

Received: 22 February 2023 Accepted: 26 October 2023
DOI: <https://doi.org/10.33182/bc.v13i2.2836>

Belarusian – Polish Border: The Diplomacy of Cross Border Migration

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Abstract

Amidst the political conflict between the European Union (EU) and Belarus, thousands of Middle Eastern migrants have been stranded at the Belarusian-Polish border. The article analyses the border clashes and politics of various migration issues in the European Union. The circumstances have been changing tremendously since November 2021, with an influx of migrants trying to cross the Belarusian border into Poland. This article further articulates the EU's role in solving the cross-border immigration into the Poland border. The research analyzes to understand the politically motivated humanitarian crisis that is widely understood as a response from Belarus. While classical realist theories are used to account for the mechanism of secure cross-border problems, socially-oriented theories are often invoked to characterise relaxed borders. The article aims to challenge these simplified categorisations and theories, that secure borders are a long-standing reality and that security is a more complex theoretical conceptualisation. The research describes international intervention in the immigrant crisis at the Polish border and that the European Commission and EU leaders have accused Lukashenko of deliberately aiding the smuggling of migrants from the Middle East to the Polish-Belarusian border.

Keywords: *The European Union; Poland, Belarus; Cross-Border Migration; Immigration*

Introduction

After Poland joined the EU, its borders with non-EU states simultaneously became the EU's external borders. To the east, Poland borders Belarus and Ukraine. The length of the border between Poland and Belarus is 418.24 km. The article aims to briefly discuss the place and importance of migration and border management issues in cross-border cooperation at the eastern border of Poland (and at the eastern external border of the EU) under the cross-border cooperation program of the European Neighborhood Instrument Poland-Belarus. The article addresses important issues of contemporary European politics through the prism of realist theory such as the refugee crisis in Eastern Europe between 2014-2021, drawing a cross-sectional portrait of the current situation and its circumstances. The program for the years 2014-2021 identifies four priorities for cooperation in the geographical area concerned, the last of which focuses on the promotion of border management and security, mobility and migration management. In studies, literature and practice, there are different explanations.

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Often, the understanding of the cross-border region is based on the criterion of administrative division of the state, which corresponds to for example, in Poland to the different provinces across the country (Pachocka, 2016). In light of the escalating migration and refugee crises in Europe, various international actors such as the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM) and the EU have taken a stand in the debate. Amongst them, the Organisation for Economic Co-operation and Development (OECD) stands out for its pragmatic policy-oriented approach, rooted in its extensive advisory experience, global perspective, and socio-economic profile. An in-depth examination of the OECD's contribution to the crisis debate leads to the conclusion that the migrants who have come in large numbers to the Polish border in recent years mostly require international protection (Pachocka & Visvizi, 2018).

This politically motivated humanitarian crisis is widely understood as retaliation by Belarusian President Alexander Lukashenko against a series of sanctions the EU imposed on his regime since his disputed election victory in 2020. The President of Belarus, Lukashenko, aiding the trafficking of migrants deliberately from the Middle East to the Polish-Belarusian border (to allow entry into Europe through Poland) as claimed by the European Commission and EU leaders, accused of challenging the EU to abandon its humanitarian responsibility under the view of the world. Lukashenko's government and Russia, a major ally of Belarus, have denied involvement in the crisis. Although this crisis is politically motivated, it does not relieve the EU of its humanitarian responsibilities. It is important to shift the focus of policy to what needs to be done to move migrants from precarious situations to a safe place where they can receive adequate assistance and where humane solutions can be found depending on the situation and the personal needs of individuals (Humanitarian Crisis at the Poland–Belarus Border: Politics Is Putting Migrants at Risk, 2021). The article will discuss the various issues which are the main objectives of this study. Border guard actions on the Polish-Belarusian border are aimed at protecting the EU's external border and are a part of border Control under national and EU law. In doing so, EU Member State authorities are bound to respect, *inter alia*, the Charter of Fundamental Rights of the EU, international law, including the Convention relating to the Status of Refugees, and obligations related to access to international protection, in particular the principle of non-refoulement.

Methodology

Two Human Rights Watch researchers conducted research in October 2021 in the Minsk and Hrodna regions of Belarus, and one researcher in the Bialystok region of Poland. The researchers interviewed 19 migrants, of whom eleven were single men, five were travelling with their families, and three were single women. Six were from Iraq, including at least two from the Kurdistan region of Iraq, twelve were Kurds from Syria, and one was from the Democratic Republic of Congo. Human Rights Watch researchers also interviewed representatives of the non-governmental organisations Helsinki Foundation for Human Rights in Poland, Oceania, Grupa Granica, and networks of volunteers and activists. The Human Rights Watch also cross-examined and interviewed several human rights campaigners in Belarus. Human Rights Watch also spoke with UNHCR staff in Belarus and Geneva. Polish authorities had rejected Human Rights Watch's request to visit migrant detention centres in Poland, citing the COVID-19 pandemic as the reason for the refusal (Human Rights Watch, 2021).



This article used a qualitative approach of empirical analysis to interpret the meaning of the border crisis about the recent immigrants accommodated at border areas between Poland (The EU) and Belarus from the content of textual data, including primary and secondary data sources. It is also understood to provide adherence to the naturalistic paradigm. To prove an argument, the study consists of primary data such as press releases from government officials, press releases from the Ministry of Foreign Affairs, statements from the Minister of Foreign Affairs and other government officials, reports and official websites. Secondary data includes articles, books, online published materials, reports, think tank articles, and newspaper excerpts.

Review of Literature

Micaela Del Monte and Katrien Luyten (2021) have been analysing, since May 2021, that the Belarusian regime of Aliaksandra Lukashenka has been organizing flights from the Middle East to Minsk and deliberately orchestrating the journey of migrants to the EU-Belarus border. The Belarusian authorities have distributed short-term tourist visas and have organized more frequent flight connections to the country. Asylum seekers and migrants are first accommodated in state-owned hotels and then transported to the border area between Belarus and the EU, where the country shares borders with Latvia, Lithuania and Poland (Monte & Luyten, 2021). According to the European Border and Coast Guard Agency (Frontex), the total number of illegal crossings detected at the EU's external borders in the first ten months of 2021 increased to almost 70% of 160,000 compared to the same period in 2020. Out of these, about 8,000 migrants and asylum seekers were detected at the eastern border of the EU. Poland declared a state of emergency on September 2nd 2021, in 183 locations. The decree prohibits the entry of any person who is not a permanent resident of the area with subject to the state of exception and also prohibits taking photographs or making videos of that area. The state of emergency expired on December 2. However, elements were introduced into ordinary legislation: a new article 12(a) in the State Border Protection Act 1990, effective from December 1, 2021, establishing a permanent state of exception. A ministerial decree dated November 30, effective until March 1, 2022, further prohibits non-residents from entering the same 183 locations. According to the ombudsman, Professor Marcin Wiącek and the Senate Legislative Office, the new law and the decree based on it are unconstitutional. (Ibid).

Kabata (2021) describes in her article that, first and foremost, push-back operations are illegal, and the refusal to accept and examine asylum applications is contrary to the Geneva Convention, the European Convention on Human Rights and the Dublin Convention. If a person expresses a request for asylum, the border guard has the legal obligation to examine it. However, border guards take advantage of differences in terminology according to the rule of law. The asylum seekers always use the word *azyl*, which is quite similar to English (*asylum*) and should be understood, according to European Union terminology, as a request for international protection. Nevertheless, Polish border guards use Polish terminology that *azyl* is a national form of protection (not international protection) granted to foreigners in need of protection but when supported by Polish interests. In the absenteeism of such an interest, protection is not acknowledged (Kabata, 2021).

Another example of illegal actions towards asylum seekers is included in a draft law amending the Aliens Act and the Act on granting protection to aliens in the territory of the Republic of

Poland, as adopted on 17 August 2021. According to the law, foreigners can be immediately expelled and banned from returning to Poland in case of illegal border crossing. Moreover, their applications for international protection may be left without examination, which has been claimed to be contrary to the provisions of international law as well as the Polish Constitution (Ibid). Wanat (2021) highlights the tension at the Polish-Belarusian border, around twenty people stranded at the Polish-Belarusian border, have sparked a political crisis in Poland that could work in favour of the ruling Law and Justice party (PiS). The migrants have been stuck for two weeks - Polish border guards will not let them in and Belarusian soldiers will not allow them to retreat. The people, who say they want to seek asylum in Poland, are part of a wider effort by the Belarusian government to scare people away from the Middle East and send them across its borders with Lithuania, Latvia and Poland to put pressure on the EU. This is an effort to create a pan-European migration crisis by (Belarusian leader) Alexander Lukashenko's regime, Polish Prime Minister Mateusz Morawiecki said on Tuesday after visiting the border (Wanat, 2021).

“The EU must remain united in its response to the inhumane instrumentalisation of migrants by the Belarusian regime.”, a Member of the European Parliament (MEPs) said during a debate. During a plenary debate with EU foreign policy chief Josep Borrell (MEPs) expressed their deep concern about the dramatic crisis unfolding at the Polish-Belarusian border. They also reiterated their strong condemnation of the Belarusian dictatorial regime's current tactics of channelling migrant flows to the EU's external borders, thus escalating the situation with neighbouring countries, especially Poland, in revenge for EU sanctions. 'European Union. Vice-President Josep Borrell reiterated that the European Union is currently engaged in extensive diplomatic efforts with the countries of origin to find a solution and prevent more trafficked migrants from arriving this way. At the same time, he stressed that the Belarusian authorities must provide humanitarian aid to people stranded at the Belarusian border area, including allowing humanitarian organisations access to the region and authorizing humanitarian corridors. He also announced an upcoming discussion on expanding EU sanctions (European Parliament, 2021). Thousands of migrants have arrived at the Belarusian border since July 2021. Top EU diplomat Josep Borrell confirmed the move, saying vulnerable migrants were being exploited in an escalating hybrid war, pushing migrants towards borders to undermine security, a charge it denies (BBC, 2021a).

Grzywaczewski (2021) highlighted the points that the Polish village of Vasnarz Gorny is located in the picturesque region of Podlasie, dotted with gentle hills, in the northeastern part of the country. From Warsaw's point of view, it is the end of the world, where the road literally ends at the border with Belarus, which also happens to be the border of the European Union and NATO (Grzywaczewski, 2021).

Fraszka (2021) critically summarises the retaliation for EU sanctions and criticism; Alexander Lukashenko has waged a hybrid conflict against the bloc since June 2021, cynically using immigrants, mostly from the Middle East, as weapons. Belarus's efforts target Poland and Lithuania in particular, as both openly supported the opposition in Belarus after electoral fraud and protected opposition leader Sviatlana Tsikhanouskaya. The Belarusian border and special services began transferring people from the Middle East seeking to enter Western Europe along the country's border with Poland, Lithuania and Latvia in the summer of 2021. In a statement on October 8, Polish authorities said that the attempt to incite illegal immigration along the Polish-Belarusian border deliberately is a well-orchestrated operation.



Authorities in Belarus control immigrants trying to cross from Belarus to Poland. This is well evidenced by official documents such as invitations, permits or reservations of state hotels in Belarus (Fraszka, 2021).

The political and diplomatic power play between the European Union and Belarus over sanctions and gas supply cuts is intensifying, and the condition of thousands of migrants physically trapped between borders is deteriorating by the hour. Despite the ban on journalists in the border area based on Poland's declared state of emergency, videos and photos of migrants, including families with children in tents in freezing environments, short on satisfactory accommodation, food or access to sanitation facilities and stories of deaths reach the rest of the continent and beyond. For months, the situation at the border has escalated, with growing numbers of migrants and asylum seekers entering Poland via Belarus, allegedly with official help from the Lukashenko regime (Majetschak & Riemer, 2021). "Germany must get 'the whole democratic world' on board to support orderly immigration to Europe", says the Interior Minister amidst the worsening crisis on Poland's border with Belarus. Horst Seehofer accused Belarus and Russia of exploiting refugees and migrants to destabilise the West. He suggested that the EU countries must stand together in the appearance of a hybrid threat modelled by diplomatically prearranged immigration. Polish police prohibited hundreds of people from entering the country in October-November 2021 after Belarusian establishments escorted them to the border. Poland and other EU countries have accused Belarus of trying to provoke a new refugee crisis in Europe as revenge for their criticism of Alexander Lukashenko's brutal crackdown on domestic opposition. Minsk reportedly issued special visas allowing migrants from Iraq and other countries in the Middle East to travel to Belarus (Roth, 2021). The Poles have reacted correctly so far, Seehofer told the German newspaper BILD, of Poland's reinforced borders. They shouldn't be blamed for securing the EU's external border with authorized means. The Poles perform a very important service for all of Europe. The countries must remain united because Lukashenko uses the fate of people with the support of Russian Federation President Vladimir Putin, wanting to destabilize the West. Neither Poland nor Germany can handle this alone. There are debates in Western societies to help the Polish government to secure its external border. This would be the task of the European Commission to assist the Polish administration. According to Seehofer's deputy, Stephan Mayer, the EU should immediately act to support whatever the Polish administration wants to deal with immigration (Ibid). European diplomacy has already succeeded much more than the armies of individual EU member states and their border fences in stemming the threat of migration to the EU border with Belarus. Other countries in the region have also agreed to strengthen cooperation on border security and protection, combat human trafficking under the EU-Central Asia agreement and receive financial support from the EU (Gulina, 2022).

Theoretical Background

The research analyses the burning issues in the recent Poland-Belarus border crisis through the lens of realist theory, such as the refugees from Iraq, Syria and Afghanistan at the European Union's eastern border (Orsi et al., 2018). In clear retaliation for the sanctions imposed by the EU in May 2021, Belarusian authorities have facilitated the transit of migrants to the country's borders with the EU, in particular the member states of Lithuania, Latvia and Poland. (Besheer, 2021). One of the characteristics of realist theory is to identify a tension between ideals, normative frameworks and political reality. In contemporary politics, the

lingua franca that shapes its normative expectations of political actors is set by different groups of political activists and it is applied to solve the current Poland-Belarus border crisis. The Belarusian authorities facilitate tourist visas, mainly for people from the Middle East, through travel agencies that falsely claim that entering the EU from Belarus is easy. Consequently, there has been a significant increase in flights from various airports, including Istanbul, Damascus, Baghdad and Amman, to Minsk International Airport since August. According to numerous testimonies of migrants arrested in Poland, on the way to the Polish border, they are forced to pay bribes, their documents are confiscated and sometimes, finally, they are forced to illegally cross the border into the countries of the EU, said the Polish Deputy Foreign Minister Marcin Przydacz (Korpar, 2021). The state authorities of Belarus issue visas through travel agencies registered in Belarus, which are linked to travel agencies in the Middle East (The Guardian, 2021). Migrants told Human Rights Watch about how local travel agents in the Middle East, including in Syria, Iraq, Yemen, and Jordan, conveyed to them that they would receive assistance all the way to Poland. Travel agents falsely informed them that the news about the problems at the border is fabricated and that only people who do not buy tour packages can face problems. "The travel agents assured us that everything would be fine. They used us as fuel for the fire. And we sold everything for a chance at a better life. We have nothing to return to," said Awira, a 40-year-old Kurdish woman from Syria (Human Right Watch, 2021).

This is when the trip usually turns into a nightmare. Migrants told the Guardian how Belarusian troops rounded up groups of up to 50 people and then cut the barbed wire with shears to allow them to cross. On the other side, nearly 20,000 Polish border police, flanked by military personnel, have been deployed in a show of force unheard of in the country since the end of the Cold War. Hundreds of people are violently pushed back towards Belarus, some attempting to cross a dozen times. It's a matter of luck if they finally manage to get out safely. Despite promises from Turkish and Belarusian airlines to stem the flow, the crisis seems far from over. There are thousands of people who remain in Belarus and thousands more are desperate to join them. Rashwan said that people will never stop finding other ways to get to Europe. Blocking the border with rough wires didn't stop my cousin Ferhad and people like him from fleeing wars and poverty. People will never stop finding other ways to get to Europe (The Guardian ...Op. Cit.).

Jaroslav Kaczynski, current Vice President and leader of the Law and Justice Party, gave a speech in the Parliament on September 16, 2015, saying that Poland has no moral obligation to accept refugees because it has neither participated in colonisation nor the recent destabilising actions taken by the United States and certain European countries in the Middle East. While Poland had no colonies, it benefited from being part of a system built by previous colonisers. In addition, Poland has sent troops to Afghanistan and Iraq, two countries from which many asylum seekers come. Moreover, from a historical point of view, Poland should express special empathy and solidarity with foreigners who not only flee wars and persecution but also seek to find a better life, as Polish history includes several waves of emigration (Kabata, 2021). During the migration crisis, the Polish government took a tough stance on migration that still has repercussions. The refusal to relocate a relatively small number of refugees has had an impact on both the internal and external image of Poland. On one hand, the Polish government has adopted a reassuring discourse on migration, presenting in particular people from the Middle East and Africa, as a serious threat to national, societal and health security. Accepting refugees now would contradict this discourse as well as the



discourse mentioned above about the lack of moral obligation to help. Thus, the actions that are currently underway are in line with Poland's portrayal as a country that prioritizes its security and defence - in this case, against the Belarusian attack (Ibid).

Article 18 of the Charter guarantees the right to asylum following the principles of the Geneva Convention relating to the status of refugees and EU treaties. The Treaty on the Functioning of the EU (TFEU) states that the policy of the Union is to grant protection to any third-country national who needs it. It also provides the basis for the adoption of detailed rules on the procedures for applying for international protection (Article 78(1) and (2) TFEU). These procedures are governed by Directive 2013/32/EU, known as the Procedures Directive (Górczyńska et al., 2021). According to Recital 27 and Article 2(c) of the Directive, an applicant is considered to be a third-country national or a stateless person who has applied for international protection (he has applied for international protection). According to EU law and case law, a request can be made in any form and anywhere, i.e. at the border, in the territory of the State and in the transit zone (Article 3, paragraph 1 of the Procedures Directive, judgment of the CJEU in case C-808/18 European Commission vs. Hungary, points 95 to 104). This is also stated in the Schengen manual (Ibid). It should be noted that from the moment of the application, the foreigner has several rights, including the right to remain on the territory of the Member State concerned (Article 9(1) of the Directive procedures). From that moment, applicants are also subject to the so-called Reception Conditions Directive, which grants them, among other things, the right to move freely within the territory of the State concerned (Article 7(1), as well as material benefits and health care (Article 17) (Ibid). There is also a significant difference between a paper describing theory and one describing the practice, i.e. how research should function and how it does function, in reality, to assess the border crisis and evaluate the immigrants from Middle-East countries which are creating major political and diplomatic debate in the European Union. Findings In light of the external immigrant' threats that challenge states and border regions in border crisis and normalised contexts, it is increasingly important to recognise multi-level power relations. Inhibit and ultimately control the inevitability, circumstance and socio-political effectiveness of all cross-border immigration. Cross-border cooperation (CBC), which is gradually evolving, controlled by the border regime and reflecting actual levels of interstate political dialogue, is a slower but surer option and a more realistic expectation for CBC, especially in regions where the communication between cross-border countries is minimal. The use of realistic approaches should be used as a tool to solve the recent border crisis between Poland and Belarus.

The EU Laws and Polish Legislation

The Polish government has introduced problematic legislation to limit access to asylum procedures. In August, the Polish Parliament adopted an amendment to the regulation on the temporary suspension or restriction of border traffic at certain border crossings, to the effect that people who are not allowed to enter Poland must leave the territory immediately and be returned to the frontier State (Helsinki Foundation for Human Rights Poland, 2021). In light of the current issues between the European Union and Belarus border crisis management, the realist theory approaches and describing the lack of explanations of governmental decision-making increasingly appeared as a serious weakness. IR theorists reacted in two ways. Some have sought to extend the realist tradition by combining realist ideas on the international system with particular theories about how governments perceive, choose, and act. Kenneth

Waltz provided a rallying point for such an effort, using a rational-choice conception of governmental decision-making in the Theory of International Politics (1979) (Peterson, 2018).

In October, the Polish Parliament passed an amendment to the Aliens Act that effectively gives legal cover to deportations and pushbacks (European Council on Refugees and Exiles, 2021). The amendment introduces a provision that makes it mandatory to issue unlawful entry orders. These orders must be issued when a migrant is apprehended immediately after crossing the EU's external border irregularly. This provision allows for the summary expulsion of migrants from Poland, even if they seek international protection. The law does not oblige the authorities to examine applications for international protection made by migrants apprehended immediately after illegally crossing the EU's external border (SEJM, 2021). There are tons of discussions across the European Union about the new law of Poland, which was recently passed by the Polish legislative law in the Sejm. Notwithstanding any changes to Polish law, pushbacks from Poland without due process violate the EU laws, including the Charter of Fundamental Rights (EUR-Lex, 2012). The forced separation of families, including the separation of children under the age of 18 from one or both parents, violates the right to family unity and the principle that any action involving children must give priority to the best interests of the child, including in the context of migration and seeking asylum (International Covenant on Civil and Political Rights, n.d.). Poland declared a state of emergency in two regions bordering Belarus on 2 September 2021 following a wave of illegal immigration that Warsaw blamed on its neighbour. Poland and the European Union have accused Belarusian President Alexander Lukashenko of encouraging thousands of migrants to enter Polish territory to pressure the bloc over sanctions it imposed on Minsk. The emergency ordinance, the first of its kind in Poland since communist times, banned mass gatherings and restricted the movement of people in a three km-deep strip of land along the border for thirty days, said the government (Reuters, 2021). Polish Presidential spokesman Blazej Spychalski said that the situation at the border was difficult and dangerous. Today, as Poland, is not only responsible for our borders, but also the borders of the European Union, we must take measures to ensure the security of Poland and (the EU) (Ibid).

In October-November 2021, the Belarusian authorities and the local Committee of the Red Cross provided humanitarian aid which includes drinking water, canned food, firewood and tents, to those stranded. UNHCR and IOM provided support through the Belarusian Red Cross on at least one occasion in November (UNHCR, 2021). However, the situation remains dire, especially as the weather becomes increasingly colder, with sub-zero temperatures at night in early November. The situation of children and women deteriorated when they were stuck in remote areas of dense forest at the border region (The Russian News Agency TASS, 2021). News reports quoting Polish health workers say hypothermia is common among those stranded in the border area. They have faced weakness and illness because of not getting proper food, water and medicine (Cable News Network, 2021).

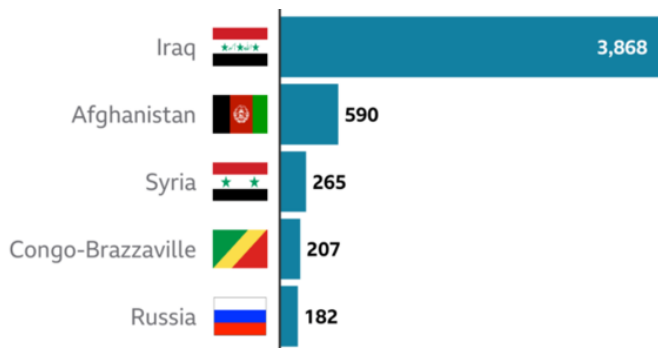
Humanitarian crisis

Since August 2021, thousands of men, women and children have gathered on the western border between Belarus and Poland. They come mostly from Iraq, Syria and Yemen, and now live in freezing conditions in the hope of entering the EU. The EU has accused Belarus of encouraging a large number of people to enter Poland and other member states to trigger a humanitarian crisis in the bloc. "It's like a football match and we're in the middle of one," tells



a woman to the BBC's Steve Rosenberg. Hiding her identity under a headscarf, she also explained how Belarusian soldiers helped some migrants to enter Poland illegally in the middle of the night by cutting the fence. But the migrants hid in a Polish forest and were sent back to Belarus (BBC, 2021a). Where do migrants come from? Data from the EU's border force, Frontex, shows that the main country of origin of detected migrants crossing the bloc's eastern land borders this year is, Iraq. There are smaller numbers from Afghanistan and Syria, as well as other countries (BBC, 2021b).

Iraqis are the biggest group of migrants with the highest number of illegal crossings on the EU's Eastern land borders by nationality, from January to October 2021.



Source: Frontex

The figure shows that a large scale of migrants came from the Middle East and recently, from Afghanistan. President Lukashenko told BBC that his country might have helped migrants into the EU, but he denied inviting them to Belarus. During the year, the Belarusian state airline, Belavia, increased the number of flights from Istanbul but denied any involvement in facilitating the arrival of migrants. Belarus also now allows visa-free travel for up to 30 days for citizens of 76 countries, which does not include Iraq, Afghanistan or Syria, which are mentioned in the above graph. Poland and Lithuania are said to have found evidence of the migrants they intercepted, which shows how Belarusian authorities helped them organise their journey to the border. There seems to be a link between travel agents and the acceleration of immigration in the Middle East, with how a network of travel agents, airlines and smugglers were involved in enabling migrants to obtain visas, leave their country of origin in the Middle East, to fly to Minsk and to travel across EU borders (Ibid).

Polish-Belarusian Border and Result

The situation of other groups of migrants crossing the Polish border irregularly and being returned to Belarus by Polish border guards, wherein the actions of the border guards are essentially a response to the act of irregular border crossing, should be considered as a part of border surveillance within the framework of border control. As defined in Article 2(10) of the same, the authorities should issue individual decisions on the refusal of entry or the obligation to return. People who have crossed the Polish-Belarusian border irregularly and who do not have the right to stay in Polish territory must be apprehended and subjected to procedures in accordance with the requirements of the Return Directive. It is clear from Articles 6(1) and 8 of the Directive that effective removal can only take place if a return decision has been issued beforehand. At the same time, it cannot be considered that it is currently possible to transfer

migrants to Belarus on the basis of Article 303 (1) (9) in conjunction with Article 303 (7) of the law on foreigners since Belarus has announced the suspension of the readmission agreement with the EU (Górczyńska et al., 2021).

A Polish government spokesman said another 3,000 to 4,000 migrants had gathered near the border on Tuesday. He expected an escalation of such action on the Polish border, which could be armed in nature. Poland sent thousands of troops to the border area, created a two-mile-deep militarised zone, built a barbed wire fence and approved the construction of a border wall. It also applied a state of emergency in the region with a media blackout. Hundreds of people spent the night in tents at a camp along the border overnight, collecting firewood and lighting campfires as temperatures dipped below the freezing points. Poland's Kuźnica border crossing was closed early since the tension had occurred, and police monitoring the area with night vision and thermal imaging reported that a large detachment of Belarusian troops was approaching the migrant camp. During the recent clashes, video footage emerged that appeared to show an armed Polish officer spraying chemicals at men trying to cut through the razor-wire border fence. Others tried to cross the fence by climbing on long poles or wooden branches. Polish police were hit by objects thrown from the Belarusian side as helicopters hovered overhead (Roth, 2021).

Belarusian leader Aliaksandr Lukashenka wants the EU to recognise him as President and ease economic sanctions that have weighed down the Belarusian economy. These issues have both become sticking points after Lukashenka ordered an unprecedented and often violent crackdown on opposition members and protesters following the August 9, 2020, Belarusian presidential election. Lukashenka, who had led the country since 1994, claimed to have won this competition with more than 80% of the votes. The EU, US, UK and Canada have refused to recognise Lukashenko's victory due to evidence of manipulation. Together with Switzerland and Norway, the EU has imposed sanctions- four sanctions packages – targeting a wide range of individual officials and sectors of the Belarusian economy, including Belarusian exports to the EU and the UK. To justify the sanctions, they pointed out a series of human rights violations, including Minsk's violent crackdown on civil society, the democratic opposition and journalists. The hardest hit was the sanctions on Belarus' main exports, mainly petroleum products and potash fertilizers (Reliefweb, 2021).

While some European officials are convinced that Moscow is behind the scenes in the crisis, there is no reliable evidence that Russia was directly involved in orchestrating events or moving migrants. Yet European leaders were quick to point out Moscow's involvement, with Polish Prime Minister Mateusz Morawiecki saying that Lukashenka was following orders from Russian President Vladimir Putin. Poland also believes that Russia has helped the would-be EU immigrants to enter Belarus, which includes getting them onboard the Russian airline Aeroflot. The Lithuanian president claimed that people from the Middle East were entering Belarus via Moscow, whereas Russia has denied all such accusations and reacted bitterly to the news of the EU considering sanctions against Aeroflot. Even though it does not help to transport migrants, Russia has always supported Lukashenka throughout this episode and promoted his talking points. Russian officials have also been careful to argue that Western responses to the crisis are hypocritical. Moscow says European capitals talk about human rights but refuse to take in people they call refugees and also use water cannons to block their entrance. Putin also called for direct dialogue between Lukashenko and European countries, with an offer to facilitate it. Indeed, Putin and Merkel had a long talk before the latter spoke



to Lukashenko. Moscow also suggested that the EU should respond to Belarus as it did to Turkey in 2016 when it provided aid of billions, supporting millions of refugees in Turkey rather than allowing them to travel to EU states. Russia has its reasons for wanting to see a change in the Western policy toward Belarus that would involve recognizing Lukashenko and lifting sanctions. One is economic: to help it through its current difficulties, Russia has supported Belarus and its economy, and the easing of sanctions would allow Kremlin to reduce its spending. Russia's political tension with the West also plays an important role in his calculations. The Kremlin sees Western pressure on Lukashenko as a target for the changing leadership in Minsk and believes that this pressure is part of a larger effort to destabilise and increase Western influence in Russia's periphery (Ibid).

Although there appears to be, violence, people fleeing war and repression among those on the border, EU countries, notwithstanding their international obligations, are united in supporting Polish efforts to prevent people from entering. In their view, allowing entry would be tantamount to succumbing to a crisis fabricated by the Belarusian leader. Even if solutions are hard to come by, it's worth Western governments getting in talks with Minsk. While Minsk and Moscow may see dialogue as a way to extract concessions from the West, that doesn't necessarily have to be the case. Indeed, the EU has already started a dialogue with Lukashenko without signalling any intention to lift sanctions or formally recognise the Belarusian president, unless he meets EU conditions. At the same time, he sent aid to people at risk near the border. This mixture of political commitment and humanitarian support seems to have positive effects on the border situation. The short-term goals of European states should be, at the very least, to ensure that people can return home safely and do not face undue hardship. Lukashenko faces his constraints - he is limited in the extent of Russian support he enjoys and in his own country's ability to support a large number of people in the Middle East and other war-torn countries. If the EU and other states hope to change Lukashenko's behaviour, in addition to dialogue, they will have to link any new sanctions and threat of sanctions to very specific actions that Belarus can take to ensure that they are lifted or avoided. In the meantime, they must be prepared for more provocations and challenges (Ibid).

In Brussels, far from the EU's borders with Belarus, parliamentarians are wrestling with whether the European Union should loosen its purse strings to support the construction of these physical barriers. On October 7, the Interior and the Immigration Ministers of Poland, Lithuania, Latvia and nine other European Union member states wrote a letter to the European Commission demanding that the EU funds border wall projects to stop migrants from Belarus. Hungarian Prime Minister Viktor Orban has asked Brussels to reimburse his government for the billions of dollars spent on controlling migrants from entering Europe (Jilani, 2021). Under heavy pressure from supporters and critics of border fences, senior EU officials have sent mixed messages about their willingness to financially support physical barriers at the EU's external borders. European Commission President Ursula von der Leyen flatly rejected requests for funding for the border wall. The President of the European Council, Charles Michel, meanwhile indicated that the EU could legally finance border walls. The largest bloc in the European Parliament, the centre-right European People's Party (EPP), and its second-largest bloc, the centre-left Progressive Alliance of Socialists and Democrats (S&D), have drawn opposing lines in the sand (Ibid). In the push for EU-funded border walls and prevailing states of emergency, activists and critics see a multipronged assault on asylum by Western leaders. They allege that European states seek to create a climate of fear to completely deter asylum seekers. Deterrence is the keyword here, an unspoken policy linking

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all these issues, said Moratti, head of Amnesty International. This is a new iron curtain across Europe, and politicians are using migration to gain power by playing on the fears of their citizens. (Ibid).

Belarus has received strong support from its main ally, Russia, which has helped bolster Lukashenko's government with loans and political support. Russia said the migrant flow resulted from US-led wars in Iraq and Afghanistan and Western-backed Arab Spring uprisings in the Middle East and North Africa. In response to Polish troop build-up along its border with Belarus, Russia sent two Tu-22M3 long-range strategic bombers to patrol the border region. Russia has also blamed the EU outright for the migrant crisis, saying it is the EU's refusal to accept asylum seekers that are causing the crisis (Drishti, 2021). The EU presented solidarity with Poland, Lithuania and Latvia. EU administrators are anticipated to discuss a new round of sanctions against Belarus. The EU has accused Belarus of increasing a hybrid attack on the bloc by airlifting thousands of immigrants, typically from West Asia, and tricking them into trying to cross into Poland illegally. Belarus' neighbours have expressed concern that the crisis could escalate into a military confrontation. However, Belarus also denies encouraging the flow of migrants and has said that the EU is violating migrants' rights by denying them safe passage. EU countries support and stand in solidarity with the Polish authorities over the tense situation that has arisen at the border. Western members of the United Nations Security Council have condemned Belarus for escalating the crisis over migrants stranded on its border with Poland. The UN Refugee Agency and the International Organisation for Migration (IOM) are calling for an urgent resolution to the situation and for immediate and unhindered access to the EU to ensure that humanitarian assistance is provided. (Ibid).

Conclusion

Both Polish and Belarusian authorities have cynically instrumentalised the migration issue since August 2021, via social media and the use of pro-government media, which is reporting about borders as propaganda. The Belarusian Border Guards routinely film and photograph the other side engaging in alleged pushbacks, and the Polish Guards similarly film Belarusian Guards helping migrants enter Poland. Both states use social media platforms like Twitter to spread images and video footage purporting to show the abuse of migrants by the other side. Since the refugees neared the Polish border in September-October 2021, the situation became tense in the border areas. At least thirteen people have been reported to have already died near the Polish-Belarus border since the start of this crisis. There have also been reports of pushback by all the countries involved. The situation has had serious humanitarian consequences and violations of fundamental rights. The Council of the EU has already adopted sanctions against Belarus for human rights abuses and the instrumentalisation of immigrants.

Although the technical issue with accepting asylum seekers in Poland, as well as the difficult situation across the EU in migration, can to some extent explain the impasse at the border, can politics and technicalities be above the right to international protection, especially humanitarian treatment? Poland has been disobeying its obligations towards asylum seekers for a long time now and this should be condemned at the international stage. The problem is that neither the EU nor the world has a long-term plan for how to manage migration, which is expected to increase due to political destabilization and the climate crisis. Poland justifies



its actions by referring to its sovereign right to control its borders and the external border of the EU. However, this right has strict limits and must be balanced against fundamental human rights. Poland and the EU have agreed to these limits by establishing and joining human rights regimes. Ignoring these commitments would further delegitimize already fragile protection standards for migrants and asylum seekers. The realism of IR is not enough to understand and explain international politics, but its concern for power politics in a decentralized system remains necessary. This is the reason why it persists when the theory is applied to the outbreak of the current situation around the EU's border crisis with non-EU countries (Peterson, 2018).

Finally, the research shows that, both in the case of the group of migrants in Usnarz Górny and in that of the migrants apprehended on other sections of the Polish-Belarusian border, the border guard authorities do not fulfil the fundamental obligations provided by the law, i.e. they do not prosecute on a case-to-case basis, concerning each migrant crossing the border of Poland, which is also the external border of the EU. The returning migrants to Belarus, without initiating any appropriate proceedings against them or issuing appealable decisions under Polish law makes it impossible to assess each individual's situation, thus depriving migrants of procedural safeguards, including the most important one- the right to seek international protection. The study further suggests that the migration flow to EU countries would not stop in the future, so there is a gap in the study of the ensuing border crisis in different regions of the Member States. Furthermore, the research suggests that there remain many areas for further study of the border crisis and its related politics. Many countries share their border with three countries Poland, Hungary, the Baltics and other EU member states that share a border with non-EU countries, see only one way to stem the inflow of migrants and secure their borders, i.e. by initiating new walls and fences, since they have little or no faith in EU diplomacy and economic leverage. But without a Europe-wide understanding and implementation of humanitarian procedures such as asylum, the problem cannot be solved. The use of migration flow as an instrument of geopolitical influence on EU countries will only increase in the years to come.

The study has introduced a reading of realism that is probably uncommon. Realism is often confused with neorealism, making researchers believe that realism provides explanations for the current international political status quo. The real picture of realism demonstrates that it helps in developing a more critical awareness of international politics. To illustrate this potential, the refugee crisis in Europe is chosen to broadly study the Border crisis between EU countries and Belarus. Realism does not provide a one-size-fits-all solution to this crisis, but it does act as a critical corrective to political narratives that protect refugees, where they become a security issue that in turn justifies the use of extraordinary means to police and border guards a threat. Realism rather encourages transforming the differences that are perceived as security issues, into a potential to create more inclusive societies. Thus, realism is far away from being a circumstance for the wastebasket of the history of international political thought, as suggested by a few commentators on realism, but can serve as a springboard to challenge some of the common assumptions held in the discipline. Moreover, the study further suggests that there is a need for more scientific work to be done on the current border crisis between EU countries and non-EU countries.

Acknowledgements

The authors are grateful to the anonymous referees for their comprehensive review of the manuscript and very useful suggestion. It was not possible without the support of my brother Simant Shankar Bharti, and I am especially thankful to my friends.

Declaration of Conflicting Interests/ Disclosure Statement

The authors declared no potential conflicts of interest with respect to the research, authorship and/or publication of this article.

Funding

The authors received no financial support for the research, authorship and/or publication of this article.

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