Not So Normative After All: The Securitization of Migration since 9/11 and the Erosion of Normative Power in Europe

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Abstract: Since the terrorist attacks of September 11, 2001, accelerated initiatives to combat terrorism have been criticized for overstepping the bounds of universal human rights norms. A defining feature of European Union (EU) policy as a normative power is how it navigates the customary frictions between human rights and counter-terrorism by committing to “combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice.” This paper argues that the threat of transnational terrorism has led Europe to stray from its normative position. This is most clearly understood by examining the securitization of EU interactions with the Mediterranean - particularly North Africa - with regard to migration policy. Migration is considered as “transformed into a key element in the context of transnational threats,” and indeed EU Member States are targeted by Islamist terrorists entering EU soil by way of the Middle East or the Maghreb. Finally, this paper explores how the post-9/11 threat environment - an intensified “global risk society” - has led the EU to downplay its traditional role in ensuring protection of universal human rights through such normative instruments as the European Court of Human Rights (ECtHR).

Introduction

Since the terrorist attacks of September 11, 2001 (9/11), accelerated initiatives to combat terrorism have been criticized for transgressing human rights norms. As a normative power, the European Union (EU) has been forced to navigate the time-honoured frictions between human rights and counter-terrorism in its response to 9/11. The conceptualization of the EU as a normative power in terms of its “international identity” focuses on the EU’s exercise of power over principle and opinion. Due to its origins in the shadow of genocide, the EU’s foundational documents have emphasized the pursuit of peace and the protection of human rights and freedoms. Peace and
liberty were “defining features” of post-war Europe policy, while democracy, rule of law, and human rights were introduced during the Cold War in order to draw a distinction between Western Europe and the Soviet sphere. Both an identity and a purpose, the EU’s focus on liberty, democracy and the rule of law has manifested itself in various instruments and institutions, such as the European Court of Human Rights (ECtHR). Broadly speaking, universal norms—such as the Universal Declaration of Human Rights—play a central role in the EU’s rhetoric, policy instruments, and—most critically—relations with other states. As such, it becomes clear that, “not only is the EU constructed on a normative basis, but importantly that this predisposes it to act in a normative way in world politics.”

Post-war Europe has faced no greater threat to the vitality and projection of its normative power than the post-9/11 counterterrorism enterprise. The EU professes a commitment to, “combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security and justice.” The EU strategy consists of four strands—prevent, pursue, protect and respond—emphasizing in particular the responsibility to prevent radicalization through multilateral cooperation. Yet even with a well-formulated strategy, the priority the EU places on its relations with the United States combined with the post-9/11 threat environment—and resulting US pressure on states to take action—has damaged Europe’s normative power and its ability to exercise that power. This is most clearly understood by examining the securitization of EU interactions with the Mediterranean—particularly North Africa—in the formation and implementation of migration policy. Securitization—part of the Copenhagen School of Security Studies—is the process by which a phenomenon is socially constructed as a security concern and accepted as such within the public discourse. Securitization can, “mobilize opinion and constitute legitimacy and authority,” for measures taken to address security threats.
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Since 9/11, EU processes and institutions concerned with migration have been securitized and migration, in turn, has been, “transformed into a key element in the context of transnational threat.”[7] Such a climate of threat is enhanced by the continued targeting of EU member states by Islamist terror networks whose members enter EU soil from the Middle East or the Maghreb.[8] This paper applies securitization theory to examine how the post-9/11 threat environment—an intensified “global risk society”—has significantly eroded the EU’s normative power.[9] Since it is not possible to adequately consider all EU counterterrorism policies and practices, this paper will focus on the influence of the counterterrorism agenda on migration control policies and institutions. Further emphasis will be placed on the tension between the unilateral and bilateral interests of European states and the EU’s multilateral framework for exercising normative power. It will become clear that the EU’s post-9/11 efforts to exercise supranational normative power have failed to move beyond the rhetorical and remain subordinate to the interests of its member states.

This topic is of striking relevance due to the ascendance of European voices, such as Dutch Freedom Party leader Geert Wilders, who openly condemn Islam and call for tightened EU migration policies. Even more powerful is the political and societal reaction to two March, 2012 shootings in Toulouse, France by Mohammed Merah, a French citizen affiliated with Al Qaeda. The French response included extensive raids indiscriminately targeting Muslim communities while seeking to deny the entry of individuals into France, “who [do] not share the country's values,” and, “who have no reason to be here.”[10] Former President Nicolas Sarkozy used the attacks to position himself in an election year as, “tough on Islamic radicalism.”[11] His “speech acts” presented Islamic migration as an existential threat to France.[12] Moreover, the failure of the police to capture Merah alive led right-leaning observers to criticize French

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counterterrorism practices as being too reliant on, “human contacts, local intelligence and human resources” and not enough on American-style surveillance technologies.\(^\text{13}\)

This paper examines the development and implementation of EU polices aimed at addressing transnational terrorism as it relates to migration. Emphasis will be placed on the tension between the interests of Member States and the EU’s multilateral framework for exercising normative power. It will be argued that the EU’s post-9/11 efforts to exercise supranational normative power have failed to move beyond the rhetorical and remain subordinate to national interests. Since Member States are each affected differently by the threat of terrorism via migration, the EU has been unable to formulate a framework for collective action, raising further questions about the continued viability of the EU Counterterrorism Strategy and of the EU itself.

**EU counterterrorism processes prior to September 11, 2001**

The end of the Cold War saw the EU shift attention from great power dynamics to more complex security concerns, including migration and organized crime, while at the same time prioritizing the protection of human rights norms. Yet the EU continued—until 9/11—to lack instruments for articulating a common counterterrorism policy.\(^\text{14}\) EU organs such as the European Parliament began to focus their exercise of normative power on respect for individual rights, the rule of law, and democracy.\(^\text{15}\) Since 9/11, the EU has drifted considerably from this post-Cold War trajectory. Meanwhile, events in the early 1990s—such as migration spurts during the Algerian civil war—led Spain, Italy and France to re-examine Euro-Mediterranean policy. These states faced pressure from their North African counterparts to cease being a haven for dissidents. However, in this instance normative power prevailed and the migration threat was mitigated not through security crackdowns but through economic development intended to, “render emigration from North Africa and the Middle East unnecessary.”\(^\text{16}\) The EU Global Approach to Migration frames this aid as part of a “partnership” to address migration, “in an integrated, comprehensive and balanced way.”\(^\text{17}\)


\(^{14}\) Joffé, 155.


\(^{16}\) Joffé, 154.

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To continue with our examination of pre-9/11 norms, the Barcelona Declaration of 1995 called for strengthened cooperation between police, judicial and customs authorities with a view to “stepping up exchanges of information and improving extradition procedures.” Similarly, the EU Justice and Home Affairs (JHA) Council encouraged member states to, “strengthen controls at the external borders . . . to exercise the utmost vigilance when issuing identity documents and residence permits . . . [and] to apply procedures for the issuing of visas with maximum rigour . . . ”. The JHA Council’s strategy is essentially a supranational version of the intergovernmental Trevi Framework of 1975. While the Barcelona Declaration focused the Euro-Mediterranean Partnership on the pursuit of, “peace, stability and prosperity,” through the, “strengthening of democracy and respect for human rights,” the post-9/11 agenda has shifted the Partnership to prioritize security over humanitarian concerns or economic needs for labour migrants. This is another direct manifestation of the securitization of migration, one that compromises the EU’s normative power in regards to its relations with the Mediterranean.

Following the Cold War, the Euro-Mediterranean common security agenda prominently emphasized human rights, including in the realm of law enforcement. However, after 9/11 a conceptual linkage was formed between the JHA’s first pillar (external border security) and its third pillar (police and judicial co-operation), designating them as “complementary.” In an attempt to exercise normative power through norm transmission, the EU worked to export this new JHA agenda by convincing Maghreb states to adopt similarly strong policies. In actuality, the reverse process occurred, with some EU states adopting the counterterrorism agendas of South Mediterranean states. This phenomenon, known as “externalization in reverse” poses an acute challenge to the EU’s normative power. Meanwhile, Human Rights Watch and other groups have criticized the JHA Council for ignoring the European Parliament in its activities. For instance, in 2005 the Council passed the Asylum Procedures Directive and did not incorporate the more than one hundred amendments

18 Ceccorulli, 499.
19 Ceccorulli, 500.
22 Joffé, 158.
23 Joffé, 167.
proposed by the Parliament. The United Nations High Commissioner for Refugees (UNHCR) expressed worry that, “the implementation of the directive may lead to breaches of international refugee law . . . and make it harder for refugees to have their asylum claims properly heard in Europe.”\(^{25}\) That EU action—or rather inaction—has prompted explicit concern within the UN should be a worrisome revelation for Europeans concerned with maintaining normative power.

**The securitization of migration in the EU following September 11, 2001**

Under pressure from the White House, Europe reacted quickly to 9/11 and the first EU counterterrorism plan was released only ten days after the World Trade Center attacks. Since the architects of the 9/11 calamity included immigrants living in Hamburg, the EU had to address a European connection to these unprecedented attacks. The Hamburg Cell revelation deeply influenced public opinion concerning Islamist terrorism. It led to the, “reification of Muslim migrants into the mythologized personification of an exaggerated threat and thus the object of securitized policies.”\(^{26}\) Murphy identifies two trends that characterize post-9/11 EU counterterrorism: “accelerated co-operation and a shift towards pre-emption.”\(^{27}\) Both are observed with regard to migration, as the EU—with broad public support—enhanced measures to prevent aspiring terrorists from gaining entry into Europe via lax border security standards. The 2005 EU Counterterrorism Strategy aims to, “prevent new recruits to terrorism; better protect potential targets; pursue and investigate members of existing networks and improve our capability to respond to and manage the consequences of terrorist attacks.”\(^{28}\) One feature of the strategy that uniquely pertains to migration is the mention of, “engagement with developing countries vulnerable for harbouring terrorists . . . [namely] priority third countries—including in North Africa, the Middle East and South East Asia.”\(^{29}\) This includes—as in the Algeria case—a commitment to support economic development in these countries so as to target the distal causes of illegal immigration.\(^{30}\)

Consistent with messaging affirming human rights while prioritizing the prevention of radicalization, EU policy calls for the establishment of a, “comprehensive approach

\(^{25}\) Ibid.


\(^{29}\) Ibid., 7.

that manages migratory flows balancing all relevant aspects of migration, including human rights, international development, economic and security interests.”\(^{31}\) Also within the “prevention” agenda—whose singular importance was reaffirmed in 2010 by the Stockholm Programme—there is an emphasis on combating radicalization through integration and dialogue among, “cultures, faiths and civilizations.”\(^ {32}\) Alluding to the situation of Muslim immigrants, the strategy calls for EU states to, “ensure that voices of mainstream opinion prevail over those of extremism by engaging with civil society and faith groups that reject the ideas put forward by terrorists and extremists that incite violence.”\(^ {33}\) Furthermore, EU members are asked to criminalize terrorist recruitment and incitement in religious settings.\(^ {34}\) France recently expelled a Malian imam due to, “sermons that promoted anti-Semitism and rejection of the West.”\(^ {35}\) With regard to Muslim integration in the aftermath of the 2004 and 2005 attacks in London and Madrid, respectively, EU member states undertook numerous measures such as new citizenship laws and language proficiency requirements; increased dialogue with Muslim organizations; support for “homegrown” imams better able to integrate European traditions with religious practise; improved vocational training; and intensified efforts to combat discrimination generally.\(^ {36}\) A 2005 Council of Europe report takes aim at “iniquitous” religious figures who, “stir up feelings of hatred or even racism towards the host society or some sections of that society.”\(^ {37}\) The report recommends strengthened efforts to combat illegal immigration while carefully noting that counterterrorism-focused integration measures must not impose, “unwarranted, disproportionate restrictions on [legal] immigrants' personal freedoms.”\(^ {38}\) The report goes on to frame tightened borders as precautions that are in the best interests, “of those immigrants who aspire to live in peace in their host country and who publicly distance themselves from the terrorist groups, with which, therefore, they should not be indiscriminately associated.”\(^ {39}\)

At the rhetorical level, the EU Counterterrorism Strategy reflects a normative approach, yet some observers of the implementation of these EU norms suspect they

\(^{31}\) Ibid.
\(^{33}\) Ibid.
\(^{34}\) Ibid.
\(^{35}\) CNN Wire Staff.
\(^{38}\) Ibid. Section 10.
\(^{39}\) Ibid. Section 95.
are merely a “construct which camouflages” the real priorities of the EU and its member states. As we consider the implementation of EU policies on combating terrorism through migration control, the question emerges as to whether the normative elements of the Strategy – including those pertaining to human rights – constitute a comprehensive, values-driven European agenda or merely a projection of rhetoric that is increasingly at odds with state behaviour.

Bigo outlines several manifestations of the securitization of migration: the growing distinction between the EU’s external and internal borders; the establishment of “detention zones” in airports to efficiently deport those lacking adequate documentation and a decrease in the number of accepted asylum-seekers, among other reforms. In the aftermath of 9/11, the EU has shown extra willingness to integrate border surveillance and migration control with counterterrorism objectives through such measures as data gathering on “irregular migrants and asylum seekers.” France, for instance, has focussed on fighting Al-Qaeda in the Islamic Maghreb in the former French colonies of Algeria and, most recently, Mali. In their efforts to fight transnational terrorism and reinforce the Euro-Mediterranean Partnership, EU member states are repeatedly confronted by their colonial pasts. The Euro-Mediterranean Partnership was affirmed through the 2007 Lisbon Treaty, the Hague Programme of 2005 and by the European Commission which in 2006 resolved to embark on a, “high level dialogue on terrorism,” while increasing cooperation to, “improv[e] migration management and security.” More concerning to rights monitors is The Hague Programme’s endorsement of biometric identifiers and data as part of a, “continuum of security measures that effectively links visa application procedures and entry and exit procedures at external border crossings.” In a further demonstration of the securitization of migration, The Hague Programme also calls for increased cooperation between EU counterterrorism agencies and the Strategic Committee on

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40 Joffé, 167.
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Immigration, Frontiers and Asylum (SCIFA), ultimately leading to a European Council Committee on Internal Security.\textsuperscript{45}

In the aftermath of 9/11, the EU has increasingly neglected multilateral instruments in favour of interstate agreements. There are, however, many notable multilateral counterterrorism initiatives established by the European Council. Intelligence-sharing platforms as well as external border management projects like the controversial FRONTEX are, “playing a significant role in the securitization of asylum and migration.”\textsuperscript{46} FRONTEX orchestrates joint border control operations with guards and equipment from multiple EU member states, aimed at stemming migration flows. The role of the military in these operations suggests a “semi-militarisation” of border controls, while their “extraordinary” nature worries rights monitors. FRONTEX’s role of assisting member states in returning migrants – including rejected asylum seekers – to their countries of origin may in certain situations constitute a violation of the \textit{non-refoulement} principle, which prohibits states from sending individuals to countries where they may face torture or other human rights violations.\textsuperscript{47}

By adopting Bigo’s ‘sociological’ approach to securitization—which, “privileges the role of practices over that of ‘speech acts,’”—Léonard’s research on FRONTEX compellingly portrays the extent to which migration has been securitized in response to 9/11.\textsuperscript{48} Additionally, unlike bilateral initiatives, FRONTEX emerged from the EU and thus can enable all member states to participate in securitization practices, including those states with less experience in, or financial resources for, addressing migration in their domestic implementation of the Counterterrorism Strategy.\textsuperscript{49} At the same time, FRONTEX remains constrained by the EU and is financially dependent on the European Parliament. Therefore, it is unable to ignore EU human rights norms with the same impunity as state-driven initiatives, such as the Prüm Convention (discussed below) and Italy’s bilateral partnerships with Libya. In another example of supranational cooperation, NATO helped Greece in 2006 to prevent illegal immigration, “in the course of conducting counter-terrorism operations in the Mediterranean Sea.”\textsuperscript{50} In summary, Léonard clarifies that the securitization of migration is primarily occurring through bilateral state initiatives, not through the EU. The latter is constrained due to asylum and migration interest groups, time-

\textsuperscript{45} Ibid. 16.
\textsuperscript{46} Léonard, 232.
\textsuperscript{47} Léonard, 240.
\textsuperscript{49} Léonard, 247.
honoured refugee protection norms, and inevitable obligations under human rights law, among other factors. Therefore, she claims, it is unlikely that the EU itself would employ “extraordinary measures” consistent with the securitization of migration. In response, I argue that while the EU as a collective continues to uphold these principles of justice and rights protection at the supranational level, the problematic practices of specific states implicate the entire EU for deviating from its traditional role as a normative power. Meanwhile, it is important to recognize an alternative viewpoint concerning FRONTEX. Andrew Neal argues that the creation of FRONTEX demonstrates the failure of – rather than a response to – the securitization of migration. He states that in spite of the “securitizing links” articulated at the rhetoric level, “the creation of FRONTEX was not the urgent and exceptional policy that the logic of securitization theory would expect.” However, Neal fails to define what a sufficiently urgent and exception policy might look like. Furthermore, the aforementioned legal and political constraints faced by FRONTEX may account for Neal’s observations without refuting the applicability of securitization theory in regards to post-9/11 migration control in the EU.

**Frictions between multilateral and transgovernmental initiatives**

The greatest threat to the EU’s normative power in the post-9/11 era has emerged not from within the Union’s own institutions, but rather through arrangements between two or more member states. As some states are more affected by the threat posed by transnational terrorism than others, the more anxious states have initiated intensive counterterrorism initiatives without the consent of the full EU membership. A concrete example is the establishment of the Association of European and Mediterranean Police Forces and Gendarmeries (FIEP) by France, Spain and Italy in 1994, after which more states joined on. Such initiatives operate without the supervision or moderation of a central organ like the EU and are seen as examples of “intensive transgovernmentalism.” With respect to migration, one might examine the confidential refugee control agreements between Italy and Libya and between France and Algeria, Morocco and Tunisia. A further example is the signing of the Prüm Convention by seven EU member states in 2005, a process that reverted to the “intergovernmental arena” and ignored the European Parliament’s sober

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52 Neal, 334.

53 Joffé, 165
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trepidations. The Prüm Convention strengthens cooperation to combat terrorism, cross-border crime and illegal immigration while maintaining distance from the oversight of EU bodies. Analysts are concerned about the techniques these seven states are now effectively permitted to practise under the convention – including the establishment of databases of DNA and fingerprint data, and even the deployment of “armed marshals” empowered in emergency situations to take action “in the territory of other contracting states without their prior consent.” Such practises link the issues of migration control and counterterrorism, thereby, “transferring insecurities [and] producing a security continuum.” The result is the merging of internal and external security, while also weakening EU institutions and, in turn, eroding normative power. The aforementioned bilateral initiatives share a common theme: bypassing the EU, boldly proclaiming their distrust for the EU’s ability to guarantee European security, and thereby forming a, “political rift in the construction of the EU area of freedom, security and justice.” Indeed, intensive transgovernmentalism and intergovernmentalism enable the unchecked proliferation of measures, “that would be very difficult to reach agreement on under the EU framework.”

The Prüm Convention builds on the provisions of the post-Cold War Schengen Information System (SIS), which has generated controversy of its own due to proposals to interlink the various SIS alerts. This would compromise civil liberties by creating direct links between data gathered for immigration cases and those gathered for criminal or terrorism cases. Suspects are screened against not only personal data, but also the information of individuals with whom they may be associated. Those whose data are linked to listed criminals or terrorist suspects, “are likely to be treated with more suspicion than others.” Pastore calls this a “clear manifestation of the . . . (in)security continuum,” a term coined to criticize the integration of immigration issues with crime and terrorism within the third pillar of the Maastricht Treaty. The securitization outcomes of the Prüm Convention can be further extended by, “conditioning economic aid to the permission to have police and immigration activities inside each of these countries.” This includes a growing number of “visa facilitation

55 Mistilegas, 17.
56 Ceccorulli, 493.
57 Balzacq et al, 2.
58 Ibid., 10.
59 Ibid., 13.
61 Bigo et al, 16.
and readmission” agreements with Maghreb states agreeing to repatriate illegal immigrants in the EU.

The post-9/11 trend of deviation from EU norms has made bilateral relationships even more important and increasingly characterized by intensive transgovernmentalism. Italy and Libya have increased efforts to control illegal immigration while France and its North African state partners have cooperated on the deportation of illegal immigrants and terror suspects, likewise for Spain with Morocco and Algeria. In the securitization of their migration regimes, these states have pledged merely rhetorical—but not tangible—allegiance to EU human rights norms. A case in point is the continued Italian, British and German practise of deporting terrorist suspects to countries understood to practice counterterrorism in a manner that contravenes EU norms. Meanwhile, France ignored an order from the ECtHR in 2009 when authorities expelled a Tunisian man to Senegal. In addition, Spain has failed to implement UN Human Rights Council Universal Periodic Review recommendations regarding the improvement of conditions for terrorism suspects. Britain was so heavily criticized—including by the ECtHR—for its introduction of, “stop and search without suspicion,” powers that the UK Home Office ordered a moratorium on these counterterrorism practices. The use of deportation based on diplomatic assurances was blocked in May 2011 by the UK Special Immigration Appeals Commission (SIAC) regarding the proposed deportation to Pakistan of two suspects. Yet the UK initiated extradition proceedings for one of the suspects in a direct violation of the SIAC decision.

Returning to an example of a multilateral instrument of securitization is the European Neighbourhood Policy (ENP), developed by the EU in 2003, which offers “friends” a “privileged” economic and political relationship with Europe in exchange for cooperation on the counterterrorism front. Despite rhetoric invoking shared Euro-Mediterranean values and respect for fundamental rights, the ENP has been criticized for focusing its energies exclusively on the fight against terrorism, transnational crime, and illegal immigration at the expense of the promotion of such rights and values.

62 Aas, 5.
63 Joffé, 165.
66 Ibid.
67 Kaunert and Léonard, 288.
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Instead of being a vehicle for political reforms and democracy building in the Maghreb, the ENP serves as merely a, “buffer from the terrorist threat emanating from the Gulf region,” which leads states to, “[acquiesce to], rather than [challenge], authoritarian practices.”69 However, when compared to EU-US synergies, Léonard finds that border control cooperation between the EU and Southern ENP countries, such as the Maghreb region, “has not advanced to a note-worthy extent.”70 For instance, ENP Action Plans with Morocco and Tunisia detail cooperation on aviation security but do not even mention counterterrorism explicitly.71 Moreover, the events of the Arab Spring slowed the pace of Euro-Mediterranean progress relative to EU-US collaboration to combat terrorism at domestic borders.

Initiatives like the ENP are multilateral in rather than transgovernmental in character, yet are still a source of concern due to issues of accountability within EU legislative bodies. These initiatives – which also include the Framework Decision on Combating Terrorism, the Framework Decision on the European Arrest Warrant, and the EU-US Passenger Name Record Agreements – were given assent by representatives of member state governments, with negligible input from members of the European Parliament. Murphy wisely points out that when governments have unchecked legislative control at the EU, “they may be able to adopt law through the EU that would not survive national legislatures”72 with opposition parties working to ensure protections for fundamental rights. Recent innovations—especially the Stockholm Programme and Lisbon Treaty—have brought about reforms to the EU that will decentralize power and hold EU organs such as the Counter-Terrorism Coordinator to account. For example, the European Parliament has gained greater control over EU legislation, while the European Council is no longer steered entirely by the Prime Minister of the Member State occupying the Council’s rotating presidency.73 However, at times there remains friction between the EU and normative institutions such as the European Court of Justice. In the 2008 Kadi case, the Court found that the European Council violated its own human rights principles in passing resolution 881/2002, which sanctioned individuals associated with Osama bin Laden, Al-Qaeda and the Taliban.74

70 Kaunert and Léonard, 298.
71 Ibid., 299.
72 Murphy, 2.
The two concepts central to this paper—securitization and normative power—are heavily influenced by public opinion, engagement, evaluation, and endorsement. A phenomenon such as migration cannot be effectively securitized without the public’s acceptance of that phenomenon as the source of an acute threat to security and survival. Meanwhile, the normative power of the EU derives from its ability to diffuse norms to other actors. Thus, it is important to consider the mechanisms by which the securitization of migration is conveyed to, and accepted and reinforced by, the domestic polity. Huysmans finds EU State parliamentarians to be surprisingly reluctant to draw connections between migration and terrorism “too intensely in public debate.” There are two ways to embed migration issues into debates on security and counterterrorism. The first invokes the ‘politics of exception’ by justifying exceptional policies based on perceived existential threats to a nation. The second method—often neglected by academics—involves a, “political discourse of safety and unease,” to justify invasive policing technologies without direct reference to an existential terrorist threat. By examining “speech acts” within the context of post-9/11 Parliamentary debates in the United Kingdom, Huysmans reverts to the pre-Bigo form of securitization research. He discovers that the politics of unease is far more prevalent in discussions of migration and security than the politics of exception. For example, in considering the introduction of controversial identity cards, “no causal relation between illegal free movement and terrorist threat was articulated.” Rather, the debate emphasized, “the development of a general context of societal insecurities and unease,” so as to justify the use of such ID technology and override quibbles within civil society about inherent infringement on civil liberties. This analysis demonstrates the reluctance of politicians to interlink post-9/11 parliamentary debates on counterterrorism and migration. This conclusion serves to question, “the idea that terrorism is central to the political justification of changes in migration policy,” and demonstrates that those who seek to implement invasive surveillance technologies do not necessarily abet their cause by, “introducing a more radical understanding of threat, by means of terrorism.” Conversely, a look at the strong rhetoric regarding Islamic immigration in the 2012 French Presidential election campaign would seem to contradict Huysmans’ conclusion. Indeed, his analysis ends in 2004 and therefore does not take in account the tenor of parliamentary and public debates in the aftermath of

75 Neal, 335.
76 Manners, “A Contradiction in Terms?”, 224.
78 Huysmans and Buonfino, 767.
79 Ibid, 781.
80 Ibid., 784, 786.
the London Underground bombings of July, 2005. Yet the reluctance of politicians to discuss the migration in regards to counterterrorism suggests that the measures associated with securitization of migration have not yet achieved mass public support beyond a general enthusiasm for combatting terrorism and preventing further attacks. Further empirical research is necessary to explore this further. Meanwhile, it is important to once again consider Andrew Neal’s position that securitization theory does not apply to the EU since the public is less attuned to the intricacies of EU decision-making processes than to their own domestic legislative bodies. Further research is required to explore how conscious the public is of EU action concerning counterterrorism and migration control. Yet even if the public is not explicitly aware of EU policies and institutions—like FRONTEX, to use Neal’s example—their lives are affected by such activities in tangible ways, such as airport security and border control. Furthermore, unlike domestic political decisions, the public is generally unaware of who within the EU should be held accountable for the imposition of extraordinary security measures with which they disagree. Still, confusion and frustration among members of the public does not refute the theory of securitization.

When examined broadly, the accelerated securitization of migration policies has impacted civil liberties while signalling the diminution of the EU’s normative power. For Buonfino, this has meant an entrenched and enhanced, “contradiction between the discourses of unity and plurality in democratic societies.” Moreover, she claims that the securitization of unity “in order to preserve it from plurality”—especially with regard to Islamic migration—threatens the democratic character of the EU. While this statement is hyperbolic, it gains credibility when one examines post-9/11 policies that categorize migrants or ethnic minorities as suspicious persons on the basis of group membership rather than specific evidence. Such policies have been further reinforced in the media where migration is portrayed, “first and foremost as a security threat to the Western nation-states.” In effect, distinct phenomena—illegal immigration, terrorism, cross-border crime, and so on—are considered interchangeably. This results in the application of broad brushstrokes towards the migration aspirations of any person who, “does not correspond to the a priori social image . . . [of] national identity (e.g. the children of first-generation immigrants, minority groups).” Indeed, such policies give the vulnerable asylum-seeker and the aspiring suicide bomber similar treatment at the border, all while discriminating on the basis of nationality or ethnicity—and doing so with growing public awareness and endorsement. Here we see, “the converging visions of neighbourhood committees, municipal authorities and police

82 Aas, 14.
combine,” to stigmatize immigrants.\textsuperscript{84} In Italy, for instance, educators are encouraged by police to monitor immigrant students for early signs of radicalization. While such vigilance is consistent with the “prevent” strand of the EU Counterterrorism Strategy, one may argue that blanket suspicion of immigrant children not only affects the ability of newcomers to integrate into the classroom and European society generally, but also violates the “protect” strand of the EU Counterterrorism Strategy.

In the aftermath of the Toulouse shootings in March 2012, Europe has experienced an increasingly polarized public discourse regarding the acceptance of immigrants from predominately Islamic populations. The revelation that the murders were carried out by a radical Islamist helped bolster electoral support for the National Front party, led by Marine Le Pen, whose campaign promises included reducing immigration by 95 percent. The Economist described the post-Toulouse situation as follows: “President Nicolas Sarkozy has been careful to keep the focus on counter-terrorism and security, not immigration. Not so Marine Le Pen [who claimed] ‘Islamic fundamentalism in France has been underestimated.’”\textsuperscript{85} However, President Nicolas Sarkozy proposed during his campaign to dissociate France from the Schengen agreement and nationalize its border controls if the EU refuses to curb immigration. This policy—aimed, “directly at France’s anti-immigrant, anti-Muslim voters,”—came after a decision the previous spring by the European Commission to allow Schengen signatories to establish “temporary border checks” under “exceptional circumstances.”\textsuperscript{86,87} Italy also endorsed this decision. The Italian island of Lampedusa was inundated with 25,000 migrants from Tunisia and Libya in 2011 alone—characterized by then-Prime Minister Silvio Berlusconi as a “human tsunami.”\textsuperscript{88} Although this number is not outrageous—and indeed is nowhere near the number of immigrants from the Balkan states two decades ago—the construction of migration as a security threat in the post-9/11 environment has given momentum to anti-immigration rhetoric. Xenophobic sentiments are not limited to individual States, but also extend to the supranational level. A recent European Commission video advertisement had to be pulled from the airwaves following accusations of racism. The video shows a white female, “being threatened by foreign men with weapons,” and ends with the statement, “The more we are, the stronger we are. Click here to learn more about EU enlargement.”\textsuperscript{89} There is a complex

\textsuperscript{84} Ibid, 39.
\textsuperscript{87} Leo Cendrowicz, "Sorry, We’re Closed: Amid Migrant Fears, Europe Could Bring Back Border Controls," Time, (May 4, 2011) retrieved from http://www.time.com/time/world/article/0%2c8599%2c2069634%2c00.html.
symbiotic relationship between domestic politics, public discourse, state interests, and the priorities and activities of states when working inside multilateral bodies. All of these forces have fuelled the securitization of migration while leaving Europe increasingly xenophobic, inadvertently encouraging the growth of radical organizations by isolating immigrants.

Conclusion

By examining the design and implementation of security arrangements by the EU and between EU member states, this paper has offered concrete evidence for the securitization of migration following the World Trade Center terrorist attacks of September 11, 2001. Securitization involves not only the social construction of threat, but also the negotiation of such threat in the public sphere. This paper has thus examined not only the post-9/11 policy shifts—both official EU policies and interstate norms—but also the application of the EU Counterterrorism Strategy in the realm of border security and migration control. When the securitization of migration is observed as a phenomenon that includes the formulation of policy and the design and operation of institutions and processes, it becomes clear that the EU has over the past decade downplayed its traditional role as a normative power that prioritizes the protection of human rights through EU structures and other multilateral instruments. By considering EU policies and initiatives alongside more exclusive transgovernmental and bilateral arrangements in the realm of counterterrorism and migration control, a tension was revealed between the interests of member states and the EU’s foundational framework for exercising normative power. In the post-9/11 era, the former has trumped the latter, as the practices of certain EU member states in combatting terrorism through migration control have contradicted supranational EU norms. This tension running under the current of intensive transgovernmentalism raises questions about the continued viability of the EU and the suitability of its current structure, topics that should be further examined by other scholars.

The plethora of frameworks, agreements, and institutions discussed in this paper point to a major shift in the positioning of the EU. Under pressure from the White House to contribute to the Global War on Terror, the Union has neglected its historic, rigid attachment to norms protecting human rights, democracy, and the rule of law. As such, the EU has significantly—and potentially irreversibly—weakened its own normative power and its ability to exercise that power through the diffusion of norms to other political actors. Whereas EU policy continues to call for a comprehensive approach to migration—including addressing human rights concerns—the post-9/11 era has seen a greater reliance on controversial tactics like racial profiling at border crossings. Efforts to integrate migrants into society have suffered, while inflammatory anti-immigrant rhetoric has expanded in reach, further polarizing European
communities like Toulouse, France. Both in parliamentary debate and public discourse, there is a danger of prejudging immigrants and asylum seekers on account of their countries of origin—the very countries from which they wish to distance themselves. Securitization—the construction of a terrorist threat linked to migration—and its acceptance by the domestic polity has provided justification for extraordinary measures including increased detention of immigrants, the cancellation of social benefits for asylum seekers, and the removal of legal tools for applicants to challenge deportation orders, “resulting in increased risk of refoulement.” While the integration of border surveillance and migration control with counterterrorism initiatives allows for unprecedented efficiency and strategic cooperation, it is vital that these two objectives—the regulation of migration and the combatting of terrorism—be pursued using distinct approaches. For instance, though the EU Counterterrorism Strategy can be conceptualized to include migration control, the two aforementioned objectives must not be conflated. It is precisely this conflation that has enabled the accelerated securitization of migration to signal the diminution of the EU’s normative power, while posing an unprecedented threat to the protection of rights and liberties. What is at stake is not merely the EU Counterterrorism Strategy, but the EU itself and its vision of collective peace and security.

**Bibliography**


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