



**‘Saving the lives’: analysis of a
discourse on irregular migration in
the Mediterranean**

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Abstract

This article considers a peculiar yet overlooked aspect in the management of irregular immigration: the repeated use of specific discourses in relation to determined governance processes. In particular, the 'saving the lives' discourse will be put under the spotlight in this work. The main objective is to show how this concern, often reported in European documents and speeches, has contributed to politicize irregular migration and asylum as well as to justify the undertaking of restrictive policies, posing consistency and effectiveness problems to the Union. The paper investigates the development of the discourse, dating back to removal practices implemented by the Italian Government towards Libya in 2004: in order to save immigrant lives, it was stated, it was necessary to send irregulars back to departure points or prevent them crossing the Mediterranean sea. From that period onwards, the 'saving the lives' discourse became a widely employed discourse both at the national and at the European level.

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Michela Ceccorulli

Forum for the Problems of Peace and War

Introduction

Cooperation with Libya on irregular immigration management is quite a new chapter in European relations with third countries. The issue has been firstly approached by Italy, the earliest country to establish formal relations with Libya after a period of international isolation. The increasing number of irregular immigrants *en route* to Europe and directed to Italy at the beginning of the new century has pushed this latter state to establish a regular dialogue and effective cooperation patterns with the North African country. Libya's commitment to address the matter has been concrete, although intermittent, thanks also to a broad array of other negotiating tables opened between the two countries. In particular, compensations for the Italian colonial past, together with oil, gas, and trade agreements, created a privileged bilateral path of relations.

Co-operation on irregular immigration between the two countries has assumed a particular relevance in 2004, when Libya accepted to readmit a considerable amount of irregular immigrants landed by sea on Italian shores. While strongly criticized by humanitarian organizations, this became a grounded bilateral practice for the management of irregular flows, often accompanied by a discourse emphasizing the need to save third country nationals' lives. Thus, this speech, repeatedly reported in Italian official statements, became a justification to the removal of third country citizens and to increased co-operation with a country exhibiting poor records on basic human rights protection. The preferential relation established with Libya on irregular immigration has somehow facilitated and influenced the promotion of a dialogue on migration between the EU and the country. The European Union shared an interest in opening relations with Libya, but was prevented by the sanctions and the arm embargo applied to the country. In addition, co-operation

with transit countries on irregular immigration was a topic of increasing relevance for the European Union's agenda, especially after the new power on migration and asylum conferred by the Treaty of Amsterdam in 1999.

Italy has contributed to render the 'saving the lives' discourse politically usable on many fronts related to migration. Although being employed to justify strengthened cooperation with Libya on the management of unauthorized flows, this discourse was progressively utilized to give reason of a broad array of migration-related policies undertaken. EU's documents and speeches increasingly referred to 'saving the lives' as a basic motivation for the formulation of a credible return policy and of preventative measures to stem irregular immigration.

The article first frames Libya's relations with Italy and the European Union, emphasizing how the country became a paramount actor in the management of irregular immigration. Second, it explains the emergence and the development of the 'saving the lives' discourse in Italian documents and speeches. Then, it considers the ways in which the discourse has been integrated in European documents and speeches on Libya and on irregular immigration in general, justifying a process of progressive 'externalization' of irregular flows management. The last part concludes.

Libya's strategic role on irregular immigration regulation

Among various matters for debate, irregular immigration from Libya has emerged as one of the main concerns for the Union and its member states in the last decade.

As Perrin recalls, Libya has played many times with border strategy as one of the main tools of its foreign policy in its own continent, sometimes and with an anti-imperialist dose, asking for an African Continent free from frontiers. Other times Libya has imposed huge controls at its borders embittering relations with her neighbors (Perrin, 2009). These alternative policies, together with natural resource endowment (mainly oil and gas) and its scarce population, have turned Libya into a major destination country for migratory flows in the continent (De Haas, 2008: 1307). The closure of important maritime routes for immigrants in Morocco, Tunisia, Egypt and the Balkans added to the economic and social difficulties experienced by the country at the turn of the century and rendered it more attractive for immigrants, not least for its economic structure, heading for Italy (Pastore, 2007; De Haas, 2007; Monzini, 2008).

Strategically important within the regional context for many issues of increasing interest such as terrorism, nuclear proliferation and energy, Libya became a paramount actor whom to start patterns of co-operation with. From a European perspective, the aim at encompassing Libya in a set of stable relations on many fronts was rendered difficult by the country non-participation to the Euro-Mediterranean Partnership (EMP), a framework of relations defining European priorities and strategy in the Mediterranean, and by the sanctions imposed to the country. The icebreaker in advancing a dialogue with Libya was Italy. This country's colonial past, together with the issue of irregular immigration of common concern to both countries, opened up the possibility to create a preferential relation, within which to discuss key matters. First high-level contacts between Italy and Libya started in 1999 with the visit of Lamberto Dini, then Foreign Affairs Minister, and Massimo D'Alema, Prime Minister, in Libya. A year before, at the VI Italy-Arab-Libyan mixed commission, the two parts expressed the necessity to organize a technical meeting to establish co-operation on falsification and illegal use of travel documents and on prevention and fight against illegal immigration (Processo Verbale, 1998). In 2000, Italy and Libya signed an agreement setting up collaboration in the fight against terrorism, organized crime, illicit traffic of drug and against illegal immigration (Accordo tra il Governo della Repubblica Italiana e la Grande Giamahiria Araba Libica Popolare Socialista, 2000). This agreement was of the paramount importance, as it set the basis upon which further actions on the management of irregular immigration were undertaken. Thanks to the Presidency semester that ran from July to December 2003, Italy had the opportunity to advance at the European level its position and requests regarding the increasing flow of irregular immigrants reaching its shores. This represented the occasion to ask for a more robust EU's contribution to the management of migration in the Mediterranean (Work Programme of the Italian Presidency of the European Union, 2003). Undertaking actions at the European level would provide legitimization to member states policies and assure complementarities among their actions.

At that point in time, political debates regarding irregular immigration in Italy became increasingly emotional, emphasizing the huge inflows of 'desperate' people that Italy would not have been able to manage properly, causing uneasy feelings (see Resoconto Stenografico, 2003). Yet in 2003, speeches delivered by the then Minister for the Interior, Giuseppe Pisanu, stressed the increasing death toll in the Mediterranean, of which Italy was the first witness (Ministero dell'Interno, 21 July 2003). Also, it was emphasized that, exploited by criminal organizations, immigrants were subject to inhuman treatment not only during their journey en route to Italy, but also once landed on Italian shores. Minister Pisanu explained that the closure of two main migration routes towards Apulia and

Calabria, favored by the agreements undertaken with Albania and other North-African countries, had provided rewarding results, dropping the number of landings by sea from 23719 in 2002 to 14331 in 2003 (Ministero dell'Interno, 29 January 2004).

Several times during his position as President of the European Commission, Prodi expressed his aim to encompass Libya within the framework of the Barcelona Process (Parliamentary Questions, 8 February 2000). Many reasons drove in this sense, among which irregular immigration was just one, although ever more relevant. Nevertheless, absent paramount incentives to offer in negotiations with the country, among which VISA facilitation programs (Libya is not an emigration country) or the membership option, a viable pattern was hard to get started. Thus, the EU looked at Italian-Libyan partnership as an important step towards more relaxed relations between Europe and the North African country. It was on April 2004, that, following a Commission exploratory mission to Libya in 2003, Colonel Kadhafi made his first visit to the European Commission.

The 'saving the lives' discourse and its development

Faced with a notable number of inflows occurring all throughout the summer of 2004, the Italian government decided to remove unauthorized migrants who arrived from Libya. Italy contributed to organize collective flights back to origin countries and provided the North African country with equipments to deal with management procedures (CARIM Coordination Team, 2010). Following the peculiar situation experienced by Italy, a first reference to the 'saving the lives' discourse was introduced by the German and Italian Ministers for the Interior. At a Justice and Home Affairs Council, they proposed to process the claims of those migrants intercepted in international waters in the Mediterranean in centres in North Africa 'to prevent further loss of lives' (Antonio Vitorino 2004). At that point in time, though, that argument found no agreement among European ministers and instead raised many criticisms. Different was the situation in Italy, where the discourse started to be regularly employed and accepted. In his relation to the Parliament on the removals of people landed in Lampedusa, Minister Pisanu emphasized the linkage between criminal organizations and illegal immigration and the attempt of the first to exploit the latter. Thus, he stated, 'notwithstanding our solidarity duties, we should avoid to play the game of these criminal groups, so cynical to manage human suffering as able and determined to take advantage of opportunities hidden within navigation codes, asylum rights and national immigration legislations' (Ministero dell'Interno, 8 October 2004). According to Minister Pisanu, massive removal operations touched

delicate human problems, but had been paramount to dissuade criminal organizations and migrants to leave for Italy (Ministero dell'Interno, 14 December 2004). In his speech in front of the Italian Parliament, and answering allegations of 'collective expulsions', he explained that:

Traffickers that organize it (irregular immigration) do not hesitate to overload small boats and to keep them with minimum oil reserves. Thus, immigrants face in bad conditions a crossing that, when it does not end tragically, causes discomfort and ill-treatments, often protracted also after landings, given that immigrants are transferred to the black market (Ministero dell'Interno, 8 October 2004).

Co-operation with Libya was necessary according to minister Pisanu to face new emergencies, to traditional flows that enter Libya through the southern and eastern border, some other coming from Morocco are observable. In this context, criminal organizations are becoming more and more pitiless and are managing their traffics without any consideration for the number of immigrants losing their lives in their attempt at crossing the Libyan desert and the Mediterranean sea (Ministero dell'Interno 17 January 2006d).

As the statement suggests, two geographical fronts were to be paid attention to address main loss of lives. A bunch of criticism surrounded Italy's repeated decision to remove irregular immigrants landed by sea in Lampedusa throughout 2004-2005 (Amnesty International, 12 April 2005; Human Rights Committee 2005; UNHCR 2004, 2005). The allegation was that Italy's removal procedures had been collective, without a proper identification of every single irregular national, in breach of international obligations on protection. In addition, it was contested that Italy had sent third country nationals in a state with no asylum system and whose respect for human rights was questionable at best (European Parliament, 14 April 2005). In the last ten years, denounced the United Nations High Commissioner for Refugees (UNHCR), Italy had received around 11000 asylum demands per year, one of the lowest amounts among major European countries (UNHCR, 2005). The European Parliament called on the European Commission to safeguard the asylum right within the Union (European Parliament on Lampedusa, 2005) and doubted that the removals operated by Italy were undertaken in conformity with International and EU laws on human rights protection (European Parliament, 11 April 2005b).

As argued, in Italy, the 'saving the lives' discourse as related to irregular immigrants was becoming a constant element in public debates, regularly emphasized by the huge number of drawings and casualties occurring close to Italian shores. The discourse was particularly referred to the Italian public opinion and to European Institutions, insisting on the necessity to deal more deeply with key transit countries. Thus, when in 2006 Giuliano Amato of the Centre-Left coalition overtook the seat of Minister for the Interior, no relevant change in public discourse was observed. The emphasis was still on taking measures to 'save lives', although at that point in time removals were stopped to calm down multiple protests. Answering to a parliamentary interrogation referring to immigrants' death at sea, minister Amato pointed out that these were inhuman facts to which Italy had a moral and civil obligation to respond (Ministero dell' Interno, 3 August 2006c). Thus, he emphasized that

Patrolling is better conceived in proximity of Libyan shores, to avoid that they (illegal immigrants) enter the Mediterranean... Patrolling close to coasts could provide us with the same efficient results we got in Albania, where, doing the same around Valona, we stopped the flow of illegal immigration, of those fast hulls, and we opened the chapter of transparent quotes for Albanians arriving in Italy and still living here (Ministero dell' Interno, 3 August 2006c).

To Italy, posing the readmission question at the European level was a paramount concern. Accordingly, the country has spent a great deal of efforts to encompass Libya in a stable framework of relations with the European Union (Ministero dell'Interno, 28 September 2006b). Its predicaments found an important support in the nominee of then Italian Franco Frattini as vice-president of the European Commission and responsible for Justice and Home Affairs matters. Thus, for example, upon Italy's proposal, members of the European Union and the African Union gathered in Tripoli on 22 and 23 November 2006, to discuss migration-related issues (Ministero dell'Interno, 20 October 2006a; Governo Italiano, 23 November 2006). What auspicated by minister Amato in the above sentence was finally reached in an agreement, came out of a long and secret negotiation between Libya and Italy, where the two parts approved joint patrolling in front of Libyan shores. In so doing, affirmed minister Amato, 'it will be possible to contrast with increased efficacy those traffics, saving a lot of human lives and defeating the criminal bands managing them' (Comunicati Stampa, 29 December 2007). The agreement envisaged a temporary delivery to Libya of six naval units to be equipped with mixed (Italian and Libyan) personnel for training activities. These units were supposed to undertake control and search and rescue operations both in Libyan and in international waters (Protocollo Aggiuntivo, 2007), pushing further immigration controls. The

effective implementation of this agreement took place only in 2009. In fact, Libya made joint patrolling conditional to Italy's financial commitment to the building of a highway transiting throughout Libya and linking the country with Tunisia and Egypt, and to EU's financial commitment to a surveillance system to be deployed in the Libyan southern border. Statistics were provided to show that the inflow of irregular immigrants to Italian coasts presumably departing from Libya was significantly reduced thanks to co-operation with Libya:

Table. Irregular immigrants departed from Libya between 2005-2007.

Year	Total of illegal immigrants (presumably) departing from Libya
2005	22591
2006	20927
2007	16482

Source: Ministry for the Interior 29 November 2007.

Irregular immigration played a great role in the 2008 political elections in Italy. The Centre-Right coalition prioritized the migration issue, presenting it in tough and sometimes misplaced security tones. The image of an invasion, of hundreds of thousands of desperate people ready to head for Italy contributed to radicalize the public opinion of traditional Center-Left electorate. While it was broadly recognized that most part of irregular migration in Italy was composed by overstayers who entered legally the national territory, the image of people crammed in crafts and dying in tragic situations was highly impressive. In addition, the images of saturated detention centers broadcasted by the Italian television contributed to spread feelings of uneasiness among the public opinion. In the new government, the Interior seat was occupied by a Minister of the Northern League -Roberto Maroni- traditionally an anti-immigration party. Among the measures immediately approved were the 'national emergency status' due to 'the exceptional inflows of illegal immigrants,' (Ministero dell'Interno, 25 July 2008e; Il Messaggero, 30 July 2008) and, together with a new basket of provisions, the 'security package' (pacchetto sicurezza), which envisaged restrictive measures against irregular immigration, among which the 'crime of illegal immigration' (Ministero dell'Interno, 1 August 2008d). Against this background, a great effort was spent in trying to strengthen co-operation with Libya and bringing main Italian concerns to the European table (Ministero dell'Interno, 1 September 2008c). Together, Mediterranean partners (Italy, Cyprus,

Greece and Malta) agreed that facing the situation at the European level 'is not only necessary to alleviate pressure on interested countries, but also to put to an end the loss of lives at sea, that is a direct consequence of illegal immigration trafficker activities in the Mediterranean Sea' (Documento di Cipro, Grecia, Italia e Malta, 2009). Answering to several questions, Minister Maroni was transparent in affirming that 'patrolling of the Libya's coasts is the only way to avoid landings in Lampedusa. If illegal immigrants overcome Libyan waters, we are no longer able to send them back: we should stop them there' (Ministero dell'Interno, 23 September 2008b).

An important step in Italian-Libyan relations was the signing of the Treaty of Friendship, Partnership and Cooperation in late 2008, through which Italy committed to the build-up of the highway and other infrastructural projects and to finance, in collaboration with the European Commission, a system for the control of Libya's southern frontiers. This agreement signed, Libya started patrolling exercises with Italy on its maritime coasts (Ratifica ed Esecuzione del Trattato di Amicizia, partenariato e cooperazione tra la Repubblica Italiana e la Grande Giamahiria araba libica popolare socialista 2008). Italy (and Malta) relied to a greater extent on Libyan naval units to rescue irregular immigrants at sea even in nearby waters, so that they could be brought back to Libya rather than to the safest port, as recommended by International Law (UNHCR 2010). With the new government, removals (precisely push-back) started anew to be stepping-stones of the Italian policy against irregular immigration, in particular in international waters (Amnesty International, 2010; CIR Notizie, 2010)

That of repatriations and removals of illegal immigrants to the frontier is a very efficient policy to contrast illegal immigration that the Italian government will keep on implementing without any doubt. It is a significant deterrent towards criminal organizations devoted to human trafficking; it saves a lot of human lives at sea and is leading towards a drastic reduction of illegal landings on Italian coasts (Senato della Repubblica, 2009b).

To support his argument, minister Maroni referred to the Convention for the safety of life at sea of 1974 that had become, according to the Minister, a source of International Law. From the Convention, it is derivable

An invitation to states to contrast the dangerous practices associated with the transport of migrants by sea, to prevent the departure of boats "at risk", also of foreign flag, from own coasts and docks.

Joint patrolling operations were thus far undertaken to strengthen Libya's responsibility and *capacity building* on this aspect, and for this reason they do not represent neither hypotheses of removals at the frontier, nor lack of rescue at sea (Senato della Repubblica, 2009a).

Since the launch of the agreement with Libya in 2008, explained Maroni, there had been a 90 per cent reduction in landings by sea; 'this is the most positive data, I think, because the drama and the risk of drama and tragedy of a lot of persons dead at sea have been downplayed' (Camera dei Deputati, 23 September 2009). The proposal was also advanced to promote a European initiative to establish within Libyan territory some commissions to examine asylum demands to Europe: 'in this way, dangerous crossings at sea would stop, implementing controls and humanitarian assistance in Libya' (Ministero dell'Interno 6 May 2010).

'Saving lives': readmission, border control and capacity-building measures

The decision taken by the European Council in October 2004 to lift the embargo on Libya has raised many criticisms. Although the choice has been explained through Libya's acceptance to conclude pending litigations -with the United Kingdom for the Lockerbie fact,¹ with France for the UTA flight² and with Germany for the explosion of a bomb in a dance club- some authors notice that the European Council's decision has followed return operations coordinated by Italy and Libya in 2004 (Pastore 2007; Cuttitta 2006). The embargo lifted, both Italy and the EU were free to deliver military-type equipments for the control of Libyan borders; in particular, the EU was allowed to initiate a dialogue with the North African country on irregular immigration and other matters. The 'saving the lives' discourse started to be frequently cited in many documents both in relations with Libya and in general with reference to migration in the Mediterranean. In particular, the argument was used to explain the undertaking of measures 'delocalizing' surveillance tasks. If crossing borders was considered a dangerous practice for immigrants, solutions were to be found to prevent these people from trying the journey. At The Hague in 2004, it was stated that 'the European Council recognizes that insufficiently managed migration flows can result in humanitarian disasters' (European Council, 2005c). To avoid 'loss of lives', transit and origin countries were invited to improve their protection systems, while the European Union had to conceive effective

¹ In December 1988, flight Pan Am 103 exploded on the Scottish city of Lockerbie.

² In September 1989 the French flight UTA 772 went off on the desert of Niger.

capacity-building measures helping these latter and an effective return policy. Given the importance of transit countries for the management of irregular immigration and the prevention of 'loss of lives', a first technical mission was sent to Libya to establish a dialogue with the country on the matter (Technical Mission to Libya, 2004).

In the 2005 Justice and Home Affairs Council, it was emphasized that the European Union had to control her external frontier and in particular, that she had to take measures to prevent the loss of lives in the Mediterranean (JHA Council 2005). On this point of view, dialogue with Libya was necessary in issues regarding protection capabilities, border controls and the readmission of irregular nationals. In a seminar held in Malta on 20 July 2005, and representing the first technical meeting between the EU and Libya, the necessity to saving the lives of people in the Mediterranean and in the desert trying their way to Europe was put at center stage (Agreed Conclusions of Seminar 'Saving Life at Sea and in the Desert', 2005). Answering to the priority of preventing human tragedies as called for by the Hague Council, the European agency for the control of the external borders (FRONTEX) was conferred a primary role in monitoring and organizing joint patrolling operations in the Mediterranean (European Commission, 30 November 2005).

When in October 2005 ten migrants were shot dead in their attempt to cross the fences dividing Morocco and Spain at Ceuta and Melilla, reliance on the 'saving the lives' discourse was further increased. Thus, a multi-faceted 'global' approach to migration focusing on Africa and the Mediterranean underlined that 'action must be taken to reduce illegal immigration flows and the loss of lives, ensure safe return of illegal migrants, strengthen durable solutions for refugees, and build capacity to better manage migration...' (European Council, 2005b). In the report assessing the progress of the external dimension to the Justice and Home Affairs domain, it was repeated that the influx of illegal immigrants from West Africa on the Canary island from March onwards, coupled with the continued flows to Italy and Malta and the enormous strain this presents, demonstrated the urgent need for the EU to act, not least to prevent the human tragedy that so often accompanies precarious crossings of the Mediterranean (European Council 20 November 2006).

In May 2007, a European Commission's study was conducted on 'International law instruments in relation to illegal immigration by sea' (European Commission, 15 May 2007). The purpose was to investigate 'how international obligations of countries of origin and transit should be reinforced, regarding in particular the control of the areas under their sovereignty and the return of their

citizens or persons having transited through their territories' (European Commission, 15 May 2007). More to that, the launch of the European Border Patrols Network by FRONTEX and the member states concerned, was thought to 'detect emergencies at seas, thus reducing loss of life across the Mediterranean and the South-West Atlantic coasts' (Press Release 24 May 2007). Consent on the measures through which to save the lives of migrants was not totally shared among European institutions; thus, the European Parliament cited a report delivered by the EU Network of Independent Experts in Fundamental Rights of 2003, stating that 'the area where the right to life is under the most serious threat is in the operational measures taken to ensure the control of the external borders of the Union' (European Parliament, 25 September 2006: 4). Specifically, the Parliament warned against the potential consequences of externalizing the management of the EU external border, a process that the 'saving the lives' discourse was somehow justifying. Paying attention to the 'loss of lives' at sea was the warning of another actor playing in the Mediterranean, the United Nations High Commissioner for Refugees (UNHCR, 2007). According to the agency, it was apparent that on some occasions a few member states non-compliance with international Conventions regarding search and rescue operations and related matter had put in danger migrants' lives.

Aside from *ad hoc* co-operation, the European Union aimed at encompassing Libya in a framework of stable relations, envisaging the collaboration of the country to the control and patrolling of her maritime borders. For this reason, the second technical European mission to Libya was undertaken by FRONTEX, which tried to obtain Libya's participation to maritime operations in exchange for a financial contribution to the control of the country's southern border (FRONTEX, 2007). Regarding this latter aspect, an important Memorandum was signed in July 2007 between Ferrero-Waldner, the European commissioner for External Relations and Neighborhood policy, and her Libyan counterpart, reporting the EU's commitment to finance half of the system to be deployed in Libya's southern border. The official proposal for the starting of negotiations on a Framework Agreement with Libya was announced by Ferrero-Waldner in February 2008 (Press Release, 27 February 2008b), while formal negotiations started in November that year. The framework of co-operation was not restricted to migration issues, but encompassed trade, energy, transports and environmental matters (Press Release, 12 November 2008; Press Release, 6 February 2009).

It is clear that Libya constitutes only a parcel of the European Union strategy at facing irregular immigration, though a significant one. The attention posed to the Mediterranean in EU documents increased to a great extent while the 'saving the lives' discourse was spoken out in every debate

concerning the region. The abovementioned document elaborated by Italy, Libya, Malta and Cyprus and asking for a more robust commitment by the European Union to Mediterranean challenges, was discussed at the JHA Council in 2009, where ministers ‘deplored the loss of human lives at sea and noted with concern the increasing number of migrants risking their lives to enter the EU illegally. They agreed to further examine ways to prevent human tragedies and strengthening the fight against illegal immigration’ (JHA Council, 2009). To keep up on promises, a European response of ‘firmness, solidarity and shared responsibility’ was necessary, calling in particular for an increased co-operation with transit and origin countries. In this regard, the conclusion of readmission agreements with key origin and transit countries, among which Libya was a ‘priority’ (JHA Council, 2009; Parliamentary Questions, 12 November 2009). The importance of reaching a readmission agreement with Libya was emphasized also by the Stockholm Programme (European Commission, 2009). A great contribution to the drafting of the same was determined by Italy and France, which also encouraged a coherent return policy, a strengthened role for FRONTEX (the agency for the coordination of member states operations at the external border) and a specific focus on the Mediterranean region.

Considerations and conclusion

The aim of this work was to underline the centrality of a peculiar discourse in the European approach against irregular migration. In particular, the work has emphasized the progressive diffusion of the ‘saving the lives’ speech in national and European documents, often used to motivate restrictive policies against irregular immigration. The focus has been on Libya, the North African country being key both in the spreading of the discourse and in addressing irregular immigration in the Mediterranean.

It was argued that Italy employed the discourse to justify the removals of thousands of irregular immigrants arrived on its shores in 2004 and, with the support of Mediterranean partners, to ask for greater European contribution to the handling of irregular flows from Libya. Framed in these terms, the discourse was inviting the European Union to intervene in a field (human security) to which she is strongly committed as an international actor. Eager to establish relations with Libya, and to deal with increased requests to face irregular immigration, the European Union took advantage of the Italian preferential relation to open up a dialogue with the North African country.

Through time, increased reference was made to the 'saving the lives' discourse within documents addressing irregular immigration in the Mediterranean.

From an academic point of view, the 'saving the lives' discourse adds to the multi-faceted and interdisciplinary analysis of the management of irregular immigration. This discourse inserts into the study, posing practical questions on the management of irregular flows but opens the space also for more theoretical digressions, such as the role of discourses on governance processes, furthering research in this sense. The discourse has indeed politicized migrants' security, putting at center stage the Mediterranean and recalling Europe of the importance of her southern projection. The restrictive policies undertaken and associated to the discourse though, are subject to ambiguous interpretations. When looking at national or European governance processes, it seems that it is 'reducing arrivals' that represents the main blueprint of the same, as well as their assessment tool. If pure humanitarian concerns were chief determinant of policies, effectiveness would have been evaluated according to whether lives of immigrants were endangered at any time during their entire migration experience. Many international organizations and European institutions have argued quite the opposite, emphasizing how border control, push-backs, readmission and other policies undertaken have in fact put at risk migrants' security and violated basic international protection principles abided by European actors. Thus, reflecting over widely entrenched discourses and questioning the coherence between talks and practices is a suggested step.

References

- Accordo tra il Governo della Repubblica Italiana e la Grande Giamahiria Araba Libica Popolare Socialista per la collaborazione nella lotta al terrorismo, alla criminalità organizzata, al traffico di stupefacenti e di sostanze psicotrope ed all'immigrazione clandestina (2003) Supplemento ordinario alla Gazzetta Ufficiale, Serie generale n.111, 15- 5- 2003.
- Agreed Conclusions of Seminar on 'Saving Life at Sea and in the Desert' (2005) Malta, 20 July 2005, www.doi.gov.mt/en/press_releases/2005/07/pr1102a.doc
- Amnesty International (2010) Libya of tomorrow. What Hope for Human rights? June, <http://www.amnesty.org/en/library/asset/MDE19/007/2010/en/65e2d9ca-3b76-4ea8-968f-5d76e1591b9c/mde190072010en.pdf>
- Amnesty International (2005) Immigration Cooperation with Libya: The Human Rights Perspective, 12 April , http://www.amnesty.eu/static/documents/2005/IHA_Libya_april12.pdf
- Bouteillet-Paquet, D. (2003) Passing the Buck: A Critical Analysis of the Readmission Policy Implemented by the European Union and its Member States, *European Journal of Migration and Law*, 5, pp. 359-377.
- Camera dei Deputati (2009) Interrogazione a risposta immediata n. 3-00669 dell' On. Roberto Cota e altri, sui dati a disposizione del Ministero dell'Interno relativi agli sbarchi di clandestini sulle coste italiane, 23 September <http://webtv.camera.it/portal/portal/default/Assemblea?NumeroLegislatura=16&NumeroSeduta=219&IdIntervento=210279>
- CARIM Coordination team/Libya (2010) The Migration Scene- Which Implications for Migrants and Refugees? *CARIM Policy Brief*, 1.
- Cassarino, J.P, (ed.) (2010) *Unblanced Reciprocities: Cooperatiopn on Readmission in the Euro-Mediterranean Area* (Middle East Institute: Special Edition Viewpoints).
- Cassarino, J.P. (2010b) Readmission Policy in the European Union, Study, Policy Department C: Citizens' Rights and Constitutional Affairs, European Parliament.
- Cassarino, J.P. (2007) Informalizing Readmission Agreements in the EU Neighborhood, *The International Spectator*, 42 (2), pp. 179-196.
- Cassarino, J.P. (2005) *Migration and Border Management in the Euro-Mediterranean Area: Heading towards New Forms of Interconnectedness*, *Mediterranean Yearbook*, pp. 227-231.
- Coleman, N. (2009) *European Readmission Policy. Third Country Interests and Refugee Rights* (Martinus Nijhoff Publishers).

- Consiglio Italiano per i Rifugiati (CIR) (2009) Christopher Hein, La condizione dei richiedenti asilo e dei rifugiati in Italia nel 2009 'Tra Accoglienza e Respingimento', *Rapporto attività 2009*, CIR Notizie, April/May, <http://www.cir-onlus.org/cirnotizie.htm>
- Consiglio Italiano per i Rifugiati (CIR) (2007) Notizie, Ricominciare da capo- tutela dei migranti. Reinsediamento sostenibile dei Rifugiati, December, <http://www.cir-onlus.org/CONTRIBUTO DI FRATTINI%5B1%5D.pdf>
- Council of Europe, Parliamentary Assembly (2010) Readmission agreements: a mechanism for returning irregular migrants, Doc. 12168, 16 March, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc10/EDOC12168.htm>
- Cuttitta, P. (2008) Readmission and Forcibly Return in the Relations between Italy and North African Mediterranean Countries, paper presented at the Workshop 'The Implications of Readmission and Enforced Return on Euro-Mediterranean Relations and Beyond', RSCAS, 9th Mediterranean Research Meeting, Montecatini, Italy, 12-15 March.
- De Haas, H. (2008) The Mith of Invasion: the Inconvenient Realities of African Migration to Europe, *Third World Quarterly*, 29 (7), pp. 1305-1322.
- De Haas, H. (2007) North Africa Migration Systems: Evolution, Transformations and Development Linkages, *Working Papers* 6, IMI, Oxford.
- Documento di Cipro, Grecia, Italia e Malta, Rome (2009), 13 January, http://www.cir-onlus.org/0969_italiano_stampa_firmata.pdf
- Drizek, J. S., L. M. Clark and G. McKenzie (1989) Subject and System in International Interaction, *International Organizations*, 43 (3).
- European Commission (2009) An Area of Freedom, security and justice serving the citizens, COM (2009) 262 final, Brussels, 10.06.2009, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0262:FIN:EN:PDF>
- European Commission (2007) Study on the International Law instruments in relation to illegal immigration by sea, SEC(2007) 691, http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=en&DosId=195720
- European Commission (2005) Priority actions for responding to the challenge of migration: First follow-up to Hampton Court, COM(2005) 621 final, Brussels, 30.11. 2005, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0621:FIN:EN:PDF>
- European Commission (2004) Technical Mission to Libya on Illegal Immigration 27 November-6 December 2004, Report, <http://www.statewatch.org/news/2005/may/eu-report-libya-ill-imm.pdf>

- European Council (2006) Progress Report on the implementation of the Strategy for the External Dimension of JHA: Global Freedom, Security and Justice, 15363/06, Brussels, 20 November 2006, <http://register.consilium.europa.eu/pdf/en/06/st15/st15363.en06.pdf>
- European Council (2005) Cooperation avec la Libye en Matiere de Migration- Conclusion du Conseil, Justice and Home Affairs Council, Luxembourg 3 June 2005, <http://www.eu2005.lu/en/actualites/conseil/2005/06/02jai/jaijai.pdf>
- European Council (2005b), Global Approach to Migration: priority actions focusing on Africa and the Mediterranean, 15744/05, Brussels, 13 December 2005, <http://register.consilium.eu.int/pdf/en/05/st15/st15744.en05.pdf>
- European Council (2005c), The Hague Programme: Strengthening Freedom, Security and Justice in the European Union (2005/C 53/01), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:053:0001:0014:EN:PDF>
- European Parliament (2006) Motion for a Resolution, 25 September 2006, <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B6-2006-0508&language=EN>
- European Parliament (2005) Debates, 14 April 2005, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2005-0138+0+DOC+XML+V0//EN>
- European Parliament (2005b) Motion for a Resolution, 11 April 2005, <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B6-2005-0254&language=IT>
- Favilli, C. (2009) I nuovi reati di ingresso e soggiorno illegale dello straniero in Italia, *Rivista di Diritto Internazionale*, 4, pp. 1114-1118.
- FRONTEX (2007) FRONTEX-led EU Illegal Immigration Technical Mission to Libya, 28 May-5 June 2007, <http://www.statewatch.org/news/2007/oct/eu-libya-frontex-report.pdf>
- Governo Italiano (2006) Il Governo Informa, Italia-Libia: Amato e D'Alema da Gheddafi, 23 November 2006.
- Human Rights Committee (2005) Consideration of Reports Submitted by States parties under Article 40 of the Covenant, 28 October 2005, <http://www.unionedirittiumani.it/In%20Rilievo%20Files/Osservazioni%20conclusive%20Comitato%20diritti%20umani.pdf>
- Il Messaggero (2008) Maroni: "Ci aspettiamo trentamila arrivi", 30 July, p. 5.

- Justice and Home Affairs Council (2009) Press Release, 10551/09 (Presse 164) Luxembourg, 4-5 June 2009,
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/108356.pdf
- Lavenex, S. and N. Wichmann (2009) The External Governance of EU Internal Security, *Journal of European Integration*, 31 (1).
- Ministero dell'Interno (2010) Interviste- Sottosegretario Alfredo Mantovano, 6 May 2010,
http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interviste/2100_501_sottosegretario_mantovano/0063_2010_05_06_intervista_Avvenire.html 9612 9659.html
- Ministero dell'Interno (2008) Interviste- Ministro Roberto Maroni, 17 October 2008,
http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interviste/2100_500_ministro/0970_2008_10_17_intervista_alla_Stampa.html 1603681445.html
- Ministero dell'Interno (2008b) Interviste- Ministro Roberto Maroni, 23 September 2008,
http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interviste/2100_500_ministro/0973_2008_09_23_intervista_a_La_Padania.html 323817767.html
- Ministero dell'Interno (2008c) Interviste- Ministro Roberto Maroni, 1 September 2008,
http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interviste/2100_500_ministro/0975_2008_09_01_Corsera.html 1831369576.html
- Ministero dell'Interno (2008d) Interviste- Mantovano: "La Libia non rispetta gli accordi", 1 August 2008,
http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interviste/2100_501_sottosegretario_mantovano/0094_2008_08_01_intervista_Mantovano_all_Avvenire.html 956045911.html
- Ministero dell'Interno (2008e) Legislazione, Decreto del Presidente del Consiglio dei Ministri 25 Luglio 2008, 25 July 2008,
http://www.interno.it/mininterno/export/sites/default/it/sezioni/servizi/legislazione/immigrazione/0957_2009_2009_11_19_DPCM19112009.html
- Ministero dell'Interno (2007) Comunicati Stampa, 29 December 2007,
http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/comunicati/0867_2007_12_29_Dichiarazioni_Amato_su_accordo_con_la_Libia.html 8783098.html
- Ministero dell'Interno (2006a) Notizie, Interviste-Ministro Giuliano Amato, 20 October 2006,
http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interviste/2100_501_sottosegretario_mantovano/0094_2008_08_01_intervista_Mantovano_all_Avvenire.html

[rviste/_ministro/2006_10_20_Vice_Presidente_della_Commissione_Europea_Franco_Frattini.html](http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interventi/_ministro/notizia_23005.html) 96129634.html

Ministero dell'Interno (2006b), Notizie, Interventi-Ministro Giuliano Amato, 28 September 2006, http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interventi/_ministro/notizia_23005.html 1603681443.html

Ministero dell'Interno (2006c) Interrogazione Deputati Maroni ed Altri sulla posizione del governo in materia di immigrazione, 3 August 2006, http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/newsletter/2006/Newsletter_089_09-08-06.pdf

Ministero dell'Interno (2006d) Incontro a Sirte(Libia) tra il Ministro dell'Interno Giuseppe Pisanu e il leader della Rivoluzione Muhammar Gheddafi, 17 January 2006, http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/comunicati/comunicato_941.html 767715711.html

Ministero dell'Interno (2004) Indagine conoscitiva sulla gestione comune delle frontiere e sul contrasto all'immigrazione clandestina in Europa, 14 December 2004, http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interventi/_sottosegretario_xprecedenti/intervista_315.html 8783101.html

Ministero dell'Interno (2003) Presentazione a Bruxelles del programma della Presidenza Italiana dell'UE, 21 July 2003, http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/interview/Interventi/_sottosegretario_xprecedenti/intervista_164.html 1183734047.html

Monzini, P. (2008) Il Traffico di Migranti per Mare verso l'Italia. Sviluppi Recenti (2004-2008), *Working Papers*, CESPI, 43/2008.

Nascimbene, B. (2001) Relazioni esterne e accordi di riammissione, in: L. Daniele (ed) *Le Relazioni esterne dell'Unione Europea nel nuovo millennio* (Milano: Giuffrè).

Parliamentary Questions (2000) Answer given by Mr. Patten on behalf of the Commission, 8 February 2000, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2000-0070+0+DOC+XML+V0//EN&language=MT>

Pastore, F. (2008) Migration and Italo-Libyan Relations: Finding a Way Out of the Impasse, CESPI, June.

Pastore, F. (2007) Libya's Entry into the Migration Great Game', Recent Development and Critical Issues, CESPI, October 2007.

Perrin D. (2009) La Gestion des Frontières en Libye, *CARIM Notes D'Analyse et de Synthèse*, 2009/31.

Press Release (2009) Europe, Commissioner Ferrero-Waldner visits Libya to reinforce EU-Libya Relations, IP/09/227, Brussels, 6 February 2009, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/227&format=HTML&aged=0&language=EN&guiLanguage=en>

Press Release (2008) Europe, EU-Libya: Negotiations on Future Framework Agreement Start, IP/08/1687, Brussels, 12 November 2008, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1687&format=HTML&aged=0&language=IT&guiLanguage=en>

Press Release (2008b), Europa, Libya: Commission proposes negotiating mandate for a Framework Agreement, IP/08/308, Brussels, 27 February 2008, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/308&format=HTML&aged=1&language=IT&guiLanguage=en>

Press Release (2007) Europe, Launching operations of the European Border Patrol Networks: a New Tool to Tighten up Control and Management of the EU's Southern Maritime Borders, IP/07/702, Brussels, 24 May 2007, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/702&format=HTML&aged=0&language=EN>

Processo Verbale (1998) Rome, 4 July, <http://www.airl.it/accorditrattati1.php>

Protocollo aggiuntivo tecnico-operativo al protocollo di cooperazione tra la repubblica italiana e la Gran Giamahiria Araba Libica Popolare Socialista, per fronteggiare il fenomeno dell'immigrazione clandestina (2007) http://www.ilvelino.it/archivio/documenti/allegato_documento_622.pdf

Ratifica ed esecuzione del Trattato di amicizia, partenariato e cooperazione tra la Repubblica Italiana e la Grande Giamahiria araba libica popolare socialista (2008) fatto a Bengasi il 30 Agosto 2008, Senato della Repubblica n. 1333, XVI legislatura, Atti parlamentari.

Resoconto Stenografico dell'Assemblea (2004) Informativa urgente del Governo sulle modalità del rimpatrio degli immigrati sbarcati nell'isola di Lampedusa, Seduta n. 524, 8 October 2004, <http://documenti.camera.it/Leg14/BancheDati/ResocontiAssemblea/sed524/s080.htm>

Resoconto stenografico dell'Assemblea (2003) Informativa urgente del Governo sulla politica in materia di immigrazione, Seduta n. 329, 25 June 2003, <http://documenti.camera.it/Leg14/BancheDati/ResocontiAssemblea/sed329/s120.htm>

- Schieffer, M. (2003) Community Readmission Agreements with Third Countries- Objectives, Substance and Current State of Negotiations, *European Journal of Migration and Law*, 5, pp. 343-357.
- Senato della Repubblica (2009a) Informativa del Ministro dell'interno su questioni connesse all'immigrazione e conseguente discussione, 25 May 2009, http://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Resaula&leg=16&id=00424000&part=doc_dc-ressomm_rs-gentit_idmdisqcaiecd&parse=no
- Senato della Repubblica (2009b) Resoconto Stenografico, Comunicazioni del Ministro dell'Interno Roberto Maroni sul prossimo programma europeo in materia di Giustizia e Affari Interni (cosiddetto «programma di Stoccolma»), CG0581, 11 November 2009, <http://www.senato.it/service/PDF/PDFServer/DF/216224.pdf>
- Trauner, F. and I. Kruse (2008) EC Visa Facilitation and Readmission Agreements: a New Standard EU Foreign Policy Tool? *European Journal of Migration and Law*, 10, pp. 411-438.
- UNHCR (2010) Dimezzate le domande di asilo in Italia nel 2009, 12 March 2010, http://www.unhcr.it/cms/view.php?dir_pk=26&cms_pk=752
- UNHCR (2007) Emergenza Mediterraneo, l'UNHCR ribadisce l'obbligo di salvare vite umane, 1 June 2007, <http://www.unhcr.it/news/dir/27/view/291/emergenza-mediterraneo-l-unhcr-ribadisce-l-obbligo-di-salvare-vite-in-mare-29100.html>
- UNHCR (2007b), Parere consultivo sull'applicazione extraterritoriale degli obblighi di *non-refoulement* derivanti dalla Convenzione relativa allo status dei rifugiati del 1951 e dal suo Protocollo del 1967, Geneva, 26 January 2007, <http://www.unhcr.it/.../ITA%20Advisory%20Opinion%20Extrater-Appl%20of%20Non-refoulement.doc>
- UNHCR (2005) L'UNHCR esprime grave preoccupazione per i rinvii forzati da Lampedusa, 18 March 2005, <http://www.unhcr.it/news/dir/26/view/250/lunhcr-esprime-grave-preoccupazione-per-i-rinvii-forzati-da-lampedusa-25000.html>
- UNHCR (2004) Grave preoccupazione dell'UNHCR per i rinvii forzati dall'Italia, 4 October 2004, <http://www.unhcr.it/news/dir/26/view/401/grave-preoccupazione-dell-unhcr-per-i-rinvii-forzati-dall-italia-40100.html>
- Vitorino A. (2004) The Future of the European Union Agenda on Asylum, Migration and Borders, Conference of the European Policy Center and the King Baudouin Foundation, Brussels, 4 October 2004, <http://www.temaasyl.se/Documents/EU-dokument/VitorinosTal.pdf>
- Work Programme of the Italian Presidency of the European Union (2003) 1 July to 31 December 2003,

http://www.ena.lu/work_programme_italian_presidency_european_union_july_31_december_2003-020004555.html



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