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# THE EUROPEAN UNION AND THE EASTERN PARTNERSHIP: SECURITY CHALLENGES



The European Union and the Eastern Partnership: Security Challenges

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Chişinău-Cernăuți-Tbilisi: ECSA Moldova

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The European Union and the Eastern Partnership: Security Challenges

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# RETHINKING THE TWIN MIGRATION AND REFUGEE CRISES IN EUROPE THROUGH THE LENS OF SAFETY AND SECURITY

Marta PACHOCKA Anna VISVIZI

Abstract. This paper gueries the EU's response to the 2015-2016 waves of large-scale migration through the lens of safety and security. By applying this conceptual framework, it is argued that the concepts of safety and security in the EU-level discourse on migration have been largely conflated, thus fuelling a biased debate on migration in which the latter was treated as synonymous with terrorism and, overall, as a threat to security. It is also argued that across the EU the debate on migration has largely ignored the distinction between primary and secondary implications of migration. As a result, an overall confusion as to what the ramifications of migration really are prevails across the EU. This translated into ad hoc and frequently inadequate responses to migration that individual EU Member States garnered in initial stages of the migration and refugee crises. The European Agenda on Security and the EU Global Strategy highlighted the intrinsic correlation that exists between domestic and external sources of threat the European Agenda on Migration reiterated this point. This very welcome tone and focus of discussion notwithstanding, the concept of safety is absent from the debate, thus implying that the nuanced differences between safety and security have not been factored in the discussion. This has some very serious implications for the set of tools that can be used to address the plethora of migration-inflicted concerns, risks, and challenges, including the possibility of drawing from diverse policy domains and policy fields in which the EU Member States collaborate.

**Keywords:** migration crisis, refugee crisis, EU, Europe, Eastern Partnership, safety, security, European Agenda on Migration, European Agenda on Security, European Union Global Strategy, safety, security.

### Introduction

he twin migration and refugee crises that peaked in 2015-2016 revealed several shortcomings regarding the capacity of the European Union (EU) and its Member States to respond to the crises and their implications promptly and effectively. Simultaneously, the way the crises were handled demonstrated far-reaching fragmentation of attitudes among the EU Member States toward the phenomenon of migration and ways of responding to it. The relative delay in garnering a joint response to the twin crises and their implications, created a political vacuum, which translated into societies' confusion. The latter was subsequently employed by several political leaders across the EU to use migration as a resource of political competition. Following the wave of terrorist attacks in France and Belgium in 2015-2016, new dynamics was induced in popular discourses on migration, on the one hand, essentially rendering it synonymous with terrorism and, on the other hand, igniting a series of largely uncoordinated responses by the EU Member States to the perceived security challenge of migration. Even if concurrently, at the EU level these attempts were made to devise a coherent

response/framework to address the twin migration and refugee crises, it has taken some time before concrete policy measures were designed, implemented and their first results attained.

Clearly, the twin migration and refugee crises raised concerns related to questions of security and, in a much less pronounced manner, of safety. The two crises coincided as well with the revival of the debate on security in the EU. The consolidation of the shape, mission and structure of the European External Action Service (EEAS) was the key factor that allowed Frederica Mogherini, the High Representative of the Union for Foreign Affairs and Security Policy and the Vice-President of the European Commission, to launch and streamline the debate. The conflicts in the EU's southern and eastern neighbourhoods and the resultant waves of migration underlined the relevance of that effort. The prospect and the fear of the ramifications of presidential elections in the United States, followed by the inauguration of Donald Trump as the US President, added a sense of new urgency in the EU-level debate on the question of security and the EU's role in the regional and global environment in which it operates. In short, security has come to be seen by the key EU-level actors, including the EU institutions, and the EU Member States as a function of two processes: the EU's ability to deal with the evolving security contexts beyond its borders and of the EU Member States membership in the North Atlantic Treaty Organization (NATO). Both questions required a definition and delineation of the conception of the EU's external context and of the EU's role in it. The Brexit negotiations and the prospect of the United Kingdom (UK) leaving the EU induced new dynamics in the debate on the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP), eventually paving the way toward the re-awakening of the Permanent Structured Cooperation (PESCO), the creation of the European Defence Agency (EDA) and the European Defence Fund (EDF). Interestingly, even if popular discourse on migration would make frequent references to migration as a source of risks and threats to security, the EU-level debate on security would remain largely immune to questions of migration.

Considering that migration has been associated with threats and challenges to security, the question is how to conceive of security in the context of the twin migration and refugee crises? How developments in the fields of CFSP and CSDP translate into the EU's capacity to deal with migration effectively? What factors act as enablers/inhibitors of the dialogue between the EU's security and migration agendas respectively? The objective of this paper is to address these issues. To this end, in the first section, an overview of the nature and scale of the twin migration and refugee crises that Europe was exposed to especially in 2015-2016 is discussed. In what follows, the implications of twin crises are examined through the conceptual framework of safety governance. In the third section, the EU-level response to the crises rooted in the European Agenda on Migration is outlined. In the next step, the EU-level debate on security is queried and major developments, such as the European Agenda on Security, and the European Union Global Strategy (EUGS), are discussed. Conclusions follow.

# 1. Overview of the nature and scale of the twin migration and refugee crises in Europe

The development of European integration and the functioning of the EU have always meant the need to face various internal and external problems and challenges of varying intensity, scope and importance at different times. The first decade of the 2000s brought the financial and economic crises in Europe, including the eurozone crisis and the Greek fiscal crisis. In the meantime, there were events that heralded another 'stress test' for the EU, its institutions, policies and foundations. The Arab spring at the turn of 2010 and 2011 followed by an increasing political instability in the North Africa and in the Middle East and a civil war in Syria are often seen as the main causes and determinants of the so-called migration crisis. However, the picture is much more complex as migrations and related issues are not one-dimensional. Instead of one crisis, the EU has been facing several crises at the same time which are interdependent and closely related. Moreover, only in relation to the area of migration one can identify at least twofold crisis or twin crises - a migrant/migration and refugee one(s), although an indication of complementary dimensions is possible, for example, such as asylum and humanitarian ones.1 "The migration aspect of the crisis is about the demographic context of the ongoing situation, i.e. the scale and pace of migratory movements that are demographic processes, intensified and increased significantly since 2014. The refugee aspect of the crisis refers to the legal status of the people who are involved in these increasing migration movements. Many of them are considered as persons in need of international protection who could be granted refugee status or subsidiary protection in European countries."<sup>2</sup> Some authors highlight the solidarity crisis, which refers mostly to the way the principle of solidarity has (not) been implemented by the EU Member States on the example of relocation and resettlement schemes under the migration and refugee crises. The argument of a structural crisis in the Mediterranean basin<sup>3</sup> rooted in historical, geopolitical and economic conditions is also put forward. The EU policies towards the Mediterranean countries and the EU's external relations with them are a separate complex research puzzle. One of its components is undoubtedly migration and related issues: causes of migration, migration routes, countries of origin, transit countries, target countries, consequences of migration for

<sup>&</sup>lt;sup>1</sup> Cf. Marta Pachocka, "The Eastern Partnership in Times of the Migrant and Refugee Crisis in the European Union," in *EU Association Agreements with Georgia, Moldova and Ukraine: Through Cooperation Towards Integration*, eds. Carlos E. Pacheco Amaral, Vasile Cucerescu, Gaga Gabrichidze, Ioan Horga, Anatoliy Kruglashov, Ewa Latoszek and Marta Pachocka, 17-31 (Chişinău-Tbilisi-Chernivtsi: Print-Caro, 2017); Marta Pachocka, "The twin migration and refugee crises in Europe: examining the OECD's contribution to the debate," *Yearbook of the Institute of East-Central Europe* 14, 4 (2016): 71-99.

<sup>&</sup>lt;sup>2</sup> Pachocka, "The Eastern Partnership in Times of the Migrant and Refugee Crisis in the European Union," 21.

<sup>&</sup>lt;sup>3</sup> Cf. Artur Adamczyk, "The Mediterranean Region – Great Challenges for the European Union," in *European Union on the Global Scene: United or Irrelevant?*, ed. Bogdan J. Góralczyk, 87-108 (Warsaw: Centre for Europe, Warsaw University, 2015). For example, such a view of the Mediterranean is well reflected in the scope of the scientific conference entitled "The Mediterranean Basin – an open 'Pandora's box' for the European Union", which took place at the Institute of Political Studies of the Polish Academy of Sciences in Warsaw on 27 February 2018. See more: Centrum Europejskie UW, Aktualności, *Ogólnopolska konferencja naukowa pt. "Basen Morza Śródziemnego – otwarta 'puszka Pandory' dla Unii Europejskiej,"* 19 February 2018, http://www.ce.uw.edu.pl/ogolnopolska-konferencja-naukowa-pt-basen-morza-srodziemnego-otwarta-puszka-pandory-dla-unii-europejskiej/ (accessed 1 March 2018).

sending, receiving and transit countries, migration policies (emigration and immigration), integration and asylum policies. Some also talk about the EU political crisis in the context of such events as Brexit or the increase in anti-democratic, Eurosceptic and xenophobic tendencies in Poland and Hungary.

As of early March 2018, the migration situation in Europe and its neighbourhood is as follows. The figures presented here relate mainly to the so-called mixed migratory flows, including asylum seekers and irregular migrants, however, these categories are not disjunctive and various authors and institutions tend to use one of these terms more often. Further analysis omits comprehensive data on regular (legal) migrants included in Eurostat statistics as 'immigrants'. According to the *Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection,* the EU collects and standardizes statistical data on "immigration to and emigration from the Member State territories, including flows from the territory of one Member State to that of another Member State and flows between a Member State and the territory of a third country." In this context an 'immigrant' denotes a person undertaking an immigration which means "the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country." This definition focuses on long-term immigrants and is used by Eurostat.

Assuming 2014 as the beginning of the crisis in quantitative terms, 2015 has been recognized as its peak so far. Although the population migrating to the EU fell in 2016, the situation on its external borders remained complicated, while the number of people who died or went missing while crossing the Mediterranean to Europe increased. Over the course of 2017, the number of migrants continued to decrease and the issue of the migration crisis was publicly referred to both at the level of the EU and its Member States less often. It is difficult to clearly answer the question whether this is the end of the crisis or whether new priorities have appeared on the European political agenda, such as Brexit or the future of the entire Union. Moreover, it seems that we are facing a long-term change in the demographics of Europe. Socio-economic, political and environmental factors concerning the situation in third countries overlap with this mosaic. Consequently, we can expect not so much a mixed migration crisis as to experience a gradual, structural change in the entire region, covering European, African and Asian countries.

Referring to the scale of the migration and refugee crises, it is worth recalling a few numbers. The United Nations High Commissioner for Refugees (UNHCR) informs that the number of sea

<sup>&</sup>lt;sup>4</sup> Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (Text with EEA relevance), OJ L 199, 31 July 2007, Article 1(a).

<sup>&</sup>lt;sup>5</sup> Ibid., Article 2(1)(b) and (f).

<sup>&</sup>lt;sup>6</sup> Cf. Eurostat, Statistics explained, *Migration and migrant population statistics*, http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration\_and\_migrant\_population\_statistics (accessed 1 March 2018) and Eurostat, Database, *Immigration (migr\_immi)*, http://ec.europa.eu/eurostat/data/database (accessed 1 March 2018).

arrivals across the Mediterranean to Europe amounted to: 216.1 thousand in 2014, 1 million in 2015, 362.8 thousand in 2016 and 172.3 thousand in 2017. At the same time, the number of people considered 'dead' or 'went missing' in the consecutive years was as it follows: 3.5 thousand, 3.8 thousand, 5.1 thousand and 3.1 thousand. According to the Frontex – that time known as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union – in 2015 there were over 1.8 million detected cases of illegal crossing of the EU's external borders between border crossing points, which meant a 6-fold increase compared to the previous year.8 The 'new' Frontex after the reform operating under the name of the European Border and Coast Guard Agency reported above 0.5 million of such detections in 20169 and 0.2 million in 2017.10 Between 2015 and 2017, both the top three main migratory corridors to the EU were monitored by the Agency and the scale of their burden in terms of number of arriving migrants changed. In 2015, these were the Eastern Mediterranean corridor (885.4 thousand detections), dominated by the influx of migrants to the Greek islands in the Aegean Sea, the Western Balkan corridor (764 thousand detections) with the majority of cases recorded at the borders of Hungary and Croatia with Serbia and the Central Mediterranean corridor (154 thousand detections). 11 In 2017, the number of illegal border crossings to the EU was the highest for the Central Mediterranean migration route due to the ongoing migratory pressure from Libya (119 thousand detections), followed by the Eastern Mediterranean route running from Turkey to Greece (42.3 thousand detections) and the Western Mediterranean one (23.1 thousand detections). 12 Obviously, these numbers are not complete: first, one person could cross the EU's external borders more than once and, second, many illegal entries into the EU's territory have not been detected and registered, and thus they are not covered by the statistics. The main nationalities of migrants detected on the EU's external borders in general and by migratory corridors have been also changing in recent years. In 2015, Syrians constituted 33%, Afghans 15% and Iragis 6%, while not specified cases amounted to 31%. 13 In 2016, the share of Syrian nationals reached 17%, Afghan nationals – 11% and Nigerian nationals – 7%; cases of not specified nationalities were on the top with 20% of the detections of illegal border-crossings. 14 In 2017, the distribution of top nationalities was much more balanced: Syria

<sup>&</sup>lt;sup>7</sup> United Nations High Commissioner for Refugees (UNHCR), *Refugees Operational Data Portal: Mediterranean Situation*, http://data2.unhcr.org/en/situations/mediterranean (accessed 13 March 2018).

<sup>&</sup>lt;sup>8</sup> European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), *Annual Risk Analysis for 2016* (Warsaw, 2016), 16-17.

<sup>&</sup>lt;sup>9</sup> European Border and Coast Guard Agency (Frontex), Annual Risk Analysis for 2017 (Warsaw, 2017), 18-19.

<sup>&</sup>lt;sup>10</sup> European Border and Coast Guard Agency (Frontex), *Annual Risk Analysis for 2018* (Warsaw, 2018), 18-19.

<sup>&</sup>lt;sup>11</sup> European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), *Annual Risk Analysis for 2016*, 16-17.

<sup>&</sup>lt;sup>12</sup> European Border and Coast Guard Agency (Frontex), Annual Risk Analysis for 2018, 18.

<sup>&</sup>lt;sup>13</sup> European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), *Annual Risk Analysis for 2016*, 16.

<sup>&</sup>lt;sup>14</sup> European Border and Coast Guard Agency (Frontex), *Annual Risk Analysis for 2017*, 18.

and Nigeria each stood for 9% of the total and Côte d'Ivoire, Guinea and Morocco – for 6% each; the share of non-specified cases was not provided. 15

Consequently, the number of asylum seekers in European countries increased significantly after 2014 in comparison to the previous years. According to Eurostat there were 626 960 asylum applications submitted by non-EU citizens in the EU-28 in 2014. This number rose sharply to 1.32 million in the peak year of the refugee crisis; it remained high at the level of 1.26 million in 2016 and it dropped to 704 625 in 2017. In 2015, the most asylum claims were submitted in: Germany (476 510), Hungary (177 135) and Sweden (162 450); in each case above 100 thousand. Two years later, in 2017, only two EU countries registered more than 100 thousand applications for international protection: Germany (222 560) and Italy (128 850). Germany recordered the highest number of 745 155 claims in 2016. The so-called EU+, covering the EU, Norway and Switzerland, recorded 706 913 applications. The main countries of origin of applicants were diverse in geographical terms, i.e. Syria, Iraq, Afghanistan and Nigeria, followed by Pakistan, Eritrea, Albania, Bangladesh, Guinea and Iran. However, these are the Syrians that are the top nationality in recent years. In 2017, 40% of all the decisions on asylum issued in first instance were positive and they granted a refugee status or a secondary protection to the beneficiaries. 17

# 2. Applying the safety governance framework to migration research

Migration is a complex phenomenon and so its implications are multifaceted. Although migration can be a source of opportunities, typically, depending on the level of analysis and the time frame applied, migration is considered as a source of concerns, risks, challenges and threats for diverse stakeholders. The twin migration and refugee crises that Europe was exposed to, especially over the period 2015-2016, have been subject to several assessments. Arguably, the crises led to diverse and multivariate implications ranging from distress for migrants themselves to very serious policy considerations in the fields of immigration, asylum, and human rights. To understand what is at stake, it is necessary that a clear distinction is made between the primary and secondary implications of the waves of large-scale migrations in Europe in recent years. The primary implications can be defined as those related to the EU and national authorities' capacity to offer appropriate reception conditions, legal protection and integration tools to the incoming population. The secondary implications encompass such issues as the receiving populations' reaction to newcomers and the discursive framing of migration, including its instrumental use. Indeed, across the EU Member States, there has

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<sup>&</sup>lt;sup>15</sup> European Border and Coast Guard Agency (Frontex), *Annual Risk Analysis for 2018*, 18.

<sup>&</sup>lt;sup>16</sup> Eurostat, Database, Asylum and first-time asylum applicants by citizenship, age and sex – Annual aggregated data (rounded) [migr\_asyappctza], http://ec.europa.eu/eurostat/data/database (accessed 13 March 2018).

<sup>&</sup>lt;sup>17</sup> European Asylum Support Office (EASO), *Latest Asylum Trends – 2017 Overview*, https://www.easo.europa.eu/latest-asylum-trends-overview2017 (accessed 13 March 2018).

<sup>&</sup>lt;sup>18</sup> Cf. Anna Visvizi, Colette G. Mazzucelli and Miltiadis Lytras, "Irregular migratory flows: Towards an ICTs' enabled integrated framework for resilient urban systems," *Journal of Science and Technology Policy Management* 8, 2 (2017): 227-242, https://doi.org/10.1108/JSTPM-05-2017-0020 (accessed 1 March 2018).

been a tendency to use migration instrumentally, even if – as the cases of Hungary, Poland, the UK, France and Germany suggest – for different reasons. The wave of terrorist attacks in Europe led to the emergence of a new kind of bias towards migration, essentially blending it with terrorism. 19 Overall, similarly as in the past, debates on risks and threats related to migration highlighted such issues as export of conflicts, drugs and terrorism.<sup>20</sup> The heated debate that the 2015-2016 wave of mass migration triggered in connection to security requires that a distinction is made between terrorism and violent extremism, on the one hand, and people in need of international protection, i.e. asylum seekers and refugees that enter Europe, on the other hand. Seen in this way, migration and the likely risks and threats related to increased migration sum up to national authorities' ability to manage migration effectively and to integrate the newcomers in the host countries' economies and societies.

Typically, discussions on security revolve around threats and consequently ways of ensuring deterrence and defence capacities of a given country and/or alliance. In this context, due emphasis is given to conventional and new threats to security and corresponding measures to address these threats, usually in a re-active manner. In line with this approach, rather than dwelling solely on threats to security we make a case for the re-introduction of the concept of risk to security, arguing that the seemingly trivial distinction between risk and threat has far-reaching policy implications. The following paragraphs shed the necessary light on this issue. 21

In the risk society theory, <sup>22</sup> "risk means the anticipation of catastrophe." <sup>23</sup> It also assumes that catastrophes may be prevented by their anticipation in the present. The concept of risk, as defined in the risk society theory, offers "an image of the world that replaces the fateful catastrophe, the 'too late', by the exhortation to act."24 In other words, the recognition of its existence and the identification of the specific risk enable us to undertake action to prevent it from happening; rather than reacting to imminent threats that we already face. In this view, risk prompts anticipation and prevention, whereas threat requires urgent re-action.

By distinguishing between risks and threats to security, it becomes necessary to rethink the concept of security as well. Indeed, security denotes "the absence of threat or the state of

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<sup>&</sup>lt;sup>19</sup> Cf. Colette G. Mazzucelli, Anna Visvizi and Ronald Bee, "Secular States in a 'Security Community': The Migration-Terrorism Nexus?," Journal of Strategic Security 9, 3 (2016): 16-27, http://dx.doi.org/10.5038/1944-0472.9.3.1545 (accessed 1 March 2018).

<sup>&</sup>lt;sup>20</sup> Cf. Volker Perthes, "Germany Gradually Becoming a Mediterranean State," Euro-Mediterranean Study Commission (EuroMeSCo) Paper 1 (1998).

<sup>&</sup>lt;sup>21</sup> Adapted from: Anna Visvizi, "The conceptual framework," in Poland, the Czech Republic and NATO in Fragile Security Contexts, IESW Reports, eds. Anna Visvizi and Tomasz Stepniewski, 13-15 (Lublin: Institute of East-Central Europe (IESW), 2016); Anna Visvizi, "Safety, risk, governance and the Eurozone crisis: rethinking the conceptual merits of 'global safety governance'," in Essays on Global Safety Governance: Challenges and Solutions, ed. Patrycja Kłosińska-Dabrowska, 21-39 (Warsaw: ASPRA-JR, 2015).

<sup>&</sup>lt;sup>22</sup> Cf. Ulrich Beck, Risk Society. Toward a New Modernity (London: Sage, 1992).

<sup>&</sup>lt;sup>23</sup> Ulrich Beck, "Living in the world risk society," *Economy and Society* 35, 3 (2006): 332.

<sup>&</sup>lt;sup>24</sup> Ulrich Beck, "Why 'class' is too soft a category to capture the explosiveness of social inequality at the beginning of the twenty-first century," The British Journal of Sociology 64, 1 (2013): 69.

being free from danger or threat."<sup>25</sup> The notion of risk is better captured by the concept of safety that denotes "the condition of being protected from (...) a danger, risk, or injury."<sup>26</sup> Clearly, the concepts of security and safety and inextricably linked together and offer matching, but not identical, approaches to risk and threat.<sup>27</sup> In the context of social and political life, 'safety' tends to be understood as 'public safety.' Interestingly, its legal definition – ascribed to the 19<sup>th</sup> century Prussian administrative courts – links it to public legal order, individual life, health and freedom, as well as the institutions of government and public goods designed to enforce public legal order.<sup>28</sup> In this view, at the conceptual level, safety is more apt to depict the specificity of the domestic context with its emphasis on public order, whereby security of the external context with its emphasis on defence.

Table	1. Risk ar	nd threat: defin	itional conce	erns and their p	olicy implicatio	ns
		emphasis on	measures employed	objective	policy responses	regulatory options
risk	safety	anticipation	pro-active	pre-empt	soft	non-intrusive
threat	security	identification	re-active	deter/defend	hard	intrusive

Source: adapted from: Anna Visvizi, "Safety, risk, governance and the Eurozone crisis: rethinking the conceptual merits of 'global safety governance'," in *Essays on Global Safety Governance: Challenges and Solutions*, ed. Patrycja Kłosińska-Dąbrowska, 21-39 (Warsaw: ASPRA-JR, 2015).

The really important point here is that through its emphasis on the domestic theatre, safety presupposes soft security means borne out of our thinking about public order. These policy means originate in the logic underpinning our policies of interior, at the most including policing. In contrast, security, with its focus on the external threats, typically presupposes harder and more intrusive policy measures, most closely associated with our defence policy and the military's involvement. Table 1 offers an insight into the implications of resorting to the distinction between risk and threat.

<sup>26</sup> Oxford University Press, *Oxford Dictionaries*, https://en.oxforddictionaries.com/definition/safety (accessed 1 March 2018).

<sup>&</sup>lt;sup>25</sup> Oxford University Press, *Oxford Dictionaries*, https://en.oxforddictionaries.com/definition/security (accessed 1 March 2018).

<sup>&</sup>lt;sup>27</sup> This otherwise very important issue on progressive 'securitization' of policy analysis at the expense of indifference to the definitional distinctiveness of 'safety' and their policy implications was elaborated in: Visvizi, "Safety, risk, governance and the Eurozone crisis: rethinking the conceptual merits of 'global safety governance'," 29-33.

<sup>&</sup>lt;sup>28</sup> Werner Heun, "Risk Management by the Government and the Constitution," in *The Law in the Information and Risk Society*, eds. Gunnar Duttge and Sang Won Lee, 17 (Göttingen: Universitätsverlag Göttingen, 2011).

# 3. The EU-level response to the twin migration and refugee crises

As we have been observing since several years now, the migration and asylum landscape in Europe does not evolve as much as it undergoes a sudden change, even a revolution, being strongly conditioned by the multidimensional situation in the region, e.g. conflicts and wars, socio-economic problems, structural crisis in the Mediterranean basin or Russia's foreign policy, especially in the post-Soviet space. This, in turn, requires far-reaching reforms of the EU policy in the fields of migration, asylum and borders, but above all, rethinking what is a step ahead – the foundations of the EU's approach to migration management followed by a comprehensive strategy.

The attempt of such an answer was the European Agenda on Migration<sup>29</sup> presented by the European Commission on 13 May 2015 in its communication to the European Parliament, the Council of the European Union, the European Economic and Social Committee and the Committee of the Regions. The document aimed at proposing the actions to be taken by the EU "to build up a coherent and comprehensive approach to reap the benefits and address the challenges deriving from migration."30 As it was stressed in the introduction to the Agenda the broadly understood migration situation in Europe and in its proximity: "calls for a set of core measures and a consistent and clear common policy. We need to restore confidence in our ability to bring together European and national efforts to address migration, to meet our international and ethical obligations and to work together in an effective way, in accordance with the principles of solidarity and shared responsibility. No Member State can effectively address migration alone. (...) we need a new, more European approach. This requires using all policies and tools at our disposal – combining internal and external policies to best effect. All actors: Member States, EU institutions, International Organisations, civil society, local authorities and third countries need to work together to make a common European migration policy a reality."31 Only in this one paragraph the Agenda clearly indicated key boundary conditions for an effective EU approach to the twin crises that were: the transition from dispersed national actions to joint EU response with the respect to the principle of solidarity and a cooperation of different stakeholders at various levels combining common efforts. The document covered two main groups of steps: immediate ones, concerning the emergency situation observed that time at the whole of the Mediterranean due to the growing number of migrants crossing the sea, and medium and long-term ones, referring more to the entire migration management strategy of the EU in the future. The latter approach was based on four basic pillars defined as: 1. reducing the incentives for irregular migration, 2. border management – saving lives and securing external borders, 3. Europe's duty to protect: a strong common asylum policy, and 4. a new policy on legal migration. Specific key actions were assigned both to the immediate actions and each pillar (Table 2).

<sup>&</sup>lt;sup>29</sup> European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – "A European Agenda on Migration", COM (2015) 240 final, 13 May 2015.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

Until now, i.e. as of early March 2018, the comprehensive European Agenda on Migration from May 2015 was followed by detailed measures and implementation packages (e.g. of 27 May 2015 and 9 September 2015). Of these immediate steps two were crucial and have given rise to much discussion among Member States, i.e. relocation and resettlement schemes. The purpose of the relocation mechanism was to transfer up to 160 thousand asylum seekers arriving in large numbers to the EU from the most affected EU countries such as Italy and Greece to other Member States by September 2017 in accordance with the so-called distribution key, 32 while the resettlement mechanism aimed at providing safe and legal transfer of an increasing number of people in need of international protection from third countries to the EU. Consequently, under this two-year European system over 22 thousand people were supposed to be resettled.<sup>33</sup> Moreover, as a result of negotiations held since late November 2015, the EU and Turkey agreed in their statement of 18 March 2016 that for every Syrian returned from the Greek islands to Turkey another Syrian national will be resettled directly from Turkey to the EU. In this way, so called '1:1 mechanism' was set up as a part of the resettlement scheme.<sup>34</sup> Since the beginning, the implementation of the Agenda and its specific actions have been monitored by the European Commission and discussed in the consecutive progress reports, allowing the assessment of the effectiveness of EU steps.

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<sup>&</sup>lt;sup>32</sup> Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, OJ L 239, 15 September 2015; Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ L 248, 24 September 2015.

<sup>&</sup>lt;sup>33</sup> European Commission, *Commission Recommendation of 8.6.2015 on a European resettlement scheme*, C(2015) 3560 final, Brussels, 8 June 2015, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/asylum/general/docs/recommendation\_on\_a\_european\_resettlement\_scheme\_en.pdf (accessed 1 March 2018); Council of the European Union (CEU), *Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 persons in clear need of international protection, ASIM 62 RELEX 633, 11130/15, Brussels, 22 July 2015, http://data.consilium.europa.eu/doc/document/ST-11130-2015-INIT/en/pdf (accessed 1 March 2018).* 

<sup>&</sup>lt;sup>34</sup> European Council/Council of the European Union, *EU-Turkey statement*, 18 March 2016, http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/ (accessed 1 March 2018).

Table 2: Key actions proposed in the E	in the European Agenda on Migration	ıtion		
I. Immediate actions	II.F	our pillars to manage migra	<ol> <li>Four pillars to manage migration better in medium and long-term</li> </ol>	
	<ol> <li>Reducing the incentives for irregular migration</li> </ol>	2.Border management – saving lives and securing external borders	2.Border management – 3. Europe's duty to protect: a saving lives and securing strong common asylum policy external borders	<ol> <li>A new policy on legal migration</li> </ol>
- A funding package to triple the allocation for Triton and Poseidon in 2015-2016 and to finance an EU-wide resettlement scheme Immediate support to a possible CSDP mission on smuggling migrants A legislative proposal to activate the emergency scheme under Article 78(3) TFEU by the end of May 2015, on the basis of the special distribution key proposed in Agenda A proposal for a permanent common EU system for relocation for emergency situations by the end of 2015 A recommendation for an EU resettlement scheme by the end of May 2015 followed if required by a proposal for more permanent approach beyond 2016 EUR 30 million for Regional Development and Protection Programs Pilot multi-purpose center established in Niger by the end of 2015.	- Addressing the root causes through development cooperation and humanitarian assistance Making migration a core issue for EU delegations An action plan on smuggling in May 2015 Stronger action so that third countries fulfil their obligations to readmit their nationals Adoption of a Return Handbook and monitoring of the implementation of the Return Directive Reinforcement and amendment of the FRONTEX's legal basis to strengthen its role on return.	- Strengthening FRONTEX's role and capacity Union Standard for border management Strengthening EU coordination of coast guard functions A revised proposal on Smart Borders Strengthening the capacity of third countries to manage their borders.	- Establishing a new monitoring and evaluation system for the Common European Asylum System and guidance to improve standards on reception conditions and asylum procedures Guidelines to fight against abuses of the asylum system Strengthening Safe Country of Origin provisions of the Asylum Procedure Directive to support the swift processing of asylum applicants from countries designated as safe Measures to promote systematic identification and fingerprinting More biometric identifiers passed through EURODAC Evaluation and possible revision of the Dublin Regulation in 2016.	- Modernization and overhaul of the Blue Card scheme A platform for dialogue with social partners on economic migration Stronger action to link migration and development policy Re-prioritizing funding for integration policies Cheaper, faster and safer remittance transfers.

Source: own elaboration based on: European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – "A European Agenda on Migration", COM(2015) 240 final, 13 May 2015.

The migration and refugee crises turned out to be a 'stress test' for the EU policy in the fields of migration, asylum and border management. It highlighted its weaknesses that need to be overcome and contributed to the discussion on revision and reforming of selected policy aspects which is well-reflected by a reform of an asylum policy, especially of the Common European Asylum System. CEAS needs to be adapted to new conditions and be more flexible. But this is only a 'partial' reform – at operational level. What could be of great importance is a discussion about major changes of the whole EU strategy of the management of international migration. It can mean the need to revise the foundations of division of competences concerning migration, asylum and borders between the EU and its Member States. Another key issue is a lack of solidarity among EU countries around which the discussion arose in the context of problems with the implementation of relocation and resettlement, among others in the Visegrad Group.<sup>35</sup> An additional issue is an integration policy at the EU level that so far is not one of the EU's common policies but linked to, for example, social policy and migration policy. One of the successful actions resulting from the European Agenda on Migration can be the Frontex's reform. The European Border and Coast Guard Agency was established on the basis of the Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016.36 It replaced its predecessor – the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, maintaining the same legal personality. The prerogatives and the role of Frontex have substantially changed and it remains to be seen how it will reflect on the overall capacity of the EU to manage migration and EU borders effectively.

# 4. The EU-level debate on security and safety

As – following the migration and refugee crises – questions of safety and security have been brought to the surface of the discussion across the EU, any discussion on migration has to include that debate too. Indeed, the years 2015 and 2016 proved to be of paramount importance in the light of invigorating the EU-level debate on security. Several factors contributed to that, migration and migration-inflicted perception of risks and threats to security among them.

Driven by provisions entailed in the Lisbon Treaty and the establishment of the European External Action Service, a major overhaul in the EU's thinking about security has taken place over the past few years. Today, as in the past, security and defence remain in the sphere of

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<sup>&</sup>lt;sup>35</sup> Cf. Marta Pachocka, "Understanding the Visegrad Group states' response to the migrant and refugee crises 2014+ in the European Union," *Yearbook of Polish European Studies* 19 (2016): 101-132; Anna Visvizi, *Querying the Migration-Populism Nexus: Poland and Greece in Focus*, IED Discussion Paper (Brussels: Institute of European Democrats (IED), July 2017), https://www.iedonline.eu/download/2017/IED-Budapest-Visvizi.pdf?m=15 00636444 (accessed 1 March 2018).

<sup>&</sup>lt;sup>36</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, OJ L 251, 16 September 2016.

so-called special competences, i.e. based on a nuanced inter-governmental framework of coordination of Member States' positions geared toward ensuring a degree of consistency. Nevertheless, the High Commissioner for Common Foreign and Security Policy succeeded in streamlining the debate on security in the EU through the process leading to the publication of the European Union Global Strategy. The publication of the EUGS coincided with the Brexit referendum of June 2016 and NATO Warsaw Summit.

The EUGS<sup>37</sup> delineated the debate about the context in which the EU is embedded and prompted the question of the EU's role in it. Prospectively, it may pave the way toward a debate on how to re-position the EU on the global stage. The wording of the EUGS reflects a new way of thinking about the EU and its role globally and tackles issues considered difficult and/or dormant until now. The EUGS stipulated changes in the Common Security and Defence Policy. Importantly, it turns the EU into an active agent of effective multilateralism that – for the sake of safeguarding its values and interests - is willing to engage beyond its territory by a variety of means. Deriving from this outward strategic orientation, an important component of the EUGS concerns the EU's relations with NATO and their prospective evolution. While the role of NATO as the primary defence framework for the majority of the EU members is emphasized, considerable emphasis is placed on the EU members' contribution to the Alliance. By so doing, some light is cast on the sensitive issue of the shape of the EU-NATO cooperation in the future. 38 Overall, the EUGS constitutes an important step forward for the EU in defining its role and purpose at home and abroad. Importantly, the head-on take on the EU Member States' involvement in burden sharing in the Alliance, the clear attempt to make the EU stronger, and the emphasis on the transatlantic partnership, render the EUGS a game-changer in the EU-NATO-US relationship. The reading of the EUGS would be partial if it was detached from the European Agenda on Security (EAS)<sup>39</sup> from 2015. The latter deals with issues directly relevant to security, such as smuggling of migrants, human trafficking, social cohesion and border management.

The EAS has three priorities, including to garner EU response to terrorism and foreign terrorist fighters, to pre-empt and address serious and organised cross-border crime, and, finally, cybercrime. The value added of EAS is that it sees these challenges and threats in a holistic manner, i.e. as multifaceted, interlinked and cross-border. In the context of the discussion on migration-inflicted risks and threats to security, the most important provision of EAS is that dwindling distinction between external and domestic threats is put in the spotlight. Against this backdrop, the imperative of concerted action, including the domains of Justice and Home Affairs and Common Security and Defence Policy, and efficient strategies involving the EU's

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<sup>&</sup>lt;sup>37</sup> European External Action Service (EEAS), "Shared Vision, Common Action: A Stronger Europe" – A Global Strategy for the European Union's Foreign and Security Policy, Brussels, June 2016, http://eeas.europa.eu/archives/docs/top\_stories/pdf/eugs\_review\_web.pdf (accessed 1 March 2018).

<sup>38</sup> Ibid., 20.

<sup>&</sup>lt;sup>39</sup> European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – "The European Agenda on Security", COM(2015) 185 final, 28 April 2015.

international partners is outlined.<sup>40</sup> With regard to migration, EAS makes the following point: "One of the major problems the EU is currently facing is that criminal networks exploit individuals' need for protection or their desire to come to Europe. The more that such criminal smuggling can be stopped early, the less the risk of human tragedies as seen recently in the Mediterranean. Preventive action against the facilitation of irregular migration requires better information gathering, sharing and analysis. The key lies in cooperation against the smuggling of migrants inside the EU and with third countries. The EU should make this a priority in its partnership with third countries, offering assistance to help key transit countries to prevent and detect smuggling activities as early as possible. Reinforced action against the smuggling of migrants between the EU and key third countries will be part of the forthcoming European Agenda on Migration."<sup>41</sup>

## 5. Conclusions

The objective of this paper was to rethink the EU's response to the 2015-2016 wave of large-scale migration through the lens of safety and security. Drawing from conceptual insights developed elsewhere, 42 the discussion in this paper highlighted that a clear distinction between risks and threats needs to be made, and correspondingly between safety and security. In as much as risk denotes an impending threat, vigilance and anticipation create the opportunity to pre-empt it from turning into a tangible threat. In this reading, as outlined in Table 1, risk denotes anticipation and pro-active action aimed at addressing certain safety issues. Threat in turn gives us only the option of re-acting to events already taking place. Consequently, risk and threats impose diverse ways of thinking about the context in which agents operate, qualitatively varied factors influencing socio-economic stability, and, indeed, prosperity, and – as a result – different policy goals and tools needed to address those goals.

By applying this conceptual framework to query the EU-level responses to the twin migration and refugee crises, we argued that the concepts of safety and security in the EU-level debate on migration have been largely conflated, thus fuelling a biased debate on migration in which it was treated as synonymous with terrorism and, overall, a threat to security. We have also argued that in the debate on migration the distinction between primary and secondary implications of migration has been largely ignored. As a result, an overall confusion as to what the ramifications of migration really are prevailed across the EU. This was translated into *ad hoc* and frequently inadequate responses to migration that individual EU Member States garnered in the early stage of the migration and refugee crises.

Interestingly, the EU-level debate on migration and ways of responding to it unfolded in a context heavily influenced by discussion on the conceptualization of the external environment in which the EU operates and the role of the EU in that environment. As we highlighted, the

<sup>40</sup> Ibid.

<sup>41</sup> Ibid

<sup>&</sup>lt;sup>42</sup> Cf. Visvizi, "Safety, risk, governance and the Eurozone crisis: rethinking the conceptual merits of 'global safety governance'," 21-39.

EAS and the EUGS mirror a qualitative shift in the perception of the EU's role in the world. The provisions of EAS highlight the intrinsic correlation between domestic and external sources of threat, while also making direct leads to the European Agenda on Migration. This very welcome tone and focus of discussion notwithstanding, the concept of safety is absent from the debate, thus implying that the nuanced differences between safety and security have not been calculated in the discussion. This has some very serious implications for the set of tools that can be used to address the plethora of migration-inflicted concerns, risks and challenges. including the possibility of drawing from diverse policy domains, and policy fields in which the EU Member States collaborate. The argument in this paper responded to two interrelated imperatives, including the emphasis on definitional rigour, e.g. safety vs. security and primary vs. secondary implications of migration; the resulting policymaking implications, including unintended institutional hurdles; and the need to manage migration in Europe in a sustainable manner sensitive to the needs and concerns of the incoming and receiving societies. 43 Against this background, we argue that there is a need to revisit, revise and redesign national and EU-level approaches to migration and to open up our policies to tools, strategies and approaches from other policies and research domains, e.g. the use of new approach to data management, including the big data paradigm and its implications, 44 might prove a very useful tool in anticipating and pre-empting several risks commonsensically associated with migration.

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<sup>&</sup>lt;sup>43</sup> Cf. Visvizi, Mazzucelli and Lytras, "Irregular migratory flows: Towards an ICTs' enabled integrated framework for resilient urban systems."

<sup>&</sup>lt;sup>44</sup> Cf. Miltiadis Lytras, Vijay Raghavan and Ernesto Damiani, "Big data and data analytics research: From metaphors to value space for collective wisdom in human decision making and smart machines," *International Journal on Semantic Web and Information Systems* 13, 1 (2017): 1-10.

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