

# Outsourcing Border Control

A normative analysis of the externalization of migration  
policy in the Mediterranean region

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# Abstract

The externalization of migration policies, also known as the externalization of border control, has emerged as an increasingly popular way for more developed countries to tackle the issue of irregular migration. In the Mediterranean region, increasing migration from North Africa to Europe is closely associated with the concept of security – security for the countries that must face constant flows of irregular migrants, and security for the migrants who must face the perils of crossing the Mediterranean sea.

In this study I explore the normative aspects of this dilemma, and examine if and how the externalization of migration policies can be justified using a normative, given-that analysis. The analysis is centred around the value 'security', and based on two different moral and theoretical approaches to the concept – the traditional, state-centric approach and the more modern, humanitarian approach that places the security of the individual above the security of the state. I find that while externalization can possibly be legitimized from a state-perspective in the short run, it is not a desirable solution to migration problems in the long run. From an individual perspective it is not possible to legitimize the externalization of border control as long as there is no safe-guard for migrants' rights.

*Key words:* externalization, migration, state-security, normative dilemma, individual security

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# 1 Introduction

Migration and migration movements have risen sharply in the Mediterranean region over the past years (Parliamentary Assembly 2006). This issue has come to be seen as a security risk to many European countries; not only as a threat to national welfare and cultural identities, but also in terms of domestic peace and stability (Lutterbeck, 2006: 59). The increasing levels of irregular migration are also associated with rising humanitarian costs; as migration has increased, so has the number of deaths at sea. In the first seven months of 2011 alone, over 1,900 migrants are estimated to have died while attempting to cross the Mediterranean on their way to Europe (Frenzen, 2011).

The European states along the coast of the Mediterranean are struggling to keep up with these developments, and their new role as the “gatekeepers of Europe”. One of the methods that has emerged to handle the problem of migration is bilateral agreements between migrant sending and receiving countries, serving to limit migration flows (Kneebone et. al, 2006: 493). These agreements are frequently labelled a means of exporting or externalizing border control, as states cooperate to stop the flow of migrants by intervening in international or foreign waters, stopping migrants before they reach European soil.

I believe that these developments reflect a classic dilemma between state-security and individual security. In his book “People, States and Fear”, Barry Buzan discusses this dilemma: “The state becomes the mechanism by which people seek to achieve adequate levels of security against social threats. The paradox, of course, is that the state also becomes a source of social threat against the individual” (Buzan, 1983: 20).

In this essay, I want to explore different normative aspects of this paradox. This includes discussing the role of the state both as a source of security and as a threat. Moreover, it includes a discussion of migrants and how they, as people who are literally ‘between’ states, fit in to this dilemma.

## 1.1 Problem and Purpose

In this essay I will attempt to answer the question:

*Can the externalization of European border control in the Mediterranean region be justified?*

Handling irregular migration is connected to an important dilemma, a dilemma of security. While maintaining security from a state perspective means keeping irregular migrants out, individual and humanitarian security often implies letting people in. I want to gain a deeper understanding of how this conflict is reflected in bilateral agreements designed to handle flows of irregular migrants across the Mediterranean. Is individual security compromised in order to ensure the security of the state? Can the policies suggested in these agreements be justified, and how?

The purpose of this essay is to shed light on the normative issues and concerns regarding bilateral agreements and what some would call the externalization of border control. This will be done by normatively examining and evaluating this issue from two different perspectives, the perspective of the state and the perspective of the individual. Bilateral agreements are becoming increasingly popular when it comes to regulating and controlling the flow of migrants to the EU from non-EU countries (Adepoju 2010:43). Developments within this area of policy can have fundamental effects not only on how migration is managed, but also on the protection of asylum seekers and refugees, making a normative analysis of this issue all the more important (Boswell 2003: 620). Furthermore, relatively little research has been done regarding the security measures adopted to tackle the migration flows across the Mediterranean, how these are shaped by regional powers and authorities, and the normative and empirical consequences they have had (Lutterbeck, 2006: 60, Paoletti 2010: 7). Although the scope of this essay is limited, I feel it is a small contribution to this field of research.

## 1.2 Limitations

### 1.2.1 What kind of migration are we talking about?

For the purpose of this essay, I will restrict my analysis to international migration (migration from one country to another) rather than migration within the same country. Specifically, this essay will focus on migration in the Mediterranean region. The phrase ‘migrant-receiving countries’ refers to the EU member states on the Mediterranean coast, and primarily concerns Italy and Spain, but also Malta and Greece. The phrases ‘transit’ or ‘migrant-sending countries’ generally apply to countries in North Africa bordering the Mediterranean, for example Morocco, Algeria, Libya and Tunisia.

I will discuss the agreements and policy measures primarily adopted to tackle irregular migration, steering clear of the legal framework and policies that are involved when admitting legal migrants. This means that the migrants in question consist primarily of what would be called irregular migrants. The definition of exactly what constitutes an irregular migrant is broad and can vary (Boswell, Geddes, 2011: 125). In this essay the term will be used to denote migrants that use unofficial or illegal ways to enter a country, for instance by being smuggled across the Mediterranean by boat.

### 1.2.2 Types of migration agreements

The focus of this essay will be on external migration agreements. These are agreements drafted between the EU (or members of the EU) and non-member states. More specifically, the focus will be on agreements between EU member-states and countries in the North African and Mediterranean region.

I will limit my analysis to agreements drafted between specific countries rather than the EU as a whole. This is because although the EU represents an important legal framework, it is not responsible for the implementation of migration policy, which falls upon the member states (Boswell, Geddes 2011: 145). I would argue that the EU is a part of the context, while the individual states are the central actors. Furthermore, I feel that confining the analysis to individual countries will allow for a more focused analysis and a more detailed picture of the migration problems and policies in the region.

One agreement that is of particular interest is the agreement commonly known as the “Italy-Libya Friendship Pact”. This agreement is not only high profile and controversial, but a relatively advanced example of cooperation on migration in a European context (Paoletti 2010: 7). The largely informal nature of many other externalization agreements in combination with the attention the ‘Friendship Pact’ has warranted from the media and the academic world makes it an important reference point in the discussion about the externalization of border control, as there is more available material regarding the nature and consequences of this specific agreement. This agreement will be the focal point of my analysis.

### 1.2.3 Picking sides

I will be discussing whether migration agreements are justified or not from the point of view of the migrant receiving country, rather than the sending country. I will assume that the migrant-receiving countries are the driving force behind these agreements. This seems logical given that the agreements serve to limit migration, which leans more toward the interests of migrant receiving countries than migrant-sending countries.

## 1.3 Material

The material used in this essay will range from international documents regarding human rights and international law to scientific articles about the policies about and effects of migration. It is worth noting that there is a significant lack of primary material and first-hand accounts of migration, for instance the form of interviews with migrants, within this area of research. Due to this much of the material used is secondary. One notable exception is a report by Human Rights Watch, which addresses the so-called push-back operations that have taken place under the Italy-Libya Friendship Pact.

Obtaining copies of relevant treaties and agreements has also proven to be exceptionally difficult. Regrettably this includes the “Italy-Libya Friendship Pact”. To compensate for this and to provide an empirical context to the analysis, the agreement and its empirical implications will be more thoroughly described in section 3.1.1.

While the lack of original copies of bilateral migration treaties and agreements is regrettable, I do not feel that it has jeopardized the reliability or validity of this analysis to a significant extent. As Adepoju et al. point out; many of the externalization agreements in place are flexible and largely informal. In this sense I would argue that an analysis of the direct effects of these agreements rather than the agreements themselves could prove to be a more accurate reflection of reality.

## 1.4 Structure

This essay will be structured as follows; following this introductory section there will be a presentation of the method, including a methodological discussion, research design and the normative framework that will be used. The section after that, with the title “Theory and Background Information”, will include a discussion about the term ‘externalization’ and background information regarding the Italy-Libya Friendship Pact as well as a theoretical discussion about the concept of security. This discussion will be the theoretical base of the analysis. The analysis and its results are presented in chapter four. Finally I will conclude with a short summary and reflections about the results.

## 2 Method

### 2.1 Methodological Discussion

#### 2.1.1 What is a value?

Normative analysis is defined as the scientific study of values. But what is a value? In his book “Normativ metod: Att studera det önskvärda”, Björn Badersten argues that a value can be understood to be what tells us if something is good or bad, better or worse, desirable or undesirable (Badersten 2006:21). The scientific study of values may sound like a paradox. Can something as abstract as a value be studied in a scientific way?

This essay is based on the axiological assumptions that values exist, but that there is no absolute moral law, no predetermined hierarchy of values that make some objectively better than others. If this was the case and some values were objectively determined to be better than others, it would mean that genuine value conflicts would be impossible. I regard values as being relative – the same value can have different meanings depending on the context (Badersten 2006: 69). For example, the value security can mean very different things to a military officer in Sweden and a refugee in Somalia. In summary, if values exist, they can be studied; and if there is no absolute hierarchy of values, there can be conflicts between them, making the study of values all the more interesting.

#### 2.1.2 Why normative analysis?

But how can the study of values contribute to existing research, and how is normative analysis relevant to the issue at hand? Beckman argues that including a normative dimension is necessary for research within the subject of political science to be of any use at all: political problems often include normative decisions and aspects. If political scientists refuse to address these issues in their research, the consequences will be that the research will not be of any significance when it comes to a series of important political issues (Beckman 2006:332). This implies that answering questions about how something *should* be is of equally important as answering questions about how or what something *is*. I believe that this is also the case when it comes to migration policy. Migration cannot be removed from its very human context, making a normative analysis not only beneficial, but also necessary in order to get a complete understanding of the

issue. The purpose of normative analysis is to illustrate, define and problematize value statements (värdeutsagor), in order to answer questions about how or what something *should* be. This is also the purpose of this essay.

### 2.1.3 Types of normative analysis

I will be using normative “given that”-analysis to answer my research question. Unlike pure normative analysis, the aim of normative “given-that” analysis is not to argue either for or against an idea, but rather problematize and compare different answers to a normative question (Badersten 2006: 43). The purpose of this kind of analysis is to show that different values or normative logics can result in different answers to the same question. In this sense, normative “given that” analysis includes a comparative element, since it involves comparing different normative standpoints (Badersten 2006: 44). I have chosen given-that analysis for this reason. It will allow me to examine and evaluate several different normative aspects of the externalization of border control and to engage in a broader normative discussion.

The trade-off between the security of the state and the security of the individual can be seen as a normative dilemma, and is a key aspect of this essay. Part of the reason that a dilemma is, in fact, a dilemma is that there is no clear answer as to what is right or what is wrong. This is why I believe that a “given that” analysis will be particularly fruitful, since it will allow me to problematize and compare possible answers to the research question based on different normative assumptions.

### 2.1.4 Normative reasoning and intersubjectivity

The subjective nature of values has caused scholars to question and doubt normative methods, arguing that something so subjective cannot truly be called a science. However, I would argue that this perception is untrue. Although a value cannot be “proven” in the same way as an empirical statement, a value can be justified to different extents, and a normative analysis is subject to the same requirements of intersubjectivity and validity as any other scientific study (Teorell, Svensson 2007:29).

One could even argue that intersubjectivity is of particular importance in a normative analysis, and that fulfilling these requirements is what distinguishes a scientific, normative text from a mere opinion (Badersten 2006:78). Badersten argues that intersubjectivity with regard to normative analysis is best achieved by complying with the requirements of internal and external validity.

Internal validity concerns the concepts and values that are relevant to the analysis, as well as the presented arguments. These must be clearly presented and defined in order to avoid ambiguities, logical contradictions and conceptual stretching (Badersten 2006: 73-74). In order to comply with these criteria, an

extensive discussion of the concept of security is required. This discussion can be found in chapter 3. In the section “Research Design” I will also present how I will structure the arguments in my analysis when it comes to determining whether the externalization of border control can be justified or not, in order to ensure logical consistency.

External validity can be said to contain three dimensions: validity in value statements, validity of reality statements and the relevance of value statements (Badersten 2006: 133). In order to comply with these criteria and provide a better picture of the issue that will be discussed, the analysis will be supplemented with relevant empirical information in order to establish a firm link between the normative reasoning and the reality to which it applies.

Ensuring internal and external validity also means ensuring intersubjectivity. This will allow the reader or a third party to subject the study to critical scrutiny, and reconstruct it if they wish. In practice this means that the arguments and conclusions reached must be formulated clearly and openly, and not based on private, undisclosed grounds (Badersten 2006: 75). This is something I will strive to achieve throughout the text.

## 2.2 Research Design

Answering the research question means determining whether the externalization of migration policies can be justified. Badersten argues that justifying something means motivating, defending or showing that something based on certain values is fair, correct or “right” (2006:134). In order to do this, it is necessary to begin with an expression of what is ‘right’ and what is ‘wrong’, expressed in terms of a value. Values are instrumental in this sense; they provide a starting point and a foundation for normative analysis (Badersten 2006: 21-22).

This essay will focus on the value ‘security’, which will be discussed from state and individual perspectives. These two perspectives will be based on the theoretical discussion of security in chapter 3. I will examine to what extent the externalization of border control can be justified depending on how the concept “security” is interpreted and the moral principles that are implied by the interpretation.

To do this I will be using the model proposed by Torbjörn Tännsjö in his book “Grundbok i normativ etik” to answer my research question. Tännsjö presents a model that can be used to solve practical moral issues, based on the notion that the practical solution to the problem at hand should follow logically from correct moral principles, together with a presentation of the relevant facts. This method will show us not only *how* to act, but also *why* we must act this way (Tännsjö 2000:13). The model is summarized by the following figure:

(1)*Moral Principle*  
(2)*Presentation of relevant facts*  

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*Practical solution*

I believe that there is no objectively “correct” moral principle, but that different principles can be justified to different extents. I will use normative given-that analysis to show that the answer to a normative question and the logic used to get to the answer can vary depending on the moral principle that is used.

In order to answer the research question, the model will be applied in reverse: it must be determined whether the practical solution presented (the externalization of migration policies) is a logical, justified solution in light of a particular moral principle (e.g. states have the right to defend themselves against external threats) and the relevant facts. If the moral principles are not contradicted, and if the facts support the practical solution, it is a “good” solution to the moral dilemma, and the practical solution is justified.

In order to keep the analysis cohesive and logical, I feel that it is necessary to present the relevant facts and the moral principles together. Therefore in the analysis the relevant empirical information and the moral principles will be presented together, and not in separate sections of the text.

## 2.3 Normative Framework

However, determining whether something is justified or not may require more than a moral principle and relevant facts. For example, can denying migrants the right to seek asylum be justified? Even if the presented facts were objective, adherents to different normative logics would answer the question differently, as they could be departing from different moral principles (or different interpretations of the same moral principles). In order to prevent circular reasoning and internal contradictions, this section is devoted to clarifying and discussing the normative framework that is used in the analysis to determine whether something can be justified or not.

As previously mentioned, the analysis is based on two different moral subjects, the state and the individual. I feel that two different moral subjects warrant two different normative logics. The analysis of the state-perspective of security will be based on the normative logic *egoism*, and the corresponding analysis of the individual perspective is based on *utilitarianism*. I have chosen these particular normative logics because I feel that they correspond with how the moral subjects can be perceived to act.

According to the normative logic *egoism*, we are not obliged to anyone except ourselves. This means that individuals (and in this case, states) should act so that their own interests are maximized (Tännsjö 2000:46). I feel that this strongly

corresponds to the traditional interpretation of security and how states and their behaviour are perceived. In the realistic, traditional perspective of security, states are considered the only sovereign actors, and they must act in a way that benefits and protects them in order to ensure their own survival, they must act “selfishly” and in their own interest.

I argue that humanitarian security and the interpretation of security in an individual rather than a state context can be associated with a form of utilitarianism. Utilitarianism is based on the notion that one should act so that “utility”, or what is best, is maximized. It is important to note that “utility” is not just what is best for the individual, but for the world and society in general; we should not act as we do because it benefits a particular person or because law requires it, but rather because there is a general sense of making the world a better place. This desire should be reflected in our actions: “thus in every situation we should act so that the world becomes as good as possible, so that the good is maximized” [Note: own translation] (Tännsjö 2000:26). But what is “good” and who is “society”?

For the purpose of this essay, I will argue that what is ‘good’ can be operationalized in terms of human rights – respecting human rights as they are defined by the international community (for example by the United Nations Universal Declaration of Human Rights or the 1951 Convention relating to the status of refugees) is good, while not doing so is bad. I feel that this operationalization of what is “good” will allow a more tangible analysis of what is otherwise a very abstract concept. I also argue that the ‘society’ or group of people whose utility should be maximized (and therefore should be the focal point of the analysis) is the group who is arguably worst off in terms of these rights, namely the migrants (Tännsjö 2000: 43, OHCHR). In this context, the ultimate goal is to guarantee the security of as many individual migrants as possible.

One could argue that egoism could also be applied to the individual perspective, after all, maintaining individual, humanitarian security is in the interest of individuals. However, I would argue that there is a problem with this approach. If every individual were to act in a way so that their own interests were maximized, it would mean that everyone would be entitled to act as they saw fit in order to establish their own security. This would include acting so that your own security was established at the expense of somebody else’s. This brings to mind the brutal state of nature described by Hobbes, which I would argue is the very opposite of humanitarian or individual security (Hollis 1994:132). Therefore, if migrants want individual security, they must not only act so that their own security is maximized, but so that the individual security all other migrants is maximized as well.

## 3 Theory & Background Information

This section includes a discussion of relevant background information as well as a theoretical discussion about the concept of security. Although the analysis will include more specific empirical information, I feel that a broader empirical discussion of externalization and the Italy-Libya Friendship Pact is necessary in order to provide a broad and relevant empirical base for the theories discussed and the analysis. For this reason I will begin by discussing background information and then go on to the theoretical discussion of security.

### 3.1 What is Externalizing Border Control?

In order to fully understand the implications of externalization, it is necessary to discuss what externalization means and how it is manifested in different types of migration agreements. It is worth noting that the term “externalization” does not describe a specific migration policy or method, but rather is a phrase that can be applied to a wide range of policies and regulations, ranging from regulations regarding asylum seekers to development and foreign aid (Paoletti 2010:30). The differing interpretations of externalization often overlap, and one does not exclude the other. For the purpose of this essay I will be using the term in line with how it is used by Adepoju et al., to denote migration agreements and policies that involve either official or unofficial cooperation between two or more countries (2010: 43). I will also be making the distinction proposed by Boswell in her article, “The ‘External Dimension’ of EU Immigration and Asylum Policy”. Boswell discusses two different approaches to externalizing border control, restrictive approaches and preventive approaches. This distinction is important, both in terms of the consequences that different types of policies can have on migration and migrants, as well as a means to distinguish between different kinds of policies that are encompassed by the concept (Boswell 2003: 623-624).

Restrictive approaches, which can be labelled a more ‘traditional’ means of controlling migration involves externalizing the tools used for domestic and EU migration control. As the term implies, a restrictive policy approach aims to restrict the number of migrants entering a country. Externalizing restrictive policy means cooperating with sending and transit countries and engaging them in strengthening their border controls, combating migrant smuggling, trafficking, illegal entry and/or readmitting migrants who have migrated to the EU illegally (Boswell 2003:619). In practice, this can mean aid in terms of training, equipment

or money in exchange for increased border control, as well as the interdiction and direct deportation of migrants to countries participating in the agreement. This kind of externalization is exemplified by the Italy-Libya friendship pact. A key aspect of this agreement involved providing equipment and training to Libyan “border patrol troops”, enabling them to restrict the migrants from Libya to Europe more effectively.

The second kind of migration policy mentioned is preventive policy. Here the goal is to prevent migration by addressing root causes at the source, rather than restricting it at the borders. This kind of policy involves measures designed to address the factors that cause people to move, for instance with development assistance, trade, and foreign direct investments or “providing refugees with access to protection nearer their countries of origin” (Boswell 2003:619-620). It is worth noting that these two different types of external migration policies are not always clearly distinguished in practice, and that they often overlap. A restrictive policy could include elements of preventive policies and vice versa. However, I will continue to distinguish between them because of the fundamental differences in terms of how they aim to limit migration.

From a normative point of view, the externalization of restrictive migration policies can be construed as far more problematic (especially in terms of security) than the externalization of preventive policies. However, this does not mean that preventive policies are not relevant, particularly when taking the blurred boundaries between the two into account. Therefore, the analysis will be focused on, but not limited to, restrictive migration agreements.

### 3.1.1 The Italy-Libya Friendship Pact

“The Treaty of Friendship, Partnership and Cooperation between the Italian Republic and Great Socialist People’s Libyan Arab Jamahiriya”, otherwise known simply as “the Friendship Pact”, was an agreement between Italy and Libya that was signed in 2008 by the leaders Silvio Berlusconi and Muammar Gaddafi, coming into effect in 2009 (Sarrar 2008). The agreement has warranted significant attention both from the media and in the academic world, and as a result information regarding this agreement and its consequences is more readily available.

The treaty involved Italy paying Libya a total of five billion dollars over a period of 25 years, in the form of, for instance, Italian investments in Libyan infrastructure. In return, the Libyan government agreed to cooperate with Italy regarding border control in an effort to decrease the flows of irregular migrants from Libya, as well as granting oil exploration concessions to Italian companies (Sarrar 2008, HRW 2009: 23). It is worth noting that the agreement was terminated during the period of unrest in Libya during the Arab spring in 2011, but that it has since been reinstated and signed by the new regimes in the respective countries (Squires 2011, The Tripoli Post 2011).

One of the chief points of the treaty is the call for “intensification of the ongoing cooperation in the context of the fight against terrorism, organized crime, drug trafficking and clandestine migration” (UNHCR 2012: 2). Essentially the

treaty enables Italian and Libyan coastguards work together to search vessels at sea suspected of smuggling migrants and intercept migrants attempting to cross the Mediterranean, sending them directly back to Libya. These so-called “push-back operations” have been sharply criticized by organizations like the United Nations High Commissioner for Refugees (UNHCR 2010: 2-5) and Human Rights Watch, which claim that intercepting migrants and sending them back to Libya without assessing whether or not the people aboard the boats are in need of international protection violates fundamental human rights and the principle of non-refoulement (UNHCR 2010: 3-4).

## 3.2 The Concept of Security

The theories discussed in this section are based around the paradox described by Buzan. Buzan argues that while individuals turn to the state in order to achieve security, the state must also threaten the individual to be able to maintain security (1983:20). It is possible to identify two extremes within this dilemma: on the one hand there is the state, representing the egoistic, traditional approach to security, and on the other hand there is the individual, representing a newer, more humanitarian take on the concept. In order to provide a broad and balanced discussion, the discussion about the concept of security will be centred around these two perspectives. I would like to emphasize that I do not view these opposing perspectives as mutually exclusive, but rather as different extremes on the same scale. These two perspectives also represent the different normative subjects in my analysis – the egoistic, traditional state, and the utilitarian, humanitarian individual.

The meaning of the concept of security is highly contested in the academic world. However, there is a general consensus that security implies “freedom from threats to core values (for both individuals and groups)” (Baylis 2011: 232). It is clear that security is a desirable state, but the question is how this can be achieved, by securing what? Which “core values” need to be protected and what “freedom from threats” means in practice depends on more detailed interpretations of security.

### 3.2.1 The Traditional Perspective

The traditional view of security can be traced back to the treaty of Westphalia in 1648, widely regarded as the dawn of the state-centric system. The traditional realist perception of this system is that states are the highest authority, with no legitimate institutions or powers to regulate their actions in an anarchical self-help world (Baylis 2011: 234). This sceptical, pessimistic view of the state system contains the roots of realism and neo-realism (Baylis 2011: 235).

In this context, security is defined in terms of national security, the safety of the state within the international system. In short, gaining security meant gaining

power, whilst limiting the power of other states (Baylis 2011: 234). Essentially, establishing and maintaining security means protecting the state and the nation within it.

From this traditional, state-centric point of view, migration is associated with several threats to national security. In her article “Crossing Borders: International Migration and National Security”, Adamson outlines the threats of migration from a state-perspective. It is worth noting that several of these threats are theoretical, and the fact that they are perceived as threats does not necessarily mean that they have a direct, empirical impact.

Firstly, there is the notion of territorial sovereignty, and the capability of the state when it comes to enforcing border control. The perception of states losing sovereign control of their borders is exacerbated by the high levels of illegal or irregular migration, combined with the number of ‘false’ asylum seekers (Adamson 2006:174). Regardless of whether this is in fact a real or “constructed” problem, it is still a problem, as it undermines the authority of the state and limits its ability to control these external threats.

Secondly, there is the issue of national identity. “Traditional conceptions of national security are based on national interests, which, as social constructivists and others have argued, are derived from a state’s national identity” (Adamson 2006:180). It can be argued that increasing migration flows challenge this notion of identity, bound to the concept of a culturally and territorially defined national entity. In his article, “Peace Through Transformation? Political Realism and the Progressivism of National Security”, Schuett implies that the traditional idea of the state is inextricably linked to the idea of a cohesive nation (2011:185-188). An influx of non-nationals could be seen as not only potentially socially and economically destabilizing, but also as a threat to the very idea of the nation state itself. This is linked to the third threat of migration outlined by Adamson, where migration is associated with internal conflicts.

The third negative consequence of migration is the potential effect that an influx of migrants can have on crime and internal conflicts in the receiving country. Adamson breaks this down into three main “threats”. These include fears that transnational diaspora networks of migrants of a certain nationality or ethnicity could intensify existing internal conflicts or instability, concerns that migration will increase and facilitate organized crime, and, finally, the link between migration and terrorism (Adamson 2006: 191-193).

Naturally, there is criticism against this rather restrictive view of security and the state. There are those who argue that states can no longer be considered the only independent actors within the international system, but that international organizations are emerging on the stage as well. Some would even go so far as to say that the state is no longer a completely sovereign actor, but that it must subject itself to the wills of these international organizations (take for instance the member-states of the EU or the UN) (Baylis 2011: 233).

### 3.2.2 Individual Security

One could argue that the interpretation of security in a strictly national and military sense is somewhat extreme when compared to the political system today. After the end of the cold war, new perspectives emerged in the discussion about the concept of security. Rather than national security and defence against external (military) threats, academics argued that the concept of security had to be broadened to include internal threats to the state as well as non-military external and transnational threats (Katzenstein 1996: 7). One of the alternative perspectives on security that emerged is the humanitarian perspective, where the individual, not the state, is the central subject.

Although documents relating to the rights of individuals have existed for quite some time (for instance the Universal Declaration of Human Rights, presented in 1948), the discussion of security for the individual issue rather than for the state issue is fairly new (UDHR: Preamble). One of the first major statements regarding human security was in the UN Development Programme (UNDP) Human Development Report, issued in 1994 (Djordjevic-Lukic 2004: 399). In this report, the traditional concept of security was criticized “for too long [having] been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of a nuclear holocaust” (UNDP 1994: 22). Instead, the report argued that it was necessary to focus on individual security, security for the people, a matter that had been neglected by the international community during the cold war: “forgotten were the concerns of ordinary people who sought security in their daily lives. For many of them, security symbolized protection from the threat of disease, hunger, unemployment, crime, social conflict, political repression and environmental hazards” (UNDP 1994.:22).

This perception of security is evidently wider than the traditional definition, and perhaps more difficult to define. One of the main criticisms against this perception of security is its width, with scholars arguing that including humanitarian security makes the general concept of security so diffuse that it is impossible to apply consistently in an academic context (Djordjevic-Lukic 2004).

Two main components of human security: freedom from fear and freedom from want (UNDP 1994: 24). This wide, humanitarian security approach is perhaps particularly relevant when it comes to migration, and it is certainly relevant for migrants for whom the state has become a threat and a source of fear rather than security. For these individuals, the traditional notion of “national security” and “external” threats no longer applies.

## 4 Analysis

This analysis is based on the model previously outlined in chapter 2, "Method". According to this model, the practical solution to a moral issue should be a logically sound response when considering the moral principles and relevant facts at hand. In this case, the moral problem is irregular migration, and the practical solution is the externalization of border control, enacted through bilateral agreements between migrant sending and migrant receiving countries. In this section, I will evaluate whether or not the practical solution at hand is in fact a logically sound one, in light of different moral principles and relevant empirical facts. In the first section of the analysis I will begin with analysing externalization from the traditional approach to security. The second section of the analysis will be based on the individual approach to security.

### 4.1 The Traditional Approach

In the traditional approach to security, security is provided by the state. Furthermore, according to this approach, the state is the only legitimate sovereign actor and should act according to its self-interest in order to ensure survival. According to this logic the state is subject to no higher authority than itself, and it should seek to protect itself from other states and external threats while seeking to maximize its own power.

From this traditional, egoistic point of view, irregular migration is a threat to territorial sovereignty, national identity, and internal security. These threats alone, even if they remain theoretical, should be enough to legitimize restrictive migration policy and prevent unwanted migration. With this egoistic approach, the fate of the irregular migrants who are denied entry is not a cause for moral concern. If granting the migrants entry (for instance in the form of asylum or as refugees) could mean risking harm to the state, the entire nation could be put at risk. This would be morally unacceptable, even if it means that the migrants who are denied entry are sent back to their countries of origin where they are subsequently tortured and killed. Again, their fate is of no concern. The moral question must therefore be not if it is morally sound to implement *restrictive* migration policy, but rather whether it is morally defensible to *externalize* migration policy. Given the moral principle that the security of the state is what is most important and that the state has the sovereign right to act as it sees fit to preserve this security, is the externalization of restrictive migration policy a

logical solution to the problem of irregular migration? In this sense it is the principle of externalization rather than the means of externalization that is important for the analysis.

#### 4.1.1 An effective solution to a difficult problem?

Irregular migration is an issue of great concern for the European countries bordering the Mediterranean. It is reported that between 2000 and 2005, around 350 migrants per week were intercepted on Mediterranean routes to enter Europe, how many succeeded is unknown (Boswell, Geddes 2011: 124). In 2008 the number of irregular boat migrants arriving in Italy from North Africa rose from 19,900 in 2007 to 36,000. The same year Italy was ranked the fourth highest asylum host country in the industrialized world (HRW 2009: 25).

The externalization of Italian border control in the form of the Italy-Libya Friendship Pact is one of the measures that have been adopted to tackle this problem, primarily by reducing the number of irregular migrants that attempt to enter Italy by sea. However, it is generally accepted that boat arrivals only account for a small fraction of the irregular migration into Italy, and that most of the migration occurs in the form of overstayed visas or work contracts (Boswell, Geddes 2011: 121). This fact could make such an agreement seem superfluous. However, it could be argued that boat arrivals can have a significant local impact, particularly in light of the fact that the areas most exposed to these arrivals are relatively small islands off the coast of the mainland (this is true of the Gran Canary islands in Spain and the islands of Lampedusa, Sicily and Sardinia in Italy) (Adepoju et al. 2010: 47-48). From a state-centred, egoistic perspective it could be argued that this is not particularly problematic, but completely reasonable given that migration is a threat (albeit a local threat) to the state.

Irregular migration has proven to be a problematic issue to handle. Firstly, there is a 'fundamental uncertainty' about the numbers of migrants, means of migration and underlying dynamics (Boswell, Geddes 2011: 143). Another challenge is the myriad of private actors and networks that has developed to meet the demand for passages across the Mediterranean and into Europe (Adamson 2006: 193). Implementing migration policy is notoriously difficult, and is often analysed through the lens of 'policy failure'. In spite of a tough, restrictive rhetoric, immigration frequently exceeds the goals and limits proposed by politicians (Boswell, Geddes 2011: 39). Externalization could be seen as a potentially more effective solution than national policies.

The geographic position of the European states at the Mediterranean border is also clearly an important factor that influences migration. These states are often considered to be the 'gateway to Europe' by individuals in North Africa who seek to migrate into the European Union. This particularly applies to Italy and Spain, but also Malta and Greece (Kneebone et al. 2006: 493). The geographic position of these states does not only mean that they are exposed to a greater quantity of migrants, but also that they are consequentially burdened with a larger amount of administrative work. The implications of the Dublin Convention and the ensuing

Dublin II Regulation mean that the first country where an application for asylum is filed is also the country that must process the claim (van Munster 2009: 32). This clearly impacts the administrative workload for the Mediterranean states. It is estimated that asylum applications cost advanced industrial states \$10 billion per year (Adamson 2006: 174).

It can be argued that national migration restrictions are not enough, particularly for the “gatekeeper” countries, and that effective migration policy requires broader cooperation over a greater geographic area rather than simply controls at borders. In the short run, externalizing border control to so-called ‘transit countries’ has proven to be fairly effective, at least in the case of Italy and Libya. In 2008 Italy and Libya signed the treaty that came to be known as the “Italy-Libya Friendship Pact”. One of the goals of this treaty was to decrease irregular migration to Italy with the help of Libyan border patrols. In practice this meant that Libyan border control troops received training and equipment for Italy in exchange for increasing patrols in Libyan waters and intercepting migrants attempting to cross the Mediterranean and taking them back to Libya. After signing the treaty, irregular migration to the islands of Sicily and Sardinia fell by 55 percent – detention centres that had previously been overcrowded were, for certain periods of time, completely empty (HRW 2009: 23-25).

There have also been other coordinated efforts to stem the flow of irregular migrants across the Mediterranean. Frontex, an agency created to “coordinate the efforts of [the EU’s] member states to enforce the EU’s external borders”, became operational in 2005. Although the operation of Frontex in the Mediterranean area has had a significant effect on the migration flows to Spain, which decreased 74% in the period 2006 to 2008, the boat arrivals to Italy increased by 64% during the same period (HRW 2009: 36). This could be seen as a sign that migration flows and routes adjust in response to increased security measures (Adepoju et al. 2010: 45).

With this in mind, externalization could be seen as a reasonable solution to the migration problem. The number of irregular migrants arriving at Italy’s shores decreased significantly, and from a traditional state perspective this is what is important, regardless of the consequences for the migrants or the reactions from the international community. In this sense externalization can be seen as not only a legitimate, but also an effective tool that can be used to reduce migration.

#### 4.1.2 Power Play

However, let us remember that the role of the state is not only to protect itself from external threats in the short run, but also to protect itself from threats and other states and attempt to maximize its power in the long run. This assumption does not only apply to the migrant receiving state, but also to the migrant-sending state. In an egoistic state-ruled world, migration could be considered a political tool, used and manipulated by sending countries to target receiving countries in the game of power. While this perception of migration may sound somewhat extreme, it is not entirely irrelevant.

One example is illustrated by an article in the New York Times, which discusses boat arrivals in Italy in the wake of the Arab spring and NATO's military interventions in Libya. Italy's foreign minister Franco Frattini is quoted saying, "This is not an immigration to us just out of desperation, which is a constant for these people who are refugees and deserve refugee status in 95 percent of cases, but a criminal tool used by the Qaddafi regime." The article goes on to present evidence that supports this view, including reports that armed men forced migrants onto boats and allegations that a senior officer in the Libyan navy was helping organize boatloads of immigrants to Italy from a military port in Libya (Donadio, 2011). Italian authorities interpreted these developments as a form of "retaliation toward Europe and Italy" after the NATO intervention (Donadio, 2011). During this time the Italy-Libya Friendship Pact had been suspended.

This specific case shows that the possibility of using immigration as a political tool and even a "weapon" against other countries is not purely a theoretical construction, but a phenomenon that has manifested itself in reality. It could be argued that the sudden influx of migrants to Italy was not just a reflection of the political turmoil in Libya at the time, but also a reflection of how dependent Italy was on Libyan authorities when it came to preventing migration. From this point of view the externalization agreement with Libya could be said to have weakened Italy's capacity to enforce its own borders, which calls the legitimacy of externalization from a traditional state perspective into question.

Is it reasonable for a state to partake in an agreement that could have a negative impact on its power vis-à-vis other states? According to the traditional perspective of states and security, it is not. The loss of power is a risk, just as irregular migration is a risk. The positive consequences of externalization must be weighed against this potential loss of power. Given that researchers have determined that boat arrivals only represent a small fraction of the irregular migration to Italy, exposing the Italian state to the pressures of a foreign government seems like an excessive risk to take in order to tackle what appears to be a relatively small problem. However, if the number of migrants arriving in Italy by boat is really only a small problem, the pressure that the Libyan government can exert should be limited at best (unless they are capable of actively increasing the migration flows, as insinuated by the article described above). While this could be a reasonable risk to take in the short-run if faced with a sudden influx of irregular migrants, it does not seem sustainable in the long run.

#### 4.1.3 Cooperation or Dependence?

There is another aspect of the power dynamic between migrant sending and migrant receiving countries. Externalizing border control via bilateral agreements means that both parties must be willing to cooperate in order for the implementation of the treaty to be successful, creating a situation where the migrant receiving country is at least partially dependent on the migrant sending country (Paoletti 2010: 180). In her analysis, Paoletti determines that Italy's lack of diplomatic leverage versus Libya is part of the reason that the Italy-Libya

Friendship Pact was not as successful as the Italian authorities had hoped (Paoletti 2010: 181). The refusal to cooperate is a recurring issue in bilateral migration agreements, and it is not limited to cooperating when it comes to controlling borders, but also in other forms of migration control, like, for instance, repatriation agreements (Ellerman 2008: 171).

In this sense migrant receiving countries are at a slight disadvantage – for them the arrival of irregular migrants is obviously a problem, but for the transit or sending country, the departure of migrants may not be. Cooperating in order to control irregular migration is not always in the interest of sending countries; in many ways emigration can be seen as beneficial. Countries of emigration are often under internal pressures in the form of poverty, overpopulation and crowded labour markets, conditions that are alleviated by emigration. There is also an economic cost of limiting migration in the form of remittances. In the developing world, migrant remittances constitute the second largest capital flow after foreign direct investment (Ellerman 2008: 171).

For migrant receiving countries like Italy and Spain, this could translate to a loss of political power as they are forced to adapt and change their political agendas where they clash with the migrant sending countries' interests to ensure the cooperation of these states. Paoletti argues that because of the Friendship Pact, Italy has become dependent on Libya to control migration, and that “[t]he double agenda and unpredictable rhetoric of the Libyan regime seriously hampers the Italian ability to contain unauthorized people movements” (Paoletti 2010: 180). This puts the migrant sending countries in a position of relative power, from which they can make demands in the form of, for instance, foreign aid and trade agreements. For example, Spain has offered Gambia and Guinea each €5 million in direct development aid in exchange for signing migration agreements involving labour migration, migration control and repatriation. Senegal has been offered a larger sum of €10 million (Adepoju et al. 2010: 62). The economics behind the Italy-Libya Friendship pact are more drastic – the agreement involved 5 billion dollars in Italian infrastructure investments in Libya over a period of 25 years. It could be argued that these sums reflect this conflict, and the disparity between what is in the interests of the migrant receiving countries and the migrant sending countries.

#### 4.1.4 Results

In summary, while the externalization of restrictive migration policy may be a legitimate and effective solution to the migration problem in the short run, it does not come without expense in terms of money and power. In the long run the legitimacy of externalizing restrictive migration agreements is questionable, and I believe that states should seek to externalize preventive measures rather than restrictive measures. Externalizing restrictive migration policy measures in the Mediterranean area often target migrants attempting to enter Europe by sea by allowing states to physically prevent them from reaching the desired destination (Boswell 2003: 622-623). Given that that boat arrivals are believed to account for

only a small fraction of the irregular migration into European countries, externalizing preventive measures with the aim of reducing the incentives and the *desire* to migrate rather than restrictive measures with the aim of reducing the *physical act* of migrating may prove to be more effective in the long run, since it would not only apply to boat migrants.

One must also ask if immigration always a theoretical "threat" to the nation state. Adamson argues that, at least in theory, some of the national security threats associated with migration from a state point of view may actually turn out to have positive consequences for the state. "Global migration flows may challenge some classical notions of national identity. Yet the overall effect this has on the core national security interests of states is debateable, and may in fact be more positive than negative... changes to national identity are ultimately security enhancing rather than detracting, as they help states to adjust to the demands of globalization and decrease the dangers posed by virulent and exclusionary forms of nationalism" (Adamson 2006:184). Adamson goes on to argue that a central component of a state's power is its population, and that in this sense, migration can contribute to a state's power rather than detract from it, given that the state can "harness" the power of migration (Adamson 2006:185). Building the capacity to handle increasing migration may prove more effective and secure for a state than (unsuccessful) attempts to prevent migration altogether.

## 4.2 The Humanitarian Approach

From a humanitarian perspective, the individual is more important than the state – after all, it is the individual whose life is at risk, not the state's. The notion of individual security is closely connected to the principle that all human beings have basic rights that should not be violated, for instance the right to "life, liberty and security of person" (UDHR: Art. 3). Theoretically, extending and maintaining individual security for everybody in the broadest sense would mean granting entry to every individual who felt insecure. In this sense, the moral issue at hand is not just the externalization of restrictive migration policies, but the restrictive policies themselves – regardless of whether they are externalized or not. However, I feel that engaging in a normative discussion of restrictive migration policies represents a different discussion within the migration debate, and would dilute this analysis. In order to keep the analysis focused and maintain external and internal validity, the focus of the analysis will instead be on the connection between externalization and individual insecurity. Analysing the practical consequences of externalization rather than the theoretical concept will allow a better connection between the subject and the empirical reality. Contrary to the egoistic, state-centred approach to the externalization of migration policy, the individual, humanitarian approach to the moral dilemma when it comes to externalizing migration policy is not the *principle* of externalization, but rather the *consequences* of externalization and their impact on individual security.

### 4.2.1 A Muddled Legal Framework

Individual security is widely regarded as guaranteeing basic human rights to all individuals. Keeping in line with the normative framework of utilitarianism, providing individual security can be construed as ensuring that the legal framework in place to protect the rights of human beings in general and migrants in particular is followed. Complying with these regulations could be considered a way to safeguard the security of as many individuals as possible.

However, establishing a legal framework for the rights of migrants has proven to be complicated. While there have been developments on an international and on a EU-level, the legal picture is still muddled (Boswell, Geddes 2011: 16-17). The transnational nature of migration coupled with the unclear standing of international law when compared to national laws further complicates the matter – which laws are to be followed when a migrant is intercepted at sea? The laws of the receiving country, the sending country, or the framework established in the agreement? And who is responsible for the migrants after they have been rescued or intercepted?

These uncertainties have at times led to tragic consequences. One such incident occurred in May 2007. A boat halfway between Libya and Malta containing 53 Eritreans began to sink. The passengers repeatedly called for rescue, even using a satellite phone to call to Italy, Malta and London. Although the sinking boat was sighted and photographed by a Maltese helicopter, it took nine hours for a naval vessel to arrive. By this time the boat had sunk and all 53 passengers had drowned (HRW 2009: 43). There are many accounts of similar situations where disputes about which country is to take responsibility for the migrants has led to the delayed rescue and even death of migrants at sea (HRW 2009: 42-44).

Tomas Gammeltoft Hansen argues that countries can and do use externalization as a means to take advantage of these legal uncertainties by engaging in a practice he refers to as “jurisdiction shopping”. Gammeltoft-Hansen goes on to argue that by shifting the territorial aspects of migration control out of national territory and into another state’s territory, the legal framework and responsibilities are shifted as well. This means that when migration policies are externalized, the responsibility of the acting state is reduced, since the “primary responsibility for assessing protection needs and asylum claims” is essentially delegated to another country (Gammeltoft-Hansen 2010: 5). He argues that this applies not only to the Italy-Libya Friendship Pact, but to migration agreements all around the world, including Spanish agreements with Senegal and Mauritania (Gammeltoft-Hansen 2010: 5-6).

### 4.2.2 Informal Rights

One of the key aspects of maintaining individual security from a utilitarian perspective includes safeguarding the rights of migrants and refugees. Refugees

are by definition<sup>1</sup> not protected by their own governments, the protection of their rights is dependent on the international community and other states (UNHCR 2010: 2).

One of the problems with externalization is that the implemented migration agreements often fall outside of the international frameworks established for this purpose: "An important problem in guaranteeing human rights – and providing for better protection – is the lack of transparency and increased "informality" surrounding migration agreements. Currently many EU member states have shown a preference for informal and flexible agreements, especially with African states" (Adepoju et al. 2010: 46). Furthermore, externalization restricts these basic rights in several ways.

According to article 14 in the Universal Declaration of Human Rights, "Everyone has the right to seek asylum in another country, if they are being persecuted in their own country" (UDHR). Interpreting this from a utilitarian perspective, this article should be enforced so that as many people as possible have the chance to seek asylum. This is arguably one of the most important criticisms against the Italy-Libya Friendship Pact and other externalization agreements that involve the interdiction and direct return of migrants apprehended at sea. Migrants who are intercepted and returned to Libya, or other countries with no functioning asylum system and no granted legal status for refugees, are denied the opportunity to apply for asylum, and are thus denied this fundamental right (UNHCR 2010: 7-8). Examples of agreements that involve the interception and direct return of migrants to transit countries are not limited to Italy and Libya; similar agreements have previously been drafted between Italy and Albania as well as agreements drafted between Spain and Senegal and Mauritania, respectively (Gammeltoft-Hansen 2010: 6).

This is of course highly problematic with regard to individual security, as it risks putting migrants in need of protection in danger. For example, in spite of statements by Italy's former president Silvio Berlusconi that "There's hardly anyone on these boats who has the right to asylum", statistics show that fifty percent of those who apply for asylum in Italy are granted some form of protection. The Trapani district of Sicily, which includes Lampedusa, an entry point for most boat arrivals from Libya, had an asylum approval rate of 78 percent in the period between January and August 2008 (HRW 2009: 11). This concern was confirmed in a statement by the UNCHR. The UNHCR is cited as expressing serious concerns that Italy's policy, "in the absence of adequate safeguards, can prevent access to asylum and undermines the principle of non-refoulement" (HRW 2009: 12).

It can also be argued that deporting or detaining migrants in countries where they may be in danger also violates international law, which includes the principle of non-refoulement. The principle of non-refoulement, described by the UNHCR

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<sup>1</sup>In the 1951 Convention a refugee is defined as "a person who is his or her country of nationality or habitual residence; has a well-founded

as “a cardinal protection principle”, is stated in the 1951 Convention (among other international documents). According to this principle, states are forbidden to expel or reject migrants to countries where their life or freedom may be threatened, or where they risk being extradited to another country where they would not be protected from persecution (UNHCR 2010: 2, 8). It is worth noting that according to article 33 in the 1951 convention, this applies to “all refugees, including those who have not been formally recognized as such, and to asylum-seekers whose status has not yet been determined” (UNHCR 2010: 8).

This has been a recurring issue in the case of the Italy-Libya Friendship pact, where Italy (both countries) have been consistently criticized by the international community for putting the lives of migrants at risk by deporting them to either Libya or their countries of origin, regardless of whether their lives could be in danger there or not (UNHCR 2010: 8). One particular example of this is the case of a large number of Eritreans who arrived in Italy. Upon their arrival in Eritrea they were subsequently imprisoned and tortured (Adepoju et al. 2010: 46). There are similar allegations made regarding migrants who have intercepted and placed in detention in Libya. These allegations include reports of inhumane living conditions, social and economic isolation due to xenophobia, as well as abuse and extortion of migrants by police and military officials (HRW 2009: 58-90). From an individual, humanitarian security perspective abuses like this are clearly an issue. The fact that externalization agreements aid in making this possible, in a sense institutionalizing not only externalization but also its consequences, makes it unacceptable when viewed in terms of individual security.

#### 4.2.3 Externalization – Saving Lives?

However, some would argue that there are also positive aspects of the externalization of border control from a humanitarian perspective in the form of human lives saved as a result of increased security in the region. Frontex vice-director is quoted as saying, “Based on our statistics, we are able to say that the agreements [between Italy and Libya] have had a positive impact. On the humanitarian level, fewer lives have been put at risk, due to fewer departures. But our agency does not have the ability to confirm if the right to request asylum as well as other human rights are being respected in Libya” (HRW 2009: 37). The externalization of restrictive migration measures could be said to have some positive consequences, at least in terms of establishing clearer areas of responsibility when it comes to picking up migrants in severe distress – by extension saving human lives.

However, it is worth pointing out that this is more likely to be symptomatic of the lack of an efficient legal framework when it comes to handling irregular migration in the Mediterranean than it is proof that externalization of migration policy is successfully increases individual security. Some scholars also argue that the increased security in the Mediterranean region has resulted in migrants and smugglers using much longer, more dangerous routes when making their passage

across the Mediterranean, resulting in an increased rather than decreased risk for migrants (Lutterbeck 2006: 76). Furthermore, as the quote of the Frontex official confirms, although it can be argued that more lives are being saved, it does not mean that the rights of migrants are enforced or respected.

#### 4.2.4 Results

Does this mean that the externalization of border control is always wrong? If international norms and laws regarding human rights and the rights of migrants are respected and enforced in migration agreements, the externalization of border control could be seen as, if not something positive, at least as something that is morally defensible. If the alternative to an external restrictive agreement that complies with international laws is a national migration policy that is not subject to the same scrutiny, the external agreement could be considered the lesser of two evils. However, this reasoning is theoretical. In practice many external agreements remain informal, with seemingly little regard for human rights or how they will be enforced. This makes externalizing migration policies problematic in practice, and until the basic rights of migrants can be guaranteed and enforced under these agreements, it must be wrong to externalize migration policies.

## 5 Conclusion

In this essay, I have examined whether the externalization of migration policies can be justified. The analysis has been centred around the value security, and based on two different moral and theoretical approaches to the concept.

The externalization of migration policy is an important and complicated issue, both empirically and normatively speaking. Although externalization can seem like a legitimate practice from a traditional perspective at first glance, I believe that in reality the issue is far more complicated. In my analysis I conclude that while it can be a legitimate means to control migration in the short run from an egoistic, state-centred perspective, in the long run it could turn out to be more problematic than beneficial. Even in from a short-run perspective, the efficacy of externalizing restrictive migration policy can be contested. Therefore I would argue that externalizing migration policy is not a desirable policy development from a state perspective, but rather a last resort.

From an individual security perspective, externalizing restrictive migration policy in practice means restricting the fundamental human rights of migrants, as well as their ability to seek asylum, making it morally unacceptable. One of the main problems with externalization in this respect is that the agreements are often informal in nature, making it difficult to determine whether the rights of migrants are respected or not.

Finally, I would like to emphasize that although the normative perspectives are presented in separate sections of the analysis it does not mean that they are not connected. While states still retain an important role when it comes to politics and the international arena, they are not immune from the outside world. Externalizing border control in a way that is condemned internationally and labelled “illegal” could instead be harmful to the state in terms of loss of legitimacy in the international arena. As previously mentioned in the analysis, developing the administrative framework and handling migration could in the long run lead to a greater enhancements of state-security than seeking to (unsuccessfully) prevent migration altogether.

I believe that the normative and empirical aspects and consequences of the externalization of migration policy should continue to be scrutinized, as it can have fundamental consequences for how migration is handled and how migrants are treated. States and individuals are not two disconnected elements of the same issue – they are connected. The question we must continue to ask ourselves is, “what are states’ moral obligations towards migrants?”

## 6 References

- Adepoju, Aderanti; Van Noorloos, Femke; and Zoomers, Annelies (2010), Europe's Migration Agreements with Migrant-Sending Countries in the Global South: A Critical Review. *International Migration*, 48: 42–75.
- Adamsson, Fiona B., 2006. Crossing Borders: International Migration and National Security. *International Security*, Vol. 31, No. 1 (Summer 2006) pp. 165-199 [online] Available: <<http://www.jstor.org/stable/4137542>> [Accessed 08/05/2012]
- Badersten, Björn, 2006. Normativ metod: att studera det önskvärda. Lund: Studentlitteratur
- Beckman, Ludvig 2006. Idekritik och statsvetenskapens nytta, *Statsvetenskaplig Tidskrift* 106 (4) pp. 331-342
- Baylis, John, 2011. International and Global Security in the Post-Cold War Era. In: John
- Baylis, Steve Smith and Patricia Owens, eds. 2008. *The Globalization of World Politics: An Introduction to International Relations*. Oxford, England: Oxford University Press, pp. 232-245
- Boswell, Christina – Geddes, Andrew, 2011. Migration and Mobility in the European Union. New York, NY: Palgrave Macmillan.
- Boswell, Christina 2003. The 'External Dimension' of EU Immigration and Asylum Policy. *International Affairs* Vol. 79, pp. 619-638
- Buzan, Barry, 1983. People, States and Fear: The National Security Problem in International Relations. Great Britain, GB: Wheatsheaf Books Ltd.
- Djordjevic-Lukic, Svetlana, 2004. Broadening Security Concept from "National" to "Human Security". *Medjunarodni problemi*, 2004, Volume 56, Issue 4, pp. 397 – 408
- Donadio, Rachel, 2011. Libyan Immigrants Becoming Italian Immigrants. *The New York Times* 13/05/2011 [online] available: <[http://www.nytimes.com/2011/05/14/world/europe/14refugees.html?\\_r=2&pagewanted=all](http://www.nytimes.com/2011/05/14/world/europe/14refugees.html?_r=2&pagewanted=all)> Accessed 09/04/2012
- Ellerman, Antje, 2008. The Limits of Unilateral Migration Control: Deportation and Inter-State Cooperation. *Government and Opposition*, Vol. 43, No. 2, pp. 168–189.
- Frenzen, Neils W., 2011. Fortress Europe Calculates 1,931 Deaths in the Mediterranean During First 7 Months of 2011. *Migrants at Sea*, [blog] 15/08/2011. Available at: <<http://migrantsatsea.wordpress.com/2011/08/15/fortress-europe-calculates-1931-deaths-in-the-mediterranean-during-first-7-months-of-2011/>> [accessed 17/05/2012]
- Gammeltoft-Hansen, Thomas, 2010. The Externalization of European Migration Control and the Reach of International Refugee Law. *European Journal of Migration and Law* [online] Available at

- <<http://www.diis.dk/graphics/Events/2011/Thomas%20Gammeltoft%20Paper%20asylseminar.pdf>> [Accessed 15 March 2012]
- Human Rights Watch (HRW), September 2009. *Pushed Back, Pushed Around: Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers.*
- Hollis, Martin, 1994. *The Philosophy of the Social Science.* Cambridge University Press
- Katzenstein, Peter J. 1996. Introduction: Alternative Perspectives of National Security. In: Katzenstein, Peter J., ed. 1996. *The Culture of National Security: Norms and Identity in World Politics.* New York (NY): Columbia University Press, pp. 1-32.
- Kneebone, Susan, McDowell, C. and Morrel, G. 2006. A Mediterranean Solution? Chances of Success. *International Journal of Refugee Law* [e-journal] 18 (3-4) pp. 492-508 Available through: LU Summon [Accessed on 02/04/2012]
- Libya, Italy Reactivate Friendship Treaty, 2011. *The Tripoli Post* [online] 16 December 2011. [Online] Available at <<http://www.tripolipost.com/articledetail.asp?c=1&i=7503>> [Accessed 14 March 2012]
- Lutterbeck, Derek, 2006. Policing Migration in the Mediterranean. *Mediterranean Politics* Vol. 11, No. 1, pp. 59-82
- Paoletti, Emanuela, 2010. *The Migration of Power and North-South Inequalities: The case of Italy and Libya.* Great Britain, GB: Palgrave Macmillan.
- Parliamentary Assembly, Recommendation 1737: New Trends and Challenges for Euro-Mediterranean Policies 2006, European Council (EC) May 17 2006. [online] available: <<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta06/erec1737.htm>> [Accessed 15/05/2012]
- Sarrar, Salah. 2008. Gaddafi and Berlusconi Sign Accord Worth Billions, *Reuters* [online] 30 August 2008. Available at <<http://uk.reuters.com/article/2008/08/30/uk-libya-italy-idUKLU1618820080830>> [Accessed 14 March 2012]
- Schuett, Robert 2011. Peace Through Transformation? Political Realism and the Progressivism of National Security *International Relations* No. 25, pp. 185-203
- Squires, Nick, 2011. Libya: Italy Repudiates Treaty Paving Way for Future Military Action, *The Telegraph* [online] 28 February 2011. Available at <<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8352658/Libya-Italy-repudiates-friendship-treaty-paving-way-for-future-military-action.html>> [Accessed 15 March 2012]
- Teorell, Jan – Svensson, Torsten, 2007. *Att fråga och att svara. Samhällsvetenskaplig metod.* Malmö: Liber.
- Tännsjö, Torbjörn, 2000. *Grundbok i normativ etik.* Stockholm: Thales.
- Van Munster, Rens, 2009. *Securitizing Immigration: The Politics of Risk in the EU.* England: Palgrave Macmillan
- UNDP, 1994. *Human Development Report.* New York (NY): Oxford University Press [Online] Available at <[http://hdr.undp.org/en/media/hdr\\_1994\\_en\\_contents.pdf](http://hdr.undp.org/en/media/hdr_1994_en_contents.pdf)>
- UN High Commissioner for Refugees (UNHCR), *Submission by the Office of the United Nations High Commissioner for Refugees in the case of Hirsi and Others v. Italy* , March 2010, available at:

<http://www.unhcr.org/refworld/docid/4b97778d2.html> [accessed 16 March 2012]

United Nations Human Rights, Office of the High Commissioner of Human Rights (OHCHR). “Migration and Human Rights” [online] available <<http://ohchr.org/EN/Issues/Migration/Pages/MigrationAndHumanRightsIndex.aspx>> [accessed 10/05/2012]

*Universal Declaration of Human Rights (UDHR)*, United Nations. [online] available: <<http://www.un.org/en/documents/udhr/>> [accessed 10/05/2012]