Border Crises and Human Mobility in the Mediterranean Global South

Challenges to Expanding Borders

Edited by
Stefania Panebianco

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Critical Security Studies in the Global South

Series Editors
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Critical approaches to security have made significant inroads into the study of world politics in the past 30 years. Drawing from a broad range of critical approaches to world politics (including Frankfurt School Critical Theory, Poststructuralism, Gramscian approaches and Postcolonial Studies), critical approaches to security have inspired students of international relations to think broadly and deeply about the security dynamic in world politics, multiple aspects of insecurities and how insecurities are produced as we seek to address them. This series, given its focus on the study of security in and of the Global South, will bring to the debate new spheres of empirical research both in terms of themes and social locations, as well as develop new interconnection between security and other related subfields.

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Editor

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Finally, the book is dedicated to all those who are embedded in crises at the Mediterranean borders and cannot make a safe journey to Europe.

Trecastagni   Stefania Panebianco
September 2021   Jean Monnet Chair

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2011 and Ukraine since 2014 has led many to talk about a 'ring of fire' (The Economist 2014), depicting the neighbourhood as fraught with instability, fragility and leading many to flee. The number of internally displaced and refugees from both these violent conflicts is illustrative. Russia has been a major power involved in these contexts—in the case of Ukraine for obvious reasons, as this is part of what Russia describes as its natural area of influence—the post-Soviet space; and in the case of Syria for its long-time alliance with the Assad regime, geostrategic and economic interests, as well as status affirmation in the Mediterranean Global South.

Russian actions have translated a more assertive and militarised foreign policy, in line with its goal of being recognised as a major power by the west.[2] The annexation of Crimea in 2014, and the 2015 bombardments in Syria were game changers, making Russia a key player in these violent conflict settings. In this context, the role of Russia and its relations with the EU became most relevant for any strategy and actions to face crisis at EU borders. The finding of common ground in face of divergent goals has been revealing the obstacles to peace and stability resulting from competing approaches and unmatchable narratives. The chapter argues the conceptualisation of borders is key to understanding foreign policy, putting forward a critical approach to reading borders from both material and ideational perspectives.

The changing dynamics associated with physical and identitarian borders, such as with the Atlantic Alliance and EU's enlargements, changed the security framework where relations between the EU and Russia developed and highlighted processes of borderisation as potentially fostering insecurity. In fact, the North Atlantic Treaty Organisation (NATO) enlargement has been identified in the main security and military documents of the Russian Federation as one of the major external threats to the country. This implies a securitisation of the border with NATO countries, materialised in NATO military equipment, reciprocated by a militarisation of borders on the Russian side. These dynamics imply readings of insecurity associated to different types of borders performing different kinds of roles—whereas NATO border is understood in Russia as a threat, promoting insecurity in west-Russia relations; the borders of Russia with the energy pipeline community in EU–Europe offer economic opportunities and potentially enhance energy security. Borders are, thus, not just physical demarcations, separating sovereign states; they are part of narrative construction, they have multifaceted dimensions—social,

The Changing Policies of International Institutions: Human Mobility in the Mediterranean

Rosa Rossi

Introduction

Human mobility has increased in recent years, becoming a progressively more pressing issue in the international system. Several factors contribute to this trend: population growth and demographic imbalances, protracted armed conflicts, strengthening transnational interconnectivity, and poverty and rising inequality. Moreover, the number of migrants around the world will likely grow in the coming years, due to the economic and social effects of climate change and the COVID-19 virus, two of the cutting-edge global challenges that have occupied public attention and grown in political salience.

Even if it is too early to ponder the exact impact of the pandemic on the migrant trends, the United Nations Department of Economic

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and Social Affairs (DESA) estimates that the global health crisis may have reduced the number of international migrants 'by around 2 million globally by mid-2020, corresponding to a decrease of around 27% in the growth expected from July 2019 to June 2020' (UN DESA 2020). However, the economic and social setbacks will likely contribute to increase migration trends in future years. Over the past two decades, in fact, the flow of migrants rose sharply. 'It is estimated that the number of persons living outside of their country of origin reached 281 million in 2020, roughly equal to the size of the entire population of Indonesia, the world's fourth most populous country' (UN DESA 2020). The figures related only to refugees are also growing. The United Nations refugee agency UNHCR estimated that one in every 113 persons worldwide is either seeking asylum, internally displaced person (IDP), or a refugee (UNHCR 2021).

While other issues such as collective security systems, opening of markets, capital flows, development aid, fight against climate change—since basically the establishment of the contemporary hegemonic order—benefit of decades of multilateral cooperation and of related global policies (however with dissimilar outcomes), human mobility lacks a similar comprehensive regime. Exception is reserved to the categories of refugees and asylum seekers, within the so-called forced migration domain.

Human mobility has drawn the attention of several researchers and has been addressed by several disciplinary perspectives. And even within the field of International Relations, researchers have used several approaches to build knowledge on this contentious issue.[1] However, more contributions are needed to frame human mobility policies within the wider perspective of the *world political system* (Attinà 2021a). In this paper, I use the hegemonic school's description of this concept as: 'the system in which politics and policies are grounded on the legitimate world order that has been created by the coalition of countries that won the confrontation over the pre-existing delegitimated order' (Attinà 2021b: 4).

The chapter attempts to address this gap in the literature, analysing human mobility policies within the theory of the world political system, addressing in particular the Mediterranean area and examining how international institutions and in particular IOM's agreements and policies are affected by the changes in the contemporary world political order.

The chapter is organized as follows: first it provides an overview of world political system phases and summarizes the establishment of the refugees and migration regimes and the role played by the US leadership. Secondly it identifies the main changes in the policies and rules of human mobility and explores how these changes are affected by the contemporary order transition. Thirdly, a preliminary analysis of the implications of political order transition on the human mobility within the Mediterranean area is presented out. In the final section, I conclude and discuss the implications of the findings.

World Political System and Human Mobility Regimes

The political order shaped by the US and the coalition of the Western countries soon after WWII, is experiencing life cycle changes, similar to the transformations that the world political system underwent in the past. By political order, it is meant, the whole set of outcomes of the rules and policies made by the world institutions to respond to collective problems (Attinà 2020, 2021a).

The impact that systemic economic, technological, and environmental conditions have on the political system is a key element of the theoretical framework here adopted, and in particular the changes of the international institutions built by the powerful states, are here considered as an implication of the variations in the distribution of power between the players, following the assumption, that most powerful states and particularly the hegemon determine the course of international regime building (Hasenclever et al. 1997). Hence, also the analysis of the foreign policies of the leading states is crucial for building knowledge on the political space, which moves according to the four phases of the American hegemony:

> After the *phase* of *implementation* and *amplification* of the early institutions and policies of the American project, commonly called international liberal order, world politics has been going through the *phase* of *institution and policy de-legitimation* and in current years is entering into a *transitional* period. Probably, the present order transition process, like the previous ones, will pass through two phases, *coalition reconfiguration and macro-decision*, that will affect differently the policymaking institutions and multilateralism (Attinà 2021b: 30).

Within the *implementation* phase, trade, finance, and security policy, were the three crucial policies which kicked off the liberal international order led by the US as the key actor in the current cycle. However other issues, as forced migration object of this chapter, and in particular the resettlement of refugees and the protection of labour migrants, turned to be discussed questions within the world public debate and entered into the political agenda of the world institutions, however not reaching since the beginning 'the stage of the multilateral policymaking' (Attinà 2021a).

The release of the *de-legitimation* phase is identified by the demise of the Bretton Woods regime signed by the 1971s end of the fixed exchange rate and the starting of a distance within the coalition of states backing the US that impacted the structure and process of the political system (Attinà 2021a: 21).

The current phase, the *transitional* one, is characterized by an increasing inadequacy of the current liberal order due to the unsatisfactory policies advanced to respond to the incumbent challenges. There are mounting disputes among the states and new coalitions might be structured with a revisionist political order. Ineffective policies by international institutions—and in particular here we focus on refugee and migration regimes—may be acknowledged, therefore as hints of these transformations in the world political system. The following sections will focus on the establishment of the human mobility regimes during the *implementation* phase.

The Refugee Regime

Human mobility policies have traditionally been considered as part of two different regimes: refugee and more broadly migration regimes. The refugee regime, which comprises several governments, organizations, principles, and norms, was shaped soon after WWI, with the establishment of the League of Nations High Commissioner for Refugees (LNHCR), Fridjolt Nansen, in 1921. The LNHCR started to manage target categories of refugees such as those fleeing the Russian and Ottoman Empires and it was responsible for the surveillance of the Greek and Turkish people's exchanges. Eventually during WWII, the UN Relief and Rehabilitation Administration (UNRRA) was created in 1943. It addressed victims of Nazi-Fascism. Many displaced persons camps were established and the Agency was in charge of the repatriation of WWII civilians. However, due to the increasing confrontation with the Soviet Union, the

US started to oppose sending refugees to communist-controlled countries. The UNRRA was replaced in 1947 by the International Refugee Organization (IRO), still mainly founded and used by the United States as a tool to coordinate 'post-war resettlement for Europe's displaced populations' (Betts 2009: 38), thus shifting the focus from repatriation to resettlement. 'The United States, which underwrote over two-thirds of its costs and controlled its leadership, played the key role in investing IRO's refugee protection with specific ideological content' (Loescher 1996: 51). That ideological focus meant supporting expressly refugees that did not want to return to communist countries (Ferris and Donato 2020: 33). The US, however, in those years invested more on other world-scale problems such as state security, with NATO, and financial and trade issues with the Monetary Fund (IMF), the World Bank (WB), and the General Agreement of Trade and Tariffs (GATT). For this reason, the IRO concluded its works in 1952, and was disbanded after a liquidation period the successive year.

The UN High Commissioner for Refugees (UNHCR) was created in 1950, originally with a short-term mandate (3 years) to deal with post-WWII European refugees and IDPs. The choice of targeting in particular the European region revealed clearly the US foreign policy priorities at that time.

Following the 1951 Geneva Convention Relating to the Status of Refugees, the UNHCR's main goal became the monitoring and implementation of the Convention, which lays out a wide-ranging definition of refugee status[2] and spells out the rights to which refugees are entitled. The Convention provides in particular the right of non-refoulment (the Non Refoulment Principle—NRP), in other words, the refugee cannot be forcibly repatriated to his/her country of origin. The NRP is also backed by other covenants and laws such as the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT), the refugee convention, and the European Convention on Human Rights (ECHR). Accordingly, the NRP principle is applied in a more extensive way and not only to people who have recognized asylum.

The UNHCR pays influence on state behaviour through what is often named moral authority or persuasion. However, like all other international institutions, it depends on the voluntary funding of the Member states, and in particular by states responsible for the contemporary world order. The US has been, in fact, the top UNHCR donor country for the

last seven decades. 'In 2020, the United States donated a total of $1.973 billion with $346,300,000 in flexible funding'.[3]

However, the US approach to the refugee regime has oscillated across time. Initially, the US did not endorse the Convention in 1951. The hegemon power started to draw attention to the refugee regime in the aftermath of the fleeing of refugees from Hungary following the 1956 repression by the Soviet Union. Eventually, the US ratified the New York Protocol. On the whole, around 150 states have ratified the Convention and the 1967 New York Protocol, which removes the geographic and temporal limitations of the Geneva Convention (Martin 2015: 68).[4]

In the aftermath of the Cold War, the UNHCR had a substantial expansion of its operational scope and budget and became the central actor for forced migration policies. During the past decade, the agency, notwithstanding its long-lasting legal basis and legitimacy, has suffered a significant decline as main actor within the forced migration domain (Hammerstad 2014). In particular UNHCR has had to confront pressure from Member states aimed at altering the institution's policy, pointing for instance to repatriation. This decline may be the result of the contemporary world order transition and of the contestation of liberal international institutions based on normative principles (Börzel and Zürn 2021).

The Migration Regime

Moving away from the refugee regime to the broader migration regime, it becomes clear that there is not a similar level of multilateral cooperation. Indeed, despite some efforts, states have not agreed to establish a proper international regime. This likely results from the fact that human mobility management is seen mostly as an issue of border control—an essential feature of state sovereignty. Governments, therefore, have traditionally been hesitant to allow other actors participate in the management of migrants and the control of their borders (Geiger and Pécoud 2017). Due to the lack of international migration agreements and of a specialized migration agency, Gosh (2007) has labelled this absence as the 'missing regime'.

For this reason, at least for many years there has not been a lead actor in the migration domain. Several organizations acted as reference points, depending on the different dimensions and frequently this leadership shifted: Migrant workers' rights were first protected by the International Labour Organization (ILO), afterwards the UN Office of the

High Commissioner for Human Rights (OHCHR) took this role. Child migrants were under the purview of UNICEF, while the UN Development Programme (UNDP) was in charge of the migration-development nexus. In order to overcome the overlapping among UN agencies, the Global Migration Group was instituted in 2006 (Ferris and Donato 2020: 55). Accordingly, the establishment of a migration regime faces a difficult path made of plenty different actors and overlapping measures.

For the above reasons, the International Organization for Migration (IOM) did not have the same authority and legitimacy as the UNHCR. The IOM took this name only in 1989, though its origin predates the decision. The IOM in fact derives from the 'Provisional Intergovernmental Committee for the Movement of Migrants from Europe' (PICMME), which was created following the Second World War in 1951, to take care of European Migrants, and eventually was renamed as Intergovernmental Committee for European Migration (ICEM) in 1952. The organization was created with the aim to organize transportation for European migrants to overseas countries, and is regarded as a 'service organization' which operates outside the UN system. During the cold war, the establishment of PICMME responded to the interest of the dominant coalition, to control an institution, outside UN system. As clarified later, ILO acted as the main actor within UN system in managing migration, however: 'when the US and other Western powers felt constrained by working with a UN body that, after all, included the Soviet Union, they created a new organization, the Provisional Intergovernmental Committee for the Movement of Migrants from Europe to handle logistical issues related to the resettlement of refugees' (Ferris and Donato 2020: 53).

The organization widened its scope in 1982 during the Indochinese refugee crisis, taking the name of Intergovernmental Committee for Migration (ICM). Nowadays, it has a broader scope and deals with operational challenges, favouring 'social and economic development through migration and uphold the human dignity and well-being of migrants' (IOM 2015), but it is still not formally recognized nor mandated by international law. 'Unlike IOs with a normative mandate, IOM never criticizes its Member states and is unlikely to resist implementing projects that would be incompatible with its (non-existent) standards' (Pécoud 2018:1629). Only in September 2016, IOM became a UN-related International Organization and it has expanded its domain, impacting, indirectly with the other migrant and refugee organizations. UNHCR was

recognized as a challenged institution (Betts 2013), while IOM has both the qualities of a challenging and challenged institutions, having de-facto enlarged its mandate to a number of migration sub-fields previously associated with other international and regional institutions and at the same time raised the reaction of other organizations especially in Central Asia (Korneev 2018).

As pointed out by Bradley (2020), the IOM has increased its role in the humanitarian and crisis domain in the last years. Moreover, despite the fact that the IOM is not a norm-setting agency, as it does not have a protection mandate and it defines itself as an operational institution, in reality 'IOM is moving closer to its other UN counterparts in terms of policy development. This should serve to strengthen the possibility for closer relationships with other UN agencies in the future—which will be vitally important as IOM assumes leadership of the implementation of the global compact on migration' (Ferris and Donato 2020: 58).

Moving to an analysis of the normative underpinnings of the international migration regime, there are no widely ratified treaties expressly targeting migrants' rights. Most multilateral agreements do not deal with migrants as a specific group. Migrants are included in various conventions related to labour, broad human rights protection, and concerning humanitarian aid. Basically, migrants' welfare is governed by wide-ranging human rights treaties such as the International Covenant on Civil and Political (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and accordingly, migrants' dignity is guaranteed through the protection of the right of non-discrimination and the freedoms of religion, association, and movement.

As the ILO promoted economic stability by finding jobs for the unemployed, and because many of the unemployed at the time of ILO's establishment were displaced persons (Martin 2015), the ILO's mandate was extended to migrants (Ferris and Donato 2020: 53). Explicit reference to the management of migrant workers appeared in the ILO's constitution, which recognizes migrants needing protection and committed the organization to protect 'the interests of workers when employed in countries other than their own' (Geiger and Pécoud 2010).

The International Convention on the Rights of All Migrant Workers and Members of Their Families (ICRMW) is one of the conventions promoted within ILO. This convention is of interest, also expressly for the Global South area because it sees the agency of Morocco, that together with Mexico, have chaired the group which worked to the draft of the

convention. However, this leadership role was not supported by other countries in the MENA area, as it is possible to infer looking at the Convention's signatory states.

The first Permanent Migration Conference in 1946 and subsequent conferences repeatedly resolved that the ILO should be responsible for coordinating international activities with respect to migration, rejecting the idea—as did the UN Secretariat—that a specialized migration agency should be established (Karatani 2005). According to an ILO-UN plan, the ILO should be in charge of international cooperation on migration issues as a single permanent UN agency. However, as revealed above, 'the US had other ideas; it preferred creating a new institution with specific functions based on intergovernmental negotiations. At a pivotal conference in Naples in 1951, the ILO-UN plan was rejected in favor of the US approach' (Ferris and Donato 2020: 53). And the PICMME was established as mentioned above.

In recent years, the IOM has expanded its role within the regime and has started to strengthen its policies on migrant protection. As reported by Ferris and Donato (2020) 'the IOM adopted the Principles for Humanitarian Action and later the Policy on Protection: that affirms that "protection is a question of securing rights" (IOM 2015, para 12), noting that the organization is committed to a "rights based approach to all its policies, strategies, projects and activities" (IOM 2015, para 13). These examples illustrate that despite IOM's lack of a protection mandate and its repeated affirmations, that it is an operational and not a norm-setting agency, the fact is that IOM is moving closer to its other UN counterparts in terms of policy development' (Ferris and Donato 2020). Like the UNHCR, the US remains the top donor of IOM. In 2019, the US funded the organization with an amount of nearly 0.6 billion of dollars which represent more than one-third of IOM annual budget.[5] The changes within the two human mobility regimes are here comprehended within the broad decline of liberal internationalism. Human rights, rule of law, free trade were basically the principles of the post-war order that reflected the Western coalition's interests and their public policies, however the political leader or whoever emerge as the next political leader may not continue to benefit from and promote the same values.

The Transition Order and the Changes in the Human Mobility Policies

The international political order shaped after WWII is under pressure, with a retreat from Liberal Internationalism or an open contestation to its values. The Liberal principles that promote human rights, rule of law, and democracy, which received legitimacy in the last 70 years, with an increasing number of states that were joining the ensuing international institutions, are now questioned with disaffection to the resultant norms and regulations. In other words, with the transition from liberal international values to an alternative political world order, we see that such values and ensuing policies are nurturing defiance. The crisis of multilateralism as a preferred practice for tackling large-scale problems seems to have driven the transition from liberal international values to an alternative political world order. The US has granted in the last 70 years multilateral cooperation, democracy promotion, international law, and human rights, and has built the Western security community (Ikenberry 2018; Niblett 2017). The cohesion of the Euro-Atlantic coalition is becoming endangered by political and economic challenges. The 2007–2008 global financial crisis, the rise of anti-humanitarian populism in several European countries, and the leadership of U.S. President Donald Trump contributed to the erosion of the consensus to the US leadership. 'Some of the values that have upheld the liberal international order and the system of global governance are in question—not least when considering the rise of nationalist strongmen in China, India, Russia, South Africa, the Philippines, Japan and recently Brazil' (Pabst 2020:17).

The complexity in building collective policies to respond to global problems in this order transition phase is affecting human mobility policies as well. This is true for the case of the less stable migration regime, but also for the more institutionalized refugee regime. Such contestation of the liberal vision of human mobility, has also been spurred by the migration *crisis construction* in the mid of 2010s, that moved to the changes within human mobility governance. 'Thus, the large-scale movement of people in 2014–2015 gave rise to a perceived global crisis, which led to a decision by members of the UN to convene a global summit on refugees and migrants' (Ferris and Donato 2020). Accordingly, it was convocated a plenary discussion at the UN General Assembly in November 2015 to discuss the topic of the tragedies of *irregular* migrants in the Mediterranean, with a particular emphasis on Syrian asylum seekers.

This passage suggests that some of the recent trends in global migration governance are the result of the changes to the stable and expected relations among the coalition of countries that in the last seventy years have overseen policies aimed at protecting the human rights of asylum seekers and migrant workers.

The spread of non-binding tools (the 2018 global compacts), the increase of fragmented measures and informal practices in the human mobility management, the growing involvement of private actors, the criminalization of migration flows, the rise of border control agencies (like Frontex), the growing mistrust of global political institutions (by the target groups refugees or migrants), the expansion of operational and less political international institutions (like the broadening of IOM) are all signs of changes to the world policy-making process. These changes come to a field that, while not advanced and strong, was at least functional for building and empowering a coalition that contributed to the creation of the consensus on the liberal international order. Accordingly, these above factors are briefly analysed in the following section. So 'the question of today is whether new coalitions of culture and interest are in the making either to promote the reform of the world policies that have gone down decreasing effectiveness or to cause the subversion of the declining hegemonic order' (Attinà 2021b: 21).

The Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR) were adopted by 164 states in 2018. Notwithstanding the narrative of political leaders, the Global Compacts do not impose obligations on states, nor do they violate state sovereignty. As pointed out by Louise Arbour—Special Representative of the Secretary-General for International Migration—both the Global Compacts 'do not create a right to migrate. Under international human rights law citizens of a country have the right to enter, stay and leave their country but they don't have a right to go anywhere else unless they seek asylum, or are authorized by another country to enter its territory' (Arbour 2018).

The Global Compacts followed the New York Declaration (unanimously adopted by all 193 member states of the United Nations) which included a statement on the 'responsibility sharing'[6] which marked a significant *forward momentum* in the human mobility cooperation. However, a less naive vision underlines the merely declaratory cooperation statements, since responsibility-sharing is elaborated merely as voluntary action by states. Hence, if governments do not provide financial resources

to frontline states or if they fail to resettle refugees, they do not bear any consequences (Ferris and Donato 2020). The Global Compacts, therefore, are considered an important but non-binding set of principles that guide governments, but they do not oblige the states as the existing international law.

The institutional fragmentation among the UNHCR, ILO, and IOM is a persistent feature of human mobility governance, as seen above, and it was typical also of the implementation and de-legitimation phases. More recently, however, we have witnessed a proliferation of measures, tools, and practices, both at the international and regional level, that have made it difficult to attribute responsibility. The increasing involvement of private actors, for instance, in GCM is acknowledged as a way to expand business group participation while reducing 'the space for (human/labour) rights advocates' (Piper and Foley 2021). The fragmentation and spread of informal measures in the human mobility sector include, for example, the Regional Consultative Processes (RCPs)[7] which have emerged since 1985 as intergovernmental fora to address migration-related issues at the regional level and are also non-binding tools.[8] Most of the RCPs are not transparent networks of civil servants. 'They can be seen not so much as "regional cooperation" in themselves but as trans-national policy networks that may sometimes lead to new forms of bilateral, regional, or inter-regional co-operation. (…) RCPs generally involve technocrats speaking behind closed doors' (Betts 2009: 182). The regional agency of RCPs and the involvement of private actors, however, do not have a shared approach to world policies, but only agree on limited measures. If this will generate a new coalition of countries that represent a different culture and set of interests, generating new world policies is still to be decided, but as pointed out by Attinà (2021b: 21) 'the Chinese model of economy and society, which is based on the lack of a meaningful boundary between public and private ventures, gives to China competitive advantage on the Western coalition because it is close to the model of society and economy of many Asian and African countries'.

The securitization of migration is highly developed in western countries. The US, Australia, and the EU have developed several measures, practices, and institutions to manage external borders in a restrictive and control-oriented manner and many measures have taken to limit the migration flows. For instance, the United Nation Security Council (SC) authorized the capture and destruction of the boats used by the smugglers crossing the Mediterranean (UN SC 2015). Most European

countries have moved to securitize migration, conceiving human mobility as a threat to public order, to the national and European identity, and to cultural and welfare institutions (Huysmans 2000). The EU, as a consequence, has invested in the creation of common standard at the external borders, for example through the coordination of Frontex[9] and established the so-called EU hotspot system to the Mediterranean Migration (Panebianco 2020). The recent health lockdown increased the demand for an even more securitized approach to migration with more immigration control measures in order to halt with the migrants and any possible spread of the virus.

The choice to focus on border control measures and to criminalize migration is backed by public attitudes and anti-immigration sentiments but it has recently generated rejection among some civil society groups about the role played both by states and by international institutions in the humanitarian field related to human mobility (Search and Rescue operations, reception and identifications centres, refugees camps). The diffusion of informal civil society groups, singular persons that choose to help and support the people on the move, frequently at the borders of the EU, is also attributed to public authorities' and formal international institutions' weakening reputation in the eyes of beneficiaries (displaced persons, refugees asylum seekers). The role played by international and regional institutions in the human mobility field is changing. As mentioned earlier, Frontex has become a central actor in Europe. 'With around 150 joint surveillance operations at the EU external borders since 2005 and a budget that has been constantly expanding in parallel to its mandate, Frontex and its evolution, the European Border and Coast Guard Agency (EBCGA) has become the most important actor in border enforcement in Europe' (Gkliati 2020). Moreover, beyond the border control operations, Frontex has recently increased its involvement in return operations. This conforms to the restrictive immigration policies of Western countries, which are historically cyclical and often due to recession periods (Betts 2021). 'However, several factors imply that the trends underlying anti-immigration politics are also structural and hence likely to endure. Transformation in the global economy, the end of full employment, automation and offshoring of labor-intensive manufacturing, the rise of China and the change in the global distribution of economic and political influence, long-term underinvestment in education and retraining, and technological opportunities for extremist politics

to mobilize and polarize societies, for example, all contribute to the structural conditions within which restrictive immigration politics is likely to thrive' (Betts 2021).

In the former section, I briefly examined the expansion of the IOM and its increased international role. The IOM is no longer made up solely of Western states as it was at its origin. By including new states, the IOM has transformed itself into a 'truly global institution' (Bradley 2020:24). In 2020, 176 states are formally part of the IOM. This is a big transformation if we consider that in 2003, the IOM counted 98 members. Moreover, five large countries—China, Russia, India, Indonesia, and Brazil—were initially only observers. The IOM gradually and strategically persuaded these new states to join. China for instance entered the organization in 2016, while Russia is still not part of it. Notwithstanding this expansion, the IOM has only attempted to satisfy the objective to strengthen the UN capacity to respond quickly and more effectively to large-scale movements beyond the specific case of refugees. Its tradition as a logistical and functional organization and the lack of a fully formed normative mandate have limited its role as a 'liberal institution'.

Likewise, the rare presence in other international institutions, few middle eastern states are part of IOM. 'Iraq, Lebanon, Syria, and the United Arab Emirates are among the countries that send or receive large numbers of refugees and migrants and, to date, they have not joined IOM neither as member nor ad observer' (Bradley 2020). The impact of the order transition process and the ensuing changes of international institutions and world policy-making on the Mediterranean region is, as a consequence, particularly interesting to assess.

The Impact of Human Mobility Policies Over the Mediterranean Area

The human mobility changes most affect the so-called Global South, as most of the migration flows are a South-South phenomenon. Such flows, moreover, occur 'outside of the legal frameworks of bilateral labour migration' (Micinski 2021: 9). Even if state in the Global North provide a more advanced refugee protection system, most of the asylum seekers do not reach those territories and do not benefit of the legal systems of the economic developed states. Such countries block refugees from travelling into their territory, for example with restriction visas, with fines and sanctions to airlines that carry refugees who do not hold the required

documents (Micinski 2021: 9). In this regard, 'South-South migration, understood as migration between developing countries, is larger than migration from the South to high-income countries belonging to the OECD' (Nita et al. 2017).

The Mediterranean remains particularly interesting with regard to human mobility, as the majority of refugees, according to UNHCR data, come from Syria and Afghanistan. More accurately, being Somalia the third country with a population of refugees fleeing, the whole Global South is affected (UNHCR 2021). The picture does not change if we consider the areas where the refugees arrive. 'The top host countries for refugees are Turkey (2.9 million), Pakistan (1.6 million), Lebanon (1.1 million), Iran (979,000), Ethiopia (736,000), and Jordan (664,000)' (UNHCR 2021). The figures of displaced persons involve even more this area. 'Roughly 39% of displaced persons are from the Middle East and North Africa, 29% are from Africa, 14% are from Asia and the Pacific, and 12% from the Americas'.[10]

The interest and political salience of the region has grown since 2015, when more than one million people crossed European borders to claim asylum. Human mobility became widely seen as a matter of concern and it has been described as an international *crisis*, moving up to a high position on the international political agenda.

> European and US leaders alike spoke repeatedly of the global refugee and migration crisis—but it was perceived as a crisis because refugees and migrants arrived on the borders of developed countries. If a similar number of people were displaced to countries in Africa, Latin America or Asia, the perception of a global crisis would likely not exist. In fact, during 2018, more than three million Venezuelans emigrated from their country. Although an issue of deep concern for humanitarian and human rights agencies and Latin American countries, to date Venezuelan migration is not perceived as a global crisis and no UN Summit has been called. (Ferris and Donato 2020: 79)

The principles and policies to manage this phenomenon—occurring in the contemporary *transitional* period—are, however, completely different compared to the ones of the *implementation* phase, that is the period after WWII. The management of what was perceived as the global migration crisis impacted for instance on the IOM's growing political reputation as international organization (Dini 2018). The IOM played a crucial role in

enabling the Turkey–EU agreement. Initially, the IOM in order to facilitate cooperation with the EU was a central actor in the adoption of a new Turkish immigration law. Through the IOM's good offices, several meetings between EU and Turkish policy-makers were organized and this led to a policy change due to the fact that the officers spent time together sharing a common vision of the situation. 'Thus, acting on the EU's behalf, IOM found ways to introduce policy changes while, at the same time, to respect state sovereignty' (Ferris and Donato 2020: 58).

The case of Libya offered the IOM the possibilities to integrate itself more deeply into the UN system (Brachet 2016; Bradley 2020). Libya first joined the IOM as an observer in 2002 and became a full member in 2004, two years later opened an office in Tripoli which focuses on irregular migration. With the help of the IOM, Libya worked closely with EU on border controls. After Gaddafi's fall in 2011, Libyans started to move into neighbouring states, while many of the migrants present in the Libyan territory were not allowed to enter Tunisia or other closed countries, nor they could afford the travel back to their countries of origin. While Libyans were entitled to UNHCR's protection as legal refugees, the displaced people already in Libya, most of them without documents, did not fall under the UNHCR's mandate. For this reason, 'IOM stepped into a major role' (Bradley 2020: 84). The organization worked actively, evacuating 38,000 migrants from Libyan territories and rescuing several hundreds of migrants. This enabled the growth of the IOM's activities in addressing humanitarian needs of migrants and it deepened its cooperation with the UNHCR, enforcing thus its involvement within the UN system. However, the IOM's work in Libya is controversial in particular for the detention and returns sectors. With the EU funds, IOM has repatriated several thousands of migrants, most back to sub-Saharan African countries: Nigeria, Guinea, Gambia, Mali, and Senegal. The assistance for repatriation has taken the name of *voluntary* humanitarian return and was funded mainly by European countries. (Bradley 2020: 88). Notwithstanding the name, questions rise on the truly voluntary nature of this programme. As pointed out by Amnesty International (2017), 'this voluntary return programme certainly offers a lifeline to some', however 'it should not be seen or promoted as the sole evacuation option for those stranded in Libya … 'the extent to which these returns are genuinely voluntary remains questionable, particularly for those with a claim to asylum'. Additionally, Amnesty International insisted on 'a formal recognition of UNHCR and its mandate by Libya; a significant

increase in UNHCR's capacity to conduct refugee status determination; and a large increase in the number of resettlement places and humanitarian visas offered by European—and indeed other—countries' (Amnesty International 2017).

The IOM's work was also questioned in other Mediterranean countries. For example, the well-known yet contested case of 'Assisted Voluntary Return and Reintegration' programmes (AVRR), implemented in Morocco since 2005, which mainly targeted migrants coming from West and Central African countries (Maâ 2020). In the Libya case, however, the IOM has a more explicit commitment to humanitarian principles, as it cooperated more with other IOs, like UNHCR. It has also become more transparent in its programmes and has cultivated its *new* role of *principled* organization. Bradley suggests that this situation is 'one of business as usual for the humanitarian system', and IOM's humanitarian programmes in Libya may have a contradictory nature in maintaining power imbalances and containing the costs of the policy choices adopted. IOM, however, seem to have taken advantage from the Libya situation. 'Rather than unreservedly playing the part of docile servant, the IOM has taken on a more ambitious but deeply fractured role. Attempting to play both sides of the system, the IOM is embedded in restrictive EU and Libyan migration policies, at the same time as it has spoken against these policies and their consequences in ways it hasn't done even in recent past' (Bradley 2020: 90).

The Libya case and the Mediterranean migration *constructed crisis* are a paradigmatic case of the 'collective assault on the international refugee regime' (Lake et al. 2021) and of policy changes that result from the political order transition, previously discussed. The regimes established after World War II involved the growing adhesion of a coalition of states in the early years. The paradox is that there is a great transformation of policies and international institutions concerning human mobility that is mainly detectable in the Mediterranean area, such us the non-refoulment principle and IOM expansion. However, the Mediterranean states, have been mostly at the margin of many of these policy-making processes, not being member states of the international institutions on refugees and migration or for not having signed the related conventions.

CONCLUSIONS

Recent migration flows in the Mediterranean region have brought human mobility into the spotlight for scholars and policy-makers, both at the state and international institutions level. The very transnational nature of the phenomenon represents a challenge for singular states to deal with it and have brought new notions such as people on the move, human trafficking, irregular migration, which mixed with concerns over human mobility as an undesirable phenomenon and with the desire of better control countries' borders. Perceptions of the Mediterranean migration crisis and the policies to address it are also affected by a change of order at the system level. The liberal order created after the second world war, and the international institutions that made up that order, have generally recognized human mobility as not only as *normal*, but also as a potentially positive factor, a win/win/win situation for countries of receptions, for migrants and for countries of origin.

Refugees protection and granting asylum to people forced to leave their own countries were principles recognized by the hegemon power and by the coalition of states that shaped this order. In the recent decades, however, we have witnessed a shift in these values and a decay of these principles.

This chapter has analysed how this change unfolded and the impact on international institutions and their policies to address human mobility in the Mediterranean. The traditional divide between legal and illegal or external and domestic dimensions of migration policy have become increasingly *fuzzy*. The 2018 Global Compacts have again raised the importance of renewing cooperation between states and the impossibility of states addressing human mobility on their own. The outcomes, however, are not binding for the states.

Many international institutions have to bear the costs of the Trump presidency, which resulted in a temporary suspension of US contributions. International organizations in charge of human mobility are losing credibility and trust, both from the main target of their intervention (migrants and refugees) and from the civil society movements that are in the field struggling to cover the gap of states' disengagement. Frontex is one of the institutions that has been blamed for the management of their funds and for the disregard of humanitarian principles. The Frontex presence in the Mediterranean, however, was at state convenience, as it was in charge of alerting the public maritime authority, when migrant boats were spotted.

The analysis of the composite situation of human mobility in Libya shows that IOM has constructed consensus and it has affirmed its position, especially in dealing with the humanitarian aspects and with the EU. In-depth and systematic analyses are certainly needed in order to foster the research adopting this global perspective of political order transition and assessing which other principles and institutions are rising in the post-liberal world order. Moreover, continuing to focus on the Mediterranean is particularly interesting in order to assess the specific migration regime's transformation. If the challenges to the protection of refugees and its regime and the changes in the policies of international institutions that are part of the crisis of the liberal order will give rise to a return of an old-new Westphalian order, based on sovereignty as its key principle, or whether we will witness to efforts to resuscitate the contemporary coalition and order remains to be seen.

Notes

1. An overview of IR theories and forced migration is in Betts (2009).
2. The 1951 Geneva Convention define the status of refugee as: 'Any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it'.
3. As reported by UNHCR data on: https://reporting.unhcr.org/donors-usa (accessed on July 15th 2021).
4. The Convention was ratified by 148 states, however some major refugee-hosting states such as Pakistan, Bangladesh, Jordan, and Lebanon have not done so. Some states, such as Turkey, maintain the geographical restriction limiting recognition of refugees to Europeans.
5. The amount is of $ 591,693,223 on UNSCEB portal https://unsceb.org/fs-revenue-government-donor (accessed on July 15th 2021).
6. Debates and distinguishing remarks were risen, concerning the responsibility-sharing. For instance as reported in the UN Press

release of the General Assembly: 'Hungary's representative, explaining her vote against the resolution, said there is no need for new instruments, as existing international frameworks adequately address refugee issues. Further, the Global Compact fails to distinguish between refugees and migrants and does not take into account the voluntary nature of responsibility-sharing. The representative of the Russian Federation, while emphasizing the importance of burden-sharing to ensure international solidarity in addressing refugee issues, stressed that the agreement is not binding and therefore does not impose any legal obligation on his country'. https://www.un.org/press/en/2018/ga12107.doc. htm (accessed July 15th 2021).

7. First examples of RCPs are the Intergovernmental Consultations on Asylum, Refugees and Migration Policies (IGC), the Budapest Process, the Puebla Process, and the Colombo Process which allowed 'informal discussion and cooperation among states' (Betts 2009).

8. A list of regional initiative is included in Micinski (2021: 30).

9. Regulation (EC) 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex Regulation).

10. 'A significant part of today's cross-border movements takes place within regional spaces', as evidenced by Nita et al. (2017), the World Bank has estimated the levels of intra-regional mobility as a percentage of total emigration (the Middle East and North Africa with 31.5%).

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