Normative or Power?

Genealogical analysis of citizens' rights promotion within the EU visa liberalisation policy

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Abstract

Since 2008, the European Union requires the candidate and neighbourhood countries to undertake reforms in the field of citizens' rights, including protection of minorities in order to give their nationals access to the Schengen area for the short-term stays. However, within the visa liberalisation procedure, the European Union has demonstrated ambivalence in monitoring the implementation of these normative reforms. The present research focuses on the analysis of Schengen norm promotion from a political perspective, to explain how inconsistent approach of the European Commission on promotion of norms in the candidate and neighbourhood countries through visa liberalisation policy serves the political and economic interests of the EU. In doing so, I employ Michel Foucault's "power relations" and Julia Kristeva's "abjection" theories to locate human rights diffusion at the discourse of government rationalities. Conducting genealogical analysis, I conclude that Schengen norm promotion represents the interplay of market discipline of risk management and market discipline of political integration, devoid of purely normative intentions.

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Key words: European Union; normative power; visa liberalisation; power relations; critical security studies.

List of Abbreviations

CoE	Council of Europe
DG	Directorate-General
EaP	Eastern Partnership
EASO	European Asylum Support Office
EC	European Community
ECtHR	European Court of Human Rights
EU	European Union
GAMM	Global Approach to Migration and Mobility
HIV	Human immunodeficiency virus
IDP	Internally displaced person
IOM	International Organization for Migration
IT	Information technology
LGBT	Lesbian, gay, bisexual and transgender
NGO	Non-governmental organization
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
SIENA	Secure Information Exchange Network Application
UN	United Nations
USSR	Union of Soviet Socialistic Republics
VLAP	Visa liberalisation action plan
VLP	Visa liberalisation procedure
WB	Western Balkan(s)

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1. Introduction

European Union has often been described as a normative actor (Manners 2002; Kissack 2010). In the post-Cold War world, in which victory over the USSR was realized due to the "collapse of Soviet communist norms", the EU presents itself in intra-national and international relations through the identification of norms, such as democracy, rule of law, etc., which are at the heart of EU's foreign policy (Kissack 2010, p. 153). With respect to the external actions of the EU, particularly, Article 3 (5) of the Lisbon Treaty obliges the Union to "uphold and promote its values [i]n its relations with wider world and contribute to peace, security, sustainable development … [and] protection of human rights" (Treaty of Lisbon, 2007). EU, in particular, is able to use enlargement and neighbourhood incentives in order to diffuse rights-based policy-making beyond its borders. This thesis seeks to explain the process of norm promotion in candidate and neighbourhood countries through the common visa policy of the EU. In doing so, the thesis will start with an introductory chapter, reviewing the literature on the normative power, followed by the exploration of Schengen norm promotion, before the research question is posed. The chapter will end with the disposition of the thesis, outlining its structure.

1.1. Normative power Europe – A contradiction in terms?

In the 1970s, it was commonly perceived in the Western world that the traditional military power had been nudged out of its pedestal by what François Duchêne has called "civilian power" (Bull 1982, p. 149). Together with Japan, the European Community (EC) has been characterised as a "civilian power", as it relied majorly on economic development and very little on armed force. The concept was further developed by Twitchett and Maull who characterized three essential features of the civilian powers as the "centrality of economic power to achieve national goals; the primacy of diplomatic co-operation to solve international problems; and the willingness to use legally-binding supranational institutions to achieve international progress" (Manners 2002, p. 236-37). While the notion was often criticized in the scholarly debates of the 1980s, the conceptualization of the EC as a civilian power preserved its popularity for a long time.

Notwithstanding, thirty years later the debate on the EC centred on the idea of "Normative Power Europe" (Koops & Macaj 2015, p. 53). According to Manners (2002), who introduced the notion of normative power, the EU can be conceptualized as a changer of norms in the international system, identifying norms on which the EU bases its external relations (p. 252). He argued that the EU "changes the … standards and prescriptions of world politics away

from bounded expectations of state-centricity", that are generally recognized within the UN as globally enforceable (Hardwick 2011). EU's promotion of norms is influenced by its historical development, hybrid polity and political-legal constitution, which distinguishes it from historical empires and contemporary global powers (Manners 2002, p. 240). Despite its popularity, "Normative Power Europe" theory received mixed responses from different scholarly debates.

Scholarly debates on "Normative Power Europe" can be grouped under two categories. The first category includes the academic articles interested in the effectiveness of the norm promotion process. Such studies have exposed fundamental Eurocentrism of the concept (Bosse 2017); the role of institutional mechanisms in efficient diffusion of norms (Kavalski & Cho 2018); dissimilar perceptions of external actors about the EU being a normative power (Larsen 2013); and insufficiency of norm promotion, in particular, in south neighbourhood countries (Pace 2007; Pace 2009). On the other hand, Niemann and Bretherton (2013) argued that the accession process has proved to be effective in terms of consolidation of democracy in the candidate countries located at South-East Europe (p. 264). Similarly, Buşcaneanu (2015) concludes the modest democratization role of the EU in the eastern neighbourhood countries (Moldova, Ukraine, Georgia, Azerbaijan, Armenia and Belarus) should be acknowledged while disregarding the role of institutional rewards and socialization with the Union in the adoption of the EU norms (p. 274).

The second category of scholarly articles engages in researching how the EU norm promotion process serves the interests of the Union rather than having purely normative intentions. In that regard, Bicchi (2006) states that the norm promotion is based on the logic of "our size fits all", which only takes into account the interests of the EU and neglects that of its external partners (p. 299-300). Likewise, Hyde-Price (2006) defines the EU as a "hegemonic power shaping its 'near abroad' in ways amenable to the long-term strategic and economic interests of its member states" (p. 226-227). It has also been argued that the EU democracy promotion serves to construct likewise democratic civil societies beyond its borders, which facilitates the governance of third countries from a distance (Kurki 2011, p.363-364). These works, instead of considering the norms that the EU disseminate as "neutral values to which all reasonable people should subscribe" (Evans 2005, p. 1052), located human rights promotion at the political discourse, researching the role of power and interests in the norm diffusion. Central to the political analysis of human rights is to research the EU norm promotion from the perspective of power relations, a notion introduced by French philosopher Michel Foucault. Foucault viewed the power as an ensemble of relations disseminated through every sphere of the society, instead of locating it within a particular government institution (Mills 2003, p. 33-34).

Thus, norm promotion researches from power relations viewpoint are interested in how the diffusion of human rights by the EU serves the political and economic interests of the Union. Moreover, the researches in this respect aspire to uncover how norm promotion develops in parallel to the different practices of the EU aiming to realize the interests of the Union, formulating a network where power is exerted through different policy measures (Bicchi 2006; Kurki 2011; Hyde-Price 2006).

I situate my thesis in the second category, concentrating on a specific field of visa liberalisation. While the second category of academic research focused on the norm promotion through enlargement or neighbourhood policy reports, norm diffusion across policy areas, such as visa liberalisation, was not investigated from a power relations perspective. In the literature on the EU visa liberalisation, the role of visa obligation in managing the insecurities coming from third countries drew major scholarly attention (Bigo & Guild 2005; Huysmans 2006; Guild 2009). Regarding the literature on the norm promotion within the visa liberalisation procedure (VLP), the diffusion of human rights has largely been accepted as absolutely virtuous, and policy convergence through the process was researched, instead (e.g. Delcour 2013; Delcour & Fernandes 2016). This is surprising given the visa liberalisation is the only policy area within which the EU has demonstrated ambivalence towards promoting norms in candidate and neighbourhood countries. As it will be revealed in depth in the further sections, the European Commission disregarded the promotion of human rights within the VLP for a long time, and only after a while focused on the norm diffusion, albeit with the promoted human rights categories being not comprehensive (Kacarska 2012, p. 11-15). It is this inconsistency that justifies my choice of visa liberalisation as a policy area of this research. Moreover, the very existence of this ambivalence suggests that the norm promotion within the VLP has not been purely normative, invoking my interest in its analysis from a power relations perspective.

1.2. Common visa policy – between security and values

During the past twenty years, the immigration policy of the EU transferred itself from the internal market logic to an alternative framework of freedom, security and justice. When European states realized the insufficiency of domestic policies for migration management, national migration policies have gradually been subjected to Europeanization. This, in its turn, made respect for human rights and fundamental freedoms an important aspect of EU's external migration policies, considering EU external policy, dissimilar to that of nation-states is explicitly based on the value-based policy-making (Van Vooren et al. 2013, p. 291).

The establishment of the common visa policy of the EU member and Schengen Associated countries in 2001 followed the same rationale. Abolishment of internal borders between member states, which came into effect through an intergovernmental Schengen initiative in 1985, brought about security challenges for the citizens of the Schengen area in the further years (European Commission 2019a). Thus, a common visa policy of the EU member states and Schengen associated countries was set up in 2001, to encourage mobility from third countries while strengthening internal security. The Schengen-level visa regime encompasses visa policies for short-term stays, meaning that it is only relevant for transit through or intended stays in the territory of a Schengen state of no more than 90 days in any 180 days period and for transit through the international transit areas of the airports of the Schengen states (European Commission 2019b).

One of the main elements of the common visa regime is the determination of "black list" and "white list" countries, meaning third countries whose nationals are required to be in possession of a valid visa when crossing external borders and countries whose citizens are exempt from the visa requirement (Regulation (EU) 2018/1806 of the European Parliament and of the Council). However, the flexible nature of the lists was acknowledged by the EU, indicating the possibility of decisions for visa-free access for the "black list" countries in the future. Decisions on visa waiver mechanism stem from the bilateral negotiations and are contingent on the progress accomplished by the third country in the domains of irregular immigration, fight against corruption, public policy, border management and document security (Bigo and Guild 2005, p. 244-247).

Liberalisation of the visa regime for candidate and neighbourhood countries, on the other hand, was for the first time based upon openly published progress reports in which achievements of these countries are evaluated in four benchmarks, namely, document security; border and migration management; public order and security; and external relations and fundamental rights. Thus, the visa liberalisation policy of the EU emerged as a new policy conditionality tool in relation to the countries of Western Balkans (WB) and Eastern Partnership (EaP), as it introduced the requirements related to fundamental rights (Trauner 2009, p. 786-787). It was contradictory to the preceding approach of the Commission, who was only interested in the security-oriented reforms in third countries previously. Thus, for the first time, the normative element appeared in common visa policy in 2006, when the EU opened visa liberalisation dialogues for the countries of WB (ibid). However, the EU has been very ambivalent over the monitoring of the fundamental rights reforms, which will be dealt with in depth in the next section.

1.3. Research question

European Union lifted the visa requirements for the citizens of Serbia, Republic of North Macedonia and Montenegro in 2009, while the decision of the same nature for Albania and Bosnia and Herzegovina was issued a year later in 2010. Three of the EaP countries were proposed to be allowed visa-free access to the Schengen area in 2013 (Moldova), 2015 (Ukraine) and 2016 (Georgia), while Turkey and Kosovo have not yet completed the procedure of visa liberalisation (European Commission 2019c; European Commission 2019d).

Since 2006, one of the visa conditionality requirements to achieve visa-free regime with the EU was introduced under the heading "Citizens' rights, including protection of minorities", which was also referred to as "citizens' rights" or "rights-based citizenship regimes". These requirements have included adoption and proper implementation of comprehensive anti-discrimination legislation and prevention of ethnically motivated and hate crimes. Citizens' rights have been a central condition of the normative aspect of common visa policy (Kacarska 2012, p. 7-11).

While the Commission demanded sufficient reforms in the field of rights-based citizenship regimes, its assessment of these normative reforms has been inconsistent over time. Until 2010, the Commission was not interested in the fulfillment of citizens' rights reforms. To exemplify, in this period the Republic of North Macedonia was granted visa-free regime without even having adopted anti-discrimination legislation. In other cases, the Commission considered newly adopted legal acts which were not in line with international and European human rights standards (e.g. Albania's anti-discrimination law, at the time of adoption, only encompassed discrimination on the grounds of age and disability) sufficient in order for the visa regime to be abolished. Thus, in 2006-2010, the Commission was only interested in the security reforms in third countries, despite introducing normative elements to the common visa policy (ibid, p. 11-15).

However, this approach altered quickly after 2012, when the Commission commenced to strictly examine the fulfillment of normative reforms. The Commission, for instance, did not overlook the normative visa conditionality requirements for Ukraine, and strictly required the adoption and implementation of anti-discrimination legislation/policies on all grounds, even on gender identity and sexual orientation, which were difficult to execute under the circumstances of highly homophobic societies (European Commission 2019c).

According to Foucault, such discursive discontinuities mark the introduction of new mechanisms of power relations (Mills 2003, p. 64). In "Discipline and Punish", he analyses the shift of punishment techniques from public spectacles of the execution of criminals to the

establishment of prison systems. Instead of treating this change from a humanist perspective, he explains how government rationalities of crime and punishment altered from a crime-focused control to a delinquent-focused control over the centuries. Thus, while until 19th century governments used to punish the body of the criminals, throughout the history this punishment mechanism was replaced with the disciplining and correction of individuals, then resulting in the introduction of surveillance systems, such as prisons, in order to keep the risky population groups who are characterised by a tendency to commit crime, under permanent scrutiny (Foucault 1995, p. 301-302). Thus, despite being seen as the progressive development, the emergence of prisons, like any other changes accepted as virtuous, such as increasing focus of the Commission on the promotion of norms within the VLP, is embedded in power relations where government rationalities of managing population alter.

This raises an interesting question, accordingly: "*How are power relations embedded within Schengen norm promotion?*" which I will aim to answer within the thesis. The objectives of the proposed study are to critically examine the norm diffusion of the EU and understand EU's shifting focus on the promotion of rights-based citizenship regimes in third countries in the framework of Schengen visa policy. It is important to note that this study does not aim to measure whether the EU is a normative actor or not, but rather explain the essence of norm promotion in a particular policy area and the EU rationalities immersed in it.

1.4. Disposition

The thesis starts with the introductory section, reviewing the literature on normative power, followed by brief information on the common visa policy before the research question was posed. The second chapter will present the "power relations" and "abjection" theories, preceding the third chapter introducing the (anti-) methodological framework. The (anti-) methodology chapter will then be followed by the analysis and discussion chapters. The thesis will eventually finish with concluding remarks, where the findings of the thesis will be summarized and suggestions for future research will be made.

2. Power, abjection and human rights

The analysis of power has been an overarching theme of Foucault's investigations. The novelty of Foucauldian approach on power was reflected in rejecting the worldview based on a distinction between the oppressor and the oppressed, where a group of people or impersonalized state institutions, such as the army or the police hold the power. Instead, Foucault suggested that the power is performed throughout everyday relations between people and institutions, including between lovers, children and parents, etc. Thus, power is a "set of relations which are dispersed throughout society rather than being located within particular institutions" (Mills 2003, p. 33-35). This viewpoint was contrary to traditional Marxist and proto-feminist understandings of the power, which recognizes the power as repressive binary conflicts. Instead, Foucault argues that power is productive, as it brings about the new forms of behaviour, rather than simply repressing (ibid). In the History of Sexuality (1978), he exemplifies that in the nineteenth century the worries emerged on male children's masturbation not just oppressed their sexual desires, but also sexualized the bodily relationship and constructed the very notion of sexual perversity (p. 46). Hence, within these productive power relations, individuals are not the recipients of the power, but the places where the power is embedded (ibid, p. 40).

One of the central points of his analysis of power concerns what he calls "power-knowledge nexus". In his essay entitled "Prison Talk", Foucault substantiates that knowledge constitutes an essential part of the struggle of force, since "it is not possible for power to be exercised without knowledge" (Mills 2003, p. 69). Similarly, he argues that the knowledge always engenders power, and thus, instead of studying power and knowledge separately, he researches power-knowledge as two elements depending on one another. According to Foucault, imbalances of power relations between groups of people or state institutions result in knowledge production about the marginalized (ibid).

Common to all forms of power relations is their functioning based on the principle of double mode: a mode of binary division and branding (normal/abnormal, mad/sane), on the one hand, and a mode of coercive assignment, meaning all the mechanisms of power, therefore, entail altering and branding the abnormal individual (Foucault 1995, p.199). What was new, however, since the 18th century, according to Foucault, was the techniques of power and fields of knowledge have reinforced each other until disciplines crossed what he calls "technological threshold". He exemplifies how the hospitals, schools and workshops became disciplinary institutions and by reinforcing each other, formed new fields of knowledge such as child psychology, educational psychology, the rationalization of labour, etc. (ibid, p. 224).

Foucault distinguishes between three forms of power, namely, sovereign power, disciplinary power and bio-power, the last one being the focus of this thesis. Foucault extensively analysed the management of the population, and used the term bio-power to refer to the "increasing organisation of population and welfare for the sake of increased force and productivity" (Mills 2003, p. 81). Thus, according to Foucault (1978), the lives, death, health, work and so forth of the individuals were of interest for the governments as long as they could contribute to the state's strength and were politically useful (p. 41).

Foucault introduces the notion of biopolitics to refer to the "entry of biological life into the field of political techniques" (Schinkel 2010, p. 158). According to Foucault, governments, starting from the eighteenth century became interested in rationalizing the problems characteristic to population, including health, life expectancy, race and so on. Thus, biopolitics is a part of security apparatuses (which will be explained in depth in the section 2.1.1.) of the governments, which identify the risks and danger zones, statistically describe the population, and makes each individual a case for the purpose of control of the population (ibid, p. 159).

Conceptualization of biopolitics, however, has been criticized by Judith Butler (2004) for not taking into account the differentiated nature of power exerted to distinct population groups (p. 68). Instead, Butler claims that the state discourses on "society" and "outside society" distinction performatively produces the population it manages through the lines of ethnic divisions (Schinkel 2010, p. 156). Hence, in order to understand how bio-power functions differently towards population groups differing by race, gender, ethnicity or other particularities, in the next section I will use the abjectification theory of Gabriella Lazaridis, which introduces the idea of exclusion based on cultural differences and intersecting identities.

2.1. Abjectification of migrants: construction of subjecthood

According to Julia Kristeva, the abject is a human reaction to a "threatened breakdown in meaning caused by the loss of the distinction between subject and object or between self and the other" (Luci 2017, p.141). Abjects do not respect borders and disturb identity, system and order. Kristeva (1982) situated abjects between subjects and objects in order to explain why human beings feel threatened, horrified or disgusted (p. 4). She exemplified menstrual blood as an "abject", which was once and is no longer a part of the body – thus, it is situated between "the inside" body and "the outside", causing a strong reaction in people (ibid, p. 70-71). While her theory pertained to the fields of philosophy and psychoanalysis, abjection was employed to explain the situation of different population groups, in particular, migrants in an inclusion-exclusion continuum. The theory is particularly relevant for the thesis considering in the light of

liberalisation of visa regime citizens of newly visa-exempt countries are vulnerable to be categorized differently within the new migratory and security situations, which would affect their human rights situation. In that respect, I will refer to the works of Lazaridis, who based on Kristeva's "abjection" theory, built a framework in order to research the marginalization of the legal subjects.

People are subjects of the law and the bearers of rights and obligations based on the mere fact of being humans. However, they can be transformed by and through law into legal abjects. The legal abject refers to the people in the situation of utmost exclusion from society. Marginalised groups, such as homeless people, drug addicts or irregular migrants, are often excluded by and through law – a process which Lazaridis (2015) calls "abjectification" – and become repulsive to the society (p. 6-8). Legal object, contrary to subjects, is the one with "no rights and duties". Legal abjects, therefore, represent people who have once been bearers of rights and obligations but have been devoid of them (ibid).

According to Konsta and Lazaridis, migrants are the most disadvantaged legal subjects in Europe as they are consistently altered, which result in human rights to be provided or taken away from migrants, based on the interests of supranational or national governments (ibid). Lazaridis (2015) argues that restrictive immigration laws and social and administrative practices define the position of migrants in an inclusion-exclusion continuum (p. 5). Moreover, according to a research conducted by Lazaridis and Koumandraki (2007) migrants associated with irregularity, unskilled jobs in the informal economy and lacking legal status were the most vulnerable groups to the abjectification process (p. 108).

A widespread strategy of abjectifying the migrant "other" is rendering migrants as security problems and imposing discriminatory treatment based on their cultural and ethnic features (Lazaridis 2015, p. 7-8). Thus, in the next sections, I will explain how migrants are abjectified through the tactic of securitization.

2.1.1. Redefining the security and borders

The research in security studies has increasingly been inspired by international political sociology, which will be the main focus of this thesis. Sociological viewpoints on security mainly borrow from post-structuralism, precisely the works of Foucault, Derrida and Deleuze, and were further developed by the so-called Paris School of Security Studies. From a Foucauldian perspective, security was understood as a biopolitical problem given its primary objective was to control life, psychology, behaviours and so forth of the people for "the regulation of circulation and the promotion of reproductive powers and potentials of life"

(Ceyhan 2012, p. 39). Hence, biopoliticized security problematizes the circulation, in particular, "differentiating good circulation from bad circulation", maximising the former at the expense of latter (ibid, p. 40). Merheim-Eyre (2017), considering the common visa policy as a key aspect of the EU's sovereignty, rightfully argues that the liberalisation of visa regime with third countries located on its neighbourhood, creates new questions of circulation and a need to distinguish between good and bad circulation again (p. 371).

In the process of differentiation between "good" and "bad" circulation, risky population such as criminals, murderers, violent football fans, and so on are subjected to increased surveillance. Therefore, Foucault refers to security in his later works as the "statistical modelling of dangerous and/or risky behaviour and the normalization that this modelling generates for populations" (Ceyhan 2012, p. 40). In that regard, Elspeth Guild (2009) argues that political actors, by collecting and analysing the data about foreigners aspire to tackle factors that contribute to state insecurity (p. 108). Thus, she calls understanding of the identity of the foreigners a security issue, which gives rise to claims from destination state on the distinction between "good" and "bad" migrants, which, in its turn, produces requests towards the state of origin to behave differently towards the latter (ibid, p.120-121).

Building upon the post-structuralist theoretical frameworks, the research associated with the Paris School of Security Studies is interested in the wide array of practices of security professionals, such as policing in addition to discourses on security (Peoples and Vaughan-Williams 2010, p. 69). The definition of security, according to the Paris School of Security Studies, is borrowed from Foucault's understanding of security. Foucault, quoting the notion of apparatus by Deleuze, refers to security apparatuses that are "a heterogeneous ensemble, a sort of network that includes both the said and the unsaid, that is to say discourses, laws, regulations, administrative enunciations, institutions and architectural ensembles" connected to security (Ceyhan 2012, p. 42). What makes Paris School different from other theoretical frameworks on security is that it widens the scope of security to also non-discursive practices. Further, Didier Bigo (2008), one of the leading scholars within the Paris School, maintains that the division of the discipline of security by the academic literature into political science and international relations, which are respectively concerned with domestic and foreign security issues no longer holds (p. 15). Instead, he argues the lines between "the police on the one hand and the army on the other" are increasingly blurred, and thus security studies need to focus on what he calls "transversal field of globalised (in)security" where this inside/outside dichotomy does not exist anymore (Peoples and Vaughan-Williams 2010, p. 69). Bigo and Tsoukkala (2008) exemplify the deployment of police beyond borders to the disappearance of the distinction between internal

and external security (p. 16). They argue that the policing and surveillance activities are now located at a distance, beyond the borders of nation-states and reach the domain of foreign affairs (ibid, p. 17). According to sociological perspectives on security, what is inherent in this transversal field of globalised (in)security is the production of fear, unease and insecurity through the acts of profiling, development of repressive legal frameworks and the logic of exceptionalism, which create fertile grounds for further illiberal practices in liberal regimes. In particular, with the increasing discourses of exceptionalism, with which post-structuralists refer to the discourses that necessitate the exceptional policy measures of a biopolitical nature which would be condemned and considered contrary to the spirit of the rule of law under normal conditions, illiberal practices are invoked in the name of ensuring security (Peoples and Vaughan-Williams 2010, p. 70-71).

The extension of the definition of security, in particular, at the EU level, leads to the increased risk-based and privatized surveillance (Ceyhan 2012, p. 41; Bigo and Tsoukkala 2008, p. 19 & 21). Especially in the aftermath of 9/11, the biopoliticisation of security resulted in the development of systems related to consumption of knowledges about individuals and gave rise to strengthened surveillance, identification technologies and statistical knowledge to predict the future security risks in order to prevent them (Ceyhan 2012, p. 41-42). Deflem, in that regard, argues that "strategies of risk make up people not as legal-political subjects, but as statistical parameters in an equation based on objective knowledge of past and present conditions" (ibid, p. 42). This has resulted in the enlargement of the control procedures, in particular, towards foreigners, in order to subject persons who, based on their particular characteristics, are likely to be risky, to increased surveillance (ibid). Finally, surveillance is also privatized and delegated to airline companies, visa allocation systems (such as consulates, Visa Information System) and airports that in collaboration with security agencies, help the police discipline the risky persons beyond the borders of nation-states (ibid, p. 21).

One of the central research problems within the Paris School of Security Studies is framing of migration as a security problem. First things first, migrants compete with the citizens of nation-states in terms of jobs, housing and other resources and therefore, in particular, right-wing political parties and media formulate a perception that they pose a threat to the economic well-being of host population. Moreover, migrants are perceived to endanger the cultural identity and the public order of the receiving country. Therefore, migration is now located within a security continuum along with problems of terrorism, international crimes and border control (Peoples and Vaughan-Williams 2010, p. 136). Jef Huysmans, in respect of this topic, argues that

the presentation of migration as existential security threats has the purpose of reaffirming of the existence of particular political communities (ibid, p. 138).

Securitization of migration in the EU has increasingly drawn attention by the scholars of Paris School. Huysmans (2006), in that regard, conducted extensive research claiming the process of European integration has resulted in the construction of migration as a security threat from the 1980s. According to Huysmans, while the 1950s and 1960s were characterised by permissive migration policies in Europe due to the demand for the cheap labour force since the early 1970s inward movement of people started to be associated as a threat to a welfare state model. Rendering of migration as an existential security threat in the EU, however, commenced in the late 1980s/early 1990s as the migration and asylum policies were incorporated into the structure of the European (Economic) Community. The watershed moment in terms of securitization of migration was the signing of Schengen Convention in 1990, which explicitly connected the issues of migration and asylum with transnational crimes, border controls and terrorism for the first time. Finally, after the 9/11, Madrid and London terror attacks, security practices connected to migration were further strengthened and racialized, of which Muslim communities, in particular, have been the victims (Peoples and Vaughan-Williams 2010, p. 137).

Securitisation of migration has also been associated with the widening of the definition of border. While scholarly research in the migration and border studies treated borders as territorially fixed objective realities for a long time, with the rise of political sociology, borders started to be analysed as the socially constructed line of divisions. Carl Schmitt, famous German political theorist engaged with the concept of borders critically in "The Concept of Political" (Minca & Vaughan-Williams 2012, p. 756). The main argument of Schmitt is that the borders spatialize the political communities and violence. Schmitt substantiates that the sovereign power formulates the very definition of "political community", which is based on the relationship between "friend" and "enemy", in order to make people act like a unified community (ibid, p. 758). Borders, according to him, are pure reflections of how states identify themselves, "can see and manage the 'here' and the 'there'; and can in other words 'spatialise the political'" (ibid, p. 759). Borders are then symbolic and physical lines in the sand which produces the political community and identifies a community that can engage politically with the Other (ibid, p. 759-60). Schmitt, moreover, calls the borders "a zone of anomie excluded from the 'normal' juridical-political space of state'' in which violence is manifested (ibid, p. 760). Finally, borders make it possible to identify each and every relation between the population and environment, which makes population a calculative concept (ibid, p. 764).

Thus, the role of the individual instead of the state becomes necessary in critical border studies. According to Didier Bigo and Elspeth Guild (2005) this viewpoint is discernible in cases of differentiated bordering practices against certain population groups: some individuals "activate" a variety of controls before physically crossing the border, such as through visa applications or biometric data collection (p. 234). The relocation of border controls, therefore, indicates mistrust towards a country or a nationality as a whole (ibid, p.236).

Borders also have a performative dimension. The notion of performativity was first introduced by Judith Butler in her analysis of gender identity. According to Butler, gender is not a stable identity within a given culture, climate or body, but rather represents "an identity instituted through a stylized repetition of acts", which she calls "performances" (Thompson 2003, p. 132). The concept of performativity was later brought to critical migration and border regime studies, and extensive research on border performativity was conducted by M. Salter and N. Wonders. Wonders (2006) defined the border performativity in "Global flows, semi-permeable borders and new channels of inequality" as following:

> "[b]order performativity takes as its theoretical starting point the idea that borders are not only geographically constituted, but are socially constructed via the performance of various state actors in an elaborate dance with ordinary people who see freedom of movement and identification" (p. 64).

In that regard, visa issuance procedure, placement of border officials in foreign countries, legislation regulating the rules of admission and exclusion, carrier sanctions and immigration requirements transform into repetitive acts in which every travel must justify themselves (Salter 2007, p. 8). Border policing is not only performative itself, but also as Butler rightfully argued, performatively produces the population it controls. The irregular immigrants, potential asylum seekers, tourists and workers are constructed through the repetitions of state actors' performances. Within these performances, some are differentiated by their genders, race, ethnicity and class, become further abjectificated and accordingly, take their places in inclusion-exclusion continuum (ibid, 8-11).

Minca and Vaughan-Williams (2012) argue that the critical understanding of borders is increasingly important in the EU studies for two different reasons. First, the notion of territorially fixed borders has become obsolete in contemporary bordering practices in Europe. The fact that EU states commonly juxtapose each other's controls, the very existence of the visa issuance procedure, or dispersing the checks in the domestic space are the most primary examples of geographical diversification of bordering. Secondly, the notion of territorially fixed borders does not adequately reflect the technologization of migration management, popular

practices in the EU such as fingerprint detection, iris scanning and so forth which in a few seconds distinguish the legitimate from the illegitimate (p. 767).

2.1.2. Minorities and surveillance

Having explained the securitization of migrants by re-defining the security and borders, I finally aim to explain how different population groups are abjectified through security practices. Henceforth, in this section, using the ban-opticon theory of Didier Bigo, I will examine how minorities are subject to differentiated surveillance.

Noting the direction of policing practices towards poor ethnic minorities based on the sociological knowledges, Bigo (2008) combines the term "ban" of Jean Nancy and the term "opticon" by Foucault in order to explain how minority groups experience increased surveillance compared to the rest of the population (p. 22 & 32). The notion of ban-opticon is relevant for analysing discourses, institutions, architectural structures, laws and administrative measures. Ban-opticon theory posits that surveillance of the whole population is not on the same agenda, since policing functions differently towards a small number of people (ibid, p. 32). According to Bigo (2008), ban-opticon is composed of three dimensions, namely, exceptionalism of power; exclusion of certain groups based on their potential future behaviour; and normalization of the non-excluded through the normative imperative of freedom of movement for persons, which consists of "good" circulation (e.g. legal immigrants) and "bad" circulation (e.g. irregular immigrants) (p. 32).

The exceptionalism of power refers to juridical construction of special laws and their legitimizing effects, such as exceptional measures they call for. These special laws "derogate from normalized legislations" as in the case of George W. Bush's "Military Order" which authorized the indefinite detention of non-citizens suspected of terroristic activities by military commissions (Bigo and Tsoukkala 2008, p. 33; Peoples and Vaughan-Williams 2010, p. 72). The second dimension of ban-opticon is the construction of the category of the excluded, through strategic information collection which aims to understand who belong to "abnormals" (Bigo and Tsoukkala 2008, p. 35). Then, based on these security knowledges, policing and surveillance are re-designed and enlarged towards specific abject groups (ibid). Finally, normalization of the imperative of freedom of movement invokes "the logic of exclusion between those who are free to circulate and those who are trapped in local" (ibid, p. 36). Especially, through discourses of free movement, it is to be known whom the normalized majority consists of and which minorities the surveillance shall focus on (ibid).

2.2. Human rights in the power-knowledge nexus

Considering abject population groups are entitled to different degrees of inclusion and human rights, one needs to locate human rights in the realm of power relations in order to understand what makes the governments pay specific focus on the rights of the marginalized abjects. For this purpose, I will refer to a research conducted by Tony Evans exploring the role of market discipline and international human rights law in the protection of human rights.

Contemporary human rights discourse has predominantly been a discourse of international human rights law. While scholarly literature majorly focused on human rights as legal constructs, the political approaches to human rights have been neglected. Evans sought to close this gap by locating human rights discourse in the realm of power relations.

According to Evans (2005, p. 1056), modern human rights discourses are to be located at the discourse of what he calls "market discipline". Market discipline is defined as "a set of normative relationships with a global reach, supported by discourses of truth, and widely accepted as 'common sense'" (ibid). Evans (2005) refers to national and international economic planning, market-based solutions for environmental degradation, the move to privatize social welfare provision and the life itself as examples of these normative relationships which are inherent into neoliberal rationalities (p. 1056). World Trade Organisation, the EU and regional integration organisations are seen as authentic voices of market discipline.

Evans (2005) argues that unlike the international human rights law, the market discipline prioritizes particular forms of human rights which are necessary to protect particular forms of production and exchange (p. 1057). He exemplifies negative rights associated with liberty, security and property, as the rights located within the market discipline. Market discipline does not embrace the unity of all rights, instead pursues above-mentioned rights as they are necessary to sustain legitimate claims for liberal freedoms (ibid). Thus, in market discipline, human life is considered "means to an end rather than as an end in itself" (ibid).

In that regard, Anastasia Tsoukala (2008) mentions that with the securitization of migration, focus of migration control has shifted from punishing the act of irregularity, such as crossing the border illegally to management of the risk-producing groups, such as potential irregular immigrants, who are likely to commit an act of irregularity in the future. Thus, for instance, promotion of economic human rights to the risk-producing groups for the political purposes of management of asylum abuse risks has increasingly become a matter of market discipline, as persons provided with economic opportunities would not feel a need to apply for the international protection elsewhere (p. 4-11).

3. Anti-methodology

This thesis departs from a post-modern interpretivist point of view, positing that the "world is socially or discursively constructed" (Marsh and Stoker 2010, p. 199). Thus, social phenomena cannot be understood independently of our interpretations and consequently, identification of discourses, traditions and interpretations and meaning they attach to phenomena are crucial to study. The post-modern interpretivist worldview, which I agree with, rejects the objective facts and realities and instead posits that the social sciences are interested in studying interpretations (ibid). Thus, I personally reject the suppliance of clearly defined methodological frameworks, and instead, in this section will provide analytical tools that will guide my analysis within this thesis. Therefore, instead of "methodological framework" I decided to call this section "anti-methodology", which will provide information about a Foucaldian analytical tool called "genealogy".

Introduced in the *Nietzsche, Genealogy, History* (Foucault 1977) for the first time, the genealogical analysis seeks those events in the most unexpected places and "acts like a precocious child at a dinner party, making the older guests of intellectual analysis uncomfortable by pointing out about their origins that would otherwise remain hidden" (Kendal and Wickham 1999, p. 29). Foucault's genealogy of psychiatry has been a source of annoyance for psychiatrists, by concluding psychiatry emerged out of a need to fill empty leper houses with a new outcast – mad, rather than the desire to serve humanity (ibid).

According to Foucault, genealogy is about the examination of the descent and such a historical analysis does not aim to demonstrate that the present stems from the past. On the contrary, it demonstrates that the knowledge we perceive as an absolute truth "does not lie at the root of what we know or what we are, but the exteriority of accidents; the errors, the minute deviations, the faulty calculations that gave birth to those things" are rather of interest for a genealogist (Foucault 1977, p. 146). Thus, a quest for the descent "disturbs what was previously considered immobile and it fragments what was thought unified" (ibid, p. 147). The genealogical method, dissimilar to the critical discourse analysis, refutes the claims to objectivity and truth and is rather interested in providing alternative explanations for social or philosophical phenomena (Graham 2005, p. 3).

One would then rightfully ask: how would one search for the descent of the common visa policy and diagnose the present form of Schengen norm promotion? To answer this question, I will start the first section of the chapter with post-structuralist accounts of history and answer how such treatment of history would dictate the genealogical analysis. The second section will

focus on the definition of discourse in genealogical analysis, followed by a section providing a list of materials used for the purpose of analysis.

3.1. Effective history versus Traditional history

According to Foucault, truth cannot be separated from the process of knowledge production, which therefore makes the major duty of the philosopher or researcher to criticize and demythologize the "truth phenomena" (Tamboukou 1999, p. 2). Genealogy then becomes a mode of analysis concerned with the procedures, processes and apparatuses by which truth and knowledge are produced (ibid).

In order to provide a thorough understanding of genealogy or effective history, Shiner (1982) makes a comparison between the effective and traditional histories of ideas along the origin-continuity-subject-event matrix (p. 387). Traditional humanist historiography, also known as Whig history, assumes a search for *origins* is crucial as it helps the researcher trace the ideas or the institutions to their foundations and reveal whether *continuous development* in the form of progress or regress has been recorded. Moreover, Whiggist approach deems *the individual as the creator and bearer of history*. Finally, according to traditional historical approach, *events* are comprised of the work, the theory, the idea and the discipline. Genealogy challenges Whiggism at every point of the origin-continuity-subject-event matrix (Shiner 1982, p. 387).

Foucault's genealogy, like Nietzsche's, seeks to trace the *descent* instead of origins; it does not find the promise of a beginning important, it is rather interested in analyzing a series of instaurations of power. Accordingly, genealogy also rejects the idea of continuous development; and on the contrary, seeks to explain *discontinuities* (ibid; Foucault 1977, p. 162). The present is not an outcome of the meaningful development, but rather the episode, struggle and relations of force and domination (Tamboukou 1999, p. 3; Foucault 1977, p. 146). Foucault's essential claim was that the "history is not going anywhere" and therefore, to talk about progressive (or regressive) developments is meaningless. According to Kendal and Wickham (1999), "to use history in the Foucaultian manner is to use it to help us see that the present is just as strange as the past, not to help us see that a sensible or desirable present has emerged . . . or might emerge" (p. 4). Sometimes being referred to as the "history of the present", Foucaldian perspective on history does not seek to explain how the present stemmed from the past, but is rather interested in diagnosing the present – that is, "managing to grasp why and how that-which-is might no longer be that-which-is" (ibid; Foucault 1977, p. 146). Genealogy thus intends to provide a "counter-memory" instead of accepting the "truths" of our world (Kendall and Wickham 1999, p. 4; Foucault 1977, p. 160).

Contrary to the traditional historiographic approach considering the subject as a creator of history, genealogy claims *the subject is created by the power-knowledge complex of the history* (Shiner 1982, p. 387; Foucault 1977, p. 163). Finally, instead of studying events in a conventional sense, Foucault is interested in the identification of rules governing *discursive practices* (Shiner 1982, p. 388; Foucault 1977, p. 154-155).

Thus, I argue that the Commission's changing focus from security-oriented to normative reforms in the context of visa liberalisation policy should not be treated as a progressive development over time. Instead, to uncover the power relations embedded within the Schengen norm promotion, I will analyze the EU norm diffusion discourses within the common visa policy in a Foucaldian manner.

3.2. Discourse in Foucaldian understanding

Foucault stresses that rather than considering discourses as general sets of statements, we need to be interested in a wide array of complex practices which keep some statements in circulation and other complex practices which keep these statements away (Miller 2003, p. 54). Central to Foucault's interests and genealogical analysis is how in every society the construction of discourses are controlled, organised and redelivered by a compound set of practices (ibid, p. 57). Discourses are also changing over the different time periods and produce a distinct set of knowledges and truth claims. Foucault analyses the relationships between discursive formations through the group of practices he calls "épistèmé"s. According to Foucault, épistèmé of a period is the "the divergence, the distances, the oppositions, the differences, the relations of its various scientific discourses: the épistèmé is not a sort of grand underlying theory, it is a space of dispersion, it is an open and doubtless indefinitely describable field of relationships" (ibid, p. 62). Thus, épistèmés are characterized by the ensemble of complex relationships between the knowledges and a set of rules on how new knowledges are produced within particular periods (ibid). He claims that a move from one épistèmé to another marks the discursive discontinuity and it is here that the power relations are to be analysed, as the discursive discontinuities are associated with the production of new knowledges (ibid, p.64).

Foucault supplies four analytical principles in order to provide a thorough insight into the breadth of discourse. These principles are reversal, discontinuity, specificity and exteriority.

The principle of *reversal* presupposes that the discourses cannot be studied as mere individual texts; their analysis should be tied to the motives and operations of power-interests beyond the level of an individual text. Thus, genealogist shall also engage in analysis of events that limit or "rarefy" discourses (Hook 2005, p. 9).

The second principle of genealogy is *discontinuity*. Foucault's apathy for the continuity ensues from the fact that it prioritizes a kind of formal unity and remains unable to grasp the breadth of discourses. For instance, an analysis based on the principle of continuity would describe racism as a series of representational practices, and fail to grasp the role of physical, bodily practices, institutional arrangements, functions of spatiality in understanding the racism (ibid, p. 10).

The principle of *specificity* corresponds to the belief that varieties of discourses do not approximate true meanings. Conversely, we come to accept knowledge as an absolute truth precisely based on the discourses. Thus, discursive practices should not be reduced to textuality; but also the materiality of discursive practices, physicality of its effects should be analyzed (ibid).

Finally, the principle of *exteriority* presumes one should examine the elements which give rise to the production of discourses. Thus, institutional and historical circumstances that make certain acts, statements and subjects possible at certain specific locations will be studied together with the analysis of discursive texts (ibid).

Based on the writings of Foucault, Kendall and Wickham (1999) built up a toolbox specifying the five stages of such genealogical analysis (p. 42). The first stage is the recognition of a discourse as a corpus of "statements" whose organization is regular and systematic. The second stage concerns the identification of rules producing the statements, followed by a third stage concerned with the identification of the rules suppressing certain statements. The fourth stage encompasses identification of rules creating spaces in which new statements can be made (ibid). This stage has been widely regarded in Foucault's History of Sexuality (1978), where the author argues that the central concern of genealogy is to study how social phenomena have been constructed as discursive facts:

> Why has sexuality been so widely discussed, and what has been said about it? What were the effects of power generated by what was said? What are the links between these discourses, these effects of power, and the pleasures that were invested by them? What knowledge (savoir) was formed as a result of this linkage? (p. 11)

Foucault (ibid) claims that multiplication of discursive statements gave sexuality "analytical, visible and permanent reality" (p. 44). It was not the suppression of sexualities, but rather specification and regional solidification of each of them that incorporated new identities into individuals, and made them objects of the power relations (ibid). Finally, the genealogical analysis ends with the identification of rules ensuring that a practice is material and discursive at the same time (Kendall and Wickham 1999, p. 42). In genealogical analysis, however, usually these stages do not necessarily follow each other.

3.3. Material

As follows from the research question, the Commission's consideration of the citizens' rights promotion within the VLP changed after 2012, by attaching particular importance to the requirements under this benchmark. Hence, we experience two épistèmés characterizing the Schengen norm promotion.

In analyzing the first épistèmé, I will first of all work with the EU documents published from 2003 to 2008, which include statements on the visa liberalisation process negotiated with WB countries. Considering visa liberalisation process was introduced through openly published roadmap progress reports for the first time in relation to WB countries, it is important to examine what the position of the EU was regarding the visa waiver mechanism and its normative aspects through these documents, first of all. It includes 12 documents retrieved from the document register of the Council of the EU. Second, I examine the documents which specify and monitor the citizens' rights requirements for the WB countries, which include 5 visa roadmaps, 18 visa roadmap progress reports and 2 oral assessments. These documents are retrieved from the website of the European Stability Initiative. In order to examine the overall situation of citizens' rights in these countries, I also examine 5 enlargement strategy packages overall, one accession document for each WB country. These documents are retrieved from the website of the Commission.

With regard to the second épistèmé, I start with the analysis of 5 post-visa liberalisation monitoring mechanism reports all of which are retrieved from the web-site of the European Stability Initiative. I then proceed to my analysis with 5 visa liberalisation action plans (VLAP) for Ukraine, Georgia, Moldova, Kosovo and Turkey. Thereafter, I analyse 21 visa liberalisation progress reports, and additionally, examine 3 neighbourhood policy reports and 2 enlargement strategy packages which correspond to the date of the latest progress reports under the VLP. These documents are retrieved from the website of the European Commission DG Migration and Home Affairs, while documents related to Kosovo were accessed through the website of the Ministry of the European Integration.

Since some aspects of the VLP, such as information campaigns on the rules of visa-free travel, are not clearly depicted in the visa liberalisation progress reports, I conducted two semi-structured interviews, namely, with Ms. Kateryna Kulchytska from Europe without Barriers civic organization, whose aim is to speed up the visa-free travel between the EU and the EaP countries and Mr. Adam Weiss from European Roma Rights Centre, an organization which has been active in protection of rights of ethnic minorities, in particular, Roma during the VLP in the researched countries. Kvale mentions that since some '... events are not often directly

'observable'; talking to people would be one of the most effective methods for attaining and exploring such constructs' (Alshenqeeti 2014) which is a rationale behind interviewing as a part of this research. The questions asked were of an informational nature, focusing on the border controls, information campaigns, document security and minority rights. The main questions asked are attached in the annex of this thesis. Finally, I refer to the secondary literature and the EU laws in order to enrichen my research.

4. The history of Schengen norm promotion: a will to knowledge?

4.1. From Thessaloniki to Luxembourg: a road to visa liberalisation

The possibility of the abolishment of the visa obligations for the nationals of Western Balkan countries was first recognized at the EU-Western Balkans summit in Thessaloniki on 21 June 2003. The summit concluded with the adoption of Thessaloniki declaration, determining the future direction of the EU relations with Western Balkans in the context of political rapprochement and enlargement process. The document, among others, acknowledged the necessity of liberalisation of the EU visa regime, outlining the areas upon which the major progress was required to facilitate people-to-people contacts. However, the section on visa liberalisation excluded the area of fundamental rights and instead, the "strengthening of the rule of law, combating organised crime, corruption and illegal migration, and strengthening administrative capacity in border control and security of documents" was declared important in terms of achieving visa-free travel with the Schengen countries for the short-term stays (European Commission, 2003). This section of Thessaloniki declaration was prepared based on the document called "*Thessaloniki agenda for the Western Balkans - Moving towards European integration*", adopted by the Council of the EU. The agenda had the exactly the same discourse with regard to the visa liberalisation process, having placed the visa regime issue under the section "Fighting organised crime. Co-operation in other Justice and Home Affairs matters", implying the security focus of the liberalized movement (Council of the European Union 2003, p.16). However, the elimination of discrimination against minority groups was stressed under two different sections. First, a section called "Further consolidating peace and promoting stability and democratic development", which corresponds to the political accession criteria, demonstrates the EU support for the respect for human and minority rights, ethnic and religious tolerance, multiculturalism, social inclusion, return of refugees and IDPs and women's rights will continue in the region (ibid, p.12). Finally, a section called "Reconciling for the Future and Enhancing Regional Co-operation", which also correlates with the political accession criteria, urges the WB countries to adopt and properly implement anti-discrimination legislation, while also stressing the importance of equal access to education, basic social services and employment in public services for the minority representatives. Lastly, the section focuses on the sustainable return of refugees and IDPs (ibid, p.18). Thus, the discourse of the EU institutions in Thessaloniki located the issue of minority rights as a rule of law question within the wider accession context rather than in the framework of visa liberalisation. It should be noted that the emergence of the discourse on visa liberalisation with the WB countries stemmed from the deepening political integration with the EU, since the aim of the Thessaloniki summit and

agenda was to prepare the countries of the region for the future membership in the Union (Ministry of Foreign Affairs of the Republic of Croatia, n.d.).

Visa-free travel was then located at the EU discourse of security and external relations. The Hague Programme strengthening freedom, security and justice in the EU invited the Council and the Commission to facilitate visa regime with the WB countries with a view to developing a common approach, "as a part of a real partnership in external relations, including migration-related issues" (Council of the European Union 2004, p. 27). The role of the external relations in the process of visa facilitation and liberalisation was elaborated in the Commission Communication entitled "The Western Balkans on the road to the EU: consolidating stability and raising prosperity", where it was acknowledged that the special status of the EU relationship with some countries, in particular, the status of candidate or potential candidate for accession will be taken into consideration. Unsurprisingly, the same document provides information about the Commission's plans to initiate exploratory talks in the region, starting with North Macedonia, which was a frontrunner in terms of approximation to the EU standards (European Commission 2006, p.8).

In March and June 2006, Salzburg and Brussels Declarations were adopted, both supporting visa facilitation process in line with the common approach designated in December 2005 in the context of Global Approach to Migration and Mobility (GAMM), a comprehensive framework defining the directions of external migration and asylum policy of the Union (Austrian 2006 Council Presidency 2006; Council of the European Union 2006, p.21). Under the GAMM, for the facilitation or the lifting of visa obligation with partner countries, specific requirements, "including in the areas such as asylum, border management and irregular migration" have to be fulfilled (European Commission 2011a, p.3). Thus, a particular focus for the liberalisation of movement of people was given to security-dominated three areas mentioned above. Securitization of the visa-free regime was also reflected in the same document on sections related to facilitation of visa regime, where it was acknowledged that the linking readmission agreements to visa facilitation agreements is beneficial for the EU given it reduces the risk of irregular migration from the non-EU countries (ibid, p. 11). Finally, GAMM recommends the EU to cooperate on document security with priority partner countries, while relaxing visa obtainment procedures, including reducing the visa fees and fasten the issuance of visas (ibid, p.17). Therefore, it is concluded that the development of visa liberalisation policy in line with the GAMM common approach puts excessive emphasis on its security aspects. The Global Approach further reiterates that the relationship with the partner country will be considered in the process of visa facilitation, moreover.

The Commission Communication on Enlargement Strategy and Main Challenges for the years 2007-2008, for the first time recognized explicitly that the "[s]teps towards liberalising travel need to take into account the internal security and migration interests of the EU" (European Commission 2007, p.13). The communication even excluded the rule of law from the list of domains in which the reforms were needed, instead focusing on progress in the areas of border management, document security and fight against organized crime, indicating the highest possible securitization within the visa liberalisation policy hitherto (ibid). Another communication from the Commission entitled "Western Balkans: Enhancing the European perspective", however, introduced the benchmarks the visa roadmaps will be based upon, namely, document security, illegal migration, public order and external relations (European Commission 2008a, p. 9). Finally, the General Affairs and External Relations Council welcomed the launching of visa roadmaps with five WB countries in 2008 Luxembourg conclusions (Council of the European Union 2008a, p. 7).

Apart from the discourses related to security aspects of the migration and the role of external relations in the facilitation of visa regime, the EU statements, in particular, through General Affairs and External Relations Council conclusions stressed the purpose of the liberalised movement. According to the conclusions, increased people-to-people contacts, strengthening of economic ties and educational exchange were the primary objectives of the liberalized visa regime (Council of the European Union 2007a, p. 15; Council of the European Union 2007b, p. 13; Council of the European Union 2007c, p. 4), contributing to the normalization of the freedom of movement as an imperative.

To sum up, the EU visa liberalisation discourse in relation to Western Balkans emerged stemming from the desire to accelerate the political integration of the region countries into the Union. In terms of components of the visa liberalisation policy, security-related benchmarks, including document security, irregular migration, fight against organised crime, asylum and border management, were put an excessive emphasis, while the issue of human rights was significantly neglected. Instead, the matter of minority rights protection was located at the political accession discourse, leading us to conclude that the field of citizens' rights was deemed a rule of law question by the EU rather than a part of rights-based visa liberalisation policy.

4.2. Visa liberalisation process with Western Balkans

Subsequent to the launch of visa liberalisation dialogues with the WB countries at the beginning of 2008, visa roadmaps, documents specifying a multitude of political and technical requirements that had to be satisfied to benefit from visa waiver mechanism, were presented to

respective governments in May and June. The roadmaps were divided into two parts, starting with a section on the effective implementation of visa facilitation and readmission agreements and proceeding to a section where requirements on document security, irregular immigration, public order and security and external relations and fundamental rights were reflected (European Commission 2019d).

The almost identical "Citizens' rights, including protection of minorities" sub-section under the last block (external relations and fundamental rights) requested WB countries to fulfill five major provisions: 1) adoption and implementation of legislation to ensure effective protection against discrimination; 2) determination of conditions and circumstances of citizenship acquisition; 3) adequate investigation of ethnically motivated crimes (with a focus on cases where minorities are targeted) by the law-enforcement agencies related to freedom of movement; 4) accurate application of constitutional provisions on the protection of minorities and 5) implementation of respective policies on minorities, including Roma (European Commission 2008b, p. 7; European Commission 2008c, p. 7-8; European Commission 2008d, p. 7-8; European Commission 2008e, p. 7-8; European Commission 2008f, p. 7-8).

Assessment of the Commission of the satisfaction of roadmap requirements was conducted under several progress reports, starting from November 2008. North Macedonia advanced the most in terms of conduction of reforms, hence the 2nd report published on 18 May 2009 considered sufficient progression for the citizens' rights benchmark for this country. The second group of countries encompassed Serbia and Montenegro, whose improvements were deemed satisfactory for the abolishment of the visa regime in November 2009, through the 3rd progress report. Finally, according to the Commission, Albania and Bosnia and Herzegovina were the slowest in terms of the pace of the visa liberalisation reforms, making the EU monitor the situation of roadmap benchmarks one more year. Thus, three more assessments were made on 2009 and 2010, with an oral assessment declared by Mr. Heike Buss, the then deputy head of the International Affairs unit at the DG Home Affairs before the final report (European Stability Initiative, n.d).

On the basis of Commission's requirements, Albania, Bosnia and Herzegovina and Serbia adopted an anti-discrimination law, while only Serbian legislation offered comprehensive protection against discrimination (European Commission 2010a, p. 43; European Commission 2009a, p. 34; European Commission 2009b, p. 28). North Macedonia and Montenegro, on the other hand, adopted anti-discrimination laws after the granting of the visa-free regime (European Commission 2009c, p. 29; European Commission 2009d, p. 24). The Commission positively evaluated the references to the prohibition of discrimination in Constitution and secondary

legislation of all the WB countries. Moreover, Albania and Montenegro were further commended for approximation on laws on national minorities into international standards, while North Macedonia and Bosnia and Herzegovina were praised for the laws on equal treatment between men and women (European Commission 2008g, p. 15; European Commission 2008h, p. 15; European Commission 2008i, p. 16; European Commission 2008j, p. 16; European Commission 2008k, p. 16).

The procedure of investigation of ethnically motivated incidents in Albania and Bosnia and Herzegovina was considered well-reformed, while the Commission neglected this requirement in the roadmap progress reports with Montenegro (European Commission 2009e, p. 26; European Commission 2009f, p. 2; European Commission 2010b, p. 42). Further efforts were demanded from Serbian authorities related to prosecution and court actions on occasional ethnically motivated incidents targeting Roma. Bosnia and Herzegovina was the only country collecting statistical data related to ethnically motivated incidents (ibid).

With regard to policy actions on Roma, despite acknowledging the slowness of the implementation, the Commission assessed integration measures in all the countries regarding social protection, education, employment, civil registration and health care positively (ibid; European Commission 2009g, p. 27). Moreover, the Commission specifically expressed its support to the protection of the cultural rights of Roma in Albania (European Commission 2009h, p. 34). All the WB countries but Bosnia and Herzegovina, on the other hand, were criticised for not collecting statistical data on Roma, which according to Commission, prevented the designation of effective minority integration policies. Moreover, lack of human and financial resources, in addition to weak inter-ministerial coordination were enumerated as the major obstacles to the effective implementation of Roma integration policies in all the countries. Bosnia and Herzegovina was criticised for the poor implementation of Roma strategy and action plan on the educational needs of Roma and national minorities. Finally, Ashkalis and Egyptians faced frequent discrimination in Montenegro, while the number of persons living in Kosovo who obtained a Serbian passport remained very low. The requirements on citizenship acquisition were considered in line with the European Convention on Nationality in all the countries (ibid).

The statements of enlargement strategy packages demonstrate that despite the abolishment of visa requirements for the five WB countries, the persistence of plenty of challenges related to citizens' rights indicated the insufficient consideration taken by the Commission for the normative requirements. According to the enlargement strategy packages, anti-discrimination laws of these countries were not fully approximated to the EU and international standards. To exemplify, granting of special status to blind, paraplegic, tetraplegic

and work invalids in Albanian legislative framework created a possibility of heightened discrimination for the disabled (European Commission 2010c, p. 24-30). Moreover, laws of North Macedonia and Bosnia and Herzegovina did not include protection against discrimination on the grounds of sexual orientation, age and disability, in addition to the lack of mechanisms of identification and criminalisation of discrimination in the case of the former (European Commission 2010d, p. 17-19; European Commission 2009i, p. 16-18).

Second, Roma continued to be the most disadvantaged community having little access to the labour market, social protection, education, civil registration and healthcare in all the countries. In the cases of Montenegro and Serbia, Roma children were particularly suffering from the inability of enrolment in educational facilities. Moreover, in Albania and Bosnia and Herzegovina, political rights of Roma, respectively voting and right to representation were denied. Regarding other ethnic minorities, the legal status of Vlachs and Bunjevi in Serbia and Egyptian and Bosniak communities in Albania remained unregulated or not clearly defined. Smaller ethnic minorities of North Macedonia and Bulgarian national minority in Serbia were denied cultural rights, in particular, right to use of language in municipal administrations. Turkish minority faced discrimination in access to social insurance, public representation, healthcare and social services in North Macedonia (ibid; European Commission 2009j, p. 16-18).

Finally, visa roadmap progress report disregarded the rights of women, children, the disabled, LGBT persons, refugees and displaced persons, religious minorities, and the discrimination on the political grounds. According to enlargement strategy packages, in all the countries women continued to be excluded from the labour market in both public and private sectors, have been victims of unreported violence and faced discrimination in political participation. Persons with disabilities, in particular, those with mental health problems suffered from social exclusion in Bosnia and Herzegovina, North Macedonia and Serbia (ibid). Disabled children, in particular, were not integrated into formal education and regular recreation programmes in North Macedonia, while physical attacks against the disabled remained high in Serbia. LGBT persons were marginalized in all the countries and were subject to pyhsical attacks, with no official condemnation coming from and poor accords of investigation by the police, prosecution service and the judiciary. Poverty and unemployment for refugees and internally displaced people have been particular challenges of Serbia and Bosnia and Herzegovina. Moreover, in Montenegro displaced persons from Kosovo underwent discrimination on the labour market (ibid; European Commission 2019k, p. 15-18).

Further, religious intolerance resulted in violent clashes and vandalisation of religious buildings in Serbia and Bosnia and Herzegovina. Unequal treatment against Montenegrin

Orthodox Church took place in Serbia, while Bektashis remained legally unregulated in North Macedonia. Finally, a growing number of journalists and civil society organisations, in particular, those investigating high-level corruption were subject to violence and intimidation in Bosnia and Herzegovina. It is worthwhile to mention that the enlargement strategy packages also neglected some of the issues regarding citizens' rights, such as the prohibition of discrimination on the status of pregnancy. Thus, it appears that the objective of the EU was to construct similar societies in Western Balkans to those in the Union in order to prepare these countries for future membership (ibid).

To sum up, in this episteme the statements of the Commission on the promotion of citizens' rights within the VLP focused on the social and economic rights of ethnic minorities, in particular, Roma; elimination of discrimination at both legal and societal levels; objective investigation of ethnically motivated incidents; protection of minorities at both legal and political levels. The Commission statements of minorities mainly covered the challenges of abject minority groups, in particular Roma. To exemplify, the Commission did not even consider the discrimination against religious minorities which occurred due to lack of inter-religious tolerance, yet they continued to have access to the labour market, accommodation, health care and education, escaping marginalization (ibid). Moreover, the discrimination against women, LGBT persons, the disabled and children was disregarded. It ensued from the fact that citizens' rights, including protection of minorities, were considered a rule of law question within the accession context. Further, as argued by Trauner (2009), the status of political integration of these countries into the EU was taken into account in the process of monitoring the citizens' rights benchmark (p. 786-787). For instance, the laggard states of the WB in terms of accession progress – Albania and Bosnia and Herzegovina were requested to adopt an anti-discrimination law, while for the frontrunners of accession process – North Macedonia and Montenegro, the benchmark was deemed fulfilled even when the anti-discrimination law was not adopted. Moreover, there was not any will to produce knowledge about particular population groups through neither visa roadmap progress reports nor non-discursive practices. Visa roadmap progress reports did not include any statements on the depiction of characteristics of minorities. There was no political will for the data collection on minorities through border controls, visa application or risk analysis either. Finally, the statements of the Commission on citizens' rights were not translated into materiality given the benchmark was not carefully assessed (Kacarska 2012, p. 7-12).

4.3. Descent into new episteme – the introduction of the post-visa liberalisation monitoring mechanism

Shortly after the coming into effect of visa-free regime with the EU, a substantial increase was recorded in the number of asylum applications from Western Balkans, with majority constituting unsubstantiated claims. Consequently, the most affected EU member states, including Belgium, Germany and Sweden asked the Commission to take concrete measures to address the factors accounting for unfounded asylum applications (European Stability Initiative n.d.).

After the EU put post-visa liberalisation monitoring mechanism into place, five reports were published from 2011 to 2015 in order to assess the continuous implementation of visa roadmap benchmarks. According to these reports, more than 80% of the asylum seekers originating from Western Balkans were of Roma origins (European Commission 2011b, p. 14), while my interlocutor argued that the EU has not provided any official data to substantiate this claim (Weiss 2019). Instead, according to him, the proportion of Roma among the asylum seekers originating from Western Balkans was based on the data provided by only Germany and Sweden, and thus, the measures taken in the aftermath of Balkan asylum crisis against Roma were based on perceived risks instead of objective risks (ibid). European Commission assessment missions confirmed that majority of asylum claims are because of lack of schooling, unemployment and lack of healthcare (European Commission 2011b, p. 14; European Commission 2011c, p. 11; European Commission 2012a, p. 11). EASO reports, on the other hand, demonstrated that these push factors of asylum applications are interlinked with the societal problems of particular ethnic groups, such as Roma (European Asylum Support Office 2013, p. 32).

4.3.1. The issue of citizens' rights under post-visa liberalisation monitoring mechanism

Post-visa liberalisation monitoring mechanism reports evaluated the state of citizens' rights in Western Balkans under different sections. First, country-specific sections examined to some extent each country fulfilled the requirements related to rights-based citizenship regimes. The entitlement of Block 4, which among others, includes the benchmark "Citizens' rights, including protection of minorities", varied over time. While the block was referred to as "external relations and fundamental rights" throughout the 1st report for all the WB countries, since the 3rd post-visa liberalisation monitoring mechanism report, which was published after all the WB countries were transferred to "white list", only the latter part of the initial name was used when pointing out to the last block (European Commission 2012a, p. 4-10; European

Commission 2013a, p. 5-11). The changing discourse indicated that the accession status of the WB countries did not matter in the monitoring of the continuous implementation of visa liberalisation benchmarks anymore. On the other hand, "fundamental rights" and "fundamental rights related to the freedom of movement" were employed interchangeably, suggesting the promotion of citizen and minority rights under this block is necessary only to the extent that it assists in the management of migratory risks directed towards the Schengen zone (ibid). Second, the issue of minority rights was placed under the sections "Prevention mechanism against abuse of visa liberalisation by citizens from the Western Balkan countries: evaluation of its implementation" (European Commission 2011b, p. 14; European Commission 2011c, p. 10; European Commission 2012a, p. 10) and "The push factors[1] of asylum abuse and measures to address it" (European Commission 2013a, p. 15; European Commission 2015a, p. 5). Finally, in the recommendations section, the Commission urged the WB countries to provide targeted assistance to minority populations in order to prevent the increase of asylum applications (ibid). Thus, the naming of sections monitoring the state of social inclusion of minority groups indicated the human rights promotion had the prevention of asylum applications from particular population categories as its final purpose.

The post-visa liberalisation monitoring mechanism reports only concentrated on the human rights situation of the national minorities, in particular, Roma. According to the reports, Roma continued to be the most disadvantaged and excluded minority, having faced socio-economic marginalization and persistent discrimination. Roma people, in particular, faced discrimination in access to healthcare, social protection and welfare services, employment, education and housing (European Commission 2011b, p. 8; European Commission 2011c, p. 6; European Commission 2012a, p. 6 & 9; European Commission 2013a, p. 7 & 10). In particular case of Bosnia and Herzegovina, the Commission recommended the relevant authorities to undertake reforms to ensure that Roma people's pension rights are not violated (European Commission 2012a, p. 6). Serbia, moreover, was required to legalize the illegal settlements populated by, tackle the issue of forced evictions against and ensure the suppliance of water and energy resources for the Roma (European Commission 2011b, p. 12). While Albania and Bosnia and Herzegovina were requested to conduct reforms to enhance the rights of women and children, third and fourth reports indicated that the Commission only refers to civil registration of unregistered Roma children and rights of Roma women under these headings (European Commission 2012a, p. 5; European Commission 2013a, p. 7). Moreover, the Commission placed specific emphasis on the construction of adequate housing units for Roma refugees who fled

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[1] According to IOM Glossary, push factors refer to factors which drive people to leave the country of origin. (IOM, n.d.)

Kosovo and resided in Montenegro in Konik camp (European Commission 2012a, p. 9; European Commission 2013a, p. 10). Apart from the rights of Roma people, these reports asked Montenegro to improve the access of Ashkali and Egyptians to economic and social rights, with a particular focus on education and employment and North Macedonia to increase human rights protection offered to ethnic Albanians (European Commission 2011b, p. 11).

On the basis of these recommendations, WB countries adopted national strategies and action plans working towards the better social inclusion of Roma people. The integration of Roma (in case of Montenegro, national strategies and action plans were also directed towards Ashkali and Egyptians) was especially endeavored to achieve with regard to social and healthcare benefits, housing, employment, education, in particular, enrolment of children in schools, and civil registration (European Commission 2011c, p. 7-10; European Commission 2012a, p. 7). According to the post-visa liberalisation monitoring mechanism reports, these policy measures were not adequately implemented owing to a number of reasons, including lack of sufficient human and financial resources, and weak coordination between local and central state institutions (European Commission 2011b, p. 4-8; European Commission 2011c, p. 6). Thus, rights of Roma, Ashkali and Egyptians remained violated, in particular, regarding the freedom from discrimination on the labour markets (European Commission 2011b, p. 10). On account of further recommendations from the Commission, thus, Serbian Ministry of Interior designated new campaigns whose primary objective was to recruit staff from minority communities (European Commission 2012a, p. 10). Moreover, Serbia adopted a new employment plan in 2013, which recognized the recruitment of Roma people as a priority (European Commission 2013a, p. 12). Finally, a wide array of projects were conducted in municipalities and NGOs to effectively reintegrate the Roma returnees (ibid).

On the other hand, all the WB countries organised Roma seminars since 2011 in order to identify the problems of Roma people, review the hitherto Roma integration policies and formulate more effective social inclusion programmes for the persons belonging to this minority group (European Commission 2011b, p. 4 & 11; European Commission 2011c, p. 6; European Commission 2012a, p. 7). While identifying the non-registered persons and essaying for adequate access to civil registration, education, labour market, healthcare and housing are of significance for the protection of Roma rights (Institute on Statelessness and Inclusion 2018, p. 9), on the other hand, through these seminars, the Commission, in fact, instructed the WB countries to collect security knowledges about Roma people and identify who are more likely to pose a risk to the internal security of the EU member and Schengen associated countries. This can be seen more clearly considering the objectives of Roma seminars were to provide specific

human rights lack of which are associated with the increasing asylum applications, such as social and economic rights, since the most important push factors for the lodging of international protection claims from the region were lack of schooling, inefficient healthcare and unemployment (European Commission 2011b, p. 14; European Commission 2011c, p. 11; European Commission 2012a, p. 11).

With regard to Montenegro, the Commission specifically asked to undertake reforms to enhance the protection for displaced and internally displaced persons, namely, Roma and ethnic Serbs who left Kosovo in the course of Yugoslav Wars. Montenegro, in its turn, adopted national strategies and action plans for the displaced and internally displaced persons, focusing on their inclusion on the labour market, education, social insurance, housing and healthcare (European Commission 2013a, p. 10). While the general accords of implementation of these policy measures were poor, Montenegro advanced in legalisation of the status of the displaced and providing housing, basic education and employment opportunities (European Commission 2011c, p. 11; European Commission 2012a, p. 9; European Commission 2013a, p. 10). With regard to North Macedonia, the country continued to properly implement the Ohrid Framework agreement, aiming to integrate ethnic Albanians into educational facilities and labour market (European Commission 2011c, p. 8).

Apart from the rights of national minority groups, the Commission focused on the anti-discrimination laws of the WB countries. The implementation of anti-discrimination laws was considered unsatisfactory in all countries for a number of reasons, including lack of awareness among citizens on the legislation; the lack of databases on discrimination cases; the gaps between the legislation and existing strategies and action plans; lack of effective cooperation between government and minority councils and insufficiency of financial resources (European Commission 2011b, p. 6 & 10-12).

It seems that in its post-visa liberalisation policy, the Commission targeted provision of specific human rights to specific minority groups in the visa-exempt countries of Western Balkans. First, ethnic minority groups, in particular, Roma, were receivers of the norm promotion within the post-visa liberalisation period. The Commission continued to neglect the rights of the disabled, women and children not belonging to Roma community, religious and sexual minorities while it acknowledged the problematic situation of these population groups in the enlargement strategy packages (European Commission 2010c; European Commission 2010d). The selective empathy of the Commission is related to the fact that after the granting of the visa-free regime to the WB countries, abject minority groups of the region gained an ability to move across the EU, with a desire of escaping the socio-economic marginalization.

Considering increasing claims for the international protection in the EU dangerous in terms of maximizing the bad circulation of persons to the Union, the Commission, through targeting specific population groups in the assistance programmes, performatively constructed borders towards these abjects, while paradoxically, assisting them escaping the abjectification. Second, only rights related to social inclusion of specific minority groups, which are associated with the push factors of asylum lodging in the Schengen zone, were promoted. Despite the challenging situation with a multitude number of other rights, such as cultural rights, the Commission decided not to pay attention to these human rights problems within the post-visa liberalisation policies. They were also monitored within the enlargement strategy packages of the Commission, instead (ibid). Finally, implementation of the citizens' rights reforms in Western Balkans gave rise to the collection of knowledges about specific population groups, such as Roma who were considered risky for the internal security of the EU member states. In promoting targeted assistance to the marginalized, the Commission relied on the knowledge produced about minorities, in particular, Roma, through the assessment missions which provided the information for the post-visa liberalisation monitoring mechanism reports and Roma seminars. Moreover, Roma people have consistently been depicted as uneducated and jobless in these reports (European Commission 2011c, p. 11; European Commission 2012a, p. 12). Thus, based on the quantitative and qualitative data collected about the Roma, the Commission instructed the WB countries to provide assistance to this particular minority group. Assistance programmes and minority rights promotion for the marginalized within the post-visa liberalisation policy, consequently, performatively produced the population groups the EU manages from the risks of potential asylum abuse.

To sum up, norm promotion within the post-visa liberalisation policy was located in the power-knowledge nexus for the purpose of asylum management and became a tool of biopolitical management and policing of minorities at a distance for the Commission.

4.3.2. The citizens' rights revisited: reinforcement of risk-focused mindset towards minorities

Post-visa liberalisation monitoring mechanism reports, along with the evaluation of implementation of the visa roadmap benchmarks, introduced the measures of significance for tackling asylum abuse stemming from the abolishment of visa requirements for the nationals of Western Balkans. Of particular importance, in that regard, were the strengthening of border controls in visa-exempt countries, a crackdown on facilitators of irregular border-crossing, conduction of information campaigns on the rules and obligations of the visa-free regime, and

increased information exchange and operational cooperation with the EU and member states (European Commission 2012a, p. 14-15; European Commission 2013a, p. 20).

On the basis of the recommendations of the Commission, WB countries reinforced exit controls against minorities and persons with intersecting identities, which was accompanied with the ethnic and racial profiling against, in particular, Roma (Weiss 2019). The border police were entrusted with additional tasks of examining the return tickets and financial allowance of those migrating in addition to the provision of information on the minimal chances of international protection in the Schengen countries. Conduction of thorough checks by the border police was even legalised in Serbia and North Macedonia through the adoption of directives on the duties of police (RIDEA 2016, p. 12-15). Border police in, issuance of certification permitting the name change for the purpose of combating document fraud Albania were assigned with the duty of examination of Schengen entry ban list and based on that. WB countries stepped up the border management system in terms of verification of travellers' identity through cooperation with neighbouring countries and international databases. Bosnia and Herzegovina, Montenegro and North Macedonia commenced checking the identity of travellers against Interpol's Lost and Stolen Passport database to detect the fraudulent use of documents at the border crossing points earlier (European Commission 2013a, p.15-16). Moreover, information exchange with the most affected countries, including Sweden and Germany helped determine the most commonly used travel routes by asylum seekers (ibid). Because of the perceived risk, all of these measures were specifically directed towards the Roma population, which resulted in "othering" of Roma in borders. According to my interlocutor, Roma people with intersecting identities were further discriminated in the border controls. He described how a disabled Roma was denied to left North Macedonia while the purpose of the travel was to get medical treatment (Weiss 2019).

Furthermore, all the WB countries introduced legislative frameworks criminalising the facilitation of irregular border-crossing. Transport licences of the companies were withdrawn in case of irregularities and investigations have been launched against individuals suspected of facilitating document fraud (European Commission 2013a, p. 16; European Commission 2015a, p. 5).

Moreover, the Commission pushed the WB countries to conduct information campaigns, in cooperation with the EU Delegations and through online and offline media, on the rules and obligations stemming from the visa-free regime. Public information campaigns, in particular, explained that the visa-free regime only applies to short-term stays and to persons with biometric passports; does not entitle the citizens to work and long-term residence in the Schengen zone; and the chance of granting of international protection to the applicants from Western Balkan

countries is minimal (European Commission 2013a, p. 17; European Commission 2015a, p. 6; European Stability Initiative 2010). Information campaigns in Western Balkans, in particular, Serbia and North Macedonia were organised in Roma settlements with the involvement of Roma NGOs and Roma Information centres with brochures regarding the visa-free travel scheme being translated into Romani language (European Commission 2013a, p. 17). Information leaflets explaining the legal migration to the EU were distributed at the border crossings (European Commission 2011c, p. 13). Generally, information campaigns distinguished between "good circulation", that is legal migrants, and "bad circulation", meaning irregular migrants and potential asylum seekers, who are most likely to be of Roma origins.

Finally, information exchange and operational cooperation with the EU and member states were strengthened. The entry bans for the rejected asylum applicants of Roma origins were registered in the Schengen Information System and WB countries, accessing the database, persuaded banned travellers not to migrate to the Schengen area. Moreover, North Macedonia began sharing information via Europol's SIENA (Secure Information Exchange Network Application) platform, which is an EU information database on criminal activities. Cooperation based on the readmission agreements was reinforced, additionally (European Commission 2015a, p. 6).

EU member/Schengen associated countries contributed to addressing the push factors through organising high-level visits to, carrying out information campaigns and supporting long-term migration and development projects in the countries concerned (European Asylum Support Office 2013, p. 65-66). On the other hand, the EU member states have also taken relevant measures for the purpose of addressing the pull[2] factors contributing to increase of asylum applications, including: a) acceleration of asylum-decision making procedure with the dispatch of more personnel; b) promotion of voluntary return; c) decrease of cash and return benefits; d) deportation and entry bans in cases of non-cooperation; e) intensifying border controls and pre-boarding analysis in airports; f) applying the concept of "safe country of origin" to WB countries in line with Asylum Procedures Directive. Pursuant to the Asylum Procedures Directive, a country is safe when there is no risk of torture, inhuman or degrading treatment or threats of indiscriminate violence in armed conflicts. This categorization is generalized to all the citizens of safe countries of origin, meaning that an individual's application for the international protection might be considered unfounded based on the fact that he or she comes from the safe country of origin (European Policy Institute Skopje 2017, p. 12; Guild 2012, p. 26).

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[2] According to IOM Glossary, pull factors refer to the factors that attract foreigners to the country of destination (IOM, n.d.).

Moreover, the European Parliament and the Council adopted a revised Asylum Procedures Directive in June 2013, according to which, restrictions on asylum seekers with the repeated applications could be applied. It would happen under three circumstances, namely, if the new requests do not contain new elements; if the repeated application is submitted in order to prevent the imminent removal or in the cases of the third or subsequent applications. The United Nations High Commissioner for Refugees, however, did not welcome the legislative developments pursued by the EU stating in its commentary that "it is not appropriate to treat claims as subsequent applications if they are submitted following a rejection" (European Policy Institute Skopje 2017, p. 14). The co-legislators of the EU, moreover, amended Visa Regulation in December 2013, which introduced the possibility of suspending the visa-free regime for visa-exempt countries under the exceptional conditions (Regulation No 1289/2013 of the European Parliament and of the Council). The explanatory memorandum of the proposal for the Regulation demonstrates that it stemmed from the risk-focused mindset towards Roma.

The section on a visa safeguard clause in the proposal starts with the decision of the Justice and Home Affairs Council of 8 November 2010 to lift the visa requirements for the citizens of Albania and Bosnia Herzegovina. According to the proposal, this was welcomed coldly by the EU member states due to the "rapid increase of asylum applications" in select countries after the granting of visa liberalisation. The rising numbers of asylum applications from the WB countries continue to be treated as exceptional when the Commission states that the visa liberalisation may be suspended "in the event of sudden inflow of nationals of one or more third countries, including *nationals of the Western Balkans*, to one or more Member States", by giving a specific focus on the countries from this region (European Commission 2011d, p. 2-4). Finally, the proposal foresees the Commission assessment of the emergency situation when the conditions for suspension of the visa-free regime are satisfied (ibid). Here we can clearly see a desire of the Commission to document the citizens of WB countries and to analyze the potential asylum seekers from the region. This desire for documentation reflected the will of Commission to exert bio-power from a distance for the management of population of Western Balkans.

Despite insecurity towards ethnic minorities, in particular, Roma, all the post-visa liberalisation reports indicated that the visa-free regime attained its purpose. The reports justify this claim by referring to bona fide travelers, who had a "legitimate purpose of travel to the EU" (European Commission 2013a, p. 19). According to the reports, strengthening of people-to-people contacts, cultural and business exchange were the major objectives of the visa-free travel (ibid; European Commission 2011c, p. 13; European Commission 2012a, p. 14).

Three major implications follow from the measures introduced by the WB countries and the EU member states. First, the risk-focused mindset has significantly increased towards abject population of the region. While until 2010, the EU focused on the punishment of the act of irregularity, such as irregular border-crossing or lodging unfounded asylum application, now a new logic of immigration control, namely, risk-focused control was introduced. In addition to the punishing the act of irregularity, the Commission became interested in preventing the potential behaviours of certain risk groups which would contribute to the acts of irregularity in the future. The management of risk occurred through the "sealing of the individual into a category which is determined according to a collective assessment of the seriousness of the risk" (Guild 2012, p. 26). The control of the WB countries and the EU over asylum, which according to Guild (2012), is also a matter of life and death, became biopoliticised, as it introduced the management of population based on statistically and collectively based approach (p. 26). In that regard, conduction of information campaigns in Roma settlements, information exchange on banned Roma and other travelers and introduction of "safe country of origin" concept assumed certain minority population groups are more likely to pose a risk to the internal security of the EU. Thus, abject minorities, in particular, Roma faced bordering practices based on the collective assessment of the risk this population group produces. Second, the scope of the borders extended to socially constructed borders, such as information campaigns and digital surveillance systems, which excluded abject population groups of Western Balkans from the European political community. The bordering practices started before the abject minorities entered the geographical border-crossing points. Third, there was a will to construct knowledge about Roma people: not only in Roma seminars and post-visa liberalisation monitoring mechanism reports, but also in border controls (through increased analysis); digital surveillance systems, such as Schengen Information System; information campaigns and so forth. Only based on the collection of these knowledges the EU and the member states imposed biopolitical security measures, including targeted assistance programmes, towards Roma people for the purpose of risk management (ibid).

4.3.3. The second wave of visa liberalisation: Eastern Partnership, Turkey and Kosovo

Three countries of the EaP initiative, namely, Ukraine, Moldova and Georgia achieved to open a VLAP with the EU in the early 2010s which resulted in the lifting of visa requirements in 2014 for Moldovan, and in 2017 for Ukrainian and Georgian citizens. Moreover, visa roadmaps were launched for Kosovo and Turkey in 2012 and 2013, respectively, which have not yet led to

the visa-free travel for the citizens of these countries (European Commission 2019c; European Commission 2019d).

The VLAPs for these countries were significantly different compared to those for Western Balkans. First, the last block related to fundamental rights has broadened its scope. Second, the benchmarks were more clearly defined with additional sections within each block. For instance, VLAPs with Moldova, Ukraine and Georgia differentiate reforms in two phases: first, being called "legislative and policy framework", second being called "benchmarks for effective implementation". Thus, the monitoring of the fulfillment of the requirements became stricter (Council of the European Union 2010, p. 9-10; European Commission 2010e, p. 10-11; European Commission 2012b, p. 12-13).

The first requirement in the "legislative and policy framework" was the adoption of a comprehensive anti-discrimination law in line with the UN and Council of Europe (CoE) standards to provide effective protection against discrimination. The second line of requirements included the adoption of National Human Rights Action Plan and pursuing the recommendations of UN, OSCE and CoE in the Action Plans regarding the protection of minorities, private life and ensuring the freedom of religion for Moldova and Georgia. Regarding Ukraine, instead of the protection of private life and freedom of religion, the standards of UN, OSCE and CoE were deemed necessary in terms of tackling hate crimes (ibid). Moreover, these countries were asked to specify the conditions and circumstances of citizenship acquisition and ratification of relevant UN and CoE instruments in eliminating the discrimination. In the action plan with Georgia, among these instruments, the specific attention has been paid to UN Convention on Statelessness, and the recommendations of the CoE on the European Charter for Regional or Minority Languages. Ukraine was also required to provide training to law enforcement officials, prosecutors and judges potentially involved in hate crimes (ibid).

Concerning Kosovo, citizens' rights benchmark was situated at the Block called "Fundamental rights related to freedom of movement", suggesting it is only a select category of human rights which are linked to the management of (irregular) migration into the EU that carry important for the Commission. Kosovo was asked to adopt and implement anti-discrimination legislation providing effective protection; ensure the domestic provisions on human rights and minority protection are fully respected; ensure that legislation on conditions and circumstances of Kosovo citizenship is properly implemented; ensure that ethnically motivated related to freedom of movement, including those targeting minorities, are properly investigated; and adopt and implement effective integration programmes for Kosovo Serb, Roma, Ashkali, Egyptian, Bosniak, Turkish and Gorani minorities (European External Action Service 2012, p. 14).

Finally, Turkey was asked to develop and effectively implement the Roma integration policies related to access to identity cards, education, healthcare, housing, employment and public participation; ratify the additional protocols n. 4 and 7 to the European Convention on Human Rights; and revise the legislation on organised crime and terrorism in line with the ECtHR case law, the EU law, and the EU member states' practices to ensure the right to liberty and security, the right to a fair trial and freedom of expression, of assembly and association in practice. The requirements were placed under the Block 4 entitled "Fundamental rights" (European Commission 2013b, p. 17).

The visa liberalisation progress reports with Ukraine, Moldova and Georgia strictly assessed the conformity of the anti-discrimination laws with the EU and international standards. A great deal of requirements posed by the Commission for these countries were: a) establishment of an equality body with clearly defined mechanisms of sanctioning of discrimination; b) extension of law to both public and private sectors with competence of Ombudsperson; c) provision of effective protection on the ground of sexual orientation, including in Labour Code; and d) provision of clear definition of indirect, direct, multiple and multidimensional discrimination and discrimination by association (European Commission 2011e, p. 13; European Commission 2012c, p. 25; European Commission 2012d, p. 22; European Commission 2012e, p. 28; European Commission 2013c, p. 24; European Commission 2013d, p. 37; European Commission 2013e, p. 23; European Commission 2014a, p. 4-5; European Commission 2015b, p. 10). Moreover, Moldova was requested to clearly define sexual harassment, prohibit discrimination regarding housing and discrimination on the ground of sexual orientation regarding adoption and provide "reasonable accommodation" for persons with disabilities. Ukraine, additionally, was required to clarify on the labour rights, rights of the disabled and victims in its legislation (ibid).

The implementation of the reforms required has been smooth. Moldova was specifically commended for adopting legislation on the prohibition of discrimination on the basis of HIV status, whereas Georgia was praised for the legalization of positive actions in situations involving maternity, pregnancy and disability (European Commission 2013d, p. 35; European Commission 2014b, p. 7). Moldova was also commended for the explicit references in the anti-discrimination laws to the Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and Directive 2000/78/EC establishing a general framework for equal treatment in respect of employment (European Commission 2011e, p. 13). To effectively implement the law, institutional reforms were conducted, training sessions were delivered for judges and people's awareness on equality, diversity and tolerance was

strengthened through information campaigns (ibid; European Commission 2015c, p. 10). The legislation of all the countries on citizenship was considered in line with international standards on the avoidance of statelessness, while Moldova also reformed the acquisition procedure to eliminate discrimination against stateless persons with criminal past and persons from Transnistria (European Commission 2013f, p. 30-32; European Commission 2015d, p. 9).

Policy measures taken for the social inclusion for Roma were largely successful in Ukraine and Moldova, while in Georgia ethnic minorities' access to civic and political participation was improved. Ukraine, however, was also asked to develop a "quantified problem definition", meaning the calculation of the numbers of Roma people without documents and the numbers of Roma children having no access to schools (European Commission 2013c, p. 25). Apart from social and economic rights, cultural rights of ethnic minorities have also been promoted, in particular, with a reference to the right to use of own language. Moreover, Moldova, Ukraine and Georgia adopted and properly implemented National Human Rights Action Plans based on the recommendations of the UN, OSCE/ODIHR and CoE. Finally, all the countries provided effective protection against domestic violence and labour discrimination for women in legislative frameworks, while also adopting new laws on the social inclusion of persons with disabilities (ibid).

The visa liberalisation progress reports with Turkey identified the key areas in need of progress as integration of persons of Roma origin and approximation of its anti-terrorism legislation into Europe and international standards. Interestingly, the Commission requirement for the anti-discrimination law only included the grounds of racial and ethnic origins in the case of Turkey. Moreover, it was recommended with the involvement of Roma civil society organisations to adopt national strategy and action plan on the improvement of the situation of Roma, with a focus on social inclusion, in particular, housing, and collect quantitative and qualitative information on Roma integration (European Commission 2014c, p. 32; European Commission 2016a, p. 9). On the other hand, Turkey was requested to ratify Protocols 4 and 7 to the European Convention on Human Rights, which is related to prohibition of discrimination related to freedom of movement, prohibition of expulsion of nationals and prohibition of collective expulsion of aliens. Moreover, Turkey had to fulfill the requirements of continuing constructive engagement with "Incal" group of cases of the ECtHR, which meant to approximate its anti-terror legislation into the EU standards, implement the action plan on prevention of violations of European Convention and Human Rights and raise awareness among law enforcement officials, judges and prosecutors on the interpretation of the Turkish legislation in line with the ECtHR case-law (European Commission 2014c, p. 32-33).

Visa liberalisation progress reports with Kosovo indicated that despite the existence of an anti-discrimination law, gender equality law and a law on employment of persons with disabilities, implementation of these legislative frameworks remained poor. Roma, Ashkali and Egyptians faced discrimination regarding social inclusion, while LGBT persons were subject to frequent marginalization. Moreover, persons with disabilities underwent discrimination in access to medical care, employment, housing and social assistance. The level of awareness among Kosovo citizens on the legal remedies provided for the victims of discrimination has been extremely low (European Commission 2013g, p. 17; European Commission 2014d, p. 8). Cultural rights, in particular, right to use native languages was promoted for the protection of ethnic minorities. National strategy and action plans on the situation of Roma, Ashkali and Egyptians were poorly implemented (ibid). The implementation of the legal framework regarding minorities' access to identity documents remained limited, with persons belonging to Serbian minority having problems concerning freedom of movement due to delays in obtaining necessary documents (European Commission 2013g, p. 17-18). Despite the prevalence of ethnically motivated crimes, only a very few of them were reported, with lack of efficient judiciary and specialized judges constituting another problem in that regard (European Commission 2014d, p. 8).

Compared to the visa liberalisation process of Western Balkans, EaP countries were required to undertake significantly more reforms on citizens' rights. First, legislative frameworks on anti-discrimination introduced new terms, such as indirect, direct, multiple and multidimensional discrimination and discrimination by association. Second, the Commission strictly focused on the prohibition of discrimination on the grounds of sexual orientation, in particular, on the labour market. Third, the protection of persons with disabilities, religious minorities and women was carefully assessed within the VLP. Finally, apart from social and economic rights, cultural rights of ethnic minorities have also been attached importance (European Commission 2011e, p. 13; European Commission 2013c, p. 24; European Commission 2013d, p. 37; European Commission 2013e, p. 23; European Commission 2014a, p. 4-5; European Commission 2015b, p. 10). Protection of rights of the aforementioned category of persons is reflected in the Neighbourhood Policy Reports of the EU for Moldova, Ukraine and Georgia almost to the same extent (European Commission 2015e, p. 12; European Commission 2015f, p. 8-9).

With regard to Kosovo, while the social and economic rights of ethnic minorities, and anti-discrimination laws were carefully monitored, problems on the rights of religious minorities, weak implementation of the legislation on the rights of children, insufficient degree of

investigation of discrimination cases related to minorities other than ethnic continued to be challenging issues and instead, were located at the discourse of enlargement (European Commission 2016b, p. 22-25). Turkey experienced a similar situation reminiscent of that of Kosovo (European Commission 2016c, p. 24-27).

The importance given to a wide array of human rights categories and minorities increased proportionally to the prominence attached to the conduction of risk analysis, information campaigns and digital surveillance even before the visa-free regime was granted in the case of EaP countries and Kosovo (Kulchytska 2019). As a part of Frontex Eastern Borders Risk Analysis Network, the border police of Moldova, Ukraine and Georgia exchanged information with Frontex on a monthly basis within the VLP (ibid). Moreover, the Commission asked EaP countries and Kosovo to provide IT systems in conformity with the Integrated Border Management strategy and action plans, suggesting the weight attached to the digital surveillance (European Commission 2013d Moldova, p. 7-8). On the other hand, all the EaP countries and Kosovo conducted information campaigns with ethnic and sexual minorities on the rules and obligations of visa-free travel, with a particular focus on EU labour market rules and liability for the abuse of visa-free regime (European Commission 2013d, p.13; European Commission 2015b, p.10; European Commission 2015c, p.11). Similarly, some EU member states, such as Luxembourg applied the concept of safe country of origin to EaP countries and Kosovo before the visa liberalisation was granted to these states.

It appears that the discursive changes of the Commission in the action plans with the EaP countries, Kosovo and Turkey were heavily influenced by the increasing risk-focused mindset followed by increasing numbers of unjustified asylum applications from Roma community. First, while the Commission asked Western Balkans to adopt a "*general*" anti-discrimination law, a requirement posed for the EaP countries, Turkey and Kosovo was to adopt a "*comprehensive*" anti-discrimination legislation (Council of the European Union 2010, p. 9-10; European Commission 2010e, p. 10-11; European Commission 2012b, p. 12-13). Second, a new line of requirements related to Human Rights Action Plans and ratification of international and European human rights instruments were introduced for the EaP countries (ibid). Third, many of the newly introduced requirements were related to the situation of abject groups who were likely to apply for the asylum in the Schengen countries. This rationale is observed more clearly in the impact assessment of the future visa liberalisation with Moldova, where the section called asylum only deals with the situation of ethnic minorities (European Commission 2012f, p. 14). Additionally, the requirement regarding prohibition of discrimination in the labour market on the ground of sexual orientation indicated that the Commission's intention was also to prevent the

abjectification of sexual minorities by giving them access to employment. Moreover, in the case of Turkey, since legislative frameworks on organised crime and terrorism have given extensive definition to these terms, including the critique of government in practice, the journalists affected by this situation have increasingly applied for the asylum in the Schengen zone on the political grounds. Fourth, increasing focus on the avoidance of statelessness in the citizenship laws also suggested the Commission's risk-focused mindset had significantly increased. Since stateless people have no legal existence, and therefore no information is collected about them by the state authorities, as argued by Guild (2009), EU member states, with the rise of risk-focused migration control, became insecure due to the inability of understanding whether these individuals could pose a threat to the internal security (p. 108). Hence, promotion of avoidance of statelessness also became a biopolitical risk management tool in this episteme (ibid).

On the other hand, a will to produce knowledge about the citizens of EaP countries, Kosovo and Turkey ever-more increased. Information campaigns with ethnic and sexual minorities, strengthened border controls and risk analysis, the development of new digital surveillance systems already took place before the visa-free regime was granted (Kulchystka 2019). Moreover, the Commission asked these countries to collect quantitative data on minorities to designate effective integration policies, which on the other hand, made minority groups "statistical parameters" as said by Deflem (1997). Finally, increasing attention was paid to a number of new population and human rights categories in the citizens' rights promotion in the case of EaP countries since visa liberalisation is considered the highest reward in return of undertaking reforms due to lack of a membership prospect.

5. Discussion

The genealogical analysis of the citizens' rights within the EU visa liberalisation procedure demonstrates that two discursive epistemes can be differentiated in which the focus of the Commission on norm promotion varied significantly. The first episteme, starting from 2003 and finishing in 2010, emerged in the context of increasing political rapprochement of the Western Balkans with the EU. It gave weight to the social and economic rights of ethnic minorities, while the material effects of this discursive formulation were not recognized as the Commission did not carefully evaluate the implementation of the citizens' rights benchmark. The rights of other population groups, such as the disabled, women, children, sexual and religious minorities were disregarded and instead, located at the discourse of political integration within the enlargement strategy packages. Citizens' rights, including protection of minorities were deemed a rule of law question within the accession process rather than a normative visa conditionality tool. The second episteme started in 2010 after the increase of unjustified asylum applications from Western Balkans, and the citizens' rights discourse encompassed social inclusion and integration of Roma, displaced and internally displaced persons and returnees. Within this episteme, the lack of normative intentions of the Commission in promotion of rights-based citizenship regimes has become discernible. While the Commission required the adoption and proper implementation of anti-discrimination laws from WB countries, after the granting of visa liberalisation, on the contrary, it instructed these countries to apply discriminatory border control practices against certain population groups, such as Roma (RIDEA 2016, p. 12-15). Furthermore, despite the fact that ratification of European Convention on Human Rights protocols on prohibition of collective expulsion of aliens was requested for Turkey for the abolishment of visa obligations, in the wake of European migration crisis some EU member states, in particular, Greece collectively expelled asylum seekers to Turkey applying the concept of "safe country of origin" (OHCHR, n.d.).

On the other hand, the importance given to the promotion of citizens' rights increased proportionally to the weight attached to strengthened border controls, a crackdown on facilitators of irregular migration, risk analysis, conduction of information campaigns and strengthened information exchange and operational cooperation with the EU and member states. Moreover, these fields of knowledge constantly borrowed from each other until crossing what Foucault called "technological threshold". As a result, new fields of knowledges were formulated: as border controls and information campaigns reinforced each other – information campaigns at borders in the form of distributing leaflets on the rules of visa-free travel were set up; as risk analysis and minority assistance programmes reinforced each other – data collection on

minorities started to take place in the assistance programmes, such as Roma seminars. In general, a will to produce knowledge about abject minorities, particularly, Roma was characteristic for the second episteme. Post-visa liberalisation monitoring mechanism reports, EASO studies, border controls, digital surveillance systems, risk analysis reports, Roma seminars were all designated to collect quantitative and qualitative security knowledges about Roma. On the basis of the knowledge produced, ethnic minorities, in particular, Roma were rendered as threats to the internal security of the EU and consequently, abjectified. Discourses of exceptionalism increased since the liberal democracies of the EU promoted illiberal practices, such as discriminatory border controls. Moreover, the multiplication of profiling and exclusion of ethnic minorities from information campaigns to digital bordering took place. Finally, with the normalization of freedom of movement imperative, which usually occurred through references to "bona fide travelers" in the post-visa liberalization monitoring reports, "majority" – those whose movement to the Schengen area was not considered risky and "minority" – potential asylum seekers, such as ethnic minorities were differentiated. Interestingly, however, after the abolishment of the visa regime with three EaP countries, most of the asylum applications were lodged by those who were considered to be "majority" (European Commission 2015e). However, due to the increasing risk-focused mindset ethnic minorities, in particular, Roma, and in the case of EaP countries, sexual minorities were subject to performative border construction processes.

After the so-called Balkan asylum crisis, thus, biopoliticized risk management was applied to abject minority groups on the basis of statistical and collective assessment of the security risks. The abject groups of visa liberalisation countries were rendered as risky population and underwent strengthened surveillance. Not only physical border controls were strengthened in relation to abject minority groups, but also socially constructed borders, such as digital surveillance systems of Frontex, SIENA, Schengen Information System, information campaigns, and also minority assistance programmes excluded abject population of visa liberalisation countries from the European political communities.

Thus, human rights promotion was located in the realm of power relations aiming to manage asylum risks from the visa liberalisation countries. Only select category of human rights, such as social and economic rights were promoted for specific population groups, such as ethnic minorities in the case of WB countries, including Kosovo and Turkey. Moreover, with an increasing attention from clear definition of citizenship acquisition rules to the avoidance of statelessness in citizenship reforms' promotion, the EU has demonstrated its insecurity towards the statelessness persons of countries undergoing visa liberalisation procedure. It should also be mentioned that even in the managing of asylum risks, the EU has relied on the social

construction of statistical data on asylum seekers. While the data on the quantity of Roma asylum applicants has demonstrated increasing numbers of Romani people lodging international application claims is a tendency in only a few countries, such as Sweden, Germany, Belgium and France, through the dissemination of this data through (post-) visa liberalisation reports and digital surveillance systems, the fears of a few countries were exchanged at a European level, legitimizing discriminatory practices against certain category of minorities.

Hence, human rights promotion was located at the discourse of market discipline of risk management. With regard to EaP countries, however, rights of children, women, and the disabled were also taken into account, in addition to the cultural rights of ethnic minorities which were disregarded previously. Therefore, a wide array of human rights categories promoted within the VLP remained irrelevant to the market discipline of risk management. Instead, the Commission used the visa liberalisation framework to promote Europeanization in the context of its neighbourhood policy. This move has been successful since EaP countries have no prospect of the EU membership, and they comply well with the reward-based conditionality mechanisms. Hence, in addition to the market discipline of risk management, the market discipline of political integration pushed visa liberalisation countries to undertake an additional set of reforms. In the case of countries with enlargement perspectives, however, the market discipline of political integration was located at the discourse of enlargement strategy packages.

To sum up, in case of the WB countries, including Kosovo and Turkey, promotion of rights-based citizenship regimes was a part of power relations having the border construction towards abject groups for the purpose of risk management as its primary objective. In the case of EaP countries, an additional set of requirements were introduced due to increased risk-focused mindset and political rapprochement. Thus, the extent of Schengen norm promotion depended on the interplay of the market discipline of risk management and market discipline of political integration. While the risk-focused migration control gives rise to the importance attached to the former, lack of better institutional reward mechanism leads to the extension of human rights promotion within the latter.

6. Conclusion

Characterization of the European Union as a normative power has been one of the most researched policy problems within the European studies. While the overwhelming majority of the scholarly articles assumed the absolute morality behind the logic of norm promotion by the EU in the third countries, with the rise of political approaches to human rights, this viewpoint has become increasingly challenged. Within this thesis, I also sought to locate the norm promotion through the EU visa liberalisation policy in candidate and neighbourhood countries in the realm of power relations.

In doing so, the thesis started with the introductory chapter, with a brief literature review of normative power, followed by a discussion regarding security-values nexus in the common visa policy before the research question was posed. Then, employing the power relations theory of Michel Foucault and abjection theory of Julia Kristeva, I aimed to understand how differently after the lifting of visa requirements, new migrants are framed by national and supranational entities, defining their place in the inclusion-exclusion continuum. I also utilized the "market discipline" theory of Tony Evans in order to explain that the protection of human rights in the contemporary Western political mode of actions do not embrace the unity of all rights. Instead, human rights promotion has become a political construct, aiming to serve certain political and economic interests of the governments.

Having explained the theories, I proceeded to the (anti-) methodology chapter, particularly focusing on the history and discourse from critical perspectives. I argued that instead of having a developmental perspective on the history, uncovering the shift from one to another tactic of power relations inherent in the government rationalities is important within this thesis. Moreover, I claimed that the discourses should not be studied as mere individual texts; rather the circumstances contributing to the emergence, suppression, production and multiplication of the discourses should be a part of discourse analysis in addition to the analysis of discursive statements.

After the (anti-) methodology chapter, I proceeded to the analysis section, where I researched visa liberalisation progress reports for the Western Balkans, Eastern Partnership countries, Kosovo and Turkey. Moreover, I examined post-visa liberalisation monitoring mechanism reports, and briefly touched upon enlargement strategy packages. I concluded that the Schengen norm promotion combines two government rationalities: the rationality of managing migratory risks from the visa-exempt countries and the rationality of deepening the political rapprochement. Thus, promotion of minority rights within the EU visa liberalisation

policy is to be located at the interplay of market disciplines of risk management and political integration.

The conclusion of the thesis suggests that with the rise of risk-focused mindset, even after the granting of visa-free regime to third countries permanent surveillance towards certain population groups of visa-exempt countries takes place. Hence, for the future research it would be crucial to study how risk-producing groups of the visa-exempt countries located far away from the EU are controlled, considering the EU does not promote norms within the visa liberalisation procedure and instead, majorly focuses on the implementation of security-oriented reforms in relation to these countries. Such an investigation would uncover the role of the space in the designation of the surveillance systems.

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ANNEX

Main questions that were asked during the interviews:

1) How would you evaluate the policy of the EU to promote Roma rights in Western Balkan countries? Have there been any particular changes after certain timeframes or events?
2) In what ways have Roma people been subjected to discrimination in Western Balkans after these countries gained a right to visa-free travel to the EU? Was the discrimination intersectional? (e.g. LGBTQ+ Roma people)
3) How would you describe the changes in border controls against Western Balkans citizens after the Balkan asylum crisis? Were Roma people subjected to stricter border controls compared to other citizens of these countries?
4) EU requested Western Balkan countries to conduct information campaigns on the rules and obligations stemming from visa-free regime after the Balkan asylum crisis. To what extent Roma people have been involved in these campaigns?
5) EU requested Western Balkan countries to abolish discrimination against Roma people. What fields have been focuses of the anti-discrimination campaign? What fields have been prioritized in the Roma seminars organised by the EU?
6) Which groups were the focus of the European Union in promotion of citizens' rights in Moldova, Ukraine and Georgia during the visa liberalisation procedure? Was protection of some minorities (for instance, ethnic, sexual, etc.) paid specific attention by the EU?
7) What was the position of the European Union regarding protection of Roma people in Moldova, Ukraine and Georgia? Did the EU specifically focus on the protection of Roma rights?
8) Do you think there were any problems with regard to designation of effective anti-discrimination legislation and policies in Moldova, Ukraine and Georgia even when the European Union considered reforms in these countries satisfactory? If yes, please mention these problems.
9) European Union asked Moldova, Ukraine and Georgia to conduct information campaigns in order to explain the obligations and rules of visa-free travel. What was the main focus of these information campaigns? Have minority groups been involved in these information campaigns? What was the main message communicated to minority groups?
10) Were the border controls strengthened against minority groups in Moldova, Ukraine and Georgia after visa-free regime entered into force?