The European Union and the Member States: two different perceptions of border

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Abstract

In this article we analyze two different perceptions of border inside Europe. On the one hand, we have the perception idealized by the European Union as an international organization, which believes that states benefit more from cooperation and dilution of borders in a common space than from keeping its borders as a symbol of its sovereignty. On the other hand, we have the European member states, taken individually, with particular interests and goals that, given the threat of illegal immigration, which is currently felt in the large-scale Europe, adopt a realistic perception of the border, and look at each territory as a space that needs protection from external threats. Following this argument, we reason that the current construction of walls in several European countries reflects the rebirth of a realistic perception of the border, and this is one more challenge for Europe regarding its unity and solidarity. Is this the end of the Schengen Agreement? What is going to happen to the European project if each state unilaterally adopts a strategy to deal with illegal immigration and refugees that are coming to Europe? Can immigration lead to a retrocession of the EU idealist significance of border?

Keywords: European Union; European borders; Schengen Agreement; Frontex.

Introduction

From the beginning, the founders of the integration process in Europe realized that there is a very important and strong link between integration and borders. It is affirmed in the Preamble of the Treaty of Rome (1958), "Determined to lay the foundations of an ever close union among the peoples of Europe, Resolved to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe". This meant that if we want to achieve an "ever close union", it will require a change regarding the territory of each state, especially in the perception of borders and its functions. The existing divides between the member states have to be replaced with the emergence of a common area, promoting the opening-up of borders inside the EU, and helping to achieve

the goals of European integration. Within the theories of integration, we have, on the one hand, the neo-functionalism that sees the integration process as transcending political, social or economic borders, decreasing the significance of internal Union borders. Within the ideal of Europe without frontiers, the freedom of movement is an essential feature of the integration process, promoting a sense of community and an European identity.

On the other hand, we have the intergovernmental perspective, in which the notion of security was placed over the liberty of movement. Accordingly to it, states have the right to control their borders, and the movement of foreigners in-between them is an essential expression of national sovereignty. The perception of how to enable or to prevent migration differs among the EU member states due to varying political cultures and migration traditions, leading in some cases, to the construction of walls between them. These walls reflect the rebirth of a realistic perception of the border and this is one more challenge for Europe regarding its unity and solidarity. Can this be the end of the Schengen Agreement? What is going to happen to the European project if each state unilaterally adopts a strategy to deal with illegal immigration and refugees that are coming to Europe? Can immigration lead to a retrocession of the EU idealist significance of border?

The article is divided in three parts. The first one provides an overview of the theoretical framework that we used in order to study the two different perceptions of borders within the EU. The idealist perception that follows the neo-functionalist vision by which borders are just symbolic, and a realistic perception, by which borders are still important elements of sovereignty and in which the states, taken individually, are the main providers of security.

The second part reflects on illegal immigration and the challenges that this represents to the European member states, arguing that the way they are responding to this challenge hinders the principles and values of the organization regarding the respect for human rights.

The third part critically examines two different reactions to illegal immigration and refugees: (i) from the EU and (ii) from the EU member states. We then conclude that the realistic view of the border is winning, and this can mean the end of the idealist perception of borders in Europe.

Borders: two different perceptions within Europe

The definition of borders is an essential component of the sovereign state, identifying what is inside (ours) and what is outside (others). Anderson and O'Dowd (1999, 595) describe borders as follows:

> They are at once gateways and barriers to the "outside world", protective and imprisoning, areas of opportunity and/or insecurity, zones of contact and/or conflict, of co-operation and/or competition, of ambivalent identities and/or the aggressive assertion of difference.

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Accordingly to the realistic perspective, all state borders act in the same way, as the territoriality of the state is indivisible, and the state has a complete control over its delimited territory. For realists, states are based on territory. Respect for the territorial integrity of all states, within recognized borders, is an important principle of international relations. As O'Dowd (2002, 14) argued, "Borders are integral to human behaviour – they are a product of the need for order, control and protection in human life and they reflect our contending desires for sameness and difference, for a marker between 'us' and 'them'". Nevertheless, borders are not always so clear or uncontested. In a world characterized by globalization and regionalization, there are still many conflicts about the territorial limitations of the state. Borders are still contested in many places in the world, even in Europe. Therefore, we can argue that borders have not disappeared or become irrelevant; on the contrary, they continue to be extremely important for nationalistic states as a way of safeguarding their security and sovereignty. Some authors even argued that globalization has increased the importance of borders (Rudolph 2005, 14). Undoubtedly borders are more complex today than before. They still play a major role in global politics, and in the construction of self versus other identities.

Borders are directly linked to the ideological state apparatus, ideological practices sas nationalism, and the material basis of such practices, which manifests itself in territoriality. And territoriality is an ideological practice and discourse which transforms national spaces and histories, cultures, economic success and resources into bounded spaces (Sack 1986; Paasi 1996). The main territorial form of ideology is nationalism (Sack 1986; Anderson 1988), the proponents of which often gain some of their ideological power from discourses and practices that make a contrast between 'us' and 'them'. This fact has been recognized by border scholars in several contexts and has been seen to manifest itself in "foreign policy discourses, educational practices and popular culture" (Paasi 2011, 8). In spite of globalization and the apparent opening of borders, states still have a great interest in maintaining their relative power in the governance of the economy of space, the minds and well-being of citizens, and thereby social order and cohesion.

In the last years, two opposing and simultaneous trends have been recognized in the literature: the de-bordering of European territory, resulting from the propagation of functional interdependences and institutional relationships (Perkmann 2003), and the re-bordering of Europe, stemming from the re-emergence of nation-state building processes (Scott, Van Houtum 2009). Whereas the first phenomenon has been complemented by an intensification of cross-border relations and partnerships, the second has resulted in higher securitization of the border, by means of immigration controls and physical borders (Van Houtum, Boedeltje 2009).

The foreign policy of the EU member states has been reflecting most of the fundamentals of classical realism. In many cases it has practically been illustrating the concept of the state's central role in international relations, the aim of its power and the priority of its national interests, as well as the self-help nature of the state's foreign policy and the significance of the power politics in world affairs. On one side, the way international relations, in general, and some events, such as the flux of immigrants, are seen by the EU member states reflect the

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classical realistic thesis about the state being the most important actor in the international scene. International relations remain as the relations among sovereign states, and the role of other actors, such as international organizations, are secondary.

The end of the Cold War has created a structure dominated by insecurity, and the chief goal of independent states is to preserve their internal security regardless of any moral criteria. In this context, states are unlikely to cooperate and each sone seeks to create viable and defensible borders to ensure its "internal security". Since each state aims to secure its borders, it faces challenges over its territory and becomes more aware of the importance of border control as a symbol of sovereignty. Conversely we have the EU idealist perception of border as a supranational organization, which entails the respect for the freedom and equality of persons, and requires a regime of borders open to everyone due to basic human right of free movement (Caporso 2000, 1-5). The 'Europe Without Frontiers', which means de-bordering within Europe, lies at the heart of the European project since the beginning. Accordingly to the European Union ideals, the lines demarcating the territory of the state may still retain political significance, but this is decreasing in the face of "new political, economic and information trends" (Newman 2003, 133).

From the idealist perspective, state power is being weakened by a set of features, such as capital crossing borders, high levels of migration, transfer of powers to organizations like the EU, and even terrorism. And, in this context, cooperation among states is essential to prevent and safeguard liberty, justice and security in a space whose values and principles are solidarity and unity in diversity. But, borders are not disappearing in Europe. For Kramsch, Mamadouh and Van Der Velde (2004, 535), "European borders are in the process of being re-scripted as key nodes and gate-way points within an expanded Europe of cross-border regions…". Thus, they are being transformed internally while being reinforced externally. As a result,

> …for some observers, the EU evokes a post-Westphalian and postmodern polity, which is moving away from a strong emphasis on, bounded territory. Instead, it is characterized by multiple, fluid spaces of regions, markets and cities connected by networks of communication, transportation and traversed by flows of goods, people, information and capital (Walters 2004, 676).

This multiplicity of spaces entails a variety of borders and it has leads to qualitative changes about the way borders operate, as a result of regionalization and multilevel governance. About this issue, Kratochwil (1986, 27) argues that "changes in the function of boundaries through history help to illuminate differences in the nature and patterns of interaction of different domestic and international systems". And, accordingly to Delanty and Rumford (2005, 120) this "requires new ways of thinking about the spatiality of politics" and about the nature and functions of EU borders.

Borders can be classified as territorial, organizational (functional) and conceptual (Geddes 2005, 789-790). Territorial borders are the sites (sea, land, air) of entry at which the sovereign powers of the state are exercised. The organizational ones are the sites where conditions for the

membership into the labour market, the welfare state and the national citizenship are specified. The conceptual borders encompass a set of concerns centered on the notions of belonging and identity to various communities (transnational, national or sub-national), and the dividing lines between ethnic and linguist groups, cultures or classes (*Idem*). These different types of borders are important to understand what is at stake today in Europe.

In contemporary EU borders we have the dynamic of inclusion, which is consistent with the advent of a post-modern order and of a decreasing importance of borders, and the dynamics of exclusion that are synchronized with the traditional Westphalia order and its border construction. Here, the main building block is the nation-state. Accordingly to the intergovernmental point of view, the nation-state continues to be the ultimate authority because even when decisions that pull its sovereignty are taken, the nation-state explicitly agrees to that. Accordingly to this perspective, states must protect and give priority to their individual interests. Thus, in theory, nothing outside the legitimate government of the country in question is able to impose on it by legally binding decisions. Accordingly to the Neo-functionalist perspective, the EU as a supranational institution, has powers and competences that allow the adoption of measures that are legally binding for all the countries that are members, and is charged with acting in the interest of the Union as a whole. This results in a strong integration between EU member states with benefits for each state.

In this context, Diez (2006, 239) argues that the basic paradox of European integration is that the decreasing importance of borders inside the EU is based on the recognition of the national borders of the member states. Thus, it was possible to progress with European integration only because it implicitly recognized the borders of the member states, hence guaranteeing their continued existence and significance (*Idem*). To this purpose, Grabbe (2000, 527) also states that "the idea behind softening borders in the Schengen zone is that internal frontiers become soft, while external ones are hard, effectively creating a larger zone of free movement, but one with sharper edges…so entry to the area is strictly controlled". We can therefore argued that the effects of the increased control of the external borders of the EU can be seen in areas such as immigration and asylum, the fight against organized crime and terrorism. The securitization of these issues is also reflected in the construction of identity borders and the development of the perception of "others". And, the "other" is someone with whom it is more complex and difficult to cooperate and trust.[1]

Illegal immigration: a serious challenge to Europe

The post-Cold War Era placed severe challenges upon certain sovereign territories not only in the divisions it caused (emergence of new states, for example), but also in the great mobility of persons that it promoted. Migration is often considered, in terms of security, a

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1   For this purpose see Neumann 1999.

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challenge and leads to awareness on state level of the necessity to protect against this menace (Castles and Miller 2003).

Recently, the issue of terrorism has further promoted this approach and placed borders under the attention of governments. From this perspective, illegal immigration is conceived as an essential occurrence reflecting the malleability of borders and necessitating additional supervision. Controlling borders has, thus, become a significant concern on the policy agenda of many European countries that are suffering from disorder across their borders. The borders have been monitored, supervised with technological tools and additional measures have been taken to control who enters the countries. When states close its borders and use coercion, they restricts a person's liberty and this can lead to human rights violation. We can thus affirm that borders in Europe are now transformed into areas of moral confrontation: the necessity of defence *versus* the respect for human rights. As Jelena von Helldorff (2015, 5) states to this purpose,

> the EU policy is torn between two conflicting agendas: on the one hand the core narrative of the EU integration project revolves around the concept of building a society based on democracy, the rule of law and respect for human rights. On the other hand, security and the protection of borders are equally important, enabling free movement and guaranteeing safety to the European citizens.

Migration has been recognized as a menace for protection, particularly with the increased number of migrants that are viewed as the base of probable damage of states. This led the state to the complexity of having to conciliate the open economic characteristic of the border with its closed nature in terms of security. For nationalists, the primary threat to Europe is immigration (Collett 2013). Accordingly to the UN High Commissioner on Refugees (2015), more than 320.000 people have crossed the Mediterranean since the start of 2015, a rate roughly twice as high as during 2014 and eight times as high as in 2013. They come mostly from Syria, Iraq and Afghanistan and made their way through the Balkans states, re-entering EU soil in Hungary, later in Croatia, and continued onto the popular destinations in Germany or Scandinavia (Zalan 2015, 1).

Member-states have securitized free movement and migration in general without considering the nature of 'mixed flows' (illegal immigrants versus asylum seekers).[2] The perception of migrants as threats has been linked not only to the economic burden of offering asylum and integration, but also to the perceived cultural and socioeconomic burden on internal security, welfare, employment and collective identities (Boswell 2003).To this regard, Timothy Hammond (2015, 5) argued that,

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2   An asylum seeker is defined as a person fleeing persecution or conflict, and therefore seeking international protection under the 1951 Refugee Convention on the Status of Refugees; a refugee is an asylum seeker whose claim has been approved. However, the UN considers migrants fleeing war or persecution to be refugees, even before they officially receive asylum (Syrian and Eritrean nationals, for example, enjoy *prima facie* refugee status.) An economic migrant, by contrast, is person whose primary motivation for leaving his or her home country is economic gain. The term "migrant" is seen as an umbrella term for all three groups. Thus, all refugees are migrants, but not all migrants are refugees.

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> The option of closing down borders in Europe (and perceiving immigration as a threat) will likely shake two significant pillars behind the European Union's ideology: freedom of movement (represented by member states of the Schengen area), and respect for international humanitarian principles. The option of opening up borders to accept asylum-seekers (and perceiving immigration as a humanitarian crisis) will likely intensify European preoccupations over economic stability and job security, and heighten concerns over long-term demographic shifts and fears of foreign fighter transit.

Many Non Governmental Organizations are accusing Europe of violating migrant's human rights.[3] Migrant detention centers across the continent have been accused of abuse and neglect of rights such as the one expressed in Article III of the European Convention on Human Rights, which prohibits inhuman or degrading treatment. In some EU member states (Italy and Greece, for example), migrants and asylum seekers face fines and deportation. In others, like Hungary, a new series of emergency laws adopted in September 2015 allows the police to operate detention centers, and illegal border crossings and aiding migrants become punishable by prison time (Park 2015, 5).

The general attitudes towards human mobility in Europe are contradictory. On the one hand, migration from poorer parts of the world to Europe, described in terms of unpredictability, represents a threat to host societies' territorial based identities as well as to personal and societal security. On the other hand, as far as internal labour migration is concerned, the mobility of EU citizens was perceived as sensible and organized action in the beginning of the European integration process. The different waves of EU enlargement, however, changed this perception. Currently as much as two-thirds of the Europeans think that there are already too many immigrants in Europe (Vittorino 2004). The attitudes towards migrants are geo-politically biased: especially migration from developing countries in the East and South is perceived as threat. Spain, for instance, has 3.3 million immigrants, the biggest portion of which comes from Europe and Latin America. Immigrants from developing countries are often associated with smuggling, illicit work, drugs, social problems, organised crime, fundamentalism, and terrorism.

In the view of nationalists, multiculturalism boosted by migration symbolises a disregard and violation of traditional state borders. In many European countries, populist parties have claimed the right to protect their native places from 'contamination' by restricting the number of migrants. The need to protect cultural particularities is expressed most explicitly among communitarians, who think that the right of immigration is justifiably limited by the right of a political community to preserve the integrity of its way of life (Habermas 1996, 513).

Discourses in which migration is represented as threat to societal or personal security have become a natural part of Western politics and media coverage. Even influential international institutions such as NATO and EU have placed migration in their security agendas (Bigo 2000, 123).

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3   Interview conducted with a representative of a non-governmental organization in Skopje in April 2015.

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Discourses linking migration and security issues have consequently received a status of commonplace truth that cannot be challenged (Foucault 1994). In this process, the notion of security is placed over liberty of movement. "Borders represent the very essence of statehood […] and one of its most visible embodiments" (Zaiotti 2011, 2), hence the right of states to control their borders and the movement of foreigners in-between them is an essential expression of national sovereignty. But the perception of how to enable or to prevent migration thereby differs among the EU member states due to varying political cultures and migration traditions. This makes migration policy a sensitive domestic issue, in which national sovereignty is, as Bache and Geddes (2011, 13) pointed out, "jealously guarded". Yet migration has a European dimension as well. Without cooperation, the denial of asylum by one member state, for instance, automatically shifts the responsibility to other states, probably also belonging to the Union. Thus, due to close geographical positions and strong interdependences among the Union's member states, especially through Schengen, their migration policy mutually affects each other's performances in migration control.

In the next part we analyse how the EU has being reacting to illegal immigration, offering a neo-functional solution (Frontex). And, we argue that, when this did not solve the problem, EU member states, evoking their sovereignty and duty to safeguard their territories and citizens, responded in a very realistic manner, closing borders and erecting fences and walls. As we are going to see, the disputes about the Schengen Area illustrated the difficulties for the EU member-states to find a common solution to the securitized issue of migration. The ones offered have been dominated by inconsistency and by a somewhat desperate attempts offered by the EU institutions to keep migration management at the EU level.

The EU response

The Schengen Agreement, establishing a borderless area for free movement, was signed on June 14, 1985 and was, in its first years, an intergovernmental agreement between the Benelux Economic Union, the Federal Republic of Germany and the French Republic (Collett 2013; European Commission 2014). In 1997, by the signing of the Treaty of Amsterdam, the Schengen Agreement became an integrated part of the EU (Collett 2013). According to the EU Commission of Home Affairs, the Schengen Area is based on the following:

> The free movement of persons is a fundamental right guaranteed by the EU to its citizens. […] Schengen cooperation enhances this freedom by enabling citizens to cross internal borders without being subjected to border checks. The border-free Schengen Area guarantees free movement to more than 400 million EU citizens as well as to many non-EU nationals, businessmen, tourists or other persons legally present on the EU territory (European Commission 2014).

The free movement has been accompanied by control and states wishing to join the area are expected to:

> … take on the responsibility for control of the external borders on behalf of the other Schengen states [and] cooperate with law enforcement agencies in other Schengen States in order to maintain a high level of security one border controls between Schengen countries are abolished (*Idem*).

Thus, the Agreement has two different sides: it aims to assure the free movement of travellers, migrants and workers internally, and it also aims to tighten controls at the external borders, reducing illegal immigration into the area. Each country has agreed to take the interest of all member-states into account in refusing the entry of "foreigners representing a threat to public policy, national security or international relations of any Schengen member" (Carr 2012).

Accordingly to the Community Law, EU external borders are "the member states' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are nor internal borders" (European Commission 2006). In the last years, these have become elements of control and surveillance infrastructures in the current dynamic world, characterized by flows of people, ideas, ideologies and goods, and by a fluctuating fear of terrorism. But, although the current threats to border security which the EU faces are non-traditional, the responses are traditional due to the predominance of measures premised on strengthening the principle of territoriality (Walters 2006, 141-159).

In December 2001, the European Council announced that a "better management of the Union's external borders will help in the fight against terrorism, illegal immigration networks and the traffic in human beings" (Hobbing 2006, 168). This brought along several suggestions focusing on unification and enhancement of control mechanisms (*Idem*). In 2002, under the External Border Practitioners Common Unit, six *ad hoc* national centers on border control were established, aiming to promote more cooperation in the area of migration, asylum and security. And, finally, in 2004, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was established as part of the Hague Program.[4] Frontex exposes a neo-functional attempt from the EU to unite the member states by changing the focus from internal migration to immigration from third countries, and thereby illustrating the threat as coming from the outside rather than from within. The establishment of Frontex made it possible to intensify the already initiated border control cooperation between the Schengen members. The Agency was to strengthen the integrated border management, the surveillance of border-crossings and the coordination of the exclusion

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4   The multiannual Hague Program was adopted at the European Council on November 4-5, 2004, and sets out ten priorities for the Union with a view to strengthening the area of freedom, security and justice in five years. The Hague Program specifically aims at improving the ability of the EU and its member states to do the following: guarantee fundamental rights, procedural safeguards, and access to justice, fight organized crime, repress the threat of terrorism, provide protection to refugees, and regulate migration flows and control the external borders of the Union. To view more about this program, please visit the following website: http://eur-lex.europa.eu/legal-content/BG/TXT/?uri=uriserv:l16002.

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of non-EU citizens (Heijer 2012). The agency "promotes, coordinates and develops European border management in line with the EU fundamental rights charter applying the concept of Integrated Border Management" (Frontex 2014), a corpus that coordinates and harmonizes European external border control. Finally, it needs to be said, that the Commission emphasizes the national sovereignty of each member states. That is why each state is still responsible for its own borders, regardless of coordination with and assistance from an EU agency.

Frontex was complemented by three pre-entry control mechanisms, – the posting of immigration liaison officers in third countries, carrier sanctions and the EU visa requirement, – which for the first time brought migration control outside the territory of the European Union (Heijer 2012). The Liaison Officers are deployed in order to facilitate exchange of information and to make risk analyses of immigration trends (Lemberg-Pedersen 2012).[5]

Furthermore, through bilateral agreements, Frontex has conducted operations in the territories of non-EU member states in order to prevent boat-migrants from reaching the EU border (*Idem*). An example of such actions are the HERA-operations which took place between 2006 and 2007[6] (*Idem*).

After 2011, the Arab Spring brought along a small peak in immigration to the EU. The European Commission consequently provided additional funding for Frontex in order to stabilize the situation, which highlighted the perception of a threat towards the EU (European Commission 2011). The Commission called for solidarity among the member states by offering assistance to those bearing the largest burden (*Idem*). However, solidarity and burden-sharing have been much contested within the EU cooperation on immigration. Member states with external borders have often called for solidarity and redistribution of immigrants, whereas ones with no external borders have blamed the former for not living up to the common commitment of protecting the external border (Hobbing 2006).

In 2013, the Council of the European Union and the European Parliament agreed on a reform of the Schengen Governance legislative package. The existing provisions were amended and "the temporary reintroduction of border controls at internal borders in exceptional circumstances" was introduced (Council of the European Union 2013, 1). One of the corner-stones of the EU, the free movement, was consequently constricted as internal borders may be reintroduced when "serious threats [foreseeable or urgent] to public policy or internal security" arises (*Idem*, 3). Thus, states are entitled to re-establish border control on the internal borders if another Schengen member neglects its control obligations (*Idem*, 4).

Accordingly to Dublin Regulation, revised in 2013, asylum seekers must remain in the first European country they enter and that country is responsible solely for examining migrants' asylum applications. Migrants who travel to other EU states face deportation back to the EU

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5   For some immigrants, thus, the Officer represents the first meeting with EU border officials, taking place long before the immigrants meet the territorial border guards at the physical border of the EU.

6   Spain, Italy, Portugal and Finland provided aircrafts, helicopters and vessels to the operations, which took place partly in the territorial waters of Senegal, Cape Verde and Mauritania and partly in the air above Sahara.

country they originally entered. Thus, "the burden of responsibility falls disproportionately on entry-point states with exposed borders" (Park 2015, 4). However, this has not been working due to the fact that entry countries (Italy and Greece) have stopped enforcing Dublin Regulation, and,consequently, countries of the north of Europe (Germany and Sweden) have been receiving the majority of asylum applications in the EU (*Idem*).

In mid 2015, Germany suspended Dublin Regulation for Syrian asylum seekers, which effectively stopped deportations of Syrians back to their European country of entry, but reinstated border controls along its border with Austria, followed by the Netherlands, Austria, and Slovakia. At this time, "German Chancellor Angela Merkel warned that the future of Schengen was at risk unless all EU member states did their part to find a more equitable distribution" (*Idem*). Following this statement, in September 2015, EU ministers agreed to resettle 120,000 migrants from Greece and Italy across twenty-three member states, with the objective of easing the burden on those two countries. This voluntary quota system was approved with the objections of the Czech Republic, Hungary, Romania, and Slovakia. However, critics of this approach argue that free movement inside the Schengen zone effectively nullifies national resettlement quotas (Park 2015, 7).

Building walls in Europe: a realistic perception of borders and the EU member states response

The political arrangement of immigration is no longer an exclusive right of the nation state, especially after the Treaty of Amsterdam, which is consider the starting point for legally binding EU law in this field. Here, the term 'Europeanization' is central. It basically means, enlarging the scope of the relevant unit of policy-making from the national area to the European one. Moreover, the term refers to the process of an increasing delegation of national competences up to the EU-level, but Europeanization literature also uses the term to describe the repercussion of this development on the national level (Faist and Ette 2007). Both meanings are relevant here, since the transmission of policy making competences on migration and border issues to the EU as well as its legally binding output limit the member states national sovereignty in determining their own migration policy. The question is, whether EU member states are placing their national interest above the EU cooperation, even risking a violation of EU law, especially in what concerns the human rights.

Until now, EU member states have repelled the irregular migration from their territory and contested the established Europeanization regarding the competences for doing so. Accordingly, the serious crisis of the Schengen system, which Europe has witnessed during the last years, is likewise a failed capacity test for the Union's migration and border policy to manage the recent irregular migratory flows resulting from Syria's conflict. The Europeanization of this policy area is a compensation measure for the abolition of internal borders and should make

the external border an effective barrier separating those who are included from those who are not. While the EU's policies regarding border and migration should keep those people labelled as 'unwanted' away from the national territory and community (Zaiotti 2011, 72), the recent closing of borders and the building of fences and walls, show that the EU is not capable to offer EU member states the degree of repelling they consider needed. The EU could not prevent the Syrians from irregularly reaching EU borders. As a result, member states have sought to implement measures aligned with their own repelling interest, which are driven by a very realistic perspective of the border.

From the EU member states perspective, European cooperation and the Schengen rules are viewed as obstacles for repelling the irregular migrants. Consequently, they tried to avoid these obstacles in order to strengthen their national sovereignty, which seemed to offer better capacities of safeguard their territory and citizens from external threats. So, EU member states were quick to act on their own, failing their the commitment to common values of equal sharing of responsibilities. In fact, some of the measures that were adopted by EU member states can be described by a lack of solidarity and an absence of long-term vision for an issue that is increasingly important (Oultremony 2015, 2).

Hungary, for example, has erected a 109-mile-long barbed wire border fence along its southern frontier with Serbia. This fence aims to stem the flow of migrants and refugees travelling through Hungary in what has been referred to as the West Balkans route. Hungary forms part of the EU's passport-free Schengen zone, which means that once migrants are inside that country, they can travel freely throughout most of the rest of the EU without further border checks. In 2015, Hungary often served as an entry point to the EU and border control-free travel in the Schengen area for those crossing from Greece and the Balkans (Taylor 2015). More than 60,000 people have entered Hungary illegally during the first six months of 2015, an increase of nearly over the same period in 2014 (Kern 2015). Approximately 95% of the migrants entering Hungary — most coming from Afghanistan, Iraq, Syria, Somalia and Kosovo — cross into the country from Serbia, which, unlike Hungary, is not a member of the EU. According to a public opinion survey, 46 percent of polled Hungarians believed that no asylum seeker should be allowed to enter Hungary (Park 2015, 4). And, with a very realistic perception of its border, Hungarian Foreign Minister Peter Szijjarto has justified the measures as necessary to defend his country, stating that: "The Hungarian government is committed to defending Hungary and defending the Hungarian people from the immigration pressure" (Deadern 2015).

In the same line, Greece closed its land border with Turkey by building a 6.5-mile fence in 2012. It relied on the rapid Maritsa/Evros River and 1,800 armed guards for the other 110 miles of border control. But, the flow of refugees not only did not stop, but grew (FitzGerald and Rona-Tas 2015). Refugees moved out to sea and entered Greece through the Aegean archipelago that in many places lies just a few miles from Turkey. Also Bulgaria has built a 33-km (21-mile), three-meter-high (10-foot) barbed wire fence along its border with its southeastern neighbor Turkey in an effort to limit the influx of migrants. The Interior Ministry has also

deployed more than one thousand police officers to patrol the Turkish border (Kern 2015). In Calais, the British government spent $10 million to erect improved fencing around the Channel Tunnel, a train link between France and Britain, which has recently attracted relatively large numbers of migrants (Taylor 2015). Moreover, barriers around the Spanish enclaves of Ceuta and Melilla in Morocco, which were significantly expanded in 2005, have done little to stem Europe's overall migrant issues. Border police registered more than 19,000 attempts to jump the fence at Melilla in 2014, an rise of 350% from 2013, according to the Interior Ministry. Nearly 7,500 migrants successfully entered Ceuta and Melilla in 2014, including 3,305 from Syria (Kern 2015). Austria has stopped processing asylum claims as of June 13, in an effort to make the country "less attractive" for migrants relative to other EU countries,[7] and on July 1 2015, Denmark announced that "it would slash benefits for asylum seekers to bring down the number of refugees coming to the country. It recently emerged that three out of four refugees who came to Denmark in the early 2000s are jobless ten years later" (*Idem*).

However, building higher walls and digging deeper moats solves few problems while incurring serious human and financial costs. Walls are expensive to build, and even more expensive to maintain and police over time. Controlling borders is a complex affair. Governments often try to control immigrants, terrorists, epidemics, drugs, and goods avoiding custom duties. But, physical barriers can stop none of these fluxes (FitzGerald and Rona-Tas 2015).

Europe's migration crisis is revealing the deep divisions that exist within the EU. Facing an unprecedented flux of illegal immigrants (more than 150,000 migrants have crossed into Europe during the first six months of 2015) EU member states have moved decisively to put their own national interests above notions of EU solidarity, hindering principles and values such as democracy, rule of law and human rights, and the border-free system, Schengen, one of the core principles of the EU.

Individual EU countries like Hungary and Greece will never be able to effectively address the refugee crisis on their own. Thus, the EU must be able to prove to its member states that it is capable of defending their territory from external threats by finding a collective answer to this problem.[8]

Conclusion

The EU's collective reaction to the unprecedented scale of migrants flowing to Europe has been considered *ad hoc* and more focused on securing the bloc's borders than on protecting the rights of migrants and refugees. The way the EU member states have been reacting, puts

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7   As cited by Kern (2015), "According to Austrian Interior Minister Johanna Mikl-Leitner, Vienna was 'stopping the Austrian asylum express', whereby applications are processed within an average period of four months, faster than in any other EU country. Asylum requests for Austria rose nearly 180% in the first five months of 2015 to 20,620, and were on track to reach 70,000 by the end of the year".

8   Some of the collective solutions can be seen in Oultremont 2015.

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in danger the values that the EU promotes, especially those at human rights level. We must not forget that the EU is a reference to other countries and it influences in a positive or in a negative way the manner they behave in similar situations. Therefore, the EU has responsibilities. It must be capable of finding a collective answer to the problem of illegal immigration that it is currently facing. As Park (2015, 8) states in her analysis, "quota plans and naval operations may help EU member states better manage this crisis, but experts caution that these proposals alone will not stem the tide of migrants. For that, European leaders must address the root causes of migration: helping to broker an end to Syria's civil war, restoring stability to Libya, and upping aid to sub-Saharan Africa".

The fact that nationalist parties are ascending in many EU member states, and the concerns about Islamic terrorism are threatening Europe, has lead to individual responses from each member states. This reaction shows that EU member states believe that Europe is not capable of a collective answer to the problem and is vulnerable regarding the external threats, and this is not good. In this context, their individual/national security is the priority, and a realistic perception of border prevails over a more solidarity and idealistic perception, where human rights are preserved.

Until now the weaknesses of the EU at this level are evident. Some member states have not been able to respect their obligations in terms of ensuring effective border control, and Frontex was not able to effectively address and find a solution to the problem. Between January and November 2015, almost 1.5 million illegal border crossings were detected in the EU space (EU 2015, 2). They have crossed the external borders of the EU illegally and were not identified, registered or subject to security checks (*Idem*). As the European Commission (2015, 2) argues "this put into question the coherence of the Schengen area" with some member states reintroducing temporary controls, closing borders and erecting fences and walls at their internal borders.

The external borders of the EU, in theory national borders, have gradually become of EU concern. Although a neo-functional call for burden-sharing and solidarity, the process has been subject to finger-pointing and burden-shifting, which lead us to question where the EU is when needed. Why is the EU not capable to come up a joint response to the immigration crisis?

The securitization of migration in EU discourse has lead to the securitization of practices and technologies in an individual basis, in which states try to protect themselves as if the EU did not exist, reminding us of the classic principles of realism. So, at this stage it is important that the EU can find a collective answer taking into account the its values and principles written in the Rome Treaty since the EU foundation. And the only possible way to achieve this is to balance the need for protection with the need for secure borders.

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