

Abstract

The high seas as the sovereign frontier – Securing the border or saving the migrants?

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The implementation of the Schengen Agreement in the European Union extended the sovereign interests of the Member States beyond the traditional borders, pushing the pressure of migration control to the external border countries. These countries have increasingly moved the integrated border management to the high seas, which have introduced complex questions regarding obligations and jurisdictions. These developments have had unintended consequences for the migrants attempting to irregularly reach Europe and an increasing number of them have drowned in the Mediterranean the last two years. The situation escalated the 19 April 2015, when approximately 800 migrants lost their lives, which is the biggest civilian maritime disaster in Mediterranean history. This thesis sought to investigate the reason for the prolonged nature of the humanitarian crisis in the Mediterranean in order to understand why no adequate responses have been implemented at EU level yet. The analysis was constructed by utilising the theories of Neo functionalism, Liberal Intergovernmentalism and Constructivism, with the aim of investigating the European policy negotiations from several points of view. It was found, that the high seas is a zone of sensitive sovereignty, which de facto has left the Member States to navigate on a patchwork of maritime boundaries. This has allowed the Member States to apply shifting sovereignty claims, making it possible to circumvent responsibilities towards migrants at sea. The investigation also revealed structural limitations of the contemporary European migration policies, which have dramatically decreased the maritime protection standards for migrants, refugees and asylum seekers.

The main findings suggest, that the EU leaders have struggled to find an adequate solution, due to the diverging national interests of the Member States, ultimately resulting in a collective action failure. The prospects of new policy proposals were analysed and it was concluded that, the Member States have been left at an intergovernmental divide, which is partially due to the perceived supranational infringement on the individual States sovereign right of border control. The investigations further revealed the need for a comprehensive perception change within the EU, if any durable solutions should be found. The developments in the Mediterranean have had tragic consequences for the migrants, revealing the need for the EU leaders to move away from deterrence and security policies. The situation should instead be approached holistically and understood in the context of the global displacement crisis, as more than 59 million people are displaced globally, which is the highest number since WWII.