Chapter 3
Bahar Rumelili, Fuat Keyman & Bora Isyar, Turkey’s conscientious objectors and the enactment of European citizenship
The evolution of European citizenship reflects the limits and potential of European integration. Building on the analytical distinction between citizenship as status and citizenship as practice, this chapter analyzes how conscientious objectors in Turkey enact themselves as European citizens as they pursue the right of conscientious objection. The European-level political activism of Turkey’s conscientious objectors include litigation at the European Court of Human Rights and contacts established with European institutions, such as the European Commission and Parliament, and with like-minded European activists. Because this European-level political activism is also embedded in a discourse of Europeanness, it amounts to the practice of European citizenship in the absence of formal status. The chapter invites a rethinking of European citizenship in ways that include such practices by non-EU citizen political actors and a reflection on their implications of their practices on European citizenship.

Chapter 4
Tugba Basaran, Legal borders in Europe: The waiting zone
This chapter examines the French waiting zone to understand how liberties are limited in the midst of Europe by examining legal borders and their impact upon the rights of non-citizens. For the liberal state the infringement of liberties on its territory is the most difficult case to justify and poses the challenging question, pursued in this article, how the liberal state can create a legal order that limits fundamental liberties on its territory. It demonstrates, paradoxically, constitutional rights that are usually taken for granted can be denied through the very same institutions that are supposed to guarantee these rights, namely democratic institutions and the rule of law. While classical liberal thought promotes a particular reading of the rule law as an indispensable safeguard for the defence of liberties, the French waiting zone demonstrates how the rule of law contains the potential to limit liberties, to create a legal order that privileges policing powers over the guarantee of rights.

Chapter 5
Elspeth Guild, Financing Terrorism: The struggle for dominance between the political and judicial in EU and national settings
This chapter examines the pressures which international measures to fight terrorism are placing on internationally agreed obligations to protect the individual and ensure a fair trial when the individual is accused of an offence. The asymmetry between measures adopted by the UN’s Security
Council which specify individuals as the object of coercive action by states and the human rights contained in UN and regional conventions to ensure that the individual, the object of state coercive action is entitled to judicial protection, has given rise to new challenges in international law and international politics. Taking the EU as the case study, I examine how the individual arrives as an unexpected, and in some quarters unwelcome, actor capable of finding judicial venues to challenge international law and thereby disturbing international relations.

**Chapter 6**


The idea of human security emerged in the early 1990s in the context of poverty and conflict in the global borderland. It directly challenged conventional notion of state-based security and, as a means of remedial action, found a solution in sustainable development. What has become known as the development-security nexus has continued to widen its security ambit to include the environment and climate adaptation. DESNEX is now part of a mobilization for war on all fronts – human and biospheric, and everything in between. As the security apparatus of a new liberal environmentalism, DESNEX is no longer satisfied with policing and maintaining the global life chance divide between developed and underdeveloped species-existence; a manoeuvre predicated upon the geographical containment of the poor and dispossessed. It is forging a new global settlement around the control and management of the biosphere. A new speciation of global life is taking place according to its ability to properly manage and care for the environment and, at the same time, maintain capitalist accumulation. For DESNEX, containment is now not enough – a locked-down global poor now have to be made fit for such stewardship.

**Chapter 7**

Julien Jeandesboz, *Beyond the Tartar steppe: EUROSUR and the ethics of European border control practices*

The chapter interrogates the specific ethics that underwrites EU border control practices, through the examination of the European border surveillance system (Eurosur) initiative. It argues that Eurosur conveys a shift in the practices and ethics of border control, a transformed problematisation of space, time and identity that is best captured through the notions of proactivity, instantaneity and risk. To make this point, the piece builds on a parable derived from Dino Buzzati’s classical novel *The Threat Against Europe.*
A Threat Against Europe?

Tartar Steppe to show how the formation of a notion of ‘integrated border management’ in the European governmental arenas over the past decade has contributed to transform the rationality and practice of border control.

Chapter 8
Oliver Seiffarth, The development of the European Border Surveillance System (EUROSUR)

Since 2008, the Member States of the European Union, FRONTEX and the European Commission have been developing the European Border Surveillance System (EUROSUR), which shall become operational as of 2013. The aim of EUROSUR is to establish an information sharing and cooperation mechanism between Member States’ authorities carrying out border surveillance activities and FRONTEX. Once the EUROSUR mechanism has been established, it shall improve their situational awareness and reaction capability at the southern and eastern borders of the Schengen area in order to reach the following three objectives: Reduce the number of irregular migrants crossing the external borders undetected; diminish considerably the death toll of migrants at sea; and increase the internal security of the EU by preventing cross-border crime. This article examines why and how EUROSUR is being developed by posing four questions: Does the EU need an enhanced cooperation between its Member States in the field of border surveillance? Do the objectives of EUROSUR justify its establishment? Are the measures proposed in the roadmap for the development of EUROSUR appropriate and proportionate to meet its objectives? And finally, is it feasible that EUROSUR will be operational by 2013?

Chapter 9
Bas Schotel, Inclusion for the sake of exclusion: The legal authority of immigration laws

Recent developments in EU policies suggest that EU immigration policy is becoming more inclusive towards migrants in terms of actual admission and legal protection. Still, there is a persistent legal flaw in the core of EU immigration policy regarding one of the largest categories of migrants: normal migrants. These are migrants seeking admission to the EU but have no (legal) right to admission. When authorities deny normal migrants admission they do not adequately justify this exclusion vis-à-vis the excluded migrants. This practice of exclusion without justification goes against a central feature of law: the claim to authority. Legal authorities claim obedience from their norm subjects in the name of the law. This includes normal migrants. However, normal migrants are only included in migration laws for the sake of excluding them from the rest of the legal
order. This makes it conceptually impossible for the authorities to even claim obedience from normal migrants. The ultimate consequence may be that migration laws fail to count as law regarding normal migrants seeking admission. This chapter gives an extended reading of Joseph Raz’ thesis on the authority of law and applies it to the structure of immigration policy in the EU.

Chapter 10
Gloria González Fuster & Serge Gutwirth, When ‘digital borders’ meet ‘surveilled geographical borders:. Why the future of EU border management is a problem

The European Union (EU) has been powerfully supporting over the last decades the construction of so-called ‘digital borders’, composed of large-scale databases massively processing information on third-country nationals on the move, focusing on the examination of who crosses, wishes or needs to cross its external borders. Simultaneously, the EU has been placing under increased surveillance its ‘physical’ external borders, axing such surveillance on the scrutiny of whatever happens at such geographical space. Recent policy and technological developments appear to announce an interconnection of both modalities of ‘borders’, dangerously occurring at the edge of the EU legal framework for the insurance of fundamental rights. This chapter describes the progressive construction of the EU ‘digital borders’, their conflation with different security data processing practices and with the surveillance of geographical borders, the serious problems that such developments represent for the respect of the fundamental right to the protection of personal data, and how they ultimately challenge the also fundamental right to respect for private life, among others.

Chapter 11
Monica den Boer, Policing Schengen

This chapter analyzes the field of cross-border police co-operation within the Schengen framework, which has been developed as a form of enhanced co-operation between the Member States of the European Union to realize a free movement of persons area without internal border controls. Though the drafting of the relevant provisions was cumbersome and was subject to criticism, the Schengen framework forms the basis for new bilateral agreements and gives rise to several initiatives in the field of law enforcement co-operation. Meanwhile, the Schengen provisions have been integrated into the European Union and the initiative has been succeeded by a new multi-lateral framework which paves the path for new cross-border police competences: the Prüm Treaty. Cross-border policing now
Introduction

Security, migration and integration

J. Peter Burgess

The concept of security has traditionally referred to the status of sovereign states in a closed international system. In this system the state is assumed to be both the object of security and the primary provider of security. Threats to the state's security are understood as threats to its political autonomy in the system. The major international institutions that emerged after the Second World War were built around this idea. When the founders of the United Nations spoke of collective security, they were referring primarily to state security and to the coordinated system that would be necessary in order to avoid the 'scourge of war'.

But today, a wide range of security threats, both new and traditional, confront Europe, or at least as some would say. New forms of nationalism, ethnic conflict and civil war, information technology, biological and chemical warfare, resource conflicts, pandemics, mass migrations, transnational terrorism, and environmental dangers challenge, according to many, the limits of our ability to safeguard the values upon which European society is based.

The growing awareness of these new threats has brought about a change in the way we understand the very concept of security. Consequently, the security picture needs to be nuanced.

First, attention needs to be drawn to the complex and composite nature of state's security, complicating the assumption that the state can be understood as a simple object of security.

Second, the importance of non-state objects of security needs to be better conceptualized, that is, security that is related to that of state security but not identical to it. These objects can be divided into two kinds: on the one hand, individuals and sub-state groups, and, on the other, trans-state entities.

Across this wide horizon of insecurity, two distinct features characterize perceived threats to security: they surpass the boundaries of the nation-state and they are interconnected through processes of globalization. No one state
Abstracts

Chapter 1
Christian Joppke, Trends in European immigration policies
The chapter discusses two main trends in recent European immigration policies. The first is the ‘Europeanization’ of the immigration function, which started with the Amsterdam Treaty of 1997, and which since has increased to a dramatic extent, with a plethora of EU directives, most recently on high-skilled immigration. The second main trend is at member state level: the stemming of unwanted family immigration and parallel soliciting of high-skilled immigration. This shift is best captured in French President Nicolas Sarkozy’s motto to move from ‘suffered’ to ‘chosen’ immigration. It is briefly examined here along the very opposite cases of Germany and Britain.

Chapter 2
Jørgen Carling, The European paradox of unwanted immigration
Much of the current immigration to Europe is ‘unwanted’ in the sense that receiving countries would prefer to be without it. This migration falls into two categories: First, there is immigration that occurs because of states’ incapacity to implement their rules. The migrants in question are people who arrive in Europe, usually through the services of human smugglers, and may be impossible to return even if their requests for residence are rejected. A second, and much larger, part of the ‘unwanted’ immigration is reluctantly accepted by European governments. This includes migrants who are granted asylum or other forms of protection, and migrants who are admitted for family reasons. Political pressure to reduce the number of immigrants in these groups has intensified considerably. A critical point which justifies the label ‘unwanted’ is that support for admitting these migrant groups is largely based on political motivation to uphold the underlying principles rather than a positive evaluation of the immigration flows they generate. This chapter discusses the strategies used by states to reduce ‘unwanted’ immigration.
A Threat Against Europe?

applies to a much wider array of security challenges, including terrorism, organized crime, public disorder, as well as natural and man-made disasters. Moreover, the Schengen and Prüm instruments for police cooperation are being interlinked with EU agencies such as Europol, Eurojust and Frontex. As the legislative process has been marked by incrementalism and flexible integration, the article advocates a strategy which emphasizes the role of the EU as a good governance security actor.