Migration as a Hybrid Threat: Legal Perspectives on Countering Illegal Migration and the Lithuania-Belarus Border Crisis

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Abstract- **Migration has increasingly been weaponized as a tool of hybrid warfare, challenging national security, legal frameworks, and humanitarian obligations. This article examines migration as a hybrid threat through a legal lens, focusing on recent trends in countering illegal migration and the implications of the Lithuania-Belarus border crisis. The article explores the strategic use of migration by state and non-state actors to destabilize target countries, assessing how hybrid threats manifest in border crises. It provides a legal analysis of state responses, including legislative measures, border control policies, and international legal obligations concerning asylum and human rights. The case study of the Lithuania- Belarus border crisis illustrates how irregular migration can be leveraged as a form of coercion, examining the legal justifications and challenges of Lithuania's response, including pushbacks, emergency measures, and EU legal frameworks. Furthermore, the article discusses recent trends in countering illegal migration, highlighting developments in EU law, technological advancements in border management, and cooperative mechanisms among states. It evaluates the legal and ethical dimensions of restrictive measures, considering their compliance with international human rights law, the principle of non-refoulement, and European legal standards. By analyzing legal frameworks and state responses, the article aims to contribute to the broader discourse on security, migration law, and hybrid threats. It underscores the need for a balanced approach that upholds national security while adhering to international legal norms. The findings emphasize the necessity of legal adaptability in addressing evolving hybrid threats, ensuring that countermeasures remain both effective and lawful.**

Keywords- hybrid threats, illegal migration, Lithuania-Belarus border, migration crisis, national security.

I. INTRODUCTION

In recent years, the dynamics of migration have been increasingly influenced by state actors seeking to manipulate refugee flows for political or strategic gain. One of the most notable instances of this phenomenon has been the migration crisis along the Lithuania-Belarus border. In 2021, Lithuania, alongside other Baltic states, faced an unprecedented surge in illegal border crossings, a situation which the Lithuanian government and the European Union (EU) attribute to deliberate actions by the Belarusian regime. On July 29, 2021, during a session of the Permanent Council of the Organisation for Security and Cooperation in Europe (OSCE), Lithuania vehemently rejected Belarus's claims of mistreating migrants and pointed out that the refugee flows were being artificially engineered by Belarus as a means of exerting political pressure. Lithuanian representatives underscored that Belarus's actions, which involved facilitating the movement of migrants towards the EU, were part of a broader strategy aimed at destabilizing Lithuania and its EU allies [1].

This situation can be framed as a hybrid threat, where migration is used not only as a tool of destabilization but also as a means of manipulating political outcomes. Hybrid threats, by their very nature, involve a blend of conventional and unconventional methods to achieve strategic objectives, often blurring the lines between what is considered an act of war and what is seen as a non-military challenge. In this case, Belarus's orchestrated migration crisis is both an attempt to undermine the EU's cohesion and a retaliatory response to European sanctions

and Lithuania's support for Belarusian opposition figures [2]. This weaponization of migration has led to significant challenges for Lithuania, both in terms of its internal security and its international relations, as the influx of undocumented migrants from Belarus continues to strain border control measures and generate widespread political tension.

The European Union, in turn, has assisted Lithuania and other affected states, yet the crisis continues to evolve, raising critical legal and security concerns. Lithuania's recent amendments to the Law on the Legal Status of Foreign Persons [3], aimed at enhancing border security and managing the crisis, have been met with controversy. While Lithuania defends these legal changes as necessary to ensure the protection of its borders, human rights organizations have raised concerns over the legality of these actions in light of international refugee law [1]. This tension between national security measures and adherence to international legal obligations presents a complex challenge in understanding how best to counteract such hybrid threats while maintaining the integrity of human rights and international law.

In this article, we will explore the legal dimensions of Lithuania's response to the Belarusian-driven migration crisis, examining the ways in which illegal migration has been utilized as a tool of hybrid warfare and the legal implications for the European Union. By analyzing the situation from a legal perspective, this article aims to highlight the delicate balance between ensuring national security and fulfilling international obligations to protect refugees and asylum seekers.

II. MATERIALS AND METHODS

This article employs a qualitative research approach, utilising document analysis and case study methodology to examine the Lithuania-Belarus border crisis in the context of hybrid threats. The study relies on academic literature, policy documents, and reports from international organisations to assess the security implications of hybrid migration tactics. A comparative analysis of EU migration policies and national security strategies was conducted to highlight policy gaps and the evolving nature of irregular migration as a geopolitical tool. The research also incorporates expert opinions and secondary sources to provide a multidimensional perspective on the crisis. Furthermore, a critical review of legislative frameworks and institutional responses was performed to evaluate the effectiveness of existing measures. This methodological approach ensures a comprehensive and structured examination of the topic while integrating theoretical insights with practical policy considerations.

III. RESULTS AND DISCUSSION

A. Theoretical analysis of hybrid threats: orchestrated illegal migration

The manifestations of hybrid threats may be seen in the news, and institutions like NATO and EU prepare policy documents on the concept, but the concept is not easy to define. The Council of Europe report notes that "there is no universally agreed definition of "hybrid war" and there is no "law of hybrid war". [4]. The term "hybrid threats" appears more and more often in nowadays international political discussions and other fields. Other terms used are "hybrid warfare", "hybrid conflicts", "hybrid tactics", "hybrid confrontations", "hybrid operations", etc. [5]. All these, in essence involve the orchestrated use of a wide range of instruments to coerce an opponent. Such instruments involve cyber-attacks, economic blackmail, information warfare, exploitation of ethnic divisions [6]; mass disinformation campaigns, including fake news, in particular via social media, disruption of communications and other networks and many others. Sanz-Caballero notes that "non-exhaustive list of hybrid threats would also include cyberattacks, terrorism, organised crime, drug trafficking, migration flows, economic or financial wars, media exploitation, and the application of covert psychological operations. The most updated catalogues of hybrid threats intertwine multiple political, economic, technical, social, informational, legal, diplomatic, scientific, and military risks [7]. The Council of Europe (2016) further notes that "it is commonly agreed that the main feature of this phenomenon is 'legal asymmetry', as hybrid adversaries, as a rule, deny their responsibility for hybrid operations and try to escape the legal consequences of their actions. Different academic sources [8-11] collectively underscore the complexity and multifaceted nature of hybrid threats, highlighting their reliance on ambiguity, non-linear tactics, and the exploitation of various domains to achieve strategic objectives. Hybrid threats represent an evolution in the understanding of modern warfare, merging conventional military strategies with irregular tactics and cyber operations. The security literature highlights the complexity and ambiguity inherent in hybrid threats. These threats are designed to operate in the "grey zone" between peace and war, making it difficult for states to identify and respond effectively.

However, despite their presence in a grey area, hybrid adversaries are not exempt from legal rules. Overall, international law, with a specific emphasis on international human rights law, remains relevant. Additionally, it is crucial to acknowledge that addressing hybrid threats falls under the jurisdiction and obligation of individual states [7]. When it comes to holding states accountable for hybrid actions, the main difficulty lies in the attribution of

responsibility. States often use proxies to carry out activities in the grey zone. However, simply claiming that a hybrid threat originated within a state's territory is not enough to hold that state responsible. To attribute a specific act, carried out by an individual or group, to a particular state, several stringent conditions must be met. These conditions typically involve complex elements that are challenging to prove. As a result, operations within the grey zone provide significant advantages to those using such tactics.

The term "hybrid warfare" is now intimately linked to Russia. The term itself was coined in 2002 by William J. Nemeth to describe the Chechen insurgency that blended (hence the word 'hybrid') traditional societal organisation and guerrilla warfare with modern military tactics and use of technology– from mobile telephones to the internet [12]. Russia's strategic documents (for example, [13-14]) indicate that the country has expanded beyond traditional hybrid warfare tactics -such as conventional, irregular, terrorist, and criminal methods - by incorporating a wide range of strategies, including information, cyber, economic, diplomatic, political, and social tactics. In close cooperation with Belarus, Russia leverages these hybrid approaches, with illegal immigration being one of the key tools employed to destabilize neighboring countries. By fostering instability and uncertainty, Russia aims to undermine the governance and resilience of its adversaries, making them more vulnerable to Russian influence and control. Hybrid tactics are used by Russia to safeguard its strategic interests, including maintaining access to warm-water ports, securing energy transit routes, and ensuring favorable political regimes in nearby states. Consequently, scholars like Mark Galeotti [15], Michael Kofman, and Matt Rojansky [16] have argued that Russia's methods now enter an area that is not fully understood or defined by both scholars and defense experts. Multiple scholars and security analysts (including Pomerantsev and Weiss [17]; Fridman [18]; Nilsson [19]; Watling, Danylyuk & Reynolds [20]; Mumford & Carlucci [21]; Pynnöniemi & Jokela [22]) identify three key characteristics that distinguish Russia's hybrid warfare, which has been furthered by Belarus as a proxy.

First, there is a "kinetic" component involving the deployment of armed forces and occasional combat engagements. However, Russian troops often operate with more autonomy and precision than traditionally expected. Beyond the "military war," there is a significant "intelligence war" dimension. The Kremlin has heavily invested in its intelligence community, including the Foreign Intelligence Service (SVR), the Main Intelligence Directorate (GRU), and the Federal Security Service (FSB), which increasingly participates in overseas operations. These agencies are not only focused on intelligence gathering but also serve as tools for non-linear warfare, spreading disinformation, encouraging defections, and disrupting or corrupting command and communication channels. In recent years, Belarus has become an active partner in this strategy, particularly in weaponizing illegal migration. Belarus has facilitated the flow of migrants into the European Union as a form of political retaliation, acting as a proxy for Russia to create instability and exert pressure on EU countries, especially Lithuania and Poland.

A third focal point of the Kremlin's hybrid warfare is the "information war," which aims to promote Russia's narrative while undermining those of its adversaries. This includes efforts to win the battle for hearts and minds, such as through the RT international television station, which not only promotes the Kremlin's perspective but also challenges Western media orthodoxy with a blend of genuine investigative journalism, disinformation, and conspiracy theories. This combination of kinetic, intelligence, and information warfare, along with Belarus's involvement in facilitating illegal migration, reflects a broader strategy to destabilize the region and weaken the EU's political cohesion.

The use of illegal migration as a hybrid threat has been increasingly evident at the Lithuania- Belarus border, with Belarus playing a central role in facilitating the movement of migrants across the European Union's eastern frontier. As part of its broader strategy to destabilize neighboring countries and exert political pressure on the European Union (EU), Belarus has been accused of deliberately orchestrating and encouraging the illegal flow of migrants, particularly from the Middle East, towards the EU border. This strategy is widely seen as part of a broader geopolitical confrontation with Lithuania, Poland, and the EU, following tensions related to the political situation in Belarus.

The Belarusian regime, under President Alexander Lukashenko, has been actively facilitating the transport of migrants from conflict zones such as Afghanistan, Iraq, and Syria, offering them easy access to Belarusian territory with the aim of pushing them across the EU's borders into Lithuania and Poland. This manipulation of migration flows is not just a border control issue but a strategic maneuver designed to create instability, undermine EU unity, and shift the political dynamics in Belarus's favor. As noted by Surwillo & Slakaityte [23], this strategy effectively weaponizes migration, turning it into a tool for Belarus to counter EU sanctions and pressure.

In 2021, the number of illegal crossings from Belarus into Lithuania surged dramatically. As the crisis deepened,

Lithuania, supported by EU agencies, strengthened its border defenses and implemented stricter immigration policies. However, Belarus continued to encourage the movement of migrants, even offering transport, in what could be seen as an effort to exploit vulnerabilities within the EU's asylum system. As Russia's closest ally, Belarus acted as a proxy in Moscow's attempt to destabilize the EU and its member states [24]. The use of illegal migration as a hybrid weapon has become one of the tools in this complex strategy, which also includes cyberattacks, disinformation, and political manipulation.

The ongoing border crisis illustrates how hybrid threats have evolved to include non-traditional tactics, where the manipulation of migration flows becomes a means of coercion and political leverage. This not only challenges traditional border security measures but also tests the resilience of European governance structures. Moreover, it calls into question the EU's ability to respond effectively to such asymmetric threats, especially when they are coordinated by state actors like Belarus, with tacit support from Russia.

B. Legal environment related to migration crisis and operational challenges

Lithuania's response to hybrid threats also sparked discussions on the need to reassess existing legal and institutional frameworks. The crisis exposed the limitations of current migration governance models and underscored the necessity for a cohesive EU response that incorporates both legal and operational aspects of migration management. This involves not only safeguarding the integrity of external borders but also ensuring adherence to international obligations concerning refugee protection.

The border crisis between Lithuania and Belarus highlights how migration management and hybrid threats intersect, demanding a comprehensive approach that surpasses traditional legal structures. As states contend with the increasingly sophisticated strategies of adversarial actors, adaptive legal and operational responses become essential. The lessons learned from Lithuania's experience are crucial for shaping future policies at both national and EU levels, enhancing the ability to address the complexities of hybrid threats in migration management.

In recent years, the legal frameworks surrounding migration management have been scrutinized in light of the increasing irregular migration exacerbated by hybrid threats. The Lithuania-Belarus border crisis serves as a key case study, demonstrating the challenges faced by states in navigating international law while trying to uphold sovereignty and ensure national security [25].

International law, particularly through customary treaties and practices, serves as the foundation for protecting the rights of migrants and refugees. Instruments like the 1951 Refugee Convention and its 1967 Protocol [26], alongside various human rights treaties, obligate states to refrain from deporting refugees or asylum seekers to countries where they may face persecution. However, the rise of hybrid threats, including the use of migration as a geopolitical weapon, complicates adherence to these principles. Lithuania's situation is further complicated by Belarus's approach to migration, which involves exploiting vulnerable populations to destabilize the EU's borders.

Although Lithuania is bound by EU regulations governing asylum management, including the Schengen Code and the Common European Asylum System (CEAS), it was forced to adopt extraordinary measures in response to the surge of migrants encouraged by the Belarusian authorities. Measures such as the declaration of a state of emergency and the construction of border barriers raised significant legal concerns regarding their compatibility with international obligations. While these actions can be justified on national security grounds, they risk violating migrants' rights, particularly in terms of access to asylum procedures and the right to international protection. This creates a tension between national security and the protection of human rights.

Moreover, the operation of international law reveals intrinsic limits in scenarios involving hybrid threats. The principle of non-refoulement, essential for migrant protection, requires a careful balance between legal obligations, which may not always align with national interests. The Lithuania-Belarus crisis exemplifies this discrepancy. Lithuania's proactive measures, including border operations, enhanced surveillance, and swift deportation processes, often clash with the obligations of international humanitarian law and EU asylum standards. As a result, these countermeasures can create tensions between safeguarding national integrity and upholding the rights of individuals in transit.

The evolving landscape of international law faces challenges in its interpretation and application when confronted with hybrid threats. The inadequacies in the legal frameworks governing migration management, particularly those responding to external pressures, highlight the need for a reconceptualization of how international law can adapt to the dynamic nature of hybrid threats. Lithuania's experience demonstrates that while international law offers valuable tools for managing

migration, the legal certainty it provides can be obscured in times of crisis.

In summary, the legal frameworks surrounding irregular migration within the context of hybrid threats reveal intricate and often conflicting relationships between international law and national security strategies. Lithuania's increasingly militarized approach to migration management underscores the urgent need for global legal reforms that effectively address modern challenges while adhering to fundamental human rights principles (as in [25]). The quest for a balanced response to irregular migration in complex geopolitical contexts remains a fundamental challenge for states as they navigate the tension between border control imperatives and their international law responsibilities.

In response to the growing influx of migrants at the Lithuania-Belarus border during the 2021 crisis, the Lithuanian government adopted several national legal measures to manage this unprecedented situation. These included both existing laws and rapid legislative reforms, reflecting a reactive policy response to the hybrid threats exacerbated by illegal migration and broader geopolitical tensions. A key issue in evaluating these national laws is their compatibility with the legal norms and obligations of the EU.

One significant legislative measure taken by Lithuania was the declaration of a state of emergency in August 2021 [27], which facilitated expedited asylum claims processing and migrant detention management. This state of emergency, which was extended several times, allowed Lithuania to implement enhanced border control measures and establish temporary accommodation sites for migrants. However, such actions raised substantial legal concerns regarding their alignment with the EU's CEAS, particularly regarding asylum seekers' rights and the principle of non-refoulement, which prohibits returning individuals to countries where they face harm.

To address the specific challenges of the crisis, Lithuania amended its law on the legal status of foreigners in July 2021 (as mentioned in [3]). These changes allowed the arrest of migrants crossing the border illegally and set stringent criteria for granting asylum. Critics, including human rights organizations, argued that these amendments could undermine the legal protections for asylum seekers under EU law, potentially restricting access to effective asylum procedures.

Lithuania also utilized provisions within EU directives, particularly the Asylum Procedures Directive (2013/32/EU) [28], which permits member states to implement accelerated procedures when faced with large numbers of asylum applications. However, such provisions must still respect fundamental EU rights and principles, an issue that was contentious during the border crisis. Reports indicated instances where migrants experienced prolonged detention and inadequate access to legal assistance, raising doubts about Lithuania's compliance with EU standards.

Lithuania also relied on international support and cooperation with neighboring countries, including active participation in joint operations with Frontex, the European Border and Coast Guard Agency, to strengthen border security through increased surveillance and resource allocation. However, the shifting dynamics of EU responsibility-sharing in response to hybrid threats introduced tensions between member states. Concerns were raised over Lithuania's bilateral agreements with Belarus, particularly since these agreements must align with international standards regarding the treatment of refugees and migrants.

To institutionalize its approach to border management, Lithuania established a migration management framework that integrated the efforts of multiple agencies, combining law enforcement and social services. This framework aimed not only to curb illegal migration but also to address the socio-economic needs of incoming migrants. These legal and institutional adaptations were scrutinized for their effectiveness and consistency with broader EU frameworks.

As the situation at the Lithuania-Belarus border evolved, the interplay between national legislation and EU legal standards highlighted the complexities of balancing an immediate crisis response with established human rights norms. Ongoing legal challenges and public debates regarding Lithuania's adherence to EU obligations demonstrate the need for a balanced approach to migration management, particularly in environments marked by hybrid threats.

One of the primary operational challenges was the allocation of limited resources in the face of a surge in irregular migration. Lithuanian authorities had to mobilize substantial financial and human resources to manage this influx. However, the limited budget resources created significant pressure on national policies and capabilities, which were already strained due to COVID-19-related budgetary restrictions. This lack of financing made it difficult to respond to the crisis effectively and hindered the development of long-term strategies that could integrate legal structures with operational capabilities.

Additionally, Lithuania faced the challenge of enhancing border surveillance amid its legal obligations

under international law and EU regulations on external border management. Monitoring the vast and often challenging terrain along the Lithuania-Belarus border posed significant logistical difficulties. To counter the hybrid threats posed by Belarus, which included not only manipulating migration flows but also conducting disinformation campaigns and psychological operations aimed at destabilizing Lithuania's governance, Lithuania invested in technological resources to strengthen border surveillance. This included the use of drones, infrared cameras, and additional border patrol personnel, all of which required rapid implementation despite bureaucratic and legal obstacles related to procurement and deployment.

Furthermore, the deployment of security forces on the border raised significant questions regarding compliance with human rights standards and the treatment of migrants. Lithuania's migration policies during this period were subject to intense scrutiny, both domestically and internationally, particularly in terms of balancing national security imperatives with the obligation to protect the dignity and rights of migrants and asylum seekers. The operational challenge of ensuring adherence to international standards was exacerbated by reports of violations of EU law and the Refugee Convention. As a result, Lithuania had to navigate complex legal frameworks concerning human rights and asylum while pursuing its national interests in border security.

Coordinating efforts across various sectors also proved challenging during the crisis. A comprehensive migration management response required collaboration between the Ministry of the Interior, the State Border Guard Service, police agencies, and humanitarian organizations. However, differing priorities among these entities often hindered effective cooperation and resulted in inconsistencies in policy implementation. The lack of a coherent interagency strategy complicated operational responses to both the urgent humanitarian needs of migrants and the broader national security concerns.

In conclusion, the operational challenges Lithuania faced during the crisis at its Belarus border highlight the tensions inherent in migration management frameworks. The interplay between resource allocation, border surveillance strategies, legal compliance, and interagency coordination reveals the complexities of implementing effective migration policies in the face of hybrid threats. Recognizing these operational challenges is essential for understanding the effectiveness of Lithuania's response and the broader implications for migration management in the Baltic region. The phenomenon of weaponized migration, particularly evident in the Lithuania-Belarus border crisis, challenges existing legal frameworks

designed to protect asylum seekers' rights. As states face unprecedented pressures from hybrid threats involving both state and non-state actors using migration as a geopolitical tool, the responses to these crises raise important concerns about compliance with human rights standards.

C. The Lithuania-Belarus border crisis: a case study of hybrid migration tactics

The crisis of the border of Lithuania-Belarus emerged as a significant focal point in European geopolitics, mainly due to the strategically used hybrid migratory tactics by the Belarusian government. The genesis of this crisis can be traced back to the growing tensions between Belarus and the European Union, in particular following the controversial presidential elections in Belarus in 2020. As Filipec indicates [29], the Belarusian regime has resorted to political pressure to eliminate the political pressure for the EU political pressure. By facilitating the movement of these individuals towards the EU boundaries, the Belarusian government aims to create a humanitarian crisis that underlines vulnerability and divisions within the EU.

The occupation of these hybrid migration tactics can be interpreted as a form of hybrid war, in which irregular methods are used to challenge traditional security paradigms. Berzins [30] elaborates the way in which this approach effectively obscures the boundaries between war and peace, incorporating elements of political, economic and social dimensions to create instability without working in the conventional military clash. In this context, migration becomes a weapon, a means to destabilize neighboring countries and cause a national and international response from the EU. The Belarusian government has not only facilitated the entry of migrants but has also taken direct actions, such as orchestrating their movement towards the borders, which creates a pressure of humanitarian discomfort and political crisis. It is important to underline that the implications of armed migration extend beyond the immediate context of the control of borders and humanitarian aid; They resonate deeply in the framework of regional security and international relations. The tactics employed by Belarus reflect a wider strategy designed to exploit vulnerabilities within the EU's political scene. The EU's response to this hybrid threat includes the strengthening of border defenses, which, according to Lubbiński [31], risks perpetuating a cycle of aggression and growing tensions between the EU and Belarus. Lithuania, as a first-line state, is in a precarious position, which requires a balance between humanitarian obligations with those looking for a refuge and the imperative to safeguard national security. As noted by Filipec [29], the influx of migrants not only contested the domestic resources of Lithuania, but has also sought relationships with its EU partners and neighboring

countries. The crisis has catalyzed discussions on the collective responses of the EU to the challenges of migration, increasing the awareness of the need for a cohesive immigration policy and the safety paintings of the borders within the EU.

Lithuania's migration management was governed by a complex legal framework shaped by both national legislation and EU laws. As an EU member since 2004, Lithuania is bound by the Common European Asylum System (CEAS). However, in response to the migration crisis, Lithuania implemented numerous state of emergency measures, allowing for the introduction of border controls and restrictions on asylum applications. Filipec [29] notes that these legal changes, presented as essential for national security, have raised concerns about their compliance with international obligations, particularly under the 1951 Refugee Convention and the European Convention on Human Rights.

Lithuania's response to irregular migration, especially following provocations by the Belarusian government, has also involved greater cooperation with other EU member states to enhance border security and establish a unified stance against hybrid threats. The collaboration between the Baltic States - Lithuania, Latvia, and Estonia - and Frontex, the European Border and Coast Guard Agency, is a key example of Lithuania's proactive approach to maintaining regional stability and addressing the migration challenge. This joint effort not only strengthens the capabilities of frontline states but also facilitates crucial intelligence sharing, which is vital for combating illegal migration and organized crime.

Additionally, Lithuania has pursued domestic legal reforms aimed at streamlining the asylum process and enhancing the legal support available to asylum seekers, despite the hybrid nature of the crisis. According to Filipec [29], these reforms represent a dual obligation: ensuring national security while upholding Lithuania's commitments as an EU member and as part of the international community. This balancing act highlights the complexities of managing migration at the border and underscores the need for a flexible legal framework capable of addressing hybrid threats without undermining human rights standards, while also meeting political expectations at both the national and international levels.

Initially, irregular migration from Belarus into Lithuania was relatively limited in early June 2021, but the numbers escalated sharply in July. By early August 2021, over 4,000 individuals had crossed the border irregularly. Between June 2021 and January 1, 2022, Lithuania registered a total of 4,326 irregular migrants, of whom 72% were men and 28% were women. Additionally, 25%

of all migrants were minors, including over 500 children under the age of nine. The majority of these individuals entered Lithuania before August 11, 2021, when the Lithuanian Ministry of the Interior issued an order to deny entry and implement pushbacks for all irregular migrants attempting to cross from Belarus [32]. On November 10, 2021, Lithuania declared a state of emergency, imposing significant restrictions on access to the border region. These restrictions applied to journalists and humanitarian organizations, including those providing medical assistance. Furthermore, in December 2021, Lithuania introduced amendments to its migration policy, affecting the rights of migrants and the conditions within camps and detention facilities. Under the revised legal framework, migrants with pending or rejected asylum applications could be detained for up to one year. Since the implementation of pushback policies in August 2021, approximately 8,200 cases of migrants being turned away at the Lithuanian border have been recorded (as of January 23, 2022). The majority of these migrants originate from regions experiencing political, ethnic, and socio-cultural conflicts. These groups include Kurdish minorities from Iraq, Iran, and Syria; the Pashtun minority from Pakistan; and other displaced populations affected by ongoing conflicts in Syria, Afghanistan, and various African nations. Many of these individuals have sought asylum in EU neighboring states, while some have continued their journey toward EU member countries in search of protection and stability [33].

In addition, nearby Poland has undergone similar challenges due to the increase in migratory flows orchestrated by the Belarusian regime. The response of the Polish government included a militarization of the border, with thousands of troops deployed to prevent violations and maintain safety. This response reflects a wider trend of moving from humanitarian assistance to a militarized border management approach [34]. This shift raises concern within the EU regarding compliance with international human rights obligations and the long-term sustainability of these strategies, in particular, public discourse that asks for a balanced approach that considers the rights and needs of migrants while guaranteeing state security.

The interaction between external pressures and internal responses highlights the complexity of national and EU-level security in the face of state-sponsored hybrid tactics. The discourse surrounding the crisis at the Lithuania-Belarus border reflects a significant erosion of asylum rights, as the countries involved respond to the crisis with increasingly restrictive measures. Belarus's use of hybrid migration tactics to exploit vulnerabilities in the asylum systems of neighboring states has prompted a reevaluation

of established protocols concerning the rights of refugees and asylum seekers. Ancite-Jepifánova [35] argues that the tactics employed by Belarus, particularly the orchestrated facilitation of irregular migration flows, compel the affected nations to adopt measures that restrict access to asylum. These developments suggest a growing trend toward the securitization of migration policies, where national security concerns take precedence over international human rights obligations. According to Broks et al. [36], this crisis has catalyzed a series of legislative changes in states such as Lithuania, Poland, and Latvia, driven by the need to mitigate the perceived threats associated with irregular migration. These changes include accelerated deportation procedures, increased border patrols, and provisions allowing the refusal of asylum requests at the borders. These legal alterations undermine the principle of non-refoulement, which stipulates that individuals should not be returned to countries where they face serious threats to their life or freedom.

These measures have sparked significant criticism from human rights organizations and advocates, who argue that these actions may contravene states' obligations under international law, particularly the 1951 Refugee Convention and subsequent Human Rights Treaties. By normalizing a narrative that equates irregular migration with threats to security, states risk eroding the fundamental principles that ensure protection and assistance for those fleeing danger. As articulated by Mitchel & Pratt [37], the normalization of restrictive measures based on security concerns poses a serious risk not only to those affected by these policies but also to the integrity of the broader human rights framework.

Nations such as Lithuania have justified stringent border checks by framing their actions as necessary for national security, a logic that could potentially set a precedent for future actions between EU Member States. The growing polarization between states willing to support the rights of asylum seekers and those prioritizing border security may exacerbate existing tensions within the EU, challenging the principles of solidarity and shared responsibility that underpin migration policies.

As the crisis evolves, the effects of the hybrid migration tactics employed by Belarus are likely to continue reverberating throughout the region, prompting a critical examination of both national and international migration policies. The delicate balance between ensuring national security and adhering to international human rights norms requires careful and informed policymaking. The adoption of a security-first approach risks not only undermining the protection of refugees and asylum seekers but also reshaping the discourse around mobility in ways

that could have long-lasting negative implications for global asylum systems and the protection of vulnerable populations.

The legal and political ramifications of the Lithuania-Belarus border crisis highlight the urgent need for a re-evaluation of how countries respond to hybrid migration tactics. The path chosen by these nations raises significant concerns about the future of asylum rights, the effectiveness of international legal frameworks, and the potential for increased bilateral and multilateral tensions in the face of evolving security challenges. The stakes involved underscore the importance of maintaining a commitment to international human rights standards, particularly in the face of complex geopolitical challenges that test the resilience of asylum and migration systems. As elucidated by Kaźmierczak & Laskowski [38], the crisis exemplifies the strategic use of migration as a tool to exploit vulnerabilities in the EU's political and legal structures. Belarus, under the regime of Alexander Lukashenko, has actively weaponized migration, orchestrating the entry of thousands of migrants into Lithuania as a form of hybrid warfare. This tactic serves as a pressure point, compelling the EU to reassess its approach to migration, not only through the lens of humanitarian obligations but also in terms of national security and stability.

The implications of such regional security tactics are profound. Mészáros & Țoca [39] argue that the manipulation of migratory flows destabilizes not only border states like Lithuania but also the entire EU, fundamentally altering perceptions of sovereignty. This emerging threat complicates traditional notions of state sovereignty, as existing security paradigms prove increasingly insufficient to address the fluid and dynamic nature of hybrid threats, which blur the lines between war, humanitarian crises, and diplomacy. The EU must confront the reality that its borders have become arenas for power struggles, where the distinction between military and non-military actions is increasingly obscured.

We can examine one case as an example of the complexity of the situation [40]. In the summer of 2021, Sajjad M, an Iraqi national, was among the first asylum seekers to enter Lithuania via Belarus, seeking protection in the European Union. His journey was part of a broader wave of people fleeing the Middle East and Sub-Saharan Africa, encouraged by Belarus's declared opening of a migration route into the EU. Lithuania's reaction to this influx of migrants, particularly from Belarus, was swift and stringent. The state declared a state of emergency, imposed mass pushbacks, denied effective access to asylum, and subjected thousands of asylum seekers to detention. Sajjad M was one of those detained, remaining

in custody for almost a year under harsh conditions. This case has become emblematic of Lithuania's response to the 2021 crisis and the legal challenges it raised regarding human rights and asylum procedures. Upon his arrival in Belarus in the summer of 2021, Sajjad M made his way to the Lithuanian border, where he expressed his intent to seek asylum. However, instead of receiving assistance or being allowed to file his asylum application, he was detained. He was handcuffed and immediately transferred to the Druskininkai detention center, a makeshift facility used to house asylum seekers under Lithuania's emergency measures. Over the next year, Sajjad was transferred between three different detention sites, each more restrictive than the last, with conditions that fell far below the standards set by both EU and international human rights law.

Sajjad M's detention was marked by brutal treatment and appalling conditions. At the Druskininkai camp, which was originally an improvised facility, he was subjected to overcrowded tents, unsanitary conditions, and inadequate access to basic necessities like clean water and proper sanitation. These dire conditions were repeated at subsequent detention sites, including the Kybartai detention facility, which was a repurposed prison. Kybartai featured high concrete walls, barbed wire, and restricted access to essential services. In one instance, Sajjad was placed in solitary confinement in an isolation cell, with barred windows and heavy metal doors, conditions that further exacerbated his psychological distress.

Sajjad's suffering was compounded by violent treatment by Lithuanian authorities. During one attempted escape from the second detention center, he was subjected to pepper spray and a dog attack that left him with severe injuries. He was further subjected to physical abuse, being beaten after his return to detention. These actions by Lithuanian officials not only violated international norms but also directly contravened the rights of asylum seekers under European law.

Sajjad M's experiences led him to file an application to the European Court of Human Rights (ECtHR) in June 2022 while still detained in Lithuania. He alleged multiple violations of the European Convention on Human Rights (ECHR), including unlawful detention under Article 5, as well as inhumane and degrading treatment under Article 3. His claims were grounded in the unlawful nature of his detention, the physical abuse he endured, and the deplorable conditions in the detention centers. Additionally, Sajjad argued that he was deprived of any effective remedy or legal recourse, violating his rights under the ECHR.

The influx of migrants through Belarus in 2021 was part of a broader political strategy by the Belarusian government under Alexander Lukashenko. The Belarusian authorities, in an apparent effort to destabilize the European Union, facilitated the movement of large numbers of people from the Middle East and Sub-Saharan Africa toward the EU's eastern borders. Lithuania, along with neighboring Poland and Latvia, responded by adopting emergency measures that included mass pushbacks, arbitrary detention, and the rejection of asylum applications through expedited procedures that lacked transparency and fairness.

NGOs reported widespread human rights abuses, including harassment, forced returns, and violence at border areas. The conditions in detention facilities were also substandard, with inadequate medical care and insufficient access to legal support. Asylum seekers were frequently denied adequate interpretation, information about their legal rights, or access to meaningful legal representation, leading to the rejection of asylum claims through sham procedures.

In 2022, the European Court of Justice ruled that Lithuania's mass returns and automatic detention regime violated EU law. However, this legal ruling came in the context of the EU's broader crisis response, which involved the creation of the crisis and force majeure regulation. This regulation, in part, responded to the situation at the Lithuanian-Belarus border and allowed member states to delay registration and access to asylum procedures in the event of a "mass influx of third-country nationals," a term that was intended to address perceived threats from Belarus's facilitation of irregular migration. While the European Court of Justice's ruling reaffirmed the importance of adhering to EU asylum standards, it highlighted the growing tension between national security concerns and human rights obligations. Lithuania's legal reforms, designed to combat irregular migration, came under scrutiny for violating asylum seekers' fundamental rights. This case exemplifies the complex intersection of national security, migration policy, and human rights within the EU.

Sajjad M's case against Lithuania before the European Court of Human Rights exemplifies the severe consequences of hybrid migration tactics and the legal and human rights violations that can result when states prioritize security over the protection of asylum seekers. His treatment at the hands of Lithuanian authorities raises critical questions about the application of European and international human rights standards in times of crisis. The legal proceedings surrounding this case will have significant implications for future asylum practices in the EU, especially in the context of hybrid warfare tactics that

exploit vulnerabilities in the EU's legal and political systems. The ongoing challenge posed by the Lithuania-Belarus border crisis underscores the need for a comprehensive and rights-respecting approach to migration that balances security concerns with the fundamental rights of refugees and asylum seekers.

IV. CONCLUSIONS

In summary, the border crisis between Lithuania and Belarus highlights the complexities of modern security dilemmas. The adoption of hybrid migration tactics by the Belarusian government serves as a clear reminder of how irregular warfare strategies can profoundly influence regional stability and international relations, necessitating nuanced and coordinated responses from the EU and its Member States. The implications of these tactics on regional security are far-reaching, affecting not only Lithuania but also the internal stability and external borders of the European Union. The use of hybrid migration tactics by the Belarusian government has led to an unprecedented surge in irregular migration flows, presenting significant security challenges for neighboring states.

As the situation evolves, the European Union is compelled to respond to these hybrid threats, balancing its humanitarian values with the imperative to maintain both internal and external security. Gatta [41] insights illustrate that the EU has been forced to re-evaluate its policies on irregular migration in the context of hybrid warfare. Existing frameworks to address migration challenges have often been reactive rather than proactive, focusing on immediate crisis management rather than long-term strategic solutions. The EU's approach must adapt to foster collaborative efforts involving all Member States, as the security of the region is intrinsically interconnected. Without such collaboration, the security situation at the borders of Lithuania and Poland may be exacerbated, potentially destabilizing the EU's internal cohesion regarding migration and border policy. This could lead to divergent responses among Member States, further complicating the crisis.

In addressing political responses to manage these hybrid threats, it is crucial to recognize the duality of security and humanitarian considerations. Yeliseyeu [42] emphasizes the need for a comprehensive approach that integrates border security measures with humanitarian assistance and legal avenues for asylum seekers. Recommendations may include establishing integrated border protection structures capable of providing rapid-response resources and ensuring humane treatment of individuals at the border. This dichotomy presents both a challenge and an opportunity for the EU to redefine its role within the changing geopolitical landscape.

Finally, the Lithuania-Belarus border crisis catalyzes a broader conceptual shift from rigid national security paradigms to a more nuanced understanding that incorporates hybrid threats. This shift requires cooperative strategies and recognizes the complexities of today's humanitarian challenges. As the crisis continues to unfold, the lessons learned will be crucial in shaping future dynamics of international relations, guiding states in navigating the intersection of sovereignty and humanitarian imperatives.

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