

SECURITIZATION OF EUROPEAN UNION'S BORDERS, 2001-2016

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DECLARATION

I declare that the dissertation entitled "*Securitization of European Union's Borders, 2001-2016*" submitted by me for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this University or any other University.



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Dedicated
To My
Beloved Parents

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LIST OF ABBREVIATIONS

AFSJ – Area of Freedom, Security and Justice
CEAS – Common European Asylum System
CEEC – Central and Eastern European Countries
DR – Dublin Regulation
ECHR – European Convention on Human Rights
EEA – European Economic Area (the EU plus Switzerland, Iceland and Norway)
EC – European Commission
EOS – European Organization for Security
EP – European Parliament
EU – European Union
EURODAC – European Dactyloscopy
EUROPOL – European Police
EUROSUR – European External Border Surveillance System
FRONTEX – European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GC – Geneva Convention
IOM – International Organization for Migration
ISIS – Islamic State of Iraq and Syria
MENA – Middle East and North Africa
MS – Member States
MSF – Medecins sans Frontier
NGO – Non Governmental Organization
OECD- Organization for Economic Cooperation and Development
PSC – Private Security Company
SEM – South and East Mediterranean Countries
SIS – Schengen Information System
UDHR – Universal Declaration of Human Rights
UN – United Nations
UNHCR – United Nations High Commissioner for Refugees

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CHAPTER I

INTRODUCTION

CHAPTER I

INTRODUCTION

BACKGROUND

“The full horror of the human tragedy unfolding on the shores of Europe was brought home on Wednesday as images of the lifeless body of a young boy – one of at least 12 Syrians who drowned attempting to reach the Greek island of Kos – encapsulated the extraordinary risks refugees are taking to reach the West .This child’s plight should concentrate minds and force the European Union to come together and agree to a plan to tackle the refugee crisis.”– The Guardian (September 2, 2015, Wednesday.)

In the contemporary times, there is much discussion about the rise of a ‘borderless world’ or a ‘Europe having no Frontiers’, but it is imperative in stating the significance of borders. Borders are constructed by human beings out of the need to maintain and restore order. One of the integral roles of borders is to provide protection and act as a controlling element. They are a marker of sameness and difference between societies to make a distinction between ‘us’ and ‘them’. It is an outcome of social organization to promote a collective identity within a particular space or territory. Therefore, it is self-evident that as long as sovereignty, self-sufficiency and autonomy are required by human beings, the process of boundary creation will definitely and almost always exist. Borders however, must have features of permeability and fluidity in order to allow for change to occur along with exchanges across borders to take place smoothly (O’Dowd, 2002: 14).

During the 1950’s to the 1970’s, borders were considered to be mere physical boundaries that were a result of varying political processes. From the 1980’s onwards the international system witnessed major geopolitical changes along with which the focus was re-shifted on the dynamic nature of borders as opposed to the previous outlook of borders being physical barriers (Newman, 2006: 145). During the past 15 years, the study of borders has gone through some major changes. There are multiple disciplines that deal with a variety of border related topics such as sociology, political science, anthropology, geography and others. Political scientists look at borders as

reflecting power relations where one group may have the capability to impose and determine the lines of separation or remove whenever the need arises (Ganster and Lorey, 2005). Several academicians explain the concept of borders in relation to binary distinctions such as – ‘us and them’, ‘inside and outside’, ‘here and there’ etc. amongst various groups and identities. International lawyers see borders as entities that reflect a changing nature of sovereignty to intervene in the affairs of neighbouring political regimes (Newman, 2006: 147).

In the past decade or so, the major focus of border studies is based on the relationship of borders with identity formation. Ethnicity and religion play key roles in determining the opening and closing of borders and during the process of inclusion and exclusion. Even as the effects of globalization is increasing and people cross boundaries more easily today, most people still have very deeply embedded ethnic and national affiliations (Newman, 2005: 147).

The concept of migration has different connotations to it as it is used as an umbrella term to cover various aspects. Migration denotes the movement of people from their place of origin to another. Legal immigration has an economic aspect to it, as it involves the movement of people after having produced necessary legal documents, to be able to shift to a different place in search of better livelihood and better lifestyle. It is a voluntary and conscious decision without the involvement of any kind of coercion or threat. On the contrary, illegal migration takes place when people move from their country of origin to another country without proper legal procedures. It is deemed to be ‘illegal’; if and when, a person enters another country in such a manner. Member States on the European Union (EU) have been dealing with the issue of illegal immigration for a while now and have been devising and implementing policies to tackle this issue. The case with refugees also differs widely from the ones mentioned above. A ‘refugee’ is a person who has moved to a country, away from theirs, as a result of political or social persecution; someone who is fleeing war, armed rebellion or military aggression that is happening or already taken place in the country from which they belong is termed a refugee. The Refugee Convention of 1951 is a document that is ratified by 145 countries all over the world. All signatories of the convention are to guarantee and safeguard the rights of refugees and to make sure that these rights are protected and not violated under any circumstance.

ORIGIN OF BORDERS AND MIGRATION

Human history is characterized by migration and in addition to other related factors; human civilizations that flourished arose in places where there was heavy human traffic. The Indian sub-continent, China, the Americas and Europe constantly experienced huge influxes of migrants that brought with them new concepts and change. History shows that all over the world, people were perpetually on the move – be it the Crusaders, the Vikings or the Chinese emigrants. In Europe, under the Roman Empire (3rd and 4th century A.D.), serfdom was introduced which imposed obligatory restrictions under which the workers were forbidden to leave the workplace. The first ‘passport’ was also introduced by the Romans which was a document for the passage of the bearer. During these times borders were not established democratically, rather it was an outcome of force, intimidation, oppression, incursion, combats or hereditary succession.

There was an emergence of a new social order during the Renaissance period that was characterized by wage labourers. Gradually, serfdom began to weaken which did not immediately mean it was replaced by free movement of people. Instead, what the rulers tried to do was get a stronger hold of their state and increase its power, and people were looked upon as a workforce that was valuable to be kept within the state’s border. The rulers were encouraging immigration as they provided numerous incentives such as citizenship, tax advantages etc. It was also a time when the idea of nationalism was emerging; bringing people of cultural groups together in unity while denoting the others as ‘outsiders’. France and Spain had ordered mass expulsion of religious and ethnic minorities from their countries. Horrific expulsions were also seen in the largest involuntary migration in human history with the West Africans being moved to the Americas for slavery.

In the 17th and 18th centuries, John Locke and other liberal thinkers were posing questions on the restrictions of movement of the people under a ruler. This was supported by a new school led by Adam Smith that promoted free trade and free labour market. This was when border control was slightly relaxed. During the 19th century, migrants travelled northwards from lesser developed regions like North Africa into southern Europe and beyond. This led to the rise of cultivated racist attitudes towards those individuals coming from outside one’s nation and these migrants were seen as a

threat to security. During the Victorian times, European countries had been open to political exiles but gradually with the passage of time many countries began to slowly restrict the entry of immigrants. These controls began to tighten mainly after the revolutions in 1848 in Europe.

In the early 20th century, waves of immigrants had been seen to have come to Europe in the years before World War I. In the years following the war, tighter controls on immigrations were made. Nation building in the Third World had produced mass migration on an unprecedented scale. Minorities were persecuted in new regimes all across Europe and beyond in their attempts to ‘consolidate’ the nation. Other factors like wars, poverty and environmental degradation had also left millions homeless. Immigrations controls were further tightened in 1992, when the Single European Community was established. It kept a check on outsiders and denied them entry if they did not possess valid legal documents and allowed only a few immigrants to join the workforce in the Europe under strict supervision. A process of consolidation had taken place in the Europe for centuries in which small European states merged into larger ones but what occurred in the twentieth century was the successive breakup of large multinational empires such as the Ottoman, Russian, Austro-Hungarian, German, French, British and lastly the Soviet empire (O’Dowd, 2002: 15).

The Treaty of Rome in 1957 was based on the foundation that primarily focussed on the free movement of people across the internal borders of the Member States of the European Economic Community. Later the focus also added the free movement of services, capital and goods. Despite the ideological differences, both the welfare states in the West and the communist states of the East believed in the importance of state borders. In comparison to the period before the First World War, the period after the Second World War i.e. post 1945 had come to feature the emergence of several state borders and the establishment of rules and regulations to be abided by its citizens inside those borders. This was done at a much stricter level in terms of issuing of passports, providing education, healthcare and other welfare facilities.

Borders are not merely economic barriers, but they also pose as barriers in administration, politics, culture, law and even psychologically. For the ‘market forces’ to function smoothly, elimination of obstacles along the way does not mean that borders

tend to diminish rather it simply means that new methods of regulation are being implemented. Simultaneously, it also suggests altered methods of dealing with borders.

ROLE OF ASOVEREIGN STATE IN BORDER CONTROL

The Treaty of Westphalia (1648) developed the concept of sovereign states and established borders as a result of complex processes of state formation, which have indeed emerged from a combination of historical, economic, political and cultural factors. Westphalian sovereignty conceptualizes the absence of foreign elements in the internal workings of domestic structures. However, in contemporary times due to the numerous effects of globalization, it appears that borderlines are diminishing. Borders are increasingly becoming porous due to critical factors such as market forces, flow of trade and movement of people. There are several economic, political and cultural factors that have cross border implications. What shape borders are the forces of culture, society, economics and institutions. Thus, modern day governments have to widen their focus to address the challenges to these borders in order to keep a nation state sovereign. In security matters, the new challenges that the governments are confronted with today in terms of borders have to be dealt with political will, clear goals and policy objectives.

One of the integral functions of a sovereign state is to monitor that its borders remain intact. Borders are what demarcate one sovereign nation from another, so they must be strongly protected in order to further protect its citizens. When borders remain intact a certain level of security as well as survival is maintained in a state. Sovereign states must strictly abide by constitutional principles and norms in order to maintain peace and stability within itself. A sovereign state is also the one that consolidates democratic principles which it considers to be one of its primary norms.

Military preparedness (having a strong army, arms, and ammunitions) is another feature that focuses on safeguarding a state's boundaries and its territories. Abiding by the rule of law is another important role of a sovereign state to maintain equilibrium in the society and work towards promoting and protecting human rights of its citizens. It also works towards achieving a self-sufficient economy to maintain the balance of trade. Along with being autonomous, Westphalian sovereignty also includes cooperation with its neighbours and other nations, as well as peaceful coexistence as primary objectives

of a sovereign state. Autonomy also means not interfering in the process of decision making of other nations, respect for human values and to help other nations in times of crisis. Maintaining international cooperation and having a follow through on agreements is a must for sovereign states. Thus, we see that borders are attached to numerous aspects rather than being mere physical boundaries.

THE EUROPEAN UNION AS AN ACTOR

The Cold War had ended after the fall of the Berlin Wall and the consequent implosion of the Soviet Union. There was a formation of new state borders in Central and Eastern Europe due to the disintegration of the Union of Soviet Socialist Republic (USSR) (O'Dowd, 2002: 15). After the collapse of socialism, there was the marked increase in border studies across multiple disciplines such as geography, history, international relations, political science, anthropology and sociology (Newman and Paasi, 1998: 186). With the implosion of the Soviet Union in 1991, the world structure became unipolar and the United States of America emerged as the only superpower. There was no longer a direct identifiable enemy; hence, there arose a changed perception of threat. The main feature of these kinds of threats was an element of uncertainty. What accompanied these circumstances was the changed security dimension globally and more so in Europe. When the Soviet power structure collapsed, it was accompanied by geopolitical disorder in the region out of which emerged territorial restructuring in Europe that took place not in an organized manner but in a rather spontaneous way. National borders were redrawn either by dialogue and negotiation, as in the case of Czechoslovakia, or with the use of violence as in the case of Yugoslavia and many other territories of the former Soviet Union (Wielgoths and Lechevalier, 2013: 10). With the signing of the Maastricht Treaty in 1992, there was a call for greater integration in Europe and the European Union (EU) was formed.

The European Union can be characterized as a system of multi-level governance. It began as an economic union that later also transformed into a political union with 28 Member States, in which its Member States have pooled in a limited amount of their sovereignty in order to gain strengths and benefits from the cooperation. It is an organization that is supranational in character consisting of Member States that derive their rights from it and these rights are protected and guaranteed via mechanisms that are constructed by the organization itself. In the post-Cold War era, people's lives were

threatened more by violent conflicts occurring within the states such as civil war, civic strife and insurrection in addition to the non-traditional threats i.e. non- military threats such as, diseases, epidemics, environmental destruction, resource scarcity, refugee crisis etc. that put the human life to risk more than the military threats that were present during the Cold War. Hence, the EU now had the difficult task of combating these non-traditional threats to security because these kinds of threats became a cause of great concern. Therefore, with the change in the nature of threat, there also came about a dramatic change in what constitutes the ‘European Security’ in the post-Cold War period. During the first ten years after 1991, European security became less militarized because the classical threat from the Soviet Union had disappeared.

Due to a series of political upheavals that had commenced since the early 1990’s the breakup of Yugoslavia had occurred. Ever since, there has been a massive wave of refugees reaching Europe that is invariably causing challenges to the EU. In 2004, the enlargement of the EU borders towards the east and the south had not only expanded the EU, but had also brought it closer to several sources of conflict, consequently increasing its vulnerability. The EU was faced with new challenges after the 9/11 attacks. This was due to the invasion of Iraq by the United States in 2003 leading to disarray among its Member States, as the UK supported the US while France and Germany did not.

The organizational structure of the ‘Third Pillar of the Maastricht Treaty’ was actually a convergence of the initiatives of the working groups and the EU’s previous initiatives to deal with such issues at the structural and policy making level. A few of the most noteworthy working groups amongst many were namely the ‘Ad-Hoc Group on Immigration’ which laid the foundation of the ‘Dublin Asylum Convention and ‘Trevi’, which originated from the European Political Cooperation and which formed the basis of the Europol Drugs Unit.¹ The major reason for the formalization of these groups as part of the intergovernmental Justice and Home Affairs (JHA) pillar was that although they were very active, their accountability was to the European Union institutions namely the European Commission and the European Parliament and so their transparency was minimal. The creation of the Justice and Home Affairs was thus, an improvement in the coordination of the initiatives on part of the working groups and the

¹<http://aei.pitt.edu/798/1/3.htm> [Online: Web] Accessed 17 April 2018

European Union institutions. The 'Ad-Hoc Group' and 'Trevi' were brought under the administration of the 'Coordinating Committee' which was also known as the 'K4 Committee' which in turn was responsible to the 'Committee of Permanent Representatives' and to the 'Council of Ministers of the Justice and Home Affairs'. There were three groups that worked under the 'Coordinating Committee'. They were as follows: 'Immigration and Asylum'; 'Security, Police and Customs Cooperation'; 'Judicial Cooperation' and the working groups did the preparatory work.

The Justice and Home Affairs dealt with several issues under the broad areas of Immigration and Asylum; Security, Police and Customs Cooperation and Judicial Cooperation such as: Migration, Police and Customs, Extradition, Asylum Cooperation, International Organized Crime, Visas, Terrorism, Criminal Law/Community Law, External Frontiers, Police Cooperation, Driving License Withdrawal, Forged Documents (operational and technical), Transfer of Trial Documents, Centre for Information, Reflection and Exchange on Asylum Matters and Centre for Information, Reflection and Exchange on Crossing of Borders and Immigration.²

In 1995, the Justice and Home Affairs Committee drafted a report, demarcating the performance in these fields. Dealing with the issue of migration, its authorities drafted what is known as the "common position" on the state of unaided foreign minors in the EU Member States. Work was also done on the criteria for repatriation and the readmission clause and also in the fight against illegal unemployment of the nationals of the third country. It also proposed ways of fighting illegal immigration and using tools based on modern technology such as surveillance mechanisms in checking people's identities before assuring residence grants to them. The JHA made it mandatory for Member States of the EU to maintain a registry for foreign nationals which included all their details. It also decided to take stern measures to expel the illegal immigrants and work on checking false or forged documents.

With regard to Security, Police and Customs Cooperation, there was a focus on dealing with organized crime in the areas of theft of state properties, embezzlement, money laundering, forgery and fraud related to the stock market. There were also efforts in the fight against violence during sporting events, to manage crisis situation by creating a

²<http://aei.pitt.edu/798/1/3.htm> [Online: Web] Accessed 17 April 2018

joint intelligence system, police training on racism, xenophobia and violent urban gangs. The police and other legal institutions that constituted the Third Pillar even extended into the field of active patrolling. Many institutions of the JHA also recommended the Member States to plan out questionnaires to receive feedbacks for the protection provided. The 'Judicial Cooperation Working Group' was involved mostly with the process of deportation of immigrants that did not possess valid legal documents. However, in the field of external borders, not much progress was made in these three years. The Council established that certain issues remain to be solved such as the territorial implementation, determination of borders including the Spanish-British dispute regarding Gibraltar.³

In 1998, the European Police Office (EUROPOL) was established under the jurisdiction of the European Union. It handles criminal intelligence and is involved in the fight against organized crime. It tries to achieve this by cooperating with the authorities of the Member States who are associated with customs, immigration services, border and financial police. However, it cannot arrest suspects as it does not have executive powers and only works a support system through the exchange of information with the relevant national authorities.

The European Union was well ahead in its plans and policies while fighting against drugs. As part of the 1st pillar (European Communities), it extended the Union's scope of action to fight against the drugs and drug addiction. It was added to the public health priority. As part of the 2nd pillar, it was cited as a priority to cooperate with the producer and the transit countries of drugs to regulate the flow of drugs into Europe and the EU Member States. As part of the 3rd pillar, drug trafficking and drug related crime were cited as one of the main areas of action.

Besides, in 1992 at the initiative of the European Committee to Combat Drugs, the health and the social authorities in the Member states for the first time decided on the issue of combating drugs. In 1993, the 'European Monitoring Centre for Drugs and Drug Addiction' (EMCDDA) was created. It was based on the principle that independent scientific research is needed to help Europe understand the drug problems

³<http://aei.pitt.edu/798/1/3.htm> [Online: Web] Accessed 17 April 2018

and equip the EU with techniques to respond to them in a better way. On December 17, 1996, the Council adopted the 'Joint Action' on the 'Approximation of Drug Legislation'. Some of its aims which were implemented in 1997 were:

- a) Laws to combat drug trafficking and ensuring that the culprits face the most severe penalty.
- b) To ensure closer cooperation among the European police, customs service and judicial authorities.
- c) Collaboration to facilitate rapid information system regarding the use of synthetic drugs and the health and social risks attached to it. It was finally implemented in 1997 under Joint Action on Synthetic Drugs. Later, the Amsterdam treaty which came into effect in 1999 introduced the concept of providing the citizens of the EU Member States an 'Area of freedom, security and justice' which will deliver them with a great amount of safety. EUROPOL also worked towards dealing with unlawful drug trafficking (Monar, 2007).

Border security has been one of the most important policies in the international agenda in Europe. This is mainly due to the attacks on the World Trade Centre on September 11, 2001 and in the Pentagon in New York City and Washington D.C. respectively. The 21st century has been gradually experiencing free trade and globalization. This has caused governments worldwide to be faced with new challenges relating to securing borders along with the process of managing and protecting them. This also includes the surveillance of immigrant flows across its borders, along with keeping a close watch on the flow of services and goods. Through implementing security mechanisms, various institutions and agencies are able to recognize and categorize dangerous elements, which include, both people as well as hazardous substances from the migratory flow of people as well the goods that cross borders on a daily basis. Map1 is a political map of Europe which helps locate the EU's borders and its neighbouring regions.

THE SECURITY LANDSCAPE OF EUROPE AFTER THE ATTACKS OF 9/11

In the period after 2001, new security threats were identified that came to be known as the 'non-traditional threats to security'. The non-traditional threats to security are non-military in nature and transnational in scope. They have no boundary limits or boundary cannot restrict them. They could be domestic or inter-state and can travel rapidly from one place to another.

Map 1: Political Map of Europe and its Neighbouring Regions



(Source:www.google.com)

Therefore, the non-traditional threats to security know no borders or boundary. Some of the examples of the non-traditional threats to security are ethnic conflicts (based on identity), migration, environmental degradation, transnational organized crime, terrorism, cyber warfare, trafficking in drugs, human beings, arms and ammunitions and money, energy crisis, global health issues, propagation of arms of mass destruction, food shortages etc.

The European Security Strategy (ESS) developed in 2003 is a policy document in which the EU puts forth its security strategy that primarily aims at attaining a safe Europe in times of grave challenges that the EU is faced with. This strategy has identified the threats facing the Union and has also well-defined its strategic objectives

and programmes in order to carry them out with the aim of achieving a more secure Europe. The ESS was formulated in 2003 under the leadership of the EU's 'High Representative for the Common Foreign and Security Policy'. It was approved by the Brussels European Council of 12th and 13th December 2003. This particular security strategy was introduced after the 9/11 attacks due to the alarming rise of new threats that posed challenges worldwide, before which the Union did not have a well-defined security document to combat multiple, non-traditional threats, especially terrorism which is seen as a key threat to the EU's security.

The ESS identified a range of threats and challenges to the EU's security interests in 2008. Other factors such as the increasing stronghold of the Islamic State of Iraq and Syria (ISIS), civil wars in countries neighbouring the Union and the sudden spurt in terror have made EU borders increasingly vulnerable. A large number of asylum seekers in the EU originate from countries such as Kosovo and Albania which are located in Eastern Europe. This happens due to previous incidences or circumstances that these countries have historically faced. Many of these asylum seekers also manage to pave their way into developed countries that are not Member States of the EU like Switzerland and Norway. The maximum number of these refugees and asylum seekers also trace their origins to Afghanistan, Iraq and Syria. The Syrian Civil War began in 2011 and around 1.3 million Syrians requested asylum in Europe in the EU, Norway and Switzerland in 2015. The High Representative Federica Mogherini presented the 'EU Global Strategy' (EUGS) on foreign and security policy at the EU summit on June 28, 2016.

It is not new that the European Union has been creating and adopting restrictive policies based on border control. It has been developing innovative approaches to better protect and manage its borders and to tackle the prevalent refugee crisis for the past three decades or so. However, this period overlaps with its attempts to also bring forth regional integration which led to establishing an internal border free Europe with the Schengen Area (Benam, 2011). Thus, Benam questions, "How may the ambition of nation states to control the entry and movement of people be reconciled with liberal standards promoting free markets, open borders and humanitarian values?" The European Union attempts to simultaneously increase the choice of movement amongst

its Member States and as well as offer safety and refuge by planning and implementing strict border policies at the same time. It wants to liberalise and regulate its borders.

Both the Schengen Treaty and the Treaty of Amsterdam aimed to bring about a fundamental change in the nature of border control methods especially after the 9/11 attacks. One such measure was relying on the biometrical data of individuals such as fingerprints, retinal and iris scanning and voice patterns. This method helps the Member States to fight against illegal immigration, terrorism and other probable threats. EU legislators formulated a concrete EU border management system that used modern technology which included a large network of surveillance systems which helped identify unwanted elements that posed as threats or caused problems to the Union. The electronic databases that support these various surveillance systems help monitor and supervise the movement of people and goods across EU borders (Benam, 2011).

Currently the main databases which are in use in Europe that aid in monitoring and supervision are the 'Schengen Information System' (SIS) and 'EURODAC'. These systems keep a record of applicants that are seeking for asylum and the 'Visa Information System' (VIS) helps store information on visa applications. Since the enlargement of the European Union in 2004, the Union has been aware to manage its borders smoothly as its external borders had shifted eastwards thus, facing new challenges. Therefore, it started tracking moving passengers into and out of the Union on the basis of data provided to it by air by a Passenger Name Record (PNR) System. "The information of passengers were provided by the airline companies through their booking systems and handed over to the Union" (Benam, 2011). One of the most pressing challenges faced by the European Union today is not only how it should manage its borders but also how the methods and processes taken to do so must abide by humanitarian values. The Union has been designing methods and tools to handle this challenge effectively especially after the enlargement of the Union in 2004. The tools that are being used by the EU such as surveillance systems have been in focus and debated over, to see if they pose a risk to threaten the security of individuals and are at the expense of their individual liberties and their right to privacy. Thus, there are many repercussions in implementing such methods that need to be taken into consideration as well.

EUROPEAN BORDERS AND SECURITY

In the last three decades or so, commonly owing to the advancement of globalization, the subject of borders has been increasingly discussed and debated upon. First and foremost borders are understood in terms of territorial borders between nations or political entities. However, due to various effects of globalization these borders have become increasingly permeable for goods, capital, people, social practices etc. Territorial borders have also lost some of its importance in terms of being separators or dividers because of the new avenues that have been created like economic, administrative, political and cultural spaces (Wielgohs and Lechevalier, 2013: 9). National governments play a crucial part in the creation and protection of borders. Nevertheless, these bounded territories are a result of continuous interactions between people so they automatically become a complicated issue.

Owing to the eastern enlargement of the EU in 2004, the European Neighbourhood Policy (ENP) was naturally introduced. It was mainly an approach to promote order and certainty that was earlier disrupted, with the East-West conflict. The main goal of this policy was to prevent the emergence of any further divisions between the European Union and its newly added members so that it could take up combined political, economic and cultural initiatives and jointly work towards addressing common challenges for the development of the Union (European Commission, 2004: 3). Similarly, the Eastern Partnership that was established in 2009 aimed primarily at extending cross-border cooperation between the EU and its eastern members (European Commission, 2008: 8). From this perspective, what is evident is that the EU's main policy aims at building a shared 'borderland' with its neighbours and not a 'Fortress Europe' (Comelli, 2007). With the expansion of the EU'S external border, further eastward, the 'rebordering' processes commenced along with the processes of integration and stabilization. However, in 2008 the Russian-Georgian War disrupted and further delayed the process of territorial restructuring (Wielgohs and Lechevalier, 2003: 10).

Border dynamics of the European Union are most certainly affected by the prosperity and security of the European neighbourhood. The external borders of EU are facing territorial conflict as can be seen in the on-going Kosovo and Israeli-Palestinian conflicts with borders being continuously contested. Therefore, a major concern for the

EU is to maintain stability and harmony in these volatile peripheries so that problems like illegal migration, human trafficking and organized crime do not take place and get out of control. These problems are considered as major security issues by the European Union that need to be immediately dealt with, in order to bring about stability (Wielgohs and Lechevalier, 2003: 17).

While there are various schools of thought that write on EU and its borders, they also have differing conclusions. Some scholars repeatedly emphasize on the decreasing significance of EU borders. They focus on themes such as the European integration, the abolition of internal borders and look upon the EU's eastern border as a 'travelling' one that will travel eastwards, slowly but steadily, to ultimately create a 'Borderless Europe' (Popescu, 2008: 424). It will be represented by the 'Eurozone' and the 'Single Market', and will entirely comprise of the present European neighbourhood (Delanty and Rumford, 2005: 120). Another group of scholars heavily emphasize the importance of borders as a 'barrier' that keeps out unwanted elements such as unwanted goods, criminals, illegal immigrants, people without visas etc. They look at borders in Europe as a means of creating a 'Fortress Europe' that remains predominantly closed to its neighbours (Scott, 2009; Grabbe, 2000). With the creation of the EU's Neighbourhood Policy, several other authors thought of EU borders as a 'bridge' by stressing on 'Cross Border Cooperation' (CBC) which is seen as a means to further propagate EU's regional policy (Vermeersch, 2007: 475).

The study of borders for a long time has focussed on borders largely being physical features. However, in the past few decades there has been a change in perception in the study of borders as there has been a shift from considering borders as mere geographical boundaries to borders as a social construct as well. The traditional outlook on borders as static structures made way for a different theoretical understanding of borders as 'historically contingent processes' that emphasizes that borders have a potential to change (Newman and Paasi, 1998:208). The constructivist school look at borders as being far beyond its material manifestation such as walls or fences and focuses on the 'social practices and discourses in which boundaries are produced and then reproduced' (Paasi, 2005: 18). It understands borders in terms of being 'dynamic cultural processes' (Paasi, 2003: 464).

Borders in the conventional sense has come under much criticism and scrutiny because of the increasing nature of a variety of cross border activities such as trade and migration due to the emergence of supra-national and transnational actors such as the European Union. These factors are understood as being the effects of globalization, although in the case of Central and Eastern countries these were a result of the failure of socialism. Borders do not become defunct in the wake of globalization; what happens is that it changes the relationship of borders to each other (Stetter, 2005: 6). Constructivists explain the process of 'de-bordering' and 're-bordering' by distinguishing between different kinds of borders. The concept of 'de-bordering' is explained as a process of territorial borders being relatively permeable and states not being able to entirely close themselves to cross border activities. The process of 'rebordering' includes tightening of borders by implementing increasing border controls (Rumford, 2006: 157).

RESEARCH FRAMEWORK

This study will examine the securitization of the borders of the European Union. The aspects that are going to be examined in this study are the concept of securitization, the European Union as an actor that deals with the issue of securitization and the outcomes of the measures taken and the policies implemented. The rationale of this study is that increased influx of illegal migrants and refugees since 2003 has not been analysed together within the context of the security strategies and the challenges that it poses to the European Union. The scope of this study is from 2001 to 2016.

The hypothesis proposed for this study was namely - The influx of illegal migration and refugees into Europe after 2001 has led to the securitization of EU borders.

In order to examine the above hypothesis, the research examined the following questions: What is significant about the European Union's borders; how has enlargement changed EU borders; how have the twin issue of migration and refugees impacted EU security and its borders; what new measures has the European Union taken to better manage the flow of migration after 2001; what has been the impact of the recent refugee crisis on European Union's borders and the discourse on securitization and what measures and policies have various European Union agencies taken that have led to securitization of its borders?

In examining the securitization of EU borders, with the questions posed, this research adopted a realist approach. The proposed study is largely a qualitative research and has taken a deductive approach. It is based on primary and secondary sources, the primary sources such as the documents of the EU Commission, Council, European Parliament and from the Member States. Secondary sources include books, journal articles, newspapers and internet sources.

The above discussion comprises the first chapter in which a background to the study is given. It has also dealt with the origins of borders; the scenario post-Cold War, role of a sovereign state, securitization of EU borders and the research questions, research methods and the hypothesis to the study is stated.

The second chapter deals with “The Changing Threat Perception in the European Union post the 9/11 attacks” and assesses the change in threat perception in the European Union after the attacks of 9/11 and what measures were taken up by the European Union to manage the flow of migration and securitize its borders.

The third chapter deals with “Migration and Refugee Flows to the European Union” and discusses the issue of migration and refugee flows to the European Union since 2001. It will examine the different aspects of legal and illegal migration and the refugee influx to the EU that has both positive and negative aspects. While legal migration is beneficial in declining population growth, illegal migration poses threats to the welfare system. The new influx of refugees since 2011 also has political, economic and security implications which is of crucial importance to the EU.

The fourth chapter deals with “The European Union’s Response to Border Management and its Securitization” and explains the European Union as an actor and the way in which it has taken measures to secure its borders and what the outcomes of this process are. This chapter seeks to deal with the authorities and agencies that are involved in border management such as the FRONTEX, EUROPOL, customs, national security etc. and their co-ordination and coherence at the national and international level.

The last chapter is the concluding chapter that presents the findings of the research on why and how the securitization of the EU borders has taken place.

CHAPTER II

THE CHANGING THREAT PERCEPTION IN THE EUROPEAN UNION POST THE 9/11 ATTACKS

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SITUATING SECURITY IN EUROPE DURING THE COLD WAR

Security has always been the centrepiece of traditional international relations and has been understood in terms of classical security, which meant that national military defence was the crux of a state's security policy and the emphasis was on state sovereignty. Europe is a continent that is well-defined by its physical, political and socio-cultural features however; the notion of security has been a subject of constant debate and scrutiny and has garnered much curiosity among researchers and international relations theorists. The landscape of European security has evolved over the years, particularly from what it was during the Cold War era and how it has changed over a period of time since the Cold War ended in 1991, after the disintegration of the USSR.

During the Cold War in Europe, the security was subject to the super power relations. The security machinery of Europe functioned within the framework of realism. The theory of realism originated in the 1930's as a reaction to the breakdown of the international order post the First World War. It became a dominant approach to the study of international relations after the end of the Second World War in 1945 in both its theory and practice. Europe during the Cold War (1945-1990) was divided into two blocs, headed by the two super-powers: the USA whose ideology was capitalism in Western Europe and the USSR which was backed by communism in the Eastern Europe. These two power blocs were suspicious of each other and both sides of the continent stepped up their security game. They did this by creating their respective military blocs with the guiding principle of 'collective defence' i.e. 'the attack on one is the attack on all'. Thus, the North Atlantic Treaty Organization (NATO) was formed in 1949 and represented the Western bloc while the Warsaw Pact formed in 1955 represented Eastern Europe. Till the Cold War ended, these two military blocs drew both the East and the West into dynamic, competitive relationships with one another

until the Warsaw Pact became extinct, after the Cold War ended in 1991 with the disintegration of the USSR. Therefore, through the lens of realism, during the Cold War, the USA and the USSR sought to increase their power, especially militarily, both as a means as well as an end.

THE SECURITY LANDSCAPE OF EUROPE IN THE POST-COLD WAR PERIOD, 1990-2001

The dimension of security in Europe changed after the Soviet Union had disintegrated after which the world structure transformed from being bipolar to becoming unipolar and what followed was the USA emerging as the only super power of the world. With the end of the bipolar order there emerged a long peace in Europe. However, the return of war was seen through the emergence of non-traditional threats to security which Europe now faced and had the difficult task of combating. People's lives were now threatened more by violent conflicts occurring within states such as civil war, civic strife and insurrection as well as the non-military threats such as diseases and epidemics, environmental destruction, resource scarcity, refugee crisis etc. that gave a new dimension to threat perception and which put the human life to risk more than the military threats at the time. Although, state security or the 'national' security remained important, the traditional threat to Europe, the USSR was no more. Rather, it was the threat from the non-state actors which became a greater cause of concern. These non-state actors were not new to be experienced by Europe but in the post-Cold War period, they became more prominent. War returned to Europe through the Balkans i.e. through the breakup of Yugoslavia with Slovenia and Croatia declaring independence and a civil war breaking out in Bosnia-Herzegovina.

There was another type of threat that was identified by the European Union which was the non-geographical dangers to the security of Europe. These dangers were those which identified as the result of the widening of the concept of security, extending it to include the issues which have become as important to be confronted as the military threats. Thus, the European Union aimed to securitize the non-geographical threats. The period after the Cold War had ended changed the international order along with the world being transformed from a bipolar to a unipolar structure. There also happened to be a drastic change in the concept of security. The state remained central but it no

longer dominated or was treated as the exclusive referent (Buzan, 1998: 11). What became clearly important was the emergence of the new security agenda that was put forth in order to confront the newly emerging security dangers.

The fall of the Berlin Wall took place on November 9, 1989 and the eventual dismemberment of the Soviet Union in 1991 officially ended the Cold War. The world became unipolar and this resulted in the reconsideration of many concepts and theories which were relevant and had existed during the Cold War. The policy-makers and analysts of international relations were asked one important question pertaining to the new global order: What would 'defence' and 'security' mean in the post-Cold War period?

In the post-Cold War period, the theoretical literature on security studies also changed. There was a general consensus built-up that the traditional state-centric approach to the study of security and defence is inadequate as the structure of the world order had changed. An alternative understanding to security must be developed. After the Cold War ended in 1991, there have emerged threats to the state or national security which go beyond the traditional understanding of threat which is military in nature. Therefore, a new framework was required to tackle the newly emerging 'non-traditional threats to security'.

THREATS BECAME DIFFUSED IN THE POST-COLD WAR PERIOD

During the Cold War, Europe was the focal point of the superpower military rivalry between the USA and the USSR. The downfall and eventual disintegration of the Soviet Union in 1991 had resulted in the termination of the Warsaw Pact. This transformation had brought about a drastic change at the systemic level. The military stand-off between the East and the West, which spanned for a period of forty-five years ended. This drastic shift in the geopolitics also affected the security dimension of Europe. The waning focus on the military issues as the Cold War came to an end led to the development of a new security order. In this new order, the non-traditional threats that were relegated in importance during the Cold War began to be given greater relevance in the post-Cold War period. Though the state and its institutions remained the central object, it no longer dominated as the principle embodiment of threat (Buzan, 1998: 11).

There was a change at the systemic level and the European Community (EC) as it was then called, which acted as a civilian power during the Cold War, came to concern itself with the security of the Member States of the European Union in the post-Cold War period. It had the herculean task of not only identifying such non-military threats but also how to combat them. The European Community's Member States, to varying degrees, recognized that these new security threats lie beyond the capacity and the capability of the individual states to solve them (Marsh and Rees, 2012: 9). A concerted action at the level of the European Community is needed to tackle such non-geographical threats. Unless all the Member States recognize the danger these non-military threats pose to their security and are willingly ready to share the vulnerability to these threats with a desire to combat them collectively, they would not be able to secure themselves effectively. A range of challenges such as the movement of the illegal migrants, asylum seekers and refugees to such sub-state actors such as transnational organized crime groups, people traffickers, drug trafficking, smuggling of arms and trade in black money as well as terrorism are such high-profile threats which need to be immediately tackled. Besides, Europe had to be secured from the instability in the closely located geographical areas, which was important for the maintenance of peace in Europe. In this way, the European Union (which came into existence in 1992) had the crucial task in maintaining peace and security in and around its region from the non-military threats and also to ensure the stability and rule of law in its neighbouring regions, if Europe has to live peacefully.

The European Union came into existence in 1992. It recognized the need to identify the non-traditional threats to security. The EU had identified a few of these threats that posed as challenges and the discourse was such that the EU was constructed as the main referent object, although the referent, at times was extended to include Europe as a whole. These dangers were identified to be securitized. Otherwise they would be an existential threat to the security of the EU or Europe⁴ (Larsen, 2000: 341). One of the main threats to the security of the European Union was the cessation of the EU integration including the halt to the execution or the enactment of the treaties and the

⁴In the discourse, both the EU and Europe were presented in a manner whose securities were linked to each other. The danger to the security of the EU meant the danger to the security of Europe in general and vice versa.

functioning of the European Monetary Union. It will pose a great threat not only to the existence of the EU but also to the security of the Europe. This meant that the process of the EU integration should continue. This was a challenge that the Union recognized early on and began to discuss what the solutions were so as to end up with a peaceful resolution. In other words, the EU integration process must be securitized. The process of integration is equalled to the guarantee of peace and security in Europe. There should not be the cessation of the process of the integration of the EU.

ENLARGEMENT OF THE EUROPEAN UNION AND NEW BORDERS

Another threat or danger identified by the EU was the unpredictability in the Central and Eastern Europe Countries (CEEC) which became independent of the communist regime after the disintegration of the Soviet Union in 1991. So, if the instability in the Central and Eastern European Countries (CEEC) is to be replaced with stability then the primary solution is the enlargement of the European Union. Thus, volatility in the Central and Eastern Europe was securitized through the enlargement of the European Union. This meant that the CEEC's have to work towards achieving the Copenhagen Criteria of 1993, which are the criteria to acquire the membership of the European Union. This includes respect for democracy, rule of law, functioning and stable market economy, respect for human rights and respect for the rights of the minorities. Thus, through making such conditions compulsory for the accession into the Union, the EU tried to introduce stability in the CEEC's.⁵

INSTABILITY IN RUSSIA

In several of the European security documents, Russia is not determined as a military threat to Europe. Although, alternately it is presented as a country whose instability after the disintegration of the USSR in 1991 might be a danger to the security of Europe. The victorious accomplishment of popular elections in 1996 and the consolidation of democracy in Russia were thought would aid in strengthening security, stability and harmony in Europe (Presidency Conclusions: European Council, 1996: 4). "EU's good relationship with Russia is seen as 'essential' for a stable European

⁵ The Union is determined to work towards stability and peace on the continent of Europe, by preparing for the accession of the associated European countries. (Presidency Conclusions: European Council, 1995: 1).

development and the instability in Russia or a break-down of EU relations with Russia might threaten European security” (Presidency Conclusions: European Council, 1995: 37). In the above two citations, the stability in Russia after the disintegration of the Soviet Union and cultivating good relations with Russia after the end of the Cold War are securitized. However, another report, the Durieux Report (1994, Part II) rather presented Russia after the disintegration of the USSR in 1991 as a country whose possible political resurgence as well military ambitions can pose a great threat to the security of Europe. In other words, the stability in Russia was an important element in maintaining security in Europe.

INSTABILITY IN THE MEDITERRANEAN

An unsound and volatile Mediterranean region was another grave danger which was recognized by the European Union. In order to maintain the peace within Europe, it was pertinent that internal stability and rule of law is established in these Mediterranean countries.

“The Mediterranean basin constitutes an area of strategic importance for the Union. Peace, stability and prosperity in the region are amongst the highest priorities of Europe. The Council supports the establishment of a Euro-Mediterranean area of political stability and security and the reinforcement of the political dialogue must be based on the respect for democracy, good governance and human rights” (European Council, 1994: 14). The European Union also had concerns regarding the rise of fundamentalist and radical elements in the Middle East and North Africa (MENA) region and its policy objectives were primarily focussed on curbing the advances of such extremist groups (European Council, 1994: 15).

The Durieux Report (1994, Part II) used the term ‘time bomb’ to describe the Mediterranean region with its demographic, economic, sociological and the ecological problems. It was stated that if these problems were not successfully handled then it may “fuel the sort of repressive regime.” If the neighbouring regions of the EU have peace and harmony instilled then it is more advantageous for the Union. Thus, it was imperative for the European Union to securitize the unstable region of the Mediterranean if the security of the Europe is to be maintained.

TERRORISM

The often quoted saying that ‘One person’s terrorist is another person’s freedom fighter’ is a reflection of the fact that the interpretation of terrorism is dependent on the how an individual perceives terrorism and then constructs it. Terrorism is a phenomenon that is an understanding of elements according of one’s own based notions and opinions on a set of perceived ideas and beliefs. “The meaning of terrorism varies depending on the context, available cultural resources and combinations of people involved” (Stump, 2009: 661).

The value added by the constructivists to the better understanding of the term ‘terrorism’ is that they help in the understanding of the term ‘the self and the other’ which becomes the rationale behind the terrorist activities. Thus, the EU securitized these non-traditional threats and linked it with the consolidation of the EU’s inner solidarity along with its peripheral boundary security. In the light of the above identified dangers and threats by the EU in the post-Cold War period, it is important to note that the security agenda of the European Union changed completely and it prepared itself to deal with these dangers by securitizing the above listed threats. The process began by identifying and categorizing the dangers to the Union after which policies and mechanisms were created in order to provide solutions and tackle these threats.

DIFFERENT THREAT PERCEPTIONS

The European Union responded to the threat of terrorism following the horrific attacks on 9/11 by choosing a clear ‘cross-border law enforcement’ approach as opposed to the United States that chose the path of ‘war on terror’. Opting for this path was determined by a number of factors such as history, differing threat perceptions, divergent ideologies etc. The EU developed several institutional measures and an extensive multidimensional approach to tackle internal as well as external threats. Many Americans see the EU’s reluctance to endorse the ‘war on terror’ as failing to understand the magnitude of terrorist threat that was prevalent post 9/11 (Gardiner, 2009). Similarly the Europeans regarded the US as a huge menace towards global

security for taking the path of ‘war on terror’ because they were even willing to suspend fundamental rights of citizens if the ‘war’ required it to.⁶

On 12 December 2003, the European Council approved the European Security Strategy also known as the Solana Strategy. This document listed terrorism as the key threat that was endangering the Union (European Council, 2003). To deal with internal and external security threats facing the EU, it adopted a highly comprehensive plan which included individual measures and was called the ‘EU’s Action Plan on Terrorism’ (Council of the European Union, 2006). The fight against terrorism for the EU is mainly a law enforcement challenge where instruments pertaining to law enforcement were required. This showcases the Union’s lack of usage of military means instead taking up law enforcement measures to bring about cooperation amongst its Member States (Monar, 2007).

Terrorism as a phenomenon did not solely exist or happen to be realized after the attacks of 9/11. It existed long before 2001 as in when countries like United Kingdom (UK), Germany, Spain and Italy had suffered numerous attacks in the 1970’s. The origin of ‘justice and home affairs’ goes back to the 1970’s and TREVI which was an intergovernmental cooperation framework had analysed the threat of terrorism and aimed at bring forth cooperation at the cross border law enforcement front. While the Member States of the EU agreed to implement methods to confront the threat of terrorism what they faced was serious implications on their civil liberties while adapting to these law and enforcements instruments. In Member States like Italy, Germany and France⁷, the usage of law enforcements means in order to tackle the challenge posed by terrorism have been seen as quite effective as it has managed to reduce the number of terrorist threats that have taken place (Monar, 2007). The law enforcement approach of the EU has turned out to have positive outcomes and become quite an effective approach. The ‘European Court of Human Rights’ has supported this approach through a case in which gives European countries the right to make any kind of violent political behaviour a crime (Warbrick, 2004). There is this growing perception in Europe that

⁶ “According to the Financial Times/Harris opinion poll of June 2006, 36 per cent of respondents in the five biggest member states (Britain, France, Germany, Italy and Spain) identified the US as the biggest threat to global security” (Alden, 2006).

⁷ France has suffered several terrorist attacks by terrorists that were associated with the Hezbollah in 1985 and 1986. In 1995, France was attacked by Algerian terrorists.

‘traditional’ forms of terrorism differs qualitatively from the terrorism that occurred post 9/11 (Delpech, 2002; Solana, 2004) deriving from which policy makers in Europe make decisions that are influenced by traditional forms of terrorism and how it was relatively curtailed by the positive effects of law enforcement centred approach (Stevenson, 2003).

In a Euro barometer public opinion survey conducted recently, it denotes the level of divide between threat perceptions. Only ten per cent of the citizens who were surveyed have been reported to have said that terrorism is one amongst the two most crucial issues that their countries have been confronted while ‘unemployment’ is regarded as an even bigger issue with 60 per cent support. Ranking of terrorism varies from country to country in the EU, like 36 per cent in Spain, 28 per cent in Denmark, one per cent in Czech Republic, Malta and Lithuania to zero per cent in Latvia. There is an explicit difference that can be seen in threat perceptions amongst the fifteen older Member States which ranks terrorism as a threat at ten per cent and the ten new Member States that ranks it at only two per cent. However, the lesser degree of threat perceptions cannot only be restricted to the new or smaller Member States of the EU as is the case of Germany where only two per cent of the citizens who were surveyed listed terrorism amongst the most crucial issues facing their country recently (Euro barometer, 2006: 59-60).

INSTITUTIONALIZATION POST THE 9/11 ATTACKS

What resulted from these attacks was increased attention along with political importance which eventually led to the rapid adoption of several internal security measures and policies that had not been advanced earlier. What resulted from the sudden attention being drawn towards this issue was the first multi-dimensional ‘Action Plan’ of the European Union that concentrated entirely on counter terror activity. More than 60 measures were decided upon and revised if need be in subsequent meetings that were held. A few of the different fields in which the initiatives were taken were aviation security, police and judicial cooperation, external action and terrorism financing (Argomaniz, 2009). The nucleus of the EU’s ‘Anti-Terrorist’ policy was contained in this ‘Action Plan’ in whose framework consisted the policies, goals and deadlines that were decided upon as well as the mechanisms for internal security.

Terrorism was always a subject that was controversial and contentious in nature. Prior to September 2001, only 6 out of 15 Member States had legislations related to anti-terrorist activities after which terrorism was considered as a distinct crime by the Member States of the European Union. In doing so, the EU had become the first international actor to have accepted to agree upon a 'common definition of terrorism'. After the 'Common List of Terrorist Organizations' was issued as a 'Council Regulation' of 27 September 2001, after which many national governments of the Member States began to agree in putting forward counter terror legislations in their respective countries and a common response was achieved (Argomaniz, 2009).

The larger problem that arose was that these measures i.e. the 'Acton Plan' and the roadmap were a mere vision that was purely lacking in depth and commitment in the first stage of institutionalization. In addition to this in spite of 'terrorism' being a top priority for the European Union in its the European Security Strategy (ESS) of 2003, it did not manage to tackle the fundamental weaknesses that were involved in the grave problem that the Union faced namely - terrorism. There were a number of structures that were established such as the European Police College (CEPOL), the Eurojust, the Police Chiefs Task Force and the Europol that provided protection and safety to its citizens and are now important elements in the counter terrorism structure (Gregory, 2005). Formal institutional change in counter terrorism activities was visible after the attacks of 9/11. The institution building that took place after 2001 can be defined by using Lanzara's concept of 'institutional bricolage' which basically explained the 'reprocessing of old structures to perform new functions' (Argomaniz, 2009).

ACCELERATION POST MADRID ATTACKS IN 2004

The Madrid bombings were in fact a loud wake up call for the European Union because it had exposed 192 deaths that needed immediate attention to accelerate the institutionalism. Earlier the policies that had been taken up by the Union were influenced by a number of previous commitments but the policies that followed the Madrid attacks were woven around terrorist threats. Many have argued that after these bombings in Madrid, counter terrorism truly began to develop as a separate policy after which several policies regarding anti-terrorism were implemented in the European Union.

The March Declaration was adopted on March 25, 2004 by the European Council. This pronouncement provided for the first time a distinct set of strategies to fulfil the strategic objectives of the policies that were made regarding counter terrorism in the Union. Thus, it became a duty and a formal commitment for the EU Member States to help any other EU Member State who was a target to any form of terrorist attack. This ‘Solidarity Clause’ became very important as it showcased the symbolic ‘Europeanization’ of the threat (Nilsson, 2006: 81).

Along with the ‘European Council Declaration’, the ‘Plan of Action’ kept getting restructured thus, while it had started with seven deliberated aims expanded into nearly 175 measures. The main aim of the ‘Plan of Action’ was to strengthen counter terrorism policies of the EU’s agenda through a number of measures such as attributing tasks, keeping scores, setting deadlines to be clearly met, checking implementation and revealing the names and discrediting those who fail to live up to their duties and obligations. So in parallel to the European Council declaration, the Plan of action also aimed to increase the Union’s counter terror governance and relate it to other fields of concern and interest. Similar initiatives that were listed in the ‘Plan of Action’ included – “border control (i.e. inclusion off biometrics passports), response management (i.e. crisis coordination arrangements), infrastructure protection (i.e. protection from attacks against information systems), judicial cooperation (i.e. mutual recognition of confiscation orders) or information exchange (i.e. criminal records)” (Argomaniz, 2009: 157).

The Madrid attacks did highly contribute to the strengthening of institutions in the area of counter terror governance of the EU. The Declaration had stated the need for new institutions which would bring about greater harmonization in the EU’s fight against terrorism. There was a new post which was formed under the ‘Common Foreign and Security Policy’ (CFSP) ‘High Representative’ which was headed by a coordinator who had the task of improving coordination within the Council and monitoring the implementation of the ‘Action Plan’ of the Member States (Argomaniz, 2009: 159). The Situation Centre also known as the Sitcen was established under the CFSP High Representative at the Secretariat of the Council. The Sitcen signifies a huge influential growth as it was established after the train bombings that took place in Madrid and was further expanded and modernized in 2005. It is the crux of the EU’s ‘intelligence

architecture' (Argomaniz, 2009). Through the institutions of Europol and Sitcen, the European Union is now able to analyse, detect and evaluate terrorist threats independently.

With the establishment of these new structures in the area of counter terrorism, other EU agencies also started to strengthen their agendas and initiatives especially after the terrorist attacks in Madrid that had taken place. The institution that was endowed with yet another role in giving support and enabling synchronization in Joint Investigation Teams (JIT's) operations relating to counter terrorism was the Europol (Peers, 2007). In addition to that, a team of domestic experts was brought together to solve terrorist matters under the Eurojust anti-terrorist resources (Eurojust, 2005: 34). Thus, with the expansion of the Europol and the Eurojust and the strengthening of the Sitcen in transforming into a coordinator for counter terrorism led to the 'Brusselisation' of counter terrorism. As mentioned earlier, the notion of 'institutional bricolage' post the attacks of 9/11 which was basically the changes made in several institutions also post the Madrid attacks can be better understood by applying Schickler's notion of 'layering' where new institutions are built around already existing institutional structures instead of undoing previously existing institutional structures (Heritier, 2004: 58).

POST LONDON ATTACKS 2005

This institutionalization process strengthened after the third critical juncture which was the July 2005 London bombings. The on-going work was sped up and the already existing framework was further scrutinized and updated after the attacks. The UK government came under tremendous pressure to discuss measure like the 'European Evidence Warrant Communication Data Retention' legislation. Measures such as the one mentioned above was intended at encouraging authorities in the Union such as the police department to get hold of personal communication data of individuals and showcase these evidence as well as share it with the authorities of other Member States of the EU (European Parliament and Council of the European Union, 2006). The process of combating radicalization is an important measure in the Hague JHA Programme of 2004 and for the first time it became a top EU priority in the European Council Declaration of 2004. But the 2005 Strategy stated that the need of the hour was repressive measures coupled with preventive and pre-emptive action. Its four pillars of action included: Prevent, Protect, Pursue and Respond. The tendency was to primarily

focus on the first dimension (Baker-Beall, 2010). The 'Anti-terrorist Action Plan' is another important mechanism that complements the 'Counter-terror Strategy' in this process of institutionalization. Many scholars have praised this measure to understand the multidimensionality of the threat but others have stated that this initiative should have been introduced prior to the 'Action Plan' and criticise its late entry (Argomaniz, 2009: 161).

The European Commission has taken up various measures and policies after the London bombings with regards to border control. In 2007, the Commission had an agreement with the United States authorities to give Passenger Name Records (PNR) data to them and also proposed an initiative to introduce a European PNR system. With regard to prevention of terrorist activity in 2008, the European Commission proposed the revision of the 'Framework Decision on Combating Terrorism'. This was done in order to make training for terrorist activity, recruiting for terrorism and other similar acts an abominable crime (Council of the European Union, 2008). In relation to the structures of border control there has been a tremendous amount of work being done by the European Border Agency (FRONTEX) from 2005 onwards. This agency has been a part of the 2005 Strategy and has its base in Warsaw (Poland) and focuses on tightening its immigration control mechanism and strives to enhance its capacity in its protection against terrorist infiltration (Argomaniz, 2009: 163). The crucial factors that had made counterterrorism as one of the top most concerns in the EU agendas is firstly, the shocks that emerged from the attacks of 9/11 that made EU leaders more attentive towards this grave concern and secondly, this became a long term sustained goal after the incident in Madrid. Thus, we can see that external crises such as the ones mentioned above were most importantly responsible for the need to institutionalize and tighten border control in the European Union (Argomaniz, 2009: 164).

The institutionalization process was primarily a result of the impact that the attacks had on the EU citizens and their leaders. Not including 'border controls' as an important step in the formation of the 'Common Market' has been said to have been a volatile factor that ultimately affects the seriousness of the threat and showcases the fact that even though there is an increased concern that borders must be controlled and monitored, it being left out in the completion of the Common Market indicates that it is not taken as the most important priority in the EU agenda. The 'Counter Terror

Strategy' of 2005 allows a citizen to move freely inside the Union. This characteristic of the internal market is however, misused and abused by terrorists. "The European Union is an area of increasing openness, in which the internal and external aspects of security are intimately linked. It is an area of increasing interdependence, allowing for free movement of people, ideas, technology and resources. This is an environment which terrorists abuse to pursue their objectives" (Argomaniz, 2009). Along with the Schengen Area and removing of border controls comes the question that would nation states have the capacity to regulate illegal immigration and combat crime? (Turnbull and Sandholtz, 2001: 218).

CHALLENGES AND THREATS AFTER THE LISBON TREATY 2010

The European Union adopted a concerted action programme to deal with the non-military threats to security that became prevalent from 2010 after the Lisbon Treaty came into existence. As a result of the Lisbon Treaty, a number of working groups and forums dealt with a plethora of non-traditional threats to security. The issues ranged from the drug trafficking to illegal immigration and from customs cooperation to terrorism. The dealing in such wide range of non-military threats was formalized with the establishment the Treaty of Lisbon. The need for the intergovernmental cooperation was felt because the EU Member States realized that to deal with such diverse issues is extremely difficult only at the national level.

CONCLUDING REMARKS

With the end of the Cold War, there came a revolutionary change in the security perspective of Europe. The European Union braced itself up to deal with the 'non-traditional threats' to security where the state, no doubt was important but it no longer remained the dominant referent object. The EU came to securitize the non-military threats and made systematic efforts to combat them. For a decade (1990-2001), it engaged itself in formulating policies and devised ways to provide security against such threats. The end of the Cold War thus, made the European Union realize its full capacity to act in a world no longer dominated by the superpower rivalry and where the traditional understanding of security though, it was not discarded but gave rise to the emergence of a completely new security agenda where the issues of threat and referent objects of security changed.

The notion of security was again reconceptualised after the terrorist attacks on the United States on September 11, 2001 (9/11). It once again brought the state back as the most important actor to be studied in the Security Studies and the most vital referent object to be securitized. The impact which the events of 9/11 made on the European Union was that, from a security perspective it provided the Member States as well as the EU legislators to work towards developing policies to expand the influence of the European Union while dealing with counter terrorism issues.

In the end, to sum it up, the nature of the European security changed with two very important international events: 11/9 i.e. the fall of the Berlin Wall and 9/11 i.e. the terrorist attacks on the United States and the European Union, both the times, evolved itself in ways and manners that reiterated its commitment to consolidate the security of its Member States.

CHAPTER III

MIGRATION AND REFUGEE FLOWS TO THE EUROPEAN UNION

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THE PHENOMENON OF MIGRATION

In the present day, international migration is an extremely significant phenomenon. The magnitude of its impact continues to grow wider all across the globe. It influences changes in the socio-economic, political and cultural spheres. ‘Immigration’ is a term that is used to refer to the movement as a whole in which people move to a country to which they do not belong. The term ‘emigration’ means when a person or group is leaving their country for another country. Usually, these two words are most often interchangeably used. Further, there is the concept of ‘seasonal migration’ which takes place due to specific reasons such as climatic conditions or in search for a temporary job, etc. A ‘refugee’ is someone who has faced political or religious persecution as a result of which he/she has fled their home countries due to instances such as, dictatorial leadership, political turmoil, expulsion of certain religious communities etc.

There are many reasons due to which people move from one place to another, namely pull factors and push factors. The former are those which attract migrants into a particular place, most often an industrialized economy with better job prospects providing higher income rates accompanied by better standards of living and proper medical facilities. Sometimes even socio-cultural factors ‘pull’ people into a country. For example, in countries like Argentina and the United States of America, where there have been laws instituted in favour of accepting and legalizing Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) communities which may act as an incentive for migrants to choose to arrive in countries such as these from their respective countries which are intolerant towards such groups. The ‘push’ factors on the other hand, are those which literally pushes one out from his/her country of origin or place of residence. For example, countries manifested with a poverty stricken life, political conflicts, civil strife, economic hardships, endemic diseases, poor standards of living, hard life conditions etc. There are social factors that also add to the ‘push’ factors, such as

prevalent racism, sexism and unjust treatment inflicted towards ethnic and other minority groups in a society. Intolerance for people identifying themselves with a particular sexual orientation may also be one of the driving factors for people to move out of their country of origin.

Many a times reasons such as ideological differences and political turmoil result in wars which in turn becomes a reason for the mass exodus of people from one country to another. One such example can be seen in the Middle East, where a large number of Syrians have had to migrate to neighbouring countries in order to escape the civil war in Syria. However, the problem that arises is that the 'Universal Declaration of Human Rights Charter' may guarantee any individual the right to leave a country but nobody has the right to gain entry into another country. This usually happens due to border control and several restrictive policies that are adopted by host countries.

The Schengen Agreement was signed in 1985 and came into force in 1995. It dealt with issues regarding a common space, common external borders and their regulation, common rules in asylum and visas and the control of free movement of people. The Schengen Information System (SIS) had been established to control freedom and security in the European Union. One key role amongst many of the SIS is to collect and maintain a database of personal identification of immigrants, asylum seekers, refugees and tourists who enter the EU, as well as information about any lost and stolen objects when found. At first, the Schengen space was limited to the five founding states i.e. France, Germany and the Benelux countries.⁸ Then, it gradually extended to almost all Member States of the EU except Ireland and the United Kingdom. The role that the Schengen space played in shaping of EU borders was an important one.

The Treaty of Maastricht was signed in 1992 and came into working in 1993. It paved the way for the political unification of the European Union. The 'Summit of the European Council' held in Copenhagen, Denmark, established that certain criteria were required to be fulfilled by countries in order to gain accession to the EU.⁹ This was the

⁸Benelux Countries is a result of an economic union amongst three nations in Western Europe namely Belgium, the Netherlands and Luxembourg.

⁹ The Copenhagen Criteria of 1993 set out five crucial conditions that were considered principle requirements for the entry to the European Union and they are as follows:- (i) an operating and competitive market economy (ii) the development of democracy and democratic institutions (iii) protection of minority rights (iv) the rule of law (v) protection of human rights of its citizens

first step in drawing a framework to regulate further enlargements in the EU. The process of enlargement and reshaping of the EU borders with its eastward shift has led to the changes in border dynamics of inclusion and exclusion. Reshaping of borders and mechanisms of enclosure affects the politics of a state (Ruspini, 2008). The movement of people into Europe has affected the European integration process. Ever since the 1980's, this phenomenon has been politically constructed in such a manner that it increasingly shows the negative impacts of it on domestic integration and the dangerous implications it has on the welfare of the European society. The 'Third Pillar on Justice and Home Affairs', the 'Schengen Agreements' and the 'Dublin Convention' show that developing restrictive migration policies has affected the European integration process. The subject of migration has also been politicized in such a manner in which asylum seekers and immigrants are seen to pose a threat in the process of protecting national identity and welfare provisions. It has been also linked to criminal and terrorist activities through a process of wider politicization (Huysmans, 2000: 751).

During the 1950's and 1960's, the immigrants that arrived in most west European countries were most importantly an extra workforce in various industries. At the time, Europe's labour market and economic situation required the influx of cheap labour that did not already exist in the European market. Several migration policies were adopted by countries such as Germany, the Netherlands and France due to their need for extra labour (Huysmans, 2000: 754). For example, in France, there were specialized agencies that recruited immigrants directly from their respective countries after which assimilating them in their host country was not strictly followed. This led to focussing little or none on their legal status while employing them for domestic needs. In a way their illegality made it even easier to exploit these immigrants even more so. However, this does not indicate that the states did not put an effort to control the immigrant situation; it is only that their legal status did not receive as much importance as it did later in the 1980's onwards (Huysmans, 2000). Since the late 1970's onwards the subject of immigration had increasingly become a huge public concern. Earlier the immigration policy had been quite flexible but it soon became control-oriented and restrictive in nature (Fielding, 1993: 43; Hollifield, 1992: 66-73). What eventually brought about these restrictive policies were the changes that arose in the labour market and due to a growing need to safeguard the economic and social liberties of the local workforce (Blotevogel, Muller-ter Jung and Wood, 1993: 88). However, political

rhetoric almost always connected migration to the destabilizing of the public order (Doty, 1996; Ugur, 1995).

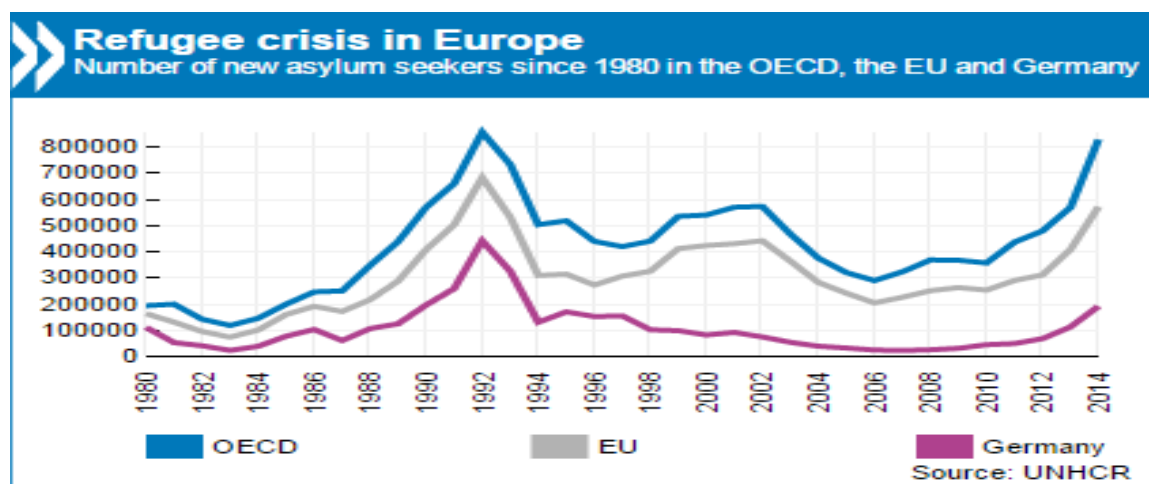
During this period, the European Communities did not consider migration policy to be an important issue (Korella and Twomey, 1995; Koslowski, 1998). While the development of the internal market in Europe was taking place, there was not much importance given to neither the free movement of people nor the free movement of workers from third countries which was considered to be a rather miniscule issue (Ugur, 1995). The Council Regulation 1612/68 was one of the most significant decisions. It distinguished the right of movement of citizens of Member States from that of the nationals from Third Countries (Stockholm, 2016). This was done to keep a check on the origins of individuals so that they could be easily monitored. Stockholm later explained that this resolution was what laid the seeds to 'Fortress Europe', while dealing with the issue of immigration. It was rather made quite clear by the European Council, that it was a prerogative for the citizens of Member States that had the right to free movement in the internal market (Verschuere, 1991).

The citizens of Member States had benefitted from 'special rights' that were decided at the Paris summit of 1973. There were also discussions held about formulation of a common legislation for foreigners as it seemed discriminatory (Huysmans, 2000). The implementation of the 'action programme' in support of migrant workers as well as their kin was completed in 1974. It was an important step taken in the direction of developing common laws on migration by the European Community. There was a steady integration of migration policy into the constitutional structure of the EU. It was thus, seen in the 'Single European Act' in 1986 and the Maastricht Treaty also known as the Treaty of the European Union in 1992 that the 'Third Pillar on Justice and Home Affairs' was introduced in which considerable attention was given to migration policy which was discussed in terms of being an intergovernmental regulation (Huysmans, 2000).

The welfare states of Western Europe face a variety of challenges to the functioning of their societal integration and political legitimacy. A few of these are as follows: the rise of poverty, financial and economic globalization, deteriorating living conditions in cities, the rise of multiculturalism and the rise of racist and xenophobic movements and political parties. These challenges make the EU more aware of its responsibilities

towards securitizing them as well as proving long term solutions. The Europeanization of migration is linked to the political and societal dynamics within a state (Huysmans, 2000: 752). There are several security issues that arise from the process of abolishing internal border control. Nationals of Member States have been given the explicit privilege as opposed to the nationals from third-countries which include immigrants, asylum seekers and refugees to move around freely in a way de-legitimizing their presence (Huysmans, 2000: 753). The subject of migration had been increasingly politicized as mentioned before through the question of asylum and sometimes the two separate subjects of migration and asylum have been confused with one another. “Asylum has been heavily politicized as being an alternate road to economic immigration in the EU. This explains why asylum is so easily connected to illegal immigration” (den Boer, 1995). Figure 1 shows the refugee crisis and the number of asylum seekers in Europe from 1980 to 2014.

Figure 1: Refugee Crisis in Europe



(Source: www.google.com)

MIGRATION AS A SECURITY ISSUE

A trend of setting up of regulations on migration was seen in Western Europe. This was done in order to limit the flow of migrants and restrict their population (Huysmans, 2000). One such example of this was the ‘Dublin Convention’ which confines the power of the state to permit legislation in cases of asylum application. There is a list of eligibility criteria such as the information of the asylum seeker, their family background etc. Its main focus is to reduce the number of applicants each year (Bolten, 1991). The Dublin Convention was very restrictive and control oriented. However, this particular

convention in many ways improved the status of an asylum seeker. It made way for faster and more definite procedures while migrants sought asylum. Due to this, the time a seeker spent in detention centre otherwise was largely reduced. Many scholars, however, criticize that this interpretation of the Dublin Convention which seems to oversee the fact that this was ultimately a policy that was intended to reduce the number of applicants each year. In reality, making it easier to submit ones requests for seeking asylum in several Member States of the European Union actually meant that it reduces ones chance of being accepted. This deterred many applicants from seeking asylum in Western Europe (Bolten, 1991). With the formation and development of the EURODAC, this control oriented and restrictive nature of the Dublin Convention is further highlighted. The imperative that drove the European migration policy was also based on similar lines. A few examples are the management of visa policy in the EU and the process through which readmission agreements are made and decided upon. Readmission agreements are those that are made with neighbouring countries that involve and deal with illegal immigrants that are found in the territories of EU Member States (Lavenex, 1998).

There was a thematic change to these institutional developments in the securitization of migration. After the attacks of 9/11, migration had become a primary subject in policy debates and there was a call for the need to protect public order and preserve domestic stability. These debates treated the subject of migration as posing a threat to the welfare of the state and distorting the cultural composition of the nation state. Migration was seen as a danger to the domestic society as a whole (Bigo, 1996; den Boer, 1995). One such example that illustrates these statements is the 1990 ‘Convention Applying the Schengen Agreement of 14th June 1985’ which associates immigration and asylum seekers to border control, terrorism and transnational crimes (Huysmans, 2000; Lodge, 1993). The regulation of migration was located in its official framework and was aligned with safeguarding of internal security.

While dealing with the subject of migration, the policies as well as security discourses that arise are often seen as a response to counter threats to domestic stability and public order caused by asylum seekers and illegal immigration (Lodge, 1993). While doing so the problem triggers the policy in terms of internal security which simply implies that the policy is an instrumental reaction to the problem. What this means is that the

policies are seen as instruments that protect the welfare of the state, its society and culture as well as its internal markets from threats that are posed by the surging in of illegal immigrants as well as of asylum seekers. This goes on to reflect how certain analyses and interpretations show that security practices have a serious effect on social relations by turning migration into a security problem (Huysmans, 1995). The process of securitization of migration ultimately goes on to show how migration is considered a problematic phenomenon when various departments such as the Ministry of Home Affairs, the Police etc. take up important functions in the regulation of migration. This frames immigrants, asylum seekers and refugees as being merely a security problem and does not delve with the issue that asylum is a human rights condition.

Security policy identifies existential threats to the society and culture of a state. After having defined them, it devises responses to these threats (Huysmans, 1998). For example, Waever (1996) argues that while the European integration process was taking place there was a major fear of returning back to the nineteenth century European international system. Therefore, this is what kept the European Member States together. There is yet another conservative approach to this that views multiculturalism as causing societal disintegration.¹⁰ It explains that there is a differentiation made between 'us' and 'them' and showcases other cultures and their attributes pose challenges to one's home culture.

Social homogeneity and national traditions are aspects that are considered very dear to the citizens of a state. Migration is often seen as a factor that weakens these aspects. Most times it is considered both as an internal as well as an external threat. This particular discourse treats migrants as foreign elements that are considered dangerous to the social fabric of a society. It also believes in the political myth that in the past in western civilization, there have existed homogenous communities that are today being distorted by the inclusion of migrants into one's society. The process of securitization of migration could be described by some critics as being actions of extreme right parties in a few Member States of the European Union. However, this process also includes other actors such as European transnational police networks, national governments, the media etc. The securitization of migration in the Member States of the European Union

¹⁰ This is best described in Samuel P. Huntington's *The Clash of Civilization, 1996*.

mainly developed to protect its internal, external and cultural security and better manage the crisis of the welfare state (Huysmans, 2000).

ETHNIC IDENTITY AND ITS CONSTRUCTION

The assertion that “ethnicity is socially constructed” is a commonplace among social scientists. This phrase is important to understand to be able to explain ethnic violence. “A basic understanding of this phrase is that people often believe, mistakenly, that certain social categories are natural, inevitable and have unchanging facts about the social order. They believe that particular social categories are fixed by human nature and rather than by social convention and practice” (Fearon and Latin, 2000: 848).

From a constructivist view, such a belief or a notion does not exist. Rather it is created. One means of creation is the language and discourse which acts as a tool in the hands of the elite class who have their own political ends and economic interests. The process associated with a stable democracy such as political parties, election campaigns etc. can serve as the very means to flare up ethnic and identity issues through various political discourses, which might escalate into an ethnic violence.

Likewise, the processes related to the economic growth such as liberalization, industrialization, modernization can create or change the ethnic division. However, it is not just the political elite or the politicians who construct ethnic identities. Such identities get created and re-created through the everyday actions of the common individual. Individuals think of themselves as a group belonging to a particular social category. They have their own customs, traditions and a particular way of life. This pushes them to act in a certain way that collectively confirms, reinforces and propagates these identities. This may lead an individual dissident or marginalized category either to protest subtly or to contest loudly of such majoritarian views (which in their views are imposing in nature). So, although every individual has its own ethnicity, from a constructivist perspective, there are certain mechanisms through which the ‘ethnic identities are created’ which may result to ethnic violence. Thus, the ethnic violence has to be understood in a way that reveals the various layers of ‘construction’ of causes which then finally leads to the outbreak of the ethnic conflict. Constructivism thus, provides the way to understand ethnic violence as an outcome of several ‘created’ causes and situations.

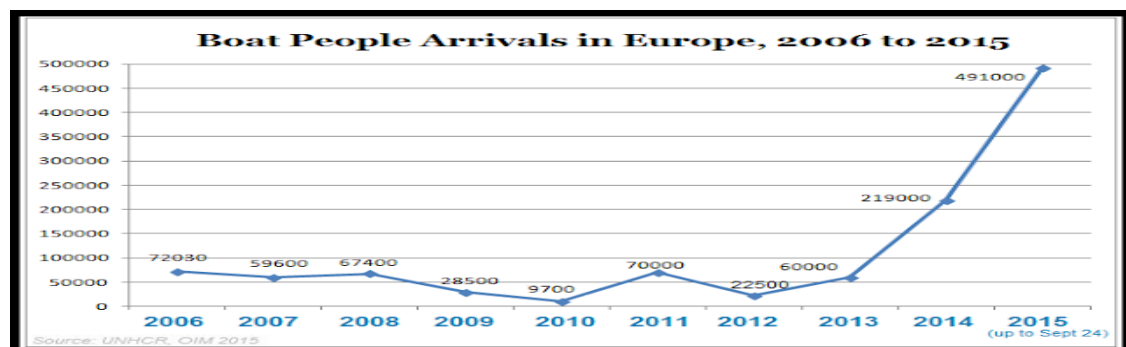
INFLUX OF REFUGEES SINCE 2011

Over the last couple of years, there has been an unprecedented influx of refugees into Europe and it has been said to be the largest since World War II. Public opinion and political action in almost all EU Member States has been largely influenced by the concerns and worries towards the refugee crisis. A few such examples are the temporary closing down of the Schengen Area and new movements demanding the regulation of refugees across Europe. The surge of refugees into Europe has produced mixed reactions amongst the Europeans. There have been feelings of empathy towards them and some have also been shocked at the rate of influx of refugees into Europe. The refugee crisis had several consequences on the labour market, the society, and also on the welfare institutions of the Member States of the EU. The refugee crisis in Europe soon gave way to becoming a major political crisis. This in turn gave rise to various populist parties. The crisis also resulted in many debates being held discussing other migration issues such as internal mobility of labour in the EU, economic and educational migration and welfare migration. Brexit, which was the vote of Great Britain to leave the European Union, was also apparently because of issues related to migration. The results of elections in various Member States of the EU have also been influenced by migration which further resulted in strong opposing views as to how to deal with this issue. Large scale migration to the European Union is most often seen as a challenge to the sanctity of national and regional borders and a simultaneous threat to their sovereignty, economies and societies. Many Member States have tightened their control over the refugee influx into their territories. However, these restrictive regulations have not stopped the inflow of refugees into the EU (Zimmermann, 2005).

Member States of the EU face a common question – Is it simultaneously possible to manage refugee flows and maintain their borders effectively? Even though the potential is enormous the answer is mostly negative. To regulate refugee flows effectively, Member States usually take up legal measures such as tightening border controls and through building walls and fences. A more concrete approach would be to approach neighbouring states and make agreements and collaborate with them to better monitor and manage refugee flows. Looking at the rate of the refugee crisis, it will be difficult to manage and control external borders of the EU in the near future (Zimmermann, 2016).

One of the greatest centres of human civilization is the Mediterranean Sea. Since time immemorial different societies from all over in the world interacted here while making their journeys ahead. There is a blend of identities and culture along its shores (Abulafia, 2012). In present times, the Mediterranean Sea has become the new frontier for migration. Currently it is a geopolitical space as well as a cultural area which clearly demarcates Europe from rest of the Mediterranean countries. This stretch of sea is crossed by migrants who are ready to willingly risk their lives to reach the European shores (King, 1996). It is considered as one of the most perilous sea route that is being extensively used by refugees and migrants. Across the Mediterranean illegal border crossings were detected to be the highest in 2015 even exceeding the numbers recorded during the Arab Spring in 2011 (Frontex, 2014; 2015). A few of the factors for the occurrence of the refugee crisis are as follows:- the increase in armed conflict, civil wars, deterioration of the security scenario, disrespecting humanitarian values and principles and the violation of human and minority rights in several countries (UNHCR, 2015a). Guterres also explains that the refugee crisis is taking place and posing one of the gravest challenges in contemporary Europe because of the lack of legal means and channels through which this crisis can be solved (Guterres, 2015). Boat journeys via sea routes are one of the characteristics of the phenomenon of migration and so are refugee movements. According to the UNHCR, the majority of people who crossed the Mediterranean Sea to enter Europe were fleeing war and persecution while seeking protection (UNHCR, 2015b). The highest numbers of refugees arrive to the European Union from these countries - Syria, Nigeria, Somali, Eritrea and Gambia (IOM, 2015). In a Europe that is currently undergoing a significant amount of change illegal immigration becomes a dangerous threat to this supranational entity. Figure 2 shows the Boat Arrivals in Europe from 2006 to 2015.

Figure 2: Boat People Arrivals in Europe, 2006-2015



(Source: UNHCR)

Tragic drowning, capsizing boats are very common while migrants take on these journeys. In 2014, this has claimed to have lost 3,500 lives en route from a total of 219,000 trying to cross the Mediterranean Sea (UNHCR, 2015b). With each passing year these journeys have proven to become more dangerous as can be seen with the rise in death tolls. According to UN Refugee Chief, Antonio Guterres, the greatest humanitarian disaster Europe and its surrounding regions have encountered since the World War II is the refugee crisis taking place through the Mediterranean Sea (Guterres, 2015). This crisis is testing the fundamental principles and values of what the Western nation-states were founded upon. The ‘Universal Declaration of Human Rights of 1948’ and the ‘Geneva Convention of the Statute of Refugees of 1951’ were formed after Europe faced harsh atrocities of the Second World War. This was a result of many European and other countries coming together in order to make solid commitments to never persecute any individual, people or group and to never abandon them. The refugee crisis also came to pose as a challenge to the rules of conduct based on humanitarian values that were long followed by seafarers (Pugh, 2004).

While embarking on their journeys, refugees and other migrants face perilous hardships. In 2015, more than 1,500 migrants have been reported to have drowned. Similarly, the year before in 2014 that nearly 3,300 people had suffered the same consequences (IOM, 2015). This seemed to be an immediate concern for many European leaders but the final response from the European Council was quite disappointing. Their promises were not kept to uphold the discussions they had had on this particular matter as even though concerns were being shown towards these victims most of their political statements had focussed on the control of illegal migration and border control. No assurance was given to those seeking refuge or asylum (Farugues, 2009).

One of the journeys from the Mediterranean Sea was described in a poem by Hussain after he had arrived in Sicily, Italy (Reale, 2015: 8).

Fifteen days on water
And the silence of two broken engines
Nearly made me lose my mind
The only sound was of a Ghanian woman,
Wrapped in the cloth of her country
Moaning with a baby in her belly
I could only stare, we are all so helpless.

Illegal immigration across sea routes has been taking place since the early 1990's but the enormity of it has increased more so after the Arab Spring in 2011. There has been a surge of migrant flows due to turmoil in the neighbouring regions of Europe. Since its close proximity, there had been an outpour of refugees and asylum seekers from especially the Middle East and North African Region (MENA) into Europe. These include both illegal migrants as well as refugees. Border control operations determine the admission of these illegal immigrants along the southern shorelines of the EU. The entry points into the EU have mainly been Spain, Italy Greece and Malta (UNHCR, 2007; Triandafyllidou, 2014). Figure 3 shows the routes of refugee flows to Europe.

Figure 3: Routes of the Refugee Flows to Europe



(Source: www.google.com)

RELATIONSHIP BETWEEN MIGRATION AND ASYLUM

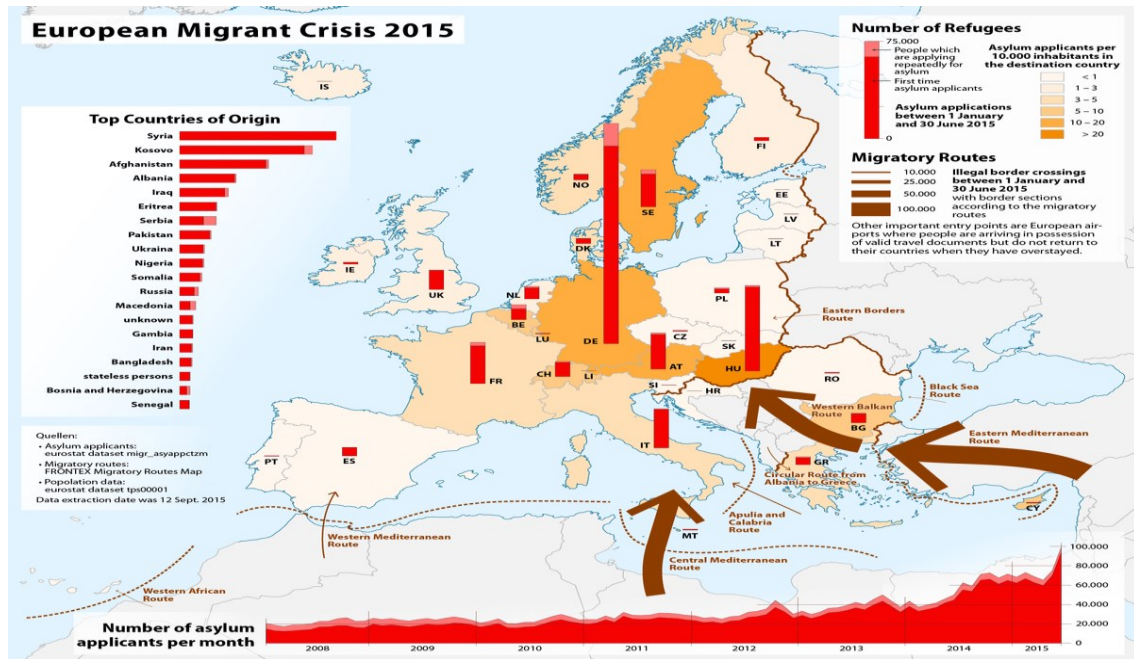
Asylum seekers are referred as those people who seek asylum under the 1951 Geneva Convention (GC) and national asylum laws. These international laws are based on the notion that while asylum is being sought by people, countries maintain their protection of human and minority rights. It also includes the principle of ‘non-refoulement’ which prevents countries from sending back people who are in need of protection (Article 33 GC and Article 3 ECHR) (Goodwin-Gill, 1995).

The main reasons for migration today are a combination of several factors such as poverty, exclusion, violation of human rights, underdevelopment, civil war, armed conflict, religious persecution, political instability, dictatorship and many more. It is the interrelationship between these factors that cause both economic and forced migration therefore, resulting in a nexus of migration and asylum, respectively. If economic factors are the reason for the movement of people, the term 'migration' is appropriate, barring the fact that it includes both legal as well as illegal migration. If religious persecution of certain minority communities or the political scenario of a country are factors for people to flee to another country then the term 'asylum' is most appropriate. Therefore, its root causes describes these concepts the best (Castles and Van Hear, 2005).

Member States of the European Union having understood the differences in nuances of the above mentioned concepts have accordingly taken up restrictive policies in protecting its borders as well as in regulating migration in the EU (Gibney and Hansen, 2005). Castles (2003) argues that in the post-Cold War world, the close proximity in the concepts of economic and forced migration is what is fuelling the global North-South inequality as well as other prevalent societal crises. The connection is understood to determine strict border administration policies combined with successful deportation. This understanding results in a dichotomous policy that involves both welcoming and deporting migrants (Castles, 2007).

The UNHCR states that a clear distinction can be made between refugees and other migrants such as asylum seekers, after having taken the asylum-migration nexus into consideration (Crisp, 2008). Following this, the UNHCR has adopted the '10 Point Plan of Action on Refugee Protection and Mixed Migration' (UNHCR, 2007). From 2011 onwards, the majority of asylum seekers reaching the EU were Syrians, with an estimate of 149,600 of them seeking refugee status apart from around 3.9 million of them hosted by countries surrounding Europe such as Turkey, Jordan, Egypt, Lebanon and Iraq (UNHCR, 2015a). The presence of the 'Islamic State of Iraq and Syria' (ISIS), a fundamentalist terrorist organization, driving out governments in Syria and Iraq was a significant factor for nationals from these countries fleeing to countries in Europe. Map 2 shows the European Migrant Crisis in 2015. Table 1 shows the number of applications accepted by the EU.

Map 2: European Migrant Crisis in 2015



(Source: www.google.com)

Table 1: Number of asylum applications accepted by the European Union



(Source: Eurostat)

ITALY

The route that is most often taken to Italy by migrants is the Strait of Sicily after which the island of Lampedusa is the most popular destination. Migrants depart mostly from the ports of Egypt, Tunisia and Libya to reach Italy. The numbers of these arrivals were slowly increasing with each passing year after 2011 which led to Italy and Libya working out a controversial cooperation between them. This was followed by these two countries facing heavy criticism from several NGO's, the 'European Commission of Human Rights and the UNHCR' for disregarding 'asylum procedures' and refuting the 'principle of non-refoulement' at sea (UNHCR, 2007). In 2013, the Italian government started an operation named Mare Nostrum to search for several migrants arriving especially from Syria across the Mediterranean Sea and rescue them. This can be an example of the humanitarian approach taken up by many Member States of the EU, as also seen in the case of Germany in inviting refugees into their territories and providing them with support and assistance. Other EU governments did not favour this decision as they thought it was unintentionally inviting illegal immigrants into the Union through the sea route (Huysmans, 2005).

SPAIN

Since Spain is geographically at the southern borders of the EU, it quite naturally becomes a point of entry especially for migrants reaching its shores via the sea route. Spain is surrounded by water bodies and since sea journeys is a common means through which immigrants travel to the EU, it becomes a popular destination through which they gain their entry. Thus, over the years Spain has succeeded in better regulating its migratory flows with the help of the FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European). The FRONTEX has set up agencies of patrol along the Atlantic coast. It has the function to make sure that no illegal immigrants enter Spain or that there are no illegal activities taking place. Spain itself has made several readmission agreements with Senegal, Mauritania and other countries in its vicinity. Spain's migration policy, agreements and regulations have all been driven by a humanitarian drive which largely supports a 'human rights strategy' (Wouters and den Hijer, 2009). Nevertheless, there have been instances of human rights violations been seen in the country's North African

provinces such as Melilla and Ceuta where migrants are reported to have been expelled to Morocco (MSF, 2005).

GREECE

Geographically Turkey is in close proximity to Greece, making it a route through which many illegal immigrants enter the EU. This route has also been considered to be a smuggling route due which patrols are being conducted by the coast guards ever since 2008 onwards. This was followed by these coast guard patrols being done on land routes along the borders as well (IOM, 2008). Like the Mediterranean Sea was the main sea route entry into Spain and Italy, in the same manner the Aegean Sea was the main sea route entry into Greece. In the past decade or so, the increasing flow of migration via this route along with the land route became extremely common. This led to the building of a fence along its border with Turkey by the government of Greece in the late 2012 (Fargues and Bonfanti, 2014). In addition to this the ‘Greek asylum system’ was not functioning smoothly which brought about a lot of criticism to the EU’s Dublin Regulation as a whole as it was the part of the ‘Common European Asylum System’ (Schuster, 2011; Triandafyllidou, 2014). The ‘principle of non-refoulement’ of the 1951 Refugee Convention was being openly violated in Greece as there were reported cases of migrants and refugees being forced to go back to Turkey and some were even held at gunpoint (Amnesty International, 2014).

MALTA

Malta is a country that lies in Southern Europe which consists of an archipelago situated in the Mediterranean Sea. Malta is a one of the most popular entry points into the European Union but not a very popular destination. It roughly receives 2,000 migrants each year since 2002. FRONTEX and Malta have been key partners in setting up and executing joint operations. Malta has also been blamed for compromising the non-refoulement principle on many occasions in the process of asserting international law (Klepp, 2010).

These four countries mentioned above evidently lie in southern Europe. Collectively they constitute a major part of the external border of the EU. In 2016, migrants mostly used the eastern Mediterranean route to Greece and the second most used route being

the Central Mediterranean to Malta and Italy; the latter being one of the most dangerous routes to the EU, in which rescue operations and searches were being conducted frequently on a regular basis (FRONTEX, 2015b). There has been a considerable amount of change seen in terms of regions where migrants are coming from, since the early 2000's. At first, most of these migrants originated from North Africa, but as of late, in the past couple of years, migrants originating from the Sub-Saharan region of Africa are exceeding those from North Africa to enter in to the EU. Increasing number of migrants recently have originated from Asia; from countries such as India, Pakistan and Bangladesh who have been seen taking part in the boat journeys in the same manner as persons from countries on the periphery of the EU. Initially the majority of the people crossing water bodies on the shores of southern Europe were reported to be men aged from 20-40 who were mostly uneducated. More recently, this population has become quite diverse including educated people partaking in these journeys ,along with women and children (Kassar and Dourgnon, 2014).

A key methods to maintaining social, political and cultural security of the EU and Europe as a whole is to maintain and regulate international migration across its border that is considered a major threat to it (Gebrewold, 2007). After the attacks of 9/11 followed by the bombings of London and Madrid, there was progressive development seen in the security dimension of the EU. After these attacks migration had become a security policy with the shift seen in the EU's political paradigm which had also led to the securitization of migration (Castles and Miller, 2009). Buonfino (2004) states that securitization of migration is a result of how threat is socially perceived and constructed which in turn legalizes measures to acknowledge, regulate and address migration as a threat.

EFFECTS OF MIGRATION AND REFUGEE FLOWS ON BORDERS AND SECURITY CONCERNS

In the European Union, the phenomenon of migration has become an issue of great concern. This has led to governments of several, if not all, Member States to take up different kinds of border practices in order to protect the interests of the EU and their own nation states. The steps taken up by them might sometimes be against the values upon which the EU was originally founded. Thus, most times their humanitarian principles are questioned. The process of securitization takes place around the notion of

‘threat construction’. Currently, the EU faces challenges from issues relating to migration thus making it easier for them to construct it as a threat and thereby, taking up restrictive measures to counter it. The concept of ‘Fortress Europe’ thus, emerges from this extremely Euro-centric perspective. However, it should be considered that there are times when unfair means are used to force refugees and asylum seekers to revert back to their countries of origin without being able to present their claims (Carling, 2011). Strict border policies that are non-accessible and counter smuggling measures have led asylum seekers and refugees to become victims of human smuggling (Nadig, 2002). This has caused human suffering, huge losses and the ultimate motive to enter Europe thereby taking up illegal means (De Haas, 2008). The huge demand for cheap and easily available migrant labour in many countries in Southern Europe attracts migrants that enter the EU via illegal means (King, 1996; De Haas, 2008; King and De Bono, 2013). All the European countries that are signatory to the 1951 Refugee Convention are bound to accept refugees, even if they are illegally present within their territories while having entered without authority, provided their claims are true and show up before the officials (UNHCR, 2010).

For its protection, the EU has created a ‘buffer zone’ around its periphery which has helped its southern countries to counter the immigration burden and tackle issues relating to asylum. The EU’s border policies focussed mainly on security and migration, without taking into consideration migrant rights and the protection of refugees. Border policies of the EU also extend to the ‘South and East Mediterranean countries’ (SEM), many of which are reported to be ignorant and often violate migrant rights and also fail to keep up international obligations such as the protection of refugees. They also do not uphold national policies to include asylum regimes (Lindstrom, 2003). The result of extending the EU’s aid and authority in this regard to externalized border areas has been reported to have several negative consequences such as the situation in Libya according to a recent case study. The countries situated in the border areas of the EU may have abysmal welfare and social conditions combined with political disarray and fragmentation. These conditions are not suited for migrant and refugee populations as these countries do not abide by international obligations like the principle of ‘non-refoulement’ resulting in the diverting of migrant populations towards Europe (UNHCR, 2010). Map 3 shows a close up of the major migrant routes from neighbouring regions into the EU.

Map 3: Major Migrant Routes



Source: The Economist, 21 April, 2015

Migration flow of into the EU is most certainly a part of the larger social and economic transformation processes of Europe (De Haas, 2008). Similarly, the countries from which migrants originate from usually have repressive authorities that fail to integrate and support certain occupational or minority communities. For example, in a country such as Senegal, located in West Africa, the fishing community is one of most run-down, abandoned and marginalized communities. The failure to integrate such a community results in taking up journeys and heading towards Europe. Many Member States of the EU are not only economically more prosperous but also more inclusive in their welfare measures in comparison to many North and West African countries. There has been a long established cultural tradition of migration in many countries in Africa like Senegal. The MENA region is a zone from where a large number of immigrants originate. Since the only geographical barrier in terms of distance is the Mediterranean Sea these immigrants travel, mostly in groups, and take up sea journeys in order to reach the EU. In such cases, migrants do not necessarily recognize the national government's power over borders while entering the EU, some of which allow only one sided flow of people. In the past, this has led to the protest movement against the "Great Wall of Europe" which has a selective design in accepting migrants causing "involuntary immobility" (Carling, 2002: 5).

While arriving in Europe many migrants often tend to have pre-conceived notions about life and the possibilities for their social and economic advancement (Hernandez-Carretero and Carling, 2012; Mbaye, 2014). Often through word of mouth or through social contacts with people who have either arrived earlier or have been living for a long time in Europe, migrants often always get a positive and unrealistic picture. In an empirical research done by Poeze (2010), he states that the “stronger the ties that the migrant has, the more realistic image of Europe he will have”. Other researches have shown that around 77 per cent of migrants are allowed to risk their lives having known the dangers of their journey ahead only because their expectations of living are extremely high (Mbaye, 2014). Table 2 shows a graph of asylum seekers In this regard, the EU and many NGO’s have recently started various awareness programs which provide elongated orientations about the dangers of journeys taken especially via sea routes. They are also informed about the repercussions and troubles if they enter illegally into the European Union. However, this has not deterred the number of migrants that emigrate to the EU. In fact, there has been a steady rise in immigration to the EU (De Haas, 2008). As articulated by a Somali refugee in Cairo (Hamood, 2008: 8):

“I knew my life would be in danger but I had no other choice. Either I would die or reach another life elsewhere. It would be better to die at sea than endure life in my country.”

CONCLUDING REMARKS

Migration is a phenomenon in the present times that has surfaced to have become a global sensation. It is an occurrence that takes place due a series of factors. There are various types of migratory flows. Some are ‘voluntary’ in nature while some have ‘involuntary’ origins. This simply means that in the case of the former, individuals or groups choose to move from a place from where they belong to another country or territory for reasons such as to attain a better education, to seek better jobs or in general to search for enhanced means of livelihood. The root of this kind of movement lies in the choice of the people who chose to relocate themselves. However, in the case of the latter it is not quite the same. This occurs due to causes such as political turmoil, civil wars, terrorist activities etc. taking place in countries from which its citizens are forced to flee into other territories. These occurrences give rise to migratory categories such as

‘refugees’, ‘asylum seekers’ and ‘displaced persons’. These groups are helpless, in need of basic amenities and require a lot of support and assistance to resume their lives to be as ‘normal’ as other citizens of countries all over the world. The European Union shares its external borders with many countries where such tumultuous experiences have taken place in the recent past. Thus, it receives millions of immigrants surging into its territories either through land borders or via sea routes which is a major challenge to the EU and requires immediate action.

The surge of refugees into the European Union could be seen after the Arab Spring in 2011, even though the immigrant count has always been high from the earlier 1990’s onwards. A few countries exploited immigrants by allowing them to gain entry into their territory and contribute to their workforce. Others saw them as plain menace who would take over their resources. The EU has always claimed to take a humanitarian approach in this matter while dealing with immigrants. EU legislators have addressed this concerning issue with much deliberation and thought. It has set up various agencies and institutions to deal with this issue as the spill over effects gives rise to several other problems such as failure to assimilate, racism, xenophobia and communal conflicts. Therefore, there is an urgent need to securitize the issue of migration at the earliest in order to provide both internal as well as external security.

CHAPTER IV

THE EUROPEAN UNION'S RESPONSE TO BORDER MANAGEMENT AND ITS SECURITIZATION

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THE CONCEPT OF BORDERS AND EUROPEAN INTEGRATION

Borders consist of an area that is well defined as they demarcate their boundaries by either physical borders on land or via water bodies. Borders serve the purpose of separating as well as connecting places and people. Borders can always be perceived in different terms and thus, over time has acquired different meanings (Comelli, Greco and Tocci, 2007). Political geographers often refer to borders as created for the sole purpose of demarcating, dividing or separating as a 'frontier' or 'boundary'. Borders also act as barriers to human movement and their economic, social and cultural activities and exchange. Borders are markers of separate spaces such as territorially defined sovereign nations. They bring out divisions such as 'us' and 'them', 'outside' and 'inside' etc. Alternately, borderlands are referred to areas of integration where exchange and interaction can be seen taking place. Borderlands comprise of the idea where there is economic and political inclusiveness. It is a where identities have been given a space to flourish (Newman, 2001: 143).

What is common between border, boundaries and borderlands is that they are all created, driven and shaped by people. It is also imperative to emphasize that borders do not exist without bordering states. Creating, changing and transforming borders in the Westphalian era have all been carried forth through policy design of colonial powers or autonomous nation states (Comelli, et al. 2007: 3). However, the borders of the European Union are different from that of a nation state as it does not have full political autonomy over its Member States. Since the formation of the European Union, its borders have always shifted and transformed in its nature and functions. With the evolution of the EU over more than half a century, new Member States were included and their internal borders became loosely diminished frontiers. This can be seen with the creation of the Schengen Area in which its citizens can move around freely. Thus, internal borders of the Union have acquired different meanings and definition over a

period of time (Comelli, et al. 2007: 4). The diminishing of internal borders of the EU has led to the focus shifting largely on EU's external borders that have been an inseparable part of the EU debate.

The borders of the EU are constantly changing as can be seen with the addition of new Member States over the years and also recently with the infamous exit of a Member State from the Union i.e. Great Britain, that was famously referred to as the Brexit. According to Sandra Lavenex, the EU is largely skilled in 'external governance'. This can be seen when decisions have to be taken on its external borders by institutional and legal matters that move beyond its Member States (Lavenex, 2004). During the Cold War, the external borders to a large extent remained relatively the same. But in the post-Cold War era and with the fall of the Iron Curtain, the dynamics of the EU external borders changed dramatically. The enlargement of the EU in 2004 also shifted the EU's external borders towards the east and raised the ultimate question of EU's 'final borders' because there is much discussion on the future enlargement of the EU to include countries such as Turkey, Romania and Bulgaria and the Western Balkans (Comelli et al. 2007: 5).

Several Member States of the EU are not in favour of the future enlargement which means incorporating new countries into the Union. For example, European Federalists have a great fear that expansion of the EU would somehow lead to the end of the European political project. In countries such as France, Germany and Austria, Christian Democrats and Conservatives strongly believe that through the process of enlargement and by incorporating countries like Turkey, is a great threat to the cultural and religious definition of the European identity. They also believe that uncontrolled immigration is a likewise threat. A strong reason to define the European Union's 'final' border is because there is a desire to protect the identity of the European Union (De Bardeleben, 2005; Diez, 2004). Therefore, in 2002, the former European Commission President, Romano Prodi, gave a speech in Brussels in which he stressed on holding debates and discussion on what the limits of Europe and the EU should be (Prodi, 2002). The German Chancellor Angela Merkel, had also made a speech on similar lines in May 2006 in which she had stated,

An entity that does not have borders cannot act coherently and with adequate structures. We must be aware of this and therefore, set out these borders. In our interaction with other religions and cultures it will be important for us Europeans to be able to clearly define our cultural identity. This is what others expect from us. How can we defend our values if we cannot define them first? (Comelli et al. 2007: 6).

Former President of France, Nicolas Sarkozy stood in favour of the new European Convention which would include issues such as the future of Europe in the discussions which encompassed the idea of a 'final frontier' in the EU. In a recent discussion, the European Parliament also tackled the question of defining European borders (Comelli, et al. 2007: 6).

THE CHANGING NATURE OF BORDERS AND BORDER MANAGEMENT AND SECURITIZATION

Due to having common external borders and the problem posed by migration and refugee flows facing the European Union, it is developing a strategy of border management that primarily aims at having an integrated approach with a global response to face these challenges. EU authorities always face the dilemma and are often at a crossroad while protecting their own citizens, its national borders and its external borders and in taking into consideration the human rights aspects of the illegal immigrants that seem to pose a threat to the EU's security (Carling and Hernandez-Carretero, 2011: 44). The fulcrum of the EU immigration issue is situated at such a level that the position of its authority keeps shifting between the authorities of the EU and private security companies (PSC's).

The distance between Southern Europe and North Africa in the Mediterranean Sea via the Strait of Gibraltar is a mere 14 kilometres hence, serves as an easy route for thousands of immigrants to travel from Africa into Europe every year. This journey maybe perilous as many even die in the sea but these irregular immigrants take it nonetheless, due to severe conditions that they might have encountered in their countries of origins now in search of better life conditions. An estimate of around 4000 people drowning in the Mediterranean Sea was reported from the years 1997 - 2004 (De Haas, 2008: 8). Due to such incidences it has proven to be a huge humanitarian challenge along with it increasingly being a major security risk to many countries of the

EU. The objectives of several private and public actors may differ but what is common between them is that they earnestly take part in protecting and managing the external borders¹¹ of the European Union targeting mostly illegal immigrants from entering thus, making both land as well as sea borders a highly politicized domain.

In the present mechanism of the EU's border management, the use of modern technology such as surveillance technology is at its highest. The use of such technology for the protection of borders has no doubt helped the EU authorities in monitoring the inflow and outflow of people as well as tightening security in the EU but many critics also raise questions on the implications the use of modern technology has on the societal and political aspects of life such as in terms of human rights matters (Carling and Hernandez-Carretero, 2011; Leonard, 2010).

We may not see physical borders in our everyday lives but they have a huge impact in our daily lives. The meaning of borders and territory are constantly shifting in this rapidly globalizing world. Borders are frequently being constructed, deconstructed, shifted and changed due to several factors by various groups, actors and authorities (Pickering and Weber, 2006: 12). Borders do make us feel a sense of belonging amongst people, certain groups and places. They also differentiate between the sense of 'us' and 'others' (Newman, 2006). In the EU, the internal borders have been loosely diminished as can be seen in the Schengen Area but what follows is the tightening of external EU borders from illegal immigrants that pose a grave challenge to its authorities. Thus, EU is a classic example of moving borders in a highly globalised world (Van Houtum, 2010: 1).

There has been a strong will in the EU to protect its borders therefore; the European border management has been tirelessly setting up new mechanisms in order to achieve its policy objectives that they have previously set forth in the process of stopping illegal migration. There have been two developments that have seemed to transform European borders over time. The first is the control of internal migration which deals with the illegal migrants that have already managed to set foot in EU territories preventing them from further internal scurry. The obvious second is the external border control that deploys modern technology such as surveillance methods in monitoring migrant inflow

¹¹ The term 'External Borders' of the European Union mainly refers to the sea and land borders and their respective ports i.e. seaports and airports.

and outflow (Broeders, 2007: 2). Thus, several authors do strongly believe that in order to stay relevant and be useful, along with the changing nature of EU borders, the EU border management is also changing simultaneously.

COMMON EUROPEAN AND ASYLUM SYSTEM (CEAS)

At the Tampere European Council of 1999, the heads of state of the members of the European Union first called for the need to form a ‘common European asylum system’ to be a part of an ‘area of freedom, security and justice’ (AFSJ) (Lavenex, 2001). The main motive behind the formation of the Common European Asylum System (CEAS) was to make the process of receiving asylum seekers into a country more orderly. The CEAS has four EU directives – the ‘Dublin Regulation’, the ‘Asylum Procedures Directive’, the ‘Qualification Directive’ and the ‘Reception Directive’. Over the past five years these four directives have gone through several revisions. The EU aims to achieve a wider migration policy by adopting other similar directives on family migration, illegal migration and labour migration. In the late 1990’s, the process of bringing together asylum policies of the Member States as well as of the European Economic Area (EEA) took place. Earlier the legislation and practices relating to asylum laws of various Member States were vastly different but these differences have been extensively reduced over the past 15 to 20 years with the functioning of the CEAS. An evaluation done in 2008, on the functioning of the CEAS found that there had been a convergence in the workings of the asylum laws and practices amongst Member States. It also showed that they had gradually improved and maintained the standards that were set forth by the CEAS (European Parliament, 2010).

THE DUBLIN REGULATION

The Dublin Regulation (DR) was introduced in 1997. The main reason behind its formation was to make certain that only one country takes the responsibility to process the application of a particular asylum seeker. This was done to maintain records and to make it easier for the EU to track and maintain records of applicants. It was meant to regulate the process of providing asylum as a whole and also to prevent asylum seekers from seeking protection from multiple Member States where not a single country takes responsibility for their cases (ECRE, 2006). According to the Dublin Regulations, if any

default is detected in this process then those seeking asylum are returned to the first Member State in which they applied for asylum.

The Dublin Regulation also makes it mandatory in the Schengen Area to maintain a database of fingerprints of those seeking protection by applying for asylum. On reaching the EEA and during their registration process, all the asylum seekers are expected to provide their fingerprint details in order to maintain the Dublin Regulations. An example of a database is the EURODAC archive that is an important instrument which helps immigration authorities to determine the travel details of a particular person and also see if they have earlier applied for and sought asylum in any of the Member States of the European Union (Brekke, 2014).

Since its inception in 1997, the DR has been reformed in 2003 (Dublin II) and in 2013 (Dublin III). This was a result of two main challenges that these regulations faced. The first was the principle of ‘first country of arrival’ which was an unfair burden on several countries that lay in the southern borders of Europe such as Greece and Italy. The second challenge was that Member States had differences in its process of receiving asylum seekers and in providing them an access to various rights. Factors such as access to government support variations in the living standards and differences in the labour markets act as factors for an asylum seeker to move from one Member State of the EU to another in search of better life conditions. The Dublin Regulations play an important role here in discouraging unnecessary movement across the EU (Brekke, 2014).

EFFORTS OF THE EUROPEAN UNION TO FIGHT AGAINST ILLEGAL IMMIGRATION AND HUMAN TRAFFICKING

In 1998, the Council and the Commission adopted an ‘Action Plan’ known as the ‘Vienna Action Plan’ in order to implement, with great effectiveness the provisions of the Amsterdam Treaty. One of the core aims of the ‘Plan’ was to check the illegal immigration in the EU Member States. It included a reference to Article 2 of the Treaty on the European Union which included the goal of maintaining and developing the EU as an area which consisted of freedom, security and justice. It also aimed at presenting suitable mechanisms to deal with issues such as external border control of the EU, asylum seekers and immigration flows (Bertozzi, 2009: 9).

In the year 1999, there was a special meeting held by the European Council in Tampere. In the meeting there were lengthy discussions held on the creation of an 'area of freedom, security and justice' in the European Union. It placed the fight against human trafficking among the Tampere milestones. It was for the first time that the fight against human trafficking was encompassed in the strategy of the European Council which was included alongside the management of migration. The Tampere Convention, therefore, devised a four-pronged approach to combat human trafficking (Bertozzi, 2009: 9-10):

- a) To identify and destroy the networks of the human traffickers and the way they take advantage of the illegal migration to execute their strategy of human trafficking
- b) To protect and rehabilitate the victims of human trafficking
- c) To engage in increased cooperation with the third countries to build up capacity and to encourage the voluntary return of the victims to their countries of origin
- d) Creation of joint teams to counter human trafficking

Thus, the European Union not only recognized the non-traditional threats to security but also devised ways and formulated policies to deal with them.

REGULATION OF MIGRATION FOR CULTURAL SECURITY

The reason to set up border control and tackle internal security problems in the European Union has most definitely a cultural dimension attached to it. There is a sense of cultural closeness among most of the nations of Western Europe and these countries feel a sense of similarity and closeness to one another, as opposed to those belonging from the countries situated at the periphery of the European Union (Thranhardt and Miles, 1995: 10). One of the ways in which differentiation is made is labelling those nationals that require a visa to enter any of the Member States of the European Union as the 'other'.¹² This usually fosters feelings of exclusiveness. Usually, there is an overlapping of terminologies such as in the case of 'illegal immigrants' and 'asylum seekers'. Most commonly, terms such as these are interchangeably used, without really focussing on the difference between them. Therefore, since most asylum seekers

¹² The list was requested under Article 100 (c) of the Treaty of the European Union

originally belong to Third World countries, they are considered to be culturally and racially different from the nationals in the European Union.

Closing of borders due to cultural implications such as shift in labour markets and varying class interests happens mostly because western markets tend to demand 'skilled' labour and their restrictive policies singles out 'unskilled' and 'semi-skilled' migrant labourers who mostly belong to non-OECD nations (Miles, 1993: 179 -180). However, one needs to be cautious while making this argument because in some parts of the EU, there is a high demand for unskilled labour that is illegally drawn and is cheap, which suggests unskilled immigrants are also being employed in this process as opposed to there being a demand only of highly skilled labour (Huysmans, 2000). Several scholars also argue that along with the cultural differences, racism also plays a very significant role in regulating migrants through the process of inclusion and exclusion (Sivanandan, 1993).

LAMPEDUSA TRAGEDY

Off the coast of Sicily lies a small Italian island called Lampedusa. On the 3rd of October 2013, a small boat carrying many migrants had been reported to have capsized in Lampedusa, this later being termed as the 'Lampedusa Tragedy'. This was an incident that was highly reported in the news in Europe and world over but it must be noted that this was one among many instances where migrants have faced the perils while crossing seas to reach the shores of Europe. Over 360 migrants were said to have lost their lives in this incident to which several politicians and bureaucrats put forth their condolences. This is also one of the instances where migrants have paid a heavy price while attempting to cross the Mediterranean Sea and reach the borders of Europe. In similar instances, in the previous year i.e. 2012, the Parliamentary Assembly for the Council of Europe (PACE) reported that an approximate of 1,200 migrants had died while undertaking sea journeys in order to reach Europe. Similarly, in the period after the Arab Spring in 2011, there was a surge of immigrants from the Middle East and North Africa Region (MENA) region due to political turmoil in the process of which over 1,500 migrants have been estimated to have died or gone missing by the United Nations High Commissioner for Refugees (Rooney, 2013).

In the context of the Lampedusa Tragedy, one comes to see that due to the high number of refugee crossings via land and sea borders into Europe, the EU having shared external boundaries have taken up strict policies in order to tighten their control over their borders. In instances such as these, the academic terms such as ‘Securitization’ and ‘Fortress Europe’ are used to highlight the consequences of migratory flows in the European Union. What this indicates is that due to the process of securitization of EU borders, migrants take up dangerous journeys via perilous routes in their attempt to reach Europe in the process of which they face high number of deaths at sea (Rooney, 2013). This is done to avoid coast and borders guards, the police and any sector related to the functioning of the FRONTEX who would enquire about the legality of their journeys. The presence of an agency in international waters leads to the deterrence of migrant safety. Basically the process of securitization takes a toll on the lives of migrants. Private companies are charged with heavy fines if they are found to carry or aid illegal immigrants. This has led to these companies refusing to provide lifts to migrants who do not carry legal documents.

In reaction to the Lampedusa Tragedy, EU legislators have informed the defence and security institutions to take up strong security measures which include tightening border control while at the same time taking into consideration migrant safety. Migrant safety is an important norm to be followed in joint operations or any other action which is taken to securitize EU borders. The European Council has also asked Member States to offer aid to the FRONTEX in all its actions in the Mediterranean region. The European Commissioner for Home Affairs, Cecilia Malmstrom, has urged the FRONTEX to carry forth more rescue activities with the implementation of modern surveillance mechanisms that will aid the process of identifying sea vessels. Search and rescue operations have been given huge emphasis following the tragedy in Lampedusa. Thus, it can be noted that in the process of securitization of EU borders the lives of migrants are severely affected. The surveillance technology is said to have been used to track and then provide help to vessels in the sea which are moving towards Europe but it is clear that this mechanism is used to track down vessels and curb them from reaching the shores of Europe. Philip Amaral, a member of the Jesuit Refugee Service, has clearly stated that the main aim of using modern technology is not necessarily in favour of migrant safety and does not really provide them with support but it is rather used to advance control over its borders (Rooney, 2013).

The tragedy of Lampedusa can be said to have been a repercussion of the phenomenon of 'Fortress Europe'. It was a wakeup call for all EU institutions and officials but it did not hinder them from implementing further securitization strategies (Rooney, 2013). According to Guild and Carrera (2010), 'solidarity' among Member States of the EU on border related principles has serious ramifications on the journeys and lives of migrants that are headed towards the Union. Having stated the above, there still exists a pan-European unanimity on the need to tighten external borders of the EU even after a tragedy as such.

USING TECHNOLOGY AS A MEANS TO MANAGE BORDERS

One of the integral ways of border management is the use of surveillance technology as it helps to categorise and filter out irregular immigrants. Vaughan- Williams (2007: 68) states that surveillance technology is "a portal that monitors people and allows for categorization". At first surveillance technology was used primarily for managing and protecting external borders of the EU following which, it also came to be used in the internal border control to keep an eye on those immigrants that have already entered the EU. Especially after the attacks of 9/11, surveillance methods have been modified and used extensively in various fields. One important area is in the border management of the EU (Lyon, 2007: 1). Thus, one can see that surveillance technology has become the most important means through which both external as well as internal borders are being currently managed in EU.

The use of night vision equipment to combat 'illicit border crossings' in the EU is an example of modern sea-based technology of surveillance. Thus, it helps the EU border guards to identify small ships or vessels even when they are at a great distance from the shore. This helps the Union to be better equipped to confront the challenges that come with it. In addition, the patrolling vehicles are also equipped with modern technology like cameras, thermal cameras, heartbeat detectors, mobile radar units and vessel monitoring systems. However, it must also be noted that the use of modern surveillance technology involves many dangers too. It may dominate over marginalized and vulnerable populations by keeping a constant watch on them and their actions violating their privacy rights. It may also have social-political implications such as violating human and ethical rights of both individuals as well as certain groups (Andreas, 2003).

DRONES

With the use of new technologies of surveillance, the EU security agencies are able to identify and control the flow of illegal immigrants. This helps them detect illicit elements early before they even reach the shores or land borders of the EU. The EUROSUR which is the 'European Border Surveillance System' aims at providing intelligence in order to monitor and regulate the flow of immigrants into the Union (Lemberg-Pedersen, 2011: 7). The EU spends a large budget on security and defence which includes creation and usage of modern surveillance technology such as drones. Drones help European Border surveillance operations in finding and following sea vessels like boats and ships and even people to a distance of around 40 nautical miles in the sea from the shores of the Union.

Drones are fitted with advanced technology which include microphones, high resolution cameras, the capacity to divert wireless communications and which contain thermal imaging. They are also able to impressively detect 'preparatory activities' like setting up of houses and tents, nuclear settlements of immigrants and activities such as the assembling of sea vessels that may indicate the further movement of immigrants. Undoubtedly this makes drones a popular means of surveillance technology among the authorities like the legislators of the EU (Hayes, 2009). In matters of privacy, the use of drones in surveillance technology operations is again a bone of contention as it receives a large number of criticism in addition to which, it requires clearance from several authorities before being used to carry out its function. There are discussions and public debates that are frequently held on the creation, the usage and the legitimacy of drones. Drones are also used for military purposes. They are used in carrying out offensive operations on civilians.

Functions like 'radio frequency identification' (RFID) and 'satellite monitoring' are carried out by drones while carrying out programmes of EU border management. Currently, there is a ban on the use of drones in the European air space, however, the European Commission continues to fund research projects in order to carry out comprehensive studies for the creation, development and the implementation of the drone systems. This is because drones have extremely useful functions. Companies such as Aviation, Scotty Group, Dassault, Thales, EADS and Boeing supply combat drones to the European Commission (Hayes, 2009).

SECURITIZATION THE EUROPEAN UNION'S BORDERS

Privatization of EU border management is a recent phenomenon that can be seen while dealing with it's the security of the European Union. It simply means the growth of private security services industry to better protect and manage EU borders (Lember-Pedersen, 2011). It is when EU authorities use surveillance technologies, biometrics and information and communication technologies outsourced from the private security sector (Ceyhan, 2008: 106). Private security companies (PSC) can be divided into two groups. They are as follows:- The first comprises of a group that creates surveillance technology and the second group comprises of companies such as EADS and G4S. These are companies that construct the technology of surveillance after which it dispatches it to those Member States that require it. There are also other private security companies that develop new surveillance technology for the EU like the French Security Company. Recently, the private security industry has been gaining paramount importance in its involvement in the border control of the EU. However, it has also received severe criticisms from both academicians as well as from human rights advocate groups for either taking up methods that may violate the rights of citizens or because most of the decisions that they take up concerns corporate interests rather than public demands (Hayes, 2009).

Many of these private security companies that provide their services and are actively involved in the creation and sharing of surveillance technology to the EU are clubbed together under umbrella organizations known as the 'European Organization for Security' (EOS) and 'Confederation of European Security Services' (CoESS). Since these PSC's face a tough competition from the Chinese and American Security Companies, the European PSC's have now started to create new markets for their services and surveillance technology in order to still be relevant (Newman, 2006). Many a times, EU officials have large shares in these companies. For instance, the Italian government has around 30% shares in the Finmeccanica Company, which is a global high-tech company that deals with defence, aerospace and security matters. Shareholding implies that the EU still has a certain degree of monopoly in fields such as border management. Shareholding also showcases the multifaceted character of these PSC's as they are able to merge both public and private sectors. But what this does is blur the lines between private and public sector actors and organizations in the protection and management of EU borders. Private Security Companies are praised by

many as it has advantages of being able to provide employment to approximately 4 million employees in the EU (Graham and Wood, 2003). However, many even criticize it as these companies also indirectly put a huge pressure on EU officials to charter policies according to their whims and fancies as well as having a huge impact on the implementation of these policies regarding security strategies and defence mechanisms in the EU (Newman, 2001).

Public sector security industry evidently comprises of national governments securing EU borders and international organizations looking after international governance. Many a times these governmental and international institutions do share certain functions with other 'non-state actors' such as private companies in securing external borders thus, increasing the role of the private security sector industry in international politics. Thus, the changing nature of border management can be seen while including other actors to take part in security matters of EU. This is being referred to as 'new architecture of border management' by Papademetriou and Collett (2011: 2). The merging of both public and private sector companies can be evidently seen in the defence and security industries of the Union. EU officials outsourcing surveillance technology from the private security industries, companies that are partly owned by the government and partly by private companies and joint venture operations between both the private and public sector all indicate a merging of responsibilities and sharing of functions in the European borderscape (Newman, 2006).

THE EUROPEAN NEIGHBOURHOOD POLICY IN RELATION TO BORDERS

The European Neighbourhood Policy (ENP) is mainly a way to alternate the further enlargement of the EU and instead, develop close and integrated cooperation with its neighbouring states. It does not aim in developing rigid EU borders. It instead focuses on developing integrated borderlands (Comelli, et al. 2007: 7). After the enlargement of the EU in 2004 there came an urgent necessity to upgrade and develop relations with its new neighbours. For this a special policy needed to be formulated to develop EU's relations with its eastern neighbours namely Russia, Moldova, Ukraine and Belarus to whom the EU refused to open membership to. There was a call from several Member States of the EU to provide certain incentives to these countries 'in return for progress on political and economic reforms'. Thus, the EU decided if its neighbouring countries

committed to develop a stable democracy and a free economy then a ‘special neighbourhood statuses’ would be conferred upon them. This status includes grants such as – a close working relationship and aid provided in the area of ‘Justice and Home Affairs’ and ‘Common Foreign and Security Policy’ (CFSP) and the provision of trade liberalization. Many proposals were made to also extend this ‘special status’ to the EU’s southern Mediterranean countries. This led to the formation of a detailed and comprehensive framework to include both its eastern as well as its southern Mediterranean neighbours by the European Commission. It was aimed at to bring all the countries surrounding the EU into the ambit of friends by offering them concrete deals (Comelli, et al. 2007: 8).

After the enlargement of 2004, the EU became very cautious to further extend its membership to its bordering or neighbouring countries as there had been a fear of losing the European political project that it had set forth to achieve and the EU also did not want to be termed as a mere ‘free trade area’ (Prodi, 2002). An exchange was the crux of these offers that were provided to these countries by the EU. It was the exchange of maintaining steady and essential economic and political reforms in return to which they would be allowed to participate in the internal market of the EU. This was thought to eventually bring the neighbouring countries and the Union closer in relations, integration and cooperation. Thus, Prodi (2002) argues that the ENP was very different from the enlargement process in terms of its characteristics and functions as he stated that “our common border is not a barrier to cultural exchanges or regional cooperation”.

The European Council had adopted the ‘Wider Europe Neighbourhood Communication’ of March in 2003 which mainly focussed on the set objectives to be implemented on the EU’s neighbours. This Communication stressed on maintaining friendly neighbourly relations in the external borders of the Union and the creation of a zone of prosperity along the same lines. The EU was well aware that not promising membership to its neighbours while extending a hand at partnership might create feelings of exclusion amongst those countries that were aspiring to gain membership but nonetheless went ahead with this programme by making clear that ‘membership’ was not an incentive of the European Neighbourhood Policy. In 2004, the ENP Strategy Paper altered a part of the initiative that included its geographical scope. It included the south Caucasian countries namely, Georgia, Armenia and Azerbaijan while excluding Russia. This was done to mainly develop good relations in these countries as

their political development was slowly changing so that they could be aligned with supporting the EU integration process (Comelli, et al. 2007: 9).

The European Neighbourhood Policy when studied in relation to borders aims to predominantly create and preserve exchange and development within its border regions. After much discussion on this issue, certain funds have been allocated to fulfil this aim as well as encourage border security and cultivate cross border cooperation. After the inclusion of new Member States into the Union in 2004, the ENP further focussed on developing relations with its new neighbours across the freshly formed/extended external borders of the EU. Its legislators have also endorsed a liberalization of movement across its bordering regions (Comelli et al. 2007: 10). Another aim of the ENP is to foster friendly relations with nations on the eastern and Mediterranean border of the EU without guaranteeing membership. Therefore, it simply meant that the Union is not open to further extending its external borders if the process does not aid it in achieving political integration or if the possibility of it acts as a threat to its border security.

The ENP also wishes to erase new lines in terms of borders, movement, capacity and thinking that are likely to further divide Europe by constructing and consolidating a 'Fortress Europe' (Manners, 2002). The grave threat here is to give birth to 'alienated borderlands'. Alienated borderlands are those spaces where no forms of interaction take place due to the rigidity in barriers and frontiers that ultimately make up a border. This can be evident between countries having conflicts and tensions building up over a period of time. For example, in Israel-Palestine, Armenia-Azerbaijan and Georgia-Abkhazia. Having stated these examples of tension and conflict there is also a fear seen in the EU when it comes to its visa policy that may have the tendency to lead to similar consequences. Therefore, the ENP targets the elimination of alienated borderlands and works towards achieving co-existence along the borders of the EU (Comelli, 2004). The 'no-membership' clause should be handled carefully so as not to generate conflicts that would hamper European integration.

During the implementation of the ENP objectives there was a conscious awareness to hinder the development of the feeling of 'otherness' among the countries which were not members of the EU. The idea of 'Fortress Europe' not only creates alienated borderlands but is also the cause of severe conflicts and tensions between EU and its

neighbours. In this case the rise of an 'us' and 'them' condition is extremely significant (Manners, 2002). The interests and needs of both sides should be taken into consideration for peaceful cooperation. Cooperation initially stems from the example set forth by the EU being a normative power, the models and values of which are expected to be imbibed by countries in order to provide them a 'special neighbourhood status' or in larger terms membership to the European Union. Through the ENP there was a motive to foster, historical, cultural, social and identity based relations along the Union's eastern and southern borders (Comelli, et al.2007: 11). Instruments such as L-type visas are used to regulate people and manage traffic at local borders. This is a method to confront threats that stem at the borders and to manage it efficiently and to strengthen border controls in a constructive way to regulate migratory flows or to eliminate organized crime (Zielonka, 2001). The effect of proximity between the spaces inside the EU as opposed to the outside faces a spill over effect in situations such as state failure, political instability, economic crises and many more. Other challenges to the national security of the Member States of the EU are namely – 'proliferation of weapons of mass destruction', 'illegal migration', 'human trafficking', 'drug trafficking', 'organized crime' and 'terrorism'. These grave threats cannot be tackled and solved by the EU only through insulation of its borders. These threats are global in nature. Hence, it is in the EU's best interests to foster friendly relations across its borders because if it does not do so it will face further problems and complications from its neighbours (Comelli, 2004).

INTEGRATED BORDER MANAGEMENT (IBM)

In order to secure its common external borders the European Union has developed a comprehensive border management strategy to confront challenges that pose as grave threats such as illegal immigration. One of the main functions of this strategy is to create an 'integrated and global response' to these threats. The European Council charted out what is known as 'Integrated Border Management' (IBM) which is created to facilitate a varied response covering all dimensions relating to the security of the EU's external borders. It mainly consists of two approaches. The first approach deals with the management of common territorial borders of the EU and the second approach is related to several policies that involve migration flows (Carrera, 2007: 11). The European Union has assigned a key role to the FRONTEX to implement the concept of

IBM i.e. Integrated Border Management (Carrera 2007: 1). The development of EU cooperation on border control was complimented by this IBM strategy. It is based on a global integrated approach whose primary focus is on linking all the ventures that are taken up by the public authorities of Member States that are basically related to surveillance and border control to fight problems and common threats such as illegal migration, smuggling and trafficking. These activities include the analysis of risks at the borders, border checks and planning of the required personnel and facilities (Leonard, 2010).

There is an inter-relationship between border policies and policies relation to migration flows in the EU. There was an urgent need for a programme which focussed on the effective protection and management of borders which simultaneously tackled illegal migration flows and human trafficking. This led to the creation of the 'EU Border Management Strategy', which included the 'Integrated Border Management'. The framework of the IBM included the utilization of surveillance technology such as checks, analysis and crime intelligence in border control and during the investigating of cross border crimes. As border policies were made stricter, the law enforcement and border management authorities were made aware of their new functions and responsibilities and national security officials. There were new posts created for management authorities such as the police and border guards. Measures relating to the cooperation with neighbouring and bordering countries were also laid out in the framework and likewise so was the measures relating to the common area of free movement (Carrera, 2007: 12).

The European Integrated Border Management Strategy takes into consideration that the EU external borders are shared by several Member States thus; its aim in implementing policies should be inclusive in nature bearing in mind the 'collectiveness' of these joint operations. IBM primarily focuses on protecting the EU's common external borders by concentrating on special needs in certain situations of its Member States. The Treaty of Lisbon has stated the principle regarding solidarity between Member States and equal sharing of responsibilities which the IBM takes into consideration. No Member State should be neglected in times of crises and full support should be provided to them by the authorities that have the responsibility to solve that particular problem. On the other hand, the Member States should make full use of the support provided to them in

fulfilling their duties and in following protocol concerning management and protection of its borders (European Commission, 2018: 1).

The term ‘integrated’ is majorly focused on in the border management strategy of the EU. It implies that there should be a comprehensive plan while carrying out its function which incorporates all levels of border management such as management cooperation and information sharing. Therefore, there arose a need to establish an inter-agency cooperation i.e. IBM which aided in proving an ‘integrated approach’ in managing borders. For example, the ‘European Border and Coast Guard’ worked closely with other institutions like the ‘European Coast Guard Agency’ in exchanging information and in sharing data and resources. The IBM aimed at pooling of resources in order to bring out the ultimate potential and capacity of Member States to provide optimum service in managing borders (The European Commission, 2018: 1).

The IBM also focuses on minority and vulnerable groups and guarantees them fundamental rights. The ‘Geneva Convention on the Status of Refugees’ incorporates the ‘Principle of Non-Refoulement’ which states that no refugee or asylum seeker can be denied entry to showcase their documents requesting asylum. The European Commission (2018) states that a high level of professionalism is maintained while border and coast guards carry out their duties. They also receive adequate training in their respective fields to be able to perform their functions smoothly.

The IBM has set out rules and standards like the ‘Schengen Borders Code’ and the ‘Union Standards for Border Management’ that maintain harmony while securing borders and dealing with migrants in day to day activities of the Union. Modern IT systems are applied while conducting risk analysis in border control. Adequate measures are taken to confront complicated conditions arising in different border situations. The ‘European External Border Surveillance System’ (EUROSUR) supports the IBM by monitoring and providing crucial information on migratory flows in the Union and similar situations in the nearby third countries. In the stages of debate and discussion, proper measures are taken for risk analyses for the smooth functioning of strategic planning and decision making. The IBM collects and shares data regarding border management to increase awareness among its different sectors and institutions working towards the securitization of EU borders (European Commission, 2018: 2).

Therefore, having understood the integrated approach, the IBM is considered to be a successful programme of border security in the EU.

ROLE OF FRONTEX

‘The European Agency for the management of Operational Cooperation at the External Borders of the Member states’ of the EU is also commonly known as FRONTEX. Its headquarters are situated in Warsaw and is an agency that is established in 2004 by the Member States of the EU having the primary function of managing and protecting its external borders and to securitize its immigration (Leonard, 2010). FRONTEX was an outcome of strengthening cooperation developed between Member States gradually over a period of time in the matters of security. Three main reasons behind its formation are as follows. Firstly, since the end of the Cold War in 1991 there had been an increase in immigration in the European Union as there was a surge of refugee flow. This naturally led to the Member States taking up strict border control measures to curb illegal immigrants from coming in and to restrict the entry of asylum seekers and refugees into their country. Secondly, after the September 2001 attacks had taken place, new security mechanisms as well as strict border control measures were taken up to counter terrorist activities from taking place in the EU (Leonard, 2010). Thirdly, during the enlargement of the EU that took place in 2004, new Member States had joined the Union. Many complained about the incapability of new Member States to autonomously control external borders of the EU. This ultimately led to the Member States of the EU deciding to control its borders as a whole by coming together in making policies and creating mechanisms in which the entire Union unanimously took decisions regarding its external borders (Monar, 2005). After much discussion and debates among officials of the EU member states decided to form this agency through which they could carry out their plans and programmes in dealing with security matters of the EU. It is imperative to highlight here that the Member States have vested the integral role of Integrated Border Management (IBM) of the EU in the FRONTEX.

There are six main functions of the FRONTEX laid down by its founding regulations are as follows: (1) In the management and protection of external borders, the FRONTEX has the role of maintaining cooperation between Member States while carrying out its operations (2) to provide aid to Member States while they establish their own state border mechanisms (3) conducting risk analyses (4) keeping a look out for

new research being done on the managing of borders and applying them while implementing border policies (5) helping Member State at a time when increased technical assistance is required at the external borders of the EU (6) helping in organising joint return operations being taken up by the Member States. The FRONTEX also has been entrusted with other tasks such as analysing previously taken up securitization practices and border policies while making further decisions regarding the same (Leonard, 2010).

The task of the FRONTEX which involves coordinating joint operations between Member States is by far considered to be the most important (Leonard, 2010). The FRONTEX spends the highest budget on this function (Frontex, 2010: 10). These joint operations bring together the security personnel such as border guards as well as the technical equipment of the Member States to conduct joint border programmes. It all depends on the Member States on how much surveillance mechanisms and technical equipment it is willing to put forth in order to aid another Member State in the deployment of an operation which is usually temporary and lasts for a small period of time (FRONTEX, 2010). Both parties i.e. the Agency and the Member States have shared autonomy but the controversial subject arises when they have to take up shared responsibilities in times of mishaps. One such example is when immigrants drown in the sea while a joint operation has been coordinated and deployed by the Agency (FRONTEX, 2010). According to the founding regulations, the FRONTEX has the responsibility of coordinating and controlling the external borders of the Union solely. Therefore, scholars such as Leonard (2010) state that the entire onus lies with the FRONTEX during the occurrence of misfortunate incidences whilst the implementation of joint operations.

During the training of national border guards, the FRONTEX assures that the training standards of Member States are uniformly the same. The Agency also has the expertise to detect unauthentic documents and investigate rival operations in order to be a step ahead in their own joint land, air and naval operations while conducting surveillance simultaneously. In addition, the FRONTEX also plays a crucial role in the ‘Rapid Border Intervention Team’ (RABIT) that primarily aims at enhancing their security by providing training programmes to their national border guards of the EU that will help them perform with high standards while carrying out operations relating to border management. There are other training events that are also imparted to coordinators of

these joint programmes in order to better equip them with tools needed to carry forth border management practices (Leonard, 2010). The basic aim of these surveillance operations is to detect threats such as illegal migration that seem to endanger 'external borders' of the EU Member States through ways such as modern technology, training programmes, surveillance methods and high level expertise.

It is important to highlight that no EU Member State has asked aid from the FRONTEX yet to deploy RABIT in their respective countries, however, a substantial number of RABIT drills take place quite frequently. For instance, several RABIT training courses had taken place in 2009 that included the participation of 19 Member States of the EU (FRONTEX, 2010: 46). The deployment of RABIT by the FRONTEX showcases the gravity of the problem of illegal migration flows that has become a severe menace to the external borders of various Member States which call for emergency action on the matter. Thus, it can be noted that FRONTEX activities seem to aid Member States far more swiftly and comprehensively in providing expertise and training border guards in spite of the presence of international protection (Leonard, 2010).

The FRONTEX is often looked at as an 'intelligence-driven organization'. Another function of the Agency is to gather data through its intelligence and investigate it in order to evaluate the types of threats and risks that pose as threat to the external borders of the EU (FRONTEX, 2010: 29). According to Stritzel (2007), 'intelligence' if taken in the traditional manner, is often related to the threats to national security. Gradually, this concept began to include concepts such as 'information' or 'data' in its process of securitizing of migration and asylum in the EU. Now the FRONTEX includes well defined structures and programmes to collect and process data on issues such as migration flows in the EU. These structures have been sophisticated over time through methods of trial and error, outsourcing expertise and by simply dealing with day to day security and border related challenges which the EU faces (Leonard, 2010).

The 'Risk Analysis Unit' (RAU) of the FRONTEX carries out its tasks using the 'Common Integrated Risk Management Model' (CIRAM) which was developed in 2002 and later updated in 2007. The RAU gathers various kinds of reports and after having analysed them traces illegal migration flow and the 'risks' involved in the security of the external borders of the EU following which an 'Annual Risk Assessment' (ARA) is released. It then aims to provide long term solutions to counter

these risks. The establishment of the 'FRONTEX Situation Centre (FSC) in 2009 showcases the steady progress in the structure building process of the FRONTEX. The FSC aims to provide a clear picture of the situation of illegal immigration taking place along the EU's external borders. It also provides services such as a '24/7 emergency response mechanism' when a particular circumstance is extremely critical and requires an immediate response (FRONTEX, 2010: 18).

Previously, situation centres such as 'Peacekeeping Situation Centre' and the 'Joint Situation Centre' of organizations like the 'United Nations', the 'North Atlantic Treaty Organization' (NATO) and the EU, predominantly dealt with providing intelligence and monitoring traditional security threats only. But the EU's situation centre over the passage of time has even started providing intelligence to the Council of the EU and monitoring issues such as terrorism and the proliferation of weapons of mass destruction. This simply showcases the significant development of the structures and programmes of the FRONTEX while dealing with matters such as terrorism, protection of the EU's external borders and while dealing with similar security threats (Leonard, 2010).

Other securitization practices of the FRONTEX have also been carried out in areas of research and development. It follows up on research being done on the external border surveillance and security threats and applies its understandings while making decisions and implementing policies regarding the same. This is an extremely advanced method of applying knowledge to practical use. The FRONTEX also provides such information to the Member States as well as to the European Commission. This has led to the establishment of the 'Research and Development Unit' whose main objective is to facilitate and coordinate meetings while dealing with research related to borders in general and other developmental activities (FRONTEX 2010: 18). For instance, this allows the FRONTEX to organize conferences on the use of modern technologies such as biometrics to carry out effective border control (FRONTEX, 2010: 30). In 2007, the Agency also conducted a workshop on how to use drones in border surveillance and the safety measures while using them as it may have serious implications such as the violation of privacy rights and other related human rights considerations (FRONTEX, 2010: 53).

EFFORTS OF THE EUROPEAN UNION TOWARDS CONFLICT PREVENTION AND CRISIS MANAGEMENT

The European Union might have concerned itself in the ways of dealing with the non-military threats to security in the post-Cold War period nonetheless; it is pertinent to note that the Union has also initiated steps to involve itself in the prevention of conflicts and crises management. The first initiative of the EU in this direction was the introduction of the 'Common Foreign and Security Policy' (CFSP). The Common Foreign and Security Policy (CFSP) was introduced as the Second Pillar (part of the Three Pillar structure introduced by the Maastricht Treaty, 1992). It is the agreed foreign policy of the EU, mainly for defence and security diplomacy and actions.

As per the Article J.1 of title V of the Maastricht Treaty, the objectives of the CFSP are:

- a) To safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter
- b) Strengthen the security of the Union in all ways
- c) Preserve peace and strengthen international security, in accordance with the principles of the UN Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders
- d) Promote international cooperation
- e) Develop and consolidate democracy and the rule of law, respect for human rights and fundamental freedoms.

Decisions require unanimity but certain aspects can be further decided by the qualified majority voting. The High Representative for Common Foreign and Security Policy (later known as the High Representative of the Union for Foreign Affairs and Security Policy), a post introduced by the Amsterdam Treaty (effective in 1999) was at the head of affairs. Although the EU failed to engage itself actively during the Bosnia-Herzegovina War (1992-1995), since the inception of the CFSP, the European Union has tried to expand the scope of its involvement to deal with hard security challenges (Galariotis, 2008: 12). The next development in this direction was the 'European Security and Defence Policy' (ESDP), which was itself an integral part of the CFSP. In 1998, the British Prime, Minister Tony Blair and the French President, Jacques Chirac

signed a document in December, to propose the creation and the objectives of the European Security and Defence Policy, including a European military force, capable of autonomous action. A year later in 1999, the European Council met in June at Cologne and a key development was the 'Berlin Plus Agreement', which allows the EU to access NATO's assets and capabilities under certain conditions.¹³ At the Helsinki European Council Meeting (December 1999), the Helsinki Headline Goal was established. Its security target included military security elements set to be achieved by 2003. It also had the aim to develop a 'European Rapid Reaction Force' in the future. The next step was to incorporate the 'Petersburg Tasks' into the Amsterdam Treaty (ratified in 1999). The Petersburg Tasks are a list of military and security tasks such as humanitarian and peacekeeping tasks which were agreed to in 1992 and adopted by the Western European Union (WEU).¹⁴ "Another important development took place at the Helsinki European Council meeting. It was when the Helsinki European Council (1999) that specifically decided to create a non-military management mechanism to coordinate and put to more effective use the various civilian means and resources in parallel with military resources and since then, three bodies have been put in place (Rivera, 2005: 12). They are as follows:

- a) The 'Political and Security Committee' (PSC) was created under the Amsterdam Treaty. Its main function was to look after and supervise different types of operations that were strategic in nature
- b) The 'Committee for Civilian Aspects of Crisis Management', created in 2000 mainly provided the PSC with information, recommendation and opinion on the management of crisis from a civilian perspective
- c) The Police Unit was established by the Nice European Council (December 2000). It worked in conjunction to the Council Secretariat

The realists say that the history of the European cooperation in relation to the CFSP is a dismal one because as per them there was a rise of divergent national interests among the European Union's Member States. According to (Glarbo, 1999: 634), the decision making in the CFSP will remain internally blocked regarding its matters due to the absence of unanimity. The realists say that whatever occasional progress takes place, it

¹³ www.europa.eu [Online: Web] Accessed April 18 2014

¹⁴ Ibid.

is because of the political manoeuvring. However, Glarbo also goes on to state that cooperation among the EU Member States at the level of the CFSP is not only a consequence of interests of various Member States but also is also a process of social construction during the process of international diplomatic endeavours according to different perceptions held by various dignitaries. Kenneth Glarbo therefore, argues that integration does tend to prevail amongst the Member States of the EU at the CFSP level (Glarbo 1999: 636).

As per the constructivists theory, because of the divergent national interests, the EU Member States may not agree at all levels and on all aspects of foreign policy but their everyday interaction at the political level does shape and promote a common perspective towards foreign and security policy. The Member States may also not have a unanimous decision on many subjects but have similar opinion on matters of security because it affects all such as in an instance when a terror attack takes place.

EUROPEAN UNION'S APPROACH TO COUNTER TERRORISM

The 'Action Plan' has adopted over 200 measures to combat terrorism. It has clearly stated four key elements taken up to implement these measures that are associated to the 'law enforcement approach' of the EU to secure its borders. The principal the key element is the '*legislative and operational measures*' while dealing with its internal fight against terrorism. There have been many legislative measures that have been adopted but one important measure was the 'Framework Decision on Combating Terrorism' of June, 2002. It offers a common definition for acts of terrorism, the consequences for such acts, penalties relating to it etc. (Peers, 2003). The combination of both these measures that dealt with cross border matters may be referred to as the crux of the EU's law enforcement approach.

The second key element of the EU's approach is the '*repressive and preventive measures*'. After the terrorist attacks that took place in Madrid and in London, it showcased that these terrorist threats were 'home grown', after which the EU started taking up suppressive methods by more deterrent action. This ultimately resulted to the adoption of the 'EU Strategy for Combating Radicalization and Recruitment to Terrorism'. This strategy enhanced monitoring of terrorist activities, networks, organizations and individuals and at the same time promoting security, justice, democracy, opportunity, good governance and human rights within the EU (Monar, 2007).

The third key element of the EU approach is the *'internal and external measures'* which was mainly adopted to pursue counter terrorism objectives. The EU has developed an external action with governments of other countries such as the United States to exchange data and to provide mutual support, cooperation and assistance to one another (Mitsilegas, 2003).

The fourth key element of the EU's approach is the emphasis on *'strengthening institutional capacity'* in order to take action against the common threat. The functions of the European Police Agency i.e. 'Europol' and the European cross-border prosecution unit i.e. 'Eurojust' have been strengthened and increased in their cross border investigation and prosecutions.

EXPANSION OF POLICIES ON COUNTER TERRORISM

An extremely complex and sensitive aspect of state's security, sovereignty and autonomy is counter- terrorism. In the field of European counter terrorism, literature is under-theorized as "theoretically informed analyses" and is almost absent in this continuing research. The studies that have been done on this topic have mainly either been descriptive, analytical or based on empirical data (Argomaniz, 2009: 151). The institutional development of the European Union's counter terrorism policy is based around three particular incidents that can be taken as important points in the process of institutionalization: post 9/11, post Madrid, and post London.

During the 1990's, the EU's internal security cooperation was looked after by a formalized structure that came to be known as the 'Justice and Home Affairs'. Also known as the 'Third Pillar', this structure barely had any major effect to consolidate counter terrorism as it mainly focused on issues of illegal immigration and transnational crime (Mitsilegas, 2003). During this decade, terrorism was never considered a major threat by several European countries. These countries had a tendency to side-line the issue of terrorism. An informal meeting was held in La Gomera on the 14th October 1995 and this was the most important meeting held prior to 2001 when the attacks of 9/11 took place. In this meeting the European Council discussed the serious concerns of terrorism and its implications at length. Spain and France were the only Member States of the European Union that wanted to "Europeanize" the issue. Since the inception of the 'Third Pillar' in 1993, its legislative documents till the year 2000 demonstrate how the topic of terrorism was held at the bottom rungs of its initiatives. In fact, the years 1997 and 2000 did not produce even one legal document either 'binding' or 'non-

binding' regarding terrorism and its consequences (Brown, 2000). Until September 2001, counter terrorism policies were not focussed upon or generated by the European Union barring a few exceptions as many Member States were apprehensive to discuss matters related to counter terrorism. Counter terrorism policies have materialized only since the terrorist attacks in Washington and New York in 2001 and in Madrid in 2004 and have become multi-dimensional in nature broadening the functions of institutions such as the 'Justice and Home Affairs'. Thus, creation of rapid policies and the expansion of various organizations picked up pace only after the above mentioned external crises (Argomaniz, 2009: 153).

The way in which the EU responded to the attacks of 9/11 by no means was an achievement. Both the 'Counter Terrorism Strategy' and the 'Action Plan' did not offer a clear and comprehensive strategy to deal with the terrorist challenge that they were faced with. The EU as an actor could not garner the support of its 27 Member States to deal with the security aspects i.e. both internal and external in its combat against terrorism. They faced three major problems that affected the efficiency of the measures regarding counter terrorism. The problem that was the most daunting was that the Union did not focus on bringing about any form of integration while facing the problem rather they based their strategy on coordination and cooperation of their law enforcement capabilities which did not seem to bring about clear solutions as each Member State had a veto to any decision they planned to make and this made it difficult to reach a consensus. This had an impeccable pressure on the consistency and unanimity of the policies (Bendiek, 2006). The Member States of the EU possess their own individual counter terrorism systems and structures of law enforcement. It is important to highlight that they have not formally reassigned any of these duties wholly to the Union nor have they created any legal framework in the field of anti-terrorism. Since there was a lack of central authority in this regard there was also a wide gap when it comes to sharing intelligence data (Bakker, 2005). It was a system that was based on voluntary cooperation elements which is why it was difficult to make concrete decisions. Even the functions of the EU's 'Anti-terrorism Coordinator' were not legally defined and binding. The threat perceptions that were pointed out above were largely national ones which needed national responses in terms of security and strategy. These issues were highly sensitive to national sovereignty thus, the individual national governments did not want to hand these functions over to a supranational decision making authority. As a result of this, even after as many as five years after the 9/11 attacks, the European Union did not possess a harmonized legal

framework that had the capability to fight against terrorism. The second problem with the EU Approach was that it faced a poor enactment of policies and procedures that was planned earlier. What the Member States did was come to hasty conclusions over common objectives and later could not manifest these measures into actions. This was a result mainly due to the weakness shown in its decision making capacity and in the application of those decisions. The third problem is one that concerns the legitimacy of EU actions. Any kind of law enforcement measure can curtail human rights and civil liberties of its citizens. While there is an absence of law enforcement measures it indirectly protects the EU agencies and institutions against human rights and civil liberties being infringed upon. But if there are decisions that are taken whose objectives lie against terrorist activities that are previously planned by the European Council, it becomes controversial to have it implemented at the national level (Monar, 2007).

Thus, it has been showcased above, that the choice for EU's approach is based on reasons such as situations and circumstances that have occurred in the past and the variances in threat perception. After the attacks of 9/11, the EU has succeeded to establish a broad approach to tackle internal as well as external threats of terrorism that has a combination of legislative, preventive, repressive, operational, external, internal and institutional measures. Post 2001, there is no example in the world where so many countries have come together to work towards an inclusive and joint approach that confronts a major issue which also was regarded as a significant threat which was terrorism. At the same time there is no denying that the EU's approach to the problem also faced major problems like it did. At times, proper planning was not conducted in order to achieve concrete results. Poor implementation on measures were agreed upon, focussing on coordination and cooperation rather than integration, therefore, having a negative impact on human rights and the civil liberties of its citizens were a few of its flaws that needed to be looked into and corrected (Monar, 2007). Only if these flaws were looked into at the earliest would the policies relating to counter terrorism be more effective. Having stated this, it must also be noted that after the attacks of 9/11 immediate action was taken on this matter aiming to gain optimum results.

HUMAN RIGHTS CONSIDERATIONS

Transparency should be a key factor while carrying out border management practices of the EU as it mostly deals with immigrants and citizens. FRONTEX, which is the agency that looks after the security of borders in the Union, has come under heavy scrutiny

from academicians, legislators and other groups such as various NGO's because there is said to be a lack of transparency while carrying out its activities. Many have concerns about the impact on human rights the FRONTEX has while its operations and programmes are being deployed. These include operations both on its land as well as sea borders of the EU. While dealing with immigrants, the protection of the rights of immigrants i.e. legal, illegal, refugees and asylum seekers, is of paramount importance. While conducting joint operations on the external borders of the EU, the rights of these groups have to be taken into consideration (FRONTEX General Report, 2013). According to the Article 13 (2) of the 'Universal Declaration of Human Rights' (UDHR), every citizen has the right to leave as well as return back to their home country. They have the right to freedom of movement and residence within the borders of a state. Thus, when analysing surveillance operations taken up by the FRONTEX, for example, while detecting and acting upon 'preparatory activities' as mentioned earlier, the rights of citizens to move out of one's own country is deterred, hence, their human rights curtailed. It must also be noted that the UDHR is not a treaty so countries are not legally obligated to follow it. However, it represents fundamental humanitarian values that are shared by all members of the international community (Carling and Hernandez-Carretero, 2011: 52). Contrary to the UDHR, the 'European Convention for the Protection of Human Rights and Fundamental Freedoms' is a binding regional agreement. When one is deterred from leaving its own country it also means that they are denied of their basic human rights of seeking asylum in another country. This goes against the 'Convention Relating to the Status of Refugees of 1951' which is legally binding in nature. Even though this Convention does have repercussions if not followed, it has no formal mechanism to lodge complaints by individuals or groups (Ibid: 53). There have been several oppositions to the operations carried out by the FRONTEX such as the HERA operations in which it was analysed the maritime and aerial surveillance done by the FRONTEX over neighbouring countries have led to the reduction in the number of incoming immigrants before even leaving their countries of origins. This means that it hinders immigrants from leaving their countries even if they have the will to do so which goes against the 'anti-repudiation' clause of the 1951 Convention relating to the Status of Refugees. Many a times the absence of these critical matters from public debates held on EU border management should be highlighted and emphasized upon (Keller et al. 2011: 12).

As mentioned earlier, the privatization of services in the border management of the EU should also be looked at under human rights considerations. There has been huge criticism towards the lack of transparency of these Private Security Services Industries along with a lack of a detailed EU legal framework to deal with situations relating to violations of human rights of individuals. This also includes the absence of proper control mechanisms and grievance platforms while surveillance technology is being implemented by these private security companies (Keller et al. 2011). Since most of the surveillance technology is outsourced from these companies they presume that they could get away by not following human rights rules. In many instances, the EU does not monitor the activities or the means through which these companies carry out their tasks therefore; they are many times not compliant with the human rights clauses that are usually required to follow. Many of these countries are profit driven, so for them the human rights considerations are a secondary concern. The primary focus is not on human rights issues of people rather on gaining profits and further opening up of new markets for their service. Both civil society organizations as well as academicians have put forth their concerns regarding the usage of the technology of drones for aerial and maritime surveillance and its violation of privacy issues (Fin and Wright, 2012: 185).

Having stated the above, it also must be taken into consideration that due to drone devices and its equipment being different in technology and varying in its models it is almost impossible to put EU legislation into action to regulate mechanisms of this technology in order to curb its invasion of privacy and civil liberties (Finn and Wright, 2012: 186). While using drones, the FRONTEX authorities do not primarily take into considerations human rights concerns, privacy matters and other related civil liberties issues because their main focus is on the successful application and the running of these drones (Lyon, 2007: 70). The privacy issues arise in the running of these drones, as its main function is to monitor and gather photographs and footage which is by itself against the privacy of individuals and groups (Fin and Wright, 2012: 190). Personal data can also be gathered and processed when using drones which go against the privacy rights of individuals. Therefore, border management in the EU can be viewed as a very contentious issue while dealing with privacy matters and human rights issues. It takes over the human aspect and only views it in terms of carrying forth its tasks without much concern regarding other critical issues (Ibid: 191).

We live in a globalized society in which modern technology plays a significant role as it has both advantages as well as disadvantages. Similarly, EU border management uses technology such as surveillance which discusses the issue of human dignity as its mechanisms do not always consider safeguarding human rights of individuals and groups. The usage of this technology is not always ethical in nature.

EUROPEAN UNION GLOBAL STRATEGY, 2016

The European Union Global Strategy (EUGS) of 2016 is a strategy that primarily aimed at improving the already existing European Union's 'Foreign and Security Policy'. It aided the process of European integration after the British voted in the referendum to exit the Union. The exit of the Great Britain (Brexit) from the Union was said by many to be the starting point of the collapse of the EU. But the Global Strategy of 2016 was planned and presented to save the decline of this institution by first and foremost focussing to elevate matters of security and defence¹⁵ (The EU Global Strategy- Year 1).

It has begun military burden sharing with the NATO across the Atlantic and has developed close cooperation in other areas like climate change. The EUGS has also begun to pursue its strategic interest in order to gain maximum benefits. This strategy has shown the partners of the EU that it is still a reliable global power and a strong security provider. The Global Strategy focussed on strengthening the foreign policy of the Union and to make it stronger to simultaneously bring out its full potential. It points out the challenges that are faced by the EU globally and emphasized that the coming together of Member States is the primary solution to confront these challenges in a smooth manner. The EUGS also changed the approach through which these conflicts or any other crises are to be tackled by the Union. Therefore, a huge emphasis was given on the crisis management in areas that were hit by political turmoil, humanitarian disasters, refugee crises etc. The strategy showcases that the events that occur outside the EU's borders directly impacts its security. Therefore, it also began post-crisis reconstruction in countries like Syria, Iraq and Nigeria. This led to the stemming of increased cooperation with its neighbouring states and partners which further helped to fight terrorism and helped in the better management of migratory flows (The EU Global Strategy- Year 1).

¹⁵ [Online Web] Accessed 6 July 2018 URL: <https://europa.eu/globalstrategy/en/vision-action>

Security and defence are top priorities of the EUGS thus, border polices undoubtedly become an important priority to pursue. The need to securitize external borders is given a lot of importance as by doing so, the Union can secure its sovereignty and autonomy and stand strong and reliable amongst other members of the international community. In the light of the above statements, the EUGS also delves into the refugee crisis, and deals with its causes and repercussions. It maps out the approaches and methods via which borders must to be managed and protected in the EU as well as ways through which migration issues must be carefully confronted, respecting the human rights of immigrants.

CONCLUDING REMARKS

The concept of borders and its numerous modifications have been significant characteristics of the history of the European Union. Over the passage of time external borders have been constantly changed with several rounds of enlargements as mentioned earlier. In this process, the EU has been quite aware in preserving the significance while redefining its borders by developing new ways of cooperation with its neighbours barring the fact that they have good relations or not. This shows that the Union has stressed on maintaining crucial cross border cooperation. In relation to its internal borders, the Union has reached a stage of establishing a ‘single unified space’ between Member States. The political debate regarding border policies always deal with the effect it has on the daily lives of citizens of both the Union as well as that of its bordering countries. It also encompasses issues such as the cultural and religious identity of the EU.

Following the enlargement of 2004, the debates on these topics have relatively increased. With the increase in the immigration flow seen post the attacks of 9/11 and also after the Arab Spring in 2011, it has lead the EU to erect rigid external borders in addition to which it has deployed joint operations using modern surveillance technology such as drone systems to further protect and manage these borders. External borders in the EU have been securitized through strict immigration laws along with the implementation of strict border policies in order to curb threats to the national security of Member States.

External policies of the EU are adjusted and taken care of through policies such as the ENP. In the present day there are new challenges that have arisen that threaten the security of the Union that cannot be efficiently confronted through old policy instruments. Thus, new policy instruments need to be devised in order to solve these problems before they magnify in nature. New boundary configurations have increased the connotation of external borders in policy debates of the Union. The consequences while implementing border policies are said to be taken into great consideration in order to preserve the identity and the culture of the Union.

CHAPTER V

CONCLUSION

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With the advent of globalization it is widely debated whether borders are still relevant in the present times or has it rather lost its significance altogether. People and states create borders on the basis of shared identities and to distinguish between the ‘insider’ and the ‘outsider’. Westphalian sovereignty conceptualizes the absence of foreign elements in the internal workings of domestic structures. Ethnicity and religion also tend to play crucial roles while defining the acceptance and refusal of people across borders. In contemporary times, due to the numerous effects of globalization, it appears that borderlines are diminishing. However, in a highly globalized world people are likely to move from one place to another quite freely still having deep national and ethnic attachments at the same time. As long as there is a requirement of independence, authority and dominance borders are almost always going to exist and be points of political confrontation or negotiation.

Borders are lately becoming increasingly permeable due to reasons such as movement of people and trading activities. In the present times, governments have more responsibilities in the process of securing its borders as it has the task of filtering out unwanted elements that are regarded hazardous to the state and its citizens. Public policy agenda of many countries put a lot of emphasis on borders related policy objectives. Sovereign states have the function of extensively managing and protecting its borders in order to safeguard the rights and liberties of its citizens. Apart from border policies, sovereign states also maintain strong armies to prepare themselves to be equipped to tackle any challenge that comes their way. One of the main emphases of the Westphalian sovereignty is for countries to maintain cooperation and harmony with its neighbours. This automatically takes into consideration the concept of borders which plays a significant function between states. Borders are in fact attached to several aspects rather than being mere physical boundaries.

Security has always been an important discourse in international relations. During the Cold War period, security was viewed in terms of classical security and the main threat was the state in terms of having acquired military advancement. States feared one

another due to the uncertainty in their actions which included sudden attack and encroachment. Europe was geographically located at the centre of the Cold War politics that was based on ideological differences between the United States and the USSR. Therefore, the notion of European security has evolved over the years and had transformed once the Cold War came to an end in 1990.

European security has changed dramatically from the Cold War period with the Super Power confrontation to the collapse of Russia that happened in 1991. In a post - Cold War world, the European Union faced diffused threats, however this changed with the 9/11 attacks on the US. The impact of the 9/11 attacks had a worldwide impact and governments started becoming cautious while dealing with diverse issues that perhaps could have a security implication in their respective countries. Seen from a realist perspective, the primary responsibility for providing security had come back to the state, which now was confronted by a non-state actor - terrorism. 9/11 made the European Union more aware of the new security vulnerabilities and this resulted in its enhancing its functions and responsibilities as an security actor to protect and manage its border even more carefully thus, leading to a securitization of the borders. It introduced new and restrictive security policies and over 200 measures with respect to its borders. It had strengthened its law enforcement mechanisms and simultaneously, many new institutions and posts were established which would play important roles in carrying out their given functions. One such institution is the FRONTEX that is critical to border management. The enlargement of the EU in 2004 also led it to become more watchful of its further extended borders which came close to Russia in the East and the Mediterranean in the South. The EU now had the task of dealing with new neighbours and maintain peaceful relations across its external borders and this lead to the launch of the EU Neighbourhood Policy (ENP) in 2004.

It is critical to note here that refugee flows had been taking place to the EU ever since the breakup of Yugoslavia in 1992 and due to the growing conflicts in many parts of Africa. It had increased after 2001 when conflicts in Afghanistan and Iraq resulted in a further exodus of people which resulted in a surge in refugees that headed to Europe. During the first decade of the 21st century, migration seemed to be a prevalent phenomenon and there was a massive migratory flow that took place after the Arab Spring of 2011. But it was only after 2011 that refugee flows into the EU via its land borders and sea routes had posed a major challenge to European security. The Arab

Spring created new political cleavages that pushed forward ideological differences and the political turmoil resulted in wars, which in turn were significant reasons for the mass exodus of people from one country to another. One such example can be seen in the Middle-East where a large number of Syrians have had to migrate to neighbouring countries in order to escape the civil war in their country. Turkey, has been caught in the middle of the refugee flows and was not only a conduit route, but in the new EU policy, it has agreed to a financial package to hold back refugees in its country. This action of the EU has come in for criticism. However, the problem that arises is that the Universal Declaration of Human Rights Charter guarantees any individual the right to leave a country but nobody has the right to gain entry into another country. This usually happens due to border control and several restrictive policies that are adopted by host countries.

In the decade after the attacks of 9/11, several newly emerging high profile threats were identified by the EU in its 2003 European Security Strategy namely proliferation of weapons of mass destruction, terrorism and organized crime, regional conflicts and state failure. In addition, the following have also added to the threat perception such as movement of illegal immigrants, asylum seekers and refugees, transnational organized crime groups, people traffickers, drug trafficking, smuggling of arms and ammunitions. The EU thus, faced the crucial challenge of maintaining peace and security around its region from the non-military threats and also to ensure stability and rule of law in its neighbouring regions like the Mediterranean to avoid spill over effects.

The European Union adopted a multidimensional approach and an intensive action programme in order to deal with the non-traditional threats to European security. In order to deal with illegal migration, the European Union has adopted several measures because this phenomenon has increasingly affected the European integration process. The 'Third Pillar on Justice and Home Affairs', the 'Schengen Agreements' and the 'Dublin Convention' have developed restrictive migration policies so that it does not undermine European security and its identity. The subject of migration has also been politicized in such a manner in which asylum seekers and immigrants are seen to pose a threat in the process of protecting national identity and welfare provisions. While dealing with the groups like as 'refugees' and 'illegal migrants', the EU sometimes adopt measures combining them as if they have the same meaning. For example,

refugees are automatically understood to cause problems to the EU's internal security that may also be linked to criminal and terrorist activities. Basically, there is an overlapping of terminologies. Most common terms such as these are interchangeably used at the societal level and readily accepted even by politicians and policy makers without really knowing the difference between them or emphasising the difference. Therefore, since most asylum seekers originally belong to Third World countries, they are thought of as being culturally and racially different from the European nationals, they are thus, not seen as being capable of getting integrated into the host country space. Thus, one of the reasons to set up border control and address internal security problems in the European Union has most definitely a cultural dimension attached to it. But in reality these concerns arise due to the fear of terrorism and uncertainty, thus, the EU has simply enhanced the security measure leading a growing securitization of its borders.

As the research shows that the European Union has emerged as security actor that has responded to the growing non-traditional threats that have increased after the attacks of 9/11 and the influx of refugees that took place from 2001 onwards. In the process of addressing these new threats that emanate from migration and refugee flows in particular that has added another layer of vulnerability, the EU has ended up securitizing its borders through policies and instruments that have been institutionalised. It does raise questions on whether the EU has traded off the human rights aspect of the refugees for enhanced internal security and how this would impact its global image and standing as a liberal space.

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