Is Libya doing the EU’s job?
Externalisation of border control and migration management

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ABSTRACT


The irregular migration over the Mediterranean Sea has become a priority on the political agenda in recent years. This paper examines whether the attempts of managing the irregular migration have constituted a process of externalisation of border control and/or migration management in the context of Italy and Libya. Specifically, a Memorandum of Understanding signed by the countries in February 2017 has been studied to determine if it can be understood as an example of externalisation. The Memorandum has been assessed using three criteria for externalisation, as identified by Paoletti (2011), as well as a model for categorising measures into ‘fencing’ or ‘gatekeeping’ strategies, presented by Triandafyllidou and Dimitriadi (2013). Additionally, a critical geopolitical perspective has been applied, aiming at identifying the Memorandum’s geopolitical implications. An examination of studies on previous agreements demonstrates that a process of externalisation has been occurring, and the analysis of the Memorandum indicates that the agreement can be understood as a part of this process. Furthermore, a number of geopolitical implications have been identified in the Memorandum, regarding power, sovereignty, borders and securitisation. Since there is no universal definition of what measures are considered to constitute externalisation, any assessments made are arguably subjective.

Keywords: border control, critical geopolitics, externalisation, migration management, Libya.

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1. INTRODUCTION

2017 came to be the deadliest year for refugees and migrants crossing the Mediterranean, attempting to reach Europe, with over 3000 people having died or gone missing over the year (UNHCR, 2017a; 2017b; Missing Migrants Project, 2017). While the number of migrants making the journey over the Mediterranean was much lower than in 2015, when over a million migrants arrived in Europe, the mortality rate has tripled since then (Samuelson, 2017; UNHCR, 2017a). The migration route between Libya and Italy has not only been the primary means for migrants to reach Europe, it is also the most hazardous route over the Mediterranean (Samuelson, 2017).

In the midst of what has come to be referred to as a migrant or refugee crisis in Europe, the European Union (EU) member states reached an agreement with Turkey in March 2016, with the aim to decrease the number of migrants and asylum seekers making the journey over the Aegean Sea from Turkey to Greece. The agreement includes the stipulation that all new irregular migrants arriving on the Greek islands from Turkey after the 20th of March 2016, will be sent back to Turkey. Then, for every Syrian refugee being sent back to Turkey, the EU will receive one from the formal refugee system in Turkey to be resettled in the EU (Council of the European Union, 2016). The agreement, which has nine action points, also addresses the lifting of visa requirements for Turkish citizens travelling to the EU (ibid.).

Since the agreement was reached, the flow of irregular migrants from Turkey to Greece has decreased considerably, resulting in the Central Mediterranean route once again becoming the main entry point for thousands of migrants (Frontex, 2017a). According to Triandafyllidou (2017) this could imply political and economic tensions on the African continent. In order to curb the irregular migration, European leaders have been struggling with the issue of how to stop the Libyan militias from dispatching countless boats across the Mediterranean (Walsh and Horowitz, 2017).

On 2 February 2017, Italy and Libya signed a Memorandum of Understanding addressing the irregular migration from Libya to Italy, among other issues, with the aim of closing the Central Mediterranean migratory route (Palm, 2017; Toaldo, 2017). The agreement has been compared to the EU-Turkey deal made in 2016, and the EU welcomed and offered its support to the implementation of the Memorandum in its Malta declaration on 3 February 2017 (Council of the European Union, 2017). Following the Memorandum of Understanding, the EU and Italy began training and equipping the Libyan coast guard, in order to stop boats with migrants and taking them back to Libya before they reached international waters (Reidy, 2017). Subsequently, the number of migrants reaching Italy has decreased dramatically. During the period from mid-July to early September 2017, the number of migrants arriving on the Italian shores decreased by 87% compared to the same period in 2016, and in August alone there was an 85% decrease (ibid.; Walsh and Horowitz, 2017).

1.1 Purpose and research questions
The purpose of this paper is to examine how the process of externalisation of EU border control and migration management works, by using a critical geopolitical perspective to analyse and assess the 2017 Memorandum of Understanding between Italy and Libya. The study has been guided by the following research questions:

- To what extent can it be argued that there has been an externalisation of EU border control and/or migration management to Libya?
- Can the Memorandum of Understanding be understood as an example of externalisation of responsibility? If so, how?
- What are the geopolitical implications of the Memorandum of Understanding?

There have been several studies of previous agreements on, among other things, migration between Italy and Libya, relating them to the externalisation of border control, migration management and/or asylum procedures (see for example Andrijasevic, 2009; Paoletti, 2011; Triandafyllidou and Dimitriadi, 2013). These studies, paired with an analysis of the 2017 Memorandum of Understanding will be used to assess whether there has been a process of externalisation from Italy to Libya. The Memorandum of Understanding is relatively new and has not been the subject of many studies thus far. De Guttry, Capone and Sommario (2017) have been among the first to analyse the Memorandum of Understanding, and they do so from a legal perspective. Inspired by the studies on previous agreements, as well as the legal analysis on the Memorandum, this paper aims to assess whether the Memorandum of Understanding could be understood as a case of externalisation, as well as identifying and critically analysing the explicit or implicit geopolitical assumptions included in the agreement.

1.2 Methodology

When the EU reached a deal with Turkey on the management of migrants crossing the border into the EU, significantly decreasing the flow on the Eastern Mediterranean route over the sea, the initial outset of this paper was to explore which other routes were used instead. This thought was the start of a research process which led to Libya and the Central Mediterranean migration route to Italy. A range of scholarly as well as journalistic material was then consulted to provide a context for the cooperation between Italy and Libya regarding migration, and for the Memorandum of Understanding signed in February 2017.

As part of the paper, an examination of studies on previous agreements between Italy and Libya has been conducted, resulting in a short literature overview. The term ‘externalisation’ was frequently recurring, and it came to be a central focus of this study. During the research, two articles were found to have more tangible definitions and/or criteria for how to assess if externalisation is present in a specific case. Triandafyllidou and Dimitriadi (2013) have identified two types of externalisation, namely gatekeeping and fencing, which have different aims and strategies. Paoletti has identified three aspects that underpin the debate on
externalisation: 1) the shifting of the place where controls of unwanted migrants occur; 2) the collaborative agreements are based on cross-border networks of security experts, police and military officials addressing assumed transnational security threats; and 3) the control practices are operating outside the reach of the rule of law (Paoletti, 2011: 274). In assessing whether the 2017 Memorandum of Understanding can be understood as a case of externalisation of border control and/or migration management, the combination of the definitions provided by Triandafyllidou and Dimitriadi, and the criteria identified by Paoletti have proved helpful. A more thorough explanation of these and of the concept of externalisation, will be given in chapter 4.

In their article, de Guttry, Capone and Sommario (2017) present a legal analysis of recent agreements between Italy and Libya, focusing on the 2017 Memorandum of Understanding, and they call for analyses from other disciplines. With this in mind, another focus of my study has been to explore any implicit or explicit geopolitical assumptions inherent in the Memorandum of Understanding text. In order to do this, a critical geopolitical perspective has been applied, and the concepts of power and power relations, sovereignty and borders, as well as securitisation, have been the focus of the analysis.

1.3 Limitations

While the initial plan was to conduct a discourse analysis of the Memorandum of Understanding, a language barrier caused a change of plan. Since the signatories of the document are Italy and Libya, in its original the Memorandum of Understanding was written in Italian and Arabic. In this sense, the chosen method of analysis was limited by the fact that I speak neither of the languages. Instead, an English version has been used to conduct the analysis, however, there is no official English translation of the document to be found. An unofficial translation was made by Sandra Uselli and it was originally published by ASGI, the Italian Association for Juridical Studies on Immigration. This translation was later revised and published by the Odysseys Academic Network for Legal Studies on Immigration and Asylum in Europe, based at the Université libre de Bruxelles, and it is this revised translation that has been used for analysis in this paper. Since the translation has not been verified, it is problematic to conduct a discourse analysis of the document, since the method focuses on the meaning of the language and the words used in a text. However, it is considered possible to analyse the document using methods less sensitive to the specific words used, such as the thematic one chosen for this paper. The analysis has been focused on the initiatives suggested and the meanings implicated in the text, without being fixated on the words used, aware of the possibility of certain aspects being lost in translation.

Additionally, it should be noted that this paper does not intend to inform on the legal aspects of the Memorandum of Understanding, partly because de Guttry, Capone and

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1 The original text is available for download at http://itra.esteri.it/wvwPdf/wfrmRenderPdf.aspx?ID=50975
3 The translation used as a basis for the analysis in this paper is found at http://eumigrationlawblog.eu/wp-content/uploads/2017/10/MEMORANDUM_translation_finalversion.doc.pdf
Sommario (2017) have already conducted this type of analysis, but mainly because it is outside of the author’s expertise and the scope of the paper.

1.4 Definitions
In this section a few recurring migration terms and concepts used in the paper will be explained, using definitions provided by the International Organization for Migration (IOM, 2011).

**Asylum:** A form of protection given by a state on its territory based on the principle of *non-refoulement* and internationally or nationally recognized refugee rights. It is granted to a person who is unable to seek protection in his or her country of nationality and/or residence in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

**Irregular migration:** Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries, it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country.

**Migrant:** Any person who is moving or has moved across an international border or within a state away from his/her habitual place of residence, regardless of the person’s legal status; whether the movement is voluntary or involuntary; what the causes for the movement are; or what the length of the stay is.

**Mixed migratory flows:** Complex migratory population movements that include refugees, asylum-seekers, economic migrants and other migrants, as opposed to migratory population movements that consist entirely of one category of migrants.

**Refugee:** According the 1951 Convention relating to the Status of Refugees, a refugee is a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of particular social groups or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. However, more inclusive definitions of the concept exist as well.

It should be noted that in this paper the terms ‘migrants’ and ‘irregular migrants’ will be used interchangeably, and terms such as ‘illegal’ or ‘clandestine’ migrants will only be used when referring to or quoting cases when these terms have been used.

2. LIBYA AND MIGRATION

Colonel Muammar Gaddafi took power of Libya in 1969, and came to rule the country until 2011, when major political protests and turmoil led to the downfall of his regime, as part of what came to be known as the Arab spring (Mazella, 2014; BBC News, 2017a). The ousting
of the Gaddafi regime resulted in a power vacuum where no authority could claim control of the entire country. Parliamentary elections were held in 2014, but due to violence the turnout was low, and when the parliament in Tripoli was stormed the country was left without a central government and in turmoil (Al Jazeera, 2017). The political disturbances during this period directly affected the movements of migrants, both within the region as well as to Europe (Mazella, 2014).

2.1 The two governments of Libya
After the ousting of the Gaddafi regime, several actors have been competing for power and control over Libya. Today, there are few national actors in the country, and since the summer of 2014, the political power has essentially been split between two governments, one in Tripoli and another in Tobruk.

The Presidency Council is based in Tripoli and was formed as a part of the Libyan Political Agreement, negotiated by the United Nations in December 2015 in an attempt to form a ‘unity’ government (ECFR, 2017; BBC News, 2017a). According to the agreement, the Presidency Council chairs the Government of National Accord (GNA) and is supposed to be endorsed by the House of Representatives in Tobruk (ibid.). Prime Minister Fayez al-Sarraj leads the Presidency Council and the GNA, which is the country’s internationally recognised authority (Deutsche Welle, 2017).

Until the Presidency Council was created and made acting head of state and supreme commander of the armed forces, the international community had recognised the government in Tobruk as the legitimate government of Libya (ECFR, 2017). The Libyan Political Agreement is supposed to be endorsed by Libyan authorities based in the cities of Tobruk and Bayda, including the House of Representatives which will then become the country’s legislative authority (ECFR, 2017). However, the House has endorsed an alternative government, based in Bayda instead, and aligned itself with Khalifa Haftar, the leader of the Libyan National Army (ibid.). The Libyan National Army controls a significant part of Libyan territory, which is visualised in figure 1, below.

![Figure 1: Map of Libya showing areas controlled by the GNA and Libyan National Army, respectively. Source: Deutsche Welle (2017).](image-url)
During the political power vacuum after the ousting of the Gaddafi regime, several other groups and militias have been active in the country as well, including the so called Islamic State (ECFR, 2017; Al Jazeera, 2017).

2.2 Migration and the Central Mediterranean route
Geographically, Libya has been an important spot for migration across the Mediterranean Sea to Europe, with Malta and the Italian island of Lampedusa located some 300 kilometres to the north (Andrijasevic, 2009). For many years, Sub-Saharan migrants have provided cheap labour for the countries in North Africa, something that Libya has taken advantage of (Mazzella, 2014). Labour migration was encouraged and a policy of open doors and visa waivers for most neighbouring African countries was implemented in the 1990s (Andrijasevic, 2009; Mazzella, 2014; Toaldo, 2015). Since the Gaddafi regime was overthrown in 2011, a vast number of migrants have used Libya as a transit country before crossing the Mediterranean on their way to Europe. The Central Mediterranean has become the primary route used by African migrants to the EU (see figure 2, below), and approximately 89% of these migrants have arrived in Italy after departing from Libya (Frontex, 2017b).

![Figure 2: Central Mediterranean migration routes. Source: BBC News (2017b).](source)

For more than a decade the island of Lampedusa has been associated with the death of migrants and irregular migration. On 3 October 2013, 366 people died when their boat sunk off the coast of the island, making it, at the time, the worst maritime disaster in the Mediterranean since the Second World War (Dines, Montagna and Ruggiero, 2015). This disaster briefly made Lampedusa the centre of global media attention as well as European political debate. However, the Central Mediterranean route has remained under intense migratory pressure, with 119,247 arrivals by sea in Italy in 2017 (Frontex, 2017c; UNHCR,
The migration over the Mediterranean has remained high on the international agenda and several initiatives have been undertaken by the international community to tackle the crisis. However, it has been argued that the response has been insufficient, and that new ideas and practices are needed to deal with the situation (de Gutyry, Capone and Sommario, 2017).

The total population of migrants in Libya is estimated between 700,000 and 1 million people (IOM, 2016). While Libya has ratified several conventions on international humanitarian law and human rights, the country has not signed the 1951 Convention relating to the Status of Refugees, commonly referred to as the Geneva Convention or the Refugee Convention (de Gutyry, Capone and Sommario, 2017; Ronzitti, 2009). Libya has no domestic law or system for the registration of asylum seekers and consideration of their claims, or for the recognition of refugees (Tucci, 2012; Nakache and Losier, 2017). Consequently, the situation for migrants in the country is very insecure, and they risk being abused, detained, harassed, as well as suffer other human rights violations (IOM, 2016; OHCHR and UNSMIL, 2016). These conditions have made migrants who initially intended to stay in Libya and work, decide to make the journey across the Mediterranean, believing it to be a safer option than remaining in Libya (IOM, 2017). According to a report from OHCHR and UNSMIL (2016), many migrants have described their stay in Libya as ‘hell’.

Several news reports were published in 2017, describing migrants being sold as slaves in Libya, which has been confirmed by IOM personnel (Graham-Harrison, 2017). In November 2017, CNN published a report which included footage detailing how African migrants were sold as slaves at auctions (Elbagir et al, 2017). In the report it is argued that a crackdown by the Libyan coastguard has resulted in fewer boats succeeding to get out to sea, which has led to the accumulation of migrants on the shores. It is argued that this has made the smugglers controlling the boats, start to sell the migrants to the highest bidder (Elbagir et al, 2017). The reports caused international outrage and demands for action. The EU responded by launching an emergency operation to end slave trafficking, and to evacuate those migrants wishing to return to their countries of origin (Rettman, 2017). The Chairperson of the African Union Commission condemned the ‘despicable’ acts, while calling on the Libyan authorities to improve the condition for migrants in the country (African Union, 2017). In response to the reports, Amnesty International (2017) claimed that EU countries were complicit in the abuse, by funding and supporting the Libyan authorities.

3. CRITICAL GEOPOLITICS

The political situation in Libya, the migration within, to and from the country, as well as its relationship with Europe, can all be put in a geopolitical context. This chapter will introduce the discipline of critical geopolitics, as well as a few of its central concepts.

The term ‘geopolitics’ was coined by political scientist Rudolf Kjellén in the late 1890s, and referred to an approach to world politics which emphasised the impact of resources and territory on interstate relations (Agnew, 2003; Dodds, 2000). Traditionally geopolitics has focused on the study of ‘the state, its borders and its relations with other states’ (Hefferman,
cited in Dodds, 2004, p. 1). This focus has been supported by the fact that nation-states are important actors and territorial boundaries have been the subject of many conflicts, as well as ownership of territory and access to resources (Dodds, 2004). Since the term was coined, however, it has been diffused and has become an umbrella for ‘a variety of forms of thoughts and practice’ (Ó Tuathail, 2013, p. xix).

At the end of the Cold War, the mainstream geopolitical reasoning was met with critique and with the end of the rivalry between the two superpowers, interest in spatial power increased. In this context of the rethinking of power, the critique came to be labelled ‘critical geopolitics’ (Dodds, Kuus and Sharp, 2013). While some scholars, such as John Agnew, have questioned the importance of the word ‘critical’ in front of geopolitics, he admits it has merit in ‘pointing away from the historical meaning of geopolitics’ (Agnew, 2013, p. 27).

By the mid-1990s, critical geopolitics had come to describe a type of writing that questioned the implicit and explicit geographical claims and arguments in the making and communicating of foreign-policy decisions and geopolitical actions (Agnew, 2013; Flint and Taylor, 2011). Critical geopolitical scholars study the ways in which the world has been assessed, measured and described by geographical discourses, practices and perspectives (Dodds, 2004). According to Ó Tuathail, critical geopolitics implies ‘an effort to think critically about the world around us and to challenge inherited legacies of imperial practices in the name of greater emancipation’ (2013, p. xxi).

The field of critical geopolitics is distinct from other strands of political geography by its methodological and theoretical underpinnings (Dodds, Kuus and Sharp, 2013). However, there is no shared formula for how critical geopolitics should be done and the field has no defined theoretical principle or set of methods (ibid.; Ó Tuathail, 2013).

Texts are central to the field, as it is grounded in the assumption that global politics can be read off textual evidence (Müller, 2013). The emphasis on the construction of meaning in texts is another factor distinguishing critical geopolitics from its classical counterpart; the latter considers itself an objective science of the influence of geography over politics, which is protested by the former (ibid.). One source of texts are official documents such as speeches and policy documents, as well as different kinds of government records coming from practical geopolitics, which can be described as the geopolitics of state leaders and includes for example the foreign policy decision-making (Müller, 2013; Ó Tuathail and Dalby, 1998; Dodds, 2000). In addition to the practical geopolitics, Ó Tuathail and Dalby (1998) articulated its distinction from formal geopolitics, which refers to the strategic community including many ‘mainstream’ realist and liberal approaches to world politics, as well as from popular geopolitics, which is found in popular culture, media and entertainment (Dodds, 2000). In figure 3, below, the linkage between these three strands of geopolitics are visualised.
While critical geopolitics oftentimes strives to broaden the scope of geopolitics and what is studied, the study of official texts can inform us about which geopolitical visions are underpinning political decision-making and how politicians read geopolitical events (Müller, 2013).

In the following sections a few central concepts of geopolitics will be introduced and will subsequently inform the analysis of the Memorandum of Understanding. These concepts are power and power relations, borders, sovereignty, and securitisation, especially that of migration.

3.1 Power and power relations
The conventional understanding of the geography of power is, according to John Agnew (2003), underpinned by three geographical assumptions. First, that states have an exclusive power within their territories, which is represented by the concept of sovereignty. Then, that ‘domestic’ and ‘foreign’ affairs have essentially been separated and are not subject to the same rules. Finally, that the borders of states also define the borders of societies, to the extent that the latter is completely incorporated in the former. Agnew further argues that these assumptions have been reinforcing each other, resulting in a state-centred view of power. While this perspective functioned well in the context of the 19th century, the global society of today has started to challenge the possibility of regarding power as a ‘spatial monopoly exercised by states’ (Agnew, 2003, p. 53).

The definition of power in modern geopolitical thought has been the capacity to make others within your territory to do something you desire (Agnew, 2003). This definition leads to a view of power as a monopoly of control which is exercised equally throughout a defined territory, by a dominant group. However, the legitimacy of modern states principally rests on the ability to provide public goods and services, which is not included in the above definition, and critical geopolitics challenges the definition’s rigid conception of power (Agnew, 2003; Dodds, Kuus and Sharp, 2013).

Traditionally, coercive relations between states have been regarded as the only way for power to be exercised beyond the territorial state (Agnew, 2003). On the international scale, ‘hegemony’ has been the concept used to indicate that a certain state has a dominant position in relation to other states (ibid.). However, it has also been argued that all social practices
involve power and its application, which implies that power is not something solely conferred to states, but is integral to all forms of social action (Agnew, 2003). Joseph Nye has introduced the concept of ‘soft power’, which occurs when a country ‘gets other countries to want what it wants’ (1990, p. 166). This means that a state can achieve its preferred outcomes without using the commanding or coercive power implied in the traditional, ‘hard’ power, because other states want to follow it or because agreements have been reached resulting in the desired outcomes (Nye, 1990).

Within critical geopolitics, the principal question is how state power is produced, practically and discursively, in both territorial and non-territorial forms (Dodds, Kuus and Sharp, 2013). It is the effort of critical geopolitics, to ‘examine the power relations between places, in all their local and transnational complexities’ (Dodds, Kuus and Sharp, 2013, p. 9). In political agreements compromise is often necessary, and based on which initiatives or commitments made in the text, assumptions about the power relation between the parties can be made. Arguably, by reaching an agreement on improved border control in Libya, Italy gets its desired outcomes, which will be discussed further in chapter 5.

3.2 Sovereignty

As discussed above, the concept of sovereignty has represented states’ exclusive power within the borders of their territory. Clearly defined territorial spaces is arguably a requirement for modern state sovereignty and it is an increasingly important and disputed issue (Agnew, 2003; McConnell, 2013). Within international relations, and in particular in its realist tradition, sovereignty has been defined as ‘the law-making authority within the territorial unit’ (McConnell, 2013, p. 110). Sovereignty is oftentimes invoked in order to defend national security, to justify the use of violence, and to claim independence. However, the conventional perspective on sovereignty has been reconceptualised and the concept has become more ‘spatially imaginative’ (McConnell, 2013; Mountz, 2013). From a constructivist perspective, sovereignty has a regulatory norm which tells actors how to behave in order to be sovereign, and consequently, states ‘become’ sovereign when they behave in line with this norm (Agius, 2013).

The assumptions that sovereignty is absolute, perpetually territorial, and that states claiming sovereignty are equal, have been challenged by critical scholars (McConnell, 2013). First, to regard sovereignty as de jure sovereignty over a bounded territory, excludes many non-state actors. However, by problematising the sovereignty’s essential elements, the ‘line between the sovereign and the non-sovereign is blurred’ (McConnell, 2013, p. 113), and it becomes possible to analyse the concept more freely. While de jure sovereignty is based on the legal powers over a territory and the recognition of other states, in a broader perspective, sovereignty can ‘include other forms of power that are not strictly juridical’ (Ong, 1999, quoted in McConnell, 2013: 113). This understanding entails the capacity to exercise power, and if often referred to as de facto sovereignty. Second, critical studies of sovereignty are challenging its relationship to the territory by questioning where sovereignty really is based (McConnell, 2013). A continuation of this line of questioning has led to a discussion on the
intersection between security and development agendas, among critical scholars. While some use a model of sovereignty where power is centralised and contained within territorial boundaries of states, others see sovereignty as ‘decentred, networked and post-territorial’ (McConnell, 2013, pp. 116-117). Third, while sovereign states are equal under international law, this notion has been questioned: are some states in fact more sovereign than others? (McConnell, 2013, p. 119). Arguably, there are cases when the norms of sovereignty do not apply, for example when a state acquires weapons of mass destruction, or is unable to control its borders. In these cases, the state does not behave in the way it is expected to, and based on this understanding, sovereignty is not an absolute, but states can lose their claim to sovereignty, as well as earn it back (McConnell, 2013).

3.3 Borders
As they provide the means for cultural as well as physical separation of sovereign states, state borders are central to the discourse on sovereignty (Dodds, 2004). Since the 11 September 2001 terrorist attacks in the United States, borders have increasingly come to be related to national security (Paasi, 2013). Territory is associated with control, and bounded areas only become ‘territories’ when their borders are used in order to influence behaviour, resources and power by the control of access (Paasi, 2013). For example, international state borders generally involve policed and controlled border-crossings, and practices related to state sovereignty are crucial to this process, for example admitting citizenship (ibid.). An increase in border crossings and security-related control of passengers and migrants are issues that have caused scholars to question where borders really are located, resulting in several strands of thought, one of which being the ‘borders are everywhere’ thesis (Paasi, 2013). This implies that borders have become diffuse to such an extent that whole countries can be regarded as borderlands, which has been suggested by the ideas of Etienne Balibar (Paasi, 2013). In this line of thought, border control has moved beyond the border areas, partly with the assistance of new technology, to the streets, shopping centres, airports in within the state, as well as to other states (ibid.). The latter could be an example of externalisation of border control from the receiving country to sending or transit countries.

Simultaneously, the concepts of security that traditionally have characterised borders studies, as well as critical geopolitics, have been expanded (Paasi, 2013). The following section will expand on this development, which sometimes is referred to as a broadening of the security agenda.

3.4 Securitisation
During the 1980s, a process aiming at advancing a broadened understanding of security took place. The Copenhagen School, represented by scholars such as Ole Waever and Barry Buzan, came to play an important role in this process, in its development of concepts such as securitisation (Sheehan, 2005; Emmers, 2013). This school of thought regards security as a socially constructed concept, indicating that what constitutes a ‘threat’ is a subjective matter
Securitisation refers to the ways in which various social processes and relations are being framed as potential security threats, and require state actors to adopt additional and emergency measures to manage them (Flint and Taylor, 2011, p. 76; Emmers, 2013). A successful act of securitisation allows the securitising actor to employ exceptional measures, located outside the normal limits of political procedures (Emmers, 2013; Sheehan, 2005).

In classical security thinking security regarded survival, according to Waever (cited in Sheehan, 2005, p. 53). In the context of securitisation, something becomes a security issue when it is regarded as an existential threat to a specific group, such as a state (ibid.; Emmers, 2013). Securitisation of an issue occurs when there has been a convincing argument that the issue should be prioritised on the political agenda (Sheehan, 2005), thus an issue becomes securitised when it is accepted as an existential threat by the political establishment, without necessarily being an actual existential threat (Buzan, Waever and Wilde, cited in Sheehan, 2005).

Irregular migration is an issue that increasingly has been securitised. Restrictive immigration policies in combination with reduced opportunities for legal immigration has resulted in migrants increasingly relying on illegal methods to enter or to remain in a specific country (Emmers, 2013). Migration has been articulated, by different actors, as a threat to societal, political, economic, and cultural security of the state (Sheehan, 2005; Emmers, 2013). Arguably, irregular migration undermines the security of national borders and thus constitutes a threat to a state’s national sovereignty. In certain media campaigns migrants are described as victims, while at the same time constituting threats to national security and welfare systems, by being blamed for increased crime rates and social problems as well as accused of claiming asylum in order to access national social benefits (Emmers, 2013; Friese, 2014). One possible solution to the issue is to persuade or coerce the countries from which migrants depart to increase their border control, one aspect of migration management.

4. MIGRATION MANAGEMENT

European countries have tried to limit or manage flows of migrants and refugees since the 1970s, but measures to limit access to asylum systems, for example, have resulted in increased levels of irregular migration (Boswell, 2003). The concept of migration management encompasses a set of discourses, images and practices, and includes for example border management systems, which are designed to detect strategies of borders-crossings, before, while or after they occur, as well as to detain migrants (Friese, 2014). Since the 1990s, the European response to fears about irregular migration has been to restrict immigration policies and to intensify border controls (de Haas, 2008).

Until the early 2000s, patrols across the coast of Lampedusa and Sicily were the main focus of Italy’s migration management. Boats intercepted close to the Italian coast could disembark at Lampedusa and Sicily, where the migrants received first-aid treatment and were detained awaiting identification (Triandafyllidou and Dimitriadi, 2013). This process often
resulted in the migrants being released with a formal expulsion order, after which the migrant would disappear into the country or travel to other EU countries in search of employment (de Haas, 2008; Triandafyllidou and Dimitriadi, 2013). Therefore, the main strategy was aimed at ensuring the boats did not reach the Italian coastline, thus rendering disembarkment impossible. Bilateral agreements between countries are central in the efforts to manage migration and mobility (Friese, 2014), and the solution to Italy’s problem was arguably to externalise border control to Libya (Triandafyllidou and Dimitriadi, 2013).

4.1 Externalisation of border control and migration management
Externalisation is considered a central aspect of European migration policies and refers to policies where the control of migrants shifts from the country into which they want to enter, to the country of origin or transit policies (Paoletti, 2011; Boswell, 2003). Externalisation can refer to both the externalisation of border control and that of migration management and asylum procedures. Since these concepts are interconnected, the use of the term ‘externalisation’ in this paper will, if unspecified, refer to them both.

The concept of externalising migration and asylum policies appeared in 1999 in the European Council conclusions in Tampere, and was repeated in the Seville Council conclusions in 2002, where it was decided that a clause on ‘joint management of migration flows and compulsory readmission in the event of illegal immigration’ should be included in future cooperation agreements with third countries (Triandafyllidou and Dimitriadi, 2013; Boswell, 2003). The term ‘externalisation of asylum’ has repeatedly been used in reference to the expulsion of more than 1500 third country nationals from Lampedusa in 2004, and it refers to the tendency of the EU and/or EU member states to establish asylum processing centres outside of the external borders of the EU (Andrijasevic, 2009).

Under the umbrella of cooperation between the EU and origin and transit countries, Boswell (2003) has distinguished two separate approaches. One approach can be defined as ‘preventive’, and involves measures intending to change the factors influencing people to migrate. Such measures include the effort to address the root causes of migration, for example by providing development assistance (ibid.). However, it is the second approach that is relevant for the purpose of this paper. This approach involves forms of cooperation where the traditional tools of migration control are externalised to a third country, that is a country outside of the EU. This approach tends to be termed externalisation of border control, and engages the origin and transit countries to strengthen border controls, combat illegal border crossings, people smuggling and trafficking, and to readmit migrants who illegally entered the EU, regardless of their nationality (Boswell, 2003; Mazzella, 2014). In exchange, the third countries receive for example development aid, financial support for border controls and military equipment (de Haas, 2008).

As mentioned in the introduction, the definitions of externalisation provided by Triandafyllidou and Dimitriadi (2013) will be central in the analysis of the 2017 Memorandum of Understanding. They argue that externalisation can develop along two lines, by using a fencing or a gatekeeping strategy, which broadly relate to the two approaches
distinguished by Boswell, above. Gatekeeping measures aim to limit the legal access to a country and its institutions, and generally involve controls of the people wishing to enter the country. Fencing strategies involve actively targeting irregular migrants in order to arrest and later expel them, and this tends to involve detecting people in hiding as well as trying to deter those seeking to enter the country without proper authorisation (ibid.). For an overview of measures included in the two strategies, see table 1 below. It is also argued that there are two levels of externalisation. The first level involves the delegation of migration and asylum controls to the EU member states at the external borders, while the second level involves the shifting of the burden even further, by delegating the responsibility for migration and asylum management to third countries (Triandafyllidou and Dimitriadi, 2013). The case of Libya would thus fall into the latter category.

The delegation of migration management to third countries is arguably accomplished through partnerships and readmission agreements, and generally develops in the context of the European Neighbourhood Policy (ENP). One priority of the ENP is cross-border cooperation, and its goal is to provide a wide-ranging framework for the management of on a range of issues (Mazzella, 2014; Triandafyllidou and Dimitriadi, 2013). Regarding migration and border control the ENP is based on the idea that ‘good neighbours make good fences’ and involves ‘everything but institution-building’ (Triandafyllidou and Dimitriadi, 2013, p. 603). Readmission agreements enable the EU member states to return third country nationals who have illegally entered or stayed in the EU, to their countries of origin or transit, and are an important part of the partnership agreements (Triandafyllidou and Dimitriadi, 2013).

<table>
<thead>
<tr>
<th>Gatekeeping</th>
<th>Fencing</th>
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<tr>
<td>• Visa procedures</td>
<td>• Border controls outside ports of entry, at</td>
</tr>
<tr>
<td>• Carrier sanctions</td>
<td>land or sea</td>
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<tr>
<td>• Paper controls at ports of entry (land border or sea border or airports)</td>
<td>• Cooperation with origin countries for</td>
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<tr>
<td>• Cooperation with countries of origin farther away to prevent irregular migration</td>
<td>expulsion and readmission procedures</td>
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<td></td>
<td>• Detention, expulsion, removal and other</td>
</tr>
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<td></td>
<td>procedures to enforce return</td>
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Table 1: Strategies of externalisation to third countries (adapted from Triandafyllidou and Dimitriadi, 2013).

Externalisation does not have a coherent or uniform set of measures, as policies vary and have changed with time. However, in her study, Paoletti (2011, p. 274) argues that it is possible to identify three defining aspects that underpin a large part of the debate on externalisation:

1. The process entails the shifting of the place where controls on unwanted migrants occur to somewhere within the states either of origin or of transit;
2. The collaborative arrangements are based on cross-border networks of security experts, police and military officials addressing putative transnational security threats; and
3. The control practices operate outside the purview of the rule of law, because of the lack of shared mechanisms ensuring compliance with international norms.
The gatekeeping and fencing strategies provided by Triandafyllidou and Dimitriadi (2013), as well as the three criteria defined by Paoletti (2011), are guiding the analysis and assessment of externalisation in the case of the 2017 Memorandum of Understanding. In the next section, previous agreements between Italy and Libya will be presented, followed by an overview of studies on externalisation in these agreements.

4.2 Previous agreements between Italy and Libya

Italy and Libya have debated migration since the late 1990s (Paoletti, 2011). In December 2000 the countries signed a Memorandum of Intent, the first agreement to mention migration, addressing irregular migration along with organised crime, terrorism and drug trafficking (Andrijasevic, 2009; Paoletti, 2011). According to Triandafyllidou and Dimitriadi (2013), the cooperation between Italy and Libya was born out of a desire to prevent migrant arrivals from the point of departure, inspired by similar partnerships established, for example between Spain and Morocco (Mazzetta, 2014).

The Memorandum of Intent was later strengthened through follow-up agreements, and during the period 2000-2005, Italy and Libya agreed to fight, among other things, ‘illega! migration through training, exchange of police officers and provision of equipment (Triandafyllidou and Dimitriadi, 2013). In 2004, Italian Prime Minister Silvio Berlusconi and Libyan leader Muammar Gaddafi agreed to stop the irregular migration to Italy, and Libya were to seal off its southern borders (de Haas, 2008). In 2007, the countries agreed on joint patrolling of the seas, as well as the pushback of irregular migrants intercepted in international waters, with Italy committing itself to provide Libya with patrol boats (Paoletti, 2011; de Guttry, Capone and Sommario, 2017). The partnership on irregular migration was based on the prevention of entry to Italian waters, and the return of irregular migrants to Libya (Triandafyllidou and Dimitriadi, 2013). The first part was achieved with parallel patrols, both preventing exit from Libya and entry to Italy. To return the migrants was considered important, and while no formal agreement was signed, it was verbally agreed that Italian authorities would return irregular migrants intercepted at sea to Libyan vessels (ibid.). However, while thousands of migrants were returned to their countries of origin, irregular migrants from sub-Saharan Africa continued to arrive on Italian shores until 2008 (Triandafyllidou and Dimitriadi, 2013).

In August 2008, Berlusconi met with Gaddafi in order to resolve the longstanding dispute over Italian abuse during the colonial era, resulting in the signing of the Treaty of Friendship, Partnership and Cooperation (Paoletti, 2011; Ronzitti, 2009). The treaty included an Italian pledge to pay Libya 5 billion US dollars over a 25-year period in reparations, as well as an initiative to control the borders of Libya using a new satellite control system to be developed and implemented by Italian companies, funded by Italy and the EU (de Guttry, Capone and Sommario, 2017; Paoletti, 2011). The satellite system would control the Libyan borders, effectively implying the fencing off of the land border (Ronzitti, 2009; Triandafyllidou and Dimitriadi, 2013). The satellite system, in combination with the blocking of the sea route to Europe, would render migrants unable to leave Libya. While the partnership between Italy
and Libya might not explicitly focus on preventing people from exiting Libya, arguably it poses a physical barrier for those attempting to do so (Trianafyllidou and Dimitriadi, 2013). Gaddafi had previously threatened to allow migrants on the Libyan coast to reach Italy, and many experts agreed that the 2008 treaty prevented these threats from being implemented (de Guttry, Capone and Sommario, 2017). Further agreements between the countries have come to include training for Libyan authorities such as police and coast guards, a readmission agreement, as well as detention programmes in Libya (Andrijasevic, 2009; Paoletti, 2011).

Due to the changing situation in Libya, as well as a ruling of the European Court of Human Rights in 2012 – where it was stated that Italy violated Article 3 in the European Convention on Human Rights when migrants intercepted at sea were returned to Libya – the agreements and instruments became difficult to implement (de Guttry, Capone and Sommario, 2017).

4.3 Studies on externalisation in previous agreements

This section presents an overview of the studies on externalisation in the agreements between Italy and Libya described above, as well as some reflections on the concept of externalisation.

Emanuela Paoletti’s study (2011) has been a central inspiration to this paper. Paoletti has studied the bilateral collaboration between Italy and Libya from the 2000 Memorandum of Intent onwards, and has evaluated the degree to which the cooperation could be regarded as a process of externalisation. The evaluation was made by comparing the nine measures from the agreements that had been implemented, to the criteria or aspects she had identified as underpinning the debate on externalisation. Paoletti argues that none of the measures examined has involved the relocation of border controls from Italy, but the measures showed a lack of transparency and include so called ‘extended zones of police cooperation’ in the border areas of Italian and Libyan territory (Paoletti, 2011, p. 278). Thus, the aspects of externalisation relating to cross-border networks of officials addressing presumed transnational security threats, and that the control practices being operated outside the reach of the rule of law, are arguably upheld. The cooperation between the countries has been based on the creation of joint tasks addressing perceived societal threats, and other central aspects are the enhancement of cross-border police collaboration as well as information sharing. While the practice of border control has fallen under Libyan jurisdiction, Italy has been engaged in security operations outside its territory. Since no clear legal framework is in place, Paoletti (2011) argued that, partly due to a lack of transparency, the joint undertakings have fallen outside the rule of law. Hence, two out of the three criteria for externalisation have been fulfilled. However, Paoletti contends that many of the arguments made regarding this case ‘tend to be inattentive to the subtleties surrounding these policies’ initial objectives and implementation’ (2011, p. 278). Additionally, it is argued that the debate on externalisation in the case of Italy and Libya has misused the term, and further she writes that ‘the concept has lost meaning as well as relevance’, and that the process in itself must be re-conceptualised (ibid.). While not arguing in favour of a re-conceptualization of the concept, de Guttry, Capone and Sommario argue that the externalisation of border control and migration management is
not necessarily the most appropriate, nor the most effective tool to apply in contexts involving

In her article, Rutvica Andrijasevic (2009) focuses on Lampedusa and the islands’
migrant reception and asylum processes. Andrijasevic provides an overview of events and
policies implemented in Libya and Lampedusa, in particular during 2004 and 2005. Under
this period, more than 1500 irregular migrants were returned to Libya, without having their
legal status determined. It is argued that the expulsion of migrants in 2004 is ‘tempting to [be
identified] in terms of externalisation of asylum’ since the migrants have been denied the
possibility to present claims for asylum (Andrijasevic, 2009, p. 159). However, it is also
argued that this implies that asylum seekers and refugees repatriated to Libya will be granted
access the asylum determination procedure there. Libya, as mentioned above, does not have
any internal system for asylum determination, or refugee policies, and it is argued that this
does not constitute a case of externalisation. Instead, she argues that Italy withdrew the right
of asylum for these migrants entirely (ibid.).

While the focus of Mattia Toaldo’s paper is not to determine whether there has been an
externalisation from Italy to Libya, his arguments imply that he believes that externalisation
has been occurring, but that this has changed since the ousting of the Gaddafi regime. Under
Gaddafi’s rule, Libya could implement measures aimed at the containment of migration and
the push back of migrants on Europe’s behalf, but when the regime was overthrown no
institutions were able to take over (Toaldo, 2015). Toaldo further claims that the Italian push-
back policy only was possible as long as Libya was willing to accept the return of the boats
into Libyan territory. Thus, Toaldo argues that the externalisation of migration control to
Libya has failed, as externalisation only can work if there is a political actor who can
implement the measures. When the paper was written, the GNA had not yet been established
and arguably no Libyan actor could ensure that an agreement could be upheld.

In their 2013 article, Triandafyllidou and Dimitriadi examine Italy and Greece’s central
positions in the externalisation of migration control, as well as being the locations where
policies and mechanisms often occur in response to the arrival of migrants. As with Taoldo’s
paper (2015), the authors are stating that the measures that have been implemented by Italy
does constitute externalisation to Libya. Thus, rather than assessing whether there has been a
process of externalisation, the authors examine the strategies used, described in terms of
fencing or gatekeeping. In the article it is argued that Italy has developed both a policy on
fencing, and strategies of gatekeeping towards Libya, but also Tunisia (Triandafyllidou and
Dimitriadi, 2013, p. 609). Further, the authors argue that the externalisation process shows
that security concerns are prioritised in relation to for example humanitarian concerns, and it
is argued that ‘immigration has transformed into a security concern’ (Triandafyllidou and
Dimitriadi, 2013, p. 615), and that the issue thus has been securitised in this context.

De Guttry, Capone and Sommario (2017) argue that the bilateral legal framework of the
previous agreements constitutes a ‘good’ example of the EU’s policy of externalising border
and migration management. Subsequently, they argue that the externalisation policy, as has
been argued by Andrijasevic (2009) and Paoletti (2011), has not been successful and

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practically has had a minimal impact (de Guttry, Capone and Sommario, 2017, p. 9). This statement is supported by the fact that the migration continued even though measures were implemented to discourage it (ibid.). de Haas (2008) claim this is due to powerful interest groups in Europe and Africa not being genuinely interested in stopping the irregular migration, since migrant labour and remittances have become vital to the economies of both migrant receiving and sending countries. Libyan dependency on migrant labour would be damaged by fully committing to the policies aimed at stopping irregular migration, and de Haas (2008) argues that the occasional expulsions of migrants primarily are for show. Whether or not this is still the case is debatable, since the geopolitical situation in Libya has changed significantly since these arguments were made.

In conclusion, the studies presented above provides varying reflections on the issue of externalisation in the context of Italy and Libya. While some of them either determines certain measures to constitute externalisation, others assume that there has been a process of externalisation. Paoletti (2011) argues that some measures imply externalisation whilst others do not, and Andrijasevic (2009) argues that there has been a denial of access to asylum procedures, and not an externalisation of them. Overall, however, the literature seems to agree that there has been a process of externalisation of border control and/or migration management, from Italy to Libya, even if it has failed (Toaldo, 2015) or if the concept has been misused (Paoletti, 2011). In the following chapter the 2017 Memorandum of Understanding will be analysed and assessed using externalisation criteria from Paoletti (2011) and strategies (Triandafyllidou and Dimitriadi, 2013).

5. **2017 MEMORANDUM OF UNDERSTANDING**

The full title of the document constituting the object of study in this paper is the ‘Memorandum of understanding on cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders between the State of Libya and the Italian Republic’. It was signed by President of the Presidency Council, Prime Minister Fayez al-Serraj, on behalf of the Libyan Government of National Accord, and Prime Minister Paolo Gentiloni, on behalf of the Italian government, in Rome on 2 February 2017.

In this chapter the Memorandum is analysed and assessed in order to determine whether or not it can be regarded as a case of externalisation of responsibility, based on the criteria and strategies of externalisation described above. Additionally, the Memorandum is scrutinised in order to identify any implicit or explicit geopolitical assumptions or implications in the text. Integrated with the analysis is a discussion relating it to studies on previous agreements between Italy and Libya.

5.1 **Assessment of externalisation**

In this section, the three criteria of externalisation presented by Paoletti (2011) is applied to the 2017 Memorandum of Understanding, and the measures introduced in the document are
examined to determine whether they can be categorised in terms of fencing or gatekeeping strategies, as described by Triandafyllidou and Dimitriadi (2013).

In response to the issue of irregular migration across the Mediterranean, the Memorandum of Understanding introduces a provision of temporary reception camps in Libya, intended for migrants awaiting their voluntary or forced return to their countries of origin. These centres are to be under the control of the Libyan Ministry of Home Affairs. It could be argued that in assuring irregular migrants are intercepted in Libya before they manage to cross the Mediterranean to Italy, there is a shift of the place of migration control to Libya and thus fulfils the first of Paoletti’s (2011) criteria. However, it could also be argued that Italy is assisting in the strengthening of the Libyan systems of migration management, and it that it would not constitute a case of externalisation. One argument for this is that the enhancement of Libya’s system for migration control does not mean that Italy’s migration management is reduced. Thus, the provision of reception camps for migrants is not considered a shift of location for migration control.

However, it does constitute a fencing strategy, the measure of ‘detention, expulsion, removal and other procedures to enforce return’, as described by Triandafyllidou and Dimitriadi (2013, see table 1). Since the Memorandum explicitly states irregular migrants will be referred to the reception centres before being returned to their country of origin, this conclusion is arguably quite clear. Additionally, it could be argued that the reception centres also constitute a gatekeeping measure by limiting the migrants’ practical access to legal institutions. As discussed above, Libya does not have a system for determining migrants’ asylum status or processing asylum claims, and does not recognise refugees. Thus, it can be argued that the legal institutions the migrants are trying to reach cannot be found in Libya, and by supporting and financing the reception centres, the parties are restricting the migrants’ likelihood of accessing the legal institutions in Italy.

In the Memorandum’s foreword, Italy commits to relaunch a dialogue as well as cooperation with African countries of ‘primary relevance for migratory routes’. This commitment led to the establishment of the Fund for Africa, which will assist African countries in controlling their borders, in order to stop migrants from reaching the EU (Scherer and Baczynska, 2017). In Article 2 of the Memorandum, Libya and Italy commit to propose a comprehensive view of Euro-African cooperation, with the aim of eliminating the causes of irregular migration. Both commitments above are examples of the gatekeeping measure of cooperation with countries of origin in order to prevent irregular migration. Italy and Libya’s resolve to find a solution the irregular migration includes the view that countries of origin should accept the return of their citizens, which will be assured by readmission agreements. This kind of agreement is clearly in line with the fencing strategy of cooperating with countries of origin regarding expulsion and readmission agreements. Article 2 of the Memorandum further presents the parties’ commitment to complete implementation of the satellite system of border control along the southern Libyan border, which arguably is included in the fencing measure of border control outside ports of entry, since they will be controlled from a distance. With the satellite system in place, Libya would be able to detect
migrants before, as, or after they enter Libyan territory, and the interception or even expulsion of the migrants could be swift – arguably could imply the third fencing measure regarding forced return, as well.

In the foreword to the Memorandum, Italy and Libya claim they are determined to face the challenges with ‘negative repercussions on peace, security and stability within the countries and in the Mediterranean region’, which arguably complies with Paoletti’s second criterion, regarding ‘collaborative arrangements [that] are based on crossborder networks of security experts, police and military officials addressing putative transnational security threats’ (2011, p. 274). The Memorandum identifies irregular (‘clandestine’) migration as such a challenge, to which solutions are to be identified. Article 3 introduces the intent of establishing a mixed committee, which will be composed of an equal number of members for Italy and Libya, with the task of identifying prioritised actions as well as the tools to ‘finance, implement and monitor’ the commitments made. The statements regarding transnational cooperation and the establishment of the mixed committee are arguably examples of the kind of arrangements referred to in this second criterion.

Italy is the party providing funding for the initiatives included in the Memorandum, as well as any future initiatives proposed by the mixed committee, initiatives that will be aligned with programmes and activities already adopted by the Libyan GNA. Italy has committed to support development programs and to provide technical and technical support to Libyan institutions, such as the coast guard or actors involved in the border control, which could be regarded as Italy increasingly depending on Libyan border control to ensure fewer migrants successfully sets off from the Libyan coast to subsequently reach Italy. However, this does not necessarily entail a relocation of Italian migration management, and does thus not comply with Paoletti’s first criterion for externalisation, the same argument made regarding the provision of reception centres, above. The Italian support could be framed in terms of strengthening, and assisting in the implementation of Libyan migration management, which could be described as institutional support, which is not an unusual feature of development aid.

The criterion referring to control practices operating outside the rule of law because of a ‘lack of shared mechanisms ensuring compliance with international norms’ (Paoletti, 2011, p. 274), is arguably fulfilled in the Memorandum of Understanding. The foreword includes a stipulation that there will be no interference in the countries’ internal affairs, and the Memorandum does consider ‘the obligations deriving from international customary law’ as well as agreements the parties’ are bound to, in a ‘framework of the legal systems of Italy and Libya’. However, this becomes problematic when there are no mechanisms provided to ensure that international norms are upheld. The Libyan legal system does not provide procedures for determining asylum status, and there are documented cases of human rights violations in the country, which have briefly been discussed in previous chapters. In this regard, it is argued that the third criterion for externalisation has been upheld and that certain control practices do operate outside the rule of law.
In conclusion, based on this analysis, the assessment is that the 2017 Memorandum of Understanding between Italy and Libya, can be considered an example of externalisation of responsibility.

Since the same measures and criteria as defined and applied by Triandafyllidou and Dimitriadi (2013), and Paoletti (2011) have been applied in this study, it is not surprising that the analysis of the 2017 Memorandum of Understanding has similar results as the analyses in these articles. However, as Paoletti (2011) has noted, an assessment of externalisation cannot be determined only by analysing a document, since there previously have been significant differences between measures agreed to on paper and those implemented on the ground. In this regard, the analysis of the Memorandum only concerns the commitments agreed to in writing, since the concrete measures might not have been implemented yet. With this in mind, and taking into consideration the results of the studies discussed in chapter 4, it is possible to argue that there has been a history of externalisation of border control and/or migration management from Italy to Libya, and that this process is still ongoing, as seen in the analysis of the Memorandum of Understanding. Andrijasevic’s claim (2009) that instead of an externalisation of asylum, there has been a withdrawal of access to asylum procedures, is interesting, not the least in light of the reports on human rights violations and migrants being auctioned off as slaves. These human rights violations could arguably support Toaldo’s (2015) claim that the externalisation has failed, since the measures previously agreed upon does not appear to have been implemented. However, it might be too soon to argue that this is the case for the 2017 Memorandum of Understanding.

While the number of migrants arriving in Italy on the Central Mediterranean route has been reduced in the last couple of years, this does not necessarily mean that it is because of any externalising measures. It arguably is a result of the migration peaking in 2015 before declining again. If this is the case, de Guttry, Capone and Sommario’s claims (2017) of externalisation being unsuccessful and having little impact could be supported.

5.2 Geopolitical implications
This section aims at identifying the ways in which the concepts of power and power relations, sovereignty, borders and securitisation, as discussed in chapter 3, are addressed and/or implied in the Memorandum of Understanding.

The issue of state sovereignty is implied at several points throughout the Memorandum of Understanding. Perhaps the most significant implication becomes clear when looking at the signatories of the document: the Prime Ministers of Libya and Italy. What is not taken into consideration is that the Libyan GNA does not control the entire Libyan territory, and that the Libyan National Army is controlling a large part of the country (see figure 1). It could therefore be argued that while the GNA is the internationally recognised government of Libya, it does not constitute a sovereign government, but by this reasoning neither does any other Libyan actor. This would also imply that the GNA does not have ‘exclusive power within their territory’, as Agnew (2003) put it. However, the Memorandum proves that international recognition is vital for a party to be able to enter into this kind of agreement, and
it does not come as a surprise that the GNA is the government with whom Italy chose to cooperate with. The area under GNA control is limited, which implies that the commitments and points of action included in the Memorandum also are limited in scope. However, much of the migration from Libya departs from its western shores, which is where the GNA is strong, and this could be an additional reason for engaging with them. Had the principal migration routes departed from eastern Libya, there might have been attempts at reaching an agreement with for example the Libyan National Army and the House of Representatives, even though this might be unlikely since the actors are not recognised as legitimate.

Furthermore, the document’s foreword addresses the ‘sensitive transition phase’ in Libya, a consequence of the geopolitical changes since the ousting of the Gaddafi regime. Because of the division of power in the country, it might prove difficult to realise some of the commitments agreed to in the Memorandum, but the international support would arguably strengthen the power of the GNA, not least financially. As already mentioned, the initiatives included in the Memorandum of Understanding must conform to already adopted Libyan programmes, which could be regarded as a way for the GNA to control what actions are taken on Libyan territory as part of the agreement. However, the close cooperation with Italy could arguably ‘blur’ the line between sovereign and non-sovereign (McConnell, 2013, p. 113). By financing the implementation of the agreed upon initiatives, Italy is arguably in a position to exercise power on issues on Libyan soil, which could weaken the exclusive power and sovereignty of the GNA.

Power has already been mentioned as being present in the document – the power of being internationally recognised as the legitimate government of a country – but there are also implications of power relations present. The Memorandum recognises Italy and Libya’s common historical and cultural heritage, as well as their ‘strong bond of friendship’. While the former could reference the past Italian colonial activities in Libya, the latter indicates that the previously unequal power relation has changed into a more equal one. However, the use of the phrase ‘strong friendship’ does not necessarily mean that the power relation is entirely equal, since there arguably is a hierarchy in the international system, even between ‘equally’ sovereign states (McConnell, 2013). Regardless of what is agreed to in the Memorandum, Italy – because of the countries’ history, and its membership of the EU – does arguably have more power over Libya than the reverse. Thus, friends can be unequal. In the case of the management of irregular migration on the Central Mediterranean route, the cooperation of Libya is necessary for any progress to be made. Hence, Libya proves to have more power than might be assumed at first glance. One way to make sure no party has more influence than the other, on paper at least, is the equal composition of the mixed committee overseeing the implementation of the initiatives introduced.

By ‘reaffirming the principles of sovereignty, independence, territorial integrity and national unity for Libya’, the parties explicitly address some of the geopolitical aspects that are important to them. This inclusion could be interpreted as a way to address the power relations between the countries, which, as discussed above, might not be as equal as the previous emphasis on friendship implies. By highlighting these aspects, guaranteed non-
interference in international affairs could be assured, an aspect which was also explicitly mentioned.

The relaunch of dialogue and cooperation with several African countries that resulted in the Fund for Africa being established, is a measure to limit the irregular migration, but it could also be an expression of soft power, as described by Joseph Nye (1990). By getting the relevant countries to agree to increasing their border security and to restrict irregular migration, Italy might get its desired outcome without having to use coercive tactics. If irregular migration is regarded by Italy and Libya to be a threat to their stability or security, it would be in their interest to stop ‘clandestine migrants’, as they refer to them, from reaching their territories. The fact that Italy is the party providing funding for the Memorandum’s initiatives, as well as those proposed by the above-mentioned committee, could imply that Italy is not in a position where Libya can be coerced into implementing the measures to manage irregular migration independently, and soft power is thus a necessity. Since no progress could be made on this issue without a cooperative partner in Libya, it could be argued that the GNA has a slight bargaining leverage. While the majority of the measures are to be implemented on Libyan territory, and implemented under Libyan control, they are not funded by Libya. The Memorandum can thus be regarded as a win-win situation for the parties.

Borders are referred to throughout the Memorandum of Understanding, especially regarding the importance of border control and security, mentioned in the title of the document. This is not surprising, since migration per definition implies the crossing of borders, and border management is necessary for the management of migration. Among the initiatives included in the Memorandum text, are the training of coast and border guards, as well as the implementation of the satellite system controlling primarily Libya’s southern land border. The desire to persuade the countries of origin to control their borders and the irregular migration across them, is another measure focusing on borders. As discussed previously, borders are essential to state sovereignty, and could thus be tied to the discussion on sovereignty, above. However, regarding the satellite system, in particular, the questions of where the border and border control are located become interesting. The ‘borders are everywhere’ thesis, as described by Paasi (2013), implies that borders have become diffuse and that entire countries can be viewed as borderlands. Libya is arguably, primarily a transit country and not the intended destination for migrants, which could be seen as a ‘borderland’, where border controls can be conducted even beyond the border areas. Paasi (2013) argues that this can be done with technological assistance, which the satellite system is an example of. The system would also let Libya extend their border control to neighbouring countries.

While the identification of the concepts of power, sovereignty and borders have been quite straightforward, the securitisation aspect has been less so. Arguably, the fact that an agreement such as the Memorandum of Understanding has been considered necessary to manage a situation of irregular migration, could be proof enough that the issue has been securitised. In the text, this is most clearly found in the description of ‘clandestine’ migration, among other issues, as a ‘challenge’ that have ‘negative repercussions for peace, stability and
security’. By being framed in this manner, in addition to the arguably ‘exceptional’ measures to control the irregular migration, migration in this region has successfully been securitised (Emmers, 2013; Sheehan, 2005). As was mentioned above, the importance of Libyan land and sea border control and security is highlighted in the text, in order to ensure the reduced flows of irregular migration. Thus, irregular migration is considered a threat to border security, and by extension arguably also a threat to national security. Thus, the Memorandum treats irregular migration as a securitised issue.

To conclude, the analysis shows that implications of the geopolitical concepts power and power relations, sovereignty, borders and securitisation, to varying degrees have been identified in the 2017 Memorandum of Understanding.

6. CONCLUSIONS

In this paper, externalisation of border control and/or migration management from Italy to Libya has been studied, and an analysis of the Memorandum of Understanding signed on 2 February 2017 has been conducted. Three questions were formed to guide the study, and these will now be answered.

To what extent can it be argued that there has been an externalisation of EU border control and/or migration management to Libya? The examination of previous studies on agreements between Italy and Libya shows that by most definitions, EU border control and/or migration management has indeed been externalised to Libya. While specific measures have not always been regarded by different definitions to constitute cases of externalisation, in general the literature tends to argue that there has been a history of externalisation from Italy to Libya, both in terms of cross-border cooperation to manage perceived transnational threats, as well as a several fencing and gatekeeping strategies to keep irregular migration at bay.

Can the Memorandum of Understanding be understood as an example of externalisation of responsibility? If so, how? While an assessment of externalisation arguably cannot be determined solely through an analysis of commitments agreed to on paper, since the implementation of the measures agreed to can turn out significantly different. With this in mind, the analysis concludes that the Memorandum of Understanding can be understood as an example of a larger process of externalisation of responsibility for border control and/or migration management. There are a number of measures included in the text, which have been assessed and analysed and are considered to constitute cases of externalisation, either based on any of Paoletti’s three criteria, or as fencing or gatekeeping strategies as described by Triandafyllidou and Dimitriadi (2013). International cooperation on development, for example, does not necessarily entail aspects of externalisation. However, it can be considered strategies of externalisation if it aims at preventing irregular migration, or involves agreements on issues such as readmission. Thus, the conclusion is that the 2017 Memorandum of Understanding can be understood as an example of externalisation of responsibility, from Italy to Libya.
What are the geopolitical implications of the Memorandum of Understanding? While the political situation in Libya is not addressed explicitly in the Memorandum text, there are several aspects regarding the power relation between Italy and Libya, as well as both implicit and explicit references to sovereignty. The emphasis on the countries’ ‘friendship’ and the establishment of a committee of the same number of members from both countries, imply they aim at keeping the power balanced between the parties. However, in the international system states can be considered unequal, and the same case can be made for friends – even though equality is desired. However, it has been argued that the Memorandum of Understanding, its implementation and funding will create a win-win situation for the parties. The concept of sovereignty as well as non-interference in internal affairs are addressed explicitly, implying that they are of high value for Libya, in particular, since most initiatives agreed on will be implemented on Libyan territory. If Italian involvement becomes too dominant, an argument could be made that the distinction between sovereignty and non-sovereignty has been ‘blurred’. However, this is not something that can be argued at this point in time. Migration implies the crossing of borders, and border management is thus necessary for migration management to succeed. Training of Libyan border and coast guard, as well as the satellite system intended to control Libya’s borders are perhaps the most obvious measures intended to increase border security included in the Memorandum. Finally, the fact that an agreement such as the Memorandum of Understanding has been considered necessary to manage the ‘threat’ of irregular migration, arguably is proof enough of the situation having been successfully securitised.

The literature on the concept of externalisation and assessments thereof, have raised interesting issues to be considered. It has been argued that externalisation has failed; that it is ineffective; and that it has been used in the wrong ways. Additionally, a universal definition of what exactly constitutes externalisation of border control and/or migration management does not seem to exist, making it difficult to conduct an assessment that is universally agreed upon. However, in the field of critical geopolitics, objectivity and absolute truths are not regarded as possible, so this ambiguity might be unavoidable.
REFERENCES


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