Human Insecurity and Indignity in the European Union

Refugees and Migrants Crossing the Croatian-Bosnian Border

Master Thesis

Submitted on: 29-07-2020

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Abstract

EU values are the foundation of the European Union. However, in terms of the recent mixed migration flows EU values such as solidarity and respect for human dignity have not been upheld across the union. After an initial humanitarian response to the large influx of refugees and migrants, the attitude of EU countries shifted. The securitisation of migration is seen as the prominent reason for this shift. Migration became a security issue within the EU and especially the external border countries are pressured to have strong and effective border control. Croatia is an example of this, where allegedly the inhumane and degrading treatment of refugees and migrants has become a tool of deterrence at the border with Bosnia and Herzegovina. In this thesis, it will be investigated how the values solidarity and respect for human dignity can be upheld in the implementation of EU migration policy at the Croatian-Bosnian border. This is of crucial importance to the EU as its functionality depends on the shared belief in values. An in-depth understanding of the situation at the Croatian-Bosnian border is needed in order to determine how the values can be upheld. The research explores; the problems associated with EU migration policy, the relation between the EU and the two Balkan countries, the discrepancy between EU values in policy and in practice, and the securitisation of migration. The central objective of this thesis is to determine whether EU values have been upheld as well as identifying the responsibility and accountability of actors at the Croatian-Bosnian border through the method of qualitative content analysis. More broadly, the findings will result in country-specific recommendations.

Key words: EU values, human dignity, migration policy, securitisation, solidarity

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List of Abbreviations

CEAS   Common European Asylum System

CMS   Centre for Peace Studies (Centar za mirovne studije)

ECtHR   European Court of Human Rights

EU   European Union

GDP   Gross Domestic Product

IOM   International Organisation for Migration

MEP   Member of the European Parliament

NGO   Nongovernmental Organisation

UNHCR   United Nations High Commissioner for Refugees

1. Introduction

1.1 Refugees and Migrants at the Croatian-Bosnian Border

The influx of refugees and migrants in 2015 was the largest forced displacement of people since the second world war (Fekete, 2018). This mixed migration influx is still one of the biggest geopolitical challenges the European Union is facing today. However, as the coronavirus is spreading, and more countries are in lockdown the situation for refugees and migrants is becoming even more challenging. The virus has led to further stigmatization of refugees and migrants, and deterioration of the conditions in the camps in the Western Balkan. Especially in Bosnia and Herzegovina where the collective centers and facilities for refugees and migrants are presumably the worst and below any standard of dignity (Transbalkan Solidarity Group, 2020). Concern has been voiced about possible inhumane and degrading treatment of refugees and migrants by Croatian police at the border with Bosnia and Herzegovina. This would contradict the European Union's commitment to values such as solidarity and respect for human dignity as Croatia is part of the EU. Although Croatia's ombudsperson, the Council of Europe High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the minister of security of Bosnia and Herzegovina, MEPs and NGOs have expressed concerns about the treatment of refugees and migrants by Croatian police at the border with Bosnia Herzegovina, the Croatian ministry of interior insists that allegations are unsubstantiated. On the other hand, former Croatian president Kolinda Grabar-Kitarović did not deny violent pushbacks and emphasized the necessity but later adjusted her statement (Border Violence Monitoring Network, 2020). In various reports by multiple NGOs such as the Amnesty International, Border Violence Monitoring Network, Centre for Peace Studies, Human Rights Watch, and Médecins Sans Frontiers it is stated that Croatian police brutality against refugees and migrants has been observed (Border Violence Monitoring Network, 2018). Examples of this ill treatment are the use of electric discharge weapons, mandatory disrobement, disproportionate use of force, the use of firearms to threaten, imprisonment with inadequate facilities and inhumane treatment during transportation to the Bosnia and Herzegovina border. Inhumane or degrading treatment can be defined as treatment that creates fear, anguish or the perception of inferiority which often results in humiliation and impairing the victim's dignity (Border Violence Monitoring Network, 2020). Treatment as such is in stark contrast to EU values such as solidarity and respect for human dignity. Furthermore, collective pushbacks or expulsions to Bosnia and Herzegovina are presumed to have been executed systematically. This involves the deportation of a group of refugees or migrants without the utilization of legally established procedures or an objective inspection of each individual case. This practice is prohibited even if Bosnia and Herzegovina is not a country where risks would be present upon return, the failure to examine individual cases is unlawful. However, the Croatian minister of interior Davor Božinović stated that instead of violent pushbacks or collective expulsions the border police practices constitute a refusal of entry which is possible under the Schengen Border Code (Amnesty International, 2019).
In this paper the implementation of the EU migration policy at the Croatian-Bosnian border will be examined focusing on the observed pushbacks which would contradict EU values such as solidarity and respect for human dignity.

1.2 The Cornerstones of the European Union

In classifying the most important challenges of the EU it is important to take into account the context in which the EU was build. After the second world war the European Coal and Steel Community was established which regulated the resources needed for warfare. Accordingly the establishment of the European Union is often referred to as a peace project (PAX, 2019). All member states voluntarily gave part of their national sovereignty to the EU, a supranational body. The functionality of the EU therefore depends on the belief in the EU and its acquis communautaire (Llewellyn, 2016). Within this acquis communautaire the European values are described as cornerstones of the union. These values include respect for human dignity, freedom, democracy, equality, rule of law, respect for human rights so that pluralism, non-discrimination, tolerance, justice, and solidarity could prosper. Values such as solidarity and respect for human dignity are essential as they keep the union together internally and present the EU as a leader in external relations (Llewellyn, 2016). This shared belief in values is the glue that keeps the EU together. The normative power of the EU, in which others choose to follow rather than are obligated to do so, acquires credibility and legitimacy through the implementation of its values. Normative power is sustained by internal and external consistency and the failure to uphold these values reflects a decline (Woollard and General, 2018). Furthermore, in terms of the large mixed migration flows core values such as solidarity and respect for human dignity have not been upheld in different member states, one alleged example is Croatia. Considering this context mixed migration is one of the most important challenges for the EU as the violation of core values challenges the very existence of the EU. In this thesis the following research question will be investigated:

1.3 Research Question

How can EU Values such as solidarity and respect for human dignity be upheld in the implementation of EU migration policy at the border between Croatia and Bosnia and Herzegovina?

   Sub Questions
   1.   To what extent or in what form have these values been upheld or violated in the implementation of EU migration policy at the Croatian-Bosnian border?
   2.   Which actors are in this case responsible for upholding or violating these values in the implementation of EU migration policy?
   3.   In which way can these actors be made accountable where values are not upheld?

In order to answer this question first the different elements of study will be contextualized in chapter 2. These elements include; the recent developments of mixed migration, EU migration policy, the two Balkan countries and EU values. After the context of different elements of study is established the theoretical framework will be presented on the securitisation of migration in chapter 3. The theoretical framework aims at explaining the turn away from EU values within migration policy and different expectations will be derived from the theory. In chapter 4 the research design and methodology will be presented, thoroughly explaining how and why qualitative content analysis was chosen. In chapter 5 the main research findings will be illustrated as well as the answers to the sub questions. This allows for the presentation of the answer to the research question and findings based policy advise in chapter 6, concluding in chapter 7.

2. Contextualisation

In this chapter a content analysis of the different elements of study will be provided. It gives an overview of how the research question came to be as well as sets the context and setting. First, the recent historical developments leading up to the large mixed migration flows will be addressed. From the start it was evident that EU migration policy had a problematic nature. Thus, secondly EU migration policy will be analysed in order to establish where the problem lies. This will allow for the examination of EU migration policy at the Croatian-Bosnian border and the relation between the EU and these two Balkan countries. Lastly, after establishing the context the core concepts solidarity and respect for human dignity, highlighted within the Treaty on the European Union, will be investigated.

2.1 Past to Present

Country of Origin - In 2011 the Syrian civil war started initiated by a Sunni Arab rebellion against the Alawite minority government of Assad. This became a bloody civil war in which different world actors were involved such as Saudi Arabia, Iran, Turkey, Russia, and the United States (Carpenter, 2013). This civil war has created three zones within the country: western Syria is controlled by Assad's government, eastern Syria is dominated by a mixed Kurdish-Arab group who were supported by the United States and have taken territories captured by ISIS, and Turkey is trying to intervene in northwestern Syria where violence has been persistent between the Assad regime supported by Russia and Islamic extremists (Ford, 2019). In the spring of 2015 this civil war led to mass forced migration of Syrian refugees. Whereas in April 2015, there were 58 000 refugees who had fled, this number had grown to 89 000 in June. In the summer, 190 000 Syrians had fled the country, three times as many as in 2014. By fall half a million Syrians were seeking refuge in the European Union (Heisbourg, 2015). As Syria is still a divided country it will take time to rebuild. This is also due to Western sanctions, as well as funding scarcity, and the ongoing violence between the Assad regime and Islamic extremists. The total number of Syrians who fled is approximately 5 million people and due to the weak state Syria is in they will have little incentive to go back (Ford, 2019). At the peak of the crisis in 2015 there were more than 1,2 million requests for asylum in the EU (De Somer 2018). Where were the rest of the refugees and migrants coming from? In 2015 most people were from Syria, but there were also many from Afghanistan, Iraq, and Pakistan (Fekete, 2018).

Fortification of borders in the Balkans -Thus, the mixed migration flows were coming from the south which meant that especially the southern European countries had many migrants and refugees entering their territory. A relocation scheme was proposed in which 160 000 people would be relocated to lessen the burden for the southern states however the scheme was not accepted by all. The Central Mediterranean, Eastern Mediterranean and Western Balkan route are used to travel to EU countries. In 2015 along the Western Balkan route, approximately more than 555 000 people crossed Croatia. Especially in late 2015 Croatia had the most refugee crossings amongst the Balkan countries (Bilic, Yilidrim, 2018). Along the Balkan route the countries reacted in two ways to the large influx of refugees and migrants; helping them transit through their territory and at the same time fortifying their borders. For example, in Croatia thousands of refugees and migrants were transported to the borders with Serbia and Hungary which was not received well by the countries (Zaragoza, 2017). With the closure

of the Hungarian border the Croatian government changed their approach by; setting a limit to the amount of refugees and migrants who can cross the country and closing the border with Serbia during certain timeframes. Due to this fortification race, in which countries in the Balkans tried to redirect the influx of refugees and migrants towards their closest neighbor, thousands of people were being left stranded either in camps or outdoors. However, in November 2015 the authorities in Serbia, Slovenia and Croatia decided to coordinate their rules and collectively closed their border to economic migrants. Only Syrians, Iraqis and Afghans were allowed to enter their territory excluding many people from Somalia, Congo, Sudan, Senegal, and Pakistan. In February 2016, the restrictions increased allowing only 580 asylum seekers to enter their territory per day which increased tensions and violence at the borders (Zaragoza, 2017).

Balkans and Turkey as buffer zone - In March 2016, an EU-Turkey deal was drafted in which the Eastern Mediterranean route to Greece was closed (Fekete, 2018). This deal encompassed that; Turkey agreed that all new refugees and migrants would be deported back to Turkey, the Turkish government would ensure the prevention of further illegal migration by any means necessary, and that for every Syrian deported a legally recognized Syrian refugee would be resettled (Bulley, 2017). This has created an EU borderland in which the Balkan region and Turkey are used as a buffer zone. What is unique about this EU borderland is that it constitutes EU members as well as EU candidates that have been used to stop the migration influx from entering the Northern European states (Zaragoza, 2017) However, in February 2020 Turkish president Erdogan declared that Turkey would open its borders for refugees and migrants to flee to Greece, breaking the EU-Turkey deal. Since then violence against refugees and migrants has increased in Greece not only caused by far-right protestors but also by border guards and fearful citizens (Human Rights Watch, 2020). As Gerald Knaus, one of the creators of the Turkey-deal stated, what we now see is a race between EU countries and Turkey who can treat refugees and migrants the worst in order to deter them from crossing the border (Buitenhof, 2020). This is in breach with EU as well as international law and in complete contradiction with EU values which are the cornerstones of the Union. While the situation in Greece has escalated just recently, concern about a decline in the perseverance of EU values in terms of refugees and migrants at the Croatian border has been voiced.

2.2 EU Migration Policy: Schengen Agreement and Dublin Regulation

The problems of the CEAS - Since the beginning of the twenty first century the European Union has been working on creating a Common European Asylum System (CEAS). Although a CEAS should ensure shared responsibility and unified legal treatment of asylum seekers and refugees this is not yet the case (Henrekson et al, 2020). Some scholars argue that the problems of a Common European Asylum System are synonymous with the challenges of the euro zone in which in both cases it is questioned whether states are sufficiently similar for the policies to be appropriate. The commitments to the CEAS are largely symbolic. From the 2018 Eurobarometer report it is evident that immigration is seen by most European citizens as the biggest challenge the EU is facing. Within the treaties a lot of responsibility is left to the member states in terms of border control, processing of asylum applications and economic benefits given. Asylum policy is highly influenced by the domestic politics in each state which was amplified by the large refugee flows of 2015. While in theory all member states are obliged

to follow the Geneva Convention and European directives on asylum and migration in reality it has been observed that member states do not adhere to these agreements (Henrekson et al, 2020). Multiple organisations argue that Croatia is such an example. However in the reports on asylum and migration in Croatia of 2015 and 2018 published by the European Migration Network, which is financially supported by the European Commission as well as the Croatian Ministry of Interior, it is argued that Croatia has made many efforts to comply with EU directives and laws. In this section these EU regulations on migration and asylum will be examined in historical order focussing on the most important legislation.

Dublin and Croatia - The EU plays an important role in migration in terms of the Schengen Agreement and Dublin Regulation which are amongst the oldest and most fundamental rules of the EU. To start with the Dublin regulation which was introduced in 1990, initially as an intergovernmental treaty outside the EU's legal framework, however in 2003 it was incorporated into EU law (Trauner, 2016). In 2013 Dublin three was approved with more improvements for asylum seekers in terms of right to information, right to appeal, regulations on detention, a limited timeframe, taking into account children and conditions to Dublin transfers (Swinfen, 2018). The Dublin regulation lays down who is responsible for the examination of the asylum application of an individual seeking international protection under the Geneva Convention and the EU Qualification Directive from 2011 (Henrekson et al, 2020). To decompose this, the Geneva Convention of 1951 is the first international treaty which lays down the right to asylum. It defines a refugee as an individual who fears being prosecuted due to his or her; race, religion, nationality, membership of a particular social group or political opinion, and because of this is outside of the country and is unwilling or unable to return. However, this definition does not mean that refugee status is automatically given or that refugee status will grant asylum as well. A clear distinction needs to be made between those who have the right to international protection under the Geneva Convention and those migrating for alternative reasons. Furthermore, the principle of non refoulement was introduced which forbids countries to return individuals to a country where they could face persecution based on the afore mentioned reasons. The Qualification Directive from 2011 was adopted in order to make clear the grounds for international protection, regulate exclusion and cessation, improve the access to rights for individuals seeking international protection and take into account the best interest of the child and other gender related conditions (Henrekson et al, 2020). Member states wanted to avoid asylum shopping, in which asylum seekers would apply to several states transiting in case of a negative outcome. Within the Dublin regulation it is emphasized that only one member state is responsible for dealing with asylum and that a possible rejection of an individual would apply to all member states. Additional rules illustrate the criteria for responsibility such as assumed prior connection with the state. However, the default rule is that the state in which an asylum seeker first enters is assigned responsibility (De Somer, 2018). This has been a very troubling regulation especially for the Southern EU countries. In the early 2000s most asylum seekers where from the east and arrived in Germany which was both the first entry point and the destination of choice. Thus, there were not many Dublin transfers requested as the framework was in line with already established migration patterns. However, with the accessions of 2004 the EU external border moved eastward which introduced immigration policy in countries which were not immigration

countries. Adoption of the Dublin Regulation was mandatory for accession and the responsibility of asylum requests moved. This has created an asymmetric system in which the countries at the EU's external border have a disproportional share in terms of responsibility (De Somer, 2018). Due to this disproportionality a vast number of refugees and migrants are stuck in EU external border countries leading to more hostility and violence against them within those countries, a claimed example being Croatia. Moreover, in July 2017 the European Court of Justice ruled that Croatia had violated the Dublin regulation allowing asylum seekers to cross over to Slovenia and Austria without processing their claims (Milekic, 2017). However, even more concerning in 2019 the court of Genova as well as the federal administrative court of Switzerland suspended Dublin transfers to Croatia because of the possibility of inhumane or degrading treatment (Šošić, 2019).

Schengen and Croatia - The Schengen Agreement represents the removal of internal border controls within the EU. Although Croatia is not part of the Schengen area it is obliged to become part of it and needs to show its accordance with the rules. However, multiple organisations have expressed doubts about the inclusion of Croatia due to the presumed collective pushbacks which would indicate a violation of article 7 of the Schengen border code, which lays down that border guards have to fully respect human dignity (CMS, 2019). Furthermore, in article 13 of the Schengen border code it is stated that when a person crosses a border illegally the procedures have to be in line with Directive 2008/115/EC. This directive requires member states to have a fair and efficient asylum system which is in accordance with the principle of non refoulement and which provides facilities and humane treatment. More importantly the directive states that if requests for international protection have not been decided measures for return do not apply (CMS, 2019). In order for Croatia to be able to join the Schengen area it has to be in line with all parts of the Schengen acquis. Although Croatia has a Bilateral Readmission Agreement with Bosnia and Herzegovina which allows the country to return third country nationals without legal permission to stay it still has to follow European as well as international law in terms of the treatment of refugees and migrants.

2.3 Balkan Countries: Relation with Bosnia and Herzegovina and Integration of Croatia
Mixed migration in Bosnia and Herzegovina - The Una Sana Canton in Bosnia Herzegovina bordering Croatia has been most affected by refugees and migrants trying to continue their passage to the European Union (Vladisavljevic and Kovacevic, 2020). The two largest camps close to the border with Croatia are ''Bira'' in Bihać and ''Miral'' in Velika Kladuša. However as previously mentioned Bosnia Herzegovina is ill equipped to take in the large flows of refugees and migrants. Some scholars regard the country as still in the aftermath of the Bosnian war as the constitution is an annex of the Dayton Peace Agreement (Olsavszky and Immordino, 2017). Furthermore, the difficult multilayered political and governance structure, encompassing 13 constitutions, 14 legal systems and 140 ministries with 13 prime ministers shows the ongoing struggle for peace and reconciliation. Nationalist leaders have used this opportunity to chase their wartime policies. This has led to the deterioration of the political atmosphere within the country. Due to unresolved structural and functional challenges the rule of law, accountability, fight against corruption and responsiveness of politicians is weakening (Olsavszky and Immordino, 2017). According to the United Nations High Commissioner for Refugees, the number of refugees and migrants in Bosnia and Herzegovina has increased to around 10 000 (2020). Around 40

per cent is from Pakistan, 10 percent from Afghanistan and other significant groups are from Syria, Iraq and Bangladesh (Wallis, 2020). As previously mentioned in 2015 Hungary blocked entrance into its territory by establishing a fence along the border with Serbia and Croatia. This led to a stark increase of refugees and migrants passing through Bosnia and Herzegovina and into Croatia at the end of 2017. For example, in May 2018 there were 2 557 new arrivals in Bosnia and Herzegovina in January this number was ten times smaller (Border Violence Monitoring Network, 2019). However, there is insufficient capacity to accommodate all refugees and migrants in temporary reception centers resulting in more than 2500 people living outside these facilities (Kovacevic, 2020).

Mixed migration in Croatia - EU values are best secured through integration however this should not be at the expense of internal minorities such as refugees or migrants (PAX, 2019). However in Croatia this paradoxical situation is evident in which on the one hand Croatia is required to have strong border control in order to enter the Schengen area and further integrate, on the other hand the EU seems to have turned a blind eye to allegations of the country's disregard of important values such as solidarity and human dignity of refugees and migrants. Additionally, Croatia has been praised for its strong border control and has received a substantial amount of money from the EU in order to maintain it (Amnesty International, 2019). Whereas Croatia was traditionally a country of emigration, in the last five years it has had to deal with the issue of immigration. In the beginning, in 2015 the response of the Croatian government was thought to be of a humanitarian in nature. The government arranged transportation of refugees and migrants but apart from this also provided food, shelter, and medical care. There were many NGO's and citizens offering their help. However, there were not many requests for asylum within the country (Car, Bovan, 2019). In the article by Bužinkić it is argued that this proclaimed Croatian humanitarianism and quality organisation of transition was established in order to construct the identity of a transit state (2018). She argues that the construction of a transit state shows the unwillingness of the political authorities to open their own society to refugees and migrants. Keeping the emphasis on transit as the only option in terms of refugee reception justifying this by labels and prejudices (Bužinkić, 2018). While at first this discourse of an organized and humanitarian state handling mixed migration flows well was established, where refugeehood was seen as forced, this later changed into the perception that the country was invaded by a large amount of people who were creating chaos and crisis in EU countries. The media representation as economic migrants and terrorists in other EU countries greatly affected the perception in Croatia (Bužinkić, 2018). The large influx of refugees and migrants has once more demonstrated to the EU the strategic importance of the Western Balkans for its own stability and security. However, what it also revealed was the EU's shortcoming in promoting lasting stability, sustainable democratic transformation, and strong economic development to be able to deal with mixed migration flows in the Western Balkans. Although often a neglected area, this showed that the Western Balkan is in the center of Europe and put the region back on the political agenda of the EU. Nevertheless, the region has not enjoyed much support from the EU in resolving issues such as its dysfunctional asylum systems. While walls are being build and countries outside the EU are left behind to deal with migration flows more conflicts and cleavages may arise (Benedetti, 2017).

2.4 EU Values: Solidarity and Respect for Human Dignity

The challenges of today require a revitalization of EU values (PAX, 2019). In this paper solidarity and respect for human dignity are emphasized as they are the most important for the peacebuilding community. Furthermore, these values are observed to be neglected by Croatian border police. Enshrined in article 2 of the Treaty on the European Union solidarity and respect for human dignity are among the most important values of the EU. Additionally, in article 3 it is emphasized that the promotion of peace, values and the well-being of its community is the fundamental aim of the Union. However, what has become evident is that in terms of the mixed migration flows EU values have not been upheld across the Union (GONG, 2018). This impossibility of being able to solve migration policy highlights a political crisis within the EU (Čapo, 2015). There is a clear distinction between two visions of the EU where on the one hand the EU is seen as a union of solidarity and hope and on the other hand as representing borders and exclusion. As was shown in the previous chapters, a politically viable strategy is lacking which is clearly reflected in the EU-Turkey deal as well as in terms of policy towards the Balkan countries. The EU is encouraging large concentrations of refugees and migrants within the Balkans although they do not have the infrastructural and material resources needed to be able to effectively take in many refugees and migrants (GONG, 2018). A clear example of this is Bosnia and Herzegovina where there is only one official reception center for asylum seekers which can accommodate approximately 150 people. Additionally, within the camps the lack of capacity and resources has become evident (Amnesty International, 2019). An alarming trend has dominated the EU's response to the large migration influx in which, externalisation, where migration control is a matter of external relations, and security are prioritized over union values. Instead of focusing on the protection of life the focus has been on border protection resulting in hostility towards refugees, migrants, and aid workers. The commitments to respect for human dignity and solidarity are thought to be neglected. Although there is a difference between refugees and migrants in terms of rights and status EU values should be adopted in law, policy and most importantly in practice for all people.

Treaty on European Union - The values of the European Union were formalized within the Lisbon treaty. These values include respect for human dignity, freedom, democracy, equality, rule of law, respect for human rights so that pluralism, non-discrimination, tolerance, justice, and solidarity could prosper. The ethos formalized in the Lisbon treaty was a way to connect both to the collective and self, through values acknowledged by the institutions, member states and the rest of the world. This is clearly visible in article 3(5) were it is emphasized that values should be promoted within as well as outside the union by committing to peace, security, solidarity, and mutual respect. Thus, this value based approach within the EU is not strictly communitarian but shows a cosmopolitan solidarity with people outside of the EU (Bulley, 2017). The enlargement process can be seen as an example of this, encouraging candidate states with advice, rule of law conditions and financial help to peacefully work out conflict. For instance, in Bosnia Herzegovina the EU attempts to transform the constitutional and government structure from the ground up. What is coincidental is that the idea that the EU was build on these values and the development of migration policy were established at the same time (Bulley, 2017).

Solidarity inside and outside of the EU - Solidarity as an EU value developed out of the necessity to not repeat the past and prevent wars. However, solidarity is a concept often questioned in terms of EU migration policy (Knezović, 2017). It is a multisided concept which either concerns solidarity between member states or solidarity with third countries or solidarity with those seeking refuge and migrating. In this paper the focus is on the latter however what has been observed is that of these three subjects of solidarity the residual protection is given to refugees and migrants. As the overwhelming emphasis has been on the external dimension of EU migration policy solidarity between EU countries as well as with third countries has been prioritized (Bulley, 2017). In the article by Bulley these three subjects of solidarity are viewed as concentric circles in which the greatest form of solidarity is between member states, second are third countries especially in terms of enhancing their capacity of people and border control, and tertiary humanitarian solidarity directed towards refugees and migrants. It is argued that care for these people has been made conditional to refraining from entering the EU (2017). The European Union has created an image of a cosmopolitan Europe in which the universality between communities and hospitality towards others is emphasized. However, when the EU is not consistent internally and externally with upholding values such as solidarity its normative power is undermined. The decline in solidarity led to a lack of EU legitimacy, decline in centre parties, and increase in Euroscepticism (Llewellyn, 2016). What has been observed is the criminalization of solidarity instead of cherishing article 2 and 3 of TEU (GONG, 2018). Rather than relying on humanitarian answers the EU's response has been of a military nature. Alternatively, multiple NGOs have taken action to help improve the situation of refugees at the EU's external borders. However, it has been argued that humanitarian acts are a pull factor for refugees, discouraging aid workers and criminalizing their work. There is no correlation between the number of NGOs and the number of refugees and migrants. Although unsubstantiated this has led to a view of refugees and migrants as a public order nuisance and as fortune seekers rather than fleeing from dire situations. Border violence as such is thought to be a structural outcome rather than a painful side effect (Fekete, 2018).

Respect for human dignity versus treatment at the border - Enshrined in article 1 of the charter of fundamental rights of the European Union, respect for human dignity is one of its main priorities. Protecting fundamental rights is vital in ensuring that refugees and migrants are empowered and are given the tools to have economically productive lives (Stoica, 2018). However, the large migration influx severely impacted European values especially respect for human dignity. The irregular situations, undocumented work and lack of legal status often resulted in indignity for refugees and migrants. However even within the asylum process the lack of dignity is already visible in reception, detention, the way people are treated and how interviews and hearings are held. Within the media the depiction of this group is often either aggressive or helpless, they are either presented as victims or as threats to society which also undermines the dignity of refugees and migrants (Woollard and General, 2018). Furthermore, the reliance on military terms within the media when discussing immigration using words such as invasion, threat and defending the borders further stigmatizes this group. Especially for migrants this leads to the perception that they are undeserving and at fault for trying to enter the European Union. This discourse does not only affect people on the move but also ethnic minorities

within EU countries creating prejudices and xenophobia. As Woollard and General argue within the EU the most fundamental human rights have not been respected from the onset of the large migration flows in 2015. These include; right to life, which was neglected when the EU decided to disrupt search and rescue operations in the Mediterranean, right to asylum, right to housing, right to legal remedies and freedom of torture (2018). As Croatia is believed to violently pushback refugees and migrants to Bosnia Herzegovina the focus is on freedom of torture. This would be in violation of the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights as well as the European Convention on Human Rights (Amnesty International, 2019). In article 3 of the European Convention on Human rights it is stated that no person shall be exposed to torture or cruel, inhumane, or degrading treatment or punishment. Inhumane or degrading treatment can be described as treatment that creates fear, anguish or the perception of inferiority which often results in humiliation and impairing the victim's dignity (Border Violence Monitoring Network, 2020). Furthermore, it is highlighted that collective expulsions are prohibited. Although the Schengen Border Code allows refusal of entry member states have to ensure that the formal procedures, meaning objective and individualized assessments, as well as the required safeguards are put in place. However, it has been argued that the returns from Croatia to Bosnia Herzegovina take place without formal procedures and are neither part of the readmission agreement (Amnesty International, 2019).

2.5 Conclusion

In light of this perceived decline in values at the Croatian-Bosnian border, one would have expected interest from the academic community as well as the EU community on the implementation of EU migration policy at the Croatian-Bosnian border. As this is not the case this research will address this gap. From the contextualisation it became evident that the problem of alleged inhumane and degrading treatment of refugees and migrants at the border is multidimensional. From this content analysis the research question can be deducted;

How can EU Values such as solidarity and respect for human dignity be upheld in the implementation of EU migration policy at the border between Croatia and Bosnia and Herzegovina?

In the next section a theoretical framework will be presented aiming to offer an explanation for the observed turn away from EU values in EU migration policy at the Croatian-Bosnian border.

3. Theoretical Framework: Migration and Security

In this chapter the theoretical framework will be presented aiming to explain as well as draw expectations in terms of mixed migration at the Croatian-Bosnian border. First, the migration-security nexus will be introduced in which migration is seen as intrinsically linked to security. Then, the four dimensions of this securitisation of migration will be highlighted. Lastly, two opposite models of security will be presented aiming at explaining why there is a decline in values in migration policy. From these different sections expectations will be drawn which apply to the Croatian-Bosnian border.

3.1 Fortress Europe

As previously mentioned within the EU, border protection has been prioritized over life protection. The large influx of refugees and migrants alongside the Schengen agreement has made many to believe that the EU has a security deficit. Thus, within different countries extra measures have been taken, for example introducing temporal checks within the Schengen area to prevent people from entering the country (De Somer, 2018). Stronger border control and the difficulties of managing the influx are reflected in; detention of newly arrived people, insufficient organization and resources in the camps, dual negotiations with transit states such as the Turkey deal, enlarging networks of human trafficking and falling short in acts of solidarity such as relocation (Estevens, 2018). The Turkey deal has been viewed by many as impractical, illegal, and foremost unethical. This external migration policy has led to a dependency on Turkey which has prevented the EU from promoting reform within the country although domestic oppression is growing. As previously mentioned, externalisation has led to human rights and union values being undermined (Woollard and General, 2018). Various metaphors have been used to illustrate the strengthening of the EU's external borders, the Wall, the gated continent, the gold curtain, or the leviathan. However, most often the term ''Fortress Europe'' is used to describe the repressive measures used for the protection of borders from perceived security threats.

As Marino and Dawes argue, as a negative consequence of globalisation, the rise in organized crime and global terrorism and especially 9/11 have led to a generalised feeling of fear (2016). This has moved the emphasis within the migration debate from control to security. Due to the fact that the 9/11 attacks were executed by non state actors, Western governments reintroduced the cold war argument that security does not only concern fighting military threats but also non-military dangers. An example of a non-military threat is migration. Consequently, it was perceived that open migration regimes would be susceptible to risks such as terrorist attacks and the trafficking of drugs and humans (Lazaridis and Wadia, 2015). Thus, the European Union has allocated hundreds of millions of euros in order to reinforce border controls in pursuance of security (Marino and Dawes, 2016). In this paper the migration-security nexus will be further analyzed in which migration is seen as a security issue. The theoretical framework will be used to draw expectations and illustrate the approach to EU migration policy at the Croatia and Bosnia Herzegovina border as well as provide a possible alternative approach in order to uphold solidarity and respect for human dignity.

3.2 The Migration-Security Nexus

Generally, it has been argued that migration in Europe is intrinsically linked to security (Lazaridis, 2016). It is often perceived to endanger, public order, stability, identity, national welfare systems and employment. This anxiety was exacerbated by the different terrorist attacks in New York, Madrid, and London in which the attackers had a specific ethnic profile. Securitisation was the consequence, which is the creation of a security frame not necessarily because of the objective danger but because it is presented as such (Lazaridis, 2016). Internationally networked surveillance capabilities advanced with migration as one of its central targets. In this section the migration-security nexus will be analysed focusing on the philosophy behind the securitisation of migration. There are two migration policy frames: the liberal and realist policy frame. The focus of the liberal policy frame is on the individual and its ability to migrate with the least amount of barriers to labour migration. It emphasizes the human rights of the migrants. On the other hand, the realist policy frame emphasizes migration as a security concern. The state is seen as the referent object of security and what needs to be protected. This state centric philosophy stresses the importance of border control, restrictions to migration and directs all categories of migrants into a single policing repression scheme (Lazaridis, 2016). Most analysts have concluded that the realist policy frame is dominant within the EU. According to the realist policy frame security is chosen above all else. However, questions have been raised about whether security can be traded off against other values such as freedom or justice. In the realist frame it is argued that freedoms and values can be constrained by the state in order to have unity and order. As Hobbes describes it, it is not possible to have peace without subjection. However, liberal thinkers as well acknowledged that security is of vital importance.

Many civil society actors as well as scholars have criticized the realist frame for its moral bankruptcy in which migrant rights are severely undermined. To prioritise security and neglect other values is ethically debatable. Benjamin Franklin powerfully said that those who can give in essential liberty to gain little safety are not deserving of either. These philosophical debates of security on the one hand and civil rights and liberties on the other hand are clearly reflected in EU migration policy, where there is a tension between managing perceived dangers and protecting human rights (Lazaridis, 2016). However, the contamination of union values in the pursuance of security evidently shows a predominance of the realist frame. The securitisation of migration has allowed the trade off between security and other values to go even further in which the rights of the few are compromised justified by security of the majority. This has created a dichotomy of ''us'' versus ''them''. Lazaridis argues that securitisation as such is the success of the elite in constructing an image in which an existential threat to societal values is perceived (2016). In order to fully understand the migration-security nexus this security decision making by elites needs to be further examined. Securitisation is thought to be a purposeful and rational process directed by the political elite. Successful securitization therefore indicates a heightened urgency to handle the threat with added resources and exceptional means which are not included in formal political procedures. In the book by Lazaridis this perceived rationality is decomposed showing that due to information overload, changeability and complexity of irregular migration, psychological elements as well as path dependencies and historical conditions, a rational method towards the securitisation of migration cannot be exercised (2016).

3.3 Four Dimensions of the Securitisation of Migration

There are 4 dimensions to the securitization of migration: socioeconomic in which refugees and migrants are thought to negatively affect the economy, securitarian in which a loss of control is perceived, identarian in which migrants are seen as a threat to national identity and political which is caused by xenophobic discourses (Estevens, 2018). Framed positively state solidarity can be measured by; economic status, internal security, integration possibilities and real politik (Biondi, 2016).

Socioeconomic - To start with the socioeconomic dimension which is inspired by welfare chauvinism. Welfare chauvinism is a notion in which the natives of a state are the ones deserving of welfare state provisions unlike immigrants for example. Within this notion it is believed that migrants are undeserving or illegitimate receivers of socioeconomic rights. Furthermore, they are thought to be the cause of, decreasing wages, unemployment and exclusion of many social groups as well as undermining the welfare state. However, the European Commission has reported that the union is in great need of skilled and unskilled workers to sustain its economy due to the EU's declining and ageing population. Thus, it has been argued on the contrary that migrants are crucial in maintaining economic growth and social protection systems (Lazaridis, 2016). Migration is often associated with informal labor. The fact that cheap labor is of great importance to short term economic goals such as a decrease in production costs, export growth and business development is however regularly overlooked (Ceyhan and Tsoukala, 2002).

Securitarian - The securitarian dimension highlights the aspect of fear of loss of sovereignty with regards to migration. This dimension is in response to globalisation and deterritorialization, to resettle state control. It overemphasizes border control in the past and redundantly uses the word border in its narrative. Borders as symbols hold a lot of power; as institutions, borders outline legal understanding of state authority, and as processes borders are indicators of identity. This has created a powerful narrative of the criminal migrant often referred to as the criminal migrant thesis. Within this thesis migration is viewed as synonymous with insecurity. The criminal involvement rate of migrants is overtly stressed. Many political actors, police forces and media often support this view. (Ceyhan and Tsoukala, 2002). The criminal migrant thesis represents the creation of continuous threats which closely connects migration with all sorts of criminal activities. Lazaridis argues that this relation between migration and crime is extremely exaggerated (2016). Furthermore, in the article by Ceyhan and Tsoukala the thesis is refuted as by definition it is problematic. Firstly, the majority of migrants is young, male, unmarried and impoverished all these variables could be a criminogenic determinant by itself. Furthermore, as has been brought to light this year discrimination of people with migratory backgrounds within criminal justice systems is also part of the perceived high criminal involvement. As many migrants are detained before expulsion this also contributes to higher imprisonment rate as well as the absence of formal legal procedures and weaker defense quality (2002). However, this is not to argue that criminality is not present amongst migrants and refugees. Nevertheless, this is to show that, other than their ethnicity or perceived otherness, different factors play a role. For example, socioeconomic factors such as job insecurity, low wages, broken homes, lack of education and leisure time are paramount. This criminalisation of migration has tarred all of those on the move with the same brush and has blurred the boundaries between migrants and refugees. This has seriously decreased

the amount of people receiving refugee status and created a view of suspects who have to be put under control (Ceyhan and Tsoukala, 2002). Identity inspections as such have depended on physical attributes which does not only jeopardizes migrant and refugee rights but endangers society as a whole.

Identarian - The third dimension is the identarian dimension which focuses on cultural and societal aspects leading to the securitisation of migration. This dimension strongly follows the clash of civilisations thesis by Samuel Huntington in which it is thought that cultural and religious backgrounds are the primary cause for conflict between people. The ''us'' versus ''them'' dichotomy stated earlier, is amplified by cultural differences. Migrants and refugees are seen as the cultural other who will disorder the cultural identity within the union because they represent neither assimilability, nor compatibility, nor adaptability. They are seen as a threat to; the way of life, cultural identity, ethnic identity, and the demographic equilibrium (Ceyhan and Tsoukala, 2002). Instead of multiculturalism what has been stressed is separatism with which the unity of the society is seen to be at risk. The relation between migration and society as such is presented as conflictual. This otherness is thought to disrupt the harmony within the society which could lead to the fragmentation or balkanization of society. However, it does not acknowledge the fact that all modern societies are the consequence of migration and that migrant cultures have profoundly affected societies (Ceyhan and Tsoukala, 2002). In the book by Lazaridis this identarian dimension is presented as societal security. Societal security represents the power of a society to remain its essential nature while experiencing, real or fake, threats and changing conditions. Cultural norms are believed to be in jeopardy due to the ''other''. However, identity is not a frozen concept and receiving migrants and refugees with another cultural background does represent danger within itself (Lazaridis, 2016). Mobilizing an ''us'' versus ''them'' is a central element of social identity theory. The construction of an antithesis develops into the political level when strong enough (Lazaridis, 2016).

Political - Lastly, the political dimension of the securitisation of migration. Within the European Union right wing populism is rising, the xenophobic discourses used by these right wing parties has gained momentum. Migration is a very important topic in terms of political support and other political parties as well observe the electoral benefits from securitisation. As argued in the article by Gianfreda, migration is a complicated issue in which the traditional separation between culture and economics is obscured (2018). This challenges the traditional left-right division in politics as especially centre left parties experience an internal division. On the one hand, its middle class voters prefer socio-cultural liberties. On the other hand, its working class voters fear the economic consequences of cheap labor brought by immigration. Thus, the outcome is growing securitisation of the political debate in regard to immigration. Due to the major importance of migration affairs and the successes of the right an evident convergence towards their viewpoints can be observed (Gianfreda, 2018). Populism has four main characteristics; they view the people as a homogenous and true body, while the elite is seen as a homogenous but corrupt body, these two bodies oppose each other and lastly the power of the elite has to be returned to the people. Radical right populism includes two extra characteristics; nativism, where it is thought that the state should be comprised entirely of natives, and authoritarianism (Gianfreda, 2018). Within right wing populism the need to defend the native identity opposed to their

enemies, such as migrants and refugees, is emphasized. This ethnonationalist approach to immigration has contributed to changing public opinion and political preferences, creating for example Islamophobia. The negative interpretation was brought about not only by right wing populists but also due to political opportunist's which emphasized the necessity of securitisation (Krzyżanowski et al, 2018). Due to the fact that migration is a deeply politicized subject the political dimension of securitisation is of great importance because ideologically this has established the view that migration is a problem, and this politicisation has established the view that migration is always linked to security.

3.4 State Security

The large mixed migration influx led to the securitisation of migration as well as revealed the reliance on national sovereignty. It exposed that when EU member states perceive a possible EU crisis they try to withdraw from this common European destiny which in turn stimulated national populism (Dagochan, 2018). This has led to an emphasis on intergovernmentalism when it comes to security matters rather than supranationalism. Supranationalism refers to the transfer of certain powers to an authority which is above the state, in this case the European Union. Whereas intergovernmentalism emphasizes the power of the member states within EU integration and regulations. In the article by Dagochan it is argued that the large migration flows exposed that the EU's supranationalist power is still in its early stage and that when member states view that they are under threat they quickly turn to intergovernmentalism and self help (2018). Due to the fact that intergovernmentalism provides that they have more control over the decisions made in response to the presupposed migration threat. This turn to intergovernmentalism has contributed to the recapturing of national interests and a rise in nationalism within different member states. Mixed migration as a deeply politicised issue caused for radical opinions and diverging views between member states. Germany and Sweden having an open approach to refugees and migrants and the Vise grad countries with a closed approach for example. The latter arguing that the integration of Muslims was unsuccessful and that instead the results would be loss of control and no economic benefits. Due to this division the EU was constrained into short term answers and with Brexit becoming a reality Euroscepticism was at its peak. It has been examined that around one third of the leave voters were fuelled by the thought to recapture control over migration (Dagochan, 2018). The reliance on intergovernmentalism and self help contributed to closed door policies, border control and suspension of Schengen. The latter really reveals a turn away from supranationalism as Schengen is often seen as the manifestation of integration and the EU project. The biggest proponents of intergovernmentalism are thus right wing nationalists who perceive migration as threatening national sovereignty. Whereas left wing internationalists support a supranational response in which human security is emphasized. While both groups are seen as protecting EU values there is a difference in which values are perceived as endangered. Intergovernmentalism and its nationalistic proponents view that the Western culture with Christian identity, where the will of the people is emphasized, and state sovereignty are endangered. Supranationalism and its internationalists proponents view that values such as human dignity, minority and asylum rights are threatened. The latter argues that the political answers given have been against the core values the EU stands for as human rights should be prioritized. However, the failure of the

union to effectively deal with the large influx of refugees and migrants caused distrust amongst the public in EU institutions and media. This created a vacuum in which public anxiety was capitalized by populism. Subsequently national security has been prioritized over human security (Estevens, 2018). When referring to national security or state security what is meant is the Westphalian model which is characterized by a territorial conceptualization of security. Instead of an overarching security model state security emphasizes non-interference in domestic affairs (Vietti and Scribner, 2013). This remains the dominant paradigm and is reflected in the EU response to the mixed migration flows where nation states are more concerned about securing their country than about securing refugees and migrants (Estevens, 2018). However, the state security model is unable to deal with transnational problems such as the large migration flows in recent times.

3.5 Human Security

To reduce this state centric approach the human security model was introduced coinciding with the Yugoslav wars. The concept was first introduced in 1994 in a United Nations Development Programme report. In the philosophical debate about who is the referent object of security this model emphasizes the individual. Instead of territorial protection, protection of the people is prioritised. Furthermore, it is argued that individual protection cannot be comprised in pursuance of state security. The principle of shared humanity is the foundation on which human security is build. This encompasses that every human life has the same inherent value and that states should be the means to security but not the ends (Lazaridis, 2016). This model adheres to transnational protection which has as its central focus individual people. Human rights and thus values such as solidarity and respect for human dignity and the human security model are mutually reinforcing. A way to describe the model is that it interprets current minimum human rights and refugee law standards more favorably past national political interests. The model is strongly connected to the responsibility to protect paradigm (Biondi, 2016). Human security wants to ensure that people are born free and are equal in dignity and life (Vietti and Scribner, 2013). The Copenhagen School further developed the human security model who were specialized in security studies and emphasized the social dimensions of the concept (Estevens, 2018). It highlights the responsibility of states to open their borders to people seeking refuge from crimes of genocide, crimes against humanity, war crimes and ethnic cleansing. However, the human security model has been an easy target for other interpretations and is sometimes used in state centric practices. A clear example of this was the relocation scheme which was supposed to represent responsibility above the national level but was in fact a restricted version of human security. The securitization discourse of the EU has put emphasis on strictly external solutions to limit their responsibility. However, this has led to insufficient protection of refugees and migrants (Biondi, 2016). As previously mentioned the externalisation of migration has led to foreign policy being used as a tool for deterrence of migration. For example, restrictive asylum procedures, physical and legal prevention from entering the territory and low investment in integration. As well as the incentive of the EU countries to have low reception conditions in order to discourage refugees and migrants from staying (Stoica, 2018). The mixed migration flows starting in 2015 have shown the difference between the protections that refugees, and migrants formally have in international law and the realities that they

face such as deportations, immigration raids, informal identity inspections and police brutality. Excluded and made silent from the political debate results in delegitimization. Especially the camps are treated as outside of the national boundaries or exceptional spaces which makes the people living in it administratively and judicially excluded from the legitimate political sphere. This delegitimization of refugees and migrants' results in the neglect of basic human rights and defies human security (Marino and Dawes, 2016) According to the human security model the European border control shows a failed attempt at securitisation not only in its objectives but also in its implementation. In its objectives EU border control emphasizes state security however individual protection should not be compromised due to state security and sovereignty. In its implementation it has been observed that the values the EU is trying to protect against the migration threat are violated by its own member states. Migration policy has not deterred refugees and migrants from moving and has made the road even more dangerous. It has created a physical as well as an emotional barrier around the EU which in turn will make it more difficult for people to integrate. Within human security it is stressed that the value of universal equity is incommensurable with geographical, political, legal, and economic borders (Marino and Dawes, 2016).

3.6   Conclusion and Expectations

In this chapter a framework was presented offering an explanation of the violation of values in the implementation of EU migration policy. From this theoretical framework different expectations can be deducted and applied to the situation at the Croatian-Bosnian border. These expectations are:

1. Migration is primarily seen as a security issue by European member states such as Croatia
2. State security is prioritised over human security by European member states such as Croatia
3. Adoption of the human security model could ensure solidarity and human dignity are upheld

The first two expectations aim at providing an explanation for the observed violation of solidarity and respect for human dignity in the implementation of EU migration policy at the Croatian-Bosnian border. The third aims at providing a possible solution and answer to the research question. These expectations will be approved or disapproved in the qualitative content analysis.

4. Research Design and Methodology

The following chapter will justify the research design and methods used. In order to develop the answer to the research question a qualitative content analysis was conducted. First the case selection will be explained in this chapter. Then the process and methods of data acquisition will be described. Thirdly, the interview technique will be elaborated. In the operationalisation the transition from theory to empirical research will be illustrated. After, the analysis and categorisation of data will be explained. Lastly, the validity and reliability will be displayed.

As outlined above, although there have been reports and articles written about the inhumane and degrading treatment of refugees and migrants at the Croatian-Bosnian border, the Croatian ministry of interior consistently denies these allegations stating that they are unsubstantiated. Furthermore, there has neither been much scrutiny on the EU level nor have these claims been scientifically substantiated. With the following research design, the validity of these allegations will be investigated. Furthermore, if the violation of EU values is established, the responsibility and accountability of actors will be examined.

4.1 Case Selection and Generalisability

In order to fully understand the securitisation and externalisation of EU migration policy thought to undermine EU values, a case study on the Croatian-Bosnian border was conducted. Case study research allows for the investigation of one case in its everyday and real life setting. The applied nature of case study research enables the researcher to contribute to the answer of a specific problem (Van Thiel, 2014). The observed inhumane and degrading treatment of Croatian police at the border with Bosnia and Herzegovina constitutes an extreme example of the securitisation of migration and border violence (Tondo, 2020b). Thus, an in-depth investigation is warranted. Furthermore, focusing on this case in-depth will grant richly detailed and extensive descriptions which can be used to try and arrive at an explanation and solution (Van Thiel, 2020). Additionally, by examining thoroughly the implementation of migration policy at the Croatian-Bosnian border the root cause could be identified in this case and in further research this could be used to evaluate whether these findings can be representative for other situations too. By focusing on one case in particular a distinction can be drawn between the impetus for deterrence at the EU level and the Croatian level. Accordingly, specific recommendations based on different levels of responsibility and accountability can be drawn. Additionally, case study research allows the connection between theory and concrete observations to be evaluated.

The situation of refugees and migrants at the Croatian-Bosnian border was chosen because it allegedly constitutes an extreme case in terms of border violence (Tondo, 2020). While this treatment is thought to be executed systematically this has not gained much attention. The information published about this issue has been opposed repeatedly by the Croatian ministry of interior. Furthermore, while the situation in countries in Southern Europe is frequently addressed the established buffer zone

within the Balkan region is often neglected. Croatia is the newest member state of the European Union, accordingly in terms of implementation of EU policy it is highly relevant to examine whether EU values, the foundations of the union, are being upheld within this country in particular. On the other side of the border there is Bosnia and Herzegovina a potential EU candidate state, ill equipped to take in many refugees and migrants. By focusing on this particular border the interplay between the influence of established EU countries on new EU member states and potential candidate countries can be evaluated.

In terms of generalisability, that allows me to conclude that, if EU values are not upheld at the Croatian-Bosnian border, and if this securitisation and subsequent violent deterrence is encouraged at the EU level, the impetus for inhumane and degrading treatment in other EU countries comes from the EU as well. This would signify that a more comprehensive strategy is needed to ensure solidarity and respect for human dignity are uphold throughout the EU. However, if the impetus to not uphold solidarity and respect for human dignity would come from the Croatian state it would signify that accountability and recommendations need to be directed towards the national level in order for EU values to be sustained.

4.2   Data Acquisition through Qualitative Content Analysis

The research strategy is an in depth case study method in which a large body of qualitative data is gathered. In order to answer the research question thirteen semi structured telephone and skype interviews were conducted with relevant actors knowledgeable about the situation of refugees and migrants at the Croatian-Bosnian border. Moreover, in order to obtain the right information a snowball method was used in which interviewees could refer to other experts who could be possible candidates for the interviews. In Bosnia and Herzegovina the interviewees included; an expert advisor of the ombudsman, a diplomat, journalist, researcher, representative of No Name Kitchen, reporter as well as field coordinator of Border Violence Monitoring Network and a team leader of Save the Children. In Croatia, the interviewees included; GONG, Centre for Peace Studies, a migration expert, diplomat, and authority within the country. Although constrained by force majeure telephone as well as skype interviews will be a valuable asset to the paper as it will provide firsthand knowledge about the refugees and migrants who are possibly pushed back from Croatia to Bosnia and Herzegovina.

Due to the lack of data and information available, as well as the political and legal sensitivity of the research problem, a quantitative research strategy would not be as valuable as qualitative content analysis. Furthermore, as the research aims to go beyond the establishment of violation of EU values at the Croatian-Bosnian border, different interpretations on how to possibly solve the problem are crucial in formulating appropriate recommendations. There are diverging opinions on the situation at the border, qualitative research allows for the comparison of opinions and indicate a trend. The interviewees cover a wide range of actors: authorities, diplomats, migration experts, journalists, civil society organisations and NGOS in the two countries. This enables the research to expand in these different domains in which different aspects will be highlighted, contributing to an overall picture of mixed migration at the Croatian-Bosnian border.

4.3 Interview Technique

For the interview technique, semi-structured interviews were executed with mostly open-ended questions. This allows for a precise and in-depth insider's view as well as approval or disapproval of expectations and quantitative analysis of interview answers (Leech, 2002). Although the establishment of the violation of values at the Croatian-Bosnian border could be reached by closed questions, allowing the actors to explain why they thought this was happening is highly important for the comparison of answers. The interview consisted of twenty-one questions and the duration was on average around an hour long. Furthermore, while some indicated to stay anonymous all respondents agreed on being recorded. From the recordings transcripts were made and in the discussion of results reference will be made to these transcripts (R1-R13). However, these transcripts are only available, if asked, to the two university supervisors who were involved during the research.

To avoid suggestive or leading questions the interview was comprised of four parts: factual observation, assessment of observation of others, assessment of developments and if-then statements. In the first part of the interview, the factual observation, the interviewees were asked about their knowledge of EU values. To establish what the respondents thought the EU stands for. They were then asked whether they thought these values were visible in EU migration policy. This way the discrepancy observed in the literature between EU migration policy aims and EU values could be verified. The interview then proceeded in trying to establish the situation at the Croatian-Bosnian border, whether there has been a change in Croatian migration policy, and whether it corresponds with EU migration policy. After establishing a general picture of what the interviewees thought was happening at the border, the interview then proceeded into the second part, the assessment of observation of others. In this part of the interview statements of others were provided and the respondents could; completely agree, agree a little bit, be neutral, disagree a little bit, or completely disagree. This allowed to engage with the theory in a more precise way, by mentioning securitisation and externalisation as well as provided a neutral way to verify the violent pushbacks and collective expulsions. After having established a general picture and having approved or disapproved the violent collective expulsions the interviewees were then asked to asses developments. This is when they were specifically asked about the values solidarity and respect for human dignity. First, whether these values were uphold within the European Union as a whole and then whether at this specific border. In order to establish whether Croatian migration policy is divergent from other EU countries or whether the inhumane and degrading treatment of refugees and migrants could be observed throughout the EU. Addressing this discrepancy or correspondence between Croatian and EU migration policy allowed the interview to proceed into the question of responsibility and accountability. In the fourth part of the interview, if-then statements were provided to verify direct relations between different aspects of study such as; securitisation and Croatian migration policy, securitisation and the violation of solidarity and respect for human dignity, and the predominance of state security versus the establishment of human security.

4.4 Operationalisation

In order to be able to measure the theories addressed in the theoretical framework they need to be translated into real world entities (Van Thiel, 2014). In this chapter the operationalisation of these theoretical concepts will be elaborated. These theoretical concepts include; securitisation, state security, human security, human dignity and solidarity. Each theoretical concept will be operationalized separately. First, for each concept the definition will be established. Secondly, how these concepts can be expressed in the real world will be explained and the values or scores of these expressions (Van Thiel, 2014).

As previously stated securitisation can be defined as the creation of a security frame, not necessarily because of the objective danger but because it is presented as such (Lazaridis, 2016). The securitisation of migration thus indicates the presentation of migration as a security issue. The way in which securitisation of migration can be expressed in the real world is through: state actions, language used in policy documents and the media. In the interview manual question 4 specifically asks about the aims in policy documents, question 6 reflects on a change in media representation of migration and question 9 particularly questions state actions in reference to securitisation. It is only after these questions that in question 19 the interviewees were asked about the different dimensions of the securitisation of migration to further investigate this concept. By giving answers in accordance with these questions and reviewing policy documents the securitisation of migration can be measured.

When referring to national security or state security what is meant is the Westphalian model which is characterized by a territorial conceptualization of security. Instead of an overarching security model state security emphasizes non-interference in domestic affairs (Vietti and Scribner, 2013). State security represents the protection of people within a state rather than transnational protection. Within state security the referent object of security is the state rather than the individual. After having verified the research problem, or not, the interviewees are in the last section asked about the connection between the violation of EU values and the predominance of state security. State security indicates the tendency to focus on internal affairs, also expressed in; state actions, language used in policy documents and the media. In the interview manual question 20 aims at teasing out this connection, the amount of respondents who agree or disagree will be used in measuring whether state security is predominant.

The Human security model emphasizes the individual as the referent object of security. Instead of territorial protection, protection of the people is prioritised. Furthermore, it is argued that individual protection cannot be comprised in pursuance of state security. The principle of shared humanity is the foundation on which human security is build. (Lazaridis, 2016). Apart from the aforementioned expressions such as; state actions, language in policy documents and media, specifically treatment of people on the move should also be included. Whereas the connection between securitisation and ill treatment, and state security and ill treatment still needs to be established. Human security encompasses that every human life has the same inherent value demonstrating that ill treatment of refugees and migrants would be in direct contrast to this model. In the interview manual, question 21

specifically addresses this concept and whether it can be established. The amount of respondents who agree that it can be established will be used to measure the likelihood of this happening.

The central elements of study are the European values solidarity and respect for human dignity. Values are mental and collective representations of what is regarded as worthy of appreciation. They are not universal or objective and can change over time. Values unite members of a particular group due to the common repertoire but can also divide through the difference in implementation. They are established through social convention and maintained by institutions, in this case the European Union (Foret, Calligaro, 2018). Human dignity is a concept hard to adequately define. In this research the definition used by United Nations High Commissioner for Human Rights will be used. Human dignity is defined as the treatment of others with respect, tolerance and understanding (2009). Although solidarity is a concept widely used within the EU's legal framework a clear definition is lacking. Solidarity can be defined as the expectation of support given by members in an imagined community, as to perform the rights and obligations identified with the belonging to that group (Lahusen, Grasso, 2018). In this research this imagined community indicates our shared humanity. The adherence of member states to these concepts can be expressed through; language used in official statements, media and the treatment of refugees and migrants. As both concepts are about the relation between two parties the concepts can be measured by examining the treatment and communication between the parties under study; people on the move and the Croatian security apparatus. The amount of respondents who argue that solidarity and respect for human dignity have not been upheld in reference to the treatment at the border will be used in order to measure these values.

4.5 Data Analysis

Taking a holistic approach, a large body of data was collected with mixed methods. The first method used was a content analysis of documents. This allowed to indicate the boundaries between the phenomenon and the context. A thorough analysis was executed in which various types of sources were used such as scholarly articles, policy documents, reports, migration data and news outlets. As the subject has not been intensively researched apart from scholarly articles different reports from NGOs are used to understand the problem at the Croatian-Bosnian border. Furthermore, as it is still a recent phenomenon and the dynamics are constantly changing different news outlets and media were reviewed in order to get the full picture. In the next section each sub question will be decomposed to clearly illustrate how each of them was answered. Following this decomposition, subsequently the second method, the interviews will be demonstrated and how the data was analyzed and categorized.

4.5.1 Decomposition of Sub Questions

1. To what extent or in what form have these values been upheld or violated in the implementation of the EU migration policy at the Croatia - Bosnia and Herzegovina border?

First the EU values solidarity and respect for human dignity were analyzed reviewing them as interpreted in the treaties. Furthermore, to fully comprehend EU migration policy the relevant legislation as well as policy documents were studied. As previously mentioned not many scholarly articles have analyzed mixed migration at the border between Croatia and Bosnia and Herzegovina. Thus, for the secondary analysis thorough research was conducted using reports from various NGO's such as Amnesty International, Border Violence Monitoring Network, Centre for Peace Studies, Human Rights Watch and GONG. Apart from these reports which are not completely neutral, different news outlets were used to get a more objective picture about the presumed pushbacks from Croatia to Bosnia and Herzegovina. In order to get the full picture different actors representing these various sources will be interviewed. NGOs who have been vocal about Croatian police brutality like Centre for Peace Studies and Border Violence Monitoring Network. NGOS who have been vocal about the loss of values in terms of the recent mixed migration flows in Croatia such as GONG. Additionally, more objective actors such as the ombudsperson in Bosnia and Herzegovina, migration experts, and diplomats.

2. Which actors are in this case responsible for upholding or violating these values in the implementation of the EU migration policy?

In the secondary analysis EU migration policy was thoroughly analyzed determining how it should be done and whether Croatia is implementing EU migration policy correctly. During the interviews the responsible actors will be identified, and it will be studied whether they are in line with the migration policy or whether they are violating EU values. Who is involved in the assumed pushbacks to Bosnia and Herzegovina? However more importantly who is responsible for upholding EU values in the implementation of EU migration policy, thus which authorities should ensure that European values such as solidarity and respect for human dignity of refugees and migrants are upheld in Croatia? It will be studied at which level actors are responsible either the subnational, national, or European level. To fully understand who is responsible for protecting EU values in EU migration policy migration experts, diplomats, journalists, researchers and authorities specialized in the situation in Croatia and Bosnia Herzegovina will be interviewed. Different NGOs such as GONG, CMS, Border Violence Monitoring Network, Save the Children and No Name Kitchen will also be of value to the research as they have insiders knowledge about which actors are responsible for upholding or violating values.

3. In which way can these actors be made accountable where values are not upheld?

For the third question the various stakeholders interviewed in the first two question will also be asked how the situation can improve and how actors can be made accountable. Especially the NGOs will have a clear vision on what should be done, as these parties are most vocal and most knowledgeable about what is happening on the ground at the border between Croatia and Bosnia Herzegovina. These three questions combined will answer the main research question; How can EU Values such as solidarity and respect for human dignity be upheld at the Croatian-Bosnian border?

4.5.2 Categorisation

To understand and describe the reality and context in which particular phenomena happen qualitative data analysis is used as opposed to quantitative research (Van Thiel, 2014). The treatment of refugees and migrants at the Croatian-Bosnian border as well as the implementation of EU migration policy and EU values cannot be described in numbers. Qualitative data analysis gives justice to the complex reality of the situation at the Croatian-Bosnian border. When reviewing the transcripts of the interviews common themes and patterns were searched for and compared. This allows for meaningful comparisons and valid conclusions as well as prevents open interpretations.

 After all transcripts were completed, eight different sections were identified: EU values, visibility of values in migration policy, extent to which values have been upheld at the border, securitisation of migration, actors responsible, predominance of state security, accountability of actors and human security. In order to structure the interview results adequately, a pyramid structure was used however instead of starting with the answer, the analysis will start at the lower level, more general, and gradually becomes more specific, working towards the answer. Thus, starting more general with EU values and gradually working towards the answer of the research question and the possible solution; human security. For each of the eight sections different questions were assigned:

Table 1. Categorisation

Sections:	Questions:
EU values	2
Visibility of values in migration Policy	3-5, 14, 15
Extent to which values have been upheld	5-8, 10-12, 16
Securitisation of Migration	4,6, 9, 19
Actors responsible	17
Predominance of state security	20
Accountability of actors	13, 18
Human security	21

The numbers of the questions were used as qualitative data codes allowing that the transcripts could be structured according to the answers of the questions. Although the questions were categorized according to sections, sometimes information given in a specific answer was representative of another section. A separate document was kept in which the excess information given, which was not used for the assigned section, was reviewed for possible information for other sections. For each question a score was kept of most frequent answers given. As the interviews were semi-structed a score was kept of how often the question was answered as well. To paint a systematic and representative picture of the situation at the Croatian-Bosnian border.

4.6 Validity and Reliability

Case study research is characterized by high internal validity and low external validity due to the large amount of information collected on a specific case (Van Thiel, 2014). Conducting an in-depth case study in which different actors from both sides of the border are interviewed, the internal validity is expected to be high. The external validity of the research depends on the findings, for example if the research identifies that the responsible actors for securitisation and ill treatment of refugees and migrants are at the EU level the conclusions and recommendations could be applied to the EU level. Furthermore, as the research is only examining one case the validity and reliability of case study research can be endangered. In order to tackle this, a mixed method, or triangulation, is used to ensure that the information is comprehensive and valid regardless of the number of units examined (Van Thiel, 2014). To further maximise reliability actors were chosen which represent different kinds of expertise; scientific experts, practical experts, political experts, and legal experts. Conducting semi-structured interviews allowed for the operationalisation of the theoretical concepts as well as the replicability of the interview, avoiding discrepancy between questions asked (Van Thiel, 2014).

However, there are certain methodological limitations that need to be addressed. Due to force majeure interviews with refugees and migrants at the Croatian-Bosnian border could not be held. Thus, except for the NGOs such as Border Violence Monitoring Network, No Name Kitchen and Save the Children who are actually working near the Croatian-Bosnian border on the ground level during this time. The other respondents are secondary sources in terms of the current situation. However, it should be noted that all respondents indicated having been to the border in the last years. Additionally, open-ended questions can be very risky however by triangulation the answers of the interviewees can be fact-checked where appropriate. Triangulation also allows that apart from the interview findings interpreted by the researcher, content analysis is used, so that the results are not bound to only the researcher. Lastly, qualitative content analysis can be susceptible to confirmation bias and subjectivity (Van Thiel, 2014). In order to avoid that the researcher expectations influence the research, the four different parts of the interview manual ensure objectivity and unbiased questioning.

5. Results: How EU Values can be upheld at the Croatian-Bosnian Border

In this chapter the main research findings will be presented acquired through qualitative content analysis. A pyramid structure was used in order arrange the results adequately. First examining policy; first EU values in general will be addressed, and then a closer look will be taken at EU values within EU migration policy.

Secondly examining practices; the situation at the Croatian-Bosnian border will be investigated which will allow for the establishment of the extent to which values have been upheld at the Croatian-Bosnian border.

After this has been either verified or not, the main conclusions and explanations will be drawn. Starting with approving or disapproving the securitisation of migration as an explanation. Then, the responsibility of actors will be illustrated. Next the predominance of state security will demonstrated. After, the question of how to uphold values will be addressed. First examining the accountability of actors and then the possibility of human security.

5.1 EU Values in Policy and in Practice

EU Values are the cornerstones of the union as well as the central elements in this research. Thus, in the first part of the interview the respondents were asked about their knowledge of EU Values and their perception of the European Union. From the start it became clear that there is an evident difference between EU policy and practice. That the values the EU stands for are not necessarily adhered to and that the values the EU is build upon are increasingly shifting. When asked what the most important values or overarching aims of the EU were the majority of respondents answered in line with inclusionary rights based answers such as respect for human rights, equality, non-discrimination, tolerance, and inclusion. Other values frequently mentioned were rule of law, democracy, freedom, and peacebuilding. This clearly shows that most respondents highly value the fact that the EU is made up out of liberal democracies. As with liberal democracies the answers were based on rights and freedoms. In line with this few respondents also mentioned cooperation, the monetary union, and the economic freedoms the EU enjoys such as mobility of individuals. Although only 4 respondents specifically mentioned either respect for human dignity or solidarity, the majority of respondents covered these concepts in their answers (R1 diplomat, R5 authority, R7 NGO, R10 researcher). However, by different actors it was highlighted that EU values are interpreted in different ways. For example, one respondent took Hungary as an example and if you were to ask its prime minister what EU values are the answer would be completely different emphasizing for example the Christian foundation, purity and on the contrary opposes liberal democracy and human rights for all (R3, migration expert). This clear tension between the values the EU aims to adhere, and the actual practice of EU countries was observed by the majority of interviewees. The first half of 2020 Croatia held the presidency of the EU council, in order to further examine this perceived tension between policy and practice the respondents were asked to reflect on the Croatian presidency in reference to the decrease in values in Hungary. The decrease in values in Hungary represents the decision made by the Hungarian parliament to allow the prime minister to rule by decree indefinitely which reveals the

shift in Hungarian politics slowly transforming into a dictatorship (Livingston, 2020). By three out of four who were specifically asked this question, as well as in published articles, the Croatian council presidency was perceived as a failure however with the ongoing pandemic the government had a free get out of jail card as it overshadowed the fact that the decrease in values in Hungary was neglected (R3 migration expert, R6 NGO, R7 NGO). Furthermore, one respondent stated that from the beginning onwards the Croatian government had stated that it would not interfere in Hungary and push for article 7 procedures (R2 diplomat). This could be explained by the Hungarian government having strong bargaining powers over the Croatian government in terms of ownership share of the national oil company. This demonstrates that the liberal democratic values most respondents refer to when asked about EU values are declining within the EU. While these values are reflected in policy they are not loyally executed by all member states. Although the respondents were not specifically asked yet about this tension between EU policy and practice from the onset the majority of interviewees mentioned that what should be taken into account is how the EU perceives itself and how its values are manifested.

5.2 Visibility of EU values in Migration Policy

The respondents were then asked whether these values they mentioned were visible in EU migration policies. All respondents who addressed the visibility of EU values in migration policy expressed concerns. Most answers were in line with questionably, partly, only on some levels and not really visible. What has been observed are watered down versions of the values within migration policy. Multiple explanations were given for this; due to the large amount of member states, several bodies dealing with migration, and most importantly the weak state of the Common European Asylum System. The valued rights and freedoms the EU stands for are not being adhered to in terms of migration policy in different member states. Migration policy towards refugees and migrants greatly differs between member states and between periods of time. As one respondent pointed out, refugees fleeing from communism were openly received by western countries before the fall of the Berlin wall (R3, migration expert). Whereas now thirty years later, refugees and migrants are portrayed in a negative sense, feeding into stereotypes, and leading to closed door policies. Half of the respondents pointed out that the idea of ''Fortress Europe'' was largely the reason behind the watered down versions of values. EU values were believed to be reserved for a legally qualified group of individuals who enjoyed rights and freedoms such as equality and mobility. This demonstrates that the nature of the EU is rather pragmatic than idealistic. Whereas the EU preaches this cosmopolitan solidarity the values are largely reserved for those who have EU citizenship. As George Orwell described; everyone is equal but some more than others. Especially in its external border practice many respondents argued that the EU is tolerating human rights violations which contradicts its devotion to its values (R3 migration expert, R4 authority, R6-9 NGO, R10 researcher, R11 journalist). As the EU allows certain external border countries to pushback refugees and migrants which is in breach of protocol number 4, article 4 of the European Convention on human rights in which collective expulsions of aliens is prohibited (ECtHR, 1953). While, all respondents viewed that the EU was build on liberal democratic values and inclusionary rights in terms of migration what has been observed are on the contrary

exclusionary polices which only grant opportunities to a particular legal and qualified group who can easily integrate. Many of the respondents thus emphasized that EU migration policy needs further harmonisation and development in order to be able to collectively adhere to the values it was build upon (R1 diplomat, R2 diplomat, R5 authority, R6 NGO, R10 researcher). As there is quite some leeway for member states in terms border control, processing of asylum applications and economic benefits given there are diverging attitudes towards mixed migration. On the one hand in multiple external border countries pushbacks have been observed and the closure of borders for example in Eastern Europe. On the other hand, in the same external border countries for example in Spain and Italy there are many undocumented migrants providing cheap labor (Bodeux, Gnes, 2020). In Italy this is to compensate for demographic decline and unsustainable pension schemes. Greece is another example, in which approximately ninety percent of the people working in agriculture are undocumented migrants receiving next to nothing (Horner, 2017). Thus, there is this double edged sword; many refugees and migrants are left stranded at external border countries but at the same time this closed door policy is not completely shut as migrants providing cheap undocumented labor enter the countries because they have no permission for longer stay. In this way EU migration policy is used to stem movement but not entirely. As all respondents expressed concerns about the visibility of values within EU migration polices they were then asked whether there were other aims prominent within migration policy. It was evident that each interviewee perceived the strengthening of borders to be an overarching aim. Many respondents rightfully noted that this externalisation of migration policy has led to a buffer zone of countries outside the EU (R3 migration expert, R4 authority, R6 NGO, R7 NGO, R10 researcher, R12 NGO). It has been observed that migration policy as such is used to mobilise non EU member states who are in the accession process, as a control mechanism of the EU. However, it was also noted that the EU does provide funding through IOM to these external border countries for example in the Balkans. Furthermore, by all it was viewed that asylum policy was becoming more restrictive. That it is becoming increasingly harder to ask for asylum and that refugees are consigned to oblivion. As there are few legal options to apply for international protection many refugees resort to traveling with smugglers and traffickers. As resettlement and reunification are extremely lengthy and malfunctional many people resort to this. Deportations are increasing and even countries such as Afghanistan are perceived to have designated safe zones making it within the EU a safe country to return (Shajjan, 2017). Thus, all respondents observed that an overarching aim of the EU is to keep the smallest scale possible but not totally shut down the routes. It is thought that these restrictive measures are a reaction to the most vocal anti migration supporters and the perception that they will gain a lot of support. To appease the right wing populists as their parties are rising. This indicates the political pragmatism of mainstream political elites.

However, for this research the main values are solidarity and respect for human dignity. Thus, as the interview proceeded the respondents were asked to reflect upon these values first within EU migration policy as a whole. All respondents indicated that respect for human dignity regarding migrants and refugees has not been upheld. All interviewees argued that this was especially seen in terms of accommodation and shelter. However more importantly they also mentioned the perceived pushbacks on the EU's border as in violation of respect for human dignity. Although there is a difference between

refugees, who are fleeing from their country, and migrants, who are seeking a better life, in terms of respect for human dignity there is none. Fundamental EU principles such as respect for human dignity apply to all. In terms of solidarity it was observed that amongst member states some form of solidarity was seen; they are meeting up regularly and discuss issues of migration. As was shown in the literature review the respondents confirmed that only residual solidarity is given to refugees and migrants. This lack of solidarity is visible in; the inadequacy of individual assessments, the insufficient adherence to international and European obligations, the unwillingness to accept relocation and the strengthening of borders, and the fueling of stereotypes. However, all respondents noticed that there has been a change from 2015 until now. First there was a large public wave of support however this slowly faded, and this solidarity manifested more between states than in a wider sense with humanity. The change of language within the media has contributed to this shift in public support. However multiple respondents did mention solidarity activism within states however it is perceived to be rather a loud minority than a silent majority. While the EU values solidarity and respect for human dignity are highly important, a distinction needs to be made. Whereas there are no limits to respect for human dignity, some interviewees pointed out that there are limits to solidarity (R2 diplomat, R10 researcher). The EU unfortunately cannot welcome and show solidarity to all refugees and migrants trying to enter the EU; however, it can provide humane and dignified treatment to all.

5.3 Extent to which EU Values have been upheld or violated at Croatian-Bosnian Border

5.3.1   Correspondence of Croatian Migration Policy with EU Migration Policy

After analysing EU migration policy and values the respondents were then asked whether Croatian migration policy corresponds with EU migration policy. All respondents confirmed that in legal texts the two correspond, Croatian policy always refers back to the relevant EU Directives. However, what is remarkable is that although all respondents observed a difference between policy and implementation in Croatia they all stated that this was in line with the hidden agenda of EU migration policy. As discussed earlier what has been perceived is that EU migration policy is more aimed at strengthening borders than at adhering to its values. Thus, respondents stated that the EU is encouraging Croatia to be as effective as it can be. Furthermore, Croatia has been praised for its effective border control for example in 2019 Angela Merkel stated that Croatia is doing such a good job at protecting its border (HINA, 2019). Croatia's main objective is to join the Schengen area, by ensuring effective border control exceptionally it wants to prove itself as the newest member state of the EU. In this way Croatia tries to keep in good favor with other EU member states in order to join the Schengen area. This reflects that the political autonomy of Croatia is dependent on other EU countries as Croatia is awaiting the approval of the council (European Commission, 2019). The behaviour along the border is perceived to be a direct result of this objective. While in the implementation of EU migration policy Croatia is supposed to uphold values such as solidarity and respect for human dignity there is a lot of plausible deniability by Croatian and EU officials about how the state behaves. The majority of respondents argued that the observed violent collective expulsions where part of the de facto policy or the orders between the line (R3 migration expert, R4 authority, R6-9 NGO, R11 journalist, R12 NGO).

For Croatia Schengen membership is highly important as twenty five per cent of its GDP is made up of the tourist sector. By becoming part of the Schengen area, the country will become more accessible for EU tourists and this way can strengthen its economy, accordingly it is one of the primary goals.

Furthermore, Croatian migration policy cannot be understood without taking into account its recent history and political developments in former Yugoslavia. As one migration expert pointed out, Croatia is defined as the nation state of Croatian ethnic people and other minorities living in Croatia (R3 migration expert). Migration policy is strongly related to citizenship and characterized by different treatment of different categories of people. It is based on ethnicity and the utility to Croatian society. For example, in terms of long term settlement of refugees and migrants it is extremely restrictive. Furthermore, Croatia has a low quota in terms of relocation as it has been argued that there is no potential to accept these individuals. He pointed out however, that in the 1990s, in wartime economy which is incomparable to now, with one third of its territory occupied by Serbian rebels, between 1991 and 1998 Croatia accepted 1.5 million refugees (R3 migration expert). People from Serbia, Kosovo, Bosnia, and Croatia were fleeing to the country. More than half a million refugees settled in Croatia (Kamm, 1992) A large part of them from Bosnia and Herzgovina from which the majority were Muslim. Thus, in those 7 years, with war time conditions, the breaking down of the socialist regime, and Croatian independence, the state still managed to successfully integrate several hundred thousands of people. However, in recent times this good practice is observed to be lost.

5.3.2   Croatian Migration Policy from 2015-2020

In 2015 with the large influx of refugees and migrants, all the respondents viewed that the approach of the Croatian government was humanitarian, often referred to as the humanitarian corridor. The response was very welcoming, allowing people transit, providing support to those in need and accordingly treatment in line with international and European obligations and values. More than half a million people crossed Croatia during this time (Bilic, Yilidrim, 2018. The migration flow was to some extent coordinated. Different Croatian state actors also tried to demonstrate this humanitarian approach; the mayor of Zagreb stating people should open their homes and provide support, the former Minister of interior spoke proudly about the humane treatment and stated that Croatia was an example along the Balkan route, and police officers carrying children and providing transportation to those in need (R7 NGO). Different reasons were given by the interviewees for the shift of the Croatian state in its approach towards refugees and migrants, closure of borders in eastern Europe, the EU turkey deal, and the rise in right wing populism in Croatia. The latter was visible in the elections of December 2015 in which there was a shift from a centre left government to right conservative. This centre left government was very open to cooperation with NGOs and the academic community in terms of migration debates on topics such as discourse framing and the usage of certain terminology (R3 migration expert). As one respondent pointed out this rise in right wing populism can partly be explained by events before 2015, due to the decisions made by the international criminal court on the crimes of the Croatian government (R3 migration expert). With this public perception shifted in terms

of NGOs and humanitarian issues, especially in terms of Serbian minorities in Croatia. Hence, migration could easily fit into the antiminority discourse of right wing populists' parties.

However, the main reason which all respondents pointed out is the shift in attitude of other EU countries. Rather than viewing migration as an opportunity and as a humanitarian disaster within the EU, this gradually shifted towards the perception of a challenge and a threat. Many respondents referred to the changing media coverage within the EU from presenting people as refugees to illegal migrants who are threatening job security and the overall level of safety. This change in media coverage reflects a change at the political level as well as at the public level. Both politics and public opinion influence each other. As mentioned in the theoretical framework in the political debate this anxiety towards refugees and migrants is further fuelled which leads to centre left parties slowly moving towards right antimigration discourse because of the perceived loss in support (Gianfreda, 2018). As people are from countries outside Europe such as Pakistan, Afghanistan, Syria, Bangladesh and other Northern African countries a more defensive policy is installed. As they are associated with a different culture, set of beliefs and religion. This shift in attitude is also seen within Croatia; first the change in terminology used in the media, then gradual implementation of stereotypes and lastly the observed usage of violent collective expulsions to deter people from entering the country . Some perceived the humanitarian corridor to be a slow process in which gradually; identification control was established and different methods of control of movement as well as of the camps were set up (Bužinkić, 2018). Croatian migration policy became much harsher in terms of large police operations and surveillance (R12 NGO). The observed violence increased when in 2018 many refugees and migrants entered Croatia not only through Serbia but also through Bosnia Herzegovina. Approximately around 60 000 people have entered Bosnia Herzegovina from 2018 onwards (R13 NGO). Whereas in 2015 this migration management started as an ad hoc apprehension activity of detecting where people were crossing the territory, it has now turned into a full surveillance operation with increasingly developed infrastructure partly funded by the EU.

5.3.3   Treatment of Refugees and Migrants at the Croatian-Bosnian Border

After establishing that there was a perceived change in the approach of the Croatian state in terms of the mixed migration flows the respondents were then asked how they would describe the current situation at the Croatian-Bosnian border. All respondents answered in line with; complicated, worrying, alarming, and very hard. Especially in terms of longitude and geography, consisting of a mountainous area. The majority of interviewees however used much stronger words to describe the situation at the border such as dangerous, inhumane, illegal, brutal, dramatic, horrific, atrocious, and seen as a humanitarian catastrophe (R3 migration expert, R4 authority, R6-9 NGO, R10 researcher, R11 journalist, R12 NGO). All respondents argued that this was due to the observed violent pushbacks and thus confirmed these allegations. The evidence is substantial and credible; investigations by German public television, a reportage published on Swiss national television, different publications by news outlets such as the Guardian, New York Times, Euronews and Balkan Insight as well as numerous reports by a variety of nongovernmental, international and civil society organisations. Although the

interviewees addressed that the Croatian ministry of interior consistently denies these allegations they all believed they were legitimate. The state response has not been adequate in their response to these allegations and the violations have not been properly looked into by the state attorney (R5 authority). The situation at the border can be described by; the lack in basic facilities such as food, blankets, hygiene and medical assistance, filthy makeshift camps, overcrowded areas, the dismissal of asylum applications, the disregard of individuals assessments as well as the experience of material and psychological violence. Such violence includes abusive and discriminatory language, destruction of belongings, beatings, bitten by dogs, the usage of spray paint, teasers, teargas, and gun threats. Even more disheartening multiple respondents stated that no exception is made for minors. This reflects the sheer inhumanity refugees and migrants are experiencing at the Croatian-Bosnian border. Furthermore, what most respondents observed is that these violations are happening in different areas across the border leading the majority to believe that these are not individual acts but are ordered and organized from a higher level. The depth of brutality may not be ordered but the deterrence by any means necessary is thought to be. As the kind of violence used and repertoires are very similar over different parts of the border. This year due to the pandemic there are fewer border crossings as different countries went into lockdown. Bosnia and Herzegovina is an example of this, however the interviewees working with organisations near the Croatian-Bosnian border stated that the pushbacks have been carried out proportionally to the amount of transits (R9 NGO, R12 NGO, R13 NGO). There have been some cases of extreme violence indicated by respondents as well as published by the Guardian. In the latest case on the 26th of May this year, 16 men from Pakistan and Afghanistan were bound to a tree, threatened with gunshots, tortured for around four hours, electroshocked, cut with knives, and stripped of their humanity. This is seen as one of the most violent incidents in terms of mixed migration along the Balkan route. As these men had bleeding head wounds and bruises all over their body. Even more disheartening is the fact that four men had broken arms and one had both arms as well as his leg broken (Tondo, 2020b).

Bosnia Herzegovina currently has around 10 000 refugees and migrants in the country (Kovacevic, 2020). The country however is relatively unstable as it is still functioning on a peace agreement that was supposed to be an emergency solution. Although the EU is providing a large amount of funding to Bosnia Herzegovina in terms of the influx of refugees and migrants, the country is now perceived to be a parking lot ahead of entering the union (Kovacevic, 2020). However, as several respondents also noted the amount of people is exceeding their infrastructural capacity. The violent collective expulsions at the Croatian-Bosnian border, which were confirmed by all respondents in this research, of which most visited the area, are in breach with fundamental rights as well as EU values which are sustaining our society. As argued in the theoretical framework one migration expert pointed out that refugees and migrants are excluded from the legitimate political sphere and living in limbo or the state of exception (R3 migration expert). The fact that these individuals have no access to any rights and solely depend on how police officers treat them is tolerated. He pointed out that while refugees and migrants are stripped of their humanity they are still perceived as overpowered (R3 migration expert). Resulting in the acceptance of unofficial policing methods as a means of control and deterrence of migrants and refugees.

After all respondents confirmed the inhumane and degrading treatment used by Croatian border police, the interview then proceeded in establishing if the pushbacks executed by Croatian police constitute a refusal of entry, which is allowed, or a collective expulsion, in violation of protocol 4, article 4 of the European Convention of Human Rights as well as in breach with EU values (ECtHR, 1953). All respondents who addressed this issue clearly stated that the pushbacks executed by Croatian border police are collective expulsions. From numerous reports it has become evident that refugees and migrants are collectively pushed back to Bosnia without individual assessments. Not only did the previous Croatian president acknowledge the usage of violent expulsions, there have been documents from the Croatian ombudswoman from which you can deduct this, as well as video proof in which a large number of people are send back to Bosnia Herzegovina. Furthermore, as a field coordinator of Border Violence Monitoring Network pointed out in the interview there are over 400 cases of testimonies of people being pushed back to Bosnia Herzegovina (R12 NGO). Even more worrisome is that the majority of respondents stated that those seeking international protection and who want to apply for asylum are denied access (R4 authority, R5 authority, R7 NGO, R9 NGO, R10 researcher, R12 NGO, R13 NGO). One of the respondents working for Centre for Peace studies stated that around seventy percent of the people who have been pushed back have been denied access to apply for asylum (R7 NGO). It was addressed that when people would state they wanted to apply for asylum they were laughed at and ridiculed stated that this was not provided in Croatia. Moreover, again there was no exception made for minors due to the lack of individual assessments there are accordingly also little age assessments (R13 NGO). The respondents were then asked to reflect whether this treatment of refugees and migrants at the Croatian-Bosnian border was perceived to be mainly executed by external border countries and whether there was in this respect a race to the bottom between these countries. There were diverging opinions, but the majority did not identify a race to the bottom. However, they all argued that due to the EU's security oriented approach and externalisation policy more pressure is put upon external border countries. Furthermore, this increased hostility is not particular for the EU or its external border countries but can also be observed in the United States for example. The violence perpetrated is not a problem of the nationality or geography of police officers but of the state and entire police apparatus.

5.3.4   Solidarity and Respect for Human Dignity at the Croatian-Bosnian Border

What can be deducted from the previous section is that values such as solidarity and respect for human dignity have not been upheld. The interviewees were specifically asked to reflect upon solidarity and respect for human dignity and all stated that these values have been neglected at the Croatian-Bosnian border. However, whenever there is an allegation against the Croatian ministry of interior there is often an example of good practice that was kept up its sleeve. An example where police officers were helping pregnant women or children in the snow. This demonstrates that although violent expulsions are executed the authorities are aware that these values need to be respected. However, the problem is that these values are used in a strategic way and not in a systematic way. Furthermore, one respondent working for the Centre for Peace Studies stated that the Croatian

government tried to change the law regarding acts of solidarity for individuals that have not regularized their legal status (R7 NGO). The organisation opposed the amendment and succeeded however what has now been observed is the non formal criminalisation of solidarity. CMS has been repeatedly threatened due to their work concerning refugees and migrants. Although the amendment was opposed instead of criminal charges they receive informal allegations of the ministry of interior stating that they are involved in illegal activities. She shared a personal experience in which individuals had managed to reach Zagreb and asked CMS for help in terms of their asylum application. CMS representatives decided to stay with these people in the police station until the formalisation was done. However, she was kept in a room for eight hours in which she experienced continuous intimidation stating that CMS did not meet these people in Zagreb. Whereas she was showing solidarity she was treated as a criminal (R7 NGO).

Additionally, when there were allegations that the Croatian border police had spray painted people's heads which was thought to be a sign of humiliation based on religious ground. The ministry of interior denied the allegations and openly tried to discredit the work of Border Violence Monitoring Network and No Name Kitchen as they were included in the Guardian article. The same happened when the ministry addressed allegations by Amnesty International and Human Rights Watch however it used more guarded terminology as these are larger and more renowned organisations (R12 NGO). It seems like this public relations war the ministry is engaged in as well as its plausible deniability are effective. As with the spray painting of heads, humiliation is an element often stated to be used in various reports and is in stark contrast to respect for human dignity (Tondo, 2020a). People are thrown in freezing water; shoes are burned in front of them and they are forced to walk back without and the usage of sauce to ridicule bleeding wounds. There seems to be an emotional and personal character to these violations which cannot be equated with respect for human dignity or solidarity. However, it has to be pointed out that there are police officers that do want to do a good job but are lost in contradictory orders. Furthermore, what needs to be noted is that this is not just a problem at the Croatian-Bosnian border. The outside border of the EU is not effective as most people travel through Greece. As Bosnia Herzegovina is a country ill equipped to take in the large mixed migration flows the cooperation with the other side of the border is a challenge. Moreover, the northern EU countries still have relatively low burden in terms of migrants and refugees although these countries are better equipped.

5.4 Securitisation of Migration

The explanation for the inhumane and degrading treatment of refugees and migrants by Croatian border police is the securitisation of migration. All respondents confirmed that migration is perceived as a security issue within the EU. Refugees and migrants are seen as; dangerous, illegal, perpetrators of crime, virus transmitters, and as a threat to white western identity, culture, religion, employment, and women. All respondents observed the securitisation of migration with reference to acts such as the Turkey deal, excess employment of Frontex, emphasizing efficient border management, stressing organized flows and quotas, visceral politics that fuel anxiety, and racial language contributing to an aggressive shift in policy. This armed and emotional response is further accentuated by the media as mentioned earlier. For example, by relying on military terms such as the perception of an invasion (Woollard and General, 2018). This media representation corresponds with the existing fear amongst the general public. Politicians take this into account, for example in Hungary domestic laws were changed to fit around pushbacks. However, there is lack of information and direct contact between the general public and those affected by pushbacks. The information given by the media fits precisely into the securitisation discourse rather than migration seen as an opportunity for economic growth and diversity it has been perceived as a security risk.

The aggressive policy shift is manifested in every facet of state authority along the Balkan borders. Multiple respondents mentioned that not only in Croatia the discourse has changed but also in Bosnia and Herzegovina (R12 NGO, R13 NGO). The new ministry of interior in the country has put emphasis on the fact that migration is seen as a key security issue (Kovacevic, 2020). This is also heard de facto in public space. The fear of the local population in Bosnia Herzegovina is understandable. Large mixed migration flows in remote areas, with not a large local population and a large group of single men on the streets, as spots in the camps are reserved for women and children. One respondent working for Save the Children in Bosnia Herzegovina however stated that investment in integration and understanding each other will help change attitudes (R13 NGO). For example, she mentioned that there was a lot of upheaval when they were attempting to enroll refugee and migrant children into school. However, this led to many positive experiences and exchanges between the children. However, as one migration expert pointed out for the average Croatian citizen not much is happening apart from the articles in the media contributing to stereotypes and hostile attitudes. Often it is argued that refugees and migrants have unjust claims as the government has stated that there is nothing stopping people from crossing the official border but that the expulsions concern illegal migrants using illegal pathways. This is not a legal argument but rather subjective. Their existence and transit is not perceived as valid. It has been argued that the way individuals entered demonstrates that they are a threat. However, human rights cannot be compromised because of perceived security concerns. Relevant institutions for example IOM and UNCHR should make sure that migration is not seen as a security issue. Security is not an excuse to not support those in need.

In the theoretical framework different dimensions of the securitisation of migration were mentioned. In the interviews the respondents were asked which dimension they thought was prominent in reference to the hostility in Croatia. Half of the respondents thought all four dimensions were dominant; socioeconomic, securitarian, identarian and political. The other half thought that the identarian dimension was most prominent in Croatia. The identarian dimension, in which refugees and migrants are seen as a threat to national identity, is the starting point and from that the other dimensions follow. The perceived otherness in terms of identity results in the perception of loss of control which is the securitarian dimension. This perceived loss of control is then highlighted in the political dimension which causes xenophobic discourses. Although people are aware that these individuals probably do not intend on staying in the country there is fear that if Croatia lets them through and other countries do not Croatia becomes a hotspot. This is when the socioeconomic dimension would come to the fore. The prominence of the identarian dimension can be explained by its history. Croatian citizens have often been second class citizens; first part of the Austrian Hungarian empire, part of Yugoslavia, Croatia was made independent during the second world war under a fascist Croatian regime, and then the Serbs recaptured Croatia making it part of Yugoslavia again (R2 diplomat). So, when Yugoslavia broke down with the civil war especially in Bosnia Herzegovina, it was also a struggle for freedom in Croatia. As they were not able to express their own national identity, this historical experience is still dominant in the political discourse of the country today. As multiple respondents stated after the conflict the country worked on creating the myth of the nation also in terms of Croatisation of the language (R2 diplomat, R3 migration expert). Many respondents also highlighted the importance of the catholic religion within the country (R1 diplomat, R2 diplomat, R3 migration expert, R7 NGO, R12 NGO). Croatia is a really homogenous white catholic country and is thought to be made this way. Thus, refugees and migrants who do not fit with this identity are perceived as a threat. Right wing parties have been successful since post war period, these parties blend hard right catholic ideology around nation and identity. Fuelling anxiety and nationalistic coverage of migration, presenting refugees and migrants and the religion of Islam as a threat to the country. However, what should be noted is that this perceived threat to national identity is only in reference to long term stay. As one fourth of its GDP is dependent on tourism the country is not strictly exclusive to foreigners. At the same time in terms of tourism Croatia wants to demonstrate that it is safe as unlike the Mediterranean countries it saw an increase of tourism in the last five years.

While in the Croatian case the identarian and to some extent the political dimension were highlighted in terms of securitisation from the EU level the other two dimensions were often stressed. By multiple respondents it was observed that the securitarian dimension is pushed from the European level this is also due to the length of the Croatian border. Croatia is pressured by other member states to have an effective border regime. Furthermore, in other parts of the EU we do see that the socioeconomic dimension is prominent. Rather than acknowledging the long term benefits migration could provide, younger society, with new possible skills that could be used and certain market areas that can be filled, there is the tendency to focus on the short term. People fearing for their jobs due to possible competition from migrants and the fact they will be receiving free healthcare and legal support which

are viewed and sometimes are scarce. That in turn leads to more aggressive and xenophobic discourse on migration.

5.5 Actors Responsible for upholding EU Values at Croatian-Bosnian Border

In the last part of the interview the respondents were asked to reflect on the responsibility of actors and whether the focus should be on the EU, national or ground level. A variety of different actors were mentioned: EU institutions, EU member states, the Ministry of Interior, the police, the media as well as the public. The overall majority of respondents argued that all actors were responsible and that it is a chain of responsibility (R1 diplomat, R2 diplomat, R3 migration expert, R4 authority, R6-9 NGO, R10 researcher, R11 journalist, R12 NGO). It is an interconnected system in which, starting from the ground, you have individual acts of police officers. However, they would not have this vacuum to perpetrate these acts without the responsibility given to them by the Ministry of Interior, the national level. Furthermore, there would not be this vacuum for the Croatian state if the EU institutions were holding the Croatian state accountable. To turn this around, the impetus for halting migration comes from the EU. The Croatian government wants to appease the EU. The orders are then given to the police force not necessarily how to threaten refugees and migrants but to deter them from entering. One journalist mentioned that the Croatian police force is very well organized in terms of command structure (R11 journalist). However, it should be noted that there are accounts where police officers are operating with excessive autonomy. As the Ministry of Interior is arguing that the violations are always individual acts you would think it is in the interest of the ministry and the Croatian government to start fair and transparent investigations, but this has not been done. A grey shadow has been put over the conduct of the country in terms of mixed migration. Furthermore, it has been observed by different respondents that the values are also crippling down amongst the public (R3 migration expert, R5 authority, R10 researcher, R11 journalist, R13 NGO). For example, solidarity is also decreasing amongst citizens in relation to; the poor, elderly, disabled, women, races, religion and lgbt community. However, especially in terms of refugees and migrants as they are viewed as illegal and having unjust claims. There is an interplay between politics and public opinion which strengthens the anti migration discourse.

The majority of respondents stressed that EU member states are the primary responsibility bearers (R1 diplomat, R2 diplomat, R3 migration expert, R5 authority, R6-9 NGO, R12 NGO). Guarantees of fundamental rights and values is primarily related to the acts of the state. National polices have to guarantee these protections. National governments have a large scope of freedom in terms of how to implement these EU values in migration policy. Thus, it is the responsibility of the Republic of Croatia but in the context of EU policies (Henrekson et al, 2020). However, the EU is responsible for failing in the policy area of migration. Hence, the EU is responsible for monitoring whether its values are being upheld. There are monitoring mechanisms however they have not been put effectively in place. What has been viewed by the overall majority of interviewees is an engineered action of silence (R3 migration expert, R4 authority, R6-9 NGO, R11 journalist, R12 NGO). Apart from a small minority of critical voices in the European parliament, there has not been much criticism from EU institutions (Narrillos, 2020). There is no active discussion taking place in terms of the violations happening at the

Croatian-Bosnian border instead what has been viewed is silent acceptance. The EU is providing a lot of funds in terms of Frontex and strategic migration management instead of ensuring that an independent monitoring mechanism is put in place to ensure humane and dignified treatment.

In the Guardian article mentioned earlier, in which one of the most violent incidents was reported, this tolerance of the EU was also addressed. At the end of 2018 Croatia received a large sum of money of which part was reserved to install a supervisory mechanism at its border. The European Commission stated that this was to ensure humane and dignified treatment in line with fundamental rights and migration law (Tondo, 2020b). However, this has not been put in place. The Croatian ministry of interior has stated that this money was given to UNHCR and the Croatian Law Centre however both denied that this money was given. A MEP asked the commission to clarify this error, the commission replied that the organisations had put in place a supervisory mechanism but from their own funds. However, both organisations again denied this establishment. Furthermore, what the European Commission failed to address is that they were aware of the underspending of the Croatian government in terms of a supervisory mechanism. This suggests that the EU commission is colluding with Croatia in its cover up of violent pushbacks (Tondo, 2020b).

5.6 Predominance of State Security

One explanation for the decrease in values like solidarity and respect for human dignity is the predominance of state security. All respondents agreed or agreed strongly when asked whether state security was a factor in the violation of EU values. Especially during the pandemic, it has been observed that states tend to focus on internal affairs. This predominance of state security is not only visible in Croatia but in a much wider global context. As the state has the obligation to uphold values such as rule of law legislation and ensure security. However, all respondents noted that these values were reserved only for the people within the state. There is a hierarchy; the state responsibility for security of its own citizens is on a higher level than the principles of human security reflected in membership to international organisations. It is understandable that this is the case, however EU values should not be compromised due to state security. One respondent observed that only as a secondary consideration are states members of a community of states such as the EU. This however is problematic, as the legal doctrine of primacy of EU Law should ensure that EU values enshrined in the Treaty on the European Union are adhered to and seen as primary considerations. Furthermore, according to the Geneva Convention no country could shield itself from refugees however member states have installed fences with barbwires. The fact that a person fleeing from war is seen as a threat is the ultimate sign that there is no concept of human security within the EU. Little thought is given to the protection and safety of people in general. EU values are implemented successfully in a conservative way; projected within own boundaries. Furthermore, those in favor of strong borders and state securitisation would argue that most individuals who want to enter the EU are not refugees seeking safety but economic migrants and that the Geneva Convention and claims of human security do not apply as they are not fleeing danger. As one respondent pointed out; , if you are not a refugee when you enter the Balkan route, in terms of status, you are one by the time you left it because they are exposed to such inhumane and degrading treatment, and are no longer safe in countries crossed through (R12 NGO).

5.7 Accountability of Actors where Values are not upheld

Croatia's main objective is to join the Schengen area and wants to show that it is a responsible EU partner by installing exceptional measures in order to effectively control the border. Different NGO's have stated however that the Schengen membership of Croatia should be made conditional on the humane and dignified treatment of refugees and migrants. The respondents were asked whether this would be plausible solution to ensure that Croatia is held accountable for its actions. There were diverging opinions on the issue however from the nine respondents who were asked this question the majority disagreed (R1 diplomat, R2 diplomat, R3 migration expert, R4 authority, R5 authority). Although, the majority of interviewees thought that Croatia should not be rewarded for its actions they thought that halting the Schengen membership would be counterproductive in ensuring more humane and dignified treatment of refugees and migrants. Although it is understandable that NGO's want to put political pressure to induce change if refugees and migrants are indirectly responsible for the halting of Croatian Schengen membership the public attitude towards these individuals will worsen. As there are already many negative images surrounding NGO's in the country, portrayed as foreign traitors who are working against the Croatian national interests, the public perception on refugees and migrants will become even more negative (R3 migration expert). Furthermore, it was thought by respondents that policing would deteriorate even further as the need to cover up and be discrete would become less.

Then the question of a plausible solution to ensure accountability was posed. The all interviewees argued that a top down approach would ensure accountability. As the political autonomy of Croatia is for a large part dependent on the European Union, EU involvement and external pressures could ensure respect for human dignity and solidarity are upheld. As these values are part of the core idea of why we have the EU, the EU should take a stronger stance and be more critical and stricter regarding the violations of these values. Instead of giving toxic moral support to the Croatian state. Many respondents however believed that many EU officials are in favor of hard externalisation and securitisation (R3 migration expert, R4 authority, R6 NGO, R9 NGO, R11 journalist, R12 NGO) . Thus, first there needs to be an active discussion on the EU level about the inhumane situation at the Croatian-Bosnian border. There needs to be a shift in the motivations of EU officials. This could be established by different organisations and citizens taking a more vocal and proactive approach on the issue. Especially organisations like UNHCR and IOM need to be more outspoken (Wallis, 2020). In order to hold the Croatian government accountable, the EU needs to ensure an effective mechanism that will guarantee that EU funds are correctly spend (Tondo, 2020b). Instead of funding rather expensive deportations it should invest in hosting more people within the EU. Instead of creating a buffer zone in the Balkans with countries such as Bosnia Herzegovina which do not have the infrastructural capacity. There needs to be a change in narrative, rather than viewing refugees and migrants as numbers or a mass within the media they should be seen as individuals. Furthermore, the long term benefits of migration need to be better evaluated as the emotional and armed responses of member states are in reference to the short term as countries do not want to become part of the buffer zone. If the EU would send a message that is in line with its values than the Croatian government would ensure its migration policy is in compliance with this. In order to hold individual officers

accountable, you would need a Croatian state that wants to hold them accountable, in order for that to happen you would need the EU to hold Croatia accountable. The EU cannot promote values that it is not respecting itself.

Most importantly, an independent monitoring network is needed to ensure humane and dignified treatment of refugees and migrants at the Croatian-Bosnian border (Tondo, 2020b). There is absence of terra effective investigations into the reported violations. Due to the denial of access into documents and databases of the ministry of interior authorities like the Croatian ombudswoman cannot be efficient in researching the violations. Although this issue has been raised to the Croatian ministry of interior, government, and parliament as well as regional and international organisations access has still been denied. An independent monitoring network will ensure that the treatment of refugees and migrants by Croatian border police is in compliance with international and EU obligations. It is largely a question of who is controlling the controllers. Otherwise state officials and police can act outside the scope of the law. An independent monitoring network will provide that all actors in this chain of responsibility could be held accountable when a violation is detected. Strategic litigation would be another option of which the Centre for Peace Studies has opted for (Vladisavljevic, 2020). In the middle of May there was an incident in which different individuals were spray painted seen as humiliation based on religious ground allegedly perpetrated by Croatian border police. The Centre for Peace studies has filled a criminal charge against these unknown perpetrators concerning degrading treatment and expulsion (Vladisavljevic, 2020). Additionally, on the 25th of May the European Court of Human Rights shared a communication in which 3 complaints of Syrian refugees concerning, denial of individual assessment, inhumane and degrading treatment as well as expulsion at the Croatian-Bosnian border were questioned (Vladisavljevic, 2020).

5.8 Towards Human Security

As was established in one of the previous sections state security is predominant over human security. Moreover, what has been observed in recent times in the wider global context is the movement towards sovereign democracies. For example, China, Russia, or the United States under Trump, with slogans such as America first. This tendency towards sovereign democracy results in less respect for the multilateral principles agreed upon. This is a serious challenge which does not only regard migration and puts pressure on the principles we agreed upon to establish peaceful multilateral cooperation. Within the EU these developments have been observed as well, for example in Hungary and Poland. These developments move away from transnational cooperation and thus also impairs transnational protection. All respondents were therefore sceptical when asked if there is a way to promote and establish human security. However, the majority thought there was a way to promote and establish transnational protection of all people. As one respondent pointed out what is needed is cohesive lobbying activity of NGO's and migration organisations such as IOM and UNHCR (R1 diplomat). Rather than competition between NGO's longing for the limited amount of money available they should join forces and become more united in their cause and their lobbying towards

governments and EU institutions. In the long term these strengthened humanitarian organisations could induce collective action. The fact that organisations now can only focus on the most vulnerable groups such as minors shows the weakened situation at the moment. Furthermore, within the public sphere a debate needs to be started about the actual threat of mixed migration, not the perceived threat. As one respondent pointed out, discuss what are the actual dangers of irregular entry of refugees and migrants for citizens (R5 authority). Thus, more discussions about the threats to state security and the danger migration poses to the general security of the population. There is a need to fight off the narrative that the protection of human dignity of these individuals is equal in undermining state security. Instead of addressing the issue as a business plan in terms of numbers we should treat refugees and migrants as humans. Thus, the concept of security needs to be analyzed because people feel that irregular entry into a country is a huge risk and a severe crime but what risks does it really pose. Due to the polarisation of the debate not many actual conversations are being held. What does it mean for me to feel safe and what are we protecting when talking about state security? One respondent gave an example of Serbia where she established contact with a local priest and from there, there was more space to create awareness and start a dialogue (R10 researcher). Especially now during the pandemic we have the occasion to reflect on the importance to feel safe because the lack of freedom is a daily reality for many people (Reidy, 2020). Furthermore, countries should commit to safe and legal pathways for people to enter (Narrillos, 2020). An example was given of Italy in which citizens tried to create a human corridor which demonstrates the gaps in the current system (R12 NGO). Family reunification is another element that needs to be speeded up because as mentioned earlier otherwise people resort to traffickers and smugglers which means the EU is partly responsible for the network of illegal human trafficking. There needs to be enhanced cooperation between borders and cross border information sharing. Lastly, within the EU the narrative should change. It needs to put pressure on member states to adhere to the core idea of why we have the EU and thus its values. If the EU were to use the concept of human security within its polices values such as cosmopolitan solidarity and respect for human dignity would be upheld. By putting the concept on the EU policy agenda and monitoring EU funding and borders it will ensure effective implementation of these values. Human security as a concept was introduced in the 1990s, coinciding with the Yugoslav wars (Lazaridis, 2016). It is disheartening to see that countries such as Croatia who were in conflict thirty years ago and who have taken in many refugees during that conflict are not reproducing this good practice because the people are more dissimilar. If the country was able to do it then, they are able to show solidarity and respect for human dignity now.

6. Discussion of Findings and Implications

6.1 Summary of Main Findings and Answer to Research Question

There seems to be a discrepancy between what the European Union preaches and what it does in practice. Although its values were well known by all respondents, without asking, all respondents indicated a tension between EU values and the implementation of those values. As the EU is made up out of liberal democracies all respondents indicated values in line with rights and freedoms. Especially inclusionary rights and freedoms were mentioned. However, on the contrary when asked what values were visible in EU migration policy mostly exclusionary aims were mentioned. There was apparent concern about the visibility of EU values in EU migration policy. Rather what was observed were watered down versions of the values. Furthermore, what was addressed is that there has been a shift from a humanitarian response to a securitarian response within the EU. This has translated into Croatian migration policy. From referring to people on the move as refugees, a narrative has been created of the illegal migrant which is a threat to western identity, culture, religion, employment, women, health and the overall security. The perceived threat to national identity as well as external EU pressures has led to a very restrictive border regime in Croatia. All respondents confirmed the violent pushbacks as well as the collective expulsions executed by Croatian border police into Bosnia Herzegovina. Thus, all respondents argued that respect for human dignity has not been upheld. In terms of solidarity most respondents argued that there is some form between member states but solidarity towards refugees and migrants was not observed. Although Croatian migration policy in terms of its violent pushbacks and expulsions is not in line with EU values it was thought that this was silently supported and tolerated by EU institutions and member states. Hence, Croatia was seen as the primary responsibility bearer of the violations of values but the EU was also responsible for turning a blind eye. So, how can EU Values such as solidarity and respect for human dignity be upheld in the implementation of the EU migration policy at the Croatia - Bosnia and Herzegovina border?

By holding the responsible actors for inhumane and degrading treatment accountable. In order to hold individual officers accountable, you would need a Croatian state that wants to hold them accountable, in order for that to happen you would need the EU to hold Croatia accountable. It was argued that a top-down approach is needed in order to ensure EU values are upheld in the implementation of EU migration policy at the Croatian-Bosnian border. In order for the EU to want to hold Croatia accountable cohesive lobbying activity of migration organisations is needed as well as a vocal and proactive approach of civil society actors. In this manner the securitisation narrative could shift within the EU. As Croatia's main objective is to join the Schengen area and wants to satisfy EU member states and institutions, if there is a shift in the approach on the EU level, migration policy within Croatia will adapt. The EU should show zero tolerance when its core idea and values are threatened by member states. Furthermore, an effective mechanism needs to be put in place to ensure EU funds are spend correctly by its member states. Most importantly, in order to hold the responsible actors violating values such as solidarity and respect for human dignity accountable an independent monitoring mechanism is needed at the Croatian-Bosnian border.

6.2 Findings Based Advice and Recommendations

The starting point to induce change of treatment of refugees and migrants at the Croatian-Bosnian border is a vocal and proactive approach of migration organisations and civil society. Organisations such as IOM and UNHCR need to be more outspoken about the violent pushbacks and collective expulsions executed by Croatian border police. In the CARE report, it was highlighted that there is a big discrepancy between descriptions of violence by migrants and refugees and these organisations, stating that the injuries are minimal. Whereas what has been established from previous sections; broken limbs, severe head injuries, knife cuts and trauma are not insignificant (Wallis, 2020). Cohesive lobbying activity of migration organisations and the peacebuilding community is needed at the EU level. To address the situation, start a dialogue, change security narratives and stress compliance with asylum law and EU values. However, as mentioned throughout this research inhumane and degrading treatment of refugees and migrants is manifesting in other EU countries as well such as; Greece, Italy, Spain and Malta (Linde, 2020). Thus, a more comprehensive strategy is needed in order to uphold EU values such as solidarity and respect for human dignity in EU migration policy throughout the EU.

On the 29th of January 2020, the new European Commission presented its political guidelines. There were six headline ambitions, the fourth being to protect our European way of life. Under the fourth headline ambition the Commission announced the intention to present a New Pact on Migration and Asylum. While the pact was supposed to be published in the first quarter of 2020, on the 27th of May the Commission announced that the work programme was adjusted to the second quarter due to the pandemic (European Parliament, 2020). Within this ambition it was stated that there is need to acknowledge that internal and external dimensions of migration are interconnected, and that there is need for a more resilient, humane and effective migration and asylum system (European Parliament, 2020). Multiple NGO's, MEPs and other civil society actors have taken this opportune time to voice their concern about the inhumane and degrading treatment of refugees and migrants especially at the EU's external borders. There is need for the EU to take a strong stance on the violations of EU values and rights in terms of migration. This way the EU but in particular the Commission can guarantee that it fulfills its role as guardian of the treaties (Waldmann, Allert, 2020). Due to the pandemic the situation for migrants and refugees throughout the EU has worsened as it has been used to deny asylum access. Civil society and migration organisations need to pressure the Commission to practice what it preaches and present a pact that is in line with international and European law and values (Reidy, 2020). Instead of approaching the problem in a pragmatic sense and encourage progress on subjects which member states largely agree on the New Pact on Migration and Asylum should emphasize a humane approach and EU values. This does not mean that a humane approach is unpragmatic, on the contrary it is mostly about the enforcement of already existing law such as; the Geneva Convention and EU asylum law, apart from the Dublin regulation which needs to be revised (Reidy, 2020).

In order for solidarity and respect for human dignity to be upheld in the implementation of EU migration policy across the union an approach based on values is necessary. Multiple NGO's and MEPs have stressed the importance of the expansion of safe and legal pathways to the European Union. In order to prevent refugees and migrants opting for dangerous alternatives such as smugglers and traffickers to enter the union (Narrillos, 2020). These channels also need to be available for low skilled workers. People on the move trying to reach Europe should nor be seen as illegal neither treated as such. Resettling those that are in need of international protection, also of refugees in the Balkans is essential. The disputes between member states should not be at the expense of EU candidate countries (Waldmann, Allert, 2020). While the Commission has changed its crisis narrative it should be emphasized that mixed migration within the EU is manageable. Instead of fuelling unnecessary fear and insecurity amongst the public, political leadership should be representative of facts. Human suffering cannot be regarded as collateral damage in order to uphold strong border control. The New Pact on Migration and Asylum needs to not only stress rights and values but also the accountability of actors when those rights and values are violated (Slente, 2020). In a letter by the council of Europe commissioner for human rights, it was emphasized that migration and asylum need to be based on; human rights, effective solidarity and responsibility sharing between member states (Mijatović, 2020). In the Global Compact on Refugees, a framework to ensure more responsibility sharing, EU member states committed to strengthening resettlement and expanding pathways, to express solidarity with refugees and migrants and host nations. As most people on the move are in developing countries, now is the time to actualize these commitments (Red Cross, 2020). Member states need to end the criminalisation of solidarity and rather provide bilateral support to civil society actors and local organisations providing for refugees and migrants (Reidy, 2020). To prevent dangerously overpopulated reception centres and unhygienic conditions member states need to; ensure fair and just asylum procedures, improve the reception system, and speed up asylum and reunification. Instead of migration detention, efforts and funding should be aimed at the development of integration programmes (Reidy, 2020).

Thus, the main objectives are to ensure that member states comply with EU law and values, and that EU institutions act when member states are in violation of laws and values. Instead of short term solutions aimed at deterrence, containment and externalisation the EU should invest in long terms solutions which recognize the opportunities of migration and strengthen peacebuilding capacities (Slente, 2020). As the New Pact on Migration and Asylum is not formalized a formal consultation process should be held in which not only the ministries of interior of the member states partake, but all relevant ministries as well as stakeholders. Such as implementing agencies, civil society actors, NGOs, companies, local governments, trade unions and scholars (European Council on Refugees and Exiles, 2020). While externalizing migration and only focusing on internal affairs the EU and its member states have neglected core values which are the foundation of the European Union. However by installing an independent monitoring network at the Croatian-Bosnian border, emphasizing a humane approach in the New Pact on Migration and Asylum as well as increased compliance by member states, cosmopolitan solidarity and respect for human dignity could be upheld.

7. Conclusion

The mixed migration flow of 2015 within Europe was the largest forced displacement of people since the second world war. While initially the response of the EU countries was of a humanitarian nature this rapidly changed into a securitarian approach. Relocation was opposed, borders were closed, and the problematic character of EU migration policy became evident. A buffer zone was established outside of the European Union, composed of Turkey and the Balkan region. At the end of 2017 this led to a stark increase of refugees and migrants in Bosnia and Herzegovina. This signifies a violent turn in the attitude of Croatia towards people on the move, as they entered not only through Serbia but also through Bosnia and Herzegovina. Subsequently, at the Croatian-Bosnian border ill treatment of refugees and migrants was observed. There have been investigations by national televisions, news outlets, nongovernmental, international, and civil society organisations. However, on the national or Croatian level as well as on the European level there is a lot of plausible deniability when confronted with these allegations. Nevertheless, inhumane, and degrading treatment perpetrated by an EU member state contradicts the values the EU was build upon such as solidarity and respect for human dignity. Thus, the question was posed: How can EU Values such as solidarity and respect for human dignity be upheld in the implementation of EU migration policy at the Croatian–Bosnian border?

Mixed methods were used in order to answer this question. First a content analysis of documents was executed. In the contextualisation, the different aspects within the research question were analysed. Starting with an overview of the events leading up to the large influx of refugees and migrants within the European Union, and later the observed inhumane and degrading treatment of people on the move at the Croatian-Bosnian border. Then, EU migration policy was analysed in order to determine the extent to which Croatia has to adhere to EU migration policy as well as demonstrate the problematic nature of EU migration policy. Leading to the disproportional share of responsibility of external border countries and a buffer zone in the Balkan region. However, as was demonstrated when examining the Balkan countries, Bosnia Herzegovina is ill equipped to take in the large mixed migration flows and approximately one-fourth of the refugees and migrants cannot be accommodated. Whereas in the beginning of the mixed migration flows the Croatian state was thought to be a good example of humanitarianism within the Balkans, as the attitudes of EU countries became more securitarian so did the approach of the Croatian government. However, the alleged ill treatment of refugees and migrants opposes the values the European Union was build upon. In the last section of the contextualisation these EU values were illustrated. The fundamental aim of the EU is the promotion of values, peace and well being of society. Solidarity and respect for human dignity are enshrined in the Treaty on the European Union and amongst the most important principles. As was shown in this section, these values are not limited to the people within the union. It is specifically stated that these values are a way not only to connect with the self but also with the collective, indicating their cosmopolitan nature. However, from the contextualisation it was observed that rather than a painful side effect the border violence at the Croatian-Bosnian border was thought to be a structural outcome. With the qualitative content analysis this could be verified. However first, in order to explain and describe the shift to border violence the theoretical framework was introduced.

Within the theoretical framework the migration-security nexus was examined in which migration is seen as intrinsically linked to security. The securitisation of migration indicates the presentation of migration as a threat, not necessarily because of the objective danger but because it is presented as such. There a four different dimensions which provide explanations for the securitisation of migration; the socioeconomic, identarian, securitarian and political dimension. In the socioeconomic dimension refugees and migrants are thought to negatively affect the economy. In the securitarian dimension a loss of control is perceived. In the identarian dimension people on the move are seen as a threat to national identity. In the political dimension the support for mixed migration is seen as having electoral disadvantages which is caused by xenophobic discourse. There are two models of security; state security and human security. In the theoretical framework it was highlighted that the securitisation of migration demonstrates the predominance of state security. Rather than transnational protection or human security what has been observed is the emphasis of protection of people within a state. Refugees and migrants are excluded from this kind of protection and are even seen as threatening state security. Whereas within human security an overarching model is presented protecting all people. The difference between state and human security is the referent object of security. Whereas in human security the individual is the referent object of security within state security this is the state.

The second method used to answer the research question were semi-structured interviews. First it was established that EU values are being violated in the implementation of EU migration policy at the Croatian-Bosnian border. All respondents confirmed that values such as solidarity and respect for human dignity have not been upheld due to the violent collective expulsions of refugees and migrants. A change of approach was perceived within Croatia from 2015 until now. The explanation for this is the securitisation of migration in other EU countries. From the European level effective and strong border control has been encouraged and Croatia wants to comply in order to join the Schengen area. Secondly, it was then established that Croatia was the primary responsibility bearer of the violation of values however on the European level there is also responsibility due to the engineered act of silence and containment. An explanation for the ill treatment of refugees and migrants is the predominance of state security. Whereas these cosmopolitan EU values should be the primary considerations of EU member states the emphasis on state security has resulted in the focus on internal affairs. The values the EU stands for are thus only projected within its own boundaries and provided to EU citizens and a particularly legally qualified group of migrants. Thirdly, it was examined how to hold the responsible actors accountable. Due to the different levels of responsibility a top-down approach is needed in which external EU pressure will ensure solidarity and respect for human dignity are uphold in the implementation of EU migration policy at the Croatian-Bosnian border. As the Croatian state wants to satisfy other EU member states in order to join the Schengen area emphasizing a humane approach at the EU level guarantees values are uphold. Furthermore, an independent monitoring mechanism is needed for terra investigations at the border. In the recommendations these solutions were further emphasized. A more vocal approach is needed of migration organisations and civil society to change the securitarian narrative. This could induce change on the European level and could lead to a new migration pact that stresses EU values and human security.

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Appendix: Interview Manual

Introduction:
Research Question:
How can EU Values such as solidarity and respect for human dignity be upheld in the implementation of the EU migration policy at the Croatia - Bosnia and Herzegovina border?

Provide background information on the researcher and the research. Explanation of the research aim and the interview procedure. Indicate that if the interviewee does not understand the questions he/she should not be hesitant to say so. This also applies if the interviewee does not want to answer a question. Explain what will be done with the information and that the interviewee will remain anonymous if wished. Ask for permission to record and if they wish to receive a copy of the written interview report.

1. Could you first tell me about your work please?
   - What is your position within the department you are working in?
   - How long have you been working in this position/department?
   - What are your daily tasks and responsibilities?
   - What is a project you are currently working on?

➢ **Observation of Facts:**
Although a highly topical issue for decades, since the refugee crisis of 2015 with its large displacement of people, migration is high on the EU agenda and regarded to be a wicked problem.

2. What are to your knowledge the most important EU-values or the overarching aims of the EU?

3. To what extent are these values visible in formal EU Migration policies?

4. Are there any other values or overarching aims visible in EU migration policies?

5. Is there in this respect a difference between EU and national (Croatian) policies at this moment or do they correspond?

6. Has there over the last 5 years been a change in values or which values are prioritized, both on the level of the EU and on the national (Croatian) level?

7. Are these values (and their change) visible in the implementation of migration policy at the Croatian/Bosnian border?"

8. How would you describe the situation at the Croatia/Bosnia Herzegovina border?

➢ **Assessment Observation of Others:**

Statements of others will be presented and the respondent can decide whether he/she:
1 completely agrees, 2 agrees a little bit, 3 neutral, 4 disagrees a little bit, 5 completely disagrees

9. Some scholars argue that migration is increasingly seen as a security issue within the EU.
   - Do you (dis)agree with this statement and why?
   - Relocation scheme (denied by vise grad group)
   - Turkey deal
   - External border control

10. Especially the EU's external borders are under pressure and it has been argued that hostility against refugees within these external border countries is increasing for example in Croatia.
    - Do you (dis)agree with this statement and why?
    - ''Race'' who can treat refugees the worst

11. While recent developments such as the breaking of the Turkey deal has increased violence on the Greek islands, a variety of NGOS have said that maltreatment of refugees has also occurred at the border between Croatia and Bosnia Herzegovina.
    - Do you (dis)agree with this statement and why?

12. Apart from this possible inhumane or degrading treatment it is argued that collective expulsions or pushbacks to Bosnia Herzegovina have been observed.
    - Do you (dis)agree with this statement and why?
    - Collective expulsions or refusal of entry?

13. Due to these observations it has been argued that Croatia should be halted in joining the Schengen area.
    - Do you (dis)agree with this statement and why?

14. Croatia currently holds the presidency of the European Council some argue that its presidency has failed due to neglecting the decrease in EU values in for example Hungary during this pandemic.
    - Do you (dis)agree with this statement and why?

➢ **Assessment of Developments:**
15. The European Union is build on values such as solidarity and respect for human dignity do you think these values have been upheld in terms of the refugee crisis?
    - EU values: human dignity, freedom, democracy, equality, rule of law and human rights
    - so that inclusion, tolerance, justice, solidarity, and non discrimination prevail

16. To what extent would you say have these values been upheld in the implementation of the EU migration policy at the Croatia - Bosnia and Herzegovina border?
    - Suspended Dublin transfers to Croatia
    - Concerns about inclusion into Schengen area vs praised by the EU for border control
    - Bilateral readmission agreement with Bosnia Herzegovina
    - Criminalisation of solidarity

17. Which actors are in this case responsible for upholding or violating these values in the implementation of the EU migration policy?
    - EU-institutions, Croatian Ministry of Interior, Border police?

18. If EU values are not upheld in the implementation of the EU migration policy at the Croatia Bosnia Herzegovina border then how could these actors be made accountable?

➢ **If then Statements:**
19. If migration is predominantly seen as a security issue in Croatia then which dimension does it take?
    - socioeconomic dimension: refugees are thought to negatively affect the economy
    - securitarian dimension: loss of control is perceived
    - identarian dimension: migrants are seen as a threat to national identity
    - or political dimension: caused by xenophobic discourses

20. By securitizing migration what scholars have observed is the predominance of state security over human security in terms of the refugee crisis. Instead of state security, human security represents an overarching security model protecting all people.
    If EU values like solidarity and respect for human dignity have been violated then would you argue that the predominance of state security was a factor in this?

21. If human security were to become the dominant model representing transnational protection instead of state security then how could this be promoted and established?

➢ **Conclusions/ thank you**;
    allow the respondent the chance to react to the interview and ask questions if wished
    - Ask if they can recommend other actors knowledgeable about the situation for an interview