

**Is the EU policy on illegal immigration securitized?**

**Yes Of Course!**

**A study into the dynamics of institutionalised securitization**

**Paper to be presented at the 3rd Pan-European Conference on EU Politics,**

**Istanbul,**

**21-23 September 2006**

Dominique Van Dijck

Ph.D. Candidate  
University of Antwerp  
Department of Politics

Sint-Jacobstraat 2  
2000 Antwerpen  
Belgium  
Tel: +32(0)3 204 10 66  
Fax: +32(0)3 204 10 80  
E-mail: dominique.vandijck@ua.ac.be

(Work very much in progress - Please do not quote without the author's permission)  
Comments are more than welcome.

## 0. Introduction

The fight against illegal immigration has been ranking very high on the EU policy agenda since the 1980s. Illegal immigrants have been portrayed as the carriers of many ills and as the vanguard of a much larger immigrant army waiting to invade (Boswell, 2003). This negative picture has frequently been exaggerated in the media and fuelled by political and electoral agendas (Cholewinski, 2000:1). As a consequence strategies are sought to ‘counteract’, ‘curb’, ‘prevent’, ‘fight’ and ‘combat’ illegal immigration towards the European Union, this often at the expense of international humanitarian principles. When examining this policy field, several scholars have claimed that the EU policy on illegal immigration is dominated by a security logic (Boswell, 2003; Cholewinski, 2000; Monar and Mitsilegas, 2003; Samers, 2004). The issue of illegal immigration is constructed as a security risk and is put on a European security continuum that also includes transversal issues such as organised crime, terrorism, drug trade and human trafficking (van Munster, 2004:3). On first sight, the link between illegal immigration and security seems to be “self-evident”, since the *securitization* of illegal immigration is incorporated in the concept of ‘illegal’ immigration itself. However, the linking of migration and security not only denotes the illegality of the practice itself. It is also played out in a political struggle in which immigrants, asylum seekers, foreigners and refugees are constructed as scapegoats to remedy political incapability (Huysmans, 2000: 769). Nowadays, the securitization of migration by different ‘securitising actors’ has become taken for granted and security measures to control illegal immigration are seen as neutral and objective policy measures to counter the problem.

This paper deals empirically with the question how the security logic is normalized in the EU policy on illegal immigration. It aims at deconstructing the discursive logic underneath the securitization process and tries to reveal the securitizing strategies of the EU actors on the area of illegal immigration. In other words, this paper engages itself to explore the dynamics of the securitization process, an aspect of security studies that is until now underinvestigated, but that is highly relevant since the institutionalisation of a discourse implies that the ‘undoing of a security logic’ or a ‘desecuritization’ of the migration field will become very difficult, if not completely impossible.

The purpose of this paper is to study the development of the securitization process from the ad hoc stage of the EU policy on illegal immigration towards the embedding of the security discourse in securitizing technologies and bureaucratic routines of border- and law and order officials. Therefore, the securitization of EU’s illegal immigration policy will be analysed for the period 1970 - 2006. In doing so, this paper hooks up with the linguistic turn in IR studies generally and more recently also in European studies.<sup>1</sup> Departing from the by now well-known insight that language is not a merely neutral medium that mirrors an extra-discursive reality, this paper claims that the securitization of illegal immigration has become the hegemonic political discourse<sup>2</sup> that constructs and reproduces power relations in the field of European policy-making and that influences decision-taking in the direction of restrictive policy measures. The field of immigration and more in particular of the Europeanisation of immigration is highly politicised and

---

<sup>1</sup> See Jorgenson, 1997; Christiansen, 1997, 2001; Diez, 2001, 2004; Rosamond, 2000, 2002; Risse, 2000, 2001)

<sup>2</sup> Political discourse can be seen as a form of public discourse. The defining features of public language include its emphasis on abstract social, political and economic forces and on people acting as social agents rather than as individuals (Kress, 1986 in van der Valk, 2003:313). Public discourse is predominantly the language of political and professional processes and institutions, as opposed to private language with its subjective, individual and emotional expressions (van Zoonen and Holtch-Bacha, 2000 in van der Valk, 2003:313). Political discourse is predominantly argumentative and oriented towards persuasion. For the purpose of this study, I classify discourse as political when it is acted out by political actors in the context of specific political institutions, such as the EU institutions, and when it has a direct functional role as a form of political action, such as meetings or debates, as part of the political process, such as the creation of legislation. (for an elaborate discussion of the definition of political discourse, see Van Dijk, 1993, 1997, Beard, 2000, Blommaert and Bulcaen, 1997, Chilton and Schäffner, 1997; Feldman and De Landtsheer, 1998, Reisigl and Wodak, 2001, Straehle et al, 1999; Van Zoonen and Holz-Bacha, 2000)

marked by discursive struggle between diverse actors producing multiple antagonistic discourse-types filling an unfixed discursive space (Laclau and Mouffe 1985). In this paper, I will look at the level of discourse that is produced by the political elite, in this regard the EU institutions, who are seen as situated in highly structured political speech-events and whose main declared goal is to produce legal and policy instruments for the benefit of the European Union and its member states (Carvo, 1992 in Van der Valk, 315). Concretely, the focus will be put on the discourses of the European Commission, European Parliament, European Council and JHA-Council throughout the period 1970-2006.

In the following, I will first briefly introduce the field of security studies, after which I will elaborate on the dynamics of securitization to end up with an analytical framework that will form the point of departure for the study of EU's illegal immigration policy.

## 1. Securitization Studies

The term 'securitization' has first been coined by the Copenhagen School<sup>3</sup>, which has been considered one of the most prominent and influential 'critical' approaches in security studies (Williams, 2003). The Copenhagen School describes securitization as a process by which issues are made into security issues through securitising speech acts. More in particular, a securitising actor, by stating that a particular referent object is threatened in its existence, claims a right to extraordinary measures to ensure the referent objects survival. The consequence is a breaking of rules, by which the issue is moved out of the realm of normal politics into the realm of emergency politics, where it can be dealt with without the normal (democratic) rules and regulations (Buzan & Waever, 1998 in Taureck, 2005:4). In other words, in the security speech act an issue is framed as a highly exceptional problem that can only be dealt with by exceptional solutions. The defining feature of securitization is therefore a linguistic action marked by a specific rhetoric of survival, priority of action and urgency (Waever, 1998, 2003:10).

In this paper I will outline a sociological understanding of the securitization process, following Didier Bigo's criticism on the exclusive speech-act approach of the Copenhagen School. As Didier Bigo (2002:65) argues: *"the securitization of immigration (...) emerges from the correlation between some successful speech acts of political leaders, the mobilization they create for and against some groups of people and the specific field of security professionals (...). It comes also from a range of administrative practices such as population profiling, risk assessment, statistical calculations, category creation, proactive preparation (...)"*. Following Bigo, I aim to broaden the conceptualisation of securitization as a speech act by embedding the political speech acts in the contextual and social position from which the securitising speech act is made. To quote Thierry Balzacq, (2005): *"The reduction of securitization to a mere self-referential<sup>4</sup> speech act, as it is done by the Copenhagen School, risks creating a formalistic and narrow linguistic theory, which neglects the socially, culturally and institutional embeddedness of speech acts."* In other words, studying securitization not only requires a study of speech acts, but also an exploration of 'contextual' factors, such as the institutional context in which securitising actors securitize.

This leads me to the conceptualization of securitization as a political process, an intersubjective situation reflecting the positions of agents within a field of power. In this field the institutional power position of

---

<sup>3</sup> Defined in a sociological sense, the label Copenhagen School refers to the work done since 1985 by the European security research group at the Copenhagen Peace Research Institute. The Copenhagen School counts many 'members', among which the most notable Ole Waever, Barry Buzan, Pierre Lemaitre, Morten Kelstrup... For a more elaborated overview, see Waever, 2003

<sup>4</sup> The securitising speech act is self-referential "because it is in this practice that the issue becomes a security issue - not necessarily because a real existential threat exists but because the issue is presented as such a threat." (Buzan, Waever and de Wilde, 1998:23)

the actors determines the power of their discursive positions. However, because the field is structured and biased, no one exclusively holds the power to securitize. Only actors who have the authority to securitize and who are accepted as securitizing actors will be successful. Hence, securitization and its statements are dependent on power struggles and not on a single strategy of one actor.

In the following, I will elaborate on the institutionalisation of the securitization process in the European policy on illegal immigration.

## 2. Institutionalised securitization

In order to explore the institutionalisation of the securitization process during the development of a common EU policy against illegal immigration, I am drawing on Ruggie (1986, 1998), Powell and DiMaggio (1991) and Katzenstein (1996), to understand why and how discourses are institutionalised and what the effects are of this institutionalisation. In short, the basic argument is that discourses do not operate in a vacuum but, when recurrent, often become embedded or routinized in institutions and institutional practices. Basically, institutionalisation means that ideas are taken-for-granted and “locked in” in the institutional discourse. Therefore, institutional facts need to be backed up by power; in other words, intersubjective ideas must have authority and legitimacy and must evoke trust (Adler, 1997). The result of the institutionalisation of a discourse is that the way of looking at a problem becomes homogenised (Bigo, 2000) because a discourse starts to dominate the way a given social unit conceptualises the world. In other words, a state of hegemony is achieved (Cf. Laclau and Mouffe, 1985) by the subtle deployment of naturalization strategies which ultimately reduce opposition to the hegemonic discourse. (Ruggie, 1998; Jachtenfuchs, Diez and Jung, 1998) As Hajer puts it: “*One of the highest forms of discourse institutionalisation occurs when things appear as natural, traditional or normal ways of reasoning, or are seen as natural social facts.*” (Hajer, 2005:303)

With regard to the institutionalisation of the securitization process, the Copenhagen School makes in effect a distinction between ad hoc securitization and institutionalised securitization (Weaver et al, 1998: 27-28). With ad hoc securitization reference is made to the initial phase of securitization, in which attempts are done to construct an issue as a security risk. By presenting the issue as an existential threat securitizing actors try to legitimize the taking of (possible extra-ordinary?) policy measures. However, in this initial stage, it is not certain yet whether the securitising moves will be successful or not. One condition<sup>5</sup> for a successful speech act is that the securitising speech act needs to gain enough resonance, i.e. it needs to be accepted by a public.

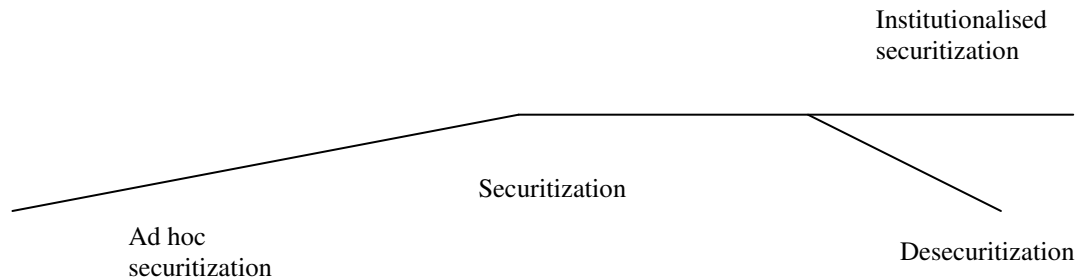
When the speech act is established successfully, then the possibility exists that the securitization process will become institutionalised. The securitization process thus moves through several stages of development, from ad hoc securitization to a stage of high politicisation, before it is ‘normalised’ and is becoming part of standard political discourse.

---

<sup>5</sup> The felicity conditions, or facilitating conditions as the Copenhagen School calls it, are the following (Buzan et al, 1998: 32-33):

- the demand internal to the speech act of following the grammar of security
- the social conditions regarding the position of authority for the securitizing actor – that is the relationship between speaker and audience accepting the claims made in a securitising attempt
- features of the alleged threats that either facilitate or impede securitization.

## Graph 1: Development of a security logic



A securitization process is however, not necessarily to end up institutionalised. It can remain for a long time an extreme form of politicisation if securitising actors succeed in reproducing the image of illegal immigration as an emergency situation that needs to be addressed with the utmost priority. However, it can occur that at a certain stage, new securitising moves are no longer necessary, because the idea of a state of emergency has firmly been established and accepted by the political elite and the discourse has found a general acceptance by the ‘audience’, i.e. the public.

As a result, the security discourse has only a reproductive function and is getting routine articulations such as connecting migration, organised crime and terrorism into a transnational security continuum which is repeated at every possible occasion. When the security discourse is embedded in the political field, administrative and bureaucratic practices, such as the drawing up of statistics, databases..., take over the role of the securitising speech acts by reproducing the image of migration as a threat. As such a bureaucratic, technocratic logic becomes part of the securitization process. As a result, migration is no longer seen as an existential threat, instead migration is perceived as a managerial problem, a technical issue, something that needs to be controlled and that can be controlled ‘quick and efficient’ if the necessary instruments are available. Thus, in other words, a security logic becomes institutionalised when it is incorporated in the day-to-day practices of politicians as well as of bureaucratic officials. The result is that they become socialized in this security logic and that they reproduce it in their day – to – day activities. When the security logic is institutionalised, the main goal of the securitizing actor becomes assessing and controlling all risks involved, rather than uttering a discourse in which fighting the threat and removing it with emergency measures is the central logic.

In short, the institutionalisation of a securitization process is a process that unfolds itself at multiple levels. First of all, at the discursive level, there is a reconceptualisation of security from a threat category to a risk category. Similarly, there is also a shift from an emergency discourse to a control or management discourse. Secondly, at the level of the securitizing actors, there is a shift from the political elite, who were mainly responsible for the dissemination of a security discourse towards the bureaucratic elite, responsible for the implementation of the control-oriented measures. Thirdly, at the non-discursive level, the securitising moves, dominant in the initial stage of securitization are now replaced by security practices or technologies that reproduce the security logic on a day to day basis.

**Table 1: The evolution in the securitization process**

	Ad hoc securitization (failure or success)	Securitization	Institutionalised securitization
Securitising Actors	Securitising moves by individual actors, media, political elite	Successful securitization – extreme politicisation	Political elite/Bureaucratic level/Public Opinion/Media → complete mobilization
Discursive level	Security discourse (idea of threat and emergency situation)	Security response – emergency measures	Security and Risk management discourse
Non-discursive level	No non-discursive securitising practices yet		Reproduction of security discourses by security practices.

To turn back to the institutionalisation of the security logic in the EU’s policy on illegal immigration, I have attempted to construct an operational framework for the study of institutionalised securitization, based on the three levels above, which can be seen as indicators of institutionalised securitization. More in particular I have constructed four hypotheses, which will be tested in the analysis. If all four hypotheses are confirmed, then it can be said that the securitization of EU’s policy on illegal immigration has reached a state of total institutionalisation.

First of all, at the level of the securitizing actors, the hypothesis is made that as the security logic becomes sedimented and taken for granted, traces of a security and a managerial logic can be located in all EU institutions. This is the first hypothesis. Secondly, as the security logic becomes institutionalised, bureaucratic officials become involved in the decision-making process, because they need to implement the security-oriented measures which results in a managerial approach to the problem of illegal immigration. Therefore, the second hypothesis is formulated as follows: When the security logic becomes institutionalised, there is an increase in bureaucratic working groups and semi-autonomous agencies in which migration is linked to security.

Thirdly, at the discursive level, the hypothesis is made that securitising moves, in which migration is presented as an existential threat, decrease in number as the idea of migration as an omnipresent and imminent threat becomes incorporated in standard EU discourse. Instead securitising articulations are replaced by managerial vocabulary and metaphors where the emphasis is put on control, containment and the restriction of illegal immigration.

Fourthly, as the securitisation process becomes more and more embedded in the EU institutions there will be no need anymore for new securitising moves. The securitisation of illegal immigration will find another mode of reproduction, namely by means of securitizing practices.

The following table summarizes the operationalisation of institutionalized securitization.

**Table 2: ad hoc securitization-institutionalised securitization**

	<b>Ad hoc securitization</b>	<b>Institutionalised securitization</b>
Securitizing actors	Securitising moves by individual, intergovernmental political actors - intergovernmental mode of decision-making	Increase in bureaucratic workgroups and semi-autonomous agencies in the different EU institutions –
Securitizing actors	Mostly JHA-Council and JHA working groups as securitising actors	All EU institutions as securitising actors
Discursive level	Security discourse (idea of threat and emergency situation)	Security and managerial discourse (the threat is being tackled)
Non-discursive level	No non-discursive securitising practices yet.	Reproduction of security discourses by security practices.

### 3. Data and Methodology

The methodology used to analyse the securitization of EU's policy on illegal immigration can be described as qualitative discourse analysis. Discourse analysis is in se an interpretative method of analysis<sup>6</sup>. Mainly the analytical strategy will consist of tracking down recurring discursive patterns, locating powerful categories on which arguments rest and see how they are related. The goal of the discourse analysis is to illuminate a particular discursive security structure in the discussion of the EU policy on illegal immigration. In particular, the analysis aims at bringing out regularities in the ideas, concepts and categories in which illegal immigration is discussed. That way it tries to deconstruct the security logic present in the EU policy on illegal immigration.

Broadly speaking the analytical strategy followed in this paper, consists of four steps. First of all, a division was made into four time periods: the pre-Maastricht period (<1990), the Maastricht period (1990-1997), the Amsterdam period (1997-2004) and the Hague period (2004-...). These four periods correspond with important phases in the development of the European migration policy institutionally (changes in the decision-making procedures/ institutional composition), as well as in accordance to the content of the policy (expansion of competencies).

For each of the four periods all EU policy documents on illegal immigration were selected for every EU institution directly involved in the decision-making process<sup>7</sup>. Thus, no legislative documents, such as directives and decisions, were analysed, since these documents are in se based on the policy documents and often consist of very dry and technical legislative vocabulary that does not offer interesting outcomes when analysed discursively. The policy documents on the other hand set out the general policy orientations and underlying vision on illegal immigration as well as the justifications for certain policy measures, which make them more interesting from a discursive point of view.

The analysis began with a contextualization of the selected documents. First of all, the policy field was delineated in order to locate the securitizations and to map the power relations between the EU institutions

<sup>6</sup> Frequently, using the two terms 'discourse' and 'analysis' in a single sentence provokes often diverse (and repudiating) reactions, in part because discourse is understood in diverse ways and is often used with insufficient care. In this research, discourse is made operational by defining it as an ensemble of ideas, concepts and categories through which meaning is given to social and physical phenomena, and which is produced and reproduced though an identifiable set of practices (Hajer, 1995). For the relation between discourse theory and method, see Howarth, 2005 and Philips and Jorgenson, 2002)

<sup>7</sup> i.e. European Commission, European Parliament, JHA Council, European Council

involved. Secondly, exogenous events which could have influenced the policy-making process, as well as changes in the institutional power field, such as changes in the decision-making rules, in the institutional framework, change in budget, HR and so on...) were scrutinized.

In a third step, the goal was to deconstruct the security logic throughout the different periods. Following the definition of the securitization process the documents were screened on four categories, namely THREAT (How is illegal immigration presented as a threat?), REF OBJ (Referent Object/ For whom or what is illegal immigration presented as a threat), LEG (legitimizing strategy: how is the image of asylum as a security threat legitimized?) and fourthly POL (policy measures or does the image of illegal immigration as a security threat justify restrictive policy measures). These categories thus correspond with the general definition of securitization, namely that it is a political process in which issues are defined as threats for a certain referent object, which legitimises the taking of restrictive policy measures. The above mentioned categories were put in an excel database/coding scheme together with the citations that cover the categories.

In a fourth step, I have attempted to assess the degree of institutionalisation on the basis of the scheme on p. 6-7. In other words, the above formulated four hypotheses were controlled to determine whether they could be confirmed or falsified.

In the following, I will describe the results of the analysis, by first elaborating on the context, second by deconstructing the security logic in that particular period, and thirdly by assessing the degree of institutionalisation. I will illustrate this by using citations from the analysed documents. However, it should be stressed that this paper only gives an overview of selected results. Moreover, I have only included the most relevant contextual elements in order not to make the paper even longer than it already is.

#### **4. Case study<sup>8</sup>: EU's policy on illegal immigration: Assessing the nature of the threat – Selected results**

Illegal immigration presents a thorny issue for the European Union. On the one hand, there has been a growing recognition in Western Europe that its population is ageing due to low birth rates and people living longer and that there is insufficient labour to meet the economic needs. On the other hand, the increasing prosperity of Western Europe and the volatility of neighbouring regions in the 1990s have given rise to the fear of a tide of illegal immigrants entering the west. This fear has come to be perceived as a security threat to the EU member states and has led to a common response in the form of a EU common policy on illegal immigration (Monar and Mitsilegas, 2003:77). This policy field covers a wide range of areas, such as visa policy, border policy, the fight against human trafficking, return policy and the combat against the economic exploitation of illegal immigrants... Most commonly<sup>9</sup>, the term 'illegal immigrant' is applied to people who cross the territory of member states without authority and the necessary documentation (Monar and Mitsilegas, 2003:42). However, the illegality of non-nationals can result from other causes than illegal border-crossing: irregular entry ('overstayers'), irregular residence and/or illegal activity or employment (Ghosh, 1998:1-4, Jahn and Straubhaar, 1999:18-19 in Leonard, 2003:3). Often only the idea that illegal immigrants enter the European Union "from the outside" is emphasized.

---

<sup>8</sup> This paper is a summary of research conducted for a dissertation on the securitization of the European common asylum and migration policy.

<sup>9</sup> Remarkably (especially from a discursive point of view) is the lack of a common EU definition of illegal immigration. As a consequence, in the EU policy-making process appeal is being made on national definitions of illegal immigration, which makes that there is no common EU point of reference to determine the status of illegality. (Bigo, Balzacq, Guild, 2005)

#### 4.1 Pre-Maastricht Period

In the 1970s and the 1980s illegal immigration was a rising phenomenon for the EC member states. As several authors (Boswell, 2003; Geddes, 2003; Mitsilegas and Monar, 2003; Cholewinski, 2000) have pointed out, this was the result of the migration stop imposed by European member states at the end of the 1970s, which made illegal entry the only possible way to arrive in the European Community. However, migration was essentially seen as a national prerogative.

Nevertheless, in the early 1970s the Commission played out its role as policy entrepreneur to launch a discussion on how the problem of illegal immigration should be dealt with in the framework of the European (Economic) Community. The Commission's interests coincided with the concerns expressed by international organisations at the growth of the phenomenon of illegal immigration after the West-European stop on immigration in 1974 (See also Cholewinski, 2000). In the 1978 draft directive<sup>10</sup> to combat illegal migration and illegal employment the Commission expressed its concerns towards the abuse of illegal labourers, which were perceived as victims of merciless employers. In the 1970s the Commission thus placed the issue of illegal immigration in a purely economic context. Moreover, the problem of illegal immigration was assessed from the point of view of the member states and not yet from the perspective of the European Community as 'institution'. For example in the 1978 document, it was argued that "*...the protection which should be provided for illegal migrant workers who, as is stressed in the opinion of the Economic and Social Committee, are frequently the victims of unscrupulous individuals and in many cases believe that they have complied with the laws of the host country...*".

However, the discourse of the European Commission did also contain securitizing elements. In its 1974 Action Programme in Favour of Migrant Workers and their Families, the Commission presented illegal immigration as an urgent problem that should be given high priority: "*Illegal immigration has greatly increased in recent years and while of its very nature accurate statistics are not available, there are grounds for believing that there are some 600.000 illegal immigrant workers in the Community (not including families) or one-tenth of the number of legally admitted migrants.*" And "*In view of the growth of this problem of illegal immigration, it is urgently necessary for the Member States to adopt a common approach to deterrent measures. If illegal immigration is allowed to go unchecked, there is a serious risk of failure in the efforts to improve the social situation of the rest of the immigrant population." These citations demonstrate the highly politicised nature of the issue in the 1970s. The increase in illegal immigration was viewed by the Commission as a growing problem that could have disruptive effects for the member states. More in particular, in the document illegal immigration or 'clandestine immigration' was seen to pose a health risk for the local population: "*Naturally, clandestine migrants, not being subject to any medical control, are an additional health risk both to themselves and the local population.*" Overall, the conclusion can be made that in the 1970s the discourse of the Commission already contained a security logic, because illegal immigration was seen as an existential social threat (the health of the population is threatened), which asked for urgent restrictive and controlling measures. Paradoxically however, although the document builds on the image of the illegal immigrant as a 'social threat', the proposals that were put forward to combat illegal immigration were situated in the economic sphere, namely strong legal sanctions against exploiters of immigrant labour.*

The image of the illegal immigrant as a threat was invigorated in the 1980s by institutional reforms at the European level through the 1986 Single European Act (SEA). Issues relating to the admission of third country nationals and refugees were directly linked to confirmation of the member states' aim to develop the single market project and to abolish internal border controls through Art. 8 A of the Single European Act. However, cooperation inside the EC framework was refuted by several member states on the grounds

---

<sup>10</sup> COM (78) 86 final of April 1978 p. 2 para (Explanatory Memorandum)

of sovereignty considerations. As a result, only intergovernmental cooperation was approved outside the formal Community framework and without the involvement of its supranational organs (Lavenex, 2000:84-85). The European Commission was only allowed in as an observer, while the European Parliament had no formal rights, neither was it to be informed nor heard/consulted on particular issues. This also applied to the European Court of Justice which did not receive the competence of juridical control over the outcomes of the intergovernmental process (Lavenex, 2000:90-91).

An important result of the intergovernmental cooperation between the member states was the Schengen Implementation Agreement adopted in 1990 to implement the original agreement between France, Germany and the Benelux countries of 1985. In this agreement illegal immigration was perceived as a cross-border threat in the context of the abolishment of internal border controls. Fear existed that the free movement of persons would ‘set the gates open for illegal immigrants, criminals and organised crime’. This would threaten the ability of member states’ governments to control their territories and to regulate the number of people entering the country. Here securitization had a political dimension, since illegal immigration formed a threat to the political capacity of the member states to control their territories. Secondly, the Schengen Agreement also contributed to the criminalization of the illegal immigrant, as it was intended to cover all problems related to the abolishment of internal border controls, i.e. illegal immigration *and* transnational crime. As a result member states put emphasis on the need to restrict migration towards the EU. *“The parties shall endeavour to approximate as soon as possible their visa policies in order to avoid any adverse consequences that may result from the easing of controls at the common frontiers in the field of immigration and security.”*<sup>11</sup> In contrast to the discourse of the Commission, where illegal immigration was approached as a national, economic problem, EC member states in their intergovernmental cooperation underlined the European dimension of the phenomenon of illegal immigration. Illegal immigration was not only a problem for the member states alone, it could also threaten the existence of the EU internal market project. As a result the perceived threat that illegal immigration presented took much larger proportions.

In the following table a summary is given of the securitization of illegal immigration in the pre-Maastricht period. For each of the EU actors, I have presented the security logic or in other words, an overview is given of the threat image (what is seen as threatening), of the referent object (what is seen as threatened), thirdly, of the legitimating strategy (or how is the threat image legitimised). In the last column I have summarized the type of policy measures that are being proposed. This overview will be given for each of the four periods discussed in this paper.

**Table 3: Summary: the securitization of illegal immigration in the Pre-Maastricht period**

Actor	Threat	Ref. Object	Leg. Strat.	Policy
European Commission	Rise of illegal immigration	Public Health Health of the Illegal Immigrant Social Situation Economic System		Combat Illegal Employment
Member States	Rise of illegal immigration	Internal Market project Free Movement of Persons	Spill-over	Flanking measures (strengthening external border controls)

<sup>11</sup> Art. 7 Schengen Agreement 1985

With regard to the institutionalization of the securitization process in the Pre-Maastricht period, the analysis showed that the securitization process was still in its ad hoc phase. Securitising moves were uttered frequently by politicians on the national as well as on the European level. Also the media fuelled the perception of illegal immigration as a threat. The establishment of the link between security and migration was in full progress. The dominant securitising actors in this regard were the member states. This stands of course in relation to the fact that the EC had no competencies yet with regard to migration. That is also the reason why the European Commission could play out its role as advocate for the ‘victims’ of illegal immigration. The discourses of the EU institutions showed no management articulations yet. There were no documents of the European Parliament available on illegal immigration, which doesn’t allow any conclusions on their discourse. Securitising practices or securitising technologies, such as the creation of databases for the collection of fingerprints or risks assessments, are not present yet. Hence, it can be concluded that the securitization of illegal immigration is still in quite a rudimentary stage at the level of the EU.

In the table below, I have summarized the institutionalisation of the securitization process for the three levels on which the institutionalisation process can be traced, the discursive level, the non-discursive level, and the level of the securitising actors. Again this will be done for each of the four periods.

**Table 4: institutionalisation of the securitization process in the Pre-Maastricht Period**

	Discursive level	Securitising Actor	Non-discursive level
Commission	Ambiguous discourse	Broker	No securitizing practices
Member States	Security Discourse	Yes	No securitizing practices
European Parliament	No data	No data	No data

#### 4.2 The Maastricht reforms

In the 1990s the removal of emigration restrictions in former communist countries increased the possibilities for illegal entry via land borders with Germany, Austria, Italy, as well as via the Adriatic into Italy (Boswell, 2003:61-64, Mitsilegas and Monar, 2003). As a result, the fear for illegal immigration grew. Moreover, the further elimination of internal borders between EU states in the context of the Schengen cooperation made illegal immigration and external border controls a subject of concern of all member states (Monar and Mitsilegas, 2003).

Next to the intergovernmental Schengen cooperation, member states continued their negotiations inside the EC framework, although reluctantly. This reluctant attitude was reflected in the Maastricht Treaty (1992) where it was decided that the traditional *acquis* of the EC would co-exist alongside two intergovernmental pillars – one for Common Foreign and Security Policy (CFSP), the other for Justice and Home Affairs (JHA) - which would remain outside the institutional and jurisdictional framework of the central Community institutions (Lavenex, 2000:106-107). Thus, as a result the Maastricht Treaty brought very few innovations in the institutional composition of the EC, rather it formalised the previous intergovernmental structure, which was coined intensive transgovernmentalism. (Helen Wallace, 2000:33) This mode of decision-making depended on ‘the interaction between the relevant national policy-makers, and with relatively little involvement by the EU institutions’. It referred to the activities of governmental

actors below the level of chiefs of government (COG), such as ministerial officials, law-enforcement agencies, and other bureaucratic actors. These officials could act with a certain degree of autonomy vis-à-vis their chief executives and were free to develop their own policy-agenda (Keohane and Nye, 1974 in Lavenex, 2000). In the EU's policy on illegal immigration, this form of intensive transgovernmentalism was represented in part by the proliferation of intergovernmental groups such as the Ad Hoc Group on Immigration and the Schengen Group, where national law and order officials, who were already socialized to think and act according to a security frame, were now responsible for setting out a common European migration policy (cf. e.g. the venue-shopping concept of Guiraudon, 2000).

In Title VI of the Maastricht Treaty migration was introduced as a 'matter of common interest' together with the crossing of external borders, the fight against drugs and fraud, judicial cooperation in civil and criminal matters, customs cooperation and police cooperation in the fight against terrorism, drugs trafficking and other serious forms of international crime (Lavenex, 2000:107; Cholewinski, 2000:365). Scholars, such as Didier Bigo and Jef Huysmans have argued that the incorporation of asylum and migration issues into Title VI together with law enforcement issues and the fight against organised crime has resulted in the creation of a security continuum (den Boer, 1994, Bigo and Leveau 1992). Thus by listing migration together with forms of criminal behaviour they became equivalences. In other words, illegal immigration was seen as the same kind of threat as organised crime. The conclusion can thus be made that the Europeanisation of illegal immigration with the Maastricht Treaty fortified the securitization of migration.

It was in this context that one of the most important documents relating to migration was published, namely the 1994 Commission's Communication "On Immigration and Asylum Policies".<sup>12</sup> There it was for the first time that the Commission referred to the need of a comprehensive approach to combat illegal immigration. This implied that the Commission did no longer perceive illegal immigration as only a danger for the national economies, but as a transnational problem, that also needed a transnational and thus comprehensive solution. In other words, the Commission recognized that not only short term measures aimed at the prevention of illegal immigrants were needed, but that also a long term policy aimed at addressing the root causes of illegal immigration was necessary as well. As the Commission put it: "*Some have called for a complete halt to immigration: this is neither feasible nor desirable: what is necessary is proper management of immigration policy. The Community has always been a multi-cultural and multi-ethnic entity whose diversity enriches the community itself and benefits all its citizens, but not without creating challenges for society as a whole and its immigrant communities. A comprehensive approach needs, therefore, to take account of that fact and address the issue of the presence of those third country nationals and their families."* It was thus already in 1994 that the Commission advocated a 'proper management of immigration policy'.

Furthermore, in this Communication the Commission also recognized that the problem of illegal immigration is a side-effect of the fact that there is no possibility for legal migration in Europe. "*With migration pressures increasing and opportunities for legal migration being increasingly restricted, people wanting to enter the Union are likely to continue to turn to illegal immigration. The comprehensive policy as advocated in this communication requires a firm and clear policy to counter these movements. Illegal forms of migration undermining the effect of admission policies, are detrimental to policies aimed at the integration of legal immigrants and put the people concerned in a vulnerable position. The Union therefore requires an active policy to prevent and combat illegal migratory movements".*

The European Parliament was largely neglected by the Council on the area of migration, and thus also at the area of illegal immigration. It tried to communicate its vision by issuing Resolutions but remained largely unheard. Overall, the analysis showed that the European Parliament, as the Commission did in the

---

<sup>12</sup> COM (94) 23 final of 23 Feb. 1994

1970s, approached the problem of illegal immigration from a national, economic perspective. It stressed that illegal immigrants were victims and that they had to be treated with respect and care because of their precarious position. As a consequence the European Parliament also identified the fight against illegal employment as the first priority in the fight against illegal immigration. The European Parliament also claimed in favour of the use of the term ‘irregular immigration’ instead of ‘illegal’ immigration. The discourse of the European Parliament can thus not be classified as securitizing in the 1990s. It formed a considerable counteracting force for the security discourses of the member states.

The table below summarizes the securitization logic in this period.

**Table 5: the securitization of illegal immigration in the Maastricht period.**

	Threat	Ref. Object	Leg. Strat.	Policy
Commission	Rise of illegal immigration	Social System Admission Policies	Undermining	Comprehensive Policy – Management of migration flows
Schengengroup/JHA – Council	Cross-Border Threat	Internal Market Free movement of persons	Survival of the internal market project	Flanking measures Soft Law Policy (outside normal ‘political’ procedure)
Schengengroup/JHA – Council	National Threat (lesser degree)			

With regard to the institutionalisation of the securitization process, I again made the assessment on the basis of the indicators developed on p. 6 (table 2). First of all, with regard to the discursive level, the conclusion can be made that in the Maastricht Period the institutionalisation of the securitization process is still quite minimal. New securitising moves were uttered in which illegal immigration was perceived as threatening for the internal market, especially by the member states. However, a first step towards the institutionalisation of the security logic was made, since the creation of Title VI in the Third Pillar embedded the security continuum in the framework of the EU. With regard to the second indicator, the dissemination of the security logic among the EU institutions, it can be concluded that the JHA Council was the main securitising actor. The European Parliament was quasi absent in the debate and the European Commission was beginning to perform its role as policy entrepreneur trying to broker between the security interests of the member states and the humanitarian precarious position of the illegal immigrant. Hence, the securitization of illegal immigration was not yet embedded in all the EU institutions. With regard to the last parameter of institutionalised securitization, the securitising practices, it can be said that they were still in their early development. Negotiations were being set up on SIS (Schengen Information System), EURODAC and to enhance cooperation on the area of border controls. Thus overall, the conclusion can be made that in the Maastricht period, the institutionalisation of the securitization process was still quite minimal.

**Table 6: Institutionalisation securitization process in the Maastricht Period**

	Discursive level	Securitising Actor	Non-Discursive level
Commission	Managerial Discourse (however not fully developed yet)	Broker	No
Member States	Security Discourse	Yes	SIS, EURODAC
European Parliament	Humanitarian Discourse	No	No

### 4.3 The Amsterdam reforms

During this period, decision-making on illegal immigration gained momentum. That is why I have broken down this period into four sections. First, I will discuss the impact of the Amsterdam Treaty (1997) on the securitization process, secondly, I will turn to the Tampere Conclusions (1999). In the third period, 2000-2001, the influence of 9/11 is assessed. The fourth and fifth period are dominated by two important European Councils, notably the Seville European Council (2002) and the Thessaloniki European Council (2003). It should be stressed that the analysis focussed on the policy vision of the different EU institutions with regard to illegal immigration and not specifically on the policy measures that are taken.

#### 4.3.1 The Amsterdam Treaty

The EU finally acquired competence over asylum and immigration, including irregular immigration, when these matters were transferred to the Community Pillar (Title IV EC) by virtue of the Treaty of Amsterdam, which was adopted in June 1997 and which entered into force on 1 May 1999. Title IV EC, entitled Visas, Asylum, Immigration and other Policies related to Free Movement of Persons, was aimed at establishing progressively “an area of freedom, security and justice”(AFSJ) (Cholewinski, 2000:365-366). It should be emphasized that not all issues relevant to irregular migration were located in Title IV EC. Although trafficking in persons was considered closely related to irregular migration, it remained in the intergovernmental Title VI of the revised Treaty on the European Union, which was now entitled “Provisions on Police and Judicial Cooperation in Criminal Matters” (Cholewinski, 2000: 367-368).

Although the measures adopted under Title IV EC of the Amsterdam Treaty from then on had the force of Community Law, decision-making could not be understood as truly supranational. Until April 2005 a transitional period was in force in which decision-making remained in the realm of the inter-governmental Council of Ministers with ‘unanimity’ as its modus operandi (Samers, 2004:30). Similarly, the role of the Commission was limited, since it shared the initiative for proposing measures with the member states during the transitional period, instead of having the monopoly of initiative. The European Parliament was only given a consultative role and the jurisdiction of the European Court of Justice was restricted to considering preliminary references from the national court or tribunal of final instance rather than any

national court of tribunal.<sup>13</sup> Despite its limited legislative powers, the European Parliament, especially through its Committee on Citizen's Freedoms and Rights, Justice and Home Affairs (LIBE), had intensified its engagement with JHA. Overall, it is important to keep in mind how the decision-making procedure is organised since this has a considerable influence on which discourses of which actors will have the possibility to become hegemonic. In other words, the success of the securitising moves is thus dependent on the position that the securitising actor takes in the policy field. With regard to the JHA domain, it is expected that the Council will be the dominant securitising actor, since it has the decision-making monopoly.

One of the most spectacular innovations of the Amsterdam Treaty was the introduction, in Article 2 TEU, of a new Union objective: *'to maintain and develop the Union as an area of freedom, security and justice (AFSJ) in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum and immigration and the prevention and combating of crime.*' Such wording reiterated the link established by the Maastricht Treaty between free movement of persons and repressive measures targeted at criminality and illegal immigration (Monar and Mitsilegas, 2003). Thus far from being abolished by the Communitarisation of migration policies, the security continuum established by the Maastricht Treaty was rather substantially enforced at Amsterdam. However, this time the security continuum was legitimized by reference to the creation of an Area of Freedom, Security and Justice, and no longer by reference at the economic aim to create a European internal market. According to the AFSJ logic, illegal immigration was considered a threat, since it undermined all three core values, freedom, security and justice. Illegal immigration was disturbing the goal to create free movement of persons (freedom). Secondly, the illegal immigrant was seen as a threat to public order (security), moreover it was a problem that is in close connection with organised crime and human trafficking. This link was related to the third core value, namely justice, since the fight against illegal immigration required intensive police cooperation between member states.

What was also important in the 'Area of Freedom, Security and Justice' was the reference to the European Union as an 'area'. This concept constructed the idea of Europe as a community and brought along an Us/Them logic that had important consequences with regard to the phenomenon of immigration, since it resulted in an inclusion and exclusion mechanism which justified restrictive policy measures for 'Others', in this case illegal immigrants (see also Buonfino, 2004:24) (Monar and Mitsilegas, 2003:59).

#### **4.3.2 The Tampere Conclusions**

After the adoption of the Amsterdam Treaty (1997), the EU identified how the area of freedom, security and justice needed to be implemented in a special European Council held in Tampere, Finland in October 1999. Specific conclusions relating to illegal immigration and trafficking were located in the section entitled "Management of Migration Flows". A wide range of areas was covered: external border controls and visa policy; penalties for illegal entry and the detention of illegal migrants, sanctions against carriers, employers, human smugglers and traffickers, and expulsion and readmission.

Paragraph 3 of the Tampere Conclusions explained how the area of freedom, security and justice needed to be understood. *"This freedom should not, however, be regarded as the exclusive preserve of the Union's own citizens. Its very existence acts as a draw to many others world-wide who cannot enjoy the freedom Union citizens take for granted. It would be in contradiction with Europe's traditions to deny such freedom to those whose circumstances lead them justifiably to seek access to our territory. This in turn requires the Union to develop common policies on asylum and immigration, while taking into account the need for a consistent control of external borders to stop illegal immigration and to combat those who organise it and commit related international crimes. These common policies must be based on principles*

---

<sup>13</sup> See Art. 67 EC

*which are both clear to our own citizens and also offer guarantees to those who seek protection in or access to the European Union.*" The Tampere Conclusions were quite ambiguous with regard to the migration phenomenon. On the one hand, it was argued that third country nationals were welcome 'and that they will not be denied the freedom to access the territory'. This was legitimised by referring to the humanitarian tradition of the EU. On the other hand it was said that in order to ensure this 'freedom' (and then especially the freedom of the 'Union citizens' consistent border controls were an absolute necessity. This can be explained by the fact that with the Tampere Conclusions member states wanted to take a fresh start and counter the criticisms that the EU's migration policy was too restrictive. Despite the good intentions however, the analysis showed that the underlying dominant thought was still the prevention of third-country nationals to enter the European Union.

Thus, the security discourse continued to be the dominant logic in the policy field, moreover, from the Tampere Council on, which was considered the official start of a common European asylum and migration policy, the security discourse was becoming more dispersed and embedded in the JHA institutional field. This was the result of the fact that from 2000 on the JHA field became marked by a proliferation of semi-autonomous special agencies and bodies, which were intended to increase control over the member states territories. Hence, a managing, controlling logic entered the JHA field. The perception that migration posed a considerable danger that needed to be controlled was now the common opinion.

With regard to illegal immigration two agencies were especially important, namely the creation of EUROPOL<sup>14</sup> in 1999 and the Border Management Agency in June 2002. With these new common bodies, the number of databases also proliferated: there was EURODAC<sup>15</sup> and the Customs Information System with data of EU and third-country nationals that were stored and scrutinized partly under Commission supervision. Besides these two, there was the EUROPOL and EUROJUST<sup>16</sup> database SIS<sup>17</sup> (Schengen Information System), monitored by a special joint supervisory authority in the Council Secretariat (Mervola, 2005:4). Especially the biometric technology embedded in EURODAC has been forming a very good illustration of the managementslogic present in the JHA field. EURODAC was celebrated as a particularly welcomed asset in the fight against illegal immigration, because it could prove the applicant's identity in cases where there was a possibility that the applicant was carrying false ID's or no identification documents at all. Yet, rather than just retrieving someone's identity, EURODAC also reproduced the security logic by constructing the identity of an 'illegal' immigrant, and thus an unwanted and dangerous subject. Hence, the example of EURODAC underlines how an immigrant's illegality is something that is produced by various technologies of government on a day to day basis (Bigo, 2002, 65-81).

#### **4.3.3 2000-2001 – The events of 9/11**

In spite of the increased attempts of the member states to control and prevent illegal immigrants to enter the European Union, the problem seemed to take much larger shapes. On 19 June 2000, the bodies of 58 illegal immigrants were discovered in Dover highlighting again the need for urgent action on the area of

---

<sup>14</sup> EUROPOL: the EU's own criminal intelligence agency, set up in 1992 by the [Europol convention](#) to co-ordinate law enforcement activity throughout the Union and operate international bilateral co-operation agreements.

<sup>15</sup> EURODAC (15 January 2003): enables a member state to compare fingerprints of asylum seekers or foreign citizens who are illegally on its territory, in order to verify whether they have submitted an asylum application in another member state;

<sup>16</sup> Eurojust was set up in 2002 to facilitate judicial cooperation in criminal matters in the EU. In a remarkably short time it has established itself as a highly effective means of facilitating cooperation between investigating and prosecuting authorities in Member States in serious criminal cases.

<sup>17</sup> The SIS computer database was set up in 1995 as a means of holding checkable information that would allow the abolition of internal borders. It contained information on criminals on the run, previous asylum applications, stolen cars and other stolen property.

illegal immigration and especially with regard to the fight against human traffickers. As a consequence at the subsequent European Councils the issue was on top of the agenda: *“The European Council expressed its shock at the tragic death of 58 foreign nationals arriving in the United Kingdom. It condemned the criminal acts of those who profit from such traffic in human beings and committed the European Union to intensified cooperation to defeat cross-border crime, which caused so many other deaths across Europe. It called on the incoming French Presidency and the Commission to take forward urgently the Tampere Conclusions in this area, in particular close cooperation between Member States in detecting and dismantling the criminal networks involved in this trafficking and by adopting severe sanctions against those involved in this serious and despicable crime”* (Santa Maria de Feira European Council June 2000). Thus, in 2000 member states became to realize that illegal immigration was a more complex phenomenon that could not simply be curtailed by increasing and strengthening border controls. Now, the explicit connection was made between illegal immigrants and organised crime in the form of human trafficking. In other words, the security discourse was extended with a new articulation. Moreover, the perceived threat that illegal immigration posed increased in force, since the assumption was made that the networks of organised crime involved in human trafficking would also have other, even more dangerous activities.

The prioritisation of the fight against human trafficking was also taken up by the Commission. On November 15, 2001, the Commission adopted a Communication on a common policy on illegal immigration. In this document the Commission highlighted the urgent problem of human trafficking and smuggling. Moreover, it also made the explicit link between criminal activities and irregular migration flows, thereby following the discourse of the member states. The criminalisation of illegal immigration thus received a larger following. *“Criminal activities, which are regularly connected with irregular migration flows, are a major common concern in all Member States. Trafficking and smuggling in human beings especially are seen as totally unacceptable. Appropriate criminal provisions have therefore to be put in place.”* *“Detection and dismantlement of criminal networks are high priorities in the fight against illegal immigration. This action is promoted by police co-operation, in which the role of Europol could be advanced”*.

However, although the Commission identified human trafficking as an absolute priority, it kept stressing the fact that an ad hoc approach would not be sufficient to counter the problem. Instead it reformulated the idea of a ‘comprehensive approach to illegal immigration’, and clarified the concept more by proposing an ‘actor-in chain’ approach: *“Efforts on migration management cannot have their full impact, if measures are not implemented at the beginning of the migration chain i.e. the promotion of peace, political stability, human rights, democratic principles and sustainable economic, social and environmental development of the countries of origin. To that end, migration issues should be integrated in the existing partnerships, which are the general framework of our relations with third countries.”* Thus overall, the conclusion can be made that in contrast to the member states, the Commission advocated again a long term vision on the phenomenon of illegal immigration. It didn’t want to rely solely on security-oriented measures to counter the problem. This indicated that the Commission didn’t wish to engage itself completely along the lines of the security logic that dominated the perception of the member states.

However, this changed with the terrorist attacks of 9/11. These events had a large impact on the security logic present in the JHA field by adding again a new dimension to the security continuum. Thus, in the course of a decade illegal immigration was first perceived as a cross-border threat after which the security logic became extended by making the connection with organised crime and now in 2001, this security logic was expended with terrorism. The threat that illegal immigration posed again took much larger shapes.

When scrutinising the documents following 9/11, the analysis showed that both the member states and the Commission made the explicit link made between the fight against illegal immigration and international terrorism. This was thus a new element in the security discourse, however, in order to account for this link, member states fell back on the already well established idea of illegal immigration as a cross-border

threat, as an issue that could be controlled at the borders. At the European Council in Laeken in December 2001, it was claimed that: “Better management of the Union's external border controls will help the fight against terrorism, illegal immigration networks and the traffic in human beings. The European Council asks the Council and the Commission to work out arrangements for cooperation between services responsible for external border control and to examine the conditions in which a mechanism or common services to control external borders could be created. It asks the Council and the Member States to set up a common visa identification system and to examine the possibility of setting up a common consular office”. The European Council in Laeken also called for a new action plan on illegal immigration with eight priorities: visa policy, information exchange and analysis, pre-frontier measures, financial support of actions in third countries, border management, improvement of co-operation and co-ordination at the operational level, the advance role of EUROPOL, aliens law and criminal law (including illegal employment) and readmission and return policy. However, following the still dominant interpretation of illegal immigration as a cross-border threat, actions against illegal immigration concentrated almost exclusively on a more effective management of the external borders. Actions in third countries or against the problem of illegal immigration inside the EU territory remained marginal. This stands in contrast with the comprehensive approach advocated by the European Commission and can be explained by the (subtle) differences in their discourses, since it is assumed that the hegemonic discourse influences the direction of the decisions-taking.

In 2001, the Economic and Social Committee (EESC) also commented on the development of the EU policy on illegal immigration. Analysis showed that in contrast to the position of the member states and the Commission, who approached the problem from their own national, respectively, European interests, the ESC departed from the precarious situation of the illegal immigrant who was considered a victim that needed protection. Moreover, it was strongly criticising the linking of illegal migration with criminality by the media, but also by the Commission and the member states. “Lumping together irregular immigration and crime, as the media frequently do, distorts the facts and breeds fear-driven and racist attitudes among the general public. Irregular immigrants are not criminals, even though their situation is not legal”.<sup>18</sup>

Conclusively, the above (very) short overview of the results of the analysis, showed that in 2001 the JHA domain was filled with antagonistic struggles between the different EU actors. The discourse of the Commission could be characterized as an example of ‘human securitization’ (Loisel, 2005). Although illegal immigration was still seen as threatening for the stability of the European Union, the Commission portrayed illegal immigrants also as victims of human smugglers. The discourse of the EESC was the most inspired by humanitarian motives. As a result, in the discursive field, these two actors stood vis-à-vis the discourse of the member states in the European Council and the JHA-Council of Ministers. The European Council, although it condemned the practice of human trafficking and smuggling, offered a different solution to the problem than the European Commission. It insisted on a better management of the external borders, while the European Commission tried to broaden the range of policy options by advocating the possibility of legal migration and by proposing cooperation with the countries of origin. Again not enough documents were found of the European Parliament to draw sufficient conclusions on their position towards the security logic.

---

<sup>18</sup> Opinion of the Economic and Social Committee on the Communication from the Commission to the Council and the European Parliament on a common policy on illegal immigration (COM(2001) 672 final)

#### 4.3.4 2002- Seville European Council

The two periods that followed were largely directed by the massive flow of illegal immigrants towards the shores of Southern Europe. This phenomenon ‘enjoyed’ a lot of attention in the European media alarming public opinion. On February 28, 2002 the JHA Council adopted a ‘Comprehensive Plan to combat illegal immigration and trafficking of human beings in the European Union (otherwise known as the Santiago Action Plan). The dominant discursive articulation in the Council’s plan to ‘combat’ illegal immigration was the ‘adequate management’ of illegal immigration flows. Thus, three things were important here. First of all, illegal immigration was still seen as threat that needed to ‘combated’. However, the way to reach this goal was not by falling back on emergency measures, rather member states relied significantly on a managementslogic. References made to ‘control’, ‘risk assessment’, ‘procedural standards’ and so on were an indication of this growing managementslogic. Thirdly, the use of the metaphor illegal immigration ‘flows’ points out that the member states saw illegal immigration as a continuous recurring, difficult to control phenomenon. That is also why the Council recognized in this document that border management alone would not be sufficient to address the problem of illegal immigration. Therefore the document underlined that cooperation with third countries should be a new priority in the fight against illegal immigration. However, how the cooperation with third countries should be developed, remained rather vague in comparison with the development of border related measures.

In June 2002, illegal immigration towards the shores of Southern Europe reached new record levels which evoked the following reaction in the European Council: *“The Council, concerned about the most recent arrival of boats used for smuggling immigrants or for trafficking of human beings which set in particular from specific Mediterranean countries, urges the countries of embarkation, departure or transit of such boats to adopt all the necessary measures to prevent and combat these illegal activities as soon as possible.* The declaration indicated that the Council followed quite a ‘narrow’ interpretation of the Commission’s ‘comprehensive approach’. Instead of assisting the countries of transit and origin in preventing illegal immigration, it only ‘warned’ them to take action, otherwise it could have consequences for their relations with the EU on other (read economic) fields. Hence, the ‘comprehensive’ approach of the EU in 2002 seemed to consist solely of negative, control-oriented measures, neglecting the goal to create minimum standard for the treatment of illegal immigrants or to take measures on the ‘overstaying’ of migrants or to combat illegal employment.

#### 4.3.5 2003 - Thessaloniki Council

In response to the returning ‘flows’ of illegal immigrants in the spring and summer of 2003, the European Council in Thessaloniki stressed again the magnitude of illegal immigration flows into Europe, thereby reproducing the idea that Europe was still in a state of emergency. The measures that it proposed focused on the enhancement of border controls at sea and the further development of governmental technologies, such as the further development of the VIS (Visa Information System)<sup>19</sup> and SIS II (Schengen Information System)<sup>20</sup> as well as the formal establishment of an ILO (Immigration Liaison Network)<sup>21</sup>. All these

---

<sup>19</sup> The VIS is a system of exchange of visa data between member states and is thus primarily an instrument to support the common European visa policy. It is also explicitly aimed at facilitating the identification of asylum seekers and illegal immigrants. It is composed of a European central database, which is connected with national systems to enable consulates and other competent authorities to access the data.

<sup>20</sup> On 1 June 2005, the Commission published proposals to upgrade the SIS system to **SIS II** - to incorporate the new member states and include new functions. The new system will contain biometric data and be used to store and disseminate information on extradition, third-country nationals refused entry to the EU and individuals subject to a European arrest warrant or under surveillance for criminal activity. Non-Schengen states, the UK and Ireland, will only have access for police and judicial co-operation matters. By a separate regulation, vehicle-licensing authorities will also use SIS II to track lost or stolen cars.

systems can be seen as securitising practices that reproduced the securitization of illegal immigration on a day-to-day basis, thereby embedding it more and more in the EU as common thought.

In its Conclusions, the Council also emphasized the need for practical cooperation on the field of return policy and practical cooperation with third countries. Again, this remained rather vague in comparison to the other measures, such as the sea border controls.

In 2003, the discourse of the member states in the European Council showed three new articulations. First of all, at the European Council in December 2003, the issue of illegal immigration was for the first time connected with the approaching enlargement. *“The European Council stresses that with the forthcoming enlargement, the Union's borders are expanding, and recalls the common interest of all Member States in establishing a more effective management of borders, in particular with a view to enhancing the security of their citizens.”* In other words, the Council broadened the range of possible threats coming from illegal immigration by warning that the Union would not only be invaded from its southern borders, but also from its eastern borders as a consequence of the Enlargement. Thus again, a new securitising move added a new dimension to the security logic, enlarging the security threat that illegal immigration posed.

A second new element in the Council's discourse was the fact that member states started to see the fight against illegal immigration as part of the EU's external relations. As the analysis showed, cooperation with third countries focussed until 2003 on closing off readmission agreements and on examining if member states readmitted their nationals according to these agreements. However, at this European Council, the intention was made to increase cooperation with third countries on the area of development aid, economic development, trade relations as well as setting up practical and technical support with the training of border and immigration officials. This could be explained by the growing recognition that the policy measures taken so far were not adequate.

A third new element in the Council's discourse was that it asked the Commission to examine whether the creation of legal migration channels could decrease illegal immigration flows. This confirmed the change in attitude among member states. The idea seemed to grow that illegal immigration entailed more than just a cross-border phenomenon and that other measures than border management were necessary to “tackle the problem”. They recognized that migration would become an absolute necessity in the near future due to the demographic evolutions in Europe and that a policy aimed exclusively at the deterrence and prevention of migrants to enter the EU would be disadvantageous.

However, these ‘new’ insights lasted only a short-time. After the terrorist attacks in Madrid in March 2004, the European Council made the following declaration in November 2004: *“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 immigration and trafficking and smuggling of human beings as well as to terrorism and organised crime”*. In this declaration security was identified as one of the central values of the European Union. The Council again fell back on the perception of illegal immigration as a cross-border problem and reiterated the link between illegal immigration and terrorism, thereby presenting illegal immigration as equally threatening as organised crime and terrorism.

In 2003, the European Parliament published a report on the development of the EU policy on illegal immigration. Analysis showed that the securitization process had managed to reach the European

---

<sup>21</sup> The "Immigration liaison officer" is a representative of one of the Member States, posted abroad by the immigration service in order to establish and maintain contacts with the authorities of third countries so as to contribute to the prevention and combating of illegal immigration, the return of illegal immigrants and the management of legal migration.

Parliament as well. This does not correspond to what is expected from the European Parliament, since they are almost always perceived as the moral voice in the migration debate and as the protector of individual and human rights. In this report<sup>22</sup>, the European Parliament took a state-oriented approach to the debate by emphasizing the need to respect the national sovereignty of the member states with regard to the migration problem. It argued that EU policy should only be complementary to national migration policy. *“First of all, it must be made clear once again that the protection of external borders is a fundamentally national matter and must therefore remain a Member State competence. However, it can hardly be denied that the acute need for uniform security standards at all the EU’s external borders, above all in the new Member States, calls for both burden sharing in connection with the task of securing sections of those borders which are particularly at risk and general improvements in the effectiveness of measures by means of joint action.”*

The European Parliament was also distrustful with regard to the border management capacity of the new member states and shared the fear with the member states that the enlargement could result in security problems and could increase illegal immigration coming from Eastern Europe and Asia.

The analysis also showed a strong embedding of the security continuum in the European Parliament’s discourse. *“The ongoing threat to the internal security of the EU posed by cross-border terrorism, organised crime, illegal immigration and trafficking in human beings and drugs has already prompted Parliament to draw up a report<sup>23</sup> which sets out various priorities concerning measures to improve the protection of external borders.”* The fact that illegal immigration was presented as an ‘ongoing threat’ increased the image of illegal immigration as an ‘existential problem’: *“whereas illegal immigration and illegal employment pose a social problem not only for individual Member States, but for the EU as a whole, so that progress in the sphere of asylum and immigration policy must therefore be made at EU level to avoid the human tragedies which are a daily occurrence in the European Union”*. However, although the European Parliament seemed to have absorbed the member states’ security discourse, it is also tried to justify the actions of illegal immigrants by claiming that ‘we would probably do the same, if we were in the same situation’. It also claims that ‘not all illegal immigrants are dangerous’... *“whereas people who leave their country to migrate to the European Union are people who, in their own eyes, have good, often vital reasons for doing so; whereas each of us, in the same economic, social, psychological and emotional conditions, would do likewise; whereas not all illegal immigrants are dangerous but rather people in danger; whereas it is of the utmost importance that the victims of trafficking in human beings are not regarded as criminals but as victims of crime.”*

Overall, the conclusion can be made that the discourse of the European Parliament has undergone a considerable change from a humanitarian discourse towards a restrictive securitising discourse. One explanation for the expansion of the security logic could be the institutionalisation of the securitization process in the JHA field as a result of the terrorist attacks in the US and Madrid. The image of illegal immigration as a threat has become taken – for – granted and ‘normalized’, which explains why the European Parliament has taken it over so easily and without criticism. The absence of discursive struggle at the EU-level also meant a safeguard for more restrictive and control-oriented measures on the area of illegal immigration.

---

<sup>22</sup> Report on the communication from the Commission to the European Parliament and the Council in view of the European Council of Thessaloniki on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents - Committee on Citizens' Freedoms and Rights, Justice and Home Affairs A5-0419/2003 27 November 2003

<sup>23</sup> Not yet published in the Official Journal.

A summary of the securitization process in the period 2001-2004 is offered in the table below.

**Table 7: Overview of the securitization process for the period 2001-2004**

	Threat	Ref. Object	Leg. Strat.	Policy
Commission	Human trafficking <i>Flows</i> of illegal immigration	Illegal immigrant European Union/Member States	Human security	Focus on fight against human trafficking Legal Migration Channels/ Readmission Agreements/ Integration → <b>COMPREHENSIVE APPROACH</b>
European Parliament	Cross-Border threat Link with <b>terrorism</b> Enlargement	Member States	Security Continuum	
European Council	<i>Waves</i> of illegal immigrants Human trafficking Enlargement <b>Cross-Border Threat = Terrorist Threat</b>	Stability of the EU	Security continuum expanded with organised crime terrorism	Efficient and enhanced border management / Focus on control of the <b>sea borders</b> Use of new technologies EURODAC/SIS/VIS → <b>BORDER MANAGEMENT</b>

What conclusions can be drawn with regard to the institutionalisation of the securitization process? First of all, the newly established link between illegal immigration and terrorism gave the securitization process a new impetus. In addition, media coverage of Southern Europe being swamped by illegal immigration increased the idea of illegal immigration as an omnipresent threat. Illegal immigration was thus again highly politicised and was still being seen as a high priority. The conclusion can thus be made that the securitization process increased in force and influence in this period. It became embedded in all EU institutions, including the European Parliament. All EU institutions can thus be considered securitising actors in this period. The conceptualisation of illegal immigration as a cross-border threat facilitated the link with organised crime and terrorism. Although the emphasis was still put on the control of external borders, management language was not as dominant in the discourses of the EU actors as emergency vocabulary (survival, priority, urgency). This doesn't mean that it wasn't present at all. Traces of a management logic were particularly present with regard to the policy measures that were supposed to be taken. An important evolution on the institutional level was the establishment of new semi-autonomous agencies involved with the fight against human trafficking/smuggling and the management of the external borders, such as EUROPOL and the European Border Management Agency. In addition networks of immigration liaison officers in countries of origin and transit were created. One of their tasks was (and still is) to send out warnings in case of large immigration flows towards the EU. New technologies for the detection of illegal immigrants at sea reproduced the image of the illegal immigrant as a threat and institutionalized them as standard EU practices. Thus, the conclusion can be made that the securitization

of illegal immigration increased in force. Moreover, there were several indicators that the security logic was becoming more and more institutionalized.

**Table 8: Institutionalisation of the securitization process for the period 2001-2004**

	Discourse	Securitising Actor	Non-Discursive Practices
Commission	Managerial Discourse	Broker between security interests and interest of migrant	Monitors EURODAC and SIS
Member States → European Council JHA-Council	Security Discourse-	Yes + Semi-autonomous agencies – EUROPOL, Border Agency ILO's	SIS, EURODAC, VIS, Early Warning System Risk-Assessments
European Parliament	Security discourse	Yes	

#### 4.4. 2005: The Hague Programme: a fresh start?

In October 2004 the Dutch Presidency adopted the Hague Programme, the successor of the Tampere programme, which set out the priorities on Justice and Home Affairs (now referred to as Justice, Freedom and Security) for the period 2005-2010. It should also be noted that from December 2005 the decision-making procedure in Title IV changed considerably. Decisions were now taken with qualified majority voting by the Council in codecision with the European Parliament.<sup>24</sup> This also meant that the European Commission received the exclusive right of initiative. However, it should be noted that this was more complicated for the measures relating to visa and measures relating to the fight against illegal immigration that didn't fall under Title IV, such as the fight against human trafficking. Measures on this latter area still required intergovernmental decision making.

In the general introduction of the Hague Programme it was stated that: *“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 external dimension has been growing in importance and needs to continue to be vigorously pursued.”* Except for the by now ‘traditional’ reference to illegal immigration as a cross-border threat together with terrorism and organised crime, the Council is also warning for the blending of internal and external security. By formulating it like this, it seems as if an ‘unassessable’ threat is waiting for Europe to invade or is even present among us at this very moment. By using vague wording and thus playing on the unease of the public, the threat image is becoming more convincing. With regard to illegal immigration, the European Council also claimed that: *“The European Council considers that the common project of strengthening the area of freedom, security and justice is vital to securing safe communities, mutual trust and the rule of law throughout the Union.*

<sup>24</sup> See Art. 67 EC

Freedom, justice, control at the external borders, internal security and the prevention of terrorism should henceforth be considered indivisible within the Union as a whole.” Thus, the fight against illegal immigration is also deemed necessary in order to ensure safe communities, thereby portraying illegal immigration as a threat to the identity of national communities, but also to the identity of the European Community in a whole.

In the Hague Programme under 1.7 ‘Management of migration flows’ the fight against illegal immigration was discussed further. The importance of a swift abolition of internal border controls was called upon as well as the further gradual establishment of an integrated management system for external borders. Therefore the Schengen Information System II had to become operational in 2007. Thus again, it can be concluded that the main focus lied on increased border management. The Hague Programme also called for a closer cooperation between member states in the context of visa policy and for the inquiry of information for SIS, VIS and EURODAC.

In May 2005 the Commission communicated ‘a roadmap’ for the implementation of the Hague programme. This road map consisted of ten priority areas, of which illegal immigration was one. In the plan, illegal immigration was again put under the heading “migration management”. It was claimed that “The Union aims at developing a balanced approach: it implies the establishing a common immigration policy, covering admission procedures and criteria to legally enter its territory, and ensuring a secure legal status and a better defined set of specific rights to third country nationals temporarily working or staying legally for other reasons in the EU, while carrying out a policy against illegal migration, which is both firm yet respectful of the rights and dignity of third country nationals, including those in an irregular situation in the Union. The social and economic costs of illegal migration call for rules on return procedures, the conclusion of readmission agreements, and further coordination to combat smuggling and trafficking in human beings.” Thus, according to the Commission besides the now often heard call for enhanced management of the borders, member states should agree on legal migration channels to counter illegal immigration.

However, proceedings to implement a balanced approach to illegal immigration were again slowed down by the ‘outbreak’ of what was called one of the largest ‘refugee crises’ in Ceuta and Melilla, in the autumn of 2005. These two Spanish enclaves in Morocco, were overwhelmed by thousands of migrants who tried to climb the high tech border walls in their aim to cross the Street of Gibraltar and reach Europe. Spain repeatedly called for European help with the problem. As a response, the EU launched in December 2005 a “Global Approach to Migration: Priority Actions Focusing on Africa and the Mediterranean”. It was the first time that an action plan was set up to counter illegal immigration in the Mediterranean region. Moreover, it should be noticed that there was no longer spoken of ‘a comprehensive’ approach, but instead of a ‘global’ approach. In this document, the European Council declared the following: “The European Council agrees on the urgent need in the short-term for broad-ranging concrete actions, which forms part of ongoing work to ensure that migration works to the benefit of all countries concerned.” And “Action must be taken to reduce illegal migration flows and the loss of lives, ensure safe return of illegal migrants, strengthen durable solutions for refugees, and build capacity to better manage migration, including through maximising the benefits to all partners of legal migration, while fully respecting human rights and the individual's right to seek asylum.”

Momentarily, the EU’s priority with regard to the ‘reduction’ of illegal immigration lies in Africa. Several proposals were done on setting up regional protection programmes (e.g. in the Great Lakes district) and holding information campaigns which should make people aware of the risks involved with illegal immigration and which should inform them on the migration and asylum procedures in the EU. In first instance priority has been given to increased cooperation and negotiations with Morocco, Libya and Algeria with the aim of closing readmission agreements. In addition financial assistance will be increased in particular with regard to tackling the root causes of migration in Sub-Saharan Africa. Moreover, several

calls were made to increase cooperation on better management of the sea borders. The European Council stressed that managing migration should be done with the greatest respect of human rights and the individual right to seek asylum. It was already a long time ago that explicit reference was made to the humanitarian framework on asylum and migration in a document on illegal immigration.

#### 4.5. 2006

In a response to new flows of illegal immigrants in Southern Europe in the spring 2006, the European Council called at its meeting of 16 June 2006 again for enhanced efforts on maritime operational co-operation to combat illegal immigration. The aim was set to develop adequate surveillance capacities at the sea borders to put an end to the arrival of boat refugees in the Canary Islands, Malta and Lampedusa. As a short term solution, the heads of state called for a quick establishment of rapid border intervention teams, which should start this summer. The EU teams would provide the countries facing illegal immigration with boats, planes and helicopters to increase the surveillance and with doctors and translators to care for the immigrants at various landing points. However, shortly after the press release these rapid intervention teams were postponed to a later date (Euractiv, 19 June 2006). A common will appears to be lacking among member states to assist the southern European countries in facing these crises.

In the table below again an overview can be found of the different components of the securitization process in the period 2005-2006

**Table 9: The securitization of illegal immigration 2005-2006**

	Threat	Ref. Object	Leg Strat	Policy
Commission	Waves of illegal immigration from Sub-Saharan Africa	Stability of the Southern European States	'Europe is being swamped' – Situation is no longer tolerable	Integrated Border Management Focus on sea borders – Global Approach with a special emphasis on Africa – Development of a legal migration policy
European Council	Waves of illegal immigrants from Sub-Saharan Africa.	Stability of the Southern European States	'Europe is being swamped' – Situation is no longer tolerable.	Rapid Border Intervention Teams – Global Approach with a special focus on Africa – Development of legal migration policy Return Policy

With regard to the institutionalisation of the securitization process, the first conclusion that can be made is that the securitization of illegal immigration has not lost any of its strength. The returning 'crises' of illegal immigration re-establish over and over again the perception that illegal immigration is a

fundamental problem that needs to be addressed with the utmost priority. Thus securitising moves are still numerous every time a new ‘inflow’ of illegal immigrants presents itself. Besides these securitising moves, the analysis also shows that managerial vocabulary is present in the discourses of the EU institutions. The red line throughout all the EU documents is the emphasis put on a ‘comprehensive approach’, on ‘control’ and ‘managing’ migration flows. Moreover, the differences that existed between the EU actors on the perception of illegal immigration seemed to have disappeared. A growing similarity between the discourses is noticeable. However, I should admit that again I couldn’t find any declaration or comments from the European Parliament on the Hague Programme yet, which is a pity, because it would be interesting to see if the European Parliament still showed a security bias.

The establishment of semi-autonomous agencies responsible for border control is an institutional trend that is being pursued in this period with the creation of FRONTEX, the European border agency. Previous securitising practices, such as EURODAC and SIS are still being used and are developed further. The creation of a common database with visa information (VIS) is new in this time period.

Overall, what can be concluded is that the securitization of illegal immigration is still very dynamic because it is continuously reaffirmed by new securitising articulations. However, it can be concluded that the security continuum in which illegal immigration is perceived as a cross-border threat and therefore connected with international crime and terrorism is institutionalised in the EU-institutions. The dominant discursive articulation regards the ‘management of migration flows’, thus a clear indication of the presence of a managementslogic, although this logic seems to co-exist with the security logic. The institutionalisation of the securitization process is also clearly illustrated by the establishment and further development of securitising practices and new agencies responsible for countering the external threat that illegal immigration presents.

**Table 10: the institutionalisation of the securitization framework 2005-2006**

	Discourse	Securitising Actor	Non-Discursive Practices
Commission	Security discourse and Managements Discourse	Yes	
Member States	Security Discourse And Managements discourse	Semi-autonomous agencies: FRONTEX, Rapid Border Intervention Teams	SIS II, EURODAC, VIS, Early Warning System
European Parliament	No data	No data	No data

## 5. General conclusion:

The main goal of this paper was to examine the institutionalisation of the securitization process in the EU policy on illegal immigration. Overall, the assessment of the securitization process learns that it is possible to distinguish an evolution in the securitization of illegal immigration and that the perception of illegal immigration as a security threat is institutionalised in the EU framework.

The following scheme summarizes the evolution of the securitization process.

**Table 11: Summary evolution securitization process**

	<b>Pre-Maastricht</b> (1970s-1980s)	<b>Maastricht</b> (1990s)	<b>Amsterdam – Tampere</b> (1997-2004)	<b>The Hague</b> (2005-2006)
<b>Threat</b>	<i>Rise</i> in illegal immigration	<i>Rise</i> in illegal immigration Free movement of organised crime	<i>Waves</i> of illegal immigration International terrorism	Swamping of Southern Europe
<b>Referent Object</b>	National Threat (social and economic dimension) Human Lives	National Threat (internal security) European Threat (Free movement and internal market Cross-Border threat	European Threat (Area of Freedom, Security and Justice)	Integrity of European admission policy Human lives
<b>Securitising Actor</b>	Member States	Member States JHA Officials Ad Hoc Group on Immigration	WG on frontiers Semi-autonomous agencies (EUROPOL-Border Agency) → JHA Council/Member states European Commission	Member states  EUROPOL, FRONTEX
<b>Policy</b>	Soft-Law Focus on illegal employment	Increased external border controls	Increased border <i>management</i> Cooperation with third countries (readmission agreements)	<i>Global</i> Approach Legal Migration policy Rapid Border Intervention Teams
<b>Securitising Practices?</b>		SIS EURODAC	VIS, EURODAC, common border procedures	EURODAC, SIS II, VIS
<b>Institutionalisation?</b>	Ad Hoc securitization	Embedding security continuum Emphasis on border <i>control</i>	Extension security continuum with terrorism Emphasis on Border <i>Management</i> & Management of Migration Flows	Increase in securitising moves Decrease in management language

The institutionalisation of the securitization process was made operational by means of three indicators. The first indicator situated itself at the discursive level. Two questions were put forward: first, is there a decrease in securitising moves? (from the underlying logic that when a security logic is institutionalised, securitising moves are no longer necessary) And secondly have the securitising moves been replaced by management language? With regard to the first question, the conclusion can be made that the securitising moves have only increased in number and in force. References to massive flows of illegal immigration towards the European Union were repeated at every possible occasion. Hence, they have become normalised in the discourse of the member states (European Council and JHA-Council) as well as in communications of the European Commission. It was difficult to find sufficient documents of the European Parliament to analyse. However, the documents that were analysed showed that the European Parliament was referring more to 'human tragedies' instead of 'waves of illegal immigrants'. In other words, for the European Parliament illegal immigration was perceived as a problem, although the use of vocabulary was not always that extreme as a security discourse would require according to the definition. In general it can be concluded that the securitizing moves have increased in force, in the sense that the threat image has become to take much larger shapes, by the fact that illegal immigration is nowadays firmly linked with the fight against international terrorism. References to the security continuum can be found in almost every EU document on illegal immigration and thus the conclusion can be made that the security continuum is taken for granted and institutionalised in EU discourse. Thus, instead of a decrease in securitising moves as was predicted, the opposite situation seemed to be the case, securitizing moves are still uttered frequently and new articulations of a security logic were added regularly (see table).

The answer to the second question is more complex: momentarily a management logic is certainly present in the Hague programme, where illegal immigration was discussed under the heading 'management of migration flows'. The management logic reveals itself especially in the attempts to set up an integrated border management system to control the external borders of the EU. The underlying goal is there to make EU territory inaccessible for illegal immigrant flows. However, as a consequence of the recurring immigration crises in the Post-Amsterdam period and the current The Hague Period the Commission (first) and afterwards the member states realized that a full 'management of the external borders' is unrealistic; other solutions to counter illegal immigration thus needed to be found. Therefore, references to a management logic decreased in number, instead the goal to set up a 'comprehensive' approach was called up again. The choice of the word 'comprehensive' can also be seen as an example of the 'management logic', in the sense that the goal of the comprehensive approach is still the control of the external EU borders. However, it should be noted that 'a comprehensive approach' as it was described by the Commission entailed more than just increased border control. It also foresaw intensive cooperation with third countries, the opening of legal migration channels and the development of a common integration policy. However, at first member states only gave a very narrow interpretation of this 'comprehensive approach'. In December 2005 the European Council suddenly no longer spoke of 'a comprehensive approach', but it coined the term 'global approach'. Another indication that the 'management of borders-idea' is weakening and that the goal to 'address the root causes of illegal immigration' has finally found entrance in the EU discourse.

The second indicator addresses the question of the securitising actors, notably have all EU institutions become securitising actors in the EU policy on illegal immigration? The analysis shows that the Commission has moved towards the security discourse of the JHA Council. The question that comes up then is why has this happened? Is this discursive move a part of a strategy to increase the Commission's authority in the decision-making process? The latter is not unlikely, since the Commission, with its, by now, exclusive right of initiative is under severe pressure of the member states and public opinion to counter illegal immigration and is thus inclined to adopt a securitizing discourse. However, although the Commission has clearly toughened its stance towards illegal immigration, it should also be said that it was the Commission who always placed the need for border management in a larger perspective, namely the

comprehensive approach. It was also the Commission that argued the first in favour of opening legal migration channels in Europe. In other words, it was also the Commission who sought to escape the management logic. The conclusion can thus be made that the Commission cannot be considered a clear-cut securitising actor, but remains to broker between the security interests of the member states and the humanitarian goal to protect the illegal immigrant. With regard to the European Parliament, it is difficult to make solid conclusions. Some documents point at a clear presence of the securitising logic in the Parliament's discourse, such as references to the security continuum. However, the European Parliament always advocated a humanitarian solution to the problem of illegal immigration. Thus, it is also not justified to identify the European Parliament as a securitising actor.

With regard to the member states, the conclusion can be less ambiguous. It is clear that the member states were from the initial phase until the present, the dominant securitising actor. Moreover, throughout the development of the EU's policy on illegal immigration, several semi-autonomous agencies were created, such as FRONTEX and EUROPOL which report to the JHA Council and the Commission, but which also have their own mandate and that operate largely independent. These agencies have the security logic as their 'raison d'être' and reproduce it on a day to day basis by means of securitising technologies or practices, present in biometric databases, such as EURODAC and the VIS and SIS databases. These agencies can thus be considered to become more and more important as securitising actor. However, I must admit that more research needs to be done on deconstructing how these 'agencies' reproduce the security logic and on the functioning of the securitising technologies.

Overall, with regard to the indicators formulated on the institutionalisation of the securitization process, the conclusion can be made that for a securitization process to become institutionalised, it is not necessary that there is a decrease in securitizing moves. What seems to be the case is that there is a routinization of certain discursive practices, such as the labelling of illegal immigration as a cross-border threat and the linking of illegal immigration with organised crime and terrorism. The other three hypotheses of institutionalised securitization were more or less confirmed by the analysis. First of all, non-discursive practices or securitizing technologies that reproduce the security logic were found. These are a considerable indicator of institutionalised securitization. With regard to the last hypothesis on the securitizing actors, the conclusion was made that the member states, either in the formation of the European Council or the JHA-Council of Ministers were the principal securitising actor. Thus, not all EU institutions were securitising actors, however traces of the security logic could also be detected in their discourses and practices, thus confirming the institutionalisation hypotheses.

## 6. References

- Adler, E. (1997). "Seizing the Middle Ground: Constructivism in World Politics." *European Journal of International Relations* 3(3): 319-363
- Balzacq, T. (2005). "The three faces of securitization: political agency, audience and context." *European Journal of International Relations* 11(2): 171-201.
- Bigo, D. (2000). *When two become one: internal and external securitizations in Europe. International relations theory and the politics of European integration: power, security and community.* M. C. Williams and M. Kelstrup. London, Routledge: 304.
- Bigo, D. (2002). "Security and immigration: towards a critique of the governmentality of unease." *Alternatives Special Issue*: 63-92
- Boswell, C. (2003). *European migration in flux: changing patterns of inclusion and exclusion.* London, Blackwell Publishing, 154 p.
- Buonfino, A. (2004). *Politics, Discourse and Immigration as a security concern in the EU: a tale of two nations, Italy and Britain.* Paper presented at the ECPR Joint Sessions of Workshops, Uppsala.

- Buonfino, A. (2004). "Between unity and plurality: the politicization and securitization of the discourse of immigration in Europe." *New Political Science* 26(1): 23-49.
- Buzan, B., O. Waever, et al. (1998). *Security: a new framework for analysis*. Londen, Lynne Rienner Publications, 237 p.
- Cholewinski, R. (2000). "The EU acquis on irregular migration: reinforcing security at the expense of rights." *European Journal of Migration and Law*(2): 341-405.
- Geddes, A. (2000). "Lobbying for migrant inclusion in the European Union." *Journal of European Public Policy* 7, 4 October 2000:: 632-649.
- Guild, E., Minderhoud, P. (2001). *Security of residence and expulsion: protection of aliens in Europe*. Den Haag, Kluwer Law International.
- Guiraudon, V. (2001). *De-nationalizing control: analyzing state responses to constraints on migration control. Controlling a new migration world*. V. Guiraudon, Joppke, C. Londen, Routledge: 31-64.
- Hajer, A. M. and W. Versteeg (2005). "Performing governance through networks." *European Political Science* 4: 340-347.
- Huysmans, J. (2000). "The European Union and the Securitization of Migration." *Journal of Common Market Studies* 38(5): 751-777
- Huysmans, J. (2002). "Defining social constructivism in security studies: the normative dilemma of writing security." *Alternatives Special issue*: 41-62.
- Jachtenfuchs, M., T. Diez, et al. (1998). "Which Europe? Conflicting Models of a Legitimate European Political Order." *European Journal of International Relations* 4(4): 409-445.
- Katzenstein, P. J. (1996). *The culture of national security: norms and identity in world politics*. New York, Colombia University Press, 562 p.
- Laclau, E. and C. Mouffe (1985). *Hegemony and Socialist Strategy: towards a Radical Democratic Politics*. London, Verso.
- Lavenex, S. (2001). *The Europeanisation of Refugee Policies: Between Human Rights and Internal Security*. Hampshire, Ashgate, 235 p.
- Lavenex, S. and W. Wallace (2005). *Justice and home affairs: towards a European Public Order? Policy making in the European Union*. H. Wallace, Wallace, William, Pollack, Mark. Oxford, Oxford University Press: 570.
- Léonard, S. (2003). *The Eu's fight against illegal migration and the eastward enlargement: to what extent is the EU policy on illegal immigration consistent with the forthcoming Eastward Enlargement?* 3rd Meeting of the UACES Study Group "The Evolving European Migration Law & Policy", University of Liverpool.
- Léonard, S. (2004). "Studying Migration as a security issue: conceptual and methodological challenges." Paper presented at the SGIR Fith Pan-European International Relations Conference: 20 p.
- Loisel, S. (2005). *Discourse Analysis and changes in foreign policy: the case of the formulation of European foreign and security policy in sub-Saharan Africa*. COST Doctoral Training School: Action A 24: *Critical Approaches to Security in Europe*, Paris, Science Po.
- Mervola, M. (2005). *Why does the EU have illegal immigration and to what extent is it a security threat? a conceptual inquiry into a constitution of immigrant illegality*. COST Doctoral Training School Action A24 "Critical Approaches to Security in Europe", Paris, June 16th-18th.
- Mitsilegas, V., Monar, J., Rees, W. (2003). *The European Union and Internal Security: guardian of the people*. Hampshire, Palgrave Macmillan, 203 p.
- Powell, W. W. and P. Dimaggio, J. (1991). *The new institutionalism in organizational analysis*. Chicago, The University of Chicago Press, 477 p.
- Ruggie, J., Gerard (1998). *Constructing the world polity: essays on international institutionalization*. Londen, Routledge, 312 p.
- Samers, M. (2004). "An emerging geopolitics of illegal immigration in the European Union." *European Journal of Migration and Law*(6): 27-45.
- Schmidt, V. (2002). *The futures of European Capitalism*. Oxford, Oxford University Press.

- Taureck, R. (2005). Positive and negative Securitization: Bringing together securitisation theory and normative critical security studies. Cost Doctoral Training School; Action A 24 Critical Approaches to Security in Europe, Paris, Science Po.
- Van Der Valk, I. (2003). "Right-Wing Parliamentary Discourse on Immigration in France." *Discourse and Society* 14(3): 309-348
- van Munster, R. (2004). "The desecuritisation of illegal immigration: the case for a European Belonging without Community." *Marie Curie Working Papers*(7): 31 p.
- Waever, O. (2003). "Securitisation: taking stock of a research programme in security studies."
- Williams, M. C. (2003). "Words, Images, Enemies: Securitization and International Politics." *International Studies Quarterly* 47: 511-531.

