Bachelor Thesis

(DE)LEGITIMIZATION STRATEGY:
THE DISCONTINUATION OF HUMANITARIAN RESCUE EFFORTS IN THE MEDITTERANEAN

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Abstract

This thesis explores the discontinuation of NGO rescue ships in the Mediterranean being permitted to dock and offload in Italy. An interpretive method is used to research firstly the development of the act of discontinuation, using Stegmaier et al.'s theories of discontinuation (2014). Then, focusing on Borrás and Elder's Governance of Change theory (2014) and Berger and Luckmann's Social Construction of Reality (1966), the study shifts its focus to the legitimation and de-legitimation strategies used by actors Italy and the EU. The thesis shows, that through utilizing foremost the Januslike nature of legitimation and de-legitimation, Italy and the EU developed a strong cooperative strategy for their process of discontinuation. It became clear that the EU played a key role in the early discontinuation strategies and that Libya was chosen to be transformed into the new 'rescuer' nation in the Mediterranean, in order to become yet another 'gatekeeper' of Europe.

List of Abbreviations

EU	European Union
FRA	European Union Agency for Fundamental Rights
FRONTEX	European Border and Coast Guard Agency
ICS	International Chamber of Shipping
IMRCC	Italian Maritime Rescue Coordination Center
IMO	International Maritime Organization
LCG	Libyan Coast Guard
NGO	Non-Governmental Organization
MRCC	Maritime Rescue Coordination Center
SAR	Search and Rescue
SOLAS	International Convention for the Safety of Life at Sea
UNHCR	Office of the United Nations High Commissioner for Refugees

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1. Introduction

It goes without saying that among the demographic changes occurring within the Eurozone, one of the single most contentious in the last decade has been the growth in numbers of both migrants and refugees (Eurostat, 2017). This change has posed many questions, on administrative, economic, governmental and social levels. It would be a mistake to think that the response has been uniform to such a change. In fact, it can be said that on this particular issue, the wrinkles of national borders, and the vocal opposition of nationalist groups, have made it difficult for the EU (European Union) to reach a unified expression (Tajani, 2018). The political deadlock resulting from this sentimental intransience has overturned precedence where precedence has dictated a certain course, no more so than previous adherence to the law of the sea. That is to say, the discontinuation of humanitarian rescue efforts in the Mediterranean, beginning with the discontinuation of *Mare Nostrum* in 2014, was one such moment, making it a worthy subject for study. This culminated in events such as the dramatic banning of the *Aquarius* ship from Italian ports in 2018, masterminded by Italy's Interior Minister Matteo Salvini. Being merely eight days after Salvini took office, it appears to be, on face value, a snap decision, spearheaded by a populist regime in Italy. However, the study of this process instead reveals a more complex picture, involving both national and transnational levels over a significant period of time. Starting in 2014, this study will attempt to dissect this complex picture, using analytical tools such as discontinuation theory in order to track the development of this policy change. A key dialectic will then be used to dissect the given subject, that is, the lens through which some conclusions will be drawn, will be that of 'legitimization' and 'delegitimization'. Using this tool, it will be possible, in one sense, to quantify behavior patterns in the governance of change.

In order to fully understand the issue in play, it is important to understand this policy change has a complex timeline.. In 2014, *Mare Nostrum*, a search and rescue (Gervais, Bernard, Klein, & Allen) operation, led by Italy, was suspended and 'replaced' by Operation *Triton*, a much smaller EU-led mission, still working in coordination with Italian authorities, but with a much diminished budget. Due to the small size of the operation, NGO boats began to operate in the Mediterranean, working together with Italian authorities to rescue people at sea. After multiple deadly shipwrecks off the coast of Lampedusa, which garnered much negative public attention (Bonomolo & Kirchgaessner, 2015), Operation *Triton* was itself replaced, this time by a EUNAVFOR Med *Sophia*. Beginning in 2015, this operation had greater capabilities because of its use of military ships. Throughout this time, the Italian Maritime Rescue Coordination Center (IMRCC) was still coordinating the search and rescue missions and assigning ships to certain ports. During this process, Italy had been the landing point for most rescued people, causing significant social discord and gains for nationalists (Trilling, 2018). To offset this, in 2017, Italy signed a 'Memorandum of Understanding' with Libya, in which it promised to support and train the Libyan Coast Guard (LCG). This

decision was made in spite of the common knowledge of the "unimaginable horrors" refugees and migrants must suffer in Libya (United Nations Support Mission in Libya, 2018). With hindsight, the memorandum can be seen as attempt to hand-off responsibility of the situation to a troubled nation, which had only just emerged from outright civil war. This can be seen as a key turning point, as the reader will discover. In 2018, elections took place in Italy, in which anti-immigrant rhetoric was commonplace and contributed to the ultimate election of the 5 Star Movement, most notably putting its Matteo Salvini in charge of this policy area, as Interior Minister. Under his authority, rescue ships were denied entry to Italian ports, culminating in 2019 with a legal directive, prohibiting such activities.

This situation has set a number of new precedents in a maritime, EU and humanitarian context. As a new phenomenon, the present research will attempt to function as a benchmark for subsequent study and as a key case study of discontinuation policy and the use of (de)legitimization within such policy change.

Social and Scientific Relevance

This topic is socially relevant because it has to do with migration and refugees, particular groups of people whose future and presence in European countries has recently been the source of impassioned debate in the public sphere. It also concerns a key junction of the EUs supposed advocacy for human rights and border security, a question far beyond the scope of this paper, but nonetheless a reason for this relevance. The peak of the migrant 'crisis' is now a few years past, yet its fallout is something that Europe is still coming to terms with today. One could argue that the consequences are still being felt, potentially when analyzing the general rise of populism and anti-immigrant rhetoric, and walls that countries such as Austria, Greece and Hungary have built to keep migrants and refugees out. These various actions can be seen as a chain of events, each country or actor disagreeing with the decisions of the EU and therefore dissenting. Taking one particular instance of discontent, Italy's particular disagreements with the EU over the handling of SAR in the Mediterranean, thus has importance not just as an isolated incident, but as a scenario emblematic of a wider theme. The findings of this research can even reach beyond the European sphere. Indeed, the current political situation seems to be one in which many countries outside of Europe are also discontinuing longstanding practices and traditions, such as the USA. This makes it all the more important to study and understand not only their reasons for doing so, but also the exact process of discontinuation and how it gained legitimacy.

The case selected can be described as urgent, since the situation has not yet been completely solved and is still current, being still in the public focus. This means that there has not yet been a lot of research surrounding the topic. Both of these factors make the present research both relevant and useful in a scientific regard. It is also relevant in regard to its broader topic – discontinuation – as academia more often focuses

on making policy rather than purposefully discontinuing it. This is particularly so in the case of banning NGO rescue ships from docking, as the discontinuation happened in a somewhat untraditional way, seeming as if there was one man, Mr. Salvini, making all the decisions. This shift that has taken place in the social realm, of politicians using informal methods such as Twitter for governing, is something that must be dissected scientifically, as it is relatively new.

Research Questions

As discussed above, the overturning of long-held precedence can be seen as a theme in today's socio-political climate. This raises questions about how such a situation, one that not only breaks with precedence, but also has to do with an existential issue, can occur. Taking the specific case of the suspension of SAR activities in the Mediterranean, this leads to the following question:

How was a situation created in which Italy and the EU could suspend the longstanding practice (or 'policies') of allowing NGO rescue ships in the Mediterranean to dock and offload, and introduce (and thereby 'legitimize') the new practice of banning such ships?

This question takes a combined focus on discontinuation and de-legitimation of the former policy, as well as the following legitimacy of the policy it is replaced by. This question will be further developed in Chapter three, where it will be broken down into two sub-questions.

State of Research

The topic of this thesis can be broken down into two key research areas – discontinuation and migration. The study of discontinuation is a relatively new topic, and most of the research surrounds socio-technical issues. Therefore, while this thesis represents a slight deviation from what has been done so far, it still attempts to stay within the shadow cast by a key study on discontinuation, written by Stegmaier, Kuhlmann and Visser (2014). Their research shows the importance of studying 'purposeful discontinuation', which can lead to a better understanding of change in general, as well as more comprehensive knowledge about the systems of governance (Stegmaier et al., 2014, p. 111). Other research has been conducted in the same vein. Borrás and Edler's (2014) studies on the 'governance of change' contributes significant insights, such as a framework of change which interact and link with each other. Similarly, Geels argues that in innovation studies, the 'functioning of systems' is seen as key and calls for more focus on studying the changes that occur when moving from one system to the next (Geels, 2004, p. 899). Bauer, likewise, has distinguished

between four types of policy-dismantling, labeling them as variables in the study of policy termination (Bauer, 2009, p. 9)

Naturally migration is a well-researched topic, with a broad literature and many published articles. Topics closer to that of this thesis, including the rights of migrants when coming to Italy, such as human, maritime, and EU rights, as well as articles studying migrant deaths and who is responsible, have been widely published (Grant, 2011), (Follis, 2015), (Trevisanut, 2014). Furthermore, there are also many newspaper articles covering the events (Serhan, 2018), (Hockenos, 2018), (Donadio, 2018), as well as academic writing on migration as a broader topic, providing a rich context from which to conduct this research.

Research concerning the actions taken by Italy and the EU, is, to an extent, scant, with little in-depth research addressing this specific topic. The rarity of these articles is perhaps because the 'policy' was only discontinued approximately one year ago and is still on-going as far as negotiations are concerned. Of the available literature on this topic, one article looks into the implications of the discontinuation decision (Cusumano & Gombeer, 2018), and another studies maritime migration and the strategies that have evolved due to the increase of such migration flows (McAuliffe & Mence, 2017). An article by Pijnenburg (2018) looks into the recent accusation from the European Court of Human Rights that Italy is responsible for Libyan pull-backs. Therefore, by analyzing the development and de-legitimation of the discontinuation of NGO rescue ship in the Mediterranean, this thesis takes the opportunity to help fill a research gap, and create a more coherent literature overall.

Thesis Outline

The thesis is divided into four main chapters. In Chapter two, the interpretive research design as well as methodology is discussed. Continuing from there, the theoretical framework in Chapter three gives the reader a basic understanding of the theories that will be made use of in the analysis. Thereafter, Chapter four is apportioned into two key parts. In part one, the development and the process of discontinuation is elaborated on. Part two then uses that data to analyze it in a more in-depth way, with a focus on (de)legitimation. Then, key findings are considered, and finally, conclusions about the discontinuation are made.

2. Research Methodology

In this chapter, the research methodology which has been used to examine the discontinuation of NGO rescue ships in Italy will be explained. The explanation is divided into two parts – firstly, an attempt is made to more fully articulate the research approach. Briefly, the general approach falls under qualitative study, with an interpretive focus, using case-study as a method, considering that case studies have a "natural advantage in research of an exploratory nature" (Gerring, 2004, p. 349). In part two, the methodology of this thesis is explored and the data that was used is discussed.

2.1. Research Approach

The approach, or design, of this present research was ultimately chosen to serve the aim of the research, namely, to explore an act of discontinuation. According to Schwartz-Shea and Yanow, the purpose of devising a research design is: "about making choices and articulating a rationale for the choices one has made" (Schwartz-Shea & Yanow, 2012, p. 2). In this light, it is important to explain how the aim will be achieved, focusing on the discontinuation of open ports in Italy, through a case study.

Firstly, to achieve the stated aim, the research will integrate an interpretive research design with a case study. The case with which this of this paper concerns itself is a very novice 'type' of discontinuation, as it involves complex governance structures, and at the same time, has to do with a very existential situation. Therefore, in order to examine this form of discontinuation, namely, the novice 'type', an interpretive research design is necessary. It is important here to define interpretive research. One particular definition is that it: "focuses on specific, situated meanings and meaning-making practices of actors in a given context" (Schwartz-Shea & Yanow, 2012, p. 1). Practically in the case of this thesis, an interpretive research design translates into the context – the act of discontinuing NGO rescue boat efforts – and making meaning attempts by focusing on, firstly, the development of the case, and secondly, the legitimation practices of the actors. An additional facet is that the interpretive research approach uses, "bottom-up concept development" (Schwartz-Shea & Yanow, 2012, p. 51). This means that concepts are developed, flexibly, whilst collecting the data and analyzing it, as opposed to beforehand. This has been chosen because it allows the concepts to fit the case as it is, as opposed to fitting the case into a predetermined 'box'. This can also be described as the "logic of inquiry" in which the research begins with he/she knows, but then the "investigation builds on itself in a reiterative, recursive fashion" (Schwartz-Shea & Yanow, 2012, p. 73).

Practically for me while practicing this method, this meant I changed my research question, focus and theory concepts multiple times during the course of this project. For example, during preliminary investigations, I planned to only study Salvini's actions, but then realized the role that the EU played a much larger role than I had anticipated. In another instance, (de)legitimation was not a part of the original

plan, but it became clear that in order for this project to reach its aim of furthering the study of discontinuation, how such a practice was terminated would be of great interest. Indeed, (de)legitimation began to function as a key mechanism in answering this. At the same time, it also became clear that structuring the analysis around actors or arenas would be not helpful. The actors are very intertwined in this particular scenario, as the EU often used Italy to carry out its 'action plans' and Italy received backing from the EU in various situations (e.g. Memorandum of Understanding). Similarly, the blurring of the arenas would have made it difficult to separate informal communication (such as Twitter) from official political decisions, as Salvini often used the former to proclaim the latter.

2.1.1. A Case Study approach

Fundamentally, it is important to explain the rationale behind the case study approach of this paper. On its most basic level, a case study approach of discontinuing NGO rescue efforts has been chosen in order to understand the broader theme of discontinuation. Firstly, Gerring describes a case study approach as such: "an intensive study of a single unit with an aim to generalize across a larger set of units" (Gerring, 2004, p. 341). Specifically, case studies, "often focus on rare ("historical") events" (Gerring, 2004, p. 351), such as is the case with this paper. Gerring highlights a key advantage of this approach, namely, that for fields which would otherwise be too broad to comprehensively study, taking a case study approach allows a reasonable scope to be defined, and achievable aims to be stated, and quality analysis to be undertaken, while at the same time making a contribution to the wider literature on a topic. This is the primary reason for its selection as the approach is this thesis.

In regards to the selection of the specific case, three key attributes recommend it. Firstly, the specific discontinuation of NGO rescue efforts has been chosen as the case study because it has to do with, as Gerring first stipulates, a 'rare' event, in which the Italy and the EU, acclaimed for their human rights standards, seem to have turned from those, and therefore serves as an example of perhaps an 'outlier' of the model, which can be used to further knowledge on the subject as a whole. Secondly, the case study also concerns a 'historical' event, as the decision to discontinue SAR activities followed the so-called migrant crisis, which can be categorized as a history-changing event for Europe. Finally, the case selected is accurate in presenting how policies or practices are discontinued our modern world, not least because it affects various governance levels. This is a growing trend in political systems today, which exist in an increasingly globalized context.

2.2. Methodology

In order to find data for this interpretive approach, I began by building a chronological timetable of events dating from 2014 until 2019. On this timeline, I placed key events, which I defined as developments which had an effect on the process of discontinuation during the timeframe. This process enabled me to find important documents to do with the case, both during the reconstruction of the timeline and afterwards, when I was able to zoom out and find some key discontinuation moments. This is something affirmed by scholarly literature, indeed Flick writes that in a non-standardized design, as is the case here, the assumptions one has leads to not simply one main case, but various 'cases', which can be compared through collection and interpretation (Flick, 2009, p. 75). Thus, during the process I moved from 'sub-case' to 'sub-case', which, after constructing the timeline, allowed me to identify key actors and key discontinuation moments. With this knowledge gathered, I began to apply codes on the data I had collected so far, and then, using those codes, created code groups to identify similarities. This helped to systematize and interpret the data. Through this interpretation, the elements of legitimation became clearer, and I was able to distinguish between six key elements. These elements of legitimacy then functioned as a heuristic in my analysis, allowing me to devise firm categories within the data analysis.

2.2.1. Material basis

The data used consisted of the following: newspaper articles, national government directives, signed agreements and conventions, NGO reports, EU meeting notes and action plans, communication, scholarly articles and legal documents. The documents used in this thesis were mostly found in connection with each other. Many of the documents provided links or other references which then led me further in my research and the process was repeated again for the next document. In order to make sense of the various documents that were used, the following table has been created. This table consists of 28 material documents, that were part of the data analysis on ATLAS.ti and thereby integral for the analysis. Within that, the documents were used to differing degrees, therefore the 10 key documents have been marked (*). The URLs and complete reference can be found in the Bibliography. The documents are stratified based on their producer.

Document Producer	Document Name
Italy	- Code of Conduct for NGOs Undertaking Activities in Migrants' Rescue Operations at Sea (2017) - Memorandum of Understanding (2017) - Directive N. 14100/141(8) (2019) *

EU	**Commission:**
	- EU Action Plan against migrant smuggling (2015) *
	- Central Mediterranean Route: Commission proposes Action Plan to support Italy, reduce pressure and increase solidarity (2017) *
	- Joint Communications to the European Parliament, the European Council and the Council: Migration on the Central Mediterranean route. Managing flows, saving lives (2017)
	FRA:
	- Fundamental rights considerations: NGO ships involved in search and rescue in the Mediterranean and criminal investigations (2018)
	Parliament:
	- Guidelines for Member States to prevent humanitarian assistance from being criminalised (2018)
	- Motion for a Resolution on guidelines for Member States to prevent humanitarian assistance from being criminalised (2018)
	Council:
	- European Council meeting (28 June 2018) – Conclusions*
	- Council Decision (CFSP) 2019/535 on Sophia (2019)
	Council of the EU:
	- Valetta summit on migration: Action Plan (2015) *
	- EUNAVFOR MED Operation Sophia (2019)
	Miscellaneous:
	- Correspondence to Paraskevi Michou (2019)
NGOs	**Amnesty:**
	- Libya's Dark Web of Collusion: Abuses against Europe-bound refugees and migrants (2017)
	- Between the Devil and the Deep Blue Sea (2018) *
	IMO: Further Development of the Provision of Global Maritime SAR Services (2018)
	Statewatch: Italy's redefinition of sea rescue as a crime draws on EU policy for inspiration (2019) *
	UNHCR: Rescue at Sea: A Guide to Principles and Practice as Applied to Refugees and Migrants (2015)
	Miscellaneous: Offener Brief an die Bundeskanzlerin (2019)
News articles	**Foreign Policy Journal:** Europe has Criminalized Humanitarianism (2018)
Libya	Memorandum of Understanding (2017) *
Scholarly Report	**Forensic Oceanography:** Mare Clausum: Italy and the EU's declared operation to stem migration across the Mediterranean (2018) *

	Vosyliūtė & Conte: Discussion Brief: Crackdown on NGOs assisting refugees and other migrants (2018)
	Carrera et al: Fit for purpose? The Facilitation Directive and the criminalisation of humanitarian assistance to irregular migrants: 2018 Update.*****
Legal Document	International Convention on maritime search and rescue (1979)
Journal Article	**Barbulescu:** Still a Beacon of Human Rights? Considerations on the EU Response to the Refugee Crisis in the Mediterranean (2017)
	Nováky: The road to Sophia: Explaining the EU's naval operation in the Mediterranean (2018)

Table 1. Overview of data sources used

2.2.2. Data analysis

The data was collected for this project using a method Friese describes as: "computer-assisted NCT analysis" (Friese, 2012, p. 3). NCT stands for 'Noticing, Collecting and Thinking' and is made up of two levels, the descriptive level in which codes are found, and the conceptual level, in which the codes are then structured (Friese, 2012). This method was used collectively with the software program ATLAS.ti. This program can be used to "analyze data systematically", and helps the researcher to, "ask questions that you otherwise would not ask", because they would not come up without the usage of the program (Friese, 2012, p. 1). As I briefly explained in the Methodology section, I uploaded the key documents to ATLAS and coded them, as a way to analyze them. The codes were originally chosen based partly on my own pre-conceptions and what I saw to be a commonality in the documents. These were then adjusted based on the patterns that were found. At the end of the coding process, I had 32 codes on ATLAS.ti, and I found that many of them were quite similar to each other. Therefore, I consolidated these into built nine code groups. I then transformed these code groups into networks, which helped me to see the bigger picture and understand how the individual data I had coded fit together within the code group. These networks eventually became the heuristic for my analysis.

In the following chapter, the thesis will turn its attention towards the theoretical framework of the research, which also developed through an interpretive process. In fact, the main theory which will be used for the analysis, based on Berger and Luckmann's '*The Social Construction of Reality*' was given as an example of 'key sources in interpretive social science' by Schwartz-Shea and Yanow (Schwartz-Shea & Yanow, 2012, p. 44).

3. Theoretical Framework

3.1. Introduction to the General Heuristic

In order to analyse the process of banning ships carrying migrants and refugees from docking at Italian and Maltese ports, a theoretical heuristic has been developed. This heuristic combines two key frameworks, which have been chosen to help answer the sub-research questions. In the first framework, a theory of discontinuation will be discussed, in order to understand the specifics of the case. This understanding will then be used as a basis to delve into the specific and detailed aspects of the study. This will make up the second key framework. This second section of the theoretical heuristic aims to uncover the 'mechanics' of the case. This will be done by deconstructing the case of how justification was claimed by Italy and the EU, dissecting it into six elements. This is done with the use of two theories: Borrás and Elder's three pillars in the governance of change theory and Berger and Luckmann's four levels of legitimation theory. The first theory explains that legitimation is a key pillar in the governance of change. Berger and Luckmann's theory posits that, in order for something to become a 'social reality', it must undergo four levels of legitimacy. The more general understanding of discontinuation, combined with specific theories regarding legitimation will provide a comprehensive approach. Apportioning the theory based on the two sub-questions helps to grasp the step-by-step analysis necessary in such a 'wicked' case.

The aim in using these theories and in providing the two frameworks mentioned above is to give the reader a step-by-step description of the case and follow the path of (de)legitimation that took place. This will be done through describing the case as it relates to general discontinuation theory for the purpose of placing it into its context and illustrating the specific ins and outs of the case. Then, using the information gathered above, Borrás and Elder's theory is used to introduce the concept of (de)legitimacy in the 'governance of change', followed by six elements of (de)legitimation that will be identified in the analysis. These will then be compared to Berger and Luckmann's four levels of legitimacy.

Research Questions

Before moving on to the theoretical framework of this thesis, the research questions will be discussed. The following question has been developed to guide my thesis:

How was a situation created in which Italy and the EU could suspend the longstanding practice (or 'policies') of allowing NGO rescue ships in the Mediterranean to dock and offload, and introduce (and thereby 'legitimize') the new practice of banning such ships?

In this research question, the actors Italy and the EU have been chosen because they are closely intertwined. That is to say, the amount of refugees and migrants arriving in Italy has an effect on the whole EU. Banning refers to prohibiting the boats from entering territorial waters. The timeframe of this research question is from 2014 until present. The reason this timeframe was chosen is because in 2014, *Mare Nostrum*, an Italian-led rescue operation in the Mediterranean was discontinued. This marked the start of a tumultuous time in the history of the policy (as will be seen in the analysis), making it most productive to begin there. The research question is twofold, and in order to better analyse both parts, has been organized into two sub-questions. These are:

1. *What steps and activities were undertaken in order to discontinue the longstanding practice? (The <u>HOW</u> question)*

2. *What was the process of (de)legitimation used by the actors to discontinue the old practice and introduce the new practice?*

The first sub-question has to do with the concrete discontinuation that occurred. It answers *how* the discontinuation developed over time, starting from 2014 until now. It is explored in Chapter 4.1. In order to answer the question, a basic discontinuation trajectory is discussed and re-fitted to the case, the levels on which the actors make policy is presented, and a chronological sequence is built. This will contribute to a better understanding of the case, as the actors and their positions within the complex governance structure is elaborated upon.

The development and portrayal of the discontinuation serves as the framework for which the second sub-question is built upon. The second sub-question uncovers the 'mechanisms' of (de)legitimation within the discontinuation. This is accomplished in Chapter 4.2 of the analysis by analysing six key elements of legitimation. The first three elements focus on de-legitimization, answering the '*discontinuing the old practice*' part of the question, and the latter three elements focus on legitimization, thereby answering the '*introducing a new practice*' component.

3.2. Framework for Discontinuation

What steps and activities were undertaken in order to discontinue the longstanding practice? (The <u>HOW</u> question)

In order to answer the question stated above, there must be clarity regarding the topic of discontinuation. The study of discontinuation is a relatively new field, perhaps because it has been taken for granted in the past, meaning that there was a larger emphasis on policy-making or 'creating' and less of a focus on purposeful discontinuation. It has been argued that it is a necessary aspect of study because it can help us to better understand change and the implementation of new systems (Stegmaier et al., 2014, p. 111). Stegmaier, Kuhlmann and Visser argue that discontinuation must be understood as an "interpretive governance process", in which problems are resolved by politicized interactions (Stegmaier et al., 2014, p. 111). In this paper, the interactions between Italy, Malta and the EU range from being highly politicized, to being arguably not-yet politicized (novice). Some examples of highly politicized interactions are reports and summit agreements released by the EU council or national parliaments. However, other types of interactions can also be found in the midst of this discontinuation process, such as Minister Salvini's method of governance using Twitter. This kind of political interaction, for which President Donald Trump is infamous for, is rather new.

These interactions can be characterized and classified through the use of discontinuation theory. However, it is important to first note the complex context in which the discontinuation of allowing NGO rescue ships to dock takes place. A ban on something in one country may have 'spill-over' effects on its neighbouring countries, such as decision-making effects or a change in discourse (Stegmaier, Kuhlmann, & Visser, 2012, p. 13). This is naturally even more so the case in the EU, especially in regard to migration because of freedom of movement. The discontinuation of a common practice can originate on three various levels of policy-making: global or transnational, national, or regional or local levels (Stegmaier et al., 2012, p. 13). In the case of the NGO rescue ships, it can be said that all levels were involved with the initiation and the preliminary steps of carrying out this discontinuation. On a transnational level, the EU was in involved through, for example, calling summits, their silence on the matter and anti-resistance. On a national level, Italy was the first, through its Interior Minister, to discontinue the practice, with Malta following suit shortly after. Actors on a regional level were also involved, for example through the mayors of port cities who resisted the discontinuation. As Stegmaier et al. (2012) explain, discontinuation can either be a joint-effort by the actors involved or be marked by the struggle of the actors. These efforts or struggles are dependent on the various actors in their respective levels of policy-making and affected by their relationships and interaction (Stegmaier et al., 2012, p. 13).

Noting the context in which the discontinuation occurs, this paper looks forward in its aim to address the *how* question, namely; the exact steps and activities that were undertaken in order for the discontinuation to take place. In order to describe the events, a trajectory developed by Stegmaier et al., showing a path of basic discontinuation governance will be used (Stegmaier et al., 2019, p. 4).
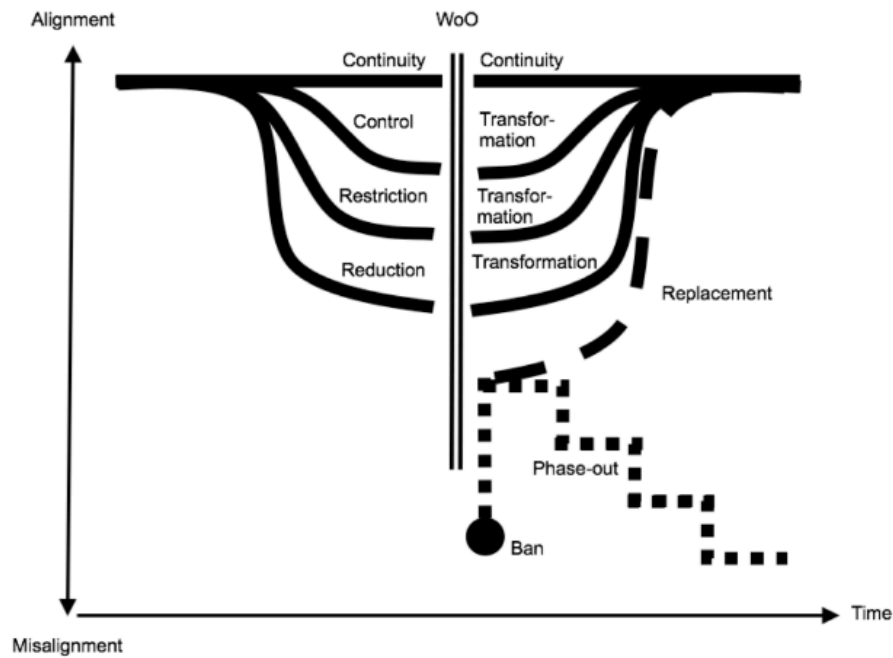
Figure 1: The basic discontinuation governance trajectory (Stegmaier et al., 2019, p.4)

In this trajectory, it is shown that the greater the alignment between those involved – actors, institutions, activities and actions – the more likely it is for something to continue onwards in the same way. Misalignment can lead to three responses. The first and weakest response is control. Thereafter comes restriction, and finally, reduction. During any of these responses and even during a seemingly peaceful continuous pathway, a so-called 'window of opportunity' (WoO) can occur. A window of opportunity normally follows tensions, which then produce an opening for a transition to develop (Grin, Rotmans, & Schot, 2010, p. 21). This moment of transition can occur in broader, political-cultural landscape (Stegmaier et al., 2012, p. 3). After the window of opportunity, there are a range of actions that could follow. The situation could continue as it was before, or there could be a transformation. A transformation can either mean that the issue at hand is replaced, phased-out or completely banned.

For the case of banning ships carrying migrants and refugees from docking on EU land, this trajectory will be helpful when analysing the data for two main reasons. Firstly, this trajectory will be used in order to understand the exact steps and activities which took in place and gives an overview of the case. Secondly, based on the trajectory, a chronological sequence will be formed in the analysis. This sequence will be helpful to understand not only the broader political and cultural landscape in which the specific case occurred, but also the individual actions which took place chronologically. Finally, the basic trajectory will be re-fitted to the cases of Italy and the EU. This will give the reader a general understanding of the case,

and its aspects of discontinuation, before moving on to the 'mechanics' of the case, which can be answered with the help of the second sub-question.

3.3. (De)Legitimation Framework

SQ2: What was the process of (de)legitimation used by the actors to discontinue the old practice and introduce the new practice?

In order to understand the mechanisms and acceptance of the discontinuation which occurred in this case, Borrás and Elder's (2014) theory of the governance of change will be used. In their theory, the scholars use a three-pillared approach to conceptualize how governance changes happen. These are: 1) the opportunity structures and capable agents in a system, 2) the instrumentation of the governance of change and 3) legitimacy and acceptance of change (Borrás & Edler, 2014, p. 23).

Figure 2: Three pillars to understand governance of change (Borrás & Edler, 2014, p.25)

The first pillar has to do with the interactions between agencies and institutions in a system and answers the 'who' and 'what' of the governance of change (Borrás & Edler, 2014, p. 23). The second pillar answers the question 'how', and concerns the instruments and their shaping in the governance of change (Borrás & Edler, 2014, p. 23). The aim of this paper is to already cover the first and second pillars, the 'who', 'what' and 'how' questions, through answering the first sub-question. Therefore, in order to uncover the mechanics of the case, as is the objective for the second sub-question, the third pillar is key.

The third pillar focuses on why (or why not) systems are accepted, and why (or why not) change is accepted from a governance level (Borrás & Edler, 2014, p. 23). In other words, it attempts to answer the 'why' question in the governance of change. For this thesis, it will not be possible to give an answer to whether or not the systems are accepted, as the case is on-going and still in development. As a result, the scope of

this thesis does not allow for this question to be fully answered, however it will build a basis on which further research on such acceptance of change could be launched.

The legitimacy pillar is concerned with popular views and whether support exists for the process of change. Borrás and Edler acknowledge that governance is evolving, especially in regard to 'complex governance forms' that exist (Borrás & Edler, 2014, p. 17). For them, societies which are being governed must accept these complex forms. For this reason, the authors see a need for a re-defining of the sources of legitimacy. A failure to do this would see societies become increasingly hesitant to give recognition to these systems (Borrás & Edler, 2014, p. 23). The fact that the case of this paper exists in such a 'complex governance form' is clear. There are national, supranational and non-governmental organizations involved. It can be difficult to understand the rules of legitimacy (or whether there are such rules or norms at all) in this case, which consists of sometimes competing forms of governance.

In an attempt to clarify the role of legitimacy and de-legitimacy in the midst of a complex governance system, a classic sociological theory, devised by Berger and Luckmann (1966) will be used. This theory, although broad, provides a framework for how social realities become internalized (among other things) and thereby legitimate. The authors explore beyond the construction of society, namely, they explore the construction of reality. For the scholars of this theory, the understanding of reality starts with the action of reconstructing knowledge, analysing it, and then, in order to make sense of it, placing that knowledge in relation to specific actions, patterns and their respective formation (Hitzler, 1988, p. 64). This knowledge then, "transforms subjective meaning into social facts, and knowledge transforms social facts into subjective meaning" (Hitzler, 1988, p. 65). For this paper, the 'knowledge' acquired about the case as a result of the first sub-question can then be 'transformed' into meaning. In particular, "a 'second-order' objectification of meaning" (Berger & Luckmann, 1966, p. 110) can be found, that is to say, the process of legitimation can be traced and explained.

Before continuing, it is important to define legitimation. Berger and Luckmann state that legitimation "produces new meanings to serve to integrate the meanings already attached to disparate institutional processes" (Berger & Luckmann, 1966, p. 110). Furthermore, they define it as a "process of 'explaining' and justifying" (Berger & Luckmann, 1966, p. 111). It 'explains' institutional processes by giving cognitive validity to concepts which have been manifested into meaning. On the other hand, legitimation 'justifies' institutional processes because it assigns normative dignity to its practical imperatives. This means that legitimation has not only to with values, but also with knowledge (Berger & Luckmann, 1966, p. 111).

In this thesis however, it is made clear in the analysis that the legitimators in this case are using a two-fold strategy, not only of legitimation but also of *de-legitimation*. In fact, it can be said that the process of legitimation was made easier or even possible through de-legitimation efforts by Italy and the EU. Delegitimization can be defined as: "categorization of a group or groups into extremely negative social

categories that are excluded from the realm of acceptable norms and/or values" (Bar-Tal, 1990, p. 65). Further, it is a 'process' which allows "moral exclusion" (Bar-Tal, 1990, p. 65). Thus, this concept of delegitimization will be seen as a running current throughout the discontinuation process.

Diverting back to legitimation, Berger and Luckmann distinguish between four levels of legitimation: (1) incipient legitimation, (2) theoretical propositions in a rudimentary form, (3) explicit theory and (4) symbolic universes (Berger & Luckmann, 1966, pp. 112-113).

1. The first level, which is sometimes also called 'pre-theoretical', is a self-evident type of knowledge, a "This is how things are done" form of knowledge. The claims in this level do not come with theories backing them, they are present simply through human experiences. If claims are to become part of a tradition or culture, they must attain this level, which serves as a basis for all other levels.

2. The second level of legitimation is defined as theoretical propositions in rudimentary forms. These are claims of rudimentary theory based on concrete actions of humans. Examples of this level include proverbs, folk tales and wise sayings. On this level, issues are explained through assigning objective meaning.

3. The third level entails explicit theories, which have developed from being mere pragmatic applications to becoming 'pure theory'. In this level, specialized legitimators are engaged because of the complexity of the matter. This type of legitimation includes frames of reference, obligations and standard operating procedures.

4. The final level of legitimation is made up of symbolic universes. This level contains a tradition of theory as a basis for legitimation, instead of personal experiences. It allows for all sections of an institutional order to be integrated in the frame of reference. Symbolic universes are social products seen to be a totality. In order to understand meaning, the history of their production must be understood.

These four levels will be used as a framework in the analysis to better understand the NGO rescue ship case. The stages, as listed above, will be adapted to the case of this paper in order to conceptualize the legitimation process that took place. The levels will be compared to the six elements of (de)legitimacy found in this case, which became evident during the analysis. Subsequently, an evaluation will take place as to whether the discontinuation of NGO rescue boats has followed a legitimation pattern similar to that of Berger and Luckmann's.

3.4. Summa Heuristic

The theoretical heuristic is a combination of the theory of discontinuation and theories about (de)legitimation, with the latter building on the former. This heuristic was empirically induced, and specifically developed for this case in light of the data that was found. It contributes to the understanding of this policy change because it gives a comprehensive overview through its two-part structure. Not only does it show a discontinuation process, but, in answering the second sub-question, shows how the old policy was delegitimized and, in turn, the new one legitimized. It also shows that (de)legitimacy is a key explanation factor for discontinuation studies. The developed heuristic will make room for a specific analysis which then could be used to see general patterns in the role of governance, and specifically within that, discontinuation.

4. Analysis

In this chapter, the two sub-questions will be analyzed in order to delve deeper into the question of how the specific situation of discontinuation developed, and how the Januslike nature of legitimation and de-legitimation plays a role in the occurrence of a new practice. Existing literature will be used as a heuristic from which to analyze the case, but the heuristic has been developed and widened through the data collected. In part one, the analysis will be mostly descriptive and aims to show the reader the pattern and process in which the discontinuation took place, as well as the specifics of the discontinuation itself. Part two builds on part one and aims to investigate further the process of (de)legitimizing the actions taken and how the new practice was introduced.

4.1. The Road to Discontinuation

The question that is of importance for this section is: *What steps or activities were undertaken in order to discontinue the longstanding practice?* This sub-question aims to answer the first part of the overall research question, namely, how a situation was created in which the longstanding practice was suspended. This will be elucidated through, firstly, introducing the basic discontinuation trajectory, secondly, analyzing the levels of policy-making for this case, thirdly, building a chronological sequence, and finally, re-fitting the basic discontinuation trajectory to this case.

4.1.1. Basic Discontinuation Trajectory

The discontinuation of a policy can develop in many different ways, which are highly dependent on the specific circumstances. In the case of banning NGO rescue ships, the trajectory developed by Stegmaier et al (2019) is useful as a general template. A trajectory can be defined as: "an assemblage of social, cognitive, and material problem-solving practices" (Stegmaier et al., 2019, p. 2). In this diagram, alignment refers to relationships in society which work together to continue working in the same way, whereas misalignment refers to what happens when these relationships are no longer working towards that aim. The trajectory also shows how the decisions evolve over time. This builds up to the moment of discontinuation, which: "occurs when actors undertake actions intended to directly effectuate the discontinuation of a trajectory itself" (Stegmaier et al., 2019, p. 2). The following diagram is the basis for the Italy-specific and EU-specific trajectories in Section 4.1.4.
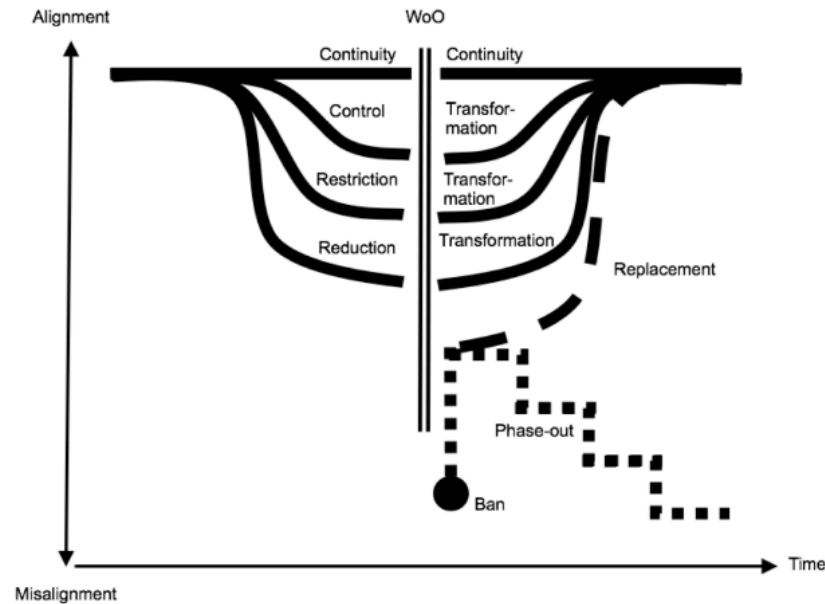
Figure 3: The basic discontinuation governance trajectory (Stegmaier et al., 2019, p.4)

4.1.2. Specific Levels of Policy-Making

As Stegmaier et al (2012) have determined, the discontinuation of a standing practice can occur within various levels of policy-making; the global or transnational level, national level, and regional or local level. The discontinuation overlaps and effects each of these levels differently and can be conducted on a scale ranging from 'joint efforts' and coordination to strife and disagreement (Stegmaier et al., 2012).

A table is presented below, showing the different levels in order to gain a better understanding of both the actors involved, and ultimately, to trace how the discontinuation occurred. The table only presents actors who are described in greater detail in the analysis. Naturally, there are many more actors who are involved in the case, however, they are not shown on the table for two reasons. Firstly, the scope of the thesis does not allow for all the actors who are part of the complex governance situation to be discussed. Secondly, the actors presented have to do with mainly with either discontinuation, legitimation or de-legitimation, therefore they have been chosen as they best fit the 'angle' of the thesis. It is also important to note that for this case, the levels are highly intertwined, meaning that there is a chain reaction (when a decision is made on a transnational or national level, this affects the local level), and that the levels do not signify completely separate entities. Therefore, when using these levels as a structuring mechanism in part two of the analysis, they will be referred to as strata of influence, as they have more to do with acts of reach as opposed to direct policy-making.

Level of Policy-Making	Prominent Actor(s)
Global or transnational level	**European Union** - FRONTEX, EU Commission, EU Council, EU Parliament, Council of the EU, FRA **United Nations** (mainly UNHCR) **NGOs** - IMO, MSF, Amnesty International, NGOs carrying out SAR in the Mediterranean
National level (Italy)	**Individuals:** - Matteo Salvini - Luigi Di Maio **Organs:** - Parliament of Italy - IMRCC - Guardia Costiera - Marina Militare
Regional or local level	**Italy** - IMRCC (regional authorities) - Guardia Costiera (regional authorities) - Marina Militare (regional authorities) **Libya** - Libyan Coast Guard - Libyan Navy

Table 2: Levels of Policy-Making

4.1.3. Chronological Sequence

In order to develop an understanding of the development of discontinuation in this case, it is important to graph the chronological sequence in which the case advanced. The timelines serve the purpose of giving the reader a step-by-step overview, but the issues mentioned in the timeline will be discussed in greater detail in part two of the analysis. Below, a timeline for Libya has been formed. Although Libya is not one of the two actors discontinuing NGO rescue ship efforts, it plays a very important role in the situation, as will be made clear in section two of the analysis. Through training, funding and support by both Italy and the EU, the Libyan Coast Guard (LCG) has become the de-facto replacement for carrying out SAR in the

Western Mediterranean. In other words, the LCG has replaced previous Italian and European (eg. *Triton* or *Sophia*) sea missions.

Libya

Libya

'Memorandum of Understanding'
Libya signs an agreement with Italy declaring cooperation in combating illegal immigration.

'Closure' of Italian ports
Mr. Salvini declares Italy's ports closed to foreign-flagged ships, giving more responsibility to Libya.

Migrants returned to Libya
EU ceases Operation Sophia's maritime patrols, now allowing only air patrols and closer coordination with the LCG.

08.2017

Year of 2018

02. 2017

06.2018

03.2019

Libyan SAR zone
Libyan SAR zone declared by authorities in Tripoli. Threats are issued against NGOs that might enter it.

29,000 Interceptions
UNSMIL report for 2018 states that the LCG had intercepted 29,000 migrants and refugees.

Figure 4: Brief timeline of Libya

In February 2017, Italy and Libya signed a, 'Memorandum of Understanding', in which the main goal was to, 'stem illegal migrant flows' (Repubblica Italiana, 2017). In this agreement, Italy promised to provide support for Libya in matters to do with border reinforcement. Six months later, Libya declared an SAR zone, which increased their territorial waters from areas previously considered to be international waters. As Forensic Oceanography describes, an SAR zone gives the state competence over the coordination of rescue events, but not exclusive sovereign rights over the area (Forensic Oceanography, 2018). However, the LCG threatened NGOs not to enter and defend it as if it they had exclusive sovereign rights. In June 2018, when Salvini first declared Italian ports to be closed by prohibiting the *Aquarius* from docking, this marked a change in Libya's position. The LCG had been receiving training and support all the while, but this marked a significant turn of Libya becoming the 'replacement' for former SAR efforts, as the ports were now closed. In fact, in the year 2018, the United Nations Mission to Libya reported that as many as

29,000 migrants and refugees were intercepted by the LCG in the Mediterranean and returned to Libya (United Nations Support Mission in Libya, 2018). In 2019, when the EU decided to end all of Operation *Sophia's* maritime patrols, this marked another change in Libya's role. Operation *Sophia* now works very closely with Libya, relaying information on boats gathered by their air patrols directly to Libya, so that the LCG can intercept the boats.

Italy

Italy and the EU

Mare Nostrum
Italian led SAR in the Mediterranean, saving thousands of lives. Discontinued after one year.

Operation *Sophia*
Following multiple deadly shipwrecks that revealed the limitations of *Triton,* Operation *Sophia* is launched.

Code of Conduct
Italy, directed by the EU, released a Code of Conduct for NGOs carrying out SAR operations.

First Refusal
The NGO ship *Aquarius* is refused permission to enter Italian territorial waters and dock in Italy.

Emergency Meeting
16 EU States attend an emergency summit to discuss plans for the bloc's asylum system. No holistic solution is reached.

10.2014   02.2017   06.2018   06.2018   03.2019

2013-14   05.2015   07.2017   06.2018   06.2018

Operation *Triton*
Mare Nostrum is replaced by *Triton,* a smaller SAR operation, focusing more on border protection, rather than SAR.

'Memorandum of Understanding'
Italy signs 'Memorandum of Understanding' with Libya. Italy will provide funds, training and equipment to improve the LCG's capability to intercept boats.

Matteo Salvini
Mr. Salvini is sworn in as Deputy Prime Minister and Minister of the Interior.

First 'unofficial' ban
Italy declares its ports closed to foreign flagged ships.

Operation Sophia - Air only
EU ceases Operation Sophia's maritime patrols, now allowing only air patrols and closer coordination with the LCG. This transfers rescue power to Libya.

Figure 5: Brief timeline of Italy and the EU

The Italian-EU timeline commences with the Italian-led *Mare Nostrum* operation being discontinued after one year and replaced by the FRONTEX-led Operation *Triton*. The decision to end *Mare Nostrum* can be seen as a key moment of discontinuation by the EU, as they did not support Italy's efforts to continue with their rescue operation (Nováky, 2018), and one of the first decisions which led to the overall discontinuation (this will be elaborated upon in section 4.2.2. *a*). After multiple deadly maritime disasters in the following year, the EU replaced *Triton* with *Sophia,* a more extensive rescue operation. Approximately two years later, but while *Sophia* was still running, Italy put forward two very important documents, the

'Memorandum of Understanding' and the Code of Conduct, which NGOs had to sign, threatening their rights to perform rescue operations at sea. In 2018, with the appointment of Matteo Salvini as Interior Minister, NGO ships began to be 'banned' from Italian ports. In 2019, the EU ceased *Sophia's* maritime patrols and commenced closer cooperation with Libya (Council of the European Union, 2019).

4.1.4. Basic Discontinuation Trajectory Applied

When a ban or discontinuation takes place in one country, it can also effect neighboring countries (Stegmaier et al., 2012, p. 13). In this case, the EU, as a group of nations, is involved as a second entity. Italy's discontinuation naturally had and will have an effect on the EU, as it reduces the number of migrants and refugees arriving in the bloc. For this reason, the basic discontinuation trajectory will be adjusted according to the discontinuation development in those two entities.
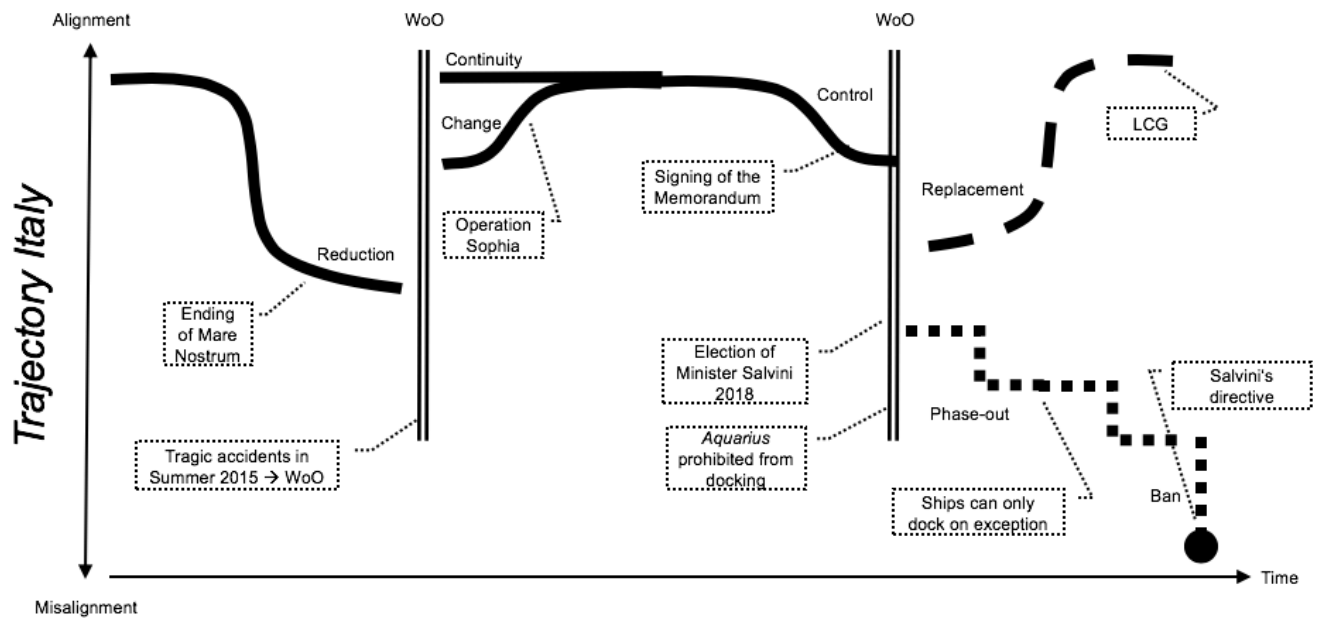
Trajectory Italy

Figure 6: The Basic Discontinuation Trajectory (Stegmaier et al., 2019, p. 4) re-fitted to Italy's case

The pathway of discontinuation for the case of Italy is complicated, because two clear 'windows of opportunity' (WoO) can be identified within the timeframe analyzed (since 2014). The sea rescue operation headed by Italy, *Mare* Nostrum, was discontinued after one year, which led to two things. Firstly, it led to

a reduction, as the EU introduced the FRONTEX-led Operation *Triton*, an operation of much smaller scale. It was also a point of misalignment, as the two actors had different ideas of how to respond to the migrants and refugees attempting to cross the Mediterranean. EU member states felt that Italy would benefit unfairly if an extensive SAR operation, such as what Mare Nostrum was, would be paid for with EU funds (Nováky, 2018). However, the 'window of opportunity', which led to member states changing their mind and agreeing with Italy occurred when several hundreds of migrants and refugees drowned off the coast of Lampedusa in 2015 (Nováky, 2018, p. 203). The EU was then able to justify the start of Operation *Sophia* because of that tragedy, changing the response of the EU to that which Italy had originally requested. This continued for some time, until Italy signed a 'Memorandum of Understanding' with Libya in 2017 (Palm, 2017), which can be seen as a control mechanism. To add on to that control action, another 'window of opportunity' occurred in Italy when Matteo Salvini was elected to Interior Minister in 2018. He added to that 'window of opportunity' by denying the *Aquarius* a harbor to dock at. Shortly after, many temporary bans on specific rescue ships (too many to put on this trajectory) took place, as well as an overall ban on all foreign-flagged rescue ships. However, this was not officially decreed. The Libyan coast guard (LCG) began to replace NGO's, EU Operations and Italy in their SAR efforts. Most recently, an official ban on all rescue boats was announced by Salvini through a directive, meaning SAR responsibilities in the Mediterranean have been transferred over to Libya.
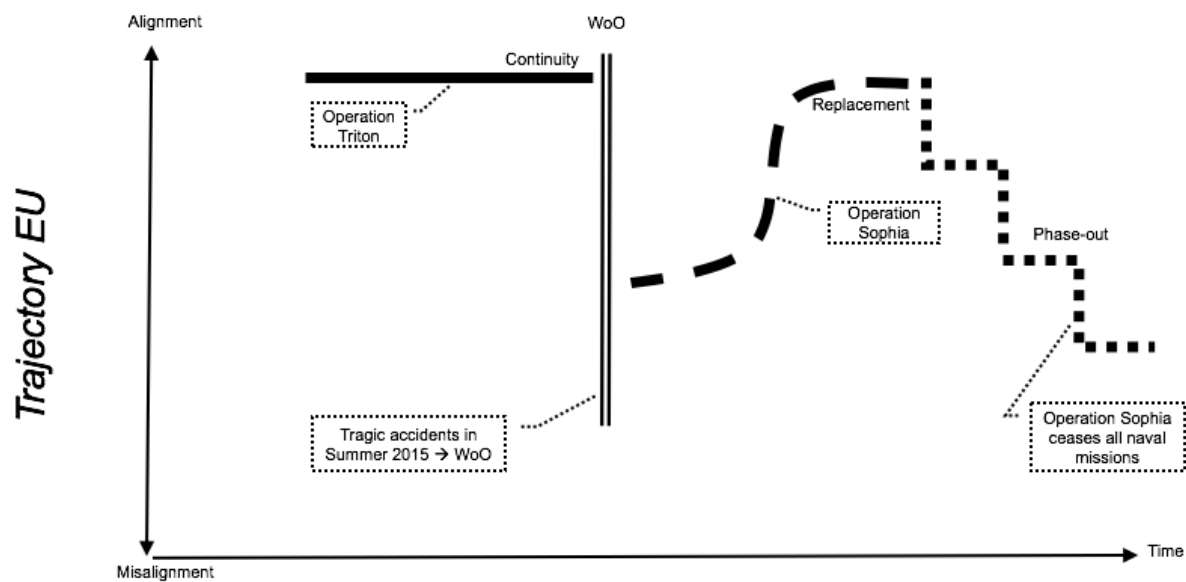
Trajectory EU

Figure 7: The Basic Discontinuation Trajectory (Stegmaier et al., 2019, p. 4) re-fitted to the EU's case

The development of discontinuation for the EU is in some ways similar to that of Italy, because of the joint efforts as a result of Italy being a member state. The trajectory begins with FRONTEX-led Operation *Triton,* a much smaller mission than the previous *Mare Nostrum* which resulted in many NGOs joining the rescue efforts in the Mediterranean. The 'window of opportunity' for the EU came after some tragic accidents off the coast of Lampedusa in 2015, which resulted in member states giving their support for a new EU operation – *Sophia,* as a replacement for *Triton.* This response stayed aligned with the overall members for approximately two years, until a new action plan was released by the Commission in mid-2017. The reason for this action plan being that the Commission wanted to increase the level of support Italy received in dealing with migrants and refugees because of the increasingly pressing situation. This action plan transformed many of the SAR responsibilities in the Mediterranean, placing them increasingly under Libya's (full) jurisdiction. It included more financing for Libya as well as training and development (European Commission, 2017b). In order to reach that goal, Operation *Sophia* was phased out to a much smaller scale operation, ceasing all naval missions and focusing mainly on air surveillance and training the LCG and Navy (European Council, 2019). This is also a phase-out of the EU/Italy being involved in SAR missions, instead Italy has been given that 'right'.

4.1.5. Summary

Through the brief timeline, the explanation of the levels of policy-making, and the re-fitting of the trajectory, the analysis has so far shown some key steps and activities that were undertaken in the discontinuation. This is an essential basis that has been formed, which will then be used to build off of in 4.2. What still needs to be investigated, however, is how such a process was justified and (de)legitimized in order to come about, which will be answered using the second sub-question.

4.2. (De)Legitimization Strategy

In this section, the guiding question is: *What was the process of (de)legitimation used by the actors to discontinue the old practice and introduce the new practice*? This question will be used to uncover the mechanisms of the case, using the basis of data given in part one of the analysis. Specifically, (de)legitimation will be the focus. This study of the governance of change will begin with the role of (de)legitimacy. In particular, six elements of (de)legitimacy will be discussed which were found during the process of analyzing data. Thereafter, these degrees will be compared to Berger and Luckmann's four levels of legitimacy.

4.2.1. Governing Change through Legitimization and Delegitimization

In order to gain a deeper understanding of the discontinuation case analyzed in this paper, a 'governance of change' heuristic developed by Borrás and Edler will be used. As previously discussed in Chapter 3, Borras and Edler posit that there are three key pillars which must be focused on when analyzing governance activities, and in this case, the governance of change. These are: opportunity structures and capable agents in a system, instrumentation of the governance of change and, finally, the legitimacy and acceptance of change (Borrás & Edler, 2014, p. 23). Since pillars one and two, asking the 'who' and 'how' questions, have already been elaborated in part one of this chapter, the legitimacy pillar will now be of key concern. Legitimacy will be highlighted because of the key role it plays in discontinuation governance. It has to do with the issue of governance, "as a collective social process" (Borrás & Edler, 2014, p. 24). According to Borrás and Edler, this pillar helps to understand the 'why' of the discontinuation, such as *why* (or why not) systems are accepted and *why* (or why not) a process of change is accepted (Borrás & Edler, 2014, p. 34). It is important to note that the understanding of legitimacy is becoming increasingly intricate, because of the overarching governance forms that exist today (Borrás & Edler, 2014, p. 39). The systems, norms and whole apparatus of legitimacy within such a complex form have yet to be defined and adjusted, another reason to focus on that aspect in this section. Furthermore, for this case, de-legitimation has been added as part of the third pillar in the 'governance of change', as it is an aspect which the actors used frequently during the discontinuation process. In Table 2, the complexity of the governance concerning the decision to disallow NGO rescue boats from docking in Italy was depicted. Through that table, it was shown that the discontinuation was executed amidst a mix of regional, national and transnational governing forms. This brings us to ask what the process of (de)legitimation was, in order for the decision to be carried out despite it being a complex situation. Furthermore, a more concrete understanding of the (de)legitimation process used in this case could lead to a pattern or better comprehension of how decisions are (de)legitimized in overarching governance forms.

4.2.2. Six Elements of (De)Legitimization Strategy

In order to understand how (de)legitimacy plays a role in this case, six elements of (de)legitimacy will be analyzed: (1) Early De-legitimation Efforts, (2) Role of Semantics, (3) Legal Obfuscation, (4) The Legitimation of Libya, (5) Creating a new 'Policy' and (6) Securitization. These elements were discovered during the early stages of my analysis, as key transitions to the strategy and development of the final discontinuation. Based on the policy-making levels listed above, each of these six elements of (de)legitimacy will be analyzed on three-levels: transnational, national, and local. Actors have been assigned to each of these levels in Table 2. As mentioned above, 'policy-making' does not accurately describe their influence, but this description was given to help disentangle the actors. In an attempt to find

a more accurate categorization, this section will use the term 'strata of influence', as it better describes the levels, for two key reasons. Firstly, the levels are not completely separate entities, as levels of policy-making would be. Secondly, the actors within these strata are not always making policy, but executing their strategy through, for instance, signing agreements, using supportive language, re-interpreting laws or providing funding. The actors are intertwined with each other, because of the complexity of the governance surrounding the issue, which makes 'strata of influence' the most precise method of analyzing the elements of legitimation.

a.   Early De-legitimation Efforts

In this section, the first efforts to de-legitimize the SAR of migrants and refugees in the Mediterranean will be explored. The timeframe chosen, in which these actions will be analyzed, begins in 2014 and lasts until Matteo Salvini was elected as Interior Minister of Italy, in June 2018, and the following 'break' that occurred as a result – disallowing the Aquarius to dock. This 'break' with longstanding policy has been categorized as the 'window of opportunity', which is why this following section explores all the actions which might have led to the discontinuation (and thereby the 'window of opportunity').

Transnational

In the transnational strata of influence, the key decision which might have led to the discontinuation of SAR practices 'officially' five years later was the dissolution of *Mare Nostrum*. This operation was established by Italy as a result of the tragic boat accident near Lampedusa and was a humanitarian operation "to safeguard human life at sea" (Marina Militare). However, when Italy asked for financial support and for more solidarity in carrying out the rescue missions from the EU, they did not receive support (Reinbold, 2014). After one year, *Mare Nostrum* came to an end and was replaced by FRONTEX operation 'Triton', in which the budget decreased from approximately 9 million euro per month to 2.8 million euro (Forensic Oceanography, 2018, p. 34). Based on this, it could be said that the EU was the first actor to begin the discontinuation process, by supporting a much cheaper rescue operation which was not focused on humanitarian rescue, but on stopping smugglers and traffickers.

Also in this stratum, at the Valletta Summit on Migration in 2015, the council of the EU mentioned "enhanced capacities in priority regions along the main migration routes" (Council of the European Union, 2015, p. 10). This was one of the first mentions of building migrant holding centers in African countries, with the help of the local counterparts. Moreover in this action plan, the council of the EU stated it would: "provide capacity building and financing for investments in improved border management systems"

(Council of the EU, 2015, p. 16). These goals, amongst others mentioned in the action plan, show several things. They show that the EU sought other ways to deal with the migration flow, and looked to African countries to take over the related tasks, thereby, 'shifting responsibility'. It also shows that the EU did not fully deem SAR operations as necessary in the Mediterranean, instead placing a greater focus on border control, in order for the issue to not have to be dealt with in the first place.

Another example of transnational de-legitimation efforts was the acceptance by the EU and other supranational bodies of Libya declaring a SAR region. In August 2017, Libya, for the first time, declared a Libyan SAR zone. This was problematic, because in line with the SAR convention, a country needs a Maritime Rescue Coordination Center (IMRCC) in order to carry out sea rescue missions (International Maritime Organization, 1979). When making the announcement, Libyan authorities specifically mentioned that foreign ships could not enter the area, despite the fact that, "a SAR zone does not give any sovereign rights to the corresponding coastal state" (Forensic Oceanography, 2018, p. 50). Instead, a SAR zone gives a country the right to coordinate the rescue. However, in a letter written by the EU Commission to the Italian Coast Guard a year before the Libyan SAR area was declared, it can be seen that the Italian authorities were told, by the EU, to assist Libya in identifying and announcing their SAR region (IMO: Submitted by Italy, 2018). Furthermore, in a joint communication brief to the European Parliament, the European Council and the Council, the EU Commission also confirmed that it was "providing financial support" to the Italian Coast Guard, who would then assist the LCG to launch their own MRCC, "a prerequisite for efficiently coordinate search and rescue within Libyan search and rescue zone" (European Commission, 2017b, p. 7). Although it is clear from this correspondence that the EU is aware that an MRCC is necessary in order to carry out SAR operations, it has still accepted Libya's declaration, thereby possibly de-legitimizing the laws of the sea and, as a result, also de-legitimizing rescue efforts undertaken by actors other than Libya.

National

On a national strata of influence, Italy's involvement in the training and equipping of the LCG can be systematically followed, showing that it was not an overnight decision to disallow NGO rescue boats from docking, but rather a planned process. This planned process can perhaps be translated into de-legitimation efforts, as Italy tried to legitimize other ways of controlling the Mediterranean. The report, 'Mare Clausum', written by Forensic Oceanography, marks Marco Minniti's appointment as Interior Minister as a key moment in Italy's cooperation with Libya (Forensic Oceanography, 2018, p. 42). Before his appointment, Libya was not seen as a stable country to work with, instead, as Minniti stated: "the idea was to intervene

in neighboring countries" (Paravicini, 2017). But, when he involved the Libyan coastguard and numbers dropped immediately, the Interior Minister described it as a "daydream" (Paravicini, 2017).

In fact, his efforts seemed to be so successful, that approximately two months later, Italy signed a 'Memorandum of Understanding' with Libya, in which one of the goals was to reinforce border security (Repubblica Italiana, 2017). It also stated that Italy would continue to train and help Libya, through technical and technologic support. The next day, February 3rd, 2017, the EU Council confirmed their support of this agreement: "the EU welcomes and is ready to support Italy in its implementation of the Memorandum of Understanding" (European Council, 2017). This shows that the transnational and national strata were in agreement with each other and both supported efforts of shifting responsibilities over to Libya, making the need for rescue action in the Mediterranean unnecessary and leading to de-legitimization.

Local

In the local strata, early de-legitimation efforts can be seen in the form of acceptance and perhaps complacency. The Italian Coast Guard and Navy obeyed their authorities and trained their Libyan counterparts accordingly. The same can be said for the general public. However, it can be argued that the information was not widely published or easily assessible for those without an immediate interest in the case. Even though the data listed above shows that the process was one that developed over time, it was not that clear for the general public.

It must also be said, however, that NGO's were aware of the situation to the extent that several organizations had boats operating in the Central Mediterranean at that time, as seen by the table published by the European Union Agency for Fundamental Rights (FRA, 2018).

This level shows, through giving examples of early de-legitimation efforts, that the discontinuation was a process over approximately five years. It shows that there was indeed a strategy of (de)legitimation by Italy and the EU, even if it was not planned beforehand or made public.

b.   *Role of Semantics – as a form of delegitimization*

During the early period and running throughout the discontinuation process, a key communicative theme emerged, the 'role of semantics'. It is also important to view this form of (de)legitimation in the lens of Berger and Luckmann's view on semantics. They argue that language creates "semantic fields or zones of meaning", and thereby, "symbolic language become essential constituents of the reality of everyday life" (Berger & Luckmann, 1966, p. 55). This theoretical visor helps to highlight some key practical findings about the way in which semantics was used to de-legitimize during the discontinuation.

Specifically within semantics, the 'dehumanization' of migrants and refugees is a prominent example. In her book, Objectification and (De)Humanization, Gervais defines dehumanization as: "people seeing or treating others as not completely human" (Gervais et al., 2013, p. 4). Further research on the effects of the dehumanization of migrants or refugees has found that it not only prompts prejudice, but also creates a, "lack of support for policies and programs" which would benefit them (Esses, Veenvliet, Hodson, & Mihic, 2008, p. 23). These finding show the role dehumanization can play, also when it comes to delegitimizing a policy to rescue migrants and refugees, therefore it will be further explored below.

Transnational

The EU has played a part in the semantics surrounding the topic of disallowing NGO rescue ships from docking at member state ports. Specifically, two examples of using language against migrants or refugees, such as dehumanizing language can be found. The first example to be highlighted was presented by Roxana Barbulescu in her article on the EU as a beacon of human rights (2017). In it, she describes the EU military operations running in the Mediterranean, which aim to combat smugglers, as 'problematic' (Barbulescu, 2017, p. 304). The first reason for this being, that many of those attempting to cross would be considered asylum seekers and have the right to claim this. Secondly, in using the military to 'solve' the problem, the EU "symbolizes the existence of an 'enemy', which in this case are civilian vessels carrying other civilians" (Barbulescu, 2017, p. 304). One of the key factors in dehumanization language is having an 'outgroup' (Gervais et al., 2013, p. 4). In using a military intervention, the EU has signified an 'outgroup', which is a result of dehumanization. Another example of delegitimization through semantics is FRONTEX's accusations of the NGOs of colluding with human smugglers (FRONTEX, 2017, p. 32). These accusations cannot be verified but it is argued that they have a strong impact on the delegitimization and criminalization of SAR NGOs (Carrera, Vosyliute, Smialowski, Allsopp, & Sanchez, 2018, p. 24).

National

In the national strata of influence, the key actor who has affected the semantics encompassing the issue of the rescue boats is Italian Minister Salvini. He has often used belittling language towards the people who are being rescued, calling their harrowing crossings over the Mediterranean a "cruise" (la Repubblica, 2018) and promising that refugees and migrants will only see Italian ports on a "postcard" (TG, 2018) (Amnesty International, 2018, p. 4). This kind of dehumanizing language could offer him more support in the legitimation of his anti-immigration policies, as it can have an effect on those hearing it. Another example can be found in a report, commissioned by the European Parliament on the developments of the

criminalization of humanitarian actors, which states that 'national and/or EU officials' have made false claims against civil society, "assigning it a more proactive role, such as a 'pull factor' or 'migrant taxi'"(Carrera et al., 2018, p. 24). These kinds of accusations, which are demeaning, can have a delegitimizing effect, because they breed suspicion and can shift the semantics surrounding the topic.

A further issue of delegitimization through semantics comes from the Italian Parliament, but was originally directed by the EU, namely, the Code of Conduct for NGOs. In July 2017, the Commission met in Tallinn to discuss the situation in the Mediterranean. The Commission afterwards released its action plan, stating that Italy should draw up a code of conduct for NGOs carrying out SAR activities, with the help of the Commission and the NGOs (European Commission, 2017c). Italy's releasing of this Code of Conduct can be seen as "a major attack on SAR NGOs in Italy; it institutionalized suspicion and introduced exceptional rules solely for civil society", as opposed to merchant or government ships (Carrera et al., 2018, p. 68). The report by the European Parliament even goes so far as to say that the Code of Conduct: "facilitated and encouraged the criminalization of the remaining organizations operating in the Mediterranean" (Carrera et al., 2018, p. 68). This kind of suspicion, from a national level, can be translated into a de-legitimization effort because it forces the semantics in a more negative direction with regard to the people being rescued.

Local

For the local strata, the main influences of semantics can be found in the media. Their negative portrayal of SAR NGOs, as well as of the migrants and refugees themselves have helped to delegitimize rescue efforts. As it is not my aim to conduct a discourse analysis, and as a media monitoring compilation has already been completed, I will simply refer to that compilation. In this compilation ordered by the European Parliament, the effects of the media were studied, in which it was found that the "compilation provides evidence of the scale of criminalization of humanitarian assistance…it shows that almost anyone coming into contact with irregular migrants and asylum seekers is vulnerable to criminalization, including civil society actors, such as NGOs, volunteers…" (Carrera et al., 2018, p. 68). Of course, this cannot be said for all media outlets. Another influence on this strata, which was reported by the media was the incident in which Carmelo Zuccaro, the chief prosecutor in Catania claimed that he had evidence that NGOs were working together with people smugglers (Dambach, 2017). Later however, it become clear that he did not possess such evidence, when in a Senate hearing he could not offer any proof (Independent, 2017). Despite this outcome, some politicians continued to call the NGOs performing rescue operations "migrant taxis"(Adnkronos, 2017). Incidents such as these changed the semantics around the SAR NGOs, ultimately delegitimizing their work through such accusations.

Negative semantics gave rise to the de-legitimation of both migrants and refugees, as well as of the NGOs assisting them. In the long run, this would later help to 'legitimize' Libya, as well as the closed ports 'policy'.

c.   *Legal Obfuscation – as a form of delegitimization*

During the early stages of my data analysis, it quickly became clear to me that a key strategy by the actors who were trying to stop SAR NGOs from operating was the use of legal obfuscation and exploitation of vague wording in the law. This functioned alongside the other de-legitimation strategies that have already been listed, such as the role of semantics. Because of the complex governance situation which 'governs' the Mediterranean, such as International Human Rights laws, Maritime Laws, EU laws and Italian national laws, based on respective SAR areas, it can be confusing as what kind of hierarchy these levels operate in. In the absence of a settled order, this situation can be exploited by actors to legitimize their actions, as can be seen from the EU as well as Italy. The UNHCR describes the situation as: "complex operations involving a range of actors, each of which has particular obligations under international maritime law, as well as other bodies of international law such as refugee and human rights law" (UNHCR, 2015, p. 2). The complexity and entanglement of the laws has also given actors the opportunity to simply 're-interpret' a longstanding policy or practice.

Transnational

The EU Facilitation Directive (Article 1:2) states that its Member States have the option to criminalize civil society actors, who are providing humanitarian assistance to irregular migrants and refugees (Council of the EU, 2002) (European Parliament, 2018a). It is however argued that this allowance in the directive "stands at odds with the EU's founding values as enshrined in Article 2 TEU, [and] the EU's Fundamental Rights Charter" (Carrera et al., 2018, p. 11). This example of legal obfuscation legitimizes the possibility of penalizing NGOs helping migrants and refugees, which in turn, delegitimizes their work. As listed above, another 'strategy' has been the exploitation of vague wording. This has been the case on the transnational EU stratum. In the Facilitation Directive, there is 'legal uncertainty' as to the definition of what migrant smuggling is (or is not) (Carrera et al., 2018, p. 11) (European Parliament, 2018b). Despite the lack of certainty, the EU has decided to not define this and instead created new legal concepts such as the 'facilitation of entry and transit' and the 'facilitation of residence and stay' (European Commission, 2017a). Furthermore, there is also ambiguity in this document regarding the definition of 'humanitarian assistance'. This has been criticized as failing to "exempt important humanitarian actors who are acting on charitable intent" (Carrera et al., 2018, p. 11). According to the EU Fundamental Rights Agency, the Facilitation

Directive also: "fails to remind EU Member States of their obligation under international law to assist persons in distress at sea, regardless of their immigration status, nor that those who do so should not be punished under the directive" (FRA, 2016, p. 15). These instances show the gradual 're-interpretation' of laws and directives, whether regarding the wording or the actual law, and create a pathway for delegitimizing rescue efforts.

National

In Italy, in the national strata of influence, similar patterns of 're-interpretation' of longstanding practices and vague wording in the law can be found. The main reason for this analysis, namely, investigating the discontinuation of SAR NGO ships can be linked to legal obfuscation on Italy's part. In a 'rescue at sea' guide written by the IMO, UNHCR and ICS, it is stated that according to maritime conventions, "Just as Masters have an obligation to render assistance, Member States have a complementary obligation to coordinate and cooperate so that persons rescued at sea are disembarked in a place of safety as soon as possible" (UNHCR, 2015, p. 3). Despite having signed these maritime conventions, Italy, through its key actor Matteo Salvini, has used the complexity of the laws to recently 're-interpret' them recently. Some key examples will be listed.

Firstly, in his directive banning foreign NGO ships from bringing migrants to Italian ports, Salvini lists and acknowledges various pieces of legislation which have to do with SAR activities and the safety of life at sea, that Italy has signed. However, he then goes on to write that these norms do not apply if there is a "methodical violation of national and European norms on the surveillance of maritime borders and to counter illegal immigration" (Maccanico, 2019, p. 2). This seems to be an attempt to justify Italy's hindering of rescue operations, as well as the delays to disembark people, in which both of those activities contradict maritime conventions. Salvini's 're-interpretation' of the exemption to sea norms, listed above, in which states are focused not on saving lives but on finding 'methodical violations' and 'surveillance' legitimizes a state acting discretionally, since rescue efforts would then have to do with national security matters (Maccanico, 2019, p. 2).

Another example of Salvini's 're-interpretation' of legal norms is that in his directive (more on the directive in section e.), the examples he gives, as well as his reasoning, has to do with irregular migrants, therefore, he does not take into account that there are most likely asylum-seekers onboard who have the right to claim asylum in a safe country (Maccanico, 2019, p. 2). Thereby, according to a report by Statewatch, Salvini is: "instrumentally using conventions on the law of the sea while violating their provisions in the same context" (Maccanico, 2019, p. 2). An Italian naval Admiral expressed that although maritime conventions can be used to "elude rules on immigration", this does not "suspend or diminish rescue duties" and called the

directive "clearly unlawful" (Maccanico, 2019, p. 2). Despite the criticism of the directive from many sides, it has not been amended, instead, it now justifies the break with the longstanding humanitarian practices in the Mediterranean. Legal obfuscation, through the 're-interpretation' of vague wording and the complex governance structures they take place in has been used as a strategy to delegitimize the SAR NGOs and to turn away from humanitarian policies.

Local

As for the local stratum, I have not found any key examples of legal obfuscation, because issues of legality in this international context are not normally dealt with on this level.

d.   The Legitimation of Libya

Until now, this analysis has studied early de-legitimating efforts. Thereby, it analyzed how semantics played a role in de-legitimating, followed by legal obfuscation's role in delegitimization. Now, the analysis shifts its focus to how this practice was legitimatized. Of course, both de-legitimization and legitimization occurred simultaneously in some instances, and they cannot be completely detached. However, I have found that Libya's legitimization by EU actors marked a key turning point in the acceptance of the discontinuation as a reality. Its legitimization provided a 'way-out' for the EU and Italy and for this reason it is very important.

Transnational

The EU has played a significant role in making Libya seem like a legitimate entity to be in charge of rescue operations, and to be sending migrants and refugees back to. It has done this through various means: on one hand, by providing funding, sending equipment, and verbal support. On the other hand, the EU has also 'assigned' many of the tasks in building up and training the Libyan Navy and Coast Guard to Italy, which will be described under the national level.

In 2017, the EU released an 'Action plan on measures to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity' and in the press release stated that the Commission would: "Further enhance the capacity of the Libyan authorities through a €46 million project prepared jointly with Italy" (European Commission, 2017d, p. 1). Along with these funds, the EU operation EUNAVFOR Med Sophia has actively trained the LCG (Amnesty International, 2018, p. 19). In a letter to the Executive Director of FRONTEX, Paraskevi Michou, Director-General of the EU's Migration and Home Affairs,

explained practically how Operation Sophia works together with the Libyan Coast Guard practically. She wrote: "Many of the recent sightings of migrants in the Libyan SRR have been provided by aerial assets of EUNAVFOR MED and were notified directly to the Libyan RCC responsible" (Michou, 2019, p. 2). The cooperation between Libya and the EU is happening despite the fact that in 2012, the European Court of Human Rights ruled, in *Hirsi Jamaa and Others* vs. Italy, that sending migrants and refugees at sea back to Libya was a violation of the principle of non-refoulement (Amnesty International, 2017, p. 14). The principle of non-refoulment is recognized and accepted by most countries in the world, in the Convention it is asserted in Article 33:1 that states should not "expel or return a refugees in any manner whatsoever", to a place where they would be, "threatened" (UNHCR, 1951). According to the Court, the Hirsi case was ruled to be a violation because of, "Libya's failure to comply with its international obligations", and that the UNHCR office in Tripoli, "was never recognized in any way by the Libyan government" (European Court of Human Rights, 2012). Despite all of this, the EU has continued to cooperate with Libya. In fact, in an emergency summit called by the European Council after Salvini's initial move, in which the Aquarius was 'banned' from entering Italian ports, the EU pledged to: "step up its support for the…Libyan Coastguard" (European Council, 2018, p. 1). It also instructed ships running in the Mediterranean not to 'obstruct' the LCG efforts (European Council, 2018, p. 1).The EU's actions as well as their verbal support of Libya and its Coast Guard goes some way to legitimizing the country's involvement and justifies the EU's 'new' approach in allowing Libya to take over most SAR missions.

National

A key turning point in Italy's legitimization of Libya was the signing of the 'Memorandum of Understanding' in 2017, in which Italy pledged its support to training and equipping the LCG. This Memorandum has been discussed above, but it marked a critical change in Italy's 'strategy' of coping with the Mediterranean crossings, as it signified that at first, both countries would work in cooperation in a joint-effort, but that, in reality, after a while, the goal was for Libya to intercept all boats before they exited the Libyan SAR zone.

Of course, this decision to work with Libya was not made by Italy purely on its own, but in close collaboration with the EU. In a Commission action plan, Italy was told to quickly accelerate "the establishment of a fully operational MRCC in Libya as this would allow Libya to take over responsibility for the organization/coordination of a significantly higher number of SAR operations than is the case today" (EU Commission, 2017, p. 4). This shows that both the EU and Italy were intending for Libya to take over most of the SAR efforts in the Mediterranean. This is important, because without the support of both of

these actors working together, it would have been significantly more difficult for Libya to 'gain' the legitimacy it has now.

Italy, like the EU, also provided equipment for Libya. In the summer of 2017 the Italian Coast guard donated 10 rescue boats to Libya, and in August 2018, the Italian parliament gave their approval for donating a further 12 speedboats to the LCG (Euronews, 2017) (Ghiglione, 2018). Also like the EU, Italy has given its verbal support to Libya, in attempts to enhance its legitimacy as an actor in this situation. One such instance happened in 2017, shortly after the LCG interrupted a rescue operation being conducted by NGO Sea Watch, by violently threatening migrants and refugees with guns and threatening to pull them back to Libya (Forensic Oceanography, 2018, p. 44). This interference by the LCG took place using a boat Italy had donated. Despite this, only a few days later, however, the former Interior Minister, Marco Minniti still tweeted after a ceremony in which more boats were donated to Libya that he was, "impressed", by the, "motivation and resolve", of the LCG, following with: "We trust you efforts and professionalism" (Italy in Libya, 2017). Statements such as these, in which Italy did not condemn such actions, give 'political legitimization' to the LCG's behavior (Forensic Oceanography, 2018, p. 44). It must also be said that without the help of Italy and the EU, the LCG would not be able to carry out as many interceptions as it does today. Before the support was stepped up in 2016, interceptions by the LCG were virtually 'non-existent' (Forensic Oceanography, 2018, p. 44). That is in stark contrast to the current situation, the U.N. Libya mission estimates that 29,000 migrants and refugees were intercepted in 2018 (Laessing & Elumani, 2018). This shows how Italy and the EU have over time, using various agreements and actions plans formed Libya, and in particular the LCG, to take over SAR operations in Mediterranean. With that purpose in mind, they have slowly tried to make Libya look more legitimate and in turn, Italy has been 'freed' from its previous responsibilities as 'gatekeeper of Europe'.

Local

The local stratum of influence in Italy also plays a small role in the legitimation of Libya. One instance of this is the cooperation of the coast guard and navy in training and supporting the LCG. In fact, although the Italian Coast Guard project only expects the LCG to be fully functioning by 2020, the actors in this case have been working with them since 2017. Not only has the Italian Navy and Coast Guard been working together with the LCG to coordinate rescues, but also the transnational and national strata of influence have praised and supported the LCG, despite knowing they are not yet fully operational. This false depiction on all the strata of influence has helped to further 'legitimize' Libya.

This element of legitimation demonstrated the extent to which Italy and the EU worked together in order to make Libya 'legitimate' and portray the country as a stable partner. It has become clear that the aim of this was for Libya to become the replacement in rescue activities.

e.   Creating a new 'Policy' – the legitimization of closed ports

The next element of legitimacy to be analyzed encompasses the actions taken by actors after they had already made (according to their standards) Libya to be a 'legitimate' replacement for SAR operations. This stage has to do with the way in which the actors, whether by possessing a transnational, national, or local strata of influence, signified that closing Italian ports was indeed legitimate. This happened through additional funding and support by the EU, and through directives and laws in Italy. Even though perhaps Salvini's decision to disallow ships from docking in Italy seemed to be very abrupt, the analysis has shown thus far, and it will be shown once again during this stage of the investigation, that this was not the case. It is important to note that this stage only happened as a result of the previous stages – the various de-legitimizations that took place – which then helped to justify closing the ports.

Transnational

Throughout my research, I was not able to find a clear approval by the EU of Italy's closed port 'policy'. On the other hand, there has also been no condemnation of the 'policy' on the EU's part. However, in June 2018, when Salvini was first appointed Interior Minister and began to block the rescue ships, the EU commented: "the rescue boat operators could be breaking the law and would do better to remain in dock" (Hockenos, 2018). Not only does a statement like this legitimize the new 'policy', but the EU's latest focus on Africa as a 'gatekeeper' leads to further legitimacy of the practice. Indeed, it makes it clear that the EU is shifting responsibility from the bloc's member states to African nations. In fact, in the summer of 2018, the EU granted its approval in tripling its spending for FRONTEX, in order to secure its external borders (Hockenos, 2018). Not only that, it is also indicated that it was, "prepared to spend generously to assist in the creation of reception camps" (Hockenos, 2018), which would keep migrants and refugees in Africa, ultimately reducing the flow of people crossing the Mediterranean. The Council's statement after its summit following the Aquarius incident, which instructed NGOs working in the Mediterranean to "not obstruct operations of the Libyan Coastguard" (European Council, 2018, p. 1) further legitimates the closed ports 'policy', as it hands responsibility over the LCG. An additional example of the EU's legitimation of closed ports is its strategy of transforming migrant smuggling operations from "low risk, high return" into "high risk, low return" (European Commission, 2015, p. 1). The fight against migrant smugglers was noted to be

the 'priority' and seemed to legitimize actions against the smugglers no matter the cost, with no regard to the migrants and refugees whose lives would be affected by such strategies.

These actions show that the EU is not merely indifferent to Italy's 'policy', but instead, it has supported it, both verbally and through its strategy to equip African nations, thereby legitimizing the discontinuation of NGO rescue operations. The ReSOMA project (Research Social Platform on Migration and Asylum) even predicts: "The EU agenda is moving potentially towards models that externalize and offshore legal responsibilities for asylum that have failed in Australia" (Vosyliūtė & Conte, 2018, p. 7). The EU's silence on Italy closing its ports can be interpreted as support for such practices, as it legitimizes them.

National

The key approach for Italy in legitimizing its closed ports 'policy' was through the means of an eight page directive, published by Interior Minister Salvini on 18 March 2019. Before this directive, in the nine-month period in which boats were repeatedly disbarred from entering Italian ports, there was no legal basis for those actions. The discontinuation took place on a case-by-case basis, in which the prohibition was generally announced on Salvini's twitter and directly ordered by him to the Italian Coast Guard. Amnesty International reported before the directive was published in 2019: "it is unclear whether any formal decision has ever been adopted to refuse the disembarkation" to those on the boats, as it seemed the "refusal [came] via radio, media or social media" (Amnesty International, 2018, p. 9). Amnesty went on to write: "The apparent absence of formal decisions, providing the legal and factual basis for a refusal to disembark people, adds to the arbitrary nature of decisions resulting in human rights violations" (Amnesty International, 2018, p. 9). However, when the directive was published, although of course the legality of the document is questionable, the 'policy' became more clearer and the situation appeared less arbitrary, therefore making it more legitimate.

The directive's content is, as mentioned above, disputable. For instance, the Minister claims that Libya can offer 'adequate logistic and health assistance', justifying that refugees and migrants can be brought back there (Il Ministro Salvini, 2019, p. 6). However, it is widely accepted that migrants and refugees in Libya are not treated according to standards consistent with human rights (United Nations Support Mission in Libya, 2018). Moreover, he brings up issues of 'peace, good order' and 'safety', reframing the issue to be mainly about security, without consideration of the security of those on the boats who were rescued (Il Ministro Salvini, 2019, p. 6). Many actors denounced the directive, NGO Statewatch reported that a Rear Admiral of the Italian navy called it "an abuse of power" and one that creates "unmanageable situations of confusion and danger" (Il Ministro Salvini, 2019, p. 2). Despite the backlash the directive created, Italy has

gone even further to ban NGOs from operating in the Mediterranean in the recent months by introducing fines, which will be elaborated on further in section *f.*

Local

The actions of the Italian Coast Guard and Navy actions, ordered by the Interior Ministry, help to legitimize the closed ports policy. It is important to note that on this level these actors do not have much of a choice in this situation. For the most part, they follow the directions given to them from above. This can be seen in a letter sent from the IMRCC in Rome to *Alan Kurdi*, a ship carrying 64 people that had been rescued from the Mediterranean. The employees wrote: "any possible attempt" to enter Italian waters would be "considered [a] violation of international maritime law with the aim to transfer irregular migrants" (IMRCC, 2019). Again, this is without consideration that there might be refugees and asylum-seekers on board, who have a right to claim protection. The general cooperation, firstly between Salvini, and the Interior Ministry on a more national strata of influence, and with the Navy and Coast Guard on a more local strata, serve to further legitimize the discontinuation.

f.   Legitimizing the Discontinuation through Securitization

The third element of legitimacy, made clear through the previously discussed sections, is the use of securitization to further delegitimize NGO recuse efforts and thereby legitimize the closed-ports 'policy'. This element, although following on from the legitimization of Libya and the closed-ports policy, can be seen as a broader theme which permeates through the totality of the discussion surrounding legitimization. Certainly, securitizing the issue served to cement Italy's right to discontinue. This broad phenomenon sought to pivot the discussion towards a fight against migrant smuggling. Strategically speaking, the EU and Italy began to speak in terms of anti-criminal efforts, and emphasize less the human lives at stake. As Carrera noted, the fight against migrant smuggling: "has been reframed as a broader security and migration management issue, that has justified interferences with civil society free space" (Carrera et al., 2018, p. 14). This 'reframing' of the issue into a security concern has been used to further legitimize the closed ports 'policy' in particular.

Transnational

It is of note that the EU has played only a small part in focusing on the issue of securitization within this case. The key actors in this situation have been national and local actors, due to the primarily rhetorical

nature of this method of legitimization. Although the purpose of this paper is not discourse analysis, it is important to mention that most of this method of legitimization took place in the Italian language, limiting its ability to spread transnationally, to non-Italian-speaking countries.

However, the EU has made efforts to accommodate this viewpoint. As previously discussed, the European Commission designated the fight against migrant smugglers to be the 'priority' (European Commission, 2015). Its strategy, that of 'high risk, low return', in this regard shows that human lives are not at the center of the debate for the EU.

National

Within Italy's strata of influence, the nation, specifically its interior minister Matteo Salvini, framed the issue in terms of 'security' through his 2019 directive, during which he argued that rescue ships entering Italian territorial waters were detrimental to the state because they had the aim of introducing irregular migrants, which could increase the threat of 'terrorism' (Il Ministro Salvini, 2019, p. 8). Again, as elaborated before, he only refers to 'irregular migrants', despite the fact that legitimate asylum seekers and refugees may be on board. These statements are also contextually sensitive given the spate of terrorist attacks in Europe. Another example of the issue of securitization, found also in the directive, is Salvini's description of the NGOs rescue efforts. He states that the NGOs have a 'modus operandi' of carrying out rescue efforts in an 'improper manner' which 'violate' laws (Il Ministro Salvini, 2019, p. 8). Such statements criminalize rescue efforts and seek to prioritize security, and border security in particular, over human lives.

Not only did Salvini's directive set a firm rhetorical direction but it also came with legal implications, which followed in the months after. In June 2019, the government introduced a new decree which gave Salvini the power to demand a fine up to €50,000 from NGOs that bring migrants and refugees to Italy without permission (Tondo, 2019). The Parliament still has 60 days to withdraw the bill (seen from 14.06), but this is seen as highly unlikely. This action, taken three months after the directive was announced, further securitizes the issue, by criminalizing rescue NGOs, even more so by the fact that they are charities made up by public donations. Re-appropriating money from charities is a rare occurrence.

Local

Backlash to such policies at the grassroots level has been intense, in particular from NGOs operating boats in the Mediterranean. In one instance, over 50 German NGOs signed a letter to Angela Merkel, petitioning against the 'criminalization of civil helpers' ("Offener Brief an die Bundeskanzlerin," 2019). Not only did

the NGOs voice their concern, but also local maritime actors on the other side of the debate voiced their concern. When Salvini sent a letter to the heads of the Navy and Coastguard, directing them to follow his new 'policy', they accused him of "unprecedented interference" (Giuffrida, 2019). They went on to say that Salvini had "crossed a red line" with the letter and accused him and his directive of violating "every principle and protocol" " (Giuffrida, 2019). Such comments show that Salvini's attempts to delegitimize NGOs through securitization issues, did not hold total sway with those who had experience of the actual issue and with rescued people, namely the local level.

4.3. The Elements of (De)Legitimacy according to Berger and Luckmann

In this section, the six elements of (de)legitimacy are first re-visited. Thereafter, they are compared to Berger and Luckmann's four levels.

In the section above, six key elements of (de)legitimacy were discussed, which themselves became clear through the initial process of analysis and investigation. In the first element, early de-legitimation efforts, it became clear that the process of discontinuation was not an overnight decision made by Salvini, but rather a planned process involving various transnational and national agreements which date from and even in some cases precede 2014. While this process was planned, the urgency generated by language played a role in allowing this process to bypass the traditional European sensibilities. This element, role of semantics as a form of de-legitimization, marshalled public opinion against the NGOs and against the longstanding SAR practices. The 'de-humanization' semantics helped solidify the idea of migrants and refugees as an enemy, and national levels of government as an ally, in public opinion, which gave rise to an atmosphere of (de)legitimization. Hand in hand with this language, was the attempt to 'make right' or legitimize their actions or to usurp the legitimacy of the law in order to delegitimize NGOs. This element, legal obfuscation as a form of delegitimization, occurred through (a) entanglement of laws, and (b) exploitation of vague wording in the law. One of the key interplays that emerged during this research was that of legitimization versus delegitimization. On the one hand, transnational and national levels of government sought to delegitimize NGOs, whilst building up the image of Libya, previously dismissed as a failed state, as a stable partner for rescue activities. This (de)legitimation element discussed the legitimation of Libya. The key actors (Italy and the EU) relationships with this external actor (Libya) have consisted of contradictions between public statements, knowledge and appearance of caution, and practical action. This is epitomized by the use (and legitimization) of the LCG in SAR activities despite public statements from Italy that the LCG's MRCC will not be fully functioning until 2020 (Forensic Oceanography, 2018, p. 11). The fifth element, creating a new 'policy' – the legitimization of closed ports, continued on a broader level with the issue of reframing the issue of closed ports as one of security. Finally, the sixth element, the securitization

issue, takes as its focus the process by which the issue was framed around border-security and fighting criminal smuggling activities, rather than focusing on the humanitarian side. This method of articulating the issue can be seen as the culmination of the previously discussed dialectic of de-legitimation and legitimation.

The observed patterns of legitimation and de-legitimation require some theoretical grounding, in order to fully understand where they fit within the broader picture of the present research. In this section, Berger and Luckmann's four levels of legitimation will be allocated. The six elements of (de)legitimacy which I found for the SAR NGO discontinuation case will be examined based on the four levels, so to whether they fit into a certain level, if at all.

As explained in the theory chapter, Berger and Luckmann's social reality theory can be helpful when studying legitimation. As a rule, humans have 'temporal structures' in their everyday lives which provides a situation with "comprehensive history" and therefore "decisively shapes" that situation (Berger & Luckmann, 1966, p. 41). In this case, the SAR practices in the Mediterranean had a temporal structure: for years Italy, as the main actor, not only coordinated the rescue of migrants and refugees, but also took them in and helped them to begin the asylum process. However, Berger and Luckmann explain that sometimes "a sign may be distinguished from other objectivations by its explicit intention to serve as an index of subjective meanings" (Berger & Luckmann, 1966, p. 41). In breaking with the temporal structure that had basically become a 'policy', Italy distinguished several signs, the most severe sign which caught the most attention was disallowing the *Aquarius* from docking. However, to get from the 'temporal structure' to 'signs' and then to a new or changed 'temporal structure', there must be acts of habitualization and institutionalization, which then lead to the legitimation of an action.

Berger and Luckmann present four levels of legitimation, which have already been defined above. Before the discontinuation occurred, the practice of rescuing migrants and refugees was widely accepted and had successfully passed through all four of the levels of legitimation Berger and Luckmann suggest. It was almost taken for granted, by the EU as an organization, and by other member states that Italy was the 'gatekeeper' of Europe. Of course, Italy's actions also had a legal basis, so it was not grounded purely on humanitarian niceties, but on various conventions it had signed over the years, which probably gave Italy the feeling of being its rescue policies being compulsory. However, when this attitude began to shift, one could argue that it even began as early as the signing of the 'Memorandum of Understanding' in 2017 by Italy and Libya, this longstanding 'policy' quickly collapsed and the legitimation process began from the beginning.

From my findings, the decisions that were made to ban NGOs operating rescue boats almost completely bypassed Berger and Luckmann's first two levels – the 'pre-theoretical' and 'rudimentary theory' levels.

The first level of legitimation, 'pre-theoretical' is self-evident and is made through human experiences. I did not see this level in my case, as the new policy did not seem to be 'self-evident' or widely accepted across human experience. I would also argue that this level requires some time for it to become accepted and legitimate. However, for most people, the new 'policy' probably only became a reality once the *Aquarius* was not given permission to dock, which was perceived as very sudden decision. The second level – 'theoretical propositions in rudimentary forms' was only slightly evident in this case. This level entails pragmatic applications and is explained through assigning objective meaning. In this case, there were some actions, taken on transnational, national and local levels, that were pragmatic applications in response to an action which had taken place. For example, the general acceptance of the Libyan SAR, which had to do with an actor external to the EU-Member States-Italy dynamic was accepted and then even built upon to further delegitimize NGO rescue efforts.

Despite this slight alignment to the second level, my findings have shown that the discontinuation process moved almost directly from nearly non-existent legitimation to what could be considered Berger and Luckmann's third level – 'explicit theories'. Explicit theories postulate that specialized legitimators are involved, because of the complex matter. Furthermore, explicit theories are made up of frames of reference, obligations and standard operating procedures. In this case, specialized legitimators, such as EU officials, Italian officials, and other member state officials were not only involved, they were the initiators. These specialized legitimators then used regulations such as frames of reference, for example by demanding that all NGOs working in the Mediterranean sign a Code of Conduct (Italian Government, 2017). They introduced obligations and standard operating procedures, through re-interpreting laws, threatening with fines and allowing the LCG to replace the EU Member State Coast Guard. Furthermore, specifically the Italian government framed the issue to be one of securitization. Berger and Luckmann's fourth level – 'symbolic universes', has not yet been reached in this case. Although it is probably a goal of the actors for the public to accept Libya as a stable replacement to conduct SAR, symbolic universes must be seen as a totality. This is not yet the case, as there are not only continuous efforts in the Mediterranean by NGOs to continue rescuing, but also it is seen as an ongoing issue, one that has yet to be completely decided on.

4.4. Findings: The Januslike nature of Legitimation and De-legitimation

To conclude, the analysis has shown some key developments, as well as demonstrate the process of legitimation that occurred in the NGO rescue boat discontinuation. Firstly, the foundation of the issue was set using the basic discontinuation trajectory. This was specifically relating to the first sub-question, namely, the steps and activities that were undertaken in order to discontinue the longstanding practice. This trajectory established a 'type' and typical 'pattern' of discontinuation. Based on this type, strata of influence

were derived for this case. This table served to breakdown the complex governance structures that exist in this case and form a point of comparison between the theoretical level and case study. A timeline was formed to show the reader key events. After the basic framework was set out, in which the act of discontinuation was contextualized, the trajectory was re-fitted twice, once for the case of Italy and once for the EU. This served to show not only the differences (and similarities) of the two key actors, but also key discontinuation moments which occurred. This served as a basis to then zoom in on the key points found in section one to build upon in section two.

The analysis then moved from asking the '*how*' question to asking how the process of, on the one hand, de-legitimation was carried out in ending the former practice, and on the other hand, the process of legitimation was implemented to introduce a new 'policy. This involved six elements of (de)legitimacy which were found during the data analysis to be key changes in the timeline. The first three elements, early de-legitimation efforts, the role of semantics and legal obfuscation had to do with the delegitimization of the old policy. This took place through multi-faceted methods, such as helping Libya to establish an SAR zone, signing agreements, the use of dehumanizing language and re-interpretation of laws. The last three elements, on the other hand, had to do with legitimation efforts by the EU and Italy. This occurred by presenting Libya as a stable partner, reframing the issue as one of fighting against human smuggling and through the publication of Salvini's directive.

The process of first analyzing the development of discontinuation and then moving to the process of (de)legitimation allows for five key observations to be made.

1. The Janus-like Nature of Legitimation and De-legitimation

The key finding from this analysis and a theme running throughout the thesis is how large a part de-legitimation plays in the strategy in the larger effort to legitimize a policy discontinuation or a new policy. It has become clear that the process of legitimization is Janus-like, and constantly working between the facets of legitimization and delegitimization. This key finding has many applications for the study of the methods used by policy-makers in the public sphere. Firstly, de-legitimation and legitimation are deeply connected, and are not as useful for producing policy discontinuation and thereby, introducing a new policy, when not working in conjunction with each other. Secondly, it can be said that this dialectic is becoming increasingly Januslike in our modern age. Whereas in the past, the move to make an actor legitimate from a position of illegitimacy were often slow, however, in today's climate, the two poles have been brought much closer together, so that it is now possible to flip a policy or actor from a position of legitimacy to a position of illegitimacy, in a very short space of time. Thirdly, this finding shows the pragmatism of EU

social reality. In other words, the ease with which legitimization and de-legitimization can be employed to define new social realities. In this situation, we can see the EU casting aside any pre-judgements about Libya as a country for the sake of finding a solution to an existential threat. Finally, focusing in particular on de-legitimation, it become clear during the analysis that de-legitimation was the key tool for producing misalignment among the key actors in this case study. Whether it be by de-humanizing refugees, or de-legitimizing the efforts of NGO rescue ships, modern media made it particularly easy to question actors for whom there was a longstanding precedence of respect. In sum, this key dialectic demonstrates that the process of discontinuation requires attention to both potential solutions as well as negating what has come before. All four of the following observations make use of this dialectic, as result, this particular finding can be considering something of a 'master framework'.

2. EU the Instigator?

Although Italy, and specifically Salvini is seen as the face behind the discontinuation in the media, this is only one interpretation of what really happened (Walt, 2018). In fact, approximately five years before he was appointed as Deputy Prime Minister and Interior Minister of Italy, the EU was already taking steps to restrict and reduce SAR activities in the Mediterranean. This can be verified through two key examples. Firstly, after one year of operating *Mare Nostrum*, it became too expensive for Italy to continue, and Italy asked for support from the EU in continuing the expensive research operation (Reinbold, 2014). However, the EU did not back Italy in the matter, and instead replaced *Mare Nostrum* with Operation *Triton* in 2014, which had a budget decrease of over six million euro per month. This operation not only had a diminished budget, but also focused mainly on stopping smugglers, as opposed to rescuing. This shows that SAR operations in the Mediterranean were not seen as a priority for the EU, despite Italy, the primary receiver of migrants and refugees, reporting otherwise. Secondly, in 2015, the EU began to mention building so-called migrant holding centers in African countries, at the Valletta Summit on Migration (Council of the European Union, 2015). This shows that the EU's response to the Mediterranean crossings was not on rescuing, but rather avoiding the issue altogether by building holding centers. These two responses show that the EU made key decisions to instigate the discontinuation, starting as early as 2014. Of the EU's tools during this scenario, the de-legitimization of NGO ships and the legitimization of Libya has an actor were an important part of transforming the policy.

3. A Planned Process

Developing on the observation of the EU's role as the instigator in the discontinuation decision, it is has also been made clear that the banning of NGO rescue boats was a planned process. This was made clear through the element 'early de-legitimation efforts' discussed above, many of which occurrences took place from 2014 until 2018. The process was shown through multiple efforts by both the EU and Italy to build up and train the LCG (IMO: Submitted by Italy, 2018), (European Commission, 2017a) (Paravicini, 2017). Furthermore, Italy signed the 'Memorandum of Understanding' with Libya, supported by the EU, which set out goals for the future aims for Libya's coast guard and navy to be made stronger. A Code of Conduct was drafted by Italy, which was instructed by the EU, which limited the NGO's role in the SAR efforts. The previously discussed Januslike dialectic can be seen throughout the process, in which steps were taken to slowly de-legitimize NGOs and, in turn, 'legitimize' the LCG.

4. Strong Cooperation between Italy and the EU

In order to 'legitimize' Libya and the LCG, the cooperation between the EU and Italy was necessary. There were several instances in which one of the entities acted, with the support of the entity, mostly through verbal support. Some examples include: Italy being told to help Libya establish an MRCC and SAR zone by the Commission (European Commission, 2017a), the EU pledging its support for the LCG after the initial *Aquarius* ban (European Council, 2018), and jointly supporting Libyan authorities with funding (European Commission, 2017d). These joint-efforts assisted the LCG in becoming what it is now in 2019, before the involvement of the EU and Italy, inceptions by the LCG were, as described by Forensic Oceanography, as 'non-existent' (Forensic Oceanography, 2018). The 'legitimization' of Libya could not have occurred without the support and interaction of Italy and the EU.

5. Strata of Influence – local 'level'

The final finding of this paper is that the lack of influence of the local level may have been a contributing factor to the ease with which the Januslike dialectic was able to function in this particular scenario and also the ease with which the EU was able to pragmatically create its social reality. That is because those who are most in touch with on-the-ground actions and the people being rescued were disconnected from transnational and national levels of government, who were making the decisions. Therefore, the importance of the transnational and national strata was made clear. The local level in this case seems to be merely responsive and does not act alone. This is perhaps in contradiction to how Berger and Luckmann would

describe the legitimation process, as their first level consists of 'self-evident' knowledge and human experiences. This could be translated into the local level being the first to act as legitimators, however, in this case, that cannot be seen.

5. Conclusions and Outlook

This thesis analyzed an area of policy discontinuation concerning an existential issue. The discontinuation of NGO rescue boats in Italy was chosen because of its unique make-up as a scenario. Its complex and multi-level governance form, the perceived abruptness of the discontinuation, and its status as one of the few contemporary examples of discontinuation that concerns human lives, make it an important benchmark for discontinuation and termination studies. Perhaps more thematically, is it one of the most dramatic examples of anti-immigrant practices impacting upon European humanitarian responses in the modern era. This thesis studied the development and (de)legitimation of a situation whereby the EU and Italy could suspend the longstanding practice of allowing NGO rescue ships in the Mediterranean to dock and offload, and introduce the unprecedented practice of banning such ships. In order to do this, the thesis used an interpretive approach, with use of a case study method and grounded theory. A mix of contemporary and classical theories, on one hand Berger and Luckmann's *Social construction of reality*, and on the other hand, discontinuation studies by Stegmaier et al., were put to use. The interpretive method along with these theories provided a heuristic from which this nuanced case could be examined. The resulting analysis was formed into two sections based on the development and (de)legitimation of this particular instance of discontinuation. The development of the case study served as a basis for the following study of (de)legitimation. In this second part, six key elements were identified: early de-legitimation efforts, role of semantics, legal obfuscation, legitimation of Libya, legitimation of closed ports and securitization. These served simultaneously as elements of (de)legitimation, and as pivots upon which the discontinuation event developed further.

From this analysis, five key observations were drawn out, which should contribute to the wider literature surrounding policy discontinuation. Of these, the Januslike nature of legitimization and delegitimization was designated as the key, and as running through the other four. The second of these was the relationship between the transnational and national actor in this case study, namely between the EU and Italy. This was significant as it was shown the EU was, to an extent, the instigator of this scenario. The third observation to be made was that throughout the process of this present research, it became clear that this was a much more nuanced process that culminated in the banning of the *Aquarius*. These two observations can be seen as contrary to public perceptions. The fourth observation was that without the cooperation and support of Italy and the EU, training the LCG, it would not have been possible for them to fulfill the maritime rescue role they currently undertake. This confirms that Italy and the EU have handed off SAR efforts in the Mediterranean to Libya. This is controversial and strikes to the heart of the ethical dilemma facing the EU, which prides itself on human rights, but whose member states struggle to come to terms with large numbers of migrants and refugees coming ashore. Finally, the lack of influence from the local level upwards was

striking in this particular case study. That is to say, the main decision-makers were overwhelmingly not those with on the ground experience of the situation, and the centralized nature of both the EU and Italy decision-making can be seen in this case.

Limitations and Further Research

This thesis used interpretive, exploratory methods, indicating that the data can be interpreted in different ways. Therefore, this can be seen as a limitation of my research, as there are many different angles one can view this issue from. Furthermore, it would have been interesting to see how broader circumstances in the EU, such as the rise of populism, or anti-immigrant rhetoric, had an impact on the decision Italy made. Another point which could have made this research more sound is extending the timeline back until 2010 or even earlier. This could have provided a more complete understanding of the situation. However, this could not be done, due to time limitations. Another limitation could be that while the local level had a low level of influence, further insights may possibly have been drawn out if more groundwork would have been carried out.

This research also brings up many points of further interest. An interesting perspective on the issue might be to conduct a comparative study of this issue with perhaps migration policy in the USA or in other European countries, to see whether one country alone can make such a 'policy' in complex governance structures, or whether it is always the case, such as here, where two entities (EU and Italy) are needed. Another point of interest may be studying the discourse of this case, with specific regards to Salvini's Tweets and Facebook posts. Zooming out, a study on whether there are previous precedents for such situations in the law of the sea may also be of interest.

Outlook

The current situation bodes a bleak way forward for humanitarian organizations who may want to conduct rescue operations in the Mediterranean. Current bans and threats of fines have deterred many ships from undertaking such rescues, and those that do face physical obstacles at ports when attempting to disembark the people who they have rescued.

Further developments such as the expected completion of the Libyan MRCC in 2020 have the potential to make a large step towards legitimizing the Libyan SAR zone, and its activities there. However, what kind of treatment refugees and asylum seekers would receive even if legitimately rescued would still be in question, due to the instability of the current Libyan state.

Taking a broader view on discontinuation as an academic topic, the increasing number of high profile reversals on long-held political norms, on both sides of the Atlantic within established governments only increases the need to study and research the process by which how policies are purposefully discontinued. Taking the observations from our findings and applying them to global trends, it will be important to track the observed criminalization of refugees and the NGOs who help them. This precedent raises many important ethical issues, the outcomes of which are difficult to predict.

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