

## EU's vulnerability regarding the 'instrumentalisation' of migration movements, Case study on the EU-Belarus 2021 migratory crisis



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Thesis submitted for assessment with a view to obtaining the degree of Master of Arts in Transnational Governance of the European University Institute

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European University Institute  
**School of Transnational Governance**

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## Executive Summary

In November 2021 the Polish authorities had registered over 30 000 illegal border-crossing attempts at the Belarussian border since the beginning of the year. Although this number also takes into account people making multiple attempts to cross, still this number is unprecedented and unexpected as the Lithuania, Latvia, and Poland border with Belarus, is not usually used as a migration door toward the European Union (EU). This new migration flow has been engineered by Belarus' President Alexander Lukashenko in reaction to the EU' sanctions against his authoritarian regime. The use of hybrid threats like the instrumentalisation of populations for blackmail purpose is increasing, and EU's vulnerability toward this new coercive trend with it.

This study analyses what makes EU vulnerable to 'coercive engineered migration', and what are the solutions to face and overcome this phenomenon.

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# Introduction

Since June 2021, the Belarusian president Alexander Lukashenko engineered a migration crisis at the European Union's (EU) doorstep in reaction to the EU's sanctions against its authoritarian regime. Hence, by November 2021 Polish authorities registered over 30 000 illegal border-crossing attempts<sup>1</sup> at its Belarussian border since the beginning of the year. Although this number also takes into account people making multiple attempts to cross, still this number is unprecedented and unexpected as the Lithuania, Latvia, and Poland border with Belarus, is not usually used as a migration door toward EU. It is clear that these migration flows have been engineered by Belarus, inspired by the EU concessions that Turkey and Libya (and other neighboring countries), have won by instrumentalising migration<sup>2</sup>. Yet, Lukashenko aims both to make the EU abandon its sanctions and force the European leaders to recognize him as the legitimate ruler of Belarus. This is a form of political blackmail where migrants are instrumentalised and used as a power lift to nudge the EU into making concession with Belarus and agree with its illiberal behavior.

This crisis is the result of a degradation in the EU-Belarus diplomatic relationship linked to a series of human rights violations and abuses from Minsk on the Belarusian population over the past few years. After Minsk violent repression of the strikes in reaction to Lukashenko's sixth re-election, the European Council decided to apply sanctions<sup>3</sup>. Then following the arrest of the political opponents Roman Protasevich and Sofia Sapega, the European council imposed in June 2021 a fourth sanctions package over Belarus<sup>4</sup>. In the following days, Belarus stepped back from the Eastern Partnership on migration with the EU<sup>5</sup> and declared: *"We will not hold anyone back. We are not their final destination after all. They are headed to enlightened, warm, cozy Europe"*. To increase pressure and turn these threats into action, Minsk started to engineer a migration wave from Middle East to Belarus by the end of June 2021, creating the migratory crisis that stroked the EU in fall 2021. Accomplice tourist companies created special tourist visas facilitation and flights linking this region to Belarus and offering migrants travels to the border area with Poland, Lithuania, and Latvia. Then Belarusian guards would accompany migrants to the weakest sections of the border ordering them to cross.

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<sup>1</sup> Human Rights Watch, November 24, 2021, *"Die Here or Go to Poland, Belarus' and Poland's Shared Responsibility for Border Abuses"*. ([available here](#))

<sup>2</sup> European Council on Foreign relations, November 9, 2021, *"No quiet on the eastern front: The migration crisis engineered by Belarus"*. ([available here](#))

<sup>3</sup> Council of the European Union, October 2<sup>nd</sup>, 2020, press release, *"Belarus: EU imposes sanctions for repression and election falsification"*. ([available here](#))

<sup>4</sup> Council of the European Union, June 21, 2021, press release, *"Belarus: fourth package of EU sanctions over enduring repression and the forced landing of a Ryanair flight"*. ([available here](#))

<sup>5</sup> Council of the European Union, press release *"EU relations with Belarus"*. ([available here](#))

Such method commonly called ‘hybrid threat’ refers to new ways of conducting conflicts, by utilizing both conventional and unconventional tools of wars, in new settings. The ‘unconventional’ or ‘new’ tools used by the coercer are essentially, cyber-attacks, energetic blackmail, and of course strategic instrumentalisation of migration movements and populations in general. In March 2022, the EU has characterized the instrumentalisation of irregular migration as ‘hybrid warfare’ and has included these new types of hybrid threats in the ‘EU Strategic Compass for Security and Defence’<sup>6</sup>.

Dr Kelly M Greenhill defines this phenomenon as “coercive engineered migration” or “strategic engineered migration”. She first developed an analysis of the instrumentalisation of population movements for political and military means in 2008, and presented it like a new type of hybrid warfare. She explains that the technique used to create engineered migrations implies either, and, or the use of military force and threats, the promise of ease through financial compensation, and the threats of border opening (Greenhill 2008). Greenhill has then developed and strengthen her definition throughout her publication. The last definition she gave (2016) referred to “*those cross-border population movements that are deliberately created or manipulated by a challenger State or non-State actors in order to induce political, military and/or economic concessions from a target State or States*” (p. 320).

Greenhill distinguishes three types of ‘challenger States’ (or coercive States) responsible of engineering migratory crisis: the ‘generators’, the ‘agents provocateurs’, and the ‘opportunists’. In the case of the Belarus coercive engineered migration, Belarus is located in between the ‘generators’ and the ‘agents provocateurs’. The vast majorities of migration crisis ‘generators’ are illiberal States ‘weaker’ than the targeted States, that lack of initial conventional power of influence, and that resort to this coercive blackmail method to increase their power lift in comparison to the targeted State (Greenhill 2016).

While the theoretical set-up has been largely defined and dominated by Dr Kelly M Greenhill (2008; 2010; 2016), several other scholars have studied the topic of coercive engineered migration and its derivatives. Their studies and research works applied to different settings and actors, have yet outlined similar patterns and trends. This literature review focuses on how coercive engineered migration is used as a negotiation leverage tool to change the existing balance of power.

Giselle Bosse argues that the strategic position of EU neighboring countries like Libya and Belarus has land them leverage power over the EU (2011) notably on the migration field. She explains that EU’s neighborhood policy of boarder management delegation, has given a strategic power position

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<sup>6</sup> Council of the European Union, “A Strategic Compass for a stronger EU security and defence in the next decade” 21 March 2022 ([available here](#))

to these neighboring States, while increasing EU's vulnerability regarding engineered migration crisis. Libya's strategic instrumentalisation of migration for Gaddafi's blackmail over Europe was also outlined by Greenhill (2010; 2016). Thomas Krumm has illustrated a similar phenomenon with the Turkey of Erdogan after the 2015 migratory crisis. He highlighted the negotiation power Turkey gained over the EU by playing on the already existing refugee crisis, and EU's inability to host this massive refugee outflow (2016). EUI researcher Zaragoza Cristiani studied a comparable feature in the Spanish-Moroccan relationship. He argued that with its strategic position, Morocco has increased its bargaining power, thanks to migration control cooperation with Spain, through the instrumentalisation of migrants (2016). Building on this idea of strategic position countries, the authors Asli Okyay and Jonathan Zaragoza-Cristiani (2016) developed the concept of 'Gatekeepers countries' to describe 'transit countries' in charge of borders' integrity. They highlighted the leverage power gatekeeper position gave to Turkey over the EU during the migratory crisis, when negotiating the migration deals<sup>7</sup>. This phenomenon similar to 'diplomatic blackmail' was also outlined by Ayhan Kaya (2020). She explained that Turkey used the migratory crisis threat as a pressure tool to obtain financial aid and support from the EU. Thus, EU's borders control externalization policy has largely been pointed as one of the root causes of neighboring States' power-lift in the negotiation. Lena Laube outlines (2021) the increasing role of transit States in 'migration diplomacy', and the power that comes with it. Rosina Kaja Tavares argued (2021) about Libya and Tunisia that dictatorial regimes are more likely to use migration as a diplomatic tool, notably over the EU. Such a trend was also outlined earlier by Greenhill in a short article (2016), where she illustrated how Libya and other authoritarian regime actually used migration threat to increase their own power.

This literature review has outlined a determinant pattern and trend: it is mostly the EU and its member-States that are targeted by coercive engineered migration. Besides, while the coercers are mostly illiberal States from the neighboring region that are initially listed and represented as weaker (economically, diplomatically, militarily) than their targeted State (here the EU), they almost always seem to succeed after using the coercive engineered migration method.

Several questions come to mind: why the EU is so vulnerable to this type of threats? why it is so effective? What are the solutions to counter this phenomenon?

These interrogations bring us to our research question: EU's vulnerability paradox, how such a powerful entity like the EU, can be threatened and challenged by a weaker neighboring State like Belarus, and what are its resources?

First, we will demonstrate the hypothesis according to which EU's vulnerability comes from the security interpretation it gives to migration and the strategic importance it gives to EU's external

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<sup>7</sup> The EU-Turkey migration deal refers to the EU-Turkey statement of March 2016 ([available here](#)) to support Turkey to face the migration crisis linked to the Syrian war. The deal included a 6 billion euros financial support from the EU.

borders. We argue that EU' securitization of migration followed by the externalization of its security agenda, lead-up to the creation of external partnerships with its neighboring States, that has altered the balance of power among them and created situation of precedent ideal for migratory blackmail. Then, we will demonstrate that Belarus bets on crisis generation to gain in coercive power over the EU. We argue that Belarus has drawn on EU's precedent migratory blackmail concession, to shift the balance of power, following a crisis generation strategy to destabilize the EU and force a concession. Then building on what Greenhill calls 'the hypocrisy cost' and Putman calls the 'heterogeneity cost', we will demonstrate the following hypothesis: EU's structural and institutional framework are responsible of its vulnerability. We argue that EU public commitment to international treaties can be used by illiberal States against the EU thanks to the hypocrisy cost. We also argue that illiberal State can take advantage of EU political heterogeneity to induce crisis generation. Finally, we will address the diplomatic void surrounding the coercive engineered migration and the possible solutions left to the EU to face this crisis implemented by Belarus. We argue that the lack of lawful response to this type of hybrid threat is responsible of States' vulnerabilities, giving them no choice but to either violate international treaties, or to apply short-term responses.

I have decided to study this topic through the length of a case study to give an in-depth appreciation of the coercive engineered migration issue, in a real-life context. Studying this topic through the lens of a case study gives us the opportunity to put in perspective what Greenhill theorized and develop our own reflection. It will bring additional insights to the subject and highlights eventual policy void related to new geopolitical trends and conflictual setting.

I have selected the EU-Belarus migratory crisis as case study both for its relevance to my research project, and its relevance in the international actuality. Besides, it gives a naturalistic understanding of the coercive engineered migration issue and the vulnerability of the EU regarding it.

My study is based on a qualitative method, using both secondary and 'raw' sources. I used multiple sources and data collection method, to confront and compare my findings through data triangulation, to increase the validity value of my study.

The data collection for this case study essentially came from official reports and policy brief, newspaper articles and interviews, and social media information notably through Tweeter and Telegram. As the case study implies two mains 'sides' or actors (the EU and Minsk), to be objective, the sources had to come from both of them. Hence, while the political reports and discourse mostly came from the European Council and European Commission, the newspaper articles were collected in French, German, Belgian, Russian, and Belarussian newspapers. I also used Non-Governmental Organizations (NGOs) and UN reports to get an insight of the humanitarian situation there.

Studying the topic of EU vulnerability toward coercive engineered migration through the case study of the EU-Belarus 2021 migratory crisis presents several challenges, the first being the short perspective we have on the subject as it only happened a few months ago. This lack of perspective unable us from getting a full abstraction from our bias. Besides, as this crisis has been mainly documented by journalist and human rights NGOs it is hard to get an objective understanding of the situation on both sides, which again can bias our interpretation of the crisis. Finally, the Ukrainian conflict involving Belarus and to a certain extend Poland (as a frontline country for the Ukrainian refugee crisis), this conflict completely erased the coercive engineered migration crisis in the media coverage and the policy agenda. Hence, although the migratory crisis was still ongoing at the beginning of the tensions in February 2022, very fast it was then absorbed by the Ukrainian conflict, so much that getting information on the coercive engineered migration crisis became impossible. Thus, the present study lack of updated information about the fate of migrants instrumentalised by Belarus in the coercive engineered migration.

Finally, this master thesis being limited to 10 000 words, certain details and further analysis has been shortened. Hence, in certain case deeper personal research from the reader might be needed. Thus, this study might have some limits, yet I see it as an opportunity to continue a deeper research work on this topic in a close future.

## Part 1: EU has settled its own trap

In this part we are going to demonstrate how EU's vulnerability to coercive engineered migration, has been imposed by the EU on itself. We argue that the EU has developed a migration 'psychosis' after the consecutive terrorist attacks and migration crisis, that led the EU to securitize the migration topic as well as its borders. We explain that by delegating its border management to neighboring States the EU has given them a migration 'gatekeeper' status, that they were then able to use as a leverage over the EU.

### 1.1 *The securitization of the migration topic*

#### *Framing the migration topic into a security threat*

The EU has associated the migration topic with a security matter that could threaten its integrity, to the point that now any migration related issue creates division among the countries and the population (Greenhill 2016).

The xenophobia and associated fear of migrants, and more especially against Muslim migrant finds roots in the terrorist attacks of the 9/11 and where then exacerbated after the 2015-2016 attacks in Europe. These violent assaults left the European population profoundly shocked and wounded. Soon after, these events the rights wings populist movements linked insecurity with immigration, although most of these terrorists where not immigrant themselves. This fear of migrant can be trace back to Muammar Gaddafi long-lasting migration blackmail from 2004 to 2011. The CNRS researcher H el ene Thiollet explained in an interview to the French newspaper 'Le Monde' in November 2021 that "*Europe has developed a migratory psychosis, and Gaddafi has played on this fear*" and progressively imposed as securitization of the migration topic<sup>8</sup>.

This securitization of the migration topics poses a serious human right issue for migrants' treatment. Indeed, now that migrants are associated with a threat, it shifts the concerns and the conversation toward a security issue rather than a human right one, making migration "the weak spot" of the EU. Indeed, part of the problem of migrants 'instrumentalisation' or 'weaponization' also comes from the fact that by considering and calling migrants as 'weapon' or as a 'mass' a 'threat' something that need to be cared of, it dehumanizes them and contributes to the human rights violation problem. The crisis is dealt as a security crisis more than a humanitarian crisis. Besides, referring to refugees as a threat or a weapon can justify treating them as a security concern, something we should be scared of, rather than treating them as human being rightfully seeking for protection under international law and established domestic policies (Marder 2018).

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<sup>8</sup> Le Monde, November 26, 2021, "*Contre l'Europe, l'arme migratoire des r egimes autoritaires*" by Isabelle Mandraud. ([available here](#))

While the European Council of Foreign Relations (ECFR) reports over 30 000 attempts to cross the Belarus-Polish border between January and August 2021<sup>9</sup>. Yet, the Polish government still not considers it as a humanitarian crisis, but only as security issue.

### *Questioning/challenging the Dublin process*

The securitization of the migration topic has conducted the EU member-States, and especially the 'frontline' States to bypass international laws and EU treaties, for security sovereignty reasons. Hence, while According to the article 3.2 of the treaty of the European Union (TEU)<sup>10</sup>, the EU shall not have internal frontiers, EU member States are less keen on letting their national border open to the Schengen zone due to their increasing concern for border security. Besides, Article 3 of the Dublin regulation<sup>11</sup> confers a higher migration burden to Frontline States. This disequilibrium add to the lack of confidence regarding EU's ability to support these States facing mass migration waves, has conduct them to ignore Dublin Regulation requirements, allowing migrants and refugees to transit through their countries unregistered (Greenhill 2016; Menz 2016). This phenomenon forces a method of intra-EU burden-sharing, but has in turn increased the anxiety and fears in non-frontline States regarding migration. Like that, border management has become a main security issue, and the securitization of migration topic has spread to the securitization of the border management topic. However, in September 2020, the European Commission adopted the 'New Pact on Migration and Asylum'<sup>12</sup> recognizing that all EU States shall be solidary in the asylum seeker registration.

Yet, the issue of border sovereignty and growing migration concerns has gone far enough to become a real threat for EU's unity and political stability. Although the BREXIT votes were not only about migration, it is certain that the 2015 migration crisis and its securitization narrative did not help (Arnorsson et. al 2018; Dennison et. al 2018). Now, considering that a migration crisis can seem so threatening that it actually brings a country to leave the EU, it actually becomes a threat to the EU's integrity and unity, giving even more power to the coercive State responsible of the crisis.

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<sup>9</sup> European Council on Foreign relations, November 9, 2021, "*No quiet on the eastern front: The migration crisis engineered by Belarus*". ([available here](#))

<sup>10</sup> Treaty of the European Union, *Title 1 common provisions*, Article 3.2. ([available here](#))

*"The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime"*.

<sup>11</sup> The Dublin Regulation, entered into force in July 2013, and defined the access to the asylum procedure in the EU. ([available here](#))

<sup>12</sup> New Pact on Migration and Asylum ([available here](#)), aims to give a comprehensive European approach to migration.

## 1.2 *The securitization of the Border management topic*

### *EU internal security agenda requires external actions*

EU is facing an increase of new security threats since the 2000's like the fight against terrorism and drugs or smuggling. Yet, a lot of these internal security issues find their roots outside of the EU's borders. Like that, the EU created partnerships with its neighboring countries to treat certain of these issues out of the Schengen area before it lands on its internal borders.

Yet, with the increasing securitization of the migration topic, migration control has also been delegated to third countries at the external borders of the EU. As a result, the EU externalized its internal security objectives into its external relations, *“transforming itself into an external actor in its own right on internal security issues”* (Monar, 2010 p. 23). Through these borders delegation partnerships, the EU has managed to strengthen its external borders, by implementing stronger visa policies and the allocation of exclusive responsibility for the expulsion of illegal immigrants. Since 2003, the EU has developed several Euro-Mediterranean policies, transferring regional governance through partnerships outside EU borders. The main migration policy dialogues are the nonbinding Rabat and Khartoum Processes, implemented by the ICMPD. Like that, the EU created a sort of 'waiting room' or 'airlock' for migration waves. Yet when done with illiberal States, these partnerships may actually have increased EU's vulnerability regarding these flows.

In 2009 Belarus joined the Eastern partnership<sup>13</sup> along with five other countries from the former eastern bloc, namely Moldova, Azerbaijan, Georgia, Ukraine, and Armenia. The aim of this joint policy initiative was to enhance EU relations with its eastern neighbors, notably in the field of migration and home affairs. Hence, in 2014, the EU negotiated with Belarus visa facilitation and readmission agreements. Building on that, a Mobility Partnership<sup>14</sup> was signed between them in October 2016. Then in June 2020, EU and Belarus, signed an agreement on the readmission of persons residing without authorization<sup>15</sup>. Like that, Belarus was building its way to become a 'Gatekeeper'.

Yet, Belarus recent aggressive behavior may have ended its 'gatekeeper' status for good. Finally, on 28 June 2021, Belarus suspended its participation in the Eastern Partnership.

### *EU's precedents, a breach that once open can never be closed*

The coercive engineered migration implemented by Belarus last fall was certainly inspired by the success of the migratory blackmail over EU in the past. Indeed, the situation of precedent created

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<sup>13</sup> European Commission, Migration and Home affairs, *“Eastern Partnership”*. ([available here](#))

<sup>14</sup> Council of the European Union, May 4, 2015, *“Draft Joint Declaration on a Mobility Partnership between the Republic of Belarus and the European Union and its Member States”*. ([available here](#))

<sup>15</sup> European Union, June 6, 2020, *“Agreement between the European Union and the Republic of Belarus on the readmission of persons residing without authorization”*. ([available here](#))



by the EU and its 'Gatekeeper countries' has challenged the balance of power between the EU and these countries initially seen as 'weaker'.

On 9 November 2021 the ECFR stressed that: *"The EU should show the Lukashenko regime that it will no longer tolerate the weaponisation of migration. As with any form of blackmail, it would be senseless and dangerous to make concessions – because the aggressor will only demand more"*. Unfortunately, such a thing remains easier to say than to implement. Indeed, about 75% of the time, coercive States succeed in a least one of their objectives, (Greenhill, 2016, p. 320).

The problem with blackmail, is that once been agreed to, it sets a precedent and pave the way for others to repeat the same strategy, making the blackmailed victim even more vulnerable. The same goes with the instrumentalisation of migration movements. From Gaddafi to Lukashenko, dictators have used refugees to put pressure on the European Union, which has continued to increase its dependency through the control delegation of its borders to third countries. The academic Nora El Qadim, member of the Convergences Migration Institute, stresses that what makes Europe vulnerable is the political weight it gives to the control of its borders. Besides, now identified as EU's weak spot, the fear of migrants' outflows is used as a path toward the most diverse demands. Thus, by considering migration as a security issue and externalizing its borders to delegate the migratory management, the EU has framed its own vulnerability and has mindfully sold it to its illiberal neighboring countries through strategic partnerships. In her interview to Le Monde, H el ene Thiollet explains, *"since 2002, a migration diplomacy has been put in place, which consists in outsourcing more and more the control of migrants to third countries. In doing so, Europe has offered a levering power that Gaddafi, in particular, will know how to use with skill"*.

Although Belarus takes up the code of migration instrumentalisation erected by Gaddafi and Erdogan, however, the current events constitute a new and major stage in the instrumentalisation of migrants. In this crisis, Belarus' initial lack of migration flows targeted to Europe had to be compensated. Hence, unlike his previous blackmailers' peers, Lukashenko had to create migratory flows from scratch in order to make his threats credible. This is no longer about a strategic 'transit country' at the origin of migratory crisis, but a territory initially free of migrants to which thousands of people have been drawn, on purpose.

## Part 2: Rebalancing the negotiation through Crisis generation

In this part, we are going to explain what is the strategy behind the implementation of coercive engineered migration. We argue that illiberal States use crisis generation over liberal democracies to challenge their unity and gain in leverage power. We argue that Belarus has built on EU's situation of precedents regarding former migratory blackmail successes conducted by illiberal States to rebalance the negotiation scale. We demonstrate that Belarus used migrants to generate a crisis and destabilize the EU as a mean of pressure.

### 2.1 *Rebalancing the negotiation*

A shared goal behind migratory blackmail, is for the coercive State to gain something over the targeted State that would never happen or never agree to in a normal setting. In order to make the targeted State comply with its request, the coercive State must gain in leverage power, and rebalance the negotiation in his advantage. Thus, the whole issue of coercive engineered migration and all its derivatives, is to rebalance the negotiation setting.

#### *The gatekeeper blackmail strategy*

According to Nye, power and influence go hand in hand. The capacity to nudge a State's behavior into an outcome wanted by another State is a form of power in itself. It is clear that coercive power is not only measured by the size of a country's army, or by the potential economic sanction it can implement.

Often, illiberal States have to compensate their lack of diplomatic and economic credibility that frame them into 'weaker' States, by finding alternative ways to gain in power of influence. The credibility of the State trying to influence, is key to success. Blackmail and crisis generation's threats have been proven to be a successful coercive measure to comply a 'stronger' State into an agreement.

In an interview with the newspaper Le Monde, Nora El Qadim explains that some countries instrumentalise migration as a mean of pressure, "*Some who use it have limited diplomatic resources, so they resort to threats*"<sup>16</sup>. EU's borders externalization was a first step toward blackmail strategy of mass migration threat. By being placed as the guardian of EU's borders, and by seeing migration as a threat, EU gave its neighboring countries a significant amount of leverage

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<sup>16</sup> Le Monde, November 26, 2021, "*Contre l'Europe, l'arme migratoire des régimes autoritaires*" by Isabelle Mandraud. ([available here](#))

power thanks to their strategic position. Belarus eventually forged itself a strategic position to gain in leverage power and blackmail the EU into dropping its sanctions.

### *The implementation of a new balance of power to change the pressure's side to the EU*

Belarus' takes on coercive engineered migration in reaction to EU sanction against the Lukashenko regime is a way to implement a new balance of power to change the pressure's side up on the EU. In a classified report on "migration as a starting point for hybrid threats", the German security services were already aware since April 2021 that "*migration flows would be directed in a targeted manner to a certain section of the border with the EU*" and that disinformation campaigns on social medias was a common channel to "*mobilize migrants to massively cross the border*"<sup>17</sup>. The document outlined that the Russian and Belarusian governments could use migration as a means of pressure on Germany in order to stir up political divisions in the country and destabilize it.

To change the balance of negotiation and put on power weight, scholars have found that crisis generation, here migration crisis, is an effective coercive mean when facing a more powerful opponent (Binnendijk, 1987; Snyder 1999). According to Dr Kelly M Greenhill, powerful States tend to be reluctant to make concessions in the absence of crisis-generating incentives. First, because they question the credibility of 'weaker' State's threats, but also because they tend to underestimate their magnitude. Hence, crisis generation in fact allows 'weaker' actors to possess an alternative coercive force vis-à-vis other more powerful target States (Greenhill, 2008 p.14). In other word, crisis generation in an effective way for weaker States to gain in leverage power and rebalance the negotiation, forcing their way up to the negotiation agenda (Snyder, 1999).

## *2.2 Creating new means of pressure in a tense international context*

### *Blackmailing is the new trendy coercive means*

As the German Federal minister of interior has noted in his reports, increasingly illiberal States will resort to hybrid threats like migratory blackmail with EU and its member-States. According to the paper, illiberal states will hijack the migration issue for their political purposes and exploit it as a new type of warfare. Already in 2020, Ankara threatened to let through "*millions*" of people - note that 4 million refugees reside on its soil, if Turkey did not get more support. "*Turkey's use of migrants as a means of pressure and blackmail on Europe is absolutely unacceptable*" explained French Foreign Minister Jean-Yves Le Drian in March 2020<sup>18</sup>. In May 2021, in reaction to Spain

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<sup>17</sup> Tagesschau, October 27, 2021, "*Flüchtlinge als Druckmittel*". ([available here](#))

<sup>18</sup> Statement by Mr. Jean-Yves Le Drian, French Minister of Europe and Foreign Affairs, in response to a question on the situation in the Idlib region of Syria and the migration crisis at the European Union's borders, at the National Assembly on March 3, 2020. ([available here](#))

support over the disputed land of Western Sarah, Rabat shifted into high gear and let a flow of 6 000 migrants (among whom were at least 1 500 children) reached the Spanish shores in Ceuta<sup>19</sup>. Dr Kelly M Greenhill has registered over eighty attempted of coercive engineered migration from the implementation of the Refugee convention of 1951 to 2016. On the average the coercive engineered migration method is used around once a year, on the vast majority by illiberal States that targeted western democracies, and since the years 90's mostly EU countries of the EU as a whole (Greenhill, 2019).

### *Crisis generation is a soft power chess' master move*

Donald Tusk warned in 2017 that EU's political unity was no longer only challenged by classical military threats, but also alternative coercive means (referring to hybrid warfare)<sup>20</sup>. In the security report from the German federal minister of interior about 'Migration scenarios as a starting point for hybrid threats', it is clearly explained that the goal of this method is to create and stir up division within the country targeted. To this end, these States strive for "*specific control of migration flows*", they also use "*disinformation and disseminate misleading narratives about migrants*" and would like to "*manipulate the social discourse on migration*" by "*supporting political protests*". Thus, Crisis generation and all the consequences it can bring to a State, from BREXIT to contestation and strikes, seem to be one of the expected ends of the coercive engineered migration method. Often, the fear of such a result drives the targeted States to comply with their coercer's blackmail to avoid all the cost (social and political) of what a crisis could bring.

The strategy behind the coercive engineered migration method follows the logic of coercion by punishment (Greenhill, 2016). Challengers aim to create conflict within the target State in order to convince its leaders to give in to their demands rather than incur the political costs of not doing so (Greenhill, 2016 p. 321).

Although advanced democratic societies like the EU, have more political and social resources to face these crises and stay mostly intact, the shortfall is still very present. Indeed, where ethnic tensions may already be high and the leadership of the central government is fragile, a large influx of migrants can present a real and persuasive threat. Thus, coercive States that employ the coercive engineered migration method, deliberately seek to exploit these societal and political vulnerabilities for their own political ends. The goal of these hybrid threats is not only to exploit existing heterogeneity within a targeted country, but also to increase the vulnerability of the targeted State by increasing the degree of polarization between its groups and reducing its policy options available.

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<sup>19</sup> BBC, May 18, 2021, "*Migrants reach Spain's Ceuta enclave in record numbers*". ([available here](#))

<sup>20</sup> Council of the European Union, January 31, 2017, "*United we stand, divided we fall*": letter by President Donald Tusk to the 27 EU heads of state or government on the future of the EU before the Malta summit". ([available here](#))

Crisis generation is thus often used by 'weaker' States to equalize power levels in negotiations with stronger States, increasing their diplomatic credibility through the strength of their threats. Although States targeted by such blackmail may be reluctant to give in at first, often the demands made by the coercive States end up seeming insignificant compared to the costs that managing such migration flows might entail.

In the case of the EU-Belarus 2021 migratory crisis, the situation at the Borders is already qualified by NGOs like Human right Watch and International Amnesty as a humanitarian crisis, yet the Polish government and the EU keeps referring to it as a security crisis. This dissonance of discourse on the very way of qualifying the situation, illustrates the degree of cleavage of this theme, and already feeds the divisions within the public opinion, that – if not addresses- could evolve into a bigger social crisis.

Besides, the most affected frontline country being Poland, a notorious Eurosceptic State that have already violate EU treaties regarding asylum and human right law. Hence, such a crisis could be a point of no return in its relationship with the EU, if the EU and its member State fail to address this issue correctly.

## Part 3: EU's structural and institutional framework are responsible of its inability to reply

In this part we argue that EU's vulnerability also comes from its structural and institutional framework. We argue that EU suffers from a hypocrisy cost linked to its dedication of international and internal treaties that frames its legal responses to migratory blackmail. We argue that EU also suffers from a structural heterogeneity cost, that complicates its decision making to this hybrid threat.

### 3.1 *The hypocrisy cost: EU's ball and chain*

An additional reason to EU's vulnerability regarding migration blackmail and crisis generation is the rigidity of the legal framework EU is committed to. Greenhill refers to it as the 'hypocrisy cost' (2010). According to her, the fact that the EU is publicly committed to certain international treaty, restrains its maneuvering steps during the negotiation. Indeed, advanced democratic societies like the EU, base their credibility and societal functioning on the respect and promotion human rights values and treaties, and on the respect of international laws.

Although, this commitment to human right laws and other international treaty are part of the soft power that makes these countries and the EU so powerful and diplomatically credible, at the same time these public commitments can be embarrassing when dealing with humanitarian and social crisis like it can be the case with coercive engineered migration. The States targeted by these engineered crises have little but no room to overcome them, as sometime respecting their public commitment to human rights means agreeing with their coercer's request and denying their population's doubts and division about what action to implement regarding the crisis.

#### *EU public commitment and devotion to international treaties can be a bargain in negotiation*

Most of liberal democracies are legally committed to human rights and refugee protection treaties like the 1948 Human Rights Declaration, the 1951 Convention, and the 1967 Protocol.

These international conventions not only establish a set of norms that frame the actions of signatory states and parties, but also impose legal obligations and responsibilities for which they are legally responsible. In the case of the EU-Belarus migratory crisis, the EU cannot do pushbacks at the borders (Article 78. 1<sup>21</sup> of the TFEU); the EU must grant an access to humanitarian NGOs (Article 214 TFEU<sup>22</sup>) and journalist (Article 11.2<sup>23</sup> EU Charter of fundamental rights); the EU must

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<sup>21</sup> Title V area of freedom, security and justice, chapter 2 policies on border checks, asylum and immigration, Article 78.1. ([available here](#))

<sup>22</sup> TFEU Chapter 3 Humanitarian aid, Article 214. ([available here](#))

<sup>23</sup> Charter of fundamental rights of the European Union, Article 11. 2 ([available here](#))  
Article 11.2: "The freedom and pluralism of the media shall be respected".

take into consideration and process the asylum request of the migrant (Article 78.1 TFEU), and must provide a shelter and food (Article 25.1<sup>24</sup> Human rights convention). Hence, once a humanitarian crisis has been publicly acknowledged, the EU cannot back out and is committed to provide help and support to the victim of the crisis. Besides, the EU is also committed to normative and legal commitments to protect people fleeing conflict violence or persecution as it is stipulated in the Preamble and the Article 18 of the Charter of fundamental rights of the European Union<sup>25</sup>, and at the Article 78.1 of the TFEU. Then, authoritarian regimes play on this rigid frame that lets little but no room for crisis management.

However, this ‘hands tied’ situation is difficult to understand for certain citizens and member-States opposed to these absolutist principles. They reclaim in the name of democracy to withdraw from these commitments and reject migrant from entering the EU borders even though international law obliges them to do so. Hence, democracies often find themselves caught between these conflicting imperatives, making them more vulnerable to hybrid threats like coercive engineered migration (Greenhill, 2015). The unity of the EU is challenged in this type of situation because by trespassing its citizens request and demands it can create democracy issues and social crisis than can go up to an increase of Euroscepticism and a rise of xenophobia. Such crisis can also provoke the withdraw of a member-State form the Union, and destabilize the EU governance process, making the EU even more powerless regarding the ongoing humanitarian crisis and social crisis.

This ambivalence between what the EU is committed to and what its member-States and population want, stuck the EU into what Greenhill calls “*a hypocrisy cost*” that feeds the crisis generation strategy of coercive States. She defines hypocrisy cost as a “*symbolic political costs that can be imposed when there exists a real (or perceived) disparity between a professed commitment to liberal values and/or international norms and demonstrated state actions that contravene such a commitment*” (Greenhill, 2010 p. 132).

#### *The hypocrisy cost challenges EU’s soft power*

The hypocrisy cost happened once the distance between rhetoric and practice in term of human rights commitment becomes undeniable. Hence to avoid the creation of social crisis that could challenge its unity the EU (and other democracies) can chose to address the issue as a security crisis instead of a humanitarian one. Hence, they can justify the mobilization of military force to handle the crisis and deny or restrain journalistic and human rights NGOs access. This is the strategy Poland has decided to adopt, by considering the migratory crisis at the Belarus border

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<sup>24</sup> 1948 Human rights convention Article 25.1 ([available here](#))

<sup>25</sup> Charter of fundamental rights of the European Union, Preamble, and Article 18 Right to asylum. ([available here](#))

only as a security threat to its integrity and restraining humanitarian access to refugee support NGOs as well as journalists.

The transparency required in a democratic system where freedom of media applies (part of EU soft power) can be the backhand of the stick in this type of crisis. Nothing can properly be hidden and, when it is blurred, it is interpreted as suspicious and challenged by the public opinion and political opposition. Reporting such controversial issues can generate internal crisis, which is one of the reasons why Poland is denying access to journalist at the Belarus border.

Playing on this hypocrisy cost is part of the Belarus destabilization strategy and challenges the diplomatic credibility of the EU. Besides, the fact that the EU has sanctioned Belarus for its human rights violation in 2020 and 2021 although the EU fails to implement and respect its commitment to human rights value and treaties, can be challenging for EU future credibility. So far, the in-between situation of the migrants stuck in the no man's land between Belarus and Poland, serves as an excuse for the EU country not to take into consideration the international human rights laws that shall apply once the migrant would have crossed their border.

### *3.2 EU heterogeneity cost: the logic of divide and conquer*

One of the other reasons behind the vulnerability of the EU and its difficulties to implement and strong effective response against this type of hybrid threat, is due to the heterogeneity of its political structure. Robert Putman first mentions the existence of an 'heterogeneity cost' (1988) then further developed by Greenhill (2010). It relies when a coercive State seeks to influence the behavior of a democratic State at the domestic level through the exploitation and exacerbation of its political and societal heterogeneity. Indeed, while it is the variety of freely expressed thoughts and opinions that makes the EU such a powerful democratic union, and that participate to its soft power, it can also be used as a base for division and crisis generation by coercive States. As explained above, once instrumentalised, liberal democratic virtues can become vices in international negotiations, this is the case of pluralism and heterogeneity of thoughts in political democratic setting.

#### *The logic of divide and conquer*

The heterogeneity cost usually appears in two situations. First, the coercive State can use this societal and political heterogeneity to implement the strategy of 'divide and conquer', by playing on the divergence of opinion already in place that characterize the democratic societies. The coercive State then manipulates the public opinion into creating a societal or democratic crisis based on inherent the division about a controversial topic, here the issue of mass migration and the application of asylum protection. Second, the coercive States can also take advantage of the heterogeneity of population among a country already subject to migration and where this topic is



already seen as an issue. The coercive States then manipulates the public opinion into thinking that it is the population heterogeneity caused by migration that is responsible of all their societal ailments.

Immigration and refugee topics tend to split EU societies into (at least) two mutually antagonistic and often highly mobilized groups, especially when it is about a real and “threatening” migration crisis. On the one side the ‘pro- refugee/migrant’ group, and on the other side the ‘anti-refugee/migrant’ group (Greenhill, 2010 p. 125). The problems of heterogeneity cost in democracies lies in the fact that a State cannot simultaneously satisfy both groups' demands about how to deal with the migration crisis. The leaders of these targeted countries are stuck in a democratic dilemma that adds up to the hypocrisy cost they can also be facing at the same time. These tensions can evolve into serious democratic and societal crisis able to destabilize the structure of the State.

*When political divergence becomes a burden, the impossible 27 heads dialogue*

In the case of the European Union however, the heterogeneity cost can appear in a third situation. Indeed, the political structure that frames the European Union can be a burden in certain situation of diplomatic negotiation. It is especially the case when diplomatic crisis like the one linked with migration blackmail, requires a quick and coordinated answer from the 27 States of the EU. Hence, the coercive States can take advantage of the political cacophony that operates the European Union governance system. The more controversial and sensitive the issue is, the most the answer would be long to appear, and action would be late to be taken. In the meantime, the coercive State can continue to put its threats into actions, increasing the situation of distress and tension among the population and the potential crisis that goes with it. The longest the EU takes before implementing serious and concrete actions about the migration crisis, the most its hypocrisy cost will be apparent and will be a burden in future negotiation.

In the case of the EU-Belarus 2021 migratory crisis, the EU has been slow to implement sanctions and to give a firm and coordinated response to this vicious migratory blackmail. While this migration crisis have been engineered since June 2021<sup>26</sup> when Belarus stepped back from the Eastern Partnership, yet it is only on 15 November 2021 that the Council of the European Union finally implemented sanctions against the Lukashenko’s regime regarding its instrumentalisation of migrants in a view of hybrid attacks<sup>27</sup>.

Such a lack of effectivity, besides negatively affecting the people instrumentalised in this coercive engineered migration, tires up the populist discourse and Euroscepticism fueled by the idea that

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<sup>26</sup> The Washington Post, August 1, 2021, “Why are so many migrants coming to one of Europe’s smallest countries? Blame Belarus, officials say”. ([available here](#))

<sup>27</sup> Council of the European Union, November 15 2021, “Belarus: EU broadens scope for sanctions to tackle hybrid attacks and instrumentalisation of migrants”. ([available here](#))

the EU is not fit to protect its member-States from this type of hybrid threats, and that only entirely sovereign countries are able to overcome this crisis. Following this idea and building on Article 4.2<sup>28</sup> of the TEU about national security, Poland has implemented a national law on 14 October 2021 allowing the country to pushbacks at its border.

*The instrumentalisation of mass migration by populist parties for political purpose*

The heterogeneity cost can fuel populist discourses than takes advantage of the ongoing migratory crisis and lack of response from the government, feeding fear and defiance about migration, and increasing division among the population. In this sense, populist parties, with their discourses, actually participate in the strategy of 'divide and conquer' implemented by the coercive State through crisis generation and migratory blackmail. By exacerbating tension and defiance about migrants, the populist's movements participate in the destabilization of the targeted State and increase its vulnerability and inability to come up with a unify and concrete response to overcome the crisis. In a sense, by spreading scaring message about migration, populist movements participate in the weaponization of mass migration.

However, not only populist parties but opposition in general tend to openly criticize and expose the lack of responsiveness of the government in place dealing with the migration crisis and blackmail from coercive States. This is due to the inherent conflictual nature of political framework of liberal democracies where the race for power actually implies de-solidarity and strategic manipulation of misinformation and controversial topic (Greenhill, 2010 p. 137). At the policy level, they are strongly incited to adopt positions opposed to those proposed by their opponents, without any critical judgment, whether they agree with it or not (Greenhill, 2010).

In this sense, it is not the heterogeneity and pluralistic setting and its political frame that makes liberal democracies vulnerable, but rather the cost of divergence that comes with it. The more this divergence and heterogeneity are stressed and agitated, the most likely it is to create a democratic and societal crisis able to destabilize a State and play in favor of the coercive State at the origin of the migration crisis. Hence, considering the political cost this type of crisis could generate over their State, targeted democracies would rather accept the blackmail that yet seemed unacceptable originally, than bear the cost of a societal and democratic crisis that could evolve from coercive engineered migration.

In sum, this public and legal commitment to promote and protect human rights, and the pluralistic nature of politics in advanced liberal democracies, actually offers coercive States a powerful negotiating leverage through the exploitation of what constitutes the soft power of these democracies. Thus, once instrumentalised, liberal democratic virtues can become vices in international negotiations. Yet, the political cleavages and the inherently conflictual nature of

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<sup>28</sup> Treat of the European Union, title 1, common provisions, Article 4.2 ([available here](#))

pluralistic politics of advanced liberal democracies, end up making these commitments anything but absolute.

## Part 4: A diplomatic void, what are EU's options to face this crisis?

In this part we will address the diplomatic void surrounding the coercive engineered migration and the possible solutions left to the EU to face this crisis implemented by Belarus. We argue that the lack of lawful responses to this type of hybrid threats is responsible of States' vulnerabilities, giving them no choice but to either violate international treaties, or to apply short-term responses.

### 4.1 *The lack of lawful responses: pointing at a diplomatic void*

*The international order is not able to protect States from this type of crisis and coercive threats*

The United Nations High Commissioner for Refugees spoke out in a briefing, during the 8919th meeting of the UN security council held on 7 December 2021<sup>29</sup>. During this brief, Mr. Grandi - United Nations High Commissioner for Refugees – expressed his concerns about the instrumentalisation of migrants for political destabilization, while referring to the migratory crisis engineered by Belarus at its EU borders (p2). Estonia argued that during the past few months, the EU has witnessed an “*attempts by some States to exploit the vulnerability of human beings for political purposes*” and condemned the instrumentalisation of people for political means. On the same tone, France declared that putting the lives of vulnerable individuals at risk for political purpose was unacceptable.

Although the coercive engineered migration method was condemned by the different spokesperson, and the human rights violation of such strategy was stressed. Yet, no concrete recommendation or action plan was made to help the EU face this attack, and no further security support was granted, leaving the EU resourceless to face this hybrid threat. Besides, at no point during 2021 and in 2022 the UN security council adopted any resolution concerning the use of hybrid threats by Belarus over the EU through the implementation of coercive engineered migration at its borders.

Thus, the international legal order remains very vague regarding the condemnation of coercive engineered migration and the use of hybrid threat. Although, everything suggests that such instrumentalisation of migrant for political purpose is a violation of human rights and must be stopped, no legal tools have been implemented to protect the States from these attacks. While the Article 1.1 of the UN Charter<sup>30</sup> stipulates that the aim of the UN is to take effective measures to prevent and remove a threat and to act against an act of aggression, it is not specified which type of threats, with what capacities and to what scale. Even the Global Compact for Safe, Orderly

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<sup>29</sup> 8919th meeting of the UN security council, December 7, 2021. ([available here](#))

<sup>30</sup> United Nations 1945 Charter Chapter 1 purposes and principles Article 1.1 ([available here](#))

and Regular Migration adopted in December 2018<sup>31</sup> does not mention coercive engineered migration, and the instrumentalisation of mass migration in its resolution.

However, at the Article 78.2 (c)<sup>32</sup> of the TFEU, the EU argues that in the event of a massive inflow, for the creation of the common EU system of temporary protection for displaced persons. Besides, Article 78.2 (g)<sup>33</sup> of the TFEU explains that the EU should cooperate with third actors to better managed migration waves and take into consideration asylum requestion. Hence, cooperation with regional countries seems to be the only option available in the EU treaties. Yet, we have already explained above that these types of partnerships and border management delegation, is making the EU even more vulnerable to hybrid threat and migratory blackmail. Besides, Belarus has stepped-back from the Eastern Partnership in June 2021 and the cooperation has been suspended.

Thus, there is a clear void regarding the legal process to follow for a country victim of coercive engineered migration. This legal blur adds to the cacophony coming from the 27 head dialogue of the EU and the heterogeneity and hypocrisy costs. It becomes very complicated for an Entity like the EU to come up with an effective action plan to overcome this type of hybrid threat, making it even more vulnerable to these attacks even from originally weaker States.

*When treaties violation seems to be the only option left*

Because of this diplomatic and legal void, targeted countries must come up with their own action plan, sometime by violating or discarding certain international treaties and convention they signed, or by interpreting certain law to fit into their situation of concerns.

Hence, as a frontline State in this crisis and facing the lack of concrete actions from the EU, Poland started to build in August a razor-wire fences along a part of its shared border with Belarus, in response to what the Polish authorities interpreted to be *“an attack against Poland”* or *“an hybrid warfare”*<sup>34</sup>.

Besides, according to a report from human right watch published on 24 November, the Polish authorities are trying to limit access to asylum procedures, by introducing new legislation to their national parliament. Hence, in August, the Polish Parliament voted an amendment stipulating that *“persons who are not authorized to enter Poland are instructed to leave the territory immediately and returned to the state border line”*. Besides, in October, the Polish Parliament passed an

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<sup>31</sup> United Nations, General assembly, December 19, 2018 *“Global Compact for Safe, Orderly and Regular Migration”*. ([available here](#))

<sup>32</sup> Treaty on the Functioning of the European Union, title V, area of freedom, security and justice, chapter 2 policies on border checks, asylum and immigration Article 78.2 (c) ([available here](#))

<sup>33</sup> <sup>33</sup> Treaty on the Functioning of the European Union, title V, area of freedom, security and justice, chapter 2 policies on border checks, asylum and immigration Article 78.2 (g) ([available here](#))

<sup>34</sup> France 24, August 27, 2021, *“Polish troops build barbed wire fence against migrants”*. ([available here](#))

amendment legalizing pushbacks, and mandating the issuing orders of legal entry<sup>35</sup>. The provision is problematic because it enables expulsion of migrants from Poland, even in cases when they have applied for international protection because this law does not require authorities to take into account their applications for international protection.

Yet, regardless of this legal modification adopted by the Polish parliament, push-backs remains illegal (as already explained above).

## 4.2 *From short-term solutions...*

This migratory crisis being engineered by Belarus to destabilize the EU in reaction to its sanctions against the Lukashenko regime, it represents both a humanitarian and security issue. Hence, the solutions to overcome this crisis must take into consideration both the well-being and safety of migrants instrumentalised as weapon in this crisis, and the integrity of Poland, Lithuania, and Latvia's territory that has been threatened by this hybrid attack, and the diplomatic credibility and unity of the EU that has been put under pressure.

*What has been done so far?*

One of the first measure to be applied against Belarus, was 'flight restriction'. To cut the migration crisis at the root, many issuing countries implemented flight restrictions on the Belavia airline accomplice in the trafficking of migrants at the Belorussian border and denied access to flights toward Belarus for non-Belarus resident. This is the case of Iraq, which, since August, has announced the suspension of flights to Belarus, and this, on all its territory<sup>36</sup>. Then, later in November Lebanon decided to restrain the access to flights heading to Minsk to people holding a Belarusian residency permits and to Belarussian citizens<sup>37</sup>. On the same page, Turkish airlines has decided to deny boarding access for Iraqis, Syrians and Yemenis passenger on Turkey-Belarus flights<sup>38</sup>. The private Syrian company Cham Wing Airlines declared it was pausing its flights toward Minks. On 2<sup>nd</sup> December 2021, the Council of the European Union announced that the EU sanctions against Belarus will also target Belavia Airline and other tour operator involved in the instrumentalisation of Migrants at the EU-Belarus border<sup>39</sup>.

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<sup>35</sup> European Council on Refugees and Exiles, October 15, 2021, "*Poland: Parliament Approves 'Legalisation' of Pushbacks, Council of Ministers Adopt Bill to Construct Border Wall, Another Life is Lost at Border with Belarus*". ([available here](#))

<sup>36</sup> Tass, August 7, 2021, "*Iraq suspends all passenger flights to Belarus amid migration crisis*". ([available here](#))

<sup>37</sup> European Commission, November 17, 2021, "*Statement by Vice-President Schinas in Lebanon to address the situation at the Poland-Belarus border*". ([available here](#))

<sup>38</sup> L'orient today, November 17, 2021, "*Lebanon imposes curbs for Belarus-bound air passengers*". ([available here](#))

<sup>39</sup> Council of the European Union, December 2, 2021, "*Belarus: EU adopts 5th package of sanctions over continued human rights abuses and the instrumentalisation of migrants*". ([available here](#))

To this day, the Belarus Airline company seems to still offer flights from Istanbul to Minsk and from Dubai to Minsk. Yet, the other key airports in the migratory crisis like Beirut and Baghdad seem to have close their lines to Minsk through Belavia.

A second significant measure in the migration crisis concerned the faith of migrants stuck in the no man's land in between the two borders. On 11 November, the Belarus authorities declared on telegram that, all refugees from the makeshift camp<sup>40</sup> on the Belarusian-Polish border, near the Brouzgui crossing point, were transferred, on a voluntary basis, to a logistics center<sup>41</sup>. The IOM and UNHCR were granted the access to the makeshift camp to support those in need of international protection to apply for asylum in Belarus. The agencies also helped others to apply for family reunification purposes in the EU. Besides, the Assisted Voluntary Return and Reintegration<sup>42</sup> (AVRR) was also offered to migrants. Hence, on 18 November, the Belarussian journalist Franak Viačorka reported on Twitter that 430 migrants were repatriated to Iraq, yet "*thousands are still held hostage by the regime*"<sup>43</sup>. The dismantling of the refugee makeshift camp in the no-man's land, and the repatriation procedure was a first step toward an improvement in the humanitarian crisis. Building on that, in November 2021 the EU council reported that the EU would dedicate €700 000<sup>44</sup> of humanitarian assistance to migrants at the Belarus border.

### *What was the EU response?*

In an interview for the German newspaper Bild<sup>45</sup>, the German Federal Minister of the Interior, Horst Seehofer stressed the need of fast and coordinated EU response to effectively face this type of hybrid threat and easily overcome those crises. He argued that the all member-States should show their unity and strength, as the purpose behind the engineered migration crisis is to destabilize the West.

On 21-22 October the European Council declared that the EU must keep countering this Belarussian hybrid attack, which could evolve into further sanctions<sup>46</sup> against Minsk. Building on that, on 9 November 2021 the European Council adopted a partial suspension of the EU–Belarus

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<sup>40</sup> The UNHCR and IOM reported that approximately 2 000 asylum-seekers, refugees and migrants had been stuck there since the 8 November.

<sup>41</sup> Ouest France, November 19, 2021 "*Biélorussie. Les migrants de la frontière polonaise évacués vers un centre d'accueil*". ([available here](#))

<sup>42</sup> This free choice program implemented by the IOM, offers a safe and legal return for migrants to their country of origin ([available here](#)).

<sup>43</sup> Twitter, Franak Viačorka, November 18, 2021. ([available here](#))

<sup>44</sup> The funding is part of the EU's overall contribution to the Disaster Relief Emergency Fund, managed by the IFRC, *This consisted of €200 000 for the International Federation of Red Cross and Red Crescent Societies (IFRC) and a further €500 000 in humanitarian funding.* ([available here](#))

<sup>45</sup> Article available here ([Bild](#))

<sup>46</sup> All the EU restrictive measures listed include travel ban and assets freeze.

Visa Facilitation Agreement for officials linked to the Belarus regime<sup>47</sup>. Then on November 15, the European Union moved up a gear and adopted a new regulation to enable the EU to target individual and legal entities accomplice of the Lukashenko regime that participate of the instrumentalisation of migrants at EU border with Belarus. On 2<sup>nd</sup> December, the European Council adopted a fifth package of sanctions against Belarus regarding its use of coercive engineered migration<sup>48</sup>. They targeted prominent members of Belarus' judicial branch, like the Supreme Court and the State Control Committee, accomplice in the Lukashenko's hybrid attack, and propaganda entities that contribute to the repression of free media and the oppression of civil society. These new sets of sanctions also applied to high-ranking political officials of the Lukashenko regime and companies like Belavia that participate to the instrumentalisation of migrant. Lastly, on 24 February 2022, the EU has decided to extend the restrictive measures and sanction against Belarus for another year, and shall then apply until 28 February 2023<sup>49</sup>.

### 4.3 ... To long-term recommendations

Although economic sanctions, visa restrictions, and air-ban will make the implementation of hybrid threats and instrumentalisation of migrant more difficult, long-term solution must be implemented, this time not to sanction but to prevent such crisis from happening.

#### *Learning to identify early patterns*

The current European setting with the Ukrainian conflict makes it difficult to foresee and imagine ways to prevent such crises, even though Russia and Belarus seem more isolated than ever. Europe has now turned its attention to the migration crisis of Ukrainian refugees fleeing the conflict with Russia, and the political narrative of this issue has changed. Ukrainian refugees are not seen as a threat. The internal divisions between pro- and anti-refugee groups that used to occur in previous migration crises, are no longer relevant and have given way to an unprecedented surge of European solidarity. Yet migratory blackmail can always happen even with a 'liked' population.

Hence, in the case of an eventual use of coercive engineered migration method by another belligerent State, the EU must be ready to react. As the German federal minister of interior explained in the report on "Migration scenarios as a starting point for hybrid threats", although the instrumentalisation of migratory flows remains a relatively rare phenomenon, it should

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<sup>47</sup>Council of the European Union, November 9, 2021, "Belarus: Council suspends visa facilitation provisions for officials of the Belarus regime". ([available here](#))

<sup>48</sup> Council of the European Union, December 2021, "Belarus: EU adopts 5th package of sanctions over continued human rights abuses and the instrumentalisation of migrants". ([available here](#))

<sup>49</sup> Council of the European Union, February 24, 2022, "amending Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus". ([available here](#))



reappear in the future as migration continues due to various crises. Hence, it is important to learn how to prevent it as there is a risk that it will have an even more polarizing effect on society in the future. The report stressed that States should improve the early detection of hybrid threats component related to migration. Such a surveillance can be done through the scanning of social medias activity, notably on Telegram and WhatsApp. A collaboration with these social medias' groups should be approached, to detect as early as possible migration propaganda like border travel publicities. Surveilling social medias also provides information about the number of people connected at one place at the same time. It allows movement tracking and can outline unexpected or uncommon population movements.

Besides, the public should be better sensitized and educated about disinformation campaigns This can be achieved through a good communication and information sharing between political authorities and security officers and social medias operators.

#### *Member-States should work to increase solidarity among them*

The lack of EU solidarity regarding this crisis was stressed by Horst Seehofer, in his interview for Bild. He explained that EU destabilization was made possible because of the lake of unity among the member-States and the general cacophony about the topic of migration. While the 'New Pact on Migration and Asylum' is a first step toward solidary in the asylum seeker registration, there is still a long way to go. EU governments should work on a common narrative on migration, to fight against stereotypes that cause fear and distrust among the population and implement an effective policy dialogue about how to react when facing these types of hybrid threats.

#### *Communication and development, addressing the root causes of migration*

Finally, the EU needs to implement a dialogue with migration emitting countries to address the root causes of migration, that often relies on economic distress and the lack of job opportunities in the 'origin' counties. Hence, 'illegal' migratory flows could be reduced through the implementation of development programs like MEETAfrica finance with the EU emergency trust fund for Africa, in the Rabat Process' countries. It aims to develop businesses opportunities and jobs formations to make 'departure' countries more attractive. Although they are not the only solution, such programs could be developed in other regions like Iraq and Yemen.

Besides, as communication is key, the EU should keep a dialogue open with States responsible of coercive engineered migration.

## Conclusion

To concluded, EU's vulnerability regarding the instrumentalisation of migration movements by illiberal States is a complex issue with various tenants. As this type of hybrid threat is not going to fade away, it is important to understand what the purpose of such actions is, what EU's vulnerabilities come from, and what are the solutions to face these threats. We have explained that the aim behind coercive engineered migration is to rebalance the negotiation power-lift, using the migratory threat as a form of blackmail against the EU. We have argued that EU's vulnerabilities came from its own structural and narrative setting: the securitization of the migration topic, the hypocrisy and the heterogeneity costs propitious to crisis generation. Yet, we have also argued that the international legal framework was lack of suitable response the 'fight back' and was leaving the targeted countries in a vulnerable position, increasing even more the crisis generation potential of such attacks. Hence, it is important to develop legal tools to support liberal democracies in their fight against human rights abuses and blackmail. Besides, it is also determinant that the EU countries adopt a common positive narrative about the migration topic, no longer only linking migration with a security issue, but also with growth and development opportunities for the countries of origin, transit, and destination.

Regarding the EU-Belarus migratory crisis of fall 2021, the results are mixed. While Lukashenko failed to make the EU drop its sanction against his regime, still he managed to be seen as Belarus 'true' leader, after exchanging with Angela Merkel and other EU leaders, several time during the crisis. Besides, after this crisis the EU remained united, and now faces the current Ukrainian migratory crisis as one. Although Belarus' crisis generation strategy failed, the EU should still be prepared to face population instrumentalisation by illiberal State, especially now that war has taken place within Europe.

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