Irregular Migration as a Security Problem

How is desecuritization avoided?
DECLARATION BY CANDIDATE

I hereby declare that this thesis, “Irregular Migration as a Security Problem - How is desecuritization avoided?”, is my own work and my own effort and that it has not been accepted anywhere else for the award of any other degree or diploma. Where sources of information have been used, they have been acknowledged.

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<th>Full Form</th>
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<tr>
<td>CEAS</td>
<td>Common European Asylum System</td>
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<td>EC</td>
<td>European Community</td>
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<td>ECFR</td>
<td>European Charter on Fundamental Rights</td>
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<td>European Court of Justice</td>
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<td>EP</td>
<td>European Parliament</td>
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<td>EUROSUR</td>
<td>European Border Surveillance System</td>
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<td>EURODAC</td>
<td>European Data Archive Convention</td>
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<td>FRONTEX</td>
<td>European Agency for the Management of Operational Cooperation at the External Borders of the Member States</td>
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<td>HRW</td>
<td>Human Rights Watch</td>
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<td>OECD</td>
<td>Organization for Economic Cooperation and Development</td>
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<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<td>SEA</td>
<td>Single European Act</td>
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<td>TEU</td>
<td>Treaty on the European Union</td>
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<td>TFEU</td>
<td>Treaty on the Functioning of the European Union</td>
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Introduction

The challenges for border management and irregular migration are already long-standing problems for the European Union (hereafter EU). People have been looking for a safe haven or a better future in the EU for years due to environmental disasters, political oppression or economic insecurity. While most refugees in the 1990s came to Europe after the wars in Kosovo and Yugoslavia, today’s refugees mostly flee from the Middle East (mainly Syria) and Africa (Figure 1). Therefore, they have to take dangerous trajectories over sea and land.¹

The problems regarding border management and migration have mainly gained visibility in the Mediterranean Sea as a result of the dangerous trajectories, human rights abuse and the numbers of deaths en route, at sea and in the deserts (Crépeau 2013a: 3).

Migration is a fundamental part of European history: migrants are a key element in the cultural, economic and social development of the EU and its society. However, migration has become an ever more sensitive topic. While migration policy is part of the chapter on ‘freedom, security and justice’ in the Lisbon Treaty, migration policy has been increasingly integrated into security frameworks that are characterized by policing, defence and criminality (Crépeau 2013a: 11). Especially the low skilled migrants, refugees and asylum seekers are increasingly presented as a threat to public order, cultural identity and market stability by means of security frameworks (Huysmans 2000: 752). This is in sharp contrast with high skilled migrants who are more often included as they are seen as an asset for economic growth. Evidence for this argumentation is found in the EU treaties and in the flourishing budgets of FRONTEX (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU) and EUROSUR (the European Border Surveillance System). UN research shows that the budget of FRONTEX increased from

¹ Appendix A ‘How they get there’ shows the main routes migrants take to make the journey to the EU.
€19.2 million in 2006 to almost €87 million by 2010, despite the financial crisis (Crépeau 2013a: 11). Another indicator of securitization of migration is the growing xenophobia and racism in Europe. The discourse is characterized by statements as ‘They do not belong here’, ‘Migrants take our jobs’ or ‘Migrants are Islamic fundamentalists’, thus presenting migrants as a threat. Also extremist parties as Front National of Marine le Pen in France or Party for Freedom (PVV) of Geert Wilders in the Netherlands, have a strong anti-immigration agenda and set the tone in the political debate on migration issues. They present a stereotyped representation of the migrant: the migrant as a threat. However, why is this stereotype not changing?

My interest in the security discourse arises out of frustration about the dominant security discourse. When I think about migration in Europe, I see images of overcrowded, unreliable and unsafe boats and floating corpses. How can anyone be ignorant about the tragedies at the Mediterranean Sea and argue in favor of more border security? And how can something arbitrary as where one is born, define where one is allowed to live?

At the same time, we see that the current policy of deterrence and control does not result in a significant decrease of the number of migrants coming to the EU. I wonder: how does the security approach maintain itself as it does not provide solid solutions for the humanitarian crisis at the Mediterranean Sea? The securitization of migration has already been criticized by many for decades, but the discourse on migration is not changing. Migration is still perceived as a security issue despite the critical voices. Why do counter discourses have so little effect?

I believe that the EU, as defender of human rights, should take responsibility for the tragedies that happen at its doorstep. Therefore, I will focus on the implications and limitations of the security approach towards irregular migration, in order to understand how this approach remains the dominant one. Another approach, like a human rights or economic approach, will lead to other solutions and policies, and would have more to offer than the security approach. The human rights approach, for example, who stress the human rights of migrants, and would perceive each migrant as a holder of rights. A focus on economic aspects will focus on employment and economic growth.

My main aim is to answer the following question: why is desecuritization of the migration in the EU avoided? Understanding the answer to this question possibly creates opportunities to change the current reality. I will not dig into the normative discussion on migration and the right to migrate, since

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many have already elaborated extensively on these topics, like David Miller, Christopher Wellman and Joseph Carens.³

**Terminology**

Before discussing securitization theory and (de)securitization of migration, clear definitions have to be set. Migrants come in different forms and categories and there are a number of terms and descriptions used for people who cross borders and enter another country. Across the literature that I use, many different approaches are used to describe migrants. Some authors do not distinguish between a migrant, asylum seeker or refugee, whereas policy papers most of the time focus on one particular category, for example the Common European Asylum System (hereafter CEAS) (European Commission 2014). Because there is a political struggle behind the categories, choosing a particular definition should not be underestimated. Each definition or category carries political and judicial implications. Therefore, clarity about the definitions and categories is vital for this research. I will draw upon definitions of the International Organization for Migration (IOM), the 1951 Convention relating to the Status of Refugees (hereafter Refugee Convention) and Triandafyllidou (2010).

There is no universal definition of a migrant, but the term is mostly understood as follows: a migrant is an individual who has resided in a foreign country for more than one year. This is irrespective of the causes: it could be either voluntary or involuntary and the means to migrate can be both regular as irregular. In common usage also shorter-term migrants as seasonal workers are included (IOM website, accessed November 3, 2014). Other nouns that are frequently used are immigrants, aliens, foreigners or non-nationals. Furthermore, these nouns are accompanied by many different adjectives as ‘documented’, ‘undocumented’, ‘economic’, ‘irregular’ and ‘illegal’ to differentiate between migrants. The term **documented** refers to people who enter a country lawfully and remain in the country in accordance to his admission criteria. This sub-category is opposed by **undocumented** migrants. These are migrants who are not in possession of required residence papers. **Economic** migrants are people who migrate for the purpose of employment and better quality of life (IOM website, accessed November 3, 2014). **Irregular** migrants are migrants who lack legal status in a host country. This can be caused by expiry of visa or unauthorized entry. The term ‘irregular migrant’ is closely related to undocumented and illegal migrants. Both terms refer to the same people: migrants who do not meet the legal

provisions for entry and residence. However, the latter term is associated with criminal behavior and illegal acts under criminal law. To use the concept of illegal migration and define migrants as illegal, has the effect of creating suspicion towards migrants and should therefore be avoided. Human rights advocates even started a campaign with the slogan ‘no human being is illegal’ in order to stress migrants’ humanity (Triandafyllidou 2010: 3).

Beside the above mentioned sub-categories of migrants, other terms are commonly used to refer to migrants, like asylum seeker and refugee. Asylum seekers are defined as people who seek safety from persecution of serious harm in another country than his own. These people await a decision on the application for refugee status under international and national law. When the decision turns out to be negative, the asylum seekers have to leave the country, unless they are provided permission to stay on humanitarian grounds (IOM website, accessed November 3. 2014). Refugees, on the other hand, are defined as ‘(a person who) owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion’ (Refugee Convention 1951, article 1 (a) (2)).

The difference between asylum and refuge is that asylum is generally seen as a temporary solution for refugees. They receive temporary refuge until they can return to the country they fled (Adelman 1988: 7). Thus, the distinction between refugees, asylum seekers and irregular migrants is vague. Asylum seekers can be refugees. However, they are also irregular migrants, since people who enter a country without documents and then file an asylum application have an uncertain legal status until their application is processed (Triandafyllidou 2010: 5-6).

For now, it is important to stress to which migrants I refer to, when I use this rather problematic term. When I use the term (irregular) migrant, I refer to unauthorized and undocumented migrants, asylum seekers and refugees at the same time. The term ‘illegal’ is only used between brackets in this work when it is necessary to do justice to the sources. When I feel the urge to differentiate between categories I will simply use the term ‘asylum seeker’ or ‘refugee’. At the same time, economic migrants and irregular foreign workers, even though often it is even unclear whether or not economic migrants are voluntary migrating, are not included in this work. I make this choice, since significant other policy is regarded to economic migrants which will unnecessarily complicate this piece. I am aware of the fact that also economic migration is often securitized.
Terminology is not the only problem that frustrates research on irregular migration. Also the lack of accurate data makes research problematic (Triandafyllidou 2010: 16, Marlino and Joanna 2011: 4, OHCHR 2011b: 3). There are several reasons why it is complicated to access reliable data. First of all, irregular migration is a non-registered phenomenon and far from all migrants aim to register. They are often only registered when they are arrested. Secondly, the ways that data are collected are not transparent and there are often distinct categories between countries. Lastly, the fact that migrants may cross the border several times a year and may be caught and sent back makes data collection difficult. As a result, those people will be registered as many times as they are apprehended (Triandafyllidou 2010: 6-7).

Also the fact that irregular migration is not simply a question of unlawful border crossing makes research complicated. Foreigners can also befall into irregularity through irregular residence. Examples are failed asylum seekers who would not return to their home country, overstay of visa and children of undocumented parents (Merlino and Parkin 2011: 2-3). Overstay of visa is often concerned the most common way for migrants to become irregular (OHCHR 2011: 3, Triandafyllidou 2010: 294). Another way through which individuals may be classified as irregular is by irregular activity: when a foreigner engages in employment while he is in possession of a legal working permit. Since I will not engage with irregular employment, I will not pay attention to this last category.4

This thesis will be outlined as follows. The first chapter will focus on Buzan et al’s securitization theory, which is based on speech act theory and discourse analysis. Criticism towards this theory will be presented in the second chapter by means of literature of Balzacq and Bigo. Then, chapter three applies the theory and shows how migration became a securitized issue in the EU. The link between security theory and migration has already been analyzed by many scholars, so here I will draw heavily on, among others, Huysmans, Boswell and Geddes. Chapter four will pay attention to FRONTEX, as FRONTEX is the EU’s main agency when it comes to border protection. It is FRONTEX who coordinates and facilitates the EU’s operations at its borders. What is its role when it comes to securitizing migration? As said, Buzan et al’s security theory is too narrow and too limited. This will become evident once more by the case analysis in chapter three and four. We will see that FRONTEX is not securitizing by means of discourse.

Also, practice, context, audience, power relations and actions also play a role in the process of securitization.

As the first half of this work will mainly focus on the process of securitization, to show how migration is securitized, the second half of this work will bring us closer to the answer of the main question: why is migration not desecuritized? Therefore, chapter five will present a theory of desecuritization and this is applied to the case of migration in chapter six.

To conclude, this thesis serves two objectives. Firstly, and most importantly, it tries to answer the question how desecuritization of migration is not achieved. Even though there is a counter discourse, the security discourse remains dominant. Why?

It is important to find an answer to this question, if we want to change the current reality: many people are dying on their way to Europe and those who make it to the EU find themselves in dehumanizing conditions. The EU’s current reaction to migration, closing its borders and stricter control, are not solving the problems. We have to understand why the EU’s current policy remains the most popular in order to change it.

Secondly, limits of both securitization and desecuritization theory will appear when we apply the theory to the case. As criticism towards these theories cannot be neglected, this work also serves to build further on both theories.
1. **Securitization theory - a framework for analysis**

Traditionally, security has been viewed through the lens of state security. Especially during the Cold War, security was framed in terms of state security, military and nuclear power, and the threat or use of force. However, this view changed from the 1970’s onwards with the rise of economic and environmental agendas in international relations. It led to a debate of widening the security agenda to nonmilitary sources of threat and resulted in a broader scope of security, more general definitions of threat (from military to nonmilitary) and a wider range of policy questions (Buzan et al 1998: 2).

Although these developments widened the security agenda, this does not directly imply that securitization is a good thing. Even the desirability of security can be questioned, since it is a very narrow view: it brings issues into an emergency mode, outside the normal bargaining process. This emergency mode is often not the most effective mode of reasoning to find solutions for problems in society. Therefore, Buzan et al argue in favor of desecuritization, the counterpart of securitization (Buzan et al 1998: 29). I will first focus on securitization theory and the process of securitizing migration in the EU. Desecuritization will be discussed in chapter five and six.

While a threat to society or to a political community can arise out of many areas, the definition of a security problem by Buzan et al remains in the traditional military-political understanding of security. They argue that there is a security problem when there is an existential threat to some referent object’s survival: ‘if we do not tackle this problem, everything else will be irrelevant, because we will not be free to handle it our own way’ (Buzan et al 1998: 24). Thus, security problems are problems that endanger a particular order. When an issue is securitized, it will be placed above the sphere of normal politics and beyond the established rules of the game (Buzan et al 1998: 23). This justifies the use of extraordinary measures by the securitizing actor for its survival. In the particular case of migration, we see that the referent object is the European society. The existence and the stability of the European society is threatened by the influx of migrants from regions around Europe. The securitizing actor is the EU which develops policy to govern migration in Europe, which comes down to legitimizing extraordinary measures as detention, expulsion and extreme border control to regulate migration.

This existential threat that creates the security problem, is an enemy of the political order of the particular society. This means that securitization creates a strong friend-enemy or self-other distinction:
there is a clear in-group that is opposed by a threatening out-group. The unity of the group is created or strengthened when members are competing with another group. The own identity becomes stronger or more explicitly manifested when there is another group to compete with. This is not alarming in itself: we need the other to define and understand ourselves. We cannot define our own identity without a referent object. However, when the dichotomy becomes too strong, extraordinary measures to protect the political community become justified. Thus, by means of this dichotomy of friend-enemy or in-group/out-group, loyalty for the own community is created and distinctions between groups are strengthened. We will see in the next section when securitization is applied, that this is exactly what is done in the discourse on migration and how this is reflected in European migration policy. Cultural related nationals like nationals from Organization for Economic Cooperation and Development (hereafter OECD) countries are included and seen as friends, whereas non-OECD countries members are excluded and presented as different and threatening (Huysmans 2000: 74). This is even more extreme when migrants are low-educated. I will elaborate on this rationale in greater detail in the next section.

Another characteristic of Buzan et al’s securitization theory is that it is a speech act, according to Buzan et al. This means that security questions follow from successfully speaking or writing ‘security’ and ‘insecurity’ in relation to a policy problem (Wæver 2000: 251). No issue is essentially a threat in itself, but becomes a security problem through discursive politics - because the issue is presented as a threat (Buzan et al 1998: 24, Balzacq 2011: 1). It is not the nature of the problem that it is a security issue, but it is the political choice to securitize that creates the issue. However, not every security speech act will create securitization itself - this is only a securitizing move. There is a need for an audience to accept it as such. What the audience eventually accepts as a security threat depends on the particular societal and historical context. Lastly, the success of securitization does also depend on the discursive abilities of the securitizing actor.

As Buzan et al explain, securitizing an issue, is ‘moving it above the sphere of normal politics’ (Buzan et al 1998: 23). To clarify this phrase, I will shortly elaborate on the three different sections that divide the political spectrum. First, the non-politicized. An issue is not part of the political debate and the state does not take any action whatsoever in this stadium. However, an issue can become politicized and move to the second part of the spectrum. To politicize means that the issue has significance for society and that it is made subject of debate and contestation (Hansen 2012: 528). In the third section the issue is securitized - it is presented as an existential threat that requires extraordinary measures. Securitization can thus be seen as a more extreme version of politicization (Buzan et al 1998: 23). Any
issue can show up in any part of the political spectrum, but it depends on the local political and social culture where an issue is placed in the spectrum. We have to bear in mind when we discuss securitization, is that it is never fully static. It is a form of logic that has countermeasures and is processual. The most obvious example of how a security issue is talked into existence is the War on Terror after 9/11. The events of 9/11 were immediately presented as an exceptional and global threat to the US and the whole Western world and was used as a legitimization of extraordinary measures. This was initiated by the Bush administration and led to the large-scale usage of military power. Later, this rhetoric was continued by the Obama administration. The interrogators of the CIA still use waterboarding and other harsh interrogation methods and are under the belief that the usage of these extraordinary measures are justified under the securitization of terrorism (Vuori 2011: 207). However, these extraordinary measures are a violation of human rights and human dignity and no threat whatsoever can justify these measures.

To conclude, for a threat to become a security threat, it has to be an existential threat to a referent object, according to the founders of the Copenhagen School. The securitizing actor responds with emergency measures that are justified by the severity of the threat, but would not be justified in a situation of normal politics. Securitization is a political instrument to influence policy decisions and a rhetoric to legitimize specific extraordinary measures. It can serve as a means to mobilize loyalty for a political community, or as a means to legitimize state actions to protect citizens from external threats (Boswell and Geddes 2011: 42). Furthermore, it easily creates a self-other distinction which includes a particular part of society and excludes another.

However, even though it is clear that securitization is a process, it seems mainly to depend on discursive politics, and the abilities of the securitizing actor to create a securitizing move. Are other factors as time, place and context not relevant? In the next chapter, criticism towards the Copenhagen School will be discussed.
2. **Securitization theory criticized**

We have seen that securitization theory as it is presented by Buzan et al focuses primarily on discourse and speech acts. This approach is criticized by many scholars, for example Balzacq and Bigo. They argue that Buzan et al’s perspective on securitization is too narrow and limited. Speech acts should not be the central aspect of the theory - there are other factors that influence the process of securitization as well. The criticism of Balzacq and Bigo towards Buzan et al forms the foundation of this chapter. By means of a broader theory of securitization, I hope to be able to come closer to the answer what this means for desecuritization and how it is avoided.

2.1 **Philosophical and sociological strands of securitization**

Balzacq is the main author who made a distinction between two different strands of securitization theory, namely ‘philosophical’ and ‘sociological’. Buzan et al’s perspective on securitization theory that is presented in the first chapter is what Balzacq calls the ‘philosophical’ perspective. It is based on discourse, speech acts and the power of language; no issue is a security issue in itself, but security problems emerge through discursive politics. The philosophical perspective is rooted in poststructural theory, that believes in the power of language (Balzacq 2011: 1). I will shortly outline the main differences between the two strands.

Firstly, audience is perceived as important in both strands of securitization. However, in different ways. The philosophical strand audience is understood as a given factor, as a passive agent, as the recipient that only accepts or rejects a securitizing move. The sociological view, on the contrary pays attention to the relation between the audience and the securitizing actor - they mutually constitute and influence each other (Balzacq 2011: 2). Balzacq calls it an empowering audience.

The empowering audience is an audience which: a) has a direct causal connection with the issue; and b) has the ability to enable the securitizing actor to adopt measures in order to tackle the threat (Balzacq 2011: 8-9).

The ability of the securitizing actor to identify with the feelings, needs and interests of the audience, defines the success of its securitizing move. The more he can identify with the audience, the easier he
can persuade it. Besides, the audience is more likely to accept a securitizing move of an actor it can identify with as well.

Secondly, the philosophical and sociological perspectives have a different understanding of the relationship between agency and context. According to the philosophical view of the Copenhagen School, securitization is a self-referential practice. This means that the securitizing move, the speech act, is an agency in itself. It does not relate to an objective reality in the so-called real world, but it creates its own reality. Therefore, the language that constructs the security threat is decisive for the Buzan et al. What already is ‘out there’ is irrelevant (Balzacq 2011: 2). This perspective is highly criticized by the sociological strand. Balzacq explains that a distinction should be made between ‘institutional’ threats, that emerge as a consequence of communication, and ‘brute’ threats that actually exist regardless of what language is used. From the perspective of the Copenhagen School, threats are nonexistent, unless someone frames a particular issue as a security threat. However, language alone does not construct reality, it only influences the way we perceive it. As Balzacq explains, not only language constitutes a threat, it is a combination of context, external reality, and the audience:

The positive outcome of securitizing, whether it is strong or weak, lies with the securitizing actor’s choice of determining the appropriate times within which the recognition, including the integration of the ‘imprinting’ object - a threat - by the masses is facilitated. This tends to subscribe, moreover, to the view that the public would accept the description of threats deployed by elites, and securitization will successfully take place, if the times are critical enough (Balzacq 2011: 13).

Lastly, Balzacq argues in his book A theory of Securitization for ‘the structuring force of practices’. According to Balzacq, security practices are expressed through policy tools (Balzacq 2011: 15). Policy tools are a form of action that further builds on the creation of a security threat. In the case of migration, policies of more surveillance and control are excellent examples. These policies contribute to an idea and/or feeling of threat.

This is acknowledged by Bigo, even though Bigo’s terminology is a little bit different. Bigo states that securitization can also be achieved without discourse (Bigo 2000: 347). The technologies and context that are in play have to be analyzed in order to get a full understanding of the securitization process. The everyday technologies that work through power relations, institutions and power struggles constitute a threat. These are, for example, the technologies of surveillance and control that lead to the
securitization of migration. Furthermore, power relations are crucial. The social position of the securitizing actor is a defining aspect in the success of a securitizing move.

2.2 Conclusion

The philosophical perspective reduces security to a ‘conventional procedure’: the success of the speech act is defining for securitization to happen (Balzacq 2011: 1). However, this point of view neglects other factors that should be taking into account in the process of securitization. For example, the role of the audience as accepting the securitizing move, the context in which the speech act takes place, the influence of the context and other practices that contribute to the success of the securitizing move and lastly, the power of the securitizing actor and its relation to the audience.

The sociological perspective, in contrast, is influenced by social theory which involves the influence of practices, context and power relations that construct a threat (Balzacq 2011: 1). This perspective argues that securitization should be seen as a strategic process that is part of a bigger picture, including an empowering audience, context, the power of the actor that expresses a speech act and the audience and the level of interaction and persuasion (Balzacq 2011: 1-2). Furthermore, all these aspects mutually constitute and influence each other. By including context, practices and power relations, the sociological perspective provides a better framework to analyze a specific case. The case of migration serves as an excellent example for this statement, as we will see in the following chapters.
3. Migration as a security issue - a historical overview

In 2003, the European Monitor Center reports that 58 percent of their respondents perceive minorities in Western and Eastern Europe as a ‘collective ethnic threat’ (Schori Liang 2007: 19). Besides, immigration is seen as a bigger issue than terrorism, environment, defense and foreign affairs (Schori Liang 2007: 19). Figure 2 shows that evident from more recent research that Europeans hold negative feelings towards migrants. How and why did migration became a securitized issue?

I will answer this question by placing relevant EU treaties, regulations and conventions in their historical context. Since the politicization of migration in Europe started mainly in the 1980s, I will exclude the Treaty of Paris (1951) and Rome (1957) and start with the Single European Act (SEA) in of 1986. Until the 1980s, the Community worked on the development of free movement within its territory, but regarded immigration and asylum as matters of the Member States. This changed with the SEA and the topics were absorbed into the EU’s legislative body. The CEAS is the most recent policy document I will discuss. Due to the scope of this work, I have to make choices and cannot include all legislation. I have included legislation that turned out to be most influential or which objectives are questionable.

3.1 1950s - 1970s - migrants as economic workforce

Huysmans starts his analysis with developments in the 1950s and 1960s, when many migrants came to the EU as guest workers and were seen as an extra workforce (Huysmans 2000: 65). Until the early 1970s, migrants were seen as an asset for economic growth and migration was a non-politicized matter. Countries as Germany, the Netherlands and France even actively recruited abroad for guest workers (Boswell and Geddes 2011: 29). Other countries, such as the UK, received large numbers of foreigners from their former colonies, who were entitled to settle there. The UK limited this flow of migrants by implementing laws that limited access to British citizenship by the end of the 1960s. Here, we see the beginning of politicization of migration by limiting the inflow of migrants through law, although migration is not perceived as a security issue.

In the late 1960s and 1970s the attitude towards migrants began to change due to two developments. Firstly, policy on labor migration became more restrictive to protect the rights of the domestic workforce during the oil price crisis in 1973 (Boswell and Geddes 2011: 30). As a response to the crisis, European governments halted their recruitment policies. However, this did not immediately result in less migration because of family reunification.

Family reunification is the second factor that changed the attitude towards migrants. Migrants were not temporary guest workers anymore, but became permanent settlers (Huysmans 2000: 65). Interestingly, the policies on migration focus on permanent migration - immigration and asylum did not seem to be a sensitive subject yet. However, this changed in the next decades.

3.2 1980s - Europeanization and high unemployment

In the beginning of the 1980s the European perspective on migration changed as a result of Europeanization and high unemployment, fueling the exclusion of non-European immigrants. Europeanization refers to increasing inter-state cooperation and transnational cooperation between the Member States of the European Community (hereafter EC) at a variety topics. In the light of Europeanization, the Member States started to develop a single European market with free movement of capital, goods, services and people by means of the SEA. The development of one single market with free movement implied the abolition of internal border controls. Therefore, the Member States developed several conventions on free movement and the restriction of it for non-nationals. The most important in the 1980s was the Schengen Agreement.

It is remarkable that the regulation of free movement and immigration is done by means of conventions and not yet included in the Treaty framework. This highlights that the Community was not
ready for supranationalism in this field until the treaties of Maastricht and Amsterdam. Interestingly, although the SEA is the first of the EC treaties that aimed to regulate human movements, it also the first treaty that made reference to the protection of human rights. Apparently, restrictive immigration policy that is characterized by repressive measures goes hand in hand with developments in human rights protection. Some argue that the inclusion of human rights were a milestone for the EU (Peers 2012: 438). However, at this stage, human rights were only a reference in the preamble. Therefore, I would argue that, even though it is worth noting that the EC began to include human rights protection into its treaty framework, this reference in the SEA is close to a purposeless remark.

The Schengen Agreement aimed to establish the internal market and to abolish the internal borders. This idea was mainly fueled by economic pressure to remove obstacles to cross-border trade within the EC. However, by downgrading the internal frontier, the Member States demanded to strengthen external border controls. These external borders turned out not to be as real and hard for all migrants. Especially OECD-nationals were, and still are, conceived as culturally close and similar with the Member States which legitimizes a different attitude towards these migrants.

The internal market without border controls had a side effect that was conceived as negative: free movement was not only exclusively facilitated for Community citizens, but also for irregular migrants. Thus, it was believed that free movement would also facilitate illegal and criminal activities by terrorists, international criminal organizations, asylum seekers and immigrants (Huysmans 2000: 760). To prevent this, also police and customs co-operation were institutionalized by the SEA. This created a security continuum connecting border control, terrorism, international crime and migration (Huysmans 2000: 760). Here we see that migration is explicitly presented as a security threat. Huysmans even takes it a step further by saying: ‘migration has become a meta-issue (...) a phenomenon that can be referred to as the cause of many problems’ (Huysmans 2000: 761). In 1999, the Treaty of Amsterdam incorporated the Schengen acquis into the EU’s legal order.

3.3 1990s - stricter regulation of migration
In the 1990s the Member States took further steps in cooperation and the securitization of migration continued. The Member States sought for more integration and harmonization on matters of common interest, like asylum policy, immigration policy, rules governing the crossing by persons of the external borders of the Member States and the exercise of controls (Geddes 2000: 95-96). Policy on these
matters of common interest was dominated by tighter control and restriction. There are two explanations for these developments.

Firstly, after the end of the Cold War, the Community members expected large-scale east-west migration and wanted tighter control to prevent a ‘migration crisis’ (Geddes 2000: 21-22). It turned out that these expectations were highly overestimated. Secondly, the Member States were afraid of a migration flow as a result of the conflicts in Kosovo and Yugoslavia.

The main documents that were influential for the regulation of migration in the 1990s were the Convention Determining the State Responsible for Examining Applications for Asylum Lodged in one of the Member States of the European Communities, better known as the Dublin Convention, the European Data Archive Convention (EURODAC) and the treaties of Maastricht and Amsterdam.

‘Dublin’ focused on the governing of migration as a political consequence of the internal market. In general, the Convention was very limited, since it did not seek to harmonise the rules examining asylum applications. The idea behind the Convention was mainly to prevent ‘asylum shopping’: the Member State in which the applicant arrived in, is responsible for the asylum application. By doing so, ‘Dublin’ pushes the responsibility for and the problems of asylum to the Member States that are at the external border of the Community or those with large air and seaports.

Furthermore, by allowing migrants only to apply for asylum or refuge in only one Member State, their chances to be accepted are further limited. Unfortunately, the changes to be accepted vary among the Member States. 2009 UNHCR research shows that there were immense differences in the success of getting protection among the Member States. According to the UNHCR report, 67% of the Afghans who sought asylum in Italy in 2008, received protection; 80% seeking protection in Austria received a status and even 95% of the applications in Finland was accepted. However, 0% of the Afghans that applied for asylum in Greece, received protection (Guild 2009: 20). In other words, all asylum applications of Afghani refugees were refused in Greece, while 95% of them might have received protection if they would have had a chance to apply for asylum in Finland.

The EURODAC Regulation holds that each applicant’s fingerprints are taken and collected in a database to determine whether an asylum applicant or a foreign national has a criminal background, or is found ‘illegally’ present within an EU country and has previously claimed asylum in another Member State. EURODAC is supposed to support the application of the Dublin Convention and to accelerate the assessment of asylum applications. Besides, Member States can figure out whether an asylum applicant
entered the Union territory ‘unlawfully’. Here, a critical note has to be placed by the term ‘unlawfully’. It is inherent to irregular migration and asylum that the migrants often arrive by unconventional means, since they only seldomly receive visa to enter the Schengen zone. In line with the Dublin Convention is also the EURODAC Regulation directed to limit the possibilities to apply for asylum in more Member States. All legislation is focused on more restriction and control on migration. Migrants are handled as a numbers game: how can these numbers be handled most effectively? We will see that all future legislation is imbued with this way of thinking.

By means of the Treaty of Maastricht (also known as the Treaty on the European Union [TEU]) in 1992 (entering into force in 1993), cooperation between Member States was intensified and formalized by the intergovernmental pillar on Justice and Home Affairs. This third pillar was intergovernmental and was based on unanimous decision-making, precluding a role for supranational institutions as the Commission, the Parliament and the Court of Justice (Boswell and Geddes 2011: 8).

Furthermore, ‘Maastricht’ took a next step in the protection of human rights. It laid down that matters of common interest had to be dealt with in compliance with the 1950 European Convention on the Protection of Human Rights and Fundamental Freedoms (hereafter ECHR) and the Refugee Convention. This made the ECHR part of the general principles of Community law. However, the Treaty stated clearly that the ECHR was not justifiable before the European Court of Justice (hereafter ECJ) (Geddes 2000: 96). This changes slightly with the Treaty of Amsterdam when the ECJ gets more jurisdiction to interpret the ECHR (Peers 2012: 438).

In the years that followed, dissatisfaction with the intergovernmental approach of the third pillar emerged and migration-related issues moved from the third to the first pillar with the Treaty of Amsterdam in 1997 (entering into force in 1999) (Huysmans 2006: 67). In contrast to the third pillar, the first pillar was defined by supranational relations, which gave the EU more enforcement possibilities in the area of migration and extended jurisdiction to the Commission, the Parliament and the Court (Boswell and Geddes 2011: 9). ‘Amsterdam’ also provided more powers to the Council to adopt measures on ‘the crossing of external borders of the Member States’, and on ‘illegal immigration and illegal residence’ (Cholewinski 2012: 132). To protect the position of asylum seekers, directives were adopted to grant migrants (temporary) protection, though it were only ‘minimum standards’ (Boswell and Geddes 2011: 162-163). Interestingly, there were no thresholds marks the minimum standards.

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6 See especially Title 1 F(3) and Title VI K2(2)
3.4 2000s - enlargement and the financial crisis

The Schengen Agreement abolished internal borders and therefore, the Member States demanded stronger external border protection, as is already described. However, there was doubt among the Member States to what extent the new external border countries would be capable of sufficient border protection after the big enlargement of 2004 (Léonard 2010: 234). This is the first reason why migration became more securitized in the beginning of the 21st century. The Member States decided to extend the responsibilities of the EU in the control of migration by the creation of FRONTEX. Strengthening cooperation in the field of border control was seen as the most effective way to help the new EU Member States to meet the EU border control standards (Léonard 2010: 234).

Secondly, also the events of 9/11 have had their effects on the development of FRONTEX. Fair of terrorism, the linking of terrorism with asylum, the strengthening of the powers of intelligence agencies all contributed to the ‘need’ of an agency as FRONTEX (Léonard 2010: 234, Huysmans 2010: 5).

The third reason for stricter control of migration was the financial crisis. The worldwide crisis of 2008 hit the Eurozone hard. The banks went bankrupt or needed immens government support, many people lost their jobs and could not pay their mortgages anymore, and the economy shrank. This was a period of high unemployment and uncertainty. Due to the fact that governments tend to present most of the migrants as economic migrants, even though they might be refugees or asylum seekers, the EU took a more reluctant approach towards migrants.

FRONTEX aims to shut off of migration routes by joint detection, inception and return operations at and beyond the EU borders (Webber 2014: 4). According to Webber, FRONTEX’ inception operations have resulted in the return of thousands of migrants to the countries they had fled, with no consideration of the human rights of the migrants and the obligations of the EU (Webber 2014: 4). FRONTEX is supported by EUROSUR. It is a ‘multi-purpose system to prevent cross-border crime and irregular immigration and to contribute to protecting migrants’ lives at the external borders’ (Webber 2014: 4). This entails information exchange between FRONTEX, land, air and sea patrols and national coordination centers.

In 2008, the EU adopted common rules to govern the return of irregular migrants by means of the so called Return Directive. Article 1 states:

This Directive sets out common standards and procedures to be applied in Member States for returning illegally staying third-country nationals, in accordance with

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7 For an analysis of the relation between 9/11 and the develop of FRONTEX, see Léonard 2009.
fundamental rights as general principles of Community law as well as international law, including refugee protection and human rights obligations (Directive EC 2008/115, art. 1).

This may sound very promising to respect the human rights of all migrants, however, this is a façade. Chapter IV (article 16-19) sets out provisions for detention of third-country nationals. By means of the Return Directive, detention of irregular migrants is institutionalized. Even though detention is presented as an instrument of last resort, research shows that this means is frequently applied and viewed as a legitimate tool for the management of migration.\(^8\) By promoting detention up to 18 months of irregular migrants, and the funding of detention centers, the criminalization of migration is further extended. On top of that, research by Human Rights Watch (hereafter HRW) and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, describe the poor detention conditions that amount for inhuman and degrading treatment (Martin 2013: 83). The European Court of Human Rights described detention centers in Greece as overcrowding, dirt, lack of ventilation, little or no possibility of taking a walk, (...) insufficient mattresses, no free access to toilets, inadequate sanitary facilities, no privacy, limited access to care (Martin 2013: 83).

On top of that, the Special Rapporteur to the UN, Crépeau cites that detention is encouraged by the EU within its territory and in EU-border countries in order to prevent migrants to enter the EU. Detention is seen as a migration management tool to discourage migrants to come to Europe. Furthermore, migrants in detention often lack access to a lawyer, translation services to support them and lack access to sufficient medical care (OHCHR 2012b: 8). It does not need any further elaboration that the encouragement of detention is a sincere violation of the fundamental rights of every human being. I will pay more attention to the aspects of human rights and the rights of migrants and refugees in the second chapter.

### 3.5 2010s - the afterpain of the crisis and the Arab Spring

Although the financial crisis hit the world in the first decade of the 21st century, Europe still feels the consequences in the second decade. There is high unemployment, and the economies of the Member States show only little signs of growth. This is the first reason why policy on migration is not liberalized as yet. Another reason that the control of migration is still strict, is the Arab Spring. As a consequence of the Arab Spring, many people had to flee their countries. Many of them try to find a safe haven in Europe, resulting in an immense migration flow towards the EU.

New policies on migration were developed by means of the Treaty of Lisbon in 2007 (entering into force in 2009 and also known as the Treaty on the Functioning of the European Union [TFEU]) and the CEAS in 2014. Lisbon is seen as a milestone for the EU: the full incorporation of migration issues into the Treaty framework and the end of the pillar structure. Internal border controls are fully absent and the Member States reaffirmed their aim to develop a common policy on asylum, immigration and external border control, based on the principles of solidarity and fair sharing of responsibility. With ‘Lisbon’ the EU plays a key role in setting the agenda on migration and asylum, however, it did not encompass a comprehensive common asylum policy on asylum or irregular migration as yet.

The CEAS was established in June 2014 by the European Parliament (hereafter EP) after years of debates. The idea behind the CEAS is a better access to the asylum procedure for those who seek protection and the aim for fairer, quicker and better quality of asylum decisions (European Commission 2014: 1). It should be mentioned that the directives and regulations of the CEAS were often already part of earlier legislation. This gives the idea that the presentation of the CEAS in June 2014 is more or less used to create the image that the EU is taking action in the field of migration after the harsh criticism towards EU actions in the Mediterranean.

The CEAS consists of five essential directives and regulations and the practical implementation of these regulations and directives is mainly in hands of FRONTEX and EUROSUR. First of all, the Asylum Procedures Directive, which entails that the process for applying for asylum is now similar throughout the EU. This is an improvement for the position of the migrants and gives refugees more equal rights regardless of where they arrive in Europe.

The second regulation that is part of the CEAS is the already discussed Dublin Regulation, which contains that migrants can only apply for asylum in one Member State. The Reception Conditions Directive\(^9\), the third Directive of the CEAS, is said to guarantee material reception conditions, such as housing and food. However, a closer look at this directive makes me question the real intentions of the directive. For example, article 8 allows detention of asylum seekers during the examination of their

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application (Crépeau 2013a: 41). Article 8(2) argues that detention is allowed when less coercive measures cannot be applied effectively. This further confirms the semi-criminal oriented approach of the EU.

Fourthly, the previously discussed EURODAC Regulation that facilitates the collection of fingerprints of migrants in order to support ‘Dublin’. Finally, the Qualification Directive gives a person certain rights such as access to a residence permit, the labor market and healthcare when the refugee or subsidiary protection status is granted (European Commission 2014: 2). However, it remains questionable to what extend migrants can actually utilize this right.

3.6 Conclusion
The first two chapters presented the theoretical framework that served as a basis for this chapter - to analyse securitization of migration in the EU since the SEA in 1986. What we have seen is that migration became a securitized issue throughout the years. The conclusion that follows from the policy overview is that the attitude towards migrants has changed significantly. While the European governments saw migrants as a valuable economic workforce that essential for economic growth in the first decades after World War II, they try to hinder and prevent migration by any instrument these days. This mainly concerns the world’s poor, since higher educated migrants are still seen as an asset for economic growth. This represents implicitly a hierarchy, a categorization of migrants which undermines human rights as equal rights for everyone.

The attitude towards irregular migration by the EU Member States is imbued with securitization and criminalization of irregular migration and asylum. We can see that since the SEA, policies became more restrictive and control-oriented, with the Return Directive and the Reception Conditions Directive that both legitimize detention as the most important examples. Detention is the ultimate instrument, an extraordinary measure that is legitimized in order to ‘secure’ European society against the ‘threat’ of migration. Foreigners, asylum seekers and refugees are increasingly presented as the other, the enemy, the existential threat to the stability of the European, political community. Sometimes we can signal a more rights-based approach, for example by the inclusion of the ECHR and the Refugee Convention, but this does not find its way into the EU measures that have been adopted.

Furthermore, it is doubtful whether or not the main institutions that are carrying out the EU’s policy, as FRONTEX and EUROSUR, mainly focus on saving lives or more on preventing migrants from arriving at the European continent. Also, it is not convincingly proved that more border control is really effective in the fight against migration flows for two reasons. Firstly, overstay of visa is considered a
more common instrument to become a migrant in an irregular situation. Secondly, it is more likely that
the migrants will find other, even more dangerous ways to enter the EU when we take the current
hotbeds around Europe into consideration.10

This chapter also presents the support for the differences between the philosophical and sociological
strands of securitization. Chapter two focused on the role of the audience, the relation between agency
and context and the force of practices.

Firstly, we see that the audience, the European citizens, feel a strong causal connection with the
issue. They expect that an increase of migrants will put a burden on their social welfare system, might
create more criminality and bring along more societal problems. By means of their national
governments, the audience has the ability to influence the securitizing actor, the EU. Thus, there is an
empowering audience in this case. Furthermore, we see that the EU, both as an agency in itself as by the
national governments, tries to identify with the feelings of the audience and adopts more restrictive
measures.

Besides, there is a strong relation between the agency and context. The thread is not only
created by language and the use of speech acts. Also the context, the external reality has an influence.
In this case, important factors that influence securitization are

Lastly, we see that the security practices are supported by policy tools that focus on surveillance
and control. Thus, there is more than only language into play. The policy tools and practices further
develop the securitization of migration.

10 See appendix A ‘How they get there’ for an overview of the routes the migrants follow.
4. An analysis of FRONTEX

The previous chapter showed that migration has become a securitized issue in the EU since the start of the single market with the Single European Act in 1986. It also became apparent that the EU tends to present itself as the prime defender of human rights. This does not mean that the EU is not securitizing migration - the implications of EU policy show that migration is a highly securitized topic today. This policy is mainly carried out by FRONTEX and therefore, FRONTEX is seen as the main responsible actor by the media when it comes to the lives that are lost at the Mediterranean Sea. However, FRONTEX is not a securitizing actor in the first place, as the Agency is established as a result of the securitization of migration (Léonard 2010: 232). This chapter will zoom into FRONTEX: how is FRONTEX contributing to the securitization of migration? An analysis of FRONTEX’ legal reasoning, tasks and practices constitutes the next step in understanding how desecuritization of migration at the EU level is avoided.

This chapter is structured as follows. It starts with an overview of the legal reasoning of FRONTEX based on an analysis of the Resolution that forms FRONTEX’s foundation: Council Regulation (EC) No. 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) and its two amendments: Regulation (EC) No. 863/2007 and Regulation (EC) No. 168/2011. Then, the chapter presents the main tasks of the Agency which are illustrated by daily practice. The chapter ends with a conclusion of how FRONTEX is contributing to the securitization of migration.

4.1 Legal reasoning

The first Regulation (EC 2007/2004) stresses that ‘Effective control and surveillance of external borders is a matter of the utmost importance to Member States (…)’ (article 5). However, there is no explanation why border security is of high importance to the Member States, nor does it mention any threats or forms of (in)security would justify the high prioritization of border protection. Secondly, the Regulation expresses multiple times that illegal third country nationals have to be returned, but does not present a definition when a third country national is regarded as illegal, nor to where the person should be returned to. To the home country? Or the country that is passed to enter the EU? Furthermore, first Regulation pays attention to the fundamental human rights of migrants, even though not to the extend as these are addressed in the later amendments.
For example, in the latest Regulation, more attention is paid to the importance of border protection than the previous Regulations by stating: ‘to combat illegal (sec) immigration and trafficking in human beings and to reduce the threats to the internal security, public policy, public health and international relations of the Member States’ (article 4). It is clear that the EU takes a harder stance: where it remains vague at many points in the founding Regulation, it explicitly addresses illegal migration in the latest Regulation. This is a clear sign of how the topic of migration has changed in the course of a few years: the EU cannot permit itself to be vague anymore: it has to be explicit about its position.

In this light, it is also interesting that the EU pays more attention fundamental rights in Regulation 1168/2011. Article 29 addresses fundamental rights, the Charter of Fundamental Rights, the right to human dignity, the prohibition of torture and of inhuman or degrading treatment or punishment, the right to liberty and security, the right to protection of personal data, the right to asylum, the principle of non- refoulement, the principle of non-discrimination, the rights of the child, and the right to an effective remedy. Apart from this, attention is paid to applicable European and international law as the Refugee Convention and the Charter of Fundamental Rights. Furthermore, while the founding Regulation makes no statement about non-refoulement whatsoever, the topic of non-refoulement became prominent in Regulation 1168/2011. The final remarkable change is the development of the Fundamental Rights Strategy. Article 26(1)2:

A Consultative Forum shall be established by the Agency to assist the Executive Director and the Management Board in fundamental rights matters. The Agency shall invite the European Asylum Support Office, the Fundamental Rights Agency, the United Nations High Commissioner for Refugees and other relevant organizations to participate in the Consultative Forum.

By means of a Fundamental Rights Strategy and incorporating non-refoulement, an optimistic image of FRONTEX is created: FRONTEX works together with human rights agencies, can be brought to court, and acknowledges European and international human rights treaties. Only the usage of the term ‘illegal migrant’ shows a sign of a securitizing move, a speech act. Based on the legal reasoning that is derived from the Regulations that form the basis of FRONTEX, it is hard to argue that FRONTEX is a securitizing actor in itself - FRONTEX seems to be the defender of the human rights of migrants.
4.2 Tasks and practice

The founding Regulation and its 2011 supplement define FRONTEX’s seven main tasks. Firstly, to coordinate operational cooperation between Member States in the field of management of external borders. This is better known as the coordination of Joint Operations - operations that are conducted by staff and equipment of Member States, but planned, coordinated, implemented and evaluated by FRONTEX. These operations can take place at sea, land and in the air. This is the task that receives the most media attention and on which the Agency spends most of its money. Secondly, FRONTEX carries out risk analyzes. This means that FRONTEX actively collects and analyzes intelligence on the ongoing situation at the external borders of the Union. The Agency receives data from several sources as border crossing points, data collected by the Member States, and open sources such as mass media. Operation Hermes, which took place from February 2011 until the end of March 2012, is a good example of a joint operation in combination with risk analysis.

In this operation, Italy played the leading role, but was assisted by experts and material from twelve other Member States (FRONTEX, 22 February 2011). The main objectives of the operation were (1) assistance in strengthening the surveillance of the EU’s external borders between Italy and Africa and (2) a risk analysis on the possible future scenarios of the increased migratory pressure in the region in the light of recent political developments in North Africa (FRONTEX, 19 February 2011). FRONTEX formulated the role of the involved experts as follows:

Their task will be to gather information necessary needed for analysis, to make assumptions concerning migrants’ nationalities, and to enable early detection and prevention of possible criminal activities at the EU external borders (FRONTEX, 19 February 2011).

Furthermore, the experts were to provide assistance on organizing return operations to the countries of origin (FRONTEX, 19 February 2011). Also Europol was involved in the operation, to assist the Member States to fight organized crime (FRONTEX, 19 February 2011).

Here, we see a clear example of a security discourse which starts from the assumption that the migrants are more often criminals than asylum seekers or refugees as the experts have to gain information about the migrants to prevent possible criminal activities instead of gain information about their reasons for the life-threatening journey. Besides, Operation Hermes shows clear signs of a securitized practice. The operations are carried out in a highly militarized way. All migrants that are
intercepted on their way to Europe are treated as if they are illegal migrants. None of the documents regarding the Hermes Operation mentions the rights of asylum seekers and refugees, neither are there provisions made to investigate if the boats also carry asylum seekers or refugees (Léonard 2010: 240-241). Instead, Europol is involved to fight international crime.

The third task of the Agency is to assist Member States on training of national border guards, including the establishment of common training standards. Fourthly, FRONTEX says to serve as a platform to follow up on the development of research relevant in the industry for the control and surveillance of external borders. Fifthly, FRONTEX assists Member States in case of a crisis situation - when Member States require increased technical and operational assistance at external borders. Sixthly, the Agency assists Member States with joint return operations. This means that those whose asylum application have been rejected and those who are otherwise found in an illegal situation in the Member States, are send back to their country of origin. The Member States organize, by means of FRONTEX, joint return flights. The assistance of FRONTEX is focused on maximizing efficiency and cost effectiveness. Lastly, FRONTEX develops information systems to share information regarding border control and protection with relevant border control authorities and Member States. Thus, the tasks of FRONTEX seem mainly focused on facilitating, assisting, coordinating Member States, and carrying out research. However, we can already see a clear discrepancy between the legal reasoning and the actual tasks and practice of FRONTEX. While the legal reasoning focuses on human rights and migration as a humanitarian crisis, the practical approach by FRONTEX is defensive and highly militarized.

4.3 Conclusion

The focus in this chapter was on the EU’s primary agency for border protection, FRONTEX, in order to analyze to the role of the Agency in the securitizing process. A few interesting points about FRONTEX became apparent in the light of securitization theory.

The Regulations that form the legal basis of the Agency present a picture of an organization that embraces and defends human rights: migration is portrayed as a humanitarian issue. However, this is not in line with the Agency’s tasks and daily practices, as we have seen in the previous section. The tasks are defensive and have only one main goal: to prevent ‘illegal’ migrants to arrive at European territory. Moreover, the legality of the practices of the Agency has been called into question many times (see for example Guild and Bigo 2010, Papastavridis 2010, Hertog 2014). Thus, there is a discrepancy between the legal reasoning of the Agency and its actual practice.
What does this say about FRONTEX as a securitizing actor? In its task-description, FRONTEX seems to be more of a facilitator than an initiator in the field of border protection. As Léonard spells out, FRONTEX argues that its role is limited to that of coordinator of the actions of the Member States. In other words: the primary responsibility is in the hands of the Member States (Léonard 2010: 239). However, I would argue that this argument is highly disputable. By planning and facilitating border protection, the Agency also carries a certain degree of responsibility for the events that fall under its coordination. As a result, FRONTEX did emerge as a result of the securitization of migration, but became a securitizing actor in itself throughout the years as it gained more responsibilities.
5. The counterpart of securitization: desecuritization

Chapter one elaborated on securitization theory. In this chapter, it is explained that securitization moves issues beyond normal politics. However, securitization should often not be the favored reasoning for solving problems for several reasons. First, it is a narrow view on solving issues, at it excludes both the public sphere and political participation are excluded. Second, the security approach has a rather short-term horizon, whereas the securitized problems require a longer-time horizon in order to come to solutions (Huysmans 2006: 126). Third, security-reasoning encourages an ‘us-versus-them’ way of thinking, which does not correspond with reality (Huysmans 2006: 126).

Also Buzan et al, the founders of the Copenhagen School acknowledge that it is better to aim for desecuritization, for it is more constructive in solving societal problems (Buzan et al 1998: 29). We have seen that no issue is a threat in itself, but that it is, among other factors, the result of discursive politics. Therefore, one has the opportunity to choose between securitization and desecuritization. This makes it a political choice. Interestingly though, Buzan et al only shortly touch upon the notion of desecuritization and refrain from any further elaboration on this concept. It remains unclear to me why they acknowledge the concept of desecuritization as the better solution, but refrain from further development of the notion. The concept is mainly developed by Wæver in his article ‘Securitization and Desecuritization’ and his book ‘Identity, migration and the new security agenda in Europe’. As Wæver mainly theorizes about the concept of desecuritization, Huysmans and Hansen try to further develop the concept by developing strategies and methods that can be applied to desecuritize.

5.1 Desecuritization theory

In short, desecuritization is a way of re-framing an issue in other terms than security, which can provide a more effective way of dealing with policy questions. It is the ‘unmaking of security’. It is an instrument to shift issues from the emergency mode back to the normal bargaining process of the political sphere (Buzan et al 1998: 4). By means of desecuritization, issues are re-politicized and brought back to the ‘normal political sphere’. As a result, a genuine public sphere is recreated that is characterized by political participation and communicative action (Hansen 2012: 531). Here, Hansen favors an Arendtian interpretation of normal politics and desecuritization that is in sharp contrast with securitization. Securitization closes down the political domain and prevents any form political participation. According to Arendt, the public sphere is where issues should be debated and solutions be found (Arendt 1959:
It is the preferred option to come to long-term solutions. This is perfectly illustrated by the case of migration. The whole European migration debate is dominated by a security discourse. It is about closing borders, border protection and detention of migrants. However, that will not prevent migrants who fled conflict areas from coming. The next question then is: how should desecuritization be achieved?

In contrast to securitization, desecuritization is not established by means of a speech and therefore, there is not something as a desecurity speech act. As Lene Hansen explains:

> One cannot desecuritize through speech acts such as, ‘I hereby declare this issue to no longer be a threat’, as this would be invoking the language logic of security. Desecuritization happens as a result of speech acts, but there is not, strictly speaking, ‘a’ desecuritization. (Hansen 2012: 530)

With this fact in mind, it might seem that securitization is stronger and superior to desecuritization, for that we have ‘securitization theory’, and no such thing as ‘desecuritization theory’. Though it is true that desecuritization is derived from securitization, and it is not as strongly grounded in popular language as securitization, this does not make desecuritization theory inferior (Hansen 2012: 530). Securitization and desecuritization should be seen as a tandem, for without desecuritization there would be no normal politics and only hyper-politicization (Hansen 2012: 531).\(^\text{11}\) Besides, desecuritization is more often implicitly done, for example by means of peace studies to counter the security approach.

As there is not something like a desecurity speech act, we have to look for other methods. Methods or strategies for desecuritization are presented by different scholars and I want to highlight the strategies of both Huysmans (1995) and Hansen (2012). I will outline and analyze each of their strategies and link them to the case of migration.

### 5.2 Three strategies by Huysmans

Huysmans offers three strategies for desecuritization: objectivist, constructivist and deconstructivist. The objectivists understand security as ‘something with an objective content which can be identified by carefully looking at it’ (Huysmans 1995: 65). In the context of migration, the migrant is not objective

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\(^\text{11}\) See Hansen (2012) ‘Reconstructing desecuritization: the normative-political in the Copenhagen School and directions for how to apply it’ for more on the different explanations on the relationship between securitization and desecuritization.
content, but subjective. According to the objectivists perspective, the problem of migration only exists in people’s heads. Therefore, the objectivists aim to convince people that the migrant is not a threat nor a security problem. According to Huysmans, this is done with help of statistics and argumentation to show that the migrant is not a threat to the nation’s welfare or employment options (Huysmans 1995: 65-66).

The constructivist strategy is Huysmans’ second strategy for desecuritization. Constructivists interpret security as a social construct that is produced by social practices in a particular spatial and temporal context (Huysmans 1995: 66). This means that security is not something static, but entirely embedded in social practice. To desecuritize, the constructivist aims to understand the securitization process: how is the social construction of ‘security society’ created? This means that the constructivist is searching for causal relations that stimulate the process of securitization whereafter he tries to reformulate them.

The last strategy presented by Huysmans is the deconstructivist strategy. The main assumption of the deconstructivist is that he is not looking upon the world from the outside, but that he is fully part of it (Huysmans 1995: 67). Huysmans describes the deconstructivist as a story-teller:

He/she is a story-teller who supposes that, by telling a story in a particular way, he/she contributes to the production and reproduction of the social world; telling a story is considered as an action inside the world which helps to structure it. This strategy builds on the principle that to tell a story is to handle the world (Huysmans 1995: 67).

To desecuritize migration from this perspective is to reformulate the social construction of the migrant by a fragmentation of its identity (Huysmans 1995: 67). It will try to show that the migrant is not a cultural alien, but that he is constructed out a variety of identities: women, black, worker, mother, etc. One is more than a migrant. By means of identity fragmentation, the original distinctions that define the different identities of the self and other are criticized and dissolved. The world is constructed as an interrelated world of differences (Huysmans 1995: 68). As a result, the migrant will not be seen as an alien anymore, but will become someone to identify and to relate with. Huysmans perceives this last strategy as the most promising.

I believe these methods are be more promising when they are combined. Firstly, by means of statistics, the current situation in the Mediterranean can be placed in a context to show that the problem is often exaggerated. By identity fragmentation, European citizens would be better able to
identify with migrants. Lastly, we have to understand the securitization process, the social construction of the migrant as a threat, which is dependent of the context (time and place).

5.3 Four methods by Hansen

Huysmans is not the only scholar who developed methods or strategies for desecuritization. Also Hansen had done extensive work on the development of the concept and its strategies. She presents four different methods in her article ‘Reconstructing desecuritization’ (2012). The first method presented by Hansen is change through stabilization. This form of desecuritization implies a slow move out of a security discourse which creates possibilities for a less militaristic, less violent and a more political form of engagement. As an example Hansen, based on Wæver, uses the example of détente after the Cold War. Détente is the easing of relation and opens up the space for politics. This means that stabilization of a security situation will give parties the possibility to negotiate and bring politics back in. I cannot see how this approach is applicable to the case of securitization of migration. This issue would be more relevant in case of an armed threat or an arms race. The ‘threat of migration’, is a socially constructed threat. Thus, stabilization does not seem relevant.

Hansen’s second approach is that of replacement which entails removing one issue from the security agenda by replacing it with another problem (Hansen 2012: 541). The idea behind replacement is that political communities need the friend-enemy distinction or us-versus-them reasoning to exist. As Hansen quotes Dillon: ‘states constantly produce and reproduce their national identities through discourses of in/security’ (Hansen 2012: 541). Although this might seem as a solution to desecuritize migration, I would not recognize this as a serious solution as it creates new security problems. Replacement is only a short-term solution and will result in new security problems. Furthermore, in relation to the case of migration, I wonder how the issue of migration can be replaced by another issue. Even though there are other problems in the EU, as for example Brexit or Grexit, attention for the problems in the Mediterranean remains.

The third form of desecuritization is silencing, that is when an issue disappears or fails to register in security discourse (Hansen 2012: 544). The question is, however, whether or not silencing will bring an issue from the emergency mode into the normal bargaining process of the political sphere. Silencing rather seems to bring issues in the non-politicized sphere of the political spectrum, thus, being a form of depoliticization instead of desecuritization. However, when an issue as migration is already highly

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12 Silencing is presented as the fourth form of desecuritization by Hansen. However, I have changed the order for the logic of this paper and my argumentation.
securitized, silencing or ignoring is not an effective strategy anymore. At most, silencing is an effective strategy in a beginning stadium when a securitizing actor is making securitizing moves by speech acts. Furthermore, the problems in Italy and the other border countries of the EU are too urgent to be ignored and the Member States need assistance to cope with them.

The fourth and final method for desecuritization is rearticulation. An issue will be desecuritized by offering a political solution to the threats, dangers and grievances in question (Hansen 2012: 542). Insofar, rearticulation seems to be the most reasonable approach to achieve desecuritization presented by Hansen: by offering a concrete solution to the problem, the security issue is solved. Hansen, however, fails to provide an example of how this rearticulation is done. In the case of migration, it is difficult to formulate a political solution that will satisfy all Member States.

5.4 Conclusion

It is clear that desecuritization is a more promising approach to deal with issues in society than securitization. Unfortunately, once an issue is securitized, it is very difficult to change the approach towards the issue. The solutions of both Huysmans and Hansen do not seem to be the final solution to change the current situation. What factors play a role in the process of securitization of migration, to avoid desecuritization?
6. How is desecuritization avoided?

The final question then remains: why is desecuritization avoided? Even though there are reasonable counter discourses, the discourse on migration remains securitized. Even though reality shows that the tragedy at the Mediterranean Sea is not solved by closing Europe’s doors, the approach towards migration is not changing. Migrants are continuously presented as a threat to safety, stability and welfare in the EU. I would argue that the following factors are preventing the EU to change its approach.

Firstly, securitization is depending on context (time and place). In the 1970s and 1980s, when migration started to become a politicized issue as a result of the economic reality of those years. Due to economic decline, less employment and insecurity among citizens, migrants were perceived as intruders, as a threat. They could ‘steal’ the jobs of the European and take advantage of the social welfare system. To gain support of their electorate, politicians started to develop more restrictive policies regarding migrants, as they understood that this would be policy that their audience would be able to identify with. This development is repeating itself again. In many Member States, unemployment is high while the governments cut their budget and strip their social welfare systems. Politicians would lose their votes when they would be positive towards the opening of borders or a migration quota that would mean that the country would have to accept more migrants.

Secondly, we have seen in the introduction that the collection of accurate data on migration is difficult. Therefore, it is difficult to create an accurate picture of the amount of migrants that want to come to Europe, or who are already in the EU. Irregular migration is a non-registered phenomenon and far from all migrants register themselves. Next to that, the methods of data collection are not transparent and there are differences in the methodologies between countries. Furthermore, migrants might overstay their visa and befal into irregularity.

Thirdly, as explained by Bigo, securitization is an instrument of politicians. Politicians are in need of problems to manage and justify their own authority. To justify that their management of problems is essential (Bigo 2002: 68-98). For politicians, migration is a popular topic, because many people can associate with it. When many migrants want to settle in a particular country, all taxpayers have the feeling that they are responsible, that they have to pay the burden.

Fourthly, the problems regarding migration have to be solved at a European level. As there are not internal borders, migration does not only concern the border countries, but is a matter for every
Member State. However, there is no political solution that seems satisfying for all Member States. Without a concrete solution, desecuritization will not be achieved.
Conclusion

In this thesis, I have been trying to answer the question: how is desecuritization of migration avoided? We cannot neglect that the EU and its Member States are facing immense problems with migration. Migrants, both economic and political, documented and undocumented, refugees and asylum seekers are trying to find their way into Europe. This creates serious problems at the EU borders, where the Member States are trying to build walls and stricter migration policies to prevent migrants to enter the continent. Daily, we can read about the humanitarian disasters at the Mediterranean Sea that follow from the EU’s policy: boats capsize, hundreds of people drown when the rescue teams are too late, families are torn apart. When the migrants manage to set foot on EU soil, the problems are not over. They live in poor conditions, are not allowed to move to another country and are regarded as illegal.

The Member States are cooperating in the field of migration, but only when it comes to more surveillance, control and the closing of the EU’s borders. The Member States are unwilling to cooperate and share responsibility on this matter. They continue to present migrants as a threat to the EU, to its welfare and stability. However, policies that follow from this approach are not providing solutions for the everyday tragedies. Even though the EU and its citizens are confronted with horrible news on the tragedies in the Mediterranean Sea, the attitude and policies regarding migration are not becoming less restrictive. Why does the attitude towards this issue not change?

To answer this question, several steps had to be taken. The first chapter of this work elaborates on securitization theory, as we first have to understand how the process of securitization works. Buzan et al argue that securitization is based on speech acts and discourse - it is the power of language that can create a security issue. However, the audience has to accept the securitizing move, before an issue can be securitized. By means of securitization, the actor justifies extraordinary measures to fight the threat. Buzan et al argue that there is not objective reality, but that issues are created by means of discourse. This view is criticized by Balzacq and Bigo in chapter two. According to them, the theory of Buzan et al is too narrow. They neglect the influence of context, the role of the audience, the relationship between the audience and the securitizing actor, and the influence of practices and actions.

Then, we have to understand how the issue of migration became securitized in the EU. Chapter three elaborates on several treaties, regulations and conventions and places these in their historical context to show the process of securitization. We see that migrants are welcome in Europe in the 1950s
and 1960s when the continent is recovering of the World Wars. Migrants are seen as extra workforce to stimulate economic growth. However, the attitude towards migrants changes in the 1970s and 1980s. The European governments initiate the first restrictive policies towards migration and from then onward migration policies become more and more control oriented.

Chapter four elaborates on the role of FRONTEX in the securitizing process, as FRONTEX is the EU’s main agency when it comes to the coordination of border protection. By means of a comparison of FRONTEX’s founding resolutions and its policy documents, it becomes evident that FRONTEX’s discourse and practice are far apart. While FRONTEX presents itself as a defender of human rights, its practice shows a different picture. The actions of FRONTEX are examples of how the issue of migration is securitized to the extreme.

Next, attention is paid to strategies of desecuritization to find an answer to the question how migration could be desecuritized and taken out of the emergency mode. These methods are developed by Huysmans and Hansen. Unfortunately, it becomes clear that the strategies for desecuritization are not straight-forward and that their means are limited. The most promising method is presented by Hansen - to come with a political solution for the problem. Current practice shows that it is almost impossible to find a solution that would be satisfying for all Member States.

In the sixth and final chapter, an answer is sought to the main question: how is desecuritization avoided? As we see, there are many reasons to explain the failure of desecuritization. The current situation in Europe (high unemployment and little economic growth), short-term and self-centered objectives of politicians, lack of accurate data, the absence of a solution that is satisfying for all Member States and the failure of cooperation at an EU level. In this light, the case of migration and the failure of the Member States to unite, shows the limits of the European Union. The 28 Member States mainly follow their own objectives and refuse to cooperate to share the burden. Even worse: it divides the Member States.

Instead, the Member States should admit that the migration problem is a European problem. They should aim to cooperate to create a real common asylum system that is more efficient that the current CEAS. This would include to bring an end to the Dublin convention, that places the responsibility of the migration problem on the countries where the migrants first arrive, mainly Greece and Italy. Furthermore, the EU should create save routes for migrants in order to end the tragedies at the Mediterranean Sea and human trafficking. Also, the term ‘illegal’ has to be abolished in the entire language of migration and at all levels, since no human being is illegal. This terminology is counterproductive and leads to unjust criminalization of migrants. Besides, Member States have to bring
their policies on migration management and national security in line with human rights. Today, they perceive human rights and migration policy as two distinct subjects, ignoring the human rights of migrants. By doing so, the Member States will finally give full effect to their international obligation to provide asylum for those who need protection, regardless race, sex, religion, nationality, status or mode of entry. Lastly, the extensive resources that are invested in border control and surveillance agencies and policies as Frontex, Eurosur and Eurodac should be reallocated (Marin 2014: 98-99). Since most migrants become irregular by overstay of visa, border protection is an ineffective instrument to cope with migration. Instead, these resources have to be invested in more efficient asylum procedures, save routes for migrants, better reception conditions and support the Member States that bear the highest burden.

**Final note**

Now I have almost finished my thesis, I realize I find it difficult to accept its conclusion. Is this it? Is desecuritization avoided because of the short-term ideals of politicians and the self-centered Member States? Is a solution to the problem out of reach because of the unwillingness to accept irregular migration as a humanitarian problem? A problem that demands responsibility from the Member States, the countries through which migrants are traveling, and the countries from which they depart? The EU has to take action before it divides the Member States even further. As I am an idealist, I truly believe that the issues with irregular migration are solvable. The question is: how many more lives will it take before the EU will change its attitude?
Bibliography


EU regulation


Appendix A - How they get there

Source: The Economist, 19 May 2015