

TURKISH GERMAN UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES
EUROPEAN AND INTERNATIONAL AFFAIRS
DEPARTMENT

**Global Actorness of the European Union in the
Context of the Refugee Crisis and Immigration
Management in case of Libya**

MASTER'S THESIS

ZEYNEP TÜRKMEN

ADVISOR

Prof. Dr. Wolfgang WESSELS

Dr. Philipp DECKER

Istanbul, June 2021

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DECLARATION

I hereby declare that this thesis is my original work. I also declare that I have acted under academic rules and ethical conduct at all stages of the work including preparation, data collection, and analysis. I have duly cited and referenced all the information that is not original to this work.

Name-Surname

Zeynep Türkmen

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I would like to dedicate this study to all refugees who lost their lives to reach a new life.

ÖZET

İkinci Dünya Savaşı'nın sona ermesinden bu yana, uluslararası arenadaki değişiklikler daha fazla insanı yerinden olmaya ve göç etmeye zorladı. Devletler bu “surekli” göç akışını kontrol altına almak için önlemler almaya başladılar. Yakın tarihimizde ise, Arap Baharı sırasında ve sonrasında yükselen kitlesel göç hareketi güncel küresel sorunlardan biridir. AB ise bu göç konusunu dış politika gündeminin en üst sıralarına taşımış ve göç yönetimi politikalarını birlik sınırlarının ötesine taşıyarak bu küresel soruna müdahale etmiştir. Bu çalışmanın amacı, Avrupa Birliği'nin transit göç ülkelerinden biri olan Libya ile ve Libya'da mülteci krizi ve göç yönetimi sürecini nasıl yönettiğini cevaplamaktır. Bu çalışma sonucunda; dış yönetişim teorisi ve dışsallaştırma kavramından yararlanarak; AB'nin Libya'daki göç yönetiminin temel amacının Birlik sınırları dışındaki göç krizini dışsallaştırma yoluyla kontrol altına almak olduğu sonucuna varılmıştır. Libya'daki göç yönetimi araçları analiz edilerek, AB'nin dışsallaştırma politikalarının burada iki temel amacının olduğu belirlenmiştir. Bunlardan birincisi uzaktan kontrol yaklaşımıyla anlattığımız sınır güvenliğinin sağlanması, ikincisi ise kök neden yaklaşımı ile açıklandığı gibi Libya'daki mültecileri korumak ve yardımda bulunmaktır.

Anahtar kelimeler: Avrupa Birliği Göç Politikası, Dışsallaştırma, Göç Yönetimi, Libya

ABSTRACT

Since the end of World War II, the changes in the international arena have forced more people to displace and migrate. States have begun to take measures to contain the “continuous” flow of immigration. In our recent history, the mass migration movement that rose during and after the “Arab Spring” is one of the current global problems. The EU has taken the issue of migration to the top of the foreign policy agenda and intervened in this global problem by taking its immigration management policies beyond the borders of the Union. This study aims to answer how the European Union manages refugee crisis and the immigration management process with and in Libya, which is one of the transit countries. As a result of this study; by making use of the external governance theory and externalization concept; it has concluded that the main purpose of the EU’s immigration management in Libya is to control the migration crisis outside the borders of the Union through externalization. Through analysing the immigration management tools in Libya; it has been determined that the EU’s externalization policies have two main goals here. The first of these is to ensure border security, which we describe with the remote control approach, and the second one is to protect and assist the refugees in Libya, which is explained with the root causes approach.

Key Terms: European Union Migration Policy, Externalization, Immigration Management, Libya

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LIST OF ABBREVIATIONS

CAP: Common Agricultural Policy

CFSP: Common Foreign and Security Policy

CSDP: Common Security and Defence Policy

CPE: Civilian Power Europe

EC: European Community

EEAS: European External Action Service

EMP: European Union Migration Policy

ENP: European Neighbourhood Policy

EU: European Union

EUBAM: European Union Border Assistance Mission in Libya

EUTF: European Union Emergency Trust Fund for Africa

EUROPOL: European Union Agency for Law Enforcement Cooperation

FRONTEX: European Border and Coast Guard Agency

GACS: General Administration for Coastal Security

GNA: Government of National Accord

GAM: Global Approach to the Migration

IBM: Integrated Border Management

IOM: International Organization for Migration

JHA: Justice and Home Affairs

LCGPS: Libyan Coast Guard and the Navy

MS: Member States

NATO: North Atlantic Treaty Organization

NMS: Non-Member States

NTC: National Transitional Council of Libya

SAR: Search and Rescue

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

UNSC: United Nations Security Council

VHR: Voluntary Humanitarian Return

1. INTRODUCTION

The role of the EU, which has become increasingly important in international relations, has been one of the topics of debate since its establishment. The EU's external actions and policies are discussed in different concepts and frameworks. According to the "global actorness" concept which was developed by Bretherton and Vogler, there are several requirements to be accepted as a global actor. The most important criteria is "the ability to formulate and implement external policy" (Bretherton & Vogler, 2006). In this framework, besides examining the conceptualization of the EU's role in international relations, we will analyse the global actorness concept and apply this concept to the immigration management in Libya.

On the other hand, the issue of immigration has been one of the focuses of social and political science for many years. Different theories have been developed on the causes and results of immigration. In recent years, however, due to the rapid change of international conjuncture, the issue of immigration has moved to a different dimension than before. The data of UNHCR reveals the importance of the situation. According to UNHCR current figures; 79.5 million people had to leave their homes (UNHCR, 2021). Moreover, this increased mass immigration affects states, organizations, and societies worldwide as well as the European Union.

The European Union has a structure in which universal values such as equality, justice and human rights are adopted and liberal economic rules

become operational, therefore immigration to the EU is always seen as an attractive choice for third country citizens.

The “refugee crisis” is one of the humanitarian crises that begin outside the EU. However, this influx of refugees¹ had not been called a “crisis” by the EU until 2015. Since 2015, the EU has experienced an unprecedented influx of refugees. More than a million people came to the European Union, many fled from war and terror in Arab and North African countries. In Libya, the internal conflicts and wars caused by the Arab Spring are the driving force that increased the migration of Libyan and African immigrants to Europe. Moreover, Libya is an important transit country on the migration route due to its geographical location. Besides, being one of the transit countries in the “Central Mediterranean Route”, Libya has hosted a substantial number of migrant from its neighbours Egypt and Tunisia and African countries south of the Sahara (Seeberg, 2014, p. 126).

This thesis argues that; the fact that the European Union Member States could not reach an agreement on the implementation of a common migration policy in the refugee crisis and immigration management (Anghel, Drachenberg, & Finance, 2016) caused the Union to focus on solving this problem outside its own borders. Thus, the EU has taken immigration to the top of the foreign policy agenda and intervened in this global problem by taking its immigration management policies beyond the borders of the EU. In this regard, the EU agreed on a series of measures to cope with the crisis.

¹ This study used the concept of refugee to describe immigrants who have migrated or intend to migrate to Europe, regardless of whether they legally have status or not

In addition, as İçduygu (2006) addressed, migration is a subject of “governance”, including national, international, public and non-governmental organizations besides the states. Therefore, migration includes the participation of multiple actors and factors. In theoretical dimension, the “external governance theory” which was developed by Lavenex (2004) gives a perspective to understand how “policy expansion” takes place beyond the “EU’s legal authority” and transforms the “legal orders” of relevant third countries (Yıldız, 2016, p. 197). Thus, the external governance theory provides a comprehensive framework for understanding the cooperation processes and management tools between the EU and Libya in migration.

This study has explained the EU’s cooperation with third countries in immigration management within the framework of the “externalization” concept with the case study as Libya. With the externalization of immigration policies, the EU aims to support its domestic policy goals in foreign policy. In order to explain this concept better, the “remote control approach” and “root cause approach”, which are two important approaches in the externalization concept, have been examined.

The Purpose of the Study

The aim of this study is to analyse and conceptualize the European Union’s refugee crisis and immigration management process through the analysing “external dimension” of the EU’s immigration and asylum policies through analysing a case study of Libya.

The main research question for this study is “How does the European Union manages refugee crisis and the immigration management

process with and in Libya after Arab Spring?”. As a sub-question, “as a global actor what is the main approach of the EU in managing the refugee crisis and immigration management with and in Libya?” will be analysed. This thesis is based on the following hypotheses:

- (1) The EU manages the refugee crisis and management process in Libya as a global actor. In this context, although the EU’s external policies are successful in terms of implementation, however the effect of EU’s actorness has remained under its own capacity.
- (2) The European Union aims to continue to “externalize” its immigration policy after the refugee crisis through bilateral cooperation, supports and assistance.
- (3) The EU has two main objectives in immigration management in Libya, and these two objectives are to illustrate the externalization of migration policies: strengthening border security and encouraging immigrants and citizens with various funds and aids thus, indirectly keeping them in Libya before they reach the EU borders.

Theoretical Framework, Methodology

This study is based on qualitative research analysis and secondary data analysis while having a case study for providing the empirical feature of the research.

In order to answer the above-mentioned questions and analyse the arguments, this thesis will use three different methodologies to apply in different parts of the study. In the first chapter, general information about the study and its framework will be explained. In the second chapter, this

study aims to examine the concepts and roles that used to apply to the EU since its foundation, then conceptualize the “global actor and actorness” which was developed by Bretherton and Vogler (1999; 2006) and apply this concept to the EU.

In the third chapter, after examining the important agreements and documents that made the EU’s current immigration policy, this study aims to examine the “external dimension” of the EMP by using the “external governance” theory (Lavenex, 2004; Lavenex & Schimmelfennig, 2009) a theoretical framework, in order to understand how the European Union govern the immigration management with third countries.

Moreover, the EU’s migration policy and immigration management process will be discussed in terms of the “externalization” concept. In this context, we aim to use the “remote-control” and “root cause approach” through Boswell’s (2003) explanations. In order to understand EU- Libya immigration management, these approaches will be applied to analyse the EU’s externalization tools in Libya.

In the fourth chapter, after giving general information about the situation and importance of Libya as a migration country and the impact of the Arab Spring process on Libya, the “external dimension” of the EU’s immigration policy and tools in Libya will be discussed. Then it will include the conclusion part in the fifth chapter and the reference part in the sixth chapter.

2. CONCEPTUAL FRAMEWORK

2.1. THE CONCEPTS RELATED to the MIGRATION

2.1.1. The Migration and its Dynamics

Migration can be described as the movement of a person from one area or settlement to another in order to spend a future part of his/her life (Mutluer, 2003, p. 9). Similarly, international migration described as the temporary or permanent resettlement of people from one country to another. Additionally, international migration mainly focuses on national identities and social membership (Bartram, Poros, & Monforte, 2017). There are different dynamics that cause or affect migration. From this point of view, it will be fruitful to examine these factors in terms of understanding the integrity of the thesis.

The most prominent view in explaining international migration dynamics is the fact that people migrate from underdeveloped countries or regions to developed countries or regions, in order to achieve higher incomes and quality of life. Furthermore, political conflicts or problems and wars give another impetus to these movements. Along with these reasons, demographic structures of countries and related processes, especially regarding the labour market, are added to the equation as a significant variable in terms of the emergence and continuation of international migration (İçduygu, 2006, pp. 47-48).

On the other hand, migration is not a process that only affects the immigrant himself/herself but has important social, economic and political effects in the country of sending and receiving (Koser, 2007, pp. 4-5). Therefore as İçduygu noted, it is natural for different perspectives on

international migration to emerge in the changing economic, social, political, cultural and demographic conditions. It should underline that the issue of migration, both in terms of its causes and consequences, is an issue that is often politicized and therefore is one of the important policy area (İçduygu, 2006, p. 7).

Globalization is another factor affecting migration dynamics. Through globalization, migration movements in the world have intensified both in scope and quantity. Hence, the amount of legal migration, illegal migration and asylum movements has reached enormous numbers and has come to cover more countries. In other words, the increase in human movement all over the world and migration are considered as inevitable results of globalization. Migration is, in a way, called the “humanitarian dimension” of globalization (Güleç, 2015, p. 82).

Koser underlines that international migration and globalization are inevitably linked to each other. On the one hand, globalization affects and manages the processes and results of international migration. For example, changes and inequalities in global development, crises in global employment, revolutions in communication and transport, and international social networks are among the phenomena that arise as consequences of globalization in international migration. On the other hand, international migration also influences and governs the globalization. For example, it manages globalization processes such as the global transfer of money and goods, the emergence of global cities, and the increase of global and social diversity (Koser, 2018).

2.1.2. Irregular Immigration

Although migration and immigration are the same in meaning, immigration reflects from the perspective of the country of arrival (IOM, 2021). Before starting to define it, it should be emphasized that there is no specific and general definition of irregular migration (Çelik & Şemşit, 2019). According to IOM, “irregular immigration or illegal immigration refers to the movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the state of origin, transit or destination” (IOM, 2021). In addition, irregular immigration can also be defined as the immigrant entering a country legally, however not leaving the country within the legal period and continuing to live or work in that country. The person who performs illegal immigration is called an illegal immigrant (Deniz, 2014, p. 177).

Transit migration, which is one of the types of irregular migration, emphasizes the temporary reside in a country while going to the country to be reached (Yılmaz, 2014, p. 1687). In this context, besides being one of the migrant-sending countries to Europe, Libya is seen as a transit country for immigrants living in North African countries on the way to reach Europe.

2.1.3. Concept of the Refugee

The “1951 Geneva Convention Relating to the Status of Refugees” and the “1967 Protocol” are building block documents that ensure refugees have legal rights at the international level. The Convention defines “refugee status”, the “rights of asylum seekers”, and the “responsibilities of asylum-granting states”. In this regard, according to “The 1951 Refugee Convention”, the “refugee” described as a 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, is 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 as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (The 1951 Refugee Convention).

On the other hand, the refugees may be “recognized as refugee” for meeting the criteria set out by various international agreements or they may not be recognized as refugees, although their status is similar to official refugees according to these criteria (Bartram, Poros, & Monforte, 2017, p. 229). For instance, the fact that Libya is not a signatory to “The 1951 Geneva Convention” has created controversy in the context of its responsibility to protect refugees in Libya.

2.1.4. The Asylum Seeker

According to UNHCR, when people flee their own country and seek sanctuary in another country, they apply for asylum. This right is defined as “the right to be recognized as a refugee and receive legal protection and material assistance”. In addition according to UNHCR, an asylum seeker must prove that his or her “fear of persecution in his or her home country is well-founded” (UNHCR, 2021). In other words, an asylum is a version of “international protection” that a state provides on its territory. It is awarded to a person who cannot “seek protection” in the country of his/her nationality and/or residence, particularly for “fear of persecution” because of his/her race, religion, nationality, membership of a particular social group or political opinion (Eurostat, 2021).

2.2. CONCEPT OF GLOBAL ACTORNESS

2.2.1. Conceptualizing the EU's Role in IR

The EU's evolving into an increasingly important and assertive position in the global arena combined with the different and in many ways, unique features of the EU creates puzzles for academics and students interested in EU studies. It is known that scholars have strived for years with how the EU can best be conceptualized and how the EU's external behaviour can best be explained (Knodt & Princen, 2003, p. 2). On the other hand, according to Bretherton and Niemann, mainstream international relations theory has difficulty conceptualizing the EU and EU's foreign relations because it emphasises "statehood" and "rationality". Due to the EU is not a state and does not have specified interests that traditional international relations scholars see as "rational behaviour", the Union had not generally been viewed as a "fully-fledged player" in IR by this theory (Bretherton & Niemann, 2013, p. 263).

As Knodt and Princen noted, claims about the EU's uniqueness tend to focus on the EU and its qualifications as an actor. The features that seem to set the EU apart from others often relate to the degree of coherence in the policymaking process either horizontally - between policy areas or vertically - between the EU and Member State levels. However, in both respects, the EU does not seem comparable to traditional states and international organizations (Knodt & Princen, 2003, p. 201).

Besides this uniqueness of the EU, as Yıldız stated, several "role concepts" have been developed to describe the EU's external activities, each arguing that the EU exercises "a certain power" in the world. (Yıldız,

2016, p. 34). Much discussion in the 1970s focused on the concept of “civilian power Europe” (CPE) (Bretherton & Niemann, 2013, p. 263). The view that ascribes a civilian role to the EU is based on François Duchene’s characterization of the EC (European Community) as a “civilian power”. The importance of this approach is that it focuses on a distinctive international role for the EC. That is, the idea of the EC being a civilian power refers to its ability to spread and promote security and stability using economic and political means (Duchêne, 1972; Uğur, 2018, p. 72). Therefore, they focused on conceptualizing the EC/EU as a “civilian power” with considerable economic but limited military power and were primarily concerned with using “civilian” means of exerts influence in calming international tensions (Bretherton & Niemann, 2013, p. 263).

On the other side, Ian Manners offers the “normative power” approach to conceptualize the role of the EU. According to Manners, “normative power” concept encompasses and complements the Union’s “civilian power” and “nascent military power” through an ideational dimension which provides the ability to shape conceptions of “normal” in international relations (Manners, 2002; Bretherton & Vogler, 2006, p. 42). In other words, the “normative power” defined as “the EU’s ability to project externally the shared norms and values” which the EU has internally and therefore to define what passes as “normal” in world affairs (Bretherton & Niemann, 2013, p. 264).

Although shared values and principles increase the EU’s freedom of action in foreign policy, it is still controversial to what extent these are necessary precondition for the EU to play a more active role in foreign policy. As a result, Member States may not be able to act consistently and

even effectively in pursuit of some interests, even if they have common normative values among themselves. Therefore, to conceptualize the “EU’s actorness”, it is necessary to know what kind of power it represents in the international system as well as what components the capacity and capability of an “actor” consist of (Uğur, 2018, p. 72).

The first comprehensive study on “the EU’s actor capability” was developed by Gunnar Sjöstedt in 1977. Sjöstedt determined three sets of vital criteria for “actor capability”. These include;

1) The ability to express interests and mobilize resources towards common goals,

2) Capabilities for decision-making particularly under urgent conditions,

3) A network of enforcement agents to carry out the “will of the entity”. (Sjöstedt, 1977; Rhinard & Sjöstedt, 2019, p. 4)

From another point, Caporaso and Jupille (1998) define the EU’s “international actorness” through the presence or absence of four variables;

1) The acceptance of the EU’s competence by member states (or recognition),

2) The authority to act legally,

3) The autonomy from the member states

4) The cohesion (Longo, 2003, p. 156).

Based on their definitions, “recognition” is explained as acceptance of and interaction with the entity by others (Jupille & Caporaso, 1998, p. 214). “Authority”, on the other hand, is associated with a sense of legal authority to act. “Autonomy” reflects the institutional difference and independence of an actor from other actors. The final component of an actor’s capacity in global politics is “cohesion” that refers to the degree to which an entity can create and declare “self-consistent policy choices”. (Jupille & Caporaso, 1998; Greiçevci, 2011, pp. 286-288).

2.2.2. Global Actorness

Bretherton and Vogler have defined an “actor” as an “entity that is capable of the agency of formulating and acting upon decisions”. However, they do not accept the agency as limitless, but rather think that the capacity to act reflects the interaction among understanding about “internal character”, “capabilities” and “external opportunities” (Bretherton & Vogler, 2006, p. 35). In other words, they do not see the EU’s actorness as unlimited, however; explain the actorness capacity with its ability to respond to external opportunities addressed that;

*“The EU is an actor in *sui generis*. We conceive of it as a multi-perspectival polity whose construction reflects both experimentations of policy entrepreneurs and the opportunities afforded by the changing structures of the international system. Essentially, therefore, the EU remains in the course of construction. This approach accommodates its evolution over time and its shifting character at any one time; it also leaves open the question of its future destination”* (Bretherton & Vogler, 2006).

The Bretherton and Vogler's global actorness concept (2006), which forms the main framework of this study, is based on a series of interaction processes that focus on the concepts of "presence", "opportunity" and "capability" that come together in various manners to constitute the foreign policy actions of the Union.

First of all, the "opportunity" refers to the factors of the ideas and events in the external environment that constrain or enable "actorness". Additionally, the "opportunity" represents the structural context of the action, in other words, the context that formalizes EU action or inaction (Bretherton & Vogler, 2006, p. 24). According to authors, the "context" is described as a dynamic process that includes "external perceptions and expectations" regarding "EU actorness", and the changing, developing and often discussed understanding of EU identity. Additionally, in the context of research agendas, "opportunity" is related to several levels of analysis; includes rules and power structures at the global level and elite and popular views at the third-party state level (Bretherton & Niemann, 2013, p. 266).

According to Bretherton and Vogler, since the beginning of the 1980s, the increase in "interdependence" and "globalization", as well as the end of the "Cold War", has led to a change in the international system and ideological climate. This external environment has increased the EU's involvement in global politics (Bretherton & Vogler, 2006, p. 24). In addition, they stated that in the lack of a dominant understanding of appropriate responses to new security challenges, the events of "9/11" and after provided the EU with an "opportunity" to adopt new roles and responsibilities (Bretherton & Vogler, 2006, p. 27). This notion of the authors is also contained in the "European Security Strategy" which was

published in 2003 in response to these security challenges. According to this strategy;

“[...] the European Union is inevitably a global player. In the last decade, European forces have been deployed abroad to places as distant as Afghanistan, East Timor and the DRC. The increasing convergence of European interests and the strengthening of mutual solidarity of the EU makes us a more credible and effective actor. Europe should be ready to share in the responsibility for global security and in building a better world” (European Council, 2003).

Nevertheless, as Bretherton and Vogler noted that the Union’s security roles cannot simply be generated, nevertheless, they will be created through a process that takes into account its “capabilities” and “international presence” (Bretherton & Vogler, 2006, p. 27).

The “presence” refers to “the ability to exert influence externally”, in other words, it means to shape “perceptions”, “expectations” and “behaviour” of others. The “presence does not denote purposive external actions; rather it is a consequence of being” (Bretherton & Vogler, 2006, p. 27). The CAP (Common Agriculture Policy) provides an excellent example of the processes by which agency can be fostered when third parties respond to the Union’s presence in ways that in turn require the EU to respond (Bretherton & Vogler, 2006, p. 28). Especially, “presence” reflects two closely related determinants that determine the “prestige or reputation” and “status” conferred on the EU by external audiences; first the “character and identity” of the EU. The “character” refers to the material existence of the Union, i.e. the political system that includes the Member States and the

EU's common institutions. On the other hand, the "identity" aims to focus on the "fundamental nature of the EU" and refers to shared understandings that give meaning to what the EU is and does. Moreover, they emphasize that "identity" is of great importance to "actorness" (Bretherton & Vogler, 2006, p. 27).

The second element of the "presence" refers to the consequences (often unpredictable) of the Union's internal priorities and policies. Here, the relationship between the "EU's presence" and "actorness" can be relatively direct, as EU's domestic policy initiatives may generate responses from third parties affected by these policies, which, in turn, requires the EU to take actions (Bretherton & Vogler, 2006, p. 27). From this point, as Bretherton and Niemann specified, we should underline that "presence is a passive concept that is manifested both directly, through the unintended external consequences of internal policies, and indirectly, through the subtle processes of structural power associated with perceptions of the EU's reputation" (Bretherton & Niemann, 2013, pp. 266-267).

The third concept, "capability" is defined as "the internal context of EU action or inaction". In other words, defined as the aspects of the EU policy process which constrain or enable external action and thus govern the Union's ability to capitalize on the "presence" or respond to the "opportunity". Here, the focus is on aspects of the Union's character that specially affect the possibilities for external activities, the ability to create effective policies and the availability of convenient policy tools (Bretherton & Vogler, 2006, p. 29). In purpose to address the "capability" Bretherton and Vogler propose four basic requirements for actorness:

- “ (1) Shared commitment to a set of overarching values.
- (2) Domestic legitimization of decision processes and priorities relating to external policy.
- (3) The ability to identify priorities and formulate policies-captured by the concepts of consistency and coherence, where:
 - consistency indicates the degree of congruence between the external policies of the Member States and the EU;
 - coherence refers to the level of internal coordination of EU policies.
- (4) The availability of, and capacity to utilize, policy instruments - diplomacy/ negotiation, economic tools and military means” (Bretherton & Vogler, 2006, pp. 29-30).

To sum up; Bretherton and Vogler’s definition defines the EU as an actor depending on the combination of several criteria. From this point of view, we will discuss the EMP in the third chapter for a better understanding of the EU’s role in refugee crisis and migration management.

3) THEORIZING THE EU'S IMMIGRATION POLICY

3.1. HISTORICAL BACKGROUND OF EU'S IMMIGRATION POLICY

3.1.1. The Amsterdam Treaty

Although the creation of common migration policy in the European Union gained momentum with the collapse of the Eastern Bloc at the end of the 1990s, it took time to establish it on a legitimate basis. This process continued as the Member States determine a position in the face of migration in line with their interests, in a way that does not endanger social stability and social state policies, and support/not support common migration policies (Coşkun & Çim, 2015, p. 290).

A few years later, with the acceptance of the Amsterdam Treaty, migration policy evolved into a different dimension. The Amsterdam Treaty is seen as one of the most significant milestones in integrating European Union immigration management into the *acquis* and was signed in 1997 and entered into force in 1999 (Güleç, 2015, p. 86). In other words, Amsterdam gave the Commission a greater role in initiating policy and facilitating coordination with development policy, by shifting the legal basis of immigration and asylum policy from the “third pillar” to the “first pillar”(Boswell, 2003, p. 632). Moreover, the Amsterdam also attached a new clause to the Treaty preamble to articulate that the EU will henceforth be an “area of freedom, security and justice” (Geddes, 2001, s. 25).

According to Geddes, the inclusion of immigration policy in the Union *acquis* did not mean complete supra-nationalization. Rather, “it was a cautious communitarisation” because the basis for decision-making would remain intergovernmental (Geddes, 2001, s. 25).

The process of “communitarisation of asylum and migration policies” envisaged in the Amsterdam Treaty continued in the form of almost ten years of trans-governmental cooperation between MS. This cooperation took place first outside the scheme of the Treaty and later inside the third pillar of Maastricht (Lavenex, 2006, pp. 329-330). According to Lavenex, (2006) through the progressive consolidation of supra-national methods in these areas of domestic affairs and the expansion of the essential agenda - it has moved from “coordination of control to a deeper harmonisation of domestic politics”, in other words, “trans-governmental coordination to supranational communitarisation”. Consequently, the external scope of European asylum and migration policies became a major focus of cooperation. As Lavenex stated, this cooperation aims to include migration sending and transit countries in the management of migration flows (Lavenex, 2006, pp. 329-330).

3.1.2. Tampere Programme

After Amsterdam, the European Council devoted a special session to the establishment of the space for freedom, security and justice in Tampere, Finland, in October 1999. The Member states elaborated the political instructions at this meeting which also consist “immigration, police and justice cooperation, and the fight against crime”. The Tampere Programme was formed by conclusions of this European Council (European Parliament, 1999). We should underline the importance of this

meeting because the EU Member States officially admitted “external dimension of the EU asylum and immigration policies” at the Special European Council on Justice and Home Affairs in Tampere. The Presidency conclusions indicated that these aforementioned objectives should be “integrated in the definition and implementation of other Union policies and activities”, comprising foreign relations. Thenceforth “partnership with countries of origin” and “stronger external action” figures distinctively in the working of the JHA Council” (Lavenex, 2006, p. 333).

In other words, it was stated that the Union should approach the migration problem comprehensively, paying attention to the political, economic and social conditions in the source and transit countries and regions and that the Member States should act more jointly within the framework of the issue (Samur, 2008, p. 5).

In the 2000s, the actions of externalizing the EU’s migration policy increased due to security concerns. As Yıldız specified, “the attempts of the European Union (EU) to externalize its immigration policy towards non-EU member states have significantly increased in momentum during the 2000s, in response to intensifying concerns about the changing context of the EU’s external security challenges and its strategic aim to guarantee stability and peace in its neighbourhood through fostering development” (Yıldız, 2016, p. 1). According to Yıldız, there are some main factors that enable the EMP to form its “external dimension”. First, the “2004 and 2007 eastern enlargements” sparked a new discussion to the EU on the security of its extended borders, particularly in response to increasing irregular movements of migrants and asylum seekers. Second, “the terrorist attacks of 9/11”, placed an increased emphasis on linking migration issues with

security and terrorism. Finally, after the Arab Spring, MS faced the biggest migrant and the refugee crisis since the WWII (Yıldız, 2016). In this context, to examine the repercussions of external security concerns, we should also consider the 2003 Hague Summit and the 2004 Brussels European Council.

3.1.3. The Multi-annual Hague Program

The “Multi-annual Hague Program” which was launched at the European Council in November 2004 sets out “10 priorities” for the Union to strengthen the field of “ freedom, security and justice” over the next five years. The Commission considers that efforts “should be centralized on the following 10 priorities:

- Strengthening fundamental rights and citizenship
- Anti-terrorist measures
- Defining a balanced approach to migration
- Developing integrated management of the Union’s external borders
- Setting up a common asylum procedure
- Maximising the positive impact of immigration
- Striking the right balance between privacy and security while sharing information
- Developing a strategic concept on tackling organised crime
- A genuine European area of justice” (European Commission, 2004)

3.1.4. The Lisbon Treaty

The Treaty of Lisbon which was signed in 2007 entered into force on 1 December 2009. The Lisbon Treaty broadened the competencies of the EU in migration and asylum issues. According to this treaty, all policies regarding border controls; asylum, immigration and judicial and policy cooperation are no longer an intergovernmental responsibility as before, and now became EU competencies (European Commission, 2021).

We can say that the most important changes in the structure of the European Union immigration regulations were brought with the Lisbon Treaty. In the Lisbon Treaty, the regulations regarding immigration and asylum are placed in the “area of freedom, security and justice” field, which is Title V in the column of the “Treaty on the Functioning of the European Union”. Moreover, with this treaty, the issues of internal security and integrated management of external borders were arranged under the umbrella of the agreement for the first time. It was also stated that illegal immigration would be combated and in case of unauthorized residence, methods such as deportation and repatriation would be resorted to (Güleç, 2015, p. 88).

3.1.5. The Global Approach to Migration (GAM)

The “Global Approach to Migration (GAM)” was first introduced by the European Council in 2005 and was further developed in 2007 and 2008. The GAM created to the “framework for the EU’s cooperation with third countries in the migration and asylum field”. “The Stockholm Programme”, launched in 2009, also recognized the importance of consolidating, strengthening and implementing GAM. According to the Commission, “ the approach comprises the whole migration agenda,

including legal and irregular migration, combating trafficking in human beings and smuggling of migrants, strengthening protection for refugees, enhancing migrant rights and harnessing the positive links that exist between migration and development” (European Commission, 2021).

In this report, for the first time, the importance of a “global approach” to the problem of migration and the development of source and transit countries as a key element for the solution of the problem was mentioned. According to Samur, GAM brings together migration, foreign relations and development policies to resolve the issue of migration through an integrated, comprehensive and balanced partnership with third countries. Thus, it focuses on addressing the root causes of migration by establishing a link between migration and economic-political development (Samur, 2008, p. 8).

3.1.6. European Agenda on Migration

In response to the multifaceted challenges posed by the “refugee crisis”, the EU Commission developed the “European Agenda on Migration in 2015”. EU migration policy is based on four pillars:

- 1) “Reducing incentives for irregular migration,
- 2) Border management,
- 3) A common asylum policy
- 4) A new policy on legal migration” (Ruhrmann & FitzGerald, 2016, p. 5).

Moreover, the development of EU remote control policies throughout 2015 is part of this holistic approach, based on efforts to control refugee and other migrant flows before they reach EU borders since the early 1990s (Ruhrmann & FitzGerald, 2016, p. 5).

The Commission aims to reduce incentives for irregular migration through several different approaches. First, it claims to address the “root causes” of migration in their region of origin and to this end, the Commission aims to accelerate the development programme. Second, the Commission emphasizes efforts against migrant smuggling and trafficking in cooperation with MS and key third countries. Third, the Commission aims to establish a “stricter deportation regime” for irregular migrants, whom EU governments have decided do not need international protection. As Ruhrmann and FitzGeald emphasized, the securitization of the EU’s external border management is another of the EU’s precedencies. To this end, the Commission aims to improve monitoring and risk analysis as well as establishing an EU standard for border management between all member states with external borders (Ruhrmann & FitzGerald, 2016, pp. 5-6).

To sum up, the EU’s creation of a common migration and asylum policy and its legal framework took place gradually. In addition, we can understand that the tools and objectives of the “external dimension” of the EU’s migration policy are also revealed step by step at the end of the development process. From this point of view, while the importance of cooperation with source and transit countries was understood with the “Global Approach to Migration”, the “Lisbon Treaty” emphasized the importance of managing external borders in an integrated manner. In addition, the “European Agenda on Migration” focused on the importance

of reducing illegal migration, human traffic and disrupting smuggling systems. As a result, these agreements have been the development process of the externalization tools of the EMP. Accordingly, in the next chapters; externalization of the EU's migration and asylum policy and external governance theory will be discussed.

3.2. EXTERNAL GOVERNANCE THEORY

In international relations, the concept of “governance” began to be used to term the occurrence of “political order at the international level” (Lavenex & Schimmelfennig, 2009, p. 795). Fukuyama defines “governance” as the ability of a government to set and enforce rules and deliver services, regardless of whether the government is democratic (Fukuyama, 2013, p. 350). On the other side, Lavenex (2004) remarks on the difference between governance and cooperation and defines governance as “more than cooperation”, because it means a rule system exceeding volunteerism.

For a basic definition, “external governance defined as the expansion of EU rules beyond EU borders” (Lavenex & Schimmelfennig, 2009, p. 796). The most important criterion for external governance is to extend the legal limits of authority beyond institutional integration. Unlike cooperation under an international agreement or convention, “external governance takes place when parts of the *acquis communautaire* are extended to non-member states” (Lavenex, 2004, p. 683).

As Yıldız specified, the external governance theory gives a point of view for “understanding how policy expansion occurs beyond the EU’s legal boundary of authority and how it transforms the legal orders of relevant third countries” (Yıldız, 2016, p. 197). From this point of view, Lavenex draws attention that the main framework of EU governance can emerge in various kinds of partnerships with third states (Lavenex, 2004, p. 683). Accordingly, the following kinds of relationships can be listed:

- “quasi-membership for comprehensive forms of association such as the European Economic Area (EEA) and the bilateral treaties concluded with Switzerland;
- accession association for the encompassing framework of enlargement negotiations with the (in 2004, called as new) Member States of Central and Eastern Europe Malta and Cyprus, and, although less developed, also with Turkey and the countries of the Western Balkans;
- neighbourhood association with the Mediterranean and new eastern neighbours;
- development cooperation with the African, Caribbean and Pacific (ACP) countries;
- trans-atlantic co-operation with the USA and Canada” (Lavenex, 2004, p. 683).

In short, EU external governance differs between regions, states, and policy areas as well. Besides being part of an “overarching foreign policy initiative” like “The European Neighbourhood Policy” (ENP) or the European Economic Area (EEA), sometimes it may depend on bilateral cooperation (Lavenex & Schimmelfennig, 2009, p. 792). Moreover, “external governance” is constituted and formed by subject-specific forms of governance and patterns of power and interdependence that contribute to the differentiation of its structures and effects (Lavenex & Schimmelfennig, 2009, p. 807).

Since the EU’s external action is often based on the “acquis communautaire”, the increasing of integration in traditional domestic policy areas such as immigration policy also gradually develops an

“external dimension” that includes an approach of transferring the EU’s rules and policies to non-member states and international organizations. What the theory of external governance is trying to capture is this “extension of internal rules and policies” that take place outside the official membership for non-member countries (Lavenex & Schimmelfennig, 2009, p. 791). In other words, the increase in the EU’s need for deepening traditional policies has brought about external governance.

From another point, according to Lavenex and Schimmelfennig, “expansion of EU rules beyond EU borders is particularly intensive with the close neighbours in the West who have committed themselves to the adoption of significant parts of the EU *acquis*, but is also intensifying with the countries of the ENP” (Lavenex & Schimmelfennig, 2009, p. 807). These processes expand the frame of European integration apart from the membership and differ considerably from the manner “the EU exports its norms to candidates for membership in the context of enlargement” (Lavenex & Schimmelfennig, 2009, p. 807).

3.2.1. Neighbourhood Policy

“The European Neighbourhood Policy” (ENP) aims to bring the EU and its neighbours closer to their mutual benefits and interests. It was launched in 2004 to help the EU support and promote stability, security and prosperity in its nearest neighbourhood (EU Neighbours, 2021).

“The European Neighbourhood Policy” (ENP) manages the EU’s relations with 16 of the EU’s closest Eastern and Southern Neighbourhoods. In the South, these countries are Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria and Tunisia while in the

east in East: Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine. According to the European Commission; the ENP was created to prevent the emergence of new dividing lines between the enlarged EU and its neighbours, and instead of strengthening the well-being, stability and security of all. ENP focuses on the values of democracy, the rule of law and respect for human rights. (European Commission, 2021(c)). According to ENP, stabilization of the region in terms of political, socio-economic and security lies at the heart of the “EU’s Neighbourhood Policy”. While the ENP focuses on “good governance, democracy and the rule of law”, it also focuses on supporting the economic development of its partner countries. This commitment translates into action on the ground through the implementation of sustainable regional and bilateral programs and projects (EU Neighbours, 2021).

On the other hand, as Lavenex underlines, the ENP is a form of “external governance” that comprises in the “extension of the EU’s norms, rules” (Lavenex, 2004, p. 694). In this frame; to ensure the integrity of the thesis, we should emphasize how the EU applies its migration policy to ENP and how it deals with this issue with external governance. European Migration Policy was built into the ENP since the very beginning, as countries neighbouring the EU are among the transit and major source countries of both legal and irregular immigration towards Europe (Yıldız, 2016, p. 164). Migration forms an important basis for the EU’s development goals through human mobility and the trans-border interchange of skills, experience and knowledge. According to Yıldız, migration is critically “integrated into the ENP Action Plans on actions in

the areas of immigration, asylum, visa policies, smuggling and irregular migration, police and judicial cooperation and cooperation with EU institutions such as EUROPOL (European Union Agency for Law Enforcement Cooperation)”. Furthermore, all Action Plans contain recommendations for enhanced border protection and controls over cross-border movement (Yıldız, 2016, p. 164).

In response to the direct and indirect impact of the political and social challenges caused by the Arab Spring in the EU’s neighbours, the ENP was reviewed in 2011, following the Arab Spring. Under the revised ENP, it was decided that the “stabilisation of the region, in political, economic, and security-related terms, will be at the heart of the new policy”. Furthermore, the revised ENP makes a strong emphasis on two principles: applying a differentiated approach to EU’s neighbours, respecting the different aspirations of EU’s partners, and better responsiveness to EU and partners’ interests; and increased ownership by partner countries and Member States (European Commission, 2021(c)).

3.3. EXTERNALIZATION OF IMMIGRATION POLICIES

As Yıldız stated the literature on the “externalization of policies”, that includes the expansion of EU policies to third states, tend to be conceptualized and correlated with various interrelated concepts. For example; “extra- territorialization” (Rijpma & Cremona, 2007), “external governance”, (Lavenex, 2004), “Europeanization beyond Europe” (Schimmelfennig, 2012), “external differentiation” (Schimmelfennig,

Rittberger, & Leuffen, 2015), (Yıldız, 2016, p. 11). All of these terms can be collected in a common frame: performing “governance” and “policy extension” beyond borders, between at least two countries sharing a particular “asymmetrical relationship”, in terms of their capacities to politically react to the same situation: “the movement of people between one country and the other”. These concepts are fundamentally defined as: “externalization”, “external dimension”, and “extra-territorialization” (Aubarell, Zapata-Barrero, & Aragall, 2009, p. 12).

Implementing this literature particularly to migration policy and trying to express “common norms and rules beyond EU borders” to neighbouring third states has been an important policy area over the past two decades. The EU labels this new dimension in migration policy as the “external dimension of migration policy”. Broadly, the “external dimension” refers to all aspects of engagement and policies directed beyond the EU’s borders. In academic debates, this is called “externalization of immigration policy” or “extra-territorialization of immigration policy” (Aubarell, Zapata-Barrero, & Aragall, 2009; Yıldız, 2016, p. 12). The externalization of immigration policy is one of the frequently encountered issues in the literature on EU studies. In this context, with the externalization EU aims to apply the goals of the EU’s domestic policy towards immigration in foreign policy. Therefore, the Union aims to manage the migration flow by cooperating with source and transit countries through the externalization of the migration policies.

The “externalization” takes place through “formalized migration policies and visa regimes”, “bilateral and multilateral policy initiatives between states”, or also through “ad hoc policies and practices”. In this

regard, externalization policies and implementations of these policies may try to directly and obviously block immigrants from entering the targeted country or have just an indirect effect on migrants (Frelick, Kysel, & Podkul, 2016, p. 194). To better comprehend externalization as a concept, it will be useful to examine the features given by (Aubarell, Zapata-Barrero, & Aragall, 2009). Several approaches are collected under the “externalization”:

- 1) “Elements of the domestic system” with international influences are in the first group of these features. The establishment of camps for different types of immigrants, both inside and outside the state borders, is given as an example for this category.
- 2) Greater focus on external borders and combating illegal immigration, for example border control tools, patrols, building fences, etc.
- 3) Measures to repatriate “illegal migrants”, such as “readmission agreements” and “means of transport” to third countries (for example, group flights).
- 4) Proposals for processing asylum claims outside European territory, for example processing through regional protection and transit processing
- 5) Actions targeting “root causes” and attempts to link migration and development (Aubarell, Zapata-Barrero, & Aragall, 2009, p. 12). Examining the two approaches used in externalization, the remote control and root cause approach will help us analyse the externalization tools used by the EU in Libya.

3.3.1. The Remote Control Approach

When we look at the literature, we see that there are at least two main approaches to externalization. The first of these approaches is labelled as the “remote control approach”. This approach has been conceptualized by Zolberg (2003) and according to Zolberg, the basic objective here is ensuring that the cycle of immigrants coming to Europe can be shifted and ranked before arriving on the territory of the destination countries.

On the other point, Boswell defines the main logic here as strengthening border controls with sending and transit countries, struggling illegal migration, smuggling and trafficking of immigrants, or readmission of migrants who have entered the EU illegal manners (Boswell, 2003, p. 619).

Furthermore, the “remote control approach” has “security-based” and “reactive character” and creates policy to restrict people’s movement (Aubarell, Zapata-Barrero, & Aragall, 2009, pp. 14-15).

3.3.2. The Root Cause Approach

In its simplest definition, the root cause approach aims to prevent migration flows by focusing on the source of migration and emphasizing the causes of migration. In other words, unlike the remote control approach, this approach requires intervention before immigration begins; therefore it draws attention to the link between migration and development.

According to Boswell, “measures under this category include attempts to address the causes of migration and refugee flows or to provide refugees with access to protection near their home country”. These approaches include using different tools to create alternatives for potential

refugees or migrants to migrate. For example, these tools can be development aid, foreign and direct investment or external policy instruments (Boswell, 2003, pp. 619-620). On the contrary to the “remote control approach”, the “root cause approach” has a “development-based” and “proactive” structure. Its main objective is not to restrict people’s movement, but to create an alternative through political innovations. The objective for this is to reduce the driving factors that motivate people to leave their home country, and it has a preventative dimension as well as being proactive (Aubarell, Zapata-Barrero, & Aragall, 2009, p. 14). The main differences between the two concepts of externalization are briefly explained below.

Table1. Comparison of Remote Control Approach and Root Cause Approach

Remote control approach	Root cause approach
Security-based	Development-based
Re-active (control of flows)	Pro-active (preventive)
Policy as restriction	Policy as innovation

Source: (Aubarell, Zapata-Barrero, & Aragall, 2009, p. 9)

3.3.3. Externalization of Immigration Control Measures

Through the “externalization of migration policies”, third countries or cooperating countries form their migration policies/actions in line with the country with which it cooperates. Thus, it would be useful to consider “externalization of immigration control policies” and “externalization of border controls” in this direction.

Externalization of immigration controls defines cross-border government actions to prevent asylum-seekers and migrants from entering the legal jurisdictions and territories of the destination countries, as well as making them legally unacceptable without regard to the merits of their protection claims. These activities include unilateral, bilateral, and multilateral state participation and the appointment of private actors. These may comprise preventive policies, as well as more indirect actions such as providing support or assistance to security or immigration management practices in and by third countries (Frelick, Kysel, & Podkul, 2016, p. 193).

The externalization of the EU's immigration control includes two main components. The first is the export of classical immigration control measurements to origin or transit countries outside the EU and second one is readmission. The main tools here were border control, illegal immigration, anti-smuggling and anti-smuggling measures, capacity building of asylum systems in transit countries and immigration management (Boswell, 2003, p. 622).

Border externalization policies and actions can significantly influence the rights of immigrants and the international obligations of states to protect them. By directing migrant flows to third countries, externalization affects the scope of the state's legal obligations and which states are tasked with protecting the rights of migrants under international law. When the rights of asylum-seekers and migrants in such third countries are violated as a result of a destination state's externalization efforts, this can present complex problems of "state responsibility" for both target states and third countries (Frelick, Kysel, & Podkul, 2016, pp. 196-197).

The second factor of externalization consists of a set of policies to facilitate the return of asylum-seekers and “illegal immigrants” to third countries. The primary tool here is “readmission agreements” with third countries, which committed to re-accepting “irregular immigrants” who had crossed their territory into the EU Member States or their own nationals (Boswell, 2003, p. 622). Readmission can be applied if an immigrant is caught crossing the border or residing on state territory without the required permits. The Commission negotiated and partially finalized readmission agreements with the NMS on behalf of all MS. Thus, “readmission agreements” oblige non-EU states to take back not only their nationals but also people crossing their territory into the EU (Wunderlich, 2013, pp. 414-415).

In summary, the EU’s efforts to manage immigration management by externalizing this process, in other words, effectively implementing its domestic policy objectives in foreign policy, and implementing effective bilateral cooperation should be considered a success. However, when we look from the humanitarian point of view, it is clear that border controls aim to ensure that illegal immigrants do not reach EU borders regardless to consider the reasons why an immigrant decided to migrate.

4. THE REFUGEE CRISIS AND EU'S IMMIGRATION POLICY TOWARDS LIBYA: LIBYA CASE STUDY

4.1. THE ARAB SPRING PROCESS IN LIBYA

The Arab Spring is a series of anti-government protests, uprisings and armed rebellions that started in Tunisia on December 17, 2010, and then took place in Arab countries in the Middle East. These protests and riots arose from problems such as unemployment, inflation, poor living conditions, and Arab peoples' demands for democracy, freedom, freedom of expression and human rights. The protests, which began in Tunisia, spread many Arab countries such as Egypt, Bahrain, Syria, Algeria, Jordan, and Yemen. These actions took place in Libya on 17 February 2011.

The damage and death of civilians due to the civil war between the Gaddafi government and its opponents began to attract the reaction of the international public. Thus, Libya's membership in the "Arab League" was suspended, and the "UN Human Rights Council" gave warning to the Libyan government about human rights violations. In March, the UNSC declared Libya a no-fly zone with its "Resolution 1973" to protect civilians and approved the aerial intervention and all necessary measures to be taken, and thus airstrikes began. The turning point of these popular movements that started in Libya was the NTC (National Transitional Council of Libya) which was officially established in Benghazi. With the overthrow of the Gaddafi regime in October 2011, the administration was transferred to the NTC (Doğan & Durgun, 2012, p. 80).

Even as a result of the NATO intervention made by the United Nations Security Council resolution, stability has still not been achieved in

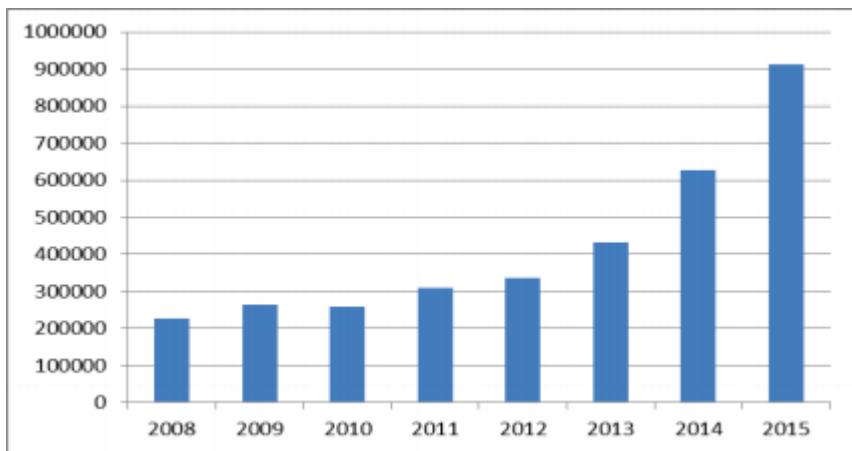
Libya. Moreover, some parts of the country are governed by the GNA (Government of National Accord), while the other part is governed by groups that define themselves as the Libyan National Army.

4.2. THE ARAB SPRING EFFECTS ON THE EU

The European Union has a structure in which universal values such as equality, justice and human rights are adopted and liberal economic rules become operational. For this reason, migration to the Member States becomes attractive for citizens of countries that have problems in issues such as democracy, human rights, human security and economic development (Coşkun & Çim, 2015, p. 290).

With the beginning of the Arab Spring, the Middle East and North Africa have witnessed several conflicts and humanitarian crises. Thousands of refugees have begun to flee from their countries and try to arrive in neighbouring countries and to Europe. Thus, the refugee crisis started in late spring 2011. However, the refugee crisis remained largely a non-European crisis for the EU (Turhan, 2017, p. 279). After the tragic humanitarian event which took place on 19 April 2015 when 800 immigrants lost their lives near the Libyan coast while trying to migrate to Europe, the term “migration crisis” was used for the first time in European Council conclusions in those of the 23 September 2015 then it has become widespread since 2015 (Anghel, Drachenberg, & Finance, 2016).

Figure1. Total number of asylum applications in the EU



Source: (Anghel, Drachenberg, & Finance, 2016)

Observers agree that the migration crisis is, in some respects, quite different from the crisis the EU has collectively experienced before. It is known that both European Council President Donald Tusk and German Chancellor Angela Merkel made the following statements about the refugee crisis several times:

“perhaps the biggest challenge Europe has faced for decades and it has the potential to change the European Union as we know it” (Anghel, Drachenberg, & Finance, 2016, p. 13).

These concerns expressed by Merkel and Tusk are justified when the number of asylum applications is considered (See Figure 1). We can easily comprehend that between 2010 and 2015, refugee applications to European countries are in an increasing direction. In this context, many successive crisis summits on migration were held in 2015. From April 2015 to 2016, the European Council held six meetings, three of these meetings

were “extraordinary meetings” dedicated only to migration, with the other three focused to a great extent on migration (Anghel, Drachenberg, & Finance, 2016, p. 13).

As the refugee crisis began to affect the EU over time, it became clear that the EU’s legislation on this issue needed to be updated. The Dublin Regulation, which regulates the refugee regime among the EU Member States, states that “an asylum seeker can apply for asylum in any country from which he/she enters EU territory”. Accordingly, because of this Agreement, refugees began to gather in countries such as Italy, Greece and Malta, which are on the coast of the Mediterranean Sea, where they first entered from EU territorial waters. After the refugee crisis deepened in the summer of 2015, although the MS reached an agreement to take refugees from EU border countries and distribute them to other EU member states, they could not have consensus in practice. As a result, the MS could not implement a common migration policy (Bayraklı & Keskin, 2015).

Those days, a key challenge for the Council was to agree on a common migration policy and share the refugees. In response to the “refugee crisis”, the Member States implemented their own policies and reacted in different ways such as “temporarily suspending Schengen rules”, “creating physical barriers” across their own borders and “failing to comply with the Dublin Regulation rules” for processing asylum applications (Anghel, Drachenberg, & Finance, 2016, p. 17). Therefore, as we mentioned above, the EU’s inability to implement a common policy against this crisis tried to solve this crisis in the form of cooperation/externalization with third countries.

4.3. “EXTERNAL DIMENSION” S OF THE IMMIGRATION POLICY: LIBYA CASE STUDY

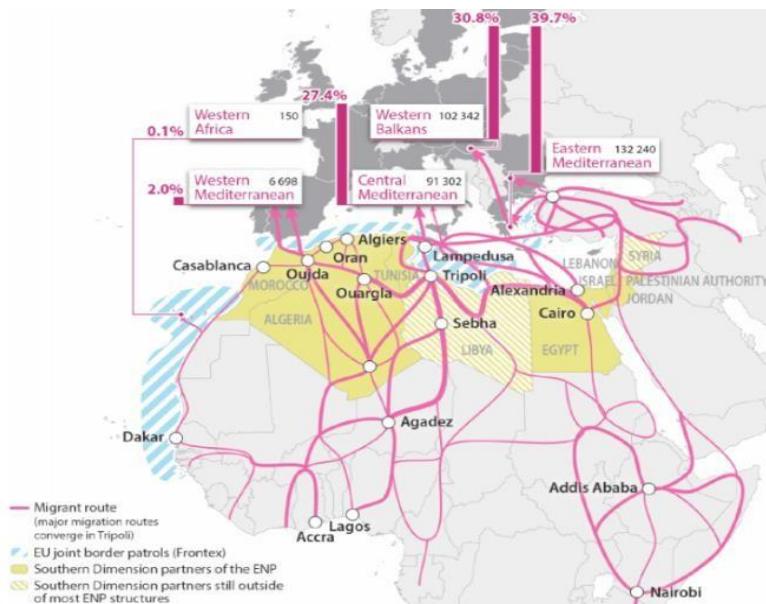
4.3.1. Libya as “Migration Corridor”

“I no longer eat any fish from the Mediterranean. I'm afraid to eat Libyans, Somalis, Syrians, and Iraqis with fish”

-Aldo Busi (Contemporary Italian writer)

The Central Mediterranean Route, which was one of the most frequently used migration routes before the refugee crisis, maintained its popularity when the crisis began. For example, in Figure 2, we see how many migrants reached the European border using this route in 2015.

Figure2. Main Migration Route in the Mediterranean (2015)



Source: (Apap & Dietrich, 2015)

Since the mid-1990s, the media has been drawing public attention to thousands of Southern Saharan Africans who take life-threatening risks crossing the Mediterranean Sea and the Atlantic Ocean. North Africans in particular converge at the “Libyan crossroads” on their way to Europe, and the number of migrants on their migration routes to Europe is indicative of increasing. According to Bredeloup and Pliez (2011) since the 1990s, Libya set a precedent the way multilateral (EU-Maghreb) or bilateral (Libya-Italy) political negotiations between the two coasts of the Mediterranean focus on the “illegal sub-Saharan migrant in transit” (Bredeloup & Pliez, 2011, pp. 1-2). In this context, Libya can be seen as a “gateway” to Europe for migrants from across sub-Saharan Africa and also from the Arabian Peninsula (BBC News, 2017) or “migration corridor” as Bredeloup & Pliez (2011) describe it.

Three major routes are used in the refugee and immigrant movement towards Europe: The first of these is the “Central Mediterranean Route”, departing from Libya, Tunisia and Egypt and targeting Italy and Greece. The second major transit line is the “Western Mediterranean Route”, where boats departing from Morocco and Algeria terminate with Spain or France. The third route, “Eastern Mediterranean Route”, starts from Turkey and aims to reach Europe via Greece, Albania, Serbia and Hungary (Demir & Soyupek, 2015, p. 6). Besides being one of the immigrant sending countries, Libya is one of the significant transit countries to Europe on the Central Mediterranean route. In Figure 2, you can find a mapped version of the main migration routes and a comparison of the migration routes used in 2015.

In addition to being one of the countries of migration to Europe, Libya hosts a substantial number of migrant workers from its neighbours Egypt, Tunisia and African countries south of the Sahara (Seeberg, 2014, p. 126). In analysing the current migration situation in Libya, it will be fruitful to consider the border policy which Gaddafi implemented towards his African neighbours in the pre-2011 period. Before the Arab Spring, Gaddafi's Pan-African approach and open-door policy had influenced Libya to become an immigrant region.

Under Gaddafi's leadership, he actively promoted immigration to Libya from Africa and the Middle East. Most of the jobs in the oil, building, agriculture and service industries were carried through immigrants. For example; Libya, which had a population of 6.5 million in 2011, had no fewer than 2.5 million immigrants, mostly from West Africa, South Africa the Horn of Africa and the Middle East. Immigration has increased "labour market competition" in these low-paid sectors: black Africans held the lowest paid jobs compared to immigrants who spoke Arabic or entered the Libya legally. Moreover, they were attacked increasingly as institutionalized racism and public discontent grew (Pradella & Rad, 2017).

When the conflict started in early 2011, there was a massive migration of migrant workers. According to IOM sources, almost one million workers had left Libya by the end of 2011. Moreover, Sub-Saharan Africans are the largest and most vulnerable group of immigrants stranded in Libya and have always been subjected to harsh policies (Seeberg, 2014, p. 126).

Another issue we need to focus on regarding Libya is that Libya is never been a party to the Refugee Convention. For this reason, refugees here cannot apply for asylum, and in addition, the government does not have a responsibility to protect these refugees. According to Bialasiewicz, “Libyan officials, in fact, consistently denied the presence of any asylum-seekers or refugees”. She also gave an example to support this notion. According to her, during Amnesty International’s fact-finding visit to Libya in 2009, officials from the General People’s Committee for Foreign Liaison and International Cooperation said that

“There were no refugees or asylum-seekers in Libya, only economic migrants” (Bialasiewicz, 2012, p. 854).

Therefore, the situation of immigrants in Libya causes criticism within the scope of state responsibility. Unfortunately, the drama of these African workers immigrants continues. While they were able to work in Libya at least as workers before, the absence of the central government and political turmoil, as well as ill-treatment, push immigrants to immigrate to Europe.

4.3.2. EU’s Assistance to Libya

In explaining the externalization of the EMP, I mentioned the root cause approach above. The root cause approach aims to support potential migrants in their home country rather than emigrate, focusing on the root cause of migration. In this context, we will discuss the EU’s humanitarian programs in Libya, in this title.

According to EEAS (European Union External Action Service) (2021), the EU is one of the largest aid providers in Libya. It supports many

areas in Libya through EU projects, which aim to strengthen civil society, human rights and free media, democratic governance, health care entrepreneurship, youth empowerment and gender equality. With immigration management continuing to be an important area of EU support for Libya, it is particularly important to support Libyan communities who are home to large numbers of migrants, refugees and migrants, and to protect vulnerable groups (European Union External Action Service, 2021).

4.3.2.1. EUTF for Africa

European and African partners launched “The European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa”, shortly EUTF for Africa, at the Valletta Summit on Migration in November 2015. Programs under the EUTF are conducted in 26 partner states in the regions of Africa: Sahel and Lake Chad, Horn of Africa and North Africa (European Commission, 2021(b)).

The EU Emergency Trust Fund for Africa (EUTF for Africa) was created to address the “root causes of instability”, “forced displacement and irregular migration” and contribute to “immigration management”. These countries are faced with many difficulties. These challenges have resulted from many reasons, such as demographic pressure, extreme poverty, poor social and economic infrastructure, internal tensions, institutional weaknesses, food crises, etc. (European Commission, 2020(a)). According to the Commission “activities focus on four strategic objectives:

- (1) Greater economic and employment opportunities
- (2) Strengthening the resilience of communities

(3) Improved migration management

(4) Improved governance and conflict prevention” (European Commission, 2020(a)).

Under the “community stabilisation pillar in Libya”, the “EUTF for Africa” continues its work to enhance the daily lives of migrants in Libya, Libyans nationals and internally displaced peoples because of the conflict. In this context, 4.7 million people have improved access to basic services, through EUTF support according to the EUTF for Africa. To increase citizens and also refugees’ access to health services, hospitals, medical facilities and ambulances were allocated, thus providing access to healthcare services for more than 3.5 million people. According to European Commission, livelihood opportunities and support to local start-ups were also provided through different programs (European Commission, 2021(a), p. 41).

According to the European Annual Report of the EU Emergency Trust Fund for Africa, “over 4 million people in 29 Libyan municipalities have better access to basic social services, 30 000 Migrants reached out by information campaigns on risks linked to irregular migration and 339 800 Non-food items and hygiene kits distributed by the EU Emergency Trust Fund for Africa”. In response to current challenges, the new programs have been launched to decrease the emerging health problems of Libyans and immigrants and to strengthen to community. The new programs aim to include actions related to protection and community stability, involving actions related to COVID-19 (European Commission, 2021(a), p. 39).

Under the protection pillar, the support of VHR (Voluntary Humanitarian Returns) is one of the principal objectives of EUTF for Africa's activities in Libya. In this context, EUTF for Africa supports the resettlement and voluntary returns of vulnerable groups and refugees to their home countries through the EU- IOM Joint Initiative and the “UNCHR Emergency Transit Mechanism” (ETM). (European Commission, 2021(a), p. 28). In 2020, 3,234 migrants deported from Libya via VHR to return safely to their country of origin. Since November 2017, 6,235 vulnerable refugees and asylum-seekers have departed Libya with the support of UNHCR (European Commission, 2021(a), p. 41).

In summary, Libya continues to be the largest beneficiary of the “EUTF Africa North Africa” window, worth a total of “€ 455 million” in programs and has significant funds for border management actions as well as for the protection of migrants and refugees and the stability of society (European Commission, 2020(b)). As a result, as Zaidy pointed out, all this could be seen as a European investment to stabilize Libya and prevent the flow of migrant smuggling to Europe triggered by the conflict in Libya (Zaidy, 2019, p. 7).

4.3.3. Strengthening Border Management

According to the IOM, border management defined as “the administration of measures related to the authorized movement of persons (regular migration) and goods, whilst preventing unauthorized movement of persons (irregular migration) and goods, detecting those responsible for smuggling, trafficking and related crimes and identifying the victims of such crimes or any other person in need of immediate or longer-term assistance and/or (international) protection” (IOM, 2021). However, states

still do not have unlimited power within their borders. Accordingly, “under international human rights law and international refugee law, states have a responsibility to ensure that border management legislation, policies and practices adhere to human rights and refugee law and respect the rights of all people who cross their borders despite their immigration status” (IOM, 2021). Depending on this frame, firstly examine EUTF’s support for border management in Libya will be examined. After that, other structures created to ensure and strengthen border security and management in Libya will be addressed.

4.3.3.1. EUTF for Africa

According to the Commission, the EU’s support on border management is focused on preventing further tragic losses SAR (search and rescue) in the Mediterranean and cracking down on migrant smuggling networks. Accordingly, the EUTF for Africa has been providing support since 2017 to increase the operational capacity of the “Libyan Coast Guard (LCGPS)” and the “Navy and the General Administration for Coastal Security (GACS)” (European Commission, 2020(b)).

According to the Commission, EUTF strengthens to the Libyan border management also intends to protect the lives of those rescued as migrants make dangerous journeys on land or at sea. Accordingly, direct emergency assistance and protection (blankets, clothing, hygiene kits and medical aid) is provided at “disembarkation points” provided through the “EU’s protection programs” (European Commission, 2020(b)).

According to EEAS, the EU has allocated approximately €57 million to date under the “EUTF” to support Libyan border management

authorities, “search and rescue” (SAR) activities at sea and on land, as well as law enforcement. It supports; maritime rescue coordination center, SAR vessels, maintenance activities, communication equipment and capacity building (European Union External Action Service, 2021).

4.3.3.2. THE EUBAM

The Council of the European Union established the “EUBAM Libya”, a civilian mission under the “Common Security and Defence Policy” (CSDP) to support the Libyan authorities in improving the security of the Libyan borders on 22 May 2013 (EUBAM, 2016).

The European Union assistance to the “Libyan Coast Guard” is provided through the “European Union Border Assistance Mission Libya” (EUBAM Libya) which is a civilian mission under the CSDP. According to the Commission, “EUBAM Libya” makes a contribution to improving the border management and security at Libya’s land, sea and air borders (European Commission, 2020(b)). The work is being carried out through consultancy, training and guidance to Libyan counterparts on strengthening border services. The Libyan border management official is provided with training and advice on aviation security, vehicle and passport controls, risk analysis, international and inter-agency cooperation, and maritime SAR (EUBAM, 2016).

Due to the lack of stability of the political and security situation in Libya, the EUBAM has been continuing its activities from Tunisia since 2014. Nevertheless, the Mission has continued to support the “Libyan Customs and Naval Coast Guard” through workshops and seminars organised outside Libya (EUBAM, 2016).

4.3.3.3. THE FRONTEX

The European Border and Coast Guard Agency (Frontex) was established in 2004 to assist the EU and Schengen area countries in managing their external borders and assist in the harmonization of border controls across the EU and to facilitate cooperation between them by providing technical support and expertise to border authorities in EU countries. In recent years, it has been helping EU countries to strengthen their borders by providing additional aircraft, boats and specially trained border guards in the face of the large influx of immigrants and refugees coming to the European borders to enter the EU. Frontex organizes operations by coordinating the staff and equipment of member countries (IKV, 2021).

Joint Operation Triton is important in terms of setting an example for the externalization controls of Libyan borders. It was launched by FRONTEX, in November 2014, “to implement coordinated operational activities at the external sea borders of the Central Mediterranean region to control irregular migration flows towards the territory of the MS of the EU and to tackle cross border” (FRONTEX, 2014, p. 6). Operational objectives of this operation include “enhance border security, enhance the efficiency of border security, enhance operational cooperation, enhance the exchange of information and efficiency of the information, identify possible risks and threats, establish and exchange best practices, support establishment of permanent structures and provision of trainings” (FRONTEX, 2014, pp. 6-7) Triton has targeted irregular migration from Libya, Egypt and Turkey within its operational area in the SAR regions of Italy and Malta. Italy

acted as the host country and worked with 16 EU members. This operation ended on February 1, 2018 (Bialasiewicz, 2012, pp. 30-31).

4.3.3.3. THE EUNAVFOR Med

EUNAVFOR Med is the military operation established after a migrant shipwreck on the Libyan borders in April 2015, resulting in 800 deaths. The main purpose of this operation is to disrupt the migrant smuggling system in the Mediterranean especially towards Libya.

The mission's main work is to identify and capture vessels used or suspected of being used by migrant smugglers or human traffickers, intending to disrupt the business model of human trafficking and trafficking networks in the South Central Mediterranean and contribute to the EU's wider efforts to prevent further loss of life at sea. On 22 June 2015, the Council officially launched the operation and 22 countries participated in this operation. As a result, the forces learned about regular maritime traffic, identified smuggling centers, rescued/detained 3078 migrants and interviewed detainees to gather intelligence (Bialasiewicz, 2012, p. 34).

The second phase was launched on 7 October 2015 and was renamed "Operation Sophia". As a result, "67" migrant ships were destroyed in the operation, and "5258" more migrants were rescued or arrested (Bialasiewicz, 2012, p. 35). Last June 20, 2016, the Council extended the mandate of Operation Sophia until July 27, 2017, and this mandate has been doubled supporting tasks: training of Libyan coast guards and navy; Contribute to the enforcement of the UN arms embargo on the high seas off the Libyan coast (EEAS, 2016).

As a result; this operation, as of August 2018, trained “237 Libyan Coast Guard” and “Libyan Navy officers”, intercepted 551 boats and handed over 151 suspected human traffickers to Italian judicial authorities. It also saved “2,292” people in 2018, “11,617” in 2017, “22,885” in 2016 and 7,402 in 2015 (Zaidy, 2019, p. 14).

In summary; even though figures are below than in 2016-2017, the total number of arrivals in Europe via the “Central Mediterranean Route” in 2020 increased to “35.200”, in contrary to “14.502” arrivals in the same period in 2019 (143% increase). However, when we look at the 2015 numbers and consider that “136.872” migrants reached the EU border via Libya; it turns out to be quite high when we compare it with today’s numbers. Starting from here; we can conclude that the border management policies implemented by the EU in Libya are effective in preventing and reducing immigration (FRONTEX, 2016, p. 39).

5) CONCLUSION

This study seeks to complementary and appropriate answer to the following question; “how does the European Union manage the immigration management process with and in Libya after Arab Spring?”. Therefore, taking into account the concept of “global actorness” as well as analysing the “external dimension of EU Migration Policy” through “externalization” concept and “external governance theory” and the examination of the EU’s immigration management tools to Libya has provided the main framework for this thesis.

This study focuses on the “external dimension” of the European Union’s immigration Management Policy and aims to contribute to the literature by conceptual and theoretical analysing “external dimension” and externalization instruments of the EU’s Migration Policy through the Libya case study, which is one of the transit countries and about which there have not yet been enough studies in the literature. In addition, applying the concept of “global actorness” to the refugee crisis and immigration management and considering Libya as a case study will help future studies in terms of understanding how the EU - as an global actor- manages the externalization process with third countries.

In response to the main research question, we analysed the “global actorness” concept which was developed by Bretherton and Vogler and constitutes one of the main conceptual frameworks of this thesis. The term of actorness is important for international relations because this term is used as a synonym for the units that create the “political systems on the largest scale” (Bretherton & Vogler, 2006, p. 15). The “global actorness” is

one of the concepts that emerged from the need to conceptualize the role of the EU stemming from its unique structure. In this frame; this concept is based on a series of interaction processes that focus on the concepts of “presence”, “opportunity”, and “capability” that come together in various ways to form the external actions of the Union (Bretherton & Vogler, 2006).

It is previously mentioned that opportunity refers to “denotes factors in the external environment of ideas and events which constrain or enable actorness” (Bretherton & Vogler, 2006). Additionally; the refugee crisis and immigration management have become one of the issues on the agenda of international public opinion. From this point, I suggest that the refugee crisis can be seen as an opportunity for the European Union. Secondly, presence refers; to the conceptualization of Bretherton and Vogler, “the ability to exert influence externally” (Bretherton & Vogler, 2006). I also advocate taking the European Union’s ability to influence the policies implemented in third countries in post-crisis immigration management as an example of “presence”. Immigration management here is beyond cooperation in some aspects and exemplifies the external governance of the EU.

The third concept namely “capability” defined as “the aspects of the EU policy process which constrain or enable external action and hence govern the Union’s ability to capitalize on the presence or respond to the opportunity”. In this regard, the “consistency” which is one of the requirements of “capability” should be examined. According to Bretherton and Vogler “consistency denotes the extent to which the bilateral external policies of Member States are consistent with each other and

complementary to those of the EU”. Thus, is “consistency” seen as a measure both of MS political commitment to common policies and the overall impact of the EU and its MS (Bretherton & Vogler, 2006, p. 31). The point I want to underline here that when we apply the refugee crisis and immigration management process to the concept of global actor, “lack of consistency” emerges in terms of capability concept. This problem stems from the EU’s attempts to implement a common migration policy when the refugee crisis started, but the failure of Member States to reach consensus and their attempts to implement their own migration policies. Therefore, although the EU has a global opportunity to show its actorness, it has not been able to use its full capacity due to the “lack of consistency”.

From this point of view, my first conclusion is that in addition to being a global actor in international relations, environmental policy, humanitarian and development issues, and being an economic power and trade actor as Bretherton and Vogler specified, (Bretherton & Vogler, 2006) the EU has been involved in this problem as a global actor. However, since it could not provide consistency within the Union, its effectiveness remained below its own capacity.

The Arab Spring is an important event that forms the framework of our study. Analysing the Arab Spring process from a historical perspective has helped this study to constitute the answer to the research result. The Arab Spring is a series of anti-government protests, riots and armed insurgency which began in Tunisia in 2010 and then took place in Arab states in the Middle East. In Libya, the Arab spring started on 17 February 2011. With the Arab Spring, the European Union has faced intense waves of immigration. The number of immigrants who applied for refugees within

the borders of the European Union in 2015 is more than 900 thousand (see Figure 1). This migration to Europe and the deaths of immigrants trying to reach the EU illegally on the border have turned into a global problem, including the international public opinion. In 2015, it was called a “crisis” for the EU. However, national interests came to the fore more than the common migration policy and states began to implement their own policies (Anghel, Drachenberg, & Finance, 2016, p. 17). Therefore, this disagreement and unequal burden of border MS pushed the EU to cooperate more with third countries in solving the migration crisis.

On the theoretical framework, the “external governance theory” has discussed to understand the policy transfer that the EU applied to third countries. According to Lavenex, the most important criterion for the “external governance” is to extend the legal limits of authority beyond institutional integration. Unlike cooperation based on international treaty or protocol, “external governance takes place when parts of the *acquis communautaire* are extended to non-member states” (Lavenex, 2004, p. 683). Additionally, as Lavenex and Schimmelfennig stated “these processes extend the scope of European integration (or at least the *acquis communautaire*) beyond formal membership and differ significantly from the way the EU exports its norms to membership candidates in the context of enlargement” (Lavenex & Schimmelfennig, 2009, p. 807).

Moreover, “the EU’s external governance” differs between states, regions and also a field of action. It sometimes emerges through an inclusive foreign policy initiative such as the “European Economic Area” (EEA) or the “European Neighbourhood Policy” (ENP). On the contrary,

the “external governance” may also emerge from bilateral cooperation agreements (Lavenex & Schimmelfennig, 2009, p. 792).

On the other hand, as Lavenex underlines, the “EU’s Neighbourhood Policies” are one of the types of “external governance” that comprised of the “extension of the EU’s norms, rules” (Lavenex, 2004, p. 694). In 2011, in response to the external environment due to the Arab Spring, the ENP was renewed. According to ENP, stabilization of the region in terms of political, socio-economic and security lies at the heart of the EU’s Neighbourhood Policy. It is clear that this renewal emerged as a response to the uncertainty and need for security that developed after the Arab Spring.

Furthermore, to analyse the external framework of the EU’s immigration management in Libya, the externalization concept has examined. As Yıldız addressed, “externalization of policies”, means the progressive expansion of EU policies to non-member countries (Yıldız, 2016, p. 11). The two concepts of externalization, the “remote control approach” and the “root cause approach”, also helped us answer this research question.

As Frelick, Kysel and Podkul underlined, externalization takes place through “formalized migration policies and visa regimes”, “bilateral and multilateral policy initiatives between states”, or also through “ad hoc policies and practices”. In this regard, externalization policies and implementations of these policies may try to directly and obviously block immigrants from entering the targeted country or have just an indirect effect on migrants (Frelick, Kysel, & Podkul, 2016, p. 194). While the main

rationale in remote control approach is improving border controls with migrant sending and transit countries, tackling illegal entry and migrant smuggling or readmission of migrants entering the EU illegally (Boswell, 2003, p. 619), the root cause approach focuses on the source of migration and aims to prevent migration flows by emphasizing the causes of migration.

While attempts to implement a common migration policy in the EU date back to the 1990s, the need for externalization of these policies developed within the changing context of the EU's external security concerns in the 2000s and to ensure stability and peace by promoting development in its neighbours. In addition, the security problems and the refugee crisis brought about by the Arab Spring have increased the need for the EU to externalize its migration policies, towards this problem (Yıldız, 2016). Based on the agreements of these years, it is noticed that the issues of border security and cooperation with non-member countries have begun to be included in the agreements. After 2011, in addition to the objectives mentioned above, the focus has been to prevent human smuggling and illegal migration, to give more importance to cooperation with third countries on migration, to provide border security and support and operations with them, and to focus on the root cause of migration. Thus, these aims of the EMP form the basis of its tools in its externalization. Moreover, these EMP objectives have been the source of the European Union's operations to ensure border security in Libya and its support for border management and humanitarian aid to Libya.

Based on my analysis of this study my second conclusion is that the main approach and purpose of the EU's immigration management in Libya

is to control the migration crisis outside the borders of the Union through externalization policies. Through analysing the immigration management tools in Libya, it has been determined that the EU's externalization policies have two main objectives here. The first is to ensure border security, which we have explained with the remote control approach, and the second is to protect and assist refugees in Libya and especially supporting Libyan communities with high numbers of migrants and supporting and protecting refugees and migrants taking refuge there as explained with the root cause approach. Hence, the EU mainly has focused on externalize immigration management with Libya and has aimed to prevent and struggle irregular migration to Europe.

In this context, the EU's humanitarian aid assistance to Libya, which is an example a root cause approach, is grouped under the titles of Neighbourhood Policy and EUTF for Africa. The ENP focuses on good governance, democracy and the rule of law; it also focuses on supporting the economic development of its partner countries (EU Neighbours, 2021). Moreover; The EU Emergency Trust Fund for Africa (EUTF for Africa) which was launched to handle the root causes of instability, forced displacement and irregular migration and contribute to better immigration management. EUTF's activities focus on the objectives which are: "greater economic and employment opportunities, strengthening resilience of communities, improved migration management, improved governance and conflict prevention" (European Commission, 2020(a)).

EUTF for Africa's support on the border management to Libya, which as an example a remote control approach, is focused on providing support since 2017 to improve the operational dimensions of the "LCGPS"

and the “GACS”. Moreover, these supports purposed on preventing further tragic losses SAR (search and rescue) in the Mediterranean and cracking down migrant smuggling networks (European Commission, 2021(b)). In addition, the establishment of EUBAM Libya to support the Libyan authorities in improving the security of the country’s borders on land, at sea and in the air is also evidence of the EU’s efforts to externalize border management policies (EUBAM, 2016). Furthermore, Frontex’s Joint Operation Triton in 2014 seen as another tool aimed at controlling Libya’s border security by focusing on controlling irregular migration flows. Lastly, EUNAVFOR Med is another example of strengthening border management in Libya. This operation launched by the Council with the purpose of disrupting the migrant smuggling system in the Mediterranean especially towards Libya.

Examining Libya a case study, enabled us to make inferences about EU’s migration policies based on the third countries. Libya is an important country in terms of its oil reserves and geographical location. In addition, due to its central location on the Mediterranean route, it is seen as a transit country for North African immigrants to reach Europe. Libya was also an important migration route in the pre-Arab Spring period. In the process after the Arab Spring, the local people living here and the African workers who had migrated here before accelerated the illegal migration to Europe for reasons such as the inability to establish political stability in Libya, the continuation of internal confusion. On the other hand, the lack of political stability caused the border security of Libya to be adequately provided. According to Frontex, Libya’s security establishment and all government institutions, including the judiciary, was fragmented and weak in 2015. For

this reason, the country's vast land and sea borders remain largely uncontrolled (FRONTEX, 2016, p. 39). However, when we consider illegal immigration from Libya to Europe, the fact that the number of illegal immigration, which was around 135 thousand in 2015, decreased to 35 thousand in 2020, with the importance and support that the EU attaches to border security and management in Libya in the post-Arab Spring period.

My third conclusion is that with the increase of externalization with the immigration policies implemented by the EU in Libya in the post-Arab Spring period, the EU-Libya relationship has evolved from a Neighbourhood Policy to an external partner in migration. Moreover, based on the decrease in migration numbers from Libya to the EU, externalization policies and tools, ensuring border security in Libya, and humanitarian aid and assistance have been successful in policy implementation. However, the externalization tools create controversy from a humanitarian and legal perspective. It is argued that the externalization of these border controls makes in practice the EU's attempt to prevent immigration before immigrant enters its legal and jurisdictional borders, thus making immigrant legally unacceptable without taking into account the merits of his/her claim to protect immigrants (Frelick, Kysel, & Podkul, 2016, p. 193).

The humanitarian situation in Libya remains critical; Libya remains one of the main immigration destinations, with a currently approximated “number of 574.146 migrants” and “44.725 registered asylum-seekers and refugees” as of the end of 2020 (European Commission, 2021(a), p. 40). These figures reveal the current extent of the burden carried by Libya with a population of about 7 million.

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