

# **The European Union's reaction to the refugee crisis – between securitization and human rights protection**

**A discourse analysis of the European Union's response to the  
Syrian refugee crisis**

**MA Thesis**

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## List of abbreviations

<b>EU</b>	European Union
<b>EUNAVFOR MED</b>	European Union Naval Force Mediterranean
<b>Europol</b>	European Union Agency for Law Enforcement Cooperation
<b>Eurosur</b>	European Border Surveillance System
<b>FRONTEX</b>	European Border and Coast Guard Agency
<b>IOM</b>	International Organization for Migration
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees

## Introduction

A violent response of the Syrian regime of Bashar al-Assad to a protest calling for democratic reforms in Syria resulted in an everlasting civil war in the country. The High Commissioner of the United Nations Refugee Agency has called the Syrian crisis the biggest humanitarian crisis of our time.<sup>1</sup> By 2017 about 5 million people have fled Syria since the outbreak of the conflict in 2011.<sup>2</sup> Thousands of those have travelled to Europe by land or through the help of smugglers by sea endangering their lives and the lives of their children. The ongoing civil war in Syria has caused what is often described as the worst refugee crisis since the Second World War.<sup>3</sup> The situation has placed a heavy burden on the southern part of the European Union in states such as Greece and Italy, which as initial points of arrival have to deal with thousands applications for asylum. Along with the refugees Europe was faced with the arrival of a large number of illegal immigrants. As a response and a solution to the incapability of Greece, Italy and other Southern European states to deal with the migrant influx, the EU concluded a controversial deal with Turkey on the 18<sup>th</sup> of March 2016. According to the deal Greece is allowed to return "all new irregular immigrants" to Turkey after March 20<sup>th</sup> 2016 in exchange for the EU resettling Syrian refugees currently seeking asylum in Turkey and increasing financial support for refugee camps.<sup>4</sup>

The topic of illegal immigration to Europe has been widely discussed, debated and analysed in the European Union. Migration as a security issue is not a new topic to the academic literature. Much focus has been given to it especially in the beginning of this century. Many academics have written about the ways illegal immigration has been securitized as a threat to the peace, security and values in the European Union long before the outbreak of the Syrian civil war, which has caused the massive refugee influx we are witnessing in the present times. The general consensus in academia is that immigrant and asylum-seekers have been perceived as security threats, which has deteriorated their status and has had negative impact on their

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<sup>1</sup> Antonio Guterres, "Remarks by António Guterres, United Nations High Commissioner for Refugees" (speech, Conference on the Syrian Refugee Situation – Supporting Stability in the Region, Berlin, 28 October 2014), <http://www.unhcr.org/admin/hcspeeches/544fb4189/remarks-antonio-guterres-united-nations-high-commissioner-refugees-conference.html>.

<sup>2</sup> The United Nations Refugee Agency, *Syria Emergency*, accessed April 22, 2017, <http://www.unhcr.org/syria-emergency.html>.

<sup>3</sup> Brittany Walter, "1940 vs. 2015: Will Syrian Refugees compare to European Refugee Statistics?" *International Policy Digest*, November 23, 2015, accessed March 30, 2016, <http://intpolicydigest.org/2015/11/23/1940s-vs-2015-will-syrian-refugees-compare-to-european-refugee-statistics/>.

<sup>4</sup> Elisabeth Collett, "The Paradox of the EU-Turkey Refugee Deal." *Migration Policy Institute* (March, 2016), accessed May 12, 2017, <http://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal>.

human rights.<sup>5</sup> Immigrants have long been pictured as intending to disturb the peace of the European continent as well as being just the start of a much larger immigrant influx.<sup>6</sup> The concept of 'securitization' was first developed by the Copenhagen School and is thought to be one of the most significant and dominant approaches in security studies.<sup>7</sup> It holds that something can be characterized as a security threat through "speech acts" of political actors with the authority to identify something as a security issue.<sup>8</sup>

The aim of this thesis is to explore the extent to which the response of the European Union to the Syrian refugee crisis has been characterized by securitization of the migration influx and whether this has resulted in a deterioration of the protection of the human rights of the immigrants. First of all, it will begin with a short literature review in order to identify the research gap on the topic. Second of all, the theory, the methodology behind this research will be explained and their limitations will be discussed. Third of all, this research will discuss whether there have been general patterns of securitization of migration from states outside of the EU in the years prior to the current increase in migratory pressures. Fourth of all, this thesis will follow the response of the European Union to the migrant crisis from the Lampedusa tragedy in the end of 2013 up to the conclusion of the EU-Turkey migrant deal in March 2016 and exploring whether there has been securitization in the discourse of the EU's institutions. The timeframe has been restricted due to unavailability of space. The tragedy of Lampedusa refers to the shipwreck on 3<sup>rd</sup> of October 2013 of an overloaded migrant boat nearby the coast of Lampedusa Italy killing 366 migrants who were seeking protection in Europe. This tragedy acted as a wakening call for the EU institutions and the media and caused a great amount of discussions on what should be done in order to stem the flow of illegal immigration and people smuggling to Europe by sea. The final part of this research will discuss what implications the actions the European Union and its member states have on human rights protection of migrants and asylum seekers. It will discuss human rights violations as they have been presented by a variety of human rights protection organization.

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<sup>5</sup> Sarah Leonard, "FRONTEX and the Securitization of Migrants through Practices" (paper presented at the Migration Working Group Seminar, European University Institute, Florence, February 9, 2011).

<sup>6</sup> C. Boswell, *European Migration Influx: changing patterns of inclusion and exclusion*, (Oxford: Backwell Publishing, 2003), 154.

<sup>7</sup> M.C. Williams, "Words, Images, Enemies: Securitization and International Politics," *International Studies Quarterly* 47(2003): 520, accessed April 16, 2017, doi: 10.1046/j.0020-8833.2003.00277.x.

<sup>8</sup> B. Buzan, O. Waever, and J. Wilde, *Security: A New Framework of Analysis*, (Boulder: Lynne Rienner, 1998), 25.

## Literature review and research gap

A good literature review is needed in order for a researcher to fully familiarize with the topic of their interest. Also it is needed in order to avoid repetition of other researcher's thoughts on a certain topic and to avoid plagiarism. The aim of my project as presented above is to analyse the discursive practices in the European Union's institutions from the end of 2013 (The Lampedusa tragedy) until March 2016 (the EU-Turkey migrant deal) in order to find whether there have been patterns of securitization in regard to the increase in immigration flows to Europe and whether that has had a negative impact on the protection of human rights in Europe.

What I failed to find during my preliminary research is any similar project particularly focused on the given timeframe. A lot of academic work has been done exploring similar topics in the early 2000s, but, however, I could not find much literature particularly dealing with discourse analysis of the possible securitization in the timeframe that I have identified for my research.

Scott Watson wrote a dissertation on the "Securitization of Humanitarian Migration." His work gives a useful insight into the securitization of migration in Australia and Canada and the way the discourse of policy makers limits the possible options for policy actions.<sup>9</sup> It gives a broad theoretical insight regarding this topic drawing on various theories of international relations and how discourse can limit the possibilities of policy actions within a liberal capitalist state. Jef Huysmans has written on "The Securitization of Migration in the European Union" and traces the process on how has migration developed into a security issue in Europe since the period of the early 1980s until the Treaty of Amsterdam in 1997. He discusses the dilemma of how on one hand the policy makers have turned migration into a security issue by drawing a negative picture of the asylum seekers and on the other hand by campaigning against the "revival of nationalism, racism and xenophobic reactions."<sup>10</sup> He defines the Europeanization of migration as the continuous securitization, which maintains the possibility for radical migration policies.<sup>11</sup> His work covers the period before the new millennium.

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<sup>9</sup> Scott D. Watson, "The Securitization of Humanitarian Migration,"(Phd diss., The University of British Columbia, 2006).

<sup>10</sup> Jef Huysmans, "The European Union and the Securitization of Migration," *Journal of Common Market Studies* 38(December 2000): 766.

<sup>11</sup> *Ibid*, 771

Drs. Sarah Leonard analysed how FRONTEX has contributed to the securitization of migration in the European Union. She makes an important remark on the way the analysis of the securitization of migration in the European Union has been done taking the EU as a “monolithic actor” and how there is a lack of analysis of the dynamics of institutional securitization of migration flows.<sup>12</sup> However, her work is an analysis of the securitizing practices rather than discourses. Her particular focus on FRONTEX as the agency which practically enacts the securitization discourses of the European Union as a whole has given me a well written and structured abstract into the practices of securitization of the EU.

Dominique van Dijk has presented a paper in which he attempts to research into the institutionalized securitization of the European Union. The work thoroughly analyses how securitization becomes institutionalized by going through several stages until it finally becomes the “standard political discourse.”<sup>13</sup> Nur Ozkan Erbay has written a research paper called “Forced Migration, Refugees and Securitization: Policy Implementations of Turkey towards Syrian ‘Guests’, Refugees.” It briefly gives insight into the securitization of the refugee influx in Turkish media and politics. Sinem Yuksel has written about the securitization of migration in the context of EU-Turkey relations with reference to three “referent objects”: internal security, cultural identity and the welfare state, which is the framework used by Jef Huysmans in his article mentioned above and concludes that the migration from Turkey to the EU is securitized through the discursive practices of European leaders.<sup>14</sup> Ingrid Boccardi has examined how the current EU Asylum policy lies in between the dilemma of on one hand protection of refugees due to the international obligations the EU member states have undertaken by signing the 1951 Geneva Convention and the European Convention on Human Rights (ECHR).<sup>15</sup> On the other hand lies the objective of securing the internal market and the prevention of free circulation of asylum seekers through the community.<sup>16</sup> She then goes on to explore the ways in which the EU transfers responsibilities to non-EU neighbouring or partner states through various initiatives such as Regional Protection Programmes, EU Resettlement

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<sup>12</sup> Sarah Leonard, “FRONTEX and the Securitization of Migrants through Practices” (paper presented at the Migration Working Group Seminar, European University Institute, Florence, February 9, 2011).

<sup>13</sup> Dominique van Dijk, “Is the EU policy on illegal immigration securitized? Yes Of Course! A study into the dynamics of institutionalized securitization” (paper presented at the 3<sup>rd</sup> Pan-European Conference on EU Politics, Istanbul, September 21-23, 2006).

<sup>14</sup> Jef Huysmans, “The European Union and the Securitization of Migration,” *Journal of Common Market Studies* 38(December 2000): page?.

<sup>15</sup> Ingrid Boccardi, “Confronting a False Dilemma: EU Asylum Policy between ‘Protection’ and ‘Securitization’,” *Current Legal Problems* 60, issue no.1 (2007): 207, accessed April 12, 2017, <https://doi.org/10.1093/clp/60.1.204>.

<sup>16</sup> *Ibid*, 211.

Schemes and Protected Entry Initiatives. Although the articles were written prior to the current refugee crisis, it gives useful insight into the practices the EU undertakes in order to export accountability for dealing with large migratory influxes. These practices have had a similar objective as the EU-Turkey deal thus it gives this thesis a useful background of past EU methods in stemming immigration from third states.

Elsbeth Guild has published a book called "Security and Migration in the 21<sup>st</sup> Century", in which she explores the meaning of both security and migration and how the two concepts intersect. The author examines the topics of human rights and refugee protection drawing on legal framework and examples. Moreover, she touches upon the topic of security discourses and the way they can create a feeling of insecurity among citizens. She draws bridges between the different topics connected to migration and security and connects them to the experiences of migrants focusing on the migrants as individuals rather than the collective state centric approaches of previous researches. The book chapter dealing with the topics of armed conflicts, flight and refugees is of particular relevance to this research whereas the international legal framework for asylum seekers and definitions are provided.

Furthermore, continuous research on the topic of the Syrian refugee crisis has adopted a normative perspective and has thus focused on the international community's response to the crisis, the use of sanctions and inadequacy of resources used to solve the crisis.<sup>17</sup> Other researches have focused particularly on the EU's response to the political conflict rather than the solving of the refugee crisis and have been done prior to the timeframe, which has been identified for this thesis.<sup>18</sup> Orchard and Miller, on the other hand, focus on the humanitarian response of the EU and hold the thesis that the main purpose of the response of the EU is to stem the flow of refugees to the Syrian neighbouring countries by providing funds to those states and refugees and securing European borders.<sup>19</sup> Other actors such as Ostrand have compared the response of different states to the refugee crisis and have concluded that the burden on industrialized states is small in comparison to the burden on Syrian neighbouring states and the author has advocated for a greater degree of solidarity of European and Western

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<sup>17</sup> Maria Hoel, "The European Union's response to the Syrian refugee crisis. An analysis of the response of Member States and EU institutions" (Norwegian University of Science and Technology, 2015), 5.

<sup>18</sup> Philippe Fargues and Christine Fandrich, "The European Response to the Syrian Crisis What Next?," *Migration Policy Centre Research Report 2012/14* (2012): 11.

<sup>19</sup> Cynthia Orchard and Andrew Miller, "Protection in Europe for Refugees from Syria," *Forced Migration Policy Briefing 10* (2014), accessed May 2, 2017.

industrialized states towards countries with direct border to Syria which have received millions of refugees.<sup>20</sup>

During the research into the topic of this thesis I failed to find any similar project dealing with the established timeframe and the topic of interest namely whether the migration influx has been securitized by the European Union's institutions during the current crisis caused by the massive increase of refugees travelling from Syria and other Middle Eastern and African countries to Europe. Moreover, apart from continuous reports on how the EU-Turkey deal has been in violation with human rights of NGOs such as Amnesty International and Human Rights Watch, I have failed to find academic research into whether there has been securitization of migration in the EU, which has led to the derogation of human rights protection in the EU. The next chapter will present the theoretical and methodological framework, which will be used for the conclusion of this thesis.

## **Terms and Theoretical framework**

Every well-structured, planned and conducted research project has a theory, in a way “wrapped” around it. This chapter will briefly examine the meaning of the contested concept of security and will present the inherent assumptions of securitization theory. It will begin by defining the terms, which will be used throughout this research project in order to provide clarity for the reader. It will specifically focus on the terms refugee, asylum seeker, and migrant. The definition of a displaced person will not be touched upon due to it being connected to the situation of a person being displaced internally in a state during conflict.

The terms refugee and asylum seeker were internationally codified in the Geneva Convention of 1951 whereas in Article 1 a refugee is defined as a person who *“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”*<sup>21</sup> Certain rights for refugees such as the right to work, freedom of religion, education, property and social

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<sup>20</sup> Maria Hoel, “The European Union's response to the Syrian refugee crisis. An analysis of the response of Member States and EU institutions” (Norwegian University of Science and Technology, 2015), 6.

<sup>21</sup> UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, available at: <http://www.refworld.org/docid/3be01b964.html> [accessed 28 June 2017]

assistance are as well codified in the Convention.<sup>22</sup> An asylum-seeker is a person fleeing persecution in his own country, who resides in the territory of another country and awaits decision of the relevant authorities in the host state on his application for a refugee status.<sup>23</sup> Internationally, there is no universally agreed definition of a migrant. The International Organization for Migration defines a migrant in its Glossary on Migration as a person leaving the confines of the state of his "habitual residence" regardless of legal status, whether the movement is voluntary or involuntary, length of stay, and causes for migration.<sup>24</sup> In this sense a migrant is a more general and encompassing term while refugee and asylum-seekers refer to persons fleeing persecution. The relevance of these definitions to this research is that during the current refugee crisis in Europe apart from asylum-seekers to the continent travelled a high number of migrants from countries other than Syria. Eurostat estimated in 2015 that only one in five people arriving in Europe was form Syria.<sup>25</sup> Furthermore, irregular migration is vaguely defined as migration which happens "outside the regulatory norms of the sending, transit and receiving countries."<sup>26</sup>

Security as a concept in international relations has increasingly been discussed since the 1980s. Due to the broadening of the agenda of security studies, by adding fields such as environment, economy, society and politics to the classical military issues, the problem of defining what security is has become of key importance.<sup>27</sup> According to Huysmans the concept of security has been explored too narrowly and the meaning of security should not be depended on the analytical questions it suggests, but rather on a discursive formation about our relation to nature and life. In this sense the meaning of security hints a particular interpretation of social relations.<sup>28</sup>

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<sup>22</sup> UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, available at: <http://www.refworld.org/docid/3be01b964.html> [accessed 28 June 2017]

<sup>23</sup> Richard Perruchoud and Jillyanne Redpath-Cross, eds, *International Migration Law No. 25 – Glossary on Migration* (International Organization for Migration, 2011), 12.

<sup>24</sup> Richard Perruchoud and Jillyanne Redpath-Cross, eds, *International Migration Law No. 25 – Glossary on Migration* (International Organization for Migration, 2011), 61.

<sup>25</sup> Eurostat, *Asylum In The EU Over 210 000 First Time Asylum Seekers In The EU In The Second Quarter Of 2015 A Third Are From Syria Or Afghanistan*, 2015, accessed June 26, 2017, <http://ec.europa.eu/eurostat/documents/2995521/6996925/3-18092015-BP-EN.pdf/b0377f79-f06d-4263-aa5b-cc9b4f6a838f>.

<sup>26</sup> Richard Perruchoud and Jillyanne Redpath-Cross, eds, *International Migration Law No. 25 – Glossary on Migration* (International Organization for Migration, 2011), 54.

<sup>27</sup> Jef Huysmans, "Security! What Do You Mean? From Concept to Thick Signifier," *European Journal of International Relations* 4, no. 2 (1998): 227.

<sup>28</sup> *Ibid*, 228.

In critical security studies a common understanding exists about the strain between collective security and individual security. Collective security measures tend to have direct influence on the security of the individual. However, protecting the security of the individual may not be a precondition for the framing of issues for the safeguarding of the collective security.<sup>29</sup> This is especially valid when individual security of foreigners is being discussed. As critical security studies have distanced themselves from classical international relations studies and entered into a debate with critical security studies has caused a shift from the classical "internal-external divide" of international relations studies. Security studies have begun to examine issues such as "transnational mobilization" and migration.<sup>30</sup> Security studies has been involved in analysing population movements, in which the main subjects of investigation have been the United Nations High Commissioner on Refugees and the International Organization for Migration.<sup>31</sup>

Securitization theory of the Copenhagen School defines securitization as the action of turning something into a security threat through the use of speech acts. The process of "labelling something as a security issue" is the way something starts being perceived as a security threat by the public.<sup>32</sup> In order to have effective securitization there is a need of a referent object, which is threatened in some way and the securitizing actor is willing to undergo extraordinary measures to ensure the safety of the referent object.<sup>11</sup> Therefore in the speech act the security threat is being described as highly exceptional, which requires extraordinary measures. Through securitization an issue is being transferred from the field of normal politics to the sphere of emergency politics, whereby the tools which will be used to deal with the security issue at hand can be non-regulatory and non-democratic.<sup>33</sup> There are virtually no limits to what can be securitized or presented as a threat to security. Rather there exist limits on who can securitize an issue. To be able to securitize is largely based on having power and authority.<sup>34</sup>

The main characteristic of securitization is the linguistic process, which calls for special measures on the basis of the urgency of the threat.<sup>12</sup> Moreover, Buzan, Waever and de Wilde

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<sup>29</sup> Elspeth Guild, *Security and Migration in the 21st Century* (Polity, 2009), 6.

<sup>30</sup> Ibid, 9.

<sup>31</sup> Ibid, 10.

<sup>32</sup> Ole Waever, "Aberystwyth, Paris, Copenhagen: New Schools in Security Theory and their Origins between Core and Periphery" (paper presented at International Studies Association Conference. Montreal, 17–20 March 2004).

<sup>33</sup> Rita Taureck, "Securitization Theory and Securitization studies," *Journal of International Relations and Development* 9 (2006): 55, doi:10.1057/palgrave.jird.1800072

<sup>34</sup> Ibid, 55.

have defined the speech act as being self-referential meaning that “because it is in the practice that the issue becomes a security issue – not necessarily because a real existential threat exists but because the issue is presented as such a threat.”<sup>35</sup> Securitization is mainly a political process or an “intersubjective situation reflecting the positions of agent within a field of power.<sup>14</sup>” Three components of successful securitization are identified by Buzan, Waever and de Wilde namely "existential threats, emergency action, and effects of inter-unit relations by breaking free of rules."<sup>35</sup> Securitization theory is not a normative statement on how a political process should undergo but rather a tool for analysing occurrences of securitization.<sup>36</sup> Securitization, in this sense, is a tool, which figures with political authority can use in order to legitimize a certain policy or action.

Buzan, Waever, and de Wilde have divided security into five separate categories: military, environmental, economic, societal and political.<sup>37</sup> Migration has been linked to the category of societal security whereby the issue is defined as follows; "X people are being overrun or diluted by influxes of Y people; the X community will not be what it used to be, because others will make up the population; X identity is being changed by a shift in the composition of the population."<sup>38</sup> The reaction of the society can be two-way in this case. First, it can react by carrying out activities in the community. Second, the society could place the issue on the state agenda whereby it could be dealt with different sorts of legislation and border controls.<sup>39</sup> In this case the divide between the societal and political sectors is rather blurry.

In the research at hand the role of a securitizing actor will be undertaken by the European Union and its institutions. The referent object may vary accordingly to the topic discussed ranging from the security of the European territory to the safeguarding of the European identity. In order to examine whether any extraordinary measures have been undertaken, a variety of policies will be looked upon. Next the method, which will be used to conduct the research will be presented along with the possible limitations arising from the chosen theory and methodology.

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<sup>35</sup> B. Buzan, O. Waever, and J Wilde, *Security: A New Framework of Analysis*, (Boulder: Lynne Rienner, 1998), 26.

<sup>36</sup> Rita Taureck, “Securitization Theory and Securitization studies,” *Journal of International Relations and Development* 9 (2006): 55, doi:10.1057/palgrave.jird.1800072

<sup>37</sup> B. Buzan, O. Waever, and J Wilde, *Security: A New Framework of Analysis*, (Boulder: Lynne Rienner, 1998), page needed.

<sup>38</sup> B. Buzan, O. Waever, and J Wilde, *Security: A New Framework of Analysis*, (Boulder: Lynne Rienner, 1998), 121.

<sup>39</sup> *Ibid*, 122.

## Method and Limitations

Securitization theory was developed by the Copenhagen School and its proponents Buzan, Waever and de Wilde as mainly Western European theory of international relations. Therefore, it has often been criticized for not being universally applicable. This section will discuss the chosen method to conduct this research and discuss its limitations as well as it will briefly present the three main modes of criticism to securitization theory and elaborate on whether the discussed limitations of this theoretical school apply to the research at hand.

The method, which will be used to conduct this research project, is critical discourse analysis. Various policy papers, outcome documents, meeting conclusions and conference reports of the European Council, the European Commission and the Council of Europe have been looked upon throughout the research. The discourse of these institutions is particularly important due them being one of the main players in deciding the different measures on how to tackle the refugee crisis and the measures taken to secure the European continent. The discourse analysis will be concluded as a combination of speech acts and practices and will look at whether they have led to securitization of the migratory influx in the recent years. Practices are included along with speech acts, because this research will be undertaking the sociological approach to securitization theory. The definition of the so called sociological approach is discussed further down in this section as part of the criticisms to the theory. Moreover, various human rights reports from organizations such as Amnesty International, Human Rights Watch and Oxfam will be used to in order to see what impact have the practices and discourses of European institutions and EU Member States have had on the protection of human rights of the migrants.

There is a vast majority of literature dealing with the topic of theoretical criticism. Authors such as Walter, Huysmans and Balzacq have criticized the theory's exaggerated focus on semantics and speech.<sup>40</sup> More specifically it is argued that securitization would be better understood through examining strategic practices rather than solely speech acts. Here strategic practice could best be understood as the act of persuasion through the use of a variety of stereotypes, gestures, metaphors.<sup>41</sup> Furthermore, Balzacq holds that "security practices are enacted, primarily, through policy tools" and securitization can be studied not solely through

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<sup>40</sup> Amir Lupovici, "The Limits of Securitization Theory: Observational Criticism and the Curious Absence of Israel," *International Studies Review* 16 (2014): 394, accessed April 12, 2017, doi: 10.1111/misr.12150.

<sup>41</sup> Thierry Balzacq, "The Three Faces of Securitization: Political Agency, Audience, Context," *European Journal of International Relations* 11, no. 2 (2005): 172, accessed April 29, 2017, doi: 10.1177/1354066105052960.

speech acts, but rather through the different policy tools used by securitizing actors and agencies in order to deal with "public threats".<sup>42</sup> This discussion and differentiation is related to the current research of the perceived securitization of the current migration/refugee crisis Europe is experiencing because in the case of absence of direct speech acts securitizing immigration and asylum seeking on the level of EU institutions, the policy instruments used by the EU could by themselves be securitizing acts.

Another distinguished criticism of securitization theory is the lack of comprehensive methodological framework.<sup>43</sup> The applicability of various methods has been thoroughly researched into, but the purpose of this paper is not to pay extensive attention on other methods than the method chosen to conduct the current research namely discourse analysis. Discourse analysis as a method for the application of securitization theory has narrowed the application of the theory to spoken or written pronouncements of securitization.<sup>44</sup> However, as Balzacq defined the relevance of this method to securitization theory: "discourse analysis helps students to map the emergence and evolution of patterns of representations which are constitutive of a threat image."<sup>45</sup> Here it seems appropriate to mention the distinction between the sociological and philosophical approaches to securitization theory. The sociological approach refers to the usage of critical discourse analysis.<sup>46</sup> In this approach a vast body of diverse literature, including archives, newspaper, pictures, and interviews, is used in order to create a space where discourse structures a social space through the construction of threat images due to power relations.<sup>47</sup> The sociological approach as defined by Didier Bigo has emphasized the study of practices rather than discourses especially in relation to migration: "[t]he securitization of immigration (...) emerges from the correlation between some successful speech acts of political leaders, the mobilization they create for and against some groups of people, and the specific field of security professionals (...). It comes also from a range of administrative practices such as population profiling, risk assessment, statistical calculation, category creation, proactive preparation, and what may be termed a specific habitus of the "security

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<sup>42</sup> Thierry Balzacq, *Securitization Theory: How Security Problems Emerge and Dissolve* (London: Routledge, 2010), 31.

<sup>43</sup> Amir Lupovici, "The Limits of Securitization Theory: Observational Criticism and the Curious Absence of Israel," *International Studies Review* 16 (2014): 395, accessed April 12, 2017, doi: 10.1111/misr.12150.

<sup>44</sup> Thierry Balzacq, *Securitization Theory: How Security Problems Emerge and Dissolve* (London: Routledge, 2010), 35.

<sup>45</sup> *Ibid*, 37.

<sup>46</sup> *Ibid*, 38.

<sup>47</sup> *Ibid*, 1141.

professional” with its ethos of secrecy and concern for the management of fear or unease.”<sup>48</sup> The philosophical approach of securitization theory, on the other hand, uses "social linguistic analysis of texts."<sup>49</sup> In this approach the aim is to "understand not only the discursive micro dynamics of individual decisions, but also the discursive foundations of the social reality in which those decisions are located."<sup>50</sup> This sort of discourse analysis is most useful when examining the creation of migrant identities in the occurrence of securitization and would therefore prove useful for the purpose of this research project. Not any discourse can be understood as a performative speech acts, but should rather be understood in the context of every day practices of authorities that create the feelings of fear and insecurity. Those practices may vary considerably depending on the social universes they are enacted in.<sup>51</sup> For the research of this project it seems appropriate to use a combination of both in order to be able to fully grasp the discourses and the practices of the EU in relation to securitization of migration, asylum and border control.

Third of all, international relations scholars have been troubled by the normative assumptions of securitization theory. Criticisms include the ignoring of impartial reality and the theory's negative connotations. Moreover, Ardanau talks about the under specificity of de-securitization as an opposite of the process of securitization.<sup>52</sup> The scholar has further questioned the normative desirability of de-securitization.<sup>53</sup> The need for political responsibility on the part of the analyst is furthermore discussed.<sup>54</sup> However, as the purpose of my research is not to create normative statements of how the EU should handle the refugee influx this section of criticism will be left rather short.

To sum up, three distinctive categories of criticisms/limitations of securitization theory can be identified namely the theoretical, the methodological and the normative criticisms. Some scholars build upon the theory and include practices as distinguished securitizing tools. With regard to the methodological criticism the differentiation between critical discourse

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<sup>48</sup> Didier Bigo, "Security and immigration: toward a critique of the governmentality of unease," *Alternatives: global, local, political* 27 no.1 (2002): 65-66.

<sup>49</sup> Thierry Balzacq, *Securitization Theory: How Security Problems Emerge and Dissolve* (London: Routledge, 2010), 40.

<sup>50</sup> Ibid, 40.

<sup>51</sup> Didier Bigo, "The (in)securitization practices of the three universes of EU border control: Military/Naval – border guards/police – database analysts," *Security Dialogue* 45, no.3 (2014): 211.

<sup>52</sup> Claudia Ardanau, "Security and the Democratic Scene: desecuritization and emancipation," *Journal of International Relations and Development* 7(2004): 389. doi:10.1057/palgrave.jird.1800030

<sup>53</sup> Amir Lupovici, "The Limits of Securitization Theory: Observational Criticism and the Curious Absence of Israel," *International Studies Review* 16 (2014): 395, accessed April 12, 2017, doi: 10.1111/misr.12150.

<sup>54</sup> Rita Taureck, "Securitization Theory and Securitization studies," *Journal of International Relations and Development* 9 (2006): 57, doi:10.1057/palgrave.jird.1800072

analysis and the social linguistic analysis and their purposes have provided a useful inside into the most fitting method to be used in order to investigate into the possible securitization of the refugee influx in Europe, the negotiating of the EU-Turkey migrant deal and the ramifications this has had on the human rights of immigrants. The next chapter will discuss whether there has been a general pattern of securitization of migration in the European Union.

## **To what extent is securitization of migration rooted in the policies of the European Union?**

With the deepening of European integration, the question of migration, population flows and asylum was continuously placed in the security nexus. The policies the EEC, EC and afterwards the EU produced since the 1970s have been a reflection on the security discourse surrounding the issues related to migration. Put differently, it is assumed that the securitization of asylum and migration in the European Union has had negative implications on the status and conditions of asylum seekers and migrants and their human rights.<sup>55</sup> Before being able to analyse whether the European Union has securitized migration in its practices and discourses during the current refugee crisis, this thesis will look at to what extent the policies developed by the EU in the period prior to the present migratory crisis have been characterized by securitization. It is interesting to know whether and how securitization has occurred prior to the period identified as the current refugee crisis in the practices and discourses of the European Union. It would be intriguing to know whether there are any similarities between the period prior to the current refugee crisis and the timeframe of the current refugee crisis. The policy development in Europe related to migration has caused the development of the term "Fortress Europe" often being used to describe the EU and its migration policies. This chapter will trace whether the process of securitization of migration has been present during the institutionalization of policies in the European Union.

The beginning of "Fortress Europe" is said to have begun with Council Regulation 1612/68. This landmark Regulation on the free movement of workers within the Community has made a clear differentiation between the nationals of EEC Member states and nationals of non-Member states.<sup>56</sup> After the 1973 oil crisis resolved, the demand for labour in the EEC decreased and the Community opted for a restrictive migratory policy.<sup>57</sup> In 1974 The

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<sup>55</sup> Sarah Leonard, "FRONTEX and the Securitization of Migrants through Practices" (paper presented at the Migration Working Group Seminar, European University Institute, Florence, February 9, 2011).

<sup>56</sup> Didier Bigo, *Controlling frontiers: free movement into and within Europe* (Albanshot: Ashgate, 2005), 17.

Commission produced an Action Programme targeting Migrant Workers and their Families whereby illegal immigration is pictured as very problematic and in need of attention: “*Illegal immigration has greatly increased in recent years and while of its very nature accurate statistics are not available, there are grounds for believing that there are some 600.000 illegal immigrant workers in the Community (not including families) or one-tenth of the number of legally admitted migrants.*”<sup>58</sup> And “*In view of the growth of this problem of illegal immigration, it is urgently necessary for the Member States to adopt a common approach to deterrent measures. If illegal immigration is allowed to go unchecked, there is a serious risk of failure in the efforts to improve the social situation of the rest of the immigrant population.*”<sup>59</sup> Moreover, the document makes remarks of the possible health risks for the population of the member states due to the lack of "medical control" of the illegal immigrants.<sup>60</sup> This presents how illegal migrants were increasingly viewed as a problem in the 1970s with possible disturbing consequences for member states. Although mainly concerned with economic migration due to the lack of asylum related migration in those years, it is evident that security concerns were already present in the discourse of the Commission in the 1970s. Illegal immigration was presented as "an existential social threat" to the health of the population, which required immediate measures.<sup>61</sup>

In 1976 the Trevi group was set up in order to counter terrorism and coordinate policing in then the European Community. Based on intergovernmental cooperation, the Trevi group comprised of three levels of officials - Ministers, Senior Level Officials, and working parties.<sup>62</sup> The creation of the Trevi group conceptualized immigration as a security threat, which required special attention in special meetings. The Trevi group started as an ad hoc group working outside the scrutiny of parliaments.<sup>63</sup> These were extraordinary means to address immigration

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<sup>58</sup> Didier Bigo, *Controlling frontiers: free movement into and within Europe* (Albershot: Ashgate, 2005), 21.

<sup>59</sup> Dominique van Dijk, “Is the EU policy on illegal immigration securitized? Yes Of Course! A study into the dynamics of institutionalized securitization” (paper presented at the 3<sup>rd</sup> Pan-European Conference on EU Politics, Istanbul, September 21-23, 2006).

<sup>60</sup> European Commission, *Action Programme in Favour of Migrant Workers and Their Families COM(74) 2250* (1974), 21.

<sup>61</sup> Dominique van Dijk, “Is the EU policy on illegal immigration securitized? Yes Of Course! A study into the dynamics of institutionalized securitization” (paper presented at the 3<sup>rd</sup> Pan-European Conference on EU Politics, Istanbul, September 21-23, 2006).

<sup>62</sup> Tony Bunyan, “Trevi group, Europol and the European state,” in *Statewatching the New Europe*, ed. Tony Bunyan (Statewatch, 1993).

<sup>63</sup> Tony Bunyan, “Trevi group, Europol and the European state,” in *Statewatching the New Europe*, ed. Tony Bunyan (Statewatch, 1993).

and terrorism and resulted in the creation of various institutions assigned to deal with the questions of security, migration, asylum, etc.

The introduction of the Schengen agreement in 1985 gave the start of a new phase of the institutionalization of migration policies. The agreement transferred the subject of migration into the realm of European common regulation.<sup>64</sup> Moreover, the document strictly distinguished between European internal and external borders.<sup>65</sup> In the Schengen agreement illegal immigration was presented as a threat to internal order as it was anticipated that with open borders alongside criminals, illegal immigrants will be able to move freely along Member States' borders.<sup>66</sup> The threat came from the lack of ability of the member states to control their borders therefore the securitization discourse was largely connected to the issue of illegal immigration.<sup>67</sup> The following 1990 Convention Applying the Schengen Agreement of 14 June 1985 has established a link between immigration (including asylum) and international crime with the need of tougher external border controls.<sup>68</sup> For example, as part of the declaration of member states it was included "*In view of the risks in the fields of security and illegal immigration, the Ministers and State Secretaries underline the need for effective external border controls in accordance with the uniform principles laid down in Article 6.*"<sup>69</sup> The conclusion of the Single European Act of 1986 led to a stir of European policies towards strengthening of external border controls in order to secure the development of the internal market idea with an adequate control of the persons entering the free movement territory.<sup>70</sup>

Furthermore, the idea of securing the internal market has produced a spill-over of the socio-economic idea of the need for protection into a European internal security project.<sup>71</sup> This

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<sup>64</sup> Klara Lindvall, "Securitization of Migration in Discourse and Practice: The case of Edirne, Turkey" (Lund University, 2015), 13.

<sup>65</sup> Didier Bigo, "Immigration controls and free movement in Europe," *International Review of the Red Cross* 91, no 875 (2009): 582, accessed May 5, 2017, doi: <https://doi.org/10.1017/S1816383109990385>.

<sup>66</sup> Dominique van Dijk, "Is the EU policy on illegal immigration securitized? Yes Of Course! A study into the dynamics of institutionalized securitization" (paper presented at the 3<sup>rd</sup> Pan-European Conference on EU Politics, Istanbul, September 21-23, 2006).

<sup>67</sup> Dominique van Dijk, "Is the EU policy on illegal immigration securitized? Yes Of Course! A study into the dynamics of institutionalized securitization" (paper presented at the 3<sup>rd</sup> Pan-European Conference on EU Politics, Istanbul, September 21-23, 2006).

<sup>68</sup> Jef Huysmans, "The European Union and the Securitization of Migration," *Journal of Common Market Studies* 38(December 2000): 756.

<sup>69</sup> European Union, *Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, on the Gradual Abolition of Checks at their Common Borders ("Schengen Implementation Agreement")*, 19 June 1990, available at: <http://www.refworld.org/docid/3ae6b38a20.html>.

<sup>70</sup> Jef Huysmans, "The European Union and the Securitization of Migration," *Journal of Common Market Studies* 38(December 2000): 759.

<sup>71</sup> *Ibid*, 760.

has resulted in the spill-over being institutionalized in the 1992 Maastricht Treaty and the creation of a Third Pillar of Justice and Home Affairs. The subject of migration became an issue which had to be dealt with in an intergovernmental way under the umbrella of the European Union.<sup>72</sup> The question of migration was combined with the issues of criminal matters, drug trafficking, customs and police cooperation, terrorism, etc.<sup>73</sup> Academics have argued that namely this incorporation of the questions related to migration together with questions of international organized crime have institutionalized a sort of a "security continuum" related to immigration composing both topics as equivalent.<sup>74</sup> The creation of the Third Justice and Home Affairs pillar reinforced and institutionalized securitization.

Following, the Amsterdam Treaty of 1997 has developed the question of immigration even further. The Amsterdam Treaty transferred the issue of immigration and asylum from the realm of intergovernmental politics into the realm of supranational politics, whereby the immigration asylum and border control were placed under the competence of the Commission.<sup>75</sup> The European Union was empowered to produce laws in relation to asylum and immigration as well as on the topic of irregular migration.<sup>76</sup> The so called security continuum was fortified through wordings such as the Article 2 TEU: "*to maintain and develop the Union as an area of freedom, security and justice in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum and immigration and the prevention and combating of crime.*"<sup>77</sup> Conforming to the idea behind this wording is that illegal immigration is a threat to the essential European values of freedom, justice and security.<sup>78</sup> In a way the Treaty of Amsterdam served as a tool to distinguish between the safe inside area of security and justice and the conceivably threatening outside area producing flows of illegal immigration.<sup>79</sup> Moreover, the European Union was attributed the

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<sup>72</sup> Klara Lindvall, "Securitization of Migration in Discourse and Practice: The case of Edirne, Turkey" (Lund University, 2015), 13.

<sup>73</sup> Dominique van Dijk, "Is the EU policy on illegal immigration securitized? Yes Of Course! A study into the dynamics of institutionalized securitization" (paper presented at the 3<sup>rd</sup> Pan-European Conference on EU Politics, Istanbul, September 21-23, 2006).

<sup>74</sup> Jef Huysmans, "The European Union and the Securitization of Migration," *Journal of Common Market Studies* 38(December 2000): 760.

<sup>75</sup> Klara Lindvall, "Securitization of Migration in Discourse and Practice: The case of Edirne, Turkey" (Lund University, 2015), 13.

<sup>76</sup> Elspeth Guild, *Security and Migration in the 21st Century* (Polity, 2009), 147.

<sup>77</sup> Dominique van Dijk, "Is the EU policy on illegal immigration securitized? Yes Of Course! A study into the dynamics of institutionalized securitization" (paper presented at the 3<sup>rd</sup> Pan-European Conference on EU Politics, Istanbul, September 21-23, 2006).

<sup>78</sup> Dominique van Dijk, "Is the EU policy on illegal immigration securitized? Yes Of Course! A study into the dynamics of institutionalized securitization" (paper presented at the 3<sup>rd</sup> Pan-European Conference on EU Politics, Istanbul, September 21-23, 2006).

<sup>79</sup> Çigdem H. Benam, "Emergence of a "Big Brother" in Europe: Border Control and

character of an "area" thus reinforcing a division between the inside and the outside.<sup>80</sup> Following, the European Council held the Tampere Council in 1999 in order to establish guidelines on how the area of freedom, security and justice to be completed. It included wording such as *"This in turn requires the Union to develop common policies on asylum and immigration, while taking into account the need for a consistent control of external borders to stop illegal immigration and to combat those who organise it and commit related international crimes."*<sup>81</sup> On the other hand, it provided specific references to the protection of third country nationals in the Union in the paragraph explaining *'Building on the Commission Communication on an Action Plan against Racism, the European Council calls for the fight against racism and xenophobia to be stepped up. The Member States will draw on best practices and experiences. Co-operation with the European Monitoring Centre on Racism and Xenophobia and the Council of Europe will be further strengthened. Moreover, the Commission is invited to come forward as soon as possible with proposals implementing Article 13 of the EC Treaty on the fight against racism and xenophobia. To fight against discrimination more generally the Member States are encouraged to draw up national programmes.'*<sup>82</sup> The wording of the Tampere Conclusions is rather ambiguous as on one hand it talks about halting illegal immigration and securing the Union's external borders and on the other hand protecting immigrants and securing their rights. Often the second objective is hampered by the securitizing discourse of immigrants endangering the security in the area of the European Union. An area that is meant to be secure, free and under the auspices of a functioning justice system.

The next development in the discourse of security, immigration and asylum followed in The Hague Programme of 2004. The Programme was adopted as a successor to the Tampere Programme for a renewed period of five years. The introduction of the Programme states: *"The security of the European Union and its Member States has acquired a new urgency, especially in the light of the terrorist attacks in the United States on 11 September 2001 and in Madrid on 11 March 2004. The citizens of Europe rightly expect the European Union, while*

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Securitization of Migration," *Inside Turkey* 13, no.3 (2011): 202.

<sup>80</sup> V. Mitsilegas, J. Monar, and W. Rees, *The European Union and Internal Security: guardian of the People* (Hampshire: Palgrave Macmillan, 2003), 53.

<sup>81</sup> European Parliament, TAMPERE EUROPEAN COUNCIL 15 AND 16 OCTOBER 1999 PRESIDENCY CONCLUSIONS (European Parliament: 1999), accessed May 18, 2017. [http://www.europarl.europa.eu/summits/tam\\_en.htm#c](http://www.europarl.europa.eu/summits/tam_en.htm#c).

<sup>82</sup> European Parliament, TAMPERE EUROPEAN COUNCIL 15 AND 16 OCTOBER 1999 PRESIDENCY CONCLUSIONS (European Parliament: 1999), accessed May 18, 2017. [http://www.europarl.europa.eu/summits/tam\\_en.htm#c](http://www.europarl.europa.eu/summits/tam_en.htm#c).

*guaranteeing respect for fundamental freedoms and rights, to take a more effective, joint approach to cross-border problems such as illegal migration, trafficking in and smuggling of human beings, terrorism and organized crime, as well as the prevention thereof. Notably in the field of security, the coordination and coherence between the internal and the external dimension has been growing in importance and needs to continue to be vigorously pursued.*"<sup>83</sup>

Here once again the idea of illegal immigration being endangering the security of the European society comes clearly forward. Moreover, a new distinction is made between the internal and the external idea similarly as in the Treaty of Amsterdam. The idea of the safe internal European Union and the dangerous external outside is reinforced repeatedly. The vague phrasing in the text strengthens the threatening image the public would have with regard to immigration from the outside.<sup>84</sup> Furthermore, the European Council acknowledges that strengthening the area of freedom, security and justice (thus the safe inside area) is "vital to securing safe communities, mutual trust and the rule of law throughout the Union."<sup>85</sup> Repeatedly the need for control of external borders and prevention of terrorism is considered as essential to the safety of the European community. The Hague Programme has made the securitization in the discourse related to immigration apparent.<sup>86</sup>

An new border agency was established in 2005 with the task of managing the external borders of the Union.<sup>87</sup> FRONTEX is considered to be the product of the natural course of further integration in the EU rather than the product of securitization.<sup>88</sup> However, the security scope of the agency should not be completely neglected. The period in which the agency was established coincides with the aftermath of the terrorist attack on 9/11 and the bombings in Madrid. However, the securitizing discourse of the EU intuitions did not request the establishment of new agencies, but it was rather expressed as a necessary tool in order to ensure the work of the established institutions.<sup>89</sup> FRONTEX as an agency is not a product of the securitization discourse, which was prevailing earlier in regard to immigration, but rather

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<sup>83</sup> European Council, *THE HAGUE PROGRAMME: STRENGTHENING FREEDOM, SECURITY AND JUSTICE IN THE EUROPEAN UNION 2005/C 53/01* (2005), 1.

<sup>84</sup> Dominique van Dijk, "Is the EU policy on illegal immigration securitized? Yes Of Course! A study into the dynamics of institutionalized securitization" (paper presented at the 3<sup>rd</sup> Pan-European Conference on EU Politics, Istanbul, September 21-23, 2006).

<sup>85</sup> European Council, *THE HAGUE PROGRAMME: STRENGTHENING FREEDOM, SECURITY AND JUSTICE IN THE EUROPEAN UNION 2005/C 53/01* (2005), 2.

<sup>86</sup> N. Aras, "A Multi-level and Multi-sided Analysis of the European Union's Immigration and Asylum Policy Concerning Irregular Migration and its Implications for Turkey: Edirne and Izmir as Two Major Gateway Cities" (Diss, Middle East Technical University, 2013), 240.

<sup>87</sup> Andrew W. Neal, "Securitization and Risk at the EU Border: The Origins of Frontex," *JCMS* 47(2009): 343.

<sup>88</sup> *Ibid*, 344.

<sup>89</sup> Andrew W. Neal, "Securitization and Risk at the EU Border: The Origins of Frontex," *JCMS* 47(2009): 345.

serves as a way of re-establishing the need for division and protection from the external. Rather than securitizing speech acts the agency enacts securitizing practices by reaffirming the need for protecting the safe internal from the unknown external. As distinguished earlier securitization theory was further developed by scholars to look beyond solely discursive practices. As Bigo advanced securitization can appear through the practices of administrative and bureaucratic agencies.<sup>90</sup> The six main activities identified by Frontex are all considered to be forms of securitizing practices and have contributed to the previously mostly discursive securitization of migration and asylum in the EU.<sup>91</sup> The actions of the agency have been profoundly criticized by human rights activists based on their controversies, which is relevant to the idea that securitization has led to diminished human rights protection of immigrants.<sup>92</sup>

To sum up, the European policies since the 1970s were generally characterized by securitizing discourse aimed at presenting migration as something threatening. Gradually, the policies resulted in a deepening of European integration in relation to immigration and asylum. What started off as solely discourse about the security threat posed by illegal immigration, shifted into the practicing of securitization through the Frontex agency. The EU and its institutions have contributed to the creation of the image that immigration is threatening and producing insecurity. The following chapter will discuss the period of Europe experiencing the current refugee crisis and whether the European institutions have securitized the influx in its discourses and practices.

## **Has there been securitization of the refugee influx caused by the Syrian civil war, which led to the conclusion of an EU-Turkey migrant deal?**

Europe is currently experiencing the largest influx of migrants since the Second World War. The response of the separate states of the EU can be defined as contrasting and uneven.<sup>93</sup> Asylum-seekers fleeing conflicts and persecution as well as irregular migrants have been undertaking dangerous journeys in order to reach the European continent. A tragic accident occurred in October 2012 where 366 migrants (268 of who from Syria) drowned off the coast

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<sup>90</sup> Didier Bigo, "Security and immigration: toward a critique of the governmentality of unease," *Alternatives: global, local, political* 27 no.1 (2002): 65-66

<sup>91</sup> Sarah Leonard, "FRONTEX and the Securitization of Migrants through Practices" (paper presented at the Migration Working Group Seminar, European University Institute, Florence, February 9, 2011).

<sup>92</sup> Sarah Leonard, "FRONTEX and the Securitization of Migrants through Practices" (paper presented at the Migration Working Group Seminar, European University Institute, Florence, February 9, 2011).

<sup>93</sup> Cynthia Orchard and Andrew Miller, "Protection in Europe for Refugees from Syria," *Forced Migration Policy Briefing 10* (2014):34, accessed May 2, 2017.

of Lampedusa Italy<sup>94</sup>. Following this shocking disaster the European Union has undertaken a variety of measures in order to "prevent" more migrants dangerously crossing the Mediterranean. This chapter will discuss as thoroughly as possible the main discourses and discursive practices the EU has undertaken since the Lampedusa Tragedy until the conclusion of the EU-Turkey migrants deal. The main aim is to examine whether the practices and policy documents produced by the EU in relation to migrants and asylum seekers, in the identified period, have been characterized by securitizing discourse as has migration to the EU generally been characterized in the years before.

Following the Lampedusa Tragedy, the European Commission published a Communication to the Parliament and the Council on the work of the Task Force in the Mediterranean, which was launched after the accident. The communication opted for a closer cooperation with transit countries for migrants in the Mediterranean and specific reference was made to the need for a "focus primarily on security-related aspects, readmission/return and the fight against irregular migration."<sup>95</sup> Here the connotation that migration might have security-related risks results in a securitizing discourse despite that the Task Force was established following a tragedy whereby 366 migrants drowned. Moreover, in December the same year the European Commission started working on the implementation of the European Border Surveillance System (Eurosur). The main purposes of Eurosur as identified by Frontex are to help with the improvement of the management of the European Union's external borders and support Member States "by increasing their situational awareness and reaction capability in combating cross-border crime, tackling irregular migration and preventing loss of migrant lives at sea."<sup>96</sup> The fear expressed at the time was that Eurosur would be an impediment for Syrians seeking asylum in Europe.<sup>97</sup> Indeed the number of apprehended migrants has increased between 2013 and 2014 from 429 060 to 669 575 according to statistics provided by Eurostat.<sup>98</sup>

Furthermore, after the tragic shipwreck the Italian government established in October 2013 its own rescue operation in the Mediterranean called Mare Nostrum. The operation had two purposes – to save migrant lives at sea and to bring justice to human traffickers. The Mare

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<sup>94</sup> Ibid, 35.

<sup>95</sup> European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European Agenda on Migration* COM(2015) 240 (European Union, 13 May 2015), 5.

<sup>96</sup> <http://frontex.europa.eu/intelligence/eurosur/>

<sup>97</sup> Cynthia Orchard and Andrew Miller, "Protection in Europe for Refugees from Syria," *Forced Migration Policy Briefing 10* (2014):36, accessed May 2, 2017.

<sup>98</sup> "Third country nationals found to be illegally present- annual data (rounded)," Eurostat, Last modified June 15, 2017. [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_eipre&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_eipre&lang=en).

Nostrum operation was replaced by a Joint Frontex operation named Triton. The Operation Triton's main aims were to border control and surveillance, while search and rescue were sidelined as secondary.<sup>99</sup> Despite the fact that 26 European Member States participate in the Operation the budget, compared to the previous Italian-only operation Mare Nostrum, was lowered from 9 million euros per month to 2.9 million.<sup>100</sup> While Mare Nostrum was largely considered to be a humanitarian operation dealing with the humanitarian crisis in the Mediterranean sea, the Joint Operation Triton can be seen as an operation aimed at securing the EU's external border. Amnesty International as well as the UN High Commissioner for Refugees have warned against the decrease in resources and search capacity of the Joint operation.<sup>101</sup> Moreover, the distance of search capacity was limited to off the coast from Italy, which made it difficult to rescue migrants on time.<sup>102</sup> This development illustrates the notion and criticism toward the EU that it prioritizes internal security over human security reinforced by the securitization of immigration.<sup>103</sup> Operation Triton is perceived to only strengthen the image of "Fortress Europe", whereby the anticipated security threats should be left on the outside, while the EU is working on the deployment of forces to strengthen its border control.

Moreover, militarizing Europe's external borders is in itself seen as a securitizing practice. Building upon the idea that discourses operate in social universes, border control is considered to operate in a military-strategic field, an internal security field, and a global cyber-surveillance social universe.<sup>104</sup> The case of deploying inordinate border patrols with the purpose of protecting the EU's external border is a securitization practice simply concealed as a rescuing mission. The tragedy of people drowning at sea while trying to reach the EU is used as a tool to legitimize the inordinate border control policies the EU is undertaking while at the same time detaining tens of thousands of people and obscuring an even larger number from being able to reach the continent.<sup>105</sup> Naval operations in the Mediterranean as well as the

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<sup>99</sup> "JOINT OPERATION TRITON (ITALY)," Frontex, Last modified October 10, 2016. <http://frontex.europa.eu/pressroom/hot-topics/joint-operation-triton-italy--ekKaes>.

<sup>100</sup> European Commission, *Frontex Joint Operation 'Triton' – Concerted efforts to manage migration in the Central Mediterranean* (Brussels: 2014), accessed June 16, 2017, [http://europa.eu/rapid/press-release\\_MEMO-14-566\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-566_en.htm).

<sup>101</sup> Amnesty International, *Europe's Sinking Shame. The failure to save refugees and migrants at sea* (Amnesty International Ltd, 2015), 5.

<sup>102</sup> Amnesty International, *A safer sea: The impact of increased search and rescue operations in the central Mediterranean* (Amnesty International Secretariat, 2015).

<sup>103</sup> Alistair J.K Shepherd, The European Security Continuum and the EU as an International Security Provider," *Global Society* 29, no.2 (2015): 171, accessed May 17, 2017, doi: 10.1080/13600826.2015.1018146.

<sup>104</sup> Didier Bigo, "The (in)securitization practices of the three universes of EU border control: Military/Navy – border guards/police – database analysts," *Security Dialogue* 45, no.3 (2014): 211.

<sup>105</sup> *Ibid*, 211.

European Surveillance system Eurosur are emergency actions in the context of securitization theory undertaken in order to protect the external border of the EU from the existential threat of migration.

At the end of 2014 the European Commission established a Regional Trust Fund in Response to the Syrian Crisis also known as the "Madad Fund". The initial aim of the fund is to help countries neighbouring to Syria to cope with the increased amount of refugees residing on the territories of Lebanon, Jordan, Iraq, Egypt, and Turkey.<sup>106</sup> By 2017 the expectations of the EU Commissioner for European Neighbourhood Policy and Enlargement Negotiations Johannes Hahn was that the Fund would exceed 1.2 billion euros in contributions.<sup>107</sup> The EU's huge budget allocations in response to the Syrian crisis are signalling an urgent need to deal with a problem. The objectives of the Madad Fund are identified to be the promotion of education and engagement for young people in order to avoid the existence of a lost generation of Syrian children, and perhaps the more immediate purpose is the reduction of the pressure for hosting countries and the support for the integration of the refugees in the states surrounding Syria.<sup>108</sup> Despite the obvious purpose of providing humanitarian assistance the Fund provides the refugees with the opportunity of integrating in Syrian neighbouring countries and thus preventing them from the need to seek asylum in the European Union. An assumed role of increased funding is that it enables an institution to implement a certain policy and different operational practices.<sup>109</sup> Due to the perceived connection between fund allocation and policy implementation there is a message being conveyed as if a problem is being dealt with, a migration crisis is being managed by the Commission.<sup>110</sup> Moreover, large allocations of budget by institutions having the power to securitize can aid with the formation of the level of threat migration poses.<sup>111</sup> In this regard, the multimillion euro trust fund established by the Commission in response to the Syrian crisis, albeit having mainly humanitarian purposes identified, acts as a measure in order to stem the flow of migrant to the European Union by supporting integration of Syrian refugees in states surrounding Syria.

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<sup>106</sup> European Commission, *European Commission and Italy launch first ever EU Regional Trust Fund in response to the Syrian Crisis* (Brussels, December 15, 2014).

<sup>107</sup> "EU Regional Trust Fund in Response to the Syrian Crisis," European Commission, Last modified: December 6, 2012. [https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/syria/madad\\_en](https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/syria/madad_en).

<sup>108</sup> EU Regional Trust Fund in Response to the Syrian Crisis," European Commission, Last modified: December 6, 2012. [https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/syria/madad\\_en](https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/syria/madad_en).

<sup>109</sup> Leonhard den Hertog, "EU Budgetary Responses to the 'Refugee Crisis' Reconfiguring the Funding Landscape," *CEPS Paper in Liberty and Security in Europe* No. 93 (May 2016): 6.

<sup>110</sup> *Ibid.*, 7.

<sup>111</sup> D. Bigo, "Globalized (in)Security: the Field and the Ban-Opticon," in *Terror, Insecurity and Liberty. Illiberal practices of liberal regimes after 9/11*, ed. Didier Bigo, Anastassia Tsoukala (Abingdon : Routledge, 2008), 24.

On the 13<sup>th</sup> of May 2015 the European Commission issued a Communication to the Council and the Parliament containing the “European Agenda on Migration.” At the beginning of the introduction the text makes a reference about the impacts migration has on societies and the need for the EU to “address the challenges deriving from migration.”<sup>112</sup> Moreover, the introduction then continues to talk about the necessity of emergency measures, the need to address root causes of migration, and the securing of borders. The Agenda identifies four pillars for better migration management “contributing to enhance security of European borders as well as safety of migratory flows.”<sup>113</sup> First, the Commission identifies the need to reduce the incentives for irregular migration. Through addressing root causes of migration and cooperation with countries of transit the Commission aims to reduce the flow of migration towards the EU.<sup>114</sup> Turkey is given as specific example in this section in regard to cooperation with countries of transit, whereas 79 million were given to the countries to help with the pressure of its asylum system and to prevent migrants from undertaking hazardous journeys. This first pillar is a clear step of the Commission in its attempt to externalize its control of migration by placing the responsibility of stemming migratory flows towards the EU in the hands of countries of transit. The other three pillars include stronger border management, a strong common asylum policy and a new policy on legal migration. The ideas and guidelines produced by the European Agenda on Migration as well as the actions that follow in 2015 and 2016 form a paradox of on one hand the EU’s commitment to international refugee protection for asylum seekers on the territory of the EU and on the other hand the efforts to prevent them from reaching its borders.<sup>115</sup> Among those irregular migrants and people being smuggled by human traffickers are refugees fleeing persecution in immediate need of international protection. By externalizing its border management, the EU indirectly targets not only irregular migrants but also those who under international refugee law are entitled to asylum in the EU. In the context of securitization theory, the discourse of the Commission has been the process of politicizing the issue of migration, irregular migration and asylum to justifying emergency actions in response to a perceived threat. The problem in this case arises from what precisely the EU identifies as being threatened.

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<sup>112</sup> European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European Agenda on Migration* COM(2015) 240 (European Union, 13 May 2015), 2.

<sup>113</sup> *Ibid*, 6.

<sup>114</sup> *Ibid*, 7-8.

<sup>115</sup> Henriette Ruhrmann and David FitzGerald, “The Externalization of Europe’s Borders in the Refugee Crisis, 2015-2016,” Centre for Comparative Immigration Studies Working Paper No. 194 (2016): 7.

Shortly after the publishing of the European Agenda on Migration, the Council issued a decision to establish a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED). The direct purpose of the operation is to "*conduct a military crisis management operation contributing to the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean (EUNAVFOR MED), achieved by undertaking systematic efforts to identify, capture and dispose of vessels and assets used or suspected of being used by smugglers or traffickers, in accordance with applicable international law.*"<sup>116</sup> Thus the 11.8 million euro operation EUNAVFOR MED was launched on June 22<sup>nd</sup> 2015.<sup>117</sup> The operation contained three phases. The first phase included the conducting of intelligence work, determination of smuggling hubs, detentions of 3078 migrants and interviews.<sup>118</sup> The second phase was characterized by the "boarding, search, seizure and diversion of smugglers' vessels on the high seas under the conditions provided for by applicable international law."<sup>119</sup> The third phase included a search for vessels, destruction of 67 migrant vessels and the detaining of 5258 migrants.<sup>120</sup> The military operation in the Mediterranean is to be considered an emergency action in the context of securitization theory. The issue of migration, human smuggling and irregular entry has been highly politicized since the migrant shipwreck off the coast of Lampedusa in 2013. The applicability of securitization theory in case of EUNAVFOR MED is striking since there is an identified security actor in a power position— the EU.<sup>121</sup> The direct referent object identified by the EU is the "lives of migrants at sea".<sup>122</sup> However, one can identify a possible indirect referent object, which is the protection of EU territory from migratory flows. According to the proponents of securitization theory the military sector's prime objection is indeed the protection of territorial integrity.<sup>123</sup> Here again the EU's paradox is evident. On one hand the protection of migrants' lives is emphasized, but on the other the military operation limits the possibilities of migrants to reach the safe European Union where they can exercise their rights and apply

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<sup>116</sup> Council of the European Union, *Council Decision 2015/778 of 18 May 2015 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED)* (Brussels, 2015).

<sup>117</sup> [http://www.consilium.europa.eu/en/meetings/fac/2015/06/Outcomeof-the-Council-meeting\\_EN\\_pdf/](http://www.consilium.europa.eu/en/meetings/fac/2015/06/Outcomeof-the-Council-meeting_EN_pdf/), at 9

<sup>118</sup> Henriette Ruhrmann and David FitzGerald, "The Externalization of Europe's Borders in the Refugee Crisis, 2015-2016," Centre for Comparative Immigration Studies Working Paper No. 194 (2016): 32.

<sup>119</sup> [http://www.eeas.europa.eu/archives/docs/csdp/missions-and-operations/eunavfor-med/pdf/factsheet\\_eunavfor\\_med\\_en.pdf](http://www.eeas.europa.eu/archives/docs/csdp/missions-and-operations/eunavfor-med/pdf/factsheet_eunavfor_med_en.pdf)

<sup>120</sup> Henriette Ruhrmann and David FitzGerald, "The Externalization of Europe's Borders in the Refugee Crisis, 2015-2016," Centre for Comparative Immigration Studies Working Paper No. 194 (2016): 35.

<sup>121</sup> <http://nu.diva-portal.org/smash/get/diva2:955460/FULLTEXT01.pdf>

<sup>122</sup> Council of the European Union, *Council Decision 2015/778 of 18 May 2015 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED)* (Brussels, 2015).

<sup>123</sup> B. Buzan, O. Waever, and J. Wilde, *Security: A New Framework of Analysis*, (Boulder: Lynne Rienner, 1998), 70.

for international protection. The human smuggling network can be clearly identified as the existential threat to the lives of migrants since they are responsible for the huge amount of lives being lost at sea. The migratory flows on the other hand can be indirectly identified as being a threat to the European borders due to the implied negative connotations EU documents have in regard to uncontrolled migration and irregular entry. Moreover, the European Parliament in a motion for Resolution expresses the need for EUNAFOR MED "to tackle the refugee inflow."<sup>124</sup> The word "tackle" is implying that there is a problem that needs solving. EUNAFOR MED also involves actions outside the normality since it required a petition for a resolution by the UN Security Council in connection to Chapter VII of the UN Charter permitting the use of force.<sup>125</sup> EUNAFOR MED is perhaps the most clear example of securitizing practice and securitizing speech acts in relation to the migratory flows from the Mediterranean throughout 2015.

Furthermore, throughout the migration crisis the most pronounced third country of transit the EU cooperated with was Turkey. Turkey is continuously mentioned through press releases, statements, action plans and agendas in relation to the need to cooperate and finance third countries in order to stem the migration flows. Turkey was included in the EU safe third country list, which permitted the Union to conclude a controversial agreement to return newly arrived irregular migrants after 18<sup>th</sup> of March 2016 in return for the EU resettling refugees from Turkey and a huge financial compensation of 3 billion euros. In October 2015 the Commission introduced a Joint EU-Turkey Action Plan to deal with increased migratory flows. The agreement which followed in March 2016 is a direct reflection of this action plan. The next chapter will reflect upon the human rights concerns the EU-Turkey agreement has created in order to fully present how the European Union has placed itself in a situation between securing its borders and protection of human rights.

As a conclusion, the reaction of the European Union's institutions since the beginning of the migration crisis has been one of presenting migration as a threat, which requires special measures. Speech acts and discursive practices have both emphasized migration as a problem, which needs to be solved. Although presenting its actions as aimed at saving migrants lives undertaking dangerous journeys and "addressing root causes of migration", in reality they

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<sup>124</sup> European Parliament, European Parliament resolution on the situation in Libya (2016/2537(RSP)) (2016), accessed May 12, 2017, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B8-2016-0146+0+DOC+XML+V0//EN>.

<sup>125</sup> Andres de Castro, "EUNAVFOR MED: Securitization of borders?," *Research Institute for European and American Studies* (2015), accessed April 16, 2017, <http://www.rieas.gr/images/editorial/eunavforandres15.pdf>.

create an obstacle to refugees to seek asylum in Europe, which is their right under international asylum law. The refugee crisis has been securitized mostly through the enactment of practices rather than speech acts as the analysis shows. However, words as uncontrolled, problem, stem, deal, and tackle are continuously used throughout the released documents from EU institutions in relation to the migration crisis. The following chapter will examine how the practices of securitization of the European Union have affected the human rights of migrants and refugees since the beginning of the crisis.

## **What implications has the securitization of migration in the current refugee crisis had on the human rights of migrants?**

The response of the European Union to the growing number of migrants arriving at the continent has been met with a growing amount of criticism from a variety of human rights organizations. The inability of the EU Member States to provide proper living conditions in camps and faster processing of asylum applications has been evident since the beginning of the crisis. The pressure placed on the Common European Asylum System as well as on first countries of arrival such as Greece and Italy has forced the EU to look beyond normal procedures and externalize the responsibility for border management and protection of refugees to third countries such as Turkey. Although the situation the European Union and its states was placed in was undoubtedly out of the ordinary, the discourses and practices of the EU in relation to migration have been characterized by securitization since the beginning of the development of a EU-wide migration policy and has been evident throughout the current migration crisis. This chapter will examine whether the securitizing practices of the EU have led to the diminishing of human rights protection and the rights of refugees under international asylum law.

The right to seek asylum is codified as a human right in Article 14(1) of the Universal Declaration of Human Rights from 1948. Apart from regional developments in human rights and asylum law the governing international convention on refugee law in the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees whereby the term refugee is defined and the principle of *non-refoulement* is established. The principle of *non-refoulement* related to the rights of refugees to be returned to "*the frontiers of territories where his life or freedom would be threatened on account of his race, religion,*

*nationality, membership of a particular social group or political opinion.*"<sup>126</sup> The Convention and the Protocol do not establish universal principles of how states should process applications for asylum, but rather establishes who has the right to seek asylum leaving the procedural means to regional and national levels. At the European level the governing human rights convention is the European Convention on Human Rights. The protection of human rights and the rule of law are the fundamental principles governing the conduct of the European Union. The EU attempts to persuade third countries in its surroundings to adopt principles of human rights protection through bilateral agreements and its European Neighbourhood Policy. Despite the fact that the EU vigorously uphold human rights, its reaction and the reactions of its Member States to the migration crisis have culminated in the conclusion of the EU-Turkey migrant deal, which has been actively criticized by Amnesty International and Human Rights Watch for resulting in collective expulsions of refugees, which is in violation with the European Convention on Human Rights.<sup>127</sup>

After the Tampere Summit of 1999 the European Union has produced a variety of legislation in order to create a Common European Asylum System. This legislation includes the Qualification Directive, Asylum Procedures Directive, Reception Conditions Directive, Temporary Protection Directive and the Dublin Regulation. According to the Dublin Regulation the state responsible for processing asylum application is primarily the Member State of arrival. The large-scale arrival of migrants during the current migration crisis has put a strain on Southern European states such as Greece and Italy. This has weakened not only the Member States asylum systems, but the Common European Asylum System as a whole.<sup>128</sup> Since the Eastern and Southern Member States are generally poorer the reception conditions have been described as unsafe and unsanitary.<sup>129</sup> According to the UNHCR reception conditions are strictly connected to asylum seekers having adequate standards of living during the asylum procedure.<sup>130</sup> The right of adequate standard of living is presented as a human right in Article 25(1) of the Universal Declaration on Human Rights. Moreover, Directive 2013/33/EU or more commonly known as the Reception Conditions Directive lays down

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<sup>126</sup> UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, available at: <http://www.refworld.org/docid/3be01b964.html> [accessed 28 June 2017]

<sup>127</sup> "EU: Turkey Mass-Return Deal Threatens Rights", Human Rights Watch, last modified 2017, accessed June 30, 2017, <https://www.hrw.org/news/2016/03/15/eu-turkey-mass-return-deal-threatens-rights>.

<sup>128</sup> "Country Responsible For Asylum Application (Dublin) - Migration And Home Affairs - European Commission", Migration And Home Affairs - European Commission, last modified 2017, accessed May 24, 2017, [https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants_en).

<sup>129</sup> "Greece: Refugee "Hotspots" Unsafe, Unsanitary", *Human Rights Watch*, last modified 2016, accessed June 30, 2017, <https://www.hrw.org/news/2016/05/19/greece-refugee-hotspots-unsafe-unsanitary>.

<sup>130</sup> *Reception Standards For Asylum Seekers In The European Union* (Geneva, 2000).

common standards for EU Member States receiving asylum seekers under European Union law. Due to the increased burden applications are delayed placing individual asylum seekers at risk of hardship and human right violations.<sup>131</sup> Transfers to Italy, Greece and Bulgaria have been under heavy scrutiny of human rights organizations due to the incapacity of these member states to provide proper reception conditions for the amount of asylum seekers arriving.<sup>132</sup> Concerns are mostly focused on the ability of these states to process asylum applications in a timely manner often leaving migrants in a limbo situation. Moreover, after the conclusion of the EU-Turkey migrant deal detentions of asylum seekers are taking place in Greece overlooking the possibility of a less restrictive way of reception. There are reports from Human Rights Watch discussing the human rights violations caused by this involuntary detention. According to Greek and international refugee law the asylum seekers have the right to be informed in their own language for the reasons they are being detained and their rights to challenge the detention. Unfortunately, reports are showing that asylum seekers are heavily misinformed and detained for a long periods of time before being returned to Turkey.<sup>133</sup>

Furthermore, the term "pushback" entails the concept of collective expulsions and happens when authorities deny access to the territory of a state where migrants were aiming to seek protection.<sup>134</sup> Collective expulsions are prohibited under Article 4 of Protocol 4 of the European Convention on Human Rights. Article 19(1) of the Charter of Fundamental Rights of the European Union further reinstates collective expulsions are prohibited and in violation with human rights. Pushbacks are in violation of international and European human rights law because they deny the right of people to seek asylum, amounts to collective expulsion and it might result in sending people back to perilous conditions. There have been troubling reports regarding expulsions of migrants from the territories of EU Member States in the Western Balkans without giving them the opportunity to claim asylum. Pushbacks have occurred in different forms. For example, Hungary and Croatia have reportedly used brutal techniques such as attack dogs and stripping migrants naked in freezing temperatures.<sup>135</sup> Oxfam conducted interviews with 140 migrants out of which 75 had been expelled from Hungary to Serbia, 19

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<sup>131</sup> Susan Fratzke, "Not Adding Up: The Fading Promise Of Europe's Dublin System", Migration Policy Institute Europe (2015): 8.

<sup>132</sup> Ibid, 10.

<sup>133</sup> "Greece: Asylum Seekers Locked Up", Human Rights Watch, last modified 2016, accessed May 22, 2017, <https://www.hrw.org/news/2016/04/14/greece-asylum-seekers-locked>.

<sup>134</sup> "A DANGEROUS 'GAME': The Pushback Of Migrants, Including Refugees, At Europe'S Borders", Joint Agency Briefing Paper (2017): 2.

<sup>135</sup> "A DANGEROUS 'GAME': The Pushback Of Migrants, Including Refugees, At Europe'S Borders", Joint Agency Briefing Paper (2017): 2.

from Croatia to Serbia and 7 from Bulgaria to Turkey.<sup>136</sup> The result of the interviews show that all the participants have been treated in degrading way, which is prohibited under Article 3 of the European Convention on Human Rights to which all EU Member States are signatories. Moreover, Amnesty International has reported many instances of pushbacks at sea from the Greek coast back to Turkey. As a signatory state to all international and European human rights conventions, Greece is obliged to respect the rules and procedures codified in them. Regardless of whether the migrant boats are seized in Greek territorial waters, once the officials have authority over them, the migrants are under Greek jurisdiction and should therefore be able to exercise their rights under international refugee law. Amnesty International interviewed 67 people in Greece, Turkey and Bulgaria out of which 38 had been victims of push back at least once.<sup>137</sup> Twenty-four of those people had been victims of pushback in the Aegean Sea. In January 2014 a fishing boat carrying 27 people on boat sank in the Aegean Sea during a push back by the Greek Coast Guard. 11 people, 8 of which children lost their lives.<sup>138</sup> The Greek authorities have denied the alleged push back while witnesses explain that the drowning occurred in the presence of the Greek Coast Guard. Unfortunately, these are not isolated reports of incidents whereby EU Member States have violated their obligations under international human rights law. Due to limitation in the length of this research it will not be able to discuss all occurrences. Amnesty International, Human Rights Watch, Oxfam and the United Nations Refugee Agency have extensively covered a variety of incidents of human rights violations in EU Member States since the beginning of the increased influx of migrants arriving at the continent.

As mentioned in the previous chapter, in March 2015 the European Union concluded a controversial agreement with Turkey whereby Turkey will take back migrants arriving in Greece after 20<sup>th</sup> of March 2016 in exchange for 3 billion euros for the refugee centres and improvement of refugee conditions in Turkey. Additionally, for every Syrian returned to Turkey another one will be resettled in the European Union, accession negotiations renewed and visa restrictions for Turkish citizens lifted. The success of the deal is not the aim of the discussion of this research, but rather how it results in collective expulsions to an allegedly safe third country. In order for the deal to be legal under international human rights law Turkey had

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136 "A DANGEROUS 'GAME': The Pushback Of Migrants, Including Refugees, At Europe'S Borders", Joint Agency Briefing Paper (2017): 2.

<sup>137</sup> Amnesty International, *Greece: Frontier of Hope and Fear. Migrants and Refugees Pushed Back at Europe's Border sea* (Amnesty International Ltd, 2014), 12.

<sup>138</sup> Amnesty International, *Greece: Frontier of Hope and Fear. Migrants and Refugees Pushed Back at Europe's Border sea* (Amnesty International Ltd, 2014), 12.

to be declared as a safe third country by the EU as a whole. According to the plan of the European Commission every migrant arriving in Turkey will be threatened on a case-by-case basis with individual interviews and rights to appeal. However, under EU Asylum law in certain cases an application for asylum could be declared "inadmissible" according to Article 35 and Article 38 of the Asylum Procedures Directive. Article 35 is related to the term *first country of asylum* whereby an asylum application would be being inadmissible if the person has already been recognized as a refugee or enjoys sufficient protection. Article 38 related to the idea of a *safe third country* whereby an asylum seeker has not received protection in a third country, but the third country can provide sufficient protection.<sup>139</sup> The idea that Turkey is indeed a safe third country has been put into question continuously before and after the agreement between Turkey and the EU. First of all, any Syrians, Afghans or Iraqis returned to Turkey would not be able to apply for a refugee status because Turkey only offers temporary protection, but does not offer refugee status to non-Europeans.<sup>140</sup> Article 38(1 c) of the Asylum Procedures Directive requires that the safe third country complies with the principle of *non-refoulement* in accordance with the Geneva Convention.<sup>141</sup> The principle prohibits the return of asylum seekers back to territories where they might be endangered and prohibits the denial of asylum seekers at borders where they might be threatened.<sup>142</sup> Turkey has reportedly closed its border for the thousands of refugees fleeing the occupied warzone of the city of Aleppo leaving asylum seekers in despair.<sup>143</sup> Moreover, Turkey not granting a refugee status to Syrians means that they cannot integrate themselves into the society and therefore undertake dangerous sea crossings to reach the European Union. At the time of the conclusion of the agreement Turkey was already providing temporary protection to over 2 million Syrians putting an enormous strain on its health care system, education system and government services allowing most of the Syrians to live below the poverty line.<sup>144</sup> Another reason why Turkey should have not been considered as a safe third country for asylum seekers is the recent deterioration in

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<sup>139</sup> European Commission, EU-Turkey Statement: Questions And Answers, 2016, accessed April 18, 2017, [http://europa.eu/rapid/press-release\\_MEMO-16-963\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-963_en.htm).

<sup>140</sup> "Is Turkey Safe For Refugees?", Human Rights Watch, last modified 2016, accessed May 23, 2017, <https://www.hrw.org/news/2016/03/22/turkey-safe-refugees>.

<sup>141</sup> "DIRECTIVE 2013/32/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL Of 26 June 2013 On Common Procedures For Granting And Withdrawing International Protection (Recast)", Official Journal of the European Union 180 (2013) 80.

<sup>142</sup> <http://www.unhcr.org/4d9486929.pdf>

<sup>143</sup> "Is Turkey Safe For Refugees?", Human Rights Watch, last modified 2016, accessed May 23, 2017, <https://www.hrw.org/news/2016/03/22/turkey-safe-refugees>.

<sup>144</sup> "Is Turkey Safe For Refugees?", Human Rights Watch, last modified 2016, accessed May 23, 2017, <https://www.hrw.org/news/2016/03/22/turkey-safe-refugees>.

human rights in relation to the breakdown of the peace process between Turks and Kurds and the repression of media, political opposition and critics of the President Erdogan.<sup>145</sup>

The first three and a half months of 2015 have resulted in the disappearance of over 900 men, women and children in the Mediterranean.<sup>146</sup> The Italian search and rescue operation Mare Nostrum was replaced by the Frontex Operation Triton which side-lined search and rescue as secondary and prioritized external border protection. An investigation of three major shipwrecks in the Mediterranean in 2015 showed that the gap in resources for search and rescue operations left after Mare Nostrum was replaced by Triton have contributed to the increased loss of life at sea in 2015.<sup>147</sup> The total disposal of vessel available to Triton is a lot smaller in comparison to the Italian rescue operation Mare Nostrum and Triton vessel which are a lot smaller in size need to travel more than double the amount of nautical miles in order to reach the area where most boats experience hardship.<sup>148</sup> The focus on border control and securing the borders have resulted in an increase loss of life at sea of human fleeing conflict and persecution and undertaking dangerous journeys only to come across the hostile environment of securitization of immigration in "Fortress Europe."

Lastly, the European Union has contributed an immense amount of financial resources to countries neighbouring Syria and currently hosting millions of refugees. This so called Development assistance for refugees programmes are invested in order to integrate refugees in local areas preventing them from undertaking secondary movements towards the European Union.<sup>149</sup> Their aim is to limit the movement of asylum seekers by providing the opportunity for settling down and integrating in communities closer to the conflict area. Moreover, the involvement of refugees in the development of post-conflict areas has been described as exploitative. Certain links are being established between the politicization of development aid and security concerns whereby state security is emphasized over refugee security.<sup>150</sup> In the context of the actions undertaken by the European Union in terms of financial aid the Madad Fund and the financial aid to Turkey are proper example of this pattern. The European Union

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<sup>145</sup> "Say No To A Bad Deal With Turkey", Amnesty.Org, last modified 2016, accessed June 20, 2017, <https://www.amnesty.org/en/latest/news/2016/03/say-no-to-a-bad-deal-with-turkey/>.

<sup>146</sup> Amnesty International, *Europe's Sinking Shame. The failure to save refugees and migrants at sea* (Amnesty International Ltd, 2015), 5.

<sup>147</sup> Ibid, 9.

<sup>148</sup> Amnesty International, *Europe's Sinking Shame. The failure to save refugees and migrants at sea* (Amnesty International Ltd, 2015), 20.

<sup>149</sup> Riina Isolato, "Politicizing the Transnational On Implications for Migrants, Refugees, and Scholarship," *Social Analysis* 53, no. 3 (2009): 77, accessed June 3, 2017, doi:10.3167/sa.2009.530304.

<sup>150</sup> Riina Isolato, "Politicizing the Transnational On Implications for Migrants, Refugees, and Scholarship," *Social Analysis* 53, no. 3 (2009): 79, accessed June 3, 2017, doi:10.3167/sa.2009.530304.

is spending vast amounts of money in order to keep refugees from seeking asylum in the European Union.

As a conclusion, although the policies and practices of the European Union during the current refugee crisis have been characterized by securitization, the human rights violations discussed in this chapter are mostly attributed to the separate Member States rather than the Union as whole. On the overall, the diminished protection of human rights is evident, but it cannot be considered as the responsibility of the European Union. The inability of the European Asylum System to cope with the increased number of migrants due to conflicts in the surrounding areas of the European Union has left migrants stranded and in limbo situations for years, but it is the reception conditions of the Member States that have been in violation with international and European law. Delayed applications, unsanitary conditions and degrading treatment of the asylum seekers are not uncommon reports of human rights protection organizations. The Mediterranean has transformed into a grave yard for many migrants due to decreased financing of search and rescue operations. This is in part due to European policies of shifting resources away from rescue operations to the protection of external borders. All of those steps of diminishing human rights protection have culminated in the exercise of collective expulsions by Western Balkan Member States and the return of asylum seekers to Turkey, regarding which the status of a safe third country is questionable. The EU-Turkey deal, however, was an emergency action on the side of the EU in order to handle the incapability of its Member States and the Common European Asylum System to deal with the crisis. The status of Turkey as a safe-third country has been continuously questioned by human rights protection organizations. The flow of migrants has been significantly stemmed in comparison with previous years, but the question on whether this has been done at the expense of human rights protection remains open.

## Conclusion

To sum up, this research has attempted to examine whether the EU has securitized immigration in the period prior and the period of the Syrian refugee crisis. Moreover, it has attempted to establish whether the policies of the European Union during the immigration influx have resulted in a perceived deterioration of human rights protection on the continent. The theory used to conduct the research is securitization theory of the Copenhagen School, which holds that an issue can be transferred from the field of normal politics to the field of emergency politics through the use of speech acts. In that sense subjects possessing power and authority can present something to the public as a security threat. The method used to apply this is critical discourse analysis. Here it is essential to mention once again the distinction between a sociological approach and philosophical approach to securitization theory whereby the former emphasizes the study of practices rather than solely “speech acts.” This research has used discourse analysis in order to examine the speech acts and practices of European institutions and whether those have resulted in immigration being securitized on the European level.

This thesis has discussed to what extent is the securitization of migration rooted in the policies of the European Union prior to the period of the Syrian refugee crisis. It concluded that securitization of migration mostly appeared through speech acts whereby the discourse of the institutions was presenting immigration as something threatening that needed to be kept on the outside. The policies in this period resulted in the deepening of the European integration in relation to asylum and immigration in general. The speech acts gradually evolved into the practices of securitization through the Frontex agency.

The timeframe of the current refugee crisis was mostly characterized by discursive practises of securitization rather than solely speech acts. However, words as threat, tackle, problem are inherently present in the documents produced by the EU institutions. The practices and policies produced by the EU included militarizing of the external border, shifting resources from search and rescue operations to border control operations and stemming immigration through the exportation of responsibility for asylum seekers to third countries such as the neighbouring states of Syria. The conclusion was that the European Union has securitized immigration during the current refugee crisis.

Lastly, this research looked into whether the securitization of immigration in the current migration influx has resulted in a decline of human right protection in the European Union.

The conclusion was that Member States of the European Union have acted in violation of the human rights of migrants, but the EU in general cannot be held accountable for the actions of its separate Member States. However, the deal between the EU and Turkey permitting the massive returns of migrants has been seen by a variety of human rights protection organizations as resulting in collective expulsions, which is in violation with international asylum law. The upcoming years will be crucial for the reestablishment of the EU as a promoter of human rights protection as currently the picture presented by various human rights protection organizations is rather negative.

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