The Migration Crisis, the Irregular Migrant and the Global Governance Response. Interrogating the Identity Formation Process in Programmatic Documents

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ABSTRACT: The migration crisis has become a chronic phenomenon, testing the institutional limits of the migration governance framework at the international and regional level. As the crisis became more and more embedded in certain hotspots (the Mediterranean region, the US-Mexico border), the places of migration – in their various capacities as sending, transit, destination, return places – are transformed into ideational laboratories of struggles over identity and belonging, awakening dormant illiberal reflexes that, in turn, led to the development of a framework of separation between the Self and the Other. On the ground, walls are the physical manifestation of this animus and, as a result, an entire "ecosystem" of border fortifications emerged as a vallum-sphere began to haunt the polities. The present article analyses how international actors have developed instruments in response to the migration crisis and how these governance frameworks contribute to processes of identity formation. Using policy document analysis, the research examines the global governance regimes on migration, reviewing the positions of the International Organization for Migration and of the United Nations High Commissioner for Refugees. In identifying the instruments developed to manage the migration crisis under these governance settings, the article seeks to explain how they contribute to the construction of the irregular migrant identity in all their polyvalent complexity.

KEYWORDS: global governance; governance of migration; migration crisis; irregular migration; identity construction.

TITLU: „Criza migrației, emigrantul aflat în situație neregulamentară și răspunsul guvernării globale. Analiza procesului de formare a identității în documentele programatice"

REZUMAT: Criza migrației a devenit un fenomen cronic, testând limitele instituționale ale cadrului de guvernanță a migrației la nivel internațional și regional. Pe măsură ce criza s-a statornicit în varii zone de pe glob (regiunea mediteraneeană, granița dintre SUA și Mexic), aceste locuri ale migrației – puncte de origine, tranzit, destinație și întoarcere – se transformă în laboratoare ideatice ale luptelor pentru identitate și apartenență, trezind reflexe iliberale latente care, la rândul lor, conduc la dezvoltarea unui cadru de separare între Sine și Celălalt. În plan material, zidurile sunt manifestarea fizică a acestei animozități, iar pe măsură ce spectrul zidurilor a început să bântuie politicul, un întreg „ecosistem" de fortificații fizice și tehnologice a acaparat frontierele. Prezentul articol analizează modul în care actorii internaționali au dezvoltat instrumente ca răspuns la criza migrației și modul în care aceste cadre de guvernanță contribuie la procesele de formare a identității. Folosind analiza documentelor de politici, cercetarea examinează regimurile de guvernanță globală privind migrația, analizând pozițiile Organizației Internaționale pentru Migrație și ale Înaltului Comisar al Națiunilor Unite pentru Refugiați. Identificând instrumentele dezvoltate pentru gestionarea crizei migrației în aceste contexte de guvernanță, articolul își propune să explice modul în care acestea contribuie la construirea identității complexe a migrantului aflat în situație neregulamentară.

CUVINTE-CHEIE: guvernanță globală; guvernanța migrației; criza migrației; migrație neregulamentară; construcția identității.

INTRODUCTION

The migration crisis may have abated in the Mediterranean region after the first half of the 2010s and, in particular, after the heights recorded in the Summer of 2015 (Spindler 2015), but it did not end, persisting ever since at a low intensity. For this region, the crisis has, arguably, acquired a permanent status in light of the patterns emerging over the better part of a decade (International Centre for Migration Policy Development 2024) and in this context, the European Union (EU), its Member States (MSs) and the states in the near and afar neighborhood continued to struggle, redoubling their efforts to mitigate the effects of the crisis. Still, the human toll increases year after year, with migrants disappearing and dying en route to their destination as shown by the International Organization for Migration (IOM) as part of its Missing Migrants Project.

Given the evolving migration trends and the deterioration of the security across multiple regions, it is critical to have an understanding of the current governance frameworks on migration developed by global organizations, both from a supranational and intergovernmental perspective. In this sense, the present article develops a framework to trace how the phenomenon of migration, and of irregular migration, specifically, has been addressed by a swathe of global actors. Using policy document analysis, the research establishes an institutional baseline at the UN level, with a focus on the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).

A secondary research direction focuses on the role these institutional actors play in the construction and maintenance of the irregular migrant identity given that they are the principal actor in the migration crisis. By developing this framework, the research intends to establish how the migrant identity, and specifically, that of the irregular migrant is formed and reformed, defined and codified in the current institutional frameworks on migration and what this spells for the management of the crisis as it continues to unfold at the regional and global levels for the foreseeable future.

LITERATURE REVIEW

The governance of migration has been the object of numerous studies and transdisciplinary approaches, revealing the complexity of this issue in relation to the impact it has on the subjects involved (Ferris and Donato 2019), highlighting the political, economic, security, environmental and human rights implications (Carmel et al. 2021; Thalheimer and Webersik 2020; Cholewinski and Taran 2009) or showcasing the possibilities and limits of the existent governance frameworks (Castles and Van Hear 2011; Lavenex and Piper 2019). Meghan Benton, Natalia Banulescu-Bogdan, and Kate Hooper argue that current governance frameworks are broken due to policy hindrances ranging from poor coordination between policymakers at different governance levels, unequal socio-economic impact and costs, policy deficiencies related to short electoral cycles, and media cycles accentuating migration biases (Benton et al. 2025, 4-6).

In the context of the migration crisis, the focus has been on managing the phenomenon of irregular migration, which the IOM defines as "movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination" (IOM n.d.). The lines codifying the irregular migrant have become more and more blurred given that the regular – irregular nexus is fluid and dependent on a push out / push back grid of conditions that vary over time and space depending on state interests (Denisson 2022; Castles et al. 2012). This leads to a situation where one's status will be recognized, denied, or withdrawn depending on the policymakers' approach to this issue (Spencer and Triandafyllidou 2020; Könönen 2020). Anna Triandafyllidou argues that "irregular migration should be understood as a structural feature of post-industrial societies and global inequality dynamics", where "irregularity is neither an "end-state", nor an "on–off" condition" (Triandafyllidou 2023, 14).

Due to its scale and given the varied types of vectors driving irregular migration, there has been an institutional scramble to regulate it as recorded by the literature (Ambrosini and Hajer 2023; Sahin-Mencutek et al. 2022; Triandafyllidou and Bartolini 2020). Two aspects – to a degree, interdependent and mutually reinforcing – stand out in relation to the current trends shaping the governance of irregular migration and these are: the quest for politicization and the drive towards criminalization (Rosina 2022; McNevin 2011). Franck Düvell articulates this dynamic as follows: "only once states issued legislations that declared unwanted immigration illegal and punishable, and introduced technologies, administrations and enforcement procedures to support this legislation, that previously regular migration finally became irregular" (Düvell 2011, 276). In the years since the publication of Düvell's article, irregular migration has become the main driver of the migration emergency with actors across the political spectrum from Europe, the United States or Australia, wielding the issue as a cudgel to garner electoral support while migrant lives become targets under a securitization architecture that states have designed in order to push them back to their places of origin or, in lack of an alternative, to third party states (Abbondanza 2025; Güler 2025; Zarhoule 2025; Carvalho 2014; Givens 2012). According to Stefania Panebianco, more than irregular migration, the irregularization process is a driver of insecurity since "border regulations are inadequate to face mobility trends and render violations of border regulations almost necessary", while the aftermath of such crossings leaves the status of these migrants in a regulatory limbo (Panebianco 2022, 11).

Linked to the impact of the unfolding migration dynamics, studies focus on the problematic of the regions involved in the migration crises (Menjívar et al. 2019), relative to their status as sending, transit, or destination locations. In the European case, those relevant concern Southern Europe, the Mediterranean region, the Balkan crossings, North Africa and Southwest Asia (Genovese 2024; Squire 2022; Amenta, Di Betta and Ferrara 2021; Župarić-Iljić and Valenta 2019; Panebianco 2019; Morris and Qureshi 2022; Tsourapas 2021; Marfleet and Hanieh 2014). For the EU, as a space defined by the liberty of circulation of its members, Julien Jeandesboz and Polly Pallister-Wilkins point to the crisis framework that dominates the policy of migration from the beginning of the political union in the early '90s (Jeandesboz and Pallister-Wilkins 2014, 115-16). This is significant because it subjects the EU territory to an emergency state that requires, in equal measures, exceptional measures and "discrete bureaucratic routines", reinstating, otherwise removed barriers, in relation to third parties (Jeandesboz and Pallister-Wilkins 2014, 116).

Finally, a last aspect to discuss concerns the criticism levelled at the state of the current migration frameworks (Vigneswaran and de León 2024, Desmond 2020, Rother 2013), with emphasis being put on the idea that time and time again, national sovereignty trumps international regulations. Alan Desmond's observation that "There is abundant evidence of states' reluctance to co-operate on international migration while being explicitly bound by human rights obligations" reflects this state of affairs (Desmond 2023, 318). Eugenio Cusumano and Marianne Riddervold argue that "the EU has failed through in its migration governance", noting that "facing situations framed as crises, decision-makers are especially likely to copy previous solutions, even if those solutions are not suitable or appropriate for the new problems at hand" (Cusumano and Riddervold 2023, 3038).

In light of these aspects underlined by the literature, we can identify, examine and evaluate the key elements of the available migration frameworks and apply them in the context of irregular migration.

RESEARCH FRAMEWORK

In the field of migration studies, a qualitative methodological toolkit has been emerging that includes techniques ranging from interviews, focus groups, participant observation to discourse analysis and digital research frameworks (Allen and Vargas-Silva, eds. 2024,

Zapata-Barrero and Yalaz, eds. 2018). On the application of discourse analysis in migration studies, Teun van Dijk defines the migration discourse as being "about migration or its many aspects but also be a constituent part of migration as a phenomenon, as would be the stories of migrants, as well as parliamentary discourse preparing immigration policies" (van Dijk 2018, 230). Discourse, in this case, is both language and socio-political interaction given that it brings together different types of actors (individuals, groups, states, intergovernmental and non-governmental organizations) interacting within political and policy frameworks (van Dijk 2018, 230).

Along this line, we can argue that documents are also socially constructed conduits of meaning, reflective of a collective dynamic whose significance lies in the context and with the actors that produce them. Document analysis represents another method that allows the researcher to examine and interpret legal frameworks tracing patterns between documents and identifying themes for the purpose of explaining and understanding current institutional developments, aiding one to advance and develop better policy recommendations (Kutsyuruba 2023). In their assessment of the World Health Organization guidelines, Melissa Taylor et al. employed document analysis that they characterized as "a qualitative method [...], which aims to synthesise and appraise textual data to elicit meaning, gain understanding and develop empirical knowledge" (Taylor et al. 2024, 2).

Neela Hassan describes institutional documents in terms of "records that enable us to understand the particularities, effectiveness, and impact of institutional procedures" (Hassan 2025, 74) whose purpose is regulated by the various categories of actors identified, and, in turn, regulates the groups falling under their scope. In this context, critical approaches to document analysis that underline the positions of oppressed and discriminated groups (Sankofa 2023) should also be considered when assessing or developing policy frameworks that concern migration issues.

For the purpose of this analysis, a research framework derived from policy document analysis was developed to provide a multi-level assessment of the current global and regional governance regimes on migration. We selected and reviewed programmatic documents intended to shape policy responses at intergovernmental and regional level: IOM's Migration Governance Framework and the UNHCR's endorsed Global Compact on Refugees. Subsidiary considerations on identity formation are also addressed given that these instruments are designed to shape public policy at lower levels of decision-making.

Policy document analysis was used as a method of research because it enables us to deconstruct the policy documents and determine a set of vectors that influence the nature and direction of the policy outlines reviewed. In this sense, we borrow and adapt from Carol Cardno's seminal text on policy document analysis and use a methodological scheme containing five directions of inquiry: a) document production ("Why was the document produced?"); b) document authorship ("Who wrote the document and what is their position?"); c) policy context ("What is the purpose of the policy?"); d) policy content / text ("What are the key elements of the policy?"); and e) policy consequences ("What is the intended overall impact of the policy?") (Cardno 2018, 630). In regards to the text of a document enacting a policy, Cardno explains that "is the substance of analysis and contains "information about policy construction, interpretation and implementation issues" (Cardno 2018, 629).

GLOBAL GOVERNANCE FRAMEWORKS ON MIGRATION
The IOM's Migration Governance Framework

The IOM's Migration Governance Framework (MiGOF) was advanced in April 2015 and endorsed in Council resolution C/106/RES/1310 in November 2015. It sought to codify the Sustainable Development Goal (SDG) indicator 10.7.2 focusing on the "Number of countries with migration policies to facilitate orderly, safe, regular and responsible migration and mobility of people", by providing a set of guidelines consisting of 22 points covering eight topics: a) the impetus for creating a Migration Governance Framework; b) states required to

adhere to international standards and to fulfil migrants' rights in pursuit of a good migration governance ; c) states formulating migration and related policy using evidence and whole-of-government approaches; d) states advised to not govern migration in isolation as the phenomenon requires strong partnerships; e) states' migration and related policy needing to advance the socioeconomic well-being of migrants and society; f) good migration governance requiring states to address effectively the mobility dimensions of crises; g) states ensuring that migration takes place in a safe, orderly and dignified manner; and lastly, h) the IOM's input on the application of the Migration Governance Framework (IOM, 2015).

The MiGOF was characterized as being "a coherent, comprehensive and balanced vision for migration", with the document stipulating that it did "not create new standards or norms", citing existing international regulations as legal basis for the application of the MiGOF (IOM 2015, 1). In this sense, the document included an annex stipulating the legal basis for the migration framework.

The purpose of the MiGOF was to promote a well-managed migration based on a set of fundamental principles and key objectives described as "coherent, comprehensive and balanced". The three principles outlined affirmed that states should: "(i) adhere to international standards and fulfils migrants' rights; (ii) formulate policy using evidence and a "whole-of government" approach; (iii) engage with partners to address migration and related issues" (IOM 2015, 2). In order for migration to be "humane and orderly and benefit migrants and society", states should pursue a set of objectives: "(i) advance the socioeconomic well-being of migrants and society; (ii) effectively address the mobility dimensions of crises; (iii) ensure that migration takes place in a safe, orderly and dignified manner" (IOM 2015, 2). The annex further broke down the principles and objectives into key themes that states should operationalize and institutionalize in the implementation of the MiGOF.

Given that the scope of the MiGOF reflects a comprehensive approach to migration, for the purpose of the present analysis, we will highlight those aspects that states try to eschew in practice: "enact policies and programmes that bring no harm and alleviate migrant vulnerabilities"; "decriminalize irregular migrants"; "reflect in policies migration trends and links with climate change, crises and demographic"; "ensure that non-national residents can have the same access as nationals to health care, social services, education and housing"; "facilitate access to safety and protection for displaced populations, and accept refugees and asylum-seekers, including through resettlement and other forms of humanitarian admission"; "register displaced persons and ensure they can access services" (IOM 2015, Annex 2-5). The MiGOF emphasizes the need for states to establish environments that promote stability by adopting socioeconomic policies centered on the well-being of both the migrants and society, acknowledging that migration is inevitable, that "even if the drivers of forced migration were eliminated, individuals would still choose to move" (IOM 2015, 4).

On the issue of irregular migration, the MiGOF underlines that "there are tens of millions of migrants or displaced people who are vulnerable due to personal characteristics, circumstances or legal status" (IOM 2015, 2-3). Consequently, a state should "provide assistance and protection" in accordance with international norms and should not criminalize the irregular migrants or the persons "subject to forced labor, trafficked or smuggled" (IOM 2015, 2-3). At the same time, states should be able "to detect irregular migration and […] prohibit illegal cross-border activity" (IOM 2015, 6) which, arguably, places the irregular migrant in a codified limbo where their status is concerned since states will primarily prioritize their national interest and, in subsidiary, address broader humanitarian concerns. The illiberal drive to single out migrants for the various issues faced by contemporary societies has become the policy de jour in multiple states across Europe or in the United States (Filimon 2025, Filimon 2016, Filimon 2020).

While the IOM as an institution has traditionally prioritized states in the development of policies on migration, the MiGOF seeks to overcome this tendency, as reflected in the preoccupation, recurrent throughout the document, for vulnerable categories. Younes Ahouga notes that the focus awarded to irregular or forced migrants based on a cooperative

framework, overseen by the IOM ought to create conditions for states to implement good migration policies, instead of politicizing migration (Ahouga 2023, 38). Additionally, the MiGOF, inadvertently, proposes a desecuritization alternative for the management of migration, that supports a whole-of-government approach to mobilize the entire bureaucratic apparatus of the states acting in coordination with their counterparts, instead of strictly prioritizing a negative sum national security response to deal with migration.

The obstacle that emerges in practice, as Ahouga observes, lies with the sovereign quality of the states and their apprehension surrounding any real or perceived limitation placed on their sovereignty (Ahouga 2023, 40-41). This, in turn, created institutional incentives to mollify the states, as seen, for example, during negotiations, when the text of the resolution drafted was altered, "changing the expression 'international migration law' to 'principles of international law which are related to migration'" (Ahouga 2023, 41). In doing so, the MiGOF was prevented from establishing "an international migration regime being adequately implemented with power over states' interactions" (Ahouga 2023, 41), being limited, at best, to an advisory framework, with added oversight.

However flawed, the MiGOF represents a tool that the IOM can point towards, when the issue of good practices arises, acknowledging the importance of safeguarding the rights of all migrants, especially those most vulnerable and liable to be materially and institutionally pushed back from the countries pursuing individual policy responses to the migration crisis.

The United Nations High Commissioner for Refugees and the Global Compact on Refugees

The Global Compact on Refugees represents an international agreement under the tutelage of the United Nations High Commissioner for Refugees (UNHCR) that was adopted by the General Assembly in the resolution A/RES/73/151 on December 17, 2018. Where the MiGOF is an ideational outline, the Global Compact represents in the words of the High Commissioner, a "comprehensive refugee response framework", developed in accordance with the principles of humanity and international solidarity and by pursuing the operationalization of "the principles of burden- and responsibility-sharing" (United Nations 2018, 5). The Global Compact outlines four objectives – "(i) ease pressures on host countries; (ii) enhance refugee self-reliance; (iii) expand access to third country solutions; and (iv) support conditions in countries of origin for return in safety and dignity". These objectives are described as *interlinked* and *interdependent* since in order to be achieved they depend on multiple conditions being met: "the mobilization of political will, a broadened base of support, and arrangements that facilitate more equitable, sustained and predictable contributions among States and other relevant stakeholders" (United Nations 2018, 4).

Though there is a vast body of international treaties that recognize and protect the rights of refugees and asylum seekers, in the context of the migration crisis, these norms are being eroded by state actors due to the fact that the makeup of the migration movements is mixed. As defined by the UNHCR, mixed migration "refers to flows of people travelling together, generally in an irregular manner, over the same routes and using the same means of transport, but for different reasons" (UNHCR, n.d.). The refugees, the asylum-seekers, the stateless people and others who fall under the UNHCR mandate are negatively impacted by policies designed to combat irregular migration. It should be noted that the UNHCR states that human rights should be respected in their totality, including "the rights of all persons on the move, regardless of their legal status" (UNHCR, n.d.). For the present analysis, individuals falling under the UNHCR umbrella are included in our analysis since national regulatory trends can purposefully blur or outright disregard the rights of these individuals, on account of them participating in irregular migration.

The Global Compact reflects the complex dynamic of contemporary migration and the need for a regulatory framework that upholds human rights and fights against discrimination, abuse, and exploitation. To mitigate the condition leading to involuntary migration, the Global Compact also advocates for support measures that the international community should adopt

in order to stabilize the socio-economic and humanitarian conditions in the countries of origin. For this purpose, the Global Compact encompasses a comprehensive refugee response framework (CRRS) and develops a programme of action (PoA).

The Programme of action (PoA) refers to the presence of "large refugee situations" stemming from diverse conditions leading to forced displacement (United Nations 2018, 6). The PoA also addresses the existence of heterogeneous population movements where refugees are mixed with other individuals seeking to migrate. As with the MiGOF, the PoA invokes the need for partnerships and good practice exchanges between UNHCH and IOM, as well as between the members of the international community at large. Measures to combat abuses that refugees are exposed to in transit or host communities are paramount, with an emphasis on ending "trafficking in persons, sexual exploitation and abuse" (United Nations 2018, 6).

The PoA is structured around two parts: *Arrangements for burden- and responsibility-sharing* and *Areas in need of support*. The former is designed around a multi-level approach, comprising a global component reflected in the Global Refugee Forum; and a national, supra- and sub-national dimension consisting of national arrangement and regional approaches, backed by a support platform. Lastly, emphasis is put on key tools for effecting burden- and responsibility sharing. These key tools involve funding and effective / efficient use of resources, ranging from humanitarian assistance, development cooperation or maximizing private sector contributions. In the last instance, the private sector could be included as a critical stakeholder that could pursue "opportunities for private sector investment, infrastructure strengthening and job creation in contexts where the business climate is enabling" (United Nations 2018, 13).

Aside from funding, the PoA also identifies the need for a multi-stakeholder and partnership approach. While recognizing that states are the main participants in this process, the PoA emphasizes the need for UNHCR to have "a supportive and catalytic role", that would enable it to act "in close coordination with national institutions" (United Nations 2018, 14). At the individual level, refugees and host communities need to be pro-actively involved in the management of this process, and have the opportunity to assist in the formulation of inclusive responses. Such involvement could alleviate the risks of abuse that the host system and subjected individuals might be exposed to, with mechanisms put in place to detect fraud and corruption. To ensure that the PoA is operational and structurally sound, a swath of actors would take an active role, beginning with the entire UN system, humanitarian and civil society organizations, local authorities, networks of cities and municipalities, parliaments, faith-based actors, academic networks of refugees, etc. (United Nations 2018, 13-16).

The second part of the PoA is dedicated to *Areas in need of support* and contains in-depth provisions about reception and admission of refugees from early warning instruments to identifying international protection needs. It also provides a detailed framework for the specific needs of the communities involved, covering multiple areas critical to the the socio-economic development of the individuals (education, health, livelihood, etc.). A third and final section is focused on the provision of solutions, divided in five categories: 1) support for countries of origins and voluntary repatriation; 2) resettlement; 3) complementary pathways for admission to third countries; 4) local integration; and 5) local solutions (United Nations 2018, 33-40).

On the need to implement durable solutions, the PoA proposes that "everyone has the right to leave any country, including his or her own, and to return to his or her country; […] which should occur in a safe, dignified and humane manner" (United Nations 2018, 48). Volker Türk argues that the Global Compact on Refugees was established as a response to the crisis dynamic that the migration phenomenon phased into over the last two decades and in light of the snowballing factors that enabled it – conflict, poor governance, environmental degradation, etc. (Türk 2018, 575). In the early days of its adoption, the Global Compact provided a roadmap for a better and safer approach to the refugee issue, constituting "a more predictable response" to the contemporary crisis situations (Türk 2018, 580). For Türk, the framework

outlined in the Global Compact represented "the best that can be achieved in a document that aims to articulate, in effect, commitments for everyone, but which is at the same time voluntary and legally non-binding" (Türk 2018, 580).

In contrast, Emily E. Arnold-Fernández argues that the Global Compact has de facto substituted the Refugee Convention which is problematic because as we have seen in our outline of the document, the emphasis is put on the consolidation of the rights of states, otherwise affording rather general provisions for refugees' rights and interests (Arnold-Fernández 2023, 1). While touting the rights of refugees, the document addresses the positions of states – especially European countries – that had been impacted by the spikes in the migration crisis from the Summer of 2015 when a large number of people arrived at their borders. Arnold-Fernández explains that "European governments were interested in stemming the arrival of refugees, for a variety of reasons ranging from the challenges of integrating foreigners seeking residence in significant numbers to the possibility of one or more factions gaining political power by fanning flames of xenophobia" (Arnold-Fernández 2023, 2).

The limitations of the Global Compact are therefore glaring since they highlight the irreconcilable tension between the immovable object of state sovereignty and the unstoppable drive for survival of displaced persons. If the goal of such documents is to provide pathways to limit (irregular) migrants from coming to places such as the EU by mitigating the push out factors driving migration, then the results leave something to be desired. Case in point, after the peak of the migration crisis in 2014-2015, only in one year (2020) the figures for arrivals dropped slightly below 100.000 (99.907) and that was mainly due to pandemic-related travel restrictions. Notably, an aspect remained constant and was represented by the numbers of people who had died or were presumed dead and missing in their attempt to reach the European shores. According to the data provided by the IOM, there have been over 30.000 fatalities in the last decade and the recorded numbers for this category have never dropped below 2 000 in any of the years from the period surveyed (2014-2024) (Missing Migrants Project n.d.).

ON IDENTITY – FORMATION PROCESSES AND THE EXCEPTIONALIZATION OF THE IRREGULAR MIGRANT

In a timely titled article – "Adrift: How the World Lost Its Way" – Dragoș Dragoman notes that the Western world is not immune to authoritarian reflexes that thrive on tools of "surveillance and control, censorship and repression" (Dragoman 2023, 318-20). Directed at asymmetric actors, and we can include here irregular migrants as well, these tools collapse complex experiences into binary frameworks that have little use for the welfare of citizens and non-citizens alike. The threat of political radicals from within and of religious radicals from outside further enables the policymakers to pursue courses of action that end up inadvertently strengthening both groups. In the midst of all this, the migrant is a soft target that can be molded into various anti-civilizational specters, their dehumanization passing quasi-unnoticed.

In the post-Cold War era, the war on terror has been the vehicle that has maintained and reinforced illiberal reflexes with very little to show in terms of strategic outcomes. Moreover, where unsavory state actors underwent regime changes, asymmetric actors tended to move in, thriving in the security vacuums and reinforcing once again the need to fight against terror, lest it visits our shores as has happened in the recent past. And thus, the cycle begins anew destined to grind what remains of the liberal polities into exceptionalist hubris.

The migration crisis has been the unintended if inevitable result of these post-Cold War endeavors seeking to pacify known and unknown, conventional and unconventional adversaries, with the (neo)colonial fiefs of yesteryear being the most impacted. Action begets reaction and reaction begets counteraction and so the crisis of displacement triggers renewed authoritarian reflexes rooted in the division between the Self and Other.

The West with its socio-economic policies centered on cohesion, security and development, along with the safety nets provided by the remaining handful of welfare states represents in the eyes of many – be they citizens or not – a safe haven, a second chance, a land of opportunity. In this regard, the former EU High Representative Josep Borrell was not wrong to call Europe, a *garden* (Liboreiro 2022), but the garden cannot flourish at the expense of those clamoring to enter its premise and building walls will not prevent its moral shriveling. When applied to policy-making, the binary framework "garden – jungle" can be articulated in terms of "Self – Other" with migration acting as the connective tissue between the two dimensions.

CONCLUSION

The global governance frameworks analyzed stand in contrast with the politicization of migration and their non-binding character – while part and parcel of the international community's modus operandi – opens them to arbitrary interpretations, leaving the subjects they purport to safeguard, vulnerable to erratic developments in the domestic sphere of the state and to the volatile convulsions of a failing international order.

The migration crisis is a crisis of irregular migrants overlooked even by the available international regulatory instruments. The legal loopholes coupled with the non-binding character of these global governance arrangements, allow state actors to adopt policies designed to deter these individuals from reaching the developed heartlands. Surveillance, repression, and physical violence are employed in the effort to put a stop to the migration flows, while failure to comply with international obligations through inaction has become another instrument of violence employed in this effort to deter arrivals, as the drowned specters at the bottom of the Mediterranean can attest.

In a world where state hierarchies are being challenged by competing crises, sovereignty represents a political practice that imposes order over the antinomies plaguing the modern state, separating the Self from Other, claiming to be the holder of identity at the expense of difference, militating for unity when faced with diversity. The migration crisis exposes these tensions given how arbitrary states can be in their decision-making process, which is then reproduced institutionally, in multi-level international enterprises. On the short and medium term, contemporary developments in the migration phenomenon cannot be divorced from the chronic deterioration of the global security environment over the last two decades and, on the long term, the permanentization of the climate crisis makes the migration crisis another *fait accompli*. Ludvig Beckman argues that migrants should enjoy a democratic status even if their irregular status contravenes the norms of the state, noting that the state denies the migrant access to democratic inclusion when it imposes "restrictive border policies" (Beckman 2013, 48). Arguably, their personhood ceases to exist altogether, undermining their universal rights on account of being an Other and, as such, outside accepted identitarian boundaries. In the process, this illiberal drive and its accompanying stochastic application, jeopardizes the entire foundation of the liberal polity that used to abhor vulgar nationalisms, in favor of universal aspirations.

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