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INTERNATIONAL MIGRATION AS A NON-TRADITIONAL SECURITY THREAT AND THE EU RESPONSES TO THIS PHENOMENON

Anna Kicinger

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Anna Kicinger [*]

[*] Central European Forum for Migration Research in Warsaw

Abstract: The paper examines the phenomenon of international migration in the context of the potential threats it may pose to the security in Europe. After presenting various links between migration and security, the development of migration policy measures undertaken at the EU level are outlined, with the focus on those aimed at combating irregular migration and human trafficking or smuggling.

Keywords: international migration, security threats, European Union

International migration as a non-traditional security threat and the EU responses to this phenomenon [*]

The national security can be defined as the freedom from the threats that put in danger the survival and the development of the society organised in a form of state.

The catalogue of values that have to be defended as the key elements of the national security has been increasing in recent decades. Many new values that need protection in terms of ensuring security were added to the traditional ones. Not only are states supposed to defend their territorial integrity and political independence, but also they should protect such values as economic independence, cultural identity, and social stability (Anioł 1992: 13).

Leaving apart the traditional military thinking about international security issues resulted in identifying the new non-traditional security threats. International migration has become one of them in the recent decades, mostly due to the unprecedented scale of this phenomenon. All European countries were faced with the challenges resulting from the migratory movements, albeit the scale, the patterns and characteristics of migration flows varied significantly across the continent. In forty years between 1960 and 2000, Western Europe's population received a net inflow of about 16.7 million people, half of the number arriving in the last decade of the twentieth century. As a result, there were about 20.5 million foreigners living in Western Europe at the beginning of the twenty-first century, while additional 8 million were foreign born but not foreign nationals (IOM 2003: 240-241). On the contrary, the Central and Eastern part of the continent has experienced a net outflow during the recent decades. Between 1960 and 2000 about 4.7 million people (3 per cent of the total population) emigrated from this region, half of them during the 1990s (IOM 2003: 240-241).

Should migration be named a security threat, various questions arise. Is it more a threat to international community or to a state? At which level it should be met – national as a part of national security strategy or at international level such as the EU? Is migration already a threat or only a challenge to security? Is migration in itself a threat or only some parts of the overall

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migratory movements, namely illegal migrations constitute a security threat? Both theoreticians and practitioners argue over the questions presented above.

There are many aspects of the migration-security link. According to Anioł (1992: 17) international migration in relation to the international security can play three roles:

1) International migration can be a consequence of other security threats like human rights violation, ethnic conflict, internal war;
2) International migration can by itself constitute a threat to international security when it is of massive, uncontrolled character;
3) International migration can result in other security threats (e.g. xenophobia and racial violence).

However, other dimensions of the migration-security nexus may be also highlighted through specifying the component of security that may be put in danger as a result of migratory movements. In other words, we can try to distinguish which values, protected as components of security, might be threatened by international migration and its consequences.

1) **social stability** may be at risk when the inflow of immigrants is combined with the rise of xenophobia, lack of integration;
2) international migration can influence the **demographic security** (high rates of emigration might deepen the process of declining and aging of population, especially in Central and Eastern European countries);
3) international migration can pose a risk to **cultural identity** which might be illustrated by the so-called "headscarves affair" in France as an example or by the rising popularity of extremist right-wing parties in response to high immigration levels;
4) international migration can pose a threat to **social security system and welfare state philosophy** - people might not be willing to pay high taxes if they do not feel that the other do the same and share the same values which is true in case of economically inactive immigrants and asylum seekers living on social benefits (Goodhart 2004);
5) international migration might be a risk to **internal security** which is illustrated e.g. by the crime levels among the immigrants that are higher than among the native population; international crime networks dealing in drugs and arms; trafficking in

human beings or, last but not least, terrorists using both legal and illegal migration channels to penetrate the country.

Although the founding treaties did not provide for any European Economic Community competence in the migration field, migration issues have become a matter of interest of the European Community in the course of integration process. There are two reasons for this. Firstly, the challenges resulting from migratory situation of European countries (i.e. ever increasing migratory pressure, significant rise in all forms of irregular migration, asylum crisis) forced these countries to ever closer co-operation in order to combat the negative consequences of migration. The unilateral measures undertaken by states in this area were just insufficient. Secondly, the process of the European integration in itself and the realisation of the common market idea must have led to some form of cooperation in the fields considered a part of migration policy e.g. external and internal border crossing, third country nationals' treatment, etc.

All in all, after the periods of purely intergovernmental cooperation (until the Treaty of Maastricht), and after the experiences of the cooperation within the third pillar of the EU, the Treaty of Amsterdam laid foundations for the common EU migration policy, i.e. migration policy formulated and implemented at the EU level. Thus, if the Union had an ambition to develop and implement migration policy at the Community level, it had to take into account the multidimensional character of this phenomenon, including its security aspect and respond to it. However, it has to be admitted that the process of creation of the common European migration policy is still on-going. Whereas some areas have already been covered by the Community legislation (visa policy, external border control, and to considerable extent asylum system), others like the labour immigration or the integration policy are still left to state's exclusive competences. As the Draft Constitution for Europe puts it, all matters related to the area of freedom, security and justice (e.g. migration policy) belong to "the area of shared competence" between the Union and the member states (article 13 of the Draft Constitution for Europe, European Communities 2003). Therefore, while analysing the EEC/EU approach to migration and in particular to the security threats arising from the migratory movements, one must bear in mind this still on-going process of development of migration policy at EU level as well as states' reluctance to transfer their competences in this area on the Community level.

In fact, the close connection between migration and security issues is one of the main reasons for slow development of the common migration policy at the EU level. Not only has migration policy gained a very high profile in public debate and thus is a very delicate issue from the political standpoint, it is also a strategic issue in terms of national security as the states want to retain maximum control over their territory. Especially after the tragic events of 11th September 2001 in the US, the migration issues were shifted from so-called "low politics" to so-called "high politics" related to state security (Lahav 2003: 90). This was not without consequences on the creation of the EU migration policy. It became obvious that EU states would expand their cooperation in this field only under the condition that this cooperation would strengthen their security, i.e. that the EU measures would be more effective than national.

Taking into account the scope of this presentation, I will concentrate on the main areas, the main trends and directions on which the EU actions have been focused in order to tackle the security aspect of migrations.

First and foremost, all EU activities aimed at combating illegal migration have to be noted in this context. Illegal migration is generally perceived as the most dangerous part of migratory flows due to its uncontrolled character. The phenomenon of irregular migration has many different forms (illegal entry, illegal work, entry on false or forged documents, "overstaying"). The scale of illegal migration in old EU 15 is estimated at above 3 million people (IOM 2003: 253), yet the other estimates vary significantly due to the clandestine nature of the irregular migration. Nevertheless, the scale of illegal migration flows is considered significant and, as the Commission puts it, "the reduction of illegal migration flows is a political priority at both national and EU level" (European Commission 2004: 11). Recognising the illegal migrations as a serious security threat, the EU approach to this phenomenon is multi-level and comprehensive. It starts from the preventive measures, i.e. from the fight against the so-called root-causes of illegal migration. The primary means of such fight is the cooperation with third countries that are the potential sources of irregular immigrants. Such cooperation takes forms of:

o agreements that combine migration policy with trade and development programmes. The Cotonou Agreement, signed in 2000 is the best example in this category. Its goal is to build partnership between the EU and 77 ACP (Africa, Caribbean and Pacific)

countries to reduce the poverty and promote sustainable development in these regions. Management of migratory flows, e.g. combating illegal migration as well as the readmission clause, was acknowledged as one of the priorities in the cooperation among the parts of the Agreement. Similar provisions including migration issues were added into trade and development programmes between the EU and other partners (Russia, Ukraine, countries of Mediterranean basin);

o   cooperation programme providing for financial and technical assistance to third countries directly in the areas of migration and asylum. The programme was established for the years 2004-2008 with a budget of EUR 250 million to support the third countries' efforts to improve the management of migratory flows, e.g. preventing illegal emigration. (European Communities 2004);

o   awareness-raising campaigns about the risks connected with illegal migration in third countries concerned (OECD 2004: 86).

The importance of proper gathering and exchange of information in combating illegal migration cannot be underestimated. The Union has always laid emphasis on these aspects of cooperation, and the latest measure in this field was the establishment of the immigration liaison officers network that is supposed to boost Union's capacity to combat illegal immigration through better collection of necessary data in third countries and through better exchange of this information among the EU states (European Communities 2004b).

Further efforts are made in order not to admit illegal migrants to the EU territory. The primary means in this area is the visa policy. The EU tries to reduce the irregular flows through imposing visa requirement on the nationals of the countries from which the risk of illegal immigration is high. According to the Treaty of Amsterdam, it is Community competence to prepare a list of the third countries, citizens of which will be required visa when crossing external borders of any EU member state. First such list was created in 1999 (European Communities 1999), and then it was amended several times (e.g. Ecuador, Turkey and Iran were added to the list due to the high levels of irregular immigration from these countries).

The fact that the travel documents had always been a subject of forgery or misuse forced countries to raise constantly the security standards of these documents. The EU/Schengen visa

sticker is an example of a very successful cooperation in this area. It has proved to be "a document of highest standard, effective against counterfeiting or attempts at falsification" (European Commission 2001: 7). Recently, EU was concentrated on building the Visa Information System that will enable national authorities to enter and update visa data and to consult these data electronically (European Communities 2004a).

The external border management is another area of close cooperation between the EU countries aimed *inter alias* at combating illegal immigration. This field is of the high priority in security terms as it might be considered to be "the EU's first line of defence" against the threats arising from international migration (Grabbe 2004: 37). The cooperation in this field has been developed firstly within the Schengen framework and then within the Community framework (after the entry into force of Amsterdam Treaty that included Schengen acquis into the *acquis communautaire*). The border control on EU external borders is carried out by an EU country on behalf of all other member states due to the abolition of checks on internal borders of the Union within the Schengen area. The institutional cooperation and technical assistance in this field was developed rapidly since the Schengen Agreement (1985). The emphasis has been laid recently on the enhanced cooperation on the maritime borders and two centres for the coordination of maritime borders were created in 2004. In 2005, the European Agency for the Management of operational Cooperation at the External Borders is due to be implemented. Moreover, new ideas of cooperation are still being developed, among them the most important is the recent proposal to set up a common European border guard. The proposition did not get political support in many EU countries, yet (Grabbe 2004: 37). The burden-sharing mechanism between the member states and the Union for the management of external border is also under discussion (European Commission 2003: 15-16).

The migration-security link is one of the main arguments of the supporters of the Fortress Europe approach displayed in ever stricter border control and protection measures. Some concerns are voiced, however, that this approach might eventually lead to greater instability in the neighbouring countries that would be cut off from the possibilities to trade with and to work in EU countries. This might consequently negatively affect the Union's security in the future (Grabbe 2004: 39).

The fight against undeclared work is another means of fighting against irregular migration as the possibility of finding this kind of work is a considerable incentive (pull factor) for illegal

immigration. Therefore, the problem of undeclared work has been present in the European Employment Strategy since 2001 and transforming undeclared work into regular employment was one of the priorities in the 2003 Employment Guidelines (European Commission 2004: 18). However, it must be reminded that it is state's responsibility to implement EU guidelines in this field and they are solely responsible for enforcing such regulations on their labour market.

The voluntary or forced return of third countries nationals illegally present at the EU territory is the last ring (link) in the chain of the EU activities aimed at combating the illegal immigration. As the Commission stresses "all efforts to fight illegal immigration are questionable, if those who manage to overcome these measures succeed finally to maintain their illegal residence" (European Commission 2003: 8). An action programme for a Community return policy was adopted by the Council on 28 November 2002. It reinforced the operational co-operation between EU member states, called for minimum common standards and guidelines for return procedures as well as an enhanced cooperation with third countries. Common return operations are planned e.g. through the shared charter flights. The first return programme for Afghanistan was carried out in 2003 (OECD 2004: 84). Additionally, the Commission proposed to establish a financial instrument for return management for the years 2005-2006 in order to ensure durable reintegration of the returned immigrants in their countries of origin (European Commission 2004: 19).

Apart form EU efforts in the field of combating irregular migration, its counter-trafficking and anti-smuggling efforts has to be pointed out. The concepts of "smuggling" and "trafficking" are separate but closely related. While "trafficking" involves putting a person in a very disadvantageous employment situation after providing (illegal or legal) migration assistance; the term "smuggling" refers to the (organised) assistance in illegal border crossing (Salt 2001: 24). Additionally, it must be noted that in majority of cases trafficking is combined with various forms of sexual exploitation of women and children. The Council Framework Decision of 19 July 2002 on combating trafficking in human beings set a common definition of trafficking and common level of penalties for this offence at the level of not less than 8 years of imprisonment if the offence was committed in specifically defined circumstances (European Communities 2002).

Similar provisions were adopted with the aim to combat smuggling (Council Directive defining the facilitation of unauthorised entry, transit and residence, and Council Framework Decision on the strengthening of the penal framework to prevent those activities, both documents were adopted in November 2002).

In this context the potential role of Europol must be noted. Europol's aim is to improve the cooperation between EU countries in preventing and combating serious forms of international organised crimes such as illegal immigrant smuggling and trafficking in human beings. Although its role has been rather modest so far, it is expected to expand in the future (European Commission 2003).

I hope that, despite the time limits set to this presentation, I managed to delineate main trends of the EU approach security threats resulting from international migration. One additional remark, however, must be made. The concentration of the EU activities in the field of migration policy on such areas as external border protection and control, combating all forms of irregular immigration or return policy, might lead to false conclusions that migration is generally perceived as a negative phenomenon by the EU institutions. Yet, such conclusions would be unjust. Given that migratory movements in democratic world cannot be completely stopped, the maximising of the advantages and minimising of the disadvantages of this phenomenon is of primary importance for all the countries. Thus, admitting that migration movements in today's world are unavoidable, all EU countries make every effort to minimise the negative consequences of this phenomenon and reduce all security threats stemming from migrations both on their national and Community level.

There are no signs that Union's approach to migration-security nexus may radically change in the foreseeable future. The fight against all forms of irregular migration through various measures will remain the core of EU engagement. The vital question is not in which direction but rather how fast and how far the cooperation will develop. Additionally, one might ask how the EU enlargement would influence the pace of this cooperation and how the sometimes radically different experiences of the new member states will affect Union's activities in the field under study (van Selm, Tsolakis 2004: 11-12). Whether these states worried about their sovereignty (as is in the case of Poland) could hamper the deepening of cooperation in these delicate issues?

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