

THE «INSTRUMENTALISATION» OF MIGRATION



Blanca
Garcés
Mascareñas

Senior Research Fellow,
CIDOB

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Migration is increasingly being instrumentalised at the European Union's external borders. In February 2020, the Turkish government sent over 13,000 people to its border with Greece. In May 2021, over two days, Morocco permitted the irregular entry of 10,000 people into Ceuta. In autumn 2021, the Belarusian regime took its turn, facilitating the arrival of thousands of people at the borders with Poland, Latvia and Lithuania. In this context, Brussels has been swift to describe thousands of people reaching its borders (families and minors included) as a serious «hybrid threat» to its «security». NATO took a similar line in its new Strategic Concept, calling the actions of «authoritarian actors» who «instrumentalise migration» attacks on states' sovereignty and territorial integrity.

The instrumentalisation of migration is nothing new. The American political scientist Kelly M. Greenhill (2010) has called its use as a weapon of political and military warfare the «weaponisation of migration». Taking a long-term historical perspective, Greenhill distinguishes between coercive intentions, where migration is used as a foreign policy tool for applying pressure to other states; dispossessive intentions, where the aim is to annex certain territories or to consolidate power; and economic motivations, where the goal is financial gain.

In the instances mentioned above, the intentions of Turkey, Morocco and Belarus are clearly coercive: migration is instrumentalised in order to force change and obtain concessions from the EU. The Turkish President Recep Tayyip Erdoğan sought increased financial aid for hosting refugees and support for Turkish military

operations in northern Syria. Morocco was responding to what it saw as an act of disloyalty – the hospitalisation in Spain of Brahim Ghali, leader of the Polisario Front – and ultimately demanded collusion on the issue of Moroccan sovereignty in Western Sahara. Belarus, with Russian backing, pressured the EU not to meddle in its internal affairs.

Each time, the EU is aghast at these instances of «blackmail». On the one hand, it blanches at the «outrageous», «cynical» use of refugees for political purposes by third countries. On the other, it has no compunction about describing the arrival of thousands of people (including families and children) as a serious «hybrid threat» to its «security», against which it is consequently «at war» in both rhetoric and the deployment of national armies at the border. The EU has responded with force and even a rarely seen unity, not realising that in the end it is the victim of little more than its own actions. This is true in several ways.

First, the EU is a victim of its own actions because it overreacts. As it fears nothing more than another «migration crisis», the blackmail is guaranteed to succeed. In the end, the number of people is not what counts. What really matters is fear: the fear some parts of the electorate feel about migrants, and governments' fears of the division and chaos the EU and the member states display on each occasion. Some *experts* have claimed that Russia's invasion of Ukraine also sought to destabilise the EU with a new «wave» of refugees. This time, however, despite the numbers reaching millions rather than thousands no overreaction occurred. The proximity of the refugees and, above all, a war experienced as its own (with a perceived common enemy) are the reasons this unconventional tactic has failed this time.

Second, the instrumentalisation of migration is really the result of outsourcing migration control and international protection to neighbouring states. By forcing them to control the bloc's borders and take in the refugees they were no longer willing to receive, the EU and its member states placed their fates in their neighbours' hands. In exchange for control and containment, they offered incentives, from development aid funds to potential trade and visa agreements. Now the neighbours are the ones seeking to impose their conditions. Few wish to admit it, but it was the EU, and the member states themselves that first instrumentalised migration. And the ways they went about it are far from trivial.

Over recent years, the EU has been resorting to increasingly informal solutions. Bilateral agreements have given way to other more flexible and ad hoc forms of agreement, which are inserted into broader cooperation frameworks. Unsurprisingly, these negotiations have been carried out

mainly at member state level – at the EU level any measures tend to be much more standardised. The result is increased flexibility and bargaining power at the expense of transparency. This should not negatively impact the necessary oversight by each country’s legislative and judicial authorities, or those at European level. The misnamed EU–Turkey deal of 2016, which was meant to curb irregular arrivals to Greece, provides the best example of the risks of this informality. When asked to assess the deal’s legality, the Court of Justice in Luxembourg declared that it lacked the jurisdiction to rule on an informal pact between Turkey and the member states.

Third, and finally, the EU has only itself to blame when, for all these reasons, it is willing to abandon its own core principles. Declaring war in response to neighbouring countries’ instrumentalisation of migration (understood as hybrid tactics) opens the door to exceptions. In late 2021, Poland declared a state of emergency, with all that implies in terms of suspending fundamental rights, unlimited use of force by the army and the militarisation of large areas to which press and NGOs were denied access. The same happened with push backs in Greece, which flagrantly violate the law and have been a constant in recent years. On each occasion, the political use of migration by third countries has been used as a justification to limit fundamental rights recognised in domestic, European and international law.

VIEWING MIGRATIONS AS HYBRID THREATS ORCHESTRATED BY THIRD COUNTRIES HAS PROVIDED THE PERFECT BACKSTORY. EVEN IF MIGRANTS ARE PERCEIVED AS VICTIMS, THEIR ROLE AS PRESSURE «WEAPONS» IN THE HANDS OF NEIGHBOURING STATES’ GOVERNMENTS SIMULTANEOUSLY MAKES THEM THE MAIN ENEMY.

This shift is not only taking place in certain border countries. In December 2021, the European Commission published a proposed regulation to provide member states with a legislative framework to respond to such situations. According to this [document](#), the instrumentalisation of migrants is when a «third country instigat[es] irregular migratory flows into the Union (...) where such actions are indicative of an intention of a third country to destabilise the Union or a Member State, [and] where the nature of such actions is liable to put at risk essential State functions, including its territorial integrity, the maintenance of law and order or the safeguard of its national security». The proposed remedies include limiting border crossings, extending deadlines, increasing immigration control measures, and facilitating immediate returns at the EU’s external and internal borders. As numerous international organisations (ECRE, Amnesty International, among others) have pointed out, such measures could normalise the state

of emergency and thus undermine the fundamental rights of migrants, refugees and asylum seekers.

What are the consequences of viewing migration as a hybrid threat? In *After Europe* (2017), Ivan Krastev points out that migration crises may well end up signifying the beginning of the end of European liberalism, not because of what they are but because of what they produce. Since 2015, our fear of another migration crisis has made us willing to accept the unacceptable. That is the real problem. Internally, we could end up accepting the normalisation of states of exception and, therefore, the violation of fundamental rights. In this sense, viewing migrations as hybrid threats orchestrated by third countries has provided the perfect backstory. Even if migrants are perceived as victims, their role as pressure «weapons» in the hands of neighbouring states' governments simultaneously makes them the main «enemy». The number of migrants is not the important part. As long as they are perceived as a national security threat – more for what they represent than for what they are – few question that the response should be as forceful as possible.

Externally, the instrumentalisation of migration, first by Europe and now from abroad, has left us hostage (and therefore mute) in the face of pressure from third countries. This, above all, is the source of the surprise and fear. This is perhaps what is truly new. Thus, the power asymmetry – or conditionality in the words of Cassarino (2007) – has been reversed: neighbouring countries are now the ones imposing their conditions. Simply put, this is because the number of irregular arrivals depends on them. The most recent example of this subordination is the Spanish government's recognition of Moroccan sovereignty over Western Sahara. It is worth asking to what degree this was the ultimate goal of Moroccan cooperation. In complex regional settings an added problem is that responding to the demands of some may mean raising the suspicions of others. This is why Algeria issued a response to the Spanish government's changed position without delay. Not only is it difficult to decide upon the order of priority – Morocco or Algeria, migration or the price of gas – but also migrations are fluid and those who do not reach one shore will surely end up reaching another.

This does not mean there is no alternative. There is, but the baseline conditions must be altered. This means that the habitual overreaction must cease. The Ukraine refugee crisis is a good example in this regard. It also means that the process of outsourcing migration control should be reversed, so that migration ceases to be a bargaining chip in international relations. We need a foreign policy that is not purely transactional, that does not impose the interests of some upon others and that works towards

achieving common goals in the medium and long term. We also need migration policies that address causes and regulate flows, beyond mere containment measures. If not, the policies will always be doomed to fail, because containment only reduces arrivals for a given time and space. When the push and pull factors that drive migration remain in place, a route always emerges. Finally, the alternative solution cannot be to reduce the rights of those who, despite everything, end up arriving. This is for two fundamental reasons: because compliance with the rule of law is a *sine qua non* condition for any democracy; and because today's exclusion is tomorrow's conflict. Contrary to the arguments of the far right, «our» security depends on «their» rights.

References

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