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The disputed EU's approach to the Mediterranean migration crisis:

strenghtening the securitarian stance

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Abstract

Since 2011 millions of migrants have arrived in Europe, and thousands of them have lost their lives during their journey through the Mediterranean and the Aegean routes. However, the response of the EU to the phenomenon has been rather controversial and divided between border control operations on the one hand and SAR operations on the other. This paper provides an analysis of the approaches – namely the securitization approach and the humanitarian approach – deployed to tackle the migration issue. It also analyses whether they have been effective or not in managing the Mediterranean migration crisis by respecting, at the same time, migrants' and asylum seekers' lives and rights.

1. Introduction

Over the last two decades, the Mediterranean Sea has witnessed several migration flows exploiting different routes in order to reach Europe. In particular, in the past seven years the extent of these flows has considerably increased first and foremost due to the 2011 Arab uprisings, which have significantly affected the Middle-East and North African (MENA) area, thereby leading millions of people, especially Syrians, to flee their homeland in search for protection in neighbourhood countries and Europe.

So far, millions of migrants have arrived in Europe either by sea or by land and thousands of them have lost their lives while crossing the sea, especially through the Central Mediterranean. As a result, a state of emergency – normally referred to as Mediterranean Migration Crisis or Refugee Crisis – has been declared. Faced with such a phenomenon, the European Union (EU) has experienced a political and humanitarian crisis and has been incapable of providing adequate assistance to migrants. Therefore, it has depicted the emergency as a "crisis" mainly experienced by Europe itself, thus contributing to the identification of the phenomenon as an alleged threat to security without fully taking into account its humanitarian implications. In this regard, whilst EU Member States signed conventions such as the UN Convention on the Status of Refugees and the European Convention on Human Rights, they have actually adopted different positions which sometimes contrast with those conventions. On the one hand, some Central and Eastern countries, such as Czech Republic, Hungary, Poland and Slovakia, have been in favour of closing the borders to guarantee security. On the other hand, Mediterranean countries have frequently been involved in SAR operations in order to save the lives of migrants in distress at sea, and yet some of these countries have recently turned towards more security-driven practices and discourses, as is the case of Italy.

As a result, those stances have also impacted on the EU position towards the migration issue: after hazily oscillating between securitization and humanitarianism, the EU's approach has lately been driven by a securitarian logic. Specifically, so far there has been still no comprehensive EU strategy to tackle the phenomenon, and state and non-state actors have been involved in

both border control operations and SAR operations. Nevertheless, some doubts have emerged over the effectiveness of these initiatives, especially as the securitarian logic is gradually taking the upper hand. In this regard, it is indeed important to determine whether the current approach complies with the conventions on human rights signed by EU Member States and can defend asylum seekers' rights or not. The paper provides first a general overview of the Mediterranean Migration Crisis and the European response by taking into account the actual figures, the reasons behind the crisis and the several initiatives launched by the EU. Then, it examines both the securitization and the humanitarian approaches by analysing the measures taken within their frameworks in order to try to understand whether, seven years later, they have been effective or not in managing the crisis and protect refugees' and asylum seekers' rights.

2. The Mediterranean Migration Crisis: figures and dynamics

As reported by the International Organization for Migration (IOM)[1], the term 'migration' refers to a global phenomenon involving the movement of people across international borders or within the same state. Individuals may leave their own country of origin either voluntarily or involuntarily. In the former case, the economic reason is on average the most common one and involves those people who seek to improve their economic condition and living standards by settling abroad. In the latter case, individuals are normally forced to move due to political, religious and ethnic persecution, natural disasters such as climate change, and human disasters such as civil wars. Refugees and asylum seekers belong to this category, as they ask for political asylum in a foreign country in order to escape persecution. However, as pointed out by Attinà (2016), nowadays the traditional distinction between voluntary and forced migration appears to be overcome, as the reasons leading to migrate are more and more intertwined. Therefore, scholars have started talking about the concept of "mixed migration", i.e. a type of migration occurring when people decide to leave their own country because of poverty, natural disaster, starvation, war and persecution. In this case, it is sometimes difficult to make a clear distinction

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[1] IOM, 'Key Migration Terms', available at http://www.iom.int/key-migration-terms.

among migrants' reasons to migrate, which may also result in more difficulties when it comes to managing asylum applications.

Over the last two decades, the Mediterranean has witnessed several migration flows exploiting different routes, such as the Adriatic, the Gibraltar Strait, the Canary Islands and, in the past few years, both the Central and the Eastern Mediterranean in particular (Panebianco, 2017). However, whilst migration is not a novelty, the extent of the flows registered in the last decade or so has led to the declaration of a state of emergency by the EU. Indeed, since the 2011 Arab uprisings, migration flows have gradually and dramatically increased: those events have politically, economically and socially shaken the MENA area, thereby producing a persistent instability, especially in the cases of Syria and Libya. As a result, millions of people have fled their homelands in search of protection in neighbouring countries, such as Lebanon, Iraq, Turkey and Jordan, but also Europe (Wolff, 2015).

The journey to Europe takes place mostly via the Central Mediterranean route – from Libya to Italy − or via the Eastern Mediterranean route – through the Aegean Sea towards Greece. Despite being both dangerous, the Central route is certainly the most perilous one. According to the United Nations High Commissioner for Refugees (UNHCR), 2013 witnessed 59,421 sea arrivals and at least 600 dead/missing persons, who died in shipwrecks occurring near the islands of Lampedusa and Malta. In 2014 the numbers increased to 216,054 sea arrivals and 3,400 deaths. 2015 is commonly recognised as *the* year of the migration crisis: 1,015,068 sea arrivals and 3,771 dead/missing persons, with at least 1,000 casualties occurred in the so-called 'Black April' shipwrecks (Panebianco, 2016). 2016 was a controversial year: on the one hand, overall the total amount of sea arrivals to Europe decreased to 362,376 individuals, and yet on the other, the amount of dead or missing persons increased to 5,022. In 2017 the figures decreased, with 172,301 arrivals by sea mainly via the Central route towards Italy, and 3,139 deaths. As for 2018, the UNHCR[2] has estimated has estimated more than 49,000 arrivals and 1,400 deaths by July. Moreover, the UNHCR (2018) also observes that the Central Mediterranean route has witnessed a general decrease in the number of arrivals since the beginning of

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[2] UNHCR, 'Refugees/Migrants Response-Mediterranean', available at
http://data2.unhcr.org/en/situations/mediterranean.

2018. For instance, the number of refugees and migrants arrived in Italy by sea in February 2018 (almost 1,100) dropped 88% compared to February 2017 (8,900), certainly the lowest number of arrivals by sea via this route since late 2013. On the contrary, the Eastern Mediterranean route has been marked by the opposite phenomenon: in comparison to the first few months of 2017, sea arrivals to Greece have increased, while the number of people departing from the Turkish coastline has more than doubled. Furthermore, most migrants are men (68.1 percent), then children (19 percent) and women (12.9 percent). As of their nationality, most of them come from Syria, but also from Nigeria, Guinea, Ivory Coast and other West Africa countries such as Gambia or Senegal.

2.1 The EU reaction

Once faced with such numbers, the EU's reaction has been following an arguably incoherent path. Broadly speaking, according to Wolff (2015), over the past 20 years the EU has been acting as a sort of risk-averse migration controller by prioritising "the fight against irregular migration and the externalisation of border controls" (Wolff, 2015: 4). It still lacks an effective and coherent strategy to tackle the phenomenon, and the current existing measures and provisions to be implemented in order to cope with asylum seekers seeking international protection turned out to be ineffective, as is the case with the Dublin Regulation. According to this regime, migrants have to apply for asylum in the first EU member state they enter and, if they apply in a country different than the country of arrival, they can be returned to the latter. However, as argued by Weinblum (2016), the Dublin system has proved inefficient in relation to the current migration crisis, especially from a strategic viewpoint in southern countries such as Greece and Italy, which cannot actually manage such a great amount of applications all by themselves[3]. Indeed, it can be observed that, in the absence of a comprehensive EU strategy, the management of the phenomenon has been mostly shouldered by the member states directly involved, like Italy or Greece. Italy has always been one of the main transit

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[3]Furthermore, Weinblum (2016) denounces first the bad conditions of the hotspots' infrastructures, which are insufficient to respond to migrants' needs according to EU standards, and second the excessive use of detention and delays in the examination of the claims. Indeed, this situation has also led migrants to bypass registration in the first country of entry by burning their fingerprints or resorting to other smugglers and identity document forgery.

countries for migrants coming from both the African and the Asian continents (Panebianco, 2016) and has been conducting Search and Rescue (SAR) operations in the Mediterranean since the early 2000s, as it was the case with the operation Constant Vigilance in 2004 (Cusumano, 2017). In the same year, the EU started to address migration by establishing the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) in order to coordinate operations among EU countries to reinforce external borders' security.

Yet, despite FRONTEX, the strategy has not been that efficient. Such inefficiency was demonstrated as soon as the EU had to manage the first substantial migration flows resulted from the Arab Spring. As a result of this phenomenon, Italy started SAR operations by itself and, between 2011 and 2013, it conducted 139 rescue missions (Cusumano, 2017). Moreover, after the shipwreck of two boats near Lampedusa and Malta in October 2013, the Italian government decided to launch the *Mare Nostrum* SAR operation, which lasted until October 2014, when FRONTEX established the operation Triton, a border control mission which has deployed SAR operations as well. In February 2018, Triton was also replaced by the new operation Themis, which will continue to include SAR operations as one of the main components, it will have an enhanced law enforcement focus and makes Italy no longer obligated to received all migrants rescued at sea. Meanwhile, FRONTEX also launched operation Poseidon in the Aegean Sea in order to address the increasing migratory flows through the Aegean (Cusumano, 2017). Furthermore, the European Border Surveillance System (EUROSUR) was established within the FRONTEX network (Rijpma, Vermeulen, 2015). Apparently, the EU had officially recognised the mixed nature of the phenomenon and the necessity to properly manage its humanitarian dimension (Attinà, 2016).

However, the humanitarian emergency actually continued to intensify. Indeed, 2015 was *the* year of the migration crisis. As a result, the Italian Government was compelled to reiterate the request to share the burden by involving all EU member states in the management of the migration phenomenon. In particular, it was specifically after the 'Black April' that EU institutions eventually started to take concrete actions (Panebianco, 2017). This resulted first of all in the EU Agenda for Migration issued in May 2015, which introduced different measures

to tackle the issue. Firstly, the relocation and resettlement quotas, whose aim was the redistribution of 160,000 asylum seekers among EU member states (Barbulescu, 2016). Secondly, it launched the Common Security and Defence Policy operation EUNAVFOR Med - also known as Operation Sophia - in June 2015, which aimed at dismantling migrant smuggling and trafficking networks. Meanwhile, as pointed out by Cusumano (2017), the Italian Navy continued to maintain its presence through the operation *Mare Sicuro.*

In early 2016, NATO intervened by deploying a fleet in order to intercept boats in the Aegean Sea and push them back to Turkey. Meanwhile, the EU-Turkey agreement was signed to ensure an effective effort from Turkish authorities in the management of migration flows along the Eastern European border. Later on, as reported by a communication of the Commission, the EU also set out the Partnership Framework of cooperation with five countries of origin and transit, namely Ethiopia, Mali, Niger, Nigeria and Senegal. Its goal is to enhance relations in order to effectively tackle the root causes of migration and managing migration flows. Furthermore, in October 2016 the European Border and Coast Guard was established to face both migration and security challenges together.

In February 2017 Italy signed an agreement with Libya in order to curb the flow of migrants to Europe. As agreed by the European Council in the Malta Declaration, the EU welcomed and supported this deal aimed at stemming illegal flows into the EU by closing the Libyan route. To do so, the EU will also support capacity-building initiatives addressed to Libya, which is the reason why, for example, the EU and the UNHCR organised a course on human rights and refugee law for the Libyan Coast Guard and Navy within the framework of the Operation Sophia. The main aim is to increase their effectiveness so that they can carry out SAR operations in its SAR region[4]. At the same time, criticism has also been raised towards NGOs' SAR operations, which have been accused of favouring illegal migration by saving migrants in distress near the Libyan coasts. At any rate, arrivals have increased and a concrete response from the EU is still lacking. The situation is particularly problematic in Italy, where the

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[4] However, the UN and many other human rights groups have sharply criticised this policy, as it makes it difficult to protect migrants' and asylum seekers' human rights. Indeed, once intercepted, migrants are sent back to Libyan detention centres where they are forced to live in utterly inhuman conditions.

phenomenon has been depicted as 'unsustainable' and both the EU and other EU member states have been harshly criticised for not taking enough actions to share the burden. As a result, Italy has even threatened to stop non-Italian vessels from bringing migrants to its ports due to the lack of a concrete EU response, a threat that has become reality under the current Italian government, as was the case with the *Aquarius* in June 2018[5].

In all the aforementioned examples, it can be observed that the EU has employed a sometimes contradictory strategy to manage the Mediterranean migration crisis. As it will be analysed in the next two sections, it may be argued that both a securitization and a humanitarian aspect have coexisted and, eventually, contrasted. And yet, the securitarian approach is currently taking the upper hand. In fact, on the one hand, it seems that the EU has been trying to hinder migration flows by focusing on border control and protection. On the other, it has also tried to foster actions aimed at saving migrants' lives at sea. However, as pointed out by Jones et als (2017), whilst SAR is one of the most common forms of humanitarian borderwork in the Mediterranean and is even carried on by the border police and coastguard, still it can be argued that such operations are practically border-policing operations with sovereign logics. In other words, although such actors share humanitarian sensibilities, their actions are nonetheless framed within a border-policing dimension, which mainly emphasises the perception and management of the migration phenomenon as a security issue.

3. The securitization approach

The EU is not really new to securitising practices in relation to migration. Huysmans (2000) has been one of the first scholars to analyse such a phenomenon. He observed that migration has been securitized in Europe since the 1980s. Previously, immigrants were an important extra, cheap and flexible workforce for Western European countries and, even though states attempted to regulate their status, the issue was not too politically sensitive. Nevertheless, political concern towards migration increased in the 1970s, resulting in a more

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[5] In June 2018, Italy's far-right minister of interior Salvini refused to allow the MV Aquarius – a rescue vessel operated by the NGO SOS Méditerranée and Médecins Sans Frontières (MSF) – to enter Italian ports despite carrying 629 people on board. After a complex dispute, Spain's prime minister gave the ship permission to dock in Valencia (The Guardian, 11 Jun 2018).

restricted policy. This continued during the late 1980s, when the issue started to be highly politicised: measures on halting labour immigration had been taken, and yet the immigrant population continued to grow, also due to family reunification. As a result, public awareness on migration issues increased and political rhetoric also increasingly linked the phenomenon to the destabilization of public order. Gradually, securitising practices in the EU developed on the basis of three relating themes, namely internal security regarding the single market, cultural security and the crisis of the welfare state. In this regard, Huysmans (2000: 758) claims that "migration is identified as being one of the main factors weakening national tradition and societal homogeneity. It is reified as an internal and external danger for the survival of the national community or western civilization". This assumption is also supported by Lutterbeck (2006: 64) who, by pointing to the securitization theory of the Copenhagen School, states that "clandestine immigration and (supposedly) related transnational challenges are considered a 'threat' to the stability and welfare of European states and societies, and the main objective is thus to deter and prevent undocumented immigration as effectively as possible".

Furthermore, Lutterbeck (2006) observes that such a conception was much more strengthened in the 1990s when the EU became the main destination of thousands of migrants who entered the continent through two main routes, i.e. the Strait of Otranto and the Strait of Gibraltar. For instance, with regard to the Strait of Otranto, irregular migration was associated to cross-border crime, thereby being regarded not only as an issue of human smuggling and trafficking, but also of other types of operations linked to the trafficking of drugs or arms. Consequently, all kinds of smuggling activities in the Adriatic came to be viewed as a threat for national security, thus making European countries develop policing activities at the Mediterranean borders by mobilizing the navies, paramilitary and military forces and hardware. This is why it is possible to talk about a militarization of migration at the EU's borders (Lutterbeck, 2006).

As pointed out by Fakhoury (2016), this approach has influenced the current migration crisis as well, as migration issues have been highly securitized and politicized in spite of their humanitarian implications. Indeed, both the EU and European governments have deployed policy tools linking migration governance to border management and surveillance. In addition, public and

policy discussions within the wider European public sphere have gradually reinforced the assumption according to which migration automatically generates national and social security, which is the reason why it might also be argued that "the nexus between migration and security has been tightened, deviating attention from migrants' protection to states' interests" (Fakhoury, 2016: 3).

With regard to the current criminalization of the migrant crisis, it is of paramount importance to take into account not only the reasons suggested by Huysmans (2000) and Lutterbeck (2006), but also other factors and events that have played a fundamental role in fostering securitising practices. A first important reason can be traced back to the 9/11 attacks, which represented a turning point for migration policy. The event has directly tied migration issues to the war on terror, and thus to national and personal security, because it unleashed the fear according to which international terrorists could enter a country through its immigration and asylum system (Fakhoury, 2016). Likewise, the Madrid bombings of 11 March 2003, as well as the London ones in 2005, have dramatically accentuated public concerns about security. Last but not least, the more recent attacks occurred in France, Belgium, Germany and the United Kingdom, as well as the persistent focus on Islamist terrorism by the media have significantly exacerbated the perception of migration as a threat. Also, the 2008 economic crisis and its aftershocks have been playing an important role in shaping people's perception of migrants, a position some populist parties have considerably taken into account to strengthen their position (Fakhoury, 2016). Indeed, the importance of the security-migration nexus has been largely emphasised by populist and extremist parties in search of electoral support at the European, national and local level. Such parties tend to exploit the feeling of insecurity experienced by the population by pointing to the alleged incapacity of EU institutions and European governments to effectively solve the crisis in order to guarantee security (Panebianco, 2017), and depicting migrants as job-stealers, welfare-exploiters and threats to cultural homogeneity.

For example, it is in the context of securitization that FRONTEX was established in 2004 in order to strengthen security at the external borders of EU Member States (Ekelund, 2014). According to its Regulation, some of the main tasks of the agency are the coordination of operational cooperation between

Member States in external border management and the provision of technical and operational assistance to member states in the training of national border guards or in organising return operations (Ekelund, 2014). As previously mentioned, so far the agency has launched several missions in order to tackle the migration crisis. Yet, their results include both advantages and disadvantages. Triton, for instance, is a border security operation involving SAR operations as well (Panebianco, 2016). However, as pointed out by Barbulescu (2016), due to its limited assets, it operated within 30 miles along the Italian coast and, consequently, it was only capable of saving the lives of those migrants who have almost completed their journey. Indeed, the most dangerous part of the crossing occurs in the Central Mediterranean, near the Libyan coast, which is why it can be argued that Triton's operations could not be enough to protect migrants.

Moreover, FRONTEX represents the central hub of the EUROSUR surveillance system. It is an information-exchange system adopted in 2013 and providing real-time, border-related data to gather new tools not only to prevent crime at the EU borders, but also to save lives at sea (Rijpma and Vermeulen, 2015). However, despite the mention to saving lives, both the Council and FRONTEX have sporadically highlighted that it actually depends on the Member States to provide SAR operations. As outlined by Rijpma and Vermeulen (2015), this feature can be already observed in the preparatory process leading up to the establishment of EUROSUR, i.e. the MEDSEA study led by FRONTEX in 2006 as well as a 2008 Commission communication[6]. They seem to make it clear that the exchange of information between states is intended to manage the cross-border flow of people and counter illegal migration by identifying the criminal networks which facilitate the phenomenon. Thus, it appears that saving lives at sea is "a side effect of the increased ability to detect and intercept persons arriving to the Member States' territory" (Rijpma and Vermeulen, 2015: 458).

In the last few years, the media accounts on the phenomenon have constantly tended to reflect and reiterate these trends (Fakhoury, 2016) and, therefore, the public opinion has been pushed to associate migrants with terrorism and

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[6] The Commission communication '*Examining the creation of a European Border Surveillance System (EUROSUR)*'.

criminality, thus perceiving the whole migration phenomenon as a real invasion threatening their lives, a position which obviously leads to an increasing intolerance and, as a consequence, to a 'fencing Europe' attitude (Attinà, 2016). The 'closing-the-border' attitude has always been observed in some Northern, Eastern and Central Member States: Czech Republic, Hungary, Poland and Slovakia have significantly been against open external borders and the allocation of refugees among EU member states. Furthermore, Austria and Slovenia have tried to build up metal fences, whereas Denmark, France, Germany and Sweden have also temporarily suspended Schengen (Fakhoury, 2016). As for Mediterranean countries, while in the past they have been favourable to undertake SAR operations (Panebianco, 2016), they have become increasingly reluctant in being involved in such operations as well as in opening their ports, especially with the rising of populist and far-right parties, as is precisely the case with Italy. As already mentioned, the disagreement among Member States affects the approach taken at the EU level: the Mediterranean has been gradually affected by an increasing militarization and control of migration based on the deployment of paramilitary forces and European navies. As a result, the securitization approach has actually prevailed.

Another important yet controversial measure is the Operation Sophia, also known as EUNAVFOR Med. It was launched by the European Council in June 2015 (and then extended until 31 December 2018) as part of the European Agenda on Migration, which seemed to propose a more humanitarian attitude towards the migration crisis. It is a military operation whose operational headquarters are located in Rome and whose goal is to eliminate human smuggling and trafficking in the Central Mediterranean also by intercepting and destroying smugglers' ships (Panebianco, 2016). EUNAVFOR Med has certainly reached these goals and, at the same time, it has also saved the lives of thousands of migrants, thus acquiring a SAR dimension as well. However, it might be argued that the reality is still highly problematic, as the vessels destroyed by military operations are also used by asylum seekers to escape from Libya. In this regard, it is important to observe that migrants have the right to claim international protection under international human rights treaties (Barbulescu, 2016) and, by destroying the vessels to keep them in Libya, the EU would trap them in catastrophic conditions in which migrants' human rights would not be protected.

Moreover, the EU-Turkey deal has also been highly debated. It can be described as an example of migration governance through outsourcing (Fakhoury, 2016), according to which migrants arriving in Greece are sent back to Turkey if they do not apply for asylum or their claim is rejected. In addition, for every Syrian being returned to Turkey, another Syrian will be resettled to the EU. In return, the EU provides Turkey with some incentives such as financial aid or visa-free travel for Turkish people (Fakhoury, 2016). The European Commission (2018), observed that so far 12,476 Syrian refugees have been resettled from Turkey to EU Member States, whereas the pace of returns to Turkey from the Greek islands remains very slow, with only 2,164 migrants returned since March 2016. Furthermore, they also noted that irregular arrivals remain 97% lower in comparison with the period before the Statement became operational. However, also in this case the EU seems to be attempting to hinder migration flows by shifting the burden to another actor without taking into account that migrants could use other means and routes to flee their countries despite the attempts at hindering their crossing. The UNCHR (2017) has shed a light on this phenomenon as well, by claiming that it has become more difficult for migrants to cross European borders due to the fact that several European states have introduced additional measures to prevent irregular entries, including those entries of people seeking international protection. As a result, migrants are forced to follow more diverse and often more dangerous routes to reach Europe, such as the Balkan route and the long-lasting Central Mediterranean route.

Apparently, it can be argued that the securitarian logic is strongly going to influence the EU's approach in the next future. The last European Council held in June 2018 has indeed suggested that the path to be followed is not going to distance itself from such logic: no real progress on the Dublin reform was made, the focus on border control was emphasised, and externalisation policy was strengthened (European Council, 2018). With Austria taking over its presidency and promising a "small Copernican revolution" in the area of migration[7], it is

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[7] Moreover, Austria, Belgium and Denmark have proposed radical plans for closing the borders and establishing camps in non-EU states, also as a result of the failure to reach a consensus on the reform of the Dublin system (The Guardian, 12 June 2018).

doubtful that a humanitarian approach will be truly implemented at the EU level in the short term.

4. The humanitarian approach

In order to tackle the migrant crisis, the humanitarian approach might be regarded as the most immediate response to implement for international actors and organisations endorsing the protection of human rights as part of their identity. In this regard, the EU itself is one of those actors: indeed, as pointed out by Barbulescu (2016: 1), the European Union "presents itself as a beacon of human rights on the global scene". Since the aftermath of the Second World War, EU member states have been signing treaties and conventions – such as the UN Convention on the Status of Refugees, the European Convention on Human Rights, the UN Convention on the Rights of the Child and the EU Charter of Fundamental Rights – aimed at providing asylum seekers, refugees and migrants with rights that must be defended. Moreover, the Lisbon Treaty has even strengthened the EU identity in terms of compliance with human rights, as article 2 of the Treaty on European Union (TEU) states that the EU is founded on some specific values such as human dignity, human rights, solidarity and freedom, and such values shape the attitude of the EU both internally and in the relationship with third countries (Bulley, 2017). Nevertheless, it has been observed that, apparently, once faced with the recent massive migration flows and loss of human lives, the EU has not fully complied with the aforementioned conventions and ideals. In fact, it has declared a state of emergency, a clear mismanagement of the phenomenon resulting in the well-known humanitarian and migration crisis in the Mediterranean (Barbulescu, 2016).

The conceptualization of the phenomenon as a 'crisis' has certainly contributed to its identification as a threat, especially since the term 'crisis' has been usually associated with an emergency experienced mostly by the European Union (Barbulescu, 2016). Conversely, as suggested by Pallister-Wilkins (2016), this crisis should not be considered as a Mediterranean or European issue only. Indeed, it is fundamental to shed a light on the real human crisis experienced by those migrants who are actually fleeing their countries due to persecution,

poverty and civil war. Consequently, framing the phenomenon in terms of securitization makes it difficult to ensure that the human rights of migrants and asylum seekers are respected. In this sense, it might be even argued that the controversial strategy deployed by the EU is in part structurally responsible for the crisis, also because its lack of effectiveness only emphasises the humanitarian emergency (Pallister-Wilkins, 2016).

In any case, despite the attitude at the EU level, a humanitarian approach applied to the migration phenomenon is not completely lacking. In fact, there are several examples of humanitarian measures taken in order to save migrants' lives. For instance, SAR operations are one of the main fields of humanitarian intervention and are conducted by different actors both in the Central Mediterranean and in the Aegean (Panebianco, 2016). EU operations such as Triton and EUNAVFOR MED, despite being respectively border security and military operations, are legally obliged to rescue people in distress, thus conducting SAR operations as well. In so doing, they have been saving hundreds of lives and have been "contributing to the discursive humanitarianization of the Mediterranean border" (Cutitta, 2017: 8). Secondly, commercial vessels also conduct SAR operations, thus abiding by a consolidated rule of the sea – which is also codified in the UN Convention of the Law of the Sea and in other international laws − according to which seafarers have a duty to assist human beings in distress at sea (Panebianco, 2016).

The duty to assist people in distress at sea also lay at the core of the *Mare Nostrum* Operation. It was launched by the Italian government in October 2013, in the aftermath of the shipwrecks occurred near Lampedusa and Malta. It was conducted by the Italian Navy and aimed to search and rescue migrants in the Sicily Channel and fight against smugglers. Furthermore, thanks to an agreement with Save the Children, professionals in the fields of medicine, legal counseling and cultural mediation were provided on board and, in one year, more than 100,000 migrants were rescued (Panebianco, 2016). However, as argued by Rijpma and Vermeulen (2015) and Panebianco (2016), *Mare Nostrum* has also been harshly criticised both at the Italian and European level. First of all, it was regarded as particularly expensive and, secondly, it was accused of representing a 'pull-factor' for irregular migration, as migrants would

automatically cross the Mediterranean Sea "if they expected to be intercepted, or rather rescued, and transferred to mainland Europe" (Rijpma and Vermeulen, 2015: 467). Nonetheless, there was no automatic connection between *Mare Nostrum* operation and the increasing migration flows, which were caused first and foremost by the refugee crisis following the Arab Spring (Rijpma and Vermeulen, 2015), as it can be also observed from the fact that flows did not stop after *Mare Nostrum* was suspended and replaced by Triton (Cusumano, 2017).

Moreover, as described by Cusumano (2017), SAR operations are also conducted by international and local NGOs and charities, such as Save the Children, The Migrant Offshore Aid Station (MOAS), Médecins sans Frontières (MSF), Sea-Watch, See-Eye, Pro-Activa and SOS Méditerranée. Between August 2014 and July 2016 these organisations deployed their own maritime SAR assets and crucially mitigated the loss of life at sea. There are two main non-governmental SAR models, namely the MOAS model and the Sea-Watch model. Those organisations following the MOAS model have conducted fully-fledged SAR operations, thus shuttling migrants to ports indicated by Italian authorities. Conversely, those organisations referring to the Sea-Watch model only provide life vests, drinking water and urgent medical treatment. They refrain from taking migrants on board so that they can be disembarked on the mainland firstly due to economic constraints and, secondly, because according to them it is governments which are truly responsible for providing migrants with safety (Cusumano, 2017).

Thus far, SAR NGOs' contribution to the Mediterranean migration crisis has been significantly positive. First of all, thousands of migrants in distress at sea have been rescued since NGOs have started their operations; secondly, by concentrating on the area offshore the Western coast of Libya, it has been possible for other operations to cover different areas; thirdly, they have been capable of raising further awareness of the humanitarian emergency occurring in the Mediterranean, which has been also helpful in order to pressure governments to effectively take action (Cusumano, 2017). Nevertheless, the non-governmental provision of SAR operations is still not enough to address the phenomenon by applying a humanitarian approach. In fact, it is "a sticking plaster that can only mitigate migrants suffering" (Cusumano, 2017: 97).

Backlashes may occur indeed. For instance, some politicians and scholars argued that SAR NGOs operations taking place close to Libyan coasts facilitate smuggling or that, as was the case with *Mare Nostrum,* they might act as "pull-factors" of migration as well. Last but not least, their actions might also lead governments to abdicate their responsibilities, thereby avoiding the adoption of effective long-term solutions to tackle the phenomenon (Cusumano, 2017).

Such backlashes can be observed in the turmoil in which SAR NGOs have been involved especially in Italy since early 2017. On the one hand, they have successfully managed to cooperate with Italian authorities, also because it is the Italian Coast Guard that is responsible for the coordination of all SAR operations, and thus of their activities as well (Cutitta, 2017). On the other, many conflicts have emerged, too. For example, SAR NGOs have been attacked by European authorities when FRONTEX accused them of being colluded with migrants' smugglers. In addition, after the inquiries made by an Italian public prosecutor[8], some Italian media and political actors demanded to bring to court those NGOs suspected of such accusations. Eventually, preliminary investigations have been opened up and a parliamentary committee has been established in order to regulate their activities and manage the relationship with Italian authorities (Cutitta, 2017). In this regard, in July 2017 the Italian government asked the NGOs working from its ports to sign a code of conduct regulating the collaboration among all the actors involved in SAR operations. Yet, the controversies still go on; in March 2018, the Italian government impounded for almost a month a migrant rescue-boat operated by the Spanish NGO Proactiva Open Arms on the charge of enabling illegal migration. The crew had previously rescued several migrants off the coast of Libya, but had refused to hand them over to the Libyan coastguard, claiming they were in international waters. The boat was eventually released and the investigation is still carried out, but the criminalisation of rescue at sea has not stopped. Rather, it has become an even more tangible reality.

Apparently, humanitarian approaches are seriously running the risk of having a hard time, especially with the rising of populist and far-right parties hindering

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[8] In early 2017 the public prosecutor of the Italian city of Catania, Carmelo Zuccaro, accused SAR NGOs of being colluded with smugglers, being a pull factor of irregular migration and failing to cooperate with Italian authorities (Cutitta, 2017).

and criminalising such attempts. Furthermore, this attitude may also have a social impact: by disregarding the humanitarian dimension and implications of the phenomenon and its management, it also alters the perception that people have of the whole situation, and dehumanises migrants and asylum seekers. As a result, with the passive – or violent – consensus of a great part of EU citizens, most member states close their borders and ports, and criminalise NGOs and other relevant humanitarian initiatives, thus creating a vicious cycle which does not really solve internal conflicts among the member states themselves, nor does it properly protect migrants' human rights. It will definitely be interesting to see what future lies ahead for the "beacon of human rights".

5. Conclusion

Once faced with millions of migrants' arrivals and thousands of deaths, the EU has declared a state of emergency which has ultimately depicted the migration crisis as a threat to security despite those individuals are guaranteed the right to claim international protection. Indeed, in the last decade migration issues have been highly securitized and politicized, as though the EU were trying to hinder migration flows. Consequently, the humanitarian aspect of the emergency has been set aside, which has actually made the crisis more intense. In fact, both the EU and EU member states have been trying to tackle the phenomenon by deploying a controversial strategy which reflects their internal disagreement and different interests at stake. For some time it was based on two main approaches – i.e. securitization and humanitarianism. Nevertheless, it has recently been marked by a more securitarian ethos.

Within the securitization framework, operations and agreements such as Triton, EUNAVFOR Med and the EU-Turkey deal have been established. After analysing these initiatives, it can be noted that whilst it is true that they are also involved in the humanitarian approach and their efforts have certainly been helpful in order to rescue migrants, their main goal has always been border patrol and securitization as well as the destruction of smugglers' and traffickers' ships and networks. Therefore, firstly, the right of individuals to claim international protection does not seem to be fully taken into account; secondly, migratory flows have been diverted towards more dangerous routes; thirdly, the migrants' rising death toll has not been actually stopped.

On the other hand, though, there have also been some examples of operations entirely based on a humanitarian approach, as was the case with the SAR operations conducted by the Italian government within the framework of *Mare Nostrum* or by non-governmental organisations and charities such as Save the Children, Sea-Watch and MOAS. These initiatives have successfully saved thousands of migrants and have contributed to raising further awareness of the humanitarian emergency occurring in the Mediterranean. However, these operations are still not enough as they only mitigate the crisis. In addition, they are constantly at risk of being hindered or blocked: they are daily accused of facilitating irregular migration and, in addition to the tendency of closing the ports, this situation has institutionalised the criminalisation of rescue at sea and has made border control and securitarian measures almost the only tangible reality.

Hence, what is still needed is a responsibility sharing between EU member states which might lead to a comprehensive and effective policy strategy to be promoted at different institutional levels. Such a strategy should not merely strengthen borders, but should first take into account the humanitarian implications of the crisis in order to really protect migrants' and asylum seekers' rights, thus really and effectively complying with the conventions on human rights signed by the EU member states themselves. Indeed, in order to abide by the rules of the treaties, protect human rights and concretely practice the solidarity that has always been expressed towards all the actors involved in the phenomenon, European and national leaders should step up and take concrete actions once and for all. In this regard, to quote Weinblum (2016), it is high time the EU open more legal routes to Europe, revise the Dublin system and rethink the externalisation of border and migration management, while at the same time using the current technology to ensure not only borders' patrol but also migrants' protection.

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