EU foreign policy. This acted as a starting point in the Union's aim to curb illegal migration for this part of the world. As mentioned earlier, the EU has increasingly used its development policies and aid to promote its migration control motives. The Valletta Summit enabled the leaders of both the European and African continent to agree, 'establish, and normalise migration control into development cooperation' (Barana, 2017: 2). As a result of this, the EU proposed its Emergency Trust Fund for Africa which promised '1.8 billion Euros in aid,

with other development assistance of up to 20 billion Euros every year' (EU Emergency Trust Fund for Africa, 2022). From this figure, it has been estimated that Niger for instance, received 279,500,000 million Euros of which 113,000,000 has been spent on conflict management, and 47,000,000 million has been spent to curb illegal and forced migration' (EU Emergency Trust Fund for Africa, 2022). This trust fund was termed as an "action plan" needed to create development strategies such as education and creating jobs. Interestingly however, the trust fund states that it aims to; 'address the root cause of irregular mass people displacement, enhance legal migratory routes, prevent irregular migration and dismantle smuggling networks, and work on readmissions and reintegration' (EU Emergency Trust Fund for Africa, 2022). Below shows a map of the areas in Africa that the EUTF is implemented in.

Figure 6: Countries in Africa EUTF are launched in

Source: European Commission, (2017).

Such practices fixate heavily on the issue of stemming flows and forgets to put the people centred approach that development policy tends to have. By this, this chapter means normal development policy aims to be for the betterment of people, it aims to reduce inequalities and promotes human rights and freedom. What the trust fund does, however, is it puts migration management at its core. The addressing of 'the root causes of irregular mass migration' here does not mean tackling things such as poverty but rather, it is a slogan for pumping money into fragile states in Africa and asking their leaders to keep their populace away. This stance is evidenced in the analysis chapter of the thesis. Moreover, the root causes of migration are not explicitly stated on the agreement meaning that definitions 'are not clear which has an impact on how the policy will the enacted' (Conley and Ruy). Although there is a correlation between migration and development, development, or lack of, is not the sole cause of migration. It is a complex issue that is because of many matters. Studies have even pointed that 'development can have a reverse effect as people will have the means and capacity to emigrate in search

of other opportunities' (Angenendt, Schraven, and Shields, 2017). This is termed as the 'migration hump, where growing per capita income in developing countries is accompanied by higher rates of migration' (Angenendt, Schraven, and Shields, 2017).

Similarly, the EU Consensus on Development, which is the EU's response to the sustainable development in line with those of the United Nations Sustainable Development Goals, is another developmental agenda that has seen a shift within its discourse. In 2017, the new EU consensus on Development aimed to promote sustainable development and tackle world poverty. As well as this, the agreement sets out to address elements of development policy such as 'gender equality, youth investment, migration and mobility, human rights and the rule of law' (European Council, 2022a). Development aid will be guaranteed conditionally, where cooperation is needed from partner countries of the agreement in areas such as returning individuals., readmissions and reintegration' (Van Dillen and Wirsching, 2017). This is problematic as it shifts funds and attention away from the core aim of Sustainable Development Goals which is to 'achieve a better and sustainable future for all' (United Nations Sustainable Development Goals, 2022), to states investing in tools to manage migration. Instead, development aid as such has its own role to play by making Sustainable Development Goals a long-term beneficial strategy for those countries that need it' (Van Dillen, 2017). To add to this, 'short-term goals as such, that places precedence on internal security hinder the EU from forming sustainable and attainable policies to handle migration' (Hasferlach and Kurban, 2017: 85).

Finally, the Cotonou Agreement of 2000, which replaced the Lomé Convention of 1975 is a key agreement between the EU, Africa, The Caribbean, and Pacific (ACP) that aims to strengthen its relations. The agreement's focus is to eradicate poverty in the ACP. The agreement is founded upon three pillars namely, 'development and cooperation, economic and trade cooperation, and political cooperation' (European Council, 2022b). In 2018 however, the agreement's agenda shifted as it set out new developments and expectations to be met after the year 2020 when the agreement is meant to expire. It states that the agreement is expected to prioritise key areas such as 'migration and mobility, peace and security, democracy and human rights, poverty eradication and economic growth and investment' (European Council, 2022b). This is consolidated on article 13 of the agreement where in 2005, it stated that 'there will be dialogue on matters of migration, human rights, fair treatment of legally residing ACP nationals in the EU, tackling the root causes of migration and illegal immigration and readmission' (Koeb and Hohmeister, 2010: 1), where migrants will be processed and returned to their countries of origin. However, the revised article in 2018 puts this premise at its core but also, entwines migration and development together where strategies to strengthen synergies between the two will be reached' (Koeb and Hohmeister, 2010: 3). However, this is problematic because such principles are seriously undermined by 'bilateral readmission agreements with transit countries in a context of externalization by Europe of the management of migration flows, that do not guarantee the respect of

migrants' rights, and can lead to "chain" readmissions that put their lives and safety at risk' (Koeb and Hohmeister, 2010: 7).

3.3.7 EU Emergency Trust Fund for Africa Libya and Niger

In 2010, the EU Commission entered into an agreement with Ghaddafi's government on a migration cooperation agenda that was intended to strengthen its relationship with Libya. This was concluded in a two-day visit to Tripoli on the 4th of October by the European Commissioner of Home Affairs and the European Commissioner for the Enlargement and European Neighbourhood Policy. The agreement was that the EU will provide '€60 million in aid between 2010 and 2013, in return for protection for migrants' (BBC, 2010). Libya in return was expected to stop migratory flows to the EU. The agreement, however, was discontinued due to the conflict that arose in Libya. Having said that however, the EU have invested in newer development schemes that it currently runs in both Libya and Niger for migration management under the EU Emergency Trust Fund for Africa (EUTF for Africa). The end of the Valetta Summit on Migration in 2015 saw an alliance where the European Union and African leaders agreed and signed an Emergency Trust Fund agreement to assist the development of African countries.

The European Commission implemented the fund to establish 'stability and addressing the root causes of irregular migration and displaced persons in Africa' (EU Emergency Trust Fund for Africa, 2022). The Trust Fund is currently implemented in three regions in Africa namely the Sahel and Lake Chad Region, The Horn of Africa, and The North of Africa. Programmes are adopted under it with the overall budget for the regions mentioned above totalling to 4.5 billion Euros. To date, the trust fund for Libya has been allocated 312,723,927 million Euros so far for improved migration management' (EU Emergency Trust Fund for Africa Libya, 2022). The EU's actions, through the fund, focuses on the training of the Libyan Coastguards, protecting and assisting migrants and refugees, supporting local communities, and improving border management. As a result, the trust fund for Libya currently has various programmes implemented in the country to address the root causes of displacement and irregular migration. In Niger, a total of 279.5 million Euros have been allocated across 15 projects as development aid to help tackle the 'root causes of irregular migratory flows' (EU Emergency Trust Fund for Africa Niger, 2022). In addition to this, various other programmes focus on improved governance and conflict prevention, strengthening resilience, and providing greater economic and employment opportunities. Overall, all programmes are geared towards migration management which will be discussed and analysed further in Chapter 4 and 5. The different projects for each country are listed here and analysed in depth in Chapter 4 and 5.

Libya Projects:

1. Support to integrated border and migration management in Libya – First phase

2. Support to integrated border and migration management in Libya – Second phase

3. Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya

4. Libya - Protecting most vulnerable populations from the COVID-19 pandemic Libya

5. Libya – Continuation Managing mixed migration flows: protection, health assistance, resilience, and community engagement

6. TOP UP: Managing mixed migration flows: Enhancing protection and assistance for those in need in Libya

7. Integrated approach to protection and emergency assistance to vulnerable migrants in Libya

8. Strengthening protection and resilience of displaced populations in Libya

9. Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development

10. Recovery. Stability and socio-economic development in Libya – Phase 1 (RSSD 1)

11. Libya - Recovery, Stability, and socio-economic development in Libya – Phase 2 (RSSD 2)

12. Scale-up of programme "Managing mixed migration flows in Libya" – local governance and socio-economic development pillar

13. TOP UP: Strengthening local capacities for resilience and recovery (Top-up SLCRR)

Niger Projects:

1. Creation of a Joint Investigation Team (ECI) for the fight against criminal networks linked to irregular immigration, human trafficking and smuggling of migrants.

2. Strengthening the management and governance of migration and sustainable return to Niger (Sustainable Return from Niger - SURENI)

3. Contract for the Reconstruction of the State of Niger in addition to the SBC II in preparation / Support for Justice, Security and Border Management in Niger

4. Integrated project to support the resilience of vulnerable refugee, displaced, returnee and host populations in the Diffa region, Niger

5. Strengthening the sustainable management of the consequences of migratory flows

6. Agro-sylvo-pastoral resilience, West Niger

7. Creation of jobs and economic opportunities through sustainable management of the environment in transit and departure zones in Niger

8. Promotion of employment to strengthen the economic resilience of communities in the Tillabéry region

9. Rapid Economic Impact Action Plan in Agadez (PAIERA)

10. Stabilization and socio-economic strengthening of populations affected by irregular migration in transit zones in Niger

11. Support for institutional and community resilience in the Diffa region

12. Support project for agricultural sectors in the Tahoua and Agadez regions

13. Support for the creation of a polyvalent squadron of the Niger National Guard (EP-GNN)

14. Support the training and professional integration of young girls and boys from the regions of Agadez and Zinder to contribute to the socio-economic development of these two regions

15. Migrant Response and Resource Mechanism (MRRM) Phase II

3.4 Conclusion

Overall, the chapter provides an overview of EU policy development and suggests that migration policy has become increasingly securitised. This is seen in the EU's efforts to incorporate the issue of irregular migration into its internal and external policies. The chapters show how internal structures and decisions led to the formation of restrictive migration policies especially for non-EU Member States citizens. It does this by explaining concepts such as free movement of people which allows individuals from the EU to move freely. This contrasts with third country nationals who face rules and regulations that are far more restrictive and hinder them from having access to EU countries. Next the chapter argues that the 1990s saw a gradual shift as key world events led to an increase in migrants. As a result, the chapter focusses on the institutional dimension, where key treaties were ratified, and this gradually showed the way migration issues were becoming securitised. These treaties served a common framework relating to matters of migration, that were shared by member states of the union. However, they indicated deep problems rooted within the migration policy system of the EU. Alongside the treaties, the EU has developed key institutions such as Frontex, which acts as the union's external border Agency. This has allowed the EU to embed migration control in its foreign policy relations which has consequently led to the outsourcing of its migration policies in non-EU states such as Niger and Libya. This the chapter argues is done through security cooperation and conditioning development aid on migration management. This in effect makes such countries such as Libya and Niger 'securitisation hubs' for the EU to help it curb irregular migration. Therefore, there is a historic reoccurrence whereby security and development cooperation in return for migration has existed in the relationship between the EU and Libya and Niger. What is different now is the intensity (through the proliferation of treaties and agreements) at which this is being done, and the innovative ways it is happening. Chapter 4 and 5 explains this further by analysing the chosen policies.

Chapter 4: Libya – Primary Securitisation Hub

4.1 Introduction

The question this thesis aims to address is the extent to which the EU's humanitarian policies adopted between 2015 and 2020 in Libya and Niger towards irregular migration prioritise security of borders over saving lives. It aims to establish how actors such as the EU frame and construct discourse and argument, and how it constructs certain statements to be true. In the context of the securitisation theory, the EU Commission as a securitising agent has framed and constructed irregular migration as a security threat and has successfully legitimised these frames, thus enabling it to adopt policies to curb migratory flows. The chapter will explore this question by analysing the case of Libya the "Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking, and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic" (MoU), and the "EU Trust Fund for Africa Libya 2015-2020". As mentioned in the introductory chapter of this thesis, Libya acts as a Primary Securitisation Hub for the EU due to its geographical placing. As Libya borders Italy, this means the security threat of irregular migration is right at its door. As a result, the EU has focussed heavily on adopting measures that are security focussed to deal with the issue of irregular migration which it believes is fuelled by human smuggling networks operating in Libya. The chapter will analyse and evaluate five semi-structured interview transcripts of EU Commission representatives and the documents mentioned above that were collected as part of this research to support the argument of this thesis.

This chapter will apply Fairclough's three-dimensional framework to the policies to interpret the meanings and show evidence of securitisation. These are textual, discursive practice and social practice. The textual dimension of the analysis is done by applying the discourse frames established by this thesis to the MoU to see how many times they are mentioned. For the EUTF for Africa Libya, each project is categorised into the discourse frame they fit into as per the definitions given on Chapter 2, Table 6. The same discourse frames are used to analyse the contents of the text to see how many times they are mentioned. Next, the most important words for the policies found after the textual analysis are chosen to highlight the discursive practice, whilst interpreting how these words show elements of securitisation. For the social practice, the chapter will explain how the salient themes found in the textual and discursive practices further shows evidence of securitisation, whilst highlighting how elements of power, control and inequality are demonstrated through the securitised language of the policies. The chapter will commence by presenting the MoU and looking at it from the four discourse frames of security, humanitarianism, human rights, and development highlighted in Table 1 below, and apply the same method for the analysis of the EUTF for Africa Libya. In the case of the MoU, it was found that migration in Libya was highly securitised. This is seen through the militarisation of migration in this

region and the treatment of migrants as clandestine due to the affiliation with smuggling networks. In the case of the EUTF, all the projects (even those that are geared towards development, humanitarian, and human rights practices), were found to be highly securitised. The salient issues that were found are the militarisation of borders, implementation of security task forces to intercept migrant boats, voluntary humanitarian returns, returns and reintegration into countries of origin, and the improvement of detention centres appeared frequently. This indicates that the aim of the EU is to use Libya to control irregular flows into its borders rather than saving lives.

4.2 Memorandum of Understanding 2017 – 2023 Social and Political Context

Developed in 2017 and extended in 2020 for another three years, the Memorandum of Understanding between Libya and Italy came into force in a bid to curb irregular migratory flows from sub-Saharan Africa. The MoU sets out a bilateral agreement between the Italian and Libyan government to fight irregular migration and stop human smuggling networks, with the support of the European Union that is instrumental in the providing funds to oversee the activities of the agreement. Despite the evidence suggesting human rights abuses because of the policy collated by human rights organisations such as Amnesty International and the UNHCR, no amendments were made to the agreement. Instead, the two countries further solidified their stance against stemming the flow of migrants and further pushing them back to their countries of origin and transit. The MoU is an interesting policy as it highlights both hard and soft power tactics adopted by the EU and its member states to stop irregular migration. It does this in two ways where it uses hard power tactics such as training military personnel, border agents such as the Libyan coastguard, and economic tools such as revenue to ensure the policy is implemented and enacted by the Libyan government. In addition to this, the policy demonstrates the way the EU and its member states use soft power tactics and efforts to implement migration policy disguised as development aid for key Libyan sectors and facilitating diplomacy and talks with the Libyan government. To show this, the chapter will commence by discussing the context in which the policy was created and how it came about. Here it will discuss both the social and political context in which the policy was formed and by whom it was formed. Next, it will demonstrate elements of the MoU that highlight various discourse frames that were found such as security, humanitarianism, development, and human rights. These will be discussed, and their meanings analysed.

The MoU was agreed by Italy and Libya and supported by the European Union to combat smuggling networks that are putting migrants on boats, and to look for solutions such as investing in development schemes for countries affected by the crisis. It was signed directly by Prime Minister Gentiloni of Italy and Prime Minister Fayez Serraj of Libya. The MoU runs three pages long and is divided into a Preamble and eight Articles. It is based on three overarching aims: strengthening security forces on the Libyan and Italian borders to help thwart human smuggling networks, cooperating on ending the war

in Libya, and implementing development programmes in Libya to help tackle the causes of irregular migration. The MoU was implemented in a decade where Europe was faced by a resurgence in populist movements and far right political groups who typically have Eurosceptic tendencies and are sceptical of migrants and foreigners (Vaughan-Williams, 2021). Although not directly EU migration policy, it was implemented by the Italian government and supported by the Union. Paolo Gentiloni, Prime Minister of Italy from 2016 to 2018, also a former Minister of Interior, and currently an EU Commissioner for Economy, was instrumental in securing a deal with the GNA leader Fayez Al-Sarraj in 2017 to stem migration flows from Libya.

The year 2015 to 2016 (two years before the law was passed) were crucial years for both the EU and Italy as a high number of people reached European shores from North Africa. Therefore, reducing such numbers was prioritised when Paolo Gentiloni came into office. In this same year, concerns grew over the presence of NGOs in Libyan waters saving and redirecting smuggled migrants into European states such as Italy and Malta. Like the smuggler, they were seen as the push factors that helped migrants in Libya to cross the Mediterranean. In 2016, Gentiloni was quoted saying that it is vital to ensure Italy's political and social security (which his party members believed was being negatively impacted by irregular migration) was protected (Benedikter and Pawel-Karolewski, 2017). At the same time, Gentiloni defended his focus on stopping irregular flows from Libya by arguing that the situation facilitated the rise in far-right parties and movements like that of Matteo Salvini's who have an anti-migrant sentiment and Eurosceptic views (Bendikter and Pawel-Karolewski, 2017). This was seen to have a potential negative impact on the wellbeing of the Italian state and goes against the values of the EU. Therefore, measures were needed to better the situation.

Gentiloni and his Minister of Interior Marco Minniti imposed further strict rules to deter migrants and ensure state security such as deterring NGO vessels saving lives at seas to embark on Italian borders, and to also deter vessels from entering Libyan borders to look for stranded migrants (Guagnano, 2019). This led to the criminalisation of sea rescues as NGO's were deemed as facilitators who enabled human smuggling networks to put migrants on boats. It is plausible to argue here that Gentiloni was faced with the task of ensuring his party was not at the risk of downfall due to the growing popularity of Matteo Salvini's 'Lega Nord' or Northern League. The possibility of Salvini's party gaining power meant European unity was at risk. Therefore, efforts were focussed on dismantling issues such as irregular migration. Focus was thus shifted on enforcing rules and regulations to stop migration facilitators such as smugglers and NGO's whose actions were deemed criminal. This focus, however, overlooks the extent to which such rules and border managements and controls have created a vacuum of risk and illegality which both facilitators and migrants navigate (Maher, 2018). The MoU was thus one of these rules or policies that ensured this. The next section below will discuss the analysis applied to the law to show evidence that securitisation and not saving lives is at the core of the policy.

4.2.1 Security Frame

4.2.1.1 Initial Textual Analysis

The analysis of the policy commenced by carrying out Fairclough's first framework level that being the textual analysis. This involved unpacking the text to see which words fit into the definition of the discourse frames of this thesis. Once this was established, the coding process was run on the policy document to count the number of times the discourse frames were mentioned. As illustrated in Table 2 below, it was found that matters related to security were referenced to 13 times. Development matters were mentioned 4 times, humanitarian matters mentioned twice, and human rights matters mentioned only once. For all the times security measures were mentioned, a justification that there was a duty 'to protect and save lives at sea' was given which enabled the policy to maintain its humanitarian discourse. The Preamble of the policy starts out with the full title of the MoU, and eight paragraphs that sets out what it aims to do. The following discussions below highlight and discuss the discursive practice (interpretation) and the social practice (explanation) of the policy for each discourse frame.

Table 11: Number of times discourse frames are mentioned in MoU

Discourse Frame	Times Mentioned
Security	13
Humanitarianism	2
Development	4
Human Rights	1

Source: Authors illustration

4.2.1.2 Security Frame Discursive Practice/Interpretation

Within the 13 security related references made in the MoU, most attention was given to eight main eight areas. As illustrated in the figure below and the textual analysis above, these are words such as terrorism, controlling borders, clandestine, use of military institutions, voluntary/forced returns, technical and technological maritime support, trafficking, and smuggled. What one can interpret here is that migration is seen as a security threat because of the militarised language and words used. Terminology indicating to risk and danger such as smuggling, trafficking, clandestine, and terrorism is used to describe the threat from this region. For these reasons, adopting security measures such as controlling borders, military institutions voluntary/forced returns and technical and maritime support can help curb the number of people taking the journeys and therefore save lives. By doing this, Italy and the EU has allowed for the framing of irregular migration in a militarised manner thus signposting us to securitisation. For these reasons, it is plausible to argue that through the language and words used,

irregular migration is framed as a security threat. This is echoed in the sentiments of a representative at the Directorate-General Migration and Home Affairs interviewed for this research (DG Home) where they argue that the EU's

> "irregular migration from Libya is a threat due to the criminality behind migrant smuggling and the trafficking of human beings. Therefore, cooperation with the Libyan Coastguard to dismantle this is an essential need for the EU" (DG Home Representative, 15th February 2021).

This chapter thus interprets and explains this in three ways. Firstly, irregular migration is seen as a threat. Secondly, the construction of such threat invokes fear. By doing this, the EU effectively manipulates the Libyan party into accepting the law and boosting its efforts to stop irregular migration. Finally, irregular migration has been militarised to help fight this threat. The analysis below delves further into these three interpretations to explain how this is done in the MoU by focussing on the salient themes for the social practice of the analysis.

Figure 7: Illustration of security discourse frame and words/themes associated with frame
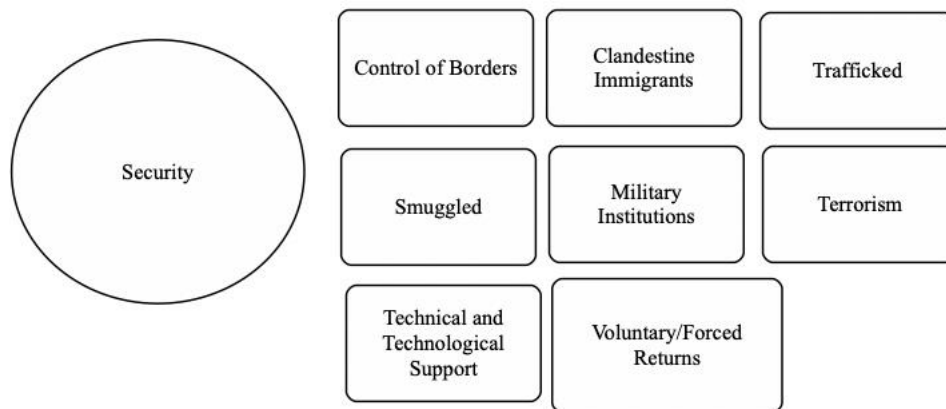
Source: Authors own Illustration

4.2.1.3 Social Practice 1: Irregular Migration as a Threat

The language of the MoU on the first look appears generic, simplistic and misses specific information. However, it still manages to present the issue of migration from this region as clandestine. The simplicity indicates a sense of hurriedness, and short-term thinking thus indicating the securitising agents' efforts at instilling a sense of urgency and fear in the matter of irregular migration. The policy's preamble commences by stating that the Italian and Libyan governments are

'determined to work in order to face all the challenges that have negative repercussions on peace, security and stability within the two countries and in the Mediterranean region in general' (Uselli, 2017).

From the get-go, a negative image is painted where it is assumed that a challenge is imminent which is expected to have a negative impact on both countries. It further suggests that the two states aim to work to tackle these challenges that 'have negative repercussions on peace, security, and stability within the two countries and in the Mediterranean in general' (Uselli, 2017). This automatically paints the image that an alarming existential threat is prevalent in the Mediterranean. To add to this, this challenge or migrants are painted and described as clandestine, illegal, trafficked, smuggled, and a challenge to the wellbeing of both states (Uselli, 2017). Such negative connotations further fuels and adds to the audience accepting the issue as a threat. However, the policy in the beginning does not explicitly state what this challenge is. Various issues and challenges such as war, dispute over territorial waters, climate change, and terrorism are currently said to be challenges seen in the Mediterranean region both in the context of countries in the south and north (Wolf, 2012). For instance, Libya is in a civil conflict, Greece and Turkey are in dispute over which state owns the Aegean Sea, COVID-19 most recently is impacting the region, and low levels of rainfall in Eastern and Southern Mediterranean is leading to food insecurity.

The policy, however, fails present the reader with this said challenge and there is no mention of the other general issues in the documents. This therefore shows that the policy has no sense of direction as it is not initially clear what they are stopping. On the other hand, policies on migration especially irregular migration, carry with them moral questions and implications. For example, at the time the MoU was initially written and passed in 2017, the International Organisation for Migration estimated that a total of 4,581 deaths (not taking into consideration bodies that were never recovered and those that died in detention camps) occurred (International Organisation for Migration, 2017b). Therefore, it might have been difficult for the Union to outrightly denounce and state the challenge as irregular migration in the opening sentences of the policy. However, reading the rest of the policy one realises that the irregular migration is singled out as the challenge. Even the choice of language adopted such as 'illegal', 'clandestine', and 'smuggled' which could be interpreted as not very discreet highlighted this. This therefore highlights that the issue of migration is isolated and treated with primacy whereas other general issues that have detrimental consequences to the region are overlooked. This supports the argument that migration has been securitised where it has been framed in a more intense and dramatic manner than other issues like climate change and food scarcity which one could argue are more challenging.

4.2.1.4 Social Practice 2: Manipulation of Emotions

As well as not clearly stating what challenges it wishes to fight, the MoU in its Preamble further shows evidence of securitisation by successfully constructing irregular migration as a risk, and then using its longstanding historical relationship with Libya to argue irregular migration must be stopped. It does this by affirming

‘the common historical and cultural heritage and the strong bond of friendship between the peoples of Libya and Italy are the basis to face the challenges deriving from continuous and high flows of clandestine migrants’ (Uselli, 2017).

Here, Italy uses its prior and existing relationship with Libya to justify why the two states needs to work together to fight the issue of clandestine migration. As highlighted in the historical chapter of the thesis, the two states have had both a positive and negative relationship with their relationship becoming more hostile in recent years. Here, Libya might feel compelled to help Italy in this matter, especially if they had diplomatic ties in the past, and especially if there are incentives for Libya to gain. Therefore, one could argue that although Libya might show a sign of loyalty to Italy due to the existing friendship they shared, it still is a state acting in its national interest. The interesting thing about this sentence is that it runs nearly three lines long however, there is no punctuation to guide the reader or give them a chance to pause. Normally, in linguistics and writing, long sentences are adopted by writers to create a sense of tension, overwhelming and intense feelings, and to build suspense. Long sentences with no punctuation further add to this as it shows a sense of urgency highlighted at the beginning of the chapter in the matter being addressed. This leaves a problem as it means that the states might fall into coming up with rushed strategies that are not impactful.

To add to this, another long sentence is shortly addressed in the preamble where it is agreed by both parties that they will ‘cooperate in identifying urgent solutions to the issue of clandestine migrants crossing Libya to reach Europe by sea, through the provision of temporary reception camps in Libya, under the exclusive control of the Libyan Ministry of Home Affairs, pending voluntary or forced return to the countries of origin, and working at the same time with the view that countries of origin accept the return of their own citizens, by concluding agreements to this end with these countries’ (Uselli, 2017). This further highlights a sense of priority thus reinforcing that a short-term outlook was adopted when passing such agreements. Various components such as reception centres, repatriations, liaising with migrants’ countries of origin are addressed in those six lines. All these components are difficult to execute and require long term planning to ensure they run smoothly. This rushed and poorly thought-out plan shows Italy’s aim of wanting a reduction in flows reaching its borders, and not really taking into consideration the complexity of the issue. The striking part of that quote is where it suggests that

it will 'work with the view that countries of origin accept the return of their own citizens by concluding agreements to this end with these countries' (Uselli, 2017). This poses a problem as most sub-Saharan African leaders struggle to accept their citizens back in fear of revolt and the fact that they cannot offer their citizens an alternative. As a result, repatriations are difficult meaning migrants are stuck in limbo and in detention centres across Libya with hopes of reaching Europe. This was the case in 2017 where only '9,235 of 189,545 sub-Saharan Africans in Europe were successfully accepted by their countries' (Mbiyozo, 2019). Similarly, in 2018, out of 40,000 cases, only '5,200 individuals were successfully returned' (Mbiyozo, 2019). Therefore, this means that the EU must come up with a compelling case and incentives to coerce sub-Saharan African leaders into accepting their citizens back. This has been seen in the provision of large funds for development programmes such as the EUTF. However, in a region where remittances from its citizens abroad totalled to $46 billion in a single year in 2018 (World Bank, 2018), accepting such individuals back will not be in the best interest of leaders and citizens. Therefore, this highlights the power imbalance between the EU and African states vis a vi the EUTF.

As well as this, the policy further coerces Libya by stating that it aims implement the policy by 'reaffirming the principles of sovereignty, independence, territorial integrity, and national unity for Libya, besides the principle of non-interference in internal affairs' (Uselli, 2016). Notions such as sovereignty, independence, territorial integrity, and national unity are patriotic in nature, personal, sensitive, and most individuals are willing to protect them. According to the securitisation theory, using language that evokes emotion means the target audience for which the securitisation move is intended is more likely to be accepted meaning that the securitisation move is likely to succeed. This is to ensure that a collective fear of the audience is achieved thus giving the policy more grounds of legitimacy (Van Rythoven, 2015). In addition to this, the recognition of principles of sovereignty, independence and territorial integrity should apply universally across the whole country. Libya in its current situation is very much divided. Italy initially signed the document with former Prime Minister Fayez Al-Serraj who had control of parts of the country at the time, whereas General Haftar controlled the eastern coastal region of Libya (Reviglio, 2020), another key staging point for migrants. As well as this, the southern part of Libya, where migrants from Niger transit through, is marred with conflict between rival tribes in the area that work in partnership with smugglers. This means that the management of coastal borders and other border entry points not in in the control of the recognised government of Al-Serraj is difficult. Smugglers and traffickers thus exploit this gap to help migrants move making the policy ineffective. Italy repeats this idea of protecting territories and borders further where it suggests it is vital to 'highlight the importance of Libyan land and sea borders' control and security, in order to ensure the reduction of illegal migratory flows, the fight against human trafficking and fuel smuggling' (Uselli, 2017). This repetition reinforces the message, adds conviction to what is being said, and shows an element of desperation and pleading in tackling the issue. Moreover, it also highlights a degree of control whereby Italy, a bigger power with advanced economical means, can persuade Libya a weaker

power to accept the expectations of the MoU. Therefore, the law is more beneficial for Italy and the EU than it is Libya which shows the unequal power dynamics between the two entities.

4.2.1.5 Social Practice 3: Militarisation of Migration

Another way the security discursive frame is deployed is by ensuring the control of borders through the training and funding of Libya's military institutions. Italy has done this through training the Libyan Coastguard on how to secure Libyan borders. The financing includes money for equipment purchases such as surveillance technologies and naval ships to help monitor and spot dinghies and boats at sea. As well as this, for the past few years, the Union under its CSDP missions has implemented various naval missions such as Operation Triton (2014) which was replaced by Operation Themis in 2018, and Operation EUNAVFOR Med or Sophia (2015) which was replaced by Operation Irini in March of 2020. The sobering thing about the Libyan case is that its military institutions are severely flawed and fragile, where military officials are affiliated with non-state actors such as rebels and militias. For example, when one looks at the Libyan National Army (LNA) loyal to General Haftar, most of its individuals are made up of Salafists, Sudanese, Chadian and Russian militias (Pack, 2019). The Libyan Army loyal to the General National Accord (GNA), whose power is said to rest on alliances with militias, is made up of Libya's remaining military and other local militias operating in the country (Robinson, 2020). Cooperation and funding of such groups highlights the desperation, short-term thinking, and oversimplification of migration as an issue by Italy and the European Union. It also highlights the externalisation of responsibility by Italy and the EU to other states.

> Article 1 Section 1 of the MoU details that Italy and Libya will commence
> 'cooperation initiatives in conformity with programs and activities adopted by the Libyan Presidential Council and the Libyan Government of National Accord, as regards the support to security and military institutions to stem the illegal migrants' fluxes and face their consequences, in accord with what is foreseen by the Treaty of Friendship, Partnership and Cooperation undersigned by the two countries and by the agreements and memorandum of understanding undersigned by the Parties' (Uselli, 2017).

From the outset here, we can see a clear image where Italy is fixated on the idea that security and military institutions are paramount in the fight against human smuggling networks that help drive individuals to cross the Mediterranean. To add to this, Article 1 is yet another long 6-line sentence details the steps Italy wishes to take to address the problem. This repetition, one can argue that there is another element of frustration and urgency where Italy seeks to reduce and completely stop the number of people arriving at its borders. Additionally, one could argue here that there is a problem where migration is oversimplified. By this, we mean that migration is viewed as a simple matter as that can

be simply stopped by using military and security forces (Roberts, 2018). What this does is that it makes it difficult for the policy to work well as in fact, migration is a complex issue that is caused by various factors. Such factors are not solvable by military action therefore, people will not stop trying to access EU member states.

Another thing this militarisation of migration highlights is the issue of short term-thinking Short-term thinking can lead to more catastrophic consequences as opposed to long-term thinking that takes into consideration consequence management strategies. It is argued that since its implementation, departures from Libya fell by 80% in its first year alone meaning that the MoU has been effective in its aim (Varvelli and Villa, 2019). Moreover, the EU still fails to answer for and protect individuals stuck in detention centres and the future of those intercepted and sent back to Libya remains uncertain. Most are trapped in detention centres, unable to return home, with some still hoping to reach Europe. Others disappear, are killed, or sold into slavery and forced labour. Therefore, by prioritising short term wins such as a reduction in the number of migrants, the EU fails to the protect the rights of those affected and has helped create an untenable security situation. Through this short-term thinking, it is plausible to argue that the Italian government and the EU have managed to empower military institutions like the Libyan Coastguard to help fight irregular migration. This is problematic because as highlighted above, military institutions such as the coastguard are known to be affiliated with militias and other non-state actors in Libya who detain migrants formally and informally. Therefore, by focusing on militarising migration, it is enabling illegal practices towards migrants to continue.

To add to this, Article 1 Section 2 further suggests that 'the Italian party commits to provide technical and technologic support to the Libyan institutions in charge of the fight against illegal immigration, and that are represented by the border guard and the coast guard of the Ministry of Defence and by the competent bodies and departments of the Ministry of Home Affairs' (Uselli, 2017). It further adds that this will be done by the Italian party providing support and financing to train personnel (Uselli, 2017). This highlights another element of not only using military means to stop migration, but it also shows shifting and externalising the military responsibility to other states rather than coming up with a feasible and sustainable plan. This can be seen as a form of orchestration where intermediary actors or links rather than the main actor are used to achieve a policy goal (Partiti, 2019). By providing technical and technological support and training personnel, this means that Italy has aims to not only train but equip the Libyan side with the tools they need to stop migrants. Ultimately, in the end, the aim is for the Libyan side to have full control of pushing back migrants whereas the EU takes a more passive stance on helping this happen. This shows how the EU shifts its responsibilities to third party states but at the same time, escapes from the legal and moral constraints that stem from the migration control practices in Libya (Müller and Slominski, 2020). The EU has been faced by various allegations such as those made by the International Lawyers such as Hirsi Jamaa in the infamous *Hirsi Jamaa and Others vs.*

Italy submitted to the International Criminal Court in 2012. Jamaa et al (2012) detail the grave human rights abuses and even crimes against humanity perpetuated by the Libyan government and enabled by the EU against sub-Saharan African migrants. Additionally, according to EU law, all its internal and external policies must adhere to upholding and protecting human rights. Therefore, to escape it being labelled and typified as an entity engaged in such practices, or even being sanctioned by international courts, the EU, and its Member States such as Italy have used orchestration techniques such as financial assistance, technical assistance, and coordination to get Libya to carry out its policy aims. Therefore, this confirms this thesis's premise that Libya acts as a primary securitisation hub because of these overt practices to manage and contain migration.

4.2.3 Humanitarianism Frame

4.2.3.1 Initial Textual Analysis

Within the frame humanitarianism, two main themes emerged as salient. As illustrated in Figure 8 below, these are the provision of temporary receptions centres for intercepted migrants, and the provision of immediate relief assistance such as medicines for those held at detention centres. The following discussions below explain how this can be interpreted as a securitisation move.

Figure 8: Illustration of humanitarianism discourse frame and words/themes associated with frame
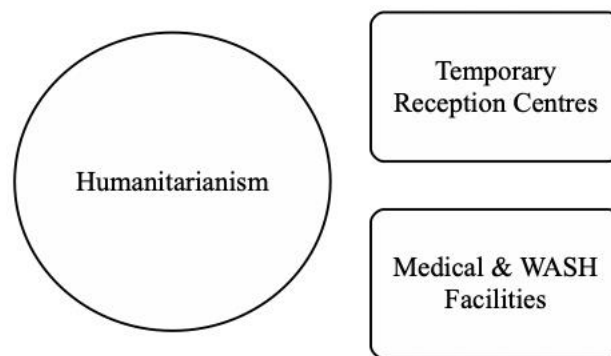
Source: Authors own Illustration

4.2.3.2 Discursive Practice/Interpretation

As per the definitions given at the beginning of the thesis, the humanitarian element of the MoU is evident through the provision of temporary reception centres and ensuring that medical and wash facilities are provided for migrants. However, and more importantly this research, although Italy states that it wishes to provide migrants with humanitarian relief, existing research has shown that the way it goes about ensuring this is not in line with humanitarian principles. In addition to this, to provide humanitarian assistance, Italy, and the EU reply on UN institutions such as the IOM and the UNHCR,

and other NGO's that work to provide humanitarian assistance. This, however, is difficult as Libya has been hostile to the presence of such institutions in the country and the insecurity makes it difficult for institutions to operate. It has simultaneously refused to give access to such organisations to carry out their mandate of delivering humanitarian assistance to migrants (Rankin, 2022). The next section sticks with the two themes that were found in the initial textual analysis and shows things have gone wrong as humanitarian aims have not been achieved. The section argues that the refusal to come up with a solution such as withdrawing cooperation with Libya on the protection of migrant lives prevents the policy in ensuring its humanitarian aims are achieved. Moreover, this is an example of where a humanitarian discourse is used to mask the security practices discussed above.

4.2.3.3 Social Practice 1: Provision of Temporary Camps and Medical Assistance

Paragraph 10 of the Preamble of the policy states the need of the two states in 'reaffirming the resolute determination to cooperate in identifying urgent solutions to the issue of clandestine migrants crossing Libya to reach Europe by sea, through the provision of temporary reception camps in Libya, under the exclusive control of the Libyan Ministry of Home Affairs, pending voluntary or forced return to the countries of origin, and working at the same time with the view that countries of origin accept the return of their own citizens, by concluding agreements to this end with these countries' (Uselli, 2017). For a humanitarian policy, there is little attention and interest in this area. Although the policy tried to use a humanitarian discourse, it also simultaneously makes references to security focussed strategies. The mention of temporary reception camps, which are in practice the detention camps in Libya poses a major risk and are an indication of this. When the EU and Turkey signed the EU-Turkey deal in 2016, it was agreed that although Turkey will receive all irregular migrants entering via Greece, all migrants will be protected in line with international standards and in respect of the principle of non-refoulement (European Council, 2016) meaning that refugees and asylum seekers will not be forced back to countries in which their lives are in danger.

In addition to this, as a humanitarian response, resettlement schemes such as the UNHCR's Vulnerable Persons Resettlement Scheme were implemented to help share the responsibility across EU states. Migrants were hosted in various refugee camps where they waited to be resettled. Moreover, there is no mention in the MoU of provision of camps run by legitimate organisations such as the UNHCR and resettling migrants to EU states but rather, there is mention of voluntary or forced returns of migrants to their countries of origin. This is different to the EU -Turkey deal which involved resettlement to other EU states. This an interesting development as it brings to light how the EU and its member states differentiates and picks which migrants are seen as most vulnerable. Migrants in Turkey tend to be Syrian refugees that have fled a visible war and are seen as "genuine refugees". On the other hand, however, individuals from sub-Saharan Africa are painted as economic migrants with Slavini of Italy

2019 typifying those arriving in Italy as fake refugees (Kington, 2019). Furthermore, having such a conception can be dangerous. It must not be forgotten that migration from sub-Saharan Africa tends to be mixed and complex. It varies from individuals fleeing war, persecution, and political instability from places such as Sudan, Nigeria, Eritrea, Somalia, Niger, Chad, and Mali, and those fleeing from abject poverty and serious economic conditions (which are usually a result of climate change leading to food insecurity, corrupt and poor governments, and blocked opportunities) in areas such as Mauritania, Senegal, The Gambia, and Guinea.

Another attempt at showing how the agreement incorporates the humanitarian component is where it is argued that 'the Italian party contributes, through the delivery of medicines and medical equipment, to the improvement of the illegal immigrants' medical needs in the centres, in the treatment of communicable and serious chronic diseases' (Uselli, 2017). However, humanitarian organisations such as Médecins Sans Frontières (MSF) on a visit to Libya in 2019, argued that there is very little healthcare assistance provided for migrants trapped and left stranded in detention centres across the country in areas such as Zintan and Gharyan. MSF reports that since 2018 out of 900 individuals held in the Zintan detention centre for instance, 700 individuals were in an overcrowded hangar with unsanitary water and barely functioning toilets (MSF, 2019). The health of the migrants was so poor with frequent Tuberculosis outbreaks that resulted to 22 deaths, scabies, and other serious communicable diseases. This is partly due to the fact the Libya has increasingly been hostile to the presence of relief organisations like Médecins Sans Frontières in the country. As well as this, such temporary camps are controlled by non-state authorities or state authorities affiliated with militias which means that access to them is sometimes impossible (Kruashvili, 2020). Therefore, it is plausible to argue here that all in all, security takes precedence over matters such as humanitarianism. Italy and the EU need to re-think their strategy of liaising and working with countries such as Libya that do not ensure the protection of migrant rights to ensure that humanitarian aims are achieved.

4.2.4 Development Frame

4.2.4.1 Initial Textual Analysis

Within the discourse frame development, the MoU mentions only 4 times that it aims to help the Libyan government in areas of development to ensure human smuggling networks do not continue to exploit the security vacuum left in Libya. Four areas of concern were addressed. These are financing development programmes in regions in Libya affected by irregular migration, creating income replacement schemes for smugglers, and implementing development projects in migrant s countries of origin. This is demonstrated in figure 9 below.

Figure 9: Illustration of the development discourse frame and words/themes associated with frame.
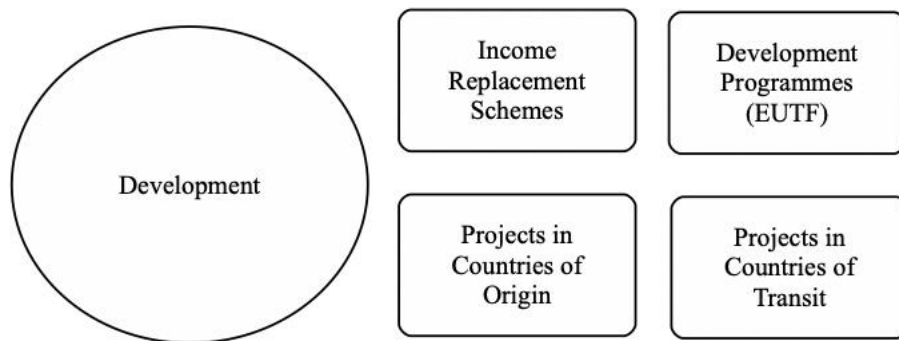
4.2.4.2 Discursive Practice/Interpretation

Words such as income replacement schemes, development programmes, and projects in countries of origin and transit all indicate to the fact that irregular migration from this region of the world is something fuelled by poverty. As argued in Chapter 3 of this thesis, although economic migrants make up the demographic, asylum seekers, IDPs, refugees and other migrant categories also come from this region. Additionally, legal status of migrants often changes during the journey. The main issue that was found in the discourse frame for development was that the implementation of such initiatives listed above, indicate that development projects are being used to deter migrants from embarking on the journey in the first place. This effectively stops them, which contributes to lesser numbers arriving in Europe therefore indicating securitisation. Furthermore, there is little attention given to how the policy will ensure development in Libya to help dismantle smuggling networks, and how it aims to work with migrant's countries of origin to help address the root causes of irregular migration. This development aid to control migration management strategy is discussed further below.

4.2.4.3 Social Practice 1: Development Aid to Manage Migration

In the area of development, Italy argues that it aims to promote 'Euro-African cooperation, to eliminate the causes of irregular immigration, to support the countries of origin of immigration in the implementation of strategic projects for development, raise the level of tertiary sectors to improve life standards and health conditions, and contribute to the reduction of poverty and unemployment' (Uselli, 2017). This shows that there is a prioritisation given to prevention and deterrence of clandestine migration and assigns very little importance to addressing the root causes of why clandestine migration occurs (Search and Rescue Observatory for the Mediterranean, 2019). To add to this, it further adds that these projects will include creating 'adequate job creation initiatives within the Libyan regions affected by illegal immigration phenomena, human trafficking and fuel smuggling' and provide income

replacement scheme initiatives in areas such as 'renewable energy, infrastructure, health, transport, human resources development and scientific research' (Uselli, 2017) to give smugglers legal options to make a living and deter them from profiting from migrants. Again, here, the agreement does not state what these projects will be, nor does it highlight how these finds are going to be allocated.

Therefore, one can argue here that not only is the agreement unbalanced, but it also highlights an example of how states such as Italy and Libya are responding to the challenge of maintaining a balance between the protection and strengthening of migrant rights, and the need to ensure national security by protecting their borders (Capone, De Guttry, and Sommario, 2017). The Preamble of the charter stresses that both Libya and Italy 'have acknowledged Italy's commitment to relaunch dialogue and cooperation with African countries of primary relevance for migratory routes, which has led to the establishment of the Fund for Africa' (Uselli,2017). Although this is needed and vital, it requires long term strategic planning with the end goal of achieving sustainable results. The MoU, however, does not delve into this therefore, it is plausible to argue that the MoU is a short-term policy strategy. Additionally, this is an indication that development aid is being used to condition Libya into enhancing its efforts at stopping irregular migration. This confirms this thesis's original contribution that Italy and the EU uses its political and economic powers to condition Libya into accepting migration management which if it refuses, has consequences which signposts to elements of control, inequality, and the unequal distribution of power. In Chapter 6, this concept is expanded upon further.

4.2.5 Human Rights Frame

4.2.5.1 Initial Textual Analysis

After the initial text analysis, it was found that human rights references were made once in the MoU as demonstrated in the figure below. As mentioned at the start of chapter, the human rights frame is usually silent in the policies or usually embedded in the humanitarian discourse. This is a major flaw and the consequences of this are discussed further in Chapter 6.

4.2.5.2 Discursive Practice/Interpretation

The MoU states that it aims to carry out its mandate by ensuring that international obligations around human rights are maintained and exercised as shown in figure 4 below. It is important to keep in mind that Libya has ratified and consented to most relevant international humanitarian law conventions and some core human rights conventions apart from the 1951 Convention on the Status of Refugees and Optional Protocol of the Convention Against Torture (Capone, De Guttry and Sommario, 2017). This is problematic because it does not make it the best partner to cooperate with on the protection of migrant

rights. The analysis of this chapter holds that for human rights to be considered as integral in the MoU, more references of the frame is needed and there needs to be a clear indication of what is being done to ensure this. The limited discussion and silence in some cases around the frame highlights it is not as important as the security frame for example which dominates the contents of the MoU. This is discussed further below.

Figure 10: Illustration of human rights discourse frames and words/themes associated with frame
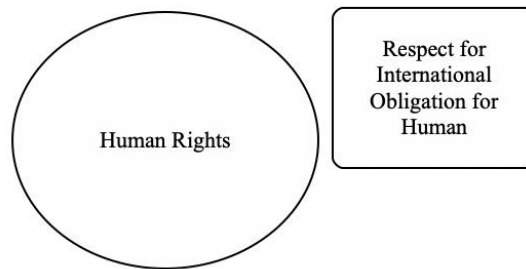
Source: Authors own illustration

4.2.5.3 Social Practice 1: Limited Human Rights Discourse

It is not until Article 5 out of 8 when the policy states that 'the Parties commit to interpret and apply the present Memorandum in respect of the international obligations and the human rights agreements to which the two countries are parties' (Uselli, 2017). For a policy that is so focussed on the security dimension of handling migration, it is almost as if the mention of human rights was simply tagged towards the end of the document to make the reader think such practices are done with such principles in mind. There is no mention of what these international obligations are for either party. On the matter of international obligations and human rights agreements to which both countries are parties, Libya is not a signatory of the Refugee Conventions and as a result does not adhere to the principles of refugee protections such as non-refoulement. Italy on the other hand, adheres to various treaties that ensure protection for migrants and refugees such as the Universal Declaration of Human Rights (1945), and the UN Convention relating to the Status of Refugees of 1951. In addition to this, it subscribes to the European Convention on Human Rights in which Article 3 which prohibits states from participating in torture and ill-treatment (Manchini, 2018). Therefore, Italy's complicity in working with Libya on the migrant situation goes against the conventions it states that it is a signatory of. What the MoU fails to address and take into consideration is that individuals trapped in Libya because of this policy, are being killed due to the dire conditions that they live in. Therefore, it is plausible to argue here that externalisation measures to stop irregular migration take precedence over the protection of migrant rights.

4.3 Conclusion

Overall, from the analysis, the MoU shows that Libya is used as the EU's primary securitisation hub rather than focussing on saving lives. This is because irregular migration is seen as a threat which is seen in the haphazard structure of the Law. Irregular migration has been militarised with migrants being treated as a clandestine group due to their affiliation with smuggling networks. As well as this, the EU and Italy manage to justify its security practices in this region by pushing the narrative that it is saving lives at sea and protecting the most vulnerable from smugglers. This thus gives both entities the grounds to justify externalising its migration policies to a state like Libya.

4.4 EU Trust Fund for Africa – Libya Social and Political Context

As discussed in the historical chapter of the thesis, the EU launched its emergency trust fund for Africa in 2015 to support the coordination and implementation of the Valetta Summit Migration Action Plan. Both Libya and Niger have respective trust funds dedicated to their countries. The main debate since the refugee crisis commenced is how migration management is to be enacted whilst making sure different interests are met within a strong human rights framework (European Parliamentary Research Service, 2019). The UN adopted its Global Compact for Migration Agreement in 2016 to ensure that migration issues are dealt with in a comprehensive and holistic manner. Although not legally binding, its pillars are built on the 'values of state sovereignty, responsibility sharing, human rights, non-discrimination, and the recognition that a cooperative approach is needed to benefit migrants' (United Nations Refugees and Migrants, 2021). The EU has since endorsed this agreement which calls for:

1. the mitigation of the drivers behind forced migration
2. reducing risks and vulnerabilities faced by migrants that impact their human rights
3. the creation of conducive conditions to help migrants contribute to sustainable development (United Nations Refugees and Migrants, 2021).

With this in mind, the EU has embedded the priorities of the Global migration compact agreement priorities in its EUTF for Africa projects. For this, the Union claims that it aims to uphold the human rights of all migrants and protect them from vulnerabilities, address the drivers of migration, connecting migration with development, promoting international governance of migration, address the illegal smuggling and trafficking of migrants, and promoting regular pathways. Furthermore, the EUs actions after the EUTF was launched have not fallen in line with the agreement (Kipp, 2018). There is still a reluctance to share the responsibility of resettling migrants across Europe, deaths are still occurring the Central Mediterranean, and human rights are still being abused in transit states such as Libya and Niger. The following sections below will look at each project through their respective countries, whilst using the discourse frames established at the beginning of the chapter to analyse the projects and using the

data from my interviews to support the analysis. Again, the question being explored is the extent to which the EU migration policies in such countries are securitised and how the EU uses a human rights rhetoric to carry out its security practices. This is seen in the way the policies are framed, and the intense use of security practices to implement the EUTF.

Upon its initial implementation, the EUTF for Libya had nine projects which have since been increased to a total of thirteen projects (EU Emergency Trust Fund for Africa Libya, 2022). This is due to the changing security situation in Libya and other security threats such as the COVID-19 pandemic. Additionally, the initial 9 projects were heavily fixated on the security element that being border management, training of the Libyan Coastguard, and provision of funding for key security entities in Libya to tackle irregular migration. Due to the heavy attention given to the security projects, we argue that Libya acts a primary securitisation hub for the EU. By this, we mean that the geographical location of Libya and its proximity to Europe (as it is only separated by the Mediterranean Sea), therefore, the securitisation threat, which is irregular migration, is right at its borders hence why it has focussed on border management. (For this thesis, projects added after 2020 will not form part of the analysis). No specific projects fall into the human rights discourse frame. Instead, the human rights discourse is sometimes embedded in the other projects. This absence is important for this thesis and in Chapter 6, it will be discussed as a consequence of the policies. The projects to be analysed are listed below:

Security Frame Projects
1. Support to integrated border and migration management in Libya – First phase
2. Support to integrated border and migration management in Libya – Second phase

Humanitarian Frame Projects
3. Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya
4. Libya - Protecting most vulnerable populations from the COVID-19 pandemic
5. Libya – Continuation Managing mixed migration flows: protection, health assistance, resilience, and community engagement
6. TOP UP: Managing mixed migration flows: Enhancing protection and assistance for those in need in Libya
7. Integrated approach to protection and emergency assistance to vulnerable migrants in Libya
8. Strengthening protection and resilience of displaced populations in Libya

Development Frame Projects
9. Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development
10. Recovery. Stability and socio-economic development in Libya – Phase 1 (RSSD 1)

11. Libya - Recovery, Stability, and socio-economic development in Libya – Phase 2 (RSSD 2)

12. Scale-up of programme "Managing mixed migration flows in Libya" – local governance and socio-economic development pillar

13. TOP UP: Strengthening local capacities for resilience and recovery (Top-up SLCRR)

The following sections below will analyse the projects using Fairclough's framework in the same way as the MoU. Looking at the titles, each programme can be categorised into a discourse frame (security, humanitarianism, development, and human Rights). However, the discourse frame of security is still greatly embedded in each policy. This is evident in the amount of times security related themes and references are mentioned. The EU strongly pushes the discourse that it aims to protect vulnerable migrants whilst contradicting its-self by ensuring this through migration management practices which puts vulnerable migrants at risk. As mentioned, no specific projects are aimed at human rights. However, most of the human rights discourse is embedded in the discourse around humanitarianism. The problem in the case of Libya, however, is that the policies here are implemented to directly stop migrants from reaching Europe therefore losing the humanitarian element the EU supposedly focusses on.

4.4.1 Security Frame

4.4.1.2 Initial Textual Analysis

The two projects aimed specifically at security practices are *Support to integrated border and migration management in Libya – First Phase and Support to integrated border and migration management in Libya – Phase 2*. The first phase has had a total sum of €46,300,000 with €42,223,927.28 drawn from the budget of the trust fund and €2,231,256 co-financed by Italy, and €1,844,816.72 provided by the EU Internal Security Fund. The first phase's aim is to aid the Libyan parties to control their borders and provide lifesaving rescue at sea in a manner fully compliant with international human rights obligations.

Table 12: Number of times discourse frames are mentioned in EUTF Libya Security Projects

Project Title	Discourse Frame	Times Mentioned
Support to integrated border and migration management in Libya – First phase	Security	37
	Humanitarianism	2
	Development	1
	Human Rights	7
Support to integrated border and migration management in Libya – Second phase	Security	44
	Humanitarianism	4
	Development	2

	Human Rights	4

Phase 2 is a continuation of phase 1 however with a refocus to strengthen the Libyan Coastguard and Port Security (LCGPS), by increasing its capacity for search and rescue (SAR) and dismantling trafficking networks in respect of international law and human rights and saving lives at sea. Whereas in phase 1 the language in the discourse was more security focussed and targeted the interception of migrant boats, phase 2 pushes the smuggler/trafficker narrative asserting that they are the problem. NVivo was run on both projects to ascertain the number of times the discourse frames were mentioned. The illustration in Table 12 above, shows the number of time security, humanitarian, development, and human rights practices were referenced to. Overall, security references were made the most. This is an interesting development as although the language of phase 2 focuses heavily on humanitarian elements such as saving lives and protecting the rights and dignity of migrants from those enabling trafficking networks, it has the most security related practices. Moreover, the dismantling of trafficking and smuggling networks is done by intercepting boats occupied by vulnerable migrants, not traffickers or smugglers. Therefore, what the policy essentially does is it puts migrants at risk by targeting them, whilst the criminal smuggling gangs continue to operate. As these security practices are directly impacting migrants, this gives one stronger grounds to argue that this is a clear sign of securitisation.

4.4.1.3 Discursive Practice/Interpretation

After the initial analysis, words, and phrases such as ministry of defence, EUBAM Libya, Operation Irini, Frontex, and EUNAVFOR MED. From the words illustrated in Figure 11, we suggest that they can be categorised under three themes to show a move of securitisation. These are 1) the involvement of security entities in Libya to tackle irregular migration, 2) the creation of security task forces, and 3) the provision of practical and operational assistance to carry out border management practices. The Libyan Ministry of Defence and its key institutions such as the LCGPS and the Land Border guards (LBG) facilitated search and rescue efforts. Under the creation of security task forces, security operations such as EUBAM Libya, EUNAVFOR MED (Operation Sophia) and Operation Irini, were used to run search and rescue missions to intercept migrants. Finally, training was provided to the Libyan Coastguard, the Ministry of Interior, and its relevant institutions such as the General Administration for Coastal Security (GACS), General Administration for the Security of Border Crossing Points (GASBCP), DCIM and the Passport, Nationality and Foreigner Affairs Department (PNFAD) to strengthen their capacity. What can be concluded from the interpretation above is that by using such security focussed entities to carry out the projects, the EU militarises migration, fetishizes the provision of equipment that would typically be used in a conflict or war setting to deter migrants,

and implements ask forces in the region such as Operation Irini to fight irregular migration. This therefore indicates evidence of securitisation.

Figure 11: Illustration of security discourse frame and words/themes associated with frame
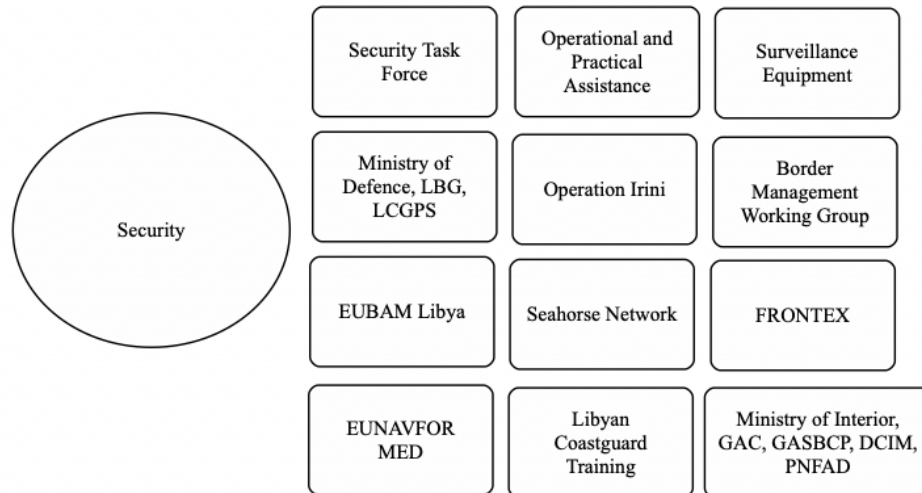
Source: Authors Own Illustration

4.4.1.4 Social Practice 1: Militarisation of Migration

As mentioned in the discussion of the MoU, the EU has militarised migration and this can be seen in its policies in Libya. Where the MoU differs with the EUTF in the realm of security is that where the MoU states its interest in providing military assistance and forging an agreement between the two parties, the EUTF offers a glimpse into the practical and operational actions both the EU and Libya aim to take to tackle irregular migration. Additionally, through the EUTF for Libya we see the EU empower Libyan security entities and overly rely on them to implement the security projects aimed at reducing irregular migration. Phase 1 of *Support to Integrated border and migration management* focussed heavily on the training of the Libyan Coastguard which was deemed as a 'key component to the EU's approach which must be speeded up, and that cooperation shall be reinforced to stem the migratory pressure on Libya and its neighbours land borders' (Support to the Integrated border and migration management in Libya – First Phase, 2017). Militarisation is initially shown through the use of key security departments and security partners in Libya to help carry out such practices. For example, it currently works with Ministry of Interior (MOI) who oversee the GAC and the GASBCP, the General Directorate for Combatting Illegal Immigration (DCIM), The Ministry of Defence which oversees the LBG and the LCGPS. Using such institutions goes against the core mandate and idea of the EUTF – that being an emergency response addressing the root causes of irregular migration which highlights an element of irony where the EU uses a development and human rights rhetoric to carry out its security

practices. Military institutions will most likely use militarised or securitised practices to tackle migration. These will offer short term results such as a swift increase in the number of migrants being intercepted and returned to Libya, where the DCIM has created detention centres to detain those that are intercepted. Therefore, this does not address the core problems fuelling irregular migration. The work of the LCGPS has been hailed by EU representatives at the Directorate-General Migration and Home Affairs (DG Home) who have described the "EUTF as successful because the numbers of arrivals are down" (DG Home Representative, 15th February 2021). This is further highlighted below here where there is a comparison on the number of arrivals to Italy from Libya between 2016 to 2017.

Table 13: Arrivals by Sea in Italy 2016-2020

	Arrivals by sea to Italy – (Source: Italian Ministry of Interior)					Migrants returned from the sea to Libya (Source: IOM)		
Year	2016	2017	2018	2019	2020	2018	2019	2020
Total	181,436	119,369	23,370	11,471	5,119	15,428	9,225	3,980

Source: Support for Integrated border and migration management in Libya – Second Phase (2020)

What one can see here is that there has been a sharp decline in the number of arrivals. However, it fails to address that security institutions helping with this reduction in Libya tend to engage in malpractice, are affiliated with militias across the country or run by them, and have no regard for migrant safety (Creta, 2021). The DCIM has set up various detention centres across the country where intercepted migrants are kept. Such places include the Tajoura and Zintan (are now closed) detention centres for instance, which were run by DCIM under the Ministry of Interior and were well known for overcrowding and forced detention of migrants. Moreover, ten existing detention centres remain open, and an extra four have recently been added giving us a total of 14. What we are therefore witnessing in Libya is a cycle of arrival, departure, interception, returns and detention. This means that desperate and vulnerable migrants are put on boats by smuggling networks, intercepted by the LCGPS, returned to Libya, detained at the facilities mentioned above only to be released later and re start the whole cycle again whilst smugglers themselves remain free. Therefore, it is not dealing with the core issue at hand. As Peter Roberts (2018) puts it, the idea that irregular migration can be prevented using military forces and military style practices, 'gives a false sense of action, a perception of achievable solutions and measures of success not associated with the core problem' (Roberts, 2018: 217).

Phase 2 of the same project was introduced with a different focus: dismantling of smuggling networks and strengthening the capacity of the LCGPS. The EU was keen to push the idea that it does what it does in respect of international law and human rights however, militarising migration goes against the fundamental values of international law with regards to human rights. However, one cannot ignore the

security elements embedded in the militarisation of borders which is seen in its drive to strengthen the capacity of the LCGPS. What we see here is two things. Firstly, the EU has changed its discourse to argue that smuggling networks are the issue, and it has tasked the LCGPS in helping it dismantle these networks. This is a common occurrence in externalised EU migration policies where there is a shift of responsibility to a different party, a lack of accountability for the consequences linked to the failures of the policies, blame-shifting and an overall reluctance to accept that it is aiming to reduce the number of people arriving in Europe. This is significant as it gives the EU the scope to avoid the moral and legal consequences that come with taking responsibility for the human rights abuses materialising from its policies and clear itself of guilt. An example of this is the Phase 2 of *Support to integrated border and migration management* which claims that its overarching aim is to strengthen the

> 'LCGPS to increase its capacity for search and rescue activities and the fight against trafficking in human beings and smuggling of migrants, thus contributing to providing a response to the migration crises in the Central Mediterranean in respect of international law and human rights. It aims to strengthen the LCGPS and GACS capability to contribute to border management operations and reduce even further the number of people dying at sea' (Support to the Integrated border and migration management – Second Phase, 2018).

Here, one notices a slight shift in the language from Phase 1. Whereas it originally argued the need to speed up the training of the LCGPS to stem the migratory pressure on Libya and its neighbouring countries' land borders, phase 2 looks at empowering the LCGPS and the GACS to 'fight against trafficking and smuggling human beings and reduce the number of people dying at sea'. By giving the GACS and LCGPS responsibility, the EU risks empowering the security entities, whilst at the same time, shift any blame and consequences onto them. As argued by the Deputy Secretary General for Migration, Borders, and Security at the Commission,

> "we have a Libya where irregular migration… where they (Libya) have always had a set of laws where migrants are supposed to be deterred from travelling and attempting irregular departures. Unfortunately, they are detained and mistreated however, this is something the EU has no control over. Therefore, the policies of the Libyan state are to blame" (Deputy Secretary General for Migration, Borders and Security, 21st January 2021).

This highlights a sense of blame-shifting which is problematic. The EU of course has control over this. Firstly, if entities such as the LCGPS and GACS are not backed by EU funding and support, they will not operate at the efficiency and level they are operating at. By choosing to fund such entities, and provide equipment, it skills Libyan authorities into being better at intercepting migrants at sea and empowering them further (Pezzani and Sunderland, 2022). However, doing this means more people will freely enter Europe unregulated. This, therefore, makes the EU part of the problem. Secondly,

simply stating that the "Libyan state is to blame" highlights the hypocrisy of the Union where it attempts to remove itself from the issue. Where sub-Saharan African migrants had the freedom to enter Libya in the past, Ghaddafi infamously secured agreements with the EU and several member states which made them illegal, detained at detention centres under horrible conditions and forcefully returned to their countries of origin. The EU sponsored such agreements despite Libya's disregard for international refugee conventions. Therefore, saying that the Libyan state is to blame is redundant. This overreliance on the LCGPS and GACS will only result to short term solutions. As mentioned above, it does not tackle the "smugglers" it aims to dismantle. Boats will always be available and the push factors driving sub-Saharan African migrants will always remain.

4.4.1.5 Social Practice 2: Fetishization of Equipment and Technical Assistance

Another sign of securitization in both phases is the overreliance on tools and equipment to help intercept migrants. We term this as the fetishization of equipment which essentially means that an excessive amount of importance is given to technical tools and equipment in ensuring security practices are effective. Such tools in essence are tools of securitisation. In Phase one of the project, the EU adopted a very strong and securitised measure where it claimed that the money set aside for the projects will include providing 'increased efficiency of naval unit deployment through staff training, fleet expansion, coordination, command and control of operational missions', not only that, but it also aimed in Phase one to ensure 'increased capability of land border surveillance, tracking devices for irregular migration and search and rescue in the desert' (Support to the Integrated border and migration management – First Phase, 2017). From the above, it is plausible to argue that such tools are not only used to ensure control is happening at sea level, but also that control is happening at land level. If the Libyan forces can intercept migrants, or in other words search and rescue before they embark on boat journeys, this helps the EU promote the narrative that it is pushing all limits to ensure that vulnerable migrants are protected from the dangers of the sea and desert.

However, migrants intercepted both in the desert and at sea by Libyan forces are likely to be sold directly to human traffickers in various Libyan detention camps and especially in the Souq al-Khamis detention centre in Khoms (Hayden, 2019). Here, most are circulated across Libya and forced into employment, sex trafficking and other forms of exploitation (Hayden, 2019). Also, by paying attention to ensuring such Libyan entities are fully equipped, the EU continues to give it power. For example, this is evident in Phase 2 where the discourse changes immensely. The EU in Phase 2 suggests that despite the measures put in place in Phase 1

'people continue to attempt dangerous journeys across the Mediterranean Sea organised by smugglers and traffickers with a high risk to their lives with the first few months of 2020 saw an

increase in the number of people arriving in Italy and being intercepted at sea' (Support to the Integrated border and migration management – Second Phase, 2020) compared to 2019.

Additionally, the year 2021 has witnessed a high increased in arrivals and interceptions (Reliefweb, 2021). Instead of acknowledging the mistakes, reviewing the efficacy of the GACs and the LCGPS, and coming up with a more viable plan, it sates in Phase 2 that

'the improvement of operational capability of the Libyan authorities in the field of maritime border surveillance also depends on the Libyan capacity to keep their own equipment, notably their naval assets, well-functioning and efficient. As well as this, the improvement of the operational capacity and the integration of the LCGPS and GACS fleets by supplying new SAR vessels and an accompanying maintenance and training programme; as well as the development of a mobile MRCC to support SAR operations, addressing the challenges of irregular migration, including in relation to migrants and refugees rescued or intercepted at sea' (Support to the Integrated border and migration management – Second Phase, 2018).

From the above quote, one can argue that the reason why the number of people that are attempting to get to Europe is because the Libyan authorities themselves are part of the problem. According to the US Department of State, the Libyan Ministry of Defence, the DCIM, GACS and LCGPS are as much involved in the smuggling of migrants as the independent smugglers themselves (US Department of State, 2020). However, the EU uses a counterproductive measure where it enhances the LCGPS AND GACS's fleets, and to keep their tools well-functioning and efficien**t** to address the problem of the increase in numbers. What one can argue here is that there is almost a level of ignorance, misunderstanding and delusion that Libyan military institutions are helpful. Furthermore, EU officials themselves acknowledge "to thwart people getting on boats, one must make sure that people are given better opportunities to travel legally. People need to get visas to internationalise themselves ... this is one of the effective ways we can break the business model of smuggling" (Deputy Secretary-General for Migration, Borders and Security, 21st January 2021). However, even after such admissions it still engages in using security practices to deter people and intensify this. This then confirms the discourse on the securitisation of migration that EU states do not want migrants. Therefore, what happens is that the EU is trapped in a cycle where it funds such security entities to better their tools to stop migrants, however, does not get the long-term solution that it wants which is to ensure that the numbers arriving in Europe continue to decrease. Therefore, what we see is a case of the EU being overly fixated on enhancing tools for Libyan security entities and on adopting technical solutions to a humanitarian matter. This removes the human element out of it and shapes migrants as threats to be mitigated by high functioning border security tools, which ultimately makes it plausible to argue that migration is policed as a crime (Gundhus, 2021).

4.4.1.6 Social Practice 3: Implementation of Security Task Forces

Taking the idea above that migration is being policed as a crime, another sign of security is the implementation of security task forces in Libya since the refugee crisis. By using security task missions to combat illegal migration, the EU risks portraying migrant groups as what Katja Franko (2020) calls the 'crimmigrant other". Franco argues the 'crimmigrant other' has emerged not only as a 'central object of media and political discourse, but also as a distinct penal subject connecting migration and the logic of criminalization and insecurity' (Franko, 2020: 29). This thus gives states, and supranational entities such as the EU the leeway to justify its exclusory measures which are sometimes at the cost of migrant rights and migrant lives. Since 2015, the EU has launched various CSDP missions such as EUNAVFOR MED 'to identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers, in order to disrupt their business model in the Southern Central Mediterranean, and prevent the further loss of life at sea' (Support to the Integrated border and migration management – Second Phase, 2018). Again, such task forces rely heavily on working with the Libyan Coastguard and strengthening their capacity to dismantle the business model of smuggling. From the above quote, there is an ambiguity and inconsistency that emerges. A military mission, the aim of the operation was to deter criminals before they arrive in Italy. However, those departing are not the smugglers and traffickers themselves but rather undocumented migrants, asylum seekers and refugees (Bevilacqua, 2017). Therefore, these were the groups that are subject to being targeted.

Although the EU has since discontinued Operation Sophia, it has not let go of security task forces to manage migration. Sophia was renamed Operation IRINI in 2020 under Phase 2 with an overarching aim to 'use aerial maritime and satellite assets' (Support to the Integrated border and migration management – Second Phase, 2018) to increase the scale at which migrant boats are being intercepted. This shows that the operations are now very advanced with a significant amount of attention given to them meaning sea searches and interceptions become easier. Therefore, the EU's aim is to continue its border protection goals. As stated by a Member of Cabinet at the High Representative/Vice President Office (HR/VP),

> "the EU's aim will be to continue the development of partnerships with third countries to fight migrant smuggling and work on border protection. We went from talking about the issue of migration and border control once every year at the EU Council as a secondary topic, to being the topic of each EU Council meeting with heads of states directly involved" (Member of Cabinet HR/VP, 2021).

This signals that a disproportionate level of attention has been given to the matter thus highlighting that it has successfully securitised irregular migration.

4.4.2 Humanitarianism Frame

4.4.2.1 Initial Textual Analysis

Six projects in total have been dedicated to humanitarian support and assistance in Libya for migrants. Within these projects, the EU incorporate a human rights-based approach to carry out its said humanitarian practices in Libya. These projects are *Strengthening protection and resilience of displaced populations in Libya* (€6.9 million), *Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya ,* (€29 million), *Managing mixed migration flows: protection and assistance for those in need in Libya* (€32,610,000), *TOP-UP Managing mixed migration flows: protection, health assistance, resilience, and community engagement* (€23 million), *Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya* (€19.8 million) and *Protecting most vulnerable populations from the COVID-19 pandemic in Libya* (€21,682,863). As shown in the table below, great focus is placed on humanitarian support. Humanitarianism across all 6 projects was referenced 283 times, security was referenced 36 times, development was referenced 23 times and human rights 42 times.

Table 14: Number of times discourse frames are mentioned in EUTF Libya Humanitarianism Projects

Project Title	Discourse Frame	Times Mentioned
Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya	Security	6
	Humanitarianism	26
	Development	0
	Human Rights	6
Libya - Protecting most vulnerable populations from the COVID-19 pandemic	Security	0
	Humanitarianism	82
	Development	0
	Human Rights	3
Libya – Continuation Managing mixed migration flows: protection, health assistance, resilience, and community engagement	Security	3
	Humanitarianism	64
	Development	9
	Human Rights	7
	Security	7
	Humanitarianism	52
	Development	2

TOP UP: Managing mixed migration flows: Enhancing protection and assistance for those in need in Libya	Human Rights	14
Integrated approach to protection and emergency assistance to vulnerable migrants in Libya	Security	17
	Humanitarianism	36
	Development	10
	Human Rights	7
Strengthening protection and resilience of displaced populations in Libya	Security	3
	Humanitarianism	22
	Development	2
	Human Rights	4

Source: Authors own illustration

4.4.2.2 Discursive Practice/Interpretation

After the initial analysis, four salient themes within the humanitarian discourse frame appeared as salient. These are 1) voluntary humanitarian returns, 2) provision of emergency assistance, 3) amelioration of detention centres, and 4) integration of migrants into Libya. Within these themes, one can see that the humanitarian assistance that the EU aims to implement in Libya has the overall aim of border management embedded in them. Going back to the definitions of the discourse listed at the very beginning of the chapter on Table 1, humanitarian assistance or protection means an emergency response that involves the act of saving human lives such as search and rescue missions (SAR), providing immediate assistance and relief for migrants in the form of medical supplies, hygiene kits, clothing, and food with the aim of ending human rights violations perpetrated against migrants in detention centres and Libyan communities. The EU is working collaboratively with UN agencies like the UNHCR and the IOM, and Libyan officials such as the LCGPS and the DCIM to implement this. Further humanitarian efforts include the 'rehabilitation and improvement of reception facilities to include basic shelter, clinic and medical examination rooms, clean water, sanitation, and hygiene facilities at reception centres, provision of basic living standards at detention centres and the provision of humanitarian repatriation and reintegration assistance for migrants' (Supporting protection and humanitarian repatriation and reintegration of vulnerable migrants in Libya, 2016). As well as this, it has doubled up its efforts since the outbreak of the COVID-19 pandemic to 'provide specialised support to Libyan authorities to address COVID-19 related challenges as well as assist most vulnerable populations such as migrants and forcibly displaced persons' (Libya - Protecting most vulnerable populations from the COVID-19 pandemic Libya, 2020). Finally, this section will not discredit the EU's

attempts at providing humanitarian assistance. Here it will argue that it collaborates with key UN institutions such as the IOM and UNHCR, and Libyan entities such as the DCIM to ensure humanitarian assistance is given to migrants.

Although the EU places a great focus on providing relief mechanisms such as search and rescue operations in the desert, provision of food, blankets, hygiene kits, medical assistance (including physical and mental health), it also focuses heavily other types of humanitarian assistance such as emergency evacuations out of Libya and/or voluntary humanitarian returns, integrating migrants into Libya, and improving detention centres. This section will argue that such humanitarian assistance acts as an externalisation policy that prevents migrants not only reaching Europe, but also denying their right to seek asylum and refuge. The EU does this by using humanitarian discourse to justify its security practices and hiding its security practices within the humanitarian discourse thus going back to the central argument of this thesis. This section will commence by arguing that voluntary humanitarian returns is not a voluntary act as migrants tend to have no choice. This is instead an externalisation policy where the EU is getting rid of the "problem" before it reaches European shores. Integration of migrants into Libya acts as an externalisation policy where the EU keeps migrants in third countries preventing them from reaching Europe. By providing migrants with work permits in Libya, the EU can therefore ensure that individuals are not making attempts to cross the Mediterranean. Next, it will argue that as a humanitarian response, the EU through its policies suggests that it will ameliorate the Libyan detention centres so that they meet decent standards. This is problematic because such centres should not exist in the first place. Such practices act as a deterrence measure thus indicating securitisation.

Figure 12: Illustration of humanitarianism discourse frame and words/themes associated with frame

Diagram with a circle labeled "Humanitarianism" connected to boxes: Voluntary Returns, Empowerment of Libyan Coastguard, Reintegration into third non EU States, Combat TB, Improve Detention Centres, Provision of Labour in Libya, Combat COVID-19, Reintegration into Countries of Origin, Socio-economic Integration, Emergency Assistance, Health Facilities, SARs, WASH Facilities.
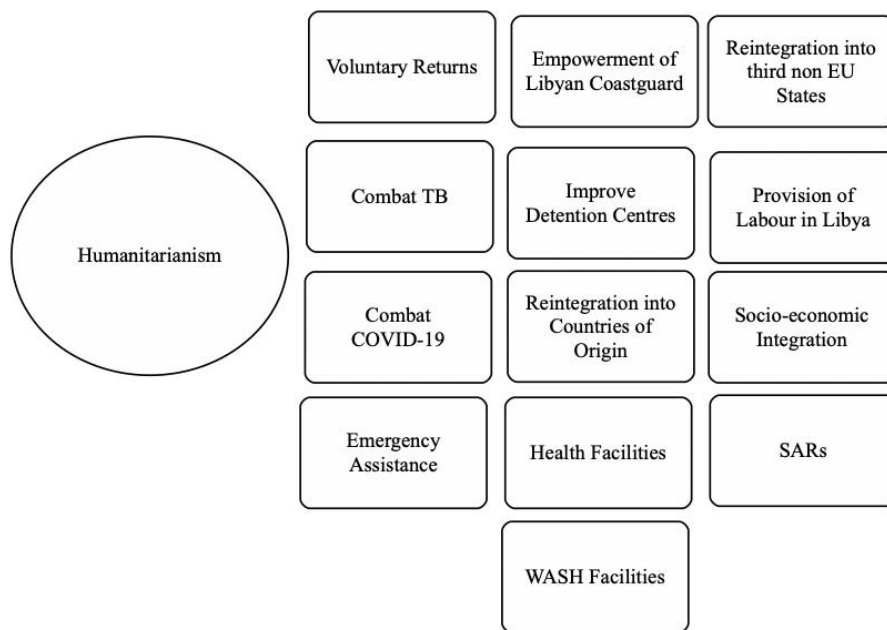
Source: Authors Own Illustration

4.4.2.3 Social Practice 1: Voluntary Humanitarian Returns (VHR) and Integration into Libya

One way the EU has been offering migrants humanitarian support is by pushing for Voluntary Humanitarian Returns (VHR) which it argues is an alternative to detention. This mechanism, however, is said to only target those that are deemed as "economic migrants". We argue that such VHRs are an externalisation tactic used to deter migrants from reaching Europe, and helps the EU avoid its responsibility as a signatory of the Geneva Refugee Conventions. As argued by Crisp (2020) externalisation is a perfect mechanism as it gives states and international organisations the leeway to avoid the responsibilities on the 1951 UN Refugee Conventions. Additionally, Libya's non-signatory status of the convention makes it a suitable option for the EU to exercise its externalisation policies (Crisp, 2020). Projects such as *Managing mixed migration flows: protection, health assistance, resilience and community engagement* and *TOP UP-Managing mixed migration flows: Enhancing protection and assistance for those in need in Libya,* detail that it will continue to work with the IOM to ensure 'the protection of vulnerable people in terms of emergency evacuation, voluntary humanitarian returns (VHR), medical assistance, protection monitoring, distribution of basic relief systems, identify and register persons of concern with vulnerabilities using the Evacuation Transit Mechanism (ETM)' and ensure that the 'evacuation of selected Persons of Concern to Niger, or other transit mechanisms identified by the UNHCR is carried out' (Managing mixed migration flows: protection, health assistance, resilience and community engagement, 2017).

Although people have been repatriated, sometimes because they have no choice as the conditions in Libya are horrendous, the VHR is said to target those that are deemed as "economic migrants" with most returnees being nationals of The Gambia, Nigeria, Mali, and Senegal which are seen as counties without major or active conflicts. Those that are deemed as genuine asylum seekers are sent back to Niger or wait for a long time before they receive approval to be resettled to Europe (Abderrahim, 2018). This selection process and categorisation is a problem as it is hard to group people into respective boxes or categories when it comes to the issue of irregular migration. This is because most people move between categories over space and time (Crawley, 2018) therefore making it hard to establish who belongs to what category. For example, someone from Ivory Coast might have left due to economic hardships and a lack of opportunities, but this changes when they move to Libya, a place embroiled in conflict and a place where their rights are at risk. Therefore, what this selection process does is that it excludes and marginalises such groups, while giving the EU the chance to justify their migration policies of exclusion and containment (Crawley and Skleparis, 2018).

Additionally, the VHR continues to face its challenges. For example, for migrants to be able to exit Libya, it is said that permission is needed from the Libyan government (Abderrahim, 2018). The security situation in Libya also means that navigating travel especially at border entry points is a risk therefore further putting migrant lives at risk. EU Officials have hailed the VHR as a success with the Deputy Secretary-General for Migration, Borders and Security at the Commission saying, "not only has the EUTF made a contribution to saving lives, but I must also say, as a result of the VHRs, there are less people in detention centres than there originally were" (Deputy Secretary-General for Migration, Borders and Security, 21st January 2021). Although this can be hailed as a success, it is far from the truth. According to the Global Detention Project, as of November 2020, there are at least 3,200 people being held at detention centres (Global Detention Project, 2021) however, these numbers are often flawed therefore, caution must be applied when looking at them. According to Cuttitta (2022), official decreases in official detention centre numbers must be viewed with caution as in most cases, people are held in unofficial detention centres run by officials of the DCIM (Cuttitta, 2022). This is because the smuggling business in Libya creates a large profit for those involved as they extort migrants for ransom (Nashed, 2020) therefore, letting go of this is not favoured. To add to this, other factors such as the COVID-19 pandemic has led to migrants being released from official detention centres to unknown locations, and those freed, end up in a cycle of abuses including forced labour, sexual exploitation, and forced recruitment for fighting in urban areas (European Centre for Constitutional and Human Rights, 2021). Therefore, the EU's humanitarian efforts are not effective. This highlights that the EU has deluded themselves into believing that such policies work to stop detention. It is in the interest of the EU to push this agenda because if the numbers show that detention is decreasing, this paints a picture of a 'humane Libyan border regime and that externalisation is bearing fruits' (Cuttitta 2021). This can be linked back to the securitisation theory where the EU will be able to justify the extreme

externalisation measures it has taken. Additionally, this makes it look good in the eyes of its citizens and the rest of the international community as the benefits of externalisation techniques such as VHRs will always outweigh the horrific costs of detention in Libya.

Another way the EU attempts to provide humanitarian support is by integrating migrants into Libya by providing them with legal status. Although this prevents migrants from being held at detention centres or what the EU terms as alternatives to detention, one could argue that this is also a form of deterrence because it stops migrants from reaching the original destination, they wanted to reach in the first place. In the project *Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya,* the EU argues that it aims to work with the IOM and the Libyan government to offer migrants integration assistance, where the Libyan government will work to issue working permits to migrants as an alternation to detention (Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya 2018). This it argues can protect migrants as those that are currently facing detention in Libya are those without formal status and will help migrants find work in Libya to help improve their lives. However, the reality of the matter is, due to Libya's broken economy because of years of insecurity, work is scarce. Reports have suggested that most migrants face issues such as harassment, stigma and discrimination resulting in them struggling to find work (Kah, 2019). Additionally, the agencies working on the ground to implement EU projects design to help with integration have a difficult time setting up development programmes due to the insecurity (Lietaer and Durand-Delacre, 2021). Therefore, for the time being at least, this is difficult to implement.

4.4.2.4 Social Practice 2: Amelioration of Detention Centres

Another humanitarian approach the EU is implementing in Libya is the improvement and amelioration of detention centres. In projects such as *Strengthening protection and resilience of displaced populations* and *Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya*, the EU stresses that its key aims are to distribute Non Food Items (NFIs) and hygiene kits in urban areas an detention centres, coordinate both physical and psychosocial support for the health of migrants, and enhancing health surveillance mechanisms (Strengthening protection and resilience of displaced populations, 2020) to help control and decrease the spread of infectious diseases such as COVID-19 and Tuberculosis in areas that are prone to this such as detention centres. In *Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya*, the EU stresses that although the building of detention centres should not be encouraged,

'centres where migrants are currently detained should continue being refurbished and rehabilitated to meet minimum detention standards (toilets showering facilities, sewage system). Complementing this, EU needs to redouble efforts on alternatives to detention such as open centres or safe houses'

(Integrated approach to protection and emergency assistance to vulnerable and stranded migrants in Libya, 2018).

We will argue that however, by refurbishing, improving, and ameliorating detention centres, the EU is in effect helping keep these detention centres going. This is a security move as it helps keep unwanted migrants in Libya as this has been a tactic used by its government to keep migrants in the past. Furthermore, saying "there is nothing we can do" as it is the will and decision of the Libyan government to operate these detention centres allows the EU to remove itself from the situation. This echoes the EU stance that it cannot interfere with the domestic workings and policies of Libya as it is a sovereign state within in own right. For example, in an interview for this research with The Deputy Head of Cabinet and Deputy Secretary-General for Migration, Borders and Security, they said that

"the two governments in Libya understood and still understand that there is something that the international community is very concerned about Libya in respect of human rights, abuses, arbitrary detention which the international community does not accept and does not wish to tolerate (laughs nervously) … but … (laughs nervously) officials in Tripoli are willing to intervene with the corruption and abuses at the detention centres and the general human smuggling business. However, sometimes militias are not willing to work with officials therefore, what can the EU and Libyan officials do"? (Deputy Secretary-General for Migration, Borders and Security, 21st January 2021).

Firstly, the laughter and ellipses in the quote are quite unsettling as they highlight that this individual may be having doubts and are not completely convinced by what they are saying. There is awareness that the EU with Libyan officials can close detention centres, however, there is fear in admitting that by closing them down, more migrants will be able to reach Europe. More importantly however, what is essentially being said here is that all the EU can do as a supranational entity is respect Libya's internal policy with regards to the detainment of migrants, and where it can, advise Libya that the international community frowns upon the arbitrary detention of migrants, and provide emergency relief mechanisms such as sanitation, access to health care, beds and sewage facilities to ensure that migrants basic needs are being met. By doing the latter, the EU is seen as therefore performing its "humanitarian role" however, Libyan officials are treated as the scapegoats which is highly contradictory. The EU here pushes the humanitarian narrative where it acts as a saviour to migrants that are at the mercy of Libyan policy which is fully backed and funded by the EU itself. On the matters of sovereignty and what it can or cannot do, the EU argues that it cannot influence the Libyan decision to detain migrants however, it is helping and influencing Libya in the maintenance of detention centres through the provision of funds. Therefore, one could make the argument here that the EU has to capacity to influence policy decisions of Libya, thus highlighting the unequal balance of power between the two entities.

This is not a new phenomenon as even in the Ghaddafi era as mentioned in Chapter 3, EU states and the EU financed the thwarting of irregular migration. The quote above to a certain degree whilst shifting the blame onto Libyan militias and officials, it at the same time attempts to protect Libyan officials. By saying "the militias are not willing to work with officials" and "what can the EU and Libyan officials do"? it blames the militias for the wrongdoings whilst portraying the officials in a positive light. This one can argue might be because the EU does not want to the narrative of it liaising with a flawed system portrayed. Therefore, by making excuses for the Libyan government, one may be inclined to think that they are not the problem. However, the Libyan officials in uniform, are sometimes the militia or closely linked with them. Despite knowing this, the EU holds the stance that the "EUTF has made a contribution at saving lives at sea by supporting the Libyan coastguard, it supports the political ethics to lobby for alternatives to detention" (Section Migration and Political Affairs Representative, 22nd January 2021) thus making EU policy makers appear as what Portice and Reicher (2018) describes as 'delusional elites' (Portice and Reicher, 2018) completely removed from the realities of what Libya is for migrants. By their own admission, key policy experts and members of the EU Cabinet have argued that the "EUTF is a failure because the detention centres are still open" (Deputy Secretary General for Migration, Borders and Security, 21st January 2021). Therefore, instead of improving and financing detention centres, the EU should terminate funding and pressurise the Libyan government to detention centres down. By doing this, the establishment of safe resettlement corridors instead should be created, where migrants can be resettled into European states in a humane and safe manner.

4.4.3 Development Frame

4.4.3.1 Initial Textual Analysis

A total of five projects could be described as fitting the frame of development. Again, like the humanitarian frame development practices are mentioned with the overall goal of migration management. Therefore, the EU uses developmental language to cover its security practices however, it takes it a step further by conditioning development aid on the acceptance of migration management policies. This section will argue that the focus on development in Libya signifies the EU's attempts at stopping migrants from moving in the first place. Under international law, it is prohibited to return migrants to places that threaten their safety. This is the basis of non-refoulment. Across all five projects, development is mentioned 127 times, humanitarianism is mentioned 36 times, human rights are mentioned 17 times and security is mentioned 17 times. This is portrayed in the table below. The projects focus on returns and reintegration (in Libya and countries of origin), improvement of Libyan communities' infrastructure, and providing jobs as an alternative to detention. The first part of this section shows how under the theme of development, the EU pushes for returns and reintegration of migrants to either Libya or their countries of origin. The rationale here is to send migrants back and

reintegrate them by improving their socio-economic status. Next, the section will look at how the EU pushes for returns and reintegration in Libya. This includes the provision of work permits to enable migrants to work, establishment of small businesses, and improvement of infrastructure, especially in areas that have been heavily affected by large migrant numbers and tend to rely on the smuggling business to make a living.

Table 15: Number of times discourse frames are mentioned in EUTF Libya Development Projects

Project Title	Discourse Frame	Times Mentioned
Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development	Security	10
	Humanitarianism	16
	Development	27
	Human Rights	8
Recovery. Stability and socio-economic development in Libya – Phase 1 (RSSD 1)	Security	2
	Humanitarianism	7
	Development	20
	Human Rights	1
Libya - Recovery, Stability, and socio-economic development in Libya – Phase 2 (RSSD 2)	Security	2
	Humanitarianism	9
	Development	40
	Human Rights	3
Scale-up of programme "Managing mixed migration flows in Libya" – local governance and socio-economic development pillar	Security	0
	Humanitarianism	0
	Development	5
	Human Rights	1
TOP UP: Strengthening local capacities for resilience and recovery (Top-up SLCRR)	Security	3
	Humanitarianism	4
	Development	35
	Human Rights	4

Source: Authors own illustration

4.4.3.2 Discursive Practice/Interpretation

Returns and reintegration to migrants' countries of origin and Libya was the main overarching theme across the development projects. As highlighted in the figure below, to enable reintegration in migrant communities, initiatives such as improving buildings and facilities, reconstructing educational facilities, creation of small businesses for smugglers, championing socio-economic resilience, train municipalities on funds management, improve Libyan infrastructure, provide alternatives to detention such as creating more employment opportunities, revive industries such as energy and oil, and issue work permits for workers in Libya that have an irregular or illegal status. This thesis argues that this is a clear securitisation move because the EU believes that by increasing economic and development opportunities, migrants are unlikely to embark on the Niger-Libya journey to Europe. However, this is problematic because there is a mixed migratory pattern from this region.

Figure 13: Illustration of development discourse frame and words/themes associated with frame

Source: Authors Own Illustration

4.4.3.3 Social Practice 1: Returns and Reintegration in Countries of Origin

One way the EUTF looks at development is through the returns and reintegration lens; therefore, this idea still has a strong presence as it was in the humanitarian section. It is therefore becoming a common theme in the EU externalisation agenda with regards to migration policy thus serving as a 'model for the systematic integration of the EU's migration interests into its external policy (Kipp, 2018: 5). In projects such as *Managing mixed migration flows in Libya through expanding protection space and*

supporting local socio-economic development, and *Scale up of programme "Managing mixed migration flows in Libya" – local governance and socio-economic development pillar*, the EU states that it aims to implement voluntary humanitarian returns which was agreed on by African leaders at the Valetta Summit, whilst "providing sustainable and impartial reintegration assistance according to established vulnerability criteria, while taking into account local contexts and existing development cooperati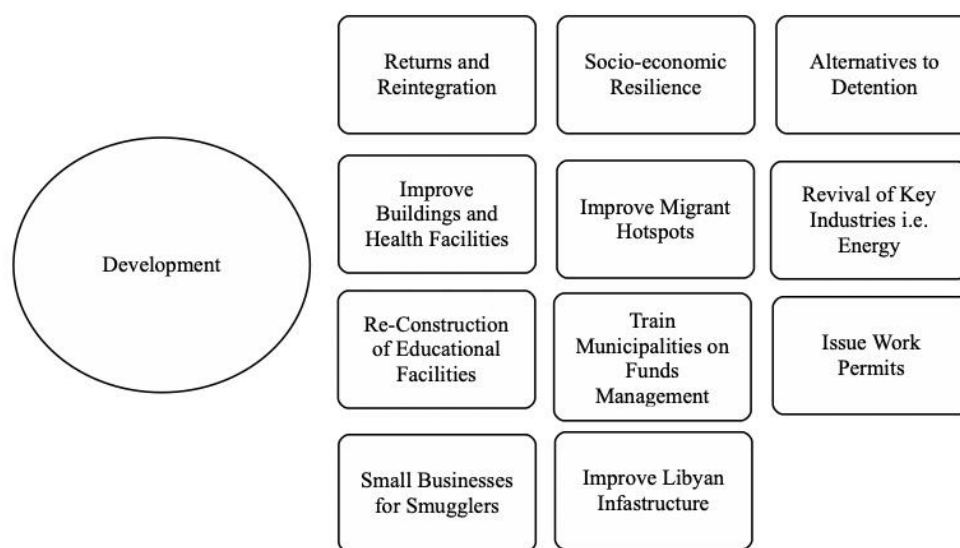on in countries of return" (Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development, 2017). Interestingly, the EU strongly pushes the idea that this is what African leaders want as it was a key agreement under the Valletta Summit where African leaders expressed the need for "addressing the root causes of irregular migration which tend to be economic" for when migrants are returned. This was further asserted by an official for the Section of Migration and Political Affairs under the Migration and Forced Displacement Section at the Commission where it was claimed that

"the African Union, after the Valetta Summit, asked the EU to help them with how to proceed on the matter of irregular migration, and help provide them with advice on development projects to help tackle irregular migration" (Section of Migration and Political Affairs Representative, 22nd January 2021).

This however comes across as development aid on the condition that African countries accept returnees. At the Valetta Summit in 2015, European leaders strongly pushed for 'forced returns' of African migrants and there was an expectation that leaders would readily accept them. However, traditionally, African interests vis-à-vis migration differ. As Knoll and de Weijer argue, African leaders place a greater emphasis on facilitating and better 'managing of intra-African migration and mobility as well as creating legal migration opportunities to Europe' (Knoll and de Weijer, 2016: 203). As established in the humanitarian section, by facilitating returns and reintegration, this can be seen as a security move as the goal of returning migrants and providing development aid or support them either in Libya or their countries of origin effectively gives them no reason to move in the first place. This further highlight three things. Firstly, making returns and reintegration a condition upon which development aid can be received, is manipulative and highlights the power imbalances between a European power and African states which is reminiscent of the relationship between European and African powers during the colonial era. Here, one can even argue that the EUTF acts as a neo-colonial tool that use economic and conditional aid to influence the decisions of African states.

Although European states do not own African states anymore, such externalised migration policies do indicate a level of control and are shrouded in paternalistic aims (Akkerman, 2018) and perpetuates a white saviour complex. This leads to consequences such as robbing agency from African states thus contributing to a shame-based identity. Saying that African leaders needed and asked for this is

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patronising as it comes across as if the EU is doing them a favour which again undermines their authority. Secondly, when one looks at the economic standing of the African states that migrants are coming from, economic hardship and corruption meaning that the benefits of accepting the condition laid by the EU outweigh the costs. The returns and reintegration of their citizens might not be what they want, but not receiving those funds can be detrimental to them. Therefore, the risk here is that European interests end up taking precedence over the needs of the people the aid is intended to help (Kervyn and Shilav, 2017: 2). After an examination of the allocation of the EUTF funding, it was found that the money is not always spent on the poorest countries but rather, countries where mass migration occurs such as Sudan, Eritrea, Somalia that are and the main transit routes such as Libya and Niger (Bartels, 2019). Therefore, this can be seen as a strategic move to target areas that are contributing to large influxes and stemming them before they hurt Europe, rather than contributing to the economic development of poor African states. It also poses the question of whom this crisis is for. The EUTF is framed and termed as an 'emergency' response for Africa however, the interests within the projects are very Eurocentric, thus showing us the unequal distribution of power and inequality between the two parties embedded in the projects.

4.4.3.4 Social Practice 2: Returns and Reintegration in Libya

The EU also looks at keeping migrants in Libya and providing reintegration assistance to migrants and communities that are dependent on migrant smuggling to make a living for them not to cross into Europe. As mentioned in the Chapter 3, Libya historically welcomed migrants from sub-Saharan African states to work in key industries such as energy, construction, and agriculture. This provided economic stability meaning migrants did not see the need to reach Europe. In the present day, the EUTF implements projects that 'target different locations and municipalities with high concentrations of migrants and refugees in particular Southern Libya, coastal cities, reception facilities at points of disembarkation' (Recovery, Stability, and socio-economic development in Libya, 2020). In projects such as *Recovery, Stability and socio-economic development in Libya Phase 1* and *Phase 2* of the same project (RSSD 1 and RSSD 2), the EU states that it aims to 'contribute to improving the conditions and resilience of IDPs, migrants, refugees and host communities in providing Water Sanitation and Hygiene services, and the rehabilitation and creation of health, and educational infrastructure' (RSSD Phase 1, 2018). However, in Phase 2 of the same project, it looks at 'focussing on decent job creation in sectors such as energy and agriculture, with a particular focus on implementing the UN sustainable development goals in Southern Libya in particular' (RSSD Phase 1 2018; RSSD Phase 2, 2020) to alleviate poverty where the smuggling business thrives. This it argues will be in the form of introducing Micro, Small, and Medium Enterprises (MSMEs). This is to help host communities in the south look choose other options rather than smuggling and at the same time, create job opportunities for vulnerable groups.

However, 'rebuilding Libya takes more than just bricks, mortar' (Milton, 2021: 2) and improvement of its economic infrastructure. Therefore, the efficacy of such policies in ensuring reintegration is achieved is questionable. Firstly, one must consider the current political and security situation in Libya and if the environment will allow for the effective and safe delivery of projects. UN agencies especially the UNDP, are reportedly finding it difficult to implement development programmes. This is because the insecurity has worsened over the years with gains made by the LNA against the recognised government of the GNA (Boersma et al, 2022), coupled with the lack of infrastructure or common destruction of infrastructure due to open fighting. To add to this, according to the EUTF website, income generating programmes that were implemented in 2017 such as *Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development* have supported at least 251 people to develop income generating activities, have created, and supported 2 MSMEs, and have rebuilt 54 social infrastructures in areas that are most hit with migrant influxes (Managing mixed migration flows in Libya through expanding protection space and supporting local socio-economic development, 2017). However, for programmes such as the RSSD 1 and RSSD 2, we are not given a clear picture of what the programme has achieved. Therefore, this lack of transparency one can argue showcases that the projects are a quick fix to a deeply complex and intricate phenomenon. Perhaps reducing and bringing the migration discourse down to human rather than security level and normalising the issue will allow the EU to focus on the needs of recipient countries and communities. If not, as these projects are directly resulting to the return and containment of migrants in Libya and their countries of origin, they run the risk of hindering the rights of vulnerable groups (Dann, Riegner and Zagst, 2017) thus giving one the space to make the argument that such extraordinary policies act as wall between Libya and Europe against migration.

4.5 Conclusion

This chapter applies Fairclough's Critical Discourse Analysis framework to analyse Libyan policies reveal securitisation. Textual analysis revealed elements of securitisation and explored whether the policies were in fact humanitarian as argued by the EU. Here, focus was placed on the descriptions, words and phrases associated to the relevant discourse frame which was then counted to ascertain how many times they were mentioned. This was done by using qualitative software NVivo which allowed for the most important themes, words, and phrases for the analysis to be uncovered. These findings were used to interpret what the words found mean which allowed for summaries and argument points to be made. Finally, interpretations allowed for explanations to be made on the elements of power and inequality embedded in the policies. This is presented in the explanations under salient themes which also verifies the securitisation process. From this analysis, it is safe to conclude that the projects on the EUTF for Libya have a very security focused premise, contrary to what one thinks when one first sees

the titles of the projects. This thus confirms the stance of this thesis that the EU has securitised migration and it is using a humanitarian discourse to hide these security practices, which is why the policies have not achieved their aim of saving lives.

The three main concluding themes show strong securitisation practices. Firstly, this is through the militarisation of migration which puts a focus on providing tools one would use in a security or conflict situation. Secondly, securitisation is shown through the implementation of security task forces, and the empowerment of security institutions to manage migration remain key migration control mechanisms. Thirdly, returns and reintegration, to both countries of origin and Libya where development projects are implemented, are carried out on the justification that they are a "humanitarian response". However, what this does is it effectively returns migrants back to a cycle of abuses which goes against the principles of non-refoulement mentioned on the 1951 Convention Relating to the Status of Refugees, a principle being violated by the EU. These same returns and reintegration measures have an incentive attached to them – that being the continued provision of aid money through the EUTF, which means that the EU is conditioning development aid on migration management. This reveals the imbalances of power between a European power and African states which is reminiscent of the subordination, control, and manipulation that was colonialism. Finally, a pattern of the EU not accepting responsibility and taking accountability for its actions also remains salient. This means that the EU acts as a delusional actor that has either believed in its securitisation discourse, and that its policies are justified, or is just completely choosing to ignore the atrocities EU policies in Libya are causing. It continues to shift the blame on the Libyan state itself and its history of ill-treatment against migrants whilst failing to admit that by funding the Libyan state to manage migration, it as part of the problem. This gives it the scope to avert legal and moral consequences that come with the failure of its policies.

Chapter 5: Niger - Secondary Securitisation Hub

5.1 Introduction

The question this thesis aims to address is the extent to which the EU's humanitarian policies adopted between 2015 and 2020 in Libya and Niger, towards irregular migration prioritise security of borders over saving lives. Like Chapter 4, this chapter aims to establish the ways in which EU migration policies in Niger show elements of securitisation with the overall aim of stemming irregular migration. This chapter will explore this question by analysing the Anti-Human Smuggling Law 2015 and the EU Trust Fund for Africa Niger 2015-2020. As mentioned in the introductory chapter of this thesis Niger acts a secondary securitisation hub for the EU. This means that due to the geographical location of Niger, its proximity to Libya and Europe, the EU uses soft securitisation measures such as development aid to ensure that migrants are deterred from making the perilous journey to Europe. This is different to Libya, its primary securitisation hub where there is a heavy focus on security. This chapter will argue that these development policies, although softer in their approach, when looked at a closer level are in fact securitised measures. Furthermore, in the case of Niger, the politics of fear is used where migrants and smugglers are scapegoated as criminals. This fear is constructed for the purpose of building the foundation for the EU to present itself as a saviour helping migrants that fall in the hands of smugglers in the form of development aid.

This chapter will apply Fairclough's three-dimensional framework to the policies to interpret the meanings and show evidence of securitisation. These are textual, discursive practice and social practice. The textual dimension of the analysis is done by applying the discourse frames established by this thesis to the Anti-Human Smuggling Law to see how many times they are mentioned. For the EUTF for Africa Niger, each project is categorised into the discourse frame they fit into as per the definitions given on Table 6 in Chapter 2. The same discourse frames are used to analyse the contents of the text to see how many times they are mentioned. Next, the most important words for the projects and themes found after the textual analysis are chosen to highlight the discursive practice, whilst interpreting how these words show elements of securitisation. For the social practice, the chapter will explain how the salient themes found in the textual and discursive elements further shows evidence of securitisation, whilst highlighting how elements of power, control and inequality are demonstrated through the securitised language of the policies. The chapter will commence by presenting the Anti-Human Smuggling Law and it will look at it from the four discourse frames of security, humanitarianism, human rights, and development highlighted in Table 1 below, and apply the same method for the analysis of the EUTF for Africa Niger. In the case of the Anti-Human Smuggling Law and the EUTF for Africa Niger, migration was highly securitised. Practices that indicated this include returns to migrants' countries of origin, criminalising all forms of migration, and using security task forces to fight irregular migration.

5.2 Anti-Human Smuggling Law 2015 Social and Political Context

Developed and passed by Niger in 2015 which it called 'La Loi relative au Trafic Illicite de Migrants'. Translated into English this essentially means 'The Law on the Smuggling of Migrants' which was enforced in the middle of 2016. The law has three overarching aims namely to prevent and combat the smuggling of migrants, to protect the rights of smuggled migrants, and promote and facilitate national and international cooperation with a view to preventing and combatting the smuggling of migrants in all its forms (République Du Niger, 2015: 1). Although the policy is not an EU policy, research has pointed to the idea that the EU has been instrumental in pressurising the Niamey government into passing this law (Blöser 2020, Bosworth 2017, and Idrissa 2019). Therefore, what we aim to argue here is that the EU in effect conditioned Niamey to accept this law through the provision of financial aid. This will be explored further when discussing the social and political context of the law. To analyse this policy, this section will follow a similar order as the one adopted in Chapter 5. It will begin by addressing the social and political context under which the law was adopted. Next, it will discuss the discourse frames that were found and analyse what they mean.

Various factors led to the implementation of the Nigerien law. Historically, Niger has passed laws with regards to people smuggling in the region however, these were not implemented (Jegen, 2019) as rigorously as this one has been. In the context of the EU, growing discontentment from certain member states and the pressures caused by a high number of individuals arriving in its southern state's shores pushed it to look further than Libya. As a result of this, research has suggested that the Nigerien government faced growing pressure from the European Union to find a solution to stop the high influx of people transiting through Libya, passed the law to crackdown on people smuggling networks operating in the region (Moretti, 2020; Abdou, Müller and Weihe, 2021; Laux, 2021). The law is based around the United Nations protocol against the smuggling of migrants. What this section aims to argue is that although this document is a Nigerien policy, it came into effect due to growing pressure from the European Union an argument the EU strongly rejects. In an interview with the European Migration Liaison Officer for the EU Delegation to Niger, they argued that

"you in the West keep receiving information from the mass media that the EU pressured Niger into accepting this law. One must be careful however because the media has a way of manipulating information. We have not pressured Niger. They asked us to help them tackle people smuggling. People continue to speak about this law… people that have never been to Niger. I find it all very unsettling" (European Migration Liaison Officer EU Delegation to Niger, 20th January 2021).

However, a representative from the Section of Migration and Political Affairs was interviewed saying, "in the case of Niger, as you might already know, the EU has already approved a law against migrant smuggling and trafficking" (Section of Migration and Political Affairs Representative, January 22nd, 2021). As highlighted by the quotes above, migrants from sub-Saharan Africa especially those from the West, have used Niger as a route to get to Libya and in the end Europe. Such travel was considered legal under the ECOWAS agreement that guaranteed freedom of movement for West African citizens. What was once considered a legal business became clandestine suddenly in the peak year of 2015 and 2016. What is interesting here then is the shift in attitude from the Nigerien government who once appeared to not have an issue with migrants using the route to get to Libya. The EU provided financial support to Niger in return for the law being passed which in essence, can be seen as a form of coercion (Idrissa, 2019). When the law was passed, Niger's Minister for Foreign Affairs Ibrahim Yacoubou was quoted saying that the country needed 'one billion Euros to fight clandestine migration' (Reuters, 2016).

By 2018, the amount requested by Yacoubou increased significantly due to the implementation of the EU Trust Fund for Africa in the region. The implementation of the law led to various problems such as confiscation of smugglers vehicles, closing down migrants' accommodation, and migrants abandoned in the desert due to the heavy military and police presence and patrols in border entry and exit points. It has been estimated that between mid 2016 and April of 2018, security forces had arrested over 282 drivers and pickup truck owners and confiscated over 350 vehicles in Agadez alone (Molenaar, 2017). Despite the tough crackdown, it is said that corruption is still rampant. Like Libya, Nigerien officials in the Agadez region in particular profit from bribes at checkpoints to let migrants pass (Reuters, 2016). This has prompted civil organisations in the region to suggest that the law has been passed so Niger can benefit from receiving more funds from the EU (Flynn, 2015). The Nigerien government is showing the EU that it cares about the situation but, this is not the Nigeriens main area of concern (Molenaar, 2017). In a country that is considered as one of the poorest in Africa and their GDP only at $1,153 per capita (World Bank, 2022), accepting the presence of such large funds in return for passing a law outweighs the risks of it not doing so. The next section below will discuss the analysis applied to the law to show evidence that securitisation and not saving lives is at the core of the policy.

5.2.1 Security Frame

5.2.2.1 Initial Textual Analysis

As illustrated on Table 16 below, once the coding was done on the law to count the number of times the discourse frames appeared, it was found that security was mentioned 14 times, development mentioned 2 times, humanitarianism mentioned 4 times, and human rights were mentioned 13 times. What is interesting about this law however is that the threat is shifted. Whereas in the MoU focus is put on clandestine migrants and stopping them from reaching European shores, this policy asserts that smuggled persons are victims of human rights abuses which they experience from smugglers. Depending on the severity of the smuggling offence, three sentences are given those caught engaging in smuggling. These are 15–30-year prison sentences and a 5 million franc fine, 5–10-year prison sentence and a 20 million franc fine, and a 15–30-year prison sentence with a 10 million franc fine for any persons that engages in the people smuggling business. Therefore, Niger here proposes a smuggler narrative and argues what the policy aims to do is to dismantle smuggling networks by criminalising them and protecting the rights of migrants. This is an interesting development as constructs the discourse that smugglers not migrants are the problem.

Table 16: Number of times discourse frames are mentioned in Niger Anti-Human Smuggling Law

Discourse Frame	Times Mentioned
Security	14
Humanitarianism	4
Development	2
Human Rights	13

Source: Authors own illustration

5.2.2.2 Discursive Practice/Interpretation

After the textual analysis to find evidence for security, words such as police training, smugglers, security task forces, clandestine, criminal biometrics, fraud, imprisonment, fines, trafficked, voluntary returns, illegal were mostly used to describe the threat that is migrant smuggling. The main salient themes are the criminalisation of irregular migration which ensures the imprisonment of any persons or individual suspected of partaking in the illegal smuggling of migrants and ensuring 'voluntary returns' or what this chapter argues as forced returns. Where the law differs from the MoU Libya, however, is that where the MoU focusses on the outright control of borders through financing the Libyan coastguard and other border fortification measures, Niger adopts a softer approach where it pushes a legal, humanitarian, and human rights rhetoric to conceal its security practices. It does this by using use scaremongering terminology to construct smugglers as the issue, and paint mobility between this region of the Sahel and North Africa as clandestine (Brachet, 2018). It does this by describing migrants, or internally displaced persons as they are referred to in the law, as vulnerable and in need of protection

from human smuggling networks which the law vows to target and dismantle. Here, one witnesses a shift in the language used. Whereas the rhetoric is usually that clandestine migrants or those that migrate irregularly are criminal, smugglers are now the issue (Andersson, 2014). Smugglers were considered part of the process; however, such networks are difficult to crack down due to their complexity. A smuggler narrative is pushed where they are seen as the issue and migrants seen as mere victims that are targeted by smuggling networks. This is an interesting shift as it hides and conceals from the reader security practices embedded in the policy that are geared towards stopping migrants from progressing. It also legitimises the use of security practices to curb irregular migration if the end goal is to protect "vulnerable" groups from smugglers. Through the interview data gathered to support this thesis, the same rhetoric pushed is forward by EU officials in this region which very much echo the mantra that their policies in the region are "a fight against smugglers, not migrants". It is plausible to argue that through the language and words found after the textual analysis as illustrated in the figure below, the EU has criminalised all forms of migration, is pushing for "voluntary" returns for victims of smugglers and uses scaremongering terminology to vilify smugglers to save lives. This is a clear securitisation move as it highlights that attention has been placed on strengthening security related practices to stop irregular migration.

Figure 14: Illustration of security discourse frame and words/themes associated with frame
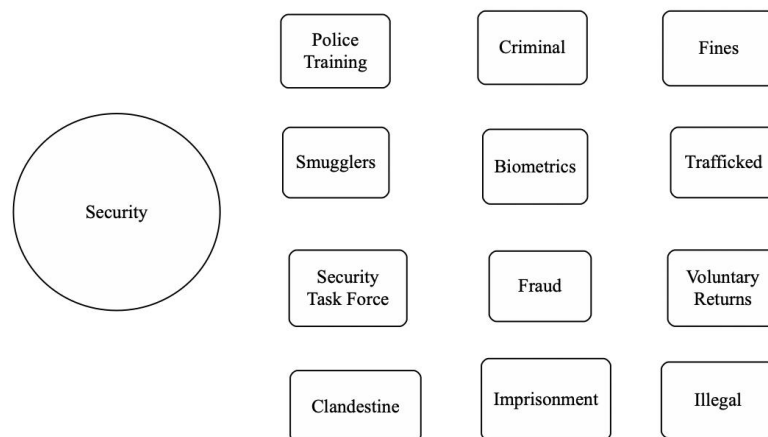
Source: Authors own illustration

5.2.2.3 Social Practice 1: Criminalisation of all Forms of Migration

The first and most obvious security move of the law is the criminalisation of all forms of migration in the northern Agadez region of Niger, as this criminalisation ensures that the movement of migrants is thwarted. This is mentioned in Articles 30 to 36 of the law which details what is to be considered as criminal. Smuggling is the overarching offence that is deemed as the threat, and different smuggling offences result in three categorised prison sentences. As argued by the EU Migration Liaison Officer in

Niger, "it is not a fight against migrants. It is a fight against smugglers therefore we will do everything in our power to get rid of this" (European Migration Liaison Officer Eu Delegation to Niger, 20th January 2021). The law lists sentences for those prosecuted as

1. '15-to-30-year sentences and a CFA 5 million (£6,347) fine, 5-to-10-year prison sentence and a CFA 20 million (£25,358) fine, and a 15-to-30-year prison sentence with a CFA 10 million (£12,694) fine' (République du Niger, 2015).

2. Sentences ranging from 15 to 30 years with a CFA5 million fine apply to any smugglers in the region, those with-holding voluntary returns, smugglers that abuse the rights of IDPs, those that cause arbitrary detainment and other crimes against humanity that put IDP's at risk, and for smugglers that attack humanitarian personnel.

3. Sentences that carry a 5-to-10-year period and a CFA 20 million fine apply to smugglers that impede on the rights of IDPs, for smugglers that prevent the passage of humanitarian aid, and for those that misappropriate humanitarian funds.

4. Finally, sentences carrying a 15-to-30-year sentence and a 10 million franc fine apply to any humanitarian official that commits fraud, and all other accomplices that help principal perpetrators such as smugglers.

Looking at the range of sentences given to the said offenses, one could argue that there is not a coherent a well thought out structure to them. This is evident when one looks at the offenses that are broken down under each sentence and fine. For example, under the first sentence of 15–30-year imprisonment and a 5 million Franc fine, the offense 'smugglers that violate the rights of internally displaced persons and smugglers that cause arbitrary displacement, war crimes and crimes against humanity that further puts internally displaced people at risk' (République du Niger, 2015) is later repeated under the 5 to 10 year and CFA 20 million but in a different way. Under this prison sentence, the offense is referred to as 'for anyone that exploits the rights of internally displaced persons' (République du Niger, 2015). This repetition one can argue helps create emphasis which further reiterates the level of seriousness that the Nigerien government has placed on this offence. It highlights that although the Nigerien government has taken steps in the past to address human smuggling networks which were not implemented; it is now ready to address the situation as a matter of urgency. When one looks at this from a securitisation perspective, it could be argued that there is a sense of urgency which in part was driven by the EU that sees irregular migration as a threat, and the Nigerien government that needs funds. Therefore, the law was implemented in a rush which echoes in the way it is written. This is evident in the repetition of the said sentences above which could be interpreted as Niger wanting to present a coherent policy document

in a short space of time however, fell short in articulating and structuring it well. Therefore, the law simply accumulates words to highlight that it is well thought out. This shows poor organisation on the Nigerien government's front. Furthermore, by focussing and pushing this smuggler narrative the EU is given more power under the pretence of law, to adopt and implement migration containment policies that are divisive and do not address tangible solutions to the problems facing migration in the current climate (Ben-Arieh and Heins, 2021). Finally, it enables the EU to shift the blame onto criminal smuggling networks which makes taking accountability for the situation harder. By shifting the blame onto criminal smuggling networks, the EU can increase its bargaining power to increase their chances of their securitised policies being accepted in Niger. At the same time, it can help the Union avert moral and legal consequences and rid its-self from guilt.

5.2.2.4 Social Practice 2: Voluntary Returns

Another sign of securitisation in the law is the "voluntary returns" of migrants and refugees in Niger. The term 'voluntary returns' is put in inverted commas as evidence has shown that such returns are not done on a voluntary basis but on a forced basis. Chapter 5 and Articles 23 to 25 give a long descriptive picture of what the Nigerien government aims to do with the said internally displaced individuals in the country. Chapter 5 Article 23 begins by stating that the state of Niger will provide conditions

'conducive to voluntary returns in the safety and dignity of IDP's, facilitate the reintegration of IDPs who have resettled to their countries of origin or have resettled in other parts of Niger, and to provide durable solutions for IDPs' (République du Niger, 2015).

Unpacking this statement, it is plausible to argue that the law uses soft, accommodating and accepting language to help paint the image that the rights of internally displaced persons are considered. This confirms the premise that the EU and its third-party countries use a human rights discourse to carry out security style practices. However, such voluntary returns are usually done at the expense of migrants. Reports from migrants stranded in Niger and Libya have described such voluntary returns as forced where Nigerian and IOM officials pressure them into it by providing information in complex language they did not understand (Pécoud, 2022). This prohibits them from making informed decisions as debriefs they are given with regards to voluntary returns are usually flawed and tainted. Most migrants in Niger are deported by the Libyan state where they have spent years locked in detention camps and other deplorable conditions. Most during this time suffer from grave psychological damage, meaning that they do not always have the capacity to make informed decisions about whether to accept voluntary returns (Zanker, 2019). Others are desperate to get out of the situations that they are in which compels them to agree to anything that ensures their safety.

This highlights the subtle ways the EU and its partner agencies and countries uses to thwart irregular migration. By describing such returns as "voluntary" and "assisted", it pushes the rhetoric that a humane and orderly migration approach is being adopted thus concealing the security practices that are innately embedded in the strategies being implemented in Niger. At the same time, it placates EU actors knowing that they have pushed for a humane approach to addressing irregular migration, and that their policies are effective in combatting the issue. This is echoed in the sentiments of EU official where it was said that "people love us here and the job that the delegation is doing in fighting smugglers, and helping migrants escape back to their countries for their safety" (European Migration Liaison Officer EU Delegation to Niger, 20th January 2021). Additionally, Article 25 states that with regards to such voluntary returns the law aims to provide durable solutions to provide

> 'IDPs with safety and security, access to civil status documents and other identity documents, access top national public services and access to income generating activities' for those in Niger and those repatriated to their countries of origin (République du Niger, 2015).

In practice, the voluntary returns have not guaranteed reintegration, security, and economic advancement. For example, it has been found that Senegalese nationals, upon return from Niger and Libya reported that felt that they were misled by EU partner agencies such as the IOM as they were unable to find and access reintegration projects (Rodriguez, 2019). This left a sense of insecurity for most migrants, and some seek to go back to Libya to access Europe or seek other emerging and more dangerous routes. This leaves them susceptible to various vulnerabilities. Here, one witnesses that laws such as the anti-human smuggling law, which say they aim to protect those at risk, in fact play a pivotal role in doing the opposite (Ben-Arieh and Heins, 2021).

5.2.2.5 Social Practice 3: Scaremongering Terminology

Although the law seems sympathetic to the IDPs it mentions, it adopts scaremongering language to address smugglers. For example, it describes 'ANY act of smuggling, upward movement, and transportation of individuals to the Agadez region as clandestine, criminal, and organized crime' (Anti-Human Smuggling Law, 2015). Therefore, arrests of smugglers are mainly taking place in the Agadez region even though Niger is known to have up to 32 border entry points (Diallo, 2016). This works in the EU's and the Nigerien governments favour as it enables them to stop irregular migration. The use of such alarmist terminology also highlights and shows elements of securitisation, where the notion that there is a 'migrant invasion' which has been used to legitimize increasingly growing restrictions on the movement of peoples (Brachet, 2018). Additionally, applying such alarmist terminology to any movement in this region is problematic because what the law essentially does is it allows for the 'generalisation of criminalisation to a multiplicity of activities related to mobility and transport in the

region (Perrin, 2020). Therefore, this subjects any persons that may not even have the intention of transiting via Libya to reach Europe to checks and potentially arrests this highlighting securitisation.

5.2.3 Humanitarianism Frame

5.2.3.1 Initial Text Analysis

As discussed on Table 16, humanitarian assistance and protection are mentioned 4 times. Work done to ensure this includes providing a comprehensive registration process for internally displaced persons, the provision of basic social services for IDPs, the protection of vulnerable groups such as women, pregnant mothers, children, the elderly, those with communicable diseases, the implementation of humanitarian programmes to ensure the protection of IDPs and rapid emergency protection for IDPs. The main salient issue here is the way the law acts very much under a humanitarian rationale as stated above however, where it pushes the idea that security practices are needed to disrupt the business model of smuggling, migrants are left exposed to these security practices and their consequences that are said to be intended for smugglers.

5.2.3.2 Discursive Practice/Interpretation

From the illustration on Figure 15, it is plausible to argue here that the law attempts to make some considerations to focus on the humanitarian crisis that comes with mass people displacement. It is inundated with words such as deploying humanitarian personnel, emergency assistance, humanitarian programmes, social services, and healthcare. For example, Chapter 4 Article 17 to 22 provides the reader with lots of compassionate and humane language suggesting that the Nigerien government and its respective agencies aim to work

'with international organisations and humanitarian agencies, whilst giving respect and adhering to International Constitutions, Treaties and Agreements ratified by Niger to protect the most vulnerable IDPs by providing them with emergency humanitarian response and ensure that this is not diverted or compromised' (République Du Niger, 2015).

Although the law states this, reports have indicated that migrants using the desert route to cross into Libya are still dying with access to no humanitarian relief or assistance. It has been argued that due to some migrants being abandoned and stranded in the desert, some die due to extreme thirst, hunger as humanitarian assistance is not reaching those in need in a timely manner and in some cases at all (Diallo, 2016). Therefore, this raises the question of to what extent is such humanitarian assistance reaching the individuals it is meant to reach, or are humanitarian elements just mentioned to paint the picture that both entities, (EU and Niger) are genuinely working to save lives? Being one of the poorest countries

in the world, the EU has ensured that finances from the EUTF for Africa are extended to Niger. Therefore, there is no doubt that EU funds are reaching or have reached Niger. But what is interesting in this discourse frame, is the overwhelming mention of humanitarianism in the law and the fact that it uses a humanitarian and human rights framework to push for and justify the implementation of a law that effectively acts as a security measure to deter migrants from moving into Libya and through to Europe. Moreover, because migrants are the ones that would normally seek humanitarian assistance, they risk getting caught if they approach security personnel for help. This therefore highlights securitisation as it shows that the security practices aimed at smugglers are there to stop migrants from progressing with their journeys.

Figure 15: Illustration of humanitarianism discourse frame and words/themes associated with frame
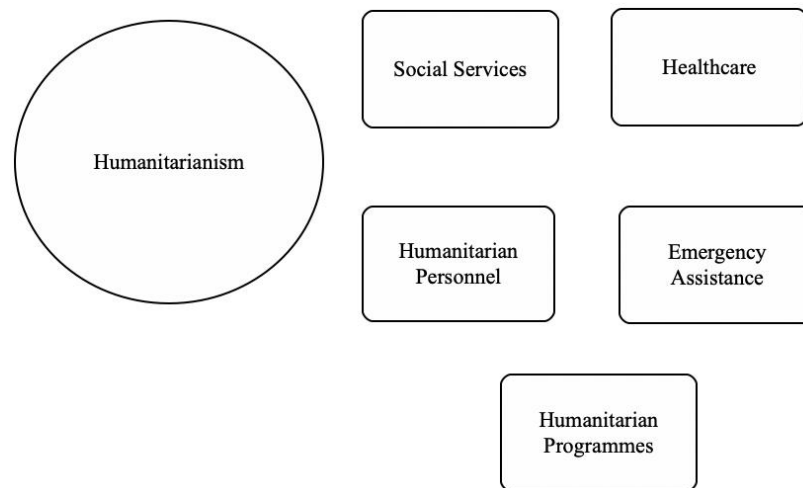
Source: Authors own illustration

5.2.3.3 Social Practice 1: Penal Humanitarianism

A question this raises is how the EU was able to convince Niger to work on migration management policies. The ability of the EU in convincing Niger to pass this law has been linked to and could be described as 'penal humanitarianism' which is where the EU uses 'penal power to punish which is justified under humanitarian reasons' (Bosworth, 2017: 40). Penal power is the reliance on coercive methods such as evicting, expelling, and criminalising to respond to mass mobility (Barker, 2017). For example, in the context of this law, the EU's and the Nigerien's government fight against smugglers is framed as a humanitarian obligation (Stambøl, 2019). Smugglers are scapegoated as the criminals that migrants are at the mercy of. This is beneficial for the EU for instance as by using a humanitarian justification, it allows for penal forms of power such as the criminalisation of movements to Agadez and forced and/or voluntary returns to travel beyond its national borders and be accepted as appropriate in a third country like Niger. Pushing the idea that it wants to save black lives dying in the Mediterranean

Sea sells a convincing narrative that the EU is not fixated on securitising its borders. Therefore, the security discourse is forgotten or in this case and security practices can be seen as the appropriate measures to ensure humanitarian goals are achieved thus normalising the securitisation of irregular migration. Furthermore, penal humanitarianism can travel and be accepted in a place like Niger as the EU ensures that incentives such as tools, training, and finances are available for the Nigerien government to fight the so called 'smugglers' in the region. This gives Niger the penal power to exert control around its borders to deter migrants from crossing. Therefore, the EU acts as a 'European penal power' working through a third state like Niger by strengthening Niger's own penal power (Stambøl, 2019). Moreover, the EU continues to strongly deny that it had any influence over the Nigerien's governments' adoption of this law. As argued by a Member of Cabinet under the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP) between 2014 to 2019 at the Commission,

"having been to Niger myself, 7 times I may add, I can confidently say that it was the Nigerien government that wanted to pass the law on human smuggling, and they were very smart in asking the EU to support them. The narrative that the EU pressurises the Nigerien government is completely wrong and unrealistic because the Nigerien government will gain points amongst their citizens if they say we asked to EU to help us implement this law by giving us the funds therefore, they are dancing to our tune. Therefore, the EU will never do that" (Member of Cabinet HR/VP, 3rd March 2021).

This is interesting as the Cabinet Member presents Niger as an active agent rather than a passive actor to stop one from thinking that that the policies are Eurocentric and in the interests of the EU. This enables it to avoid the backlash that comes with this as to an extent, one can argue that conditioning development aid and finances on the reception of migration policies is oppressive.

5.2.4 Development Frame

5.2.4.1 Initial Textual Analysis

After the initial textual analysis on Table 17, development references were made twice. As illustrated in the figure below, these focus on areas such as creating educational schemes for individuals in Niger and creating employment schemes that particularly focus on smugglers. The following discussions below explain how this can be interpreted as a securitisation move.

5.2.4.2 Discursive Practice/Interpretation

Like the MoU, the Nigerien Anti -Human Smuggling Law gives little attention to how the 'internally displaced persons' it mentions will be supported in Niger. From the NVivo results, the two salient issues

related to the development that the law aims to ensure is the 'provision of training and development schemes to educate individuals about internal displacement, and to create more access for employment and create income generating activities' (République Du Niger, 2015). As discussed in Chapter 4, focussing on development schemes to develop Niger, its citizens, and sub-Saharan migrants that transit through the country works to keep them from moving upwards to the EU's primary securitisation hub. Again, like in Chapter 4, little attention is given to this which is indicated in the amount of times development references are made. This is because security practices were emphasised more. This therefore signals a securitisation move because a disproportionate amount of attention is placed upon security, and the implementation of development schemes acts as a deterrence measure.

Figure 16: Illustration of development discourse frame and words/themes associated with frame
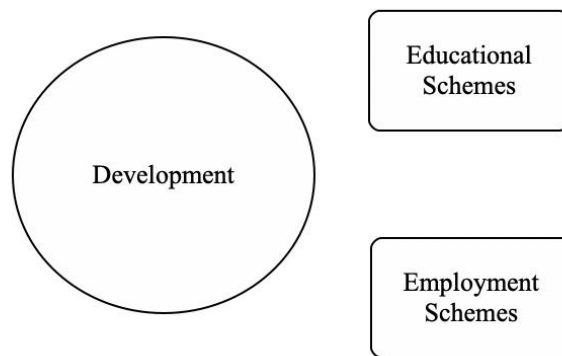
Source: Authors own illustration

5.2.4.3 Social Practice 1: Development Aid as a Deterrence Measure

The way the activities above are mentioned in the Law appear to be vague, and do not specify the measures that will be undertaken to ensure that income generating opportunities are provided. However, the EU launched the EU Trust Fund for Africa scheme for Niger after the Valetta Summit in November 2015. This policy will be analysed in detail later in this chapter. Between the passing of the law and the implementation of the EUTF development programme in Niger, there was no indication as to how the creation of employment and development schemes would be implemented. Additionally, there were no visible results of economic development programmes for smuggler and others involved in the business. Instead, in the first year in which the law was implemented, it is said that the once busy streets of Agadez, littered with businesses such as food stalls, bureaux de change stalls, mechanics, and phone sellers were empty with no other initiatives implemented to substitute this (Hoffman, 2017). The submission of alternative legitimate business plans by smugglers was pushed for by the EU. However, it is said that 42% of submitted business plans in Agadez were approved for funding but less than half

received the assistance that they were promised (Hoffman, 2017). This has left previous smugglers poorer than they were. Therefore, it is plausible to argue here that the law was hurriedly compiled, unclear about its development practices, and fail to take into consideration the fact that it takes years for economic development programmes to materialise. Linking it back to the securitisation theory, it is plausible to argue here that this hurriedness is prevalent because of the threat associated with irregular migration. Furthermore, development aid to the EU ensures economic progress for migrant groups which means they less likely have an incentive to look for opportunities in Europe.

5.2.5 Human Rights Frame

5.2.5.1 Initial Textual Analysis

On the issue of human rights, the law pushes the agenda that it is considering the rights of migrants forward as much as it can. Within this discourse frame as highlighted on Table 1 above, human rights issues are mentioned 13 times. The structure of the law itself is constructed using a human rights framework and mechanisms. By a human rights framework, we mean 'legal, political, and morally binding principles' (Chrichton, Chowns and Haider, 2015) and commitments made by the government of Niger, to protect the rights of migrants or in other words internally displaced persons as they are described. This includes protection from arbitrary detention, protection from discrimination, stopping the violation of human rights, provide assistance such as health facilities to protect the dignity of migrants, protect the rights of the child, access to civil status documents, and access to employment and income generating opportunities.

5.2.5.2 Discursive Practice/Interpretation

Words that signal the protection of human rights are the adoption of the UN resolution 1998/50, protection from arbitrary detention, safety, protection, non-discrimination, respect for religion, vulnerable, family reunification, socio-economic rights, respect for race, political rights, respect for ethnicity, provision of civil status documents. Furthermore, the Law asserts that these protections are ensured for Internally Displaced Persons (IDPs) and does not mention other categories of migrants. This causes a sense of confusion as one does not know whether the said protections are intended for other groups such as asylum seekers, migrants, and refugees. As highlighted in Chapter 3, Niger has mixed migration flows where IDPs, migrants, refugees, and asylum seekers make up the mass mobility demographic. Therefore, this is a major flaw of the Law. Migrant, refugees, asylum seekers and IDPs are all categorised as IDPs which makes it difficult to establish whether the said protection of human rights apply for all other migrant categories. Removing other migrant categories and criminalising all other forms of migration in the Agadez region (apart from IDP movements) risks constructing other migrant categories will be seen as linked to smuggling networks. This therefore exposes them to the

punishments that the law sets out for migrant smugglers. This confusion over who protection is for is telling. Because urgent attention has been placed on security, time has not been taken to think about the contents of the Law to avert this problem. This thus confirms the securitisation theory's premise that securitised issues are dealt with urgently after the securitising actor successfully constructs it as threatening.

Figure 17: Illustration of human rights discourse frame and words/themes associated with frame
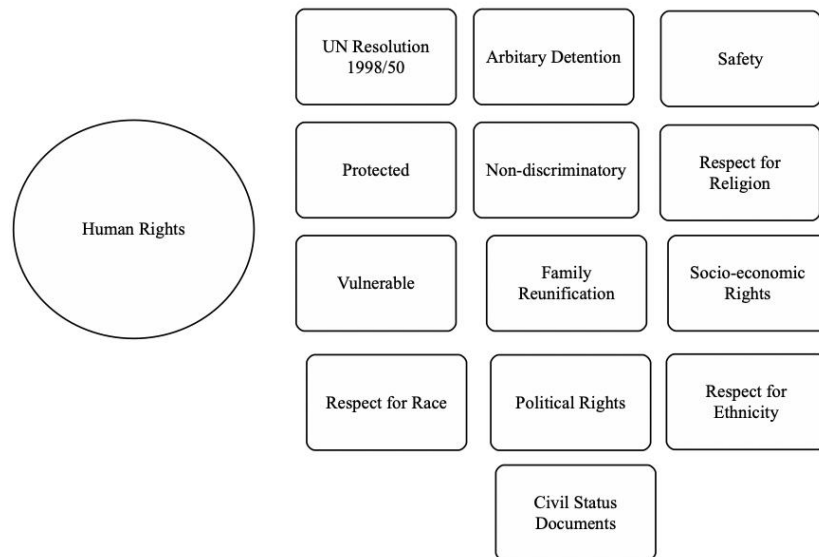
Source: Authors own illustration

5.2.5.3 Social Practice 1: Confusion over Protection of Rights

As with the humanitarian discourse frame, the 'smugglers are a threat' narrative is further pushed. This is evident again in the structure of the law where from start to finish, the protection of IDPs and the dismantling of smuggling networks are put at the centre of its aims and obligations. To do this, the Nigerien government structures the document in a way that detracts from the security practices that are embedded within the practices it is implementing to keep such groups safe. Broken down into 10 chapters, the respective chapters are named as General Provisions, Prevention of Internal Displacement, Protection of Internally Displaced Persons, Assistance to Displaced Persons, Sustainable Solutions: Returns, Reinstallation and Local Integration, Offenses Committed Against Internally Displaced Persons, Offenses and Miscellaneous and Final Provisions. As one can see from the titles of the chapters, practices such as deterring internal displacement and protecting and aiding those that are internally displaced is placed at the very beginning of the law. This gives one the impression that the law is focussed on protecting lives. Chapter One and Articles 1 to 3 provides the reader with general provisions or terminologies to help the reader understand what it is trying to convey. It provides twelve definitions including the terms internally displaced persons, internal displacement, vulnerability, hosting communities and arbitrary detention. It does well in describing the terms and with accordance

to the United Nations Guidelines of 1998 relating to the displacement of individuals within their own countries.

However, discrepancies soon emerge. Firstly, this law, like the MoU in Libya, is a quick fix solution implemented with the aim of reducing the number of individuals crossing Agadez to Libya. The main issue that has emerged with this law is the confusion around the terminologies used to describe migrants. Throughout the whole document, IDPs are used to describe individuals that are smuggled from Niger to Libya. This is problematic as in the case of Niger, there is a pattern of mixed migration where different groups including IDPs, refugees, asylum seekers, migrants, victims of trafficking and smuggling that are fleeing for various reasons (Mixed Migration Centre, 2021). IDPs, refugees, asylum seekers, and migrants all have different meanings and legal status. In Chapter 1 Article 2, the law defines the term IDPs as

'people or groups of people who have been forced or forced to flee or leave their homes, usual places of residence, after or in order to avoid the effects of armed conflicts, situations of generalised violence, human rights violations and/or natural and man-made disasters that did not cross Niger's territorial borders' (République Du Niger, 2015).

According to the United Nations, internally displaced individuals tend to remain within their national borders and are pushed from their normal places of residence for various reasons such as interethnic and religious tensions and environmental disasters (UNHCR, 2021). However, as mentioned above, in the context of Niger and in the context of this thesis, the concerned demographics are typically individuals such as refugees who are typically forced to flee from their countries to another state, asylum seekers who seek protection from their country of origin and are awaiting to be granted refugee status, and migrants who cross international borders typically due to economic hardships and other deprivations (UNHCR, 2021). Currently, and within the context of the Central Mediterranean migrant crisis, most individuals crossing from Niger come from Ghana, Nigeria, Togo, Senegal, The Gambia, Mali, and a small number of Nigeriens fleeing economic discontent (Molenaar, 2017). These individuals therefore do not fit into the definition of IDPs. Therefore, using the term internally displaced persons to describe any persons moving becomes problematic. The law fails to differentiate and categorise the demographics mentioned above into the right terminologies. What it instead does is that it uses IDP's as a terminology to describe all individuals. Therefore, the question that emerges is that are migrants, asylum seekers, and refugee human rights protected by this law? One does not know if the protections stated in the law for IDPs applies to them as well which leaves a sense of insecurity. Here, one can argue two things. Firstly, that there is a sense of confusion and lack of understanding over the mixed migration patterns prevalent in Niger. Secondly, one could also argue that the Nigerien

government, due to the pressure put on them by the EU, rushed to implement and pass this law thus contributing to the mistakes and discrepancies that have been highlighted above.

5.2.5.4 Conclusions

To conclude, the anti-human smuggling law acts as a deterrence measure against the movement of migrants in Niger meaning migration in this region has been securitised. The main salient issues for this policy are the issue of externalisation, pushing of the smuggler narrative, and "voluntary returns". There are disputes on the EU front on whether it pressurised Niger into accepting the law however, what the analysis here indicates is that it indeed did. Secondly, the law strongly pushes the smuggler narrative where it holds that the fight is against people smugglers not migrants as smugglers. As a result, arrests have been made and elaborate sentences have been implemented to curb the phenomenon. Here, the EU argues that it is acting to respond to a humanitarian crisis that smugglers have created, thus confirming the stance of this thesis that the EU uses a humanitarian discourse to advance its security aims. This helps them justify their policies in this region. Finally, the law shows further securitisation by pushing for "voluntary returns" which are typically forced.

5.3 EU Trust Fund for Africa Niger - 2015-2020

Since its adoption in 2015, fifteen projects have been implemented in Niger through the EUTF for Africa scheme. Projects have been added over the years however, for the purpose of this thesis, projects added after 2021 will not be analysed. Due to the heavy attention given to development projects, we argue that Niger acts as a secondary securitisation hub for the EU. By this, it means given the geographical location of Niger is close to Libya, the EU aims to deal with the securitisation threat (irregular migration) before it reaches the border of its primary securitisation hub (Libya). The projects to be analysed are listed below. They have been categorised into the discourse frame they fit into as per the argument of this thesis. This was done by looking at the title and contents of each project and categorising them into the discourse frames by using the criteria in Table 6 Chapter 2. Projects 13, 14, and 15 in italics were not analysed because action fiches have not been generated on the projects and the information available on the website is not sufficient for analysis. Additionally, as will be illustrated below, the human rights discourse frame is missing from the projects. In other words, when the initial textual analysis was completed, no projects were found to specifically address the issue of human rights. This is important for this thesis and will be explored in greater detail in Chapter 6. The projects to be analysed are listed below.

Security Frame Projects:

1. Creation of a Joint Investigation Team (ECI) for the fight against criminal networks linked to irregular immigration, human trafficking and smuggling of migrants.

2. Strengthening the management and governance of migration and sustainable return to Niger (Sustainable Return from Niger - SURENI)

3. Contract for the Reconstruction of the State of Niger in addition to the SBC II in preparation/Support for Justice, Security and Border Management in Niger

Humanitarian Frame Projects

4. Integrated project to support the resilience of vulnerable refugees, displaced, returnees and host populations in the Diffa region Niger

5. Strengthening the sustainable management of the consequences of migratory flows

6. Support for institutional and community resilience in the Diffa region

Development Frame Projects

7. Rapid Economic Impact Action Plan in Agadez (PAIERA)

8. Stabilization and socio-economic strengthening of populations affected by irregular migration in transit zones in Niger

9. Creation of jobs and economic opportunities through sustainable management of the environment in transit and departure zones in Niger

10. Support the training and professional integration of young girls and boys form the regions of Agadez and Zinder in order to contribute to the socio-economic development of these two regions

11. Support project for agricultural sectors in the Tahoua and Agadez regions

12. Migrant Response and Resource Mechanism (MRRM) Phase II

13. *Agro-sylvo-pastoral resilience, West Niger*

14. *Promotion of employment to strengthen the economic resilience of communities in the Tillabéry region*

15. *Support for the creation of a polyvalent squadron of the Niger National Guard (EP-GNN)*

The argument here is the EU uses a development discourse or developmental practices to hide its security practices in Niger. In other words, development programmes are in fact securitisation tools as they aim to deter migrants from making the irregular crossing into Europe rather than to mainly save lives.

5.3.1 Security Frame

5.3.1.1 Initial Textual Analysis

The three EUTF Niger projects that we classify as security frames are 1) the *Creation of a Joint Investigation Team for the fight against criminal networks linked to irregular immigration, human trafficking, and migrant smuggling (JIT),* 2) *Strengthening the management and governance of migration and sustainable return to Niger (SURENI)* and 3) *Contract for the Reconstruction of the State in Niger as a complement to the SBC II in preparation ~ Support to Justice, Security and Border Management in Niger.* As illustrated below in Table 17, security related themes or references are made 49 times and human rights related references made twice JIT. The discourse frames of humanitarianism and development were not mentioned. In the SURENI project, the security theme is mentioned 9 times, humanitarianism 7 times, development 5 times and human rights 2 times. For the project Contract for the reconstruction of the State in Niger as a complement to the SBC II in preparation ~ Support to Justice, Security and Border Management in Niger, security is referenced to 45 times, humanitarianism 2 times, development 2 times and human rights 3 times.

Table 17: Number of times discourse frames are mentioned in the EUTF Niger Security Projects

Project Title	Discourse Frame	Times Mentioned
Creation of a Joint Investigation Team (JIT) for the fight against criminal networks linked to irregular immigration, human trafficking, and migrant smuggling	Security	49
	Humanitarianism	0
	Development	0
	Human Rights	2
Strengthening the management and governance of migration and Sustainable Return to Niger	Security	9
	Humanitarianism	7
	Development	5
	Human Rights	2
Contract for the Reconstruction of the State in Niger as a complement to the SBC II in preparation ~ Support to Justice, Security and Border Management in Niger	Security	45
	Humanitarianism	2
	Development	2
	Human Rights	3

Source: Authors own illustration

5.3.1.2 Discursive Practice/Interpretation

The words and themes associated with security were mainly found to have been repeated and dominant throughout all 3 documents are illustrated in Figure 5 below. Such words include policing, territorial surveillance, organised crime, returns, CSDP missions, criminal networks, penal policy, smuggling and trafficking to name a few. Figure 18 gives a visual representation of all the words. From this, it is evident that negative connotations and phrases are associated with the phenomenon of irregular migration.

Focussing on the words that were used in the projects, these can be categorised under three themes namely training of border authorities, voluntary returns, and using CSDP missions like EUCAP Sahel (a mission used to fight terrorism and organised crime) to intercept those migrating irregularly. The emphasis placed on the security practices above highlight securitisation. The explanation below will explore this in greater detail.

Figure 18: Illustration of human rights discourse frame and words/themes associated with frame
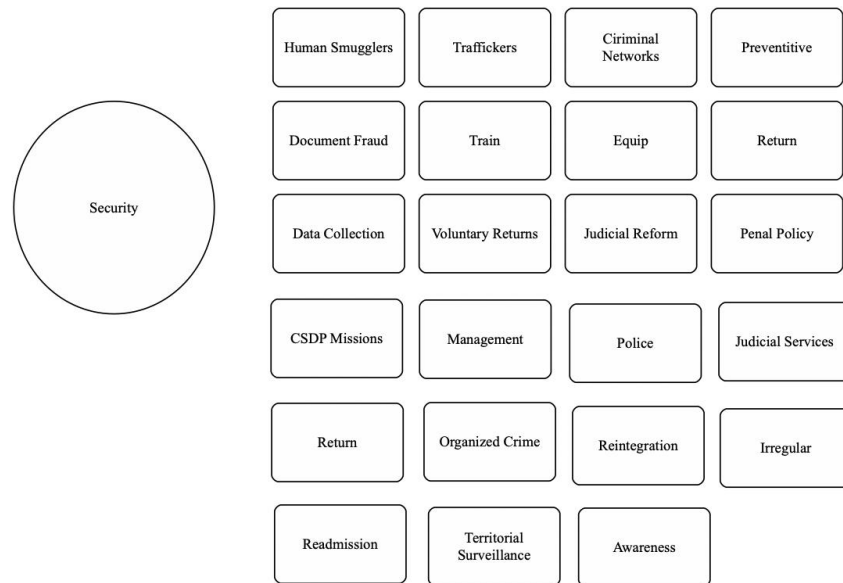
5.3.1.3 Social Practice 1: Training Border Officials

The first sign of security in the projects mentioned above is the training of Nigerien border authorities to thwart the 'network of smugglers and human traffickers that play a central role in the tragedy of irregular migration by becoming an essential platform for migrants to move to Europe' (Creation of a Joint Investigation Team JIT for the fight against criminal networks linked to irregular immigration, human trafficking, and migrant smuggling, 2017). This training, however, is done strictly by European partners such as ECI European police officers as 'Nigerien authorities such as the police, lack the experience and the know-how to effectively conduct investigations against criminal networks involved in irregular immigration and migrant smuggling' (Creation of a Joint Investigation Team JIT for the fight against criminal networks linked to irregular immigration, human trafficking, and migrant smuggling, 2017). As can be seen in Figure 5, the smuggler/trafficker narrative is at the centre of the discourse with the JIT project. Words such as trafficked, smuggled, training of police, criminal networks are used frequently to indicate that their irregular migration is a security issue that needs the involvement of security operations and task forces to help curb it. Additionally, the EU has tasked itself with helping Niger deal with the issue by offering training as Nigerien authorities are said to be lacking

in experience and the know-how on dealing with irregular migration and migrant smuggling. Firstly, an assumption is being made here that Nigerien authorities are ill equipped to sort irregular migration in their country. This is detrimental as a European outlook on how to deal with irregular migration in Niger might not work for Niger which could lead to conflict. For example, there is a complex historic interdependency relationship (Hahonou and Olsen, 2021) between smugglers, migrants, and authorities such as the police in Niger with each group profiting and benefitting from the other. The police are tasked and know how to deal with the issue at hand. Therefore, it is not a matter of not having the "know-how knowledge", but more so the gains authorities can have from exploiting migrant vulnerabilities. The tasks that the EU police implement include sessions on anti-corruption measures for authorities like the police. However, in a system where government officials are not paid enough, coupled with the high income that irregular migration brings in the region, simply running anti-corruption classes will not be enough. As a result, it is plausible to argue there is a sense of underestimation here which gives the EU the justification and room to save Niger in their fight against irregular migration in the form of development aid. Saying Nigerien authorities lack knowledge and understanding is patronising and highlights the unequal relationship between Niger and the EU. The EU can come in as a strong dominant power with money and Niger as an economically poorer country, will accept the support put forward by the EU.

5.3.1.4 Social Practice 2: Voluntary Returns

Another sign of security is the recurrent theme of "voluntary returns" which is described as a necessary lifesaving mechanism. In the project Strengthening the management and governance of migration and sustainable Return to Niger (SURENI), the project's overall aim and objective is to facilitate and to contribute to the strengthening of migration governance in Niger and the sustainable return, readmission, and reintegration of migrants (SURENI, 2017). As highlighted in Figure 5, the EU uses the three Rs that being Readmission, Reintegration and Returns which essentially all have the same goal ensuring that migrants are returned to where they come from. The focus on the 3 Rs creates emphasis and hammers home the message that possible irregular migrants are to be deterred from reaching Europe in an irregular manner. The EU with its partners such as the IOM, the Danish International Development Agency (DANIDA) and the Nigerien government aim to do this through migration management campaigns (Van Dessel, 2021) which are centred around raising awareness among migrants particularly at bus stations, running smuggler risk campaigns and highlighting the dangers of the sea (SURENI, 2017). Reintegration into Niger or migrant's countries of origin will be met with 'comprehensive developmental packages for safe return and reintegration' (SURENI, 2017) which will focus on income generating activities to support those that voluntarily choose to return home. The idea of voluntary returns as a far more dignified way to of making a return is problematic as its simply an extension of deportation (Fine and Walters, 2021). Migrants, whether irregular or not have a

right to seek asylum and have a right to be told that they have the right to seek asylum. What this therefore shows is an imbalance of power where the rights of those wishing to seek asylum by leaving their countries of origin, encouraged to "voluntarily return" with the promise that incentives in the form of income generating activities will be available to them. A representative at the Directorate-General refuted this information however and argues that the voluntary returns scheme is a lifesaving option for stranded migrants who wish to return home and rebuild their lives.

5.3.1.5 Social Practice 3: Strengthening of EUCAP Sahel

Another sign of security is the use of CSDP missions such as EUCAP Sahel Niger whose general objective is to strengthen the capacities of Niger's defence and security forces especially the judicial service, to fight terrorism and organised crime. The mission's mandate was expanded to 'support the fight against irregular migration and associated criminal activities and provide support to the ECI police such as training and technical advice' (Creation of a Joint Investigation Team JIT for the fight against criminal networks linked to irregular immigration, human trafficking, and migrant smuggling, 2017). This will be in the form of 'peer-coaching where intelligence gathering and analysis, investigative techniques and judicial investigations targeting traffickers and smugglers' (Contract for the Reconstruction of the State in Niger as a complement to the SBC II in preparation ~ Support to justice, Security and Border Management in Niger, 2017). The key thing here is that migrant smuggling and trafficking is being fought by using a military mission that aims to dismantle and stop terrorist organisations operating in the region such as Boko Haram. By associating and grouping migrant smuggling and trafficking (which is the typical route irregular migrants get to Europe) with terrorism, this constructs the narrative that these two groups are closely linked or in some cases alike. This allows for migrants, not smugglers and traffickers to bear the brunt of externalisation policy, thus indicating that irregular migration from this region has been securitised.

5.3.2 Humanitarianism Frame

5.3.2.1 Initial Textual Analysis

As illustrated in Table 18 below, three projects aimed at humanitarianism are the *Integrated project to support the resilience of vulnerable refugee, displaced, returnee and host populations in the Diffa region, Niger, Strengthening the sustainable management of the consequences of migration flows* and *Support for institutional and community resilience in the Diffa region.* These three projects however are centred around a 'humanitarian-development nexus which is the overlap between the delivery of humanitarian assistance and the provision of long-term development assistance' (Strand, 2020: 104). In the project of *Integrated project to support the resilience of vulnerable refugee, displaced, returnee and host populations in the Diffa region, Niger* humanitarian related practices are referenced to 17 times,

and development 17 times. For *Strengthening the sustainable management of the consequences of migration flows,* humanitarian related references are made 7 times, development ones made 14 times and security related practices made 3 times. Finally, in the project *Support for institutional and community resilience in the Diffa region,* humanitarian related practices are referenced to 11 times whilst the development discourse frame is referenced to 7 times. As illustrated in Figure 6, the words and themes generally associated with humanitarianism are water sanitation, provision of WASH services, access to immediate public health services, and provision of immediate nutritional security.

Table 18: Number of times discourse frames are mentioned in the EUTF Niger Humanitarianism Projects

Project Title	Discourse Frame	Times Mentioned
Integrated project to support the resilience of vulnerable refugees, displaced persons, returnees, and hosts in the Diffa region, Niger	Security	0
	Humanitarianism	17
	Development	17
	Human Rights	0
Strengthening the sustainable management of the consequences of migration flows	Security	0
	Humanitarianism	7
	Development	14
	Human Rights	3
Support for institutional and community resilience in the Diffa region	Security	0
	Humanitarianism	11
	Development	7
	Human Rights	0

Source: Authors own illustration

5.3.2.2 Discursive Practice/Interpretation

Themes and words associated with development are the set-up of small-scale business, micro-finance institutions, provision of vocational courses, agricultural initiatives, solar installation, and improvement of social infrastructure, which all fit into the definitions of the discourse frames of this thesis. After the coding process for all 3 projects, the consensus of the discourse was found to be that the projects will combine short-term (humanitarian assistance) and long-term (development aid) options in the Diffa region especially, where terrorist organisations such as Boko Haram flourish. Foreign aid and emergency assistance to fight terrorism not only has its shortcomings, but also shows the linkage that is typically made between irregular migration and terrorism. This gives the EU stronger grounds to

justify its securitisation of irregular migration. Moreover, the humanitarian initiatives are not aimed at those that are termed as "irregular migrants" but rather, IDPs and those that live in host communities in Niger. Again, the inconsistencies here highlight the lack of care taken in the formulation of the policies. Going back to the theoretical basis of this chapter because there is a degree of urgency around securitising irregular migration, this opens room for mistakes to be made. The analysis will look at this further in the discussions below.

Figure 19: Illustration of humanitarianism discourse frame and words/themes associated with frame
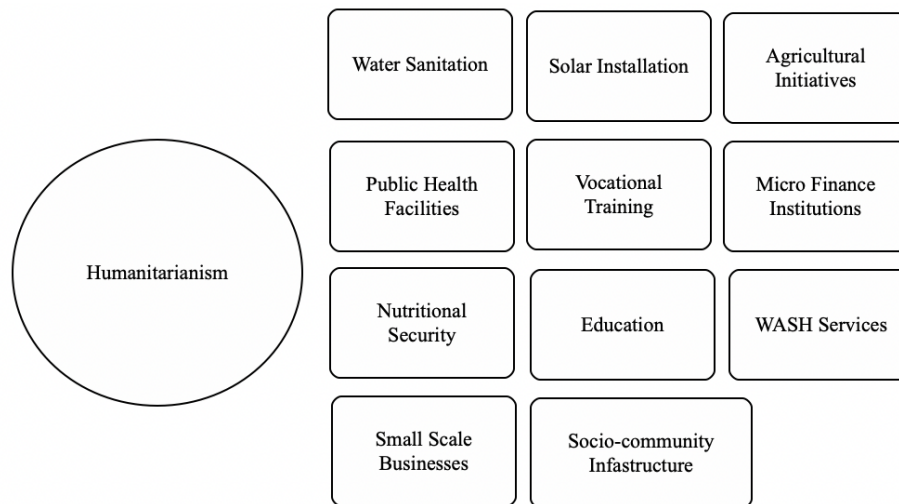
Source: Authors own illustration.

5.3.2.3 Social Practice 1: Humanitarian-Development Assistance for whom?

To give credit where credit is due, the EU on one hand, does well in ensuring that emergency assistance and facilities are available for vulnerable groups in Niger however, there is a strong focus on host communities that are affected by the stop in migrant smuggling rather than migrants themselves. Like the Anti-Human Smuggling Law of 2015, the humanitarian-development initiatives in the region focus on IDPs whilst little to no mention is made about those that arrive in Niger from sub-Saharan Africa. In all three projects, although there is a strong desire to provide humanitarian assistance such as water, sanitation, and hygiene (WASH) facilities to vulnerable groups, improvement of basic infrastructure, health assistance for stranded migrants in the desert, internally displaced persons, and communities within Niger, most attention is given to the rebuilding of the communities and improving the lives of those that live in these communities. (Integrated project to support the resilience of vulnerable refugee, displaced, returnee and host populations in the Diffa region, Niger, 2021; Strengthening the sustainable management of the consequences of migration flows, 2020; Support for institutional and community resilience in the Diffa region, 2020). As illustrated in Figure 6, the themes that appeared salient in this discourse frame are the implementation of small businesses, vocational training, micro finance

institutions, and the implementation of agricultural initiatives, which are all strategies that are aimed at those that are staying long-term highlighting development strategies rather than focussing on the core issues that humanitarian efforts entail. The merging of humanitarianism and development strategies in the context of the EUTF for Niger has led to humanitarian efforts for migrants being side-lined. As argued by (Deridder, Pelckmans and Ward, 2020), the merging of humanitarian and development aid risks ignoring one group because not only migrants need support but the host communities too (Deridder, Pelckmans and Ward 2020). This might lead to unintended consequences such as humanitarian assistance not reaching those that it is supposed to reach and inequalities. Research suggests that in the case of Niger, since 2015, in cases where stranded migrants are found, humanitarian assistance is scarce and there no other 'real alternatives are provided for them but the Assisted Voluntary Returns (ASR)' which is the only way migrants can access basic humanitarian facilities such as food, shelter, and medical assistance. Furthermore, this unequal distribution of humanitarian assistance towards those travelling illegally risks framing illegal migrants as groups that have created an emergency for the host communities in Niger. This can lead to not only issues of stigmatisation but also highlights that those that move irregularly are seen of not worthy of receiving humanitarian assistance. Therefore, by securitising migration in this way, the EU effectively increasing the inequalities and hardships migrants in transit face.

5.3.2.4 Social Practice 2: Linkage of Smuggling Networks and Terrorism

In all three projects the grounds for humanitarian-development assistance are based on the narrative that irregular migration has led to an increase of terrorism in the regions of Diffa, Chétimari, Toumour, Maine Soroa and N'Guigmi region. As argued by an EU representative, "of course there is a major relationship between security and migration because of the borders. It has nothing to do with migrants being a security risk but there is a very close interconnection around criminal organised crime. In Niger, migrant smugglers were also directly responsible for the financing of instability in Northern Niger and therefore creating a security challenge" (Member of Cabinet HR/VP, 3rd March 2021). The areas mentioned above are said to be home to more than '650,000 people (hosts and displaced persons) with their communes experiencing difficulties in housing the displaced populations' (Strengthening the sustainable management of the consequences of migration flows, 2020) and other economic strains. The lack of opportunities is said to be caused by the influx in IDPs and irregular migrants which has led to some smugglers joining Islamist and Jihadist groups operating in the region such as Boko Haram that might offer better economic alternatives, or even promises to reach Europe. The EU representative holds that

"some of these smuggling and trafficking networks are often linked to armed groups and insurgent terrorist groups in the Sahel so there is definitely a connection here which we cannot overlook.

Smugglers can easily be lured in by these groups. Therefore, security and border management are very important in this context as one does not want terrorists of course travelling across the border into Europe. A humanitarian action entwined with development practices is needed to counter this. The former helps save those at risk, and the latter provides opportunities and alternatives" (Section of Migration and Political Affairs Representative, 22nd January 2021).

Therefore, humanitarian-development aid is being used to address the emergency in these regions which is the influx in migrant and IDP numbers and ensure development by creating income generating programmes for such groups and groups at risk of radicalisation. Firstly, the link that is made between smugglers and migrants constructs a negative image over irregular migration in this region. Research over the years has shown that this linkage between migrant smuggling and terrorism is not uncommon. However, Achilli and Tinti (2022) argue that this is mere artificial link as the workings of smuggling organisations and terrorist organisations differ in nature. For example, they claim that terrorist and smuggling networks have operational and structural differences (Achilli and Tinti, 2022: 463). Moreover, smuggling gangs tend to operate independently. In an interview conducted by these authors in 2015 amongst Syrian migrants using the Eastern Mediterranean route, it was found that it was more so 'independent drivers and guides helped facilitate movement' with such groups operating on an ad-hoc basis as opposed to the hierarchical and structured nature of terrorist groups (Achilli and Tinti, 2022). In the case of Niger, this appears to be the case. A briefing paper by the UNHCR published in 2019 highlights that 86% of smugglers in Niger claimed to either work alone or amongst a flexible and loosely structured network (Golovko, 2018: 22). Therefore, it is essential to re-think this association as it can lead to harmful stereotypes which in turn can affect the rights of migrants. Such connections feed into the greater argument of the securitisation of migration where the EU is able to cause a moral panic (Cohen, 2011) that irregular migration is linked to terrorism. This therefore gives it stronger grounds to justify that irregular migration from this region is to be criminalised.

5.3.3 Development Frame

5.3.3.1 Initial Textual Analysis

As highlighted in Table 19 below, in all 6 projects, security references are made 20 times, humanitarian ones made 6 times, development ones made 132 times and human rights are mentioned twice. Overall, development related practices take precedence over the remaining discourse frames however, the argument here is that development in this region acts as a deterrence measure to stop migrants from reaching Europe. After coding, the main dominant themes are increased employment, social housing, start-up grants, youth employability, community-based initiatives, high intensity workforce, and the creation of Agro-pastoral enterprises as illustrated in Figure 20.

Table 19: Number of times discourse frames are mentioned in the EUTF Niger development projects

Project Title	Discourse Frame	Times Mentioned
Rapid Economic Impact Action Plan in Agadez (PAIERA)	Security	10
	Humanitarianism	3
	Development	20
	Human Rights	0
Stabilization and socio-economic strengthening of populations affected by irregular migration in transit zones in Niger	Security	5
	Humanitarianism	3
	Development	28
	Human Rights	0
Creation of jobs and economic opportunities through sustainable management of the environment in transit and departure zones in Niger	Security	1
	Humanitarianism	0
	Development	35
	Human Rights	0
Support the training and professional integration of young girls and boys form the regions of Agadez and Zinder in order to contribute to the socio-economic development of these two regions	Security	0
	Humanitarianism	0
	Development	13
	Human Rights	1
Support project for agricultural sectors in the Tahoua and Agadez regions	Security	0
	Humanitarianism	0
	Development	32
	Human Rights	0
Migrant Response and Resource Mechanism	Security	4
	Humanitarianism	0
	Development	14
	Human Rights	1

Source: Authors own illustration

5.3.3.2 Discursive Practice/Interpretation

The development projects the EU aims to implement or has implemented in Niger centre around agro-pastoral initiatives in agriculture and live-stock farming, the set-up of small business loans, community-based initiatives to sensitise individuals about the dangers of irregular migration, social housing

provisions, food security and access to electricity and water, educational facilities for the young especially around vocational and technical skills. The analysis that will follow below will look at the ways in which development practices are de facto security practices looking to deter migrants from moving into Libya. The discourse that emerged after reading and coding the documents is that the EU pushes the narrative that the Anti-Human Smuggling Law of 2015 is "repressive" thus disrupting the livelihoods of those that make a living out of the migrant smuggling business. As a result, it is looking at ways in which it can work together with the Nigerien government, to implement development projects in Niger's key areas such as agriculture that will help neutralise this grievance and income loss.

For this reason, the analysis will look at the deterrence tactics used by the EU in Niger where it flips the discourse to make itself appear as a saviour body. First, it shifts the discourse suggesting that the repressive policies adopted by the government of Niger have led to economic and security consequences therefore, it is looking to alleviate this issue by implementing development projects in Niger. To ensure this development in Niger, the EU looks at working in key transit zones such as Agadez and Zinder. Here, this section will argue that there is a fixation and over-reliance on transit zones as such meaning it is concentrating all its efforts on ensuring that development occurs in such areas to reduce the incentives that come with migrant smuggling. Finally, the EUTF projects in Niger aim to ensure development in the region is by focussing on raising awareness among what it terms as "groups at risk". By this, we mean young individuals, migrant smugglers, drivers, migrant hosts, food vendors and any other individual that benefits from the migrant smuggling trade. Again, here, one can argue that there is a clear sign of securitisation as the development schemes work to prevent migrants from travelling. The EU does this by targeting key members of the migrant smuggling business in Niger to give them an alternative to smuggling.

Figure 20: Illustration of development discourse frame and words/themes associated with frame
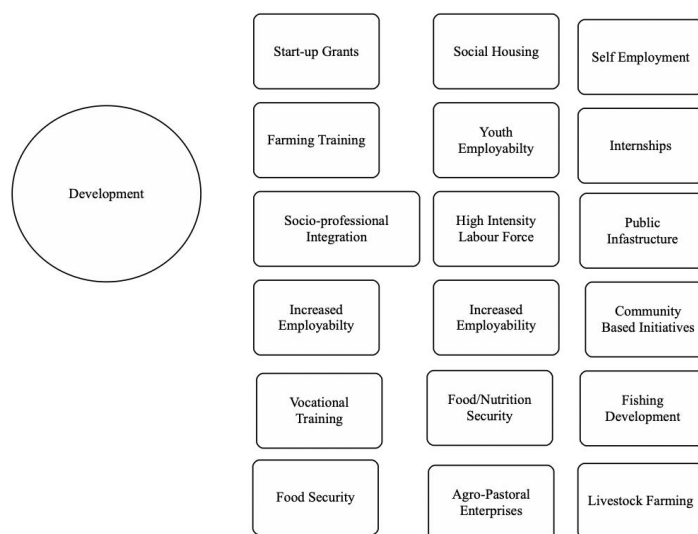
Source: Authors own illustration.

5.3.3.3 Social Practice 1: Shift in Discourse

For the development discourse frame, the EU very much pushes the discourse that it is trying to mitigate the consequences of the Anti-human smuggling law of 2015. In the project *Rapid Economic Impact Action in Agadez (PAIERA)*, the overall objective of the project is said to be to 'propose accompanying measures parallel to the repressive measures taken by the government of Niger on irregular migration' in a bid to 'improve regional stability and better migration management by addressing the root causes of instability, forced displacement, irregular migration, increasing economic opportunities, equal opportunities, security and development' (Rapid Economic Impact Action in Agadez, 2021). This is whilst paradoxically stating that the project has as its 'legal basis the legislative and regulatory measures to counter illegal migration, in particular the adoption of the Law No. 2015 - 36 on the smuggling of migrants" (Rapid Economic Impact Action in Agadez, 2021). The word repressive stands out as it highlights a constricting element of the law that is impeding on migrant rights. This is juxtaposed by increasing economic opportunities addressing the root causes of instability and improving regional stability. This emphasises the opposing traits of the EU and Niger which in turn invites comparison between the two parties. Niger can be seen as a country that is blocking migrant movement, whilst the EU can be seen as a party cleaning up the consequences that come with this. This enables one to not see the EU's development efforts as a securitisation move but a humanitarian/development one. This blame shifting is a normal occurrence in the discourse of the EU where "authorities in the region are responsible for the pushback of migrants stranded in the desert, to Niger or being left to drown at sea" (Section of Migration and Political Affairs Representative, 22nd January 2021). However, there is no mention or acknowledgement that these authorities are enabled and funded by EU projects. Bearing in mind that there is evidence that points to the argument that the EU played a part in advising Niger in implementing the "repressive" law (Bøås 2021; Campana 2020), flipping the narrative to suggest that the law is repressive shifts the focus onto Niger itself. This enables the EU to appear in a positive light. This therefore pushes the idea that the EU, a humanitarian focussed entity with respect for human rights is using development as a strategy to help. What this does however is that it highlights the EU's saviour complex as a European power saving an African country in the form of development aid. Niger is the country that has declared a war on migrants and migrant smugglers (Tazzioli, 2018), which has caused disorder and an emergency that a European power must help clean up.

The way the EU looks to help Niger to tackle migrant smuggling and irregular migration is by helping raise awareness to not only those groups involved in migrant smuggling, but also government officials that lack the capacity to manage the crisis. As discussed in the security section of the analysis, by painting itself as such, the EU risks constructing the Nigerien government as an entity that lacks the capacity to handle and deal with its issues. In the project *Stabilization and socioeconomic strengthening*

of those affected by irregular migration in transit zones in Niger, the EU highlights the types of development measures that will be implemented and the types of individuals that will benefit from this. The project, in conjunction with PAIERA looks to mitigate the issues caused by the repressive law of the Nigerien government by 'providing employment and socio-professional integration opportunities to economic actors who benefit directly and indirectly from the financial benefits related to migrants' (Stabilization and socio-economic strengthening of those affected by irregular migration in transit zones in Niger, 2018). The issue of awareness raising however is problematic and will be discussed in detail below.

5.3.3.4 Social Practice 2: Awareness Raising for Groups at Risk

The development projects mentioned above are geared towards groups that are deemed at risk of engaging in the migrant smuggling business such as young people, migrant drivers, and individuals in Niger that might sometimes follow the steps of other sub-Saharan African migrants moving to Europe (Connor, 2018). The policies hold that these groups are at risk of becoming migrant smugglers or joining those that are moving to Libya (Support for the training and professional integration of young girls and boys in Agadez and Zinder in order to contribute to the socio-economic development of these two regions, 2021) thus Nigeriens are potential migrants themselves. Here, two narratives are painted. Firstly, that Nigeriens are migrant smugglers themselves (who need to be sensitised about the dangers of irregular migration) and are also irregular migrants that follow the steps of other sub-Saharan Africans to make the perilous journey to Europe. The first narrative works by stigmatising those that engage in the migrant smuggling business whilst the second narrative works by victimising those that supposedly "follow the footsteps" of sub-Saharan African migrants to Libya.

The first narrative looks at portraying Nigeriens living in transit communities such as Agadez as prone to engaging in the business of migrant smuggling. Therefore, in projects such as *Stabilization and socio-economic strengthening of those affected by irregular migration in transit zones in Niger*, migration information raising campaigns (MICs) in conjunction with educational programmes such as vocational courses to enhance the employability of communities in Niger are used to educate individuals on the dangers of irregular migration. For example, since 2016, the EU has been working alongside the IOM to implement Community Mobilizers known as (MobComs) in the regions of Agadez, Arlit, Dirkou to hold regular sensitization and awareness raising techniques for potential smugglers (International Organisation for Migration, 2018). The interesting thing about such MobComs is that they typically consist of individuals that have in the past attempted the journey to Europe or were migrant smugglers and are now employed by the IOM. Their stories are used to raise awareness and convince groups at risk around the dangers of the desert and the sea. The imagery of death, sexual exploitation, torture, and violence is often used to highlight the inevitable trauma that migrants will face whilst in these spaces

(Mbaye, 2014). Therefore, awareness raising can construct the sea and the desert as forbidden spaces thus acting a deterrence measure to stop irregular migration.

The second narrative adopts what Van Dessel (2021) calls a 'positive approach to migration deterrence' (Van Dessel, 2021) where migration opportunities in countries of origin are prioritized and sensationalised. This is true in the case of Niger as projects are created in key economic sector areas such as subsistence farming, where the use of the country's 'natural resources are exploited to create support for micro small and medium sized enterprises' (Support project for the agricultural sectors in the Tahoua and Agadez regions, 2021). This is usually coupled with training opportunities, business grants, and vocational courses. Success from such projects is used to justify the grounds that economic success can be attained by staying where one is and that irregular migration, is simply the choice of what Pécoud and Nieuwenhuys (2007) calls 'the ignorant, lazy, and quick-money seeking' (Pécoud and Nieuwenhuys, 2007: 1685). Therefore, it is plausible to argue here that the use of migration information raising campaigns that are embedded in the EU development schemes, is a deterrence tactic that looks to keep migrants from reaching Europe thus indicating securitisation. It additionally highlights the power that soft border management tools such as MICs have in ensuring that the EU can police migration at a distance. More importantly for this thesis, the policies do not indicate if such MICs have indeed helped saved lives by stopping migrants from making the dangerous journey.

5.3.3.5 Social Practice 3: Overreliance and fixation on transit zones

Another way the EU supports development in Niger is by implementing development projects in key transit areas such as Agadez and Zinder that are rich in natural resources. In the project Migrant Resource and Response Mechanism MRRM Phase II, the EU basis its justification for the implementation of development projects in Niger on the fact that the country is 'one of the least developed countries in the world and with the highest population growth (an average of 7.6 children per woman), but at the same time, are wealthy in natural resources' (Migrant Resource and Response Mechanism Phase II, 2020). Therefore, tapping into the natural resources that these areas have such as iron, calcium, gypsum (which is needed for cement creation), can provide employment opportunities. However, due to bad governance in Niger 'the government and municipalities in the country lack the awareness and know-how knowledge to tap into these resources and make the best use of them' (Migrant Resource and Response Mechanism MRRM Phase II, 2020). Here, the natural resources of an African state are over glorified to show that it is easy to stay where one is to be successful. However, the state of Niger is deemed to be unable to reach a new awareness and know how to implement this therefore, development programmes such as those mentioned in the EUTF can help achieve this. This underestimation appears to be a recurrent theme not only in the policies itself but also the sentiments of those working directly to implement these policies. For example, representatives were quoted saying

"we have so many projects that we are doing in a **poor** country and a country that lacks the institutional direction to manage this problem. As a result of this they asked us for help and development projects to tackle irregular migration" (European Migration Liaison Officer EU Delegation to Niger, 20th January 2021). "African leaders wanted this, and we decided to help" (Member of Cabinet HR/VP, 3rd March 2021).

This highlights the view that it is an issue for Africa and Europe is doing it a favour by helping. Furthermore, for development aid to be effective, a holistic approach is needed where help reaches other parts of the country. The focus given to the transit zones for migrants such as Arlit, Dirkou, Agadez, Zinder is telling because not only does it mean that these projects are being implemented to stop the movement of migrants, but also such communities might be better off than the rest. The emphasis on the word **poor** in the above quote, entwined with the statement that Niger asked for help from the EU shows that compared to the EU, Niger is a much weaker state. Therefore, dealing with a poor state like Niger is beneficial to the EU as it less likely to reject conditional aid money. Therefore, here, the EU uses its power as a donor government to engage in migration management practices in Niger.

5.4 Conclusions

Overall, this chapter applies Fairclough's CDA three-dimensional framework to reveal how securitisation is embedded in key policies. To enable this, textual analysis was applied to all documents to reveal elements of securitisation and to establish whether the policies were in fact humanitarian as argued by the EU. Here, focus was placed on the descriptions, words and phrases associated to the relevant discourse frame which was then counted to ascertain how many times they were mentioned. This was done by using qualitative software NVivo which allowed for the most important themes, words, and phrases for the analysis to be uncovered. In the next process of the analysis findings in the textual analysis were used to interpret what the words found mean which allowed for summaries and argument points to be made. Finally, these argument points derived from the interpretation allowed for explanations to be made on the elements of power and inequality are embedded in the policies. From this analysis, this chapter argued that Niger acts as the EUs Secondary Securitising Hub where development programmes act to curb irregular migratory flows. The Anti-Human Smuggling Law 2015 acts as a deterrent measure towards irregular migrants in Niger which is seen as a migrant smuggling hub. After the analysis, it was found that scaremongering terminology and negative themes are used to describe the phenomenon of irregular migration. The fight against migrant smugglers is framed as a humanitarian obligation by the EU and the Nigerien government. For those reasons securitised measures have been implemented to ensure that illegal movements are deterred. The law against migrant smuggling deterred migrants however, incentives were needed to help keep individuals where

they are hence the creation of the EUTF for Africa Niger. This gave an option to those in Niger to have an alternative to smuggling. The analysis reveals however, that the projects analysed can easily fall into the security discourse frame. This is because the development programmes in Niger have been framed in a way to give migrants less of an incentive to move, and those involved in the migrant smuggling business to look elsewhere. The next chapter discusses the consequences that have emerged because of the securitised policies. Through the discussion of such consequences, the chapter shows how elements of neo-colonialism such as unequal power relations operate unconsciously through the policies.

Chapter 6: The EU Commission Sentiment and Consequences of Policies in Libya and Niger

6.1 Introduction

The aim of this thesis was to explore the policies and try to uncover what has gone wrong. In other words, the thesis looks to find the reasons why policies with humanitarian aims have in fact led to more suffering. As established in Chapter 4 and 5, this is because the policies have a security centred approach with the aim of reducing the number of migrants reaching Europe and ensuring that potential migrants stay where they are. For that reason, humanitarian efforts have not been as successful as hoped. There has been a growing debate that the externalisation measures implemented in Libya and Niger have had a negative impact on those moving to Europe and the countries that the policies are implemented in (Mlambo 2020, Baldwin-Edwards 2018). The containment policies are said to have led to a crisis where those that are intercepted and returned and trapped in a cycle of abuses. Often migrants are said to be detained in detention centres across Libya, or in the case of Niger often stuck in the desert on their passage to Libya without the right humanitarian help. (Boersma et al, 2022). The EU, although having condemned the atrocities happening in these countries with regards to migrant rights, have not taken full action to stop what is going on. Instead, blame has been shifted onto smuggling gangs. The Union holds that it is not interested in building a fortress Europe but ensuring that policies respect human rights and save lives. However, abuses persist, and people continue to die in the Mediterranean.

The aim of this chapter is to explore the way in which the EU shifts blame onto smuggling gangs and other factors and uses this as a justification for its goal of saving lives. Interviews held with representatives from the EU Commission as part of the research indicated that the EU officials believe that the aims of its policies are indeed humanitarian, and that consequences that have emerged are either unintended, or the fault of migrant smugglers or the fault of the states the policies are implemented in. As outlined in Chapters 4 and 5, they rejected externalisation as a made-up ideology and the discourses "it is a fight against smugglers, not migrants" was strongly held. As encapsulated by a former Member of Cabinet at the High Representative of the Union for Foreign Affairs (HR/VP) now Member of the private office of Commissioner Ylva Johannson,

> "from an EU viewpoint, there is a major relationship between security and migration because of the presence borders… it has nothing to do with migrants being a security risk but come on, one cannot fully deny that there is a close interconnection around them, criminal organised gangs, and smuggling groups. It must be addressed through security lenses and of course with migration management you need to deal with countries from which migrants are from. This is the basis of

diplomacy. So, I think the question of externalisation is stupid, very frankly, the debate is too generic, it is too ideological and leads nowhere" (Member of Cabinet HR/VP, 3rd March 2021)

As seen here, the idea of externalisation is completely dismissed. There is an admission that security and migration are closely related which may justify its securitised policies and practices. Liaising with third party countries is justified on the stance that it is the basis of diplomacy and that it must deal with third countries with a poor track record of human rights records. This chapter will argue that because the Commission's sentiment has focussed on shifting the blame onto migrant smugglers, it has enabled it to see itself as not doing anything wrong. Therefore, security measures continue to be amplified to dismantle 'smuggling' and reduce large influxes of migrants at the expense of migrant vulnerabilities. Additionally, the practices embedded in this humanitarian rhetoric exposes connections to power, control, and inequality whereby a white European power asserts its dominance and control over impoverished African countries. Humanitarian and developmental assistance is conditional on the regulation of irregular migration which signposts us to elements of neo-colonialism.

This has led to consequences such as:
1. the denial of migrant agency,
2. the unethical voluntary returns of migrants,
3. the emergence of new and dangerous routes,
4. the adoption of short-term strategies for a complex issue that requires long-term solutions,
5. the creation of a crisis for Africa,
6. and a lack discussion around human rights.

The interviews conducted with the EU Commission representatives will be used to explore these observations. Extracts from the interviews will be explored which show how the EU pushes the discourse that their policies are not directly responsible for the shortcomings faced by those migrating illegally to Europe but are a result of the smugglers who put migrants in vulnerable situations. These will be triangulated with speeches from the European Migration Forum (EMF, a platform organised by the EU Commission and Economic and Social Committee) between 2015 and 2021, and seven speeches frequently given by EU Commissioners in the Commission Spokesperson's Service. Going back to where this thesis aims to fill the gap in the literature, it could be argued that the EU pushes this discourse to escape the moral and legal consequences of the human rights violations being faced by migrants, whilst asserting its control over African countries. The discussion will commence by providing a consolidation of the findings of the MoU, the Anti-Human Smuggling Law and the EUTF for Africa for Libya and Niger. Next, it will discuss the consequences highlighted above and demonstrate elements of neo-colonialism and hidden power and how this operates unconsciously through the policies. Finally, as this thesis has established that things have gone wrong, suggestions will be made on areas that the

EU can improve its efforts to save lives without putting migrants at risk. For clarity, the primary interviews carried out for this research will not contain the names of the interviewees but only their job tiles. For the speeches and from the EMF and the Commission Spokesperson's Service, names of individuals will be provided as this information is readily available online.

6.2 Recap of Findings from the MoU, Anti-Human Smuggling Law, and the EUTF for Africa Libya and Niger

Overall, what was concluded from the analysis on the MoU is that it is a band-aid solution applied to a deeply rooted problem. By band-aid solution, we mean it acts as a short-term temporary solution to a very complex problem. The MoU from the European perspective has been hailed a success. The EU and Italy with the help of the EU's CSDP missions and agencies in the region such as Operation Irini and FRONTEX, continue to be instrumental in the push back of migrants to Libya. For example, it has been reported that since its implementation, a high number of individuals have been stopped from crossing the Central Mediterranean. The European Council on Foreign Relations estimates that between 2016 and 2017 15,000 migrants were stopped and returned to Libya (Varvelli and Villa, 2019). However, this hailed success has had a detrimental effect on the lives of migrants and has exposed various illegalities in the policy. In comparison to previous agreements between Libya and Italy, this MoU is informal, not legally binding and was enforced with no consent from the Italian parliament (Palm, 2017). The informality and the simplistic structure of the policy highlighted in Chapter 6 and Chapter 7, shows a degree of short-term thinking, highlights the violation of human rights law, and at the same time makes it difficult to hold Italy and the EU accountable for violating human rights. The Anti-Human Smuggling Law, like the MoU in Libya, is also a rushed short-term strategy riddled with inconsistencies with the primary aim of reducing migratory flows from the Agadez region to Libya. It was found that the issue of humanitarianism and human rights seemed to have been integral in the motives of the law. However, overall, the analysis showed that the structure of the law itself was structured using a humanitarian and human rights framework to justify the security practices the EU and the Nigerien government have agreed on implementing. This is done by depicting migrants as victims and pushing the narrative that smugglers are the main problem the policies are targeted towards. Like the MoU in Libya, the analysis concluded that the Anti-Human Smuggling Law is also a short-term strategy with the primary aim of reducing migratory flows from the Agadez region to Libya. Securitisation, rather than saving lives was the core of both policies with the two countries acting as primary and secondary securitisation hubs for the EU.

With regards to the EUTF for Libya and Niger, the analysis in Chapter 4 and 5 found that Libya acts as the EU's primary securitisation hub where the EUTF projects rely on security measures to stop irregular migration which is seen as something enabled by smugglers. Therefore, the EU argues that it acts a

humanitarian entity with the aim of saving lives. This is achieved through the militarisation of its borders, ensuring returns and reintegration to migrants' countries of origin, and the conditioning of development aid on ensuring migration management. Niger on the other hand, acts as its secondary securitisation hub where the Nigerien government implemented the human smuggling law as a hard tactic to stop all smuggling in the Agadez region. Incentives in the form of development aid, were created to as an alternative for both migrant smugglers and those that want to be smuggled. This in effect a deterrence measure against irregular migration as it aimed to make migrant smuggling less attractive thereby reducing the number of people that arrive in Europe irregularly. The smuggler narrative however has gained a lot of popularity and has been used by the EU Commission to justify its measures in Niger and Libya. This has been the case since 2015. Speaking to the European Migration Liaison Officer of the EU delegation to Niamey, it was asserted that the Anti-Human Smuggling Law for instance

"focusses on the drivers and facilitators of irregular migration who normally throw migrants into trucks… just a couple of weeks ago, 12 people died in the desert due to a technical issue with a vehicle. As a result, more than 400 smugglers have been arrested by Nigerien authorities with more than 80 cases currently at court" (European Migration Liaison Officer EU Delegation to Niger, 20th January 2021).

Similarly, former EU Commissioner for Migration, Home Affairs and Citizenship between 2014 and 2019 during the European Migration Forum in 2015 stated,

"We continue to face challenges especially in the form of smuggling. To protect people from these criminals, the EU improved police measures and increased the number of arrests; promoted campaigns to raise awareness against smuggling in many countries such as Niger and Libya. States lag however, therefore, transnational cooperation with countries of origin and transit is a vital cornerstone for the fight against human smuggling" (Commissioner Dimitris Avramopoulos, 27th January 2015).

As established in chapters 5 and 6, the rhetoric that smugglers are the main problem was present in all five interviews. As well as this, within the seven speeches the same rhetoric was maintained. This was highlighted quite early in the interviews when questions about the rights of migrants and the vulnerabilities that they are exposed to in Libya and Niger were raised. Officials were quick to blame these difficulties onto smugglers and argued that their policies are instead used to stop migrant smugglers from exposing migrants to vulnerabilities. Below shows an illustration of a word cloud displaying the words that were found within the speeches, and smuggling, smugglers, and human smuggling gangs were integral in the discourse.

Figure 21: Smuggling as the Main Focus in the Speeches

death

criminalisation

depersonalised   lack of solidarity

smuggling   risky   humanitarian corridor

economic migrant

safety   criminal

trafficker

frontex

dehumanising   exploitation

inhumane
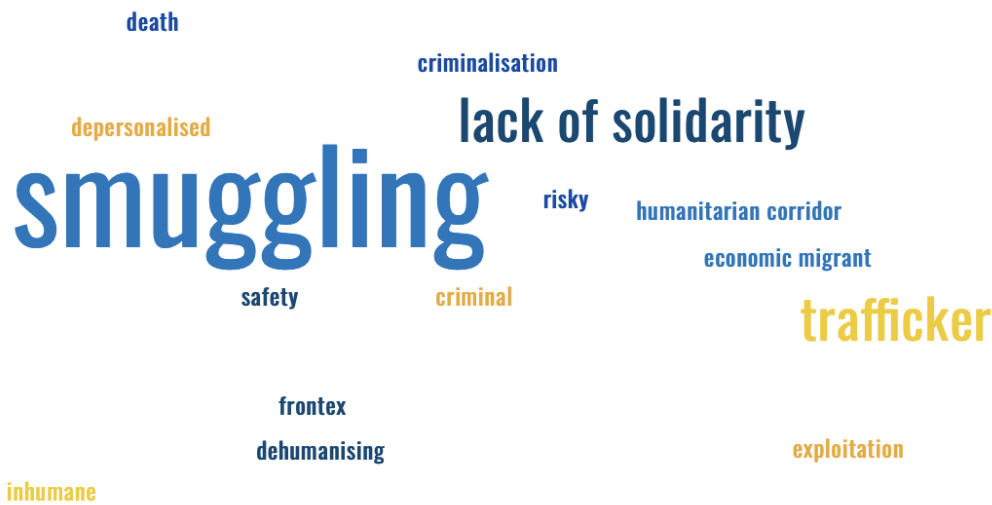
Source: Authors Own Illustration

The seven speeches that were looked at are:

1. 1st Meeting of the European Migration Forum, *Safe routes, safe futures. How to manage the mixed flows of migrants across the Mediterranean?* (Commissioner Dimitris Avramopoulos, 2015)

2. 2nd Meeting of the European Migration Forum 6/7th April 2016, *A long-term approach to sustainable labour migration and successful integration – the voice of civil society* (Commissioner Dimitris Avramopoulos, 2016)

3. State of the union Address by President Ursula von der Leyen at the European Parliament Plenary (Ursula von der Leyen, 2020)

4. A fresh start on migration: Building Confidence and striking a new balance between responsibility and solidarity (Margaritis Schinas, 2020; Ylva Johansson 2020; Ursula von der Leyen, 2020)

5. Speech by the EESC president at the European Migration Forum (EESC President, 2016)

6. Commissioner Johansson's speech at the European Parliament Plenary on recent deaths in the Mediterranean and search and rescue at sea (Ylva Johansson, 18th May 2021)

7. 3rd meeting of the European Migration Forum 2-3 March 2017 (Commissioner Dimitris Avramopoulos and George Dasis 2-3rd March 2017)

The sections below will discuss the consequences that have occurred because of the blame shifting nature of the Commission. Because the human rights abuses migrants face is blamed on smugglers, this has led to consequences for migrants. It denies migrants of their agency, justifies engagement in

unethical returns, helps create newer and more dangerous routes, applies short term strategies to a deeply rooted problem, creates a crisis for Africa, and does not place focus on the protection of human rights. This also helps reveal the imbalance of power, control, and inequality embedded in the discourse.

6.3 Consequences of the EU Rhetoric

6.3.1 Denying Migrants their Agency

A consequence of shifting the blame onto smuggling gangs is that it denies of migrants of their agency. By agency, we mean the ability for individuals to act autonomously and make choices themselves without influences (Mainwaring, 2016). This important in the context of the policies because having the agency to make conscious decisions on their own has consequences for migrants. Those deciding that they wish to migrate irregularly are typically depicted as villains looking to evade state borders, whilst those that do not are portrayed as victims. The interesting thing is, however, those that are described and constructed as victims are not seen as victims of the migration management policies but as 'victims of villainous forces such as smuggling gangs that are labelled as dangerous and exploitative (Mainwaring, 2016: 290). The perception that a smuggled person is targeted and lured completely by smuggling networks is problematic. It helps reinforce the discourse that smugglers are the only issue whilst ignoring the actions of parties such as NGOs, the EU, and migrants themselves. Smuggling is defined as the 'provision of a service to any person who voluntarily seeks to gain illegal entry into a foreign country' (United Nations Office on Drugs and Crime, 2021). However, the way the policies portrays smuggling is akin to human trafficking where persons 'illegally enter borders involuntarily, where they are exploited for labour and sexual exploitation' (United Nations Office on Drugs and Crime, 2022) usually with no control over this decision. By confusing smuggling with human trafficking, the policies effectively describe migrants as vulnerable and at the mercy of human smugglers whilst failing to take into consideration the agency of migrants and the capacity for them to act independently and make their own decisions about embarking on such journeys.

It is important to note that this thesis does not disregard the fact that migrant's situations can change meaning that along the way, they will be subjected to extreme vulnerabilities and exploitation. For example, a migrant in Ivory Coast might make the conscious decision to pay a smuggler to transit via Niger and Libya to Europe however, due to the dangerous nature of the route; they will be exposed to criminal gangs, militias and jihadist groups that will exploit them for their own gains. Moreover, human smuggling networks have the potential to turn into human trafficking if certain conditions permit it (United Nation Office on Drugs and Crime, 2022). In the case of Niger for example, as there has been a major crackdown on human smuggling networks for smugglers, this has left a vacuum of economic insecurity for smugglers. Where in the past they would help migrants that are ready to pay with

transportation, accommodation, and food quite easily, the crackdown has led to an increase in prices which most individuals that want to be smuggled cannot afford. As a result, desperate migrants are forced to work without a choice to pay for these costs, whilst others are sexually exploited in return for guaranteed passage through Niger into Libya (International Crisis Group, 2019).

In most instances, smuggled migrants have a reason to leave their country and therefore, consciously choose to pay smugglers if legal means are difficult to access. These reasons vary from war and conflict to economic reasons. The main thing is with irregular migrants from this region, from the point where they leave their countries of origin, make a conscious decision and various factors shape the decision of where migrants go, whether to go and how to get to the place they intend to get. However, it has been argued that disregarding migrant's own agency can portray them as victims or villains thus undermining their claims for asylum or protection for instance. Those seeking protection are expected to be typically helpless and incapable of 'action and necessitating rescue' (Mainwaring, 2016: 290) themselves. Those that fit into this category are seen as victims. Individuals that do not conform to this and demonstrate agency by choosing to migrate irregularly have negative connotations attached to them where they are labelled as 'queue jumpers, fraudsters, illicit, and no agency at all as individual seeking protection' (Nyers, 2003). This allows for states to adopt securitised policies such as the law, to thwart those migrants that have portrayed agency. This therefore helps strengthen the power of states to secure and control migration at their borders (Mainwaring, 2016). On the other hand, those that are cast as victims are portrayed as such within limited physical and temporal spaces. For example, in the Central Mediterranean individuals are only deemed as victims when they are stranded at sea, die, mourned, and pitied. For those that reach EU shores or are rescued and pushed back to Libya and Niger, this evolves very quickly. They become securitised, risky, and constructed as smugglers, which leaves them in a difficult place (Anderson, 2014). The smuggler narrative however has gained a lot of popularity and has been used by the EU Commission to justify its measures in Niger and Libya. This has been the case since 2015. Speaking to the European Migration Liaison Officer of the EU delegation to Niamey, it was asserted that the Anti-Human Smuggling Law for instance

> "focusses on the drivers and facilitators of irregular migration who normally throw migrants into trucks… just a couple of weeks ago, 12 people died in the desert due to a technical issue with a vehicle. As a result, more than 400 smugglers have been arrested by Nigerien authorities with more than 80 cases currently at court" (European Migration Liaison Officer Eu Delegation to Niger, 20th January 2021).

Similarly, former EU Commissioner for Migration, Home Affairs and Citizenship between 2014 and 2019 during the European Migration Forum in 2015 put stated,

"We continue to face challenges especially in the form of smuggling. To protect people from these criminals, the EU improved police measures and increased the number of arrests; promoted campaigns to raise awareness against smuggling in many countries such as Niger and Libya. States lag however, therefore, transnational cooperation with countries of origin and transit is a vital cornerstone for the fight against human smuggling" (Commissioner Dimitris Avramopoulos 27th January 2015).

Solely blaming migrant smugglers is difficult. One could argue that smugglers exist as there is demand for their services which is normally created by strict border enforcement strategies created by governments (Gordon and Larsen, 2020). For example, when one looks over the years with cases such as Morocco and Libya, human smuggling has always prospered. The border between by Morocco and Spain has long been militarised due to the presence of irregular migrants. This militarisation, however, has not stopped people. Similarly, in the case of Libya, Ghaddafi acted as border enforcement agent for the EU but still, smuggling networks operated although on a much smaller scale than it did between the years of 2015 and 2020. Therefore, by using the narrative that smugglers are the issue not only helps the EU justify its securitisation moves, but it also reifies the power of the EU to secure its borders and control migration, whilst hiding the bargaining power visible in negotiations between migrants and smugglers (Mainwaring, 2016). What this leave is a situation whereby migrants are seen as helpless and at the mercy of such groups or treated as villains for engaging with them.

6.3.1.1 Unethical Voluntary Returns

Because the EU sees irregular migration as something caused by smuggling gangs, it makes it easy for them to facilitate 'voluntary returns' due to the illegality and clandestine nature of being smuggled. Such measures, however, are carried out in an unethical and unjust manner. Research and reports have pointed to the fact that due to the stringent border controls between the Agadez and the southern Libyan border, and insecurity in Libya, migrants are faced without a choice but to be returned to Niger from Libya. The case of Hirsi Jamaa and others vs Italy in 2012 brought to light that unethical returns go against 'Article 4 of the 1963 Protocol No. 4 to the European Convention on Human Rights that prohibits collective expulsions' (Muižnieks, 2014). Up until 2018, it was estimated by the IOM that a total of 15,000 migrants had been successfully returned to their countries of origin from Libya and Niger (European Council on Refugees and Exiles, 2018). Additionally, in the early months of this year, (2021) an estimated 2,000 asylum seekers arrived in the Agadez region most of whom were of Sudanese origin. The EU, working with the Nigerien, Libyan and United Nations agencies such as UNHCR, and states that are part of the African Union have launched a resettlement scheme where migrants are resettled to EU states and non-EU states in the West and within Africa such as Rwanda. However, this has been described as modest since its implementation in 2017. The resettlement scheme acts as a humanitarian response that is termed as the Emergency Transit Mechanism. In 2018, it was estimated

that out of 475 individuals that were put forward for resettlement, only 108 were granted refugee status and resettled to Europe (European Council on Refugees and Exiles, 2018). UNHCR numbers hold that as of December 2019, 2,310 out of 6,351 vulnerable migrants have left Niger and resettled in places such as Finland, Belgium, Germany, Italy, and Malta (UNHCR, 2019a).

Although this seems positive, it is important to note that the resettlement scheme is highly securitised. This means that the scheme is highly selective because only certain nationalities qualify, and the fact that some migrants are tricked into voluntarily coming back to Niger by the spread of misinformation. Those that are being granted asylum and refugee status, must be of a certain nationality and be present in Niger at the time of their claim for resettlement. Those of Somalian, Sudanese, South Sudanese, Eritrean, and Ethiopian descent for instance, are highly likely to be accepted as they are seen as "true" refugees that are feeling conflict. The mandate of the scheme for instance explicitly states that 'Nigerian citizens or "those who can access to the voluntary return programme of the IOM from Libya" cannot access to the evacuation programme and to the subsequent transfer to Niger in view of resettlement' (UNHCR, 2019b). Having a pick and choose policy as such excludes other nationalities that are trapped in this region which undermines their need and claims for asylum and protection. More worryingly, it undermines one's universal right to asylum and being a refugee (Geneva Conventions, 1951; EU Charter of Fundamental Rights, 2000). It also takes one back to the point made earlier by Mainwaring (2016) on migrants' agency and necessitating rescue. It could be argued that those refusing to return from Libya and wishing to continue northwards to Europe are seen as villains. Those that return who tend to be of the nationalities listed above, are seen as incapable of action, and necessitating rescue and therefore, have the right to claim asylum through the scheme. Additionally, voluntary returns are said to be fuelled mainly by misinformation given to migrants that 'returning back to Niger could guarantee a quicker asylum claim to Europe' (Jegen, 2019). This has caused local tensions as this misinformation has led to a large exodus of individuals coming back from Libya which has caused a scarcity of subsistence and resources (Cantant and Clochard, 2020). Although a humanitarian response, this has not been beneficial for the individuals it is aimed at. All in all, the EU comes out as the winning party. Niger and Libya have been successfully used as a country to trap migrants, UN agencies such as the IOM and UNHCR sponsored by the EU work to de-territorialise border control based on profiling and selecting migrants before they even reach Europe' (Trevisanut, 2014).

The EU has since called for an end to unethical voluntary returns however, there has been no action on its part to ensure this. In speeches given at the 2nd European Migration Forum by President of the Committee of Regions and President of the European Economic and Social Committee (EESC), he argued that it is a shame "Member States have been trumpeting the concept of solidarity, while riding roughshod over the fundamental values of Europe. Instead, politicians and decision makers across Europe should embrace a different and welcoming narratives for those in need of protection" (Dassis,

6th April 2016). Commissioner Avramopoulos argued that "demographic challenges such as an ageing population and major skills shortages are posing a threat to Europe therefore, migration is needed" (Commissioner Dimitris Avramopoulos, 6th April 2016). Here, we see a shift where the Commissioner urges Member States to see migration in a positive light which is one of the few statements that goes against discourse that irregular migration and smuggled migrants are a threat. These sentiments also highlight the imbalance of power between EU member states and EU institutions. Having said that, this discourse changed drastically the following year at the 3rd European Migration Forum. During this meeting, it was argued by European Commissioner at the time and the President of the EESC that "Europe has a limit in the number of migrants it can welcome. Therefore, it is essential that Europe maintains a well-functioning system of migration governance, including the return of migrants that did not have a right to stay in Europe. A clear difference is to be made between "irregular migrants who do not have the right to stay, and those that are in actual need of international protection" (Dimitris Avramopoulos and George Dasis, 2nd March 2017). The change in discourse here is interesting as within a year interval, the arguments have shifted from unethical returns go against the fundamental rights of migrants to those that are irregular are not welcome to stay. The inconsistency in the however, discourse leads one to believe that perhaps the EU wants to be seen as it is doing something. Going back to the mention of Member States, the EU is essentially run by its member states. Therefore, EU Commission paints a picture whereby it portrays itself as an open and accepting entity in conflict with its member states that place importance on the protection of borders. Going a step further, given that in the arrival numbers rose in the year the Commissioner gave the speech, the discourse that migrants are a threat is pushed. However, in times when numbers are low, are more welcoming discourse such as migration is a necessity to improve the labour and skills shortages in Europe is favoured.

6.3.1.2 New and Dangerous Smuggling Routes

Another consequence of the EU rhetoric is that it has paved the way for smugglers to smuggle migrants through riskier and more dangerous routes thus adding to their vulnerability. While the EU focusses its energy on the dismantling of smuggling groups in this region, smugglers are finding other ways and routes to move people and sustain their incomes. This has resulted in more deaths, detentions, and has paved the way for human smuggling to turn into human trafficking and the extortion of migrants (Kuschminder and Triandafyllidou, 2019). According to migrant news site InfoMigrants (2020), migrants from sub-Saharan Africa are taking more dangerous routes such as that of the Atlantic Ocean to the Spanish Canary Islands. Due to COVID-19 and the tightened security controls in the Niger-Libya route, most have ventured on this route which is historically known as more dangerous than the Central Mediterranean one (InfoMigrants, 2020). Typically, migrants would cross from Morocco into mainland Spain however, securitised policies implemented by Spain and Morocco saw a drop in the arrivals into mainland Spain. However, the shift in migration routes have pushed migrants to embark on boats from

southern Morocco into the Spanish Islands – a riskier route due to its strong currents. This has resulted in various shipwrecks and resulted in the loss of lives. The human rights organisation Caminando Fronteras has shown that between January and June of 2020, 2,087, migrants had either died or were missing and between January and June 2021, the death toll had reached 1,851 individuals (Caminando Fronteras, 2021). Due to the heightened security and insecurity in the northern region of Niger, smugglers often abandon migrants in the desert in fear of being arrested and subsequently being fined and having their vehicles confiscated. The IOM reports that since 2020, a total of 404 migrants were found stranded in the desert and redirected to transit centres in northern Niger, whereas since 2016, a total of 20,000 have been rescued by the IOM (Chiriac, 2020). Having said that, these numbers do not account for all those that have been left stranded. Relief Web has argued that most individuals after being stranded, die in the desert of hunger and thirst, and buried during the sandstorms of the Sahara (Relief Web, 2020). This therefore means that many individuals are dying unaccounted for thus making it difficult to estimate the exact number of deaths that occur on this route.

As well as this, due to the heightened security in this region, various checkpoints are littered throughout the Niger to help curb irregular flows. Although coordinated by the government with the support of EU funds, most security forces are corrupt, affiliated with bandits and militias (Larémont, Attir and Mahamadou 2020). Therefore, such groups have normalised migrants to be stripped of their belongings and money. Failure to provide such things leads to beatings, rape, and deterrence from progressing with one's journey. Therefore, it is plausible to argue here that the polices are ineffective is achieving what they set out to achieve. Migrants are still able to move northwards but at the risk of rights violations. The security forces that are entrusted with policing the borders are part of the smuggling business. To add to this, the International Rescue Committee for instance add that there is often gendered violence along the way especially for women. Girls and women on this route are usually approached by human trafficking networks, that coerce and urge them to engage in sex work to make money to help facilitate their upward movement to Libya (International Rescue Committee, 2020). Other reports have suggested that smugglers and drivers often force women to engage in sexual favours in return for a safe passage or transfer girls to other smuggling networks in Libya where they are further abused daily (UHNCR, 2018). This leaves women vulnerable to physical and emotional violence, and various communicable diseases. It is said that some reach Europe severely ill, disabled and traumatised by the ordeals they have faced. This leaves most in a difficult place as they are left unable to provide for themselves and self-improve. The emergence of new routes also points to the fact that irregular migration is very difficult to dismantle. As argued by an EU representative,

> "you can have an army of police, soldiers or whatever however, the mentality of migrants will never change. We, therefore, cannot fight individuals that want to be smuggled. To make it clear, migrants are now finding other routes as Niger is increasingly developing border control mechanisms and

smugglers are exploiting this therefore, development programmes to stop people from moving in the first place" (European Migration Liaison Officer EU Delegation to Niger, January 20th, 2021).

Similarly, the current European Commissioner for Home Affairs has argued that

"fighting smugglers is not enough. Instead, we must ask ourselves why those moving see no other choice but to get into small dangerous boats. We must give better perspectives to such people by creating economic opportunities and investing in jobs in their countries of origin. I will continue to invest in resettlement and other safe legal pathways to Europe for people in need of protection" (Ylva Johansson, European Commissioner for Home Affairs, 18th May 2021).

Despite all these admissions, the solutions put forward such as creating more legal spaces for obtaining visas and moving to Europe remains limited. Instead, in 2017, the Committee of Permanent Representatives of EU member states created a system that intends to place visa sanctions and restrictions on African states that refuse to take back their citizens. The sanctions state that countries that refuse to cooperate sufficiently with the EU on the returns and readmissions of their citizens, will experience longer Schengen visa processing times, and will pay higher fees (Kipp, Knapp and Meier, 2020). Similarly, at the presentation of the New Pact on Migration and Asylum, the Vice President of the EU Commission argued that the New Pact will look to keep people for a better life in their countries of origin and transit, to well equip the EU's border agency such Frontex, and to display permanent effective solidarity which will ensure equal distribution of asylum seekers across member states (Margaritis Schinas, 11th September 2020). Here, one can argue that there is sense of defeatism which the Commission is reluctant to accept. This is because the policies are not working, and the numbers keep growing due to smugglers finding other ways. As a result, it keeps implementing stricter rules thereby losing a sense of what the policies were intended for in the first place.

6.3.1.3 Adoption of Short-Term Strategies

Another issue that the EU sentiment has led to is the adoption of short-term strategies for something that requires longer term solutions. At the height of the crisis, terms, and phrases such as high number of arrivals, influxes, masses of people displacement were typically used to describe smuggling in the sea and arrivals in Europe (Zaborowski and Georgiou, 2016). It was often reported that hundreds of migrants were squashed into boats making their way to European countries. As a result, this caused a type of panic where the EU acted in an emergency response to reduce these numbers and fight smuggling networks. What happens here is that those arriving irregularly are depersonalised and are treated purely as numbers, which hides their stories, their reasons for fleeing and their reasons for turning to smuggling gangs for help (Ferstman, 2020). This thus removes the human element which is

intertwined with the protection of fundamental rights of migrants. Because of this panic, the adoption of short-term strategies to mitigate the issue becomes likely as not enough time is taken to consider the deeper issues related to irregular migration, and how best to deal with it. With regards to the EUTF for instance, this has had an impact as development schemes need a level of continuity in the long term for them to be effective (Castillejo, Dick and Schraven, 2019).

Its short-term nature has led to issues of efficacy and transparency. The effectiveness of the policies is echoed in the outcomes of the projects since their implementation. According to the European Court of Auditors, the numbers for outcomes and successes were limited after the first 3 years of implementation. Success for the purpose of this research is based on the number of achievements that have been attained since the implementation of the projects. The court of auditors hold that successes were seen mainly in security related practices. The European Court of Auditors in 2018 for instance found that in the context of Libya, '4,709 voluntary returns were possible between 2017 and 2018, 19,605 migrants received humanitarian assistance in different detention centres, 929 persons including pregnant women and children were provided with a protection unit, and 21 government officials were trained on human rights' (European Court of Auditors, 2018: 29-30). This number continues to grow. As illustrated on Appendix 1, between 2017-2022 high successes are seen in areas such as MICs and voluntary returns.

In the context of Niger, an interview carried out by the European Court of Auditors found that some projects were successful as they 'provided acceptable living conditions for migrants in transit centres in Agadez, helped create 15 observatories to monitor the local consequences of migration and identify potential mitigating actions, and dismantled 7 national and international trafficking networks' (European Court of Auditors, 2018: 29). Taking into consideration how much money each project is given, and the number of years some of the programmes have been running for, a higher outcome could reasonably be expected. One argument for the low success rates is that as the EUTF was adopted as an emergency response, there was not enough time to consider longevity and sustainability (Bartels, 2019) which is often seen in development projects. This is echoed as well in the sentiments of the EU, as a representative from the Section of Migration and Political Affairs (2021) where it is admitted that the EUTF

"was done in an emergency context due to the loss of life at sea. It was framed in that emergency and ad hoc approach meaning short-term problems were inevitable. We aimed for it to be a flexible and quick mechanism and needed quick access to funds. This flexibility will allow us to address longer term issues such as the root causes of migration, drivers of migration or migration management issues, which will take time. More development cooperation is needed in this area to make things effective" (Section of Migration and Political Affairs Representative, 22nd January 2021).

Having said that however and looking back at the analysis of the projects in Niger, the goal of ensuring security by reducing high numbers of migrant movements are embedded in the projects that look at 'providing emergency aid, development measures such as education and employment programmes' (Amzat, Vermeulen, and Zandonini, 2019). This is problematic because focus is shifted to carrying out security practices which are typically achieved in the short term thus overlooking the longer-term solutions that could help stop migrants from taking the dangerous journey. Interviews conducted in Niger on the effectiveness of the development programme in the country revealed that most respondents said that 'commitments on development have been made but have not been respected with programmes aimed at supporting the local communities having only helped a few (Bōås, 2020). For these reasons, it is important that the EU ensures that it maintains its policy coherence for development, and ensure that all its actions promote stability, equality, democracy, and sustainable development' (Raty and Shilhav, 2020: 4). Appendix 2 shows an illustration of the outcomes achieved in Niger since the implementation of the EUTF.

Additionally, because of the adopted short-term approach, there is a lack of transparency over the decision-making process of the EUTF for Africa. For example, acquiring funds from the EU usually takes a lengthy procurement process however in the case of the Trust Fund, funds were allocated very quickly. The EU provides a simple system of how the projects are formulated which consists of identifying the needs of a problem, formulating projects to be financed to support the issue, submitting the proposals to the relevant operational committees (i.e., the Commission), and the approving of programmes (European Court of Auditors, 2018). EU regulations 'hold that contracts that are valued above a certain amount must be published on the Official Journal of the European Union however, exceptions apply to defence contracts and crisis situations such a tsunamis, earthquakes, and hurricanes, where EU grants may be awarded without a call for proposals' (Spijkerboer and Steyger, 2019). It is thus plausible to say here that the EUTF for Africa classifies the issue of migration as a crisis for Africa. Officials working at the EU Commission for the Trust Fund argue that the reason for the swiftness in the allocation of funds and implementation of programmes was because 'officials at the EU want to be seen as taking swift decisive action' (Azmat, Vermeulen, and Zandonini, 2019). The Valletta summit in 2015 was the first move for this. This year was the height of the migration crisis and 'EU policymakers called for an all-hands-on deck approach to reduce numbers, and also make a symbolic political statement' (Azmat, Vermeulen, and Zandonini, 2019) that would reassure other that it wished to take the matter seriously. Secondly, there is a lack of transparency over which actors have accountability. The European Court of Auditors in 2018 stated that 'although flexible, the EUTF for Africa is opaque and not fully consistent and clear' (European Court of Auditors, 2018). Certain programmes geared at working with local authorities to provide development measures such as education for youths for instance, 'gives the EU and its partners no influence over decisions regarding

funds and the overall implementation of such programmes' (European Court of Auditors, 2018: 28). This poses a problem as it is difficult to hold local authorities accountable if funds are mismanaged and the programme becomes ineffective.

6.3.1.4. Creation of a Crisis for Africa

The justification given by the EU for the implementation of policies such as the EUTF to tackle irregular migration was that Africa was in crisis and it was "asked for by African member states because their citizens were drowning at sea" (DG Home Representative, 15th February 2021; Deputy Secretary-General for Migration, Borders and Security, 21st January 2021). However, by externalising migration to North and sub-Saharan Africa because of this crisis, the EU has effectively created a crisis for African countries. The EUTF for Libya and Niger for instance is framed as helping address a "crisis" for Africa, the MoU is an action to fight the crisis of smuggling in Africa, and the Anti-Human Smuggling Law acts to also fight migrant smuggling in Niger. In effect, this creates the notion that Africa is in a crisis and needs help to stop migrant smuggling. This helps the EU legitimise the basis for the implementation of their policies. The crisis, however, is an EU problem and deaths and migrant pushbacks can be attributed to the multi-level governance system of the EU (where different actors, institutions, and member states, local and regional institutions) play a part in the formation of policy (Pennix and Scholten, 2016). For these reasons, agreeing on a universal management plan to tackle irregular migration becomes difficult due to differing interests. Therefore, the real issue is here that there is lack of solidarity amongst member states to form a coherent migration policy and share the responsibility equally. As argued by the Section of Migration and Political Affairs Representative,

"migration policy acts as communication policy. By this I mean that with a salient issue like migration, that became a crisis in 2015, our citizens and the international community expect us to take a swift action with regards to such issues. We want to be seen as an efficient entity that manages to deal with crisis. This helps cement the EU as a credible entity that can deal with crises. However, as you know already, we are an institution with different levels, governments, and institutions. To agree on a solution that works for and pleases everyone is difficult" (Section of Migration and Political Affairs Representative, 22nd January 2021).

By declaring irregular migration as a crisis as mentioned in the quote, individuals can accept any measures that are used to manage it which links us back to the securitisation theory. The rushed element as argued by Zuan and Nantermoz (2022) has led to an 'absence of clear ideas of what measures could work which has led to the adoption of unproven claims that development aid is well suited to address irregular migration' (Zuan and Nantermoz, 2022: 1). The "crisis" however, is not an African crisis but rather a European one in the sense that there is a lack of solidarity with regards to how many individuals

each member state is willing to accept. There is some expectation of solidarity and lending a hand when a crisis presents its-self within the EU and its member states. As stipulated by the Commissioner for the European Lifestyle and for asylum and migration issues, this proved to be difficult over the year however, "the time has come to rally around a common, European migration policy" where states share the responsibility and burden caused by the high influx of migrants" (Magaritis Schinas, 23rd September 2020). This difficult is seen in the structures of the EU's response to migration and asylum. For instance, the Dublin Regulations that require individuals to seek asylum at their first country of entry has meant that different countries have experienced different migratory pressures.

Typically, southern European states such as Italy, Greece and Malta experience a greater strain and have asked for a "common policy governed by solidarity" (Petroni, 2020: 232), whilst states such as Hungary, Austria and Poland have taken a standoffish approach. This has therefore created a crisis of solidarity which is yet to be resolved. Von der Leyen in 2020 highlighted this at the inauguration of the New Pact on Migration and Asylum where she stressed that "trust between member states needs rebuilding, diverging perspectives need to be reconciled, and there has to be a right balance between solidarity and responsibility in order to manage migration" (Ursula von der Leyen, 23rd September 2020). This idea of solidarity and cooperation has been used numerous times in the discussion around the inefficacy of EU migration policy nevertheless, there is a lack of will to look at this idea and implement it. As argued by Jean Pierre Gauci, research fellow at the British Institute of International and Comparative Law, there is almost an avoidance in engaging in dialogue with regards to solutions that are in line with EU's values and international commitments. There is a lack of confidence in the 'underlying premise of the EU which is of solidarity and seeking shared solution' (Gauci, 2022). As a result, this has prompted discussions that the absence of a 'comprehensive EU-level migrant policy restricted the EU's ability to prevent the crisis and to mitigate human rights violations' (Grigonis, 2016: 93) which was in part due to the lack of solidarity and agreement on what to do mentioned above. This is therefore a crisis for Europe, not Africa.

6.3.1.5 Absence of Human Rights Protection

As concluded in Chapter 4 and 5 of this thesis, the focus on security to dismantle human smuggling networks and prevent travel to Europe has meant important issues such as human rights have been overlooked. As discussed in the analysis of the MoU, disproportionate attention was given to the strengthening of border protection, whilst little to no attention was given to human rights. The Anti-Human Smuggling Law looked to change the discourse around this however, it was marred by inconsistencies and protection for the wrong type of person (IDPs), and the imprisonment of smugglers took precedence over protecting migrants from vulnerabilities. Again, here, disproportionate attention was given to border controls and the imprisonment of those that facilitate human smuggling. As

discussed in Chapter 3, in 2020, the EU published its New Pact on Migration and Asylum (2021-2025) an action plan recommended by the Commission and voted for by the parliament. It looks at how best it can dismantle smuggling networks and how best it can deter people from falling into the hands of smugglers.

Talks around solidarity and the sharing of responsibility amongst member states, and the increase in legal pathways was also on the agenda Focus has been placed on the EU's cooperation with third party states including Libya and Niger to ensure border control are strengthened, and that returns are ensured. In a press release given by the Commissioner for Home Affairs Ylva Johansson, she proposed that the implementation of the New Pact will see an "enhanced cooperation with third countries for fast returns, more legal pathways and strong actions to fight against human smugglers whilst fundamentally protecting the right to seek asylum" (Ylva Johansson, 23rd September 2020). To ensure this stronger monitoring and operational support from EU agencies will be strengthened, and the improvement of digital infrastructure for migration management will be amplified. What one witnesses here is the continuation of securitisation efforts to deter people from reaching European countries. Objectives of the pact have been around the reduction of migrant arrivals rather than helping migrants to legally migrate to Europe.

Being the most significant EU policy currently to address human smuggling in the Central Mediterranean, the EUTF fails to adopt measures that are specifically geared towards the protection of migrant rights. All projects loosely mention and attach the issue of protecting the rights of migrants however, there is no indication as to how this is being carried out. For example, across the projects in Libya and Niger, phrases such as "raising awareness on how migrants can recognise their rights", "rights-based approach will be adopted to ensure the protection of vulnerable groups", "respect for human rights, freedom of movement", and "support for gender-based violence victims" will be ensured feature quite often. However, when looking at the outcomes mentioned in Appendix 1 and 2, there is hardly any mention of if this has been achieved or not. In the context of Niger, human rights violations are said to persist. For example, Nigerien border officials that benefit from the security trainings provided by the trust fund have been found to engage in abuses. At the Nigerien-Libyan and Nigerien-Algerian borders, it has been reported that abuses such as being robbed by officials, being dropped in the middle of the desert, and being asked to pay ransoms to be released are rampant (Bergman et al 2017; Biesel Donko and Doevenspeck, 2021). In Libya, abuses persist in the form of indiscriminate shootings of migrant boats, and extreme abuse in detention centres (Euro-Med Human Rights Monitor, 2021) perpetuated by the Libyan Coastguard. The EU has side-lined this issue as something that is caused by smugglers and criminal networks not officials that the EU are working with. For example, the Directorate-General for Migration and Home Affairs argues that the

"EU is fully aware of Libya's detention policy, which has led to horrendous human rights violations since the beginning of the conflict in Libya. Considering this, the EU has sought to use all instruments in its power to compel Libyan authorities to change their policy of detention, develop conditions for asylum that respect the core international human rights standards and enact legislation that would protect the rights of migrants, refugees, and internally displaced persons in the country. Unfortunately, such officials struggle and refuse to comply with the said recommendations which leaves the EU in a difficult place. After all, Libya is a sovereign state of its own" (Deputy Secretary-General for Migration, Borders and Security, January 21st, 2021).

From the statement above, the Commissioner is aware of Libya's' stance on the detention of migrants however, it still choses the liaise with the country for its migration management policies. This paints it in a contradictory light as it on the one hand, it holds that ensuring core international human rights standards is important to it however it is seen using a state with questionable detention policies to help it police and monitor its borders. To add to this, the EU removes itself from the issue by putting forward the statement that 'Libya is a sovereign state of its own' which can imply that it does not have the power to influence Libya to change its stance on its detention policies. This helps the EU shift the blame onto the Libyan state. It also helps it avert the moral and legal consequences that are attached to arbitrary detention and helps paint itself as a humanitarian body strictly interested in providing lifesaving assistance for migrants at risk of detention. Instead, migration centres across Libya continue to stay open.

Similarly, in the case of Niger, when asked about the silence around human rights in the policies, The Migration Liaison Officer for the EU Delegation to Niger was quoted saying 'I hear migrants get abused. These stories reach us. But this does not happen in Niger. Our staff are very professional. It is the criminals and the smugglers in Niger's border entry points that are abusing migrants, leaving them stranded' (European Migration Liaison Officer EU Delegation to Niger, January 20th, 2021). At the same time, the Deputy Secretary-General for Migration, Borders, and Security argued that 'poor governance, nepotism, and corruption in the regions of Niger and Libya has led to a crisis in the implementation of our policies. There is also a lack of understanding of what constitutes the violation of rights which poses a problem' (Deputy Secretary-General for Migration, Borders, and Security, 21st January 2021). Therefore, it is plausible to argue that the EU is aware of such a gap however, as border management may be more salient an issue as such is often overlooked. The phrase "I hear, these stories reach us" however, "this does not happen in Niger" used by the EU Migration Liaison Officer in Niger, highlights an element of delusion, distancing, and lack of acceptance around what is going on.

Evidence based on reports published by NGOs, videos that circulate on social media, migrants lived experiences, and Niger's violation of international treaties that protect the rights of people have all

confirmed the issue of the abuse of rights. For example, a comparative analysis on the level of influence the EU has had in Niger was conducted by the European Council on Refugees and Exiles. It was found that between the years of 2000-2019, the EU held great influence on the country with regards to migration policy and politics with 2015-2019 being the years where influences were most important (Thiombiano, 2020). The report found that due to this level of influence, Niger undermined treaties it is party to such as ensuring non refoulement and enabling freedom of movement of West Africans as per ECOWAS agreements (Thiombiano, 2020). However, admitting that EU policy has caused this, risks painting the EU in a negative light because it will be seen as going against its fundamental values. Therefore, simply shifting the blame to other forces such as smuggling and poor governance in Libya and Niger can help the EU rid itself from the moral guilt that surrounds externalisation of migration control. This creates a missed opportunity in 'safeguarding the humanitarian space and ensuring access to protection and assistance for all migrants in need with regards to their human rights' (Haveaux, 2018).

6.4 Conclusions

Overall, this chapter looks at consequences that have emerged because of the EU sentiment with regards to irregular migration. This sentiment is argued to be a blame shifting one where the pitfalls of the externalised policies such as migrant abuses, are blamed on migrant smugglers. Externalisation is disregarded, and the discourse that "it is a fight against smugglers, not migrants" is held. By having this mentality, the EU has effectively focussed its energy on implementing security measures to fight smuggling, whilst humanitarian aims have been overlooked. The chapter begins by drawing together the findings of the policies analysed in Chapter 5 and 6. What was concluded here was that humanitarian efforts have not been achieved due to the security focussed nature of the policies, particularly focussing on the smugglers. This chapter argues that by behaving this way and having this sentiment, the EU effectively denies migrants their agency. The over fixation on diverting and returning migrant boats back to Libya has led to the facilitation of unethical voluntary returns of migrants. Because return rates are high, this has allowed smugglers to create new and more dangerous routes at the expense of migrant safety. To add to this, the adoption of short-term strategies for a complex issue that requires long-term solutions remains. Externalisation efforts have created a crisis for Africa, whilst human rights have been side lined and removed from the discourse.

Chapter 7: Conclusion

7.1 Introduction

This thesis has examined the question *"To what extent do the EU's humanitarian policies adopted between 2015 and 2020 in Libya and Niger towards irregular migration prioritise security of borders over saving lives"?* It was concluded that the EU is not saving lives but rather, it has securitised its migration policies in Libya and Niger which has exposed migrants to abuses and vulnerabilities. Therefore, so far, the results indicate that the EU's policies in Libya and Niger between 2015 to 2020 towards irregular migration have been futile in achieving their aims of saving lives. As stated in Chapter 1 and 3, research into the adoption of "humanitarian" policies disguised as security practices to "save lives" in Libya and Niger is not novel. Prior agreements and policies have historically existed between the two countries and the EU that indicate that securitisation was more important than humanitarian practices. The thesis adds to the existing knowledge by using securitisation theory and applying CDA to the EU's carrot and stick policies such as the MoU, Anti-Human Smuggling Law, and the EUTF for Africa Libya and Niger (2015-2020). This is to reveal the implicit subtexts that show that through poor policy design, the EU has securitised migration which has contributed to the loss of life in the Mediterranean. In doing so, the thesis offered a deeper understanding of the consequences that have emerged because of such carrot and stick policies and suggest that they are a neo-colonial tool used to persuade Libya and Niger to control migration. Here, it highlighted how elements of power, control, and inequality are used to achieve this. This therefore bridges the gap in the literature as it offers a new comprehensive and country specific analysis, which is lacking in the literature that currently describes and discusses the strengths and weakness of the chosen policies. The sections below will reflect on the thesis by offering its summary, a discussion of the main findings, avenues for further research, limitations of the research, and policy recommendations.

7.2 Summary of Thesis

The thesis explored the research question by:

1. Identifying the humanitarian practices the EU claims are embedded in their policies. Key discourse frames were identified (security, humanitarianism, development, and human rights) to see how humanitarian practices are presented. Critical Discourse Analysis was applied to the analysis and meaning was inferred from this. Overall, it was found that the policies were not humanitarian, and that security was the priority.

2. Assessing what such security references meant for Libya, Niger and migrants that use the Central Mediterranean route to reach Europe. Here, it was found that because security takes precedence over humanitarianism, the policies have not achieved their original claims. Because

of this, things have gone wrong, and consequences have emerged at the expense of migrant rights.

Chapter 1 began by briefly introducing the topic and the literature review which identified the gaps the thesis aimed to address. The chapter then offers the reasons for securitisation in Libya and Niger, the Central Mediterranean Crisis of 2015 and the evidence that highlights why the EU's policies have not contributed to saving lives. The second chapter of the thesis explained the methodology and methods and how the securitisation theory was used to analyse and answer the research question. Because the EU has historically adopted policies in Libya and Niger to curb irregular migration, Chapter 3 explored in depth the two case studies (Libya and Niger) to show this. The chapter looked at the evolution of internal EU migration policy, and then external policy with particular focus on Libya and Niger. Here, it was argued that the structures and rhetoric has remained the same however, what is different now is the scale at which it is done.

Chapter 4 and 5 examined the two countries in the present (from 2015-2020) to show how things have changed. The two chapters concluded that the EU, through its Commission has successfully securitised irregular migration and its "humanitarian" policies have contributed to the loss of life. Therefore, priority is placed on security than saving lives. As it has focussed on dismantling smuggling networks which are criminal, security practices have been embedded to target such groups. However, due to the elusive nature of smuggling groups, and the fact that they do not travel with migrants, migrants themselves are facing the brunt of the policies. The Memorandum of Understanding between Libya and Italy, the Anti-Human Smuggling Law in Niger, and the EUTF for Africa Libya and Niger all indicate securitisation. The EU focusses on migration governance in Libya and Niger and the two countries are used security hubs to deter migrants from arriving irregularly to Europe. The EU used a mixture of overt security measures such as search and rescue operations, interception of migrant boats, the detention of migrants, and covert security measures masked as development aid to give migrants less of an incentive to move in the first place. The former is used for countries such as Libya as they are closer to Europe and the latter is used for countries such as Niger.

It was concluded that the securitised nature of the policies has led to consequences that have had detrimental effects for migrants such as those highlighted in Chapter 1 of this thesis. The EU, however, refutes this and instead insists that human smuggling networks are responsible for the loss of life. Therefore, it has implemented carrot and stick policies (based around funding for security enhancement and development aid) such as the MoU, Smuggling Law and the EUTF to encourage Libya and Niger to engage in migration management. States that refuse to cooperate risk losing this funding that supposedly contributes the development of its key institutions and infrastructure. Chapter 6 argued that such a sentiment has led to consequences for migrants and Libya and Niger where it has denied migrants

their agency, created new and dangerous routes, led to further migrant abuses, and has created a crisis for Africa. Therefore, the aim of saving lives has not been achieved. Overall, this presents the EU as an entity saving Africa from the crisis that is irregular migration and human smuggling through its transformation of Libya and Niger into securitisation hubs with its funding and donor government status. This need to provide security and development assistance stems from the notion that irregular migration from sub-Saharan Africa stems from poverty which this thesis has established is not always the case. What it instead revealed is the elements of control, inequality, and the abuse of power that is neo-colonialism.

7.3 Main Findings

Having provided a summary of the research, the section below encapsulates the findings from the main research question of the thesis that is "*To what extent do the EU's humanitarian policies adopted between 2015 and 2020 in Libya and Niger towards irregular migration prioritise security of borders over saving lives?* The main findings that were concluded were:

1. The EU contributes to the endangering and loss of lives in the Central Mediterranean
2. Libya acts as the EU's Primary Securitisation Hub
3. Niger acts as the EU's Secondary Securitisation Hub
4. EU blames smugglers for the loss of live not its policies and use this as a justification to implement carrot and stick security policies in Libya and Niger which has had consequences for migrants and Libya and Niger

7.3.1 The EU contributes to the endangering of lives in the Central Mediterranean

Saving lives supposedly endangered by smuggling networks is used as a justification for the implementation of security policies that are said to be aimed at smugglers not migrants. The thesis argues that the EU uses a humanitarian discourse as a justification for implementing security practices in Libya and Niger to curb irregular migration. The EU argues that it acts as a humanitarian body to save lives being lost in the Central Mediterranean. However, this has had a reverse effect. Instead of focussing on humanitarian efforts to save lives, the policies have focussed on security measures to the detriment of migrants. Smuggler arrests remain low and security practices have affected migrants more than they have affected smugglers. For these reasons migrants have been left in vulnerable situation and are being exposed to a cycle of abuses perpetrated by the EU and its partners in Libya and Niger. To conclude, the policies are a contradiction of their initial goal of humanitarianism which involves saving lives, providing emergency assistance in cases of distress, and ensuring the safety of migrants.

7.3.1.1 Libya acts as the EU's Primary Securitisation Hub

Using the Securitisation Theory, this thesis begins with the premise that irregular migration is seen as an existential threat to European borders (Weaver, 1995) and for that reason the EU uses security or securitisation hubs as an extraordinary measure to curb the flows of irregular arrivals. The closer the country is to Europe, the harsher the security practices implemented by the EU. From the analysis of the policies, this thesis stipulates that Libya is used as a primary securitisation hub because of its geographical proximity to Europe. With only the Central Mediterranean Sea acting as a border, the existential threat, that being irregular migration can reach the EU easily. For these reasons, the adoption and implementation of harsh security measures has been embedded in the humanitarian policies implemented in Libya. In the analysis, it was found that both the Memorandum of Understanding and EUTF for Africa Libya had three overarching aims that have resulted into Libya becoming a primary securitisation hub. These are militarising migration, returns and reintegration of migrants back to Libya or their countries of origin, and improving the humanitarian and human rights crisis in Libyan detention centres.

The militarisation of migration essentially works by the EU liaising with Libyan security forces such as the Libyan Coastguard to train and equip them on how to conduct search and rescue (SAR) missions in the Central Mediterranean. The goal of this is to strengthen their capacity to spot and intercept illegal boats used by smuggling networks transferring irregular migrants from Libya. Firstly, it does this by providing equipment and technical tools to help with SAR operations in the Mediterranean. Funds allocated for the implementation of the projects in Libya provide Libyan authorities with naval ships, aerial equipment, patrol boats, minibuses to help transport intercepted migrants to detention facilities, and all-terrain vehicles to divert migrant boats back to Libya. Secondly, it does this by launching of CSDP missions such as Operation IRINI, Operation Themis, EUBAM Libya, Operation Sophia, and the collaboration between FRONTEX and the Libyan Coastguard in the Mediterranean that help with the fight against human smuggling by training Libyan security forces. The focus here is on building the resilience and capacity of security forces to ensure that they carry out their role with efficiency. At the end of the SAR operations, migrants are returned to detention centre facilities across Libya that are known to abuse migrant rights. Thirdly, as part of its security efforts to stop irregular migration, it was found that both policies support Libyan institutes and NGOs working in Libya to help facilitate the 'voluntary' returns and reintegration of migrants back to their countries of origin, and the return and reintegration of migrants to Libya itself. For reintegration into Libya, the EU focusses on projects that attempt to rebuild the country's infrastructure, create jobs, help migrants have settled status in Libya, and revive key departments such as education. This however has not worked to save lives and indicates a clear preference for security practices rather than humanitarian ones. As highlighted in Chapter 1 of the thesis, even if the number of crossings has lessened, the security practices highlighted above that

contain migrants within Libya or return them to their countries of origin has contributed to the loss of life. Therefore, this confirms evidence of securitisation because it highlights that precedence is placed over security practices rather humanitarian one.

7.3.1.2 Niger acts as the EU's Secondary Securitisation Hub

In contrast, the analysis of the Anti-Human Smuggling Law and the EUTF for Africa for Niger (2015) concluded that Niger acts as the EU's secondary securitisation hub due to its geographical proximity to Libya. Unlike Libya, Niger is not separated from Europe by the Mediterranean Sea alone. It takes migrants a while to cross the desert into Libya. Therefore, the EU focusses on softer securitisation tactics such as development projects to improve the economic status of Niger so that migrant do not have an incentive to move in the first place. This thesis therefore argues that in the case of Niger, the EU uses development aid to stop migrants from moving to Libya. Securitisation is evident here because the main goal of the development aid is to stop irregular journeys from beginning in the first place. Apart from its strategic geographical location and proximity to Libya, Niger has had a long history of smuggling sub-Saharan African migrants looking to go northwards for greener pastures. Therefore, the smuggling business flourishes here, and it has done so for years. For these reasons, the EUTF projects in this region have tried to target smugglers themselves to offer them legal incentives such as helping them start their own businesses and stop smuggling.

Although development is pushed here as the agenda, security elements remain embedded in the EU's overarching aim. For example, the Nigerien government in 2015 implemented its Anti–Human Smuggling Law with support from the EU that criminalises any smuggling of human beings to protect the borders of the country. Anyone that is convicted of smuggling faces years of imprisonment and hefty fines. Complementing this, the EU has through the EUTF for Africa Niger offered to train Niger's security forces to ensure migration governance is exercised at Niger's 39 border entry points. The EU with its partners such as GIVIEZ to train border officials on how to spot and intercept smuggling vehicles and how to spot migrants that are at risk of being smuggled. Further steps to securitise irregular migration from Niger comes in the form of creating development opportunities. This includes start-up businesses for ex smugglers, investing in Niger's agricultural sector, and developing educational facilities. This showed that there is a difference in treatment in Niger where measures are less severe than they are in Libya. Having said that, the overall aim is to keep migrants in Niger this confirming this thesis's claims that irregular migration from this region has been securitised. Moreover, the transformation of Libya and Niger to securitisation hubs thus acts as a tool of control and power for the EU, where political and economic means used to implement the policies are used to influence these countries into enforcing migration management.

7.3.1.4 EU blames smugglers for the abuse migrants face caused by the MoU, Anti-Human Smuggling, and the EUTF for Africa Libya and Niger

The EU refuses to accept the consequences that have resulted because of the failures of its policies such as the heightened risk of abuse migrants are facing. A smuggler blaming narrative is the sentiment pushed by the EU when questioned about the role of its policies in exposing migrants to abuses instead of taking responsibility. This has led to further vulnerabilities for migrants and created a crisis for Niger and Libya. Through the semi-structured interviews conducted and triangulated with speeches from the EMF and speeches given through the Commissions Spokespersons Service, it was found that the EU Commission constructs and blames human smuggling networks as the problem that is putting migrants at risk or the failures of the governments that policies are implemented in such as Libya and Niger. Therefore, it argues that this justifies the grounds for it to liaise with Libya and Niger on migration governance to fight and break the business model of smuggling. This has had consequences for the rights of migrants. It discredits the notion that its policies are not working to save and protect migrants whilst effectively distancing itself from the accusation that its policies are a failure due to the atrocities that have emerged because of implementing them. This highlights an element of delusion because despite the amount of evidence that has emerged, the EU still holds that 'it is not a fight against migrants but a fight against smugglers.

This thesis argued that by doing this the EU can rid itself from the moral consequences that are evident because of its externalised policies. By blaming smugglers and governments of Niger and Libya, the EU can also avoid the legal consequences that come with policies that violate international laws that protect the rights of the migrant. This delusion this thesis argues, will help the EU securitise irregular migration further as it will not feel a moral nor legal responsibility to stop what it is doing. More seriously however, this smuggler blaming narrative has led to consequences. Firstly, it has created what this this thesis calls a crisis for Africa, has denied migrants their agency, it has created and allowed for the emergence of new and dangerous routes, has allowed migrants to be returned to unsafe countries, and has not taken the matter of human rights seriously. This blame shifting attitude allows the EU to create the narrative that there is a crisis of human smuggling in Libya and Niger. This allows it to use its donor/aid conditionality seen through the analysed policies, to exert power and control and achieve its aims of controlling migration with the help of African governments.

7.3 Limitations of Research

A limitation of the research is that there were methodological constraints. As mentioned in the methodology chapter, only five semi-structured interviews were conducted with the EU Commissioner representatives. This was mainly due to the COVID-19 pandemic which did not allow the researcher to

travel and therefore, they had to rely on online interviews. It could be argued that five interviews alone are not enough to capture the whole EU sentiment. Having said that, after five interviews, saturation was reached, as it was found that the same sentiment was shared amongst the representatives interviewed. This was further rectified by triangulating the interview data with speeches given by the Commission on the issue of irregular migration in Libya and Niger. As there was a similar pattern in the discourse, this gave one the confidence to concur such findings.

A second limitation of this research is that it only looks at two countries. As established in the thesis, the EUTF for Africa for example is currently implemented in 26 African countries. Therefore, an approach could have been adopted where securitisation could have been looked at in all these regions. This would allow for a comprehensive understanding of the policy and how it works to deter irregular migration across the continent. However, this research has sacrificed breadth for depth as focussing on two countries has allowed for rigour and richness on the two cases.

As well as this, as the CDA focussed on analysing the meaning of the language used in the policies and the interview. Meaning however, is not a fixed phenomenon therefore, if the research was to be replicated, a different meaning to what the texts mean. Having said that, a rigorous and careful approach was adopted to do the coding on the policies to establish the discourse frames. Therefore, if a researcher replicates this research in the future, similar findings will be made.

Another challenge associated with the research is that it relies on NGO reports on migrant abuses in Libya and Niger. If this research was to be replicated, it would be beneficial to get first account primary data from migrants themselves that have been directly affected by the policies that were analysed as part of this research. Great care will have to be taken here however due to the ethical constraints and sensitive nature of issues that are likely to be disclosed.

7.4 Further Avenues for Research

This thesis focussed on analysing the policies and looking at where things have gone wrong. Whilst analysing this, various avenues for further research were identified however, given the word limit and time scale of the project there was not enough time to explore these. The areas for further research establish are:

1. To what extent does the EU as a multi-level governance system affect its ability to deal with the Central Mediterranean crisis?

One area of importance that emerged from the analysis of the research is that the EU's nature as a multi-level governance system has impacted on its response to the migration situation in the Central Mediterranean. The EU is a multi-level governance system meaning that it is run by different member states, local and regional authorities, and different institutions to create and implement policy. The nature of the EU as a multi-level governance system has contributed to a crisis of solidarity which has resulted into a poor response to the Central Mediterranean Crisis. This has had a negative impact on the rights of those arriving irregularly. A theoretical approach could be adopted using the multi-level governance theory, to see how the spread of power across multiple governments and institutions can lead to solidarity crises especially with contested issues such as irregular migration.

2. To what extent does discrimination and deservingness play a part in the securitisation of irregular migration in North and sub-Saharan Africa?

As stated in Chapters 4 and 5, the issue of discrimination and deservingness was evident in the analysed discourse. Migrants from sub-Saharan Africa are seen and termed as economic migrants regardless of their status, especially those coming from countries that do not have an active conflict. Such individuals are typically as not deserving of protection. To be classified as refugees and asylum seekers they had to be from countries that were seen as involved in active conflicts such as Sudan, Eritrea, Somalia, and the Congo. Resettlement schemes have been implemented to resettle such vulnerable groups to Europe however, numbers remain very low and there is hardly any mention of this. Also, European countries have not made declarations with regards to helping vulnerable groups access safe transit zones and be resettled to safer countries. When compared to the Syrian Crisis in 2015, some European countries were seen pledging to take certain number (not all) of Syrian migrants in. Similarly, in August 2021, after the fall of Afghanistan, some countries pledged to take a certain number of Afghan nationals in for resettlement.

More recently, the war in Ukraine saw the narrative and discourse shift. Accounts such as "just to put it bluntly, these are not refugees from Syria. These are Christians or white" (Nugent, 2022); "We are in a European city, and we have cruise missile fire as though we were in Iraq or Afghanistan can you imagine"? (Nugent, 2022); "it is very emotional for me as I see European people with blue eyes and blonde hair being killed" (BBC, 2022) were prevalent in western media. European countries opened doors and welcomed Ukrainian refugees providing then with safe and official transit zones whilst migrants were left drowning in the Mediterranean. Safe routes must be provided to all migrants regardless of their race, nationality, or religion. Therefore, there is duty and responsibility to protect everyone. What this shows is that there is a categorisation of a good and bad migrant and an element of deservingness around who is allowed to come to Europe and who is not. From the group mentioned above (sub-Saharan Africa, Syrians, Afghanis, and Ukrainian, it seems that deservingness increases the

lighter one's skin colour gets. For example, resettlement schemes in sub-Saharan Africa remain limited, those in Syria and Afghanistan are capped at a certain quota, and Ukrainians are all welcome. Therefore, the darker one's colour is, the less likely they are to be accepted.

3. Does self-internalised racism play a part in irregular migration from sub-Saharan Africa?

From the analysis of the interviews, it was evident that EU Commissioner representatives were aware that irregular migration from Libya and Niger will not stop because new and more dangerous routes have emerged despite the crackdowns in Libya and Niger. The representative in Niger said that "the mentality of people will not change because of the false image they have of Europe, that it is akin to heaven, and it is easy to make it there rather than here in Africa" (European Migration Liaison Officer EU Delegation to Niger, 2021). The mixed migratory patterns have revealed that different categories of people move such as refugees, asylum seekers, economic migrants, and others that simply have the view that life is better in Europe. Research into this area can focus on the latter group to see what drives people to use this route even if they have a comfortable life in their countries of origin and are not running away from conflict or persecution.

4. From Securitisation to Neo-colonialism: To what extent do the securitisation measures such as the adoption of development aid to deter irregular migration act as a neo-colonial tool in African state engaged in the migration dialogue?

Research has suggested that the continued influence of European powers in Africa means that Africa is in a neo-colonial period. For example, France's control of the monetary system of its former colonies, the Commonwealth, Africa's dependency on foreign aid, and the continued exploitation of Africa's natural resources such as gold, diamonds, uranium, and oil to name a few is argued to be a continuation of the exploitation associated with colonisation. The use of development aid to condition African countries to implement migration governance measures carries a degree of coercion and control as shown by this thesis. This research can offer insights into how control persists (in the form of migration control) in the African continent despite the disappearance of colonial empires.

5. How do migration securitisation hubs in sub-Saharan Africa differ from those in North Africa? The EUTF for Africa exists in at least 23 African countries. There are windows for North Africa, the Horn of Africa, and Sahel, and Lake Chad region. Exploration of more hubs across Africa to see and compare the extremity of securitisation could offer insights and show the way countries that are closer to Europe have more projects, and more projects that focus on security practices whilst counties furthest away from Europe focus more on fewer projects and ones aimed more towards development. A comparative case study design could be used to analyse this.

7.5 Policy Recommendations

As the thesis focussed on analysing how and why the polices have prioritised security than saving lives, the next section below gives an account on what the EU could have done and could still do to ensure that saving lives and the humanitarianism can be achieved. These will act as a solution to the current issue which is discussed below as policy recommendations. To mitigate the consequences that have transpired because of the policies, the EU needs to adopt and apply various practices and changes to the policies. For effective policy and to save lives, this research will suggest that the EU needs to:

1. Abolish its carrot and stick policy
2. Create safe and legal routes
3. Move away from its security centred approach
4. Reduce its fixation on smugglers and create safe humanitarian corridors for the vulnerable

Abolish the Carrot and Stick Policies

As part of this thesis's argument, it was established that the EU is offering African countries development aid to persuade them to allow migration management policies to be implemented in their countries. Countries that refuse to engage with this are often penalised either by having aid money discontinued or reduced, or visa embargos and restrictions are placed upon government officials and other Africans that can travel legally. As well as this, cooperation is seen largely as a one-sided phenomenon where African voices are often left unheard and are often absent from the decision making on the policies being implemented in their countries. It is vital to work with African member states on a comprehensive solution that works for their citizens, rather than implementing projects that are conditional on security cooperation and migration management.

Create Safe and Legal Routes

Reduction in arrivals cannot be guaranteed by simply deterring smuggling activity. Rather, legal routes will give those moving less of an incentive to turn to human smuggling gangs. As said by Cooper 2019, expansion of migration routes will give people options to travel regularly (Cooper, 2019) and equally encourage them to return to their communities. Firstly, this can be achieved through making legal migration less restrictive. Irregular migrants most likely turn to migrant smugglers when their attempts at applying for visas legally fail. Secondly, initiatives could be introduced where African and European countries cooperate on introducing policies that focus on facilitating visas for skilled workers. This can help reduce the amount of people that make the perilous journey through the Mediterranean.

Move from the Security Centred Approach

Removing the security centred approach that the four analysed policies take is vital in reducing irregular migration whilst saving lives. Security heavy policies cause three issues. Firstly, because the policies

such as the EUTF are securitised, migrants fear asking for help thus leaving them vulnerable to more abuses. Secondly by securitising migration in these two regions, the EU effectively blocks the opportunity for migrant smugglers to operate. However, this is detrimental as it can lead to the new smuggling networks in new and more dangerous areas. In essence, the policies risk creating what Brachet calls the 'manufacturing of smugglers' (Brachet, 2018:16). Thirdly, the EU must remove detention (security) as a migration management tool and engage with countries such as Libya and Niger to end the oppression of migrant rights in various detention centres in their countries.

Reduce Fixation on Smuggling Networks and Creation of Humanitarian Corridors

As established by the research thus far, efforts to fight human smuggling networks have been rendered useless because they have focussed on the detainment and deportation of migrants to securitisation hubs or their countries of origin. Instead, effort should focus on creating humanitarian corridors for vulnerable migrants. Like most European countries have done for places like Syria, Afghanistan, and Ukraine, resettlement schemes should be implemented to resettle those that are stuck in Libya and Niger. This can help put an end to mass detention and mechanisms to evacuate such centres can be put in place to shut them down thus saving lives.

Overall, this thesis offered an academic exploration of the "humanitarian" policies adopted by the EU in Libya and Niger between 2015 and 2020 towards irregular migration and migrant smuggling. It demonstrated that the EU has prioritised security practices to fight the problem, with the two countries being used hubs to "fight smuggling networks". However, this fight has been directed towards migrants as the EU does not want an influx in irregular migration, a stance the EU refutes. At the same time, this thesis was able to show through this exploration that there are nuanced neo-colonial elements such as unequal power relations embedded in the securitised policies. This is seen through the unequal power relations which has allowed the EU to condition development aid in exchange for migration management in Libya and Niger. This, coupled with the EU sentiment that it is indeed working to dismantle smuggling networks, has led to consequences. Therefore, this supports the argument of the thesis that the policies work to stop irregular migrants from reaching Europe thus confirming the argument that irregular migration from Libya and Niger has been securitised.

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Appendix 1

Figures Based on 2022 Monitoring and Learning System (MLS) Report in the North Africa 2017-2022

The EUTF in Libya

LIBYA

Selected outputs 2017 – 2022
24 contracts reporting values

- **451** staff trained on governance, conflict prevention and human rights
- **10,622** people informed on the risks and alternatives to irregular migration
- **1,957** returning migrants benefitting from reintegration assistance
- **1,537** people trained on migration management and protection
- **220,832** people on the move protected and/or assisted
- **1,175** social infrastructures built or rehabilitated
- **18,296** voluntary returns supported
- **9,359** staff trained on service delivery
- **6,471** people participating in conflict prevention and human rights activities
- **273,965** social services delivered
- **77,036** people receiving nutrition assistance
- **3.8 million** people with improved access to basic services
- **3.1 million** people reached by resilience and basic rights campaigns
- **1,991** jobs created or supported
- **3,966** people benefited from professional trainings

Appendix 2

EUTF Monitoring and Learning System SLC Yearly Report 2021

Figure 60: Selected EUTF outputs in Niger, December 2021

Selected EUTF outputs – as of December 2021

32,838 people assisted to develop IGAs (1.3)

421,783 people received food security-related assistance (2.4)
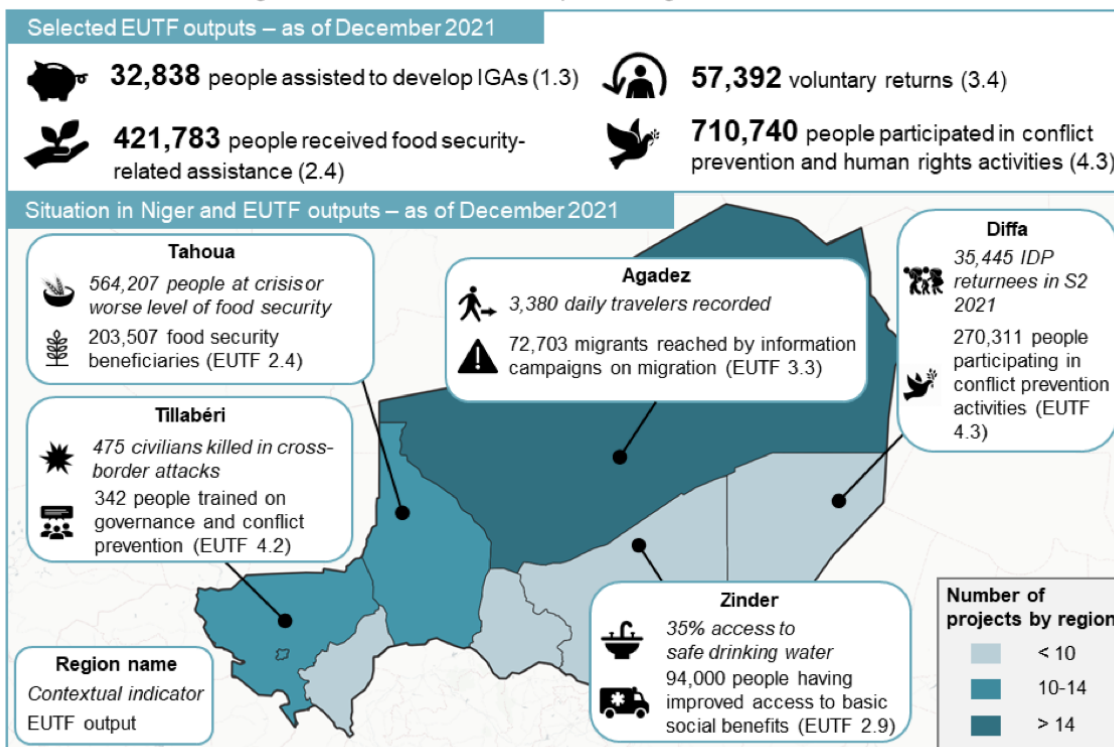
57,392 voluntary returns (3.4)

710,740 people participated in conflict prevention and human rights activities (4.3)

Situation in Niger and EUTF outputs – as of December 2021

Tahoua
564,207 people at crisis or worse level of food security
203,507 food security beneficiaries (EUTF 2.4)

Tillabéri
475 civilians killed in cross-border attacks
342 people trained on governance and conflict prevention (EUTF 4.2)

Agadez
3,380 daily travelers recorded
72,703 migrants reached by information campaigns on migration (EUTF 3.3)

Diffa
35,445 IDP returnees in S2 2021
270,311 people participating in conflict prevention activities (EUTF 4.3)

Zinder
35% access to safe drinking water
94,000 people having improved access to basic social benefits (EUTF 2.9)

Region name
Contextual indicator
EUTF output

Number of projects by region
< 10
10-14
> 14

Appendix 3

Interview Schedule

1. Can you tell me more about your role in developing or working in migration policy?

2. In your experience in migration issues, what do you think are the main priorities for the EU?

3. How, and in what ways has EU migration policy evolved prior to the migrant crisis in 2015?

4. How important would you say migration policy has been to the EU since the migration crisis in 2015?

5. Did the migrant crisis accelerate existing trends or signal a change in direction? Would you pinpoint any other event or issue as more decisive?

6. How do the EU's current migration policies in Libya and Niger fall in line with the EU's development and humanitarian goals?

7. What would you say are the main priorities and interests for Niger and Libya with regards to the EU migration policies implemented in the countries?

8. How would you evaluate the EU Trust Fund (EUTF) for Libya and Niger? What would you consider to be its successes or failures?

9. Do policies such as the EUTF for Africa pose a risk to development actor's ability to contribute to poverty and inequality reduction? If so, how do they do this?

10. Presently, migrant crossing from Niger to Libya and through to Italy have decreased significantly. Can we attribute this to the effectiveness of the migration policies, or are there other factors that are contributing to this?

11. In your opinion, how effective is the EUTF For Africa in addressing the root causes of irregular migration and why?

12. How has the EU's role in increasing pressure against the Niamey government in Niger to implement the anti-human trafficking law affected the livelihoods of Nigeriens and migrants in transit in Niger?

13. How, and in what ways is the EU ensuring that human trafficking networks in Libya and Niger, are confronted and stopped?

14. Finally, can you think of any other issues or points which I have not raised but you consider to be important? Is there anything I have missed which you think could benefit my analysis?