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Collective securitization in the EU: Normative dimensions

Rita Floyd (version 26 April 2018)

Abstract

Discussion of collective political actors and normativity usually refer to the greater responsibility collectives enjoy when acting upon the ills of the world either because such bodies are able to pool capabilities or because they enjoy the credibility of leading-by-example. Following a different line of argument, this article suggests that collective securitization poses two hitherto unacknowledged normative issues. The first concerns the question whether just (morally permissible) collective securitization requires unanimity, or second-best, majority consensus on the need for, and the means of, securitization by the constitutive member states of the collective. The second issue is related to individual states disaggregated from collective security actors. How do standards of fairness apply to such states? Ought those states culpable in threat creation be more liable for bearing the financial costs of collective securitization?

Introduction

In a recent intervention into securitization studies, James Sperling and Mark Webber (2016) have introduced the concept of 'collective securitization', or in other words securitizations effected by an organized institutionalised group of smaller actors. In one sense, of course, all actors other than individuals (which the Copenhagen school does not permit in their original variant of securitization theory as plausible securitizing actors)[1] are collective actors. Once we open the 'black box' of the state we can see that short-hands such as the United States (US) or the United Kingdom (UK) are very much inadequate as policy (security or otherwise) is always made by a myriad of departments/ministries and torn between vested interests and genuine commitment. To be fair, however, what Sperling and Webber have in mind are collectives that are different in kind because they are made up of different state actors, each of which retains sovereignty, but that taken together constitute a formal institution. Their initial article proposing this idea focused on the role of NATO, while this special issue focuses on the European Union (EU) and collective securitization.

Among the many variants of securitization theory now in existence (see, for example, various in Balzacq, 2011), the theory of collective securitization proposed by Sperling and Webber is one more faithful to the Copenhagen school's original conceptualisation. Like the original version, Sperling and Webber are keen to identify securitization as a sequence of events involving a securitizing actor, a securitizing move, audience and policy action.[2] Similarly, like the Copenhagen school they argue that facilitating conditions make securitization more likely. Specifically with regard to NATO, they argue: 'collective securitization is more likely to occur when a threat has a systemic referent (impinging upon

[1] In spite of the fact that the Copenhagen school's view of security is supposedly 'constructivist all the way down' (Buzan et al 1998: 204), the school introduces limitations on what security is, who can perform securitization etc. throughout.

[2] Note that some of these can coexist, Sperling and Webber hold, for example, that securitizing language does not cease when security measures are adopted but continue right the way through.

international and collective identities, or the rules and norms governing interstate interactions)' (Sperling and Webber, 2016: 14). Unlike the Copenhagen school, however, they have a very clear idea in terms of who or what the audience is supposed to be. They argue that in formal security/political collectives the audience is made up of the organization's member states rendering the organization (i.e. NATO/ EU) at large the securitizing actor. In line with this they also give a clearer idea than the Copenhagen school of the procedure which sees the audience accept the securitizing move contained in the speech act. They describe this as a process of 'recursive interaction: repeated bargaining procedures and substantive exchanges between a security actor (the organization) and its audience (the organization's constituent members) over the content and form of threats as well as the policy responses appropriate to mitigating them' (Sperling and Webber, 2016: 8). The audience is thus considered a much more active entity than in the original variant of the theory where 'acceptance' of the speech act does not translate into the audience giving its consent, but may also include coercion. In more detail, the Copenhagen school argue that acceptance 'does not necessarily [occur] in civilized, dominance-free discussion [… it] rests on coercion as well as on consent' (Buzan, et al, 1998, 25).

Finally, although Sperling and Webber are ultimately in favour of desecuritization when it comes to NATO and Russia relations, unlike the Copenhagen school, who *ceteris paribus* have a preference for desecuritization (Buzan et al, 1998, 29), Sperling and Webber's recommendation comes after they have carefully considered the justice of securitization in the specific case.

The question if and when securitization – as policy change not simply as speech act coupled with audience acceptance – can be justified from a moral point of view has informed my own research for a number of years now (Floyd, 2007, 2011, 2015, 2016a, 2017, 2018 and forthcoming 2019). Contrary to the majority of securitization scholars concerned with

the ethics of security (Aradau, 2004; Huysmans, 2006; Wæver, 2011), I have suggested that securitization can be just, in the sense of being morally permissible provided that a number of conditions are met, including *inter alia* that there is a just cause (consisting of both a real threat and a just referent object), that it is a proportionate response to a given threat, that securitizing actors are sincere in their intentions and that securitization has a reasonable chance of succeeding in achieving the just cause. These criteria and consequently what I call Just Securitization Theory (JST)[3] are heavily informed by just war tradition, which theorises the morality of war, for the most part, with the aim 'to restrain both the incidence and the destructiveness of warfare' (Orend, 2006: 31). Like most contemporary just war theories, which separate into just resort to war, justice during war and just peace, JST breaks down into three areas: just initiation of securitization; just continuation of securitization and just termination of securitization.

In line with Toni Erskine's ground-breaking work on the moral responsibility of institutions in international politics, JST does not distinguish between securitizations carried out by single actors (states and non-state actors) and collectives. Following Erskine's work it is widely accepted that collectives have moral agency (i.e. 'capacities for deliberating over possible courses of action and their consequences and acting on the basis of this deliberation' (2003: 6)) if they possess the following: 'an identity that is more than the sum of the identities of its constitutive parts, and therefore does not rely on a determinate membership; a decision-making structure; and identity over time; and a conception of itself as a unit' (2003:24). Be that as it may, the idea of collective securitization throws up an entirely new set of normative questions. In this article I wish to examine two of the most pertinent ones with particular reference to the EU, as such this article is a major contribution to security studies ~~.~~

[3] I use the capital version JST to refer to my specific version of a theory of just securitization, with many other versions of such a theory possible (Floyd, 2016)

First, Sperling and Webber, very much in line with the dominant view in securitization studies (see below), suggest that the audience (i.e. member states) must agree to the threat narrative and even on the means of securitization (i.e. on the security measures adopted). In reality, however, especially where collective securitization does not take the form of military action there is often no agreement on security threat status and certainly not on the means of securitization. The relevant question in the context of just collective securitization is this: Can a collective securitization be just (morally permissible) if not all, or even a majority of, member states agree that an issue should be securitized and/or on the means of securitization? In this article this question is examined in the empirical context of the French invocation of the mutual assistance clause after the terrorist attacks in November 2015.

Second, as part of JST I divide threats into three categories of 'threat types', whereby the origin designates the type. I differentiate between agent-intended (e.g. terrorism), agent-lacking (e.g. natural disasters) and agent-caused threat (e.g. climate change). I subdivide agent-caused threats further into threats caused by a) obliviousness and/or b) harmful neglect. With a view to climate change, for example, we can say that before a scientific consensus established that the problem was both real and man-made then its cause could be attributed to obliviousness. Subsequently, any organization/state which fails to curb carbon emissions is now guilty of harmful neglect. For our purposes here, the key difference between these two subtypes is that only the latter type of agent (i.e. those that have caused a threat by harmful neglect) are morally culpable for their actions and as such potentially liable for undoing some of the resultant damage. This is relevant for collective securitizations, because we need to ask whether culpability in threat creation by one member state imposes a proportional share of the financial cost attending collective securitization on that same state. In other words, with a view to collective securitization normative considerations need to include an assessment of

what is fair for individual actors. In this article I examine this question in the context of the EU's collective securitization of borders necessitated by the suspension of the constitutive Schengen agreement of free movement, the latter a consequence of Germany's open door policy towards migrants and refugees. I proceed in the typical style of political theory, whereby I advance all possible arguments for one particular position (i.e. that audiences consensus is relevant for just collective securitization and that securitizing actors culpable of threat creation do not have to pay more towards collective securitization respectively), only then to dispel these claims by weight and persuasiveness of the counter-argument. Before proceeding, however, a disclaimer is in order. I commence from a standpoint which accepts some of the assumptions of JST, specifically that securitization can be morally justified, and that objective existential threats both exist and are determinable (Floyd, 2011, 2016a). I do not examine JST in any more detail in this article (for a detailed exposition see Floyd, 2019 forthcoming). Not only is there no room to do so, but the arguments I advance – first, that justice in collective securitization is independent of unanimity or simply even majority consensus; and second that fairness requires that those member states morally culpable in threat creation pay a larger share of the cost of collective securitization than innocent ones - are not exclusively based on the premises of JST.

Just collective securitization and the question of audience consensus

Sperling and Webber claim collective 'securitization [is] the outcome of a shared threat perception across states, followed by agreement on appropriate policy response' (2016: 27). In securitization studies it is increasingly popular to regard the securitizing audience as active. Proceeding from the observation that the Copenhagen school's original writings left the audience undertheorized (Wæver, 2003; McDonald, 2008; Vuori 2008), more recent scholarship has offered suggestions on who or what the audience is (Vuori, 2008; Léonard

and Kaunert, 2011; Salter, 2011), and questioned the view that the audience is simply a passive entity that simply has the speech act communicated to it. Thierry Balzacq thus conceives of 'an empowering audience' defined as one that has 'a) a direct causal connection with the issue [at hand]; and b) […] the ability to enable the securitizing actor to adopt measure in order to tackle the threat' (2011, 9). Similarly Roe (2008), Salter (2011, 2008), McDonald (2008) and more recently Côté (2016) have all suggested that the audience does more than simply accept the speech act of the securitizing move; it also approves the measures used in securitizing policy.

Within the theory of collective securitization Sperling and Webber (2016: 10) do not separate actor and audience – both are, in fact, inter-dependent in securitization through what they call 'recursive interaction'. In NATO (and this applies to some degree to the EU) the organisation is 'simultaneously a securitising actor' acting on behalf of its members 'and a framework of audience participation' by which those same members agree to, modify, accept or reject the securitizing narrative. However, while collective securitization can be successful (as in NATO's turn toward collective defence against Russia in response to the 2014 Crimea crisis, or the EU's imposition of sanctions against Moscow prompted by the same events) it sometimes falters. (In) famously NATO could not act to remove Saddam Hussein from power because there was no agreement on either the threat or the appropriateness of the measures on the table (i.e. military intervention) between the key NATO allies. The US and the UK favoured military action, while France and Germany opposed it (Cottey, 2013: 69). Likewise, the EU was left unable to act when Germany rejected the Anglo-French proposal for a no fly-zone to protect Libyan rebels from Gaddafi's forces. Agreement on threat and measures is extremely hard to attain within such large (in terms of membership) organizations as NATO and the EU.

Conversely, among international organizations securitization may occur even when

there is disagreement over the need for or the means of securitization. ASEAN, for example, has successfully securitized terrorism even though not all member states agree on the course of action taken, with Malaysia and Indonesia as that organization's largest Muslim countries forming prominent outliers (Febrica, 2010). Similarly, in the case of the EU many East European member states have vehemently opposed the securitization of climate change as they fear that the commitment to drastically reduce carbon emissions will damage their economies. Nonetheless, the EU has pressed on with climate security policy, including an unprecedentedly rigorous climate change regime (Oberthür, 2011; Groen and Niemann, 2013). Likewise not all EU member states are agreed on the nature, duration and extent of the economic sanctions against Russia put in place as a result of Russia's annexation of the Crimea. Italy, Hungary, Bulgaria were against the sanctions and openly criticised their renewal in 2016 (Raninkin, 2016); still, however, sanctions remain in place.

Given then that empirical examples from the EU (and NATO) do not fully conform to Sperling and Webber's position on collective securitization, I am inclined to think that their argument reflects, in part, observations drawn from the consensus based decision-making that pertains to the EU (at least as a standard) and (more so) to NATO.[4] The dice, in other words, are loaded toward a given result. If a policy is proclaimed by the EU or NATO it is easy to infer that a consensus decision lay behind it and so the minimum requirement for collective securitization were met. Such an approach brackets the debate – and dissent – among members that was inherent in any such decision.

Other implications follow from Sperling and Webber's focus. Their demand for shared threat perception and agreement with regards to collective securitization is also held, for normative reasons, by other securitization scholars. Indeed, given that most securitization

[4] To be fair, however, Sperling and Webber have in the empirical context of the EU altered their views to move from unanimous agreement to majority consensus. They now holds that 'the audience's legitimization of the securitizing act occurs when the organizational threshold for a binding agreement is met'. (ref here to your paper if this is the final formulation)

scholars view securitization with caution, the notion of a sanctioning audience also serves to delimit the power of securitizing actors (Floyd, 2016b). If our concern is with just collective securitization, then it would seem sensible to insist that collective securitization is morally permissible/just only when the audience has consented to the securitizing move and when there is agreement on the appropriate policy response (i.e. the means of securitization).[5]

In that light, I wish now to turn to those arguments which favour such a requirement for just collective securitizations. A first argument here is that actors capable of collective securitizations are distinct political institutions that are no larger than the sum of their constitutive parts. Notably within the theory of collective securitization, securitization is a self-contained process that does not involve external actors (e.g. aggressors, electorates, or referent objects) as audiences. Instead the audience (i.e. the member states) is 'constitutive' of the securitizing actor, in our case the EU. This means as Sperling and Webber (2016:8-9) duly acknowledge, that in collective securitizations the traditional distinction between the securitizing actor and the audience is blurred. Following the just war tradition, one requirement of JST is that securitizing actors have to be truthful in their intention to securitize, or in other words the right intention for securitization is the just cause. We can say that in collective securitization – unless the audience consents - right intention is not guaranteed, because the audience collectively *is* the securitizing actor.

Another reason why the audience is popular in securitization studies is that it leaves the decision to securitize up to the democratic political processes in which different opinions are heard and taken into account. Democratic deliberation, in turn, is widely idealized for reducing the possibility of making grave mistakes. In other words, securitization is more likely to be just if majorities are involved.

[5] It goes without saying that this is not the only criterion that applies for the justice of collective securitizations.

A third argument in favour of audience acceptance in collective securitizations comes from the legal side of things. In the EU, in line with Article 28a of the Lisbon Treaty, decisions regarding the Common Foreign and Security Policy (CFSP) have to be taken unanimously. What is more, this treaty has introduced the mutual defence clause as well as the solidarity clause. The latter is manifest in Article 222 (European Union: 2012: 148) and holds that 'The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster'. Similarly, Article 42(7) of the Treaty on European Union (TEU) holds that 'if a EU country is the victim of armed aggression on its territory; the other EU countries have an obligation to aid and assist it by all the means in their power, in accordance with Article 51 of the United Nations Charter' (ibid, 39). The mutual defence obligation is binding on all EU countries, however, there is no automatic presumption that members will have to respond by military means (Cirlig, 2015:3). All the same, the mutual assistance/defence and the solidarity clause have formalised agreement on the need to defend and secure fellow Member States. Thus signatory member states have agreed upfront to protect fellow member states from external threat, natural disasters and terrorist attacks.

Let us now turn to the arguments against the requirement of unanimity, or even simply majority consensus. A first observation here is that while audience consent can be a sign of right intent, it does not render securitization morally permissible. After all, actors can be right in – as the late Derek Parfit (2011: 150-164) puts it - a belief relative sense, but wrong in an evidence relative sense. In other words, actors may have the right intention and belief that they are doing the right thing (as did Tony Blair when it came to the decision to topple Saddam Hussein), but that when all the relevant facts have been gathered and evaluated, the decision was still wrong (in the given example, this much was suggested by the Chilcot Report published in the summer of 2016). While the chance of being wrong might be

reduced when consensus is sought, majorities can get it wrong. As far as just collective securitization is concerned, majorities can falsely believe that there is an objective existential threat, or that securitization is a proportionate response, or that the measures used are appropriate. Arguably, majorities did get it wrong in response to the threat posed by the Islamic State group (IS). After the terrorist attacks in Paris in November 2015, which killed over one hundred people, France triggered Article 42(7) TEU. This was the first time any Member State had made such a request, with the French asking for support (through the pooling of capabilities) of its military operations in Syria and Iraq, as well as greater EU member state contributions to EU and UN operations in Africa so as to relieve French forces there (European Parliament, 2016: 2). All Member states unanimously supported the decision to invoke Article 42(7), and a number of EU members –including Germany and the UK- have provided France with military assistance in Syria and Iraq, whilst other Member States have increased support for French operations in the Sahel (Bakker et al, 2016: 24, see also European Council Briefing, 2016)~~,~~. But what will this ultimately achieve? And is it justified?

From late 2014, France had been involved in the military component (Operation Inherent Resolve) of the counter-IS coalition in Iraq and Syria (McInnes 2016). Its efforts were ramped up after the *Charlie Hebdo* attack in January 2015. While the just cause is undeniable, and France and the EU Member States' intention rightful, I would suggest that here the policy change necessary for securitization to be satisfied (Floyd, 2016b) is not justified because – at least in the way it is done, it does not have a reasonable chance of succeeding in securing the referent object of collective securitization. Indeed it is likely to lead to more insecurity in France (and the wider EU) than it seeks to solve. Perhaps we need not go as far as to suggest ~~I do not wish to suggest~~ that the IS threat should be desecuritized; only that the means by which securitization is conducted and security supposedly achieved do not work. In critical security studies this is a well-trodden path. Soon after 9/11, for example,

Karin Fierke (2007) argued that military intervention will only lead to more bloodshed, greater insecurity and more terrorism. Clearly she was right and many scholars pinpoint the success, but not necessarily the rise, of IS to the Western intervention in Iraq in 2003 and its aftermath (Bunzel, 2015, Posen, 2015).

I now turn to the legal argument. While it is true that within the EU unanimity is required in matters of military action this is not the case if securitization takes non-military form. Security is now widely accepted; by both scholars and practitioners as relevant beyond the military sector – applicable also to the environmental (including health), societal, economic and political sectors (Buzan et al 1998). It would thus be short-sighted to reduce the reach of a theory of collective securitization to the military sector only. If we include these other sectors or issue areas it is important to observe that as a consequence of enlargement, unanimity is becoming increasingly difficult to achieve and so some areas have shifted to a procedure of qualified majority voting (QMV) that requires two conditions to be fulfilled: '1) 55% of member states vote in favour - in practice this means 16 out of 28; 2) the proposal is supported by member states representing at least 65% of the total EU population.' (EU Council, 2016) Moreover, although the Treaty of Lisbon maintains unanimity in matters of CFSP, it does specify four exceptions when the Council can decide by QMV. These are:

1. 'when adopting a decision defining a Union action or position on the basis of a decision of the European Council relating to the Union's strategic interests and objectives;
2. when adopting a decision defining a Union action or position on a proposal which the High Representative of the Union for Foreign Affairs and Security Policy has

presented following a specific request from the European Council, made on its own initiative or that of the High Representative;

3. when adopting any decision implementing a decision defining a Union action or position;
4. when appointing a special representative pursuant to Article 33 TEU' (Troszczynska –Van Genderen, 2015:10)

Additionally, the passerelle clause (Article 31.3 TEU) permits QMV in cases other than those specified above. However, as per Article 31.4 TEU, it does not apply to 'decisions having military or defence implications' (European Union, 2012: 34). Nevertheless the creeping presence of QMV suggests that in years to come, the requirement for unanimity in foreign, security and defence matters might be dropped altogether; especially if the EU wishes to become a more effective actor in these areas (cf. Juncker, 2017).

This being said I do not want to pursue this line of argument further here because legality and morality are actually two different, and sometimes incompatible, requirements (McMahan, 2008). What European members states are doing about IS is perfectly legal both in accordance with UN resolution 2249 (2015) and the TEU, but this has no bearing on whether or not this collective securitization is also just (i.e. morally permissible). Notably, given that reactive terrorism and more insecurity are a foreseeable consequence of military intervention into Iraq and Syria, such intervention cannot be considered morally justifiable.

The fact that majorities can get it wrong, even if they intend to do the right thing, coupled with the observation that legality but not morality requires majority consensus leads me to suggest that securitization can be just independent of the audience, which is to say irrespective of member state consensus on either the need for or on the means of securitization in any given collective securitization.

Moral culpability and proportionate duties

JST distinguishes between intended and intent-lacking threats. As such it is able to account for a range of 'new' security threats, including infectious disease, environmental degradation, climate change, and migration, all of which mainstream security studies once excluded because they lacked the element of intent (see Deudney, 1990). Intent-lacking threat can nonetheless be agent-caused. These threats are not intended by agents but are brought about (unintentionally) by an agent's actions. Such a situation can arise in two ways: out of obliviousness, which is to say because people/actors do not realize that their combined actions are potentially threatening to other entities; or through harmful neglect, that is, when relevant agents fail to protect against foreseeable harmful events/consequences. A key difference between these two types of agent-caused threats is that in the first actors are innocently ignorant, while in the second actors are guiltily ignorant. Importantly, only those guiltily ignorant are morally culpable, and as such liable to compensate for the damage caused by their actions. All this is relevant for thinking about the justice of collective securitizations because individual Member States can, by harmful neglect, render the wider EU insecure and/or threaten some of its key formative/constitutive components. Given, then, that Member States can be morally culpable for threat creation, normative investigations pertaining to collective securitization also need to consider issues of fairness. One relevant question in this context is this: Is the burden of duty on these Member States for dealing with the threat higher than on those who played no part in bringing it about?

To avoid theoretical over complication, I want to illustrate these points with an empirical example.[6] One of the definitive events of the EU's recent history has been the migrant/refugee crisis of 2015-2016 which saw unprecedented numbers of people from the poorer states of the Middle East, North Africa but also Afghanistan and Pakistan enter the high-wage economies of the EU. The issue had already made newspaper headlines in 2013 when 274 migrants died off the shores of the Italian Island of Lampedusa after their boat sank. The movement of 2015, however, was different by virtue of the sheer volume of people making their way into Europe and approximately one third of them were refugees fleeing the civil war in Syria (BBC, 2016a). The pivotal point in the migrant/refugee crisis – of particular interest for the purposes of this article- was German Chancellor Angela Merkel's decision to open Germany's borders to refugees in September 2015. This was a surprising move as Merkel made negative headlines earlier that year for moving a 14 year old migrant girl from Palestine, who was herself threatened by the possibility of deportation, to tears when telling the girl that 'not everyone can stay'. Germany's open door policy saw the arrival of over a million refugees within a few months of the policy, with more expected to come (estimates for family reunification lie at 500.000 people for Syrians alone) (Zeit online, 2016).

The policy had wide ranging security and political implications across Europe, many of which - such as the rise in hate crimes and support of right-leaning parties- were entirely foreseeable. Another consequence of the migrant crisis has been the destabilization of the Schengen agreement on free movement. Once Germany had opened its doors to migrants/refugees, Merkel sought to impose an EU-wide quota for migrant intake by all Member States. Some were willing to take their expected quota of migrants, but even these were soon overwhelmed by the number of people seeking asylum.[7] Sweden, for example,

[6] It should be noted here that while the example chosen is exceptional; the example nevertheless helps me to showcase and think through the kind of considerations applying in such situations.

[7] In line with the UN Refugee Agency, asylum seekers are persons 'whose request for sanctity has yet to be processed', refugees 'are persons fleeing armed conflict or persecution', while 'migrants choose to move not

reluctantly closed its border to Denmark in order to control the flow of people on the 12. November 2015 and two weeks later announced a U-turn in asylum policy with Prime Minister Stefan Löfven (cited in Crouch 2015) stating : 'We are adapting Swedish legislation temporarily so that more people choose to seek asylum in other countries ... We need respite'. Other Member States followed suit. Hungary, for example, built a 109 mile long, 4-metre high razor wire fence along its Southern border with Serbia, and has everything in place to expand this fence along the border with Schengen countries Romania and Slovenia should migrant numbers travelling through those countries increase. In part Hungary's actions are driven by the fear that IS fighters had entered Europe disguised as refugees. Hungarian Prime Minister Viktor Orbán has called Merkel's open-door policy a 'Trojan horse of terrorism' (Donahue and Wishart, 2017).

The suspension of Schengen was initially (between September 2015 and May 2016) based on unilateral actions of eight Member States, after May 2016 the decision to temporarily suspend Schengen was taking by the Commission with consent of the Council. In more detail, with the exception of Hungary, between September 2015 and May 2016 each of the eight MS suspended internal borders evoking Articles 23-25 of the Schengen Border Code (SBC), which allows such unilateral action in cases of threats to security, grave emergencies or even as preventative measures for a maximum of a six months period. Any prolonged suspension of Schengen (i.e. for a maximum duration of two years), however, is permitted only on part of the collective. As the *Roadmap Back to Schengen* released by the Commission on 4 March 2016 explained: 'If the current migratory pressures and the serious deficiencies in external border control were to persist beyond 12 May [2016], the

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because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons.' http://www.unhcr.org/uk/news/latest/2016/7/55df0e556/unhcr-viewpoint-refugee-migrant-right.html The people arriving in Europe in 2015-2016 included both refugees and migrants, and indeed many economic migrants seek asylum. (https://www.channel4.com/news/factcheck/factcheck-are-most-asylum-seekers-really-economic-migrants)

Commission would need to present a proposal under Article 26(2) of the Schengen Borders Code, recommending to the Council a coherent EU approach to internal border controls until the structural deficiencies are remedied' (European Commission, 2016a).

Important here is that the destabilisation of Schengen was entirely foreseeable. Tal Dingott Alkopher and Emmanuelle Blanc have recently demonstrated that since Schengen enlargement in 2007, immigration related threats have had a destabilising effect on Schengen, with some states having 'developed alternative unilateral security controls to side step restrictions [including] indirect and discrete measures [such as] smart technologies and frequent national-border patrols' (2016: 19). At the time of writing, the future of Schengen is not guaranteed, and with it the integrity, indeed the identity of the European Union threatened to continue in its existence as we know it.

In order to reinstate the Schengen area and thus safeguard Europe's integrity and identity, the EU has effected a collective securitization of its external border.[8] In 2015 the Commission proposed to expand the European Agency for the Management of Operational Cooperation at the External Borders, commonly known as FRONTEX into a fully-fledged European Coast and Border Guard. The new organisation became operational in October 2016; with the new expanded mandate came a doubling of staff, and money to procure equipment and facilitate the much expanded mission (FRONTEX, 2017). In March 2016 the EU and Turkey launched the refugee deal, whereby all irregular migrants from Turkey to the Greek islands are returned to Turkey, in exchange for a Syrian already in Turkey to be resettled in the EU. For a cash injection of €6 billion to facilitate housing refugees in Turkey,

[8] The Commissions First Vice President (2016) stated in this context: 'Schengen is one of the most cherished achievements of European integration, and the costs of losing it would be huge. Our aim is to lift all internal border controls as quickly as possible, and by December 2016 at the latest. For this purpose, we need a coordinated European approach to temporary border controls within the framework of the Schengen rules instead of the current patchwork of unilateral decisions. In the meantime, we must fully implement the measures set out in our roadmap in order to strengthen control of our external border and improve the functioning of our asylum system. We must also continue to work with Turkey to fully implement the Joint Action Plan and substantially reduce the flow of arrivals.'

the country also agreed to close of all other land and sea routes (The European Commission, 2016b). European Commission, 2016b). Finally, in March 2017 the Council adopted the Schengen Border Code by adapting new regulation to check all persons entering the EU external border, including EU citizens.

I assume, for the purposes of argument, that the collective securitization of external borders is justified. I also assume that Germany is morally culpable for bringing about the need for these border security measures. In other words, I do not consider the argument that the border controls are necessary because of the inability of EU external border countries to secure borders or that the threat from migration is perceived and not real. I use this example to draw out a wider point concerning normativity and collective securitization, specifically the point whether fairness requires that member states culpable of threat creation are disproportionally liable to pay for securitization. In other words: Should Germany have to bear the brunt of the cost for the collective securitization of borders?

To explore this issue, I will first lay out the argument against Germany having to pay more, moving on to outlining the case for German responsibility. On the former, even if we accept that Germany is responsible for the high number of people entering Europe, the refugee crisis itself (i.e. the need for people to flee their home countries) was not caused by Germany. The refugee crisis is a complex phenomenon resulting from a coming together of numerous separate events, most notably the Syrian civil war; and the current security situation in Iraq and Afghanistan.

With the closure of the Eastern Mediterranean Route and the Western Balkan (land) route due to the EU-Turkey migrant deal, the Central Mediterranean route from Libya to Italy is becoming ever more important, with numbers having increased fourfold (Human Rights Watch, 2017: 409). It is well established that Libya in the aftermath of the overthrow of Colonel Gadaffi is not safe for refugees and migrants (especially those of African origin, who

have been mistreated as Gadaffi loyalists) (Human Rights Watch, 2017: 409). Libya most certainly does not offer a refuge (as specified under the 1951 Geneva Convention), to Syrians fleeing the conflict in Syria. At the same time, the chaotic situation in Libya today means that the country has become a hub for migrants and refugees from a dozen different countries. Among the member states of the EU, France, the UK, Belgium, Bulgaria, Denmark and Italy are most blameworthy when it comes to the current situation in Libya. In 2011, under the auspices of NATO and alongside the US, these states intervened militarily and armed rebel groups in the country. That intervention overthrew Gaddafi but no stabilization effort was then instituted. Libya, consequently, descended into chaos, lacking a functioning government as well as social and economic systems of support for both its own population and recently-arrived migrants (Kuperman, 2015). Germany was, of course, a NATO member and as such was part of the consensus which approved the Libya intervention. It took no direct part, however, in the operation itself, and within both EU and NATO formats argued (albeit unsuccessfully) against the imposition of a no-fly zone (Sperling 2016: 78) It should also be noted that Germany was strongly opposed to military action in Iraq in 2003, which ultimately led to a security deficit comparable similar to that in Libya (Porter, 2009). Notably Iraqis make up the third largest group of migrants in the current crisis (BBC, 2016a). In other words, it is possible to describe the need for the open-door policy as a response to the catastrophic situation in the Middle East which was at least partially created by EU member-states other than Germany. Fairness demands that Germany should not have to pay more simply for dealing with the fall-out from the mistakes of other states.

Another argument against the need for Germany to pay more towards the securitization of borders is that it already pays enough; as the EU's largest economy it is also the biggest contributor to the EU budget. In 2007, for example, Germany paid more than nineteen of the lowest paying member states combined (BBC, 2016b). A greater share of the

burden could reasonably translate into greater rights including the ability to pass unilateral decisions. This argument, however, does not hold up, and with this I wish to move to arguments in favour of Germany having to pay more towards the securitization of borders.

As well as paying into the EU budget, Germany - alongside France and Spain- is also one of the largest recipients of EU funds (BBC, 2016b). Moreover, the equality of Member States within the EU is enshrined into treaty. Article 4 TEU holds that: 'The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government' (European Union, 20012: 18). This suggests that no Member State is any more important than the next; consequently none can instigate (in the given case mandatory quota ensuring a distribution of migrants according to GDP, unemployment rate and existing numbers of asylum seekers across the Schengen area) policies that have severe knock-on effects for the rest of Europe,

Further on this point, it is also the case that Germany did not have the mandate to unilaterally decide an open-door policy that would affect the stability of the European order. As a key member of the EU it ought to have sought permission from the European Commission or at the very least its policies should have been discussed with other Member States first (for example in the European Parliament or the Council) particularly in view of the fact that Germany wanted to enforce quotas for refugee intakes on other EU members. Of course, Germany and indeed other EU countries are obliged under the terms of the Geneva Convention to provide temporary asylum to refugees in cases 'whereby the state is either the direct agent of persecution or stands aside to allow others to inflict it' (Miller, 2016: 80). However, Germany's open-door policy went far beyond this. It did not (initially at least) specify time-limits on how long refugees could stay and little effort was made to distinguish between genuine refugees and economic migrants, because the 'EASY' system for registering

asylum seekers was unable to cope with the mass influx of people. In other words, Germany's open-door policy did much more that International Law demanded, and a state that does more than 'a fair distribution of responsibility demands […..] would need to gain the explicit consent of its citizens' (Miller, 2016: 36). In a security community/politico-economic union that has both supra and intern-governmental structures, we might therefore say that if a Member State wants to adopt a set of policies that does more than International Law –demands and if this policy will affect (adversely) other Member States, then that Member State needs not only to confer first with its own population but also with other member states.

Another argument in favour of Germany having to pay a greater share of the burden towards the collective securitization of borders can be drawn from the extensive literature on climate ethics. Here the long-standing 'polluter pays principle', whereby those who have caused the problem of climate change is being replaced by the idea of the 'beneficiary pays principle', largely because polluters were generally not aware of the consequences of their actions (Caney, et al, 2010) Or in the terminology used above, climate change was (initially at least) ignorantly caused. While historical benefactors of carbon intensive economies and energy use also are not culpable in causing climate change, the beneficiary pays principle does not rely on culpability with regards to fairness, but instead on the all-important *cui bono*. In Caney's words: 'where A has been made better off by a policy pursued by others, and the pursuit by others of that policy has contributed to the imposition of adverse effects on third parties, then A has an obligation not to pursue that policy itself (mitigation) and/or an obligation to address the harmful effects suffered by the third parties (adaptation)' (2010:128). Even though I am not concerned with the policies of others here, the beneficiary pays principle is relevant for our purposes because Germany's decision to open its borders was not exclusively driven by magnanimity or even an overwhelming humanitarianism but

by the economic calculation that Germany has an ageing population and that it needs people of working age to make up the shortfall. In other words, Germany is expected to stand as a net beneficiary from its open door policy. Already by January 2016 the number of refugees had ended Germany's population decline putting the population at almost 82 million, up from 81.3 million in April 2015 (Nardelli, 2016).

In light of the arguments developed in this section, I would suggest that the weight of the arguments tilts the scale in favour of the suggestion that Member States guiltily culpable of threat creation have to pay more towards the cost of collective securitization. In the given example, fairness requires that Germany would have to pay the greater burden of the cost of the collective securitization of borders. This recommendation is as ever in normative theorizing limited by the presumption that ought implies can and only works provided that relevant Member States have the capability, or perhaps better the liquidity to pay. Moreover, culpability in bringing about a threat is likely to be messier than I have made it out to be. Already in the example examined above we have seen that the large number of refugees seeking refuge in Europe is influenced by the situation in Libya, and that member states other than Germany are at least partially responsible for Libya's current status as a failed state. In other words, Germany is not the only culpable party, but the UK, France and others too ought to pay more towards the securitization of borders. How much precisely depends on the relevant context and goes too far here to examine further, the important point is that fairness demands that culpability factors proportionally in burden sharing in collective securitization. [9]

[9] If these particular could be worked out, it is possible that such anticipated liabilities could adversely affect the willingness of culpable member states to be a party to collective securitization, hence jeopardize collective securitization altogether. In the face of objective existential threats to cherished values and orders (i.e. Schengen and the EU), it is ~~I believe,~~ however, likely that the need for security will prevail.

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Conclusion

In this article I have applied normative considerations of moral permissibility and fairness to the idea of collective securitization. On the face of it, collective securitizations are no different from single actor securitizations as far as normativity is concerned. The principles of any theory of just securitization ought to apply to the EU and NATO just as much as it does to, for example, the UK or Greenpeace. That said, a closer look reveals important differences between collective and single-actor securitization; each brings its own normative challenges. For one thing, with great power comes greater 'remedial responsibility' (Miller, 2007), and powerful collectives are always asked to do more to make the world a better place (Erskine, 2007; Mayer and Vogt, 2006). But the issue of whether or not collectives have a greater obligation to securitize than single-actors simply because they can is not my main concern. Instead, I have in this article addressed two more subtle points concerning normativity and collective securitization. First, I have probed the question of whether collective securitization requires unanimous or even majority support by the constitutive member states of the collective for it to be morally permissible. Second, I have addressed the question of whether individual members of a collective body (such as the EU) culpable of threat creation ought to pay a larger amount towards covering the cost of collective securitization. Although collective securitization requires agreement by the member states (i.e. the audience) on the threat and on the means of securitization, I have argued that from a moral point of view such a condition is not required. The justice of securitization can, in fact, be judged irrespective of the view of the audience. While majorities are perhaps more likely to correctly ascertain the objective existence of a threat, a majority (indeed, even a unanimous) view does not preclude the possibility of a wrong decision being made. Indeed, some evidence suggests that securitization, including by collectives, sometimes goes ahead lacking unanimous or majority

agreement, yet without all such securitizations being morally objectionable. This finding has significant repercussions for the field of securitization studies, because securitization scholars are increasingly interested in ethics. Given that most securitization scholars tend to share Sperling and Webber's view of an active audience as well as the possibility of securitization involving multiple audiences (Roe, 2008) audience consent would appear pivotal for the justice of securitization. The research argument of this article directly challenges this logic.

With regard to the second question, I have argued that culpability ought to translate into a duty to carry a higher burden of the cost of collective securitization. I will not reiterate the argument just made here; instead I would like to point out that this second research finding has potential repercussions for the ongoing debate of burden sharing in collective security actors. Especially in NATO a perennial issue is that not all 28 member states meet the target of 2% of GDP on defence. It has been pointed out, however, that this target inadequately accounts for the actual capability of Member States in both combat and peacekeeping missions. For example, Greece which does meet the target remains operationally weak, while Denmark which tends to fall short of meeting the target by 0.5% has, in both Afghanistan and Iraq, proved effective, committed and also prepared to take on high risk missions (Deni, 2015). The research argument advanced in this article questions the wisdom of the 2% target further still; after all it proposes the possibly that Member States ought to pay for the upkeep of NATO also in accordance with the insecurity they have caused. While the details of this would be difficult to work out, it could serve to disincentive confrontational behaviour and render the world a more peaceful place.

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