



UDC 314.74+341.43(4-672EU)
Manuscript received: 29.08.2014.
Accepted for publishing: 04.09.2014.
Original scientific paper

Serbian Political Thought
No. 2/2014,
Year VI, Vol. 10
pp. 159-177

Luka Glušac¹
Secretariat of the Protector of Citizens
(Ombudsman) of the Republic of Serbia

Securitizing Migration in the European Union: from Openness to Ban-Opticon²

Abstract

This paper offers a view on why and how migrations have been perceived as a security threat in the European Union. The underlining question posed is how the ambition of EU nation-states to control the entry and movement of people can be reconciled with liberal standards promoting human rights, open borders and humanitarian values. The author uses the theory of securitization, Didier Bigo's concept of Ban-opticon and human security concept as theoretical grounds, while the normative and political discourse analyses are utilized to show the EU practice. The intention is to show that while the number of migrants has not been significantly change in the last years, the public perception is different, especially due to the Arab Spring. The EU, which integration and long-time economic success would not be possible without constant influx of the immigrants, in the recent years developed people unfriendly migration control system. I argue that such system came as a result of several factors, most notably societal securitization. As the Arab turmoil coincides with the post 9/11 changes in security policies, economic crisis and the rise of far right parties in several EU Member States, the migration issue has been increasingly securitized. EU's legal norms and methods follow such societal securitization. Tight border control (including increased surveillance), usage of buffer zones and externalization of border control are crucial EU methods of dealing with migration. The author concludes that while migrations have a clear security dimension, they are best addressed through rights-based policies.

Keywords: migration, securitization, European Union, Ban-opticon, human rights, human security.

1 Junior Advisor
lukaglusac@gmail.com

2 The views expressed in this paper do not necessarily reflect the positions of the Protector of Citizens.

Introduction

Migration and its consequences are not, by any means, a new phenomenon. Rystad noticed that one could reasonably claim that humankind's entire history has been a history of migration (Rystad 1992:1169). Migration is also a well-explored academic research field. When understood that 3,1% (apx. 214 million) of world's population are migrants, or in other words, that one out of 33 persons in the world today is a migrant (IOMa), then it is clear why migration deserves its place as an important multifaceted and multidisciplinary research topic. While migration is under the constant radar of researchers, it comes under the spotlight of the political establishment and general public mostly when seen as a threat, often as a result of alleged boost of the number of immigrants. Alleged, because most of the time, in real numbers, the boost does not exist. In fact, the percentage of migrants has remained relatively stable as a share of the total populations, increasing by only 0,2% (from 2,9 to 3,1), over the last decade (IOMa). The same trend applies for the European Union, as well (EU Infographics 2014).

The International Organization for Migration (IOM) defines international migration as “the movement of persons who leave their country of origin or the country of habitual residence, to establish themselves either permanently or temporarily in another country” (IOMb). In world made of Westphalian system's nation states, where notion of territoriality has been central to its formation, borders define territories. Thus, controlling who enters and remains on their territory is an integral part of the sovereignty of states. Consequently, one of the primary ways that sovereign nation states have contended with migration is through border enforcement mechanisms (Vietti & Scribner 2013:23). In the case of European Union (EU), migration is an issue encountered on both national state and EU level.

I argue that migrations have been perceived as a security threat in the European Union. I use the Copenhagen school's theory of securitization, Paris school's author Didier Bigo's concept of Ban-opticon and human security concept as theoretical grounds, while the normative and political discourse analyses are utilized to show the EU practice. The intention is to show that while the number of migrants has not been significantly change in the last years, the public perception is different, especially due to the Arab Spring.

The EU, which integration and long-time economic success would not be possible without constant influx of the immigrants, in the recent years developed a people unfriendly migration control system. I argue that such system came as a result of several factors, most notably societal securitization. As the Arab turmoil coincides with the post 9/11 changes in security policies, economic crisis and the rise of far right parties in several EU Member States, the migration issue has been increasingly securitized. EU's legal norms and methods follow such societal securitization. Tight border control (including increased surveillance), usage of buffer zones and externalization of border control are crucial EU methods of dealing with migration.

1. The EU Approach to Migration

There is a reach body of literature on the EU and migration issue. Boswell identifies three sub-bodies of literature (Boswell 2010). She argues that the initial one was highly descriptive and involved essentially normative critiques of the impact of harmonization on the rights of immigrants (Ibid. 280). Explaining the institutional dynamics of this harmonization is in the heart of the second strand of literature, while a third one deals with the question of increasing EU cooperation by drawing on literature concerned with the 'politics of migration' (Ibid.: 280-282).³

In practical terms, migrations are realization of one of the EU's four freedoms - the freedom of movement of people. Fostering the free movement of people has been a major goal since the earliest days of European integration, back in 1950s. While the internal migration has been the cornerstone of the European Union, immigration of non-EU citizens has often spark political tensions. Migration policy has been one of the most discussed, with far more policy papers, than actual formal decisions. There is no single migration issue that was easily negotiated.

Since the Amsterdam Treaty, the EU and its Member States share the sovereignty on issues of border control, asylum, and illegal migration policies. The Lisbon Treaty further stipulates the EU has the competence to "[d]evelop a common immigration policy aimed at ensuring,

3 Lavenex also identifies three subfields of enquiry. See: Lavenex (2010).

at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat [...] illegal immigration” (TFEU Art. 79/1). It also enlists four migration related areas in which the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures, including: long-term visas, residence permits, family reunification rules, illegal immigration and unauthorised residence (removal and repatriation of persons residing without authorization) (TFEU Art. 79/1).

One crucial element of the fight against illegal immigration has been the return policy of the Union. Its key component is the signing of readmission agreements, which enable EU countries to send back these asylum seekers or migrants to a “safe third country.” The EU took a decision in 2001 to incorporate the clause for signing readmission agreements to all its external relations.⁴ The Lisbon Treaty incorporated that decision (TFEU Art. 79/3).

The consolidated Treaty on the Functioning of the European Union (TFEU) also sets that the European Parliament and the Council, again “[a]cting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States” (TFEU Art. 79/4, emphasis added). This provision is very important because it shows that Member States are still very keen to keep the issue of integration of third-country nationals in their competence. Additionally, the same article explicitly says that Member States retain the right to determine admission rates for people coming from third countries to seek work (TFEU Art. 79/5).

In order to implement the word of the Treaties, EU has adopted, through the years, number of directives, covering: third-country nationals who are long-term residents in the European Union (Directive 2003/109/EC); family reunification issue (Directive 2003/86/EC); highly qualified migrants (Directive 2009/50/EC); residence and work permit (Directive 2011/98/EU); seasonal workers (Directive 2014/36/EU); intra-corporate transfer (PE-CONS 58/14).

4 As a result, the migration issue once again proved to be par excellence political issue. For example, Turkey and the EU initiated an agreement on the readmission of irregular migrants, after seven years of negotiations.

The adoption of legislation has followed the EU's migration policy. The EU shaped its migration policy through the European Council's Conclusions known as Tampere Programme (1999), Hague Programme (2004) and Stockholm Programme (2009). Those three programmes were followed by "The Global Approach to Migration and Mobility" (GAMM), adopted by the European Commission originally in 2005 with a renewal in 2011.

The so-called Tampere Programme outlined the Union's policy on migration with certain openness towards third country nationals on one hand and "the need for more efficient management of migration flows at all their stages", on the other (European Council 1999: para 22). It states that freedom should not be regarded as the exclusive preserve of the Union's own citizens and that it would be in contradiction with Europe's traditions to deny such freedom to those whose circumstances lead them justifiably to seek access to our territory (European Council 1999: para 3).

The Hague Programme, adopted in 2004, shifted the EU's attitude towards migration, putting much emphasis on security issues (European Council 2004), as it follows 2003 European Security Strategy. It linked the internal and external dimensions of security, developing the concept of external dimension of asylum and migration (European Council 2004: 20). The Hague Programme also emphasized the necessity of further capacity building in third countries in relation borders control and asylum processing, namely externalisation. This Programme also mainstreamed the readmission agreements in all EU's external partnerships. Institutionally-wise, the Hague Programme was marked by the idea of the creation of a European integrated border management system and of a specialised agency (European Council 2004: 23-25). That idea was later implemented in 2004 with creation of the European Agency for the Management of Operational Cooperation at the External Borders (Frontex).

The Stockholm Programme, adopted in 2009, focused on the enhancement of the integrated border management (European Council 2010: 26), calling for further improvement of Frontex resources, capabilities and mandate (Ibid.).

While the three programmes are primarily focus on the EU internal policy and capabilities, with evident increasing of the "external" elements, the Global Approach to Migration and Mobility (GAMM) has

been the EU's framework for dialogue and cooperation with non-EU countries of origin, transit and destination. GAMM is the overarching framework for the EU external migration policy, complementary to the EU foreign policy and development cooperation. The human rights of migrants are a cross-cutting dimension, of relevance to entire GAMM" (European Council 2011:6). GAMM stipulates that "[a]ll action must be empowered to gain access to safe mobility" (European Commission 2011: 7), making it a migrant-centred approach. In sum, GAMM can be seen as a two-faceted policy, combining the strengthening of the EU's own capabilities to control the external borders, and the externalisation of migration management, meaning building third countries' capabilities to effectively deal with migration flows.

A consistent trend in the EU migration policy since the Tampere Programme is increasing externalisation of migration management. In other words, the EU is trying to move migration control as far from its borders as possible, imposing the responsibility to third states. Such states include countries of origin and transit of migration involved in the management of both legal and illegal flows. The externalization follows the standpoint taken in the European Security Strategy (ESS) that "[t]he internal and external aspects of security are indissolubly linked" (ESS 2003: 2) and "with the new threats, the first line of defence will often be abroad" (ESS 2003:7).

In practice, the externalisation includes a wide range of actions, such as the creation of detention camps, the repatriation of migrants and the promotion of capacity building and development programmes in third countries (Aubarell, Zapata-Barrero and Aragall 2009: 12). Similarly, the EU actively supported the creation of buffer zones between the EU and the countries of origin of the prevailing number of migrants. For example, Libya is used as a key buffer zone for African migrants. "The panic and hasty reversal of the Schengen agreement in the days following the Libyan uprising indicated the level to which EU states are dependent on Libya as a buffer zone for irregular migrants. The EU uses Libya to contain irregular migration by intercepting and detaining irregular migrants in return for development aid" (Rotman 2012: 32). The externalisation as the key component of the EU migration policy has been highly controversial.

The strengthening security through border management is a long-term goal of the EU Internal Security Strategy (ISS). ISS, adopted in

2010, identified four key actions aimed at strengthening security through border management, where two are of high importance for the migration issue: 1) exploit the full potential of Eurosur and 2) enhance the contribution of Frontex at the external borders. In the final yearly Implementation Report of the EU Internal Security Strategy 2010-2014, published in June 2014, the European Commission stated that an important measure is the entry into force at the end of 2013 of Eurosur (European Border Surveillance System)⁵, a multipurpose system to detect and prevent cross-border crime as well as to contribute to saving migrants' lives at the external borders of the Schengen area. It added that Frontex has been reinforced through the adoption of its revised legal basis. The Commission stated that comprehensive support is provided to protecting the lives of migrants and further to alleviate the burden of the most affected Mediterranean EU Member States.

In technical terms, border control results in increased surveillance. Surveillance means the use of databases, especially biometric databases. The main database in use in Europe are Schengen Information System (SIS), which was recently upgraded and called SIS II, the database for keeping the records of asylum applicants - EURODAC, and finally the database where information on visa applications are stored, which is called the Visa Information System (VIS). Moreover, since 2004 the Union agreed on tracking the passenger data moving in and out of the Union by air through a "Passenger Name Record" (PNR) system. Airline companies provide the data for this system through their booking systems.⁶

Many, especially human rights advocates, have criticized the usage of the full potentials of Eurosur and Frontex, as it produces increased and inhumane surveillance. Contrary to the EU officials, they argue that institutional and operational measures in force severely endanger human rights. Despite the EU's standpoint that its migration policy is migrant-centred and both Eurosur and Frontex "contribute to saving migrants' lives" they are, actually, seen as a threat to realization of immigrants' human rights. The SIS was originally created to fight transnational crime and to search for missing persons more easily. Nevertheless, today, "the SIS functions as a database that maintains dossiers on individuals in order to prevent illegal immigrants from returning

5 Regulation (EU) No 1052/2013 establishing the Eurosur.

6 More information in: Benam (2011).

to the EU. Around the turn of the millennium, police authorities were still denying that the Schengen system was set up in order to provide a policing body for immigration, but that time is past (Lebbe 2011: 88).

Didier Bigo, the leading figure of the Paris School, sees the SIS as a profiling apparatus. According to him, “the main focus of the system is to ensure that persons who are or might be considered unwanted by any participating state are not permitted into the territory. Thus the rules focus on who must be excluded and provide little guidance on who should be admitted” (Bigo 2005: 46).

Further, Bigo argues that the EU has been constructing a “Ban-opticon” like structure. In a “Ban-opticon” certain groups are selected as target groups, as potential criminals, as risky groups and are subjected to increased surveillance, whereas movement for the rest is facilitated. In Europe the group, which is the subject of surveillance, consists of illegal immigrants and asylum seekers. Instructively, he has described this notion as a shift from the pan-optical to the ban-optical. Whereas in the pan-opticon everybody was subjected to the disciplining gaze, Bigo defines the Ban-opticon as a regime of practices where specific groups are blamed already before they have done anything, “simply by categorising them, anticipating profiles of risk from previous trends, and projecting them by generalization upon the potential behavior of each individual pertaining to the risk category” (Bigo 2002: 81).

The whole system has been justified as a migrant-centred and human rights-led from a day one. It seems that it lost that individual touch. It is not primarily regarded on the level of the individual as a matter of the “rational selection of high-risk spaces, high-risk people, or risk factors” (Valverde 2004: 438).

Buffer zones (i.e. processing centres and regional protection zones) can also be regarded as an indication of the desire to categorize populations in terms of the potential harm they pose (Van Munster 2005). The other problem arising from usage of buffer zones is the fact that many of buffer zone countries are not parties to core human rights conventions. For example, Libya, key buffer zone, is not a signatory to number of international human rights law conventions, such as the 1951 Refugee Convention, that guarantees non-refoulement. Therefore, Libya cannot be accountable for abuses against transiting migrants through the country. The EU leaders have been criticized for using authoritarian regime in Tripoli as its overseas border control and closing their

eyes at the clear inhuman treatment of migrants detained in camps⁷. It seems that EU applies double standards. On one hand, it embedded the highest human rights standards and value in its founding treaties.⁸ Reaching the human rights standards is *conditio sine qua non* for the EU membership. On the other, the practice of externalisation of the migration control, i.e. building of detention camps and buffer zones, raises legitimate questions of human rights violations⁹ both on the side of EU and its "migration partners". Additionally, while the freedom of movement of people is one of the fundamental rights, both in the EU and internationally, the EU in its relations with third countries, especially candidate countries and potential candidates, effectively undermines its realization. It calls potential members to enable full realization of human rights, including the freedom of movement, but then it threatens to suspend visa-free regime if the number of asylum seekers, and migrants in general, exceed the "comfortable" number.

2. Less Visible Drivers of the EU Migration Policy: Lampedusa Effect

When the evolution of the EU migration legislation, policy and the institutional arrangement is presented, as well the critics of EU practice, it seems helpful to try to highlight the less visible drivers of EU normative and operational actions with regard to migration.

The Arab Spring has been an important factor. The loss of Libya as a buffer zone due to uprising certainly influenced the speeding up of adoption of some EU's operational measures to fight undesired migration, such as establishing of the Eurosur and strengthening of the Frontex. Despite that, the influx of migrants from North Africa caught EU unprepared. EU panicky responded. Italy declared a State of Emergency and France responded to the 'threat' of irregular migrants by closing its borders with Italy (Rotman 2012: 27). Nevertheless, it would be wrong to assume that the influx of migrants from North Africa was overwhelmed, quantitatively speaking. In fact, "migration to Europe has not been accelerated by the Arab Spring, apart

7 See for example: <http://www.theweek.co.uk/politics/6515/how-libya-kept-migrants-out-eu-any-cost>

8 See: TEU, Art. 2 and 3.

9 See for example: Human Rights Watch (2011); or Amnesty International. (2014).

from a short-lived movement from Tunisia, but has simply continued along previous trends” (Fargues and Fandrich 2012: Exe. Sum). The official EU data corresponds. The number of non-EU nationals residing in the EU has a steady trend. They make in average 4% of the EU populations, from 2010 to 2013 (EU Infographics 2014). The number of immigrants in the EU is actually in decrease since 2010 (data as of 2012). In 2011 there was 4% decrease (from 1.455.953 in 2010 to 1.399.934 in 2011), while in 2012, the decrease was almost 20% (1.170.665) (EU Infographics 2014).

While the number clearly shows that the immigration has not been increased, the public perception is quite different and testifies on the complexity of the issue in EU Member States. While there have always been opponents of multiculturalism in the EU, particularly on far-right part of political diapason, the economic crisis and the perceived increase of migration flow due to the Arab Spring boosted the anti-immigrants discourse in many EU states. The extensive media coverage of several sea accidents during the Arab Spring, most notably the Lampedusa shipwreck¹⁰, contributed to the anti-immigrant discourse painted with terms such as “tsunami of immigrants” or “invading immigrants”, despite the fact that route from Libya to Italy has been one of the most frequently used Mediterranean routes for migrant transfer for decades. Additionally, the majority of the people died in Lampedusa tragedy were Eritreans, i.e. non-Arab Spring related migrants. This “Arab Spring’s tsunami of immigrants” actually serves as a supporting material for the anti-intergration and anti-multiculturalism discourse. The “undesirable” (im)migrants have been perceived as a burden for the European cultural composition due to their effects on the weakening of national traditions and societal homogeneity (Huysmans 2000:758). That is a key message of far-right parties in the EU Member States who link migrations with political (in)stability by labeling migrants as a key threat for collective identity and therefore create an artificial “Other”. The Austrian and Dutch politicians are among most voiced, including Geert Wilders who talks about “Islamisation of the Netherlands”, late Pim Fortuyn and Jörg Haider, Jean-Marie Le Pen in France, etc. Occasional public statements of Government officials (un)purposely supports this far-right view. Most notable was the statement of the German

10 When a boat carrying migrants from Libya to Italy sank off the Italian island of Lampedusa.

chancellor, Angela Merkel, who has courted growing anti-immigrant opinion in Germany by claiming the country's attempts to create a multicultural society have "utterly failed" (Guardian 2010). She added that the onus was on immigrants to do more to integrate into German society (Guardian 2010). Her comments heated a debate about immigration in Germany, which is home to around four million Muslims.

3. Has Securitizing Resulted in a Successful Securitization?

Labeling the migrants as "Other" prevents their integration in the society. In the same time, it contributes to their exclusion and construction of the image of migrants as a threat. In Copenhagen School's terms, the migration issue has been securitized. Actually, securitization of migration is one of the most studied examples in societal security sector¹¹, where the vast majority of scholars stand by the opinion that the EU has indeed securitized the migration issue.¹²

I see two leading contributing factors to securitization of migration in the EU. For the first, I follow Brochmann, who noted that the most probable ground for securitization of migration could be a tendency in most receiving countries to highlight flows of people rather than individual human beings. That "reinforces the threat images of immigration and has contributed to a tendency of politicization of immigration" with the utilisation of metaphors like 'flood', 'invasion', 'hungry hordes' (Brochmann 1999: 331). Despite the fact that the migration flow has not increased, as already shown, the picture painted in the public is different. This call for the defence from invaders plays on both subjective and objective elements. By subjective, I mean people's fears and insecurity and, on the objective side, it builds on the negative impacts of the economic crisis, i.e. austerity and less employment opportunities. The second factor is economic crisis and its negative influence on the labor market and social aid funds in the Member States. Immigrants come as the easiest group to blame, as "job thieves" and social aid beneficiaries. It should be noted that the perception of immigrants as economic or welfare burdens depends on the receiving society's economic situation. In a prosperous and growing economic time, the 'same immigrants'

11 See for example: Roe (2005); Herd, G. P. and Lofgren, J. (2001); Kelstrup (1995); Huysmans (1995) Thranhardt; Huysmans (2006).

12 Rare exception is: Boswell (2009).

who are seen as welfare burdens can be perceived, instead, as necessary for the maintenance of economic growth.

In practical terms, one of the most negative consequences of the securitization of migration is the growth of racism and xenophobia in the society. Securitization makes the inclusion of immigrants in European societies more difficult while further diminishing the chances of promoting multicultural policies.

Theoretically, an issue to be securitized it has to be presented as an existential threat, the actor has to claim a right to handle the issue through extraordinary means, to break the normal political rules of the game (Buzan et al. 1998: 24). *Stricto sensu*, the changes of EU's migration legislation and policies have indeed been made within the proscribed legislative and political procedures. Nevertheless, it seems wrong to conclude that securitization did not occur. The threshold for securitization does not demand the adoption of an emergency measure, but "only that the existential threat has to be argued and just gain enough resonance for a platform to be made from which it is possible to legitimize emergency measures or other steps that would not have been possible had the discourse not taken the form of existential threats" (Buzan et al. 1998: 25). This "lower" threshold has to be applied in the EU case because the complex technocratic nature of political, legal and institutional processes in the EU means that policy outcomes can hardly resemble the ones in nation states. In other words, it is questionable whether any of the EU institutions have the constitutional, institutional, political or legal capacity to use extraordinary means or violate rules that otherwise would bind (Neal 2009: 5).

In the EU case, the drivers of the migration policy and law have been opposite to the EU values, enshrined in the Treaties. The discourse, as presented above, led EU to push and adopted less migrant-oriented and more security-led policies. No one questions the importance of security side of the migration issue, but the system of the migration control in the EU created a paradox. Every individual migrant is subjected to the increased surveillance, biometric checks and administrative obstacles. All migrants are labelled as a risk category, so they are discriminated as a group and its every member is subjected to the negative generalization. Therefore, as a consequence of securitization, the migrants are individually checked, but collectively assessed.

4. Towards a More Human-Based Approach

The main strongholds of human based approach to migration are international human rights instruments. While states have sovereign right to regulate the entry, stay and movement of migrants and their policy on immigration, they have to keep in mind the international obligations they have assumed in the area of human rights. Human rights are provided with an extending scope of institutional mechanisms at the multilateral level with clearly articulated and widely accepted legal notions for legislative and practical responses.¹³ The pressure to respect those rights is necessary, because, as Special Rapporteur of the Commission on Human Rights observed despite the fact that these basic rules of human rights are applicable to non-citizens, the actual circumstances of migrants, particularly those with irregular administrative status, do not match the ideas reflected in the international human rights instruments (UNGA 2004: 11).

Though leading international human rights NGOs, such as Human Rights Watch and Amnesty International have strongly voiced the violations of the rights of migrants, including by the EU institutions, stronger international governmental pressure should follow.

The human rights approach can be combined with the human security concept, as it is widely recognized that the human rights are the vital core and normative foundation of human security and that two approaches are reinforcing each other. It is a fact that studies on migration have mainly focused on the human rights approach with little attention on human security. Human security can be useful because of its inclusiveness, definitional expansiveness and people-centrism. Nevertheless, as Paris noted “definitional expansiveness and ambiguity are powerful attributes of human security, but only in the sense that they facilitate collective action by the members of the human security coalition. The very same qualities, however, hobble the concept of human security as a useful tool of analysis (Paris 2001: 102). Thus, the precondition for more human security oriented migration studies are further

¹³ The 1948 Universal Declaration on Human Rights and two international covenants proclaim the civil, political, economic and social rights of all people. The 1993 Vienna Declaration of Human Rights stresses the universality and interdependence of the human rights of all people. Particularly for migrants, there is the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

development of the theoretical and methodical apparatus of the human security concept, as it is perceived as vague and underdeveloped.¹⁴

The main advantages of human security approach with regard to migrants could be the emphasis of the multiple factors that give rise to migration flows, including economic deprivation, political persecution, and ethnic cleansing, and would seek to address these conditions before they lead people to migrate (Thakur 2003: 5).

The human security approach could be especially useful when dealing with conflict-induced migrants and criminal-induced migrants, i.e. victims of human trafficking. The irregular migrants are in particularly disadvantaged position. They often work in precarious and dangerous jobs; they are excluded from health, education and other social welfare provisions, and they can be subject to exploitation in the housing market (le Voy et al. 2004). Their status often makes them unwilling to engage with authorities.

The United Nations system, the birthplace of the human security concept seems to be the right environment to advocate for a more human rights/security approach. Its Commission on Human Security has already recognized that migration is vital to protect and attain human security, although their human security may also be at risk while they are migrating (CHS 203: 41).

Migration is one of the issues that are in the centre of the security-rights nexus. Migrations have a clear security dimension, but they are best addressed through rights-based policies. The way forward in the EU case is twofold. The first is to continue the ceased activities in embracing and implementing the human security concept. In other words, Barcelona (2004) and Madrid (2007) reports of the Human Security Study Group should be followed-up. The second is relocation of the external “migratory relations” from DG Home (European Commission’s Directorate-General for Home Affairs) to EEAS (European External Action Service). So far DG Home has lead the negotiations with third countries and acted almost completely autonomously from the EEAS in transmitting the EU standpoints to third countries’ authorities. That is despite the fact that Lisbon Treaty gave a leading role in setting strategies and priorities for EU foreign affairs policy to the EEAS. The main negative consequence of such development is enshrined in the

14 See for example: Chandler (2008); Lipovac and Glušac (2011).

DG Home's view on migration, marked by narrow lens of its expected short-term effect on the security of EU Member States. The result is a restrictive stance on human mobility policy, in which the overriding concern is to stem irregular immigration (Carrera et al. 2013: 4). Additional result, as already argued, is engagement with undemocratic third states through readmission agreements and buffer zones deals. Those engagements utterly negate the founding values and wording of the EU treaties saying the cooperative relations with the neighborhood have to be "founded on the values of the Union", including the respect of fundamental rights (TEU Art. 89). The solution is to follow the Lisbon Treaty and hand over the migration foreign relations to the EEAS which would much more take into account the broader sectoral issues at stake in the EU's wider negotiations with third countries, including the human dimension.

Conclusions

As Gammeltoft-Hansen correctly noted, key EU dilemma in dealing with migration is "How may the ambition of EU nation-states to control the entry and movement of people be reconciled with liberal standards promoting free markets, open borders and humanitarian values?" (Gammeltoft-Hansen 2006: 1) At the moment, the reconciliation is not going easy. In time of austerity, omni-present surveillance, uncontrolled conflict-caused migrations and the renewed calls for re-evaluation of multicultural model, the EU struggles to reconcile its traditional liberal, human rights-led policies with the emerging threat to the sustainability of attained level of welfare.

The evolution of the EU migration policy and law is marked by increased externalization of migration control in combination with buffering and border control. The EU's externalization method is, in practical terms, a sort of "policing at a distance" (Bigo 2002).

The established system of migration control, despite official presentation as a migrant-centred and rights-led, turned to be a threat to both human rights and human security of the migrants. The migrants are presented as risky, criminalized, group that have to be put under special surveillance, without proscribing the clear and individualized case-by-case procedure. The migration policy is motivated by security concerns much more than migrants' welfare, as the migrants are perceived to be

a treat to the European Union. The changes of the EU migration policy and law present a case of successful securitization.

No one denies that migration is a security issue. In fact, migrations are one of the issues that are in the centre of the security-rights nexus. Migrations have a clear security dimension, but they are best addressed through rights-based policies. If the methodological apparatus of the human security concept successfully evolves, a human security approach to migrations could potentially serve as a middle ground.

In EU internally, the solution is “desecuritization and the parallel repositioning of migration to the realm of normal politics, which means the repoliticization of the issue” (Jutila 2006). In foreign migratory relations, EEAS has to take over the negotiations with third countries from DG Home, in order to take into account the broader sectoral issues and human rights guarantees.

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