NON-TRADITIONAL SECURITY CHALLENGES AND REGIONAL GOVERNANCE: EU AND ASEAN ANSWERS TO THE MIGRATION CRISIS

First Draft

Key words: non-traditional security challenges, regional governance, migration crisis

Abstract

Introduction

Different schools and approaches can be identified in the academic discourse on modern security (Booth 1991, Buzan 1998, CASE Collective 2006); of these, the concept of Non-Traditional Security (NTS) is gaining in importance. Originating from Asian security studies (Caballero-Anthony, Emmers, Acharya 2006,) NTS is becoming very popular as an analytical tool used to research phenomena (Hameiri & Jones 2013, 2015, Maier-Knapp 2010, 2015, Seeberg 2012, Kicinger 2004) that are missed by other theoretical frameworks. This does not mean that those became obsolete. Rather, the NTS emphasizes new perspectives the previous ones omit.

The value of the NTS approach is based on two assumptions. First, well-known phenomena such as illegal migration, infectious diseases, or food shortages, which once had only an indirect influence on security, now pose direct threats to the survival and well-being of peoples and states due to globalization processes (Emmers 2004). However, the problem is not in their essence – migration, starvation and epidemics have been accompanied humans throughout the entire history – but rather to their new characteristics: scale, ability to arise on very short notice, speed in transmission, and the inability to be entirely prevented (Caballero-Anthony 2010). This ‘new face’ of the old phenomena leads, at the same time, to the second assumption, according to which single states cannot solve the problem, so multilateral cooperation is essential (Caballero-Anthony 2010:2). It is argued that, because those challenges exceed the capacity of nation-states to effectively deal with them, regional governance is becoming necessary. Therefore, the NTS concept offers a useful perspective to help explain not only states’ attitudes towards
security challenges arising from non-military sources (Caballero-Anthony, Emmers, Acharya 2006:1), but also the tendency towards regional rather than national solutions.

In my presentation, I will concentrate on two examples of migration crises that occurred in Europe and Southeast Asia in 2015 and try to answer the question why – using these theoretical assumptions – regional governance mechanisms represented by the European Union (EU) and the Association of Southeast Asian Nations (ASEAN) proved ineffective in dealing with those crises. To solve this dilemma, I will try to determine why states which faced the migration crisis still preferred national rather than multilateral solutions. This aim will be realized by analysis of the responses of the European Union (EU) and the Association of Southeast Asian Nations (ASEAN) to the migration crisis – their effectiveness, limits, and states’ influence on final outcomes, e.g., agreed policies. Three possible explanations will be tested: ‘too little integration’, ‘too much integration’ and the ‘perception problem’.

The analysis is based on the assumption that the way states perceive particular issues and their desire for multilateral cooperation are linked to a large extent. I will use the NTS framework to verify my research hypothesis that assumes that the failure of multilateral approaches to the migration crisis in both the EU and ASEAN is not due to institutional or procedural constraints – too much integration in EU and too little in ASEAN, but rather to the lack of consistency between the perception of the problem and the agreed solution (humanitarian crisis vs security threat).

The paper consists of three parts. The first explains the theoretical context of non-traditional security challenges and regional governance. The second concentrates on the migration crisis analyzed as a non-traditional security threat. The third analyzes EU and ASEAN answers to the migration crisis and verifies the model provided by the NTS concept, where the perception of the migration crisis is treated as an independent variable that influences states’ dispositions to multilateral cooperation treated as a dependent variable.

Theoretical Context: Non-traditional security and regional governance

Three critical issues will be addressed in this part of the paper. First, the relationship between the NTS concept, and regional governance, second, the regional governance concept and its interpretation, and finally, the NTS concept and its potential as an analytical tool.

The study of NTS was embedded in a regional governance context from the very beginning. Most of the works in this area are case studies with strong practical application. Thus, it would not be an exaggeration to say that the NTS concept grew from the empirical analysis of the broad-range of social, economic, and environmental problems in Southeast Asia.

A brief analysis of the growing literature on NTS shows that most of authors using the NTS framework emphasize the need for regional rather than national solutions to the analyzed problems (Kicinger 2004, Capie 2016, Rushton 2016, Walsh 2011, Caballero-Anthony 2004, 2008). Mely Caballero-Anthony, who has laid foundation for NTS studies as an author and co-author of many publications as well as the Head of the Centre for Non-Traditional Security Studies, treats the existing link between the NTS and regional governance as a core element of the NTS concept. What is more, she emphasized that the NTS concept is in fact a regional approach to security studies, “more relevant to and representative of the Global South” (Caballero-Anthony 2016:5). Her studies on Southeast Asia indicate that the challenges these states have been dealing with for a long time have “extended and accelerated its significance” due to the globalization processes (Emmers 2004: 2). Their ‘novelty’ has been reflected in new characteristics, e.g., transnational scope, ability to arise at very short notice, ability to be transmitted rapidly, and inability to be completely prevented (Caballero-Anthony 2010:1). Those changes have a direct impact on states’ ability to effectively deal with them. According to
Caballero-Anthony, when domestic policies and measures prove to be insufficient, the need for regional solutions is emphasized (Caballero-Anthony 2010:2). Thus, regional governance is treated as a remedy for the problems single states cannot solve.

The NTS concept offers not only a theoretical framework linking existing problems with governance levels, however, but also a new perspective on non-military threats and their impact on security understood in the traditional way (Caballero-Anthony 2016:14). The central argument of the NTS approach is that, due to globalization processes, well-known phenomena transform into non-traditional security threats, which can lead directly to conflict or war. There are, however, some critical issues which need to be addressed: what do non-traditional and traditional security mean, what consequences do they have for national and regional governance, and who is the referent of security?

We can find the answers to these questions in an updated and verified approach to non-traditional security in a new publication entitled “Introduction to Non-Traditional Security Studies” edited by Caballero-Anthony and others (Caballero-Anthony et. al. 2016). The NTS concept is based on five assumptions. The First and most important is that the non-traditional challenges or threats could lead directly to conflict or war. Second, that the narrow state perspective is insufficient for dealing effectively with NTS challenges. Third, that the states as well as communities and individuals are actors responsible for ensuring security. Fourth, that threats such as climate change or pandemics are transnational in nature and require non-military responses. Fifth, because of the transnational character of these challenges, international cooperation is essential (Caballero-Anthony 2016:15).

The NTS concept is not completely new but “shares conceptual spaces” (Caballero-Anthony 2016:13) with comprehensive and human security. It is argued that these approaches are all based on common assumptions about ongoing processes of broadening the scope of security, thanks to which we can identify food security, cultural security, environmental security, human security, state security or global security, yet, NTS adds some new elements. In brief, it links non-military phenomena such as illegal migration, starvation, organized crime, diseases, climate change directly to traditional security by emphasizing that they pose a direct threat to the survival and well-being of peoples and states. As a result, NTS offers a new perspective on traditional and non-traditional security.

Traditional security is understood in terms of the likelihood of conflict and war, that involves ideas of territory and sovereignty, and pose an existential threat to the survival of states, their possibility for undisturbed development, pursuit of national goals and protection of basic national interests. The difference between traditional and non-traditional security is situated in the source of existential threats – unlike traditional security, non-traditional security emphasizes the non-military character of security threats. It can also be distinguished in terms of the security referent. As Caballero-Anthony argues, NTS includes additional security actors such as communities or individuals in addition to state actors (Caballero-Anthony 2016:15). It should be emphasized, however, that when non-traditional security challenges increase the likelihood of conflict or war, the most important security referent remains the state.

The NTS concept assumes that non-traditional threats or challenges to traditional security cannot be effectively eliminated without a certain level of multilateral cooperation. Because the national level is not adequate to address NTS challenges, the regional level is more suitable. Pursuit of optimization of decision-making and problem-solving processes is the rationale behind this assumption. Any single state’s capacities are not enough to effectively deal with transnational, quickly arising problems, so they decide to combine their resources and assets through multilateral cooperation to reduce or eliminate them. This is a logical reaction and could be treated as an axiom; nevertheless, in practice, the states’ readiness for multilateral cooperation is conditioned by other factors, such as political motivations and the type of regional governance.

The problem of states’ readiness to shift decision-making power to a higher level (regional or global) has been discussed since the 1970s. In the early works on this issue (Cox,
Jacobson 1973), it was argued that states are able to transfer part of their authority to a higher level only if the relevant problems were technical in nature, were not politicized, and did not touch upon their interests. When it comes to security, it is very unlikely that states will prefer regional solutions rather than national ones. So we can say that the readiness or reluctance for regional cooperation is in fact a function of a perception of the problem. The likelihood of using a regional governance mechanism grows when the particular problem is not perceived as highly political, as a threat to national security, or as interfering with sovereignty.

The second factor that influences states’ readiness to multilateral cooperation is the type of regional governance. In the literature, we can find different definitions of ‘regional governance’ (Higgot 2005; Stuchlíková, Hnát 2007; Risse 2015; Börzel 2015). Basically these depend on the way ‘region’ and ‘governance’ are defined. In this paper, the region will be understood as a “supranational unit of governance that is not a state but has some statehood properties” (L. Van Langenhove 2012) and ‘governance’ as a specific form of international decision-making (Marzęda-Młynarska 2014) in which “substance lies in a more efficient involvement of various levels of decision-making in opposition to almost exclusive role of national state” (Stuchlíková, Hnát 2007:5). Thus regional governance will be defined as a “multi-dimensional set of institutions that are able to answer regional challenges, where ‘regional level’ represents arrangements between individual nation-states, is not dominated by regional institution and involve a combination of the policy-making mechanisms that are located at regional and state level” (Stuchlíková, Hnát 2007:6). This definition can be applied to both types of regional governance discussed in the paper: European, recognized as a ‘deep’ integration, and Southeast Asian, recognized defined as ‘shallow’ integration (Stuchlíková, Hnát 2007:7). These types of regional governance can act as both ‘attractor’ or ‘repeller’ to regional cooperation. In the case of ‘deep’ European integration the advantages and disadvantages lie in its recognized characteristics, e.g., the primacy of European law over national law, transfer of sovereignty, supranational decision-making bodies, common policies in which outcomes differ from interstate bargaining, and the prominence of region-centered objectives (Poli 2014; Risse 2015, Murray 2008, Dent 2001, Jetschke, Murray 2012). The same can be said about the ASEAN; its distinctive features are non-intervention in internal affairs, informal “soft” institutionalism, lack of supranational decision-making bodies, attachment to national sovereignty, recognition of treaties and agreements as international arrangements among members, informal dialogue, few formal mechanisms, and prominence of state-centered objectives (Poli 2014, Risse 2015, Murray 2008, Dent 2001, Acharya 2009; Jetschke, Murray 2012).

It should be emphasized however, that both forms of regional governance are treated at the same time as a forms of governance of regional migration. According to Sandra Lavenex, et al., regional integration frameworks such as the EU and ASEAN constitute the first of two existing forms of regional migration governance models (Lavenex et al. 2013, 2015, Nita 2013) including ‘governance mechanisms’: regional free movement schemes, treated as a side effect of regional integration processes, and cooperation in external migration control (Lavenex et al 2015).

Besides the regional integration frameworks, there are the Regional Consultation Processes which constitute “informal transgovernmental networks detached from the regional integration bodies” (Lavenex et al. 2015). The type of regional migration governance strongly influences states’ willingness to cooperate multilaterally in that area, however, the main obstacle to deeper integration is the prevalence of sovereignty concerns (Lavenex et al 2015).

The interplay between non-traditional security threats and regional governance can be analyzed by means of the ‘securitization’ methodology offered by the NTS perspective. Strongly influenced by the Copenhagen School, it consists six steps: issue area, securitizing actors, security concept, process, and outcome I and II (Caballero-Anthony 2016:16). Each of the steps include certain questions: first, how is the problem perceived and do all involved actors perceive it the same way? Second, who are the actors involved, whose interests do they represent, and what are
Migration crisis as a non-traditional security challenge

The second part of the paper is devoted to the migration crisis and its conceptualization as a non-traditional security threat. Three critical issues will be addressed at this point of the analysis: the definition of the migration crisis, the characteristics of NTS threats and an evaluation of whether the European and Southeast Asian migration crises in 2015 can be treated as NTS threats. For analytical purposes, the concept of NTS threats offered by Caballero-Anthony will be used.

The literature on NTS indicates that non-traditional security threats have a non-military source. Well-known phenomena such as climate change, resource scarcity, infectious diseases, natural disasters, illegal migrations, food shortages, people smuggling, drug trafficking and transnational crime are included on the list (Caballero-Anthony 2016:6). Under specific conditions, those challenges can be transformed into security threats that need decisive responses taken on different levels of governance. Although the migration crisis is not indicated on the above list, two phenomena – illegal migration and people smuggling – greatly contribute to the migration crisis.

According to the International Organization for Migration (IOM) the term ‘migration crisis’ “describes the complex and often large-scale migration flows and mobility patterns caused by a crisis which typically involve significant vulnerabilities for individuals and affected communities and generates acute and longer-term migration management challenges” (IOM 2012: 1-2). What is more, a “migration crisis may be sudden or slow in onset, can have natural or man-made causes, and can take place internally or across the border” (IOM 2012: 2).

The definition identifies four elements of a migration crisis; scale, scope, speed, and results, that distinguish it from ordinary migration flows. It suggests that migration flows can easily transform into migration crises due to the fast growing flow of migrants, observed in one time and in one place, that are hard to control and manage and often extend beyond national borders.

The links between migration and crisis need to be clarified, however. Two approaches can be identified. In the first, migrations are treated as an effect and the crisis as a cause, i.e., crisis situations such as conflicts or natural catastrophes lead to the massive migration. This linkage reflects the perspective of states which “generate” migrants. In the second approach the linkage is reversed, the cause is migration and the effect is crisis. It means that massive migration leads to the crisis, understood as an inability to effectively control and manage the massive inflows of people. This linkage reflects the perspective of host states that are unable to accept all migrants, to ensure their protection regardless of their status or to satisfy their needs by providing them with basic goods (shelter, education, health care, jobs, etc.).

The migration crises in Europe and Southeast Asia illustrate the second relationship. It is not about migration per se but the inability of affected states to manage and control unprecedented inflows of illegal migrants. The crisis in this context means a situation in which states are confronted with acute and long-term migration management problems. They are not prepared, ready, nor equipped to manage it effectively. There are two possible reactions to the
problem: states can shift the problem to a higher, regional, level and seek solutions there or they can use extraordinary means on a national level to solve the problem (securitization).

A second problem which needs to be addressed concerns the migration crisis as a non-traditional security threat. According to Caballero-Anthony there are six distinctive characteristics of non-traditional security threats:

- they have a transnational character understood in terms of their origins, conceptions, and effects;
- they are defined in political and socioeconomic terms;
- they cause societal and political instability and become security threats;
- their effects are difficult to reverse or repair;
- they require regional and multilateral cooperation due to the inadequacy of national solutions;
- they constitute a threat to both states (their territory and sovereignty) and peoples (individuals and societies) (Caballero-Anthony 2016:6).

In the case of the migration crisis, four of these will be thoroughly discussed: transnational character, political and socioeconomic dimensions, security threat, and the inadequacy of national solutions.

What does it mean to assert that the migration crisis has a transnational character? There are different interpretations of transnationalisation processes in the literature. According to Steven Vertovec, six approaches can be distinguished. He classifies these as a social morphology, a type of consciousness, a mode of cultural reproduction, an avenue of capital, a site of political engagement, and a (re)construction of place and locality (Vertovec 2012:4). According to Thomas Faist, those approaches can be reduced to two broad ‘schools of thought’, which are built around two critical to transnationalisation categories: boundaries and identities (Faist 2010: 1666).

The first school interprets transnationalisation as a spatial process rooted in changing roles of territory and national borders. It is argued that, due to the globalization processes, a new transnational social space is created. Societies and individuals are no longer limited by national territory and can undertake actions which transcend national borders (Pietraś 2002; Beck 2000; Castells 1996, Sklair 2002). The transnational character means the states are less able to control processes that take place on their territory. As Fiona Adamson points out, “The number of false asylum seekers, combined with high levels of illegal migration, contributes to the perception that states are losing sovereign control over their borders” (Adamson 2006:174). Two phenomena, human trafficking and people smuggling, are the best illustration of this process.

The second school is based on changing identity processes. It is argued that massive migration creates a new awareness that is not limited to one nationality, ethnicity or identity. The migrants represent multiple identities, new ethnicities, different loyalties and are interested in the situation in their home countries (Faist 2010). Living in one state, migrants can be involved in the political, economic, social, and cultural processes in their home states, can be loyal to their home countries, sometimes not interested in integration with host societies, and can create alternative communities with its own legal and social systems.

There is no doubt that the current migration crisis in both Europe and Southeast Asia has a transnational character. In the simplest interpretations, massive inflows of migrants from war zones such as Syria and Iraq, unstable and oppressive regimes such as Afghanistan, Pakistan, Iran, Myanmar (Rohingya), or poor and underdeveloped states such as Tunisia, Morocco and Nigeria, undermine the destination and transit states’ ability to effectively control their borders. When confronted with the unprecedented scale of migration, national boundaries become irrelevant. The growing involvement of criminal organizations in people smuggling practices makes it even more difficult. According to Rob Wainwright, Director of Europol, about 90 % of migrants who arrived to Europe in 2015 used services provided by criminal networks. The earnings of people smugglers rose by 5 to 6 billion USD (Europol, Interpol 2016). The same situation can be observed in Southeast Asia, where more than one hundred thousand Rohingya
minority members were forced to leave Myanmar and Bangladesh in search of new places to live (Naushin Parnini 2013). It is estimated that an individual person has to pay more than 1 thousand USD to smugglers to get to Malaysia, Australia, or another safe state (Japan Times, May 24, 2015). It is estimated that half of all illegal migrants have some interaction with smugglers and traffickers and that the smuggling industry generates approximately 10 billion USD per year (Adamson 2006:174).

The transnationalisation of the migration crisis means the problem becomes more and more ‘transboundary and shared’. Neighbouring states, even those not treated as destination states, become increasingly involved in the problem as transit states and places for migrants’ temporary stay. This situation was observed in states such as Hungary, Bulgaria, Serbia, Croatia, Slovenia, and Macedonia, which were located along the “Balkan route”, and now in Greece and Italy, which are the EU ‘front line’ states. In Southeast Asia, the same problems were observed in Bangladesh, Thailand and Indonesia.

The transnational character of the migration crisis can also be interpreted in terms of the growing problems with effective identification of migrants and granting them protection according to their status. Their multiple identities, lack of identification with a single state or ethnicity, and reliance on family and friends rather than official institutions in host countries make it difficult to control and manage the huge inflows of people. A striking example is situation in Germany, where over one million migrants arrived in 2015, and whose authorities do not know where as many as 130 000 asylum seekers are (The Washington Times, February 26, 2016). What is more, many host countries such as Great Britain, Denmark, Germany, France, Belgium and the Netherlands have experienced the emergence of informal migration-based transnational networks that circulate capital, goods and ideas, and are out of the control of national authorities as a result of the massive inflow of migrants. These kind of networks played a critical role in terrorist attacks in Paris in 2015 and in Brussels in 2016.

The next characteristic of non-traditional security threats is their political and socioeconomic nature. As Caballero-Anthony argues “[the non-traditional security threats] do not stem from competition between states or shift in the balance of power, but are often defined in political and socioeconomic terms” (Caballero-Anthony 2016:6).

In the case of the European migration crisis, the roots of the current irregular migration wave are multidimensional but most analysts agree that the main reason is “the failure of the international community to address conflicts, violence and human rights violations of countries of origin” (Metcalfe-Hough 2015). Analysis of the composition of states from which most migrants came is very informative. Syria and Iraq are states steeped in war, so the vast number of migrants from those states and seeking entry to Europe are fleeing conflict and violence in their home countries (Metcalfe-Hough 2015:2). Although most of the war migrants from Syria and Iraq found protection in neighbouring states such as Turkey, Jordan, and Lebanon, the deterioration of living conditions there and the lack of prospects as well as active propaganda by smugglers and traffickers made many refugees move on to Europe.

The other sending states, Afghanistan, Somalia, South Sudan, Eritrea, Central African Republic, Mali. Nigeria, Pakistan, Iran, Tunisia, and Morocco, are facing not only constant violence, conflict and poverty but also rapid population growth that results in a large number of young people who have no prospects for the future. Easy access to information on the Internet, where the potential migrants can find out how their equals live in Europe, accelerates the decision to leave. The ambiguous policy of European states towards migrants, e.g., allowance of border law violations and selective border controls, gives the smugglers and potential migrants good arguments to continue their trip to Europe and contributes to the deepening of the crisis.

In the case of Southeast Asia, the migration crisis has been fueled by the forced migration of Muslim Rohingya minority, formerly citizens of Myanmar. The Rohingya exodus re-emerged as a point of concern in Southeast Asia in late April 2015. The oppressive policy of the Myanmar government, which resulted in the withdrawal of citizenship, made Rohingya stateless and
unwelcomed in Myanmar (Naushin Parnini 2013). Many of them migrated to neighbouring Bangladesh yet harsh conditions there, no prospects for future, and the activities of people smugglers contributed to their movement towards more promising destinations such as Australia, Malaysia, and Indonesia. As Sampa Kundu points out, the recent Rohingya crisis “is a complex mix resulting from ethnic cleansing and sectarian violence inside Myanmar, human trafficking and illegal and irregular movement of people in Southeast Asia, lack of coordination in tackling human rights issues (...) and a negligent approach towards social and democratic rights of people in the region” (Kundu 2015).

Non-traditional security threats are also considered as threats to traditional security, understood in terms of the likelihood of conflict and war, the ideas of territory and sovereignty, and pose an existential threat to the survival of states as well as to their undisturbed development, pursuit of national goals, and protection of basic national interests. According to Włodzimierz Anioł, states should not only defend their territorial integrity and political independence but also values such as economic independence, cultural identity and social stability (Anioł 1992:13).

There are many studies that treat the problem of migration as a security threat (Anioł 1992, Kicinger 2004, Adamson 2006; Wolf 2015). It is analyzed from international (Anioł 1992, Kicinger 2004) and national perspectives (Adamson 2006, Wolf 2015), however, as Fiona Adamson points out, “The general impact of migration on national security depends on the efficacy of particular state’s policy to shape migration flows according to its overall national interests” (Adamson 2006:168).

Anna Kicinger distinguishes six components of security that might be threatened by international migration and its consequences:

- social stability – in terms of rise of xenophobia and lack of integration;
- demographic security – in terms of higher fertility rates characteristic to migrant populations compared to the population of the host state;
- cultural identity – in terms of compromises between the host countries’ and migrants’ traditions and culture;
- social security system and welfare policy – in terms of increased spending on migrants and the reluctance of residents to pay for it;
- internal security – in terms of rising crime levels, organized crimes, human trafficking and terrorism (Kicinger 2004:2).

Fiona Anderson analyzes the migration – security nexus using three perspectives. The first concentrates on state capacity and autonomy. She argues that large-scale migrant inflows can result in:

- undermining a state’s capacity to provide public services;
- growing probability of conflicts over resources;
- increasing political mobilization of migrant societies and emergence of “refugee-warrior communities”; 
- growing activity of organized criminal networks;
- reshaping national identity;
- questioning established patterns of national identity which can lead to the internal instability and incoherence,
- creating new transnational identity communities,
- transnationalisation of political participation that can impair a state’s ability to formulate coherent a foreign policy. (Adamson 2006: 175-185). The second perspective addresses the problem of migration and the balance of power. As Adamson emphasized, migration policy can be used by states as a tool to exercise their national interests. Wise migration policy can enhance a state’s power, however the opposite can compromise it. What is more, the deliberate stimulation of large migrant waves and streaming
them to particular states works as a political tool serving interests of other states (Adamson 2006: 185-190).

The third perspective addresses the problem of the changing nature of violent conflicts. According to Adamson, migration flows can contribute to violent conflicts in three ways: by providing resources that help to fuel internal and international conflicts, by providing opportunities for networks of organized crime, and by providing conduits for international terrorism (Adamson 2006: 185-190).

The current migration crisis in both Europe and Southeast Asia undoubtedly poses a threat to traditional security. In Europe, the terrorist attacks in Paris and Brussels confirmed the growing risk of mass, illegal and basically uncontrolled migration. The number of false asylum seekers, combined with high levels of illegal migration to Europe, make it easier for terrorists to enter Europe unchecked and to freely move across borders. In Southeast Asia, the growing perception of the Rohingya crisis as a security threat not solely a humanitarian issue is contributing to the growing reluctance of potential host states to accept more Rohingya refugees. As Seigfried Wolf argues, they are increasingly associated with criminal activities and networks, illegal businesses and Islamic fundamentalism (Wolf 2015).

It is argued that non-traditional security threats cannot be controlled by single states and that multilateral cooperation is essential. In the context of the migration crisis, three types of multilateral cooperation – humanitarian, legal, and security – can be identified.

- **Humanitarian** – includes providing migrants with basic goods and satisfying their basic needs. The massive inflow of people creates logistical challenges that single states are unable to bear. Existing laws and procedures impose special duties on host states to deliver certain goods and services to migrants and give them protection. The experiences of Hungary, Greece, Italy, Turkey, Jordan, Lebanon, Bangladesh, show that the massive inflows of people exceed the capabilities of single states.

- **Legal** – includes providing migrants with protection according to their status. It requires sound institutions and procedures, adequate infrastructure such as registration centers, migrant facilities, and professional staff (migrant experts, border officers, police, medical service, interpreters, psychologists est.) in adequate numbers. Another need is access to information. The same person can register in different states and apply for financial support from different states.

- **Security** – includes targeting illegal people smuggling practices and fighting against organized crime and terrorism. The transnational character of the migration crisis, understood as mobility across national borders, requires some level of international cooperation in areas such as information sharing, joint actions against human traffickers and smugglers, and joint actions against terrorism.

These premises make multilateral cooperation essential in the context of the migration crisis. It is difficult to determine, however, which premises are most important. Nevertheless, it is symptomatic that the states confronted with security problems are more eager to take decisive actions than those confronted only with humanitarian challenges. As Siegfried Wolf states bluntly, “it would be naive to think [the international approach to Rohingya] is only due to the humanitarian crisis of refugees. Rather the negative impacts of illegal migration – particularly on the security side – have finally convinced the international community to act” (Wolf 2015).

Summing up, the above considerations proved that the migration crisis in both Europe and Southeast Asia can be treated as a non-traditional security threat.

**EU and ASEAN response to the migration crisis – comparative analysis**

The third part of the paper is devoted to an analysis of EU and ASEAN responses to the migration crisis. The analysis is organized around two critical issues: the EU and ASEAN
normative, institutional and functional framework for cooperation in the field of migration and an analysis of EU and ASEAN responses to the crisis using the methodology provided by the NTS concept.

The European Union has the most comprehensive model of regional migration governance in the world. It addresses mobility, social rights, and security and provides supranational enforcement mechanisms (Lavenex et al 2015: 5). It consists two governance mechanisms: inward, i.e., the internal migration of EU citizens, and outward, i.e., the migration of people from third states. These cannot be treated separately, however, but rather as two sides of the same coin.

The free movement of people (first workers) within the EU (EU nationals) is a part of the broader concept of the single market. It was included next to capital, goods, and services as one of the four fundamental freedoms of the European single market (Lavenex et al 2015: 5). The right to free movement is treated as a fundamental EU principle and enshrined in the Treaty of the Functioning of the European Union.

The current governance framework in this area is the result of the evolution of the concept of the free movement of people. Starting with the Treaty of Rome, when the first provisions were included on free movement of workers, through the Treaty of Maastricht, which introduced the notion of EU citizenship to all nationals of member states, and ending with the Treaty of Lisbon, which confirmed this right.

Without doubt, adoption of the Schengen agreement and its transfer to the EU acquis constituted the key point in establishing a real internal free movement of people. It is based on the same rules applying to twenty-two EU full Schengen members (with the exemption of Denmark which enjoys the opt out) plus Switzerland, Norway, Island and Liechtenstein. Of the other six EU members: UK and Ireland are not part of Schengen, Romania, Bulgaria and Cyprus are due to join, and Croatia has begun its accession procedure. The internal migration mechanism also includes some rights for third country nationals addressed in two EU directives: the EU Long Terms Residents Directive (2003/109/EC) and the EU Family Reunification Directive (2003/86/EC).

While the Schengen Agreement can be treated as a tangible manifestation of the internal free movement of EU citizens, it is also inseparable from the European governance mechanism focused on external migration. The obligations of Schengen membership, including the abolition of internal border controls for all persons, measures to strengthen and harmonize external borders, a common visa policy for nationals of third states, police and judicial cooperation, and the establishment of the Schengen Information System, have profound consequences for effective governance in this area.

The second EU migration governance mechanism is directed toward third-state nationals who want to enter EU territory. It includes legal and illegal migration policies as well as an asylum policy. Due to the fact that this paper concentrates on the migration crisis, there is no need to analyze all aspects of EU policy in this area. While all immigrants who enter EU territory claim asylum or refugee status, the asylum policy is a key element of the EU’s external migration governance framework in this context.

The European legal and policy framework on asylum consists three levels, international, supranational and national (Nancheva 2015; Langford 2013), however it can be also analyzed from normative, institutional and functional perspectives.

Normative. The legal basis for European asylum policy is enshrined in the Treaty on the Functioning of the European Union (art. 67 (2) and 78) and the EU Charter of Fundamental Rights (art. 18) with strong reference to the core international legal instruments in this area, the Geneva Convention of 1951, the Protocol relating to the Status of Refugees of 1967, and the non-refoulement principle. The main existing legal instruments consist of directives, regulations, and decisions which cover many detailed issues and which in most cases provide answers to emerging problems and issues. Most recent are the European Council decision and regulation
Institutional. While from the normative point of view the milestone for the European asylum policy was The Treaty of Lisbon, from the institutional point of view, the milestone was the Treaty of Amsterdam, which shifted visa, immigration, and asylum policy from the EU’s intergovernmental third pillar to the first pillar and provided EU institutions with new competencies in asylum and migration. The Lisbon Treaty changed the way the Council of the European Union decides in the immigration and asylum area from the unanimity required by the Treaty of Nice to qualified majority voting. That is, individual member states have no veto power on asylum and immigration, and have to accept the decision even if it is contrary to their interests. What is more, the institutional dimension of European Asylum policy is strongly influenced by the interplay between supranational and national governance (Nancheva 2015; Langford 2013). In effect the member states which are bound by European regulations are reluctant to further the Europeanization of asylum due to their fears of losing sovereign control over such sensitive issues as immigration.

Functional. The aim of EU asylum policy is to harmonize asylum procedures in member states by establishing common asylum arrangements. The work on that was initiated in 1999. During the next six years (1999-2005) several legislative measures harmonizing common minimum standards for asylum were adopted. These include the Temporary Protection Directive allowed for a common EU response to a mass influx of displaced people unable to return to their country of origin (Council Directive 2001/55/EC) and creation of the European Refugee Fund (Decision 573/2007/EC) aimed at strengthening financial solidarity between member states. The establishment of the new common European asylum system was completed in 2013 with the adoption of the amended Dublin Regulation and the Regulation on Eurodac. The present rules of the Common European Asylum System (CEAS) consist of the following elements:

- the revised Asylum Procedures Directive aimed to improve decision-making in asylum area in member states (2013/32/EU);
- the revised Reception Condition Directive aimed to improve and harmonize the reception conditions (humanitarian and material) offered to asylum seekers in the entire EU (2013/33/EU);
- the revised Qualification Directive aimed to clarify and harmonize the conditions of granting protection (2011/95/EU);
- the regulation on establishing the European Asylum Support Office (EU/439/2010);
- the revised Dublin Regulation aimed to establish the responsibility of member states for processing asylum application (first member state the asylum seeker reaches) (EU/604/2013);
- the revised Eurodac Regulation aimed to create an EU database of the fingerprints of asylum seekers to avoid the multiplication of asylum application by a single asylum seeker in different states (EU/603/2013).

The European regional governance of external migration also includes the protection of the EU external border. Despite the fact that the main responsibility still rests with states, some competencies in this area have been granted to Frontex – the EU Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Its main responsibility is to facilitate cooperation between border authorities in member states. While not considered a part of the CEAS, it plays an important role in border management and fighting against illegal migration fueled by people smuggling.
Unlike the EU, ASEAN does not have an extended regional migration governance model. It is limited to regulations on labor mobility between member states that cover only selected categories of skilled persons for limited periods of stay and limited market access (Lavenex et al. 2013). Since ASEAN remains an intergovernmental organization there are no institutions or bodies responsible for the creation, monitoring, implementation, and enforcement of regional asylum or immigration policy. What is more, there is no division between internal and external migration but rather between economic and forced migration (Petcharamesree 2016). This does not, however, mean that there is no cooperation at all in the migration area. As with the previous analysis of the EU, the normative, institutional and functional dimension of ASEAN regional migration governance will be assessed.

**Normative.** The legal basis of ASEAN regional migration governance can be divided into two groups. The first consists of ASEAN regulations on trade, services, and investments where the problem of labor mobility is addressed. It includes the Framework Agreement on Services, which stressed the need for a freer flow of labor and professionals among member states (ASEAN Framework Agreement on Services 1995), the Agreement on Movement of Natural Persons, where the mobility is linked to trade and investments (ASEAN Agreement on Movement of Natural Persons 2012), the Mutual Recognition Arrangements for professional services (Engineering 2005, Nursing 2006; Architectural 2007, Surveying Qualification 2007, Dental 2009, Medical 2009, Accountancy 2009, Tourism 2012), and the Declaration on Protection and Promotion of the Rights of Migrant Workers signed in 2007 by ASEAN leaders (not yet ratified) (ASEAN Declaration on Protection and Promotion of the Rights of Migrant Workers 2007).

The second group consists regulations which address the human rights dimension of migration, however, as Petcharamesree argues “(...) although ASEAN has shown commitment to human rights and international law the political will to address [it in the contexts of] forced migration is not yet present” (Petcharamesree 2016:181). This group includes the ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children (The ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children 2004) and the ASEAN Human Rights Declaration (ASEAN Human Rights Declaration 2012). Both documents operate according to the main ASEAN principle of respect for state sovereignty and non-interference in internal affairs and therefore, the way they are interpreted and implemented depends on individual member states. What is more, most ASEAN member states are not signatories to the UN Refugee Convention (the exemptions are Philippines and Cambodia) and its Protocol which means that, from the legal point of view, the problem of asylum seekers and refugees does not exist in ASEAN regional migration governance.

**Institutional.** The commitment to the principle of non-interference in internal affairs determines the institutional dimension of ASEAN cooperation in the migration area. Unlike the EU, there are no regional institutions responsible for addressing a regional migration crisis. The authority still rests with national governments, yet there are examples of institutionalization of cooperation in the form of ASEAN Commissions on the Promotion and Protection of the Rights of Women and Children and on Human Rights. It should be stressed, however, that both have an intergovernmental character and operate under the non-interference in internal affairs principle. (Petcharamesree 2016: 183-184).

**Functional.** The reluctance of the ASEAN member states to establish a supranational framework for addressing the regional migration crisis is balanced by their involvement in broader regional cooperation. The Bali Process, established in 2002 as a wider Asia-Pacific framework, gathers not only all ASEAN member states but also the ASEAN Secretariat as an Observer. The Process sought to address the issue of people smuggling and trafficking, yet its value laid in assisting states cope with illegal migration by adopting international best practices in asylum management. It is argued that it has positively contributed to finding regional responses to the ‘mini migration crisis’ in Southeast Asia in 2009. (Petcharamesree 2016: 185). Since all
ASEAN member states recognize that illegal migration and refugee protection require regional solutions, the consensual mechanism based on support and encouragement rather than imposition of constraints on national sovereignty could better facilitate regional cooperation. While the migration crisis is an extraordinary situation that poses a challenge to regional institutions, the way they respond to it depends on many factors. For the purposes of this paper, the analysis of EU and ASEAN responses to the crisis will be organized around the methodology offered by the NTS concept. Five critical issues will be addressed:

- How was the problem perceived and have all involved actors perceived it the same way?
- Who were the actors involved, whose interests did they represent, and what were those interests?
- How was the problem identified, and how has the interpretation changed?
- What kind of actions were taken to solve the problem (resources allocation, legislation, institutionalization)?
- What was the impact of those actions on the problem?

1. The context.

Europe. The migration crisis in Europe consists four elements: physical influx of immigrants, problems of border control, asylum procedures according to CEAS, and the maintenance of the internal free movement of people granted by the Schengen Agreement. In 2015, more than one million people arrived to Europe, and over a million and a half have applied for asylum. Thousands of immigrants drowned trying to reach Europe. The massive influx of immigrants has been a burden for Greece, Italy, and Hungary. Tens of thousands of immigrants violated the borders and illegally entered the EU. The outbreak of the crisis is associated with the German Chancellor’s decision (September 2015) to suspend the Dublin regulation and allow all migrants for free movement to chosen EU states.

Southeast Asia. The scale of migration crisis in Southeast Asia is comparable to the European. According to UNHCR, in 2014 there were more than 520,000 refugees and asylum seekers with only 150,000 registered. In addition, there were 1.5 million stateless persons and 20,000 illegal maritime migrants. The outbreak of the crisis is associated with the failure to effectively solve the Rohingya forced migration problem, which saw the light of day in May 2015, concurrent with the discovery of mass graves in southern Thailand, and the Thai prime minister’s order to fight against people smugglers, triggering the mass maritime migration resulting in the boat people problem.

2. How was the problem perceived and have all involved actors perceived it the same way?

Europe. The perception of the migration crisis moved from humanitarian crisis through solidarity issue to security threat. Differences can be identified between the actors involved. Local authorities, NGOs, and civil society emphasized the humanitarian dimension – attempts to help to individual migrants. States had various perceptions, from humanitarian crisis (Germany, Sweden), logistical challenge (Italy, Greece, Serbia, Croatia, Denmark), security threat (Poland, Hungary, Bulgaria, Czech Republic, Slovakia). EU perceptions included humanitarian crisis, solidarity challenge, human rights violation and external border control.

Southeast Asia. The perception of the Rohingya problem varied among the relevant actors. For most states in the region it was first of all a political problem caused by the Myanmar government, and the key to solving it was in the hands of Myanmar authorities. The same perception dominated in ASEAN, in which Myanmar is a member, due to the non-interference rule. After the problem escalated, the security perception prevailed. For NGOs and human rights organizations, it was a humanitarian problem and all involved parties (origin, transit and destination states) were obligated to cooperate to solve it. The same stand was present in the UNO, which called for more engagement in rescue operations at sea and keeping borders and
ports open. Due to the fact that only two ASEAN member states are parties to the Refugee Convention, it was not perceived as a refugee crisis from the legal perspective.

3. Who were the actors involved, whose interests did they represent, and what were those interests?

**Europe.** Different actors located at different governance levels were involved in the regional governance of the European migration crisis. At the lowest level were local communities, focused on helping immigrants, e.g. ‘willkommen’ activists in Germany, as well as communities protecting locals from immigrants e.g. “Soldiers of Odin” in Finland, self-organized migrant hunters in Bulgaria; humanitarian and human rights NGOs such as Medicines Sans Frontiers, Red Cross, Caritas; and local authorities responsible for accommodation and providing immigrants with basic human needs. At the national level, the most active actors were governments, which represented interests of the states according to their political line. At the supranational level the most important actors were EU institutions whose decisions and policies reflected the contradictory interests of member states. Those interests varied from solidarity and a true desire to help (NGOs, local communities, local authorities, some governments e.g. Germany), through taking control over the migrant flows and fulfilling the CEAS obligations (Hungary, Bulgaria, Slovenia, Croatia, EU institutions) and safeguarding territory (Hungary, Bulgaria, Croatia, Austria, Sweden, Belgium, Germany, France. Slovakia, local ‘migrant hunters’) to protecting external borders and fighting the causes of the migration crisis at its sources (most EU members, all EU institutions).

**Southeast Asia.** In the regional governance of the Rohingya crisis, the most important actors are individual states. The represented interests that varied from the maintenance of the non-interference rule (ASEAN, member states), through safeguarding territory and borders (member states), to a desire to help and solve the problem (IOM and NGOs). Most states in the region concentrated on their own politically-motivated interests and demonstrated a reluctance to take decisive actions against Myanmar, because of an apprehension that accepting all migrants would only encourage Myanmar to push all of the Rohingya out of the country. The only state which has shown a willingness to accept boat people was Philippines. The ASEAN involvement is limited due to the fact it is intergovernmental organization, where decisions are made by consensus. For the ASEAN as a grouping of sovereign states, it is more important to keep group cohesion and follow the principle of non-interference than to place pressure on Myanmar and allow its government to lose face.

4. How was the problem identified, and how has its interpretation changed?

**Europe.** At the beginning the migration crisis was perceived as a humanitarian problem that needs more decisive action in rescuing migrant boats. This interpretation dominated public discourse at the European and national level until the terrorist attacks in Paris (November 2015) when new a ‘security’ interpretation was added. At the national level in most EU member states the problem was interpreted as a humanitarian challenge yet, from the beginning it was also viewed as a security challenge in some – Hungary, Czech Republic, Slovakia, and later: Poland, Bulgaria, Denmark, Austria, and the Netherlands. The interpretation of the migration crisis has strongly polarized public opinion in most EU member states and raised support for anti-immigration movements.

**Southeast Asia.** The migration crisis in the Southeast Asia was identified as a humanitarian crisis. The discovery of mass graves in southern Thailand followed by the rescue of 2000 boat people by Indonesia and Malaysia have drawn public attention to the Rohingya problem as a humanitarian challenge. However, despite sympathy for the Rohingya, the humanitarian aspects of the crisis were competing with security rhetoric fueled by allegations that the migration of Muslim Rohingya raised the challenge of Islamic terrorism in the region (Wolf 2016). At the national level the Rohingya crisis is interpreted primarily as a security problem. At the ASEAN
level it is interpreted as a political challenge that can be solved through political dialogue rather than political pressure.

5. **What kind of actions were taken to solve the problem (resources allocation, legislation, institutionalization)?**

**Europe.** At the EU level, the actions which were taken to solve the migration crisis concentrated on four issues: physical influx of immigrants, the problems of the EU external border protection, asylum procedures according to CEAS, and maintenance of the internal free movement of people granted by the Schengen Agreement.

In the case of the physical influx of immigrants there were four types of action taken: rescue operations aimed at boat migrants (The European Council emergency meeting 23 April 2015, Brussels); enhancing the European solidarity quota system aimed to help the states where the largest groups of immigrants had arrived: Italy, Greece, Hungary (The European Commission proposition on quota scheme 11 May 2015); relocation mechanism aimed to smooth the distribution of arriving immigrants between EU member states (The European Commission Packages of Proposals on relocation mechanism 27 May 2015 9 September 2015; The European Council Decision on relocation of 40,000 immigrants from Greece and Italy and 20,000 from outside the EU, 26 June 2015; The Justice and Home Affairs Council on relocation of immigrants 20 July 2015 – 56,000, 14 September 2015 – 40,000, 22 September 2015 – 12,000; agreements with and support for third-countries (Informal Meeting of EU Leaders on emergency support to the UNHCR, WFP, Lebanon, Turkey, Jordan and Western Balkans 23 September 2015, EU – Africa Valletta Summit on Migration 12 November 2015, The EU-Turkey Joint Action Plan 29 November 2015, Trust Fund for Africa

In the case of the external border protection the actions concentrated on three problems: strengthening the EU’s external border, regaining control of external borders, including effective fighting against people smuggling, and external border management, including effective registration of migrants and creating hotspots where migrants can be registered. On October 15 The European Council decided on strengthening the EU’s external borders – including an integrated border management system that will go beyond the current Frontex mandate and the addition of hundreds of additional border guards to secure hotspot areas in Greece and Italy. The problem was discussed by the Justice and Home Affairs Council in November 9, 2015, at an Informal Meeting of the EU Leaders in November 12, 2015 where they discussed regaining of control of the external border and effective registration of migrants. On February 18-19 2016, the European Council decided to improve external border management, including the need to gradually get back to a situation where all Members of the Schengen area fully apply the Schengen Borders Code, and to make hotspots fully functional. There was also discussion at the Justice and Home Affair Council on creating a European border and coast guard. The main objective of the European border guard would be to ensure and implement, as a shared responsibility, European integrated border management at the EU’s external borders. It would consist of a European Border Guard Agency and national authorities responsible for border management. Since the beginning of the migration crisis, the EU has initiated operations to fight against people smuggling. The EU action plan against migrant smuggling was adopted on May 27 2015. On June 22 2015, the EU launched the EUNAVFOR Med (later Sophia operation) naval operation against human smugglers and traffickers in the Mediterranean. Part of the solution was an agreement with Turkey.

In the case of asylum procedures, the EU discussed reforming the Common European Asylum System. On April 6, 2016 the European Commission presented a project for reform that identified five areas where the CEAS should be changed: adoption of a distribution of migrants
mechanism to insure fairness and solidarity in responsibility (change the first state obligation); replacement of the Asylum Procedures Directive and Qualification Directive with new regulations setting standards on asylum procedures to help eliminate asylum shopping, and preventing secondary movement within the EU by making certain rights conditional upon registration, fingerprinting, and staying in the country assigned to the applicant; broadening the European Asylum Support Office mandate by giving it new competencies in policy-implementing and operational (distribution mechanism, harmonization of standards); and reinforcing the Eurodac system. The negative reaction expressed by some member states to the proposal proved that there is strong opposition to the direction of the European Commission’s reform proposal.

In the case of maintenance of Schengen, the EU adopted internal border controls. On May 12, 2015 the Council of the EU adopted an implementing decision setting out a recommendation that allows for the continuation of temporary internal border controls in exceptional circumstances. Austria, Germany, Denmark, Sweden, and Norway could maintain temporary border controls at specific parts of their borders for a maximum period of six months. The restoration of border controls by different European states due to the migration crisis puts the Schengen agreement into question.

Actions taken at the state level revealed changes in perception of the migration crisis from a purely humanitarian issue to a security problem. Most EU member states have undertaken actions aimed at stopping the immigrants’ inflow, sending them back, or making their stay less attractive. The actions varied considerably. From an open door policy represented by Germany, Austria and Sweden to imposing internal border controls (Germany, Austria, Sweden, Denmark, France), building fences (Hungary, Bulgaria, Austria), and sealing the borders (Austria, Croatia, Slovenia, Hungary, Bulgaria). From a ‘willkommen’ policy (Germany, Austria) to tightening asylum policy (Germany, Austria, Denmark, the Netherlands, Hungary), imposing limits on accepted migrants (Austria), encouraging of voluntary leaving (Germany, Austria, Sweden, Denmark), and refusing to accept any immigrants or refugees (Slovakia, Czech Republic, Poland, Hungary).

Southeast Asia. The actions taken at the regional level to solve the migration crisis are described by some experts as ‘regional deterrence’ rather than ‘regional cooperation’ (Mathew 2015). They concentrate on managing the crisis rather than addressing its root causes. There is little cooperation and the states make decisions unilaterally. Most of the actions taken reflected the security perception of migration crisis: boats are sent back and migrants are detained, deported, or located in special camps. There were two ASEAN conferences, in May and December 2015, devoted to the migration crisis which gathered 17 and 18 states from the region respectively. The results of those meetings included the temporary acceptance of boat people by Indonesia and Malaysia, intensification of search and rescue operations, assistance to states dealing with the migration crisis, creation of legal channels for migration, financial support for the International Organization for Migration, and launching an information campaign addressing the problem of illegal migration. Since these were proposals and recommendations, their implementation depends on the political will of the involved states.

6. What was the impact of taken actions?

Europe. The actions taken by the EU institutions proved inadequate in solving the migration crisis. The biggest failure was the relocation process. European Commission statistics show only 272 migrants were relocated at the end of 2015. The other failure was the naval operation against people smuggling which was transformed into a rescue operation. Instead of fighting the smugglers, EU naval forces became their ‘partners’ in dexterous transfer of illegal migrants to Europe. The attempts to reform the CEAS also faced strong opposition from member states.
There is no consensus on the depth of reform. For some member states, the European Commission propositions go too far and interfere with state sovereignty. Full compliance of member states was achieved in the area of external border control. All EU members recognize the need to strengthen the external border and demonstrate the will to cooperate. It should be emphasized, however, that the highest impact on slowing down the migrant inflow to the EU was the decisions made by the states located along the Balkan route (Macedonia, Serbia, Hungary, Croatia, Slovenia and Austria) to close the borders to illegal migrants and to the less extent the agreement with Turkey.

**Southeast Asia.** Similarly, the actions taken at the regional level aimed to solve the Rohingya crisis in Southeast Asia have proved inadequate. The biggest failure was ASEAN’s inability to develop a common response to the evident violation of human rights in Myanmar that fueled the crisis. ASEAN’s political potential to play a greater role in constructing a long term solution to Myanmar’s domestic ethnic problems remained unused (Farzana 2015). The crisis highlighted its unwillingness to go beyond the non-interference rule. What is more, ASEAN has not been successful in formulating a legal framework to address the issues of refugees and illegal migration. Ultimately, the priority given to unilateral solution was finally overcome when the negative consequences of illegal migration, especially on the security side, was realized by the states, however, the actions taken did not solve the problem or stop the boat migration in the Southeast Asian region.

The analysis of the EU and ASEAN answers to the migration crisis indicate that regional solutions proved to be ineffective. Despite substantial differences between the EU and ASEAN, neither regional migration governance model was able to deliver tools for effective control and management of the massive inflow of illegal migrants. In the case of EU, the slowing down of migrant influx was not due to decisions taken at the European level but rather to decisions of individual states that decided to protect their borders and control their own territory. In the case of ASEAN, the inability to go beyond the non-interference rule made it impossible to solve the Rohingya crisis at its roots. There are three possible explanations for the failure of regional migration governance: too much integration, too little integration and the problem of perception.

**Too much integration.** In this explanation, the key problem for the European Union to effectively address the migration crisis is a tendency to a ‘Europeanization’ of asylum and immigration policy. The pursuit by European supranational institutions to broaden their mandate and force solutions that do not take into consideration interests of member states can be perceived as the biggest obstacle to common and solidarity actions. Realization of interests is the most important factor conditioning states’ willingness for closer cooperation, including relinquishing part of their sovereignty, as long as it brings tangible benefits. In the case of the migration crisis, most of the member states do not see any tangible benefits but rather costs and problems. What is more, the solutions proposed by the European institutions deeply interfere with state sovereignty. The European bureaucrats claim the right to directly influence the states’ ethnic composition, identity, culture, tradition, or religion. The aspiration of the European Commission to manage the crisis in a technocratic way where the member states are treated as implementation tools creates huge political tensions and resistance towards a common solution. “States are still the main agents of politics through which the structures of governance are instituted and financed” (Ceccorulli 2009: 5). Too much integration leads to a political crisis in which member states want to secure their position as the main political agents. The migration crisis also reflected the clash between different visions of European integration: a Europe of nations that can cooperate but not be forced into anything or a federal Europe where the member states are subordinated to the central supranational institutions.
Too little integration. In this explanation, the failure to effectively address the migration crisis is ASEAN’s inability to move beyond the non-interference rule. ASEAN is bound by rules that make reaction to human rights abuses committed by its member states impossible. The political potential once used in the 1975 Indochinese crisis remained unused this time. This lack of political will and commitment exposed the weakness of ASEAN’s reaction. The lack of a regional immigration and refugee framework under which the member states would be obliged to take decisive actions, including political pressure and sanctions, etc., towards members that violate international law and human rights, makes ASEAN toothless. Instead it prefers ‘quiet diplomacy’ that allows Myanmar to save face. The emphasis on state sovereignty and the non-intervention policy is the main impediment to regional cooperation in the ASEAN context. The creation of a regional immigration framework does not necessary mean adoption of European patterns; rather, the regional mechanism could allow not only the management of the flow of people but also deal with the roots of the problem, even though it is the internal policy another member state.

The perception problem. In this explanation the main obstacle to multilevel cooperation and effectively addressing the migration crisis at the regional level is its perception. The empirical analysis has shown that states’ willingness to cooperate increases when the proposed actions reflect the security dimension of the migration crisis. In the EU context, actions to strengthen border control, to establish European border and coast guards, to improve migrants’ registration procedures and information sharing, or to solve the problem at its source have gained more support from all member states than the relocation mechanism which is perceived as a policy undermining national security. The same can be said about ASEAN, where the security perception of the Rohingya crisis rather than its humanitarian dimension urged states to cooperate more closely. Undoubtedly, national governments are more willing to engage in patterns that strengthen their security rather than to accept approaches undermining their national interests. States’ willingness to cooperate in this context can be explained in terms of security interdependence, which means that in the face of the migration crisis they are not able to achieve their security goals individually (Ceccorulli 2009: 5). What is more, in the EU case, an evolution of actions aiming to solve the migration crisis can be observed. It is symptomatic that keeping the rhetoric of the migration crisis as a humanitarian and human rights issue challenges the actions taken based on the perception of its security dimensions. The containment of migrant flows is now more important task than the protection of migrants.

Conclusions

The presentation was devoted to an analysis of EU and ASEAN answers to the migration crisis from the perspective of the non-traditional security concept. Its goal was to explain why, in the face of the migration crisis, states prefer unilateral solutions rather the multilateral ones. It was based on the assumption that the way individual states perceive the migration problem conditions their willingness to cooperate. The NTS concept was used in this context as an analytical tool to help explain states’ attitudes towards security challenges arising out of non-military sources and the need for regional rather than the national solutions to them.

Three general conclusions can be formulated. First, in the process of dealing with the migration crisis, the key element is the way it is perceived. The analysis has shown that the more the crisis is perceived as a security threat, the greater the attention and willingness of states to cooperate.

Second, the failure of regional responses to the migration crisis at the EU and ASEAN levels does not necessary mean that the main NTS assumption about the effectiveness of regional solutions was false. The analysis proved that states were more interested in actions taken on a regional level, as long as they addressed interests such as security, than they were in actions
motivated purely by values such as human rights. It means that the conceptualization of the migration crisis as a non-traditional security threat has high ‘explanatory potential’ that can help us understand the paradox between the need for regional solutions on the one hand and the reluctance to use them on the other.

Finally, institutional, normative, and functional dimensions of regional migration governance in the EU and ASEAN do not play an important role in encouraging or discouraging states to cooperate until the perception of the problem and proposed regional solutions are consistent with their interests.

References


