To what extent are the West's selective borders instruments of inequality, and what are their implications for human rights?

by

Haya Kassem

Student ID: 1983301

Abstract

This dissertation argues that the West's selective borders and policies perpetuate postcolonial inequalities, thus violating equality rights and broader human rights. It achieves this through a comprehensive examination of the racial, economic, and rights dimensions of these inequalities, focusing on postcolonial Europe's response to the recent Ukrainian refugee crisis.

The study first analyses the racial context of border securitisation, highlighting the dominance of postcolonial racial hierarchies in border security today. It then investigates the economic dimension of the right to enter, revealing how borders exacerbate socioeconomic inequalities within and among states. Further, after conducting a correlation analysis, the dissertation proposes a bidirectional relationship between borders and rights, underlining the crucial role of pre-existing rights in determining whether equality rights are violated.

These multi-dimensional findings are applied to a comparative case study involving Ukrainian, Syrian, and North African refugees, showing how borders can enforce pre-existing social inequalities and hierarchies rather than being the original source of these disparities. This work concludes with a call for a reconceptualisation of border security, a shift from perpetuating inequality to serving as instruments of protection and unity. Future research is suggested to extend the correlation analysis, examine other regions' border policies and practices, and explore how post-colonial legacies perpetuate inequalities.

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List of Abbreviations

BCship: British Citizenship

BDTCship: British Dependent Territories Citizenship

BOCship: British Overseas Citizenship

CUKC: Citizenship of the United Kingdom and Colonies

EU: European Union

GDP: Gross Domestic Product

HFI: Human Freedom Index

HFS: Human Freedom Score

IATA: International Air Transport Association

IMF: International Monetary Fund

MENA: Middle East and North Africa

OECD: Organisation for Economic Co-operation and Development

TPD: Temporary Protection Directive

UDHR: Universal Declaration of Human Rights

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

USA: United States of America

VFA: Visa-Free Access

Introduction

The United Kingdom and all members of the European Union are signatories to the Universal Declaration of Human Rights (UDHR), a landmark human rights document widely praised by the West (Bhambra, 2017; Morsink, 2010). Six of its thirty articles emphasise the importance of equality rights (United Nations, 1948), which in this dissertation refer to individuals' entitlement to equal treatment, opportunities, and protections regardless of their personal characteristics and circumstances. The second article of the UDHR emphasises that the rights enumerated in the declaration apply to all individuals, regardless of national origin. Despite the declaration's clear commitment to equality, Western responses to recent refugee crises, such as those in Syria and Ukraine, have been criticised for their “shameless double standards and racism” (Amnesty International, 2023, p.5).

This dissertation examines the implications of the West's selective borders and policies, arguing that they perpetuate inequality, violating equality rights and other fundamental rights as a result. The following primary research questions are addressed to develop this argument: 1. How and why do Western selective borders violate equality rights? 2. What is the nature of the relationship between selective borders and rights? 3. What are the human rights implications of selective borders in times of crisis?

It is essential to clarify that this dissertation does not advocate for open borders or any particular migration policy (see Sager, 2017), nor does it endeavour to resolve the tension between universal freedom of movement and national sovereignty and self-determination (see Dowty, 1989). Instead, it focuses on the unequal outcomes resulting from the current reality of states exercising their right to exclude through selective borders and policies, which implement the doctrines of sovereignty (Salter, 2006). Unlike political philosophers who start from abstract rights such as the right to enter, the right to free movement, and the right to exclude (see Wellman, 2008), I begin with the concrete injustice of colonialism to develop the relationship between selective borders and rights, to determine whether hierarchies within the present border context reflect past colonial racial and economic inequalities. While the border control and human rights field is well-studied, a post-colonial perspective provides promising avenues of exploration, specifically regarding the equality rights implications of border policies. This perspective offers fresh insights and expands the existing discourse. Limited research has quantitatively explored the interplay between selective borders, inequality, and rights, specifically focusing on quantifying rights. Bridging this gap, this

dissertation applies a post-colonial lens and introduces an empirical correlation analysis to illuminate these interrelationships further.

Chapter One provides this paper's conceptual and methodological frameworks. The former outlines and explains this paper's key underlying assumptions, the ideas guiding its post-colonial approach, and what the 'West's selective borders' entail. The latter explains this paper's mixed-methods approach and the steps taken to conduct its correlation analysis. While building on previous research, Chapter Two develops three new ways of understanding the relationship between selective borders, inequality, and rights. Section 2.1 considers the racial dimension of border security, arguing that inequality stems from implicit ongoing colonial hierarchies rather than explicit racism. Section 2.2 considers the economic dimension of the right to enter, outlining how borders perpetuate inequalities on the state level between individuals rather than just on the international level between states. Section 2.3 reconsiders the nature of the relationship between unequal borders and rights, viewing it as bidirectional, by presenting the findings of this paper's correlation analysis. Chapter Three applies the approaches developed in Chapter Two to a two-part case study of the Ukrainian Refugee crisis. Section 3.1 contrasts and explains the disparities in treating Ukrainian and Syrian refugees. Section 3.2 delves deeper into the Ukrainian crisis, examining the inequalities perpetuated on an individual level while clarifying why borders are described as mere instruments of post-colonial inequalities. Finally, the conclusion summarises the key findings and implications of the study and provides recommendations for future research. Overall, by providing a nuanced analysis of the issue, this dissertation aims to contribute to the ongoing debates concerning borders and rights.

1. Framing the Study

This chapter establishes a conceptual and methodological framework to guide the forthcoming analysis of selective borders and equality rights in the Western context. I begin by defining the key terms and concepts, discussing the postcolonial approach, and considering its limitations. I then present the research design and data analysis strategies for investigating the relationship between selective borders, inequality, and rights. The mixed-methods approach, correlation analysis, data cleaning, and pre-processing techniques are detailed, as well as ethical considerations and study limitations, ensuring transparency and rigour throughout the research process.

1.1 Conceptual Framework

A Global Mobility Divide

Frantz Fanon's The Wretched of the Earth (1961) discusses the concept of "categorisation of space according to race", the practice of the coloniser dividing the world into two opposing sections: one for the settler and one for the other. In contemporary times, this division persists through the divergent experiences of these two groups regarding wealth, treatment, and rights and can be seen to be perpetuated through physical boundaries such as borders and related discriminatory policies. In the border context, this categorisation of space can be conceptualised as the 'global mobility divide,' which exists between nations with citizens who experience greater mobility and equality rights and those whose citizens face significant restrictions (Mau et al., 2012). The border is understood to actively enforce this 'global mobility divide,' acting as a tangible manifestation of the restrictions and limits placed on those from less mobile nations. In the context of the West, the common use of terms such as *Fortress Europe* and the *Wall Around the West* (Snyder, 200), illustrate the formidable boundaries and policies that severely restrict migration and asylum seekers from crossing into these territories. Before delving into the boundaries and practises fortifying the West, defining what this paper means by the term West is necessary.

Defining the West

This paper adopts a postcolonial approach associated with Edward Said (1978), who explains how the West constructed unequal and binary identities between itself and the non-Western world (the Orient or the Other) to establish a global hierarchy. Postcolonialism recognises the

ongoing legacy of colonialism and Western imperialism, aiming to challenge persisting dominant narratives, as this paper aims to do. Therefore, the term 'West' is used synonymously with states and cultures with a history of colonising or benefiting from existing post-colonial hierarchies. For this reason, this paper uses the term ‘West’ to refer to the EU and the UK.

Kinnvall (2016) refers to Europe as a postcolonial location where colonialism remains part of the continent's reality. Although it may seem like an overgeneralisation, colonialism has benefited regions beyond Western Europe's former colonial states (Achiume, 2019), these benefits include both tangible benefits, such as economic wealth, and intangible effects, such as racial advantages. Hence, despite being a postcolonial state, Ukraine is considered part of the West's 'us' due to its postcolonial location and white majority. This paper primarily draws on postcolonial scholars like Said and Fanon rather than theorists focusing on Post-Soviet Europe (see Thompson, 2000). In weighing the potential expansion of the postcolonial scope, this paper ultimately utilises the former body of scholars as they offer a more suitable approach for analysing EU and UK borders in relation to the paper’s research questions due to their emphasis on their specific historical injustices.

Selective Borders and Selective Memory

The term 'selective borders' refers to the reality of Western borders being permeable to some while remaining impermeable to others. Szmagalska-Follis (2009) highlights that the primary goal of Western borders is to prevent the entry of undesirable items and individuals. These selective borders target specific migrant groups using various methods, such as citizenship laws, policies, and regulations (Salter, 2006), indicating that they encompass more than just physical barriers. The paper examines how these laws, policies, and regulations interact and influence each other, mainly focusing on the impact of visa-related policies on the global mobility divide and equality rights.

Visas function as a tool for pre-emptively denying entry to certain individuals, especially those travelling from remote locations accessible only by air (Czaika and de Haas, 2017). Neumayer (2006) asserts that the combination of visas and carrier sanctions aims to prevent specific individuals from entering and seeking asylum, a strategy openly communicated by governments. This supports the notion that the travel visa regime is linked with other policies and regulations that seal the West's selective borders for certain groups. For instance, signing

the Schengen Agreement in 1985 and removing internal borders between states coincided with the increased implementation of visa requirements for other states to strengthen external borders (Czaika and de Hass, 2017). Thus, the visa regime reflects border selectivity.

The primary distinction made between groups thus far has been the one between the Western citizen and the postcolonial other. While this paper recognises that different categories exist within the latter, such as migrants, asylum seekers and refugees, it focuses on their similar experiences of inequality resulting from existing hierarchies. The primary assumption guiding this approach is that such political categories were produced out of the processes of decolonisation associated with empires rather than simply the sovereignty of the nation-state, as the West's selective memory might imply (Bhambra, 2017). The following chapter will further explore this concept.

Limitations

While postcolonial theory is concerned with matters of inequality, it does not always account for the complexities of inequalities within colonised societies. I am careful to avoid this issue when developing my approaches. Another potential issue with utilising a postcolonial approach is postcolonial theory's heavy reliance on literary and cultural analysis, which often leads to a lack of empirical evidence to support the claims made. To overcome this, I evidence my claims informed by the theory with empirical evidence to make my arguments as convincing as possible. The following methodological framework outlines how this is achieved.

1.2 Methodological Framework

Research Design

This study employs a mixed-methods approach to offer a more robust understanding of the topic, combining the strengths of various research methodologies. The mixed-methods approach includes a content analysis of official reports, laws, and agreements, a critical discourse analysis of official statements and newspaper archives, a case study of the Ukrainian refugee crisis, and secondary data analysis to identify trends and patterns in the relationship between selective borders and human rights. To address the fragmented nature of my overarching research question (as stated in the title), an integrated literature review

approach will be used, incorporating relevant literature throughout the dissertation for a coherent and comprehensive argument.

Correlation analysis

The correlation analysis in section 2.3 reveals potential relationships between states' level of visa-free access, their human rights (or freedom) score, and GDP per capita, providing insights into the complex dynamics between selective borders and rights. This was also measured against their GDP per Capita to link the analysis to the developed approaches in sections 2.1 and 2.2. States' level of visa-free access for 2019 and 2020 were obtained from the Henley Passport Index (Henley and Partners, 2019; Henley and Partners, 2020), which provides real-time updates on passport rankings based on enhanced data from the International Air Transport Association (IATA), the largest and most accurate existing travel information database. GDP per capita data in USD for the years 2019 and 2020 was extracted from the IMF World Economic Outlook (IMF, 2019a; IMF, 2019b; IMF, 2020a; IMF, 2020b) for reasons of reliable free and open access to global development data. Data quantifying states' level of human rights for the years 2019 and 2020 was obtained from the Cato and Fraser Institutes' Human Freedom Index due to its comprehensive nature , which will be discussed further in section 2.3 (Vásquez et al., 2021b; Vásquez et al., 2022b). The years 2019 and 2020 were selected as they were the two most recent years for which sufficient data was available.

Data Cleaning and Pre-processing

The data was cleaned and pre-processed using Jupyter Notebook and Python programming language to extract relevant data from each source and convert it into a comprehensive tabular form. The data sets were then merged using the Pandas library to form a single data set for further analysis on Microsoft Excel, where correlation coefficients were calculated and scatter plots were created for discussion in section 2.3.

Ethics and Limitations

To ensure the analysis's ethical conduct, all data was gathered from publicly available sources, and no personally identifiable information was gathered or analysed. This study is therefore limited by the availability of the data obtained from public sources. The scope of the variables examined, and the analysis's time frame also limit the study's scope. Potential biases or limitations in the data sources, such as the Henley Passport

Index or the Human Freedom Index, have been considered and addressed through careful data selection and analysis, ensuring that the findings are as accurate and reliable as possible.

2. Three Perspectives on Selective Borders and Equality

This chapter investigates the relationship between selective borders, inequality, and rights by addressing these sub-research questions: 2.1 How do racial dimensions of border security contribute to inequality, and what role do ongoing colonial hierarchies play in this context? 2.2 How does the economic dimension of the right to enter cause inequalities within states rather than just between states globally? 2.3 Is the relationship between selective borders and equality rights a causal unidirectional one?

Section 2.1 employs content and discourse analysis to argue that the implicit racism of border security results from the ongoing legacy of colonialism. I begin by outlining the relevant literature, including Muller's (2010) discussion of the *theatre of security*, and propose an alternative way of linking security to racial inequalities using a postcolonial approach. I then examine past policies post-decolonisation before exploring the racist origins of border securitisation and their impact on equality rights.

Section 2.2 uses an integrated literature review, policy content analysis, and secondary data analysis as the primary methodologies to develop its arguments. I begin with an overview of past studies linking selectivity to economic inequality and then consider a counterargument based on the concept of *Brain Drain*. It then examines how inequalities are perpetuated on the state level between individuals.

In section 2.3, I first outline the key features and findings of the Human Freedom Index (HFI) (Vásquez et al., 2021a; Vásquez et al., 2022a) and then consider competing interpretations of my correlation analysis results. The section concludes by further explaining the bidirectional relationship between unequal borders and rights, drawing on the correlation analysis to support its arguments.

2.1 The Implicit Racism of Border Securitisation

“There is absolutely nothing racist about wanting Britain to have secure borders” (Sunak, 2022, 00:01:12). The Prime Minister is not wrong; border security does not conceptually require racism. However, as this section aims to illustrate, Britain’s operating in the context of a political system structured by racism and colonialism means that racial hierarchies do

exist within security. In this section, I will identify and explain the implicit racism of border securitisation in the West and the ways the process of securitisation relies on and perpetuates racial hierarchies and inequalities to develop a new approach to understanding the unequal nature of selective borders. Securitisation' refers to the process of framing or categorising an issue, such as migration or nationality, as a threat to national security.

An Overview

Border control discourse is heavily dominated by the language of security, as evidenced by the rhetoric used by politicians and policymakers, such as the above quote from the Prime Minister. This language is understood to have increased since the terrorist attacks of 9/11, with a heightened emphasis on border security prompting the adoption of new control and surveillance measures at borders in several Western states (Muller, 2010). This is achieved by categorising some nations as *suspect countries*, thereby linking nationality to risk perception (Shamir, 2005). The linking of nationality to the perception of risk in border security has resulted in the argument that border securitisation is inherently racist due to its targeting of certain nationalities and, by extension, particular races. Since 9/11, for example, Arab Muslims have been increasingly marginalised, stereotyped and othered because of the discourse surrounding securitisation (Veikou and Triandafyllidou, 2001). In line with this view, Briskman (2015) proposes that 9/11 resulted in a blurring between asylum seekers and terrorists, enabling the perception of the racialised asylum seeker as the *threatening other* fortified borders seek to keep out. From a postcolonial approach, this charge of racism, as understood in the post-9/11 context, involves two separate but interrelated aspects. The first is that the discourse of securitisation breeds racism and xenophobia. The second is that pre-existing racial hierarchies determine whom borders are secured against.

The notion of the ‘theatre of security’ offers an insightful way of understanding the issue. One reading of the concept refers to the performative nature of security measures, which can create a sense of safety without necessarily providing actual protection (Muller, 2010). Such measures aim to create a sense of fear and paranoia around certain groups whom states are consequently tougher on, to appear to possess or be the solution. In this sense, the very act of turning to security to justify border selectivity can be viewed as an act of racial scapegoating, the act of blaming a particular race or ethnicity for societal problems or issues, regardless of whether they are responsible or not. This can lead to prejudice, discrimination, and even violence towards the targeted group, perpetuating harmful stereotypes and reinforcing

systemic inequality (Amnesty International, 2022). The ‘theatre of security’ has also been described as the process of the West constructing the ‘other’ as a problem to justify keeping them out (Khalid, 2011; Isakjee, 2020). The theatre of security understood in either way, therefore, covers the first aspect of the charge of racism outlined above, illustrating the role of border security in perpetuating racial inequalities which violate people’s equality rights by leading to their differential treatment. What this discussion overlooks is the second aspect of the charge of racism outlined above.

I suggest that we can expand this notion of the theatre of security as a process which conceals the role of imperial legacies, colonial histories, and post-colonial paths in shaping the issues individuals face both at and beyond the border through its framing of the past colonial subject as the problem. Drawing on Kumar’s (2021) work on Islamophobia and the Politics of Empire, where the identity of the racialised Arab Muslim terrorist is argued to originate from an American interest in pursuing an imperialist agenda in the Middle East, we can begin to rethink the way we approach matters of performative and non-performative border security. This paper does not over-generalise or imply that every Western state's interest in secure borders is driven by an imperialist agenda in the Middle East; Kumar's claim merely serves as the inspiration; therefore, its validity is not the focus here. The suggestion being made is that past imperialist agendas can be used as starting points for understanding matters related to security, border selectivity, and their link to inequality. Such imperialist agendas will differ from one Western state to another and may not presently exist in some. What such agendas are proposed to have in common is an inclination (intentional or inadvertent) to maintain racial hierarchies which have persisted even after decades of decolonisation. Securitisation, as a discourse, exercises power relations and can be seen as a contemporary manifestation of racism (Ibrahim, 2005; Silverstein, 2005); I suggest that this contemporary manifestation of racism is best understood by turning to the past.

A History of Fortifying Borders

41 years prior to Prime Minister Sunak’s claim regarding the ethics of striving for secure borders, Timothy Raison, Minister of State in the Home Office in the Conservative Party Government, justified the UK’s official view on fortifying its borders by stating:

> 'We have got finally to dispose of the lingering notion that Britain is somehow a haven for all those countries we once ruled. Our new

> citizenship law will reflect the reality of today's world rather than our imperial past (Borders, 1981, p.3).

The citizen law in question would eliminate the term ‘British subject’ and establish citizenship criteria based on a ‘close personal connection with the United Kingdom’ (Borders, 1981; Dixon, 1983). While the Government defended the bill as being free from racial prejudice, it was seen by many as racially discriminatory, given that its main impact was anticipated to be on racial minorities (Borders, 1981). Such critiques were not unfounded; the 1981 British Nationality Act reduced black immigration to its lowest level since 1962 (Dixon, 1983). The use of the presence of a ‘close personal connection’ as a basis for replacing the Citizenship of the United Kingdom and Colonies (CUKC) with three new categories of citizenship: British Citizenship (BCship), British Dependent Territories Citizenship (BDTCship), and British Overseas Citizenship (BOCship) (Dixon, 1983) essentially meant that whiteness was the basis of inclusion. One example that illustrates this claim is that while initially granted BDTCship under the 1981 Act, citizens of the predominantly white Falkland Islands were given full rights when awarded BCship in 1983 as the government believed them to be ‘true British citizens’, despite what this meant for the pre-established logic of the act (Dixon, 1983). Another was that many CUKCs, including many East African Asians, did not fall into any of the new categories (Dixon, 1983; Borders, 1981). The abolition of *ius soli* (which granted individuals born in UK citizenship) was similarly viewed as a clear way of preventing the ‘other’ from giving their children full BCship rights (Dixon, 1983). The act was, therefore, successful in illustrating that the ‘reality of today’s world’ was that the same racial hierarchies from Britain’s ‘imperial past’ had persisted, with the prevalence of the desire to limit the other’s rights and eventually keep them on the other side of the border. The differential treatment of groups based on their personal characteristics (race) can be viewed as violating their equality rights.

An interest in keeping racialised past colonial subjects out and gatekeeping rights awarded to others was not uniquely British. In France, where past colonial administrators were hired as immigration managers, officials made a clear distinction between European migrants and past colonial migrants from the Maghreb and sub-Saharan Africa (Spire, 2021). Unlike in Britain, where close connections were used to justify such distinctions, the notion that some groups could be assimilated more easily than others was employed as a rationale (Spire, 2021). While not regarded as terrorists at the time, Muslims were often excluded, as following Islam was considered an obstacle to integration (Spire, 2021). The presence of the ‘other’ was

considered to dilute the homogeneity of a nation, which was thought to be rooted in both blood and spiritual kinship. What we see here is a different spin on a similar tale of keeping the 'other' out. There is nothing racist about recognising existing close personal connections. There is nothing racist about recognising degrees of difficulty of assimilation. There is nothing racist about wanting to have secure borders. Still supposing that the latter of the three is true, the question is why has security become so heavily intertwined with race, if its racist outcomes are not deliberate nor intentional, and if the interest in secure borders is not merely a spectacle of scapegoating the other? More importantly, why has turning to security as a justification for less permeable borders become increasingly synonymous with the phrase 'I am not a racist but…'?

An Ongoing Colonial Legacy

If we are to suppose that security concerns are not merely performative and that certain groups are not being deliberately scapegoated, we are then forced to accept some version of the idea that securing borders is plainly about genuine security concerns motivated by fear (regardless of whether this fear is warranted or not). In the past, policies determining one's ability to cross and remain beyond a border could be seen to have been driven by a fear of threats to the social order. The West's selective border policies aiming to protect the state from terrorism and illegal immigration can be seen to be driven by a similar fear today. Fear of external threats can be seen to manifest into racism because of the demographics of the institutions tasked with protecting people from perceived threats. To explain, the legacy of xenophobic policies implemented by Western states following decolonisation has resulted in the designation of certain groups as insiders and others as outsiders. This applies to the border security framework, where racially privileged individuals tend to be situated within borders, while those who have been marginalised due to the legacies of colonialism, the racialised *other*, are often positioned outside of them (Walia, 2021). Current immigration managers were not previously colonial administrators; they are often, however, those favoured by colonial administrators in the past due to the distinctions made to keep the other out in the past, which have determined the demographics of both states and institutions. Such distinctions by officials endure during times of unrest, leading to the *us versus them mentality,* which signifies an ongoing historical trend of ranking individuals based on familiarity and closeness. Following 9/11, for example, the pre-existence of racial hierarchies can be seen to have led to the inclination to *sort* and *rank* migrants and refugees, particularly

Muslims, as *good* or *bad* due to a continued unfamiliarity with the 'other' (De Genova, 2017).

From the perspective developed above, regardless of whether border security is a performative act of scapegoating the 'other' or justifying exclusion, it can be argued that it manifests into an instrument of racial inequalities because of existing colonial social stratifications. This is particularly relevant today as many states are less transparent about their intentions to exclude certain racial groups, making it harder to identify implicit racism and violations of people's equality rights. There are, of course, exceptions to this, with the USA's 'Muslim Ban' being a blatant example of border security being used to express sovereign power over racialised bodies (McKay, 2017). States generally emphasise the need to protect against *terrorists*, *criminals*, *illegals*, or *swarms* rather than directly targeting specific racialised groups. Understanding how existing racial hierarchies turn such labels into ways of categorising the other can help us better understand the implicit racism of border securitisation and the ways in which borders, and the policies designed to secure them, act as instruments of maintaining colonial racial inequalities and violating equality rights. This acknowledgement of the role of existing colonial stratifications is vital to understanding the impact of securitisation on this paper's case study.

2.2 The Economic Dimension of the Right to Enter

The ongoing legacy of colonialism ought not to be reduced solely to its racial dimensions, and neither should the unequal nature of selective borders. Unequal borders encompass multifaceted dimensions beyond security concerns and their links to race. While scholarly discourse on migration has predominantly focused on the cultural, ethnic, and racial aspects due to the dominance of the discourse surrounding border securitisation, it is imperative to acknowledge the interplay between financial affluence and mobility. This is not to undermine the significance of the former perspectives but to expand the discourse to include a comprehensive understanding of the various factors at play in shaping unequal borders. I aim to develop an approach to understanding the link between borders and inequality by considering the economic inequalities perpetuated by selective borders on the individual level.

An Empirical Case for Economic Inequalities

Freeman and Kessler (2008) contend that within the field of political science, it is widely accepted that migration has a significant economic dimension. The discourse surrounding securitisation also translates to an economic fear that immigrants may threaten the state's internal market or concern with economic security and scarcity. Consequently, migrants are typically framed as the cause behind the failing welfare state by populist politicians (Poddar, 2016). This means that in addition to perceived notions of likeness and closeness, a state's economic stability can influence its citizens' desirability when crossing borders. With regards to the right to enter, several recent studies of travel visa requirements have concluded that nationals from OECD countries rarely require visas to travel to North America and Europe, but nationals from non-OECD countries, particularly from Africa, face strict travel restrictions (Mau et al., 2015: Czaikia et al., 2018). More recently, Freisleben (2019) has calculated the correlation coefficient between states' GDP per Capita and states' passport power rank as stated by the Henley Passport Index, which ranks states according to the travel freedom their members enjoy. Initially carried out to assess the spatiotemporal hierarchies of passports, this section utilises part of Freisleben's (2019) analysis to assess the economic dimension of visa policies and the right to enter. The relevant findings of the analysis are shown in Table 1.

Table 1- The association between GDP per Capita and Passport Rank

Year	Correlation coefficient GDP/ Rank
2006	-0.522346584039519
2007	-0.536876399263173
2008	-0.557232910323346
2009	-0.561717530764471
2010	-0.582745280038230
2011	-0.579068073345069
2012	-0.569259404484604
2013	-0.576683425256298
2014	-0.583122889873362
2015	-0.623258375071114
2016	-0.633986101525592
2017	-0.628729235674916

Source: data adapted from Freisleben (2019).

The data illustrates a significant degree of association between GDP and rank, and the strength of this association has demonstrated an overall upward trend from 2006 to 2017. The attainment of Visa-Free Access (VFA) to other states, as denoted by rankings, appears to be

contingent upon achieving economic stability, as represented by GDP. While it is important to note that correlation does not entail causation, in conjunction with the studies mentioned above, this data suggests that the imbalanced visa policies between states reflect existing economic hierarchies in international relations to at least some degree. Maintaining the assumption that visas are an instrument of upfront prevention (Czaikia and de Haas, 2017), the link between economic hierarchies and the unequal distribution of the right to enter can be interpreted in several ways. This correlation can be understood using the approach outlined in the previous section by highlighting the apparent inclination to manage and confine migration to affluent Western states from poorer states to maintain economic hierarchies because of a fear of scarcity and economic instability. The word maintain is used because, as Fanon (1961, p.81) wrote, “Europe is literally the creation of the Third World”, meaning that the economic hierarchies in question were not the result of a stochastic process but were instead the consequence of the deliberate political crafting of colonialism. For example, Singh (2023) notes that India's share of the global economy drastically declined from 27% before colonisation to merely 3% after the British departed. In this sense, the economic hierarchies illustrated above can be linked to the racial hierarchies illustrated in section 2.1, as both are the consequences of colonialism, signalling an international racial wealth gap. For this reason, this paper expands the notion of equality rights to include individuals’ personal circumstances and not just their attributes, such as race, as it recognises that one’s personal attributes and personal circumstances cannot be separated in the postcolonial context.

An alternative way of conceptualising the above association is to assume that confining migration from low-income areas is a means of preserving equality by considering the ‘brain drain’ argument. The 'brain drain' argument suggests that by restricting the migration of individuals from lower-income countries, states are promoting greater economic equality. Brain drain refers to the phenomenon of many highly skilled individuals emigrating from their home countries, creating a shortage which is argued to have a negative impact on those left behind (Raghuram, 2009). This can be used to argue that the equality rights of highly skilled individuals may conflict with the rights of individuals who have been left in a disadvantaged position. Kapur and McHale (2005) draw attention to ‘brain drain’s’ role in perpetuating economic and social stagnation in their home countries and reinforcing existing inequalities between colonial and postcolonial nations. In this sense, policies restricting the migration of certain nationalities can help curb the brain drain by limiting the migration of

skilled workers from lower-income countries, thus preserving their human capital and promoting equality. While this view of unequal borders has been refuted by some scholars (See Baldwin-Edwards, 2006)**,** the approach I develop in the subsequent subsection illustrates that selective Western borders violate equality rights in practice.

Social Capital and Social Sorting

One important takeaway from the brain drain argument is that economic inequalities exist within states. Another is that while unequal visa-free access may indicate a desire to reduce the migration of certain states, Western borders appear to be permeable to at least some of their citizens. As Mau et al. (2012) state, an individual's skills can offset the restricting effects of having the wrong nationality in a global battle for talent (Cerna, 2014). The EU's Blue Card scheme helps bring this idea to life. While citizens of EU member states face no restrictions when it comes to working in the EU, individuals from third countries face varied admission systems (Cerna, 2014). The approval of the 'Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment' in 2009 aimed to attract high-skilled workers to the EU (Cerna, 2014). While some have argued that one way the scheme perpetuated inequalities was through its guarantee of the underdevelopment of third countries (Baldwin-Edwards, 2006), this paper argues that the immediate impact of this policy on inequality occurred at the individual level. Giving its holders benefits such as an expedited process to obtain a permanent settlement permit and the ability to freely cross the EU's selective borders, the scheme can be seen to give its holders advantages over 'ordinary' third-world migrants (Cerna, 2014). Given that its holders are often highly skilled and educated (Cerna, 2014) and that one's level of skill and education in many developing postcolonial states is often contingent on their wealth (Pellicer et al., 2022), such policies can be seen to reinforce existing economic vertical inequalities- including income inequalities, wealth inequalities and educational inequalities (MacNaughton, 2017)- between individuals. The unequal reality of Western policies leads me to reject the Brain Drain argument.

To further illustrate my argument, consider the experience of the economic migrant, the antithesis of the highly sought-after EU Blue Card holder. As Achiume (2019) writes, the term 'economic migrant' has been used to label a group of migrants seeking to improve their standard of living who are often viewed by people around the world with scepticism and treated with increasing animosity and violence. Economic migrants often encounter tough

immigration policies and restrictive borders as the rising demand for high-skilled workers has coincided with a decrease in demand for low or medium-skilled workers (Baldwin-Edwards, 2006). Defenders of the unequal treatment of economic migrants may claim that the differing skill sets of the two groups justify the discrepancy, but this defence becomes less tenable once we turn to the past. Historically, the international legal and imperial system supported, incentivised and glorified white economic migration at the expense of indigenous populations who were made to be economically worse off (Martín, 2009). As shown above, the current system supports and incentives the migration of high-skilled workers from post-colonial states, further worsening their remaining citizens' economic situation. When those disadvantaged by past and current border policies attempt to exercise their employment-related equality rights, particularly outlined by Article 23 in the UDHR (See Appendix A), by engaging in economic or 'decolonial' migration, they often must risk their lives to do so (Achiume, 2019). Airline carrier sanctions, which bar unauthorised individuals from boarding planes (Czaika and de Haas, 2017), have contributed to the rise of dangerous migration routes, like the Mediterranean, among economic migrants (IOM, 2023), often leading to fatal consequences. Disadvantaged or ordinary third-world migrants are therefore deprived of their equality rights not only in terms of their treatment but also in relation to their safety.

It is important to emphasise that inequalities perpetuated by border selectivity on the individual level are not only limited to the differential treatment of the high-skilled worker and the 'economic migrant'. Selective borders can also contribute to inequalities between refugees, as was the case with exiled Palestinians in 1948, for example. Wealthy and highly educated Palestinians could avoid the confinement of life in camps by migrating to the West, benefitting from the privileges awarded to high-skilled workers in the past (Smith, 1986). The impact of selective borders on refugees at the individual level will be examined in more detail in this paper's case study.

2.3 A Bidirectional Relationship between Selective Borders and Unequal Rights

Thus far, we have discussed the unidirectional causal relationship between existing postcolonial inequalities, hierarchies, and the unequal treatment of migrants at Western borders. I now argue that the relationship is, in fact, bidirectional, with each factor influencing the other. I take one's existing rights as a starting point for whether selective Western borders and policies are permeable for them. To investigate this further, I conduct a

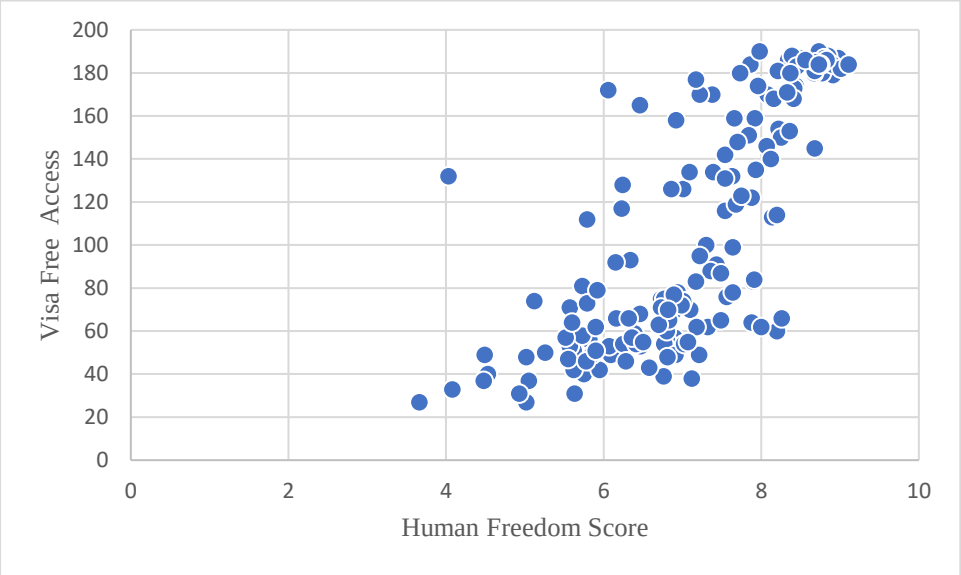
correlation analysis between the level of Visa-Free Access (VFA) and the Human Freedom Scores (HFS) of 165 states, building upon the analysis carried out by Freiseleben (2019) discussed in section 2.1.

Quantifying Human Rights

The HFI compiled by the Cato and Fraser Institutes can be seen as a comprehensive measure of human rights, as it encompasses personal, civil, and economic freedoms and uses 83 distinct indicators to assess the state of freedom in the world (Vásquez et al., 2021a; Vásquez et al., 2022a). The indicators cover various categories such as the rule of law, security and safety, movement, religion, association, assembly, and civil society, expression and information, relationships, size of government, legal system and property rights, sound money, freedom to trade internationally, and regulation (Vásquez et al., 2021a; Vásquez et al., 2022a). As many of the indicators encompass fundamental human rights (Vásquez et al., 2021a; Vásquez et al., 2022a; United Nations General Assembly, 1948), this paper will use the terms human freedoms and human rights interchangeably. The reports published in 2022 and 2021 assess the state of over 150 jurisdictions in 2020 and 2019, respectively, the most recent year at the time of publication for which sufficient data is available. The 2022 report finds that there is an unequal distribution of rights across the world, with only 13.4% of the global population residing in the highest quartile of jurisdictions in the HFI, while nearly 40% reside in the lowest quartile (Vásquez et al., 2022a). The bottom half of countries in the HFI accounts for over 75% of the world's population. The regions with the highest levels of rights include Western Europe, North America, and Oceania, while the regions with the lowest levels are South Asia, sub-Saharan Africa, and the Middle East and North Africa (Vásquez et al., 2022a). Even this brief examination of regional patterns reveals a link between postcolonial racial hierarchies, economic divides, and the global distribution of rights, with the concentration of rights being in Western states, signalling an existing violation of equality rights.

A Correlation Analysis

Figure 1- Correlation of Visa-Free Access and Human Freedom Score in 2019



Sources: Henley and Partners (2019), Vásquez et al. (2021b).

Figure 2- Correlation of Visa-Free Access and Human Freedom Score in 2020

Sources: Henley and Partners (2020), Vásquez et al. (2022b).

Table 2- Correlation coefficients of different variables

Variables	2019	2020
Visa Free Access and Human Freedom Score	0.774630281	0.730282834
GDP per Capita and Human Freedom Score	0.529585855	0.591702114
Visa Free Access and GDP per Capita	0.724402299	0.681735543

Sources: Henley and Partners (2019), Henley and Partners (2020), IMF (2019a), IMF (2019b), IMF (2020a), IMF (2020b), Vásquez et al. (2021b), Vásquez et al. (2022b).

The above figures provide empirical support for my following argument that Western borders appear to restrict individuals who have a more substantial reason to seek refuge or asylum residing in states with limited rights. Figures 1 and 2 illustrate a positive correlation between human rights and freedom of mobility, showing that as a state's HFS increases, the number of states offering VFA to its citizens also increases. Table 2 also indicates a strong positive correlation between VFA and HFS, with correlation coefficients of 0.77 in 2019 and 0.73 in 2020. This entry restriction echoes the racial and economic hierarchies within border policies outlined before, as migrants from countries with lower levels of human freedoms appear to face additional obstacles to crossing Western borders through their need for visas.

Interpretations

The correlation analysis presented above can be interpreted in multiple ways, highlighting the complex relationship between borders and rights. One way of interpreting the above is to assume that this relationship is deliberate. To fortify the wall around the West, states use stricter visa restrictions as an upfront means of regulating the entry of migrants or refugees to prevent large waves of migration. This would support Czaika and de Haas's (2017) claim that states do not hide the fact that they often use visas to control migration, particularly of asylum seekers. An example of this is Sweden's decision in 1992 to implement travel visa regulations for Serbians, Montenegrins, and Macedonians, which was explained as a response to the significant increase in the number of non-Bosnian refugees from the former Yugoslavia and fear of subsequent migration from the restricted states (OECD, 1994). Additionally, as disparities in political rights and civil liberties between countries of origin and destination appear to contribute to higher levels of migration (Czaika and de Hass, 2017), it would therefore make sense to control the movement of individuals with lower HFS as they are

perceived to have a higher incentive to migrate. This can be interpreted as a process of gatekeeping rights and maintaining inequalities.

Another way of understanding the above would be to emphasise the relationship between the postcolonial hierarchies addressed in the previous sections and the unequal distribution of rights. Table 2 depicts the correlation coefficients between VFA, GDP per capita, and HFS variables in both 2019 and 2020. The positive correlation coefficients between VFA and GDP per capita in 2019 and 2020 suggest that the trend identified by Freisleben (2019) has persisted since their analysis. Additionally, the correlation coefficients between GDPs per capita and HFS reinforce the notion that a lack of economic stability can determine whether citizens possess fundamental rights. This is consistent with the HFI's finding that Western Europe and North America, two of the most economically developed regions, possess the highest levels of rights (Vásquez et al., 2022a).

As suggested in the previous sections, there is a racial dimension to financial affluence and rights. Many states with lower levels of wealth and development are also states that have experienced colonialism and are predominantly inhabited by people of colour (Fanon, 1961; Mau et al., 2012; Walia, 2022). Colonialism's legacy has perpetuated racial hierarchies, which have resulted in systemic inequalities on the international level, disadvantaging citizens in affected countries. The link between the three dimensions of VFA suggests that the correlation observed between HFS and VFA could potentially be the result of a causal relationship between any one of the three dimensions or a combination of two or more of the dimensions operating simultaneously, given the historical and contemporary interplay between these dimensions. This observation further suggests that individuals denied equality rights at the border are often the ones who could benefit the most from utilising those rights to improve their situation. This suggestion was exemplified by the economic migrant discussed in the previous section and will be supported further in the following chapter. Building on this link, I suggest that the gatekeeping of rights is not necessarily always a deliberate act but is yet another consequence of colonial hierarchies that must be rectified. A careful analysis of the contextual factors surrounding the state in question is imperative in determining which of the proposed approaches is appropriate, if not both.

Bidirectional?

Before delving into the case study, it is important to clearly outline the nature of the bidirectional relationship I proposed above. The term bidirectional entails that changes or influences can occur in both directions. This section argues that while border selectivity can be determined by rights, rights can likewise be determined by selective borders, as suggested in the previous sections and will be clearly outlined in the following chapter. Recall how a state's HFS is partly determined by movement restrictions according to key indicators. Such movement restrictions include the freedom to travel outside the country (Vásquez et al., 2021a; Vásquez et al., 2022a), a restriction often imposed because of the air carrier sanctions previously mentioned. The 2022 HFI reported a decline in the average HFS for 165 jurisdictions from 7.03 to 6.81 between 2019 and 2020, largely attributed to pandemic-induced movement restrictions (Vásquez et al., 2022a). This further illustrates the fact that the very act of restricting people's movement can negatively impact people's rights by depriving them of their right to move freely, suggesting that Western states are not only maintaining the unequal distribution of rights but also actively contributing to it, thus increasing inequality.

This approach also applies to the racial and economic dimensions discussed in the previous sections. While the postcolonial process of othering can lead to restrictive security measures against the othered, restrictive security measures reinforce the idea of the racialised migrant as the dangerous other. Likewise, as suggested in section 2.2, the economic migrant's relatively lower social capital and financial affluence be seen to cause the impermissibility of western borders to them, and the impermeable borders can be seen to prevent them from improving their situation.

In conclusion, this chapter has provided a nuanced understanding of the relationship between selective borders and unequal rights, incorporating racial, economic, and postcolonial dimensions. The findings from Section 1 revealed the persistence of postcolonial racial hierarchies within border securitisation, highlighting the implicit racism underlying these practices. Section 2 further examined the violation of equality rights on the state level, illustrating how selective borders perpetuate inequalities between individuals. Finally, in Section 3, we explored the interplay of these dimensions, focusing on the bidirectional relationship between borders and rights. By integrating these insights, we have laid the

foundation for the subsequent chapters, where we will delve deeper into the implications of selective borders on human rights.

3. A Violation of Equality Rights: The Ukrainian Refugee Crisis

In this chapter, we apply the approaches established in Chapter Two to the Ukrainian Refugee crisis, addressing the following sub-research questions: 3.1 What are the key differences in the treatment of Ukrainian and Syrian refugees, and what factors explain these disparities? 3.2 How are inequalities perpetuated at the individual level within the context of the Ukrainian Refugee crisis, and why are borders considered instruments of post-colonial inequalities?

Section 3.1 contrasts the European response to the Ukrainian crisis with the 2015-2016 European refugee crisis, providing relevant context and using Chapter Two's findings to explore this double standard's racial, economic, and rights dimensions. Section 3.2 examines the differential treatment of minorities at the border. After discussing the violation of refugees' equality rights during the crisis, I draw conclusions and elucidate why borders are deemed 'instruments' of inequality.

3.1 Two Refugee Protocols

The surge of Syrians and North Africans entering Europe between 2015 and 2016 was dubbed the European Refugee Crisis, as the number of asylum seekers jumped from roughly 250,000 to more than 1.3 million (Connor et al., 2016). The portrayal of refugees as a problem that could upset daily life in Europe by politicians and the media, as noted by Georgi (2019), resulted in the establishment of a restrictive migration policy by the EU. For example, the EU decided against implementing the Temporary Protection Directive (TPD), an EU directive granting immediate temporary protection to individuals fleeing conflict or persecution (Oyebamiji et al., 2022). This meant that many individuals, particularly those of a racialised background who fled from countries such as Afghanistan, Syria, and sub-Saharan Africa, who sought asylum at European borders, experienced racism, torture, other forms of mistreatment, and forceful rejection (Amnesty International, 2022). It has since been reported that in many cases, there was a failure to evaluate their individual situations and determine their protection requirements (Amnesty International, 2022).

In contrast, shortly after the Russian invasion of Ukraine, the EU invoked the TPD, granting prompt protection to those forced to flee due to Russian aggression, including displaced Ukrainians and others, with no official asylum approval necessary (Amnesty International, 2023). This demonstrated the EU's ability to receive and offer rapid access to housing, employment and education to a large number of refugees. Europe's treatment of refugees has been criticised for its discriminatory nature and reflecting of double standards and racism (Amnesty International, 2023; Venturi and Vallianatou, 2022), leading to the suggestion that the EU has two different refugee protocols- one for Europeans and one for the other (Oyebamiji et al., 2022). This sentiment was echoed by Bulgarian Prime Minister Petkov, who drew a clear line between the two groups in his justification for their differential treatment by saying:

> These people are Europeans… they are educated …This is not the refugee wave we have been used to, people we were not sure about their identity, people with unclear pasts, who could have been even terrorists (Faiola et al., 2022, para.2).

The above quote points to the violation of refugees' equality rights. The following sections will analyse this particular violation of equality rights by considering three dimensions identified in Chapter 2.

The Racial Dimension

Most of the West's critics during the crisis have paid attention to their descriptions of racialised refugees as uncivilised terrorists (Amnesty International, 2022; Faiola et al., 2022). I agree that Western discourse surrounding Syrian and North African refugees can be regarded as a blatant instance of othering, with the labelling of non-European refugees as potential terrorists above being an example of using the theatre of security to justify the differential treatment of racialised groups. However, I argue it is worth acknowledging the other side of post-colonial racial hierarchies to better understand the two protocols.

As emphasised by politicians such as Prime Minister Petkov, most of the individuals impacted by the crisis were Ukrainians living near the Western countries who seemed relatively more willing to take them in. Prior to the crisis, a large diaspora of Ukrainians lived in the EU, meaning that many of the displaced already had established links across the West. (Oyebamiji et al., 2022). This indicates the existence of a close personal connection between Ukrainians and the Western states, which welcomed them, implying ease of integration and

decreased risk to the social order (See section 2.1). Additionally, by virtue of their Europeanness, Ukrainians can be seen as part of the West's *us* rather than its *them*. While this may not have always been the case in Europe, with the example of Sweden's restrictive visa policies towards Eastern European states (See section 2.3) suggesting that an *us* versus *them* mentality exists within the continent, it is essential to note that racialisation does not merely degrade, it also upgrades. The implicit standards for racial inclusion can be seen to be based on post-colonial assumptions about shared whiteness, where individuals who conform to racialised ideas of Europeanness, such as Ukrainians, are considered relatively more desirable to their non-European counterparts (Fox et al., 2012). This leads me to suggest that the duality of refugee policies is not merely the result of the West's suspicion of Syrians and North Africans but because of the West's ability to empathise with those they perceive to be similar. By considering the second side to the racialised notion of border securitisation, even if we are to ignore or even justify the othering of racialised refugees as terrorists, the perceived likeness of Ukrainian refugees indicates the persistence of racial hierarchies within border security. This view of the racial dimension of the comparative case study signals a clear violation of equality rights as individuals' personal characteristics, such as their race and national origin, are seen to determine their entitlement to receive equal treatment, opportunities and, more importantly, protections, going against the UDHR.

The Economic Dimension

The assertion that Ukrainian refugees are educated can be interpreted as a way of expressing that they are not from the third world, which several politicians and media figures have made clear since the start of the crisis (Faiola et al., 2022). Ukrainian refugees can be understood to be regarded with less scrutiny and suspicion than their third-world counterparts, as they do not face the issue of being perceived as economic migrants masquerading as refugees; I suggest they are treated more similarly to the high-skilled worker discussed in section 2.2. In a similar vein, shortly after declaring that secure borders are not racist (see Section 2.1), Prime Minister Sunak referred to Ukrainians as "genuine*"* refugees, distinguishing them from the economic migrants the UK needed to fortify their borders against (Sunak, 2022, 00:03:01).

The Rights Dimension

It is worth considering Ukraine's situation prior to the crisis. Their status as refugees was unexpected, as implied by the phrase 'these are not the refugees we are used to' and the

general political discourse surrounding the crisis (Faiola et al., 2022; Venturi and Vallianatou, 2022**).** Prior to the crisis, Ukraine had ranked 89 on the Human Freedom Index, as opposed to Syria, which ranked 165 (Vásquez et al., 2022a). I argue that this is part of the reason why Ukrainians, in addition to their perceived likeness and economic standing, enjoyed up to 90 days of visa-free travel in the EU, unlike many of their racialised Syrian and North African counterparts (Oyebamiji et al., 2022). This meant that Ukrainians would have had the right to enter the EU regardless of whether the EU had implored the TPD, suggesting that the two refugee protocols mirrored existing protocols regarding the two groups and that this apparent violation of equality rights is nothing new.

3.2 Inequality at the Open Border

If we instead focus solely on the crisis in Ukraine, the European government's swift and effective aid to refugees escaping Ukraine deserves praise. Taking a similar individualistic approach to the one provided in section 2.2, this chapter considers that not everyone fleeing Ukraine is Ukrainian or of European origin. It is worth noting that the praiseworthy response was not only aimed at Europeans but at everyone fleeing Ukraine. Officially, all individuals displaced in Ukraine, regardless of their nationality, type of identification or its validity, and passport, are received as refugees in European nations, such as Poland, Hungary, and Romania (Oyebamiji et al., 2022). Unofficially, I argue that the positive reception of refugees during the Russia-Ukrainian crisis is sharply juxtaposed by the treatment of racial minorities escaping the crisis, yet another instance of Western borders maintaining existing postcolonial inequalities.

Equality Rights at the Border

The UN High Commissioner for Refugees condemned the "discrimination, violence and racism" against many black and brown people attempting to flee Ukraine (Grandi, 2022, para. 8). This was in response to the various reports of incidents of discrimination and violence against citizens of African, Southeast Asian, and Middle Eastern descent as they attempt to escape Ukrainian cities and cross Western borders (Akinwotu and Strzyzynska,2022; Chebil, 2022). Similarly, Amnesty International (2023) have drawn attention to the discrimination and violence racialised individuals have faced when being stopped from boarding trains to Poland at the Lvivi train station. Oyebamaji et al. (2022) write of cases of African students being told to *return to their countries,* which is reminiscent of the treatment of third-world

economic migrants (Achiume, 2019). This discrimination has carried on to EU borders, with Chebil (2022) reporting several instances of border security telling racialised groups that they were not allowed to cross while allowing white people through, a clear violation of equality rights based on personal attributes. The West's capacity to host refugees, which was previously denied to othered and racialised asylum seekers, can now be seen to be denied to the same groups fleeing Ukraine despite the non-discriminatory official response offered by Western states. In other words, postcolonial hierarchies and violations of individuals' equality rights based on such hierarchies appear to persist at the borders between Ukraine and its EU neighbours.

Why Instruments?

What the Ukrainian refugee crisis exemplifies is the stubbornness of the colonial notion of the racialised 'other' and its economic and rights-related consequences. The crisis highlights the fact that postcolonial hierarchies and equality rights violations persist even in the absence of official discriminatory and unequal border practices. This is attested by the fact that displaced racialised individuals who are facing the same danger as their European counterparts and even crossing the same borders are perceived, described as, and treated as othered third-world economic migrants who lack the protections afforded to them by their refugee status. Selective borders can therefore be seen as instruments of post-colonial inequalities, not only instruments of discriminatory policies, as their unequal nature persists in the absence of such policies. The term 'instruments' is used as while the bidirectional relationship between borders and equality rights means that selective borders and policies do reinforce existing inequalities, they are not the source of inequalities. The original sin of colonialism is. The racist effects of Western states' colonial pasts, such as the unequal global distribution of wealth and rights and concerns with security and economic scarcity, have become a pretext for the continued perpetuation more racism and inequalities using instruments such as selective borders. It is helpful to consider potential solutions to resolve this issue; the following subsection offers a starting point.

Equality of Security

The Ukrainian Refugee crisis reveals the inequalities and violations of equality rights in the European response to refugees. The double standard in the treatment of Ukrainian refugees compared to Syrian and other MENA refugees reflects post-colonial hierarchies and racial biases. Additionally, racialised individuals face discrimination and unequal treatment even

within the Ukrainian Refugee crisis. The treatment of othered, racialised refugees from lower-income states suggests that while issues of security and scarcity dominate the discourse surrounding migration, security is too big an ask when one is not of the preferred national origin, race or economic standing. The priority appears to secure the West from the other, regardless of what that may entail for the other's security.

To address these issues, we should reconceptualise security in the context of borders to prioritise the well-being and safety of all individuals in addition to rectifying unequal practices. The prompt and warm welcome extended to Ukrainians, coupled with the official stance of welcoming non-Ukrainians, represents a positive step in the right direction. However, the discrimination against racialised groups has shown that a mere policy change is not enough to counteract colonial social stratifications and persistent hierarchies; that is not to say that such measures should not be taken. Potential solutions include increasing transparency and accountability in border control practices, implementing standardised procedures for fair treatment, and fostering a more inclusive discourse around migration. Adopting these measures can help us move towards a more equitable world where borders serve as instruments of protection and unity rather than perpetuating inequality and violating the rights of the most vulnerable.

In conclusion, Chapter 3 examines the inequalities and violations of equality rights within selective borders. The European Refugee Crisis and the Ukrainian Refugee Crisis reveal distinct protocols based on racial and national origins, reflecting persistent postcolonial hierarchies. The integration of these findings highlights the complex interplay between selective borders and unequal rights. Racial, economic, and postcolonial dimensions underscore the systemic nature of these inequalities. Selective borders act as instruments that perpetuate and reinforce existing hierarchies, violating individuals' equality rights. By striving for equality of security, we can work towards a more just and equitable world where borders serve as instruments of protection and unity rather than perpetuating inequality and violating the rights of the most vulnerable.

Conclusion

To conclude, this dissertation has comprehensively examined the central argument that selective borders perpetuate postcolonial inequalities, thus violating equality rights, with a focus on postcolonial Europe's response to the recent Ukrainian refugee crisis. By analysing the racial, economic, and rights dimensions of these inequalities, this study has provided significant insights to understanding unequal border policies and practices in the modern world.

This study's exploration of the historical racial context of border securitisation and its intersection with postcolonialism laid the foundation for the subsequent analysis of the economic and rights dimensions of selective borders. While postcolonial racial hierarchies were found to dominate border security, the economic dimension of the right to enter was found to exacerbate existing socioeconomic inequalities within previously colonised states. The inequalities perpetuated by selective borders were therefore found to exist not only on the international level between different nationalities but also on the national level between individuals. The correlation analysis conducted in section 2.3 suggested that the relationship between borders and rights was bidirectional, with pre-existing rights determining whether equality rights were violated. The correlation analysis further indicated the interconnectedness of the racial, economic, and rights dimensions. These findings emphasise the multidimensional nature of postcolonial inequalities maintained by borders and highlight the violation of equality rights.

The analysis was then extended to the Ukrainian Refugee Crisis in sections 3.1 and 3.2, comparing the European response to this crisis with the treatment of Syrian and North African refugees. Section 3.1 demonstrated the preferential treatment afforded to Ukrainian refugees, explaining its racial, economic, and rights dimensions. Section 3.2 highlighted the unequal treatment of minorities during the crisis. The discrimination against racialised groups crossing the Ukrainian border in the absence of discriminatory policies suggests borders are instruments of exercising existing inequalities rather than the source. This demonstrates that a mere change in policies is not enough to counteract colonial social stratifications and persistent hierarchies. Reconceptualising border security can transform borders into instruments of protection and unity rather than perpetuating inequality and violating the rights of the vulnerable. Future research could build on this paper's proposed understanding of

security and expand the correlation analysis in section 2.3 once more sufficient data is available.

Appendix A- Equality Rights as Enshrined in the UDHR

The following articles, directly quoted from the Universal Declaration of Human Rights (United Nations General Assembly, 1948, pp. 2, 3, 6), explicitly underscore the principle of equality rights. These provisions are vital in understanding the human rights implications of the issues discussed in this work:

> **Article 1:** All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
>
> **Article 2:** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty
>
> **Article 3:** Everyone has the right to life, liberty and security of person.
>
> **Article 6:** Everyone has the right to recognition everywhere as a person before the law.
>
> **Article 7:** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
>
> **Article 23:** 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. 2. Everyone, without any discrimination, has the right to equal pay for equal work. 3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. 4. Everyone has the right to form and to join trade unions for the protection of his interests.

Appendix B- Supplementary Views on Borders and Rights

Table 3- Additional Perspectives on Borders and Rights

Author	Mentioned Argument
Baldwin-Edwards (2006)	Critiques brain drain and examines the value of remittances in the context of selective borders
Wellman (2008)	Advocates for the collective right to control self-regarding affairs, including excluding non-members. His perspective focuses on the legitimacy of collective autonomy over border control.
Dowty (1989)	Asserts that freedom of movement is a fundamental human right. He challenges the absolute control of states over their borders and discusses the tension between upholding human rights and maintaining state sovereignty.
Sager (2017)	Presents a case for open borders, opposing states' authority to control individual mobility. He emphasises the freedom to visit, work, and settle anywhere as an inherent human right.

Note: This table summarises the central arguments made by the authors, as mentioned earlier, concerning selective borders and human rights. These authors provide different approaches to mine, offering diverse perspectives on this complex issue. While these authors present notable perspectives on borders and human rights, their arguments were not incorporated into this dissertation's conceptual framework or main body. This is because their viewpoints, though valuable, do not directly contribute to the theoretical foundation and argumentation of my research. For a broader understanding of the discourse on borders and human rights, I encourage referring to their respective works.

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