

İSTANBUL BİLGİ ÜNİVERSİTESİ
LİSANSÜSTÜ PROGRAMLAR ENSTİTÜSÜ
HUKUK YÜKSEK LİSANS PROGRAMI

**SECTORIZATION OF BORDERS IN FIGHT AGAINST IRREGULAR
MIGRATION**

Hilal IŞIK

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Dr.Öğretim Üyesi Lami Bertan TOKUZLU

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ÖZET

Tarih boyunca devletler için sınırlarını korumak en önemli konuların başında geldi. Başlangıçta daha çok askeri amaçlarla sınırlara inşa edilen bariyerlerin, yıllar içerisinde kullanım amacı ve önemi çeşitli değişikliklere uğradı. Soğuk savaşın bitmesi ve globalleşme düşüncesinin ivme kazanması ile birlikte duvarların önemini kaybedeceği ve yok olacağı görüşleri ortaya atılmış olsa da, günümüzde devletler tarafından "duvar korur" düşüncesi benimsenmiş durumda.

Düzensiz göç konusunun devletlerin ajandasında başlıca konulardan biri haline gelmesiyle birlikte daha da büyük bir hızla yükselen duvarlar, beraberinde bu sürecin bir sektör haline gelmesini getirmiştir. Bu çalışmada, Roseire ve Ballif'in duvar örme politikası üzerine oluşturdukları teichopolitics teorisi temel alınarak üç örnek ülke üzerinden bir analiz yapılmış ve duvar örme süreçlerinin farklı aktörlerin katkılarıyla birlikte nasıl bir sektör haline gelmiş olduğu incelenmiştir. Aynı zamanda bu sektörleşme süreciyle birlikte atılan adımların, uluslararası insani mekanizmalar çerçevesinde ortaya çıkan sorumluluklara etkileri de vurgulanmıştır.

ABSTRACT

Throughout history protecting the borders has been one of the most important issues for the states. The barriers, initially built on the borders for military purposes, have undergone various changes in purpose and importance over the years. Though the idea that the walls have lost their significance, and that they will disappear, with the end of the Cold War and with the acceleration of the idea of globalization was raised, nowadays the attitude "wall protects" is adopted by the states.

With the irregular migration becoming a major issue in the agenda of the states, the rise of the walls at an even greater speed has caused this process to become a sector. In this study, based on the theory of teichopolitics established by Rosière and Ballif on the wall-making policy, an analysis was made on three sample countries and it was examined how the wall-making process became a sector with the contributions of the different actors. At the same time, how the steps taken with this sectorization process have the impacts on the responsibilities arising within the framework of international humanitarian mechanisms was also highlighted.

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ABBREVIATIONS

BDP	:	Bariş ve Demokrasi Partisi
BIROSAG	:	Hungarian Judicial System
CoE	:	Council of Europe
CoEC	:	Commission of the European Communities
CoEU	:	Council of the European Union
CoRoC	:	Convention on the Rights of the Child
EC	:	European Commission
EHCR	:	European Convention on Human Rights
ECtHR	:	European Court of Human Rights
EU	:	European Union
EU Charter	:	Charter of Fundamental Rights of the European Union
EUL/NGL	:	European United Left/Nordic Green Left
EP	:	European Parliament
FRONTEX	:	European Boarder and Coast Guard Agency
HHC	:	Hungarian Helsinki Committee.
HRW	:	Human Rights Watch
ICCPR	:	International Covenant on Civil and Political Rights,
IHD	:	İnsan Hakları Derneđi(Human Rights Association)
IOM	:	International Organization for Migration
LFIP	:	Law on Foreigners and International Protection
MSF	:	The doctors of Médecins Sans Frontières
NGO	:	Non-governmental organization
SBPSSP	:	Syrian Border Physical Security System Project
SCPR	:	Syrian Center for Policy Research
SETA	:	Siyaset, Ekonomi, ve Toplum Arařtırmaları Vakfı
UN	:	United Nations
UNHCR	:	United Nations High Commissioner for Refugees
UNOCD	:	United Nations Office on Drugs and Crime
The USA	:	Unites States of America
TOKİ	:	The Housing Development Administration
WoHG	:	Website of the Hungarian Government.
1951 Convention	:	1951 Convention Relating to the Status of Refugees

1. CHAPTER ONE: INTRODUCTION

1.1. The Background of the Study

Throughout the history, states have always tried to keep their borders under control with protective barriers. The traditional view was building the border barriers for military purposes. But over time, this perspective has also undergone a major change.

During his visit in Federal Republic of Germany in 1987 the President of the United States of America (the US) Ronald Reagan, said in his historical speech "Mr. Gorbachev, tear down this wall."¹ This speech was another turning point for the meaning of the walls which had already changed with the end of Second World War and the establishment of the United Nations (UN).²

With the collapse of the Berlin Wall and the end of the Cold War, the assumption of "world without borders/walls" was generated especially under the effect of the process of globalization. The fact that between the years 1991 and 2001 only seven walls were built worldwide was a kind of evidence to prove this assumption.³ However, 30 years after Ronald Reagan's speech, the last US president Donald Trump stated "wall protects" revealing how different the point reached in the 21st century from predicted is.⁴

In recent years, irregular migration has become one of the main issues on the states' agendas and made border security a very important problem for everyone. With the end of the cold war, the foreground "world without borders/walls" sense has

¹ John P. Rafferty. "Mr. Gorbachev, Tear Down This Wall!": Reagan's Berlin Speech, accessed on 29 December 2017 at <https://www.britannica.com/story/mr-gorbachev-tear-down-this-wall!-reagans-berlin-speech>

² Stéphane Rosière & Reece Jones. Teichopolitics: Re-considering Globalisation Through the Role of Walls and Fences. *Geopolitics*, 17:217–234, 2012.

³ Élisabeth Vallet, Charles-Philippe David. Introduction: The (Re)Building of the Wall in International Relations. *Journal of Borderlands Studies*, Volume 27 - Issue 2: Pages 111-119, 2012.

⁴ Donald Trump. 'People want protection and a wall protects. All you have to do is ask Israel...' accessed on 15 May 2017 at <https://twitter.com/potus/status/824956253625581568>

left its place to the motto- as the US President Donald Trump expresses often- “a wall protects” and the states began to protect their borders by constructing walls.⁵ States have begun to build walls on their borders at great speed. The contemporary world is characterized by the increasing enclosure of territories between sovereign states through the construction of walls and fences on international level. In this context, it is necessary to reconsider globalization in the 21st century. The evolution of the immigration policy in Europe from the end of the 1990s, has also led to the debate on Europe becoming a fortress. The situation we have been facing especially since 2005 until the present - separate from border concept to gain a broader dimension - reveals that physical borders are not losing their importance on the contrary they are getting stronger as a sector.⁶

The issue of protecting the outer borders, which has been an important issue for the European Union (EU) for many years, gained even more importance due to the immigration crisis in recent years. The EU, which tried to secure its African border with the barriers built in Spain years ago, has begun to make more efforts in this regard. Countries such as Greece, Bulgaria and Hungary are building walls to ensure the security of both the EU and their own citizens. In fact, the amount of budget the EU has allocated to this issue has increased.⁷ Nowadays, we are talking about the high-tech walls rather than ordinary ones. The walls are mostly equipped with thermal cameras, sensors, radars and automatic shooting towers. Governments

⁵ Deniz Ülke Arıboğan. Duvar: Tarih Geri Dönüyor. İnkılap Kitapevi, 2017.

⁶ As indicated in articles 73i, 73j and 73k the 5-year period the Amsterdam Treaty gave to the Council for adopting necessary measures on immigration and asylum issues ended in 2004. In addition, in May 2005 the Council of the European Union adopted The Hague Program: Strengthening Freedom, Security and Justice in the European Union. This program contains some regulations related to asylum, migration and border policy. Also, on October 3, 2005, FRONTEX was established. For this reason, it is possible to say that a new period has started with the year 2005 in relation to the protection of physical boundaries

⁷ According to Andersson “European Boarder and Coast Guard Agency (Frontex)’s budget grow since its founding in 2004, from €19m in its first full year of operations to €143m in 2015”
Ruben Andersson. Why Europe’s border security approach has failed – and how to replace it. Friedrich Erbert Stiftung, Paper commissioned by the Human Security Study Group,2016

with irregular migratory struggles on top of their agendas guarantee their voters the best protection of their country. By putting fight against irregular migration at the top of their agendas, governments are guaranteeing their voters the best protection by constructing the best wall for them and making the best law to make it difficult for irregular migrants to cross the border. In order to build the best wall, they receive support from construction companies and defense and border security companies by making a large amount of payments. Obviously, the wall building process has become a system that brings many different actors, tools and structures together.⁸ It seems that the process of walling has turned into a sector that includes big budgets and important actors, and it will continue to grow stronger.⁹

1.2. The Methodology and the Framework

In this study how physical borders gained importance especially under the name of struggle against irregular immigration and sectorization of border security issue will be discussed under the light of Rosière and Ballif's theory "Teichopolitics". This theory explains the politics of building barriers on borders for various security purposes mainly irregular migration.¹⁰

Three countries were selected for analysis under the light of teichopolitics theory in this study. These countries are: Spain, Hungary and Turkey. The reason for the decision to examine these three countries, despite the parallels in their teichopolitics processes, the images that governments try to draw in this process are different. This gives a ground to the discussion in the conclusion part of the study. In fact, these countries provide an environment for analyzing the challenges, human

⁸ Chris Rumford. *Theorizing Borders*. *European Journal of Social Theory* 9: 155, 2006.

⁹ Ben Bowling, in Katja Franko Aas and Mary Bosworth (eds.) *Migration and Punishment: Citizenship, Crime Control, and Social Exclusion*. Oxford: Oxford University Press, 2013.

¹⁰ Florine Ballif, Stéphane Rosière. *Le défi des teichopolitiques. Analyser la fermeture contemporaine des territoires*. *L'Espace Géographique* 38 (3): 193–206, 2009.

rights violations, route changes, and states' attitudes to take responsibility or escape responsibility we have been facing during the last migration crisis.

This study aims to show in fighting against irregular migration how the border walling processes, which have become a new phenomenon nowadays, have become a sector in the light of teichopolitics theory. Therefore, it will attempt to give answers to the following questions: What are the reasons that affect the States in order to decide to build walls on their external borders? How is the wall building process improving? What are the actors and tools involved in this process? How are these actors contributing to the sectorization process? What are the consequences of these walls? How similar are the steps taken by states in their teichopolitics processes? What language do the politicians/governments use when talking about their teichopolitics process? What impacts does this process have on the responsibilities arising within the framework of international humanitarian mechanisms?

In this study as well as relevant literature; the reports of UN Bodies, Human Rights Watch, Amnesty International, Friedrich Erbert Stiftung, The Hungarian Helsinki Committee, Syrian Centre for Policy Research, International Organization for Migration, European Commission (EC) and the European Parliament (EP) are used (the aforementioned reports include some data and statistics from fieldwork and interviews). In addition, since the statements made by politicians and government officials are of great importance for the analysis of the topic, the news in the media, governments' official websites, and government officials' social media posts will also be widely available in this study.

In the first chapter the present significance of this study is explained. After giving the background information of the study in the first chapter, the second chapter analyzes "irregular migration". In the first part of the second chapter, the terminology problem related to migration studies is mentioned and it is explained what it means to be irregular migrants who are shown as the reason for the construction of these walls. This part also explains the reason why the term "irregular migrant" is chosen to be used in this study. In the second part of this chapter the criminalization of irregular

migration process is discussed. This part analyzes well where this legal or illegal status starts, how this act is regarded as a security issue or even linked to terrorism, how preferences on the use of the terms reveal and shape the point of view regarding migration issue and how do different actors contribute to this criminalization process.

The third chapter builds the theoretical background of this study. In this chapter, it is planned to create an infrastructure to analyze the wall building process of the example countries (Hungary, Spain and Turkey) which will be analyzed in the fourth chapter. This chapter examines the theory of teichopolitics, that shed light to this study, together with different types of hardened borders that exist today and the typology of frontlines, fences/walls, and closed straights in detail. The theory of Teichopolitics (The politics of building barriers) will be examined in the context of sectorization of border security. Finally, the chapter ends with the discussion about the actors of teichopolitics and their contribution to the process.

The fourth chapter contains concrete examples of the study. In this part Hungary, Spain and Turkey cases will be discussed as examples to illustrate the thesis. In each section, chronological information about the teichopolitics processes of that country will be given first. Making legal amendments, strengthening the physical barriers (barbed / razor wire applications, climbing preventive systems, etc.) and the amount of the budget used for the technological border security systems (thermal cameras, satellite systems, infrared systems) will be discussed in the context of teichopolitics. At the end of each part states' obligations arising from international legal norms and how these countries' teichopolitics processes have caused many human rights violations border capitalism and human rights, and the violations of human rights will be highlighted. In all three cases, it will also be given the statistical information that is effective in influencing change in the number of irregular migrants in irregular migration and the measures taken.

In the last part, it is argued that in addition to giving a general overview of the entire work, the similarities and differences in the teichopolitics processes of these three countries will be discussed.

2. CHAPTER TWO: IRREGULAR MIGRATION AND SECURITY ISSUE

Globalization brought along the reality of free movement of people and money. Every day millions of people cross international borders with different purposes all over the world. As an example, between the years 2006 and 2007 in EU there were 780,000 cross border commuters, who live and work in different EU countries and cross the border every day.¹¹ Border crossing basically cannot be classified as a security issue; it is even a practice supported by the global capitalist economy. However, individuals can be a part of a crime depending on who they are, how they cross the border, how long they stay within those borders, whether they participate in the workforce and how and when they go back. The answers to all these questions are effective in the decision whether individuals will create a problem in the name of national security.

In recent years, migration and security concepts have often begun to be introduced side by side. Although border crossing is the reality of this modern era, “irregular” migration flows of third-country nationals are seen as a great threat by the states. Therefore, states are building higher and stronger physical barriers at the border as a crucial step in the fight against irregular migration. In the next section we will go deeper in the reasons for the great demands of the states regarding the wall-construction and how this situation has become a growing sector in today’s world. However, first there is a need to analyze well what it means to be irregular migrants who are shown as the reason for the construction of these walls, where this legal or illegal status starts, where it ends, how this act is regarded as a security issue or even linked to terrorism, how preferences on the use of the terms reveal and shape the

¹¹ European Commission DG Employment and Social Affairs. Scientific Report on the Mobility of Cross-Border Workers within the EU-27/EEA/EFTA Countries FINAL REPORT, 2009. accessed on 17 May 2017 at https://www.etuc.org/sites/www.etuc.org/files/MKW_cross_border_workers_mobility_1.pdf

point of view regarding migration issue and how do different actors contribute to this crimmigration issue.¹²

2.1. Irregular Migration Concept

Irregular migration is a term that has been frequently heard in recent times. In this study we will also use the term irregular migration. Throughout this section, in addition to attempting to describe the concept of irregular migration, different terms related to the migration concept and their differences in usage will be mentioned. At the same time, the aims of using different terms and the consequences of such different uses will be addressed.

The topic of irregular migration concerns many institutions and people. These institutions and people are generally sending, transit and receiving countries and their citizens, governments, non-governmental organizations, academia, law-enforcement officers, non-governmental organizations, media and immigrants themselves. The difficulties of defining what is irregular migration and who is an irregular migrant create similar challenges for all these bodies.¹³ The terminology used by these institutions and institutional representatives, statesmen representing countries, researchers and scientists working on this subject differ from each other. There are no universally accepted definitions. In fact, the use of immigration terms differs from country to country and these terms may differ in terms of meaning even within the same country. The IOM draws attention to the need to use a common language on this issue that requires international co-operation.¹⁴ In addition to the emphasis on

¹² Juliet Stumpf. The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power. *American University Law Review* Volume 56, Issue 2 Article 3, 2006.

¹³ Elspeth Guild. 'Who is an irregular migrant', in B. Bogusz, R. Cholewinski, A. Cygan and E. Szyszcak, *Irregular Migration and Human Rights: Theoretical, European and International Perspectives*, Leiden: Martinus Nihjoff, 2004, pp. 3-28.

¹⁴ IOM. Glossary on Migration, 2nd Edition, 2011, accessed on 30 November 2017 at: https://publications.iom.int/system/files/pdf/iml25_1.pdf

international co-operation, the terms used also have great importance due to their impact on creation of perception in public.

Obviously, there are many different terms related to immigration issue. It is still possible to come across various terms as illegal entry, irregular migration, undocumented migration, unauthorized migration, clandestine migration or bogus referring to the phenomenon of illegal entry or illegal stay.¹⁵ One of these terms, which has been used and recommended to be used quite often recently, is irregular migration.

Apart from turning into a global topic, which currently occupies a central position especially in Europe and in the USA, the concept of irregular migration turned into a language and terminological issue. In addition to not having a universally accepted definition for this term, for which the use of the words 'irregular' or 'illegal' has turned into a kind of a big issue. The use of immigration terms differs from country to country from organization to organization. While the irregular or undocumented migrant term is used more often by the United Nations, for non-governmental organizations and migrant groups in Europe and in the United States, illegal immigration is the most commonly used term.¹⁶

First of all, we should take a look at what actions these terms cover. Basically, illegal migration covers many different issues, such as arriving clandestinely on the territory of a state, overstaying and also working without permit.¹⁷ According to Morehouse and Blomfield's study, there are eight ways to become unauthorized migrants: illegal entry (illegal border crossing); entry using false documents; entry using legal documents, but providing false information in those documents;

¹⁵ Richard Black. *Breaking the Convention: Researching the "Illegal" Migration of Refugees to Europe*, Sussex Centre for Migration Research, University of Sussex, Brighton, UK; 2003.
Franck Düvell. *Clandestine migration in Europe*. *Social Science Information* 47: 479, 2008.

¹⁶ Christal Morehouse, Michael Blomfield. *Irregular Migration in Europe*. Transatlantic Council on Migration, A Project of the Migration Policy Institute, 2011.

¹⁷ Elspeth Guild, *op cit*, p.3.

overstaying a visa-free travel period or temporary residence permit; loss of status arising from non-renewal of a permit; failure to meet residency requirements or breaching conditions of residency; being born into irregularity, absconding during the asylum procedure or failing to leave a host-state after a negative decision; failure of a state to enforce a return decision for legal or practical reasons.¹⁸ From all these ways are mentioned, the most well-known type and the one that raises the greatest concerns is ‘illegal border crossing’. This is also the way which the states are making the most effort to stop and which we will cover in this study.

In 2006 the European Commission defined the term illegal migration. According to Communication from the Commission on Policy priorities in the fight against illegal immigration of third-country nationals, the term illegal migrant includes third-country nationals who enter the territory of a Member State illegally by land, sea and air, including airport transit zones. The second part of the European Commission’s definition also covers the third-country nationals who enter the country legally and exceed the visa period.¹⁹

In the Lisbon Treaty, it is also possible to find a specific part about illegal immigration. While this Article 63a does not provide a definition of illegal immigration, it refers to adopting a common immigration policy with all member states, including the necessary regulations such as the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings on this issue.²⁰

¹⁸ Christal Morehouse, Michael Blomfield. Irregular Migration in Europe. Transatlantic Council on Migration, A Project of the Migration Policy Institute, 2011.

¹⁹ Commission of the European Communities(CoEC) Communication from the Commission on Policy priorities in the fight against illegal immigration of third-country nationals /* COM/2006/0402 final */ accessed on 13 June 2017 at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52006DC0402>

²⁰ Treaty of Lisbon. Amending the Treaty on European Union and the Treaty Establishing the European Community. (2007/c 306/01).

However, it would not be wrong to say that the use of the term "illegal" is very problematic. Illegal generally refers to some action which is forbidden by the law or contrary to law, especially criminal law.²¹ In 2006, when the EC defined the term illegal migration, the European Union Parliamentary Assembly stated that “The Assembly prefers to use the term “irregular migrant” to other terms such as “illegal migrant” or “migrant without papers” with putting forward that the term irregular migration is more neutral.²² In 2009, the European Parliament invited the EU institutions and member states to start to use the term “irregular migration” instead of “illegal migration”, which has negative connotations.²³

Countries generally set boundaries in this area by legal regulations. The extent to how countries have included this issue in their legislation is also quite different. Only illegal or irregular status can be defined in the law, as well as only the limits of legal can be defined and all cases outside this definition indicate illegal status. Besides, of course, which term was chosen to be used can give us information about the point of view the country has and the method the country uses regarding migration issue. According to the Law on Foreigners and International Protection, which was adopted by the Republic of Turkey in 2013, “*irregular migration refers to the illegal entry of foreigners into Turkey, their illegal stay in Turkey, their illegal exit from Turkey and their unauthorized work in Turkey.*” Turkey, one of the three countries to be analyzed for the wall it built on the border in order to stop irregular migration, prefers to use irregular migration as a term, however associates it with

²¹ Oxford Dictionary. Oxford University Press,2018. accessed on 15 June 2017 at <https://en.oxforddictionaries.com/definition/illegal>

²² Parliamentary Assembly. Human rights of irregular migrants. Resolution 1509, 2006, accessed on 17 June 2017 at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17456>

²³ EP Resolution of 14 January 2009 on the Situation of Fundamental Rights in the EU 2004-2008 (2007/2145(INI)), accessed on 29 November 2017 at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0019+0+DOC+XML+V0//EN>

illegal actions in the definition.²⁴ The second example of this study Spain, on the other hand, though it uses the term irregular migration, does not make any definition for irregular migration term in its legislation.²⁵ As the last example of this study Hungary uses illegal entry, illegal exit, illegal border crossing, illegal stay and illegal employment in Act XXXIX of 2001 on the entry and stay of foreigners. However, there is no part in this law that gives the definition of the term “illegal”.²⁶

These actions, which have created a great deal of confusion in terms of terminology, actually mean that one person is basically violated the legal procedures. Therefore, speaking legal language if we use “illegal” to refer to these actions, it may not be seen very problematic. Consequently, there is a confusion about the use of these terms in many areas. Human rights defenders are constantly voicing that “no one can be illegal” and they avoid using the term “illegal migration”.²⁷ When we look at the international institutions, we can see that the term irregular migration is preferred instead of the term illegal migration. Drawing attention to the need to use a common language on this issue that requires international co-operation, the IOM gives place to the terms clandestine migration, illegal entry, illegal migration, irregular migration, unauthorized/unlawful entry/admission and undocumented migrant in the glossary. However, in this glossary the definition of each term refers to the irregular migration and the term “irregular” is recommended instead of “illegal” because the criminal content of the term illegal and its image of denial of the

²⁴ Law on Foreigners and International Protection (“Yabancılar ve Uluslararası Koruma Kanunu”), Article 31, Official Gazette no. 28615, 11 April 2013.

²⁵ Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social, Boletín Oficial núm. 10, 12 January 2000.

²⁶ Hungarian Act XXXIX of 2001 on the Entry and Stay of Foreigners. Official Gazette no 170/2001, 26 September 2001 Articles 32, 36, 40, 61 and 95.

²⁷ The No One is Illegal Network (Ingen människa är illegal in Swedish) works to support people living in Sweden without official documents because their asylum requests are not accepted (Ingen människa är Swedisch illegal) network is not illegal. <https://www.ingenillegal.org/> No-One Is Illegal (NOII) works on immigration and refugee issues in Canada <http://nooneisillegal.org/>

immigrants' humanity.²⁸ At this point, it is also useful to look at how the 1951 Convention address this issue. 1951 Convention uses the term "illegal". This choice of such an important international document in the context of human rights may be found surprising. However, in order to be able to do an accurate analysis we need to consider the year in which the document emerges. Because this document contains measures to prevent the punishment of human beings who are in another country without permission and lays a burden on target and transit states.²⁹

Comparing with the other problems brought to the table in this regard, the differences in the use of the term or which term is chosen to be used may not be seen as a big problem. However, as will be mentioned in the coming part, the language used for the criminalization of immigration plays a significant role. Considering the negative meaning contained in the term illegal migration, "irregular migration" has been selected to be used in this study because of its more humanistic meaning.

In the light of the information we have given above and before proceeding to the issue of criminalization of immigration, let's try to clarify the definition of the irregular migration concept, which is one of the basic components of this study. For some researchers, irregular migration consists of two main components: irregular crossing and irregular stay.³⁰ On the other hand, for some researchers, the situation is a bit more complex. Irregular migration may involve many activities such as entry into the country, departure from the country, stay in the country or employment. These actions can also be made regular at the beginning. The person may have fallen into irregularity in the course of time.³¹ Besides, irregular migration may be various

²⁸ IOM. International Migration Law N°25 - Glossary on Migration, 2011.

²⁹ 1951 Convention Relating to the Status of Refugees

³⁰ Mark Provera. The Criminalisation of Irregular Migration in the European Union. CEPS Paper in Liberty and Security in Europe, No. 80/February 2015.

³¹ There are three aspects that determine immigrant status: entry, residence and employment. Each aspect can be regular or irregular and various combinations are possible" Magdalena Perkowska. Illegal, Legal, Irregular or Regular – Who is the Incoming Foreigner? University of Bialystok Poland, 2016

combinations of these actions. For these reasons it is possible to say that irregular migration is an umbrella term. Due to the complexity of this term we are talking about, it is difficult to draw very sharp boundaries. At this point we can get help from IOM's definition. IOM analyzes irregular migration from two different perspectives. First, the perspective of destination countries. This one includes "entry, stay and work" in a country without the necessary authorization or documents required under immigration regulations." Second, the perspective of the sending country. This perspective includes the cases "the person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country."³²

For those who are unfamiliar with the terminology, this definition provides a very guiding structure in relation to the topics to be covered in the later sections of this study. In this study, we will consider the issue from the point of view of the target and transit countries and focus on only one type of irregular migration which is 'illegal/undocumented border crossing'.

2.2. Criminalization of Irregular Migration Issue

In 2017 March during the oath-taking ceremony for border guards, Hungary's Prime Minister Viktor Orbán stated that "Migration is the Trojan wooden horse of terrorism."³³ Of course, this explanation is not Viktor Orbán's first interesting explanation about the migration issue and Victor Orbán is not the only politician who

³² IOM, op cit. p.49, 54.

³³ Patrick Wintour. The Guardian, Hungary to detain all asylum seekers in container camps. 2017. accessed on 20 June 2017 at: <https://www.theguardian.com/world/2017/mar/07/-hungary-to-detain-all-asylum-seekers-in-container-camps>
Pablo Gorondi. Business Insider Deutschland, Hungary's leader calls migration 'Trojan horse' of terrorism, 2017, accessed on 20 June 2017 at <http://www.businessinsider.de/ap-hungarys-leader-calls-migration-trojan-horse-of-terrorism-2017-3?r=US&IR=T>

sees immigration as a security issue and associates with terrorism.³⁴ Immigration is increasingly perceived as a security issue. In recent days, it is possible to hear such statements from many politicians or to see many anti-immigrant protests, hate crimes or publications written in anti-immigrant diction. Almost all these discourses are based on the fact that association of the immigration with crime. Eurobarometer 2016 results show us the immigration of people from outside the EU is a reminder of a negative feeling for most Europeans.³⁵

As a matter of course, criminalization of irregular migration did not suddenly appear. Migration concept was transformed into a criminal issue with the help of many different actors, their mostly conscious actions of these actors and their constantly calling for a "solution" caused migration.³⁶ In this part of the study we will discuss which actors and what methods and tools have created this fact.

In the previous section, we focused a lot about definition problem related to migration issue. The chosen language is the primary of the methods to criminalize irregular migration. The choice of terminology may lead to negative discourses and stereotypes, which in turn leads to violent acts against immigrants.³⁷

The hazardous choice of the terminology can also be done consciously. Since the use of terms is closely related to the political perspectives of the people and institutions, selection of the term is related to the concern of the political message to be given. Besides, irregular migration is seen as a great threat by the states it turned to a very important tool of a political game. Migration issue, which could also have an effect on the voting rates of politicians get, poses a huge challenge to politicians. For

³⁴ The Guardian. Integrating Muslims into Europe is 'impossible', says Czech president, 2016, accessed on 20 June 2017 at <https://www.theguardian.com/world/2016/jan/18/integrating-muslims-into-europe-is-impossible-says-czech-president>

³⁵ EC. Eurobarometer, 2016

³⁶ Didier, Bigo. Security and Immigration: Toward a Critique of the Governmentality of Unease, *Alternatives* 27 Special Issue, 63-92, 2002.

³⁷ Provera, op. cit. p.12, 27.

this reason, the production of the linkage between migration and security issues has become the mostly used tool by some authorities especially by politicians, experts, government officials and some international/supranational organizations.

In liberal democracies it is a priority for these authorities to protect themselves and their alike. For this reason, their safety has a great importance.³⁸ Creating an image of a politician who protects their country is an important tool for the politicians to preserve their authority and keep the seat safe in the next elections. Even if the dosage shows variety, it is crucial to send a clear political message to the voters that the problem was noticed, and the action is being taken.³⁹ These messages often contain discourses related to negative labels such as drug dealing, trafficking, Islamic radicalism, sexual harassment, global terrorism etc. and sometimes these discourses are even clearly insulting. During an election campaign speech in August 2016, current US President Donald Trump stated that immigrants are drug dealers and rapists.⁴⁰ Sometimes politicians allude that irregular migrants are the reason of security issues. As an example, Czech Prime Minister Bohuslav Sobotka stated that looking at the problems in other European countries; they don't want to have more Muslims in Czechia.⁴¹ Politicians sometimes opt for direct insults like Hungarian Prime Minister Viktor Orbán. In 2016 he also stated that migrants are poison, and they are not going to swallow it.⁴²

³⁸ Bigo. *op. cit* p. 5

³⁹ Agnieszka Kubal. *Struggles against Subjection. Implications of Criminalization of Migration for Migrants' Everyday Lives in Europe*. University of Oxford. International Migration Institute, 2014.

⁴⁰ BBC News. 'Drug dealers, criminals, rapists': What Trump thinks of Mexicans, 2016, accessed on 22 June 2017 at <http://www.bbc.com/news/av/world-us-canada-37230916/drug-dealers-criminals-rapists-what-trump-thinks-of-mexicans>

⁴¹ Vise Grad Posts. PM Sobotka: "We don't want more Muslims in Czechia", 2017, accessed on 22 June 2017 at <https://visegradpost.com/en/2017/08/26/pm-sobotka-we-dont-want-more-muslims-in-czechia/>

⁴² The Guardian. Hungarian prime minister says migrants are 'poison' and 'not needed', 2016, accessed on 23 June 2017 at <https://www.theguardian.com/world/2016/jul/26/hungarian-prime-minister-viktor-orban-praises-donald-trump>

Of course, politicians are not alone in creating such discourses. All organs, which have a say in the security issue of the country, are involved in the creation process of discourses that may have such negative effects on irregular migrants. According to Didier Bigo, these organs tend to identify a homogenized common focus in creation of these kinds of specific discourses on managing the threat. Due to the shared interests, a common enemy is created, and a discourse is developed accordingly. This distinctive structure is affected by different factors. One of the main factors is their approach to the recent historical events and the type of language they use.⁴³ It is basically about how do they see and interpret the world events. Are those people who flee from war, human rights violations or bad living conditions, or those who have a purpose to disrupt the order of the country? Are they irregular migrants who are looking for better living conditions or illegal migrants who are the main cause of the global terrorism?

Surprisingly, we see that such discourses are produced not only by politicians who represent the right wing. Left wing politicians also use these discourses in behalf of the protection of the order and borders of the country and the identity of society. In 2015 Hungarian Socialist leader Zoltan Gogos stated that he doesn't support that much to have a fence along Hungary's border however that is the only solution until finding a better one.⁴⁴ The leader of the CHP ("Republican People's Party") Kemal Kılıçdaroğlu asked his voters to say "no" in the referendum claiming that if the result would be "yes" they would be given citizenship to those who had escaped from the war in Syria and emigrated to Turkey.⁴⁵ These discourses show us that the politicians who represent the left wing also see immigrants as a problem. Such discourses

⁴³ Bigo, *op. cit* p. 13.

⁴⁴ Dailynews Hungary. Border fence will do if no better solution, says Socialist official, 2015, , accessed on 23 June 2017 at <https://dailynewshungary.com/border-fence-will-do-if-no-better-solution-says-socialist-official/>

⁴⁵ Diken. Kılıçdaroğlu, Suriyeliler üzerinden 'Hayır' istedi: 'Evet' çıkarsa vatandaşlık verecekler, 2017, accessed on 23 June 2017 at <http://www.diken.com.tr/kilicdaroglu-suriyeliler-uzerinden-hayir-istedi-evet-cikarsavatandaslik-verecekler/>

sometimes come from politicians who also have immigration background. The ethnically Japanese-Korean leader of the Freedom and Direct Democracy Party Tomio Okamura, became Czechia's anti-immigration face. Okamura even calls Czech citizens to do some acts such as walking with dogs and pigs around the mosques to disturb Muslim immigrants.⁴⁶ These examples show us that these discourses of the politicians are shaped in the direction of their interests and criminalization of irregular migration is becoming a very important tool of a political game. This game is basically creating a link between the form of violence or threat and immigration and giving the voters the message of "taking care of the problem and protecting their own people".

The issue of immigration is considered by the politicians as a negative situation in the first place -without any doubt- and the next steps are taken in this direction. They discuss about the strategies to combat the potential negative effects of irregular migration and create discourses which can make negative effect on irregular migrants. The most important part of this process is to deter irregular migrants, who are seen as a security threat in the first place, trying to enter the borders of their national territories, which means the usage of criminalization of irregular migration as a tool of prevention. The walls are used as physical evidence of this prevention procedure by drawing a line between the security threats and their own people.

The criminalization of irregular migration is not only actualized by politic messages includes negative discourses. Criminalization of irregular migration is a comprehensive structure with many actions in it. Besides negative discourses, detention and most importantly law measures are the other actions.⁴⁷ Legal measures were taken by politicians in the name of reducing the negative effects of migration.

⁴⁶ Ladka Mortkowitz Bauerova. Bloomberg. How a Tokyo-Born Outsider Became the Face of Czech Nationalism, 2017, accessed on 24 November 2017 at <https://www.bloomberg.com/news/articles/2017-10-13/xenophobia-victim-poised-to-boost-czech-far-right-in-parliament>

⁴⁷ Provera, *op. cit.* pp.23-27

Indeed, the legal measures establish the premise of this criminalization process. With the law measures, people are being criminalized before they enter the country.

Many countries change their legislation to find a solution to this "problem" when they face with the possibility of massive migration flow or with the massive migration flow itself. Turkey is one of the countries most affected by the conflict in the Syria and the Middle East has enacted a new law "Law on Foreigners and International Protection" in 2013. This new law regulates, what would be the scope of protection will be provided to those who request protection from Turkey and how to implement this protection. This law also gives wide coverage to combating irregular migration issue.⁴⁸ Hungary which is used mostly as a transit country by the people who want to escape from the conflict in the Middle East and Syria and want to come to Europe made some changes in the certain laws related to the management of mass immigration in 2015.⁴⁹ Spain introduced the first foreigners law in 1985 just before it became a full member in the European Union's third enlargement process in 1986.⁵⁰ Thus Spain took necessary measures before it became the European Union's border country to Africa.

The legislations on immigration generally regulate conditions such as the entry of foreigners into the country, stay in the country and working conditions in the country. Generally, the cases which stay outside of these regulations are declared illegal. However, sometimes even if the person complies with the procedure set out in the law and holds a valid visa this person's entry to the country can be classified as illegal. Schengen Borders Code (SBC) gives this right to the member countries. According to SBC, if someone cannot fulfil the entry requirements of SBC this person cannot get any valid visa. However, to have a valid visa does not guarantee

⁴⁸ LFIP, *op.cit.*

⁴⁹ Hungarian Act CXLII. Act on Certain Laws on Effective Protection of the State border of Hungary and the Treatment of Mass Immigration, Official Gazette nr. 19716, 21 September 2015.

⁵⁰ Ley Orgánica 7/1985, de 1 de julio, sobre derechos y libertades de los extranjeros en España, Boletín Oficial núm. 158, 3 July 1985.

entry into the Member State. A person may be refused at the border because of not fulfilling the other requirements such as the holding of sufficient resources.⁵¹ Also nowadays, many immigration laws have become criminal offenses and criminal law is also increasingly being used to help implement the immigration law.⁵² Of course, the EU has made some arrangements in this respect that put restrictions for member states. One of them is the Return Directive which is accepted in 2008.⁵³ This directive sets out the standards and legal procedures applicable to third country nationals in the case of illegal settlement. This arrangement went on to improve on the maximum duration of administrative detention and set a maximum duration of 18 months.⁵⁴ However, as we can see in later parts of the work, there are examples of countries that make legal regulations that are in contradiction with the EU directives.⁵⁵ In brief, the law makes a great contribution to criminalization of irregular migration process and criminalize people.

These laws do not affect only those who crossed or attempt to cross the border. Today, we are confronted with not only the criminalization of irregular migrants but also the criminalization of all those who are acting in solidarity with irregular migrants. This criminalization process may be in the form of deportation or imprisonment within the boundaries set by national law.⁵⁶ While “The United

⁵¹ Regulation (EC) No 562/2006 of the European Parliament and of the Council. 2006. Article 13.

⁵² Agnieszka, *op. cit.*

⁵³ Return Directive. Official Journal of the European Union. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. L 348/98, 24 December 2008.

⁵⁴ Return Directive, *op. cit.* Chapter IV, Article 15- 5,6.

⁵⁵ Boldizsár Nagy. Hungarian Asylum Law and Policy in 2015–2016: Securitization Instead of Loyal Cooperation, 2016. Special Issue Constitutional Dimensions of the Refugee Crisis. German Law Journal Vol. 17 No. 06

⁵⁶ Provera, *op. cit.*, p.12.

Nations Convention against Transnational Organized Crime”⁵⁷ is the main international instrument for the states, European Union also guides the member states by “Directive on Trafficking in Human Beings.”⁵⁸ In many countries human trafficking is punished by law, which is crucial for people not being victimized by human traffickers. In some countries, however, the line between human trafficking and helping immigrants is not clear. In fact, The Hungarian Helsinki Committee published a handbook to guide its volunteers in helping irregular migrants without violating the law.⁵⁹

Apart from specially created legal measures, there are many units created such as detention centers and special prisons in order to ensure the implementation of these measures.⁶⁰ The most important of these units are the structures and technologies that prevent the entry of irregular migrations into the country. Sometimes these structures are also under the protection of law like in Hungary.⁶¹

Politicians are influencing the media with their attitudes and the media has an important role in this criminalization process. The media also produces nationalism, racism, social anger and hatred as an instrument of the dominant ideology. Thus, the

⁵⁷ United Nations Convention against Transnational Organized Crime and the Protocols Thereto. Adopted by the UN General Assembly: 15 November 2000, by resolution 55/25. Entry into force: 29 September 2003, in accordance with article 38

⁵⁸ EP. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA.

⁵⁹ Kim Lane Scheppele. Politico, Orbán’s police state, Hungary’s crackdown on refugees is shredding the values of democracy, 2015, accessed on 23 June 2017 at <https://www.politico.eu/article/orbans-police-state-hungary-serbia-border-migration-refugees/> Hungarian Helsinki Committee. The Most Frequently Asked Questions in Helping Refugees, 2015.

⁶⁰ For example, in the fifth section of Turkey’s legislation on migration” Law on Foreigners and International Protection” the structure, duties, and responsibilities of the institution is regulated.

⁶¹ BIROSAG. Communication: “On the amendment of certain Acts related to the management of mass migration”, 2015, accessed on 23 June 2017 at <http://birosag.hu/en/media/aktualis/communication-amendment-certain-acts-related-management-mass-migration> UNHCR- Global Strategy - Beyond Detention 2014-2019, National Action Plan Hungary, 2015, accessed on 23 June 2017 at <http://www.unhcr.org/566a87fe9.pdf>

media has been able to impose the collecting of the fiction of power, not reality.⁶² Politicians also use the media as an important tool with their speeches and interviews on television and radio programs.

The role of the media in criminalization of irregular migration is quite large. Especially the language of the news, the titles given to the news, the statistics used in the news and the choice of photography can make the immigrants a target. The content and the way of presentation of the news directly affect the image of the immigrants in the eyes of the public. Focusing on especially negative images makes a big contribution to this process. It is one of the first steps of this process to include the negative discourses of the politicians we have mentioned above.

Media can contribute the criminalization of migration with different methods. One of the methods used by the media is to constantly use language that speaks of chaos and irregularity. It is also one of these methods to constantly communicate the negative events that occur in the country with migration. Not only in the country, but also in other countries, news of the terrorist incidents in connection with the issue of migration, also underlines the need to protect the safe environment in the country. In particular, the topics like marriages to immigrants and the birth rates are often used to embody the dimensions of the threat. At the same time, the idea that the traditional and national values of the country, the concepts of westernization and Europeanization would suffer since the birth rates demographically decline in Europe. At the same time, drawing attention to the problems related to the ethnic minorities within the country is being used as a way to show the public what problems people that are trying to cross borders may cause in the future.⁶³

⁶² Yasemin İnceođlu. 5-6 Eylül 2009 tarihlerinde Uluslararası Hrant Dink Vakfı'nın düzenlediđi "Medyada Nefret Söyleminin İzlenmesi Çalışma Toplantısı"nda yaptıđı sunumun deşifresi, accessed on 25 July 2017 at <http://www.yasemininceoglu.com/default.aspx?cat=5&pag=1171>

⁶³ Bigo, *op. cit.*, p.71.

In addition to traditional media, we cannot ignore the contribution of social media to this issue today. For anti-immoral discourses, social media is characterized as an instant propaganda tool.

Apart from traditional media and social media, politicians, political parties and other organs also use different tools. Tools such as advertising boards, posters, flyers can also form an important part of this process. In the summer of 2013, the UK Border Agency which was replaced by UK Visas and Immigration used the mobile billboard vans to send people who were "illegally" living in the country to their homes. The political message on these mobile billboards was quite clear: 'In the UK illegally? Go home or face arrest': '106 arrests last week in your area. Which means the problem was noticed, and the action is being taken.'⁶⁴ One of the governments which has been using billboards in the most effective way is undoubtedly Hungarian Government. In 2016 they started a billboard campaign in order to inform Hungarians of "possible consequences of migration and resettlement". The slogans used in the campaign provided a direct link between terrorism, security issues and migration.⁶⁵

The use of the media and all these visual tools contributes to the society's view on immigration. Particularly, the frequent use of certain terms by politicians such as organized crime, global Mafia, drugs trafficking, Islamic radicalism and terrorism and the frequent presence in the media cause society to perceive immigrants as a threat and irregular migration as a criminal problem to solve. In this way, politicians also receive the support of the society and they also get the necessary consent from the society for the high-tech walls to be built on the borders. At the end of all this

⁶⁴ Alan Travis. The Guardian. 'Go home' vans resulted in 11 people leaving Britain, says report, 2013, accessed on 23 June 2017 at <https://www.theguardian.com/uk-news/2013/oct/31/go-home-vans-11-leave-britain>

⁶⁵ Viktória Serdült. The Budapest Beacon. Latest government propaganda campaign links migration to terrorism, 2016, accessed on 23 June 2017 at <https://budapestbeacon.com/latest-government-propaganda-campaign-links-migration-to-terrorism/>

criminalization process, the high amount of money spent on these walls can also be classified as a necessary expense in the eyes of the society.

3. CHAPTER THREE: TEICHOPOLITICS: IN CONTRAST THE BORDERLESS WORLD OF GLOBALIZATION

3.1. The Politics of Building Walls: Teichopolitics

With the end of the Second World War, the borders of the state have gained a different kind of meaning. At this point, the establishment of the United Nations can be perceived as an important milestone. According to UN Charter, states cannot harm other states' territorial integrity or political independence.⁶⁶ The acquisition of a legal status by the state borders has changed the traditional view that the border barriers were built for military purposes.

Although they are supposed to disappear as of 1990, according to some researchers, as of the end of 2010 there are 45 walls, covering a length of 29,000 km in the world and this number increases day by day.⁶⁷ In order to explain the paradigm of the increasing number of border barriers in the world and the further strengthening of border crossings, Ballif and Rosière introduced the new term *teichopolitics*. Ballif and Rosière derived the word teichopolitics from the ancient Greek word τεῖχος (teichos) which means “city wall”. They explain this term as, “the politics of building barriers on borders for various security purposes.”⁶⁸ So, there is need to answer some questions to understand why the states build walls on their borders at great speed: What are these various security purposes? Who should be protected from these security threats? And most importantly, who benefits from that?

⁶⁶ Charter of UN Article 2

⁶⁷ The count includes not only completed walls but also those in the advanced planning stage. The numbers are based on the figures announced by governments (making it possible to include cases in which the border is not walled continuously along its entire length, such as the US–Mexican border). Élisabeth Vallet, Charles-Philippe David. Introduction: The (Re)Building of the Wall in International Relations. *Journal of Borderlands Studies*, Volume 27 - Issue 2: Pages 111-119, 2012.

⁶⁸ Ballif, Rosière, *op. cit.*, pp. 194,195.

According to Ballif and Rosière one the most common reasons for building these walls is the fight against irregular migration.⁶⁹ On the contrary to what is conceived, these walls can be constructed to prevent their own citizens from migrating to other countries, in other words to prevent irregular emigration. Soviet walls, including the Berlin Wall, are examples of this kind. Today, North Korean Wall too can be an example for such kind of walls. However, of course, today's walls are more oriented towards stopping irregular immigration instead of emigration. The approach of the criminalization of migration, which we mentioned in the previous section, provides grounds for states to decide to build new walls each passing day. Because states do not want these people, who are seen as potential security threats, to enter their country.

Basically, the barriers are made to divide different groups from each other. When we analyze today's border walls/barriers, it is possible to say that they divide asymmetric groups from each other. In order to put it more clearly, one of the main function of teichopolitics is to protect the privileged ones. According to Rosière and Ballif's calculations, there is 39,692 km of "closed borderline" in the world, which covers 16% of the global borderline. The walls which take place in the areas with military tension cover only about 9000 km. The motivation of the states for wall construction is to stop irregular migratory flows which are caused by different life standards. There are 244 million international migrants in worldwide and most of them -approximately 157 million- originate from middle-income countries.⁷⁰ According to the 2017 statistics, Morocco's GDP is \$ 114.342 while Spain's GDP is \$1,291.36⁷¹. Due to the internal conflict in Syria, which caused the current refugee

⁶⁹ Ballif, Rosière, *op. cit.*, pp. 195,198.

⁷⁰ International Migration Report 2015, 2016. accessed on 15 August 2017 at: http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2015_Highlights.pdf

⁷¹ Economy Watch. 2017 Economic Statistics and Indicators,2018, accessed on 20 May 2017 at <http://www.economywatch.com/economic-statistics/year/2017/>

crisis in Europe to explode, 11.5% of the population lost their lives or were injured.⁷² Today, Africa is the continent with the 383 million people living in extreme poverty, which is the largest number in the world. Africa is followed by Asia with 327 million people. On the other hand, this number is 0.7 Million in Europe.⁷³ Therefore, it would not be wrong to say that each new wall/barrier differentiates two different spaces of economic, cultural, or political privilege. In more recent years going to the top of the political agenda, since the mid-1970s immigration control has been an important issue.⁷⁴ States try to stop others from entering the country by building walls to protect their own privileged people. Laws are being enacted to make the walls even thicker and these laws allow only privileged people and goods to cross the border.

Teichopolitics does not mean simply building border constructions like walls or fences to separate two different groups of people and control irregular migration. States do not want to control irregular migration; they want to control it perfectly.⁷⁵ Therefore, they get help from different organs and tools. Which means teichopolitics also includes administrative measures like legal changes and military installations which often support the border barriers.⁷⁶

Essentially, because of the administrative measures, the same actions are grouped into two, which are appropriate ones such as trade, tourism or migration, and inappropriate ones like human trafficking, smuggling and irregular migration. In this manner, the privileged people, who can travel, trade or migrate can also be separated

⁷² SCPR Syria, Confronting Fragmentation, Impact of Syrian Crisis Report Quarterly based report, 2015.

⁷³ Max Roser, Esteban Ortiz-Ospina "Global Extreme Poverty", Published online at OurWorldInData.org, 2018, accessed on 20 July 2017 at <https://ourworldindata.org/extreme-poverty>

⁷⁴ Stephen Castles. 'Why migration policies fail'. *Journal Ethnic and Racial Studies* Volume 27, 2004 - Issue 2, 2010.

⁷⁵ Mark Provera. *The Criminalisation of Irregular Migration in the European Union* No. 80/February 2015

⁷⁶ Stéphane Rosière, Reece Jones. *Teichopolitics: Re-considering Globalisation Through the Role of Walls and Fences*. *Geopolitics*, 17:217–234, 2012.

from the non-privileged people. In 2015, the application of 959,650 out of 15,446,676 applicants for the Schengen visa was rejected.⁷⁷ This shows us that some people do not fit the ideal description according to legal measures. These laws and regulations, which describe “the ideal”, reduce the permeability of the walls. However, these legal measures are not only used to identify people who can cross the wall and who cannot. These legal regulations may also protect the physical integrity of the wall. As an example, in Hungary, damaging the fence or hampering the construction work are also punishable by law.⁷⁸ As in the case of Morocco, inter-country co-operations are being established to prevent irregular border crossings by protecting the integrity of the wall.⁷⁹ In this way, “the wall” gains a legally protected status.

Rosière and Jones explain this situation with teichopolitics, which demonstrate that all mobilities and flows are not valued. According to them, it is easy to sketch the hierarchy between the valued and non-valued mobilities and flows. Teichopolitics welcome the products depending on how they compete with national ones and unevenly welcome qualified human beings, but it doesn't welcome the non-qualified people. At the checkpoints, it is decided whether or not these people and goods can pass through the walls.⁸⁰ So that states can take precautions against things that could pose a risk to them. As we mentioned in the previous section, today immigration is seen as a great threat by the states. Political actors do not want to take this huge risk with allowing these not well-known people to get in the country. Since the unwanted entries into the country may also cause the politician's authority to be

⁷⁷ Schengen Visa statistics for consulates, 2015, accessed on 27 July 2017 at <https://www.schengenvisainfo.com/visa-statistics-2015>

⁷⁸ Since the legal text in English cannot be reached, the information in this report has been used as a source <http://www.unhcr.org/566a87fe9.pdf>

⁷⁹ Morocco also benefits from funding under the EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa. EC. Countries of the Region. Morocco, accessed on 27 July 2017 at https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/morocco_en

⁸⁰ Rosière, Jones, op. cit, p. 229.

questioned, this risk may even lead to conclusions that may cause politicians not to be re-elected in the next elections. For this reason, politicians are trying to draw a “the politician protecting the country” portrait for their voters. Besides, putting their country in the center, politicians create “the chaotic outside image” in order to show that security is the most important value and they do everything is needed.⁸¹

Therefore, building walls even becomes the first reflex in such cases. Today, walls have become a standard state response to realized insecurity risk.⁸² This approach proves that the walls have not only returned physically but also returned as an element that politicians could use. It would not be wrong to say that political actors have also made great gains in this situation. By using teichopolitics, they strengthen their political legitimacy and their electorate, and they help the other actors to make profit from this wall-building process.⁸³

Teichopolitics cannot survive only by the decision of political actors. There is a need for actors who will physically materialize this policy. At this point, private companies take the responsibility. According to Rosière and Jones, teichopolitics is the first way to develop economic advantages.⁸⁴ Wall construction is a very expensive process. Especially after 9/11 border walls have started to be built with high-quality concrete blocks or special climbing barriers which extend the budget. This creates the ground for construction companies to make very high profit. However, construction sector is not the only example which makes profits from that. Systems added to border walls, such as night vision cameras, announcement systems, sensors and automatic shooting towers allow security industries to enjoy a very high economic advantage from this procedure. This fact makes the companies one of the most important parts of teichopolitics. In fact, EU made biometric passport regulations in

⁸¹ Bigo, *op. cit.*, pp. 67,76,81.

⁸² Vallet, *op. cit.*, pp. 112-114.

⁸³ Rosière, Jones, *op. cit.*, p. 226.

⁸⁴ Rosière, Jones, *op. cit.*, p. 230.

2004 and for this reason, countries also made regulations on biometric information systems in parallel with EU regulations.⁸⁵ This situation increased the importance of the companies in the teichopolitics process even more. These companies are constantly developing new border technologies such as facial scanning systems and biometric systems.⁸⁶ Nowadays the states are trying to equip their walls with the latest technology, allocate a larger budget for border projects or apply for foreign support funds. One of these projects is US funded Jordan Border Security Project, which includes sensor-fused border barriers, patrol paths and watchtowers, day and night cameras, ground radars, and a full command, control and communications suit. The budget of this program is \$100 million, and it will be completed by the end of 2017.⁸⁷ In 2014 Saudi Arabia launched the Northern Border Security (NBS) Project, which is the first part of the Saudi Border Guard Development Program. The project includes multilayered fence along its northern borders, watch towers and surveillance towers equipped with radars and day/night cameras. This well-equipped project costs \$3.4 billion.⁸⁸

The situation is not different in the European and European neighboring countries. The fence on Turkish border,⁸⁹ which was equipped with a network of

⁸⁵ Council Regulation (EC) No 2252/2004, 13 December 2004.

Turkey, for example, made this regulation in 2014. Pasaport Kanununun Uygulanmasına Dair Yönetmelik, Official Gazette No: 29088, 14 August 2014.

⁸⁶ Rosière & Ballif also included biometric systems in their research as a part of teichopolitics. However, I will exclude this in my study in order not to further expand the scope of the subject.

⁸⁷ Defense Industry Daily. Jordan's JBSP Border Security Program, 2016, accessed on 27 July 2017 at <http://www.defenseindustrydaily.com/jordans-jbsp-border-security-program-05072/>

⁸⁸ Jeddah: Md al-Sulami. Saudi Arabia, Northern border is secure, 2014, accessed on 25 June 2017 at <http://www.arabnews.com/news/594411>

⁸⁹ In fact, long time before the start of teichopolitics process between on the Turkey-Greece border, the two countries cooperated to "humanize" the border. After the negotiations between Greece and Turkey in 2001 it was decided in the clearing of mines on the border between the two countries. Metehan Demir, Uğur Ergun. Türk-Yunan sınırındaki mayınlar temizleniyor. Hürriyet, 07 April 2001, accessed on 01 May 2018 at <http://www.hurriyet.com.tr/dunya/turk-yunan-sinirindaki-mayinlar-temizleniyor-39236246> Following these decision Turkey signed The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction Treaty on March 12, 2003. Anti-Personel Mayınların Kullanımının, Depolanmasının, Üretiminin ve

night-vision cameras providing live feed to a new command center, costs more than €3 million for Greece.⁹⁰ With each new project the borders are becoming more militarized and defense industry gains are highly increasing. For this reason, it was not a surprise for anyone that while Turkey has been building one of the longest walls in the world, ASELSAN (Turkey's leading defense industry producer)'s increased 273% net profit in 2016.⁹¹ Besides, states are constantly renewing their border projects with every new technology, and this leads to an endless loop. Spain is one of the most important examples of this. Sistema Integrado de Vigilancia Exterior (The Spanish system of coastal surveillance) was launched in 1999 and it is constantly being renovated. In addition to equipping the border walls with high technology, the states increased the military operations at the border and the budget spent on it at the same time. European Union border agency, Frontex increased its military operations at the borders with the cooperation of NATO. Its budget, which was €149.4 million in 2015, increased to €232.7 million in 2016, and it is expected to grow to an estimated €302 million in 2017.⁹²

Participation of companies in this process proves that states and administrations are not the only actors of teichopolitics. Obviously, they are the main actors of teichopolitics, however, companies indeed play an important role in this process. Today, the wall-constructing process has become a kind of race among states. It is lucky to encounter news including comparisons between border walls in

Devredilmesinin Yasaklanması ve Bunların İmhası ile İlgili Sözleşmeye Katılmamızın Uygun Bulduğuna Dair Kanun, Official Gazette No 4824, 12 March 2003.

⁹⁰ Global Security. Greece - Turkish Border Fence, accessed on 28 July 2017 at <http://www.globalsecurity.org/military/world/europe/gr-turkey-fence.htm>

⁹¹ Hürriyet Daily News. Turkish defense giant ASELSAN's profits rise in 2016, 2017, accessed on 28 May 2017, at <http://www.hurriyetdailynews.com/turkish-defense-giant-aselsans-profits-rise-in-2016-.aspx?pageID=238&nID=110019&NewsCatID=344>

⁹² FRONTEX. Amended Budget 2017 N1, Warsaw 2017.

media.⁹³ Every new wall project is advertised as being equipped with the latest technology by the states. Rosière and Jones explain making economic advantage by private companies during the construction of wall process phenomena as ‘teichoeconomics’ which has neo-liberal logic behind.⁹⁴

3.2. Border Walls or Border Fences

Before we start discussing how and why states have begun building walls to their borders again, it is necessary to clarify “border wall” concept. There are many different terms available to discuss this topic such as wall, fence, barrier or frontline. Although the concepts such as walls and fences seem to indicate the physical properties of the barrier, there is a policy that lies behind the use of these terms. As we mentioned earlier while explaining the irregular migration term in the previous section, the use of terms is closely related to the political perspectives of the people and institutions. The same situation is true for the naming of these boundary structures.⁹⁵

While fence or barrier sound more easily built, temporary, cheaper and more permeable, wall sounds difficult to build, permanent, expensive and impermeable. However, during these days fences are also impossible to pass through due to high-tech equipment attached to them such as sensors, radars and thermal cameras etc. which cost a lot of money. As we can see in Northern Border Security (NBS) Project, which includes multilayered fence along its northern borders, their construction has

⁹³ Milliyet.Sınıra 'Türk Seddi' inşa ediliyor, 2016, accessed on 29 June 2017 at <http://www.milliyet.com.tr/sinira-turk-seddi-insa-diliyor-gundem-2352076/>
The Write News. Saudi Arabia Builds a Wall, 2006, accessed on 29 June 2017 at <http://www.writenews.com/saudi-arabia-builds-a-wall-10040617>

⁹⁴ Rosière, Jones, *op. cit.*, p. 230.

⁹⁵ Vallet, David, *op. cit.*, p. 112.

an extremely high budget, approximately \$3.4 billion.⁹⁶ For this reason, selection of the term is related to the concern of the political message to be given. Although they are basically constructed for the same purposes and equipped with the same technology, while the term “fence” is more diplomatic, the term “wall” may give a signal of a more rigid form of government. It is possible to see the use of the term "border fence" to define the Spanish border construction in Ceuta and Melilla in most of the studies.⁹⁷ In the news published in ‘kormany.hu’, the official website of the Hungarian Government, even if the government employees use the word “wall” in their statements, most of the times the word "fence" is used in the headings of these news.⁹⁸ The wall that Turkey builds on the Syria border takes place as “The Great Wall of Turkey”, referring to the magnificence and the cultural and historical importance of the Great Wall of China, in Turkish media channels.⁹⁹

Although the term "wall" does not have to mean “border”, in this case we understand that the word “wall” means securing the border. Therefore, for this study, even though sometimes the terms are used as stated in their original referenced works, the word "wall" will be used for the general definition.

3.3. The Return of the Walls

Since the construction of China's Great Wall, building walls on the borders is an important part of international relations. As mentioned in the previous sections, the

⁹⁶ Jeddah: Md al-Sulami. Saudi Arabia, Northern border is secure, 2014, accessed on 25 June 2017 at <http://www.arabnews.com/news/594411>

⁹⁷ Ruben Andersson. Why Europe’s border security approach has failed – and how to replace it. Friedrich Erbert Stiftung, Paper commissioned by the Human Security Study Group, 2016. Maribel Casas-Cortes, Sebastian Cobarrubias and John Pickles. ‘Good neighbours make good fences’: Seahorse operations, border externalization and extra-territoriality. University of North Carolina, USA, 2014.

⁹⁸ Two types of border fence to be built on Serbian-Hungarian border, 2015, accessed on 12 December 2017 at <http://www.kormany.hu/en/prime-minister-s-office/news/two-types-of-border-fence-to-be-built-on-serbian-hungarian-border>

⁹⁹ Uğur Yıldırım. Sabah, İşte Türk Seddi, 2017, accessed on 23 June 2017 at <http://www.sabah.com.tr/pazar/2017/01/08/iste-turk-seddi>

process of globalization generated the assumption of borderless world. This trend has gained momentum, especially with the collapse of the Berlin Wall in 1989, which meant the collapse of the ideological wall between the communist and capitalist blocks. It is possible to find many studies related to the idea of borderless world in the 1990s. The period that began with the establishment of the EU in 1993 and the increasing inter-state relations did not leave any other option. Many researchers, especially the ones focused on the EU in their work, voiced the necessity of cross border cooperation and highlighted the importance of the disappearance of the barriers and walls on the state borders. In Manuel Castells' final volume of his trilogy "End of Millennium" he highlights the emerging global network society. Proposing that the EU is the expression of a new form of political institution, he says that the rise of a global economy will change the way of societies, economies, and institutions. According to him the state does not totally disappear, but it transforms, while multinational cooperation and international agencies increase.¹⁰⁰

Many researchers have said that in a few years the borders will completely disappear. In his book the Borderless World, which was published in 1990, Kenichi Ohmae claimed that national borders have effectively disappeared. Predicting globalization as a prominent phenomenon in the world economy, he argues that the governments and the national boundaries they represent become invisible and he insists that not everyone has noticed this development.¹⁰¹ According to Andreas, who argues that the borders are not totally disappeared but they are undergoing a major change, the developments like the liberalization of trade, financial mobility,

¹⁰⁰ Manuel Castells. End of Millennium, edited by Manuel Castells, John Wiley & Sons, Incorporated, 2010.

¹⁰¹ Kenichi Ohmae. The Borderless World Power and Strategy in the Interlinked Economy, Collins, London, 1990.

and technological developments are viewed by globalists as key indicators of borderless world.¹⁰²

According to Élisabeth Vallet & Charles-Philippe David's study, nineteen walls and barriers were built between the years 1945 and 1991.¹⁰³ The period after the collapse of Berlin Wall and the end of the Cold War were supporting the borderless world theory. After the disappearance of Berlin Wall and Cold War, between the years 1991 and 2001, only seven walls were built worldwide.¹⁰⁴

This decline in the number of border wall constructions supported the idea of borderless world. However, some of the researchers did not agree with those who believed in disappearance of borders. Samuel Huntington predicts the opposite in his article, criticizing the idea that the world would rise from the border barriers and become a more peaceful place with the effect of globalization.¹⁰⁵ Andreas & Snyder completely disagree with the borderless world idea, which is particularly supported by free market liberals, arguing that the walls did not lose their political popularity. They predicted that the policy of the EU to remove the borders within itself will lead

¹⁰² Peter Andreas. Redrawing the Line Borders and Security in the Twenty-first Century. *International Security*, Vol. 28, No. 2 pp. 78–111, 2003.

¹⁰³ This list is copied by Vallet and David in their work "Introduction: The (Re)Building of the Wall in International Relations." These walls are: East and West Berlin, the InnerGerman Border, in Bavaria between Czechoslovakia and Germany, in Panama around the US enclave, around the Gibraltar enclave, in Algeria (the Morice, Challe and Pedron lines) and between the two Vietnams have all been dismantled. The walls between South Africa, Mozambique and Zimbabwe, between Israel and Syria, Israel and Lebanon, China and Hong Kong, China and Macao, Rhodesia, Mozambique and Zambia, Cuba and the Guantanamo zone, the first phase of the wall between India and Pakistan, the wall in the demilitarized zone between the two Koreas, the separation line on Cyprus, and Morocco's wall in Western Sahara have all survived the end of the Cold War. Élisabeth Vallet, Charles-Philippe David. Introduction: The (Re)Building of the Wall in International Relations. *Journal of Borderlands Studies*, Volume 27 - Issue 2: Pages 111-119, 2012.

¹⁰⁴ Élisabeth Vallet, Charles-Philippe David. Introduction: The (Re)Building of the Wall in International Relations. *Journal of Borderlands Studies*, Volume 27 - Issue 2: Pages 111-119, 2012. "The barriers between Kuwait and Iraq, the US and Mexico, Malaysia and Thailand, India and Pakistan (phase 1), Uzbekistan and Afghanistan, Uzbekistan and Kirgizstan, and around the Spanish enclaves of Ceuta and Melilla in Morocco."

¹⁰⁵ Samuel Huntington. *The Clash of Civilizations and the Remaking of World Order*. Simon & Schuster, 1996.

to the fortification of the external borders of the union in order to prevent the unwanted ones.¹⁰⁶ Rosière and Ballif are even more pessimistic about this issue, saying that, even if globalism achieves its open society dream, this dream applies only to financial flows or goods but not to people.¹⁰⁷

As a matter of fact, the opinion on border barriers has changed in the face of an important event. The collapse of the Berlin Wall and the end of the Cold War created the approach of borderless world; however, another event has changed the states' point of view on this issue and lead to the physical return of the walls. The walls returned physically with a greater strength after 9/11 attacks in the USA. States have not only strengthened their physical boundaries, they have also begun to use measures such as high-tech screening systems and biometric passports to increase measures at airport control points. Therefore, some researchers claimed that the borders are strengthened by administrative measures however they have lost their physical importance.¹⁰⁸ This point of view can be regarded as correct in a sense. Today, we know that many countries use biometric passports, meanwhile airports are used as country borders as we mentioned just above. Nevertheless, it is still a big mistake to allege that the walls have lost their physical significance, because in contrast of the assumption “the borderless world of globalization”, the new systems of border barriers have started to be built all over the world. In fact, the physical importance of the walls is even greater due to the additional high-tech equipment attached to them such as sensors, radars and thermal cameras. It has become an increasingly accepted practice to close the borders of states with giant walls. Statistics

¹⁰⁶ Peter Andreas, Timothy Snyder. *The Wall Around the West: State Borders and Immigration Controls in North America and Europe*. Rowman & Littlefield Publishers, Inc, 2000.

¹⁰⁷ Florine Ballif, Stéphane Rosière. *Le défi des teichopolitiques. Analyser la fermeture contemporaine des territoires*. *L'Espace Géographique* 38 (3): 193–206, 2009.

¹⁰⁸ Andreas, *op. cit.*

also support this situation; from the attacks of 9/11 to 2011, 28 new walls were built in worldwide.¹⁰⁹

With the Schengen Agreement, the EU, which has opened a way to free movement inside, has begun to increase the border security in the border countries. Especially when the issue of irregular migration was regarded as a threat, it was the image of Europe as an inaccessible structure leading the states to build physical barriers. For this situation the "Fortress Europe" was the most widely adopted term despite the use of many different terms.¹¹⁰ Events such as the terrorist attack in Madrid in 2004, the completion of the transitional period of the Amsterdam Treaty, the adaptation of the Hague Program: Strengthening Freedom, Security and Justice in the European Union, the events of the FRONTEX, made Fortress Europe stronger. Fortress Europe expresses a broader scope from the focus point of this work in terms of border security. However, it is also of great importance in terms of teichopolitics process of the three countries which will be addressed in this study. These countries are Spain, Hungary and Turkey, as an important transit country for irregular migrants who want to go to Europe.

The number of these walls, three cases of which we will examine in the following sections, is increasing day by day. Moreover, these barrier systems have started to become more complicated with the help of technology. Thus, the private sector succeeded in being one of the actors of this situation. At the same time, it is clear that politicians have been benefiting greatly from this process. This situation has also changed the point of view of the academy in this regard. In this part of the study, the study of Ballif & Rosière and the new term "teichopolitics" they have brought in to the academy and also Rosière and Jone's follow-up study focused on this new term

¹⁰⁹ Vallet, David, *op. cit.*, p. 113.

¹¹⁰ Jaume Castan Pinos. 'Building Fortress Europe? Schengen and the Cases of Ceuta and Melilla'. School of Politics, International Studies and Philosophy Queen's University Belfast, 2009, p. 1.

teichopolitics, will be our guides to analyze why states have begun building walls - with great enthusiasm- to their borders again.

4. CHAPTER FOUR: ANALYZING TEICHOPOLITICS THROUGH EXAMPLE COUNTRIES

4.1. Hungary

4.1.1. Hungary's Wall

Between Serbia and Austria, Hungary is a strategic corridor and an important entry point to EU territory. Hungary is a great example country which has built walls, changed domestic law and organized anti-immigrants billboard campaigns to strengthen its border constructions with public and legal support. After the legal regulations in 2013 Hungary's anti-immigration measures accelerated in 2015.¹¹¹

Fidesz -Hungarian Civic Alliance-, which is a national conservative party,¹¹² was elected as the first party in 2010 elections and since then Prime Minister Viktor Orbán and Hungarian Government have been trying to build a Christian-Hungarian identity.¹¹³ Removing legal recognition from approximately 200 religious communities and giving them second class degree and grouping people as insiders and outsiders were the steps of creating Hungarian soul. Orbán also strongly believes

¹¹¹ As we will see later in this chapter, at the beginning of 2015, the anti-immigration discourse of the government gained momentum. In 2015 the wall to be built on the border of Serbia was announced and the building of this wall was finished in September of the same year. In the same year, the government organized an anti-immigration billboard campaign and made changes in its secure third country.

¹¹² Alasdair Rendall. BBC Democracy Live, The European political parties,2014, accessed on 27 December 2017 at <http://www.bbc.co.uk/democracylive/europe-25832735>

¹¹³ Adam Zoltan, Bozoki Andreas. The God of Hungarians: Religion and Right-wing Populism in Hungary,2016.

in protecting European borders against the ‘Islamisation of Europe’ and invasion from Africa.¹¹⁴

The year 2015 is the year when the migration for Hungary is at the top of the agenda like many European countries. More than 170.000 asylum claims were registered by Hungary by the end of September 2015. Most of the applicants fled from the conflicts in Middle Eastern countries and Afghanistan.¹¹⁵ Although the anti-immigration measures reached the highest level in summer 2015, national conservative government’s anti-immigration propaganda and anti-immigration legal amendments practices started earlier.

Although Hungary has made promising changes in the detention process following the UNHCR’s warnings and criticisms in its 2012 report,¹¹⁶ unfortunately it did not last long and in 2013 July new amendments to the Asylum Act went into effect.¹¹⁷ These new amendments were reintroduction of detention and changes on judicial review in asylum procedures. They were regulating grounds for asylum detention for the applicants even for the families with children.¹¹⁸ It is possible to reach a conclusion that increasing asylum applications had a great influence on Hungary’s quick decision change. The number of asylum claims increased from 2157 in 2012 to 18900 in 2013. This number is doubled in 2014 and reached to 42777. For

¹¹⁴ Independent. Hungarian Prime Minister Viktor Orbán bans 'Islamisation, 2016, accessed on 27 December 2017 at <http://www.independent.co.uk/news/world/europe/hungarian-prime-minister-viktororban-bans-islamisation-a7005401.html>

¹¹⁵ Hungarian Helsinki Committee. No Country for Refugees – New asylum rules deny protection to refugees and lead to unprecedented human rights violations in Hungary Information Note 18 September 2015.

¹¹⁶ UNHCR. Hungary as a Country of Asylum, Observations on the situation of asylum-seekers and refugees in Hungary, 2012.

¹¹⁷ The amendment of certain acts relating to law enforcement matters amends the Act LXXX of 2007 on Asylum (Asylum Act), Official Gazette no 101, 17 May 2013.

¹¹⁸ Izabella Majcher, Michael Flynn. Immigration Detention in Hungary, Global Detention Project, February 2014.
HHC. Brief information note on the main asylum-related legal changes in Hungary as of 1 July 2013, 2013.

Hungary, 2015 was a record year for asylum seekers. The number of claims reached to 103000.¹¹⁹

With the number of asylum applicants increasing, the language used by the Hungarian Government was evolving to a more aggressive direction. After the terrorist attacks against Charlie Hebdo in Paris, Viktor Orbán stated that “We should not look at economic migration as if it had any use, because it only brings trouble and threats to European people. Therefore, immigration must be stopped.”¹²⁰ This speech in January 11, 2015 gives us the signal that Hungarian government see immigrants as the people who bring terror to Hungary, steal Hungarians jobs and harm Hungarian culture. He chose to use the term "illegal" in his later statements and tried to promote irregular migrants as criminals.¹²¹

The Hungarian government has emphasized two points to criminalize irregular migration. The first is that irregular migrants will be the economic burden to Hungary by stealing jobs and, and the second is that they are a big treath for the order of the country.¹²²

Just after the Viktor Orbán’s speech in January, a large xenophobic campaign was launched in Hungary. Antal Rogán, head of the parliamentary group of the governing Fidesz Party gave this campaign's signal on a radio show he joined in February 2015. He stated that as Hungarian government they are going to make a decision that applies a very strict treatment against immigrants and they believe that

¹¹⁹ HCH. Immigration & Asylum in Hungary Facts & Figures August 2015, 2015.

¹²⁰ Reuters. Hungary PM Orbán says immigration a threat, must be stopped, 2015, accessed on 27 December 2017 at <https://www.reuters.com/article/us-hungary-orban-immigration/hungary-pm-orban-says-immigration-a-threat-must-be-stopped-idUSKBN0KL0L320150112>

¹²¹ Cynthia Kroet. Politico, Viktor Orbán: Deport illegal migrants to islands outside EU, ‘Those who came illegally must be rounded up and shipped out,’ according to Hungarian PM, 2016, accessed on 27 December 2017 at <https://www.politico.eu/article/viktor-orban-deport-illegal-migrants-to-islands-outside-eu/>

¹²² Matthew Karnitschnig. Politico. Orbán says migrants threaten ‘Christian’ Europe, 2015, accessed on 27 December 2017 at <https://www.politico.eu/article/orban-migrants-threaten-christian-europe-identity-refugees-asylum-crisis/>

“the immediate detention of illegal migrants is the solution”. The head of the parliamentary group also added that they will ask public whether they agree with this decision.¹²³ Following this announcement, the national consultation process began in April 2015 and surveys were held asking to the public about the link between immigration and terrorism and immigration policies.¹²⁴ The government's desire to criminalize irregular migrants by establishing links between irregular migrants and terrorism has been so great that Orbán expressed the need to bring back the death penalty for immigrants. Orbán also emphasized that irregular migrants must be forced to work in the work camps in order not to steal Hungarians' employment opportunities.¹²⁵

The ongoing process with the questionnaire and the statements to bring back the death penalty continued with the billboard campaign. This campaign which started in May 2015 included three messages: “If you come to Hungary, don't take the jobs of Hungarians!” “If you come to Hungary, you have to respect our culture!” and “If you come to Hungary, you have to respect our laws!”¹²⁶ With this campaign it was clearly seen that Hungarian government sees irregular migrants directly as criminal and categorized them as a cultural and economic problem for its “own” people.

Hungary has managed to do well to criminalize irregular migrants. In doing so, the government was using media channels very well and even reaching out the people on the streets with the billboard campaigns. In addition to the process of

¹²³ HCH. Hungarian Government Reveals Plans to Breach EU Asylum Law and to Subject Asylum-Seekers to Massive Detention and Immediate deportation. Media information note, 4 March 2015

¹²⁴ Tibor Dessewffy, Zsafia Nagy. Born in Facebook: The Refugee Crisis and Grassroots Connective Action in Hungary. Eötvös Loránd University, Hungary. *International Journal of Communication* 10 2872–2894, 2016.

¹²⁵ Ian Traynor. The Guardian. Hungary PM: bring back death penalty and build work camps for immigrants, 2015, accessed on 26 December 2017 at <https://www.theguardian.com/world/2015/apr/29/hungary-pm-death-penalty-work-camps-for-immigrants-viktor-orban>

¹²⁶ Nick Thorpe. BBC. Hungary's poster war on immigration, 2015 accessed on 26 December 2017 at <http://www.bbc.com/news/world-europe-33091597>

criminalizing irregular migration, the line between the interior and the exterior was drawn precisely by the government which draws a “the politician protecting the country” portrait. This is one of the basic steps of the teichopolitics that we mentioned in the previous chapter.

The government was receiving the results of its efforts in this regard. The results of the polls showed that the majority of Hungarians agreed with the messages of the government’s billboard campaign.¹²⁷

After drawing the line between the insiders and outsiders, and their own people and the other people who are seen as potential security threats, to enter their country, for the Hungarian government it was time to take the most important step: The wall. The government announced to build a 175-km-long fence along the Serbian-Hungarian border.¹²⁸ By 2015, the border between Serbia and Hungary has become an important gateway for irregular migrants. The received asylum claims were over 170.000 by mid-September and the majority of the applicants fled from conflicts in Syria, Afghanistan and Iraq.¹²⁹ The increase in transboundary flows was a major concern for Hungary, and for this reason concrete steps had to be taken to solve this problem. However, there was a very important fact that Hungary tried to ignore. The 80-90% of the people who cross the border was leaving towards the West in a few days, which means Hungary was a transit country for most of the irregular migrants.¹³⁰ But still it was important to create “the chaotic outside image” in order to

¹²⁷ Dessewffy, Nagy. *op. cit.*

¹²⁸ Marton Dunai. Reuters, Hungary to fence off border with Serbia to stop migrants, 2015, accessed on 26 December 2017 at <https://www.reuters.com/article/us-hungary-immigration/hungary-to-fence-off-border-with-serbia-to-stop-migrants-idUSKBN0OX17I20150618>

¹²⁹ HHC. No Country for Refugees – New asylum rules deny protection to refugees and lead to unprecedented human rights violations in Hungary Information Note 18 September 2015, 2015.

¹³⁰ Vera Messing, Zsuzsanna Árendás with contributions from Viola Zentai. Integration of Vulnerable Migrants: Women, Children and Victims of Trafficking Hungary. National Report Hungary. ASSESS. Center for Policy Studies, Central European University, 2015.
HHC, *op. cit.*

show to the public that security is the most important value and the government do everything is needed.¹³¹

In the previous chapter we mentioned that states want to control irregular migration perfectly and therefore, they need help. This brings us to the fact that teichopolitics also includes administrative measures like legal changes and military installations.¹³² For this reason, the government made amendments in July 2015.¹³³ One of the most important of these legal changes that took effect in August was the change made on the safe country and safe third country lists. Serbia was again included on the safe third country list.¹³⁴ Since most of the asylum seekers came through Serbia, this would mean that almost all the applicants will be automatically rejected.¹³⁵

On September 3, 2015 Victor Orbán made a statement at the press conference in Brussels, signaling what is going to happen in the next weeks. In his speech he gave a message to the refugees: “We have one message for refugees: Don’t come! We can’t guarantee that you will be accepted”.¹³⁶ On 15th of September The Hungarian Government declared “the state of migration emergency” because of the

¹³¹ See chapter 3

¹³² See chapter 3

¹³³ Hungary: Government Decree No. 301/2007 (XI.9.) On the implementation of the Act on Asylum. 2015. évi CVI. törvény a menedékjogról szóló 2007. évi LXXX. törvény módosításáról. Official Gazette no 106/2015, 8 July 2015.

¹³⁴ The Hungarian government made amendments to the Asylum Act in July 2015, giving the authority to issue a safe third country list to the government. Soon after this change, the Hungarian government issued a safe 3rd country list. WoHG. Government has identified list of safe countries, 2015, accessed on 25 December 2017 at <http://www.kormany.hu/en/news/government-has-identified-list-of-safe-countries>

¹³⁵ HHC. Building a legal fence – Changes to Hungarian asylum law jeopardise access to protection in Hungary, 2015.

¹³⁶ Mark Rivett-Carnac. TIME, Hungarian Prime Minister Tells Muslim Refugees 'Do Not Come, . 2015, accessed on 25 December 2017 at <http://time.com/4022635/hungary-orban-muslim-refugee-migrant/>

‘mass migration crisis’ at its Serbian border.¹³⁷ On the same day the construction of the wall was completed, and legal amendments about the border procedure entered into force. With the completion of the wall and the introduction of new legal amendments, entry into Hungary has become impossible indeed. Because of the new changes and especially including Serbia on the safe third country list, it was not possible for the irregular migrants to enter the EU territory and get international protection they need, which means the rejection of almost all asylum claims automatically. These amendments criminalized the entry through the border fence and introduced “transit zones” for asylum-seekers at the border. Since 15 September 2015 the people who enter through the wall are committing a criminal offence. The punishment can be up to three years of prison and/or expulsion. These legal regulations contain provisions contradicting the EU legislation.¹³⁸ So much so that the EC has sent a letter to Hungary containing the concerns and warnings of legal regulations which are incompatible with EU Law.¹³⁹ In 2017, the EC published a new letter.¹⁴⁰ In this letter, the Commission noted that with not allowing people to apply for asylum outside the transit zone, Hungary breaches the Asylum Procedures¹⁴¹; with the return of persons from the Serbian border without following the necessary

¹³⁷ HCH. No Country for Refugees – New asylum rules deny protection to refugees and lead to unprecedented human rights violations in Hungary Information Note 18 September 2015
HCH. Destitute, but Waiting. Report on the visit to the Tompa and Rösztke “Pre-Transit Zone” Area on the Serbian-Hungarian border 22 April 2016, Hungarian Helsinki Committee, 2016.

¹³⁸ Boldizsár Nagy. Hungarian Asylum Law and Policy in 2015–2016: Securitization Instead of Loyal Cooperation, 2016. Special Issue Constitutional Dimensions of the Refugee Crisis. German Law Journal Vol. 17 No. 06.

¹³⁹ European Commission. Press release. Commission opens infringement procedure against Hungary concerning its asylum law, IP/15/6228, 10 December 2015

¹⁴⁰ European Commission. Press Release. Commission follows up on infringement procedure against Hungary concerning its asylum law, IP/17/1285, Brussels, 17 May 2017.

¹⁴¹ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast). Official Journal of the European Union.

procedure she breaches the Return Directive¹⁴² and with making systematic detentions without regard to people's age she breaches Directive on Reception Condition.¹⁴³

In addition to all these, the integrity of the wall was also protected by law in Hungary. Damaging the fence or hampering the construction work are also punishable according to these amendments.¹⁴⁴ After the introduction of transit zones, two transit zones started working in Röszke and in Tompa. The one in Röszke consists of approximately 50 smaller containers, which are integrated into the border fence. Only limited number of asylum seekers were allowed to enter these transit zones in a single day therefore many people were left in Serbia in very bad conditions.¹⁴⁵

In teichopolitics in addition to construction of the border walls, the states increase the military operations. Just after the construction of the wall on Serbia-Hungary border was finished, Orbán said that the same measures should be taken also on the Croatian border and he announced that the construction had already begun.¹⁴⁶ According to Orbán's statement, many armed soldiers were already at the site and many military personnel would join them.¹⁴⁷ However, for Hungary these measures were not enough, and anti-immigration attitude continued more aggressively. In July 2016 amendments to the Hungarian Asylum Act and the Act on the State Border,

¹⁴² Return Directive, *op. cit*

¹⁴³ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), L 180/96, 29 June 2013

¹⁴⁴ Since the legal text in English cannot be reached, the information in this report has been used as a source UNHCR- Global Strategy-Beyond Detention 2014-2019, National Action Plan Hungary,2015, accessed on 23 June 2017 at <http://www.unhcr.org/566a87fe9.pdf>

¹⁴⁵ HCH, *op. cit.*, p. 2.

¹⁴⁶ Deutsche Welle. Hungary starts building fence on Croatian border, 2015, accessed on 26 December 2017 at <http://www.dw.com/en/hungary-starts-building-fence-on-croatian-border/a-18721670>

¹⁴⁷ WoHG. Construction of border fence on Croatian section has begun September 18, 2015 accessed on 25 December 2017 at <http://www.kormany.hu/en/the-prime-minister/news/construction-of-border-fence-on-croatian-section-has-begun>

entered into force which give the obligation to the police to take the person back to the outside of the wall who tried to enter to the Hungarian territory. With this arrangement, the right of persons to apply for asylum was legally dispossessed.¹⁴⁸ Between 5 July and 31 December 2016, 19,219 migrants stopped at the border or escorted back to Serbia at the Hungarian-Serbian border and some of them were even physically abused by Hungarian officials and got medical treatment in Serbia.¹⁴⁹

Hungary's aggressive attitude led to reactions in the EC. Concerning Hungary's asylum law in December 2015 the EC started infringement procedure against Hungary.¹⁵⁰ Since the two-year mutual negotiations were not that successful, the Commission announced its decision "to move forward on the infringement procedure" on December 2017.¹⁵¹

In addition to the construction of the walls and the measures taken, seeing the public support for these precautions was of great importance to the Hungarian government. In June 2015, the EU decided to distribution of 40.000 persons between member countries in order to lighten the burden on Greece and Italy.¹⁵² However, Hungary, which did not want to take strangers who could create threats within its borders, was disturbed by this situation. Therefore, in June 2016 the Hungarian government announced the referendum, which will be held in October, in order to get

¹⁴⁸ HHC. Pushed Back at the Door: Denial of Access to Asylum in Eastern EU Member States, 2017.

¹⁴⁹ The injuries caused by the Hungarian police treated by The doctors of Médecins Sans Frontières (MSF) in Serbia. This situation is came is evidenced by Hungarian news portal. MSF in Serbia included this topic in its report. MSF. Obstacle Course to Europe A policy-made humanitarian crisis at EU borders, 2016.

¹⁵⁰ EC. Press release. Commission opens infringement procedure against Hungary concerning its asylum law, 2015, accessed on 25 December 2017 at http://europa.eu/rapid/press-release_IP-15-6228_en.htm

¹⁵¹ EC. Press release. Migration: Commission steps up infringement against Hungary concerning its asylum law 2015,2017, accessed on 26 December 2017 at http://europa.eu/rapid/press-release_IP-17-5023_en.htm

¹⁵² EPRS | European Parliamentary Research Service Authors: Suzana Elena Anghel, Stanislas de Finance, Ralf Drachenberg. Outcome of the European Council of 25/26 June 2015. European Council Oversight Unit European Parliament PE 558.757, July 2015

support from its own people against EU's decision. The government was hoping that the public will say no to mandatory relocation and to "Brussels' immigration policy" in this referendum.¹⁵³ Before the referendum, the Hungarian government organized a second billboard campaign which was the continuation of the government discourses that link the irregular migration and terrorism, which have been ongoing since 2010. The government had some reminders to the public on billboards like "Did you know? The Paris attacks were committed by migrants." There were also some security warnings for the public by linking the increase of the criminality and irregular migration like "Since the start of the migration crisis, the number of women being harassed in Europe has sharply risen."¹⁵⁴ However all this effort went for nothing. Even though more than 92% of participants voted against opening the doors to refugees, the fact that more than half of the voters did not vote unfortunately led to the invalidation of the result of the referendum.¹⁵⁵ It is possible that we can characterize this referendum step as one of the failures of Hungary's teichopolitics process.

The Hungarian Government, which has effectively used the tools such as legal regulations, billboard campaigns, media channels and referendum to get public support to strengthen its wall, announced in April 2017 that it had built a second wall in the same area, making its borders impossible to cross for irregular migrants.¹⁵⁶ Hungary announced the start of the construction of its first wall on its border with Serbia in July 2015. The Hungarian Government has set an approximately \$ 25,5

¹⁵³ Ian Traynor. The Guardian. Hungary to hold referendum on EU's refugee quotas, 2016, accessed on 26 December 2017 at <https://www.theguardian.com/world/2016/feb/24/hungary-viktor-orban-will-call-referendum-on-eu-refugee-quotas>

¹⁵⁴ Eszter Zalan. Euobserver. Hungary steps up campaign on migration referendum, 2016, accessed on 27 December 2017 at <https://euobserver.com/political/134430>

¹⁵⁵ Tamás Lattmann. Referendum on the refugee quotas in Hungary – protection of sovereignty or much ado about nothing? Center for International Law, October 4, 2016.

¹⁵⁶ Alasdair Sandford. Euronews. Hungary completes new anti-migrant border fence with Serbia, 2017, accessed on 27 December 2017 at <http://www.euronews.com/2017/04/28/hungary-completes-new-anti-migrant-border-fence-with-serbia>

million budget for the construction.¹⁵⁷ The property owners were also paid per square meter for the private property site to be used during the construction of the wall.¹⁵⁸ However, this budget has been increased by \$ 87 million so that the wall can be completed sooner. This extra amount was for the construction of the fence and also for the temporary placement of migrants.¹⁵⁹ It was built 2,5 meters inland from the actual border and consists of the galvanized fence with depth of 1.5 meters below the ground and 3 meters high above the ground with additional seventy-centimeter NATO wiring on top of the border fence.¹⁶⁰ 900 soldiers from the army corps of engineers and 100-250 public works employees worked together for the construction.¹⁶¹ Although the budget was increased, the wall could not be completed earlier as expected. In fact, this situation led to resignation of the Defense Minister Hende Csaba.¹⁶² This first wall was completed in September 2015.¹⁶³ However the construction of the wall did not prevent irregular migrants from trying to enter Hungary on the contrary, this closure led refugees to use the route from Croatia. The

¹⁵⁷ Benjamin Novak. Budapestbeacon, Hungary begins construction of 175 km long border fence, 2015, accessed on 24 December 2017 at <https://budapestbeacon.com/hungary-begins-construction-of-175-km-long-border-fence/>

¹⁵⁸ WoHG. Two types of border fence to be built on Serbian-Hungarian border, 2015, accessed on 12 December 2017 at <http://www.kormany.hu/en/prime-minister-s-office/news/two-types-of-border-fence-to-be-built-on-serbian-hungarian-border>

¹⁵⁹ WoHG. The Government will spend another HUF 22 billion on the migration issue, 2015, accessed on 12 December 2017 at <http://www.kormany.hu/en/prime-minister-s-office/news/the-government-will-spend-another-huf-22-billion-on-the-migration-issue>

¹⁶⁰ WoHG, *op cit*.

¹⁶¹ Benjamin Novak. Budapest Beacon. Public workers, chain gangs to help build 175 km fence along Serbia border, 2015, accessed on 24 December 2017 at <https://budapestbeacon.com/public-workers-chain-gangs-to-help-build-175-km-long-fence-along-serbia-border/>

¹⁶² Deutsche Welle. Hungary's defense minister resigns amid migrant chaos, 2015, accessed on 24 December 2017 at <http://www.dw.com/en/hungarys-defense-minister-resigns-amid-migrant-chaos/a-18699098>

¹⁶³ Robert Samuels, Michael Birnbaum. The Washington Post. From west to east, Europe tightens borders as refugees scramble, 2015, accessed on 24 December 2017 at https://www.washingtonpost.com/world/border-controls-tighten-across-europe-in-bid-to-stem-refugee-flow/2015/09/14/ac05d804-5a62-11e5-8475-781cc9851652_story.html?utm_term=.d6a2012a5b78

Hungarian government, on the other hand, began to construct a wall on the Croatian border with an overnight operation on September 17, 2015. The fence was built on a section of 41km where the two countries are not divided by Drava River and the first line of defense was completed during the next day.¹⁶⁴ The entire wall between Hungary and Croatia was completed on October 15th.¹⁶⁵

Teichopolitics does not mean simply building border constructions to control irregular migration.¹⁶⁶ Of course; Hungary did not spend its all money and effort just for the physical construction of the walls. Just before the construction of the first wall Hungarian government launched a large xenophobic campaign as we mentioned before. The government gave some signals that they are going to apply a very strict treatment against irregular migransts. To get the public opinion and also support on this issue a national consultation process was applied starting in April. Hungary spent around 3 million euros on National Consultation process which includes mailing more than 8 million euro questionnaires asking the public about the link between immigration and terrorism, and also government's immigration policies.¹⁶⁷ After National Consultation, to gain the public support, Hungarian government spent 1.3 million Euros on the first billboard campaign which has included messages to increase public fear emphasizing that irregular migrants will steal Hungarians' jobs and hurt Christian-Hungarian identity which was built by Orbán's government.¹⁶⁸ The

¹⁶⁴ WoHG. Construction of border fence on Croatian section has begun, 2015, accessed on 25 December 2017 at <http://www.kormany.hu/en/the-prime-minister/news/construction-of-border-fence-on-croatian-section-has-begun>

¹⁶⁵ The Telegraph. Refugee crisis: Hungary completes fence with Croatia border to stem daily influx of migrants, 2015, accessed on 24 December 2017 at <http://www.telegraph.co.uk/news/worldnews/europe/hungary/11934232/Refugee-crisis-Hungary-completes-fence-with-Croatia-border-to-stem-daily-influx-of-migrants.html>

¹⁶⁶ Stéphane Rosière & Reece Jones. Teichopolitics: Re-considering Globalisation Through the Role of Walls and Fences. *Geopolitics*, 17:217–234, 2012.

¹⁶⁷ WoHG. National consultation on immigration to begin, 2015, accessed on 24 December 2017 at <http://www.kormany.hu/en/prime-minister-s-office/news/national-consultation-on-immigration-to-begin>

¹⁶⁸ HHC, *op. cit.*

Hungarian government has also made very big investment in human power to protect borders. In October 2015, the border police training base was established with 960,000 Euros spent. Speaking at the opening ceremony, he stated that the border police of Károly Konrád, the Ministry of Interior's Parliamentary State Secretary, should make the task more effective than ever. The contract also added that the authorities would do everything in their power to protect the Hungarian people.¹⁶⁹

The Hungarian government argues that the walling process, which began in the summer of 2015, is a big necessity. In fact, in his interview with the French news television France24 Justice Minister László Trócsányi pointed that the construction of the razor-wire fence was essential because every day approximately four thousand people crossed the green border illegally and therefore it was the only solution.¹⁷⁰ However Hungary was a transit country for most of the irregular migrants and the 80-90% of the people were leaving towards the West in a few days. In addition, according to the Hungarian Helsinki Committee, one of every 70 people in the country has migrated in 2015. This number is one in every 25 people in the Czech Republic, one in every 8 people in Austria.¹⁷¹ These facts show us that Hungary was not facing with a major irregular migration threat. Ballif and Rosière say one the most common reasons for building these walls is the fight against irregular migration.¹⁷² The biggest reason for the Hungarian government is, of course, the fight against irregular migration. However, there was no threat that Hungary would have to start such a major war. At this point, another aspect of teichopolitics, the different actors that are benefiting from this process comes into play. It would not be wrong to say

¹⁶⁹ WoHG. New border police training base officially opened, 2015, accessed on 24 December 2017 at <http://www.kormany.hu/en/ministry-of-interior/news/new-border-police-training-base-officially-opened>

¹⁷⁰ WoHG. Hungarian-Serbian border closure was essential, 2015, accessed on 24 December 2017 at <http://www.kormany.hu/en/ministry-of-justice/news/hungarian-serbian-border-closure-was-essential>

¹⁷¹ HHC, *op. cit.*

¹⁷² Ballif, Rosière, *op. cit.*, p.195.

that especially in the Hungarian government politicians are benefiting from this process. Along with all these measures, the Hungarian government is drawing a government image that protects the citizens of their country from external threats and puts the interests of their country at the forefront. The Hungarian government also plays the role as the guardian of the European Union. In the same interview Justice Minister László Trócsányi also stated that “European citizens expect Hungary to guarantee the protection of the Schengen borders”¹⁷³ After the construction of the second wall along the Serbian border the government spokesperson Zoltán Kovács in statement to Hungarian news agency MTI said that the wall protects the European Union, not Hungary.¹⁷⁴

On 2016 August Orbán announced the building of second wall on the Serbian border. This wall is equipped with alarms, heat and movement sensors, as well as night cameras.¹⁷⁵ The new 150 kilometers wall along the Serbian Hungarian border was finished in April 2017. The construction of the second wall costed Hungary about 91 million euros and seven hundred prisoners took part in it. Hungary also carried out the reinforcement process of the first wall and this process costed 30 million euros.¹⁷⁶ During his visit Interior Ministry State Secretary Karoly Kontrat stated that the second wall was essential because Hungary had to prepare for a bigger

¹⁷³ WoHG. Hungarian-Serbian border closure was essential, 2015, accessed on 24 December 2017 at <http://www.kormany.hu/en/ministry-of-justice/news/hungarian-serbian-border-closure-was-essential>

¹⁷⁴ WoHG. The fence is protecting the EU, not Hungary.2017, accessed on 25 December 2017 at <http://www.kormany.hu/en/government-spokesperson/news/the-fence-is-protecting-the-eu-not-hungary>

¹⁷⁵ EurActiv.com with AFP Orbán: Hungary to build second fence line on Serbian border, 2016, accessed on 25 December 2017 at <http://www.euractiv.com/section/global-europe/news/orban-hungary-to-build-second-fence-line-on-serbian-border/>

¹⁷⁶ WoHG. Government maintains state of crisis caused by mass immigration, 2017, accessed on 25 December 2017 at <http://www.kormany.hu/en/prime-minister-s-office/news/government-maintains-state-of-crisis-caused-by-mass-immigration>

migration pressure.¹⁷⁷ However, as we have mentioned above, statistics proved that Hungary did not face a major wave of migration.¹⁷⁸ With all these efforts, however, the number of irregular migrants crossed the Hungarian border was rendered nearly zero.¹⁷⁹

In addition to the alarms, heat and movement sensors and night cameras on this new wall along Serbian border even has a low voltage current.¹⁸⁰ All these equipment on this border barrier, which can be classified as “inhumane”, make the Hungarian border an “impossible crossing point”. However Hungarian government officials prefer to use the word "fence" when talking about structures built on the borders of Serbia and Croatia. In addition to the necessity of the wall, it is constantly emphasized by Hungarian government that this construction is temporary. In fact, in July 2015, the government published the news of the construction of the first wall built on the border of Serbia via the official web page under the heading "Construction of temporary border control fence begins".¹⁸¹ In 2017 Justice Minister

¹⁷⁷ WoHG. Second fence completed along the Hungarian-Serbian border, 2017, accessed on 25 December 2017 <http://www.kormany.hu/en/ministry-of-interior/news/second-fence-completed-along-the-hungarian-serbian-border>

¹⁷⁸ According to Eurostat 2015 during the first six months of 2015, Hungary has indeed become a prominent transit route for refugees, however, that Hungary was not an intended destination for the refugees. Eurostat, 2015.

¹⁷⁹ The authorities say since the beginning of the year only 165 people have crossed the Hungarian border “illegally”. “By defending its borders, Hungary is also defending the Schengen Zone,” Konrat said. Alasdair Sandford. Euronews. Hungary completes new anti-migrant border fence with Serbia, 2017, accessed on 27 December 2017 at <http://www.euronews.com/2017/04/28/hungary-completes-new-anti-migrant-border-fence-with-serbia>

¹⁸⁰ WoHG. The fence is protecting the EU, not Hungary, 2017, accessed on 27 December 2017 at <http://www.kormany.hu/en/government-spokesperson/news/the-fence-is-protecting-the-eu-not-hungary> In his statement to MTI, the Spokesperson also explained that the new, “intelligent fence” has much greater technical capabilities than the existing one. “Thanks to the new technology, a low voltage, and completely safe current will also be flowing through the fence, which will send an alarm to border control authorities if any attempts are made to damage the fence”

¹⁸¹ WoHG. Construction of border fence on Croatian section has begun September 18, 2015 accessed on 25 December 2017 at <http://www.kormany.hu/en/the-prime-minister/news/construction-of-border-fence-on-croatian-section-has-begun>

László Trócsányi stated that it was essential but he hopes this “fence” is not going to stay forever.¹⁸² As we mentioned in the previous chapter fence or barrier sounds more easily built, temporary, cheaper and more permeable while wall sounds difficult to build, permanent, expensive and impermeable. However, it is impossible to pass through the Hungarian “fence” due to high-tech equipment and very strict border controls. We have also mentioned above that these structures, which the Hungarian government prefers to call fence, did not cost very low amount of money. For these reasons, it is more accurate to call these structures built by Hungary - as we have done since the beginning of this chapter - as “walls” as opposed to the Hungarian government. The Hungarian government may have a strategic objective on its preference for term usage. The Hungarian government wants to show that the measures they take to combat irregular migration are not very different from the measures in other European countries. The government tells that EU leaders classify the Bulgarian, Spanish, Greek and French fences as good fences. Therefore, they would like to have the same support from EU.¹⁸³ This support request was not limited to spiritual support. In 2017, the Orbán government requested that Brussels pay some 400 million euros; part of the costs for wall-making.¹⁸⁴ However Orbán’s request was not accepted by the EC.¹⁸⁵

¹⁸² WoHG. The fence is protecting the EU, not Hungary, 2017, accessed on 25 December 2017 at <http://www.kormany.hu/en/government-spokesperson/news/the-fence-is-protecting-the-eu-not-hungary>

¹⁸³ WoHG. Spain is doing an outstanding job protecting its borders, 2015, accessed on 25 December 2017 at <http://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/spain-is-doing-an-outstanding-job-protecting-its-borders>

¹⁸⁴ Deutsche Welle. Hungary's Viktor Orbán sends EU a border fence bill2017, accessed on 27 December 2017 at <http://www.dw.com/en/hungarys-viktor-orban-sends-eu-a-border-fence-bill/a-40319972>

¹⁸⁵ Ryan Heath. Politico. Juncker slaps down Orbán over border funding request, 2017 accessed on 25 December 2017 at <https://www.politico.eu/blogs/playbook-plus/2017/09/juncker-slaps-orban-over-border-funding-request/>

After all these living developments, it seems that the construction of the wall of Hungary has stopped in the process. In November 2017, the Hungarian government announced that there is no need for constructing a new wall.¹⁸⁶ This tells us that previously planned but abandoned Romanian and Slovenian border projects have not been on the government's agenda.¹⁸⁷ But the government does not give up on the importance of border security at every opportunity.¹⁸⁸

The amount of money Hungary spent on wall construction, the legal measures taken and the effective usage of other tools like media channels and billboard campaigns is a great example of that teichopolitics does not mean simply building border constructions to control irregular migration. Hungary is a clear indication that walling processes have become a sector with high amounts of money and a large number of actors. Orbán's fight against irregular migration has also a fundamentalist character. So much so that not only the refugees, but the organizations which want to provide the necessary humanitarian assistance to the refugees or sympathize with the refugees are at the target of Orbán.¹⁸⁹ In fact, in January 2018 Orbán government

¹⁸⁶ WoHG. No new fence required for the time being, 2017, accessed on 27 December 2017 at <http://www.kormany.hu/en/news/no-new-fence-required-for-the-time-being>

¹⁸⁷ Deutsche Welle. Hungary removes razor wire at Slovenian border, 2015, accessed on 27 December 2017 at <http://www.dw.com/en/hungary-removes-razor-wire-at-slovenian-border/a-18743491>

¹⁸⁸ The Parliamentary State Secretary at the Cabinet Office of the Prime Minister stated that the border protection fence is the guarantee of Hungary's security, and a symbol of the fight against illegal immigration. WoHG. Border protection fence is a guarantee and a symbol. 2018, accessed on 01 February 2018 at <http://www.kormany.hu/en/cabinet-office-of-the-prime-minister/news/border-protection-fence-is-a-guarantee-and-a-symbol>

¹⁸⁹ In his speech at an event organised by the Association for Hungarian Civic Cooperation Victor Orbán states "According to Mr. Orbán, it will also be necessary to take up arms against increasingly strong activists from international organisations, and against covert foreign attempts to exert influence. This is the work of paid activists from international organisations and their offices in Hungary: "Here there are large predators swimming in the water, and this is the transnational empire of George Soros". Despite the will of the people declared last autumn in Hungary's quota referendum, the international financier's organisations "are working to bring hundreds of thousands of migrants into Europe" WoHG. This year we must defend ourselves against five major attacks, 2017, accessed on 01 February 2018 at <http://www.kormany.hu/en/the-prime-minister/news/this-year-we-must-defend-ourselves-against-five-major-attacks>

presented a draft bill of that could prevent NGOs working in the field of migration "due to national security risk".¹⁹⁰ Non-governmental organizations expressed their concern about this law, which will be announced in May.¹⁹¹ With her attitude against NGO's, Hungary draws a different picture than the other two examples of study: Spain and Turkey.

4.1.2. International Obligations

In this part of the study we are going to shortly discuss Hungary's obligations arising from international legal norms and how Hungary's teichopolitics process impacts these obligations, after this overview of the anti-immigration steps taken with the beginning of its duty of the Orbán government in 2010.

Hungary ratified 1951 Convention and 1967 Protocol in 1989¹⁹² and has been also a member state of the EU since 2004.¹⁹³ Therefore Hungary has obligations under both the 1951 Convention and the Dublin Regulations. Although Hungary withdrew geographical limitation of 1951 Convention,¹⁹⁴ Hungary still does not want

¹⁹⁰ Jon Stone. Hungary's right-wing government plans law allowing it to ban organisations that help immigrants. Independent, 15 February 2018, accessed on 29 April 2018 at <https://www.independent.co.uk/news/world/europe/viktor-orban-hungary-hungarian-government-ngo-law-ban-immigrants-migrants-refugees-george-soros-a8212036.html>

¹⁹¹ Amnesty International. Article. Hungary: New law poses existential threat to NGOs. 14 February 2018, accessed on 27 April 2018 at <https://www.amnesty.org/en/latest/news/2018/02/hungary-new-law-poses-existential-threat-to-ngos/>

Hungarian Helsinki Committee. It would be a bulldozer, 9 February 2018. Accessed on 27 April 2018 at <https://www.helsinki.hu/en/it-would-be-a-bulldozer-not-a-bill/>

¹⁹² 1967 Protocol relating to the Status of Refugees: Law-Decree No. 15 of 1989 [1989. Evi 15. tvr.] Official Gazette No. 60, 15 October 1989.

¹⁹³ EU official website. EU member countries in brief, accessed on 25 July 2017 at https://europa.eu/european-union/about-eu/countries/member-countries/hungary_en

¹⁹⁴ Hungarian Act on Asylum CXXXIX of 1997. Official Gazette, No 1 March 1998. Hungary made this arrangement after the process of negotiations with the European Commission began. European commission Press Release Database. Accessed on 28 April 2018 at http://europa.eu/rapid/press-release_MEMO-92-27_en.htm?locale=en

to open its doors to those from outside Europe and the concerns regarding this issue still exist.¹⁹⁵

Hungarian government refused these obligations and offered help from international agencies and turned into a ‘refugee protection free zone’ by building walls, making anti-immigration legal amendments and anti-immigration propaganda and increasing the number of the security personnel.

As we mentioned before Hungary has changed the safe countries of origin and safe third countries lists in 2015.¹⁹⁶ With this change all applications of the people who entered to Hungary through Serbia became inadmissible. However, Serbia is not capable to deal with asylum procedure and provide protection.¹⁹⁷ A recent report of Amnesty International demonstrate that the asylum system in Serbia is ineffective and fails to guarantee access to international protection to even *prima facie* refugees. According to this research Serbian Asylum Office is not capable to provide the necessary information on submitting a claim and conduct asylum interviews correctly.¹⁹⁸ The situation may cause human rights violations such as sending many vulnerable individuals to Macedonia and onwards to Greece and puts non-*refoulement* principle at risk which means the violation of the Article 33 of the 1951 Convention, the Article 78 (1) of the Treaty on the Functioning of the EU, Article 3 of the ECHR and the Articles 18 and 19 of the EU Charter. Furthermore, the allowance of a certain number of people to the Röszke and Tompa transit zones

¹⁹⁵ Anna M. Winslow. *Shifting Immigration Policies in Response to the Syrian Refugee Crisis Across the European Union: A Case Analysis of Germany, Hungary, and Lithuania*, University of Arizona, 2016

¹⁹⁶ Hungary: Government Decree No. 301/2007 (XI.9.) On the implementation of the Act on Asylum. 2015. évi CVI. törvény a menedékjogról szóló 2007. évi LXXX. törvény módosításáról. Official Gazette no 106/2015, 8 July 2015.

¹⁹⁷ Building a legal fence – Changes to Hungarian asylum law jeopardise access to protection in Hungary, 2015.

¹⁹⁸ Amnesty International. Hungary: Change to Asylum Law puts tens of thousands at risk 30 July 2015.

causes immigrants who wish to seek asylum to wait for long periods at the border without meeting their basic needs.

On 14 March 2017, the ECtHR decided that Hungary violated the Article 5 § 1 Article 5 § 4, Article 13 (read in conjunction with Article 3 in respect of the conditions of detention at the Röszke) and the Article 3 (in respect of the applicants' expulsion to Serbia) of the Convention in *Ilias and Ahmet v. Hungary* case. The applicants Ilias and Ahmet (two Bangladeshi nationals) went to Hungarian border passing through Greece, the former Yugoslav Republic of Macedonia and Serbia. In the transit zone they applied for asylum and were held in a transit zone for 23 days. They were held in the transit zone and after that they sent back to Serbia.¹⁹⁹

If we look at the situation on the border and in the transit zone, the situation is not very innocent in terms of human rights. The situation at the border, the use of excessive force by the police and its support by national laws, together cause many human rights violations. The attack of the riot police with tear gas and water cannon on 16 September 2015 can cause the concern about the violation of UN's Code of Conduct for Law Enforcement Officials. This Code of Conduct regulates that the law enforcement officials "may use force only when strictly necessary",²⁰⁰ Amnesty International says that border photographs show that border personnel carry firearms. For this reason, the organization reminds Hungarian authorities to act in accordance with international human rights treaties.²⁰¹ The use of excessive force by riot police may also cause serious damage and even death. States can protect their borders

¹⁹⁹ ECtHR Fourth Section Case of *Ilias and Ahmed v. Hungary*(application no. [47287/15](#)) judgment Strasbourg 14 March 2017 referral to the grand chamber 18/09/2017

²⁰⁰ UN Human Rights Office of the High Commissioner. Code of Conduct for Law Enforcement Officials. Adopted by General Assembly resolution 34/169 of 17 December 1979, accessed on 22 July 2017 at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>

²⁰¹ Amnesty International, *op. cit.* pp. 22-23.

however they are also under international obligations. They have to respect and protect the rights to life and stay away from inhuman or degrading treatment.²⁰²

Hungary surrounded the borders with walls when the crisis began and shut its eyes to all responsibilities arising from international law and all human rights violations at the border. Applying for asylum is a basic human right however it turned to a privilege in Hungary.

4.2. Spain

4.2.1. Spain's Walls

Spain is the only land route from Africa to Europe with its enclaves Ceuta and Melilla in North Africa.²⁰³ Ceuta and Melilla became European soil when Spain joined the EC (Later EU) in 1986.²⁰⁴ Spanish government approved the autonomy of Ceuta and Melilla in 1995.²⁰⁵ These enclaves are also portrayed as Fortress Europe's Southern Frontier. Being an important entry point to EU makes Spain an attractive country for irregular migrants. This reality also makes Spain a critical actor for the EU.

Spain's wall building process has begun much earlier than Hungary. In the first half of the 1980s, Spain was an emigration country. This situation has changed with Spain's changing economic growth in the second half of the 1980s and turned

²⁰²European Convention on Human Rights, Articles 2 and 3.
International Covenant on Civil and Political Rights, Articles 6, 7 and 9 (including specifically General Comment 35 on Article 9 by the UN Human Rights Committee);

²⁰³ The Editors of Encyclopædia Britannica. Britannica. Melilla, accessed on 20 January 2018 at <https://www.britannica.com/place/Melilla>
The Editors of Encyclopædia Britannica. Britannica. Ceuta, accessed on 20 January 2018, at <https://www.britannica.com/place/Ceuta>

²⁰⁴ EU official website. EU member countries in brief, Spain, accessed on 25 July 2017 at https://europa.eu/european-union/about-eu/countries/member-countries/spain_en

²⁰⁵ Ley Orgánica 1/1995, de 13 de marzo, de Estatuto de Autonomía de Ceuta, Boletín Oficial núm 62, 13 March 1995.

her to an immigration country.²⁰⁶ Spain began to take measures against irregular migration just before joining the EU. In 1985 Spain imposed the first foreigner's law, just before becoming a full member in the EC's (Later EU) third enlargement process in 1986.²⁰⁷ On 15 May 1991, Spanish Socialist Workers' Party (PSOE) government led by Felipe González introduced a visa obligation for citizens of Morocco, Tunisia and Algeria. Short after this new regulation Spain was accepted to the Schengen Agreement in 1991 with a special provision. This provision was allowing the continuation of the bilateral agreement between Spain and Morocco. In addition to their inclusion in the Schengen Agreement, 90's had great importance Spain's teichopolitics process, because in early 90's the construction of the walls in Ceuta and Melilla started.²⁰⁸ It may sound ironic that Spain has begun taking measures to limit the passage in Ceuta and Melilla after signing Schengen Agreement, which essentially guarantees free movement of people. However, the Schengen Agreement strengthens external borders, while eliminating the border control inside.²⁰⁹

In 1992, the "Agreement between The Kingdom of Spain and the Kingdom of Morocco on the Movement of People, the Transit of the Readmission of Foreigners who have entered illegally" was signed.²¹⁰ This readmission agreement regulates the conditions and procedure of readmission of nationals of Spain and Morocco and also the third country nationals who entered the territories irregularly.²¹¹

²⁰⁶ Stefan Alscher. Knocking at the Doors of "Fortress Europe": Migration and Border Control in Southern Spain and Eastern Poland. Humboldt University, Berlin, Germany, 2005.

²⁰⁷ Ley Orgánica, *op. cit.*

²⁰⁸ Alscher, *op. cit.*, p. 18.

²⁰⁹ Schengen Agreement, 1990.

²¹⁰ Aplicación provisional del Acuerdo entre el Reino de España y el Reino de Marruecos relativo a la circulación de personas, el tránsito y la readmisión de extranjeros entrados ilegalmente, firmado en Madrid el 13 de febrero de 1992. Boletín Oficial núm 100, 25 March 1992.

²¹¹ The word "illegal" is used in the agreement. However, due to the concept that this study is embracing, in this part of the study it is referred as "irregular" The Kingdom of Spain and the Kingdom of Morocco on the Movement of People, the Transit of the Readmission of Foreigners who have enter illegally 13 February 1992.

In 1993, 8.4 kilometres of Ceuta was wired by the PSOE government.²¹² However, the first construction in Ceuta was very easy to cross for irregular migrants. Therefore, in 1995 the reinforcement process began in Ceuta in order to make it impermeable for irregular migrants.²¹³ Immediately after the reinforcement process Melilla, the other critical point for irregular migrants, was also wired in 1996 by the PSOE government.²¹⁴ This wall was reinforced in 1998 with the same technology used in Ceuta. There has been a rapid increase in the number of people whose entry to Spain have been denied due to amplified border controls caused by the walling of Ceuta and Melilla. For example, in Ceuta the number of rejections amplified from 260 people in 1993 to 42,071 in 1994.²¹⁵

Although there was a change of government in Spain in 1996, its view of combating irregular migration continued the same way. At the beginning of 1998, People's Party (PP) government led by José María Aznar declared the so-called "Plan Sur" (Southern Plan) aimed at combating irregular migration and human trafficking with strengthening border controls.²¹⁶ One year after this plan was announced, the Sistema Integrado de Vigilancia Exterior-Integral System of Exterior Surveillance (SIVE) project, initiated by the socialist PSOE government in 1992, was introduced to the public by the PP government in 1999. This project aims to protect the southern coast of Spain -Andalusia and Canary Islands- more tightly with high-tech equipment such as sensors and cameras.²¹⁷ This system, which monitors with infrared cameras, radars and mobile imaging systems, sends warning signal to the center if any boat

²¹² Pinos, *op. cit.*

²¹³ El País. El Ejército empieza a 'impermeabilizar' la frontera de Ceuta con alambradas, 1995, accessed on 25 January 2018 at https://elpais.com/diario/1995/10/20/espana/814143617_850215.html

²¹⁴ Pinos, *op. cit.*, p. 18.

²¹⁵ Alscher, *op. cit.*, p. 11.

²¹⁶ El País. La policía destina cien agentes al Plan Sur contra las redes de ilegales, 1998, accessed on 25 January 2018 at https://elpais.com/diario/1998/01/16/espana/884905224_850215.html

²¹⁷ Cortes, Cobarrubias, Pickles, *op. cit.*, pp. 235, 247.

approaches Spain. In the summer of 2002, SIVE project was put into practice in the Gibraltar Strait and was later expanded. This expansion caused the Canary Islands route to move to Ceuta and Melilla.²¹⁸ EC's Mission Report clearly stated that thanks to the SIVE system, irregular arrivals to Spain decreased by 37% in the first eight months of 2005 compared to the previous year; however, the increase in attempts to cross the wall of Ceuta and Melilla was also a sign of the change of the route.²¹⁹

We mentioned in the previous sections that the September 11 attack had a major role in increasing the importance of our walls as a protective factor in our lives. Along with the September 11 attacks, terrorist attacks on four different train stations in Madrid in 2004 were important turning points for Spain.²²⁰ After these terrorist attacks, the struggle against irregular migration has become the priority of Spain. In fact, Spain increased its migration forces from 10,239 to more than 16,000 officers between years 2003-2010.²²¹

The terrorist attack in 2004 in Madrid caused the CoEU to take measures in this regard. CoEU stated in Declaration on Combating Terrorism, which is also known as the foundation document of FRONTEX, that it is necessary for the states to strengthen border control and document security to fight against terrorism.²²² However constructed walls, radar and camera systems and tightened border controls led to tragic consequences in 2005. At least 14 people who tried to cross the wall lost their lives because of fire caused by border soldiers. However, as in the case of the Hungarian example, instead of bringing the problem to the table this led to a further

²¹⁸ Amnesty International. Fear and Fences Europe's Approach to Keeping Refugees at Bay, 2015

²¹⁹ EC Visit to Ceuta and Melilla – Mission Report Technical mission to Morocco on illegal immigration 7th October– 11th October 2005, accessed on 25 February 2018 at http://europa.eu/rapid/press-release_MEMO-05-380_en.htm

²²⁰ Pinos, *op. cit.*, p. 6.

²²¹ Andersson, *op. cit.*, p. 9.

²²² CoEU the General Secretariat Subject: Declaration on combating terrorism, Brussels, 29 March 2004.

tightening of the measures taken, and in 2005 the wall in Melilla was reconstructed with additional structures.²²³ This new wall was heightened by the inclined outwards parts that make it difficult to climb and motion sensors and infra-red cameras were placed. Since the inclined outward parts reduced the use of barbed wire, it was described as a "humane" wall by the vice president of the PSOE government.²²⁴

An important actor in Spain's teichopolitics process is the Moroccan state. Morocco is also making great efforts to prevent irregular migration to Spain by arresting irregular migrants. This cooperation between Spain and Morocco in order to stop irregular migration to Spain was also appreciated by the EC.²²⁵ In 2005 approximately 30,000 migrants were arrested in Moroccan soil.²²⁶ In the same year, the EU donated 40 million Euro in order to support Morocco's efforts to fight against irregular migration.²²⁷

New countries were also involved in Spain's teichopolitics process, with Spain adopting Plan Africa, a series of agreements signed with West African countries, in 2006. This plan is in line with the Global Approach of Migration (GAM) policy framework, which was signed by the EU in 2005 and aims to cooperate with the third countries in fighting against irregular migration.²²⁸ In 2006, the Seahorse operation, which was financed by the EC and was prepared to develop an effective policy and

²²³ Pinos, *op. cit.*, p. 19.

²²⁴ Ruben Andersson. Hardwiring the frontier? The politics of security technology in Europe's 'fight against illegal migration', 2015.

²²⁵ EC Visit to Ceuta and Melilla – Mission Report Technical mission to Morocco on illegal immigration 7th October– 11th October 2005, accessed on 25 February 2018 at http://europa.eu/rapid/press-release_MEMO-05-380_en.htm

²²⁶ United Nations Office on Drugs and Crime. Organized Crime and Irregular Migration from Africa to Europe, 2006.

²²⁷ European United Left/Nordic Green Left, 'Lampedusa and Melilla: Southern Fronteir of Fortress Europe'. Brussels: UUE/NGL, 2005.

²²⁸ Cortes, Cobarrubias, Pickles, *op. cit.*, pp. 235, 247.

network for combating irregular migration²²⁹, emerged. This system secured the communication in this network with satellite system. Spain, the EU's gateway to Africa, was one of the pioneers of this operation.²³⁰

In addition to cooperation with other countries, the number of personnel working for border security has also been increased. According to the EC's report, the number of police officers working at the border increased from 273 in 2002 to 331 in 2003. In addition, the number of Guardia Civil officers increased from 579 in 2002 to 676 in 2003 in Melilla.²³¹

Despite all these measures, irregular migrants' attempts to cross the wall did not come to an end. During the Eurocup final match in 2008, first 20 then 70 irregular immigrants tried to cross the wall of Melilla. These people tried to run through the border control points instead of climbing the wall, but many were arrested within a few hours.²³²

All of the razor wire in Melilla, which had been made more "humane" by reducing the amount of razor wire in 2005, was completely abolished in 2007, on the grounds that it caused severe injuries. In 2013, however, the Spanish Minister of Interior Fernandez Díaz announced that razor wire will be re-placed in Melilla. The barbed wire placed in Ceuta in 2005 was never removed. The European external border surveillance system (Eurosur) was officially adopted in order to "contribute to protecting migrants' lives." at the time of the reconstruction works in Melilla.²³³

²²⁹ The term "Illegal immigration" was used in the statement of the website of the EC. However, for the reasons mentioned in the second part of the study it is used as "irregular migration"

²³⁰ EC. Seahorse Network, accessed on 28 January 2018 at, <https://ec.europa.eu/anti-trafficking/eu-projects/seahorse-network>

²³¹ EC Visit to Ceuta and Melilla – Mission Report Technical mission to Morocco on illegal immigration 7th October– 11th October 2005, accessed on 25 February 2018 at http://europa.eu/rapid/press-release_MEMO-05-380_en.htm

²³² Pinos, *op. cit.*, p. 2.

²³³ Andersson, *op. cit.*, pp. 33-35.

Spain continues to take new measures to strengthen the walls of Ceuta and Melilla, regardless of the socialist or conservative government. In 2013- 2014 the PP government added an anti-climbing mesh to the Melilla wall. But as systems strengthening the wall increased, irregular migrants improved the methods they use in order to cross the walls. With the re-placement of the razor wire and the placement of the mesh the migrants began to wear special garments, shoes and gloves suitable for climbing.²³⁴ Obviously strengthening the walls does not prevent irregular migrants from trying to cross the wall. Immigrants continue to try and lose their lives. The fact that the walls are not able to stop irregular migrants has led some actors to take more active role and intervene violently. In 2014 February, around 400 people tried to reach Ceuta from Morocco. During this attempt 15 people lost their lives and the dead bodies were found in Morocco.²³⁵ The reason for the deaths was the use of plastic bullets and tear gas by the Spanish.²³⁶ The president of the Guardia Civil Arsenio Fernandez de Mesa stated that the plastic bullets were never fired directly at people.²³⁷ In addition to the harsh interventions of Spain, another actor in Morocco continues to actively engage in this process and shares its success with public. Like the Hungarian government, which stated that after the attack on Charlie Hebdo on 7 January 2015, migration had to be stopped, Spain believed that more stringent measures should be taken in this regard. For this reason, the representatives of Spain and Morocco came together in Rabat, the capital of Morocco, approved the model for cooperation against terrorism. During this meeting, Morocco's Interior Minister Charki Draï shared some statistics that showed how serious is Morocco in this

²³⁴ Andersson, *op. cit.*, p. 32.

²³⁵ HRW UPR Submission Spain June 2014 Updated version of December 2014, accessed on 29 January 2018 at <https://www.hrw.org/news/2014/12/19/spain-upr-submission-2014>

²³⁶ BBC News. EU to probe Spain over rubber bullets fired at migrants 15 February 2014 accessed on 1 March 2018 at <http://www.bbc.com/news/world-europe-26201013>

²³⁷ Carlos e. Cué, J. Jiménez Gálvez. El País, La Guardia Civil ocultó en sus informes la carga con pelotas de goma en el agua, 2014, accessed on 27 January 2018 at https://politica.elpais.com/politica/2014/02/19/actualidad/1392845602_918392.html

regard. He stated that in 2014 37,000 undocumented immigrants were arrested and 80 massive jumps in Ceuta and Melilla were stopped by Moroccan State.²³⁸ This huge effort of Spain on teichopolitics gained the appreciation from Hungary. During her visit to Ceuta Enikő Győr (Hungarian Ambassador to Spain) stated that “Europe can learn from the way Spain protects its southern borders.”²³⁹ However Spain did not think about the same thing about the teichopolitics process of Hungary. Spain's prime minister Mariano Rajoy stated that he does not approve Hungary's measures taken to block entry of the immigrants into the country.²⁴⁰

As mentioned earlier, one of the requirements of teichopolitics is that political actors must protect their own people from the irregular migrants who are considered as potential threats. Spanish governments were informing the public about the teichopolitics process - even if they were not as eager as the Hungarian government - by publishing various statistics. According to the Spanish authorities, 3305 in 2014 and 7189 in 2015 Syrians entered irregularly in Ceuta and Melilla.²⁴¹ Ceuta and Melilla, which are especially important entry points to Europe for irregular migrants from Africa, especially at the beginning of the crisis in the Middle East, have become important routes also for the Syrians. However, according to the Spanish government with the cooperation of Spain and Morocco, the number of people who were passing

²³⁸ Javier Casqueiro. El Pais, Marruecos impidió 80 saltos masivos y 20.000 entradas ilegales en 2014, 2015., accessed on 27 January 2018 at https://politica.elpais.com/politica/2015/01/14/actualidad/1421250578_454496.html

²³⁹ WoHG, *op. cit.*

²⁴⁰ Reuters. Spanish PM says disagrees with immigration policies in Hungary, 22 September 2015, accessed on 27 April 2018 at <https://www.reuters.com/article/us-europe-migrants-spain/spanish-pm-says-disagrees-with-immigration-policies-in-hungary-idUSKCN0RM0O520150922>

²⁴¹ Laura Delle Femmine, David Alameda, Javier Galán. La Inmigración irregular en España, El Pais, 2017, accessed on 28 January 2018 at https://elpais.com/internacional/2017/05/29/actualidad/1496052784_493244.html

through the walls was reduced and only 7% of the 4,000 attempts were successful in 2016.²⁴²

Today, Africa is the world's poorest continent with the 383 million people living in extreme poverty.²⁴³ Although Ceuta and Melilla are located in Africa they are the parts of the richest trading block in the world.²⁴⁴ Therefore with its enclaves Ceuta and Melilla Spain is one of the best example countries to analyze the process of teichopolitics because of its paradoxical nature. As we mentioned before new wall differentiates two different spaces of economic, cultural, or political privilege. The walls built in Ceuta and Melilla are the best examples in this regard. The construction process in Ceuta and Melilla started in early 90's. The construction of Ceuta wall in 1995 cost 48 Million Euro and the construction of Melilla wall in 1998 cost 12 Million Euro.²⁴⁵ A part of this amount was covered by the EU.²⁴⁶ At the beginning of 1998, People's Party (PP) government led by José María Aznar declared the so-called "Plan Sur" (Southern Plan) aimed at combating irregular migration and human trafficking with strengthening border controls. Plan Sur, launched by the conservative government in 1998, aimed at strengthening border controls against irregular migration and human trafficking, cost about 1.5 million euros.²⁴⁷ The SIVE project, launched in 2002 and described as "life saver", was estimated to cost 300 million

²⁴² Guy Hedge. Politico. Jumping the fence to Europe, 2017, accessed on 25 January 2018 at <https://www.politico.eu/article/jumping-fence-to-europe-spain-morocco-migration/COE>

²⁴³ See Chapter 3

²⁴⁴ Peter Gold. Europe or Africa? A Contemporary Study of the Spanish North African Enclaves of Ceuta and Melilla, 2000

²⁴⁵ Alscher, *op. cit.*, p. 12.

²⁴⁶ Pinos, *op. cit.*, p. 18.

²⁴⁷ El País. La policía destina cien agentes al Plan Sur contra las redes de ilegales, 1998, accessed on 25 January 2018 at https://elpais.com/diario/1998/01/16/espana/884905224_850215.html

euros.²⁴⁸ This amount of money did not stop irregular migrants, only caused the change of the route from the Gibraltar Strait into the Canary Islands.

The reinforcement process of the walls in Ceuta and Melilla began in 2005 after at least 14 people lost their lives during the border crossing attempt. 40 million euros were spent for this process in 2005 alone. With such a large budget, the height of the wall in Melilla was increased and monitoring systems were established. For Spain the cost of strengthening process in Melilla between the years 2005 and 2007 is 31 million euros.²⁴⁹ However, the effort and budget spent in order to make impossible to cross the walls never ends. According to Ruben Andersson, once the walls have been constructed, this process continues to grow.²⁵⁰ Between 2007 and 2010 with 135 million euros Spain had highest amount of expenditure from the European Union Foreign Borders Fund. However, for Spain this kind of big expenditure could also be compensated. The irregular migration rate in the Canary Islands decreased by 17.5%, and 5279 irregular migrants were caught by Spain.²⁵¹

As in the case of Hungary, we are talking about the so-called “fences” in Spain. However, the border barriers in Ceuta and Melilla do not have the characteristics of being fence, easy built, temporary, more permeable and cheap. Spain is spending a lot of money to make its walls less permeable - with the financial support of the EU. Moreover, these walls, which are the structures separating Europe from "Islam", cannot even be mentioned as “temporary” in the near future.²⁵²

²⁴⁸ Deutsche Welle Spain's Border Surveillance System Remains Controversial , 2007, accessed on 28 January 2018 at <http://www.dw.com/en/spains-border-surveillance-system-remains-controversial/a-2835465>

²⁴⁹ Contestación del Gobierno a una pregunta parlamentaria, 8 de septiembre de 2014, núm. reg.146881

²⁵⁰ Andersson, *op. cit.*, p. 31.

²⁵¹ Brussels, 23.4.2014 COM (2014) 235 final Report from the Commission to the EP, The Council, The European Economic and Social Committee and the Committee of the Regions https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/borders-and-visas/schengen/docs/com_2014_235_f1_report_from_commission_en.pdf

²⁵² Pinos, *op. cit.*, pp. 12,14.

Today, the wall system in Ceuta consists of two layers and the one in Melilla consists of three layers. The two layers of Ceuta are more than 6 meters high. This wall is equipped with high technology like cameras and sensors and in this area, there are 6 meters high 17 control towers. The width of these two layers is 8.2 meters. In Melilla the triple fence is also of 6 meters, after doubling its height in 2005, and almost 10 kilometers wide. In Melilla anti-climb mesh which covers the outside of the fence installed in October 2013. The humanitarian practices of Spain, which says that it uses the systems aimed at saving people's lives, do not end up.²⁵³ In some parts of Melilla wall where more jumping attempts happen there are there are tearful water splashing systems. Thus, all the opportunities of technology are used by Spain to prevent the entry of "irregular migrants" into the country, who are seen as a potential threat. Moreover, Spain does not refrain from any financial obligation to protect the EU borders and its own citizens from this threat.

The measures Spain has taken since many years to prevent the entry of irregular migrants into the country have not been very successful. Frontex Executive Director Fabrice Leggeri stated in January of 2018 that the number of irregular migrants reaching to Spain was 10231 in 2016 and reached 20,900 in 2017. He also says that this number could increase further in 2018.²⁵⁴ The fact that the walls cannot prevent irregular migration, which is shown as the purpose of their construction, is a powerful evidence of the sectorization of the wall construction processes. Despite the fact that it is not a problem-solving feature, the walls make the actors who are involved in the process happy. It is also acknowledged by these actors that the walls

²⁵³ J. Jiménez Galvez. El Pais. El Drama de la Inmigraciónel 'Blindaje' de Ceuta y Melilla, 2014 , accessed on 29 January 2017 at https://politica.elpais.com/politica/2014/03/05/actualidad/1394046257_447524.html

El 'blindaje' de Ceuta y Melilla, 2014 , accessed on 29 January 2017 at https://politica.elpais.com/politica/2014/03/05/actualidad/1394046257_447524.html

²⁵⁴ Reuters. Illegal Migration to Spain likely to raise further in 2018: Eu agency, 19 January 2018, accessed on 27 April 2018, at <https://www.reuters.com/article/us-europe-migrants-spain/illegal-migration-to-spain-likely-rise-further-in-2018-eu-agency-idUSKBN1F8192>

are important only for the actors involved in the sector. Speaking at an extensive field research by Ruben Andersson, the Spanish Civil Guard chief stated that it was not possible to stop migration. The Chief also says that the satellites are useless, however they make the industry and the commission happy.²⁵⁵

The fact that the walls are not enough to stop migration causes that the actors involved in the teichopolitics process to demand even more. In 2017 the civil guard command in Ceuta called for reinforcement stating the guards can't cope with the people trying to cross the border.²⁵⁶ This example also supports the idea we mentioned before that the teichopolitics process continues to grow constantly.

When we compare Spain with the Hungary example we discussed in the previous section, it is possible to say that Spain does not prefer to use media as a propaganda tool. Before the elections in 2016, political leaders, who are important actors of the teichopolitics process did not use anti-immigration in their election campaigns.²⁵⁷ However, the fact that PP, which has more violent measures in the field of struggle against irregular migration compared to the PSOE, increases its effect can be interpreted as a sign in this respect.²⁵⁸

4.2.2. International Obligations

Although Spain does not refrain from any financial obligation to protect the EU borders and its own citizens from this threat, she evades her obligations arising from international legal norms. In this part of the study we are going to take a look at Spain's obligations arising from international legal norms and how Spain's

²⁵⁵ Andersson, *op. cit.*, p. 15.

²⁵⁶ Vickiie Oliphant. Spain migrant crisis: Calls for Ceuta border fence to be reinforced as guards can't cope, Express, 11 October 2017. Accessed on 28 April 2018 at <https://www.express.co.uk/news/world/865094/Migrant-attack-police-crisis-Ceuta-border-fence-wall-Spain-illegal-immigration>

²⁵⁷ Owen Jones. The Guardian. There is a model for the new politics we need. It's in Spain, 2016, accessed on 25 January 2017 at <https://www.theguardian.com/commentisfree/2016/jun/22/politics-spain-podemos-radical-europe-uk>

²⁵⁸ Andersson, *op. cit.*, pp. 24-31.

teichopolitics process impacts these responsibilities, after this overview of the construction of Ceuta and Melilla walls and the installation of the high-budget technological systems.

Spain ratified 1951 Convention and 1967 Protocol in 1978.²⁵⁹ She has been a member state of the EU since 1986 and member of the Schengen area since 1995.²⁶⁰ Therefore, Spain has obligations under both the 1951 Convention, 1967 Protocol and the Dublin Regulations. However, the attempts to cross Ceuta and Melilla walls are blocked without considering international law. This situation puts *non-refoulement* principle at risk which means the violation of the Article 33 of the 1951 Convention, Article 3 of the ECHR, the Article 4 of Protocol 4 and Article 1 of Protocol 7 to the ECHR, ratified by Spain and the Article 13 of the ICCPR.²⁶¹ Apart from these conventions Spain also violates Schengen Borders Code, Articles 18 (Right to asylum), 19 (Protection in the event of removal, expulsion or extradition), and 47 (Right to an effective remedy and to a fair trial) of the Charter of Fundamental Rights of the EU.²⁶² The existence of the barriers in Ceuta and Melilla could create a danger also for Spain's obligations under the CoRoC, since there is not a system of

²⁵⁹ Instrumento de Adhesión de España a la Convención sobre el Estatuto de los Refugiados, hecha en Ginebra el 28 de julio de 1951, y al Protocolo sobre el Estatuto de los Refugiados, hecho en Nueva York el 31 de enero de 1967. Bolletín oficial núm. 252, 21 October 1978.

²⁶⁰ EU official website. EU member countries in brief, accessed on 25 July 2017 at https://europa.eu/european-union/about-eu/countries/member-countries/spain_en

²⁶¹ Article 33 of the 1951 Convention (Article 33. Prohibition of Expulsion or Return ('Refoulement, Article 3 of the ECHR (prohibition of torture, and "inhuman or degrading treatment or punishment) the Article 4 of Protocol 4 (Prohibition of collective expulsions of aliens) and Article 1 of Protocol 7 to the ECHR (Article 1 of Protocol 7 to the ECHR), ratified by Spain and the Article 13 of the ICCPR (An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority)

²⁶² Articles 18 (Right to asylum), 19 (Protection in the event of removal, expulsion or extradition), and 47 (Right to an effective remedy and to a fair trial) of the Charter of Fundamental Rights of the European Union.

recognition for children and adults on the walls that are surrounded by climbing nets and spouts tearful water.

After all these explanations, it is possible to embody this situation through a decision of the European Court of Human Rights on Spain. After the application made of N.D and N.T. (Malian and Ivorian nationals), the European Court of Human Rights ruled that Spain violated Article 13 and Article 4 Protocol 4 of the ECHR. In their application the applicants stated that they were sent back by Spain to Morocco where they were likely to be ill-treated after they crossed the wall in Melilla on 13 August 2014. Moreover, when we examined the case we can see that Spain stated that the events took place outside of the Spanish territory. This shows us that the states tend to escape from their responsibilities stemming from international law with building walls on the borders. People who are pushed back directly from the walls are not able to seek for asylum and receive the international protection they need. However, in spite of this claim of Spain, the court stated that the incident in Melilla (from when the people started climbing the wall) is in Spain's responsibility.²⁶³

The Council of Europe Commissioner for Human Rights also got involved as a third party to the N.D and N.T v. Spain case. In its written observations the Commissioner expressed her concerns about practices of summary returns of migrants. The Commissioner also noted, as mentioned above, the impossibility of identifying immigrants and their needs.²⁶⁴

As we see in the court decision and the Commissioner's report, Spain's teichopolitics process causes many human rights violations. When we consider these

²⁶³ ECtHR Third Section Case of N.D. and N.T. v. Spain (Applications nos. [8675/15](#) and [8697/15](#)) judgment strasbourg 3 October 2017 Referred to the Grand Chamber 29 January 2018

²⁶⁴ Third party intervention by the Council of Europe Commissioner for Human Rights under Article 36, paragraph 3, of the European Convention on Human Rights Applications No. 8675/15 and No. 8697/15 N.D. v. Spain and N.T. v. Spain

human rights violations, we can come to the conclusion that the walls of Spain are not as humane as they are mentioned.²⁶⁵

4.3. Turkey

4.3.1. Turkey's Wall

Turkey is located on the crossroads between Asia, and Europe. Since European countries are known with their higher levels of economic and humanitarian development, many individuals who left their own country are trying to reach Europe. Therefore, as a border country to Europe Turkey was affected by the irregular migration flows both as destination and transit country.

Although irregular migration is a popular theme on the agenda in recent years due to the crisis in the Middle East, it has been a big problem for Turkey for many years. Since 1923, the year it was founded, Turkey has dealt immigration and emigration. In 1934 Turkey has regulated the definitions related to immigration with Settlement Act (İskân Kanunu) No. 2510 and some changes were made on this legislation in 2006.²⁶⁶

In the 1980s, what happened in Iran, Iraq and Afghanistan caused Turkey to become a destination country for immigrants. After the collapse of the Soviet Union Turkey faced with a mass migration influx and has become an important country for irregular migrants.²⁶⁷ According to İçduygu and Aksel while some irregular migrants using Turkey as a transit or a destination country, some irregular migrants are “shuttle migrants” coming to Turkey multiple times to seek economic opportunities.²⁶⁸

²⁶⁵ Andersson, *op. cit.*

²⁶⁶ İskân Kanunu. Official Gazette no 5543, 19 September 2006.

²⁶⁷ Özlen Çelebi, Özlem Pehlivan. Chapter 3. The Impact of Mass Migrations on Immigration Policy of Turkey. The History of Migration to Turkey Eroğlu, D. Cohen, J.H., Sirkeci, I. (eds.), Turkish Migration Selected Papers. London: TPL, 2016.

²⁶⁸ Ahmet İçduygu, Damla B. Aksel. Irregular Migration in Turkey. IOM, Ankara, 2012

It is possible to say that facing with the second mass migration influx of Iraqi Kurds fled from Iran- Iraq war,²⁶⁹ has started the teichopolitics process for Turkey. With this, Turkey began to see irregular migration as a security issue and in 1994 she made “Regulation No. 1994/6169 on the Procedures and Principles related to Possible Population Movements and Aliens Arriving in Turkey either as Individuals or in Groups Wishing to Seek Asylum either from Turkey or Requesting Residence Permission in order to Seek Asylum from Another Country”.²⁷⁰

As a result of the elections held in 2002, the Adalet ve Kalkınma Partisi (AKP- Justice and Development Party) took the power in Turkey. Since then many regulations were made in the field of migration especially with the pressure of harmonizing the legislation with EU.²⁷¹ However, with the crisis erupted in the Middle East, the issue of irregular migration has become an even bigger problem for Turkey and more concrete steps are being taken in the process of teichopolitics.

According to the UNHCR’s February 2018 data, more than 5.5 million Syrians had left the country due to the events in Syria and almost 3.5 million of them have entered Turkey.²⁷² In addition to the people who tried to enter to EU countries irregularly via Turkey, the number of the people try to have a place in Turkey is also

²⁶⁹ Ahmet İçduygu. Irregular Migration in Turkey. Prepared for IOM by Bilkent University Turkey, 2003.

²⁷⁰ Türkiye’ye İltica Eden veya Başka Bir Ülkeye İltica Etmek Üzere Türkiye’den İkamet İzni Talep Eden Münferit Yabancılar ile Topluca Sığınma Amacıyla Sınırlarımıza Gelen Yabancılara ve Olabilecek Nüfus Hareketlerine Uygulanacak Usul ve Esaslar Hakkında Yönetmelik. 14 September 1994 Official Gazette no 94/6169.
Kemal Kirişçi. Syrian Refugees and Turkey’s Challenges: Going beyond Hospitality, The Brookings Institution, Washington, D.C. 2014.

²⁷¹These regulations are: Law on the Work Permit for Foreigners. Official Gazette No:4817, 27 February 2003. İskân Kanunu. Official Gazette no 5543, 19 September 2006. For the harmonization Turkish legislation with the EU: National Action Plan on Migration and Asylum” in 2005. Özlen Çelebi, Özlem Pehlivan. Chapter 3. The Impact of Mass Migrations on Immigration Policy of Turkey. The History of Migration to Turkey Eroğlu, D. Cohen, J.H., Sirkeci, I. (eds.), Turkish Migration Selected Papers. London: TPL, 2016.

²⁷² UNHCR. Syria Regional Refugee Response. Accessed on 27 February 2018 at <http://data.unhcr.org/syrianrefugees/regional.php>

very high. Since many years, Turkey has been criticized because of the lack of the foreign law. Because of the growing population, due to Syrian crisis and the pressure by EU Turkey has accelerated its work in this area. The people who had to leave their countries due to the conflict in the Middle East had been a great concern for the EU and Turkey was the key country that may interfere with many people coming to Europe. It is possible to say that Turkey's attitude is more positive towards the people flee the crisis in the Middle East compared to other European countries. After 2010, Turkey applied "open door policy" towards the people who flee the crisis in the Middle East and have a majority of Syrian. At the beginning Turkey called them "guests" but granted temporary protection status in October of 2014 to Syrians.²⁷³

By 2010, border security has become a major problem for Turkey. In 2010, Turkey has declared the Integrated Border Security System Project within the scope of accession negotiations with the EU.²⁷⁴ With this project, the entire land border of Turkey intends to monitor continuously. This project took place between the years 2010-2012 and the total budget was 10 million 960 thousand euros. The technical infrastructure for the border personnel, which is another actor of teichopolitics was reinforced with the help of technology with the second phase of this project. With the 2nd phase, 187 new generation fixed thermal cameras and 30 portable thermal cameras were purchased.²⁷⁵ In 2013 the Syrian feasibility report was included in this project and the "Syrian Border Physical Security System Project" (SBPSSP) approved by the Turkish Armed Forces General Staff in 2015. This project included a gigantic wall project equipped with high technology for Turkey-Syria border.²⁷⁶

²⁷³ İbrahim Sirkeci. Bir Güvensizlik Ülkesi Olarak Türkiye'nin Mültecileri, Suriyeliler ve Türk Mülteciler. Göç Dergisi, Cilt 4, Sayı 1, 2017.

²⁷⁴ Integrated Border Security System. Official Gazette no 2010/15, 26 May 2010.

²⁷⁵ Republic of Turkey Ministry of Interior Press and Public Relations Office, Press Release, No: 2013/121, November 26, 2013

²⁷⁶ BBC Türkçe. Arınç: Suriye sınırında fiziki güvenlik sistemi kurulacak. 2015, accessed on 2 February 2018 at http://www.bbc.com/turkce/haberler/2015/07/150721_bulent_arinc_

Before the project started in 2015, many security measures were already taken at the Syrian border. Until July 2015 7 km concrete wall, 22 km accordion barrier and 90 km fence were built in Turkey-Syria border. In addition to this, 145 km of wire fences have been renovated and the number of personnel working at the border increased.²⁷⁷ Government spokesman Bülent Arınç said that the purpose of this project is to prevent terrorists from entering the country.²⁷⁸

Turkey is one of the most affected countries from the crisis in the Middle East. She currently hosts a mass-influx asylum seeking population from neighboring Syria. This mass migration flux issue has caused great concern for the EU countries and Turkey appeared as a key country for EU to cope with this problem. After the negotiations between the Turkish delegates and the EC the Readmission Agreement was signed on 16 December 2013.²⁷⁹ In the scope of this agreement there were some negotiations about visa liberalization for Turkey. However, there was a roadmap for Turkey to follow in order to get visa liberalization.²⁸⁰ This roadmap contains the task that “to carry out border checks and border surveillance along all the borders of the country and reduce the number of illegal border crossings”²⁸¹ Victor Orban, the Hungarian Prime Minister, was very critical of this situation. Indicating satisfaction with the cooperation with Turkey, Orban stated that despite his warnings Europe

²⁷⁷ Didem Özel Tümer. IŞİD’e karşı zeplinli, duvarlı, İHA’lı koruma. Al Jazeera Türk, 2015, accessed on 2 February 2018 at <http://www.aljazeera.com.tr/al-jazeera-ozel/iside-karsi-zeplinli-duvarli-ihali-koruma>

²⁷⁸ BBC Türkçe, *op.cit.*

²⁷⁹ Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorization. Official Gazette no. 2014/6652, 2 August 2014.

²⁸⁰ Türkiye Cumhuriyeti Dışişleri Bakanlığı. Türkiye ile AB arasında Vize Serbestisi Diyalogu Mutabakat Metni ve Geri Kabul Anlaşması imzalandı, 2013, accessed on 12 December 2017 at <http://www.mfa.gov.tr/turkiye-ile-ab-arasinda-vize-serbestisi-diyalogu-mutabakat-metni-ve-geri-kabul-anlasmasi-imzalandi.tr.mfa>

²⁸¹ EC. Turkey’s progress on the visa liberalisation roadmap. 2016, accessed on 13 December 2017 at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160504/turkey_progress_visa_liberalisation_roadmap_en.pdf

become beg for help from Turkey because of its fail to protect their own borders. Orban also clearly stated that Hungary does not want to take the people coming from Turkey.²⁸²

Gradually increasing number of irregular migrants in Turkey encouraged her to take more serious legal measures. In 2013 Turkey adopted LFIP. This law makes the definition of refugee based on geographical limitations, which we will talk about on the next pages of this study, while regulating the protection for foreigners. With this law Turkey also founded "Republic of Turkey Ministry of Interior Directorate General of Migration Management".²⁸³

Following these new legal amendments, in 2015 Turkey began to work on the most important elements of teichopolitics process. The information about the construction of a security wall on the Syrian border took place in the media channels in July 2015 with the announcement of SBPSSP. Within the scope of the project, it was planned to use zeppelins and unmanned aerial vehicles.²⁸⁴ Turkey started building the wall at the 911 km Syrian border under the pretext of protecting its national borders. The mainstream media in Turkey has already joined the teichopolitics process of Turkey as important actor and begun to call this wall as the Great Wall of Turkey (Türk Seddi) to refer The Great Wall of China (Çin Seddi). The wall consists of 2 meters wide and 3,6 meters high 7-ton blocks. This wall is the world's 3rd longest wall after The Great Wall of China and the USA-Mexico border wall.²⁸⁵

²⁸² WoHG. Europe is begging for security from Turkey. 13 November 2015, accessed on 12 December 2017 at <http://www.kormany.hu/en/the-prime-minister/news/europe-is-begging-for-security-from-turkey>

²⁸³ LFIP

²⁸⁴ Aydın Hasan. Suriye sınırına 2 milyarlık proje. Milliyet, 2015, accessed on 01 February 2018 at <http://www.milliyet.com.tr/suriye-sinirina-2-milyarlik-proje-gundem-2091340/>

²⁸⁵ Milliyet. Sınırda Türk Seddi! TOKİ, Suriye sınırına 700 kilometrelik duvar örecektir, 2016, accessed on 5 February 2018 at <http://www.milliyet.com.tr/sinira-turk-seddi-toki-suriye-ekonomi-2317923/>

The desire to show their citizens that they provide the best protection for their own people is causing states to build longer, stronger and higher walls. In this regard, Turkey makes every effort. In order to build the 3rd largest wall in the world, a huge budget was needed. In August 2015, Finance Minister Simsek announced that they transferred 203 million TL (approximately 68 million euro) to the Ministry of National Defense for the SBPSSP which will increase the security in Syria border. Mehmet Şimşek also stated that due to the additional measures taken before the project started, the illegal border crossings in the last 1.5 years have been decreased in a great amount.²⁸⁶ Thus this statistic is one of the supporting facts for this new project.

Deputy District Governor Suruc Tarık Açıkgöz states that the wall is made with the help of technology such as wire cage along the wall at the border, a security path of 5 meters wide, smart towers and camera systems.²⁸⁷ When we look a little closer to those smart towers, a remarkable picture emerges. Designed by Aselsan, (ASELSAN A.Ş is a Turkish corporation that produces tactical military radios and defense electronic systems for the Turkish Armed Forces) these towers have machine guns, thermal cameras and announcement systems. People approaching the border line 300 meters will be notified with Arabic, Turkish and English announcements, and if the person does not stop his/her movement, the system will be activated which can be automatically fired.²⁸⁸ Turkey, under the rhetoric of protecting the country against terrorism, built a wall containing very harsh measures.

During the measures taken before the SBPSSP started, the closure of the border with the barriers was protested by the Syrians in 2013, and even the Turkish

²⁸⁶ Recep Demir. Sınır güvenliğine 203 milyon lira aktarıldı!. Anadolu Ajansı, 2015, accessed on 3 February 2018 at <https://aa.com.tr/tr/turkiye/sinir-guvenligine-203-milyon-lira-aktarildi/15996>

²⁸⁷ Rauf Maltaş. 'Türk Seddi'nin inşası sürüyor. Anadolu Ajansı, 2016, accessed on 3 February 2018 at <http://aa.com.tr/tr/turkiye/turk-seddinin-insasi-suruyor/693995>

²⁸⁸ Habertürk. Suriye sınırına güvenlik duvarı ve akıllı kule 2016, accessed on 2 February 2018 at <http://www.haberturk.com/gundem/haber/1254727-suriye-sinirina-guvenlik-duvari-ve-akilli-kule>

soldiers opened fire on the protestors.²⁸⁹ At the same year, the Kurds living in the region protested the wall construction. Nusaybin Mayor Gokkan and Barış ve Demokrasi Partisi (BDP- Peace and Democracy Party) Mardin Provincial Chairperson Kaymaz also supported the protesters. Speaking on behalf of the group, BDP Mardin Provincial Chairperson Reşat Kaymaz, called the wall on the border “The wall of shame.”²⁹⁰

Although these kinds of protests continued after the start of the SBPSSP,²⁹¹ Turkey was continuing to build the wall. The statement that the wall was built to combat terrorism also includes the need to "prevent the emergence of new migration waves". Abdullah Çiftçi, District Governor of Suruç also stated that “Nobody can stop us from building the wall.”²⁹²

By the end of September 2016 -after 200 km of the wall has been completed- a new and a very important actor joined to the Turkey’s teichopolitics process. At the beginning four Governorships of the region (Hatay, Gaziantep, Kilis and Şanlıurfa) and the Ministry of National Defense were assigned for the construction of the wall. In fact, the governors of these four cities came together and decided together for the most appropriate project.²⁹³ However in September 2016 The Housing Development Administration or TOKI, a public institution established for the production of social housing, has undertaken the construction of the remaining 700 km of the wall. With

²⁸⁹ T24. Türk askerleri sımıra örülen duvarı protesto eden Suriyelilere ateş açtı. 2013, accessed on 2 February 2018 at <http://t24.com.tr/haber/turk-askerleri-duvari-protesto-eden-suriyelilere-ates-acti,243996>

²⁹⁰ Ahmet Akkuş. Türkiye-Suriye sınırında duvar protestosu. DHA, Hürriyet, 2013, accessed on 2 February 2018 at <http://www.hurriyet.com.tr/gundem/turkiye-suriye-sinirinda-duvar-protestosu-24912489>

²⁹¹ 140Journos. Suriye Sınırında Duvar Protestosu. 2016, accessed on 2 February 2018 at <https://140journos.com/suriye-s%C4%B1n%C4%B1r%C4%B1nda-duvar-protestosu-83431b400d24>

²⁹² Halil Fidan. Suriye sınırı modüler duvarla daha güvenli olacak. Anadolu Ajansı, 2016 , accessed on 2 February 2018 at <http://aa.com.tr/tr/turkiye/suriye-siniri-moduler-duvarla-daha-guvenli-olacak/639032>

²⁹³ Tolga Şardan. Suriye sınırına ‘duvar’ önlemi. Milliyet, 2016, accessed on 2 February 2018 at <http://www.milliyet.com.tr/suriye-sinirina-duvar-onlemi-gundem-2079793/>

the involvement of TOKI in the process, the sectorization of wall building was completed to a great extent. Promising to finish the construction of the wall in 5 months, the President of TOKİ Ergun Turan, pointed out that border protection is very important for Turkey and drew attention to the portable feature of the wall. Turkey can move the world's 3rd longest wall to another location in two months, if she wants.²⁹⁴

However, the construction of the wall which is the most important element of teichopolitics process was not easy for Turkey. The process of laying mines on the borders that started all over the world during the cold war had begun in Turkey in 1955 and continued until 1995. Although Turkey has started to clear landmines, the process will be completed in 2022.²⁹⁵ TOKİ's task on the Syrian border is not just building the wall. The President of TOKİ Ergun Turan states that TOKİ builds also the road on the border and this work is done in mined land.²⁹⁶

Turkey's walling process is not limited to the Syrian border. She began to construct a new wall on Iraqi and Iranian border. In June 2017 President Recep Tayyip Erdoğan announced the construction of these new walls.²⁹⁷ After this statement Turkey began the construction immediately. In November 2017, while presenting the ministry's budget, Minister of National Defense Nurettin Canikli announced that approximately 55 kilometers of the Iraqi border wall has been completed and the rest will be completed as soon as possible.²⁹⁸

²⁹⁴ Sefer Levent. Suriye sınırına 700 kilometrelik güvenlik duvarı daha yapılacak. *Hürriyet*, 2016, accessed on 3 February 2018 at <http://www.hurriyet.com.tr/ekonomi/toki-seddi-40233303>

²⁹⁵ Burhan Ekinci. 1 milyon mayın ölüm saçıyor. *Aljazeera*, 2014, accessed on 3 February 2018 at <http://www.aljazeera.com.tr/al-jazeera-ozel/1-milyon-mayin-olum-saciyor>

²⁹⁶ Sputnik Türkiye. TOKİ, Suriye sınırına dünyanın en uzun 3. duvarını örüyor. 2016, accessed on 3 February 2018 at <https://tr.sputniknews.com/turkiye/201609281025033888-suriye-turkiye-sinir-duvar/>

²⁹⁷ Euronews. Türkiye, İran ve Irak sınırına da duvar örecektir. 2017, accessed on 3 February 2018 at <http://tr.euronews.com/2017/06/02/turkiye-iran-ve-irak-sinirina-da-duvar-orecek>

²⁹⁸ Yurdağül Şimşek. Suriye sınırına örülen modüler beton duvarda 774 kilometre tamam. *Sputnik*, 2017, accessed on 3 February 2018 at <https://tr.sputniknews.com/columnists/201711221031106429-suriye-sinirina-orulen-moduler-duvar/>

In October 2017 the construction of a large part of the wall in Syrian border was finished but the construction of parts to be added to make the wall even more secure was ongoing, because Turkey does not only want to protect her citizens from the threat of irregular migration, she wants to protect them in the best way. The wall built on the border of Syria is 30 cm thick and 3 meters high, and there is 1 meter high of razor wire on this wall.²⁹⁹ This wall will work integrated with the SBPSSP and will be monitored 24 hours a day, 7 days a week with modern electronic sensors. On the other hand, the Turkish Armed Forces (TSK) plans to use unmanned balloon surveillance systems developed by one of the most important actors of Turkey's teichopolitics process, ASELSAN.³⁰⁰ In addition to all these measures, Turkey built 21 high security watch towers called 'kulekol', which are 15 meters high and 7 meters in diameter.³⁰¹

As well as the constructing the world's 3rd longest wall Turkey is also proud of implementing the whole of the project with domestic companies. The president of TOKİ Ergün Turan stated that the entire construction of the wall was carried out by local companies.³⁰² Two new technologies developed by Turkish companies 'Electro-Optic Radar' and heat pumps will be added to the walls. This 'Electro-Optic Radar' developed by Canovate, has the ability to evaluate 360 degree visibility in all weather

²⁹⁹ Milliyet. TOKİ'nin inşa ettiği sınır duvarının yarısı tamamlandı. 2017, accessed on 3 February 2017 at <http://www.milliyet.com.tr/toki-nin-insa-ettigi-sinir-gundem-2403507/>

³⁰⁰ Türkiye Cumhuriyeti Milli Savunma Bakanlığı. Türkiye-Suriye sınırı hattında yasa dışı ve terörist geçişler ile kaçakçılık faaliyetlerine karşı fiziksel engel oluşturması amacıyla başlatılan Acil Sınır Fiziki Güvenlik Sistemi Projesinde çalışmalar devam ediyor. 2017, accessed on 3 February on 2017 at <http://www.msb.gov.tr/SlaytHaber/turkiye-suriye-siniri-hattinda-yasa-disi-ve-terorist-gecisler-ile-kacakcilik-faaliyetlerine-karsi-fiziksel-engel-olusturmasi-amaciyla-baslatilan-acil-sinir-fiziki-guvenlik-sistemi-projesinde-calismalar-devam-ediyor>

³⁰¹ Sabah. Suriye sınırına örülen 'duvar' bitti 'kulekol'lar yapılıyor. 2017, accessed on 4 February 2018 at <https://www.sabah.com.tr/galeri/turkiye/suriye-sinirina-orulen-duvar-bitti-kulekollar-yapiliyor/15>

³⁰² Milliyet. Türk Seddi'nde sona gelindi! İşte son hali... 2017, accessed on 3 February 2018 at <http://www.milliyet.com.tr/turk-seddi-nde-sona-gelindi-iste-gundem-2574771/>

conditions.³⁰³ Thus, Turkey will protect her own citizens from the people trying to cross the border in all weather conditions.

Turkey says that the wall on Syrian border made such a huge difference in the fight against irregular migration. According to military sources, in Antep-Kilis-border line, 12,316 irregular migration movements were detected in 2015 and this number decreased to 8,196 in 2016.³⁰⁴ However, we face with a different situation when we look at the statistics of irregular migration in Turkey. According to the data of the Republic of Turkey Ministry of Interior Directorate General of Migration Management, the number of arrested irregular migrants was 174.466 in 2016, and this number increased to 175.752 in 2017. Although there has been a decline in the numbers from 2015 to 2017, the largest arrested group of irregular migrants in Turkey is Syrians. In fact, there is a big increase in the number of Afghans, the second largest group, from 2015 to 2017. These two groups are followed by irregular migrants from Pakistan and Iraq. Although the number of human traffickers declined slightly in 2016, it showed the highest number of the last 8 years in 2017.³⁰⁵ This is one of the signs that tightening measures cannot prevent people from trying to find a better life.

Although it was built by domestic companies, the cost of this high-tech wall to Turkey was also quite high. The total cost of this bullet-proof wall is 770 million TL (approximately 167 million euro).³⁰⁶ It is certain that Turkey will spend even more money on Iraqi and Iranian wall projects. According to the security expert

³⁰³ Metin Can. Sınır duvarında iki yerli buluş. Sabah, 2018, accessed on 7 March 2018 at <https://www.sabah.com.tr/ekonomi/2018/03/06/sinir-duvarinda-iki-yerli-bulus>

³⁰⁴ Sabah. İşte Türk Seddi. 2016, accessed on 4 February 2018 at <https://www.sabah.com.tr/aktuel/2016/12/31/iste-turk-seddi-1483183509>

³⁰⁵ İçişleri Bakanlığı Göç İdaresi Genel Müdürlüğü. Düzensiz Göç, 2018, accessed on 3 March 2018 at http://www.goc.gov.tr/icerik6/duzensiz-goc_363_378_4710_icerik

³⁰⁶ T24. Duvarın 700 kilometresi tamamlandı; Suriye sınırında yaşayanların hayatlarında neler değişti?. 2017, accessed on 3 March 2018 at <http://t24.com.tr/haber/duvarin-700-kilometresi-tamamlandi-suriye-sinirinda-yasayanlarin-hayatlarinda-neler-degisti,409054>

Abdullah Agar's statement, the cost of the wall to be built on the Iraqi border will be very high because the land is mountainous.³⁰⁷ When we talk about the walls built by Turkey, of course, we are not talking about only concrete barriers and barbed wire. Turkey benefits from the latest technology in order to make it impossible to cross the border for the terrorist threats and irregular migrants. Therefore, it wouldn't be wrong to say Turkey will use even larger budgets for her teichopolitics process in the future.

4.3.2. International Obligations

Turkey is a party of the 1951 Convention and 1967 Protocol.³⁰⁸ She party to the 1951 Convention in 1961 and 1967 Protocol in 1986. However, Turkey is one of the four countries which retain the “geographical limitation”³⁰⁹ from the 1951 Convention whereby only persons seeking asylum and arriving from Europe are protected by the Convention. Therefore, individuals coming from Syria to Turkey do not have a refugee status. Although Turkey gets a lot of criticism about it, it does not make any effort to change it. For this reason, Turkey makes it impossible for the people from outside of the Europe- even though they succeed to pass the wall- to be able to receive international protection as refugees.

Turkey, grants “conditional refugee status” to the people from outside Europe and meet the conditions in 1951 Convention Article 1. Turkey allows them to stay in Turkey until they resettle to a third country.³¹⁰ This situation raises concerns about Turkey's being a safe country.

³⁰⁷ Cengiz Özbek. Deutsche Welle. Türkiye komşularıyla arasına 'duvar' örüyor. 2017, accessed on 3 March 2018 at <http://www.dw.com/tr/t%C3%BCrkiye-kom%C5%9Fular%C4%B1yla-aras%C4%B1na-duvar-%C3%B6r%C3%BCyor/a-40052642>

³⁰⁸ Cenevre’de 28 Temmuz 1951 tarihinde imzalanmış olan Mültecilerin Hukuki Durumuna dair Sözleşmenin onaylanması hakkında Kanun. Resmi Gazete No: 359, 28 Ağustos 1961

³⁰⁹ UNHCR, *op. cit.*

³¹⁰ LFIP, *op. cit.*, Article 62.

Another problem in Turkey in terms of human rights is the Readmission Agreement signed between Turkey and the EC.³¹¹ Although Turkey is not a member of the EU, it has a long history of doing Union's "watchdog". Since Turkey does not apply the 1951 Convention and its additional protocol to non-Europeans, there are many questions about the legality and enforceability of the Readmission Agreement. In fact, this Readmission Agreement between EC and Turkey, however, has led many people who do not want to be sent back when the agreement enters into force to try to travel to Greece and Bulgaria, risking their lives.³¹²

Turkey is also party to Universal Declaration of Human Rights³¹³, Convention on the Rights of the Child,³¹⁴ and The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment³¹⁵.

Turkey has surrounded her Syrian border with a gigantic wall and has started building new walls in Iranian and Iraqi border. In addition to making it impossible to cross the border with making amendments and constructing these walls, it may cause human rights violations in the border. Many human rights organizations reported the push-backs in Turkey on Syrian border and even opened fired towards some people who want to get international protection.³¹⁶ For this reason, the concerns on human

³¹¹ Agreement between the European Union and the Republic of Turkey on the readmission of persons residing without authorization. Official Gazette no. 2014/6652, 2 August 2014.

³¹² İbrahim Sirkeci. Bir Güvensizlik Ülkesi Olarak Türkiye'nin Mültecileri, Suriyeliler ve Türk Mülteciler. Göç Dergisi, Cilt 4, Sayı 1, 2017.

³¹³ Universal Declaration of Human Rights. Official Gazette no 9119, 4 June 1949.

³¹⁴ Convention on the Rights of the Child (Çocuk Haklarına Dair sözleşme). Official Gazette no 94/6423, 23 December 1994.

³¹⁵ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (İşkence ve diğer zalimane, gayri insani veya kötü muamele veya cezaya karşı sözleşme). Official Gazette no 19799, 29 April 1988.

³¹⁶ According to İHD (Human Rights Association), 25 people including one child were killed and 52 people including 4 children were injured by border security officers. In 2016, 57 people including 8 children were killed and 169 people including 21 children were injured. HRW stated in the world report 2017 that border guards opened fire on people wishing to cross the Syrian border.

rights violations taking place in Turkey's Syria border are increasing. At this point we can use of the reports were prepared by non-governmental organizations. Amnesty International states its concerns about the human rights violations on the Syrian border. Amnesty indicates that opening fire on those who try to cross the border causes death and injury and asks from Turkey to act complying with the international human rights mechanisms that we mentioned above. Amnesty also reminds Turkey her responsibilities under The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and advices the border personnel to act considering these international obligations.³¹⁷

5. CHAPTER FIVE: CONCLUSION

The teichopolitics theory, which is discussed in detail in the 3rd Chapter is embodied in Chapter 4 with the example countries. While two of these three countries in question are Spain and Hungary, which are important entry points to EU for irregular migrants, the third example is an important transit/destination country, Turkey. These three countries have great parallels in terms of teichopolitics processes, although they differ in terms of subjects such as demography, culture and politics.

Confirming Ruben Andersson's thesis, we can see that the three analyzed countries' teichopolitics processes continue to grow since their beginnings. Hungary decided to build a new wall on the Croatian border after the construction of the wall on Serbia border and also attempted to build the Romanian border wall; Spain is

İHD. İnsan Hakları İhlalleri Raporu 2015.

İHD. 2016 Yılı Türkiye İnsan Hakları İhlalleri: Fiili Otoriter Başkanlık Dönemi. 2017 accessed on 4 March 2018 at <http://www.ihd.org.tr/2016-yili-turkiye-insan-haklari-ihlalleri-fiili-otoriter-baskanlik-donemi/>

HRW. World Report 2017

³¹⁷ Amnesty International Hayatta Kalma Mücadelesi Türkiye'deki Suriye'den Gelen Mülteciler. 2014

continuing the reinforcement of Ceuta and Melilla barrier; after the construction of the Syrian wall, Turkey announced a new wall on the border with Iran.

When we analyze the discourse of politicians, one of the most important actors of the teichopolitics process, we can see that Hungarian politicians prefer to use discourses that emphasize Hungarian and Christian values, a mission that protects Europe. In Spain, irregular migration is considered as a problem by the politicians, but it is noted that the wall and the other measurements which were taken against those who try to pass through the wall are as humane as possible. When we look at our last example country, Turkey, we can see that political actors are accentuating the protection of the country by associating irregular migration with terror.

Examining the media issue, which is one of the most important tools of the teichopolitics process, shows us that Hungary is the example country that uses the media in the most effective way. The Hungarian government is constantly informing the public through its official web site, which is used as a resource many times in this work. Hungary also uses television and radio broadcasts as well as advertising panels in its teichopolitics process to create public support. When we look at Spain and Turkey, we can see that the use of media is not as intensive as in Hungary.

One of the important actors of the teichopolitics process is border personnel / law enforcement officers. In our example countries' situations, it is possible to see that the number of these actors has increased in the process or new security units were created and included in the process. Also, the new institutions emerge in order to manage processes related to migration issue, as in the example of Turkey. In addition to the increase in the number of staff, governments are making the walls stronger with new legal regulations. Although their processes have started at different dates, these three countries have been using the legal regulations effectively to support their wall construction processes. So much so that, as we have seen in the case of Hungary, some legal regulations contradict the regulations of the EU.

The closure of borders with walls also influences the responsibilities of states emerging from international law mechanisms. This process also causes the allegation

of the border area is not in the state's own territory, ill-treatment of irregular migrants who try to cross the walls, long waiting periods in the transit zones, sending the people back to the countries where they were likely to be ill-treated. Besides, the direct push back of the people from the walls also prevents the people who need international protection from asking for asylum. We have also seen such cases in the three countries that we have examined in the 4rd Chapter.

It has been consistently emphasized in previous parts of this study that states do not want to just protect their own citizens against irregular migration threat. They want to protect their citizens in a perfect way. This leads the states to build higher, stronger and more difficult-to-cross walls. We have seen that in three of our examples, the states have benefited quite a bit from technology. Tear-off spray systems, thermal cameras, automatic shooting towers, anti-climbing structures took place as examples of state-of-the-art technological constructions. Of course, these high-tech tools also bring high budgets. Only the budget allocated to the construction of the wall (without including personnel expenses, billboard campaigns, etc.) costed millions of euros for these countries. Analyzing the steps taken by the countries in the wall construction process together with the amount of the budget spent, we can clearly see that the wall construction processes have turned into a huge sector today.

With legislations, institutions, media organs, law enforcement / border officers and most importantly politicians and companies working in the field of defense industry, the process of wall construction has become a gigantic sector and a new opportunity for defense industries. Although it is not possible to make a clear prediction about the future of the walls, as the balances on the world arena are changing rapidly, considering the process we are experiencing, it is not wrong to say that the numbers of the walls will continue to increase and teichoeconomics will continue to grow with even bigger budget wall constructing projects in the foreseeable future.

Today, the walls are presented as a solution to the problem called irregular migration. As we have seen in the three examples, states are processing teichopolitics in order to protect their people against irregular migrants. Unfortunately, such measures to stop irregular migration are not the answer to the so-called problem. As we have seen in the 4rd Chapter in the country examples, the walls built on the borders cause only irregular migrants to change their routes and methods. This can lead to an increase in the number of human traffickers who endanger people's lives by promising a better life to them. Therefore, while politicians are making votes and companies are making money, walls cause people to be injured and even lose their lives. And if the teichopolitics process goes like this people will continue to suffer. Because people will not give up trying to reach the territories where they can live in better conditions. Therefore, instead of being a solution, every wall that is built creates more problems with causing irregular migrants to risk their lives by trying different and more dangerous methods.³¹⁸

Even the highest wall, that draw boundary between two different groups, will not be able to prevent the more disadvantaged groups from trying to find better living conditions. For this reason, steps should be taken to facilitate the process of migration rather than supporting the wall construction processes, which have become a gigantic sector, with bigger budget and more actors which are getting involved every passing day.

³¹⁸ Bigo, *op. cit.*

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