CHAPTER 14

A Human Security Perspective on Migration to Europe

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Introduction

A life under constant fear and anxiety of physical violence, risk of poverty, exclusion, discrimination, abuse, and harassment is not living in the fuller sense; it is simply existing. Likewise, a life full of fear of 'unknown strangers' with different languages, beliefs, and skin colour is not fully living. Life under fear is not only an impoverished life, it makes people susceptible to hate, distrust, paranoia, and suspicion. Today, many people, both European citizens and migrants into Europe, live under fear and anxiety. The conditions that migrants and European citizens experience are of course different, and their types of insecurity are different, but they are inherently connected. Existing political structures dichotomize these two sets of insecurities and contribute to perpetuate them.

Europe has found itself in a negative spiral of instability and increased human mobility outside its borders, and rising xenophobia and even racism (Wodak 2015), along with economic and social problems, inside them. It has often adopted measures to react to the immediate day that in many ways make the long-term situation worse. The creation of underclass groups in legal limbo has numerous undesirable consequences, and may feed streams of cultural Other-ing, hatred and worse. One can hardly forget that Jews integrated into Europe for centuries but were then largely exterminated within a dozen years. We suggest that a perspective of common human security for migrants, European citizens and Europe's global neighbours can help all to live together more constructively.

Human rights thought provides much of fundamental value for action in regard to migration and for just and constructive co-existence. However, its standard framework brings a focus on specific direct acts of rights-violation against specific individuals, and is not sufficient. It also accepts state sovereignty, even though not as unlimited. In some sections of human rights theory or international human rights law migrants share all human rights except where explicitly excluded, and states' sovereignty derives from their respect for human rights. In most practice though and in other sections of political theory, strong nationalist priority to a state's citizens applies, and all migrant claims can be overridden by claims of national security. Human rights energies sometimes become channelled instead into humanitarian aid to protection-seekers, but, as we will see, in ways that prevent them seeking entry to Europe and treat them as passive recipients of 'grace'. Human rights analyses need partnership with other theoretical perspectives, that examine structural contexts and interconnections, to more adequately consider the lives and problems of undocumented migrants and asylum seekers and how these interact with the lives and prospects of protected citizens.

In this paper we outline contributions from human security analysis as partner, complement and extension of human rights thinking, in relation to issues of migration and migrants. We present a case for human security as an analytical perspective and policy-oriented frame. First, we outline aspects of human security analysis, and the potential complementarity

with human rights. Second, we indicate features of the migration crisis felt in Europe and some reasons behind it. Third, we consider the responses of securitization of migration and militarization at the southern borders of the EU plus a supplementary role for conventional humanitarianism. Fourth, we analyse why the EU migration policy system as a whole, conceived outside of a conception of common human security, involves a family of negative feedbacks and is counterproductive. In the longest section of the paper we then suggest how a human security perspective may frame, balance and extend human rights analysis and contribute in migration policy and practice. Finally, we review the partial reflection of such a perspective in the 2018 Global Compact on migration, that became hotly disputed in parts of Europe.

Human security analysis in relation to human rights

The human security conception shifts political and analytical attention from states to individuals, seen as the subjects whose security must be prioritized and as also agents who seek that security and who have some autonomy for doing so. Following the agreed UN General Assembly resolution 66/290 in 2012, human security refers to individuals' freedom from fear (threats such as physical and direct violence), from want (meaning unemployment, poverty, sickness), and from indignity (exclusion, exploitation, and discrimination) (United Nations 2012). A human security approach attempts to understand the systemic factors and interactions which influence the degrees of fulfilment or non-fulfilment of these freedoms. It helps us to conceive political communities in which political, economic and social systems do not inflict physical and structural violence on individuals. States' security is essential but not sufficient for human security, which in turn is essential for long-term security of states.

Teitel (2011) notes how human rights law was originally implicitly conceived in relation to the conduct of states within their own territories during peacetime. Her book *Humanity's Law* traces the gradual extension of principles, to consider foreign nationals, wartime, the stateless, and the structural vulnerabilities of some groups also in peacetime and in non-war emergencies such as famines and economic crises. This worldwide legal evolution represents a response to human interconnection in a politically non-integrated world (Teitel 2011: 214). She shows the increasing mutual influence of human rights law, international criminal justice, the laws of war, and wider humanist discourses, in grappling with modern realities. The outcome 'can be summed up as amounting to [a perspective of] "human security"' (p.154), which has become 'the guiding concept' (p.163). The emergent 'humanity law framework reconceives security in terms of the protection and preservation of persons and peoples' and 'aims to construct a bridge between the discourse of state power and that of transpolitical moralism' (Teitel 2011: 13).

Amongst other writers who have considered empirically rather than polemically what a human security approach may add (e.g. von Tigerstrom 2007; Jolly and Basu Ray 2007; Edwards and Ferstman 2010), the work of Estrada-Tanck (2016, chapter in this volume) is especially relevant here. She examines in detail both general theoretical and public policy discussions and many law cases, with special attention to undocumented migrants. She highlights that human security analysis goes beyond a focus on individuals and damage-incidents viewed in relative isolation, to consider 'the contextual and structural elements that

facilitate or present obstacles to the enjoyment of human rights' (Estrada-Tanck 2016: 252) and that bring vulnerability: 'the structural risks to rights … [and] their compounded combination' (p. 254). Attention to the accumulation and interrelation of many influences identifies serious harms (e.g. related to climate change) that are not covered adequately or at all by existing human rights instruments, and brings awareness of structurally disabling environments and structural vulnerability not just occasional violations. Legal irregularity of migrants, for example, leads to economic and social disadvantages of many sorts, including proneness to physical and financial victimization, which reinforce inability to achieve legal status. Within refugee law, recognition has grown of situations of vulnerability due to generalized violence and human rights violation, not only specified direct threats against particular individuals. Estrada-Tanck concludes that human security analysis provides a necessary integrating perspective on people's lives in the round, with attention to protection of core contents of rights and promotion of an enabling environment for rights fulfilment.

The analytical perspective thus contributes to a policy perspective that includes attention to risks and protection. Recognition of environments that seriously disrupt core human rights fulfilment for some groups establishes a reason for states to seek to act preemptively, not wait for major damage to arise -- as has been recognized in some cases by the IAHCR and Human Rights Council (Estrada-Tanck 2016: 267) as well as in public policy theory (e.g. Dreze and Sen 1989). A principle in law of due-diligence where a state knows or should know about severe risks has also emerged. This policy perspective fits problems of a widespread and/or collective nature not only individual rights-violations (Estrada-Tanck 2016: 63); and includes 'paths to analyse the role of non-State actors in causing and maintaining vulnerability and exploitation' (p. 252), not only State actors.

Estrada-Tanck proposes that while the preceding points indicate how a human security approach enriches and adds to the human rights framework, the latter in turn provides essential services in human security analyses: a clear normative grounding; a source of indicators and red-lines corresponding to the established non-derogable core contents of human rights; and thus tools for measuring and pursuing human security. Legal embodiment gives strength to the protection-strand in human security oriented policy, while non-legal 'human rights based' work supports the empowerment-strand. All this reduces scope for claiming that a human security approach is too vague and for its co-optation by other agendas (see e.g. MacFarlane and Khong 2006; Duffield 2007). In sum, Estrada-Tanck suggests that the approach combines a focus on core human rights contents with an integrating perspective that averts blindspots regarding relevant actors, pathways and impacts. It in effect considers the enabling environment for human rights that is specified in Article 28 of the 1948 Universal Declaration. States are responsible to work towards such an environment, including through carrying out duties of reasonable prevention (Estrada-Tanck 2016).

Over time the human security approach has been subject to revisions and conceptual enrichments, including as seen in the consensus adopted in the United Nations General Assembly in 2012 after years of research, practice and negotiation. For the purposes of this paper, we treat human security as not a specific detailed theory but 'a paradigm and a concept that allows recognition of threats and vulnerabilities' (Tadjbakhsh 2014: 45; see also Gasper and Sinatti 2016). Beyond articulating 'humans' as the referent of security, there is much variety across versions, with a spectrum of debate and answers on what constitutes 'human',

what threats target it, and what means would be suitable to safeguard it. Chandler (2012), following in the footsteps of the Commission on Human Security (CHS 2003), suggests that the construction of resilient communities is central for human security; while some feminist security scholars offer ways of thinking about human security that are bottom-up, pluralist, empowering, and that problematize gendered identities and power relations (Hoogensen and Stuvoy 2006; Robinson 2011; Tripp et al. 2013).

Commonalities across the variants can be highlighted: first, opening up the concept of security to include actors beyond states and issues beyond militarized, exclusionary, and force-centred understandings; second, conceptualising and justifying human security through emphasis on the core contents of the human rights of vulnerable populations; and third, problematizing local and transnational structures, both as sources and as potential solution-elements for insecurities (Gasper 2014). The operationalization of human security cannot be one-size-fits-all, but should be crafted around contextual realities and political dynamics (see Jolly & Basu Ray 2007 and Gomez et al. 2016 for extensive illustration). It is not an exclusively structuralist approach, but a 'person-centered' one that explores how structures are understood, experienced, produced and challenged by people (Gasper and Sinatti 2016: 14).

Such analysis reveals in addition that the (in)security of those who are disadvantaged and marginalized and the (in)security of those who are more privileged are inherently connected (e.g. Burgess et al. 2007). Today, political and economic structures in the European Union and its member states dichotomize the human security of citizens and that of migrants from the global South, operating as if one group would be, or would feel, secure when the other one faces insecurities. The human security paradigm instead uses the analytical, moral and policy principles that the lives and well-being of all individuals in a shared system are interconnected.

Europe's migration crisis and how it arrived

For diverse commentators, Europe faces existential crises in relation to immigration, weak integration of past entrants (e.g. Murray 2017) and/or the hostility directed at immigrants by some EU citizens. In particular, the ongoing situation in the Mediterranean Sea since 2011 is often described as a crisis. For some, this is a European border crisis, seen in terms of the inflow of migrants. According to EU figures, there were around 1.5 million detected irregular border crossings in 2015 and 2016 in total (EU 2017a: 10). In this period, over 2 million first asylum claims were made in the EU, of which around half were granted (EU 2017a: 10, 25), though often only as temporary leave to remain and without a right to work. For others, it is a humanitarian crisis and includes the suffering and death endured by many migrants. In 2016, 5143 migrants were recorded as dying during the passage to Europe in the Mediterranean alone (IOM 2017: 100). The recorded figures are likely to be a major underestimate.

However, what we witness today is not simply a border crisis or humanitarian crisis. What has become evident is that Europe as a political community is also in crisis (de Genova 2017). How Europe responds to human mobility in the 21st century is not solely about migrants, but about what kind of Europe there will be (Bilgic and Pace 2017). There are signs that in many cases European identities are being defined as ethnically white, insular and uncompassionate. According to Eurobarometer (2006), in 2005 14% of EU citizens rated migration as a concern; Eurobarometer (2017) reports that 86% of EU citizens now are concerned over the EU's

external borders. Moreover, in many European cities, and even governments, words and slogans promising white supremacy are back. Hate crimes have been on the rise. In 2016, the European Union Agency for Fundamental Rights identified 'racist incidents such as demonstrations, online hate speech or hate crime' as one of five fundamental problems needing urgent policy response (FRA 2016). How did Europe come to this point?

Net migration into Europe has increased for a number of reasons. Externally, instability in the EU's neighbourhood is unusually high and accelerates human mobility. Migration to Europe from Asia, the Middle East, and sub-Saharan Africa has been increasing since the early 1990s, and the origin countries of migrants have diversified. Since 2011 some relatively stable authoritarian regimes in North Africa, which used to be Europe's collaborators in migration control, have collapsed or been blasted away. Instability has both uprooted the citizens of these countries, and provoked some migrants from sub-Saharan Africa or Asia to go further, towards Europe. These new migrants join the regular, circular migrants coming to Europe from North Africa and West Africa.

Many migrants coming to Europe do not fit the narrow legal definition of 'refugee' set out in the 1951 Geneva Convention: those with 'a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion' (United Nations 1951). Yet structural violence, such as poverty, social exclusion, environmental degradation, unemployment and discrimination, can drive individuals to choose migration as a path for living not just existing. Mobility is many people's human security strategy.[1] The unwillingness to acknowledge this and to legislate for it has forced such migrants into 'illegal' or 'irregular' identities.

Furthermore, many migrants autonomously navigate the systems of asylum governance in their pursuit of human security. The 'autonomy of migration' approach (Papadopoulos and Tsianos 2007; de Genova 2017) shows how migrants' reasons for migration, and their practices during migration, frequently diverge from those assumed by the policy categories set by states. Often, for example, a migrant will not find the protection she seeks in North African countries, because of conflicts, insufficient economic opportunities, exclusion and discrimination. She might not feel she must settle in Greece or Italy just because they are first countries of asylum according to Dublin regulations, if she could live in dignity with her family elsewhere in the EU. In refusing to play the border game in the way that the EU has specified, such migrants can become criminalized.

The increased numbers of forced migrants, their exclusion from narrow and dated legal protections, combined with their tendency to autonomously navigate around migration control systems, has led to their irregularisation. In the eyes of many EU citizens, whose politicians and media conceal such complexities, these migrants are identified as 'bogus asylum seekers' and 'fortune seekers' who arrive to abuse welfare systems. The spectre is especially powerful in a context of economic instability within the EU: youth unemployment hit record levels in 2014 (23.8%) and overall unemployment was recorded as 12%; plus in 2016, 23.4% of the EU population lived at risk of poverty and social exclusion (Eurostat 2017). The criminalization and irregularisation of migrants has fed into anti-migrant, racist and xenophobic populism that

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[1] See for example a projection of over 140 million internal climate migrants within the South by 2050 (World Bank 2018).

puts the existence of liberal, democratic and multicultural Europe into question (Wodak 2015, Kinvall 2018).

European reactions: restriction, securitization, humanitarianism

The reaction of the European Union and its member states to its felt crises--of inflows driven by both pull and push factors, in situations of economic difficulty for many citizens--can in some respects be seen as asserting logics of human rights but has been conceived in ways that take no cognizance of inter-group interconnections. It claims to secure the human rights of EU citizens by militarizing EU borders, and it claims to secure the human rights of excluded potential migrants by enacting humanitarian interventions and anti-smuggling operations. Both of these have resulted in increased common (shared) insecurity, including by encouraging irregular migration and upholding the narrative of the threatening 'bad migrant'.

The regime of 'Super-Frontex': restriction, irregularization and securitization
In a bellicose climate of 'defending Europe', the Frontex agency was created by the EU in 2005 to coordinate member states and conduct risk analyses in the area of immigration control. Soon its roles grew, to include coordinating coastguard operations and responding to migrants' routes. The contemporary EU migration management and control system, constructed in the last four decades in what is now entitled the 'Area of Freedom, Security, and Justice', can be called 'the Super-Frontex regime'. A regime involves ideas, norms, principles, institutions, material capabilities, and policies. Here, 'securing' EU citizens to enjoy freedom and justice where conventional internal borders have been removed has led to multiplication of de facto borders inside and outside the EU's official borders. Already in 2005 EU commissioner Franco Frattini called this outside-bordering 'building up defence lines' (Bialasiewicz 2011; Bilgic 2013). Other practices involve outsourcing migration control to the EU's neighbours and third countries via the European Neighbourhood Policy and the Mobility Partnership agreements (Del Sarto, 2016; Bialasiewicz 2012), and border technologies that create cross-cutting databases.

In their attempts to protect their citizens through increased securitization, EU members have restricted or removed legal migration channels, especially for low-income workers. This has happened despite continuing high demand for many types of labour from abroad. Widespread denial of in-migration needs (for example in the policy-fantasy turned binding policy-commitment of David Cameron and Theresa May to reduce net in-migration to the UK below 100,000 p.a.), despite the realities of in-country social and demographic trends and work preferences, creates a nether-world of undocumented immigrant workers (some with dependents) who are cheap, flexible, abusable, and blameable.

The reduction of legal migration routes, combined with the continued demand for labour from abroad, has had profound undesirable consequences. First, it has led to higher irregular migration, including the use of clandestine migration paths, boosting smuggling and the sometimes resultant human trafficking (Jansen et al 2015; de Vries et al. 2016; Guild and Carrera 2016; Tinti and Reitano 2016). This has fed anxiety over infiltration of 'bad migrants' and precipitated a cycle of mistrust between migrants and the European political community. Second, it has constructed a dichotomy between 'good migrants' and 'bad migrants' and

necessitated a system which can tell them apart. The former category includes the kinds of labour migrants that Europe openly wants, as well as those fitting the narrow category of 'refugee'. The latter category includes most 'economic migrants', 'bogus asylum-seekers', irregular border-crossers, visa over-stayers, and those who refuse to stay in the entry hotspots like the Greek islands. The complexities of human mobility are reduced to categories that are defined by Europe in the terms of the dreamt self-image of Europe.

Irregular migration has become seen as a security threat. In order to police the borders, the EU has invested massively in the militarization of the Mediterranean. EU Commissioner Frattini's 'three defence lines' in 2005 were: first, formal borders equipped with the latest technology; second, the cooperation of North African countries to help control EU borders; third, bilateral agreements with countries of origin. Since then, the Mediterranean itself emerged as a fourth defence line (Bilgic 2013: 111–117). In addition, the 'hotspots' approach now uses the places with the highest number of 'illegal' arrivals as the centres for 'processing' and if necessary for returns. Frontex monitors and interrogates asylum-seekers and decides who can be passed to the European Asylum Support Office and who should be returned.

Overall, while human mobility has become more complex, Europe has been looking for simple solutions such as militarisation of borders or punishing irregular migrants and asylum-seekers by preventing them from working, or privatising visa processing and border controls to outsource and incentivize rejections. However, the situation defies simplifications like 'good migrant' vs. 'bad migrant', the dichotomy of 'refugee' vs. 'economic migrant', and quick 'solutions' such as funding Senegalese police forces or Libyan coastguards. The prioritization of the rights of EU citizens has failed to stop irregular migration, and arguably encouraged its rise. Severe restrictions and enhanced securitization may well have rendered both European citizens and migrants more insecure.

Supplementary humanitarianism
The deepening of border securitization has also been defended on human rights grounds with respect to the migrants themselves. Since its inception, the EU border regime has included a declared humanitarian logic aimed to protect the human rights of those crossing the Mediterranean. The Tampere Programme (1999) highlighted that the system should protect migrants from smuggling and trafficking networks, and that the aspiring migrants too have certain rights to enjoy 'freedom, security and justice'. Although the initial humanitarian logic lost its prominence in favour of a securitarian one after the terrorist attacks of the early 2000s (Carrera and Balzacq 2013), it has not disappeared, and made a come-back during the movements following the Arab uprisings in 2011. The EU Commission's Global Approach to Migration and Mobility (2011) declared that the EU prioritizes saving the lives of migrants as much as securing Europe from the risks of irregular migration.

Vaughan-Williams (2015) argues that the securitarian and humanitarian logics can be seen as not contradictory but complementary dimensions of EU border governance (see also Little and Vaughan-Williams 2017). The Super-Frontex regime is a performative blend of the two. The humanitarian logic extends the securitization regime by reifying the good/bad migrant dichotomy. Humanitarian actors have the privilege of defining what constitutes a 'crisis' or 'emergency' and then, in a declared humanitarian 'crisis', categorising migrants into those who need temporary 'saving' and those who do not (de Genova, 2017: 9). Cuttita (2017) shows that

in the Mediterranean this inclusion is not a rights-based one: it is presented as an act of 'grace'. Those to be saved are 'confined to a specific humanitarian space' of 'global victimhood' (Debrix 1998: 839). In this space, contemporary humanitarianism 'creates and privileges non-rights-bearing, apolitical, non-agentive victims' (Ticktin 2005: 350). The victim identity is reinforced through sensationalist images. In the Super-Frontex regime, images circulate of racialized non-white bodies dying on the borders of 'Europe', waiting to be rescued. The racialized bodies are objects of compassion by 'Europe,' that also has power to withdraw this compassion.[2]

The notion of 'illegal migration' and the associated war rhetoric justify and normalize securitarian and violent border practices, such as push-back, detention and forced return. Humanitarianism conceived as an act of grace to save 'victims' and punish 'smugglers' does not illuminate the system of illegalisation and consequent criminalisation of migration to Europe, in which scapegoating of many migrants as 'bogus asylum-seekers' and 'criminals' is for some political actors a convenient way to face citizens whose life standards have been in decline or who must compete for desirable jobs. Push-back is explained as an economic 'defence', as much as a political and legal one, to 'save' the desired jobs and welfare for European citizens. Through separating the 'good migrant' from the 'bad migrant', humanitarianism may reinforce the securitarian logic in border management. The good migrants are those identified as 'victims', who become temporarily the object of humanitarian 'grace'. But if they use their agency and continue their movements further, they leave the humanitarian space.

Humanitarianism is sometimes presented as a policy alternative to securitarian policies (Panebianco 2016; de Vries et al. 2016; Human Rights Watch 2016). However, besides tending to present certain bodies and subjectivities as hapless victims waiting for protection, its 'apolitical' 'urgency-focused' approach takes attention away from the politics that feeds the criminalisation of migration. 'Smugglers', 'third country states that are not complying with international conventions', 'untrained coast guards' and other agencies are blamed for humanitarian emergencies, without asking how these emergencies have become a 'new normal'. In the absence of broader explanatory scope and political awareness, human rights concern for the individual can become channelled into palliative maintenance within questionable and counterproductive policy systems.

So, much current humanitarian thinking and practice does not challenge the Super-Frontex border regime. It has even become a constitutive element, at least in public declarations. 'Securing EU borders' becomes marketed as 'Saving lives' (Andersson 2017): by keeping some migrants outside the borders and castrated in the borderscapes, turning them at best into rightless recipients of Europe's compassion. A human security framework offers more chance of reforming the regime, through adding a macro-systems perspective and a perspective on individuals' lives both as subjects of the intersecting systemic forces and as purposeful responsive agents.

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[2] Estrada-Tanck too, from the swathes of legal cases that she reviewed, found a 'growing racialization of the migration discourse' (2016: 260).

Dialectics of the Super-Frontex regime: restriction-criminalization, mutual mistrust, and mutual insecurity

We observe a set of dialectical relationships that illustrate the operation of common insecurity: to increase insecurity for some groups increases it for others too. The first is the dialectic between restrictive border management and the criminalisation of human mobility. Lack of accessible legal migration possibilities for most people, plus continuing demand in Europe for many types of immigrant labour, has led many migrants to use asylum or family unification routes, which contribute to a European discourse of 'bogus asylum-seekers' and 'sham' marriages. Instead of opening new legal migration routes to respect the diverse economic and social needs and demands, the EU and member states have further restricted both claiming asylum and family unification. Consequently, more and more migrants have resorted to clandestine migration paths. The condition of 'illegality' creates felt insecurities for all, especially for migrants themselves: exploitation, exclusion and discrimination; at the extreme it claims lives, as in the Mediterranean. To existing residents, 'irregular migrants' are presented as the ultimate 'bad migrants': unrecorded, unobserved, violating sovereign borders, feeding the black economy. In 2015, 'around nine Europeans in ten say that additional measures should be taken to fight the illegal immigration of people from outside the EU (89%)' (Eurobarometer 2015: 28).

A second dialectic consists of the cycle of mistrust between migrants and the European political community. The border management system operates based on mistrust towards nearly all migrants, including especially but not only asylum seekers. The starting assumption when encountering a migrant, especially from the global South, is that the migrant is here 'to abuse the system'. The burden of proof is placed on the migrant to show the contrary. Even a minor inconsistency in a story could result in rejection of an asylum application or visa application. For example, the UK Home Office rejected an asylum-seeker's application for the following reason: 'It is noted that you have been inconsistent … as you initially state that you took sheep and goats to graze and then you stated that you took the sheep. This is a minor inconsistency, however it has been noted.' (The Guardian 2018). Anthropological research demonstrates that such deep mistrust in Europe towards migrants feeds into mistrust from migrants towards Europe (Scheel 2017; Stierl 2018; Picozza 2017). They sometimes forge documents, overstay their visas, and show no intention to declare themselves to the authorities, whose main objective, they fear, is to deport them. Some isolate themselves from wider society because of fear of being caught, abused by the police or harassed in the community, in a context where xenophobia and racism are on the rise.

A third dialectic is founded upon the previous two. Migrant 'illegality' is a source of insecurity for both migrants and European citizens; and each group's attempts to secure itself cause insecurity for the other. The border regime, which aims to secure European citizens, can be violent towards migrants, as in the case of Greek coast guards who pushed migrant boats back to Turkish territorial waters; but further, it indirectly encourages migrants to employ clandestine migration channels, which deepens anxiety and fear among EU citizens, especially as manipulated by some political actors and in the media. Criminalization of the administrative offence of having no documents then creates a structurally vulnerable class (Estrada-Tanck 2016). So the existing regime is not working satisfactorily and instead produces insecurities

for people in Europe and beyond. Contributing to this impasse is that Europe has hardly faced its colonial past. Thus, when people are on the move towards Europe, they are rapidly racialized and presented as threats. This is not the first migration crisis in Europe. Since the Industrial Revolution, many European countries have needed a migrant workforce and attracted migrants from both the periphery of Europe and the colonies. Historical research shows many integration problems and violent encounters between racialized migrant communities and host communities (e.g. d'Appollonia 2012: 19-48). The racism and xenophobia of previous centuries was however swept under the carpet and forgotten. In the post-war reconstruction era, Europe again needed a migrant labour force, with the expectation that migrants would return to their countries when their job was considered done. However, human mobility rarely respects state policies. European policies have imagined a political community whose development is finished and now needs to be protected. As a result, migration is constructed as a threat. Because Europe has not dealt with its violent past, but has instead assumed that racism and xenophobia are things that it has left behind, when migrants from the global South are on the move towards Europe historical narratives imbued with racism and xenophobia are easily invoked without self-consciousness or guilt (Kinnvall 2016).

Another reason why the current regime persists is the economy revolving around 'illegality', that provides ongoing demand for 'illegal' cheap labour. Illegalisation of many migrants constructs the conditions of 'deportability' for all migrants, illegalized or not. It produces 'a subordinate reserve army of deportable "foreign" labour, always already within the space of the nation-state, readily available, for deployment as the inevitably over-employed working poor' (de Genova 2016: 499). The adjacent 'citizen' low-paid labour is subjected to 'nativist' ideology and perceives the deportable 'foreign' labour as a threat, economically and racially. Race ideas and neoliberalism interact to construct precarious racialized labour pools (Karakayali 2015).

A second dimension of the economy around 'illegality' is the emergence of prevention of illegal migration as itself a lucrative business. Management of migration has been privatized in many EU states and at the EU level. The European border security industry's turnover was estimated at €15 billion in 2015, predicted to rise to over €29 billion p.a. by 2022. Andersson (2017) refers to the 'illegality industry'. In this industry, mobile humans are produced as 'illegals' so that certain sectors make financial gains. The 'illegality industry' is in turn part of what Thomas Gammeltoft-Hansen and Ninna Nyberg Sorensen (2013) call 'the migration industry'. This involves networks that facilitate migration and others who control it. The control side of the migration industry and the illegality industry revolve around the fear and anxiety in Western states and societies stemming from 'illegal' migration. These anxieties and fears sustain flourishing businesses who in turn encourage such feelings of insecurity. The global business of digitalisation of border security alone is anticipated to increase to 56 billion dollars by 2022 (Rutkowski 2014).

Finally, Europe has lacked sufficient political vision and leadership to bring forth a different European political community. However, we do not have the luxury of not imagining an alternative. The status quo is too disturbed and dangerous for both European citizens and migrants. The EU needs a perspective of global human security instead of an overwhelming preoccupation with border control, argued the high-level Human Security Study Group in a recent report to the EU Foreign Affairs High Representative. Relying on methods of exclusion,

force and attempted self-isolation, 'the striving for "security" tends to produce "insecurity" *ad infinitum*. A different systemic approach is needed, replacing the current "frontline" security model with a global and systemic strategy' (Human Security Study Group 2016: 7).

Using a human security perspective in rethinking migration policy and management

The vast critical literature on the EU's migration regime, touched on above, shows the processes of securitisation by European actors, the multiplication, technologisation and militarisation of borders, and political and cultural consequences of the securitarian logic. Notwithstanding its contributions, this literature in critical security studies has been limited by its overwhelming preoccupation with the sovereign logic of states (Bilgic 2013: 6–8), and by a shortage of politically and operationally relevant ideas for change.

Human security research on migration in Europe must ask the following questions. First, how does the interaction between economic and political structures produce violence, fear and anxiety for individuals? Aylan Kurdi, a three-year-old Syrian whose body was washed ashore in Turkey, was not the first or last child migrant who died on the way to Europe. There is something systemic and structural that repeatedly violates the human security of both migrants and EU citizens. An important element is the economic insecurities of European citizens, which provide fertile ground for racist and xenophobic ideologies to grow. Unlike variants of humanitarianism that refuse to ask structural political questions and focus only on 'crises', the human security paradigm understands 'crises' as consequences of political and economic structures and relations. The dialectics described earlier partly result from Europe's political and economic choices in past generations. These choices also set Europe's external relations.

This leads to a second question: how do European external relations produce or endanger human security? In the last thirty years, Europe has developed the policy of containing migrants 'in the region' by transforming neighbouring states into 'Europe's border guards': the 'externalisation' of migration management (Transnational Institute 2018). However, political, economic, and social problems in the neighbouring states, plus reckless interventions, now encourage many migrants to continue their journeys to Europe from countries which had previously been their intended destinations.

A third question follows: how can the human security of migrants, EU citizens and citizens of neighbouring regions be addressed together and not opposed to each other? Human security of one social group cannot – sustainably and successfully – be pursued at the expense of another group. This principle of 'common human security' dates back at least to the foundation of the United Nations, and has been rearticulated from the 1980s onwards, not least in the historic series of reports chaired by Brandt, Palme and Brundtland that recognized that we live on one closely interconnected planet. This is not to argue that European authorities are not responsible for the security of EU citizens. On the contrary, European sovereign authorities should take the human insecurities of EU citizens seriously by acknowledging that their security depends on the human security of non-EU citizens, especially in the Euro-Mediterranean migration system.

With these questions in mind, we use a human security perspective to comment on some relevant possibilities regarding migration to Europe. Two obvious recommendations are: to invest thoughtfully and generously in neighbouring regions (though the term 'Marshall Plan for Africa' does not fit well); and not to do things which exacerbate problems—a responsibility

not to destroy, including not least through excessive greenhouse gas emissions. In this spirit, the UN Special Rapporteur on the Human Rights of Migrants, Francois Crépeau, advised the EU to accept a responsibility for managing push and pull factors associated with the 2015 migration crisis (Crépeau 2015); and the 2018 Global Migration Compact includes as Objective 2: 'Minimize the adverse drivers and structural factors that compel people to leave their country of origin'. In this discussion we will concentrate though on matters conventionally recognized as migration policy. Proposals to control illegal migration by having more adequate legal channels, and to elaborate regularisation and voluntary return mechanisms and the concept of protection-seeker, aim to address the dialectics of migration mismanagement, and to take into account EU citizens' fear and anxieties about migration, their needs and wants revealed in market demands, , and the autonomy of migration. To a large extent this orientation matches that agreed in the 2018 Global Compact on Migration. Thishas encountered shortsighted and intense resistance from right-wing parties in several European countries.

Substituting legal for illegal migration
Crépeau (2015) advised that the way to remove the basis for the smuggling industry and to prevent a problematic netherworld of illegal migrants in Europe was to plan for legal migration corresponding to evident demands for labour. The European Commission (2015: 2) and many others have called for opening 'more safe, legal ways into the EU'; and the Commissioner for Migration reports continuing pressure by the Commission to act on this (Avramopoulos 2019). Irregular migration by protection-seekers should partly be addressed by creating mechanisms that help to render migrating illegally unnecessary. The final report of the UN Secretary-General's Special Representative on Migration during 2006 to 2017, Peter Sutherland, concluded:

> 'it is in everyone's interest for migration to happen safely and legally, in a regulated rather than a clandestine way. The latter not only exposes other workers to unfair competition, provoking resentment and lowering overall standards of welfare, safety and public health, but also puts migrants at the mercy of unscrupulous employers and traffickers' (United Nations 2017: 4).

Countries should respect 'the lessons learned from fighting other forms of illicit trade and avoid the criminalization of victims and the reliance on border and law enforcement alone' (ibid.: p.13). Indeed: 'States have acknowledged, in the [2016] New York Declaration, that they can only hope to curtail irregular migration, with all its attendant risks, if they provide alternative, legal pathways for migrants' (ibid., para. 32). The Global Compact thus commits 'to promote safe, orderly and regular migration, as well as to highlight the risks associated with irregular and unsafe migration' (United Nations 2018: 10). Its Objective 5 spells out many relevant steps, including various forms of labour mobility agreement and fast-track visa arrangement.

Exploring the concept of 'protection seeker'
Europe's current migration management regime is not responsive to contemporary realities of why individuals become migrants: what are they seeking outside (what were) their own communities and what are they seeking to avoid? The established migration concepts reflect a

Euro-centric point of view on human mobility circa 1950. Refugees, those fleeing political persecution or violence are (officially) considered 'good migrants', whereas migrants who have escaped from economic and social insecurities easily become 'unwanted', 'undesirable' migrants. The only way for these to get sympathy from much of Europe is to become an object of its humanitarianism as non-agentive, rightless victims – for example as pathetic small bodies on a beach.

New migrants often leave their countries because of structural reasons such as ongoing conflicts, political crises, and systems of bad governance, poverty, and exclusion that partly reflect how these countries have been incorporated into global power systems. The combination of structural drivers and individual initiatives to migrate problematizes the distinction between forced and voluntary migration. Already in 1984 the Cartagena Declaration at Inter-American level adopted a human security perspective to broaden the definition of 'refugee' beyond individual risk of persecution, to all persons whose 'lives, safety, or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order' (cited by Estrada-Tanck 2016: 267), and to assert states' obligation to help and protect such people.

Similarly, the concept of 'protection-seeker' has emerged in recent years to reflect such realities. It refers to a person who is forced to choose to leave the community in which s/he lives due to political, social, environmental and economic structures, processes and relations that violate or threaten an individual's rights to life, well-being, and dignity, or those of her family (Bilgic, 2013: 52). The term covers, but is not limited to, refugees in terms of the 1951 Refugee Convention. It also refers to migrants from countries where political and economic problems are chronically entangled, who do not meet the 1951 Convention's political criterion but have had to leave their countries nonetheless. The 2018 Global Compact points in this direction: 'We commit to adapt options and pathways for regular migration in a manner that … responds to the needs of migrants in a situation of vulnerability' (United Nations 2018: 11); and the Sutherland Report was emphatic that 'The most essential and urgent task is to clarify the responsibilities of States towards migrants who are in vulnerable situations and may not be able to return home, but do not qualify for protection under the 1951 Convention' (2017: 8). It noted that several constructive sets of guidelines exist, and that States have now committed to seek a common understanding.

The EU Commission (e.g. 2011) often underlines the necessity of developing 'a migrant-centered approach' that protects and promotes the human rights of migrants. But is it possible to develop a migrant-centred approach when migrants are labelled as legal/illegal and good/bad from a Euro-centric perspective? The European border management regime converts migrants into objects of the regime, arrows in Frontex risk analysis maps, or numbers that cross the borders. Without building any trust or confidence, the regime expects migrants to act in accordance with its legal categories and regulations; but the 'autonomy of migration' indicates otherwise. Instead the European political community needs to communicate persuasive messages to protection-seekers that 'you can trust us'. One such message should concern regularization mechanisms, which together with facilitated return mechanisms could help to make EU citizens too feel more secure.

Regularisation Mechanisms and Facilitated Voluntary Return

Regularisation means amnesty for undocumented migrants already inside the EU who satisfy specified requirements, for example about societal contribution and local integration. So far, Europe's reaction to irregular migration is punitive for those who facilitate it, but also for those who use irregular channels, despite legal channels of migration to Europe being drastically limited. Possibilities for regularisation mechanisms deserve attention (Bilgic 2013). Such policy is not unfamiliar in Europe, but was abandoned because of fears it would become a pull factor for irregular migrants, although the scientific research has indicated that irregular migration has been due instead to economic, social and legal policies of states (Lavinson, 2005; Düvell 2011; Lazaridis, 2015).

Regularisation would desirably become a more individual-oriented process. Case-by-case regularisation enables protection-seekers to explain how and why they came to Europe and why they chose irregular ways of travelling and living. The EU Commission (2008) has argued for case-by-case regulation; the Global Compact commits to 'Build on existing practices' that facilitate this (United Nations 2018: para. 23, item i; para. 28). Such regularisation should be through ongoing mechanisms, not massive one-off programmes. Such ongoing processes of integration depend on cooperation between the authorities and irregularized migrants, and are more formal and principled than programmes. The relevant principles should include regularisation for protection reasons. In 2004, the Commission called for 'protection regularizations aimed at granting a right of residence to specific categories of persons who are not eligible to claim international protection' under the 1951 Convention (EU Commission, 2004: 9). The challenge is to marry this attention to irregularized protection-seekers with Europe's interest in skilled workers and fillers of priority gaps.

Regularisation must be combined with opportunities for legal migration. Regularisation combined with almost no legal entry channels will not remove the anxiety-inducing and crime-promoting irregular flows and internal pool. Irregular migration should be addressed via regularisation plus legal immigration opportunities in a context of attention to push and pull factors. National-level specification will though be an essential element in anxiety reduction. Fears in East European countries make an EU-level mechanism anyway very improbable; plus citizenship policies remain largely a national level topic.

A relevant partner to regularisation is facilitated voluntary return for irregular migrants who have not established themselves or who now are ready to return but find this difficult given their irregular status (Global Compact, Objective 21). The Sutherland Report warned that restricting trade and development aid, to try to force origin-country cooperation in repatriation schemes, would be counterproductive and feed out-migration (United Nations 2017: 14). It suggested instead schemes for short-term in-migration with incentives for return: a share of wages could be contingent on return, or return followed by a period at home could bring a priority status for later re-entry (ibid.: 9).

Human security as a meta-legal figure in migration court cases

Estrada-Tanck (2016) acknowledges that some people consider human security a concept for public policy rather than for the practice of law and human rights. From study of a large number of cases in international law, she disagrees, showing how in many cases regarding undocumented migrants a human security perspective was proposed, endorsed and influential.

Foreignness remains a key exclusionary dimension in legal systems; undocumented migrants, often undocumented through no fault of their own, have heightened vulnerabilities but are the people who receive the least protection. This forms a fundamental tension in contemporary liberal democracies, she argues. Meta-legal and human rights principles of equal treatment under law and of equal right to protection imply they should be protected; thus, for example, employed migrants have certain rights as employees (and also as indirect-tax payers), regardless of whether they are documented. The Inter-American Court of Human Rights has given the most—and most sympathetic—attention to undocumented migrants. Other international bodies have been more restrictive, with some exceptions in specific cases in Europe, including some in the European Court of Human Rights; for example in a case where the tribunal accepted the relevance of assessing a migrant's personal circumstances to adjudge whether he could realistically have accessed the legal channels he was supposed to use (Estrada-Tanck 2016: 236). The human security principle of looking at structural context – notably for people experiencing multiple dimensions of disadvantage and risk – was followed. Similarly, the principle of a due diligence obligation of States to counter rights violations, in relation to known protectable severe risks, is spreading (ibid.: 55, 220).

Estrada-Tanck concludes that the human security concept serves as a 'meta-legal figure', a foundational legal notion.[3] Teitel argues similarly, that 'there is a minimum substantive normativity inherent in the international legal order—a floor, grounding the aspirations and efforts of the international legal system. The notion of human security reflects this minimum' (2011: 156-7).

Combining human rights criteria with consequentialist calculation and enlightened self-interest

Estrada-Tanck recognizes the restricted scope and impact of even broadminded individual law-case judgements, and the central importance of policy frameworks that use similar insights (2016: 281). In public policy analyses, let alone in seeking influence within political dynamics, we require more than to show implications of some existing normative commitments and past judgements. We need attention also to the range of other, often competing, commitments and to the requirements of attracting and maintaining enough support for policies to be accepted, respected and applied. We need thus to persuade enough stakeholders, including sometimes through influencing mental maps, even their perceptions of 'self' and 'interests'. Human security analysis can contribute here, by combining a stress on human rights values with a non-absolutist flexibility, paying attention to consequences, alternatives and feasible sequences of change, within a picture of human interconnectedness.

A deontological insistence on inviolability of each human right may better fit the level of individual law cases; for in directly dealing with specific persons, values such as the obligations to safeguard migrant life and to ensure equality before the law must be lived out.[4] At the same time, given the conflicting pulls of different rights, especially over time, reiteration that all we need is the policy guideline 'Fulfil all human rights' becomes counterproductive (cf. Howard-

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[3] Meta-legal may be defined as: 'Of, belonging to, or designating the basic principles underlying legal systems, or upon which laws are formulated' (Online Oxford Dictionaries).

[4] Estrada-Tanck provides illustrations from some opinions in cases in the European Court of Human Rights and the Inter-American Court of Human Rights (Estrada-Tanck 2016: 240, 246).

Hassmann 2012, Roznai 2014). Its absolutism scares away groups who must be persuaded not commanded. Human security analyses, in contrast, explore actual policy choices and likely chains of consequences. It is more convincing, for example, to refute an 'opening the floodgates' argument by consequentialist analysis than to reject consequentialism, notes Estrada-Tanck (2016: 241).

'Rule consequentialism' may support an insistence on inviolability of human rights in individual decision-cases, combined with trying to design systems of rules that best promote overall human rights fulfilment over time but do not oblige attempted immediate fulfilment of every human right (Hooker 2015). Teitel observes that human security analysis is similarly 'an attempt to bridge deontologist and consequentialist discourses', both of which are necessary but insufficient (2011: 141). She adds: 'Where rights are framed in human security terms, their articulation and meaning will be highly contextual, shaped by a particular crisis or emergency, or by the constraints and opportunities posed by the stage of development of a particular society' (p.145). Thus humanity law is a set of provisional and pragmatic measures of governance, not of 'ideal rights norms'.

So policy-relevant analyses must illuminate also what constitutes 'enlightened self-interest'. The Human Security Study Group, in the report commissioned by the EU High Representative for Common Foreign and Security Policy, argued that: 'the whole point of a human security approach is that Europeans cannot be secure while others in the world live in severe insecurity' (2004: 9). This approach faded from explicit view in EU discussions of migration and borders, and has only partly revived after 2015-16. We have argued for its reinvigoration and elaboration.

Concluding reflections

Security thinking reflects fundamental political questions: What types of communities do we want to live in and be part of? Where do the boundaries of our community start and end? Who would be included and who excluded? How do we relate to other communities, as fellows in a bigger community or as mistrusted aliens? Burgess argues (2011: 133) that 'security and insecurity are implicitly connected to what we value, an expression of a value constellation that expresses a certain perspective on life, of individual and collective anxieties and aspirations, of expectations about what to sacrifice and what is worth preserving.' Humans imagine communities, small and/or big, local and/or global, in which they will feel secure politically, economically, and socially. We then take actions to try to construct that 'imagined community' and protect it against conceived 'risks' and 'threats', via security policies. Politics concerns the contestation over 'imagined communities' in which individuals feel secure. Each blueprint of security favours one type of community over others.

The human security paradigm does not offer a detailed blueprint of community, for what violates human security is differently conceived and experienced across and within different places and times. The perspective on migration suggested here is however an invitation to reconsider our political communities and how humans in and outside these communities can be secured or can feel secure. The European political community is not a fixed entity, a fortress, but is always a community in the making. Resistance to evolution makes both European citizens and migrants more insecure.

Ideological and economic structures, including the economic interests in the 'business of securing Europe' and the political groupings who have defined themselves in fortress terms, will be obstacles to imagining and constructing an alternative European political community. Framing alternative policy proposals as human security policies is relevant here, for human security is a deeply examined and practiced policy philosophy that underlies the conception of the United Nations and the format and much of the thinking in the 2018 Global Compact for Migration:

> 'The Global Compact is a non-legally binding cooperative framework that recognizes that no State can address migration on its own due to the inherently transnational nature of the phenomenon. It requires international, regional and bilateral cooperation and dialogue' [p.4], 'taking into account different national realities, capacities, and levels of development, and respecting national policies and priorities.' [p.32] (United Nations 2018).

The related 2016 New York Declaration of the General Assembly (United Nations 2016) and the 2017 Sutherland Report that preceded the Compact likewise aimed 'to place migration and human mobility on the international agenda in ways that foster trust, cooperation and progress' (United Nations 2017: 1). These plans emerged through years of trust-building discussions since at least the 2006 High Level Dialogue on Migration in New York, in the Global Forum for Migration and Development, the various Regional Consultative Processes, the work of the UN Special Representative on Migration, and other fora. The EU and many European governments have been to the fore in these discussions, together with many governments and civil society organizations from around the world.

The Compact generated major Right-populist opposition across much of Europe in late 2018, especially in Eastern Europe. For Western European countries like Italy, the Netherlands, Austria, Belgium and Germany, in which Right-populist opposition became serious too, the Global Compact is in fact a restatement of existing declarations and commitments. It serves as an accessible public synthesis and reminder which renders commitments (for example, to allow portability of migrant social security entitlements and earned benefits) more likely to be honoured, and as a token of good faith globally. All countries are to avow the same commitments; what Europe expects from others it re-avows itself and is reminded to support. For mistrustful nationalists such a reminder is dangerous. Since they do not support existing commitments and reject the good faith of others, it is declared a betrayal of the nation. To the wider publics who know little or nothing of the web of international cooperation it is presented as a mad concession.

While trust has been built over the past decade between migration agencies, government officials and many civil society organizations, trust has been undermined amongst general publics. Fanned by alt-news, social media and jihadists, fear and scapegoating have intensified. The Global Compact itself aims to 'promote evidence-based public discourse to shape perceptions of migration' (Objective 17) and to 'Invest in research on the impact of non-financial contributions of migrants and diasporas to sustainable development in countries of origin and destination' (United Nations 2018: 28). The UN essays a small campaign entitled TOGETHER, 'that aims to change negative perceptions and attitudes towards refugees and migrants' (Civil Society Unit 2017). The Sutherland Report warned though that:

'at no time in recent history have the bonds of trust been so frayed, particularly on issues surrounding migration, about which the general public is fearful and badly informed. In such an environment, progress can be made only incrementally. That is why I suggest tackling problems at the lowest level of governance, where they can be solved. Sometimes that means the local or national level, but on some issues States need to work together, bilaterally, at the regional or even the global level, seizing on the initiatives of pioneers and champions, and working through what has been called "minilateralism" [small coalitions of willing partners]' (United Nations 2017, para. 89).

Rethinking the relations between Europe and migration, and by extension the kind of European political community, will be a long journey, but the prospective prize is vital for both EU citizens and migrants. To secure their citizens, Europe and the EU should abandon Euro-centric perspectives on human mobility and security. European security must be conceived as part of shared human security.

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