BORDER MANAGEMENT OF THE EUROPEAN UNION: THE CASE OF THE ARAB UPRISINGS

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Abstract

With the outbreak of the Arab uprisings in 2010 the European Union has sought an urgent solution for the massive humanitarian crisis, particularly for preventing the migration flow from the Middle East and North Africa region to the EU territory. In this regard, the EU has taken further steps to manage the external borders of the Union. This study aims at examining the border management of the EU towards the immigrants and refugees and the third countries between 2011 and 2016 with reference to Foucault's notion of governmentality. The study argues that the EU has built up its border management policies and practices along the lines of the power relations between the EU and immigrant and refugee populations. In the study, the border management centred on the technologies of liberal governmentality is analyzed in two interrelated levels: The first one is the EU's regulation of human mobility including the economic, political and development policies and aiming at addressing the root causes of migration. The second one is the EU's policies that are maintained at operational and technical levels towards the immigrants and refugees on the border zones. These policies and practices are examined with regard to the biopolitical structures of governmentality.

Keywords: European Union, border management, immigrants, refugees, governmentality

AVRUPA BİRLİĞİ'NİN SINIR YÖNETİMİ: ARAP AYAKLANMALARI ÖRNEĞİ

Öz

2010'da başlayan Arap Ayaklanmalarıyla birlikte Avrupa Birliği ortaya çıkan büyük ölçüdeki insani kriz için– özellikle Orta Doğu ve Kuzey Afrika bölgesinden AB topraklarına doğru olan göç akımını önlemek amacıyla- acil

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bir çözüm aramıştır. Bu ölçüde, öncelikle Birlik dış sınırlarının yönetimi için ilave adımlar atmıştır. Bu çalışmanın amacı, Foucault'un yönetimsellik anlayışı referans alınarak AB'nin 2011 ve 2016 yılları arasında göçmenlere, mültecilere ve üçüncü ülkelere yönelik uyguladığı sınır yönetimini incelemektir. Bu çalışmada, AB'nin, sınır yönetimi politikalarını ve uygulamalarını AB ile göçmen ve mülteci nüfusu arasındaki güç ilişkileri üzerine yapılandırdığı tartışılmaktadır. AB'nin liberal yönetim teknolojileri üzerine odaklanan sınır yönetimi politikaları iki düzeyde incelenmektedir: Birincisi, AB'nin söz konusu nüfuslara yönelik, kök nedenlere işaret eden ve çoğunlukla ekonomik, siyasi ve kalkınma politikalarını içeren düzenlemeleridir. İkincisi, AB'nin sınır bölgelerindeki mülteci ve göçmenlere yönelik sürdürdüğü politikalarıdır. Bu politikalar ve uygulamalar yönetimselliğin biyopolitik yapıları bakımından değerlendirilmektedir.

***Anahtar Kelimeler:** Avrupa Birliği, sınır yönetimi, göçmenler, mülteciler, yönetimsellik*

Introduction

The European Union has developed its migration and border management policies since the 1990s as a result of the rapid increase in the number of the refugees, irregular immigrants[1] and asylum seekers. However, in particular with the outbreak of the Arab uprisings in 2010, the Member States of the EU have intensely problematized and securitized the irregular immigrant and refugee population in the EU's neighbouring region, namely, the Middle East and North Africa. This article aims at examining the border management policies that the Union has maintained since the beginning of the Arab uprisings with reference to Foucault's notion of governmentality. The study argues that the EU has built up its border management policies regarding its security concerns through the regulation of the life of the populations – irregular immigrants and refugees- to prevent them from crossing the borders of the EU. On this view, the theoretical

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[1] International Organization for Migration (n.d.) defines "irregular migration" as "movements outside the regulatory norms of sending, transit and receiving countries". For further information on the definitions of "refugee" and "asylum seeker", see: International Organization for Migration, (n.d). Also see: UK Parliament (2016). However, in the article, regarding the theoretical accounts of the EU's border management and migration policies, "irregular immigrant" essentially refers to an expression that is constructed by the rationalities of governmentality. Also see: Vaughan- Williams (2015: 1-15). In addition, in this article, the term "migrant", in general, includes "immigrant", "refugee" and "asylum seeker".

account focuses on how the EU specifies "the regulation of life" or "the management of populations" in certain territories through the securitization of migration (Foucault, 2009: 23). The populations who are seen as potential immigrants residing in their own countries and refugees waiting to arrive in Europe are mainly subjected to a set of calculations and regulations generated by the technologies of governmentality (Basaran, 2008: 341).

In this study, Foucault's notion of governmentality is employed in the field of migration as technological practices and liberal rationalities have become an important aspect of the regulation of mobility (Walters, 2015: 1). In the article, it is also considered that the issues of migration and border management have entirely been incorporated into the many aspects of governmentality regarding the externalization of the Union's border and securitization of migration. Thus, here, the border management of the EU is examined as a certain extensive domain of policies, strategies, practices and discourses. Theoretically, this article scrutinizes the border management in two ways. Firstly, the EU's policies in the Middle East and North Africa region towards the third countries include a set of measurements claiming to address the root causes of migration. In this regard, the study puts a particular emphasis on how the EU pursues a number of policies including the development of technologies and rationalities at different international and transnational levels. The second level reflects the biopolitical levels of governmentality. Here, the EU substantially focuses on the border zones where a considerable number of refugees and immigrants are waiting to reach Europe. The Union has employed a number of military and civilian instruments to prevent the risk of immigration. The EU's particular relationship with Turkey is also worth analyzing as Turkey is geographically becoming a "transit zone" as well as a country of destination for the immigrants and refugees who wish to cross the borders of the EU (İçduygu and Yükseker, 2012: 448).

The study is divided into four main sections: In Section I, a theoretical explanation on the concept of governmentality, the relationship between security and border management, and the biopolitical aspects of governmentality take place. Section II displays how the EU has developed its border management policies including different types of instruments and activities it has been engaged in. Section III defines the main aspects of the regulation of life through the notion of governmental technology based on several practices. Section IV examines a set of policies that the EU has maintained towards the refugees and irregular immigrants expecting to cross the borders from Libya, and in particular Syria through Turkey to the territory of

the EU. This study covers a period of five years from 2011 to 2016 and as location the EU's neighbouring regions in the Middle East and North Africa as well as Asia.

The "Governmentality" Approach

In this study, governmentality signifies mechanisms and processes represented by the "projects on the regulation and management of the social life of the population" (Weidner, 2009: 389; Foucault, 2009: 23). The governmentality approach in the following section of this article initially portrays how the EU has set up a wide range of contractual relations such as partnerships, economic and technical assistance with the third countries in the Middle East and North Africa region. Foucault (2009: 108-109) contends that the notion of governmentality provides "a set of institutions, procedures, analyses, calculations of probability, configurations, regularities, tactics in the liberal system." This type of rationality obviously conveys "how its institutions act; and explains that its discourses develop practices through the expansion of liberal norms" (Joseph, 2010: 223). Governmentality is a level of ruling in terms of "political rationalities and problematizations" (Merlingen, 2011: 153-155). In this respect, the EU, as the power, applies governmental and political rationality that is typically generated from the liberal ideology. Political rationality is a set of implementations including discourses and practices towards the populations. Accordingly, power uses its own "vocabulary in security terms and constructs its own reality" (Merlingen, 2011: 152). Its reality is based on liberal values rather than a negative understanding of security. Bigo (2008: 94-96) argues that prevention in terms of security "is not directly related to war or survival; rather it offers regularity and liberty". Thus, security is thoroughly bound up with the idea of liberalism. The EU links border management to its security concerns and deems security as a governmental tool of prevention in a given society and territory. For Huysmans (2006: 152) security devised by the power strengthens "the governmental identity of the European Union".

The definition of the migration issue is framed within the externalization of the EU border merging internal security and external security into one larger conception of security. One of the EU's initial attempts to deal with international crime is to construct a link between the migration issue and "illegal migration" (Karen E. Smith, 2014: 176-201). However, the political rationalities are built upon the security discourses that problematize and target the immigrant populations as a whole. In such a system, governmentality in nature represents "a power targeting population, holding a political economy as

a form of knowledge and security apparatuses as fundamental technical instrument" (Foucault, 2009: 108-109). In this respect, discourses and practices are meticulously associated with security concerns. Thus, power employs political rationalities when regulating the population through authorities and agencies using several techniques and knowledge with "unknown consequences, effects and results" (Merlingen, 2011: 153; Dean, 2010: 1-15). As Joseph (2010: 223) emphasizes, power exercises its governmental mentality through "network of institutions, procedures, and techniques" that regulate social life.

Foucault's explanation on "biopolitics" helps us analyze how the EU arranges the processes of mobility in its management of border security and population. The connection between "technique of security and population" is generated from the notion of liberal governmentality (Hoffman, 2014: 102). In this sense, borders extensively become politicized and securitized, and as a consequence there emerges a division between "inside" and "outside", and between "us" and "them" (Basaran, 2008: 344). For example, in "A European Agenda on Migration" that was adopted in 2015, the EU rationalizes the necessity for the expertise and knowledge for security reasons in the management of its external border. Taking security and mobility together, the EU states that "strong external border is important for internal mobility" (European Commission, 2015a). Such a specified relationship between migration and security that is also regulated by the forces of the power can be found in the technologies of governmentality or more specifically in the biopolitical aspects of border security mechanisms (Basaran, 2008: 341, Vaughan-Williams, 2015: 39). Similarly, Bigo (2011: 42) underlines that "sovereign power maintains all biopolitical levels of mobility control". Particularly, people who are responsible for the "management of risk and fear" use their legitimacy for other people who are transnational political activists or migrants. The term "executive powers" includes a number of governmental, non-governmental, international, translational and private bodies (Bigo, 2011: 42). In this case, as Bigo argues (2002: 83), the old discourses and techniques of the governing body in liberal system are being transformed and developed. Accordingly, populations can be controlled through different levels of instruments – and through several transnational levels - rather than solely governmental ones. The regulation of the population on the border zones is also considered as "the transnational field of professionals in the management of unease" (Bigo, 2002: 64). On the other side, Vaughan– Williams (2015: 39-40) contends that the complexity in the relationship between security and migration in the border management leaves the immigrants somewhere between "life to

be saved" and "security risk". The link between these two classifications, consequently, constructs one of the aspects of the notion of governmentality in the EU identifying and governing the irregular immigrants. Basaran (2008: 340-341) asserts that moving towards the latter position, the irregular immigrants are largely and inevitably categorized as "unwanted populations" who are subjected to illiberal rules on the border zones. These zones become the spaces where the people are excluded from the basic liberal values such as human rights. Spaces – borders – are identified as the "territories of exception" which are controlled, managed and regulated by the sovereign powers through the liberal security practices (Basaran, 2008: 339-341). By securitizing the migration and refugee issue, an authority does not call for these units for survival, urgency and exceptional practices; instead, it devises the bureaucratic levels and politics that generate "a sense of fear, danger and unease" (Bigo cited in Bourbeau, 2011: 38). In this respect, for Topak (2014: 819) through the notion of governmental technologies, immigrants and refugees are "categorized, monitored, sorted, excluded through these technologies at the border zones". In a sense, the regulation of life of population is much more concerned with "statistics and numbers not individuals" than the humanitarian aspects (Bigo, 2011: 42). Hamilton (2013: 42) also describes Foucault's population as "entirely an object of statistics, an object of calculation, measured by state and qualitatively dissimilar to a collective of singular persons". For example, the territory is controlled through "the development of technologies such as cameras, drones, risk analysis methods" (Topak, 2014: 819). These all target preventive measures taken towards the populations on the border zone before their arrival in the EU.

Border Management of the European Union

As an over-all phenomenon migration has become an important issue in the process of the EU integration since the end of the 1980s. The end of the communist system in the East Europe and the outbreak of the war in the former Yugoslavia radically caused an increase in the number of refugees and immigrants crossing the EU borders (Karen E. Smith, 2014: 185). However, the Arab uprisings and change in the Middle East and North Africa region have made a dramatic impact on the flow of the refugees and immigrants populations who have fled from the areas of ongoing civil wars in their countries. Karen E. Smith (2014: 185) argues that since the 1980s the EU has securitized the migration issue and presented it as a "threat to public order, economic market or cultural identity". In essence, the EU has frequently employed the term "illegal immigration" as well as "irregular immigration" in particular "with the

development of the external dimension of Justice and Home Affairs" of the EU (Karen E. Smith, 2014: 176, European Commission, 2005).[2]

With the Maastricht Treaty that entered into force in 1993, the Member States of the EU agreed on a migration and asylum policy including the "conditions on entry and movement of the nationals of the third countries; exchange of information and cooperation within the EUROPOL (European Police Office) structure on the issues of international crimes such as terrorism and drug trafficking" (Treaty on European Union, 1992). With the Treaty of Amsterdam that came into force in 1999, "external border controls, asylum and a number of related issues such as crime prevention and combating crime, securing the freedom of free movement of citizens of the Union, and the issues of security and justice" were included in the Union's policies (European Council, 1997). The Schengen area that was established in 1985 to provide a "territory of free movement of persons" was also incorporated into the Treaty of Amsterdam (The Schengen Area and Cooperation, 2009). [3] Then, by the Tampere Summit of 1999, the Member States of the Union have once more strengthened the Treaty of Union for "the progress of a stronger dialogue on irregular immigration". For the Council, such policies would also be possible "through the partnership of the countries of origin with regard to the basic principles of freedom and respect of human rights" (European Council, 1999).

At the Seville Council in 2002 the Member States of the EU emphasized the management of migration flow through law and in co-operation with the third countries and transit countries. They decided to work on the conclusion of readmission agreements with the third countries providing technical and financial assistance and resources for them (European Parliament, 2015).[4] The Union has thus agreed on a more integrated and coordinated form of management of its external borders. Therefore, the Member States of the Union have developed instruments such as "border and police forces, common units

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[2] In the Communication on "A Strategy of External Dimension of Area of Freedom and Security and Justice" that was presented in 2005, the main goal was categorized as "to establish an efficient border management addressing the main threats including organized crime (including trafficking in persons drug and weapons) and terrorism in co-operation with the third countries" (European Commission, 2005).

[3] Accordingly, the signatories accept that "the internal borders were abolished and there is one single external border." The goal of the Agreement that came into force in 1995 is to secure the Schengen area through "co-operation, co-ordination between police and judicial unit" (The Schengen Area and Cooperation, 2009).

[4] Readmission agreements include "reciprocal obligations between the EU and non-EU countries to provide the return of irregular immigrants to their country of origin or to a country of transit" (European Parliament, 2015).

for the professionals" in acting in cooperation with the European Union (European Council, 2002).

In 2004, European Agency for the Management of the Operational Cooperation[5] – FRONTEX- at the external borders was created (The Council of the European Union, 2004). Accordingly, the Council decided to establish an "integrated management to provide a uniform control and surveillance within the area of freedom, security and justice" (The Council of the European Union, 2004). FRONTEX has also working agreements with the third countries. A specialized expert body tasked in the field of border management would also provide risk analyses and training at the EU level. In addition, the Council decided to create "national instructors of border guards" that would help to detect the third-party nationals who moved into the EU territory in illegal ways and to allocate sufficient technical equipment and material resources for this purpose (The Council of the European Union, 2004). Vaughan-Williams (2015: 26) argues that "although FRONTEX identifies itself as a 'technocratic risk manager', its operational characteristics are similar to those of military forces." Therefore, there has emerged an increasing tendency for the EU to use military equipment and vehicles in the calculation and management of the irregular migration.

In 2005, the European Council adopted a "Global Approach to Migration" (GAM) towards the Mediterranean and Africa emphasizing the co-operation with the third countries. The Council agreed that the parties would also come together to co-operate in a number of migration-related issues ranging from development, employment and social policies. The GAM principally states that the essential goal of the agreement is to "address the root causes of the migration mainly by relating it to development" (European Council, 2005).

In the following years upon the increasing migration flow towards the European continent, in 2015 the EU pointed out the necessity for strengthening the border control through the European Asylum Support Office and EUROPOL as well as the Member States (European Commission, 2015a). Since 2006 the EU Council has adopted a common "Integrated Border Management" that would function alongside the "global approach to migration" (Carrera, 2007: 1). Accordingly, migration as a comprehensive issue would be directly handled within the framework of management of the external borders of the EU. Border control, in this regard, comprises the measurements such as

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[5] Then the Agency was renamed as "the European Border and Coast Guard Agency" that would act in coordination with the Member States was established in this regard.

"control on cross-border crime, risk analysis, the four-tier control model including measures with the third countries, co-operation with neighbouring countries, control at the external borders and within the Union (area of free movement)" (Council of the European Union, 2006). One of the main instruments that the EU has developed for the border security and migration management is the Global Approach to Migration and Mobility (GAMM) that was established in 2011.

The EU's policies are also carried out through the European External Action Service (EEAS). The EU has also maintained a development policy outlined within the exclusive competences written in the Treaty on the Functioning of the EU (2007): In line with the external action the EU can "carry out its development, humanitarian aid and cooperation policy" principally to eradicate the economic weaknesses in so-called developing countries.

At operational level, the EU is also tasked with the EU Maritime Operations within the framework of the European Union Maritime Security Strategy that was adopted in 2014 to contribute to the maritime security. The Union particularly aims to prevent the region from certain threats and risks ranging from "cross-border organized crime, human trafficking and smuggling of migrants, trafficking of arms, goods and drug" (The Council of the European Union, 2014).

In general, the Member States of the EU act in the processes of the development of the migration policy mainly referring to "the least common denominator" (Uçarer, 2002: 27). The Member States still need to take more cooperative actions and stages within the Union. However, in particular since 2015 with the increase in the number of refugees and immigrants, the migration issue has been largely securitized by the Member States. For example, the population of the refugees and immigrants in Europe reached "more than a million" in 2015 (BBC News, 2016). Such a massive immigrant flow which has so far had a profound effect on the Member States in their domestic affairs also triggers tension within the EU. In 2011 when thousands of refugees and immigrants were fleeing from in particular Tunisia and Libya to the European continent, and upon their arrival on the Italian island Lampedusa, Italian politicians called the humanitarian crisis as "human tsunami" (The Guardian, 2011). The implementations related to the refugees and migrants' free movement in Europe also create long-lasting clashes among the Member States of the EU. For example, in 2015 the German Chancellor Merkel's "Open Door" policy towards refugees raised a challenging situation at the EU level for the

other Member States of the Union. Such a policy also faced so much criticism in Germany (The Guardian, 2015a; The Guardian, 2015b).

The development of the border management has a multi-layered, extensive and considerably a complicated character. Emphasizing that the main goal is to achieve an integrated border management and global approach, the EU has pursued policies towards the immigrants deemed as the "regulation of the life of the populations" regarding the mobility in its neighbouring region (Carrera, 2007: 1). However, the combination of border security and migration management brings into question the humanitarian aspect of the EU's policies as the governmental technologies and liberal rationalities also create contradictory situations for the security of the immigrants (Basaran, 2008: 339-341).

Regulating from Within

The Arab uprisings first started in Tunisia in December 2010, then the protests led to deep conflicts and civil wars throughout the Middle East and North Africa.[6] Initially, the EU viewed that the radical political and social change could promote liberal values, democracy, rule of law and progress in economic and social life in the Southern Mediterranean. However, the civil wars and their unpredictable consequences - such as humanitarian crisis and migration flow- pushed the Union to produce more effective – and more preventive – policies towards these countries and their population.[7] Primarily, upon the growing unrest, the EU issued a Communication stating that the Union would "support the democratic and constitutional reform processes" (European Commission, 2011a). Accordingly, the political rationalities of the EU in the southern region on the immigration issue are designed as the "stronger partnership with the people" and "sustainable and inclusive growth and economic development" (Bauer, 2013: 7; European Commission, 2011a). The

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[6] This study includes the EU's border management policies and practices mainly related the civil wars in Libya and Syria. For further information on the "Arab uprisings" see: Peters (ed.) (2012). The process in this region is also identified as "Arab Spring" since it also denotes the profound political change by which new democratic governments can come to power and replace the authoritarian rules.

[7] For the last couple of decades, the EU has strengthened its institutional ties with this area. In particular, Global Mediterranean Policy (1972), Renovated Mediterranean Policy (1989), the Euro-Mediterranean Partnership (1995), the Common Strategy on the Mediterranean Region (2000), the European Neighbourhood Policy (2004), the Union for the Mediterranean (2008) are the main initiatives that the EU and its neighbouring countries in the Mediterranean region have undertaken so far.

EU has adopted a "differentiated approach" that could also make transformations in these countries in three interrelated aspects: political, economic and societal (European Commission, 2011a). At this level of liberal governmentality, the EU has the rationality of establishing a co-operative system rather than pushing them just for the imposition of its rules and legislations. In a sense, the EU as the "power" is constituted in a "networked form rather than being hierarchically superior over other entities" (Merlingen, 2010: 151-52). Thus, the units of the governmental activity –including civil society and transnational units- would be able to adopt a position of "self-limitation for the governmental practices" (Foucault, 2008: 296). The Union in that way asserts its political rationalities in terms of problematizations through discourses which are extensively found in its technical documents (Merlingen, 2011: 152-53). For example, through the Communication, the socio-economic situation that is categorized as "economic weaknesses" in these countries is clearly problematized. It is also considered as the main cause of these huge migratory flows into the EU. The Communication then aptly reflects the EU's main goals in the delivery system of the neoliberal realm as "sustainable and inclusive growth, development of poorer regions and job creation" (European Commission, 2011a, Foucault, 2008: 166). In line with the EU's approach of 3Ms', that is, "money, market access and mobility", in 2011 a great emphasis was put on an interrelated approach that was also reflected in "the Global Approach to Migration and Mobility." Mobility denotes the inclusion of the third-party nationals by sticking them to the economic and legal aspects of regulation. Furthermore, the EU would revise the visa obligations to be facilitated or lifted in the near feature (European Commission, 2011a: European Commission, 2011b; European Commission, 2011c). For Vaughan- Williams (2015: 25-29) for the EU approach in the documents, the EU is much more concerned with the reassurance of each individual migrant's security and fundamental rights through the development of a "well-managed mobility". However, this means that the management of mobility refers to the management and regulation of the populations who are attempting to migrate from one place to another. These populations or the third-nationals have already been controlled and managed through a number of techniques. For example, in accordance with the visa obligations, the EU has collected a variety of "biometric databases including fingerprints and other personal information" of the third-nationals (Guild and Carrera, 2013: 8).

The EU has signed the Mobility Partnerships with Jordan in 2014, Tunisia in 2014 and Morocco in 2013 (European Commission, 2014a; European Commission, 2014b; The Council of the European Union, 2013). What is more,

upon the uprisings, the former High Representative Ashton underlined the notion of "deep democracy" in the neighbouring region (Council of the European Union, 2011a; European Union, 2011). During the processes, such a perspective is furthered by the EU's declaration of the principles of "more and more" and "deep democracy" in condition that the "progress in democratic reform is achieved by the individual countries in the southern shore of the Mediterranean region" (European Commission, 2011a). However, by imposing the aid instrument, the democracy is exerted through the power relations targeting the notions of populations (Kurki, 2011: 378). Likewise, human rights issue has always been associated with the assistance programs from the European side (Cassarino, 2012: 4). As Foucault (2008: 295) contends, "individuals that are both the subjects of rights and economic actors" can push for progressive change in their countries and can thus "respect economic laws and principles of right in the macro level forms of governmentality". With the GAMM, the EU demands that the third country authorities are also actively involved in the process of the management of the irregular migration and of the regulation of the legal procedures for immigrants. Within a comprehensive perspective, the third countries and the EU would also cooperate in terms of their economic interests and of technical issues in providing expertise and resources in the region (Vaughan- Williams, 2015: 25-26). The main discourse is basically indicated as addressing the root causes of migration with a focus on preventive measurements. The EU's governmental mentality thus underscores the role of the basic values of liberal ideology including "human rights, economic development and democracy" in these countries (Karen E. Smith, 2014: 187). From such discourses and practices, it can be inferred that the rationalities do not intend to keep the regulation only at legislation level. Rather the regulatory forces comprising all aspects of life simultaneously advocate a new type of power relation between the subject and object. However, the EU's "human, migrant and individual based approach" openly clashes with those of the EU's protectionist discourses. The humanitarian aspect also raises ethical considerations. Even if there is a sense of "protection of lives" in the mobility aspect, the EU's conflicting discourses categorizing the immigrants as "threat", "irregular" and "illegal" visibly reveal how the EU problematizes the immigrants (Vaughan – Williams, 2015: 26-67).

Securing the Border or Human?

Beside the EU's security concerns, one of the main goals of the EU has always been to prevent the refugees and irregular immigrants mostly sailing into the Mediterranean Sea (including the coasts of North Africa in particular

from Libya and from the Aegean Sea mainly from Turkey) from entering the EU. To cope with the irregular immigration by sea, the EU has carried out its border management policies at both operational and technical levels. European border security practices include a number of instruments such as the FRONTEX operations, European Border Surveillance System (EUROSUR) and military operations (The European Parliament and the European Council, 2013). As mentioned in the previous sections, the Union conducts military and civilian operations at a cooperative level. More concretely, EUROSUR acts "in cooperation with the national authorities of the Member States and FRONTEX" providing necessary tools to "improve their situational awareness and reaction capability at the external borders of the Member States of the EU" (The European Parliament and the European Council, 2013). For Vaughan-Williams (2015: 27) with the establishment of EUROSUR "the language of the border control is militarized" in particular through the statement of "situational awareness and reaction capability" (Carrera, Blockmans, Cassarino, Gross and Guild, 2017: 44-45). Even if the aim is indicated as "detecting, preventing and combating illegal immigration and cross-border crime and contributing to ensuring the protection and saving the lives of migrants", the techniques and equipments are militarily designed (The European Parliament and the European Council, 2013). In particular, previously, by the Commission's Communication on "Reinforcing the Management of the EU's Southern Maritime Borders" of 2006 the geographically defined border management has almost become militarized (Carrera, 2007: 6; European Commission, 2006). "The technologies of surveillance and control" including "satellite systems, vehicles, crafts like drones" are further advanced for this reason (Guild and Carrera, 2013: 4). Hence, the development of the EU's operational capacity is grounded on two main goals: The first one is to take measures at operational level "to fight illegal immigration". Secondly, the EU would act in co-operation with the third parties in the region (Carrera, 2007: 6). Within the defence policy framework, the EU has launched an operation under the EUNAVFOR, then renamed "Operation Sophia" in April 2015 primarily against human trafficking as an extensive approach to the migration issue (Michael E. Smith, 2017: 242). This manoeuvre is clearly identified as an outcome of the combination of military and civilian aspects of security at operational level (Tardy, 2015: 1-3). In the same way, a FRONTEX operation namely "Joint Operation Triton" was also tasked with the "border control and surveillance, search and rescue" in 2014 (FRONTEX, 2016a). However, the operations could neither halt the refugee and migratory movements nor eradicate the massive causalities in the Mediterranean Sea. For example, during such operations the executive powers constantly classify the

immigrant populations as "illegal immigrants" even before their entrance into the EU territory regardless of their being potential asylum seeker or refugee (Carrera, 2007: 25).

Similarly, in the Syrian case, the EU politics largely functions through a set of "governmental mentalities of technocratic coordination" than a normative dimension (Manners, 2007: 85). In this regard, the most normative policy action taken by the EU is the allocation of humanitarian aids that extensively meets the needs of the population regardless of their location. To stop the migrant influxes the EU had signed a number of agreements establishing a framework for an effective co-operation and dialogue particularly with Turkey. They signed the Readmission agreement in 2013; agreed on the Joint Action Plan upon the decisions of the Heads of State or Government that was activated on 29 November 2015; and signed Turkey- EU agreement on 18 March 2016 (European Council, 2016; European Commission, 2015b; the Council of the European Union, 2015). In accordance with the Action Plan, Turkey and the EU agreed on the cooperation with "solidarity, togetherness and efficiency" (Kale, 2016: 2). The EU decided to provide Turkey with financial assistance including 3 billion euro under the framework of Facility for Refugees in Turkey (European Commission, 2016a). The regulations also provide Turkey with the main instruments on the road to the EU Membership. The enactments related to the refugee crisis are then directly subjected to the implementation of Turkey's roadmap for visa liberalization (European Commission, 2014c; European Commission, 2016b).

Thus, Turkey's long-lasting institutional relationship with the EU almost paved the way for the creation of an explicit but a complicated burden-sharing mechanism between Turkey and the EU in a variety of political and social issues (Kale, 2016: 2).[8] For this reason, the EU decided to support Turkey financially and technically particularly on the refugee and irregular immigration issue. The Commission would also assist Greece through support from the EU budget, expertise and technically. Then, "all the irregular immigrants and refugees who entered into Greek islands would be sent to Turkish lands; and for each Syrian refugee another Syrian would be returned to the EU" (European Commission, 2016a). In this respect, at operational level, FRONTEX (Joint Operation Poseidon) (2016b) launched an operation for "border surveillance, and identification and registration, detecting cross-border crime, smuggling of illegal materials such as weapons and falsified documents". The operation was extended throughout the islands in the Eastern Aegean Sea for further search

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[8] This is due to its candidacy status in the Union.

and rescue operations. The agency is in close cooperation with Turkish intelligence and border management authorities and with the countries of origin (FRONTEX, 2016b). Besides, in February 2016, a NATO operation was launched for fulfilling "monitoring and surveillance of illegal immigrants in the Aegean Sea" (UK Parliament, 2016).

In essence, the visa liberalization issue drawn up in the Roadmap is a branch of the level of conditionality for Turkey even if the situation evidently represents a humanitarian aspect. The regulation of population encompasses a number of transnational areas of technical and procedural expertise rather than adequate normative indications and policies. This approach reflects the legal enactments based on bilateral executive mechanism whereas the discourses are grounded on the human rights and the protection against violations. Furthermore, the burden-sharing machinery between the EU and Turkey on the regulative mechanisms also generates a number of difficulties. The political rationalities comprising the calculations on quantitatively defined immigrant populations could suggest no more than a materialization of life or an exclusion from fundamental human rights for the individuals. The procedures and ongoing – and uncertain- processes "left the immigrants in-between spaces where they are deprived of certain needs and aspects of life" (Basaran, 2008: 339-341). The push-backs profoundly display the characteristics of the connection between "humanitarianism and border security" in the EU's border management (Vaughan- Williams, 2015: 64). Yet, the operations can not prevent the immigrants from deciding to cross the borders; instead they tend to choose more dangerous routes (The Guardian, 2017). FRONTEX operates for the "situations of humanitarian emergency and rescue at sea" rather than directly for the protection of human lives (Keller, 2015: 1). Even if there seems to be a decrease in the number of the immigrants, as a fact, there is an increase in the death rates. It is stated that "one in forty-nine immigrants died on their way to Europe" (The Guardian, 2017).

In general, border has a prominent role on the EU side while Turkey seems to be much more concerned with the domestic settings on the settlements and relocation of the immigrants. More concretely, on the Turkish side, the immigrant and refugee population issue brings up two main concerns: The first one is whether Turkey can sufficiently coordinate all the levels of its domestic capacities compliant with the readmission agreement. There are still difficulties in the decision-making and implementation stages on how to settle them in

Turkey or when to send them back to their countries of origin.[9] Secondly, there still exist uncertainties in the system of identification and documentation of the migrants who are passing through Turkish territories to cross into Europe. Such an uncertainty thus creates a perception that Turkey is inevitably recognized as a country where millions of "unwanted migrants" have stayed in (Nas, 2015: 179-180).

The complexity of such a regulation also raises a couple of questions on the nature of biopolitics of the immigration and refugee issue. The first one is about "security for whom or what?" The second one is on the structure of the power including struggles and collaborations that affect the current and future situation of the immigrants and refugees. In the first case, as the immigrants and refugees are promptly problematized and securitized by the Member States of the EU a dilemma comes about with the question whether security is provided for the immigrants or for the borders. The border management in the EU clearly signifies the population which has then become a subject matter of push-backs in-between in order to safeguard the territories of the Union. Secondly, the most noticeable example is the disagreements between Turkey and the EU in the process including the aid and similar issues.[10] For example, although the reports issued on the process are about the progress on the visa liberalization rather than the membership issue, they pose a secondary link to the framework of the everlasting relationships between the EU and Turkey. The Cyprus issue between Turkey and Greece; the regulation of human rights issue with regard to the standards of the Geneva Convention of 1951 on refugees and its Protocol of 1967; the Council of Europe Convention for the Protection of Individuals relating to Automatic Processing of Personal Data of 1981 and its Additional Protocol no 181.; and Turkey's visa policies towards the third countries have become a sphere of disagreement between the parties (İKV, n.d.). The power that is made up of a number of executive agencies including international and transnational organizations, third countries and operational units has intentionally and unintentionally provided a limited capacity in the border management processes. This is also due to the fact that the main obstacles come

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[9] In particular, regarding "the 1951 Geneva Convention and Protocol Relating to the Status of Refugees, international legal principle of *non-refoulement*, the signatories can not expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular group or political opinion" (UNCHR, Article 33 (1)). For further discussion, see: Vaughan- Williams (2015: 61).

[10] It is also important to note that the regulation of life is maintained through a number of states, international and transnational organizations and civil society.

out of the certain stances of the both sides –Turkey and the EU- towards the related issues.[11] Within such a technical framework detailed with the all levels of conditionality between the parties, the refugee and immigrant issue has almost turned out to be far from the matters of human rights.

Conclusion

The EU has been enormously affected by the Arab uprisings in the Middle East and North Africa region rapidly after 2010. Even though the reasons and outcomes vary in different aspects the humanitarian dimension has been exceptionally noticeable when it comes to the issue of refugee and immigrant population from the conflicting regions. However, for the EU, the migration issue has gained a political and legal meaning that would further endorse safeguarding the EU's borders against the "outsiders". The EU has thus developed a migration policy since the early 1990s, and a global border management policy at an integrated level since the early 2000s with the establishment of additional institutions and agencies to confront the unforeseen humanitarian crises. However, at the same time, the EU has an understanding that there is a direct link between security and migration, thus formulating a set of mechanisms for the regulation of population in a given territory. In line with the notion of governmentality, the management of population takes place through a number of tools of technologies. Governmentality is also related to the construction of the political rationalities in the regulation of population. In this case, the power is made up of the EU and its sub-institutions and agencies acting together with transnational and international entities and third parties (including Turkey, and a number of North African countries). Accordingly, EU's practices are placed at two levels: The first one is that the EU sets up partnerships, providing the third countries with economic and technical aids, mobility and visa regulations. The second level remains more operational mainly focusing on the border zones. The EU has thus conducted civil and military operations through transnational security professionals in the Mediterranean and the Aegean Sea to prevent the immigrants and refugees from entering the European territory. In this respect, the EU signed the Readmission Agreement in 2013 with Turkey. The procedure including the regulation of the people on the border zones has been depended on the bilateral relations between Turkey and the EU. Accordingly, the EU is to provide technical and economic

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[11] For example, Turkey's position towards the rearrangement of the geographical limitation in granting "refugee status" to non-European nationals is closely linked to the Turkey's membership prospect to the EU. For the EU, Turkey has to implement the standards of the Geneva Convention of 1951 and its Protocol of 1967. Also see Nas (2015: 182).

assistance, in return, Turkey is expected to keep the refugees mainly in its territory in exchange for visa liberalization for Turkish population. In the meantime, it would not be erroneous to underline that the disagreements as well as agreements among the executive powers openly reflect on the future of the population waiting, even living on the border zones.

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