

HUMAN SECURITY APPROACH IN MIGRATION AND ASYLUM POLICY OF THE EUROPEAN UNION*

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ABSTRACT

This article examines the European Union's efforts to develop a common policy on migration and asylum since the 1990s from a human security perspective. Using qualitative content analysis, it examines official EU documents. The study highlights the complex relationship between the rights of migrants and asylum seekers and the EU's strategic interests. From the formation of the Schengen Area to the Tampere Conclusions and the recent Migration and Asylum Pact, the EU has increasingly emphasized cooperation with third countries, the effectiveness of the return system, and external border control. Although legal developments under the Common European Asylum System—such as protection, resettlement, and common procedures—represent progress, the externalization of migration control and strengthened border security often clash with human security principles. The article argues that framing migration as a security issue has facilitated policy harmonization at the EU level; however, this security-oriented approach has also led to the marginalization of migrants' rights and security.

Keywords: Human Security, Protection, Migration and Asylum, Border Control

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AVRUPA BİRLİĞİ'NİN GÖÇ VE SİĞİNMA POLİTİKASINDA İNSAN GÜVENLİĞİ YAKLAŞIMI

ÖZET

Bu makale, 1990'lerden itibaren Avrupa Birliği'nin ortak bir göç ve sığınma politikası geliştirme çabalarını, insan güvenliği perspektifinden incelemektedir. Nitel içerik analizi yöntemini kullanan çalışma, resmi AB dokümanlarını temel almaktadır. Araştırma, göçmenlerin ve sığınmacıların hakları ile AB'nin stratejik çıkarları arasındaki karmaşık ilişkiyi ortaya koymaktadır. Schengen Bölgesi'nin oluşumundan Tampere Sonuçları'na ve yakın tarihli Göç ve Sığınma Paketi'ne kadar uzanan süreçte AB, üçüncü ülkelerle iş birliğini, geri dönüş sisteminin etkinliğini ve dış sınırların kontrolünü giderek daha fazla ön plana çıkarmıştır. Ortak Avrupa Sığınma Sistemi kapsamında koruma, yeniden yerleştirme ve ortak prosedürler gibi yasal gelişmeler ilerleme anlamına gelse de, göç kontrolünün dışsallaştırılması ve sınır güvenliğinin güçlendirilmesi, insan güvenliği ilkeleriyle sıklıkla çelişmektedir. Makale, göçün güvenlik meselesi olarak çerçevelenmesinin AB düzeyinde politika uyumunu kolaylaştırdığını; ancak bu güvenlik odaklı yaklaşımın, göçmenlerin haklarını ve güvenliğini arka plana ittiğini savunmaktadır.

Anahtar Kelimeler: İnsan Güvenliği, Koruma, Göç ve Sığınma Politikası, Sınır Kontrolü

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1. INTRODUCTION

Today, the phenomenon of migration is a frequent topic in government agendas and academic discussions and there are multifaceted factors contributing to increased human mobility, such as globalization, economic, social, and demographic inequalities, environmental factors, and conflicts between or within states (Black et al., 2011; Gattinara, 2017). Although international migration has long been a global phenomenon, its dynamics within the European context have progressively diverged, reflecting region-specific trends and challenges. Europe, which was once a continent that sent its people around the world through labor migration, colonization, wars, trade, missions, and cooperation, has gradually transformed from a migration-sending continent into one that receives migrants. After World War II, during the period from the 1950s to the 1980s, immigrants were seen as a significant labor force in Europe. During this period, the economic growth of European countries created a high demand for workers, prompting many European nations to adopt policies encouraging labor migration from different parts of the world to meet this demand. However, this situation began to change in the mid-1980s. Following the fall of the Soviet Union, there was a significant increase in asylum applications from Eastern Europe, as well as Asia and Africa, to Europe. As pressure mounts on Western European

countries, they have tightened their controls on asylum applications, and irregular entries to the region have increased (Stalker, 2002: 152-153). Thus, immigrants and asylum seekers, who were once viewed as useful and desirable labor forces after World War II, began to be labeled in political discourse as “criminals, terrorists, troublemakers, economic and social fraudsters, unassimilable individuals,” etc. With such a discourse, migration has become an issue involving new actors, such as security experts, and stricter surveillance mechanisms like tight visa policies (Ceyhan and Tsoukala, 2002: 22-23).

Particularly after the terrorist attacks of September 11, 2001, international migration began to be framed increasingly as a security issue in the West, with borders and entry becoming primary security concerns (Humphrey, 2013: 179). As for Europe’s view of migration as a ‘crisis situation’ requiring urgent response, it emerged in 2015, when arrivals in Europe via the Mediterranean peaked¹, and significant loss of life occurred during these arrivals (European Commission, 2015a; European Commission, 2015b; European Commission, 2015c; Council of the European Union, 2015; European Parliament, 2015).

The continuity between migration and security in the European Union (EU) was established with the creation of the Schengen Area, both as a response to internal security vulnerabilities and as a means to enhance control over migration flows. This continuity revolves around “constitutional securitization”, the “Fortress Europe” concept, and the “migration-crime” link, and also incorporates elements of risk management, exceptionality, and human security. The logic of exception is evident in militarized border discourses and emergency responses to so-called unprecedented migration flows, while human security elements surface in asylum, reception, and return policy. However, risk logic emerges as the dominant rationale behind most EU migration policies, shaping areas such as refugee protection, asylum governance, Frontex operations, and the externalization of border control (Stępką, 2022: 82-83)

This article analyzes the EU's regulations aimed at creating a common policy on migration and asylum, starting from the creation of the Schengen Area, which sought to remove border controls through compensatory internal security measures, from a human security perspective. In this regard, the aim is to examine how the human security theme has been approached across EU-level documents concerning migration and asylum since the 1990s. This article argues primarily that, to the extent that migration is securitized and framed as a security issue, efforts to establish a common EU policy in this area have gained momentum. However, the narratives and practices aimed at securing borders have sidelined approaches focused on the security of migrants.

¹ According to data of the IOM (2015), it was determined that in 2015, over 1 million refugees, the majority of whom were from Syria, Afghanistan, and Iraq, reached Europe. This was the year with the highest migration flow to Europe since World War II.

The primary sources of the research are official EU documents. Qualitative content analysis has been used to interpret narratives related to human security in EU policymaking within the framework of Treaties, Programs, Conclusions of the Summit, and the EU Migration and Asylum Pact between 1999 and 2024. Additionally, secondary sources, such as academic books, book chapters, and research articles, have been used to gather relevant information and data.

The initial part of this study explores the notion of human security, which was developed alongside the debates on widening and deepening of the security agenda, and is examined within the framework of critical security studies (CSS). In the second section, the emergence and development of approaches to human security in the EU are explained. Third part of the study focuses on analyzing the connection between narratives on human security and policies aimed at tightening border security, within the broader efforts to develop a common EU migration and asylum framework. In the conclusion, it is evaluated how border control regulations also contain elements that threaten the security of migrants, as internal and external security are increasingly intertwined, despite the prominent elements of human security in the context of EU migration and asylum policy.

2. CRITICAL SECURITY STUDIES AND THE NOTION OF HUMAN SECURITY

Towards the final years of the Cold War, the relative decrease in the significance of military threats and the emergence of the impact of economic, political, social, and other issues on security relations led to the traditional definition of security dominating the literature beginning to be questioned. With the 1990s, critical approaches to security studies began to develop, aiming to expand the reference object (the state) of traditional security studies and create an agenda to view security beyond military power. In 1994, the conference titled "Strategies on Conflict: Critical Approaches to Security Studies" held at York University, and the publication of Krause and Williams' work "Critical Security Studies: Concepts and Cases" in 1997, marked the beginning of the use of the term "Critical Security Studies" (Mutimer, 2017: 69).

Although there are various schools of thought contributing to the development of CSS, such as the Copenhagen and Aberystwyth schools (Shepherd, 2013), the central assumption of these studies is that "security threats and insecurities are not simply objects to be studied or problems to be solved, but the product of social and political practices". The critical approach attempts to understand how these practices work and their social and political consequences (Aradau et al., 2014). According to Browning and McDonald (2011), critical approaches, which focus on indicating the formation of the world order rather than taking the world as it is for analysis, when applied to security studies, emphasize the socially constructed nature of security. In this context, questions such as "Whose security is prioritized (or should

be prioritized)?" , "What are the main threats to security, and how are they determined?" , "Where do security discourses come from?" etc. arise.

Along with the critiques directed at traditional security thinking, demands have emerged for both the deepening and broadening of the security agenda. Proponents of broadening argue that the conventional, military and state-centric understanding of security is inadequate from analytical, political, and normative standpoints. They advocate for expanding the concept to address a wider array of threats, including economic instability, environmental degradation, human rights issues, and migration. Conversely, supporters of deepening the security concept focus on shifting the primary referent of security beyond the state, emphasizing the importance of human security as well as international and global dimensions (Buzan and Hansen, 2009: 187; Williams and Krause, 2002: 230). From the early 1990s, as the security agenda expanded and deepened, the effects of migration on security began to gain importance. In this context, migration has emerged as a security issue both due to "geopolitical shifts linked to the end of the Cold War" and "social and political shifts linked to globalization" (Huysmans and Squire, 2009: 169).

One of the approaches contributing to the development of CSS is the Copenhagen School, which was initiated in 1985 with the project "Non-Military Dimensions of European Security" at Copenhagen University, particularly through the works of Barry Buzan and Ole Waever (Akgül-Açıkmeşe, 2011: 57). The concept of "securitization" introduced by this school, was first presented by Ole Waever in his 1995 article "Securitization and Desecuritization". Waever (1995) argues that security can be considered as a "speech act" and the act of speaking itself constitutes an action, meaning that by saying something, something is constructed. Therefore, security does not need to refer to a real thing; it can become a security issue simply by the ruling elites declaring it so. Barry Buzan (2008) defines securitization as "the construction of something as a threat to the existence of a subject that is considered valuable, and the use of this construction to support the adoption of exceptional measures". On the other side, in terms of the notion of human security, the contributions of the Aberystwyth School, led by Booth and Wyn Jones, are important. This school ontologically takes individuals as the reference object of security, answering the question "Whose security comes first?" with "individuals." Booth (1991), following Hedley Bull's International Society conception, argues that humans are the ultimate reference object. According to him, while states are important features of world politics, they are too unreliable to be used as primary reference objects considering the diversity of regimes in the world, and should be regarded as a tool rather than an end.

Since the 1990s—and especially after the 2001 terrorist attacks—migration in the EU has increasingly been framed as a security concern (Geddes, 2022: 316). The creation of the Schengen Area laid the groundwork for EU-level control over human mobility, enabling the removal of internal borders and necessitating the protection of external ones. Key legal instruments like the Treaties and the

Schengen Acquis embedded the migration-security continuum into EU primary law, serving as “constitutional securitization moves” (Stępką, 2022: 65). Aftermath, the 2015 'migration crisis' had a profound impact on shaping both EU migration policies and the broader political landscape across Europe and led to the reactivation of internal borders between MSs and the undermining of confidence in external border control (Geddes, 2022: 316).

3. THE HUMAN SECURITY APPROACH IN THE EU

The notion of human security emerged as a new paradigm that moves away from traditional, narrow security frameworks, and this shift became possible with the UN’s Human Development Report in 1994. According to the Report, human security is viewed as a human-centered, universal concern that transcends national borders, with consequences such as disease, smuggling, and terrorism affecting the entire world. The report defines human security as the state of being free from both chronic threats like hunger, disease, and oppression, and from sudden and disruptive threats in daily life and within the communities people live in. The report addresses threats to human security within the framework of the following basic categories, but not limited to: food security, health security, environmental security, economic security, political security, personal security, and community security (UNDP, 1994: 22-25).

In the EU, human security emerged as an informal security doctrine in the early 2000s, influenced by post-Cold War challenges, international terrorism, and the need to balance hard and soft power within a cooperative, law-based approach (Harnish, 2014: 3; Solana, 2014: 251-252). Although the 2003 European Security Strategy (ESS) did not explicitly mention human security, it addressed related risks such as corruption, regional conflicts, poverty, and disease, signaling a shift toward non-traditional threats (Harnish, 2014: 4). In 2004, the Barcelona Report, led by Mary Kaldor, proposed a “Human Security Doctrine for Europe”, defining human security as “freedom from the fundamental insecurities caused by severe human rights violations.” The report called for greater EU involvement in global security under the ESS framework. It justified adopting human security based on three principles: a moral duty to protect, legal obligations under international human rights law, and the understanding that European security depends on global stability, especially in conflict zones (The Study Group, 2004: 9–10).

Following the Barcelona Report, in 2007, the Human Security Study Group, published the Madrid Report titled “A European Way of Security”. It redefined human security as encompassing not only safety but also material survival and freedom of choice, emphasizing the link between “freedom from fear” and “freedom from poverty” (Human Security Study Group, 2007). By 2008, the concept appeared in the “Report on the Implementation of the European Security Strategy”. MEP Helmut Kuhne proposed a “Human Security Response Force” combining civilian and military personnel to conduct humanitarian operations (Kuhne, 2008).

Developments in the EU's understanding of human security include the Berlin Report published in 2016, and the European Union Global Strategy (EUGS) which further developed the EU's human security approach in its external relations. The Berlin Report, led by Kaldor and Solana, introduces a "second-generation human security" approach, linking human security to the external promotion of the EU's core values, including the politics, policing, and rule of law. Human security, which emphasizes local ceasefires and support for civil society, encompasses multilayered, gradual, and inclusive peace processes. It involves the creation of safe areas and corridors, the provision of security assistance in safeguarding individuals and communities, and the integration of prevention, early warning, crisis intervention, and post-conflict reconstruction activities (The Human Security Study Group, 2016: 3).

The EUGS, released by the European Commission in mid-2016, broadens the EU's security focus to include global threats such as human rights, climate change, migration, and health, alongside traditional military concerns. Emphasizing human security, the strategy prioritizes resilience in regions like Central Asia and Africa, regional cooperation, and an integrated approach to global conflicts. It highlights the EU's commitment to peacebuilding in response to crises like in Syria and Libya, which threaten shared interests (EUGS, 2016: 9–10). The growing insecurities in neighboring regions blur internal and external security boundaries. Human security is positioned as central to addressing instability and creating a safer world (EUGS, 2016: 14). The EUGS also includes elements of human security in the context of the EU's goal of a more effective migration policy. It sets out objectives to address the root causes of migration, including improving the reception and asylum capacities of third countries and supporting the education and livelihood opportunities of migrants, especially women and children and advocates for a more efficient EU-wide asylum system that allows safe, legal access for refugees (EUGS, 2016: 27–28).

The human security components outlined in the EUGS are also reflected in the Union's regulations on its common migration and asylum policy, which will be detailed in the next section. Providing protection to those in need of international protection and tackling the root causes of migration in the context of increased third-country cooperation after 2015 are key areas of action in the EU's migration policy. However, increasing cooperation with countries of origin and transit to prevent irregular migration also aims to stop migrants before they reach EU borders. This situation presents a dilemma in the migration and asylum policy of EU, where the security of borders and the safety of migrants intersect in terms of narrative and practice.

4. DOES HUMAN SECURITY MATTER IN THE MIGRATION AND ASYLUM POLICY OF EU?

Guild (2016) states that two regional events framed the development of the Common European Asylum System (CEAS): the breakup of the former Yugoslavia in 1992-1995 and the wars in Syria and

Iraq from 2011. The dissolution of Yugoslavia led to hundreds of thousands of refugees fleeing the region, mostly to Europe, particularly Germany. The need for Germany to address the consequences of refugee flows from the Western Balkans played an important role in the inclusion of the right to asylum in the 1999 Amsterdam Treaty. Secondly, the migration triggered by the Syrian conflict from 2011 onwards tested the CEAS and highlighted its shortcomings. In this sense, while EU cooperation on migration and asylum issues remained limited until the early 1990s (Boswell, 2002), significant progress was made from the weak intergovernmental structures in the 1993 Maastricht Treaty to the binding and supranational migration law system introduced by the 2009 Lisbon Treaty (Luedtke, 2019: 16).

Following the guidance of the European Council, the first phase of CEAS took place between 1999 and 2005 and aimed to harmonize the legal frameworks of MSs regarding asylum based on common minimum standards. During this period, six legal documents were adopted to harmonize asylum standards, including the Eurodac Regulation, the Temporary Protection Directive, the Dublin Regulation, the Qualification Directive, the Reception Conditions Directive, and the Asylum Procedures Directive (European Commission, 2008: 2). As part of the second phase of CEAS, the Hague Programme (2005–2009) aimed to establish a common asylum procedure, introduce a unified status for asylum seekers or those granted subsidiary protection, and strengthen both practical cooperation between national asylum authorities and the external dimension of EU's asylum policy (European Commission, 2008: 2). In this phase, completed in 2013, a series of reforms were agreed upon to ensure equal treatment of asylum seekers within an open and fair system, introducing common standards and enhancing cooperation measures. The European Asylum Support Office was established to assist MSs in applying EU asylum law and enhancing practical cooperation, the Dublin and Eurodac regulations were revised, and guidelines on qualifications, procedures, and reception conditions were updated (European Commission, 2015b; European Union Agency for Asylum, 2024).

The growing number of individuals seeking protection in the EU in 2015 highlighted the shortcomings of the common migration and asylum policy and the challenges of managing the varying impacts of migration on different MSs². As the third phase of the CEAS began at the end of 2020, the European Commission proposed a new Migration and Asylum Pact for a more effective system to manage migration in the EU. The negotiations and additional proposals following the Commission's initial 2016 proposal culminated in the adoption of the Pact on Migration and Asylum by the European

² The member states located along the southern and eastern shores of the European Union were the most affected by the migration crisis in 2015. According to IOM (2015), more than 90% of the total 1.046,599 recorded arrivals to Europe in that year occurred via the Mediterranean, with countries of first arrival including Greece, Bulgaria, Spain, Italy, Malta, or Cyprus receiving these crossings. Among the frontline MSs, Greece and Italy received the highest number of migrant arrivals. During the migration crisis, the Dublin criteria -used to assign responsibility for processing asylum claims- emerged as one of the most problematic and controversial elements of the CEAS and the EU's broader migration and asylum policy (Stępką, 2022).

Parliament and Council in April and May 2024 (European Union Agency for Asylum, 2024). The following sections will analyze these regulations starting with the 1999 Tampere European Council from the perspective of migrant security.

4.1. The Tampere Programme

Five distinct elements of the post-Cold War era shaped the political context in which the Tampere Programme emerged: a) increased migration flows both to and within the EU, b) the transformation of all MSs into countries of both immigration and emigration to some extent, c) the EU's growing role in policymaking in the aftermath of the Maastricht Treaty entry into force in 1993, d) the seemingly new manifestations of the migration issue, such as irregular flows, human smuggling, and trafficking in persons, e) the growing politicization of migration at both the national and EU levels (Geddes, 2020: 9). The European Council, in October 1999, convened a special summit in Tampere with the participation of leaders from all 15 MSs to establish an Area of Freedom, Security and Justice (AFSJ) within the EU. At Tampere, EU leaders agreed on a list of more than sixty action points to define their priorities at the European level (European Commission, 2002: 1).

The significance of the Tampere conclusions (2000-2004) within the framework of EU migration policy lies in the commitment of the MSs to develop a unified EU asylum and migration policy based on four core elements. First, it emphasized partnerships with third countries like Albania, Afghanistan, Iraq, and Morocco to address conflict prevention, democratic deficits, human rights, and development, including living conditions and employment (European Council, 1999: 3). Second, it emphasized the EU and its Member States' obligation to fully uphold the right to asylum. In the short term, the CEAS aimed to standardize responsibility, procedures, and reception; in the long term, it envisioned a common asylum procedure and a uniform refugee status valid across the EU. Third, it addressed fair treatment of legally residing third-country nationals, aiming to ensure rights comparable to EU citizens and combat discrimination, racism, and xenophobia. The Programme also called for measures against migrant smuggling and protection for victims, especially women and children (European Council, 1999: 4).

The Tampere conclusions marked the first step toward a common EU framework grounded in fundamental rights and the rule of law, aligning with the 1951 Geneva Convention and other human rights instruments. Notably, the term "Area of Freedom, Security and Justice" was used instead of "Justice and Home Affairs" to better reflect this aspiration (Carrera, 2020: 52). It also agreed on the composition, working method and practical arrangements of the body tasked with drafting the Charter of Fundamental Rights of EU, which would later become legally binding in the Lisbon Treaty and is closely linked to the AFSJ (European Council, 1999). On the other hand, the construction of the AFSJ

within the EU included an implicit link between the goal of stronger external action and the objective of reducing migration by improving conditions in migrants' countries of origin. Collyer (2020) argues that this approach—commonly referred to as the “root causes” approach and later reframed as “more development for less migration”—has continued to significantly shape EU actions in this field. In this regard, the aim of improving conditions and governance in third countries reflects the expectation of reduced migration. Moreover, The Tampere conclusions frame migration within the security domain by addressing organized crime, smuggling, and trafficking as key elements of managing migration flows (European Council, 1999: 4, 7).

4.2. Seville Summit

European Council, In June 2002, met in Seville to accelerate the implementation of the Tampere Programme, aimed at establishing the AFSJ. The Council reaffirmed the importance of a long-term, integrated, and balanced approach to addressing the root causes of illegal migration (Council of the European Union, 2002: 10). It emphasized that combating illegal migration requires using all relevant tools within the EU's external relations. The summit conclusions proposed a short- and medium-term strategy balancing the joint governance of migration flows, integration of legal migrants, alignment of asylum policy with the Geneva Convention, and efforts to combat illegal migration and human trafficking. The EU also stressed swift and effective protection for refugees, promoting legal migration channels, and the prompt return of those not entitled to asylum. These principles continue to shape EU actions in asylum and migration policy (Council of the European Union, 2002: 7).

Integrated management of the EU's external borders was highlighted as essential for gaining greater control over migration flows. Proposed measures included joint border operations, a network of immigration liaison officers, unified border guard training, and a burden-sharing mechanism coordinated by the Commission and Member States (Council of the European Union, 2002: 10). The integration of migration policy into external relations was also prioritized. The European Council mandated that future agreements with third countries must include clauses on jointly managing migration and the compulsory readmission of irregular migrants. Non-cooperation on migration could lead to restrictions on developing closer ties with the EU (Council of the European Union, 2002: 11). Through this approach, the Seville Summit extended the EU's use of conditionality—previously applied in other areas of external relations—into the field of migration policy. Lavenex (2006) argues that the measures foreseen in the Seville conclusions regarding the integration of migration policy into third-country relations confirm a degree of conditionality, particularly as they may entail suspending aid to countries where adequate dialogue cannot be established.

The outcomes of the Seville Summit were significant both in requiring cooperation commitments from third countries on combating illegal migration and in reinforcing the external EU

migration policies. However, policy measures emphasizing third countries cooperations—such as the readmission agreements, developing an EU-level return policy, and providing the technical and financial support for third countries to accept returned migrants—primarily aim to secure EU borders rather than safeguard migrants' rights. The externalization of border control as a strategy for managing migration flows also poses a risk to individual safety, particularly in the context of problematic policies and human rights violations in some of the third countries involved in such cooperation. Migrants in Libyan detention centers face limited access to healthcare and food, raising serious human rights concerns highlighted by both NGOs and the EU (Amnesty International, 2016; European Commission, 2016a; IOM, 2012). The practice of detaining individuals traveling without documentation is a manifestation of the securitization of migration and the criminalization of migrants (Bello, 2020: 1335).

4.3. The Hague Programme

The European Council acknowledged that, despite not fully achieving the Tampere Programme's goals, significant progress was made in developing a common asylum and migration policy, enhancing police cooperation, and harmonizing border controls (Council of the European Union, 2005). The Hague Programme (2005–2009), the second five-year plan under the CEAS, aimed to enhance cooperation among national asylum authorities and strengthen the external dimension of asylum, while reinforcing the AFSJ to promote safety, mutual trust, and the rule of law across the EU (Council of the European Union, 2005: 1; EUR-Lex, 2008). It sought to uphold fundamental rights, procedural guarantees, and access to justice, offering protection in line with the Geneva Convention. Simultaneously, it focused on managing migration flows, securing external borders, and combating cross-border crime and terrorism (Council of the European Union, 2005: 1).

One of the other key objectives of the Programme relates to the prevention of terrorism in the near future. A common approach in this area requires that MSs, while safeguarding their national security, also consider the security of the EU (Council of the European Union, 2005: 2). During this period, terrorist attacks in Europe and across the world influenced the direction of the Programme's roadmap. With the Hague Programme, issues of freedom, security and justice, external border control, and the prevention of terrorism have begun to be accepted as an indivisible whole within the Union. This shift is clearly reflected in the introductory paragraph of the Hague Programme itself (Council of the European Union, 2005: 1):

“The security of the European Union and its Member States has acquired a new urgency, especially in the light of the terrorist attacks in the United States on 11 September 2001 and in Madrid on 11 March 2004. The citizens of Europe rightly expect the European Union, while guaranteeing respect for fundamental freedoms and rights, to take a more effective, joint approach to cross-border problems such as illegal migration, trafficking in and smuggling of

human beings, terrorism and organised crime, as well as the prevention thereof. Notably in the field of security, the coordination and coherence between the internal and the external dimension has been growing in importance and needs to continue to be vigorously pursued.”

In this context, Guild et al. (2008) argue that, unlike the milestones set by the Tampere Programme, the Hague Programme stems from an ideological premise. They assert that the Programme advocates for the expansion, predominance, and reinforcement of the security dimension over those of freedom and justice. Moreover, the Programme prioritizes the security of the Union and MSs over individual freedoms. Although it promotes a balance between freedom and security, this balance leans toward security, as seen in its support for surveillance technologies, biometric systems, and strict migration controls, often without sufficient regard for their impact on fundamental rights and the rule of law. Furthermore, the emphasis on stricter border and visa policies has the potential to undermine the objective of protecting migrants fleeing war or persecution, thereby increasing their vulnerability.

4.4. Lisbon Treaty

The Treaty of Lisbon (2007/2009) introduced major institutional changes, replacing “European Communities” with “European Union” and renaming the Treaty establishing the European Community as the TFEU. It emphasized creating an AFSJ, respecting MSs’ legal systems, and promoting fair, solidarity-based asylum, immigration, and border policies. Importantly, the Treaty institutionalized the AFSJ by replacing the former Title IV of the Amsterdam Treaty, “Visas, Asylum, Immigration and Other Policies Related to Free Movement of Persons” with the new title “Area of Freedom, Security and Justice” (EUR-Lex, 2007: 57–58). This development affirmed that rule of law, fundamental rights, and non-discrimination are vital for mutual trust in AFSJ policies. It also gave the 2000 Charter of Fundamental Rights legally binding status, making its provisions part of the EU *acquis* with equal legal value to the Founding Treaties (Carrera, 2020: 52–53; AB Başkanlığı).

The Lisbon Treaty assigned the EU responsibility for a common asylum policy through the TFEU, developed from the Maastricht Treaty. Article 67 emphasizes an “Area of Freedom, Security and Justice” respecting fundamental rights and legal traditions, and calls for fair, solidarity-based asylum, immigration, and external border policies (EUR-Lex, 2012). Articles 78 and 79 of TFEU provide the legal basis for preventing irregular migration and protecting migrants' rights, particularly in the Mediterranean (Directorate-General for External Policies of the Union, 2015). Article 78 of the TFEU mandates the EU to establish a common policy on asylum, subsidiary, and temporary protection, ensuring appropriate status and adherence to the non-refoulement principle³. Article 79 focuses on

³ The principle of non-refoulement is regulated by Article 33 of the “1951 Convention Relating to the Status of Refugees”. According to the Convention (1951), "No Contracting State shall expel or return ("refouler") a refugee

developing a common immigration policy to manage migration effectively, ensure fair treatment of legal third-country nationals, and strengthen measures against illegal immigration and human trafficking (EUR-Lex, 2012). This article also clearly empowers the Union to negotiate agreements with third countries for the return of illegally residing third-country nationals, highlighting the EU's external competence in the field of migration (Directorate-General for External Policies of the Union, 2015).

The Lisbon Treaty is significant in the context of enhancing the EU's legal and institutional capacity to protect the rights of migrants and provide protection. However, the Treaty's rules on preventing illegal migration and deporting unauthorized third-country nationals show that border security priorities often outweigh human security concerns. This argument is further supported by the fact that the Treaty envisages the objective of providing EU citizens with an AFSJ without internal borders, to be run in parallel with appropriate measures for asylum and immigration, external border controls and crime prevention.

4.5. The Stockholm Programme

Following the Lisbon Treaty, the Stockholm Programme (2010–2014) outlined six political priorities for justice and home affairs cooperation among MSs (Council of the European Union, 2009). The first priority focused on protecting the privacy and human rights of the Union citizens, particularly through ensuring fundamental rights and freedoms are upheld within the AFSJ, and applying special rights beyond the Union when necessary. The second priority aimed to facilitate access to justice across the EU by removing obstacles to recognizing legal decisions from other MSs. The third priority involved developing an internal security strategy to protect citizens by combating organized crime, terrorism, and other threats through strengthened police cooperation, border management, civil protection, and judicial collaboration. The fourth priority emphasized guaranteeing access to Europe for legally mobile individuals such as students, tourists, and those needing international protection, while ensuring the security of EU citizens through integrated border management and visa policies (Council of the European Union, 2009: 4). The fifth priority called for a comprehensive migration and asylum policy based on solidarity and responsibility, effectively applying legal instruments and utilizing agencies like Frontex, Europol, and Eurojust. It stressed addressing illegal immigration pressures at external borders and ensuring safe, legal access to asylum. Finally, the sixth priority highlighted the importance of integrating the AFSJ into the EU's external policy to tackle key challenges and achieve the Programme's objectives effectively (Council of the European Union, 2009: 5).

to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group, or political opinion."

The Stockholm Programme, alongside the Lisbon Treaty, significantly influenced the AFSJ by enhancing the EU's supranational governance across multiple fields, including police collaboration, crime prevention, border control, and counterterrorism efforts (Kaunert, Occhipinti and Léonard, 2014: 11). However, although the Programme generally aimed to strengthen the rhetoric on freedom within the freedom-security balance, its emphasis on combating irregular migration shows that the security-oriented approach remains strong (Şemşit, 2010: 104). The European Council's demand to advance integrated border management, particularly by enhancing Frontex's role, also embodies this strategy (Council of the European Union, 2009: 55). Additionally, the emphasis on strengthening the external dimension carries the potential to shift migration flows toward more vulnerable regions, effectively sending migrants back into the very insecurity they are trying to escape.

4.6. The Pact on Migration and Asylum

The Pact on Migration and Asylum, introduced by the European Commission in September 2020, aims to address gaps revealed by the 2015 migration crisis. It seeks to manage migration's diverse impacts on MSs, uphold free movement and fundamental rights, ensure security, and establish a long-term, values-based migration policy grounded in European and international law. The Commission's proposal includes: strong management of external borders; fair and efficient asylum rules and procedures (including return procedures); an effective return policy; greater foresight, preparedness, and response to crisis situations; a new solidarity mechanism for search and rescue, migration pressure, and crisis scenarios; a comprehensive EU-level governance of asylum and migration policies; reciprocal partnerships with important third countries; establishment of long-term lawful channels for asylum seekers; support for effective integration policies (European Commission, 2020: 1–2). A political agreement on the proposed reforms was reached in December 2023, and after the European Parliament's approval, the Council of the EU adopted the reforms on 14 May 2024 (AB Başkanlığı, 2024). The legal instruments adopted under the Pact include: The Asylum and Migration Management Regulation, The Asylum Procedure Regulation (including the Return Border Procedure Regulation), The Crisis and Force Majeure Regulation, The Eurodac Regulation, The Screening Regulation (for third-country nationals at external borders), The Qualification Regulation, The Reception Conditions Directive, The Union Resettlement and Humanitarian Admission Framework (the Union Framework) (European Commission, 2024a).

The Pact rests on four key pillars; the first focusing on external border security. Individuals failing to meet entry conditions will be registered and undergo identity, security, and health checks. The updated Eurodac Regulation will expand the European Asylum Fingerprint Database into a comprehensive asylum and migration database, ensuring clear identification of asylum seekers and irregular migrants. For those ineligible for protection, effective returns with reintegration support will

be enforced, alongside mandatory border procedures for applicants unlikely to qualify, who mislead authorities, or pose security risks (European Commission, 2024b). The second pillar of the Pact focuses on fast and effective migration and asylum procedures. In this sense, the Asylum and Migration Management Regulation replaces Dublin III, determining which MS processes asylum claims. The revised Reception Conditions Directive ensures harmonized standards for adequate living conditions and integration. The Qualification Regulation incorporates the Geneva Convention, setting unified protection criteria. The Asylum Procedure Regulation, replacing the 2013 Directive, defines applicants' cooperation duties, discourages secondary movements, and prevents abuse. Alongside the Return Border Procedure Regulation, it introduces a mandatory border procedure for asylum and return at external borders (European Commission, 2024a; European Commission, 2024b). The third pillar focuses on an effective solidarity mechanism among MSs, offering options such as relocations, financial aid, or operational support, supporting MSs through EU agencies and funds, and preventing secondary movements by requiring asylum seekers to apply in the first EU country entered (European Commission, 2024b). The final pillar focuses on strengthening the externalization of migration by enhancing border management in partner countries, increasing cooperation with Frontex, establishing Anti-Smuggling Operational Partnerships with third countries and UN agencies, and combining the development of legal migration with strengthened cooperation on return and readmission (European Commission, 2024b).

From the perspective of the external dimension, the Pact has a consolidating effect by placing the EU's increasing focus on cooperation with third countries within a legal framework (Garcia Andrade, 2024). The Regulation on Asylum and Migration Management emphasizes the necessity of promoting and establishing reciprocal partnerships with third countries in order to strengthen cooperation on asylum and migration, and to tackle the root causes and driving factors of readmission, irregular migration, and forced displacement. The policies envisaged within this context include: supporting legal entry and residence of non-EU nationals eligible for protection or authorized to live in MSs; enhancing the operational capacities of partner countries hosting significant numbers of migrants and refugees to manage migration control in full compliance with human rights; preventing irregular migration; combating migrant smuggling; and ensuring the right to apply for international protection (European Commission, 2024c: 2, 18). However, the increased emphasis on cooperation with third countries indicates not only a growing consensus among MSs on the need for such cooperation in this area, but also reflects a failure to achieve sufficient integration within the internal dimension of migration policies and, therefore the responsibility for migration management by the EU and MSs is outsourced to the authorities of the partner countries (Garcia Andrade, 2024). This outsourcing of responsibility, as with other EU regulations discussed in this study, carries the risk of creating humanitarian insecurities.

There are controversial aspects concerning the protection of human rights when immigration controls are implemented far beyond European borders, turning third countries into buffer zones for migrants who fail to reach the territories of MSs. Head among these concerns are arguments that cooperation with undemocratic countries such as Libya and Morocco -where concerns about the protection of fundamental rights are high- will not solve the problem of irregular migration and may worsen the situation (Ferreira, 2019: 190). Furthermore, restrictive policies in the Mediterranean, the closure of borders, and externalization practices through readmission agreements are claimed to have created new zones in which border crossings are criminalized, along with those who facilitate them. Ultimately, these developments are said to have led to a state of insecurity and uncertainty for various categories of migrants crossing the Mediterranean basin (Üstübcü and İçduygu, 2018: 199).

The Union Framework, which can be considered as a regulation aimed at enhancing human security, seeks to establish a common approach to resettlement efforts and humanitarian admission. Based on the Commission's proposal and to be accepted through an implementation law by the EU Council, the regulation will replace existing plans in some MSs with a two-year resettlement and humanitarian admission plan. This plan will determine the total number of individuals in need of protection to be admitted to the EU and will include indicators regarding each member state's voluntary contributions (EUR-Lex, 2024). However, including resettlement plans⁴ initiated in response to the 2015 migration crisis, the EU's resettlement strategy serves not only humanitarian arguments, such as providing protection, but also aims to strengthen controls at external borders and reduce irregular migration. Additionally, the strategy seeks to improve the management of migration flows by better controlling who enters and prioritizing certain refugee profiles for their supposed 'fit' with EU politics (Welfens, 2024: 561, 564). In the Commission's 2016 proposal, resettlement was presented as one of the possible pathways to enable displaced persons who need international protection to enter the Member States legally and safely, and to receive protection for as long as needed and also framed as a tool for managing migration and crises (European Commission, 2016b). Then, the 2024 Union Framework, which is intended to provide access to a durable solution in line with Union and national laws for the most vulnerable third-country nationals or stateless persons who need international protection, has also been presented as a complementary measure to other legal pathways, too (EUR-Lex, 2024). In this context, the understanding of who deserves protection is shaped not only by those who are vulnerable and at risk, but also by individuals who do not migrate irregularly or attempt to do so and who have

⁴ Resettlement refers to the transfer of displaced persons who are clearly in need of international protection to a Member State, based on a proposal by the United Nations High Commissioner for Refugees and in agreement with the resettlement country. These individuals are granted the right to stay and other rights comparable to those enjoyed by beneficiaries of international protection (European Commission, 2015a). Following the 2015 migration crisis, two Council decisions were adopted in September concerning the resettlement of such displaced persons from outside the EU through multilateral and national scheme.

“integration potential” —that is, individuals who do not pose a risk to the public, economic, or cultural order of the EU. Therefore, EU’s resettlement efforts carries the potential to refer to goals of further restricting asylum rights (Welfens, 2024: 564).

5. CONCLUDING REMARKS

This study analyzes which elements of human security have come to the fore in the EU in accordance with the legal regulations adopted to establish a common policy on migration and asylum since the 1990s. In a historical context, beginning with the Tampere conclusions, it is evident that the Union’s steps toward creating an area of freedom, justice, and security for its citizens have advanced in parallel with efforts to integrate EU migration policy into its external relations, strengthen partnerships with third countries, enhance the effectiveness of the EU return system, and increase control over external borders. In this regard, especially following the so-called 2015 migration crisis, regulations have been introduced to enhance migrant safety through measures like effective common asylum procedures, resettlement or humanitarian admission of third-country nationals or stateless persons, and the provision of protection. At the same time, efforts to reinforce external border controls have been intensified, including the expansion of the mandates and powers of border management agencies such as Frontex and Eurodac.

The key finding of the study is that an analysis of the human security approach within the EU’s common migration and asylum policy reveals the complex balance between protecting individual rights and addressing broader geopolitical concerns. Although the EU has taken important steps under the CEAS to develop protection mechanisms for both asylum seekers and refugees, the externalization of migration control and reliance on third countries in this area often risk undermining the very principles of human security that the EU claims to uphold. The increasing emphasis on border management and partnerships with countries such as Libya -whose human rights records are questionable- raises concerns about the EU’s commitment to protecting vulnerable populations. A similar concern applies to resettlement frameworks, which are rooted in strong humanitarian arguments within the EU’s irregular migration policy. Resettlement plans for persons in need of international protection are increasingly framed as alternatives to granting asylum within Member States.

Secondly, although the strategic commitment to addressing the root causes of migration is articulated in key policy documents such as the Seville Conclusions, the 2016 EU Global Strategy, and more recently, the 2024 Pact on Migration and Asylum, the practical implementation of EU migration policy reveals a pronounced shift towards externalization. The Seville Council underscored the necessity of a long-term, integrated, and balanced approach to tackling the structural drivers of irregular migration. Similarly, the 2016 Global Strategy emphasized the growing interconnection between the EU’s internal and external security agendas, advocating for the inclusion of human security, conflict prevention, and

global stability as central pillars, thus highlighting the importance of addressing root causes and ensuring access to asylum through legal pathways. Despite these normative commitments, particularly in the post-2015 period, the EU's focus has centered on curbing migration through external measures—most notably via bilateral instruments such as readmission agreements—prioritizing short-term containment over sustainable, systemic solutions.

In conjunction with this finding, when recent legal developments in the EU's evolving migration and asylum policy are taken into account, although they include provisions for offering protection to third-country nationals and stateless persons entitled to such protection, resettlement and humanitarian admission, the development of common standards for fair and efficient asylum procedures, and the protection of vulnerable migrants, it cannot be claimed that the Union has adopted a migration and asylum policy prioritizing human security and regarding migrants as the ultimate referent object, as advocated by the Aberystwyth School. When the EU's approach to human security is considered together with the migration and asylum policy, it is possible to see how far it has actually moved away from a human security-centered framework. For example, the human security doctrine of the Barcelona Report envisions individuals being freed from the fundamental insecurities caused by severe human rights violations. However, externalization of border controls since the Tampere Summit, in turn, often leads to restrictive policies that prevent migrants from moving from areas where they are subject to human rights violations to safer areas. Furthermore, when stricter visa requirements and border controls are combined with the lack of sufficient legal migration channels, they hinder safe and orderly access to EU territory, exposing migrants to irregular migration and the risks of exploitation by smuggling networks.

Moreover, the increasing tightening of the EU's external border controls, along with the construction of security barriers and the implementation of pushback practices⁵ among MSs during periods of irregular migration, can lead to serious consequences -particularly for migrants arriving by sea. These include exposure to dangerous conditions, detention in unsafe camps, and restricted access to the right to seek asylum, all of which pose a threat to migrants' fundamental rights. In this context,

⁵ In the summer of migration in 2015, Hungary began erecting barbed wire along its internal Schengen border with Slovenia in September; although this activity was halted under a bilateral agreement with Slovenia, Hungary succeeded in building fences along its borders with Croatia and Serbia during this period. Subsequently, Slovenia also constructed a fence along its border with Croatia. Furthermore, Germany, Austria, Sweden, Denmark, and Norway later invoked Article 27 of the Schengen Borders Code, which allows a Member State to take measures to prevent foreseeable threats. France initiated border controls with Italy and returned migrants it believed had entered from Italy; Germany launched border controls with Austria (Directorate-General for External Policies of the Union, 2016; Geddes and Scholten, 2016). Between 2019 and 2021, Hungary significantly increased pushbacks and entry denials at its borders, with over 72,000 migrants pushed back and more than 47,000 blocked in 2021 alone. The majority of those affected were Syrians and Afghans, suggesting many likely had legitimate claims to international protection (ECRE, 2024).

the rhetoric of human security found in official EU migration and asylum policy documents often results in outcomes that contradict that very rhetoric in practice.

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