



The International Spectator

Italian Journal of International Affairs

ISSN: (Print) (Online) Journal homepage: <https://www.tandfonline.com/loi/rspe20>

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To cite this article: Stefania Panebianco (2021): Towards a *Human and Humane* Approach? The EU Discourse on Migration amidst the Covid-19 Crisis, The International Spectator, DOI: [10.1080/03932729.2021.1902650](https://doi.org/10.1080/03932729.2021.1902650)

To link to this article: <https://doi.org/10.1080/03932729.2021.1902650>



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Published online: 07 May 2021.



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Towards a *Human and Humane* Approach? The EU Discourse on Migration amidst the Covid-19 Crisis

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ABSTRACT

In the midst of the Covid-19 crisis, the EU discourse on migration has acquired a humanitarian dimension that deserves investigation. The European Commission in particular has provided a discursive conceptualisation of the European *human and humane* approach to migration, promoting a change in the EU migration frame. Qualitative discourse analysis suggests that the European Commission's programmatic discourse is not just a coordinative discourse among policy actors, it rather aims to shape the preferences of EU policy-makers emphasising strategic ideas and principles enshrined in EU Treaties. The Covid-19 crisis could thus be a window of opportunity for the European Union to embark on a new migration governance framed within a *humane* approach.

KEYWORDS

Covid-19 crisis; migration; human security; European Commission; humanitarian discourse

The year 2020, in Europe as elsewhere, marked a shift towards a coordinated response to react to the Covid-19 crisis. Covid-19 has posed unprecedented challenges for governments and parliaments all over the globe in terms of ensuring health security for their citizens and (more generally) people living in their countries. Freedom of movement within the European Union (EU) has been temporarily suspended via national lockdowns and the closure of the EU's internal borders. Socio-economic stability and prosperity have been heavily affected, with detrimental effects on the most vulnerable people, migrants included. Political procedures have been adapted to these specific circumstances to facilitate the necessary emergency provisions. In the midst of the crisis, policy-makers have explored new political frontiers, procedures and norms to effectively address the negative effects of the pandemic.

This article explores the potential policy changes for irregular migration and mobility in the EU arising from Covid-19. The pandemic has had an unimaginable impact on societies at large, but irregular migrants, being a vulnerable part of European societies, are probably the most affected, deprived of any form of health and legal protection. Their living conditions have worsened significantly all over the EU, with EU Member States (EUMS) compelled to address various effects of the crisis. The debate on the (lack of a) European migration policy has acquired a new *élan*, bringing to the fore human (migration) security as the engine for new common action and principles such as solidarity or responsibility as an inspiring force. The European Commission, in

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particular, has developed a humanitarian discourse and put forward a *human and humane* approach (in italics, the exact wording used by the European Commission) focused on the centrality of human security.

Acknowledging the most recent literature on the impact that crises can have on EU policy-making (Falkner 2016; Schimmelfennig 2018; Rhinard 2019), this study helps to understand how critical systemic conditions such as the Covid-19 pandemic can shape the policy-making process. It seeks to explore the extent to which Covid-19 offers a window of opportunity for the EU to react to the stalemate of European migration policy. By adopting a *human and humane* approach, the European Commission states that the time has come to develop a new European migration governance, relying on EU principles and values, conducive to the reform of the Dublin Regulation and the entire asylum system. In September 2020, the European Commission adopted the New Pact on Migration and Asylum, a comprehensive policy framework that seeks to set up an effective European migration governance. This is the result of a discursive elaboration that the European Commission initiated at the outset of its mandate, in July 2019, with a brief mention of “humane borders”, that has become more robust within one year.

Scholars have extensively investigated the role of the European Commission as a policy entrepreneur (Laffan 1997; Kingdon 2003). In this article, attention is devoted to the programmatic discourse that the Commission elaborated in late 2019 and more prominently in 2020, when it mobilised ideas as resources to advance its policy preferences concerning migration. Advocating a *human and humane* approach, the European Commission is seeking to act as an “agent of policy change” (Schmidt 2011; 2016), re-conceptualising migration from “security threat” (Greussing and Boomgaarden 2017; Zaun 2018) to an issue of “human security” (Paris 2001). Since the so-called migration crisis of 2015, migration has represented a key policy issue in the EU agenda. In the midst of the Covid-19 crisis, the European Commission is trying (again) to act as a policy-shaper, as it had tried to do with the European Agenda on Migration in 2015. Insisting on the need to react to the pandemic, the Commission has suggested framing the new EU migration and asylum policy within the aforementioned *human and humane* approach. It remains to be seen whether the time is ripe for a new migration governance enhancing protection of vulnerable people and migrants, giving priority to unaccompanied minors and women, or ‘business as usual’ will prevail.

In line with Discursive Institutionalism, this article proposes to “take ideas and discourse seriously” (Schmidt 2011, 107) and explore dynamics of policy change. It is too early to examine linkages between this *new* course and EU public policy changes, since these very much depend on national leaders, and an “intergovernmental stalemate” (Falkner 2016, 954) in migration decision-making might happen again, as the Schengen crisis demonstrated in the recent past (Schimmelfennig 2018). In the EU migration and asylum policy as in other EU policies, “the European Council as the major political pacesetter still acts on a consensual basis and governments cannot be outvoted there” (Falkner 2016, 955), as was experienced by the Council in December 2017, when the so-called ‘quota system’ to redistribute irregular migrants among EUMS was blocked, being fiercely opposed by the so-called Visegrad countries. Nonetheless, we argue that since the inception of the last European Commission, there is evidence of a crisis-driven re-conceptualisation of migration, of policy ideas possibly conducive to policy change (Schmidt 2011). The European Commission is struggling to assert its political leadership,

and seeks to profit from the changing context to play a political role by conceptualising the migration issue within a *human and humane* approach. The discursive representation of the Commission's attempts to produce policy change, therefore, deserves thorough investigation.

To test the hypothesis that the European Commission is performing as an actor of policy-change in reaction to the Covid-19 crisis, the discourse analysis presented in this article addresses the following research questions (RQs):¹

RQ1: Has the Covid-19 crisis refocused attention within the European Commission on human security (including migrants' security)?

RQ2: Has the EU institutional discourse on migration, of the European Commission in particular, developed a distinct humanitarian approach during the Covid-19 crisis?

RQ3: How and to what extent has the European Commission endeavoured to promote policy change?

The article proceeds as follows. Following this introduction, the first section provides a theoretical framework in which EU policy-makers' discourses centred on human security are considered complementary to state security. This analytical prism regards vulnerable individuals as the referents of EU policy-making, as the essence of European security, assuming that state security increases as long as human security is guaranteed. The second section explains the methods adopted for discourse analysis. The third section opens the 'black box' of EU policy-making and explores what the European Commission sees as the essence of the new EU migration and asylum policy. Finally, the conclusion brings together the main findings and extends the discussion to whether the conceptual re-framing catalysed by Covid-19 might translate into policy change. This article suggests that the Covid-19 crisis might indeed offer a window of opportunity for a new European migration governance framed with a *human and humane* approach, thus fostering further cooperation. The New Pact on Migration and Asylum, adopted in September 2020, might inject new supranational energy into the EU. Notwithstanding this, it is up to the European leaders to seize this opportunity for policy change or let an intergovernmental logic (still) prevail.

Conceptual and theoretical approach

This article acknowledges the value of discourse analysis in International Relations (IR) (Milliken 1999) and European Studies (Carta 2014; Jørgensen 2015; Manners and Murray 2016; Lynggaard 2019), combining it with migration policy studies. Theoretically, following Discursive Institutionalism (Schmidt 2008; 2011), it investigates the explanatory power of ideas and discourse in migration policy (Boswell and Hampshire 2017), focusing on the conceptualisation of migration in the European Commission's recent discourse seeking to produce policy change. Empirically, it

¹Similar questions were addressed by the European Union Policy Agendas Project: <http://www.policyagendas.eu>. The Policy Agendas Project involved coding migration-related policy documents of the main EU institutions – European Council, Council of Ministers, European Commission, European Parliament – as well as migration policy outputs from the period 1975-2010. The present study, instead, has a distinct focus: European Commission's speeches, statements and remarks. All Commission's migration-related documents from July 2019 to September 2020 have been coded, adapting existing codebooks and producing an original dataset.

disentangles the role of ideas in EU migration policy-making by analysing the European Commission's claims on human security, especially the humanitarian claims advanced by the European Commission for a new EU migration and asylum policy. As Vivien Schmidt (2008) points out, "the interactive processes by which ideas are conveyed" are crucial because "[d]iscourse is not just ideas or 'text' (what is said) but also context (where, when, how, and why it was said)" (305).

Since its inception, and even more during the Covid-19 crisis, the Commission led by President Ursula von der Leyen has elaborated "a 'coordinative' discourse among policy actors engaged in creating, deliberating, arguing, bargaining, and reaching agreement on policies" (Schmidt 2011, 115) to frame the EU migration and asylum policy within a humanitarian, *human and humane* approach. In the midst of the pandemic, the European Commission has fostered a humanitarian discourse consistently illustrated in statements and speeches delivered at several levels (President, vice-presidents, Commissioner for Home Affairs). Finally, in the State of the Union 2020 Address, the *humane* approach has been portrayed as a strategic programmatic idea: it is in the interest of Europeans to provide irregular migrants with better life conditions (DOC15). This is in line with the human security approach, which claims that "[b]y protecting human security, state security is also protected" (Hanlon and Christie 2016, 5).

This is a counterargument to the state-security-centred discourse relying on defence and closure of borders predominant in the EU, especially in some EUMS. For quite a long time, security threats have permeated political discourse, focusing on border closures rather than engaging in a dialogic relation with humanitarian civil society organisations (Panebianco 2016). The securitisation paradigm contributes to an understanding of how policy-makers declare a condition of exceptional threat to legitimise practices of exceptionalism (see, among others, Wæver 1995), thus neglecting the humanitarian dimension of security. Political élites play an essential role in the discursive strategy regarding the securitisation of migration, reflecting populist trends in politicising migration in Western Europe (Grande *et al.* 2019). When arrivals in Europe from across the Mediterranean reached their peak in the mid-2010s, centre-right political leaders depicted (irregular) migrants and asylum seekers as criminals. Since the so-called 2015 migration crisis, migration has often been "securitised" at EUMS level and portrayed as a security issue by European political leaders, who openly declared that their political goal is to control the borders and "keep people out" (Murray and Longo 2018, 419). Member states' opposition to humanitarian solutions and restrictive migration policies have attracted a lot of scholarly attention, and securitising migration has often permeated asylum discourse in Europe. Yet, in the 2020s, a reconceptualisation of migration emphasising human security is easily noticeable in the European Commission's discourse.

In IR literature, human security is a fairly well researched concept (Paris 2001; Kaldor *et al.* 2007; Kerr 2010; Hanlon and Christie 2016; Christie 2018). In contrast to the IR literature centred on (state) border control, the literature on human security suggests focusing on migrants as individuals searching for a better life and in need of protection. Alongside the language associated with the securitisation of migration there is "a humanitarian concern expressed for the lives and well-being of 'irregular' migrants precisely as *humans* with the same fundamental rights as EU citizens" (Vaughan-Williams 2015, 3). The adoption of a human security approach draws attention to individual needs, of vulnerable people on the move in particular, rather than defence of sovereignty and borders. Protection and empowerment at the individual and collective levels are the essence of human security. Safeguarding human

lives, protecting vulnerable individuals, guaranteeing fundamental human rights to survival and human dignity, imply assuming a people-centred, rather than state-centric, approach to security.

A humanitarian sentiment based upon a migrant-centred discourse concerned with defending the world's most vulnerable populations (Barnett 2013; 2018) can be found in the von der Leyen Commission's approach. In its recent speeches, statements and addresses, human security and protection of the vulnerable are combined, and calls for a 'humanitarian response' can be easily detected. A humanitarian discourse that focuses on the alleviation of migrants' physical and mental suffering has been constant since the Covid-19 has arisen. The President of the European Commission has consistently claimed that irregular migrants need to have their irregular status removed. Claiming that the EU must react to the uncertainty and instability brought by the pandemic via new initiatives and common instruments, framed within a *human and humane* approach, the State of the Union Address (16 September 2020) identified a "stronger European Health Union" as one of the key goals for the near future (DOC15, 3). Irregular migrants are the most vulnerable in this respect and deserve protection; they are victims of poverty and climate change; in most cases, they have been in the hands of smugglers and subject to atrocities during their journey to Europe before remaining caught in lockdowns in EUMS. Discourse analysis reveals a humanitarian discourse defending migrants' rights, based on claims for the right to be free from inhuman treatment (Aradau 2004).

To provide substance to the concept, some scholars point out that human security has two main components: "freedom from want" refers to basic needs such as food, shelter and development, while "freedom from fear" includes identity needs and physical and personal safety (Hanlon and Christie 2016, 5). On the one hand, the European Commission seems to be adopting the IR definition of human security conceived as the protection of vulnerable individuals from threats and dangers posed by their environment (4). Human security implies "disarray and vulnerability of the migrants and refugees" (Christie 2018, 8); and considering that many of the people (voluntarily or involuntarily) on the move are some of the most vulnerable individuals and groups on the planet, they deserve protection from human insecurity. The human security concept acknowledges that the massive movement of people who are displaced internally and externally consists of those seeking to flee their situation for fear of political persecution (that is, refugees), and migrants seeking a better economic life in a safer country. However, an inclusive definition of 'mixed migration' remains contested at the EU level: in the EU discourse and policy initiatives, economic migrants, refugees and asylum seekers remain distinct categories. The policy tools envisaged in the New Pact on Migration and Asylum to address (irregular) migration and asylum reveal the typical EU approach differentiating economic migrants (who do not deserve protection) from refugees deserving protection. In the words of President von der Leyen, "Europe will always provide shelter to those who are in need of international protection" (DOC5, 6).

A paradigm shift from traditional national security to human security, conceived of as *lexis* and *praxis*, is probably underway, because this outlook "represents the only possible approach to the kinds of insecurities that human beings face in the contemporary global era" (Kaldor *et al.* 2007, 181), as the ongoing debates on global justice suggest. This is underpinned by a consideration of the effects that environmental and climate change, natural disasters and dire

poverty have on migration flows. These conditions have been brought to an extreme by the Covid-19 crisis. In Covid-19 times, placing the *human* at the centre of the security debate has become a prominent part of EU political discourse, relaunching the debate on regular(-ising) open borders. Challenging the securitisation approach, security of the individual is attracting EU policy-makers' attention prior (and conducive) to that of the state. EU policy-makers are focusing on human security, in particular irregular migrants' security, considering individual human beings as "the referent object of security" (Kerr 2010, 115). Adopting a human security perspective means in the first place to reflect on the essential element of human security: protecting the right to life, including the safeguard of irregular(-ised) sea travellers via search and rescue (SAR) operations (Spijkerboer 2017, 22). In the first semester of 2020, EU institutional leaders, not only President von der Leyen but also the President of the European Parliament and the President of the European Council, have often adopted a 'migrant-centred' approach in their public speeches (DOC6), somewhat recalling the discourses elaborated by non-state actors engaged in migration management at the EU periphery (Panebianco 2020).

Data and methods

This article explains the EU's conceptualisation of migration and the *human and humane* approach fostered by the Covid-19 crisis by means of discourse analysis. It adopts "discourse analysis as a methodology – rather than a theoretical framework – open to multi-theoretical analysis" (Lynggaard 2019, 13). Assuming that individual ideas and beliefs can shape policies, discourse analysis has been selected as a research strategy, as an effective method to answer the RQ identified above: Has the EU institutional discourse on migration, of the European Commission in particular, developed a distinct humanitarian approach during the Covid-19 crisis? We assume that the humanitarian approach to migration of the European Commission can be conceptualised through qualitative textual analysis. We argue that, in 2019-2020, the Commission developed discourses to frame the EU migration and asylum policy within a *human and humane* approach. The key methodological challenge here is to assess the existence of such a *human and humane* approach in EU institutional discourse, of the European Commission in particular, aimed at producing policy change.

The analysis is based on 20 speeches, statements and addresses delivered by different institutional actors of the European Commission from July 2019 to September 2020 (see [Appendix](#)). The documents were drafted just before or in the midst of the Covid-19 crisis and represent a programmatic discourse to launch a new EU migration and asylum policy and to establish a European migration governance to be framed within a *human and humane* approach, as exemplified in the New Pact on Migration and Asylum adopted in September 2020. This combination of discourse and policy analysis seeks to assess to what extent the Covid-19 crisis had an impact on the migration-related narratives.

In the considered period of time, several speeches and statements have illustrated the political sentiment of EU political actors.² On 3 March 2020, for example, the President

²Narratives and frames used in the media are a typical focus of Sociology of Communication (Greussing and Boomgaarden 2017; Musarò and Parmiggiani 2017), yet this is a multi-disciplinary territory. In Political Science, there is an increasing interest in discourse analysis of EU institutions and in the personal characteristics of EU policy-makers (Lord and Tamvaki 2013, for example, applied discourse analysis to the European Parliament). Our research questions are different, being focused on the impact of the European Commission's re-conceptualisation of migration.

of the European Parliament, David Sassoli, the President of the European Commission, Ursula von der Leyen, and the President of the European Council, Charles Michel, visited the Greek-Turkish border and stressed the need to be united in order to address Mediterranean migration. President Michel often reminds of the reasons to stay together and consistently recalls the ‘principle of solidarity’.

Acknowledging the variety of documents that might be selected for such a textual analysis, given that the speeches of various institutional leaders are easily accessible, the focus has been on the European Commission because of its specific role as policy-shaper in the policy-making process. Its official documents, therefore, provide information on preferences in these critical times.

This content analysis is concerned first of all with what was said, and how often, by the European Commission on migration. To verify the consistency of the Commission’s discourse around specific ideas and principles, it examines official speeches of its President, Ursula von der Leyen, Vice-Presidents Maroš Šefčovič and Margaritis Schinas, European Commissioner for Home Affairs Ylva Johansson and former Commissioner in charge of Migration, Home Affairs and Citizenship, Dimitris Avramopoulos. The principle of solidarity, and the mechanism of burden-sharing that had failed in the implementation of the European Agenda of Migration, adopted by the European Commission in 2015, represent *new* mobilising ideas.

Although the Covid-19 crisis erupted in Europe in early 2020, the time-span of this study covers the period from mid-2019 to September 2020 (the time of writing) to put the European Commission appointed by the European Parliament elected in May 2019 into a wider context. All speeches delivered by the President, Vice-Presidents or Commissioners since the von der Leyen Commission took action in July 2019 were analysed. Finally, 20 speeches, statements and addresses on migration were selected and coded in the dataset.³ These documents can be of a more general nature, as the Opening Statement in the European Parliament Plenary Session by the Candidate President (DOC1), focused on other issues such as Brexit, racism and the multi-annual financial framework, or addressing specifically migration, as the Speech by Commissioner Johansson on the New Pact on Migration and Asylum (DOC18). All documents are available in English, easily coded for systematic analysis.

Drawing on the Comparative Policy Agendas Project (Baumgartner *et al.* 2008; Alexandrova *et al.* 2014; Carammia *et al.* 2016), this dataset employed human coders to read a text, segment that text into sentences or phrases, and apply fixed content codes to the segments using a pre-defined scheme. This analytical procedure has detected humanitarian claims in the discourse of the European Commission. Content analysis relies on human annotation of textual content based on reading the texts; the coder’s human judgment is inevitable in the process of applying a set of category labels to units of texts. The units of analysis are keywords contained in natural sentences. For each sentence, the coder has decided which tone best captures the intention behind it. Keywords were manually searched for, and frequencies double-checked, within EU discourse on migration.

The interpretative approach has allowed the extraction of the claims contained in the dataset. These claims denote a significant political activity of the European Commission

³The dataset is available from the author on request.

Table 1. Dictionary of keywords

Asylum 63	Border(s) 73	Burden-sharing 2	Control 6	Corona crisis/ Covid-19/Covid pandemic 19
Dead* deadly deadliest 3	Dignity 7	Dublin system/Dublin reform 2	(moral) Duty/duties 10	Emergency 6
Human* humanitarian humane 39	Inclus* inclusion inclusive 0	International protection 8	Migra* migrant(s) migration migratory 141	Refugee(s) 34
Responsib* responsibility responsible responsibly 28	Search and Rescue/Sav* save saving 13	Secur* secure security 22	Solidarit* solidarité solidarity 39	Vulnerab* vulnerable vulnerability(-ies) 16

focused on the re-conceptualisation of migration via a *human and humane* frame that can be identified by the 20 keywords listed in the Dictionary of Keywords (see [Table 1](#), which also shows the frequency of each keyword). Some keywords – such as ‘migra*’ and its derivatives – stand out for their frequency; their presence in the documents indicates the relevance of the issue. Other keywords – such as ‘burden-sharing’, ‘human*’, ‘responsib*’, ‘sav*’, ‘vulnerab*’ – give substance to the *human and humane* frame. The occurrence of ‘humane’ (searched through the string ‘human*’ to capture different possible articulations of the same content unit) is assumed as an indicator of an approach that seeks to have a policy impact. Keywords denoting security frames, such as ‘border’, ‘control’, ‘secur*’, were also searched for, while keywords related to crimes such as human smuggling or trafficking were left out of the analysis. Finally, a word cloud reproducing the analysed documents (entirely or just in part as detailed in the [Appendix](#)) has been created to summarise and communicate findings more effectively ([Figure 1](#)). The Figure offers a visual representation of text analysis results: the institutional discourse on migration addresses people, refugee(s), those in need and their right(s), asylum, solidarity, responsibility, but also returns, border management, to guarantee a humane treatment (shelter, food and protection) to victims of smuggling, through cooperation with EU partners and countries of origin. The New Pact is conceived as an effective instrument to provide human security at the EU’s external borders.

The analysis was extended beyond the *quantitative* dimension – the number of times the migration issue is mentioned – to explore *how* migration is portrayed. Migration is on top of the EU political agenda as a whole, not confined within a specific policy. The Commission’s attempt to construct a *human and humane* approach to migration has become an established EU political goal: attention is paid to migration also when dealing with Brexit or racism. Moreover, what emerges from the analysis is that behind these texts there is a people-centred vision focusing on human beings, vulnerable people and the moral duty to intervene. Empirical investigation allows an assessment of the incidence of the ‘human*’ discourse that aims to shape migration policy. Incidentally, the extent to which migration is securitised has also been examined, but was found to have



Figure 1. The European Commission's humanitarian discourse in a word cloud

Note: The word cloud reproduces the analysed documents weighing more than 400 words (nouns and adjectives only). Frequencies range from almost a hundred for 'migration', about 70 for 'border(s)', 'people' or 'asylum', to one for 'defence', 'deprivation', 'extremism', 'victim' or 'war'.

no salience. The frequency of mentions of human or humane approach-related issues represents a counter-argument to 'border' and 'control' claims. Border control has been replaced by border management, putting the emphasis on “a robust management of the external borders” (DOC17, 2) and “humane borders” has become the standard way to depict external borders (DOC1). This implies, *inter alia*, “to make sure that there are no push backs at the borders” (DOC18, 2).

To conclude this section, a few methodological limitations must be acknowledged. First, the selection of a rather short period of time and the reaction to one specific crisis limits the analysis to the case-study methodology; this would be strengthened by a comparison with other relevant crises. Second, given the initial stage of policy-making based on the agenda of the New Pact on Migration and Asylum of the European Commission, this study does not investigate policy outcomes. Further research on the decision-making process could evaluate the real impact of this *new* policy framework.

The European Commission's discourse on migration in Covid-19 times

Departing from Discursive Institutionalism (Schmidt 2008; 2011), and acknowledging the relevance of EU institutions' communicative actions and claims to foster change in migration policy, the Commission's discourse is here analysed to identify the humanitarian approach, boosted by the Covid-19 crisis. Considering that crises can affect the EU decision making-process and trigger policy change (Falkner 2016; Schimmelfennig 2018;

Rhinard 2019), the Covid-19 pandemic has created a receptive environment for new ideas. During the Covid-19 crisis, the European Commission's discourse reflected (again) a distinct humanitarian approach prioritising human beings, vulnerable people and irregular migrants deserving international protection. As stated by the European Commissioner Ylva Johansson, "we need to be calm and sober to be able to reach the agreements necessary to be able to protect people and to be able to make sure that people and migrants will not be left in a dramatic situation" (DOC19, 3).

Discourse analysis indicates that speeches and statements of the European Commission in the midst of the pandemic had a specific tone, focused on human beings and vulnerable people (especially women and unaccompanied minors), alongside Syrian refugees deserving humane treatment. Moving beyond the assumption that ideas matter, this research seeks to understand *how* ideas matter, exploring the role of the European Commission as a "proponent of change" (Boswell and Hampshire 2017, 147). The Commission is in fact "placed in a particularly favourable position to exercise discursive entrepreneurship" (Lynggaard 2019, 76). The New Pact on Migration and Asylum adopted in September 2020 by the European Commission to be discussed by the EUMS as the guidelines for the new EU migration and asylum policy, reflects the EU *human and humane* approach, defined as follows by President Ursula von der Leyen: "[w]e must reduce irregular migration, we must fight smugglers and traffickers – it is organised crime –, we must preserve the right to asylum and improve the situation of refugees, for example through humanitarian corridors in close cooperation with the UNHCR" (DOC1, 4).

Speeches pronounced in 2020 by the President of the European Commission, the Vice-Presidents and the European Commissioner for Home Affairs repeatedly mentioned human security, regularisation of irregular migrants and migrants' contribution to European societies, providing substance to the claims made in July 2019 by then Candidate Ursula von der Leyen in her Opening Statement in the Plenary Session before the European Parliament's vote (DOC1). One year later, on 16 September 2020, in her Discourse on the State of the Union, Ursula von der Leyen announced a new European migration governance as part of the "Commission's plans for the years ahead" (DOC15, 2).

The following assumptions, closely related to the RQs, guided the analysis of the 20 documents selected for our study:

- (1) Critical junctures have an impact on EU policy content, migration included.
- (2) The European Commission's claims-making is essential in EU migration policy-framing.
- (3) Migration has become a contentious political issue that also recurs in EU statements not necessarily focused *strictu sensu* on migration.

What has emerged from the analysis of the selected documents is a number of recurrent claims aiming first at articulating political demands for human security and, second, urging effective and coherent EU action to address migration. The pandemic crisis has not put migration flows on hold, and the EU has to adopt mid-to long-term initiatives, starting from those policy proposals that were already in the pipeline and have now become extremely urgent. Discourse analysis indicates that, in the midst of the pandemic,

the European Commission has invested (again) in the humanitarian approach, as it had originally done with the European Agenda on Migration in 2015 (European Commission 2015), by identifying specific actions, thus turning ideas into new policy tools. The State of the Union Address, delivered just a few days before the New Pact was released, listed concrete measures to be adopted as part of an effective European migration strategy (DOC15).

In her Address, President von der Leyen announced an approach to migration based on a combination of solidarity and responsibility, because “those countries who fulfil their legal and moral duties or are more exposed than others, must be able to rely on the solidarity of our whole European Union” (13).

The European Commission’s ideas, producing new frames of reference, can become a trigger for new European policy frameworks. The Covid-19 crisis has turned the *human and humane* dimension of migration into the prevailing discourse, thus challenging securitisation based upon borders’ closure. As the observed frequencies in Table 1 and Figure 1 show, humanitarian discourse focusing on migrants’ security and the management of *humane* borders has replaced state security centred upon borders’ closure. Borders’ management matters, not much in terms of defence and control of borders, but rather as a ‘moral duty’ to implement solidarity and responsibility principles to provide security to vulnerable people. Legal instruments such as asylum, but also returns, are to be strengthened to guarantee international protection to refugees. Discourse analysis reveals a humanitarian vision of migration as a ‘natural phenomenon’ that the European Commission assumes as the only possible one. Moreover, in the Commission’s discourse, migration can contribute to socio-economic development of EUMS and their societies. It is as if the ‘speech acts’ usually related to securitisation adopted a different tone and turned into a humanitarian language. Although the humanitarian approach is not new within the European Commission (European Commission 2015), in Covid-19 times this has become a new mobilising idea, distinct from security *tout court*. It is premature to talk about a paradigm shift, but it has to be acknowledged that “managing migration in an effective and humane way” has become a shared goal at the EU level, as President von der Leyen, President Sassoli and President Michel had announced in a Joint Press Statement on the withdrawal of the United Kingdom from the EU in late January 2020 (DOC6, 1).

With the Covid-19 crisis, principles of solidarity and responsibility enshrined in the EU Treaties, which were among the key instruments of the European Agenda for migration to face Europe’s migration crisis in the mid-2010s (Wallaschek 2020), seem to have entered (again) the EU policy agenda. In her Speech at the European Parliament Plenary on the presentation of the German Presidency in July 2020, President von der Leyen declared that “[t]he Corona crisis has made us think in new and different ways about the values of solidarity and community” (DOC13, 1). Since the pandemic erupted, living conditions for migrants and refugees have worsened in two major respects: health security and mobility restrictions, placing irregular migrants in a state of severe insecurity. The political debate has turned to migrants’ inclusion to avoid a state of permanent insecurity that might have negative effects for European societies at large. The European Commission has consistently claimed that the risky conditions of irregular migrants, their health insecurity and unbearable living conditions represent a serious threat to human security, while humanitarian interventions in defence of migrants might render

European societies safer and more secure. However, as [Table 1](#) indicates, there is not much attention paid to the EU's social "inclusion" frame, explored in the past by Andrew Geddes and Virginie Guiraudon (2004); 'inclusion' is never mentioned and 'integration' is mentioned only occasionally, while 'solidarity' and 'human dignity' recur frequently.

At the heart of this programmatic discourse is the European Commission's political vision, namely a *human and humane approach* needed to "significantly improve the conditions for the refugees" (DOC15, 13). This implies a strategy relying on

[a] closer link between asylum and returns. Fighting smugglers, working with external partners and creating legal pathways to Europe. Welcoming people who have the right to stay, and helping them integrate. Solidarity with those countries who fulfil their legal and moral duties, or are most under pressure. And with all Member States taking their share of the responsibility (DOC16, 5).

Thus, "[a]n immediate and humanitarian EU response" is needed, and such an approach means that "saving lives at sea is not optional" but rather a legal obligation (DOC16, 5). Being aware of European internal divisions and institutional constraints that brought to a stalemate in the late 2010s, President von der Leyen urged the EUMS to take responsibility in her State of the Union Address: "if we step up, then I expect all Member States to step up too. Migration is a European challenge and all of Europe must do its part" (DOC15, 13).

The European Commissioner for Home Affairs, Ylva Johansson, has invested a lot of energy in setting up a new European migration governance, including the reform of the Dublin Regulation. She has repeatedly stated that "migration is normal. Migration has always been there, migration will always be there. Migration is part of what makes our continent prosper" (DOC19, 1). According to Commissioner Johansson, only by adopting a pragmatic approach can the EU reach a good compromise between conflicting preferences of Mediterranean and Central European countries, to overcome the current stalemate in European migration policy. In her view, a New Pact cannot be the best proposal ever, but rather one that it is acceptable to all EUMS: "[o]ne of the goals I've been working on, [is] to find and present a new pact on Migration and Asylum, to be able to come to a solution where we can agree to come to a common European Migration and Asylum" (DOC16, 2). She considers that, with the New Pact, the European Commission has drafted the best achievable solution, because it is necessary to have all EUMS on board to embark on an effective migration governance and avoid the possibility that those EUMS that have the least ambitions (namely, the so-called Visegrad countries) hijack the proposal. Pragmatically, she recalls that migration can only be managed, not avoided, since migration is normal (DOC18, 1). Following on the New Pact, EU institutions should develop automatic mechanisms of redistribution of irregular migrants and reactivate the Dublin Regulation reform. This should give substance to shared responsibility, or burden-sharing.

The New Pact on Migration and Asylum, released on 23 September 2020 (European Commission 2020), represents a preliminary output of EU migration policy-making framed within a *human and humane* approach; it contains ideas and beliefs that the Commission has put forward since its inception and more consistently during the Covid-19 crisis. The New Pact on Migration and Asylum sets human security as a key political goal of the EU. The Pact acknowledges that internal and external aspects of

migration are interconnected and will advocate for a more resilient, more humane and more effective migration and asylum system, which will also underpin confidence in the Schengen area of free movement. The New Pact recognises that “no Member State should shoulder a disproportionate responsibility” and that “all Member States should constantly contribute to solidarity” (European Commission 2020, 3). The New Pact widens possibilities for solidarity through relocation, which are to be complemented by ‘return sponsorship’ schemes, under which a member state should commit to supporting returns from another one. This new scheme of voluntary redistribution or financial support for redistribution and returns should break the political stalemate that had blocked redistribution via quotas. What seems to be missing, however, are *new* incentives for EUMS to get engaged in this Pact. It remains to be seen whether the EUMS that have so far opposed burden-sharing mechanisms (including Austria and the Visegrad countries) will be willing to implement this solidarity mechanism. Negotiations at EUMS level will demonstrate whether ‘return sponsorship’, as an alternative to the contested relocation scheme set by the quota system, is an effective incentive for a new migration governance that does not envisage entirely new instruments, but nevertheless seeks different outcomes.

To conclude, the European Commission led by Ursula von der Leyen has outlined a *human and humane approach*. This concept recurs in its discourse, reflecting precise ideas and meanings. As an actor of change, the Commission has focused the discourse on the reform of asylum and the Dublin regulation, aware of the need to provide substance to solidarity and burden-sharing. The European Commission has framed migration within a *human and humane* approach, making recurrent and consistent claims. Covid-19 might offer a window of opportunity for policy change, to set a ‘new normal’ where migrants do not represent a security threat but rather an opportunity for the socio-economic development of EUMS (DOC18).

Conclusion

The Covid-19 pandemic has affected human beings and vulnerable people all over the world. At the EU level, Covid-19 has drawn attention to the debate on the (lack of) a European migration policy. Our discourse analysis has shown a clear focus on human security, in particular migrants’ security (RQ1), identified a distinct humanitarian approach in the EU discourse, of the European Commission in particular (RQ2), and highlighted the European Commission’s role in fostering EU policy change (RQ3).

The Commission’s humanitarian discourse is primarily addressed to EUMS, with a top-down approach; but it also plays a role in the supranational sphere, in the inter-institutional dialogue with the European Parliament and the Council. In September 2020, the European Commission adopted the New Pact on Migration and Asylum, providing a platform for encouraging the development of a new migration governance based upon further cooperation at EU level, solidarity mechanisms for the voluntary redistribution of irregular migrants and the reactivation of the Dublin Regulation reform.

The scholarly debate on how the Covid-19 crisis may affect the European integration project is still ongoing. On the one hand, it has contributed to highlighting the risks in situations of *force majeure*, the need to provide health security, to guarantee migrants’ security and accelerate asylum procedures. On the other, the awareness of EUMS that

common action is needed is not to be taken for granted. EUMS at the Mediterranean borders remain the most exposed to migratory pressures and ask for burden-sharing, while Central-Eastern countries refuse to share the costs of migration, with Hungary, Poland and the Czech Republic in outright opposition to the New Pact. European migration governance is the result of the interplay between different layers of government: the EU level interacts with EUMS and local actors engaged in migration management on the ground (Panebianco 2020).

The European Commission struggles to acquire political leadership in the sphere of migration policy. In order to shape the EU migration and asylum policy, it has launched a proposal for a new European governance framed within a *human and humane* approach. Its success will depend on the EUMS's will, as usually happens with Commission's proposals (Zaun 2018). The New Pact envisions greater coordination, but does not possess any supranational platform based on an intergovernmental logic. EUMS remain the central actors in shaping the EU migration and asylum policy, and only member states can turn the ambitious goal of 'effective solidarity' set by the European Commission into reality.

As this study indicated, the Commission is investing in more cooperation and supranationalism to implement a new European migration governance based on a *human and humane* approach. Time will tell whether a new supranational *élan* will follow or more differentiation and variable geometries will prevail as a result of persistent intergovernmental logics. Undeniably, given its key role in the policy-making process, the ideas proposed by the European Commission are a potential factor of change, but on condition that gatekeepers (Zaun 2018) do not close the gates of policy-making. The EUMS's will to implement the New Pact and adhere to the humanitarian approach it advances remains essential. In the recent past, several scholars – among them Felix Biermann *et al.* (2019) and Philipp Genschel and Markus Jachtenfuchs (2018) – have provided intergovernmental explanations for the failure of solidarity mechanisms in European migration policy and the non-achievement of further integration. It has to be assessed whether the Covid-19 pandemic will act as a push factor for effective migration policy responses and whether it will really foster more responsibility and solidarity among EUMS as suggested in the New Pact on Migration and Asylum.

Assuming that the Covid-19 crisis represents a window of opportunity that EUMS may want to seize, further research is needed to trace empirically the ideas central to the processes of policy transformation. The impact of humanitarian discourses requires specific investigation to assess the EU policy response. It remains to be seen if (and why) the ideas and approach proposed by the Commission will translate into EU policies, in contrast to what happened to the European Agenda on Migration. Further investigation into the progress of the policy cycle is needed to test whether a dichotomy exists between the approach of supranational institutions such as the European Commission and that of intergovernmental ones. Migration stays high on the EU agenda, yet EUMS do not always share visions or agree on the tools to be adopted. So far, some of them have jeopardised migration policy. It will be interesting to investigate how (and if) the bargaining process among EUMS will produce the policy outcomes identified by the European Commission.

Acknowledgments

The author would like to thank Marcello Carammia for his valuable comments on a previous version of this paper. The two anonymous reviewers also deserve special praise, because their comments have helped to genuinely improve the manuscript. The author assumes entire responsibility for its content.

Funding

This article is part of “PROTECT The Right to International Protection: A Pendulum between Globalization and Nativization?” (www.protect-project.eu), a research and innovation project which is funded by the European Union’s Horizon 2020 Framework Programme and coordinated by the University of Bergen (Grant Agreement No 870761).

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Appendix. Primary sources

DOC N.	Date and Place	Author	Type of Source	Addressed Issues	Length of Document	Focus on migration
DOC1	16 July 2019, Strasbourg	Candidate for President of the European Commission, Ursula von der Leyen	Opening Statement in the European Parliament Plenary Session	Various topics	6 pages	Specific section: "Defending Europe's values" pages 1,5
DOC2	8 October 2019, Luxembourg	Former Commissioner Dimitris Avramopoulos	Remarks following the Justice and Home Affairs Council in Luxembourg	Migration	2 pages	All
DOC3	16 October 2019, Brussels	Former Commissioner Dimitris Avramopoulos	Remarks on Progress made under the European Agenda on Migration	Migration	2 pages	All
DOC4	8 November 2019, Berlin; 10 November 2019, Berlin	President of the European Commission, Ursula von der Leyen	Europe Address by the President-elect of the European Commission - Allianz Forum (Pariser Platz), Berlin	30th Anniversary of the fall of the Berlin Wall - Various topics	6 pages	Specific section: "Managing migration together" 20 lines
DOC5	27 November 2019, Strasbourg	President of the European Commission, Ursula von der Leyen	Speech by President-elect in the European Parliament Plenary on the occasion of the presentation of her College of Commissioners and their programme	Various topics	8 pages	An entire paragraph 27 lines
DOC6	31 January 2020, Brussels	President of the European Commission, Ursula von der Leyen	Joint Press Statement by President von der Leyen with President Sassoli and President Michel on the Withdrawal of the United Kingdom from the European Union	Brexit	2 pages	1 line
DOC7	12 February 2020, Strasbourg	President of the European Commission, Ursula von der Leyen	Speech in the Plenary of the European Parliament at the debate on the special meeting of the European Council of 20 February 2020 on the Multiannual Financial Framework	Multiannual Financial Framework	2 pages	3 lines
DOC8	13 February 2020, Brussels	Vice-President Maroš Šefčovič	Keynote Speech at the Munich European Conference during the European Dinner	Security	6 pages	22 lines
DOC9	27 February 2020, Addis Ababa	President of the European Commission, Ursula von der Leyen	Opening Statement at the 10th EU-AU Commission-to-Commission meeting plenary session	EU-Africa Union relations	2 pages	2 lines
DOC10	10 March 2020, Brussels	Commissioner Ylva Johansson	European Parliament Plenary - Opening Statement to debate on situation at Greek-Turkish border	EU borders	5 pages	All

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DOC N.	Date and Place	Author	Type of Source	Addressed Issues	Length of Document	Focus on migration
DOC11	7 May 2020, Brussels	Commissioner Ylva Johansson	Opening Statement on “Schengen, migration and asylum policy and the EU security strategy in the context of COVID-19” at the European Parliament Committee on Civil Liberties, Justice and Home Affairs	Migration	5 pages	All
DOC12	17 June 2020, Brussels	President of the European Commission, Ursula von der Leyen	Speech at the European Parliament Plenary – “We Need to Talk about Racism – Openly and Honestly”	Racism	3 pages	2 lines
DOC13	8 July 2020, Brussels	President of the European Commission, Ursula von der Leyen	Speech at the European Parliament Plenary on the presentation of the programme of activities of the German Presidency of the Council of the EU	General topics	3 pages	3 lines
DOC14	13 July 2020, virtual conference	Commissioner Ylva Johansson	Opening Statement at EU Member States and African Partners conference on countering smuggling	Smuggling	4 pages	All
DOC15	16 September 2020, Brussels	President of the European Commission, Ursula von der Leyen	State of the Union Address at the European Parliament Plenary	General topics	15 pages	1 page
DOC16	17 September 2020, Brussels	Commissioner Ylva Johansson	Intervention in the European Parliament Plenary Session debate on “The Need for an Immediate and Humanitarian EU Response to the Current Situation in the Refugee Camp in Moria”	Migration	5 pages	All
DOC17	23 September 2020, Brussels	Vice-President Margaritis Schinas	Speech on the New Pact on Migration and Asylum	Migration	4 pages	All
DOC18	23 September 2020, Brussels	Commissioner Ylva Johansson	Speech on the New Pact on Migration and Asylum	Migration	3 pages	All
DOC19	24 September 2020, Brussels	Commissioner Ylva Johansson	Opening Statement at the LIBE debate on the new Pact on Asylum and Migration	Migration	4 pages	All
DOC20	29 September 2020, Lisbon	President of the European Commission, Ursula von der Leyen	Speech on the Recovery Plan and Resilience at the Fundação Champalimaud	Recovery Plan	3 pages	3 lines